

BOH Minutes Jan 5 2019

Chilmark Board of Health

Minutes

Wednesday, January 2, 2019

Chilmark Town Hall

5:00 pm

Present: Katie Carroll, Matt Poole, Jan Buhrman

Also Present: Joan Malkin, Zachery Iscol, Eloise Burke, Jed Katch, Warren Doty, Nan Doty, Frank LoRusso, Kent Healy, Reid Silva, Anne Marie Ralph, Jasper Ralph, Thomas Bena,

Warrant Article to Protect the Chilmark Watershed (draft) Jed Katch, with input from Chilmark Selectman Warren Doty, spoke to the Board about a proposed Home Rule petition to be brought before each of the six island towns which would empower the town to forbid the use of certain chemical agents within town boundaries. Jed Katch noted that the impetus for the initiative grew out of citizen pushback against Eversource using potent herbicides to spray island right-of-ways under power lines, despite environmental and health concerns expressed by property owners and the general public. He noted that the process of achieving the goal would require a Town Meeting vote, followed by a State review, and then the formulation of regulations – in other words, this would not be implemented immediately.

Discussion covered the desirable scope of the article: should it apply only to municipal and utility owners, or also to the general public? Should it include pesticides and fungicides as well as herbicides? How can enforcement be accomplished? How will public education on this issue be conducted? And, most challenging of all, how will *allowable* substances be determined in a way that is scientifically sound, reasonable, practical and equitable?

The Board noted that none of the Boards of Health, or in fact any agency on the island, currently has the expertise to manage such a process, and that implementation of this initiative, while clearly desirable, will require significant effort. The Board felt that the responsible entity should be the Town, working through Boards of Selectmen, rather than Boards of Health.

Matt Poole, who, in addition to being a member of the Chilmark Board of Health, is also the Health Agent in Edgartown, described lessons learned from that town's experience with Vineyard Golf, which seeks to use only relatively environmentally benign products to manage its turf. He also felt that such a significant undertaking could perhaps be addressed by a review committee consisting of all town entities with a bearing on the matter, including Conservation Commissions, Boards of Health, and others.

The Board made several suggestions regarding the items discussed, and asked Jed Katch to work with Warren Doty and Marina Lent to amend the proposed wording prior to submission to the Board of Selectmen as a warrant article for the Town Meeting in the Spring. In addition to specifying the town's Board of Selectmen as the entity charged with implementation, the Board also felt that pesticides and fungicides should be included in the proposed language.

Wheeler, 33 High Mark (26-77) Reid Silva presented a pump septic system construction permit application for an upgrade to serve a proposed four-bedroom house which will replace a tear-down on the 38Ksf lot. The plan does not require variances and was **approved** by the Board conditional on a bedroom count to be conducted by Marina Lent and receipt of a well completion report for the proposed well.

17:30 Public Hearing

Doty, 62 Menemsha Crossroad (26-105) Reid Silva presented a septic system construction permit application for a proposed three bedroom house on a 34 acre parcel which is severely constrained by wetlands. The Dotys would like to provide a home for each of their two children, and stated emphatically that they do not have plans to subdivide the property.

The proposal is for a three-bedroom house with composting toilets and a greywater system. The system will require a variance of the Chilmark BOH separation requirement of 150' from the (greywater) leaching field to the wetland, down to 100'. The Dotys would like to provide a home for each of their two children, and stated that they do not have plans to subdivide the property.

The Board noted that the existing septic system serving the existing four bedroom dwelling is in full compliance with Title 5, but also does not meet Chilmark BOH separation requirements.

The Board mentioned desirable features such as self-limits on the lawn area with no irrigation, welcomed the intention to use a composting toilet, and noted that a transfer of the property would include a Board review of the existing septic system for the main house.

Due to a number of abutters not having been notified by the engineering firm, the Board decided to continue the public hearing to its next scheduled meeting. Should it turn out to be possible to contact said abutters within the two-week timeframe and obtain their consent, the hearing can be resumed at the next Board meeting; if not, a new hearing will be held on February 6th following full notification.

Thurlow, Tabor House Road (13-27.4) The Board **approved** well and septic construction permit applications for a proposed six-bedroom house presented by Reid Silva, neither of which requires variances from BOH separation requirements. The Board recommended that Volatile Organic Compounds be tested on the well due to its proximity to the capped Chilmark Landfill area.

Biemiller, 9 Brickyard Road (9-2.7) Reid Silva presented a proposed septic system to serve a proposed five-bedroom house and a proposed two-bedroom guest house. The plan does not require variances, and the well serving the property was recently installed. The Board **approved** the permit, and noted that the proposed tie-in for the future guest house will be a separate application before the Board at that time.

Cottle, 6 DH's Hill (27.1-178) Reid Silva presented plans for a proposed septic system to serve an existing two bedroom house and proposed future four bedroom addition.

The proposed system would be a Presby on a steep slope towards North Road, and viable soils are very deep. The Board expressed concern that, although the proposed plan meets separation requirements, it would mean sacrificing some of the iconic Beech trees on the site. They asked Reid to look into any possible alternatives, including consideration of moving the well, to bring the system out of the Beach grove and into the existing clearing.

Chilmark Store 7 State Road (30-85) Kent Healy and property owner Frank LoRusso came before the Board to discuss work which had been done without a permit to repair the greywater leaching system at the Chilmark Store. The system, which was designed by Kent Healy, was installed in 1996. The apartment above the Store is served by a Clivus composting toilet. Frank LoRusso explained that the system works well but requires periodic maintenance. The sand in the above-ground planter boxes is removed and replaced, and the shroud over the perforated pipe is cleaned.

The Board stated that the work described qualifies as a repair, and must be permitted in advance by the Board of Health. The Board noted that the liner inside the boxes could be improved, and that other possible adjustments could come to light that would improve the functioning of the system further. The Board also noted the importance of properly functioning and well-maintained grease traps in a food establishment with the intensive use of the Chilmark Store, and asked Kent Healy to submit a repair permit for this system.

Plastic Water and Soda Bottle Ban This portion of the meeting was led by Matt Poole, with Katie Carroll recusing herself from any decisions in light of plastic-bottled drinks making up a significant portion of sales at the Menemsha Texaco. Jan Buhrman reported to the Board on her discussions around a proposed plastic bottle ban applying to soda and water in the Town of Chilmark. The ban was developed by the group Plastic-Free MV. The group, with strong

participation from young people through the schools, is initially seeking Town Meeting approval in the three up-Island towns. The group stressed that consumers do have alternative sources, and the existence of viable alternatives was taken into consideration in drafting the proposal. In the case of drinking water, for example, thirsty consumers have access to drinking water refill stations, or, at a minimum, to clean drinking water from handwash and kitchen sinks.

Jasper Ralph, a sixth-grade member of Plastic/Straw-Free MV, presented to the Board the plans of the group for public education around this issue, including flyers and posters, social media presence, information tables at grocery stores and the MV Film Festival, and events at the schools. He mentioned an upcoming information event at the West Tisbury Library, which will take place on January 24th.

Proponents noted that this is a drawn-out process, which will not be ready for implementation for at least another year or more. Anne Marie Ralph also stated that, following discussion with towns, there will be a waiver in place for the use of small plastic water bottles for emergency services such as the Fire Departments. The difficult questions of enforcement of a town ban remain to be worked out by towns in collaboration with vendors, distributors and with intensive public education to generate public support for this important initiative.

Matt Poole pointed out that undertaking this effort in up-Island towns where such relatively small amounts of the product are sold would make the initiative largely cosmetic, and underscored the importance of moving together as an Island on difficult but desirable issues which enjoy broad public support.

The Board noted that having the Board of Health as the sole enforcement agency is not feasible, since the use of small plastic bottles is also very common at large-scale catered events such as weddings, for example. The Board felt it would be more appropriate to have the town as a whole work on the appropriate enforcement mechanisms and develop its approach accordingly. The Board reiterated its support for the goal of the program, which is to reduce the generation of large amounts of plastic waste, and voted to **approve** the measure by a vote of two in favor and one abstention.

Final Draft budget FY'20 The Board approved the draft FY'20 budget and asked Marina Lent to work with Katie Carroll to submit the budget spreadsheet, a budget summary, and an explanatory cover letter to the town by tomorrow's deadline.

Invoices: The Board approved the following invoices for payment:

- CCC/Library water fee \$20
- Wampanoag Lab Q4 testing CCC/Library \$75
- MVRD Semi-Annual Assessment Q2 FY'19 \$ 45,974.10
- MVRD Quarterly Drop off Contract Q3FY19 \$ 7,924.82

The meeting adjourned at 20:20 hours.

Katherine L. Carroll, Chair
Chilmark Board of Health

Matthew Poole
Chilmark Board of Health

Janet L. Buhrman
Chilmark Board of Health