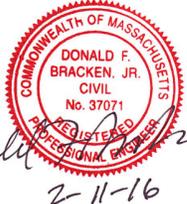
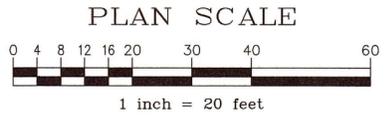
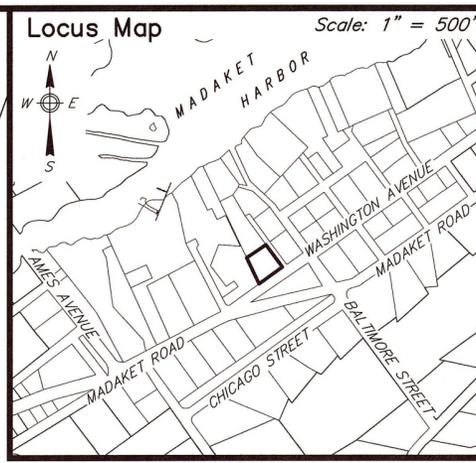
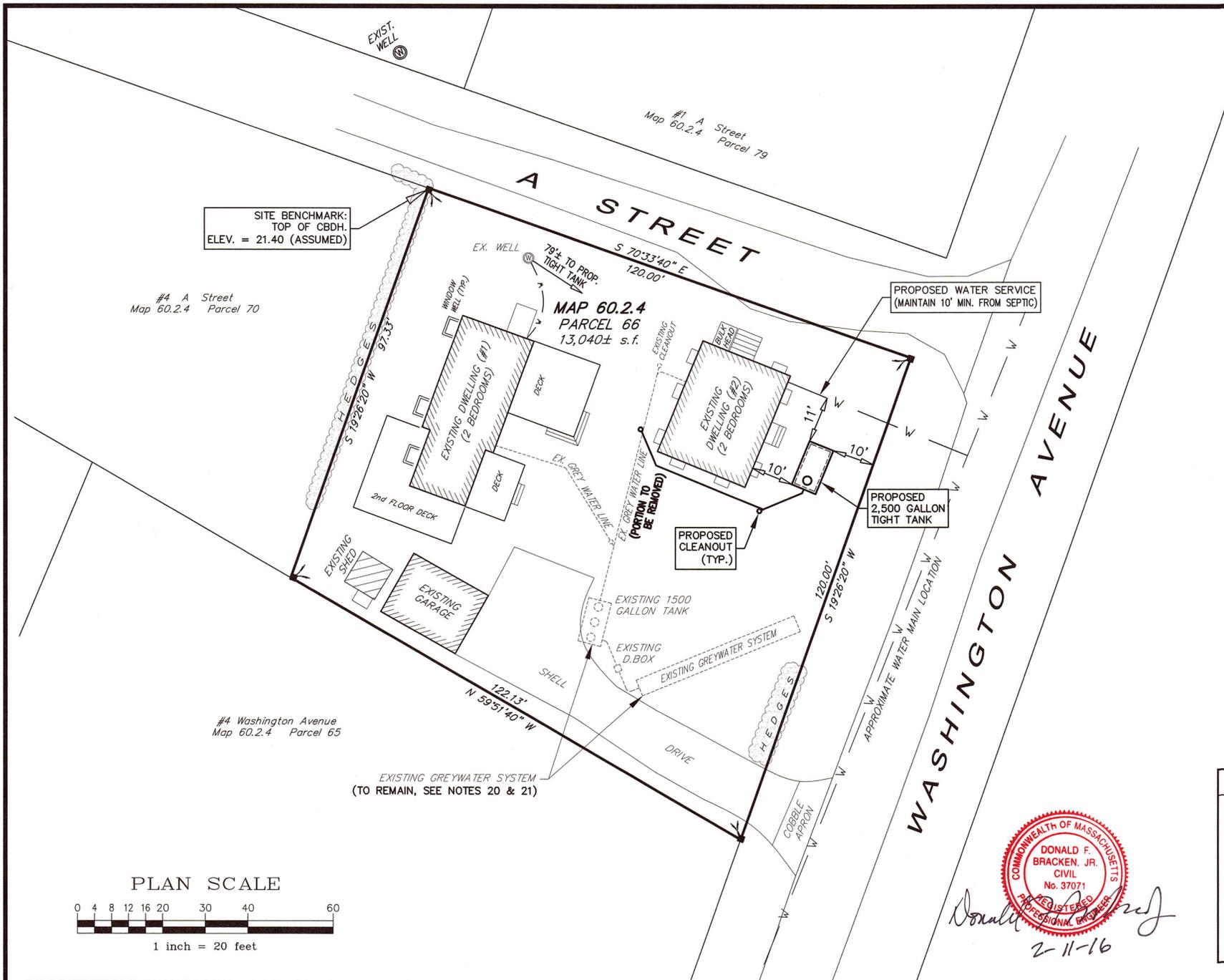


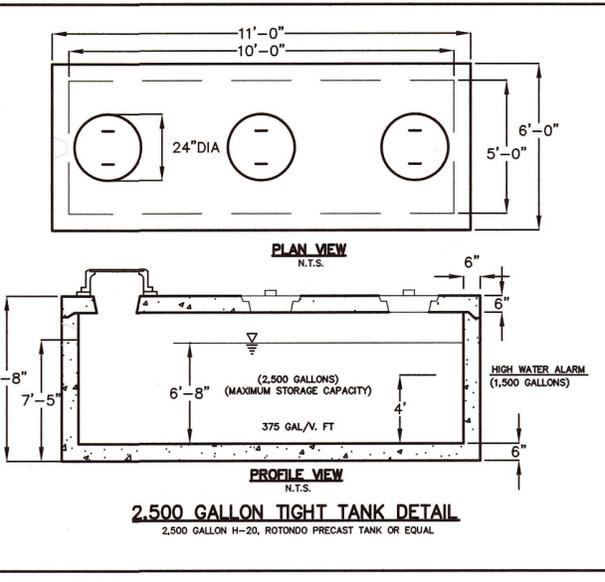
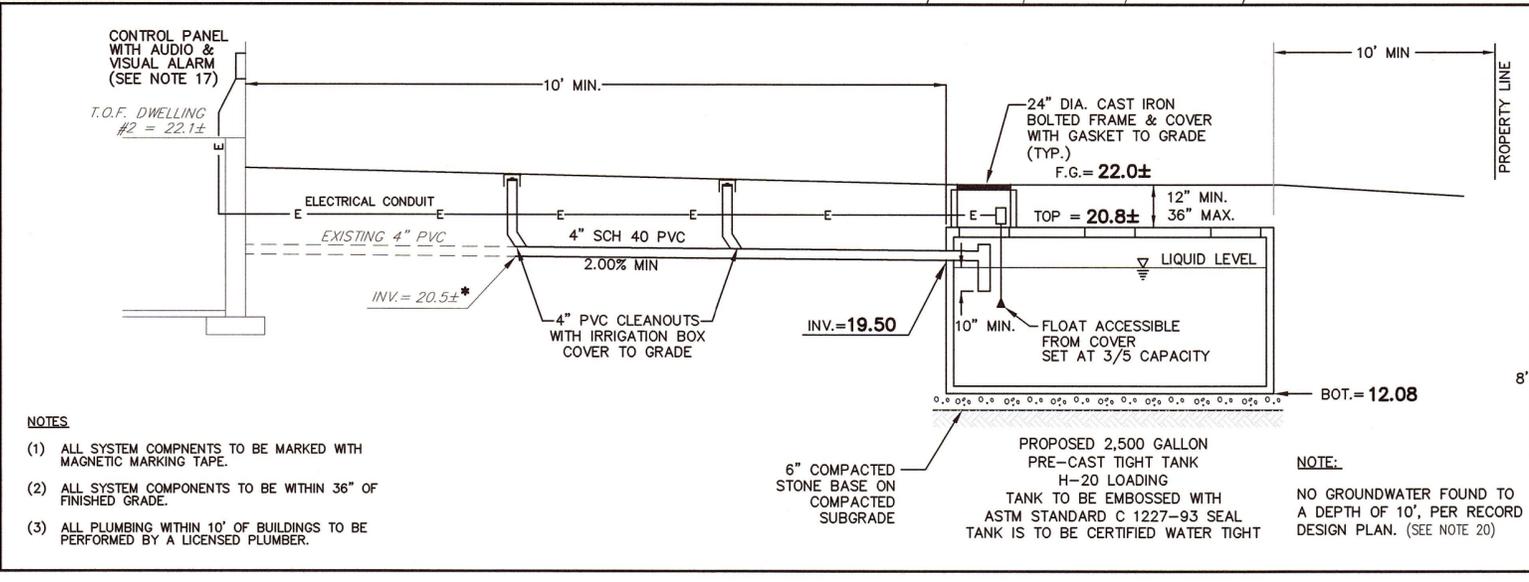
1. Board Of Health Packet

Documents: 6 WASHINGTON AVE TIGHT TANK PLAN 2-11-16.PDF, 13 CHATHAM RD CONDEMNATION.PDF, 21 CROOKED LN AS-BUILT.PDF, 21 CROOKED LN DISTANCE.PDF, 43 MILLBROOK.PDF, CONDEM 4 KINIKINNIK.PDF



DESIGN CALCULATIONS	
NO. OF BEDROOMS:	2 BEDROOMS
	2 BEDROOM SEASONAL
	DEED RESTRICTION REQUIRED (SEE NOTE 19)
DESIGN FLOW REQUIRED:	220 GPD
TIGHT TANK REQUIRED:	2,000 GALLONS MIN.
TIGHT TANK PROVIDED:	2,500 GALLONS
PUMPING SCHEDULE:	IN ACCORDANCE WITH APPROVAL

- ### Notes
- BENCHMARK: ELEV. = 21.40 (ASSUMED DATUM) TOP CONCRETE BOUND
 - ALL CONSTRUCTION METHODS AND MATERIALS TO CONFORM TO TITLE V AND THE TOWN OF NANTUCKET BOARD OF HEALTH REGULATIONS.
 - ALL SYSTEM COMPONENTS SHALL BE MARKED WITH MAGNETIC TAPE OR A COMPARABLE MEANS IN ORDER TO LOCATE THEM ONCE BURIED.
 - NO FIELD MODIFICATION TO THE SYSTEM SHALL BE MADE WITHOUT PRIOR WRITTEN APPROVAL OF THE DESIGN ENGINEER AND BOARD OF HEALTH.
 - ALL JOINTS AND COVERS TO BE WATERTIGHT.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATION OF ANY EXISTING UTILITIES.
 - A CERTIFICATE OF COMPLIANCE MUST BE OBTAINED PRIOR TO BACKFILLING SYSTEM.
 - OWNER/APPLICANT
C. GAIL GREENWALD
23 MYOPIA ROAD
WINCHESTER, MA 01890
 - DEED REFERENCE: Cert. #24026
 - PLAN REFERENCE: LCC #3092-R (LOTS 122 & 123)
 - THE DESIGN IS INTENDED TO MEET TITLE V AND OTHER APPLICABLE REQUIREMENTS. THIS PLAN DOES NOT GUARANTEE THAT THE SYSTEM WILL BE INSTALLED AS DESIGNED, NOR DOES THIS PLAN GUARANTEE THE OPERATION OF THE SYSTEM.
 - THIS SYSTEM IS NOT DESIGNED NOR INTENDED FOR USE WITH A GARBAGE GRINDER.
 - THE SYSTEM OWNER SHALL BE RESPONSIBLE FOR PUMPING THE TIGHT TANK AND IS TO ESTABLISH AN OPERATION AND MAINTENANCE PLAN WITH AN APPROVED SEPTIC HAULER IN ACCORDANCE WITH THE APPROVAL.
 - LOCUS DOES NOT FALL WITHIN A ZONE II WELLHEAD PROTECTION AREA.
 - LOCUS FALLS WITHIN ZONE A OF THE MADAKET HARBOR WATERSHED PROTECTION DISTRICT.
 - LOCUS DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE.
 - CONTRACTOR TO COORDINATE FINAL PLACEMENT OF ALARM PANEL WITH HOMEOWNER PRIOR TO INSTALLATION. PANEL TO BE INSTALLED IN A SUITABLY CONVENIENT LOCATION.
 - PRIOR TO THE ISSUANCE OF THE DISPOSAL SYSTEM CONSTRUCTION PERMIT, A COPY OF EITHER THE LOCAL APPROVING AUTHORITIES OR THE DEPARTMENT WRITTEN APPROVAL SHALL BE REGISTERED IN THE CHAIN OF TITLE AT THE LAND REGISTRATION OFFICE.
 - PRIOR TO THE CERTIFICATE OF COMPLIANCE BEING ISSUED, THE SYSTEM OWNER IS TO REGISTER A DEED RESTRICTION LIMITING DWELLING #2 TO TWO (2) BEDROOMS MAX. AT THE LAND REGISTRATION OFFICE.
 - SEE RECORD DESIGN PLAN AND AS-BUILT, PREPARED BY COX ENVIRONMENTAL ENGINEERING, INC., ON FILE AT THE TOWN OF NANTUCKET BOARD OF HEALTH OFFICE FOR FURTHER DETAILS.
 - SEE RECORD DESIGN PLAN, PREPARED BY BRACKEN ENGINEERING, INC., REVISED 1/7/13, ON FILE AT THE TOWN OF NANTUCKET BOARD OF HEALTH OFFICE, CONVERTING THE EXISTING SEPTIC SYSTEM INTO A GREYWATER SYSTEM.



- ### NOTES
- ALL SYSTEM COMPONENTS TO BE MARKED WITH MAGNETIC MARKING TAPE.
 - ALL SYSTEM COMPONENTS TO BE WITHIN 36" OF FINISHED GRADE.
 - ALL PLUMBING WITHIN 10' OF BUILDINGS TO BE PERFORMED BY A LICENSED PLUMBER.

Prepared By:

49 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508.833.0070
(fax) 508.833.2282

19 OLD SOUTH ROAD
NANTUCKET, MA 02554
(tel) 508.325.0044
www.brackeneng.com

SUBSURFACE SEWAGE DISPOSAL PLAN IN NANTUCKET, MASSACHUSETTS

Prepared For:
C. GAIL GREENWALD
#6 WASHINGTON AVENUE
MAP 60.2.4 PARCEL 66



NANTUCKET HEALTH DEPARTMENT
3 EAST CHESTNUT STREET
NANTUCKET, MASSACHUSETTS 02554

Telephone 508.228.7200 ext. 7020

Tele fax 508.325.6117

klafavre@nantucket-ma.gov

February 9, 2016

Ms. Marjory Ross O'Day
8 Polpis Road/13 Chatham Rd.
Nantucket, MA 02554

RE: Code Violations – Emergency Condemnation
13 Chatham Rd. aka 8 Polpis Road, 54/125

Dear Property Owner:

As a result of a housing complaint received in this office, an inspection was conducted at the property referenced above by Kathy LaFavre, Health Inspector and Artell Crowley, Assistant Health Director for the Nantucket Health Department. This inspection revealed violations of Chapter II of the State Sanitary Code 105 CMR 410.000 that are in need of correction:

VIOLATIONS

Interior

1. **Observed two bedrooms in the basement** - both bedrooms have a lack of proper egress, violation of 105 CMR 410.450; a lack of natural light, violation of 105 CMR 410.250(A); and do not provide proper heat, violation of 105 CMR 410.200 and 201, and a lack of hard wired smoke detectors throughout the home, violation of 105 CMR 410.482 – conditions deemed to endanger or impair health or safety.

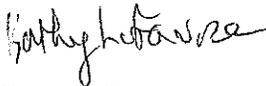
The basement bedrooms must be vacated immediately and must not be used for habitation until all work to provide proper egress, natural light and installation of hard wired smoke detectors be completed and an appointment for re-inspection is secured with the Nantucket Health Department.

Under Regulation 105 CMR 410.850 of the code cited above, you have a right to a hearing in this matter. At this hearing any affected party has the right to appear. You also have the right to be represented at such a hearing, and have the right to inspect and obtain copies of all relevant inspection and investigation reports, orders, notices, and other documentary information in the possession of the Board of Health. Written request for such a hearing must be received by this office within seven days of receipt of this letter.

Any person who shall fail to comply with any order issued pursuant to the provisions of the State Sanitary Code, Chapter II, 105 CMR 410.000 shall upon conviction be fined not less than ten nor more than five hundred dollars. Each day's failure to comply with the order shall constitute a separate violation.

If you have any questions concerning this matter, you may contact this office at 508-228-7200 x7020 or x7014.

Sincerely,

A handwritten signature in cursive script that reads "Kathy LaFavre".

Kathy LaFavre
Health Inspector

Enc. Emergency Condemnation Order, Inspection Report/Photos

Certified Mail/Return Receipt

EMERGENCY CONDEMNATION AND ORDER TO VACATE
Finding of Unfitness for Human Habitation and
Determination of Immediate Danger

In accordance with M.G.L. c. 111, §§ 127A and 127B, 105 CMR 400.000: State Sanitary Code, Chapter I: General Administrative Procedures and 105 CMR 410.000: State Sanitary Code, Chapter II: Minimum Standards of Fitness for Human Habitation, Kathy LaFavre, Health Inspector for the Town of Nantucket Board of Health, on 2/9/16 conducted an inspection of a dwelling located at 8 Polpis Rd. (54/125) Nantucket, Massachusetts. A copy of the inspection report is annexed hereto.

Based on the results of that inspection, the Board of Health ("Board") finds that the dwelling is unfit for human habitation. Pursuant to M.G.L. c. 127 B and 105 CMR 410.831 (D), the Board further finds that the conditions within the dwelling are such that the danger to the life or health of the occupants of the subject dwelling is so immediate that no delay may be permitted in making this finding.

Conditions found within the dwelling, which give rise to the emergency finding of unfitness and determination of immediate danger, include: inadequate egress in both basement bedroom windows (105 CMR 410.450); inadequate provision of natural light in both basement windows (105 CMR 410.250 A); inadequate provision of adequate heat in both bedrooms (105 CMR 410.200, 201); and inadequate provision of (hard wired) smoke detectors (105 CMR 410.482).

Based upon these findings any and all occupants are hereby ordered to vacate the basement bedrooms and the landlord/owner is ordered to secure the subject dwelling's basement bedrooms within 48 hours of receipt of this order.

If any person refuses to leave a dwelling or portion thereof, which was ordered condemned and vacated s/he may be forcibly removed by the local board of health (MGL. c. 111, §127B), or by local police authorities at request of the board of health.

Furthermore, anyone who fails to comply with any order of the board of health may be subject to fines ranging from \$10-\$500. Each day's failure to comply with an order shall constitute a separate violation.

Once vacated this building's basement bedrooms may not be occupied and the placard removed without the written approval of the board of health.

Note: This is an important legal document. It may affect your rights. You should have it translated.

Signed Kathy LaFavre, Health Inspector
Local Board of Health

cc: Occupants
Lien Holders
Mortgage Holders
Building Inspector
Fire Department
Town Counsel

54/125

Inspection Form

Nantucket Health Department, 3 E Chestnut Street, Nantucket, MA 02554

SSC 105 CMR 410.000: Chapter II, Minimum Standards of Fitness for Human Habitation

(aka 13 Chatham Rd.)

Date <u>2/9/16</u>	Time <u>11:00 a.m.</u>	# Occupants <u>4-5</u>	# Children < 6 Years
Address <u>8 Polpis Rd.</u>	Unit #	City/Town <u>Nantucket, MA 02554</u>	
Occupant Name <u>Margory Ross O'Leary</u>		Phone # <u>(617) 291-6886</u>	
Owner Name <u>Patricia M Ross et al</u>		Phone#	
Owner Address <u>8 Polpis Rd</u>		City/Town <u>Nantucket</u>	Zip Code <u>02554</u>
# Dwelling/ Rooming Units in Dwelling <u>Single family</u>	# Stories	Floor Level of Unit	
# Sleeping Rooms <u>(2 Basement Bedrooms)</u>	# Habitable Rooms <u>(.400)</u>		
Inspector <u>Kathy Lufavne</u>	Title <u>Health Inspector</u>		

If violations are observed and checked, describe them fully on Page 3.

Area or Element	Type of Violation Use blank boxes for ones not listed	Possible Code Section(s)	✓ if Violation Observed	Responsible Party	
				Owner	Occupant
Exterior, Yard & Porch	Locks	480			
	Posting, ID, Exit signs/emergency lights	481, 483, 484			
	Handrails, steps, doors windows, roof	500, 501, 503			
	Rubbish—storage and collection	600, 601			
	Maintenance of Area	602			
Common Areas & Entry	Light, windows	253, 254, 501			
	Egress	450, 451, 452			
	Handrails	503			
Interior Halls & Stairs	Floors, walls ceilings	500			
	Hallways, railings, stairs	503			
	Light, windows	253, 254, 501			
Bedroom 1 <i>Basement (near bulkhead)</i>	Location (circle): Front <u>(Rear)</u> Middle Left Middle <u>(Right)</u>			Floor Level of Unit <u>Basement</u>	
	Ventilation	280			
	Ceiling height	401, 402			
	<u>(Windows)</u> screen <u>natural light, egress</u>	501, 551, 250A, 450	✓	✓	
Bedroom 2 <i>Basement</i>	Location (circle): Front <u>(Rear)</u> Middle <u>(Left)</u> Middle Right			Floor Level of Unit <u>Basement</u>	
	Ventilation	280			
	Ceiling height	401, 402			
	<u>(Windows)</u> screen <u>natural light, egress</u>	501, 551, 250A, 450	✓	✓	
Bathroom	Toilet, sink, shower, tub, door	150			
	Smooth, impervious surfaces	150			
	Lights, outlets, ventilations	251, 280			
	Floors/walls	504			
Kitchen	Sink, stove, oven; good repair, impervious and smooth, space refrig	100			
	Lights, outlets, ventilation, windows, screens	251, 280, 501, 551			

Area or Element	Type of Violation Use blank boxes for ones not listed	Possible Code Section(s)	✓if Violation Observed	Responsible Party	
				Owner	Occupant
Kitchen, cont.	Ceiling height	401, 402			
	Floor	504			
Living room and Dining Room	Lights, outlets, ventilation	250, 280			
	Ceiling height	401, 402			
	Windows/screens	501, 551			
Basement	Maintenance	500			
	Watertight	500			
	Lighting	253			
Water	Source (circle): Public Private				
	Must be potable	180			
	Quantity, pressure	180			
	Responsible for paying MGL ch 186 s 22, metering	354			
Hot Water	Fuel Type (circle): Natural Gas Oil Electric Other		Temp.: °f	Location taken:	
	Quantity, pressure, 110 F min, 130 max	190			
	Venting	202			
Heating <i>Neither Basement Bedroom has proper heat</i>	Type (circle): Forced Hot Water Forced Hot Air Steam Electric				
	No portable units	200	✓	✓	
	"Habitable room and every room with toilet, shower, tub"	201	✓	✓	
	• 68 F 7 am to 11 pm, 64 F 11:01 pm to 6:59 am, except 6/15-9/15				
	• 78 F max in heating season/measure 5 feet wall, 5 feet floor				
Venting, metering	202, 354, 355				
Electrical	Type (circle): 110 220 Amp:				
	Amperage, temporary wiring, metering	250, 255, 256, 354			
Drainage, Plumbing	Type (circle): Public Private				
	Sanitary drainage required and maintained	300, 351			
Smoke & CO Detectors	Required & operational <i>smokes - must all be hardwired</i>	482	✓	✓	
Pests	Free of pests (rodents, skunks, cockroaches, insects)	550			
	Structural maintenance and elimination of harborage	550			
Asbestos or Lead Paint		353, 502			
Curtailement		620			
Access		810			
Other					

Referral: Electric Fire Plumbing Building Other

This inspection report is signed and certified under the pains and penalties of perjury.

Inspector Signature Kathy Lefavice

Occupant or Occupant's Representative Signature

Reinspection Date upon close out of building / Time electrical permits and prior to re-occupancy of both basement bedrooms.

Written description of any violation(s) checked above

Include Area or Element, code citation and a description of the condition(s) that constitute the violation. You may include remedies that would be an acceptable means of achieving compliance with 105 CMR 410.000.

NOTE: *indicates that this housing inspection has revealed conditions which may endanger or materially impair the health, safety, and well-being of any person(s) occupying the premises
 105 CMR 410.

Area/Element, Code Citation and Description of Violation	Acceptable Remedies
① windows - natural light, .250(A), basement windows in both bedrooms do not meet natural light requirement;	① Install new compliant windows in each bedroom.
② windows - egress, .450, basement windows in both bedrooms are not of sufficient size to allow proper egress;	② Install window in each bedroom that meets proper egress size criteria.
③ Heat - basement bedrooms have portable heat units, 1200 / 1201, must be replaced with proper heat device / baseboard unit - contact building inspector.	③ Replace portable heat units with properly permitted (fixed) heat unit.
Emergency Condemnation of both basement bedrooms will exist until proper permits have been closed out and the Health Department has been called for a re-inspection of the bedrooms - compliance with 105 CMR 410.000.	

THE FOLLOWING IS A BRIEF SUMMARY OF SOME OF THE LEGAL REMEDIES TENANTS MAY USE IN ORDER TO GET HOUSING CODE VIOLATIONS CORRECTED.

1. Rent Withholding (General Laws Chapter 239 Section 8A).

If Code Violations Are Not Being Corrected you may be entitled to hold back your rent payment. You can do this without being evicted if:

- A. You can prove that your dwelling unit or common areas contain violations which are serious enough to endanger or materially impair your health or safety and that your landlord knew about the violations before you were behind in your rent.
- B. You did not cause the violations and they can be repaired while you continue to live in the building.
- C. You are prepared to pay any portion of the rent into court if a judge orders you to pay for it. (for this it is best to put the rent money aside in a safe place.)

2. Repair and Deduct (General Laws Chapter 111 Section 127L).

This law *sometimes* allows you to use your rent money to make the repairs yourself. If your local code enforcement agency certifies that there are code violations which endanger or materially impair your health, safety or well-being and your landlord has received written notice of the violations, you may be able to use this remedy. If the owner fails to begin necessary repairs (or enter into a written contract to have them made) within five days after notice or to complete repairs within 14 days after notice you can use up to four months' rent in any year to make the repairs.

3. Retaliatory Rent Increases or Eviction Prohibited (General Laws Chapter 186, Section 18 and Chapter 239 Section 2A).

The owner may not increase your rent or evict you in retaliation for making a complaint to your local code enforcement agency about code violations. If the owner raises your rent or tries to evict within six months after you have made the complaint he or she will have to show a good reason for the increase or eviction which is unrelated to your complaint. You may be able to sue the landlord for damages if he or she tries this.

4. Rent Receivership (General Laws Chapter 111 Sections 127C-H).

The occupants and/or the board of health may petition the District or Superior Court to allow rent to be paid into court rather than to the owner. The court may then appoint a "receiver" who may spend as much of the rent money as is needed to correct the violation. The receiver is not subject to a spending limitation of four months' rent.

5. Search of Warranty of Habitability.

You may be entitled to sue your landlord to have all or some of your rent returned if your dwelling unit does not meet minimum standards of habitability.

6. Unfair and Deceptive Practices (General Laws Chapter 93A)

Renting an apartment with code violations is a violation of the consumer protection act and regulations for which you may sue an owner.

THE INFORMATION PRESENTED ABOVE IS ONLY A SUMMARY OF THE LAW, BEFORE YOU DECIDE TO WITHHOLD YOUR RENT OR TAKE ANY LEGAL ACTION. IT IS ADVISABLE THAT YOU CONSULT AN ATTORNEY, YOU SHOULD CONTACT THE NEAREST LEGAL SERVICES OFFICE WHICH IS:

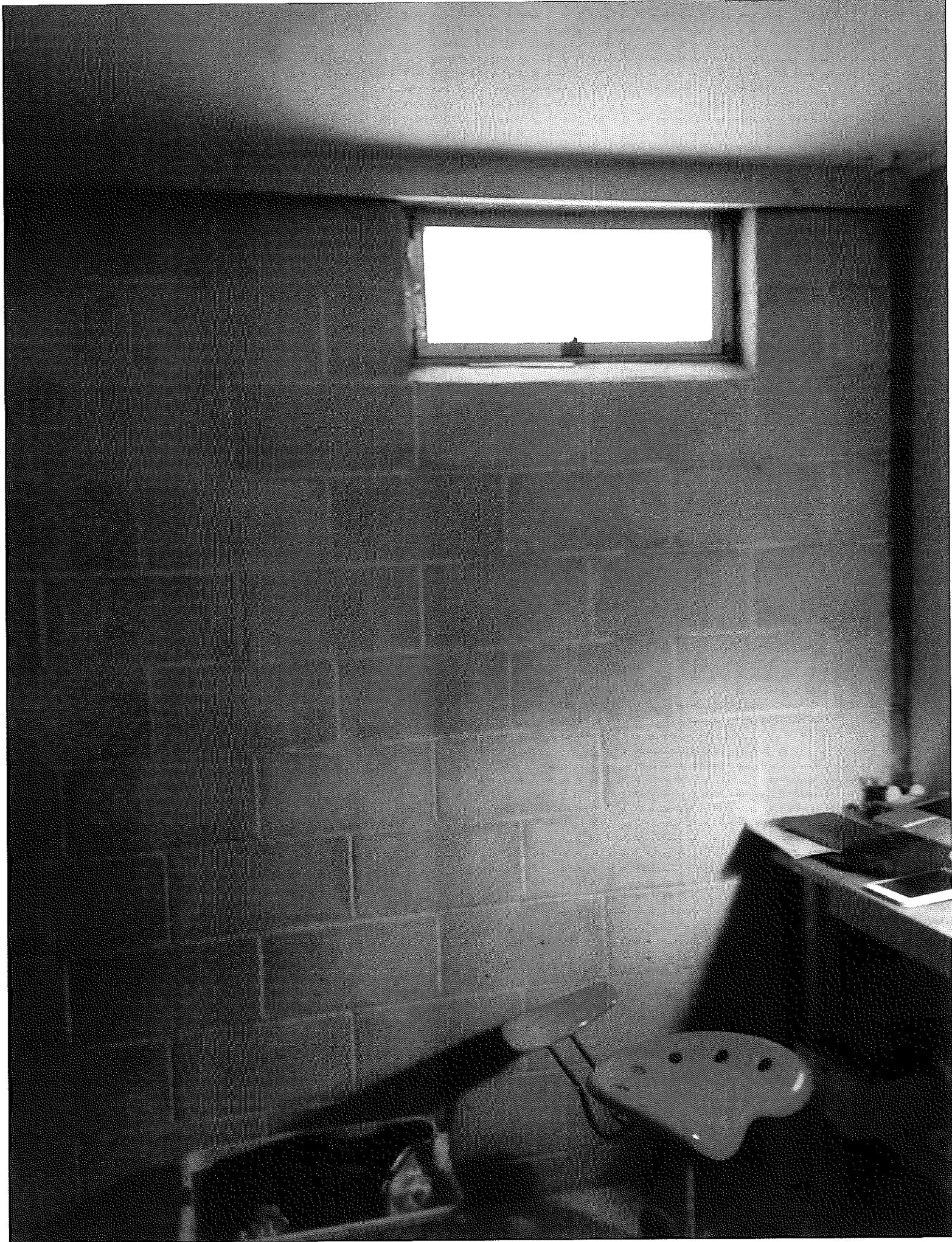
(NAME)

(TELEPHONE NUMBER)

(ADDRESS)

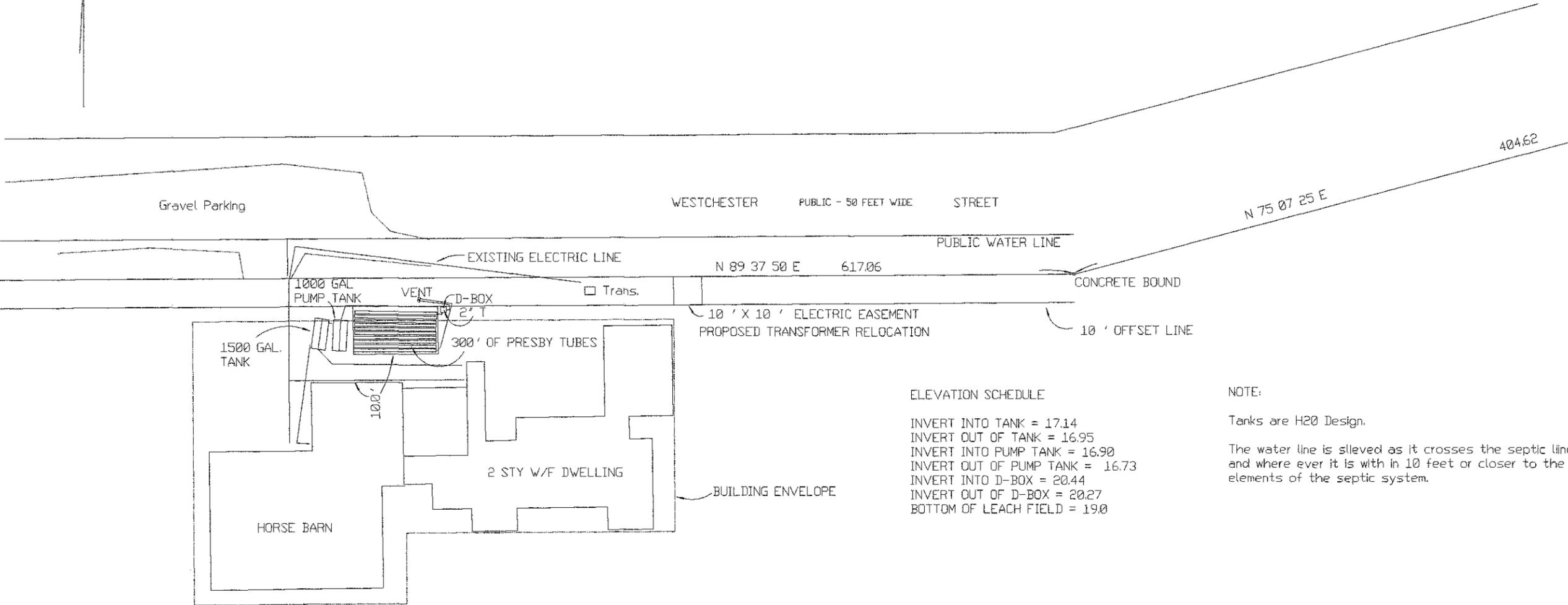








NORTH



ELEVATION SCHEDULE

INVERT INTO TANK = 17.14
 INVERT OUT OF TANK = 16.95
 INVERT INTO PUMP TANK = 16.90
 INVERT OUT OF PUMP TANK = 16.73
 INVERT INTO D-BOX = 20.44
 INVERT OUT OF D-BOX = 20.27
 BOTTOM OF LEACH FIELD = 19.0

NOTE:

Tanks are H20 Design.

The water line is sleeved as it crosses the septic line and where ever it is with in 10 feet or closer to the elements of the septic system.

I CERTIFY THAT THE CONDITIONS ON THE GROUND ARE AS SHOWN AS OF THE DATE OF THIS PLAN.

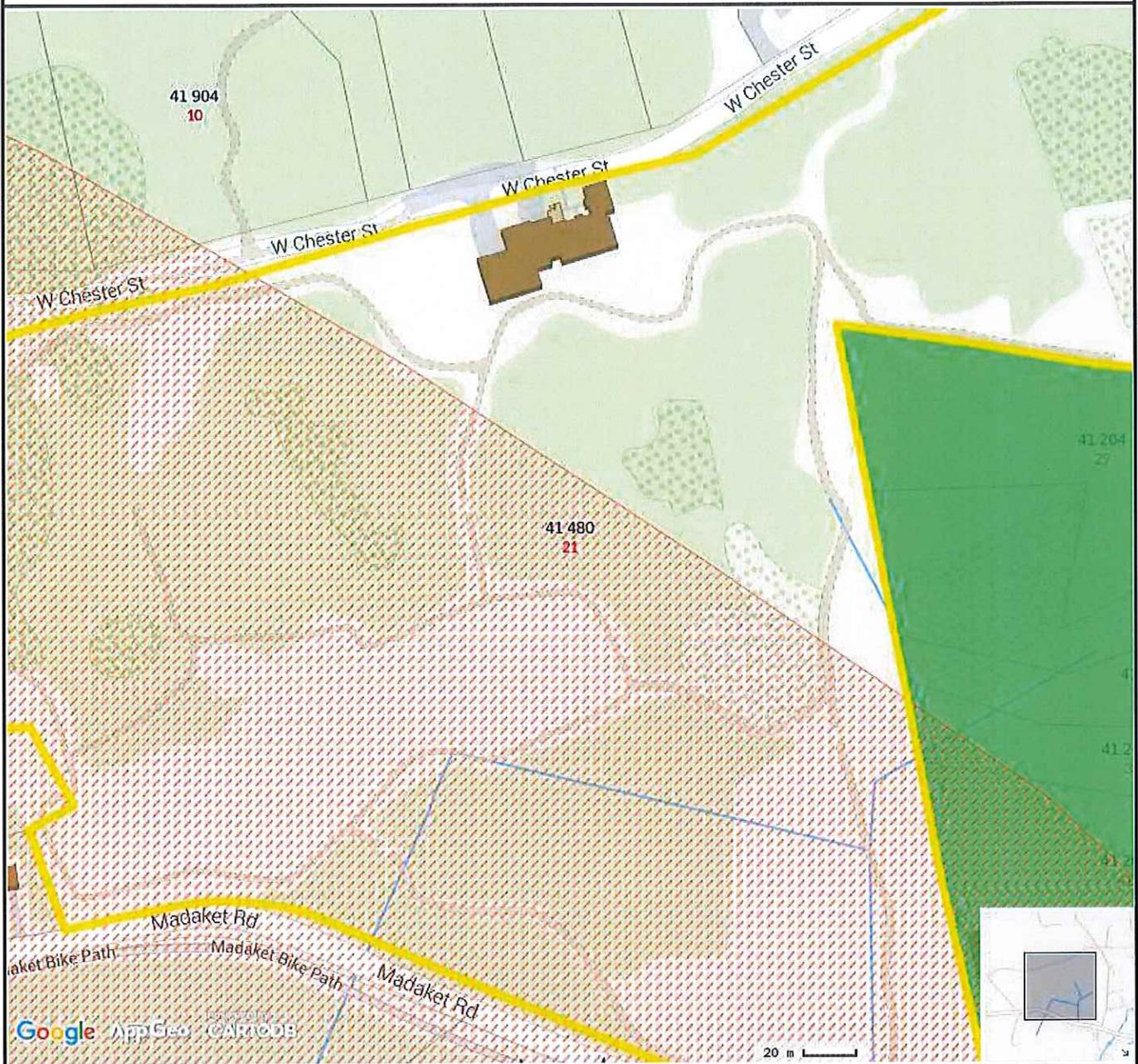
[Signature]
 FRANK O. HOLDGATE PLS 33599



21 PILGRIM ROAD

TAX MAP 41 PARCEL 480
 DEED BOOK 1121 PAGE 146
 PLAN BOOK 16 PAGE 74

SEPTIC AS-BUILT
 PLOT PLAN OF LAND
 NANTUCKET, MASS.
 FOR
 CATHERINE E. CONTE
 SCALE 1"=40' 5-31-2011
 FRANK O. HOLDGATE
 PO BOX 1448
 NANTUCKET, MASS. 02554



Property Information

Property ID 41 480
Location 21 CROOKED LN
Owner 21 CROOKED LANE LLC

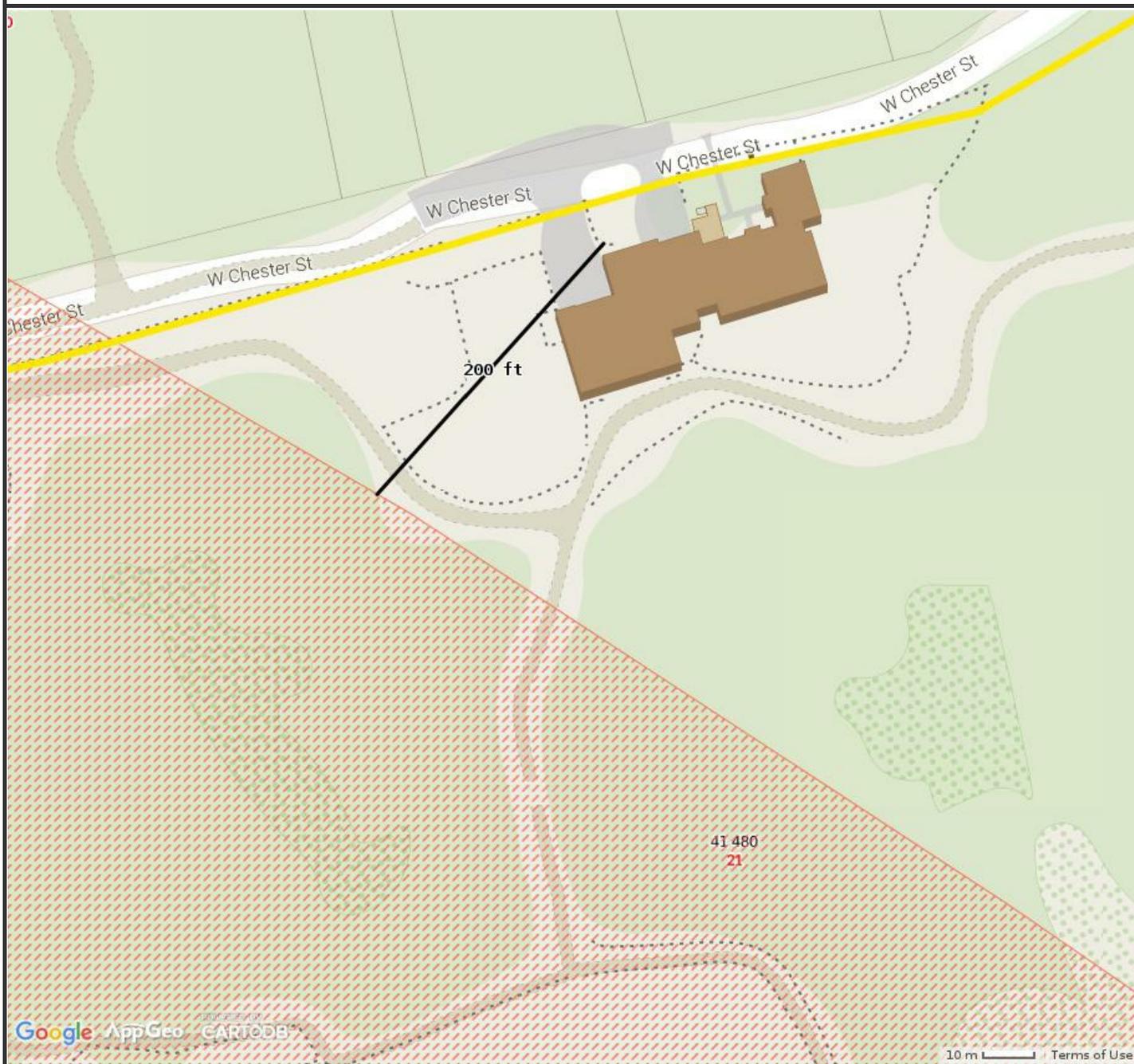


**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated December, 2014
Properties updated January, 2015

21 Crooked Ln. Septic Distance



Property Information	
Property ID	41 480
Location	21 CROOKED LN
Owner	21 CROOKED LANE LLC



MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated December, 2014
Properties updated January, 2015

Map Theme Legends

Water Protection Districts

Hummock Pond Watershed
Protection Zones

-  Zone A
-  Zone B

Madaket Harbor Watershed
Protection Zones

-  Zone A
-  Zone B

Wellhead Protection District



Harbor Watershed Protection
Zones

-  Zone A
-  Zone B

From: Brant Point Inn [bpi@nantucket.net]
Sent: Wednesday, January 13, 2016 2:27 PM
To: robertosantamaria@nantucket-ma.gov
Cc: Anne Barrett
Subject: Septic Compliance

Dear Roberto Santamaria, Nantucket Health Inspector

Re: 43 Millbrook Road, Septic
Kaizer Home

We are kindly requesting to attend your next meeting on January 21, 2016, for a waiver regarding our septic system compliance inspection, October 20, 2015. Our septic was installed in May, 1995. At that time the Town of Nantucket separation requirement was 5ft. While our septic passed mechanically, the test hole and as built data show 5.95ft of separation from ground water observed, .5 inches shy from the more recent increase to the 6' requirement.

Thank you for your time and consideration in this request.

Respectfully,
Peter and Thea Kaizer
#508-228-5442



NANTUCKET HEALTH DEPARTMENT

3 EAST CHESTNUT STREET

NANTUCKET, MASSACHUSETTS 02554

Telephone 508.228.7200 ext. 7020

Tele fax 508.325.6117

klafavre@nantucket-ma.gov

February 2, 2016

Ms. Fernella Phillips
4 Kinikinnik Way
Nantucket, MA 02554

RE: Code Violations-Emergency Condemnation
4 Kinikinnik Way 80/419

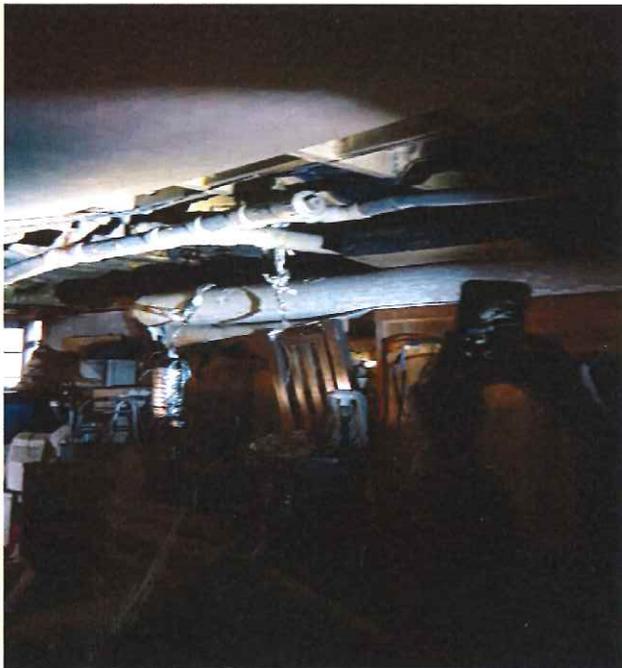
Dear Property Owner:

As a result of a referral from the dispatch unit/Fire Department on January 29, 2016, an inspection was conducted at the property referenced above by Kathy LaFavre, Health Inspector, and Art Crowley, Assistant Health Director for the Nantucket Health Department. This inspection revealed violations of Chapter II of the State Sanitary Code 105 CMR 410.000 that are in need of correction:

VIOLATIONS

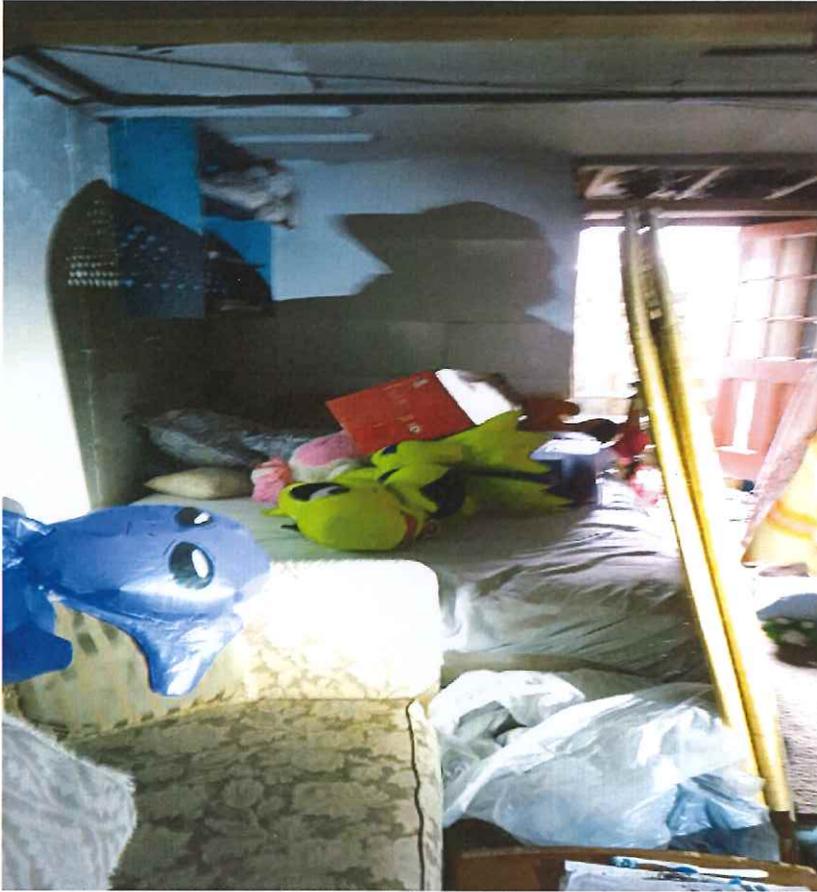
Interior

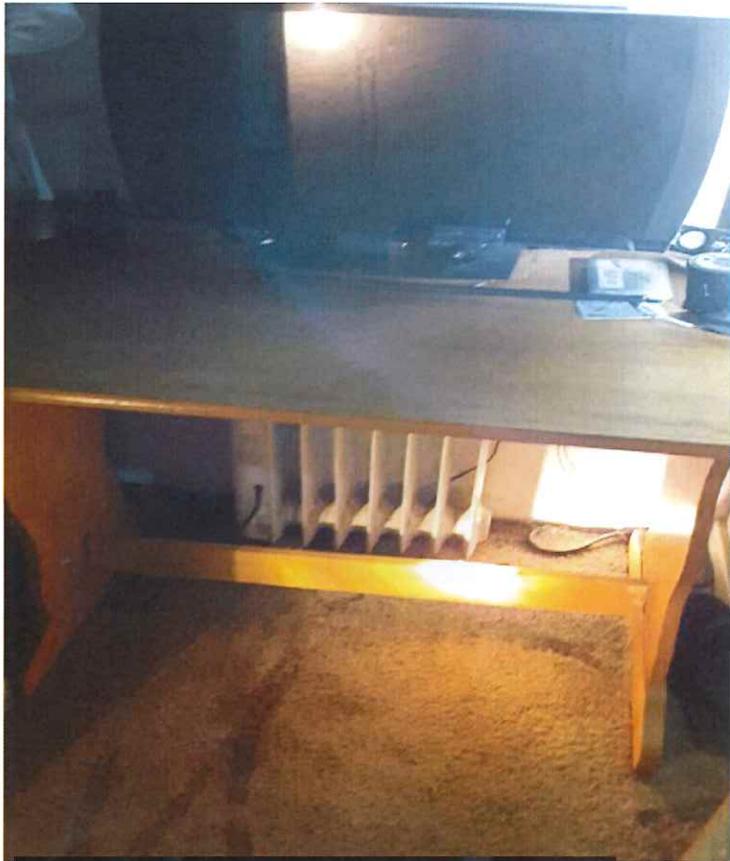
1. **Observed fire damage in basement** – due to the fire damage, the water, heat and electrical services have been shut off. Therefore, violations of 105 CMR 410.750 (C) and (E) exist – Conditions deemed to endanger or impair health or safety;



The home must be vacated immediately and must not be occupied until all work to restore water, heat and electrical service is completed and inspected by the proper permitting authorities.

2. **Observed a bedroom in the basement** – the basement bedroom lacks proper egress 105 CMR 410.450; proper heat 105 CMR 410.200(A) and (B); and proper smokes/CO unit 105 CMR 410.482.







The basement bedroom may not be used for habitation until all such code violations can be addressed, permitted and inspected by the proper permitting authorities.

Prior to re-occupancy of the main dwelling, you must make an appointment for re-inspection with the Nantucket Health Department.

The basement bedroom will remain condemned until you have made corrections to **Violation 2** and have made an appointment for re-inspection with the Nantucket Health Department.

Under Regulation 105 CMR 410.850 of the code cited above, you have a right to a hearing in this matter. At this hearing any affected party has the right to appear. You also have the right to be represented at such a hearing, and have the right to inspect and obtain copies of all relevant inspection and investigation reports, orders, notices, and other documentary information in the possession of the Board of Health. Written request for such a hearing must be received by this office within seven days of receipt of this letter.

Any person who shall fail to comply with any order issued pursuant to the provisions of the State Sanitary Code, Chapter II, 105 CMR 410.000 shall upon conviction be fined not less than ten nor more than five hundred dollars. Each day's failure to comply with the order shall constitute a separate violation.

If you have any questions concerning this matter, you may contact this office at 508.228.7200 x7020 or x7014.

Sincerely,

Handwritten signature of Kathy LaFavre in cursive.

Kathy LaFavre

Health Inspector

Enc. Emergency Condemnation Order, Inspection Report

Certified Mail/Return Receipt

EMERGENCY CONDEMNATION AND ORDER TO VACATE
Finding of Unfitness for Human Habitation and
Determination of Immediate Danger

In accordance with M.G.L. c. 111, §§ 127A and 127B, 105 CMR 400.000: State Sanitary Code, Chapter I: General Administrative Procedures and 105 CMR 410.000: State Sanitary Code, Chapter II: Minimum Standards of Fitness for Human Habitation, Artell Crowley, Assistant Health Director for the Town of Nantucket Board of Health, on 1/29/16 conducted an inspection of a dwelling located at 4 Kinikinnik Way (80/419), Nantucket, Massachusetts. A copy of the inspection report is annexed hereto.

Based on the results of that inspection, the Board of Health ("Board") finds that the dwelling is unfit for human habitation. Pursuant to M.G.L. c. 127 B and 105 CMR 410.831 (D), the Board further finds that the conditions within the dwelling are such that the danger to the life or health of the occupants of the subject dwelling is so immediate that no delay may be permitted in making this finding.

Conditions found within the dwelling, which give rise to the emergency finding of unfitness and determination of immediate danger, include: Failure to provide a supply of water sufficient in quantity, pressure and temperature....to meet the ordinary needs of the occupant in accordance with 105 CMR 410.180 and 410.190 for a period of 24 hours or longer; failure to provide heat as required by 105 CMR 410.201; Shutoff and/or failure to restore electricity, gas or water (105 CMR 410.750(C)); Failure to provide a safe supply of water 105 CMR 410.750 (E); Failure to provide adequate exits/egress 105 CMR 410.450 – basement bedroom.

Based upon these findings any and all occupants are hereby ordered to vacate and the landlord/owner is ordered to secure the subject dwelling within 48 hours of receipt of this order.

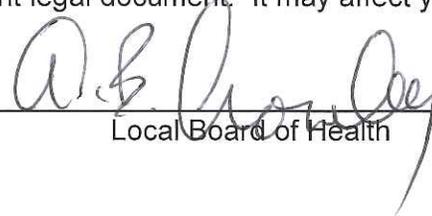
If any person refuses to leave a dwelling or portion thereof, which was ordered condemned and vacated s/he may be forcibly removed by the local board of health (MGL. c. 111, §127B), or by local police authorities at request of the board of health.

Furthermore, anyone who fails to comply with any order of the board of health may be subject to fines ranging from \$10-\$500. Each day's failure to comply with an order shall constitute a separate violation.

Once vacated this building may not be occupied and the placard removed without the written approval of the board of health.

Note: This is an important legal document. It may affect your rights. You should have it translated.

Signed



Local Board of Health

cc: Occupants
Lien Holders
Mortgage Holders
Building Inspector
Fire Department
Town Counsel

80/419

Inspection Form

Nantucket Health Department, 3 E Chestnut Street, Nantucket, MA 02554
 SSC 105 CMR 410.000: Chapter II, Minimum Standards of Fitness for Human Habitation

Date 1/29/2016	Time 1:00 p.m.	# Occupants (5)	# Children < 6 Years (?)
Address 4 Kinikinnik Way	Unit #	City/Town Nantucket, MA	02554
Occupant Name Fernella Phillips		Phone # (508) 360-3077	
Owner Name Fernella Phillips		Phone# shessofind@aol.com	
Owner Address same as above		City/Town	Zip Code
# Dwelling/ Rooming Units in Dwelling single family	# Stories	Floor Level of Unit	
# Sleeping Rooms 6	# Habitable Rooms (.400)		
Inspector Kathy LaFavre	Title Health Inspector		

- Art Crowley, Assistant Health Director

If violations are observed and checked, describe them fully on Page 3.

Area or Element	Type of Violation Use blank boxes for ones not listed	Possible Code Section(s)	✓if Violation Observed	Responsible Party	
				Owner	Occupant
Exterior, Yard & Porch	Locks	480			
	Posting, ID, Exit signs/emergency lights	481, 483, 484			
	Handrails, steps, doors windows, roof	500, 501, 503			
	Rubbish—storage and collection	600, 601			
	Maintenance of Area	602			
Common Areas & Entry	Light, windows	253, 254, 501			
	Egress	450, 451, 452			
	Handrails	503			
Interior Halls & Stairs	Floors, walls ceilings	500			
	Hallways, railings, stairs	503			
	Light, windows	253, 254, 501			
Bedroom 1	Location (circle): Front Rear Middle Left Middle Right		Floor Level of Unit		
	Ventilation	280			
	Ceiling height	401, 402			
	Windows, screen	501, 551			
Bedroom 2	Location (circle): Front Rear Middle Left Middle Right		Floor Level of Unit		
	Ventilation	280			
	Ceiling height	401, 402			
	Windows, screen	501, 551			
Bathroom	Toilet, sink, shower, tub, door	150			
	Smooth, impervious surfaces	150			
	Lights, outlets, ventilations	251, 280			
	Floors/walls	504			
Kitchen	Sink, stove, oven; good repair, impervious and smooth, space refrig	100			
	Lights, outlets, ventilation, windows, screens	251, 280, 501, 551			

Area or Element	Type of Violation Use blank boxes for ones not listed	Possible Code Section(s)	✓if Violation Observed	Responsible Party	
				Owner	Occupant
Kitchen, cont.	Ceiling height	401, 402			
	Floor	504			
Living room and Dining Room	Lights, outlets, ventilation	250, 280			
	Ceiling height	401, 402			
	Windows/screens	501, 551			
Basement	Maintenance	500			
	Watertight	500			
	Lighting	253			
Water Shut off due to Fire	Source (circle): <u>Public</u> Private				
	Must be potable	180	✓	✓	
	Quantity, pressure	180	✓	✓	
	Responsible for paying MGL ch 186 s 22, metering	354			
Hot Water Shut off due to Fire	Fuel Type (circle): Natural Gas Oil Electric Other				
	Temp.: °f Location taken:				
	Quantity, pressure, 110 F min, 130 max	190	✓	✓	
	Venting	202			
Heating no heat due to Fire	Type (circle): Forced Hot Water Forced Hot Air Steam Electric				
	No portable units <u>Basement Bedroom</u>	200 (A + B)	✓	✓	
	"Habitable room and every room with toilet, shower, tub"	201	✓	✓	
	• 68 F 7 am to 11 pm, 64 F 11:01 pm to 6:59 am, except 6/15-9/15				
	• 78 F max in heating season/measure 5 feet wall, 5 feet floor				
	Venting, metering	202, 354, 355			
Electrical Shut off due to Fire	Type (circle): 110 220 Amp:				
	Amperage, temporary wiring, metering	250, 255, 256, 354(A)	✓	✓	
Drainage, Plumbing	Type (circle): Public Private				
	Sanitary drainage required and maintained	300, 351			
Smoke & CO Detectors	Required & operational	482	✓	✓	
	<u>Lack of Smoke/CO alarm in Basement Bedroom</u>				
Pests	Free of pests (rodents, skunks, cockroaches, insects)	550			
	Structural maintenance and elimination of harborage	550			
Asbestos or Lead Paint		353, 502			
Curtailment		620			
Access Egress	<u>Basement Bedroom</u>	810 450	✓	✓	
Other	<u>Conditions deemed to Endanger or Impair Health or Safety</u>	750 (D/E)	✓	✓	

Referral: Electric Fire Plumbing Building Other

This inspection report is signed and certified under the pains and penalties of perjury.

Inspector Signature Kathy Kefarice, Health Inspector

Occupant or Occupant's Representative Signature

Reinspection Date upon notification that all Time

repair work has been completed and inspected by permitting authorities.

Written description of any violation(s) checked above

Include Area or Element, code citation and a description of the condition(s) that constitute the violation. You may include remedies that would be an acceptable means of achieving compliance with 105 CMR 410.000.

NOTE: *indicates that this housing inspection has revealed conditions which may endanger or materially impair the health, safety, and well-being of any person(s) occupying the premises

Area/Element, Code Citation and Description of Violation	Acceptable Remedies
① Lack of water 410.180 410.190	① Restore water
② Lack of heat 410.201	② Restore heat
③ Lack of electricity 410.354(A)	③ Restore electricity
④ Conditions Deemed to Endanger 410.750 (C) (E)	④ Restore electricity, heat + water service
⑤ Basement Bedroom 410.200(A) + (B) - Heat	⑤ Provide proper heat to basement bedroom - no portable heat units allowed.
⑥ Basement Bedroom 410.450 - Egress	⑥ Lack of egress for Basement Bedroom - must provide proper egress prior to habitation.
⑦ Basement Bedroom 410.482 - Smokes/CO	⑦ Install smoke/CO unit in Basement Bedroom prior to habitation.

THE FOLLOWING IS A BRIEF SUMMARY OF SOME OF THE LEGAL REMEDIES TENANTS MAY USE IN ORDER TO GET HOUSING CODE VIOLATIONS CORRECTED.

1. Rent Withholding (General Laws Chapter 239 Section 8A).

If Code Violations Are Not Being Corrected you may be entitled to hold back your rent payment. You can do this without being evicted if:

- A. You can prove that your dwelling unit or common areas contain violations which are serious enough to endanger or materially impair your health or safety and that your landlord knew about the violations before you were behind in your rent.
- B. You did not cause the violations and they can be repaired while you continue to live in the building.
- C. You are prepared to pay any portion of the rent into court if a judge orders you to pay for it. (for this it is best to put the rent money aside in a safe place.)

2. Repair and Deduct (General Laws Chapter 111 Section 127L).

This law *sometimes* allows you to use your rent money to make the repairs yourself. If your local code enforcement agency certifies that there are code violations which endanger or materially impair your health, safety or well-being and your landlord has received written notice of the violations, you may be able to use this remedy. If the owner fails to begin necessary repairs (or enter into a written contract to have them made) within five days after notice or to complete repairs within 14 days after notice you can use up to four months' rent in any year to make the repairs.

3. Retaliatory Rent Increases or Eviction Prohibited (General Laws Chapter 186, Section 18 and Chapter 239 Section 2A).

The owner may not increase your rent or evict you in retaliation for making a complaint to your local code enforcement agency about code violations. If the owner raises your rent or tries to evict within six months after you have made the complaint he or she will have to show a good reason for the increase or eviction which is unrelated to your complaint. You may be able to sue the landlord for damages if he or she tries this.

4. Rent Receivership (General Laws Chapter 111 Sections 127C-H).

The occupants and/or the board of health may petition the District or Superior Court to allow rent to be paid into court rather than to the owner. The court may then appoint a "receiver" who may spend as much of the rent money as is needed to correct the violation. The receiver is not subject to a spending limitation of four months' rent.

5. Search of Warranty of Habitability.

You may be entitled to sue your landlord to have all or some of your rent returned if your dwelling unit does not meet minimum standards of habitability.

6. Unfair and Deceptive Practices (General Laws Chapter 93A)

Renting an apartment with code violations is a violation of the consumer protection act and regulations for which you may sue an owner.

THE INFORMATION PRESENTED ABOVE IS ONLY A SUMMARY OF THE LAW, BEFORE YOU DECIDE TO WITHHOLD YOUR RENT OR TAKE ANY LEGAL ACTION. IT IS ADVISABLE THAT YOU CONSULT AN ATTORNEY, YOU SHOULD CONTACT THE NEAREST LEGAL SERVICES OFFICE WHICH IS:

(NAME)

(TELEPHONE NUMBER)

(ADDRESS)