



TOWN OF TISBURY

office of

THE BOARD OF HEALTH

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

MEETING MINUTES – April 11, 2023 – 4:00 PM

The Board of Health commissioners met at the Tisbury Town Hall Annex, 66 High Point Lane, on April 11, 2023, at 4:00 PM. The meeting was also available virtually by Zoom (meeting ID: 844 0914 6892, and passcode: 746986) or by phone at 646-876-9923.

Commissioners in attendance were Chairman Jeff Pratt (via Zoom) and Dr. Michael Loberg, Clerk. Maura Valley, Health Agent, Catie Blake, Assistant Health Agent, and Valerie Soushek, Administrative Secretary, were also in attendance.

Commissioner Boyd was absent.

Visitors: Louisa Hufstader, Vineyard Gazette, and Scott Horsley, Horsley Consulting, Mac Schilcher

Dr. Loberg acted as the Chair and called the meeting to order at 4:00 PM.

Approval of the meeting minutes for March 14, 2023, was postponed due to Commissioner Boyd's absence.

The meeting minutes for March 28, 2023, were approved as written by Commissioners Pratt and Loberg.

APPOINTMENT(S)

4:15 PM - Keith Burr re: upgrade order at 11 Pine Tree Lane / 4-F-2

The commissioners heard Mr. Burr's request to appeal the health agent's order to upgrade the marginally functioning septic system at 11 Pine Tree Lane at the time of sale/transfer.

While the system is operating near maximum capacity, may be approaching the end of its useful life, and is considered non-conforming according to the regulations, it does not meet specific Title 5 failure criteria. As such, the commissioners conditionally approved Mr. Burr's request to overturn the health agent's determination that the system be upgraded for sale and transfer, instead requiring that the marginal system have an annual Title 5 official inspection for as long as it remains in service.

Mr. Burr was informed that the Board of Health office is currently considering regulations requiring that single cesspools, overflow cesspools, and cesspools in a series be upgraded at the time of property sale/transfer, major renovation, or expansion of use. Should this regulation become effective prior to the close of property sale, Mr. Burr would be required to upgrade his system within (90) days of property transfer.

4:30 PM - Chris Alley, Schofield, Barbini & Hoehn

Re: A preliminary discussion for proposed renovations, bedroom counts, & septic upgrade at 556 Chappaquonsett Rd. / 60-A-4, a large lot on Vineyard Sound, partially in the Tashmoo Watershed. Its multiple dwellings, with a total of ten bedrooms and several with pass-throughs at a main house, guest house (converted barn), and pond house, are outside of the Watershed but within the Coastal District. The leaching pits are within the Coastal district. The main five-bedroom home is under complete renovation, and (2) cesspools are starting to fail. In preparation for the property owners' summer visit at the guest house, they would like to upgrade the septic system in (2) phases by adding tanks and pump chambers to tie into the existing (dry) leaching pits, which will be replaced with trenches in the Fall.

All agreed that the bedroom account should reflect five at the main house, four at the guest house, and one at the pond house.

Mr. Alley will submit clear plans for the commissioners' review and approval at a future meeting.

HEALTH AGENT REPORT

Targeted Wastewater Management Plan (TWMP)

The project continues to make progress. Mr. Jay Grande, Town Administrator, and Ms. Valley are planning to meet with the West Tisbury Town Administrator and acting health agent next Tuesday to discuss their involvement since they share the Tashmoo Watershed with Tisbury.

Fertilizer Regulations

The plan for 2023, which has already been approved by Edgartown and Chilmark, is to be more diligent with enforcing the regulations--

Fertilizer applicators who have previously been licensed can renew their license without taking the class as long as they attest to the following:

- I acknowledge that I have received, read, and understand the Board of Health Regulations for the Content and Application of Fertilizer for Turf on Martha's Vineyard.
- I agree to abide by the regulations and understand that I may be fined for failure to do so.
- I understand that I am responsible for providing training sufficient to ensure that those working under my license understand the regulations and that I may be held liable for violation of the regulations by those individuals.

Those who already took the class will have their \$89 course registration fee credited to their license renewal fee.

Individuals looking for their initial license will be required to take the class or work under another licensed applicator.

Homeless Encampments

A meeting was held with police, community health workers, and homeless caseworkers to plan for outreach to individuals living in tents in the woods.

Community health workers went on a drive-along with police last Thursday. A follow-up meeting is planned for this week. In addition, care packages and information on available social services will be assembled for distribution to the campers.

Low-Income Guidelines

Ms. Valley provided the commissioners with a worksheet comparing Tisbury's income guidelines for the septic upgrade loan program and financial hardship for Nitrogen regulations with other Dukes County low-income programs for review and updating.

Current guidelines for our septic loan/financial hardship program

Household size	1 person	2 persons	3 persons	4 persons	5 persons	6 persons
LOW	36,360	41,500	46,700	51,900	56,000	60,200
MODERATE	48,480	55,360	62,320	69,200	74,700	80,200

Current Dukes County income guidelines

Household size	1 person	2 persons	3 persons	4 persons	5 persons	6 persons
VERY LOW (50%)	43,050	49,200	55,350	61,500	66,450	71,350
LOW (80%)	66,250	75,700	85,150	94,600	102,200	109,750

The commissioners voted unanimously to update Tisbury's Board of Health income guidelines to align with Dukes County.

Overflow cesspool upgrade regulations

Ms. Valley presented a slightly modified version of the revised regulations proposed on March 14, 2023, adding single cesspools to simplify the current regulations for all cesspools--

"Single cesspools, overflow cesspools, and cesspools in a series are considered non-conforming systems with high potential of collapse which may pose a significant safety hazard and must be upgraded at the time of property transfer, major renovation or expansion of use."

The commissioners agreed that a public hearing should be scheduled. Ms. Valley will poll the commissioners when Commissioner Boyd is available to establish a date before advertising.

Next meeting—due to Town Meeting on April 25 and the Town elections on May 9, the next BOH meeting will be held on May 2.

ASSISTANT HEALTH AGENT UPDATE

General Updates

Ms. Blake has been working with West Tisbury's acting health agent to assist with training. She has also been working with the new executive director at Camp Jabberwocky in preparation for the summer camp season. In addition, cookie and ice cream shops have been proposed at La Choza and near The Toy Box, respectively.

DWAs FOR BOARD APPROVAL

4425 - Jeremiah McCarthy - 199 Greenwood Avenue / 26-D-26, a four-bedroom dwelling in the Tashmoo Watershed requiring an emergency upgrade to a NitROE system.

One variance is requested for the depth to the top of the leaching from 3 to 5 feet due to the elevations of the lot. The back end of the septic will be deeper, but (2) vent pipes have been proposed as a resolution.

Approved - Chairman Pratt motioned, Commissioner Loberg seconded the motion, and both commissioners voted in favor of the proposed plan.

NEW BUSINESS

Rabies Vaccination Waiver – “Pearl” Schellhammer at 14 John Hoft Road – Approved.

BILLS AND PERMITS FOR APPROVAL

With no further business to conduct, the meeting was adjourned at 5:15 PM.

Respectfully submitted,

Valerie Soushek
Administrative Secretary

Document(s)

The Board of Health commissioners accept the meeting minutes, dated April 11, 2023, as presented.

Date: 23 May 2023 Signed: 