



TOWN OF TISBURY

Office of

THE BOARD OF HEALTH

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Meeting Minutes – September 12, 2017 – 4:15 PM

The Tisbury (Town) Board of Health (BOH) met on Tuesday, September 12, 2017, at the Tisbury Town Hall Annex.

Commissioners in attendance were Chairman Malcolm Boyd, Jeff Pratt, and Michael Loberg. Maura Valley, Health Agent, and Catie Fuller, Assistant Health Agent, were also in attendance

Valerie Soushek, Administrative Secretary, was absent.

Chairman Boyd presided and called the meeting to order at 4:15 PM.

Minutes

The commissioners reviewed and approved the minutes of August 8, 2017, noting minor corrections.

Appointment(s):

4:15P George Sourati Du Toit / 75 Kuffies Point Way / 58-C-1

Mr. Sourati presented proposed plans for an advanced treatment (FAST) septic system to be located at 75 Kuffies Point Way on Lake Tashmoo, a 2 acre parcel for a design of seven (7), and four (4) actual, bedrooms.

Ms. Valley confirmed that site visits and percolation testing had been completed, but a variance to the Town's Coastal District Regulations, Section 09.9.7(6), is being requested: *to reduce the required distance from the proposed septic system to a neighboring septic system at parcel 58-B-2, from 200' to 180'.*

Mr. Sourati confirmed that the plans meet the required distance from all abutting wells, to which Ms. Valley added: as this is not a request for a sideline variance, there is no requirement to notify abutters.

Commissioner Pratt motioned to approve, Commissioner Loberg seconded, and all commissioners voted in favor of the motion to approve the requested variance.

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Health Agent Operational Updates

NitROE Pilot Program

Ms. Valley reported that the first submission of two (2) applications was sent to the Massachusetts Department of Environmental Protection on September 8, 2017; the applications will take 3-4 weeks for approval;

Ms. Valley confirmed to the commissioners: the BOH will be responsible for collecting samples for testing of Nitrogen levels in two (2) places, once at the start, and once at the end, of the sewage disposal process.

Ms. Valley also recommended a future discussion for announcing and establishing updated regulations for the NitROE program to the general public once more data are available.

Advanced treatment sewage disposal regulations for construction of a warehouse and workshop in the Lake Tashmoo watershed, parcel 22-A-4.3, estimated to have a very low flow rate

Ms. Valley recalled a prior meeting on August 8, 2017, when the commissioners asked her to consult with Attorney Joan Malkin for clarification on the regulations for replacing an existing septic system with an advanced treatment unit when the current structure is razed, to which Ms. Malkin confirmed that if the system is functioning properly and has adequate capacity for the number of bedrooms, there is no requirement to upgrade.

Regulations for proposed construction in a watershed with a very low sewage flow rate (follow-up discussion from BOH meeting on August 8, 2017)

Ms. Malkin confirmed to Ms. Valley that requests for variances to Tisbury's BOH regulations can be approved or denied at the commissioners' discretion.

Ms. Valley also consulted with Mr. George Heufelder, who advised against setting a precedent by approving such requests and recommended the installation of a composting toilet instead.

IHT Legal Appeal by Abutters

Ms. Valley reported that David Waterfall, Esq., has submitted a letter to the court confirming his representation on behalf of the Town. Ms. Valley has scanned and forwarded the meeting minutes and supporting documentation from the hearing and approval process to Mr. Waterfall, who must respond to the court within 90 days of the date of the complaint.

Eversource spraying

Ms. Valley reported that the (state) pesticide board denied a request from Attorney Bruce Taub on behalf of the towns of Brewster, Orleans, and Eastham, for a moratorium for spraying at the power lines and that spraying could occur during the period of September 25 thru December 31, 2017.

Ms. Valley has been invited to represent the Town on POCCA (Protect Our Cape Cod Aquifer) an advocacy group that has been protesting the Eversource 5-year maintenance plan.

Commissioner Loberg recommended and motioned for Ms. Valley to send a certified letter, with a returned receipt, to Eversource requiring them to notify all abutters of when to avoid the sprayed areas and when it is safe to re-access their property, to which Commissioner Pratt seconded and all approved.

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Commissioner Loberg motioned for Ms. Valley to represent the Town on POCCA; Chairman Boyd seconded the motion and all voted in favor of Ms. Valley's participation.

Commissioner Pratt motioned for Ms. Valley to issue a cease and desist order to Eversource if they do not extend 48 hours advance notification of spraying to abutters; Commissioner Loberg seconded the motion and all voted in favor, with a discussion point: Ms. Valley should discuss enforcement requirements with Town Administrator, Jay Grande, and Police Chief, Dan Hanavan.

Assistant Health Agent Report

Ms. Fuller provided updates on the development of a fitness, wellness and falls prevention program, in partnership with Joyce and Sandy at the Tisbury Council on Aging; Ms. Fuller is in the process of drafting a flyer as a handout and for advertising in the local paper(s), at the hospital, on Facebook, etc.

Old Business: N/A

DWAs approved by the BOH

4062 Carter Hakala 7 Leland Avenue / 27-A-3
4064 Robert Kinnecom Briarwood Lane / 36-A-29

DWAs approved for NitROE Pilot

4032 Florin Gafencu Harding Street / 12-G-8.1
4053 Brandon Smith 8 West Tashmoo Ave. / 36-A-17.1

Payables and Permits for Approval

MHOA (dues for M. Valley) \$310
MHOA (dues for C. Fuller) \$310
VNA/Cape Cod (public health services) \$763.75
Wampanoag Environmental Lab (water testing) \$550.00

Commissioner Loberg motioned to adjourn the meeting at 5:17 PM; the motion was seconded by Commissioner Pratt; all commissioners voted in favor.

Respectfully submitted,

Valerie Soushek

Document(s)

The Board of Health accepts the meeting minutes, dated September 12, 2017, as presented.

Date: 10 Oct 2017

Signed: _____