



TOWN OF TISBURY

office of

THE BOARD OF HEALTH

PO Box 666, 66 High Point Lane
Vineyard Haven, Massachusetts 02568

MEETING MINUTES – January 31, 2023 – 4:00 PM

The Board of Health met at the Tisbury Town Hall Annex, 66 High Point Lane, and virtually by Zoom, meeting ID: 894 9247 2337, Passcode: 212413, or by phone at 646-876-9923.

Commissioners in attendance were Chairman Jeff Pratt, Vice Chairman Malcolm Boyd and Dr. Michael Loberg, Clerk. Maura Valley, Health Agent, Catie Blake, Assistant Health Agent, and Valerie Soushek, Administrative Secretary, were also in attendance.

Chairman Pratt called the meeting to order at 4:00 PM.

The meeting minutes of October 11, 2022 were approved by Chairman Pratt and Commissioner Loberg. Commissioner Boyd abstained.

The meeting minutes of December 13, 2022 were approved by Commissioners Boyd and Loberg. Chairman Pratt abstained.

APPOINTMENT(S)

4:30 – Sue Zarba – additional bedroom in Lagoon Pond DCPC at 82 Skiff Avenue

Ms. Valley summarized Mr. and Mrs. Zarba's request for a waiver to the District Coastal Planning Concern (DCPC) regulations--they have a property on Skiff Avenue, the majority of which is in the DCPC, including the septic system. Under DCPC regulations, the property is limited to three bedrooms. However, the Zarba's are asking to construct a fourth bedroom in the basement.

Ms. Zarba highlighted their written appeal's main reasons and justification (attached) for an additional bedroom.

Ms. Valley clarified that according to the Nitrogen Regulations within the Watershed, only the number of bedrooms for the approved capacity is allowed. In this case, three bedrooms are permitted. Additional flow for a fourth bedroom would require upgrading to the best available

technology, a NitROE system. Therefore, even if the board approved a waiver of the DCPC regulations, the Zarbas would be required to upgrade the current MicroFAST unit to a NitROE system.

Ms. Zarba stated that they would be willing to upgrade if ordered. They considered removing a bedroom wall upstairs; however, they would lose the current closets, and the flooring is an irreplaceable custom stain (photos provided). One room is a gym, and the other is a tiny bedroom. She confirmed that the basement/first floor has an outside entrance; it meets the egress requirements and provides easier access for Mr. Zarba when needed.

Commissioner Loberg inquired if the construction would be regulation-compliant if the Zarbas increased the denitrification capacity to which Ms. Valley explained that the commissioners had not allowed such requests before and would set a precedent by approving a fourth bedroom in the DCPC. And in response to Chairman Pratt, she clarified that a deed restriction notice has only been allowed when the proposed space is not intended to be used as a bedroom, i.e., a bathroom only in a basement.

Ms. Valley suggested another option for reconfiguring the bedrooms--instead of removing two closets, closing off one of the doors, remove one closet in the wall, and make it a pass-through room, thereby eliminating the privacy factor.

Commissioner Boyd concurred that reconfiguration/reduction of the current bedrooms is necessary for approval.

As the commissioners still need to receive correct and current floor plans, they requested existing and proposed ones and postponed a decision until the next meeting on February 14, 2022.

DEP Nitrogen Sensitive Area Regulations/Tisbury Nitrogen Regulations

Ms. Valley confirmed that she sent the commissioners' letter with comments on the proposed DEP Nitrogen Regulations to the State—where they asked about a watershed-specific management plan and if that would make State funding available.

Commissioner Loberg stated that the Tisbury Select Board supports the proposed Lake Tashmoo-specific management plan for an estuary that consists of the sewer plan that the town voted on and about 400 NitROE systems. While the State has committed to developing a plan for shared estuaries, Tashmoo is mostly self-contained within Tisbury, and it, therefore, makes sense to create a mitigation plan here. Also, Wellfleet secured support for "sewering" and is the first town to obtain revolving credit for an IA system. Tisbury is exploring such options, but ultimately, additional information from the State and continued support and approval from the Select Board are needed before decisions can be made.

Landfill Monitoring

Ms. Valley contacted the State again to obtain the status of the minor modification request to reduce gas monitoring at the Tisbury Landfill. She reminded the commissioners that the State was concerned about the request because the Park and Ride electric grid wasn't constructed according to the original plan. Wright-Pierce has also reached out to the State.

In the meantime, another request was submitted for reducing the monitoring frequency of the landfill cap around the solar array. Ms. Valley provided a copy of the letter to the

commissioners. It explained that only the new solar arrays must be inspected annually per the State's recommendation.

Chairman Pratt motioned to approve the request for a reduced monitoring frequency. Commissioner Boyd seconded. A discussion followed—Commissioner Boyd restated the intent of the request—the inspection in question that Commissioner Loberg objected to for the change of inspection frequency pertains more to the land under the array, not the actual units. All commissioners voted unanimously in favor of the request.

ASSISTANT HEALTH AGENT REPORT: N/A

DWAs for Board Approval

DWA 4409 - Colin Young – Clover Hill Dr. – Approved for upgrading the tank and retrofitting with a NitROE unit for an existing dwelling on a newly subdivided lot. The current leaching field will be used.

NEW BUSINESS - None

BILLS AND PERMITS FOR APPROVAL

Chairman Pratt adjourned the meeting at 5:12 PM with no further business to conduct.

Respectfully submitted,

Valerie Soushek
Administrative Secretary

Document(s)

The Board of Health commissioners accept the meeting minutes, dated January 31, 2023, as presented.

Date: _____ Signed:  _____
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