

# CHILMARK BOARD OF HEALTH

## Minutes

February 2, 2022

5 pm

via zoom

**Present:** Katie Carroll, Matt Poole, Jan Buhrman, Colin Ruel, Chris Alley, George Sourati, Reid Silva, Clark Goff

**Draft Minutes**, January 5 & 11, 2021, were **approved**.

**Herget, 73 Quenames (17-51)** George Sourati presented a proposed tie in of an open pool pavilion sink into the existing septic system which does not require variances and was **approved** by the Board.

**98 King's Highway (12-21)** The Board **approved** a construction permit application for new well, on the condition that it be staked at the required 30' from the property line.

**Bryant estate, 12 South Road (6-5)** The Board reviewed a replacement well permit application prepared by Doug Cooper in 2019, when the failed septic system was replaced. The Board noted that well separations to adjacent properties are not shown on the plan, and asked Marina Lent to look into these and confirm for **continuation** of this item at the next scheduled meeting of the Board on February 16, 2022.

**Draft Annual Report 2021** The Board **approved** the draft 2021 annual report with minor amendments.

### **5:30pm Public Hearing, cont'd**

**The Bite, Basin Road (21-81)** The Board continued its hearing on the septic system upgrade for the property, with Matt Poole, as a notified abutter, recusing himself from the discussion. Reid Silva presented recent revisions to the proposed septic system upgrade, reducing the size of the proposed greywater Presby leaching system to 265gpd so as to ensure that the separation to wetlands is no less than the current cesspool. He noted that the only possible alternative would be a tight tank for the facility's dishwater. Under Title 5, the tight tank is viewed as a last resort.

Installation of the components, the grease trap and settling tank, would be conducted with extreme caution to limit soil disruption to the smallest possible area, using a trench box to preclude caving of the tank placement area.

Katie Carroll stated she felt extremely uncomfortable approving a system which requires so many extreme variances. She pointed out that a system in such an environmentally delicate area would require careful and thorough maintenance, and that the track record of the building and the site shows these capabilities to be lacking. Jan Buhrman said she would like to support small businesses in the area, and is extremely concerned about the changing character of Menemsha. Keeping an iconic food establishment in this site is a vital part of that character. She noted the concerns of the immediate abutter, Ruel Gallery, regarding the negative impact of extended construction at the site impeding business. She felt that a hard timeline for full completion of the Bite by mid-April was reasonable and would set up all businesses for success this coming summer. She hoped that the traditional use of the property, for a small food establishment, would not be undermined.

Colin Ruel, owner of the immediately-adjacent Ruel Gallery, said that the condition of the property more than speaks for itself, and that it negatively impacts his business. He expressed his lack of confidence in the ability of the current owners to maintain a safe and well-run food establishment.

Reid reminded those present that the facility has the right to an upgrade to serve current use. If the minimal-impact use represented by the proposed Presby system is not approved, it would have to be a tight tank. Katie said she would prefer a tight tank because it requires fewer variances, while Jan felt that a tight tank, with constant pumping by a diesel-truck driving miles every week to convey gallons for disposal in Edgartown or even off-island, represents far greater environmental harm and would also be far more disruptive to the neighborhood than the Presby system.

The two voting members thus found themselves at an impasse. They noted that voting now would result in rejection of the proposal, while continuation would delay the proposal further and was unlikely to change tonight's outcome. They therefore decided to call in Matt Poole under rule of necessity.

Matt Poole noted that he had heard Reid's presentation of the system on behalf of the property owner. He felt, however, that he could not approve the proposed plan as presented, because it does not start from the proposed use, namely, a detailed Food Establishment Plan Review, on the basis of which the necessary flow would be determined. He felt that providing a given flow without a food plan was in a sense "backing in" to facility use as a food establishment. He noted that what the Board has so far heard as the proposed plan for the food establishment is that it would be a stand-alone facility, not supported by a "fixed kitchen" off-site.

The Board asked Reid Silva to look into the question of *actual* flow from equivalent establishments around the island, and asked Marina Lent to work with the owners to bring their food establishment plan to the next meeting of the Board. The hearing was **continued** to 5:30pm at the meeting on March 2<sup>nd</sup>, 2022.

**Town Hall/Fire Station/EMS building** The Board continued its review of proposed septic systems to serve the proposed new Fire Station and Emergency Services building at the town hall complex. The Board **approved** the proposed tie-in of the new Fire Station to the existing Town

Hall septic system, noting that additional flow from this source will be minimal, and asked Reid Silva to ensure that a thorough review of the condition of the existing system be undertaken in the course of construction. The Board **approved** the revised plan for the EMS facility septic system with an added vent pipe. Geogrid will be installed as reflected in the plan.

The Board also noted its preference for having all three buildings on a single well, to be located on the EMS site, and replacing the existing Town Hall well at Beetlebung Corner. While not objecting to the continued use of the existing well, the Board strongly recommended taking advantage of the major construction at the town hall complex to install the pipes from the new well to the Town Hall, making eventual transition to the new well very simple. The Board asked Marina Lent to write an email to the Selectboard with this recommendation.

**Khedouri, 4 North Ridge Road (18-32)** Reid Silva presented a proposed septic system for proposed six-bedroom home. The lot is in the Roadside District and has an isolated wetland, but the proposed septic system meets all BOH and state separation requirements and was **approved** by the Board, with the requirement that the engineer must inspect soils prior to system placement, and that the installer must be Presby certified.

**Proposed BOH Regulations on Recreational Camps for Children** Alexis Babaien, the newly-hired Community and Population Health Specialist, discussed with the Board her proposed plan to address racism as a public health issue in the context of the incident which took place at the Chilmark Community Center last summer, and the role of local boards of health in licensing recreational camps for children.

She has reached out to several island groups dealing with children, such as the Boys and Girls Club, Camp Jabberwocky, the YMCA, Fern and Feather and Sassafrass, to start the discussion on how they have approached these issues, both in their protocols, in training their staff and their experience in practice. The plan is to develop a set of draft local Board of Health regulations together with the island Health Agents in time for them to be in force for the upcoming season's camp licenses.

The Board thanked Alexis for the presentation, and noted that having a clear timeline for the project is very important. Jan Buhrman suggested that the schools would be a valuable source of information for teacher training, policies and experience with response. She also suggested that Alexis be in touch with Suellen Lazerus, who is in charge of the summer program at the Chilmark Community Center, as well as Vicki Divoll. Jan will provide contact information for them to Alexis. Alexis noted that schools have anti-bullying, but not anti-racism protocols. The Board also discussed the importance of pre-season orientation for staff.

The Board will hear an update on this project at its regularly-scheduled meeting of March 2, 2022.

**Pesticides in Squibnocket** Marina Lent reported that she had discussed the matter with acting Zoning Officer Forrest Filler. Under the bylaw, the BOH can specify products which in its view are subject to the ban. He can write a letter to that effect as requested by the Board. A possible signpost at entrance of the area is subject to the aesthetic bylaw-requirements for signage. The

Board asked Marina Lent to draft a letter to the Selectboard regarding the Board's wish to see signs posted at the entrance to the area to inform people of the requirements of the bylaw.

**Shanus/Merkel, 17 Howell Lane (27-3)** Chris Alley held a discussion with the Board regarding a septic construction permit approved in February 2020, under which a proposed pool house was to be tied in to the existing system, while the bunk house was to be demolished. The owners have opted instead to tie in the bunkhouse, and to postpone the construction of the pool house. The Board will review a revision to the approved permit at its next scheduled meeting on February 16<sup>th</sup>, 2022.

**Vacelero, (33-49)** In another discussion with the Board, Chris Alley said that the client would like to replace an existing three bedroom house with a four bedroom house as a guest house to accompany the main house on the adjacent lot, but that the proposed plan would require two variances, to State Road and to the adjacent lot under same ownership. Katie Carroll noted that construction of a guest house should be done with a fully compliant system, and that, at a minimum, not increasing existing flow on the property should be considered. The Board will review an application and proposed plan at a future meeting.

**Proposed Food Truck Event at Beetlebung Farm:** The Board noted that Marina Lent had issued a temporary food event permit for the "Goldie's" Food Truck to sell rotisserie chicken at the farm with only 4 or 5 days notice prior to the event. This proposal should have been submitted to the Board for prior approval, and some doubt was expressed as to zoning compliance of this event. The Board asked Marina Lent to notify all applicants that applications for temporary food events in Chilmark must be submitted in time for Board review prior to approval.