

## BOH Minutes May 3 2017

### Chilmark ~ Board ~ of ~ Health

#### Minutes

Wednesday, May 3, 2017

Chilmark Town Hall

5:00 pm

**Present:**~ Katie Carroll, Matt Poole, Jan Buhrman

**Also Present:**~ Sasha Henderson (Menemsha Blues);~ Reid Silva (Vineyard Land Surveying);~ Richard Johnson (Tick-Borne Illness Project);~ Chris Fischer (Beetlebung Farm Market);~ Juliet Mulinaire; Chris Alley (Schofield, Barbini & Hoehn)

**Seferian, 20 Pinkletink Hollow (20-20)** Chris Alley presented a septic system upgrade permit application for an existing four-bedroom dwelling and proposed future two-bedroom addition.~ The proposed upgrade does not require variances, and was **approved** by the Board, contingent upon receipt of clarification of the well currently in use, an updated potability test, and completion of the well permitting process if needed.

The Board determined that the history of the wells at the property include an un-permitted well being drilled in a location which does not meet BOH well-to-boundary separation requirements.~ There is currently no documentation on file to indicate which well is actually in use.~ The Board requires up-to-date well information in order to release the approved septic upgrade permit.

**Menemsha Blues Bags:**~ Sasha Henderson appeared before the Board to request permission for the Menemsha Blues retail outlet at the corner of North and Basin Road to use sturdy paper bags with handles, already permitted by variance by Tisbury and Edgartown, to use up the stock prior to ordering bags that are compliant with the new bag-by-law passed in five of the six towns.~ The Board **approved** the requested variance.

#### 5:30pm Public Hearing

**Cohen, 4 Chockers Lane (33-5)** ~ The Board opened a public hearing to review a septic system upgrade application presented by Reid Silva which requires the following variances to local BOH regulations: leaching field to wetlands 150' required, 73' proposed; bottom of leaching field to groundwater separation 5' required, 3' proposed; leaching field to well 200' required, 101' to locus well and 102' to abutter well on AP 33-52 proposed.~

Katie Carroll read into the record a letter submitted by the abutter at 9 Sheep Pen Lane, AP 33-53 which is attached as an annex to these minutes.

Reid Silva pointed out that the septic system is centrally located on the property, which minimizes impact on abutters.~ A confining clay layer at 11' ensures that septic leachate does not reach the water-bearing layer accessed by drinking water wells.~ Abutter Juliette Mulinaire (attending on behalf of the Scheuer family), noted that the proposed well separation is an improvement over the previously-proposed location. ~

Reid Silva noted that the well is proposed for a location closer to the wetland than proposed in the initial plan of 4/5/2017, which makes room for the proposed leaching system.~The Board noted that the proposed replacement well and upgraded septic system do not accommodate increased flow, represent an improvement to the existing conditions, and are the best fit for this location.~ The Board **approved** the proposed septic system upgrade as submitted, with the requirement that a well construction permit application must be approved and a well completion report received by the BOH office before the septic construction permit will be released.

**Farely, Wequobsque (30-117)** ~ The Board **approved** a septic system permit renewal submitted by Reid Silva for a plan originally approved on June 18, 2008.

**Zabel (33-122)**~ The Board reviewed a well permit application submitted by John Clarke and staked by Reid Silva.~ Reid explained that the original proposed location for this well did not take into account a nearby leaching system.~ The location now proposed is within the coastal district, and meets the required 200' leach field separation. The Board **approved** the proposed plan.

**Murphy, 88 Murphy Road (6-4.1)** ~ The~ Board heard a response, read out by Katie Carroll, from abutter Chris MacLeod regarding its consideration and disposition of the questions brought up by the bedroom count at 88 Murphy Road.~ The letter is attached as an annex to these minutes.

**Mosquitos and Ticks:** Dick Johnson, who runs the Mosquito Control Program for the island towns through a contract administered by the County, and who plays an active role working for the Tick Borne Illness initiative,~came to report to the Board on his upcoming work.~ He noted that we are entering an active part of the tick cycle with nymphs hatching and the Lone Star Tick expected to put in appearance over the coming weeks.~ A letter sent by the towns to the State to enable an extended deer hunt has been received, but no response has yet been forthcoming.~ The towns have placed an ad in the MV Times for Dick Johnson to conduct yard surveys for households wishing to assess their immediate area as a tick harboring habitat.~ A donation of \$50 is requested but not required for a household in financial hardship.~

With regards to the questions around tick testing services, while it is important MV ticks to be tested for the purposes of data collection, which is being done and has been done at Sam Telford's lab for a number of years, he cautioned about using tick-testing as a diagnostic tool for individuals. He emphasized that tick testing should not replace or delay prophylactic treatment who discover a tick which has been embedded for over 24 hours.

He also cited anecdotal evidence of spotted fever in the area, as well as the red meat allergy associated with the Lone Star tick.~ It appears that between 2-5% of deer ticks on MV carry Deer Tick Fever and/or Powassan virus.~ Most people who become infected are asymptomatic.~ However, the disease can be a severe threat in those in whom it takes a less benign course: it carries a ca. 10% mortality in people diagnosed with the disease.~

Jan Buhrman emphasized that the Board would like to actively engage in public education around this important issue, and suggested producing a handout to convey the information.~ She also noted that prescribers do not provide prophylactic Doxycycline for pediatric patients and prescribe it only for lab-positive findings. She suggested showing pictures of the ticks in question, especially the relatively newly-arrived Lone Star Tick, and describing associated diseases to educate the public.

Dick Johnson will provide Marina Lent with up-to-date information that can be turned into a handout on tick borne illness for public education.

**Beetlebung Farm Market** ~ Chris Fischer and Suzie Keene came before the Board for an introduction of concept discussion of the Beetlebung Farm Market on Basin Road.~ Chris Fischer stated that he would like to take an incremental approach to the space, initially providing only farm stand goods, baked goods and frozen meats during the summer 2017 season, and expanding into simple food service in the shoulder season.~ He felt this approach would~be preferable, enabling him to "grow into" the space, instead of embarking on an ambitious restaurant project under time pressure.~ The kitchen in the establishment has certain limitations, and he plans to start with an empty space to develop what is most appropriate for all concerned, including a person renting the upstairs apartment.~ After Labor Day, a breakfast/lunch operation could be considered.

The Board suggested that he communicate with other establishments in the neighborhood, to provide an optimum offering for the public.~ The Board generally approved the plans as presented, asking for a written proposal and conditional upon a successful pre-operation inspection.~ The Board emphasized that changes in activities or offerings at the establishment should be brought back to the Board for discussion.~

**Green Burial:**~ Jan Buhrman described her discussions with town officials about allowing "green burial" practices in Chilmark, where the deceased could be buried without being treated with formaldehyde, without a large casket, and without a cement "liner" in the grave.~ She proposed writing a letter to the Cemetery Commission to this effect.~ The Board welcomed this initiative and discussed the rationale for the cement liner as being related to grounds maintenance, to prevent the ground from sinking as a casket collapses.~ Jan Buhrman noted that a shroud or more modestly-proportioned casket would help address these concerns.

**Tobacco Control Regulations:**~ The Board discussed the possibility of adopting updated regulations on the sale of tobacco and tobacco products to raise the age of legal sale from 18 to 21, and noted that holding a public hearing when adopting BOH regulations is only required for regulations relating to septic systems and wastewater disposal.~ Existing BOH regulations date back to 1998.~ The Board reviewed regulations adopted by Edgartown in 2012, and decided to adapt Chilmark Tobacco regulations by hewing closely to Edgartown's regulatory language, adding the change in definition of the "minor" from 18 to 21, so as to promote maximum consistency of regulation on the Island.~

**53 Wequobsque, (30-115)** ~ The Board examined renovation plans provided by Robert Kagan to determine whether they will be adequately served by the six-bedroom septic system.~ The Board determined that it was difficult to conclude whether the bedroom count was five or six bedrooms, based on whether or not the mezzanine area would provide for privacy, but that, in either case, the proposed plan is within the capacity of the existing system.

**Perc Season** Given high groundwater levels in town, the perc season is extended on a meeting-by-meeting basis.

**96 King’s Highway (12-22)** ~ Marina Lent reported on a complaint received by the BOH office from Doug Bardwell, property owner of currently unoccupied property on King’s Highway. ~ He reported an unpermitted dwelling at 96 King’s Highway (12-22) in the form of a yurt. The Board asked Marina Lent to contact the owner to review whether a tent permit can be issued for this site.

**Administration of the BOH Office:**~ The Board requested that Marina Lent prepare agenda items more thoroughly and report to the Board in advance of the meeting on the nature of the decisions to be taken. The Board also asked for written reports on activities such as perc test observation, bedroom counts and food establishment inspections.~ The Board also suggested closing the agenda at the time of posting, so that the agenda would not contain items not known to the Board or the public in advance.

**Certificate of Compliance:**~ Nevin, 17 Oyster Lane (11-54.2);~ Dunham, 14 Rebecca Lane (4-1);~ Simons, 9 Rhythm Road (7-1.2);~

**Food Establishment Permit:** Chilmark Coffee Co.;~ Larsen’s Fish Market; ~

**Temporary Food Event Permit:** ~ Scottish Bakehouse @ Chilmark Flea, Tues & Sat;

**Title 5 Official Inspection Report:**~ Young, 56 Chilmark Road (1-13);~

**Invoices:**

The following invoices were approved for payment:

- Reimburse Marina Lent for travel to Opioid Outreach meeting, Stonehill College, 4/25/2017~ \$124.20

The meeting adjourned at 18:45 hours.