



## **TOWN OF TISBURY**

*office of*

### **THE BOARD OF HEALTH**

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

#### **MEETING MINUTES – September 27, 2022 – 4:00 PM**

Due to ongoing efforts to prevent the spread of COVID-19, this meeting was held virtually by Zoom, meeting ID: 875 6802 1612, Passcode: 232348; and phone at 646-876-9923.

Commissioners in attendance were 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.

The meeting was called to order by Commissioner Boyd at 4:00 PM.

The meeting minutes for September 13, 2022, were approved as written by Commissioners Boyd and Loberg.

Commissioner Pratt joined the meeting at 4:08 PM and assumed his position as the chairman.

#### **APPOINTMENT(S):**

4:15 PM - Amelia Hambrecht

Re: Accessory structure on the property at 187 Lagoon Pond Road

The goal of this meeting is to offer a couple of credible options for Ms. Hambrecht to move a historic dwelling to her property at 187 Lagoon Pond Road, given the environmentally sensitive location. According to the Board of Health Coastal District and DCPC regulations, the property is limited to the existing (5) bedrooms, even if it is subdivided, which is not preferred by Ms. Hambrecht.

The DCPC regulations limit property owners to (1) bedroom per 15,000 square feet of land area, and properties are limited to (3) bedrooms per 40,000 square feet of land in the Coastal District and (1)

septic system per parcel. In either case, Ms. Hambrecht is at her lot's maximum bedroom capacity. Therefore, more than composting toilets and a shared neighborhood system would be needed.

Ms. Valley recently conducted a site visit of the (2) structures to review potential bedroom reductions/combinations with Ms. Hambrecht without subdividing the lot. The new structure could easily be reduced to (2) bedrooms, but such reductions will be problematic in the existing dwelling.

Ms. Hambrecht confirmed there's no way to reduce/combine the upstairs bedroom count.

There are (2) potential bedrooms on the first floor that are not being used as bedrooms. The first room is set up as a TV room of sorts. It has a 4' wide doorframe with glass doors and laundry in the closet. The opening cannot be extended as there is a flue on one side and a bathroom on the other. The second room is 85 square feet and is used as a study/office. Although the room is very small, it exceeds the 70 square feet that the BOH uses as the minimum size for a bedroom. Ms. Valley suggested closing off the study's access and opening the TV room's access through the closet, so it becomes a pass-through and won't be a potential bedroom. The total bedroom count would still include the study, not the TV room.

Ms. Hambrecht needed help finding a way to reduce/combine the upstairs bedroom count. Therefore, Chairman Pratt suggested reconvening on October 11th at 4 PM after further reviews have been conducted by Ms. Valley and Ms. Hambrecht's contractor and architect.

4:30 PM - Eugeno & Marilyn Lohrs – 13-B-4.22 & 4.25

Re: Public hearing for disposal works application

Abutter notifications were not required but were sent out via certified mail for a variance to the BOH Coastal District Regulations, reducing the separation between the proposed and abutting septic systems from 200 to 121 and 157 feet. Otherwise, the system meets all other regulations. The project includes the new construction of a 3-bedroom dwelling on Weaver Lane, therefore, new Nitrogen close to Lagoon Pond, and it requires Conservation Commission approval for the separation from wetlands.

No abutters were present.

Commissioners Pratt and Loberg approved the proposed plan. Commissioner Boyd was not present for the vote.

## HEALTH AGENT REPORT

Mask advisory vote –

To keep requirements consistent island-wide, Ms. Valley recommended a commissioner vote to rescind the mask advisory. Oak Bluffs has already done so, and the other towns plan to repeal it if they have not already. – Approved.

NitROE Pilot Program end date –

John Smith would like to assume testing and monitoring of the (10) pilot systems effective January 1st. The current schedule for completing the 5-year testing agreement is as follows:

- September 2022 – all 10 systems need to be tested
- December 2022 – 8 systems
- March 2023 – 7 systems
- June 2023 – 4 systems
- September 2023 – 2 systems

So as not to incur any additional costs for the property owners, the commissioners voted to maintain the current schedule until the 5-year testing agreement is satisfied, at which point, each property will be handed over by attrition to KleanTu. In the meantime, Ms. Valley asked Mr. Smith to conduct the September testing and charge to the BOH. However, the identification of future funding needs to be championed by the BOH as a budget is required for the training costs, and the Board of Selectmen signed the contract.

State Nitrogen Regulations update –

State officials met with the island health agents and confirmed that, although they're moving forward with changes to the regulations, their initial focus will be on Cape Cod. Once the new rules are promulgated, the Cape will immediately be required to begin enforcement. Martha's Vineyard and Nantucket will be addressed later when the DEP reviews TMDLs and nitrogen-sensitive areas. Once those areas are designated, the time clock will start for the islands. In the meantime, Ms. Valley is going to attempt to schedule a meeting with the State representatives and Commissioner Loberg.

ARPA Wastewater Funding –

Adam Turner and County Commissioners' representatives met with the health agents to work out the process for the distribution of ARPA funding for the installation of nitrogen removing septic systems. The group will be looking to develop a funding distribution strategy, which will include an income qualification criterion.

Master Plan/Vision Process update –

See attached priorities that were discussed at the meeting last week. Amendments based on feedback will be forthcoming.

### **ASSISTANT HEALTH AGENT UPDATE**

With the summer season over, Ms. Blake has been working with the year-round restaurants. Two of the (3) inspections conducted found that the restaurants did not have a person in charge due to a lack of food and alcohol safety training and certification in Portuguese. Ms. Blake was able to find a resource to conduct the certification on October 23<sup>rd</sup>. All island towns will be included in the certification efforts.

### **DWAs FOR BOARD APPROVAL**

Eugene Lohrs – Weaver Lane / 13-B-4.22 & 4.25 – Approved during 4:30 appointment.

4390 Louis Paciello – 64 Hvoslef Way / 36-A-7 – Proposal to retrofit an existing septic system with a NitROE component for a 4-bedroom house reconstruction in the Tashmoo Watershed. – Approved.

4395 Peart – Megan’s Way / 18-A-6.2 – Proposal to upgrade a failed system in the Tashmoo Watershed with a NitROE system. – Approved with discussion: Commissioner Loberg asked the Board to consider a future review of new construction projects where the nitrogen is not being fully removed, which as Chairman Pratt pointed out, could mean a revision to the current regulations.

### **BILLS AND PERMITS FOR APPROVAL**

Massachusetts Health Officers Assoc. / training / \$350

With no further business to conduct, Chairman Pratt adjourned the meeting at approximately 5:45 PM.

Respectfully submitted,

Valerie Soushek  
Administrative Secretary

Document(s)

The Board of Health commissioners accept the meeting minutes, dated September 27, 2022, as presented.

Date: 11/15/22 Signed: 