



TOWN OF TISBURY

office of

THE BOARD OF HEALTH

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

MEETING MINUTES – November 16, 2021 – 4:00 PM

The Tisbury Board of Health (BOH) held a meeting on Tuesday, November 16, 2021, at 4:00 PM.

Due to ongoing efforts to prevent the spread of COVID-19, this meeting was held virtually via Zoom, ID 945 8064 5141, Passcode 972704, phone 646-876-9923.

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

Commissioner Boyd was absent.

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

The meeting minutes of October 26th, 2021 were unanimously approved as written.

APPOINTMENT(S)

4:30 PM – George Sourati & Brooks Katzen re: development of Island Cove Mini Golf site

Mr. Sourati and Mr. Katzen came before the BOH to present their wastewater proposal for a construction project consisting of 54 rental apartments with 175 bedrooms and 2,000 square feet of commercial space, which will generate 9,400 gallons/day (gpd) of wastewater. Forty-five bedrooms with 4,950 gpd will be served by an on-site denitrifying sewage disposal system and 4,450 gpd are proposed to be connected to Tisbury's municipal sewer system.

Upon inquiry by the BOH, Mr. Alex Elvin from Martha's Vineyard Commission explained that they are allowing Town approval of the subject wastewater plans prior to the Commission's decision. The referring body's permits will be put on hold until the MVC decides.

After some discussion, it was explained to the presenters that the plan does not meet Title 5 regulations. The regulations were provided with the most applicable justification points highlighted (see below). Therefore, the commissioners cannot approve the plan.

310 CMR 15.004(3) states that no new system shall be constructed, and no system shall be upgraded or expanded, if it is feasible to connect the facility, or any portion of the facility for which system approval is sought, to a sanitary sewer, except in the following circumstances and particularly to promote recharge of stressed basins, improve low stream flow, or address other local water resource needs:

(a) the system is an alternative system approved for use pursuant to 310 CMR 15.280 through 15.288 and the Department has made the determination that any person using such alternative system need not connect the facility to such sanitary sewer;

(b) the system fully complies with 310 CMR 15.000 and does not require:

1. a local upgrade approval, unless issued pursuant to 310 CMR 15.405(1)(a) or (b); or
2. a variance; or
3. the owner of an existing system has obtained a variance from this requirement pursuant to 310 CMR 15.410 through 15.415

310 CMR 15.410

1) Variances shall be granted only when, in the opinion of the Approving Authority:

- (a) The person requesting a variance has established that enforcement of the provision of 310 CMR 15.000 from which a variance is sought would be manifestly unjust, considering all the relevant facts and circumstances of the individual case; and
- (b) The person requesting a variance has established that a level of environmental protection that is at least equivalent to that provided under 310 CMR 15.000 can be achieved without strict application of the provision of 310 CMR 15.000 from which a variance is sought.

2) With regard to variances for new construction, enforcement of the provision from which a variance is sought must be shown to deprive the applicant of substantially all beneficial use of the subject property in order to be manifestly unjust.

Additional areas where the proposal does not meet Title V standards:

The NitROE provisional approval letter grants approval for installations with design flows of less than 2,000 gpd, does not allow for installation where sewer hookup is available and requires that the system be abandoned and the property tie into the sewer if hookup becomes available.

From the NitROE DEP approval letter:

The specific goal of the Performance Evaluation is to determine if the Technology is capable of consistently meeting the concentration limits for total nitrogen (TN) of less than 11 milligrams per liter (mg/L) for installations with design flows less than 2,000 GPD in the effluent discharged to the soil absorption system. In areas subject to nitrogen loading limitations, increases in the discharge rate per acre may be allowed when the nitrogen concentration discharged to the soil is reduced.

If it is feasible to connect a new or existing facility to the sewer, the Designer shall not propose an Alternative System to serve the facility and the facility Owner shall not install or use an Alternative System. When a sanitary sewer connection becomes feasible after an Alternative System has been installed, the System Owner shall connect the facility served by the System to the sewer within 60 days

of such feasibility and the System shall be abandoned in compliance with 310 CMR 15.354, unless a later time is allowed in writing by the Department or the Local Approving Authority.

Additionally, Ms. Valley and Mr. Jared Meader stated that under Title 5 the wastewater flow for a property cannot be split between an onsite and a sewer system.

As such, the application package was withdrawn by Mr. Katzen until further notice.

HEALTH AGENT REPORT

- **COVID update**

Ms. Valley reported that the case numbers are ticking back up with sixteen cases last week and six so far this week. The vaccination bus will be on-island Saturday and Sunday for kids and school staff only. And the hospital continues to offer vaccination appointments for boosters and kids.

- **Public Health Excellence Grant update**

Two of the three open positions have been filled – the Community Health Specialist has started, the Biologist begins next month, and there is no update on the Inspector position.

The Boards of Health received a contact tracing grant which will provide \$150,000/year for two years to pay for tracing efforts in place of the State's contact tracing collaborative, which the Island has not used.

- **Nitrogen regulations public hearing process**

The public hearing will be held on Tuesday, December 7, 2021. The commissioners voted to hold the meeting via ZOOM at 6 PM.

- **CWMP draft needs assessment**

Ms. Valley reported that she informed Mr. Meader and Mr. Bob Rafferty that the figures for Tisbury showing the test results, number, and type of advanced treatment systems from Barnstable County weren't accurate. She is in the process of developing a report with this information for them and will have the data added to Barnstable's system. They also discussed the importance of working collaboratively with the BOH and Wastewater departments as a group.

As an update to the West Spring Street drainage issue—a handheld device is available for testing ammonia, surfactants, and chlorine. In addition, Wastewater can test for fecal matter. A plan will be devised to conduct informal testing to narrow down the area at issue. At that point, samples will be collected for official testing at the Aquinnah lab in preparation for eventual DNA testing at the University of New Hampshire.

Commissioner Boyd joined the meeting.

- Holiday meeting schedule

Ms. Valley reminded the commissioners of the following dates.

The public hearing is scheduled for December 7. The regularly scheduled meetings are on December 14 and 28. The commissioners agreed to finalize the schedule on December 7.

ASSISTANT HEALTH AGENT UPDATE

- General updates

Ms. Blake is getting back to B+B and restaurant inspections. The Fall Prevention Class is going well, with 15-30 attendees twice per week.

Annual licensing on Opengov is still a learning process for the BOH and end-users, but Ms. Blake is confident that it will get easier with continued use.

DWA FOR BOARD APPROVAL

4340 Ronald Tolin / Weaver Lane / 13-B-2.3 – Approved.

BILLS AND PERMITS FOR APPROVAL

Martha's Vineyard times / advertising / \$168.75

Valerie Soushek / postage / \$208.80

Wampanoag Environmental Laboratory / water testing / \$70.00

With no further business to conduct, the commissioners adjourned at 5:04 PM.

Respectfully submitted,

Valerie Soushek
Administrative Secretary

Document(s)

The Board of Health commissioners accept the meeting minutes, dated November 16, 2021, as presented.

Date: _____ Signed:  _____

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