

## **BOARD OF HEALTH MEETING MINUTES JUNE 26, 2008**

**Present:** David Merry, Erik Lowe, Tim Barnett, Agent John Powers, Asst. Hadden Blair, and Guests,. Mary & Jackson Kenworth, Chuck Sullivan, and Glen Provost.

**Wells Approved:** Alex Alexander 15-31.5

**DWAs Approved:** Blum 32-64, Charter School 16-96

**DWA Plan Review:** Island Housing Trust 11-82.4, Keith Olsen 22-46

**Title 5 Inspection Reports Filed:** David Whittmer 37-34

**Barns Approved:** MV Ag Society 25-1.1

**Landfill/Refuse District:** Replacement heater is here. Mowing has been done.

**Old/New Business:** pre-rabies vaccine is not available but post is from the State, 12 cases of Samonella from tomatoes in MA to date, the MV airport treatment plant has tested over For nitrogen, twice, so DEP has been notified, and they are looking for a leak. This is Why the monitoring wells are there. Fiddlehead 22-47 In 2007 Fiddlehead said they Would not do sandwiches. The Agent got a call that they are selling sandwiches. The Board asked the Agent to look into it.

**Bathing Beaches:** The water testing continues, and beaches are I good shape.

**Permits:** The Board signed permits for Fisher lamb, Pond View Horse Camp, Nicky's, MV Cooks 34-6.

At 7:30 Mary & Jackson Kenworth with Architect Chuck Sullivan, and Consultant Glen Provost Appeared before the Board to show the draft plan for the fire damaged restaurant at 22-54 the approval of which by the BOH and ZBA is a contingency on a purchase and sales agreement. Mr. Provost explained that the plan involves demolishing the existing structure and rebuilding some 30 feet farther into the lot from State Rd. which would meet zoning setback requirements. Further they propose to have 60 seats on a system, (recently inspected by Engineer George Sourati), originally designed for 66 seats, but which has only had a 44 seat use since 2000. They have requested this 16 seat increase in their application to the ZBA. They plan to have the new building keep everything inside including waiting customers to avoid the noise problems neighbors have told them previously existed. Mr. Provost concluded that they need the extra seats in order to make the business work, and that they have come to the BOH to see if there are any issues with increasing 16 seats. Mr. Lowe asked about the well. Mr Provost said it is located inside the foundation of the existing restaurant building, and that they would need a State permit to move it. Mr. Merry asked about the residence also on the lot, and was told by the Kenworths that the 4 BR house may be used for employee housing. The Agent inquired about the new restaurant's size and Architect Sullivan responded 2580 sq ft. Mr. Lowe asked the size of the existing restaurant and was answered just over 2500 square feet including the basement which Mr. Provost offered had an office and employee lounge. Mr. Lowe inquired about the

new restaurant's basement and Mr. Sullivan said it would be for dry storage only. Mr. Provost confirmed prior use of the basement as his daughter held the lease recently. Mr. Sullivan said the building inspector did not think this use was permitted. The Agent, looking at the plan, said he can understand relocating the freezer inside and asked about the floor plan separation of two areas. The Kenworths responded that was for the ability to close off a portion of the seating depending upon the meal being served or the time of year when they may not be full. The Agent asked if they planned to be open year round and Mr. Merry asked if they would do private parties and functions. Both are possibilities. The Agent confirmed the floor plan seating numbers to 12 in the enclosed porch, 8 counter, and 40 dining room. Mr. Merry said previous operators had always asked for outdoor seating, and told the Kenworths that this would not be ok. The Kenworths said they understood and wanted everything inside to control the noise. Their idea is to have a casual breakfast, lunch, and dinner setting with waiter service in the 40 seat dining room. The Agent asked if the porch was included in the square footage numbers and was assured it was. Mrs. Kenworth said they want to address the noise and parking problems from neighbors' concerns. The Agent commented that a new building would constitute a "change of use", which would allow for the BOH to mandate a septic upgrade. The existing well is grandfathered. The Agent commented that Title 5 on a lot this size would allow 3 restaurant seats and the residence explaining that lot size would restrict to 660 gallons, which would accommodate a 4 bedroom house and 3 seats at 35 gallons/day. Mr. Provost concluded by asking the Board if the ZBA denies the new building, and they rebuild in the existing footprint if 60 seats would be ok. The Agent replied that it is hard to decide, and that the kitchen must meet demands.

**Correspondence:**

**In** Zoning Board 22-54, 29-54, Saunders 36-2.1, Juleann VanBelle, Zoning 29-30, Planning Board 16-82, 21-12, Waste News, Gulf of Maine Times, Wampanoag Lab (school Inorganics), Polly Hill, DEP (3 Polly Hill

**Out** Vineyard Gardens 16-103, First Horizon 17-141