

CHILMARK BOARD OF HEALTH

Minutes

December 15, 2021

5pm

Present: Katie Carroll, Jan Buhrman, Matt Poole, Tracey Smith, Reid Silva, Sarah Glazer, Fred Khedouri, Johan, Jim Feiner, Jane Wilkie, Celeste Peterson, Dawn Speer, Heather, Barbara Armstrong, Margret Robinson, Matt Kaplan, Colin Neil, Jaime Iglehart, Lily Iglehart, Tom Iglehart, Joan Safford, Michael Mahoney, Leah Becker

Minutes: the Board reviewed and **approved** the minutes of December 1, 2021

Distribution of Free Rapid Tests prior to Christmas: Marina Lent reported that the town has received a small supply of rapid antigen lateral flow tests intended for distribution prior to the holidays with preference for those who cannot afford to purchase their own rapid tests at pharmacies. Island Health Agents determined an island-wide distribution of the total available tests from the State, including among others, the Harbor Homes homeless shelter and the Food Pantry, as well as small allocations for each Council on Aging and Town Hall. The Board **approved** the proposed distribution of free rapid antigen lateral flow tests and encourages the town and agents to obtain further supplies of rapid tests for the island over the coming months.

Walker, 17 South Ridge Road (18-36) Tracey Smith presented a plan revision which provides a separate tank and pump chamber to serve the proposed expansion of the existing 2015 septic system to accommodate a proposed 2 bedroom guest house, rather than the ejector pump previously proposed. The plan does not require variances and was **approved** by the Board.

Public Hearing, 5:15

Straus, 2 Bayberry Lane (26-43) cont'd from Dec 1, 2021.

Reid Silva presented a proposed well permit application with the following variances: well-to-leachfield: 150' required, and 75', 77', 83' and 11' proposed; well-to-Property Line: 30' required, 5' proposed. The proposal will establish a well on the owner's own lot, as opposed to having the well serving the lot on the abutter's property. Letters of support from direct abutters are on file with the Board. The Board **approved** the well construction permit application.

Public Hearing, 5:30pm

The Bite, Basin Road (21-81)

Board of Health member Matt Poole recused himself, as he is one of the notified abutters for the Conservation Commission for this property. Reid Silva proposed a septic system upgrade for the Bite at Basin Road which, according to Title 5, cannot be sized beyond the existing use. The proposed system is for greywater (kitchen water)-only, and includes a proposed 1,000g grease trap and proposed 1,000g greywater filter/tank, and an estimated 349gpd greywater leaching field.

The proposed plan requires the following variances from Chilmark septic system separation requirements: Leaching facility to wetland 100' required, 15' proposed; leaching to surface water separation: 150' required 101' proposed; leaching to property line: 30' required, 1' & 2' proposed; leaching to groundwater: 5' required, 4' proposed; septic tank to wetland 50' required, 8' proposed; septic tank to property line 10' required, 1' & 2' proposed. The plan also requires the following variances from the state Sanitary Code: Leaching facility to wetland separation 50' required, 15' proposed; leaching to property line, 10' required 1' & 2' proposed; leaching to waterline: 10' required, 1' proposed; septic tank to wetland separation 25' required, 8' proposed; septic tank to property line separation, 10' required, 1' & 2' proposed.

Colin Ruel, who operates the Ruel gallery next to the Bite, expressed concerns that extensive construction activity would negatively affect his business, and inquired as to whether the area over the proposed tanks would be paved over, and Barbara Armstrong noted that there would have to be parking over the proposed leachfield. Reid Silva replied that the area over the tanks will not be paved, and that the leachfield will be constructed to withstand vehicular traffic. She also asked whether a tight tank would be environmentally safer; Reid pointed out that the effluent does not contain nitrogen-rich urine or bacteria-laden feces and is thus of far lesser environmental concern than blackwater.

While Jan Buhrman felt that the proposed plan was clearly the best that could be achieved on this highly restrictive property, and is a clearly superior option to a tight tank, Katie Carroll was not comfortable with the large number of variances required for the proposed system. Reid Silva stated that the property does not allow for any system that would not require extensive variances.

The Board thus felt at a standstill at this point, and Reid Silva asked for and was granted a continuation of the hearing to the second meeting in January, Wednesday the 19th, at 5:30pm.

**Public Hearing, 5:45pm
15 Drs Creek Path (24-135)**

Reid Silva presented a revised septic permit application which had been re-filed with the Board, as the last application had not included one of the well variances, and because the owner has since opted to include enhanced treatment for nitrogen reduction.

The upgrade will serve a proposed three-bedroom dwelling. The existing 3-bedroom dwelling is served by an existing cesspool. The proposed septic system will be a Nitro system, which is currently under provisional approval as an enhanced treatment system. The system has been moved as far as possible towards the northern end of the property, allowing greater separation between the proposed house and the abutter's.

Reid Silva pointed out that some changes had been agreed between the owners and the abutters and are just now being presented to the Board. Speaking on behalf of the abutters partner to the agreement, Fred Khedouri confirmed that abutters had reached agreement with the property owner and that the terms of this agreement were reflected in the plan and stated in the letter of support submitted to the Board.

Variations required for the plan under consideration at this hearing include: leaching facility to well: 150' required, 122', 120'100' and 86' for the locus well provided; leaching to property line: 30' required, 24' and 1' proposed.

Matt Poole noted that the Nitroe system is more forgiving of sporadic use than some other enhanced technologies, and has shown good results. The system has an aeration component, but the aeration tank is below ground and the pump is less noisy than other forms of septic aeration, as it is a small, enclosed unit on the wall of the building.

Celeste Peterson, a long-term renter in the area, expressed concern about protection of the aquifer and pond water quality. Long-term renter Johan Paulsen stated that the size and configuration of the dwelling implied that there could be large numbers of people there in the summer. Jamie Iglehart asked about runoff and whether impact on local wildlife had been taken into consideration. She also wondered whether there was a provision in the Chilmark Big House bylaw to prevent a building from filling almost the entire lot it stands on. Jane Wilke noted concerns about well separations, in that shore zone requires greater separations. Reid Silva responded that shore zone separation requirements were not based on water quality concerns but on efforts to prevent density in the zone.

Tom Iglehart, long-term renter in the area, asked how it was reasonable to have a dwelling with five toilets in such a sensitive area. The Board noted that the septic system is sized by number of bedrooms, and that the dwelling is allowed a maximum of three bedrooms. The Board looked over the proposed building plan and confirmed that only three spaces qualify as bedrooms.

Matt Poole moved to approve the proposed system with the following conditions to be fulfilled prior to release of the construction permit:

- 1) The revised plan to show rat slab foundation separation to system components;
- 2) The revised plan to show location of the blower motor on the dwelling wall;
- 3) The revised plan to show abandonment of a currently-unused well;

Katie Carroll added the following conditions:

- 1) A copy of the Agreement on overdig during construction on the property with 1' separation of the leaching facility for the file;
- 2) A copy of the Operation and Maintenance Agreement for the Nitroe system.

In addition, she requested a letter from locus property owners acknowledging the reduced leachfield to well separation for the property, and a note on the plan that the existing cesspool is to be abandoned and filled.

The Board unanimously voted to **approve** the proposed septic plan, with the conditions outlined above.

Ameen, 458 North Road (26-55) Reid Silva presented a proposed septic tie-in and leach field expansion for 1 bedroom garage. Katie Carroll disclosed that her mother-in-law is an abutter, and Matt Poole was notified as abutter. The existing system has four-bedroom capacity, serving an existing three-bedroom dwelling and one-bedroom Guest House. The garage will be served

by an ejector pump. The Board established that the system lies outside of the 100' shore zone boundary, and that the 2.6acre property has >10,000sf per bedroom.

Matt Poole noted that the existing system should be inspected prior to expansion, to ensure that it is working properly. The Board **approved** the proposed plan on two conditions: that a bedroom count be conducted at the property, and that the existing leachfield be inspected prior to release of the permit.

Chilmark Town Hall / Fire Station wells (26-99) The Board held a discussion with Reid Silva about the wastewater/water systems for the Town Hall/Emergency Services complex at Beetlebung Corner. Reid said that the existing Town Hall septic system is sufficient to serve both Town Hall and Fire Station, and asked the Board for their input on the drinking water wells, and whether a shared well would be advisable, as the quality and quantity of the water from the existing town hall well is not the finest. The Board felt that the answer to this question is contingent on the quality and quantity of water found at the EMS site, which is in fact a better location for a drinking water well. Reid Silva asked to be able to present a septic system plan to the Board at its next meeting on January 5, 2022.

BOH hours for FY'22: The Board discussed a proposal to reduce hours worked for the Board of Health under the Administrator/Inspector position from 35 to 25 per week, thereby enabling Marina Lent to work 15 hours per week as Epidemiologist (Contact Tracer Coordinator) starting on January 1, 2022 when grant funding to reimburse the town for this position becomes available. The Board noted that, in effect, the Town of Chilmark has already been subsidizing Marina Lent's contribution to the island-wide effort to address the pandemic, and that this proposal provides a welcome transition which will allow the hiring of a food establishment inspector for the 2022 summer season, as well as an assistant to undertake the very time-consuming task of digitizing BOH septic and well files in the first half of 2022 at no additional cost to the town, and considerable benefit to the Board.

The Board asked Marina Lent to look into mechanisms for implementing this model and to report to the first meeting of the Board in January 2022.