**CH I L M A R K B O A R D O F H E A L T H**

**Minutes**

 **April 5th, 2023**

**5:00 pm / in-person meeting**

**Chilmark Town Hall**

1. **Middle Road**

**Present:** Katherine L. Carroll, Matthew Poole, Janet L. Buhrman, Anna McCaffrey, Reid Silva, Elliott Fankuchen, Kate Shands, Judie Flanders, Graeme Flanders, Derry Noyes Craig, Gregory Craig, Dan Karnovsky, Aleta Bezanson, Maggie Craig, William Craig, Joe Mulinare, Deborah Hancock.

**March 1st, 2023 Draft Minutes were approved** by the Board**.**

**The Board appointed** Drew Belsky, the new island-wide Public Health Inspector, to represent and act on behalf of the Board of Health. The State Action for Public Health Excellence Grant (SAPHE) funds the position. It is created to alleviate the island Boards of Health with the increasing number of various inspections.

 **73 Quenames (17-51)** (Greg Milne) – **The Board** reviewed and **approved** the request to have an additional outdoor sink and dishwasher tied into the same waste line as the sink in the previously approved system for the pool cabana with the kitchen with the condition that the pool cabana structure remains open. \*Added note to the existing application stating that it also covers an outdoor dishwasher tying into the sink.

**6 Stonewall Rd. (32-50)** (VLS) – **The Board** reviewed and **approved** the proposed septic system revision for a proposed 5-bedroom house and 1-bedroom future addition. Revision changes included relocating the septic tank and the leaching field due to the new patio.

**Continued Public Hearing Quitsa Nominee Trust, Off Chockers Lane (33-8)** (VLS) Variances request for a proposed septic system for a proposed 4-bedroom dwelling.

Reid Silva explained that, as requested by the Board of Health, the applicant went to the Conservation Commission (ConCom), and the Request for Determination of Applicability (RDA) was positive. The VLS wetland delineation was accurate according to the report and follow-up email from the Con Com Administrator, Kara Shemeth. Reid presented a septic plan that was revised twice since the last hearing and significantly changed; the changes included:

* Reduction of the house proposal from a 4-bedroom to a 3-bedroom
* Reduction the leaching field by a quarter
* Reconfiguration of the reserve – to increase separation distances:
* Leaching facility to salt water body separation 200` required – **changed from 165` and 190` to 176` and 181 `**
* Leaching facility to well separation; 200` required – **changed from previously requesting 155` to 157`**
* Leaching facility to leaching facility separation; 300 required – **changed from 46` to 66`**
* Leaching facility to property line separation variance; 30` required - **10` previously proposed was no longer being requested** due to the plan revisions made in an attempt to preserve some of the setbacks.
* Reid identified that the is not much wetland on this lot; the lot is primarily a peninsula of dry land with 165 080 SF of continuous dry land out of 6.2 acres.
* The revised plan also had some added topography on the plan around the septic to show the elevations, which come from NAVD 88 Datum database.
* Reid also informed the Board that the predicted numbers on the nutrient quality coming out of the Nitroe unit would be effectively 8 or 9 ppm of total nitrogen. For comparison, he mentioned that the drinking water quality is 10 ppm, which is the highest level of treatment you can go with.

The Public Hearing will be continued on April 19th, 2023, at 5:15 pm, as the abutters did not have an opportunity to review the changes reflected in the most recent revision of the septic plan and Bay State report with the abutters.

**62 Stonewall (32-61.2)** (Chris Alley) **– The Board approved** the proposed replacement of the existing cesspool for an existing 5-bedroom house and future 1-bedroom addition. **\***The cesspool of the current system is under the slab of the garage of the existing 5-bedroom house.

**4 Tilton Rd. (4-9)** (Chris Alley) **– The Board approved** the proposedreplacement of the existingleaching field witha 6-bedroom field.The current system failed the Title 5 Inspection on 07/22/22 and 09/11/22 due to a “backup of sewage in facility or system component due to overloaded or clogged SAS.” Per the engineer, the current 1000-gallon tank, for now, will remain but will be replaced with a 1500-gallon tank in the future as soon as the owners set their minds on their plans for renovations, as the building footprint and an overall number of bedrooms would likely change. Chris Alley agreed to remove the gas baffle in the existing tank, as suggested by Matt Poole, to improve the performance of the undersized tank.

**North Tabor Farm requested** to review the option of having the mop sink outside the future food truck due to minimal space inside. The Board wants to see the detailed plan sketch proposal for the outdoor mop sink. The mop sink needs to be sheltered, with a concrete floor, an appropriate walkway from the mop sink to the trailer, and durable materials. The board members expressed a concern that the outdoor mop sink sets the food truck for a seasonal operation as the pipes could freeze, and they need more information about this aspect. The Health Inspector/Admin to connect with Rebecca Miller to go over the above and also offer the services of the new island-wide inspector Drew Belsky before the sketch is developed.

**Chilmark School Water Pump Issues** on March 27th, 2023.

On Monday, March 27th, 2023, at around 12:15 pm, the Chilmark Board of Health office received a voice message from Chilmark School principal Susan Stevens. In the message, the principal let the health department know that the school had been having water pump and well issues all morning and inquired if there was anything she was supposed to be doing that needed to be done in this case and regulatory-wise.

The Health Inspector contacted the principal at around 12:30 pm and was informed that there had been no water since early am in the building and that students were using the toilets at the CCC and the library. The principal also let the health inspector know that The Island Water Source and the Electrician got called in, and they have identified that there are two issues:

* an electrical issue between the motor and the exhaust pump of the well
* leak on top of the well

The Health Inspector/Admin emailed the Board members at 12:40 pm on the same day and asked what follow-up is expected from the principal and the health department. Within 30 minutes, the Board members advised the Health Inspector/Admin to have the school principal connect with and work under the direction of the water system operator (Courtney Moreis) because the school is a public water supply. The Health inspector spoke with the school principal at around 2:00 pm and told her the need to notify the water system operator of the issue. Within 30 minutes of the conversation with the principal, the Health Inspector contacted Courtney Moreis, and he did not have any information on the water issues. The Health Inspector described the situation and asked him to contact the school principal (at around 3:00 pm-ish).

At around 4:00 pm, Courtney called the Health Inspector/Admin to inform him that he finally got with the principal and would do the water testing the following day. Additionally, he spoke with the state representative, who let him know that with situations like this, notification to the PWS operator within 2 hours is required. Courtney informed the state that the school was unaware of it, and BOH notified him as soon as we had the information. Good news: we will not be penalized for this. The Health Inspector to follow up with the principal.

**Food establishment renewal, Temporary Food Event, Sewage Treatment, and disposal system permit applications to review:**

* Emma Green Beach – Temporary Food Establishment Application (MV Shellfish Group event) – approved \*Any future events should be managed by someone ServSafe Manager certified
* John Petrosinelli – Temporary Food Application (AA event) - approved
* Jessica Seeman – Temporary Food Application (Chilmark School Fundraiser)- approved, fee waived
* Brickstone Construction – Sewage treatment and disposal system installer permit
* Beetlebung Farm – Farm Stand renewal application - approved
* Chilmark Tavern –Annual Food establishment renewal - approved
* **Updates & FYI:**
* Formal Request from the Board of Selectmen to appropriate the Opioid Settlement funds
* 74 Hammett Ln. Housing Inspection (03.06.23) and the Order to Correct letter. The Health Inspector will contact Rob Young, the electrical inspector, to discuss re-inspecting the house.
* Letter of support for Title 5 Tax Credit Proposal to the State Senator Julian Cyr was signed by the Board
* Martha’s Vineyard Commission still accepts comments for the Up-Island Watershed Management Plan draft from the Board of Health.
* The Health Inspector Informed the Board about the interest from the Public in the septic nitrogen loans. The Heath Revolving Septic Funds contract is outdated and must be revised due to the interest.
* **Items not reasonably anticipated by the Chair at the time of posting**

 **17 Howell Ln (27-3)** – **The Board approved** the proposed septic tie-in plan for the existing detached bedroom to the existing septic system supporting a five-bedroom dwelling \*to be renovated into 4-bedrooms and a finished basement.

**443 South Rd. (25-1.1)** – The Board received a request to review the proposed changes in the distance from an existing pump chamber to a proposed Cellar Wall from 10’ to 9’ and to determine if the proposal would need a public hearing as a) There is no increase in flow b.) No abutters are really going to be affected by this. The Board expressed that there are a lot more options before the hearing. Options are: pull the tank back, cantilever 1 foot, or slide the building towards the south road. The Board needs a more convincing rationale and did not approve the request.

**99 Hammett Rd. (8-9)** – The office received a Title 5 report that documents that the septic system “Conditionally Passes” due to “the septic tank inlet pipe being slightly lower than the outlet invert.” This results in some backup into the household waste pipe and could lead to clogging. The Health Inspector is to write a letter to the owner with the order to implement the recommendations of the inspector to repair the condition above or replace the tank within 90 days.

**10 Molly’s Way (27.1-56)** The office received a call from a potential buyer about the current system’s status. According to the file, it has an Innovative/Alternative system approved in 2006 and installed in 2009. The innovative part had two components: Clean Solution and BASEC unit. In 2010, the de-nitrification project had not proven worthy and was removed. Wesley Brighton (Wastewater Alternatives of New England) informed the office about returning the system to a regular “remedial approval" with just an aerobic Clean Solution system in effect. **DEP sent a letter to the owner stating that the owner shall submit an as-built drawing of a revised plan and a copy of the O & M contract or the operation of the system to BOH.**

In 2019, the Board of Health office was CC’d on the Barnstable Department of Health and Environment letter notifying the owner that there is no contract in place for the system. BOH Administrator responded to the sender of the letter and the owner, stating that the owner would have the engineer see if the Clean Solution unit could also be removed (easiest solution per Marina) and follow up with us. There is no record that this was ever done on the file. According to the latest Title 5 report from Doug Cooper, dated 10/12/21 and 11/08/21, the system passes. The report also states that the system still includes an advanced treatment technology unit and must be operated under O& M contract (which is not on file).

The Board decided to change this report’s status to “Needs further evaluation” due to the unclear status of the remaining piece of an alternative system. Two options to change from the status of “needs further evaluation” to “passes”: 1. Confirm that the remaining unit of the alternative system is functional and contract with an outfit like Wastewater Treatment to do periodic inspections, and provide a copy of O&M contract to the BOH. 2. Confirm that the alternative portion of the system has been “abandoned” and notify the BOH of this. For this to happen, the owner should have an engineer inspect, evaluate and provide written documentation to the BOH of what was done. The chairperson, Katherine Carroll, will communicate the above conditions to the real estate agent, Deborah Hancock, who had listed the property on the market. The BOH Administrator will share the above with the potential buyer who inquired about the septic system condition.

**14 Gulls Way (30-4)** (IWS, plan by VLS) – The Board of Health Inspector/ Administrator received a call from Island Watersource requesting the Emergency Well Drilling (likely within 10 feet of the existing one) due to the current well not producing clean water. The existing property file has no plan for the well and septic location. The Board could not approve the Emergency New Well drilling plans without an application and the plan of where the replacement well will be located.

**Homeport (27.1 -53, 84, 85) –** The BOH office received the final system repair inspection report that mentions the Miscro Fast. The office still has not received the O&M contract – Inspector to request it from the owner.

**Matt Poole touched on the Martha’s Vineyard Turf Fertilizer Regulation**, adopted in 2015 by the island towns, and the recent Fertilizer class that MVCET held on 03/18/23. Per the regulations adopted at the island town meetings in 2015, license fees in all Vineyard towns are the same and fixed at $100 for a single license with a 3-year life span. At this time, Edgartown, Tisbury BOH agreed to have each student who attended the 2023 MVCET class and took the written test on 03/18/23 be credited the entire class cost ($99) against the license fee ($100) when they appear in one of the town board of health offices for their 2023 license. The towns will not collect the $1 balance.  The Board members agreed to join the agreement above with the other towns.

The Boards of Health of Edgartown, Tisbury, and Chilmark will honor any previously issued license from 2015 through 2019 as eligible for renewal for those landscape professionals that did not attend the March 18, 2023, class. A previous permit can be illustrated either via a student providing the hard copy they obtained at issue, or they can probably be confirmed via the shared town database to all the local health departments with access to it.  Confirmation must be via a previous license or entered into the shared database. For both first-time licensees and renewals: only one license is needed to cover the entire island, and it can be secured from the town of choice or convenience.

It was brought to the Board’s attention that Stanley Larsen is raising chickens for sale. A few weeks prior, Stanley asked The Health Inspector about bringing up the idea of the possibility of having the chickens, selling them live, and selling the meat later on to the Board. The Health Inspector emailed the Board members and the Town Administrator and asked for direction but did not get a response then. The Health Department contacted Chris Murphy (dog officer) for guidance after the notification that Stanley had already been selling chickens. He stated that selling live chickens is not regulated unless it crosses the state’s borders. The Board expressed that there should be more to the response. The Board identified a need for an animal control officer, as the MGL requires each town to have one. The Board will continue talking about this during the next meeting.

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Katherine L. Carroll, Chair Matthew Poole Janet L. Buhrman

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