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

**Minutes**

 **April 19th, 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, Kate Shands, Judie Flanders, Graeme Flanders, Joe Mulinare, Deborah Hancock, Gregory Craig, Dan Karnovsky, Aleta Bezanson, Maggie Craig, Charlie Shipway.

**April 5, 2023, draft minutes were approved** by the Board with minor edits.

**0 Marion’s Way (13-41)** (VLS) **–** The Board **approved** the proposed septic system for a proposed 3-bedroom house. Katherine Carroll noticed that the test holes on the plan are not in the proposed leaching area. The Board approved the plan contingent upon Reid Silva adding a note to the plan stating that the engineer is to inspect the bottom of the excavation before placing sand in the leaching area to ensure that the soils are not any different in that area.

**0 Marion’s Way (13-41)** (VLS) **–** The Board reviewed and **approved** the new well application.

**21 Tea Lane (12-39)** (IWS, plan by VLS) **–** The Board reviewed themonitoring well application. The Board requested clarification on why it is needed or if it is regular drinking water well application.

**Continued Public Hearing Quitsa Nominee Trust, Off Chockers Lane (33-8)** (VLS) Variances request for a proposed septic system for a proposed 3-bedroom dwelling. The Board received new correspondence from the neighbors, which was added to the file.

 Reid Silva presented additional information: Menemsha Pond is not listed as impaired on the state’s registry website. This site will not require enhanced treatment with the upcoming Title 5 revision regulation changes.

 Reid Silva also stated that based on the Martha’s Vineyard Commission Water Quality (WQ) Policy, which affects all the ponds on the island, the nutrient loading requirement for this particular lot would be able to support the approximately 11-bedroom house; the applicant is asking of 30% of what is allowed. Matt Poole asked Reid to elaborate more on MV Commission nitrogen loading guidelines. Reid explained that VLS took the MV Commission WQ policy and reduced it to a spreadsheet used often, but unfortunately, he did not have it with him. Based on Reid’s presentation, MV Commission nitrogen loading guidelines, Menemsha Pond has 0.72 kg of nitrogen per acre per year allowed, which is one of the more restrictive. The MV Commission came up with this number by taking the Menemsha Pond TMDL and TMDL numbers from the UMASS report and adding the impairment factor. Nutrient level of production technology FAST system (proposed) -19 mg per liter per year, typical septic system 30-35 mg per liter per year or NitroE -13 Mg per liter per year (State coming up with testing data that shows that it is closer to 8 mg per liter). Reid stated that he believes that the argument (of the abutters) that the site is too sensitive and the production of nutrients will overwhelm the Menemsha Pond is inaccurate. The proposed system meets the MV Commission’s stringent requirements/ in this case, guidelines on nitrogen loading. This requirement is much lower than any DEP nitrogen requirement any island town has per land area.

Presented by Reid Silva

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| **Island Ponds** | Nitrogen kg per acre per year allowable per MVC WQ policy |
| Menemsha Pond  | 0.72 |
| Tisbury Great Pond | 0.99 |
| Lagoon Pond | 2.5 |
| Squibnocket  | 0.75 |
| Tashmoo  | 1.6 |
| Sengekontaket  | 2.02 |
| Chilmark Pond | 1.8 |
| Edgartown Great Pond | 1.4 |
| James Pond  | 0.17 |

Matt Poole raised a point about reliable water quality and sufficient quantity. He mentioned that the old well testing did not include sodium and asked Reid if the current well location was the best spot for a well. Reid stated that the well would most likely stay on the southern part of the property (where the water is coming from), as having it on the north side has a risk of saltwater intrusion. Reid agreed that the well needs to be tested no matter what to ensure it meets potability. Reid added that the well on the property is not a standard 4-inch well, but there are two 2-inch points there that are connected, which is not average and will need exploring. The current setback from the property line to the existing well is 28`.

Greg Craig asked Reid Silva to explain how the revised plan reduced the distances on the requested variances: separation from Bezanson’s well increased from 155` to 157, from the saltmarsh on the west increased from 165` to 176`, decreased from the septic to the salt marsh (on the pond side) 190` to 181`, leaching facility to leaching facility separation increased from 46` to 66`. Reid explained that the primary reason for the distances decreased is the reduction of the size of the leaching facility itself from 4 bedrooms to 3 and the relocation of the reserve area from the east to the north. The 66` (leaching to leaching) is being measured from the relocated reserve area, as it got moved to the north side of the system, which decreased the separation to the salt marsh, but at the same time, increased the separation from the leaching facility on Bezanson’s lot. The Board members expressed that the likelihood of using the reserve area is not high, and while the old primary distance is 190` and the new primary is 194`, the distances overall look much better on this revised plan.

The Board voted to close the record, including public comment and written comment period, at 6:15 pm.

Next steps:

* The applicant is to drill down on the MV Commission nitrogen loading guidelines to confirm the nitrogen calculations in relation to the total and the dry land portion
* Present the nitrogen calculations and the short written report to the Board during the next Public Hearing on May 3rd, 2023, at 5:15 pm.

Katie Carroll said the well needs to be looked at/tested to ensure it has potable water. Reid responded that the water testing would take time, as the proponent would have to go to Com Com for that, and it would not be completed before the next public hearing. The Board will continue talking about this aspect during the next meeting.

**14 Gulls Way (30-4)** (IWS, plan by VLS) – The Board reviewed the well replacement application but could not approve it because the office is still awaiting the letter from the owner acknowledging the distance of fewer than 150 feet from the well to the SAS.

**45 Tilton Rd. (4-16)** (Chris Alley)– Proposed replacement/relocation of the existing 1500 gal septic to allow dwelling replacement was postponed.

**Mermaid Farm Pasteurization/Farm Stand Inspection results and follow-up actions.** TheHealth Inspectorupdated the Board about the recent farm stand and pasteurization inspections conducted on April 7th, 2023. The results of the inspections were concerning and are described in Inspector’s report. Per the recommendation of the inspector’s predecessor Marina Lent, the Farm was advised to quarantine the feta cheese found uncovered in the pasteurization room, along with the fly tape with several flies on it, and hold the cheese-making until we heard back from the DPH. Usually, DPH conducts pasteurization inspections, as it is very comprehensive. Still, we have not had anyone assigned to the island farms (2) in a few years since the last dairy state Inspector retired.

 When the Health Inspector returned to respect the farm on April 10, 2023, the overall cleanliness of the pasteurization room significantly improved. The door going out directly outside was locked to prevent flies from entering the pasteurization room. It was decided that the cheese-making process could be resumed on that day. The Health Inspector advised the owner, Allen Healy, per conversation with Ellen Fitzgibbons (Supervisor, Dairy Division, DPH), to discard the cheese potentially exposed to the flies in the cheese room and to get the Electric Flytrap to prevent the flies from coming in into the cheese room. The Health Inspector will re-inspect again within 30 days.

**The trash in Menemsha**

The Board continued the ongoing conversation about the ways to reduce the trash in Menemsha. Jan Buhrman informed the Board that the town has grant funding for the Recycling Dividends Program (Line 26) filed by Don Hatch (MVRD) on or around $9000. The Health Inspector will contact the accountant to determine the available money. Katie Carroll expressed that much of the trash comes from the boaters, and it would be great to figure out a way tto deny the mega yachts that anchor up outside the harbor from bringing in boatloads of trash. Matt Poole stated that the food establishments in Menemsha should participate in the conversation and carry part of the responsibility for the trash expense. Jan also updated the Board that she has ongoing communications with Jessica Mason (Island Eats) and the food establishments in Menemsha. The Island Eats is an environmentally friendly food program providing stainless steel take-out containers to members grabbing food from certain Island restaurants. Jan and Katie will continue the conversation on this issue outside of the meeting and bring potential ideas on how to work on this issue.

**The Health Inspector/Administrator 6 months probation** period ends on April 30th, 2023.

On April 18th, the Select Board voted to make Anna McCaffrey a full-time employee for the Town.

* **Updates & FYI:**
* Formal Request from the Board of Selectmen to appropriate the Opioid Settlement funds –The Health Inspector to work with the agents to identify how
* Capacity Assessment Result Assessment Results – Will be discussed later.
* **Items not reasonably anticipated by the Chair at the time of posting**

**10 Molly’s Way (27.1 - 56) –** Debbie Hancock, the real estate agent for this property, spoke with the Board about the last communications on the status of the current septic system and the Title 5 Inspection report. See previous minutes and additional correspondence on file. Reid Silva agreed to take the job to confirm what units of the system are functioning and what were bypassed.

**440 North Rd. (20-60) Bliss Pond Farm** (VLS) **–** The Board reviewed the septic system upgrade application to support the existing 4-bedroom house, 5-bedroom barn (to be rebuilt), and 3 detached bedrooms. The system is designed to support 13 bedrooms with the design flow provided 1440 gpd. The Board approved the plan with 3 conditions: 1) Second well (up by “catering” area) needs to be noted on plan. 2) Water quality test on both wells needs to be performed. 3)Any changes needed/requested by installer “in the field” need to be ok’d by engineer first.

**8 Fannies Way (13-10.3) –** The Board approved the second well concept as described by the owner Blair Emin for a Hoop House use. The application and the plan still need to be filed with the office.

**Homeport Restaurant (27.1- 84,85)** The Board discussed the situation with the recently ceased pergola construction and the patio renovation (as no building permit was granted) and the upcoming Site Review Committee meeting on 04/24/23. The Board identified the need for the applicant to present the information for the Board’s review on the following:

* The manhole access through the proposed deck
* Restroom fixture count related to customer occupancy
* Seat count in relation to the septic capacity
* The proposed outdoor kitchen should be a part of a plan review

The Health Inspector will inform the Site Review Committee that the owner should be directed to BOH to confirm the above.

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

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