**Aquinnah Board of Health**

***Minutes***

**Tuesday, August 29, 2023**

**4 PM**

**Present:** Gerald Green (Chair), Kathy Newman, James Benoit, Chris Alley, Reid Silva, Michael Loberg, Maura Valley

**Minutes** of July 25 2023 were approved.

**4 Jeffers Way (5-176)** Chris Alley asked the Board whether a septic system upgrade requiring 2 variances would require a public hearing. The property will also need a new well, and the Board asked to review this plan at a public hearing, to be scheduled at 4pm at the next Board meeting, which will be held on September 26th.

**Vanderhoop Homestead** revision will also be reviewed at the Board’s September 26th meeting.

**Tisbury Septic System Regulations – Discussion:**  The Board met with Tisbury Board of Health Chair Michael Loberg and Tisbury Health Agent Maura Valley to discuss the town’s experience in enacting septic system regulations that require all septic construction and upgrades in the impaired watershed of Lake Tashmoo to install best-available nitrogen-reducing technology. Under the Tisbury BOH regulation the Board of Health may grant an applicant's request for a waiver if an existing system fails and it would be a financial hardship for the applicant to install an enhanced de-nitrification system and financial assistance is either unavailable or the applicant fails to meet the income guidelines established for the low interest septic loan.

Septic systems represent by far the greatest input of so-called “controllable” nitrogen into the coastal ponds, according to Loberg. (Significant nitrogen is also deposited through rain from Midwest agriculture and wild birds such as geese, for example.) The Board of Health regulation, enacted by the Board following a public hearing, is not a Town bylaw, which must be approved at a Town Meeting. Wherever possible, he stressed that it is very important to be able to provide financial support for mandatory system replacement.

The Tisbury Board is planning to hold a public hearing to amend its regulation by requiring retrofit of systems at transfer of property. Maura Valley emphasized that securing funding, for example through taxing short term rentals, to support installation where undue hardship would otherwise result from the regulation is key to success. Tisbury encourages retrofit of existing systems and will use funding through the American Rescue Plan Act of 2021 (ARPA), to support retrofits, which are estimated to cost ca. $35K. Income guidelines for use of these funds are set by the County and MV Commission in consultation with island Health Agents at 240% of Area Median Income, while homeowners at 80% of AMI can apply to have design and installation of the nitrogen-reducing components paid for directly.

The Aquinnah Board noted the complexity of full system replacement in that costs can vary dramatically up-island in Chilmark and Aquinnah, depending on the soils on site. Due to their location at the end of the glacier, soils in the up-island towns can include heavy clay, which is not permitted to be disposed on site and its removal represents significant potential additional system construction cost.

Permeable reactive barriers, strategically installed where a concentration of groundwater enters a coastal pond, can be an effective alternative to on-site, individual septic system de-nitrification. They, too, involve challenges and are not cheap to install. As this is a relatively new technology, their duration is not yet known, and identifying the best location for the barrier, where the greatest groundwater flow is concentrated, is also not easy.

The Board is currently producing a 20-year Watershed Management Plan for Lake Tashmoo. Under the newly amended Title 5 DEP regulation, having such a plan in place allows the town flexibility in implementing the otherwise-draconian requirement of replacing all septic systems in a given impaired watershed with so-called “best available” nitrogen-reducing technology.

**276 Lighthouse Road (5-35, 36)**

**Applicant:** Reid Silva, VLS  
**Discussion**: The Board reviewed a proposed septic plan to serve a proposed 4 bedroom dwelling. The proposed plan does not require variances. The plan will also require a plan review by the Conservation Commission.  
**Motion & Votes**: The Board unanimously **approved** the proposed plan.

**Kosa, 2 Sand Castle Lane (5-86)   
Applicant:** Sara Kosa **Description**: well replacement (IWS), no variances.  
**Motions and Votes**: The Board unanimously **approved** the proposed plan.

**Physical Address, Map/Lot number: 16 Homestead Way, (5-175.3)**

**Applicant**:  Klion

**Description**: revision of plan approved on June 27, 2023

**Discussion**: The Board noted that no variances are requested for this plan.

**Conditions Attached**: a well completion report must be on file prior to release of the septic construction permit.

**Motions and Votes**: The Board unanimously **approved** the proposed plan.

**11 Church Street (9-80)** The Board asked Marina Lent to get in touch with the homeowner to ask for a discussion with the Board at its September meeting to discuss progress on the property.

**3 Driftwood (4-46**). The Board noted that a hearing has been scheduled for its next meeting to review and clarify requirements following the installation of a septic system in 2019.

**Next Board of Health Meeting** will be held on **September 26, 2023** at 4pm in-person, Town Hall, the meeting after that will be **November 7, 2023** at 4pm in Town Hall, and the December meeting will be on **December 12th,** at 3pm, via zoom.