

TOWN OF TISBURY

office of

THE BOARD OF HEALTH

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MEETING MINUTES - March 22, 2022 - 4:00 PM

Due to ongoing efforts to prevent the spread of COVID-19, this meeting will be held virtually.

To join Zoom meeting, enter: ID: 943 5570 6142, and Passcode: 527594.

To join the meeting by phone, call 646-876-9923.

MEETING MINUTES

- March 8, 2022 – Approved

APPOINTMENTS

4:15 PM Peter Rosbeck / 129 Hines Point / 11-A-42
re: half bath in basement

A previous plan for finishing the basement at 129 Hines Point, located in the DCPC, Lagoon Pond watershed, and coastal district, with a full bath was denied approximately one year ago. The minutes from that meeting and the denied plan were provided. Mr. Rosbeck has submitted new proposed plans with a half bath off a hallway, media and powder rooms, and a baseball and golf simulator with a mechanical closet. The basement will be used as an open rec area in general. A half bath is necessary for a family member.

The commissioners voted to approve Mr. Rosbeck's plan as presented with no change of control given its location within the DCPC, Lagoon Pond watershed, and coastal district. As such, it is strictly limited to four bedrooms.

4:30 PM Anna Edey – Solvia Bio-Carbon Wastewater Filter (Powerpoint presentation attached)

Ms. Edey came before the commissioners and members of the community to present her alternative septic system design, the Solvia Bio-Carbon Wastewater Filter. Ms. Edey followed her presentation as written.

Ms. Edey began by maintaining that Title 5 is illegal, and the local BOH has the authority to allow her to install an alternative system as they can require rules stricter than Title 5. However, under 310 CMR 15.000 Title 5, the BOH does not have the authority to approve the installation of the system without MassDEP approval; the Title 5 definition for approving authority, the Department (MassDEP), not the local Board of Health, is the approving authority for alternative

systems proposed for remedial, pilot, provisional or general use approval. Once the DEP approves an alternative plan for provisional or general use, the local BOH has the authority to approve the installation of the system.

Ms. Edey reviewed a standard Title 5 septic system and explained why and how such systems violate State law. According to her proposal, the Solviva BiCarbon Filter retrofit can reduce Nitrogen by 95% at less than \$10,000.

The commissioners welcomed Ms. Edey's innovation. They explained the process taken to get the NitROE system funded and approved. Permits for pilot and provisional permits issued at the State level are required for the local BOH office to work with such alternative systems; they cannot bypass current Title 5 regulations.

Chairman Loberg volunteered to assist Ms. Edey offline and asked to continue the conversation of using Mass Tech for testing the system and look for possible grant monies available. In addition, he recommended that Ms. Edey contact Conservation Law Foundation about her interest in pursuing a lawsuit against the DEP.

HEALTH AGENT REPORT

- COVID update

COVID case numbers are increasing, but the Town is still in the low-risk category according to CDC metrics. If we included over-the-counter (OTC) positive cases, we would be in the medium-risk category, so individuals at high risk for extreme illness are advised to contact their healthcare provider to determine if they should mask up or take other precautions.

The Test MV site will close at the end of Thursday, March 31st, and Martha's Vineyard Hospital (MVH) will conduct all PCR testing on the island.

- PFAS

Mr. Adam Turner, Martha's Vineyard Commission (MVC), reported that MVC would begin testing wastewater from septic systems for PFAS to determine if any issues need to be addressed. However, he did not give a timeframe for testing to commence.

- I/A technology funding

Mr. Adam Turner, MVC, reported to the health agents on the ARPA funding through the County. He is currently working out the details and will share further information once available.

- Cyanobacteria monitoring

The Great Pond Foundation has a cyanobacteria monitoring program that the Town can join for \$2,500 per season, or we can avail ourselves of their testing on a per-sample basis at \$75 each plus a \$200 deposit on the testing equipment. Ms. Valley would like to speak to Ms. Sheri Caseau, MVC, to determine what testing they are planning before recommending participation.

- Kuehn's Way groundwater monitoring

There are concerns about the recent results report. Mr. Derrill Bazy, Island Housing Trust (IHT), has been contacted--monitoring well 8 showed high test results at 6.6 last June, but the well wasn't tested this round. According to Mr. Bazy, the well was covered by a pile of loam during construction, and it was overlooked. Mr. Bazy will contact Bennett Environmental to have it tested. The other high count

was at well 4, across from the farm. It consistently tests high. Additionally, as wells 2A and 2B are beside each other, IHT will be sampling at 2B in the future. Ms. Valley will provide an update on the testing of monitoring well 8 at a future meeting.

- **Marginal septic inspection – 133 Franklin Terrace / 26-D-36.5**

Due to no sign of hydraulic failure, the septic system serving the subject watershed property recently passed a Title 5 inspection for sale/transfer by Mr. Doug Cooper. However, the system is operating at approximately 85% capacity with only one occupant and may not be able to process any significant increase in flow if a family of four, for example, purchases the home. Ms. Valley recommended ordering an upgrade of the system even though it passed Mr. Cooper's recent inspection.

The commissioners accepted Ms. Valley's recommendation and voted to order a septic system upgrade upon sale/transfer of the property.

ASSISTANT HEALTH AGENT UPDATE

- **General updates**

Ms. Blake reported that she has been assisting with food service inspections in Oak Bluffs as their BOH office is shorthanded. Camp inspections are gearing up.

She confirmed for Commissioner Pratt that Grace Church could move from plastic to paperboard containers for serving their lobster rolls for sale as long as the containers are filled as ordered, not in advance.

DWA FOR BOARD APPROVAL

4361 Island Grown Initiative / 80 & 104 Stoney Hill Rd. / 45-A-1 – Per Mr. Chris Alley, Schofield, Barbini & Hoehn, the pump chamber was resized from a flow of 2500 to 2000 gallons based on IGI's desire for more dosing with less volume. The commisisoners voted unanimously to approve the proposed plan with the pump chamber change.

4366 Patrick Healey/36 Skiff Ave/12-A-4 – Approved for a NitROE system to upgrade a failed system for sale/transfer in the Lagoon Pond Watershed.

BILLS AND PERMITS FOR APPROVAL


With no further business to conduct, the commissioners adjourned at 5:12 PM.

Respectfully submitted,

Valerie Soushek
Administrative Secretary

Document(s)

The Board of Health commissioners accept the meeting minutes, dated March 22, 2022, as presented.

Date: _____ Signed:  _____
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