

TOWN OF AQUINNAH

BOARD OF HEALTH

955 State Road, Aquinnah, Massachusetts 02535
(508) 645-2309 - Fax (508) 645-7884 - E-Mail: healthagent@aquinnah-ma.gov

Minutes

Thursday, June 13rd, 2019
Aquinnah Town Hall, 6pm

Present: James Glavin, Sarah Saltonstall and Gerald Green.

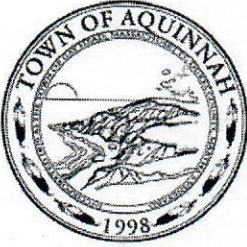
Also present: Sarah Thulin, Reid Silva, Chris Ryman, Joan Malkins, Jennifer Blum, Kate Taylor, Chris Alley (arrived late) and Phoenix Becker.

Meeting came to order at 6:02pm

New Business Items for BOH Review and Discussion

Cerick/Fitzgerald, 3 Driftwood Lane (4-46). Reid presented plans for a five-bedroom septic system upgrade for an existing house. Reid told the board that the house was built by Billy Weaver and sits on the beach and erosion has exposed the D-box. The system had previously come before the board for an emergency repair, but the owner has now chosen to do a full upgrade in preparation for tearing down the house and building a new dwelling further back on the lot. Reid stated that variances were needed for three wells on one corner of the lot and distance to the ocean on the other end, in order to get as far from the wells and ocean as possible, the system was only 9' from the lot line on one side and 7' on the other. Sarah Saltonstall asked if the neighbor Matt Haskel had responded, Reid said yes, his concern is with his road and his walking easement being affected by the raised system. Reid said he was asking for a reduction in separation to groundwater of 3.5' from the state regulation of 4', the reduction in separation would reduce the effect on the walking path easement. Sarah objected that Aquinnah does not allow raised septic systems. Reid 'you allow them for remediation, and this will only be an 8" mound so you won't even notice it, we are using low profile units'. Sarah asked why there was no soil testing. Reid 'I used soil testing done on the neighbor's lot'. Sarah 'that is the neighbor's lot'.

A heated 45-minute debate ensued with strong opposition expressed by Sarah Saltonstall. Jim asked if the new owners intend to replace the house and if so where? Reid 'the new house will be in the back corner of the lot'. Jim 'is that a coastal bank or a coastal dune?' Reid 'it's a bank'. Jim 'do you plan to extend the revetment?' Reid 'they want to remove the revetment'. Jim 'I just asked because if it had been extended the septic would not have become exposed'. Jim 'so the intent is to remove the tennis court and put in a new five-bed house. When?' Reid 'in the fall'. Jim 'you will have to establish the groundwater and soils.' Sarah 'we have to do soil testing and groundwater'. Jim 'as long as it is done while putting in the system'. Reid 'we can call you'.



TOWN OF AQUINNAH

BOARD OF HEALTH

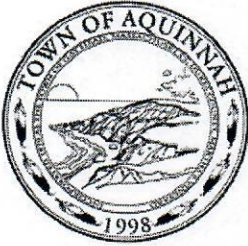
955 State Road, Aquinnah, Massachusetts 02535
(508) 645-2309 - Fax (508) 645-7884 - E-Mail: healthagent@aquinnah-ma.gov

Sarah Thulin, Chairman Conservation Commission, 'I would like to thank you Chairman for advertising. We all have a lot of concerns about this property. We don't want to do a temporary fix; we don't want to piece meal it with all the committees. There should be some sort of issue from Public Health that the house can't be used until this is resolved. I don't know if we are legally obligated to approve a five-bedroom. How many variances can you give? This does not meet minimum State requirements. It is in a velocity zone. Reid will also be applying for archaeological from Planning soon. I would like this done as a town thing with committees working together. Jim, I want you to know that revetments are damaging and make the problem worse or move the problem. Conservation Commission will meet June 21st and we ask that you go slowly and condition the system to 3 or 4 bedrooms.'

Jim 'yes, we have conditioned fewer bedrooms in the past. This revetment sped up the erosion at this site. I have to question if we permitted this system for this bedroom count would we have to do 5 bedrooms with the new house.' Reid 'I've never seen that ever in all my years had an upgrade conditional to removing bedrooms.' Jim 'this is bad for your argument'. Reid getting angry 'this system should stand alone. Why should it not be afforded all the consideration of anything else.' Jim 'stop right there. I don't like that argument.' Reid 'the number of bedrooms is irrelevant; it is the size of the house.' Jim 'I don't think you would not mention to other board that BOH approved you for 5 bedrooms.' Reid 'Planning Board will go around for months on this, but it will be about the size and not the number of bedrooms.' Reid 'physical difference between a 3-bed and a 5-bed system is very small, 18 infiltrators vs 24 infiltrators.'

Jim 'if we did not allow the 24% reduction that you requested, where would we be? If we took your design and did not allow the 24% reduction, the you would effectively have a 3-bed system. Right?' Reid 'yes'. Jim 'I went out there and spoke to the owner who flushed the toilet and they were clueless'. Sarah Thulin 'they are not clueless; they are developers who are fooling around.' Jim 'we could approve the system as a 3-bed system, but it creates a problem for the existing house. I don't know how to bridge that gap.' Reid 'the system would not physically get bigger. The future house size is dictated by Planning. The owner does not want to lose his shirt.' Jim 'they got into this game; they get no sympathy.' Reid 'you are always awarded existing conditions for an upgrade. Why would the system not be acceptable when Planning Board will beat me up. You could not grant the system and go to court.' Jim 'no one wants that. You should not impute that no one is happy. But there are a lot of issues on the table that must be looked at and we have to respect the other Boards in town.' Jerry 'I'm the newbie. Our regs say no mounded systems for new construction, does that mean that you can't use the system for a new house?' Reid 'at that point the system would be preexisting.'

Sarah Saltonstall 'I make a motion to approve the system as presented'. Jerry 'I 2nd'. Jim 'don't all speak up at once. I can break a tie, but I can't vote. Is anyone apposed?' Sarah 'I'm opposed.' Reid 'you could entertain another motion.' Jim 'we should not reject his out of hand. We could approve as a 3-



TOWN OF AQUINNAH

BOARD OF HEALTH

955 State Road, Aquinnah, Massachusetts 02535

(508) 645-2309 - Fax (508) 645-7884 - E-Mail: healthagent@aquinnah-ma.gov

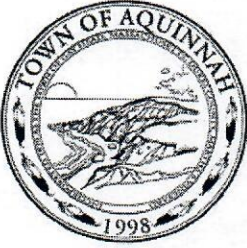
bedroom and look the other way for 3 months. Condemning an existing lot is a serious thing. Sarah 'I motion that the existing system be approved as a 3-bedroom and conditional upon groundwater evaluation.' Jerry 'I 2nd'. Jim 'it does raise the issue that there is a 5-bedroom house there now, but it is only for 3 months. We are taking it on good faith that the house will be replaced in short order'. Sarah Thulin 'it will take time to replace the house going through the Planning Board. We know so much about this because the owners have allowed us to know this. Permit this so the owners can sell the property. We are doing a lot of work in town for a house that never should have been built. A lot to consider because of climate change.' Sarah Saltonstall 'maybe we should have another contingency upon the plans. We don't know anything about the proposed house. How about contingent that they tear the house down by November 1st'. Jim 'that is hard to enforce. It would no longer be condemnable with a new system'. Sarah Saltonstall 'the motion is to approve as 3-bedroom as I said before'. Jerry 'I 2nd'. Jim all in favor: All ayes.

Steinberg, 264 Lighthouse Road (5-215). Reid presented plans for a new septic system for an existing 3-bedroom house. Reid said that the existing house is being demolished and replaced with a new 3-bedroom house. The system does not meet separation on the well and the lot lines even after they move the well to increase separation'. Sarah 'this is OK as long as you put the well in first'. Jerry looked at the plans 'what is this?' Jim 'a detached garage'. Sarah 'they are moving the well further away. We can't approve with out the well'. Jim 'we could approve as drawn'. Reid 'upon well conditions.' Sarah 'the house foundation is broken. I move we accept the plan as drawn conditioned upon getting water from the well'. Jerry 'what is the setback for wells?' Jim 'we are 150' the State is 100'. Jerry 'I will 2nd that'. Jim all in favor: All ayes.

Berdy, 10 East Pasture Way (8-115, 116 & 117). Chris Alley arrived to present a well permit application. Chris said that the existing well in SE corner of the lot is failing and John Clark recommended the NW corner as a good location for clean water. Sarah S. asked how much land they have. Chris 'the three parcels together make one acre'. Sarah Thulin 'I am an abutter, but I am not opposed. I was previously upset when a neighbor came over my land and did damage to put in a well'. Sarah Saltonstall 'I motion we approve as presented'. Jerry 'I 2nd'. Jim 'All ayes'.

Close Public Hearing 7:10 pm

Taylor, 42 Lighthouse Road (Map 6 Lot 43). Reid Silva presented plans for a new three-bedroom septic to serve a proposed one bed cottage and two bedrooms in an existing barn. Reid 'the existing barn was approved for three bedrooms of employee housing'. Sarah 'can I see the permit?' Reid 'it was never installed, permitted in 1999'. Sarah looked at the 1999 permit in the BOH file. Kate Taylor 'did they ever get a permit for the barn to be a two-bedroom house?' Jim 'they did not have building permit, only BOH approval for the septic system'. Kate 'my concern is about housing. The property that it is on may not stay intact'. Jim 'Kate, they have an existing building with 2 bedrooms and a new proposed 1-bedroom system'. Sarah S. 'the lot may change?' Kate 'the lot with the barn on it could change but that is a family matter'. Reid 'he is proposing a separate habitable dwelling that meets the BOH regulations as it stands



TOWN OF AQUINNAH

BOARD OF HEALTH

955 State Road, Aquinnah, Massachusetts 02535

(508) 645-2309 - Fax (508) 645-7884 - E-Mail: healthagent@aquinnah-ma.gov

now'. Sarah S. 'when was the soil testing done?' Reid 'one in 1999 and then you and I did one in 2014'. Sarah 'I motion to accept the science of the septic as designed'. Jerry 'I 2nd'. All ayes.

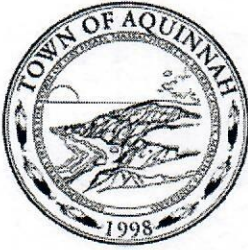
Steinberg, 264 Lighthouse Road (5-215). Chris Rynman was present to represent to demolition permit. Chris asked the Board if they would like to see the plans for the proposed new house to replace existing structure. The board examined the plans. Sarah S 'I've been out there, and the foundation is cracked and failing'. Sarah 'I motion to approve'. Jerry 'I 2nd'. All ayes. Jim 'we will let the Building Inspector know'.

Berdy, 10 East Pasture Way (8-115, 116 & 117). Chris Alley presented plans for a septic tank replacement. Chris 'the owners are adding on, expanding an existing bedroom and adding a bathroom, the current septic tank is in the way, so we are moving the tank and upgrading from a 1,000 gallon tank to a 1,500 gallon tank'. Jim 'same number of bedrooms?' Chris 'yes'. Chris 'there is a condition on the septic that it can never be more than 2 bedrooms.' Sarah S. 'I motion we accept the plans as presented'. Jerry 'I 2nd'. All ayes.

Tagge, Moshup Trail (10-12). Chis Alley represented the application for a well permit off Old Harvester Way. Chris 'the owner would like to market the lot so they would like some assurances that it is buildable. The wetlands have been flagged, Mass Historical recommended an archaeological survey. I was only able to do two test holes, but they had good soil tests. The owners will drill the well and then market the lot.' Jerry 'I move to accept the well application'. Sarah 'I 2nd'. All ayes.

Joan Malkin and Jennifer Blum from Vineyard Conservation Society's recycling simplification and public education initiative came to discuss recycling at the LDO with the Board. Joan 'we have done research into the recycling practices at the four island LDOs and the two waste collection centers. You would think it would be the same, but it is not. We would like to create signage that would be the same around the island. This would make people less confused. We would also provide PDFs on recycling. We have visited off island to see where the recyclables go. We looked at what it costs to remove a ton of trash vs a ton of recyclables and where the incentives are. Recycling rules are unclear. Poor recycling habits cost island taxpayers money. The recycling centers reject our recyclables because they are contaminated. We have Don Hatch's support and we have also been in communication with Bruno's and Ray Tattersall. We would like to create sandwich boards for the LDO. Recycling information on the town websites is also part of the solution. Don Hatch has some grant money in his budget that we think will pay for this, we are not asking for town money.' Jerry 'are you involved in composting?' Joan 'not yet. At this point we have found single stream to be more efficient for us. Jim 'your mission is to educate the public on proper recycling?' Joan 'to improve the quality of recycling and to increase participation. We want to get your approval in concept before we make the signs'. Jim 'I would like you to work with Phoenix on this. Joan 'thank you, we will'.

Herbert, 1 Deer Path (6-7) failed inspection report. Sarah 'this house is being lived in'. Jim 'Phoenix get in touch with Elinor and Mike and ask them what their intentions are'.



TOWN OF AQUINNAH

BOARD OF HEALTH

955 State Road, Aquinnah, Massachusetts 02535
(508) 645-2309 - Fax (508) 645-7884 - E-Mail: healthagent@aquinnah-ma.gov

Phoenix gave a report on the ongoing attempt to get Totem Pole Inn to get a permit after they were found to be open without a permit over Memorial Day weekend. Jerry 'do we have any fines we can impose?' Phoenix 'nothing in the regs'.

Old Business Items for BOH Review and Discussion:

Phoenix present a draft of The Island Wide Youth Collaborative Memorandum of Understanding received from Susan Mercier. Jim 'I have a concern about the effectiveness of the program and their funding competence, but this is short money. I don't want to sign this unless the Board votes on it.' Jerry 'would it be worth while to have some one from IWYC come speak to us?' Sarah 'I don't see it as a huge expense if it helps one kid'. Jim 'Phoenix I want you to work on editing the MOU and tell them that the Board has some concerns about the effectiveness of the program'.

The May 2nd, 2019 BOH minutes were read and reviewed. Jim motioned to approve the minutes as written. Sarah seconded. All ayes.

Health Agents Report

The Board asked Phoenix to close the Old Town Hall kitchen until the mice are addressed.

Sarah motioned to adjourn the BOH meeting. Jim seconded. All ayes.

Meeting adjourned at 8:57 pm.

Approved:

Submitted by: Phoenix Becker