



TOWN OF TISBURY

office of

THE BOARD OF HEALTH

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MEETING MINUTES – February 23, 2021 – 4:00 PM

The Tisbury Board of Health (BOH) held a meeting on Tuesday, February 23, 2021, at 4:00 PM.

Due to ongoing efforts to prevent the spread of COVID-19, the meeting was held virtually via Zoom -- Meeting ID: 932 2800 7043; Passcode: 311101

Chairman Boyd called the meeting to order at 4:01 PM.

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

MEETING MINUTES

The meeting minutes from January 12, 2021, were approved as written.

APPOINTMENTS

4:30 Doug Cooper re: proposed septic plan for 28 Fairfield Ave. / 5-D-4

Ms. Valley reported that the proposed septic plan for 28 Fairfield Avenue requires property line variances. The abutters were notified in writing.

With such a flat lot, Mr. Doug Cooper explained that the proposed system is just 5' from the property line to maintain a 20' distance from the foundation to the leaching field. Spot elevations, as opposed to topographic, were used for this reason. He confirmed a tiny three-bedroom dwelling with three-bedroom septic and has notified the property owners that they

cannot add any bedrooms. They would, however, like to expand their kitchen and living room in the future.

(Chairman Boyd's Zoom connection failed).

The commissioners voted to approved Mr. Cooper's septic plan for 28 Fairfield Avenue.

4:45 Brook Katzen re: proposed development at 386 State Road

Messrs. John Smith, Brook Katzen, and George Sourati were present to discuss preliminary development and wastewater management plans at 386 State Road.

Mr. Katzen proposes constructing a rental housing (40B) project at 386 State Road, the Island Cove Miniature Golf site. He is preparing to submit applications to the Zoning Board of Appeals (ZBA) in the next couple of weeks. The ZBA will refer the plans to Martha's Vineyard Commission (MVC) as "a development of regional impact." It will take 6-8 months with the Commission working toward project approval, after which Mr. Katzen will come before the BOH commissioners for approval of the wastewater management proposal.

The overall program for the building requires 9,400 gallons per day (g.p.d.) of wastewater handling. The plan is to handle as much of that as possible on-site with a KleanTu NitROE system, using all available land areas for a leaching field. There is enough area to process 6,100 g.p.d. or about two-thirds of the building's total load. They will be requesting a waiver from the BOH for the reserve area requirement. The remaining 3,300 g.p.d. will be processed by the municipal sewer system once constructed along State Road. The property currently has a sewer allocation of 600 g.p.d. based on the current septic system usage. Mr. Katzen will be requesting an additional 2,700 gallons from the sewer board. The design is a hybrid system where the wastewater will be divided between the NitROE and municipal sewer systems.

Mr. Katzen stated that he has spoken to the Tisbury Wastewater Superintendent, Mr. Jared Meader, mainly to discuss the schedule for construction to increase the treatment plant's capacity and laying the pipe along State Road and up Highpoint Lane. Mr. Meader told him that the schedule is about 18 months out for completion, which coincides with the completion of Mr. Katzen's project. If the Town's project is delayed, Mr. Katzen would be willing to install a portion of the sewer line from the front of 386 State Road to Highpoint Lane, up Highpoint to the proposed pumping station near Cape Cod 5. He has yet to discuss the additional flow of 2700 g.p.d. with Mr. Meader. However, his understanding is that some preference may be given to affordable housing projects seeking a greater allocation.

According to Ms. Valley, Title 5 states explicitly that no wastewater system shall be installed or expanded if it's feasible to connect to a municipal wastewater system.

Mr. Sourati stated that they still need to investigate splitting the wastewater management between septic and sewer with the State. It may be necessary to request an additional variance.

Mr. Katzen described the project as a 3-story building with 54 units comprised of 70 bedrooms and 2,000 square feet of commercial space. Approximately 20% of the units will be affordable housing; they will be offered as 12-month leases at a minimum. Short-term rentals and sub-leasing will not be permitted. The entire building will be reserved for the year-round workforce on the Island. The commercial space, and approximately 15 apartments, will be connected to the sewer district (if approved by the sewer board).

Ms. Valley confirmed that the only other property with a split wastewater management system is at the Tisbury School. This was allowed due to plans to renovate or rebuild.

Mr. Smith clarified the abbreviations on the plan—

EST = enhanced settling tank – it's the same volume with flow distribution walls to enhance anaerobic degradation of the solids in the organics

SAC = submerged aeration chamber – where additional organics are polished and the conversion of ammonia to nitrate occurs

DC = denitrification chamber

HEALTH AGENT REPORT

- COVID 19 updates

After a few days of no new cases, Ms. Valley reported nine new cases today, one from the school and eight from the hospital.

She stated there had been some confusion between CDC and State guidance. The CDC has said that fully vaccinated people do not need to quarantine if they're a close contact. The State guidance requires such cases to quarantine so they may adopt the CDC's guidelines.

The Island reported on a case of a fully vaccinated patient who checked into Martha's Vineyard Hospital for an unrelated matter and tested positive as part of the hospital's protocol for checking in new patients.

MVH opened the vaccination schedule on Saturday, February 20th, to ages 65+ and people with two or more co-morbidities. They were able to schedule 1,200 appointments in an hour before they ran out of available positions. Additional vaccines will be available for the same priority group to schedule appointments on Saturday, February 27th. As of yesterday, February 22nd, MVH administered 3,028-first and 1,097-second vaccines. There are an estimated 5,000 Island

residents in the current priority group. Registering due to co-morbidities is on the honor system.

Ms. Valley confirmed that the contact tracing team is tracking side effects, including cardiovascular in nature. Diabetes is not considered a co-morbidity, the reason for which is unknown. There have been challenges due to user error, not system issues, for scheduling vaccinations. The State will open the schedule to the following priority group when they believe they've captured enough of the current group. Teachers and essential workers are the next group.

- Finished basement at 129 Hines Point

Ms. Maura Valley provided the commissioners with a copy of a finished basement plan at 129 Hines Point and an email from Mr. Chuck Sullivan requesting the commissioners' approval with a deed restriction.

Ms. Valley summarized the project and property details with the following points for their consideration--

The dwelling has four bedrooms upstairs with a (proposed) four-bedroom at-capacity septic system.

The proposed basement plan includes a game room, bar, theater, bathroom with a sauna, and an exercise room.

The property's location is on Lagoon Pond in the Coastal District and District of Coastal Planning Concern.

According to current regulations and given the lot size, only three bedrooms would be allowed given the property's location.

As she explained to Mr. Sullivan, a basement bathroom is considered a bedroom, and there must be adequate septic capacity available, of which there is none.

The commissioners voted to deny the proposal, stating that there is too much area that could be converted to a bedroom with a bathroom, and given the property's location in a sensitive coastal area.

- Island Elderly Housing drainage pit

Ms. Valley reported that she had received a request from Mr. Kirk Metell, Department of Public Works director. The swale for collecting road and lawn runoff at Island Elderly Housing isn't draining due to incorrect engineering. The Town wants to pump out the area to resolve the issue once and for all. In other words, they don't want to drain it and let it fill again. They have requested to use the Town burrow pit to discharge the contents. The commissioners asked

them to test the water for lead, petrochemicals, hydrocarbons, for instance, and report the results back to a future BOH meeting for a decision.

ASSISTANT HEALTH AGENT REPORT

- Falls Prevention Coalition

Ms. Blake reported that she had resumed her attendance on the Falls Prevention Coalition, which Cindy Trisch heads, now. There are also many new members. There is now a program for home improvements/ adjustments in just a short period, such as installing grab rails, wheelchair ramps, and electrical repairs. Twelve residents have benefitted from the service to date, and the coalition is ready for others to sign-up. There is no charge to participate in the program. A similar program is being developed for Island businesses.

Ms. Blake talked to Joyce at the Senior Center about resuming the Functional Fitness and Fall Prevention class. Once the weather improves, a canopy will be installed in the parking lot so that everyone is outside. Participants will be socially distanced, wearing masks, and vaccinated.

- Food Trucks

There is still interest in food truck parking as an alternative to restaurant service during COVID times; however, the decision still lies with the Board of Selectman.

NEW BUSINESS

- Jay's Septic

Mr. Jay Araujo has not been pulling permits consistently. Property owners contacted our office to say that the BOH-ordered pump-outs had been completed. Mr. Araujo confirmed that he had done the work and added a couple of more to the list. Ms. Valley recommended that another hearing be scheduled to determine a path forward, including ramifications, for Mr. Araujo's offenses. Ms. Valley will investigate the process of Jay posting a bond in the meantime. A hearing will be scheduled for March 9th.

Rabies Vaccine Waivers

- Hula Williams (new request) - Approved
- Hazel Zablony (renewal) - Approved

OLD BUSINESS

- Nitrogen regulations

Ms. Valley reported that the Oak Bluffs Board of Health would like to meet next Thursday, March 4th, at 2 PM to discuss the joint effort for managing on-site septic systems in the (shared) Lagoon Pond Watershed.

The commissioners confirmed their availability to meet.

DISPOSAL WORKS APPLICATIONS

DWA 4305 Dorothy Drozdyk Life Estate / 28 Fairfield Ave. / 5-D-4 – Approved.

With no further business to conduct, the Board of Health commissioners adjourned at 5:20 PM.

Respectfully submitted,

Valerie Soushek
Administrative Secretary

Document(s)

The Board of Health commissioners accept the meeting minutes, dated February 23, 2021, as presented.

Date: _____

Signed: _____

DocuSigned by:

Malcolm Boyd

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