

## **BOARD OF HEALTH MEETING MINUTES, May 1, 2008, 7PM**

**Present:** David Merry, Tim Barnett, Erik Lowe, Agent John Powers, Asst. Hadden Blair. Guests: George Sourati, Susan Cahill, Tim Boland, David Sprague, Chuck Wiley, Kent Healy, and Ernest Mendenhall.

**Wells Approved:** Milton Estates 6-8

**Well Applications Held:** Levy-Hinte 22-21.2 (pending deeded easement with Lot 22-21)

**DWAs Approved:** Estate of Leonard Athern 31-68 (pending revised plan showing well location meeting separations), Jeffrey Cassis 37-30, Polly Murphy 32-4

**DWA Plans Reviewed:** Faith Runner 32-124 (pending well), Richard Dubin 1-33 (pending Con-Com)

The Board closed the regular meeting, and opened the public hearing on Beal, 10-137, at 7:15

Barbara Beal 10-137, request for variance from the separation between their own well and leaching field. Guests Cahill, Boland, and Sprague were present to speak against granting this variance. Ms. Cahill also brought the Board letters signed by other neighbors, Michael Bigby, Cybal Sprague, Mathew Wortman, and Barry Rosenthal.

The discussion began with design engineer, George Sourati, again reviewing the plan and providing background for the Board as he did at the April 10<sup>th</sup> Public Hearing. Mr. Sourati maintains that the design meets all State and Local law except the West Tisbury requirement that wells and septic be 150 feet apart. Indeed, the plan maintains this separation for all abutters and neighbors, but a variance is needed from their own well to their own septic which on the plan is 104 feet.

The Board asked for the publics' input and Ms. Cahill, Mr. Boland, and Mr. Sprague all addressed the Board in opposition to the variance. Their arguments centered around the density of their neighborhood, that they had paid high prices for the lower density living in West Tisbury, that the Town had set up these guidelines to prevent tiny houses on sub-standard lots, their desire to protect blueberries-trees-and a screech owl, to preserve their neighborhood "feel", because of the aesthetics of having a new house visible and close by, loss of privacy, to maintain rural characteristics, to maintain their protection by the ordinances, that the septic could fail, to maintain the ecosystem and the biodiversity by not chopping up the area, because they don't want the area to become like Edgartown, Pin Oak Circle or Vineyard Haven, and because if granted, this will become habit and more lots will be developed.

Mr. Lowe asked if the lot and the other lots existed when the objectors bought in the neighborhood. Yes was the answer. The Agent pointed out that this lot was not a Stoney Hill lot, but a separate lot. Mr. Lowe commented it is a legal lot. Mr. Barnett asked if the Association considered buying this lot, but the guests present could not speak to that. Mr. Sprague asked about the house's set backs which are 31' on the plan. Mr. Sourati answered that pre-existing non-conforming lots do not need to meet existing set backs and are grandfathered. Mr. Mendenhall, the Building & Zoning inspector confirmed Mr. Sourati's assertion. The Agent reminded the Board that they have granted numerous

variances around town. Virtually every lot on Pin Oak Circle required a variance and not just from their own well/leaching field separations, but from the neighbors'.

After all discussion, Mr. Merry thanked the guests and said the Board would consider their comments. The Board then closed the public hearing and reopened the regular meeting.

7:50 Mr. Wiley and Mr. Healy appeared before the Board to discuss the failed mitigation work at Vineyard Gardens that was to have prevented storm water from running off the property. Mr. Merry asked what the plan is to remedy the problem. Mr. Healy began by saying when the property was woodland, there was no problem. Now that a large portion of the parcel is hard compacted soil, Mr. Wiley needs artificial means to have storm water perc into the ground on site. It needs to be a combination of storage and recharge, and that where he does this on the property depends upon how Mr. Wiley decides to run his business. The initial work done has not yet been able to handle hard rains. Mr. Healy commented that this needs to be an ongoing battle, and that Mr. Wiley will need to maintain the sand percolation trenches and keep an eye out to see if he needs more. Mr. Wiley commented that he recently dug a big pit for holding water on the North side of the property. The Board was concerned that this is possibly too close to a neighbor's well, and expressed concern that Vineyard Garden's run off may have chemicals in it. The Agent spoke of giving Mr. Wiley information on the Greenlands Water Protection District, and his concern about chemicals entering groundwater. Mr. Wiley also spoke of the installation of 2 foot high berms that will prevent water from leaving his property. Mr. Healy said he recommends increasing the percolation/recharge areas over what is there, and to have scheduled maintenance of those take place. The Board asked Mr. Healy to prepare a revised plan showing all existing and proposed improvements and have the plan to the Board within 2 weeks.

**Landfill/Refuse District:** The Agent informed the Board that the attendants' shed heater's thermostat has failed again (4<sup>th</sup> time). The Agent also warned the Board that there may be a staffing problem soon, and asked Mr. Merry and Mr. Lowe to discuss it at the next regional meeting.

**Old/New Business:** Noman's received a burn permit for the first time in 8 years. The BOH, and all the other Town Boards asked the DEP to waive the 10 day advance notification in order for the burn to take place ASAP, Lipsky 11-20 Needs variance from tank to cantilevered addition 7'6" away.

**Permits:** The Board signed permits for the Island Childrens' School, BravEnco, and Farmhouse B & B.

**Correspondence:**

**In** Lombardo Ass., Adcare, Zoning Inspector 21-12, Planning Board 21-12, Waste News, Bill Wilcox MVC

**Out** First Horizon Home 17-141

The meeting adjourned 8:30 PM.

Respectfully Submitted,

Hadden Blair