

BOH Minutes Jan 4 2017

Chilmark Board of Health Minutes

Wednesday, January 4, 2017

Chilmark Town Hall

5:00 pm

Present: Katie Carroll, Matt Poole, Jan Buhrman

Also Present: Reid Silva (Vineyard Land Surveying and Engineering), Chris MacLeod,

Minutes of December 21, 2016 were approved; the Board asked Marina Lent to revise the minutes of December 7th.

Plastic Bag Ban Robert Fuller, owner of the Menemsha Blues clothing store in Menemsha, submitted a letter requesting a waiver from the newly-approved ban on flimsy, single-use plastic bags. The regulation further stipulates that paper bags need a specified post-consumer content, and also provides for Boards of Health to issue a compliance waiver for establishments that purchase a stock of bags prior to entry-into-force of the bylaw. Mr. Fuller's letter states that the paper bags he has in stock do in fact comply with the content-requirement, however, they do not have the information regarding post-consumer content stamped on each individual bag, as required under the bylaw.

The Board asked Marina Lent to contact Mr. Fuller to secure written assurance from the producer of the bags that their content is in compliance with the bag-bylaw before taking a decision on the requested waiver.

Murphy, 88 Murphy Road (6-4.1) Katie Carroll reported on a bedroom count which she undertook with Marina Lent and Chris Murphy. She counted a total of three bedrooms in the Main House: the office in the basement, clearly not ever used or intended as a bedroom, does not count as a bedroom; there is one bedroom on the first floor. There are two second stories, accessed by two different sets of stairs. The one leads to a bed and bath, and also accesses an unfinished attic space. The attic space does not qualify as a bedroom. The other, so-called "turret room", has two sections, a 7'x 9' front area, with a ceiling height of 80", and an octagonal area with a high vaulted ceiling, of 67sf. The total room has a floor area of 130sf, and could clearly function as a bedroom. The guest house has two bedrooms, making a total of five bedrooms being served by the current septic system.

The Board moved, seconded and **approved** a motion to define the space as meeting the physical dimensions of a bedroom, and ask the owner to solve this situation through one of the mechanisms suggested:

- a) create a deed restriction for one of the bedrooms;
- b) expand septic leaching capacity to accommodate a fifth bedroom
- c) undertake structural changes to disqualify an existing bedroom (ie eliminate privacy or window).

Chris McLeod asked for clarification about the terms of a deed restriction. The Board informed him that the restriction runs with the property, but can include provision to release the restriction in case the reason for the restriction no longer obtains, for example, if the house were to be served by town sewer.

Mayhew, Middle Line Road (13-42) The Board reviewed a Form C subdivision proposal submitted by Doug Hoehn. The Board noted that there is no information on soils or water at the property, and that the Board is therefore not sufficiently informed to comment on the suitability of the proposed lot. The Board has communicated this need to Chris Alley.

Damroth 26 Oyster Lane (11-54.4) The Board reviewed a Form C subdivision proposal submitted by Doug Hoehn. The Board noted that there is no information on soils or water at the property, and that the Board is therefore not sufficiently informed to comment on the suitability of the proposed lot. The Board has communicated this need to Chris Alley.

Slavin, 6 Eddy Farm Road (25-1.2) Reid Silva presented a septic repair application to tie in to an existing septic system, with a new 1,500 gallon tank, pump chamber, and “super-riser” to access the deep system. The Board noted that the proposed dwelling as reviewed by the Board April 20, 2016 will require a deed restriction on the downstairs exercise room, ensuring that it cannot be used for sleeping. The Board **approved** the permit, which will be held back until the deed restriction is on file with the BOH office.

Mouse/Tick Project: The Board noted that involvement in this project is likely to be a multi-year, intensive commitment. The Board felt that Chilmark should be represented on the Steering Committee which will be formed to conduct the process, and will seek an agent to appoint. The Board asked Marina Lent to request a brief summary of the work of the Steering Committee and the proposed project to facilitate the search for a Chilmark representative.

Homeport Restaurant: The Board noted that FAST system inspection values are very good, including those collected during the last summer season, but that conducting inspections weeks after the system is dormant does not add relevant information about the functioning of the system. The Board asked Marina Lent to contact the property manager to arrange for the same number of inspections to be conducted during the high-use summer season for the Homeport.

Lead exposure in a child: Marina Lent reported that she had received communication from a parent regarding elevated lead levels in a 9-month old child. She advised water testing, review of any other possible exposure, and will follow up to get complete information on the case. Matt Poole asked Marina to call the DPH Childhood Lead Poisoning Prevention Program to find out more about required actions for public health.

Variances from the 2013 Food Code: Marina Lent noted the requirement in the 2013 US Food Code for formal variance approval. The Board asked Marina Lent to provide a thumbnail sketch of non-conforming elements in Chilmark Food Establishments around the time of the seasonal pre-opening inspections.

Substance Use Disorder / Addiction update: Marina Lent reported on an ongoing effort to conduct a study on Martha’s Vineyard regarding prevalence and incidence of HepC among injection drug users. The Board felt that it might be more appropriate to conduct such a study under the auspices of the Hospital or MV Community Services rather than Boards of Health. Marina Lent also reported on a practicum being developed by one of the UMass students who had participated in the recent Rural Scholars program on Substance Use Disorder on MV. The Board advised that not too much time should be spent on these issues.

DEP Notice of Non-Compliance: Beach Plum Inn PWS#4062004; Menemsha Inn PWS#4062001; Menemsha Water Company PWS#4062000: Seasonal System Requirements Not Met

Certificate of Compliance: Carroll Nominee Trust, 21 Carroll Lane (27.1-176); Mayhew, 3 Strikers Lane (30-48.3); Carroll Nominee Trust, 21 Carroll Lane (27.1-176);

Title 5 Official Inspection Report: Taylor, 24 Sheep Hill Road (17-8.2); Roglieri, 5 Shepard’s Path, Main and Guest (25-116); Rudner, 211 Middle Road (19-20);

Septic Installer Permits 2017: John Keene Excavation; All-Phaze Excavation; Richard T. Olsen & Son, Inc.; Maciel & Sons, Inc.;

Septic Hauler Permits 2017: Septic Solutions; Maciel & Sons, Inc.;

Food Establishment Permits 2017: All-Island Seafood; Menemsha Texaco;

Tobacco Permit 2017: Menemsha Texaco

The meeting adjourned at 19:15 hours.

Katherine L. Carroll, Chair
Chilmark Board of Health

Matthew Poole
Chilmark Board of Health

Janet L. Buhrman
Chilmark Board of Health

A recording of this meeting is on file at the Board of Health office and available for on-site review.