



Town of Oak Bluffs
Board of Health
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William White
Chairman

James Butterick
Thomas Zinno
Board Members

Meegan Lancaster
Health Agent

**BOARD OF HEALTH MEETING
August 6, 2019 – MINUTES**

Members Present: William White, Thomas Zinno, James Butterick

Others Present: Meegan Lancaster, Lorna Welch, George Sourati, Perry Patterson, Clayton Sears

Chairman White called the meeting to order at 10:00 am.

APPOINTMENTS:

- **George Sourati on behalf of Kimberly J. & Katie L. Paquette, Trustees - 48 Eastville Ave. Map 7, Parcel 119.2**
 - **Review of plan submission for property and discussion to determine if the property is outside of the Coastal district**

Mr. Sourati stated that the property is a vacant lot which was created through a subdivision plan. Mr. Sourati showed the Board the plan explaining the location of the divided lots. In 1999, a septic construction application was submitted to the Board. The proposed plan was for a 3 bedroom septic. The Board denied the application due the lot being in the coastal district. Mr. White confirmed that the property owners never challenged that decision.

Mr. Sourati referred to the current plan and explained that the lot is 300 feet away from Brush Pond and 1600 feet away from Lagoon Pond. He stated that the coastal district includes all the land within 500 feet of Lagoon Pond, but not Brush Pond because it is not open to the ocean.

Ms. Lancaster stated that it seems as though, from what Mr. Sourati has submitted, that the property is most likely not in the coastal district. She wondered why the owners did not challenge this and are coming back 20 years later. Mr. Patterson stated that the town had reassessed the property as a buildable lot back in January of this year. At that point he got involved because the owners thought it could be a salable lot.

Ms. Lancaster stated that the ability to approve the plan hinges on whether or not Brush Pond is considered a coastal pond. Mr. White asked if it was up to us to determine that. Ms. Lancaster responded that the MVC defines it as a tidal pond. Mr. Zinno asked if she ran this by Conservation and she responded that Ms. Durkee from that department required a permit from them because it's in the 100 year flood zone but there is no notation about it being in the coastal district. Mr. Zinno suggested clarifying this with the MVC before we make a decision. Ms. Lancaster stated that she can speak to Chris Sidel and ask to look at the original mapping that they have for coastal and ask if Brush Pond would be considered a coastal pond. She also asked the Board if the MVC states that according to their map that this property is not in the coastal zone could she sign off on it. The Board replied yes that would be fine.

- **Clayton Sears – Vineyard Wine and Cheese – retention of tobacco sales permit**

Ms. Lancaster explained to the Board that on July 9th we had Mr. Sears on the agenda for a license suspension hearing because of the sale to a 20 year old and the pricing issue on the cigar. At that time Mr. Sears offered to give up his tobacco sales permit at the end of July. He then emailed Ms. Lancaster yesterday to say that he had decided to not give up his tobacco license. Ms. Lancaster added him to the agenda today because the Board never took a vote on the 7 day license suspension.

Mr. Sears explained to the Board that he didn't order any inventory and was selling off what he had on the shelves but immediately noticed the general sales went down. He stated that there is one employee there that has a profit share at the end of the year and she and other employees were upset about his decision to give up the tobacco license. Mr. Sears agrees with the violation fines and said that he is not a big fan of selling tobacco but it was obvious that it hurt the overall sales without it.

Ms. Lancaster stated that we need to have noticed hearing for a permit suspension. The question for the Board to discuss right now is to have the hearing or not. Mr. Zinno made a motion to have the hearing for a potential license suspension. All in favor.

AGENT REPORT / OLD / NEW BUSINESS:

- **Proposed State Sanitation Code changes and public input period**

Ms. Lancaster stated that there is a proposal for alternative housing which would allow for owner occupied "tiny houses" in the code. She explained that this code change is in the second draft status and there will be a public comment period. The Board discussed the impact this would have on the department.

- **Reported canine death**

Ms. Lancaster received a call from someone who brought their dog to an area to the right of the Lobster Hatchery towards Brush Pond and the dog became suddenly ill and subsequently had to be euthanized. The veterinarian that treated the dog thought that perhaps there was an exposure to blue green algae or Xylitol because of the symptoms the dog was presenting. Ms. Lancaster went to the location and did not see anything unusual. She had spoken to people at the hatchery because they use the water from that area for their shellfish propagation and they didn't have any issues. She also spoke to one of the State Epidemiologists who then spoke to one of the Zoonotic disease division people who then referred her to one of the State Toxicologists.

Ms. Lancaster and Mr. Butterick had a conference call with the Head of Environmental Toxicology for the DPH. There are ponds on the Cape that are currently closed because of this but she was assured by the State that blue-green doesn't occur in salt water at these latitudes.

Mr. Butterick stated that Ms. Lancaster did a very nice job with this issue because social media brought a lot of attention to the incident and there were rumors that the Pond was contaminated. Mr. Butterick stated he asked the State Toxicologist if they should be proactive and go to the press about this and he responded no because the algae does not grow in salt or brackish water and felt confident that this was not a case of algae toxicity.

- **Plan to clarify and amend local regulations by end of FY'20**

Ms. Lancaster stated she has been taking notes since she started and has about 20 sections of regulations she will work on amending in the fall. She will also address some recurring issues where the current regulations are silent explaining that if something is not explicitly stated that it cannot be done, then it can be done. Mr. Zinno requested a list be emailed so they can start to review.

APPROVAL OF MINUTES:

- **June 4, 2019** - Approved

Mr. Zinno made a motion to adjourn. All in favor.

Respectfully submitted by Lorna Welch, Administrative Assistant.