



TOWN OF TISBURY

Office of

THE BOARD OF HEALTH

PO Box 666, 66 High Point Lane

Vineyard Haven, Massachusetts 02568

Telephone (508) 696-4290

Fax (508) 696-7341

Meeting Minutes – May 4, 2017

The Tisbury (Town) Board of Health (BOH) met on Thursday, May 4, 2017, at the Tisbury Emergency Services Facility.

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

Chairman Pratt presided and called the meeting to order at 10:03 AM.

Introduction of speakers, included:

Board of Health Commissioners and Staff

Dennis Murphy, Esq., and Scott Horsley, consulting hydrologist, represented the Abutters.

Four (4) representatives for Island Housing Trust (IHT) were in attendance.

Minutes

Approval of the meeting minutes for April 11, 2017 was deferred until the next meeting on May 16, 2017.

Health Agent Operational Updates

Pilot Septic Program

Ms. Valley announced that the Town received the grant for piloting 10 – 15 advanced treatment septic systems in the Lake Tashmoo and Lagoon Pond watersheds. The pilot systems are expected to reduce nitrogen discharge rates to less than 5 mg/l. Commissioner Loberg concurred with Ms. Valley's update and added that the participation fee will be just \$500 and the hope is to generate 35-50 provisional studies after the pilot phase. He continued by saying that if the program goals are achieved the Town could submit an application for general use, which would be a first in the Commonwealth. Once Ms. Valley and Mr. Smith identify pilot sites, the applications will route through the BOH Commissioners for approval and then on to the State with a \$500 payment.

Proposed Septic Plan for Kuehn's Way

Ms. Valley opened the discussion with a brief summary of the previous meeting stating that it had been closed for additional public discussion but that additional data would be allowed. She confirmed that additional data and reports had been presented by Island Housing Trust and the Abutters for the current meeting and then segued to Mr. Derrill Bazy's presentation.

Mr. Derrill Bazy, Project Manager, IHT, spoke to the following points:

- He confirmed that non-operational changes had been made to their septic plan: the leaching field (GPC bottomless filters) was reshaped and reoriented with the groundwater flow to provide less concentrated dispersal rates, and the reserve area was moved to sit behind the rear quad to address

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the Abutters' concerns with the previous location being substantially closer to downgradient residences if it was ever used.

- Mr. Bazy also spoke to Exhibit B of Nixon Peabody's document package, dated May 2, 2017.

Commissioner Boyd requested clarity on the previous "depressed area" that was moved to the western side of the property and if it was a retired clay pit. Mr. Bazy believes it to be 1 of 2 pits and offered that the IHT is considering the possibility of routing site drainage to the "natural" sources.

Chairman Pratt affirmed the BOH's responsibility: does the Applicant's proposal meet the qualified standards for approval or not. Commissioner Loberg added that he is concerned with public health implications and is also looking for more information on the pilot system, i.e. what is being piloted. Commissioner Boyd concerned with potential further degradation of groundwater. None of the Commissioners were able to commit to having enough information to approve or disapprove the DWA at this point.

Chairman Pratt asked Ms. Valley to summarize the new data and proposed review process to which Ms. Valley responded—

- Reports received and distributed show Misters Smith and Horsley's revisions of their data models.
 - Mr. Smith resubmitted using a mass balance analysis with a discharge level of 19 mg/l
 - Mr. Horsley resubmitted his data model showing a discharge rate of 25 mg/l, which the Commonwealth allows for larger systems at 2000-10,000 gpd.
 - Island Housing Trust submitted data on groundwater flow showing how dispersed and where it flows, Figures 1/2/3 in Nixon Peabody report.
- Ms. Valley suggested that Mr. Bazy present first with a subsequent rebuttal from Mr. Horsley for the Abutters.
- Mr. Loberg asked Mr. Bazy to speak to the new model showing an increased discharge rate of 19 mg/l resulting in a lower concentration rate of 5-6 mg/l in monitoring well 3. In other words more is being discharged with a lower impact compared to IHT's presentation on 4/11/17 of 10 parts per million with a resulting impact of 8 mg/l in well 3.

Otherwise, Mr. Bazy is expecting the system to meet and exceed the reduced nitrogen discharge requirements for installation of such a system. Remediation for contamination of abutters' wells could include the installation of additional monitoring wells, drilling of deeper wells for neighbors, connection of a neighbor's well into IHT's public well system which is tested and monitored for their residents.

Commissioner Boyd inquired about the location of Chris Crawford's well in relation to the downgradient flow, to which Mr. Bazy confirmed that Mr. Crawford's well is potentially subject to the most risk; however, the well location exceeds the required distance from the proposed septic system.

Ms. Ruth Silman spoke to the multiple mitigation options proposed; however, she confirmed that it is difficult to apply one solution to all things that could go wrong. Ms. Silman stated the importance of requesting well data from the abutters to establish a baseline of the nutrient data at the start of the process.

Commissioner Loberg stated that the remedies shown in Nixon Peabody's Exhibit A, sections 2.9 and 2.10, are being implemented too late in the wastewater discharge process if there is a malfunction. He further asked that the IHT revisit the proposal to mitigate contamination at 9 mg/l. According to Ms. Valley, the State is concerned at 6 mg/l and the Town uses 5 mg/l. Additionally, due to variations in data models received from IHT and the Abutters, Commissioner Loberg requested to reserve the right to approve the location(s) of additional monitoring wells until real testing data is available from IHT and the Abutters. Commissioner Loberg also inquired of Dennis Murphy as to whether a conversation had taken place regarding obtaining nutrient data from the private wells of his constituents. Mr. Murphy confirmed that no discussion had transpired but he would make the same recommendation.

Mr. Mike McGrath confirmed testing spots within the septic system at Commissioner Loberg's request. He confirmed sample points at the inlet of the denitrification tank, pump station for total nitrogen, and under the GPC filters at existing testing ports.

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Mr. Bazy requested the addition of a peer review letter from Doug Cooper, Cooper Environmental Services, for the record.

Chairman Pratt moved Mr. Dennis Murphy who spoke to the following points from his letter to the BOH, dated May 2, 2017:

- Bioclere's performance record according to the DEP records;
- Revised mass balance calculations from Mr. Scott Horsley in his letter, dated May 1, 2017, to Hill Law; and
- Hill Law's public records request to, and response from, DEP regarding Bioclere compliance with the DEP-mandated 25 mg/l Total Nitrogen standard.

Mr. Murphy then stated his concerns with the applicant's new data when compared to the BOH's denitrification regulations, section 2, for new onsite systems employed in watershed districts. Mr. Murphy directed the Commissioners to a document provided by the IHT from the manufacturer, Aquapoint, who proposed 2 options: Bioclere and MBBR, where MBBR is shown as the superior system.

Mr. Scott Horsley spoke further to his letter, dated May 1, 2017. Additionally, he recommended the addition of monitoring wells, a minimum of 3 multilevel wells, and 5 multilevel wells would be better.

The Commissioners agreed to deliberate further before making a decision on approving or disapproving the DWA: Commissioner Loberg made the motion, Commissioner Boyd seconded, all approved, and the visitors left the meeting.

Ms. Maura Valley reminded the Commissioners that as a "40B" project, IHT's proposal meets State requirements; it is not required to meet local regulations. She also recommended seeking Town Counsel's advice for options. Commissioner Boyd moved that Ms. Valley seek legal counsel on BOH authority regarding a septic system proposed under a 40B application with a pilot component that meets all state requirements, but doesn't completely satisfy the Commissioners' concerns about potential well water contamination. The motion was seconded by Commissioner Loberg and approved by all.

Assistant Health Agent Report: N/A

Appointments: N/A

DWAs approved by the Board: N/A

4041	Myers/Famariss	298 Franklin Street / 26-B-13
4042	Kenneth Bailey	Proprietor's Way / 7-A-2.3
4043	Tashmoo Cove	Bayberry Lane / 27-A-53

Payables

The Commissioners approved payment of the following bills:
Maura Valley (travel expenses), \$89.22
Catherine Fuller (travel expenses), \$126
Sprint, \$78.49
VNA/Cape Cod, \$595
Thomson Reuters, \$162
Verizon Wireless, \$68.24

Respectfully submitted,

Valerie Soushek

Document(s)

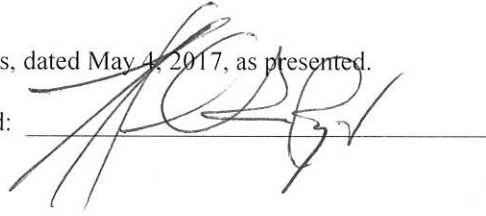
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The Board of Health accepts the meeting minutes, dated May 4, 2017, as presented.

Date:

13 June 2017

Signed:

A handwritten signature in black ink, written over a horizontal line. The signature is stylized and appears to be the name of a board member.