1. Board Of Health Packet

Documents:

11 OAK HOLLOW.PDF
72A OLD SOUTH.PDF
79 OLD SOUTH RD.PDF
80 OLD SOUTH RD.PDF
80A OLD SOUTH RD VARIANCE.PDF
82 OLD SOUTH.PDF
84 OLD SOUTH.PDF
7313 24 9 BEACH ST.PDF
VARIANCE FOR 54 HUMMOCK PD RD SEWER.PDF
VARIANCE ON SEWER CONNECTION 8 NOBSKA WY.PDF
BOHMIN20160721.PDF
RELEASE OF BETTERMENT LIEN 74 ARKANSAS.PDF

August 9, 2016

Around July 31, 2008, I was one of nine (9) homeowners who spent $10,000.00 each to have a sewer line brought down Oak Hollow Lane, to our properties

It appears that the proposed sewer line terminated at a manhole, some one hundred feet from my property. My position was the line was to terminate at my property and I would be responsible for the cost from the road to my septic

The sewer line never made it to the Jube, Ross and Sinkiewcz properties, yet it did go across Hummock Pond Road for a tie in

Around September 3, 2011, I had my septic inspected and passed for another $2,150.00

I am a very minimal user and discharger into my septic which at this time, poses no threat to the environment

Lots 10A and 10B were granted all permitting required, yet I am unclear why water and sewer were not brought in down the road, during this time of permitting

Now it appears a heavy financial burden is being sought for me to bring a line down the existing road, which is a very questionable undertaking

I was under the pretense I would connect into the sewer line as the new muti million dollar homes were to be developed, as this is not the present scenario

I am requesting the Board of Health to issue me a waiver, at this time, until such a sewer line is brought down the road. At this point I will gladly tie into the sewer line, from my property, and the BOH may then mark my property in compliance

I will be in attendance on Thursday, 8/18/16, starting at 4pm

Respectfully,

Joseph P. Sinkiewicz

NANTUCKET HEALTH DEPARTMENT

3 EAST CHESTNUT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Fax 508.325.6117

BOARD OF HEALTH REGULATION
VARIANCE REQUEST

$20 per request

I am requesting: (Check one.)

☒ **A variance of a Local Board of Health Regulation**

☐ **A variance of a State Public Health Regulation (310 CMR 15, 105 CMR 590, etc...)**

Please write an explanation of the variance requested (use separate paper if needed):

Regarding sewer hookup - my existing sewer is functioning well - Donald Visco is exploring the idea of a line down Hinsdale - this would work - otherwise I would have to excavate into my neighbors lot in Naushop which would be costly.

Requestor Name: Timothy Dugan

Company Name: (if applicable)

Address: 72A Old South Rd MAP: PARCEL: 006 8-404

Phone No. 508 292 2794 Fax No.

Email: mainlandconnection@verizon.net

Requestor's Signature: Date: 8/9/16

Please be advised that the Health Department accepts variance requests up to one week before a scheduled Board of Health meeting. Applications received after this deadline will be placed at the subsequent scheduled meeting.

Received by: Date:

RECEIVED AUG 09 2016 BY: AS

NANTUCKET HEALTH DEPARTMENT
3 EAST CHESTNUT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Fax 508.325.6117

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☐ **A variance of a State Public Health Regulation (310 CMR 15, 105 CMR 590, etc...)**

Please write an explanation of the variance requested (use separate paper if needed):
Am a Nantucket Native and Senior Citizen, 77yrs. of age husband - Roy is deceased, am alone and on Social Security. My Septic System is in good working condition - with regular yearly attention pumpings, with no threat to the enviorment - Unable to meet a September 1st. stipulation. Please grant me a Variance.

Requestor Name: Mary-Ann Egan

Company Name: (if applicable)

Address: 79 Old South Road MAP: PARCEL: 0068-128

Phone No. 508-228-2544 Fax No.

Email:

Requestor's Signature: Mary Ann Egan Date: 8-3-16

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RECEIVED
AUG 03 2016

Received by: RS + AS Date BY: DD

Pumping
Reports

2003

2004

2006

NANTUCKET HEALTH DEPARTMENT
3 EAST CHESTNUT STREET
NANTUCKET, MASSACHUSETTS 02554
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- ☒ **A variance of a Local Board of Health Regulation**
- ☐ **A variance of a State Public Health Regulation (310 CMR 15, 105 CMR 590, etc...)**

Please write an explanation of the variance requested (use separate paper if needed):

SEWER CONNECTION VERY FAR AWAY
PROHIBITIVELY COSTLY TO CONNECT

Requestor Name: TIMOTHY PARSONS

Company Name: (if applicable)

Address: 80 OLD SOUTH MAP: 68 PARCEL: 411

Phone No. 508-228-4330 Fax No.

Email: TIMPARSONS@COMCAST.NET

Requestor's Signature: Tim Parsons Date: 8/10/2016

Please be advised that the Health Department accepts variance requests up to one week before a scheduled Board of Health meeting. Applications received after this deadline will be placed at the subsequent scheduled meeting.

Received by:

RECEIVED
AUG 09 2016
Date:
BY: AS

NANTUCKET HEALTH DEPARTMENT
3 EAST CHESTNUT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Fax 508.325.6117

BOARD OF HEALTH REGULATION
VARIANCE REQUEST
$20 per request

RECEIVED
AUG 05 2016
BY: RD

I am requesting: (Check one.)

☒ **A variance of a Local Board of Health Regulation**

☐ **A variance of a State Public Health Regulation (310 CMR 15, 105 CMR 590, etc...)**

Please write an explanation of the variance requested (use separate paper if needed):
RELIEF FROM REGULATION 69.00 DUE TO DISTANCE OF RESIDENCE FROM NEAREST HOOK UP.

Requestor Name: DANIEL & ELIZABETH SUTHERLAND
Company Name: (if applicable)
Address: 80A OLD SOUTH RD MAP: 68 PARCEL: 412
Phone No. 508 221 8464 Fax No.
Email: DPSPHOTO@GMAIL.COM

Requestor's Signature: Date: 8/5/2016

Please be advised that the Health Department accepts variance requests up to one week before a scheduled Board of Health meeting. Applications received after this deadline will be placed at the subsequent scheduled meeting.

Received by: Date:

NANTUCKET HEALTH DEPARTMENT

3 EAST CHESTNUT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Fax 508.325.6117

BOARD OF HEALTH REGULATION VARIANCE REQUEST

$20 per request

I am requesting: (Check one.)

☒ **A variance of a Local Board of Health Regulation**

☐ **A variance of a State Public Health Regulation (310 CMR 15, 105 CMR 590, etc...)**

Please write an explanation of the variance requested (use separate paper if needed):

VARIANCE IS REQUESTED REGARDING BOARD OF HEALTH REGULATION 69.00 THE MANDATORY CONNECTION TO SEWER. OUR HOME IS SITUATED OVER 1,000'+ FROM SEWER MAIN ON OLD SOUTH ROAD. FOR THIS REASON IT WOULD BE A HARDSHIP ON US IF THIS REGULATION WAS FORCED UPON US.

Requestor Name: MARK & SHERRY CHITESTER

Company Name: (if applicable)

Address: 82 OLD SOUTH ROAD (AKA EGM LANE) MAP: 68 PARCEL: 413

Phone No. 508·228·2745 Fax No.

Email: MARK@NANTUCKET.NET

Requestor's Signature: Sherry Chitester Date: 8/9/2016

Please be advised that the Health Department accepts variance requests up to one week before a scheduled Board of Health meeting. Applications received after this deadline will be placed at the subsequent scheduled meeting.

Received by: RECEIVED AUG 09 2016 BY: Date:

NANTUCKET HEALTH DEPARTMENT
3 EAST CHESTNUT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Fax 508.325.6117

BOARD OF HEALTH REGULATION
VARIANCE REQUEST
$20 per request

I am requesting: (Check one.)

☒ **A variance of a Local Board of Health Regulation** reg 69.05

☐ **A variance of a State Public Health Regulation (310 CMR 15, 105 CMR 590, etc...)**

Please write an explanation of the variance requested (use separate paper if needed):
My lot is Landlocked on Egan lane. I do not have access to the sewer, to access the sewer would require my needing to go to extreme measures to hook in. This would place me in hardship; possibly require me to sell vacate

Requestor Name: Linda L. Gagnor

Company Name: (if applicable)

Address: 84 Old South Rd MAP: 68 PARCEL: 415

Phone No. 508-228-2093 Fax No.

Email: cgayma@gmail.com

Requestor's Signature: Linda Gagnor Date: 8/5/16

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Received by: AS Date: 8/5/16

PO $20.00 cash

NANTUCKET HEALTH DEPARTMENT
3 EAST CHESTNUT STREET
NANTUCKET, MASSACHUSETTS 02554
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Fax 508.325.6117

BOARD OF HEALTH REGULATION
VARIANCE REQUEST
$20 per request

I am requesting: (Check one.)

- [x] **A variance of a Local Board of Health Regulation**
- [ ] **A variance of a State Public Health Regulation (310 CMR 15, 105 CMR 590, etc…)**

Please write an explanation of the variance requested (use separate paper if needed):
Request to place shed over leach field on ~~diamond~~ piers. These piers sit on top of ground
Diamond

Requestor Name: Michael Dagesse
Company Name: (if applicable)
Address: 9 Beach St MAP: 73 PARCEL: 1.3.24
Phone No. 508-221-7916 Fax No.
Email: mdagesse@comcast.net
Requestor's Signature: Michael Dagesse Date: 8/9/16

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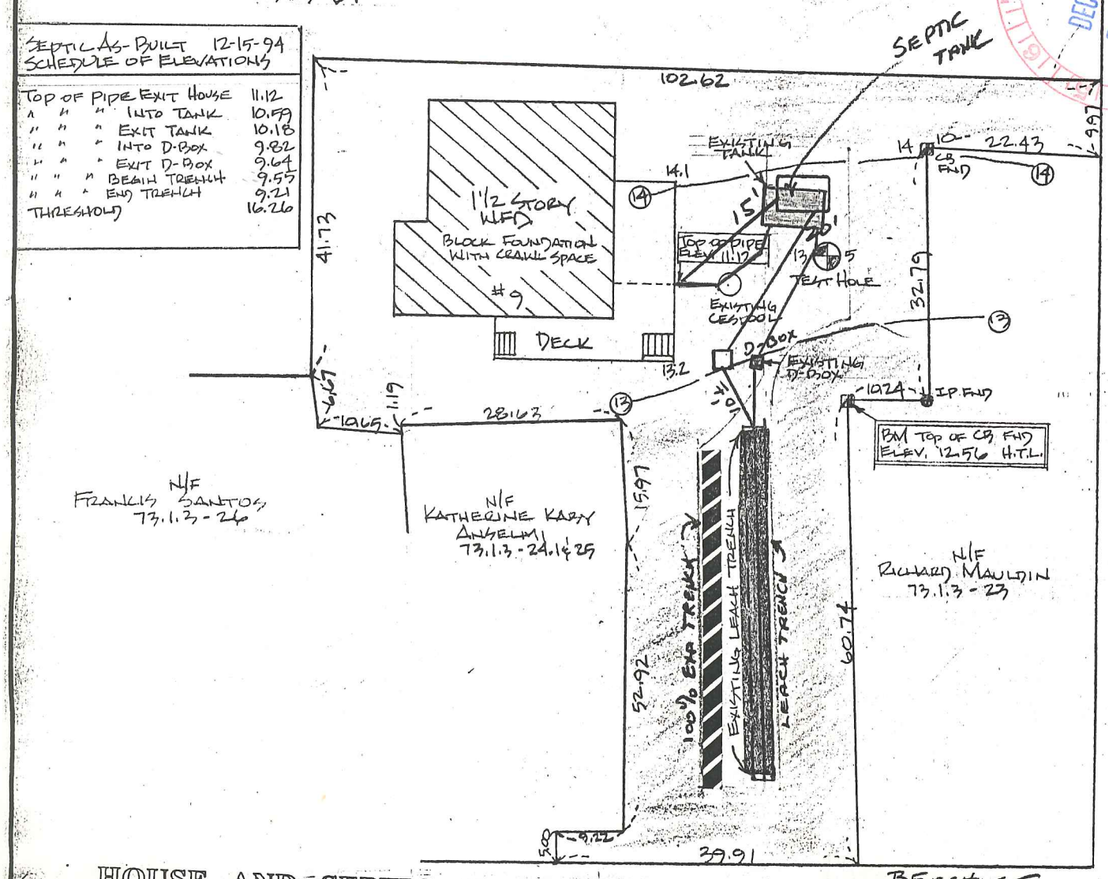
Received by: Date:

RECORD PLAN
DATE 12/15/94 MSG

PLOT PLAN

SCALE: 1" = 20'
LOT AREA: 5865±

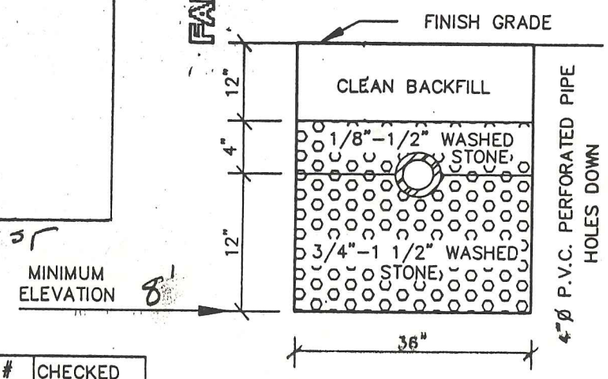
S - 2441



FAILED SEPTIC SYSTEM COMPONENTS SHALL BE FILLED WITH SAND AND ABANDONED

NOTICE: LOCATION OF UNDERGROUND UTILITIES UNKNOWN AND MAY NEED TO BE RELOCATED. NOTIFY UTILITY COMPANIES PRIOR TO INSTALLATION OF SYSTEM.

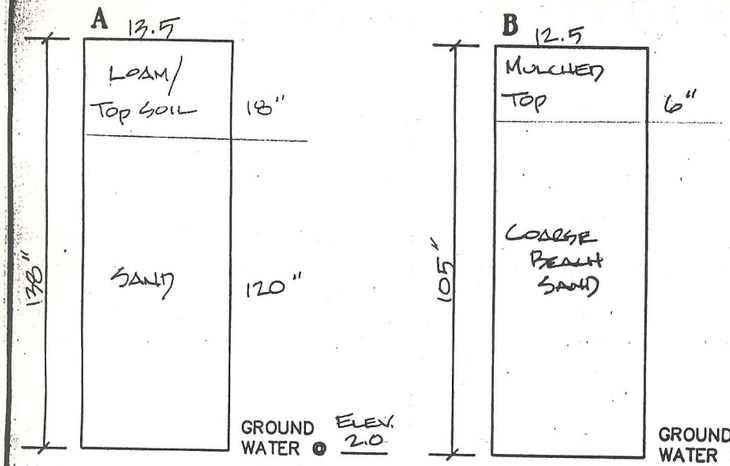
HOUSE AND SEPTIC SYSTEM LOCATIONS AND ELEVATIONS ARE CRITICAL AND SHOULD BE SET ON THE GROUND BY A PROFESSIONAL LAND SURVEYOR



LEACHING TRENCH
(CROSS SECTION)

DRAWN BY	N/B & DATE	MAP/PARCEL	DEED	PLAN	CLIENT	# B/R	NSI #	CHECKED
RGW FC RGW/MYL	165/64 11/11/94	MAP 73.1.3 PCL 24	LC CERT 15,099	LC PL 39129B	ROBERT C. BROWN	3 BEDRM NO GG.	4625	RKE

SOIL LOG



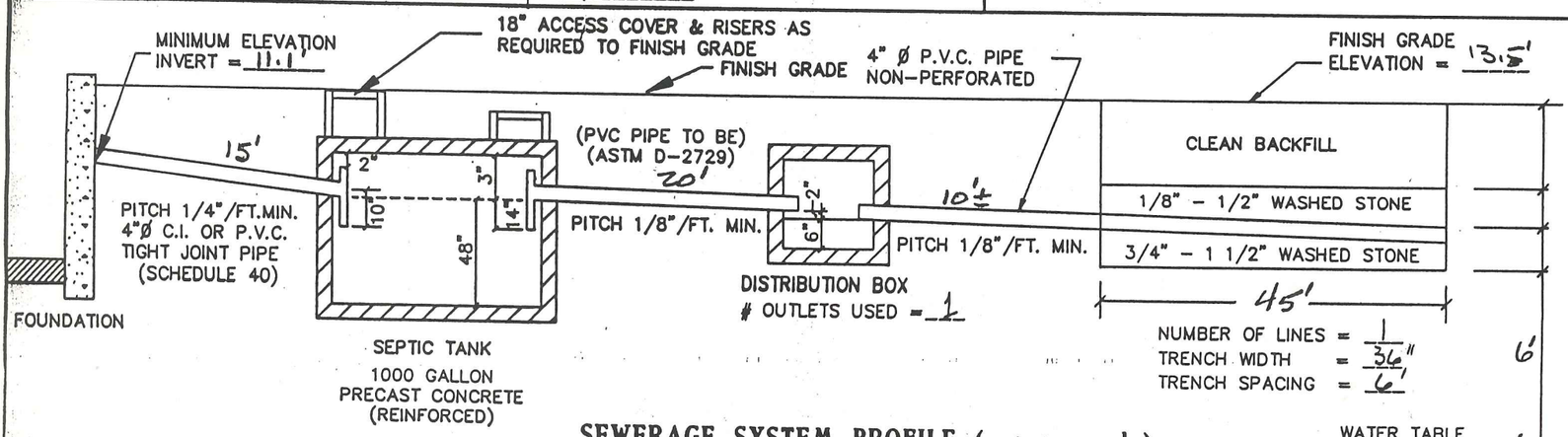
PERC. RATE = < 2 MIN/IN (B.F) 11/11/94
PERC. RATE = < 2 MIN/IN @ 36" 2/4/82
DATE: 11/11/94 BY: R.J.LEICHTER / RJL/MAU/RGW

COMMONWEALTH OF MASSACHUSETTS ROBERT J. LEICHTER No. 27039 REGISTERED PROFESSIONAL ENGINEER

NOTES

1: SEWAGE FLOW = 330 G.P.D. (3BR-N44)
2: LEACH AREA = 225 S.F. (360 G.P.D.)
3: SEPTIC TANK = 1000 GALLONS
4: ALL WORK MUST COMPLY WITH MASS. ENVIRONMENTAL CODE TITLE 5 AND TOWN BOARD OF HEALTH REGULATIONS.
5: SEPTIC TANK COVER TO BE AT GRADE.
6: THERE ARE NO WELLS WITHIN 100 FT. OF THIS FIELD.
7: THERE IS NO SEWAGE LEACHING WITHIN 100 FT. OF THIS WELL.
8: GARBAGE GRINDER NOT PERMITTED.
9: MEASUREMENTS FOR RECORD PLANS (AS-BUILT) ARE REQUIRED BY THE NANTUCKET BOARD OF HEALTH. CALL NANTUCKET SURVEYORS AT 228-0240 BEFORE COVERING INSTALLED SYSTEM.

S - 2441



SEWERAGE SYSTEM PROFILE (not to scale)

ROBERT J. LEICHTER, P.E.
31 OLD SOUTH ROAD
NANTUCKET, MA. 02554
(508-228-0341)

SCALE: AS-SHOWN
DATE: 12-6-94
PROJECT: S-2441
SHEET 1 CONT. ON F

PLOT PLAN WITH SEWERAGE SYSTEM

STREET: BEACH ST ASSESSORS MAP: 73.1.3 PARCEL: 24
FOR: ROBERT C. BROWN

REV. DATE: REV. DATE:

NANTUCKET HEALTH DEPARTMENT

3 EAST CHESTNUT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Fax 508.325.6117

RECEIVED
AUG 02 2016
BY: PD cash

BOARD OF HEALTH REGULATION
VARIANCE REQUEST

$20 per request

I am requesting: (Check one.)

- ☒ **A variance of a Local Board of Health Regulation**
- ☐ **A variance of a State Public Health Regulation (310 CMR 15, 105 CMR 590, etc...)**

Please write an explanation of the variance requested (use separate paper if needed):

VARIANCE 69.05 from connection to town sewer until occupants have to sell

Requestor Name: HELENE BLAIR / PAUL BLAIR

Company Name: (if applicable)

Address: 54 Hummock Pond Rd. MAP: 56 PARCEL: 76

Phone No. 508 228 5172 Fax No.

Email: TEAL9166@COMCAST.COM

Requestor's Signature: Paul Blair Date: AUG-2-2016

Please be advised that the Health Department accepts variance requests up to one week before a scheduled Board of Health meeting. Applications received after this deadline will be placed at the subsequent scheduled meeting.

Received by: A Barnett Date: 8/2/16

pd. $300.00
1752

TOWN OF NANTUCKET
Board of Health
Septic System Inspection Report / Certificate of Compliance

Date 10/21/2011

LOCATION OF PROPERTY: Map 56 Parcel 76

Street Address 91A SUNNMOOR POND ROAD

Present Owner HELENE BLAIR TRUSTEE

Mailing Address 91 SUNNMOOR POND ROAD NANTUCKET MA

Name of Inspector EDWARD F. KING JR.

Mailing Address 11 LEWIS COURT, NANTUCKET, MA 02554

ALL INSPECTIONS SHALL BE WITNESSED BY AN AUTHORIZED AGENT OF THE BOARD OF HEALTH*, CERTIFIED IN MASSACHUSETTS AS A SYSTEM INSPECTOR (AND SOIL EVALUATOR). ALL SYSTEMS SHALL BE UNCOVERED FOR INSPECTION AND A TAPE SURVEY SKETCH WILL BE INCLUDED IN THE INSPECTION REPORT.

I. Description of the Property

RESIDENTIAL
1. Lot size 35,398 +/- SF
2. No. of Bedrooms 2
3. Total No. of Rooms 3
4. No. of Appliances 1
   Dishwasher 0
   Garbage Disposal 0
   Washing Machine 1
   Jacuzzi / Other 0
5. Length of Present Ownership 6/15/2000
6. Year-round Residence? YES
   If seasonal, No. Weeks Use Per Season

COMMERCIAL
1. Lot size
2. Type of Business
3. Number of Employees
4. Number of Toilets
5. Rooms with Bath
6. Other Grey Water Discharge
   Explain
7. Annual Water Usage (if metered)

Town Water ____ Private Well ✓ If well, distance from septic system 90 +/- ft. (if less than 100', show location. (150 feet in Madaket) WINTER'S WELL 100 +/- FROM LOCUS. WELL

II. Description of Sanitary System:

1. Date Installed 1981
2. Cesspool ____ Septic Tank ✓ Other ____ Describe ____
3. Septic Tank Size 1000 gals.
4. Number of leaching pits, trenches or other: describe 1 PIT

III. Result of Open Visual Inspection of Septic System (attach Title 5 Official Inspection Form Part C)

1. Standing water level (in tank, cesspool, or D box) TANK & D.BOX WERE AT INVERTS OUT
2. Algal growth, lush growth, or odor: NO describe ____
3. Waste Water discharge slow? Yes ____ No ✓ Describe ____
4. Distance from bottom of leaching facility to highest seasonal, including perched, ground water elevation as determined by a certified soil evaluator by direct test pit observation, from ground water monitoring observations provided to the Board of Health based on preapproved monitoring program and/or by qualifying under the provision under the mapping exception. Minimum requirements for a ground water monitoring program include data collection for a minimum of six months, placement of a minimum of three monitoring wells, collection of data during moon tidal cycle as appropriate, etc.

TEST HOLE & ABSORPT DATA SHOW >6.1' SEPARATION FROM GROUND WATER.

*Cost to be charged as a fee to the property owner

cc: Nantucket Board of Health - Pink
Property Owner - Yellow
System Inspector - White

NANTUCKET HEALTH DEPARTMENT
3 EAST CHESTNUT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Fax 508.325.6117

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☐ **A variance of a State Public Health Regulation (310 CMR 15, 105 CMR 590, etc...)**

Please write an explanation of the variance requested (use separate paper if needed):

See Continuation Page

Requestor Name: Janet Duane, Guardian and Conservator for Katherine M. Allen

Company Name: (if applicable)

Address: 8 Nobska Way MAP: 67 PARCEL: 101

Phone No. 508-228-4321 Fax No.

Email: autumnsongack@yahoo.com

Requestor's Signature: Janet M. Duane Date: 8/8/16

Please be advised that the Health Department accepts variance requests up to one week before a scheduled Board of Health meeting. Applications received after this deadline will be placed at the subsequent scheduled meeting.

Received by: AS PD Date: 8/8/16

BOARD OF HEALTH REGULATION
VARIANCE REQUEST

KATHERINE M. ALLEN
8 NOBSKA WAY
M 67 P 101

BASIS FOR VARIANCE REQUEST
(CONTINUATION PAGE)

As Guardian and Conservator of Katherine M. Allen, owner of 8 Nobska Way, I am requesting a variance from Local Regulation 69.00. Said Regulation requires a homeowner to connect to the municipal sewer within six (6) months of notification that the system is available for connection. Failure to do so mandates a $100/day fine after the expiration of the six (6) months.

Mrs. Allen is 92.y.o. and, since August 2015, has resided at Our Island Home. There have been no other residents at 8 Nobska Way since her departure. At the time of my appointment, Mrs. Allen had a small pension and the monthly stipend from the reverse mortgage on the property. She had no significant savings from which I could draw to finance the sewer connection.

The property is being sold pursuant to a License to Sell issued by the Nantucket Probate Court. Pursuant to the Purchase and Sale Agreement, the Seller will be responsible to obtain all permits and engineering and pay for construction costs necessary to connect to the municipal sewer ***after*** the closing. The P&S calls for Twenty-Five Thousand Dollars ($25,000.00) to be held in Escrow to pay for the sewer connection.

I request that the Nantucket Health Department grant this variance request and set the date for penalties to begin as January 1, 2017.

Proposed Minutes for July 21, 2016

BOARD OF HEALTH
Meeting

Town of Nantucket
3 East Chestnut Street
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Commissioners: Malcolm MacNab, MD, PHD, (chair), James Cooper (Vice chair), Helene Weld, RN, Stephen Visco, Rick Atherton
Staff: Roberto Santamaria, Artell Crowley, Kathy LaFavre, Hank Ross, Anne Barrett

~~ MINUTES ~~
Thursday, July 21 2016
4 Fairgrounds Road, Community Room – 4:00 pm

Called to order at 4:00 p.m.

Staff in attendance:	R. Santamaria, Health Director; A. Crowley, Assistant Health Director; Kathy LaFavre & Hank Ross, Health Inspectors; T. Norton, Town Minutes Taker
Attending Members:	Malcolm MacNab, MD, PHD; James Cooper; Helene Weld, RN; Stephen Visco; Rick Atherton, Board of Selectmen
Absent Members:	None
Early Departure:	Atherton, 5:35 p.m.

Agenda adopted by unanimous consent

I. ANNOUNCEMENTS

II. PUBLIC COMMENTS – ANY MEMBER OF THE PUBLIC MAY ADDRESS COMMISSIONERS AT THIS TIME

1. None

III. ELECTION OF OFFICERS

1. Chair: Cooper nominated Malcolm MacNab: accepted by unanimous consent.
2. Vice Chair: MacNab nominated Stephen Visco: accepted by unanimous consent.

IV. APPROVAL OF MINUTES

1. June 16, 2016: Approved by unanimous consent.

V. BOH APPLICATIONS REVIEW

1. Surrogate Sampling Point for Cliffside Beach Club

Sitting	MacNab, Cooper, Weld, Visco, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – Need approval by the Board to allow the Beach Club to use the Health Department sample, which is directly adjacent to the club, as a surrogate rather than two samples 20 feet apart.
Action	**Motion to Approve Cliffside Beach Club use of Health Department water sample as a surrogate.** (made by: Weld) (seconded by: Cooper)
Vote	Carried unanimously

PROPOSED

2. Variance to 64.07 Weinman & McLaughlin 280/282/284 Polpis Road

Sitting	MacNab, Cooper, Weld, Atherton
Recused	Visco
Documentation	Supporting documents and plans, staff recommendations.
Discussion (4:05)	**Rhoda Weinman** – Asked for variance hearing to be continued to the September meeting; the Board had wanted to see of other variance requests came from other who received the letter that went out over a month ago. When she last checked with the Health Department, there had been none. Noted that only two properties have lots than hers; most lots have less than 5-foot separation, which is what she's asking for. She is representing that only two people live at this property. She is asking to have it deferred until such time as the property is put on the market. According to the regulations, on her properties, she can have up to 36 bedrooms, but there is only one. **Atherton** – Asked if there is a time limit on variance requests. **Santamaria** – The deadline is September 1, 2016; at that time a new system must be installed or the property is out of compliance. **MacNab** – Noted that all the residents in this area can request a variance based upon unique situations. Asked if Ms Weinman would accept a deferral in order to drill an observation hole to establish whether or not there actually is a technical failure. **Weiman** – Not sure about that at this time. **Cooper** – The system has failed; to him it's simple. **Santamaria** – Noted that it is in technical failure, not hydraulic failure. **Weinman** – She is willing to continue for an observation hole.
Action	**Motion to Continue until the September 2016 meeting pending the results of an observation hole.** (made by: Atherton) (seconded by: Weld)
Vote	Carried unanimously

3. Variance from Local BOH Regulation 64-07 for 34 Brewster Road M/P 54-288

Sitting	MacNab, Cooper, Weld, Visco, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion (4:14)	**Santamaria** – The variance request was changed asking for a 5-bedroom I/A system. **Brian Swain**, Counsel for the owners – Confirmed the updated request. This is a temporary condition until sewer comes to the area.
Action	**Motion to Approve on the condition an I/A system is installed.** (made by: Visco) (seconded by: Cooper)
Vote	Carried unanimously

4. Variance from Local Regulation 64.04 B for 137 Hummock Pond Road M/P 65-72

Sitting	MacNab, Cooper, Weld, Visco, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion (4:15)	**Santamaria** – A permit was issued several years ago for a 12-bedroom I/A septic on a 2-acre lot using bedroom credits. Under the new regulations for Hummock Pond, it would be limited to 7 bedrooms; the original permit should have been issued limiting the property to 8 bedrooms. **Atherton** – Asked for clarification about what credits allow. **Visco** – The credit is usually 2 bedrooms per acre. **Arthur D. Gasbarro**, Nantucket Engineering & Survey – An I/A system would have less nitrogen loading than a smaller conventional system. This area requires only a conventional system; they are asking for an I/A. **Visco** – Asked if the regulations for Hummock Pond are different. **Crowley** – No, the regulations allow 1 bedroom every 10,000 square feet; this is a nitro sensitive area.

PROPOSED

Atherton – We need to be comfortable with the distinction.
Visco – He has no problem with the request.
Discussion about the nitrogen loading of a 12-bedroom I/A versus a conventional 8-bedroom system.
MacNab – Still uncomfortable with this though the argument is good.

Action **Motion to Approve.** (made by: Visco) (seconded by: Cooper)
Vote Carried 4-1//MacNab opposed

5. Variance from 51.02 (A) relief of well set back for 51 Tennessee Avenue N/P 59.4-202

Sitting MacNab, Cooper, Weld, Visco, Atherton
Recused None
Documentation Supporting documents and plans, staff recommendations.
Discussion (4:25) **Crowley** – The applicant was in for a local upgrade of their septic but the well is within 150 feet of the septic and needs variance.
Action **Motion to Approve.** (made by: Weld) (seconded by: Atherton)
Vote Carried unanimously

6. ACO 74 Arkansas Avenue – Request for Conditional Approval Pending Property Transfer M/P 59.4-41

Sitting MacNab, Cooper, Weld, Visco, Atherton
Recused None
Documentation Supporting documents and plans, staff recommendations.
Discussion (4:28) **Santamaria** – The applicant had a betterment loan to repair a failed system; the property is being sold. They are asking for conditional approval of an ACO as long as the loan is paid off
Paul Seibert, Grady Consulting, LLC – The ACO is to replace a failed system and abandonment of that system.
Action **Motion to Grant a conditional ACO on condition the Betterment Loan is paid off.** (made by: Cooper) (seconded by: Visco)
Vote Carried unanimously

7. ACO 29 South Cambridge Street M/P 59.3-3 – technical failure

Sitting MacNab, Cooper, Weld, Visco, Atherton
Recused None
Documentation Supporting documents and plans, staff recommendations.
Discussion (4:30) **Santamaria** – Asking for an ACO to get the system working.
Action **Motion to Approve.** (made by: Atherton) (seconded by: Visco)
Vote Carried unanimously

8. Betterment Loan request 14 Hawthorne Lane M/P 56-225 – hydraulic failure

Sitting MacNab, Cooper, Weld, Visco, Atherton
Recused None
Documentation Supporting documents and plans, staff recommendations.
Discussion (4:32) **Santamaria** – Betterment to repair the system.
Action **Motion to Approve.** (made by: Weld) (seconded by: cooper)
Vote Carried unanimously

9. Betterment Loan request 3 Salros Road M/P 66-20.1 – hydraulic failure

Sitting MacNab, Cooper, Weld, Atherton
Recused Visco
Documentation Supporting documents and plans, staff recommendations.
Discussion (4:33) **Santamaria** – This system is very failed; the Betterment Loan is to connect to sewer.
Action **Motion to Approve.** (made by: Atherton) (seconded by: Cooper)
Vote Carried unanimously

PROPOSED

11. Holding tank for construction trailer 9 Kimball Avenue M/P 30-31

Sitting	MacNab, Cooper, Weld, Visco, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion (4:35)	**Santamaria** – Asking for a 1,000-gallon black-water tank with regular pump out during a 2-year construction project. The tank serves a bathroom in the trailer for office workers. Holding tanks don't have the alarms and specifications the State requires for tight tanks. He has a letter from Nantucket Septic stating they would provide regular pump out of the tank. **Crowley** – Title 5 provides a standard for tight tanks; he doesn't see going any less than that. **MacNab** – He isn't hearing a convincing argument for the holding tank over a tight tank. **Visco** – Suggested having them install the house septic system which was filed and approved and the trailer can tie into that.
Action	Continued to August by unanimous consent
Vote	N/A

12. Behavioral Health Task Force Discussion with Janina Keane

Sitting	MacNab, Cooper, Weld, Visco, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion (4:42)	**Santamaria** – Introduced Ms Janina Keane of the Behavioral Health Task Force. **Keane** – Reviewed her qualifications. Explained the need to measure the prevalence of illness on Nantucket and then map it against existing services to find areas that are lacking. Systems that worked several years ago no longer meet the level of need existing today; the waiting list for services in April was 1 month; now it is 2 months. Noted that Yale University has talked about bringing telemedicine to the island and educating physicians on intervention and interfacing with patience with mental health and substance abuse issues. **MacNab** – The major health problems on the Island are tick borne diseases, pollution of water, substance abuse, and safe housing. Asked if there is enough population to sustain a full-time, dedicated center. **Keane** – That is the reason for the prevalence study. From there you know what is required to meet the needs. Stated that the hospital is dedicating four swing beds for use by patients with psychiatric issues. **Weld** – Asked if the task force works autonomously. **Keane** – Yes.

13. Variance from Regulation 68 for 9 Dukes Road M/P 41-309

Sitting	MacNab, Cooper, Weld, Visco, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion (4:53)	**Santamaria** – This location has a hydraulic failure; they are asking for a deferment from connecting to sewer. **Christy Brizita** – Explained status of permit. Asking for an extension of 6 months to finish the permitting process. **Crowley** – They could be fined for non-compliance; they are asking for a variance in lieu of that. Noted the system has been in failure for 10 years with multiple letters sent and no response. **Brizita** – Explained the delay and that the property is now in a trust with her as the trustee. Said a surveyor advised her to hold off connecting to sewer. **MacNab** – Once the permit is filed, the property is in compliance with regulations. Asked when that would happen. **Santamaria** – The only difference between this lot and others on Dukes Road is that it is in hydraulic failure. **Brizita** – She believes the permit will be accepted within the month.

PROPOSED

MacNab – If the permit is not in by September, the Board will have to enact enforcement.
Santamaria – In the meantime, the system will be pumped, the frequency is up to the board. Suggested granting the variance with pumping to be as needed.

Action **Motion to Grant the variance with the permit to be in place by September 1, 2016 and the system to be pumped as needed and permanent repair within six months.** (made by: Weld) (seconded by: Visco)

Vote Carried unanimously

14. Appeal of Well Placement on 21 Quidnet Road M/P 21-30

Sitting MacNab, Cooper, Weld, Visco, Atherton

Recused None

Documentation Supporting documents and plans, staff recommendations.

Discussion (5:04) **Santamaria** – The well requires a 300-foot wellhead protection buffer; that has been appealed.
Steven Cohen, Cohen & Cohen Law PC, 19 Quidnet Road – The 300-foot buffer between the well and his client's septic takes up the area where his client intends to place their house; it is easier to relocate the well; noted alternate locations. He is hoping the board will require one of those alternate locations be used; that or waive the 300-foot local buffer and stick with the 100-foot state buffer. Noted that the well was drilled before the end of the 30-day appeal period.
Marianne Hanley, Reade, Gullicksen, Hanley, & Gifford LLP for 21 Quidnet Road – The well meets all requirements of the regulations; there is substantial room for the abutter to relocate house and well.
Jeff Blackwell, Blackwell & Assoc. for 21 Quidnet Road – Reviewed plans showing alternate locations for the neighbor's septic system. At the time of the filing for the appeal, the abutter had filed nothing for build-out of their property.
Cooper – Asked about the "existing well" Noted on the plans.
Blackwell – That's a second well on the property.
Discussion about where the well is proposed and where the neighbor's septic is proposed and whether or not there are reasonable alternatives.
Hanley – Mr. Cohen's comments about excavation, brush cutting etc. applies to her client as well. Feels the neighbor's lot is large enough for the program to be relocated outside the well-head protection zone. As far as reducing the wellhead protection zone, she'd need to talk to her client about that. There was nothing in the public records in regards to plans for 19 Quidnet Road. Asked for a denial of the appeal; the position of this well does not deny the abutter of using their property.
Atherton – Asked the reason for not putting the well near the road.
Blackwell – There are houses across the street with wells and septic systems precluding placing the well near the road.
Visco – Doesn't like the idea of the owners of 19 Quidnet Road not having any proposal but trying to tell the owners of 21 Quidnet Road where to put the well on their lot. He's inclined to leave it where it is.
Crowley – There is plenty of room at 21 Quidnet Road to put the septic. The leach facility is the issue and it can be located anywhere. Noted that during the 30-day appeal period, the applicant drills at their own risk.
MacNab – Agrees the 300-foot buffer shouldn't be changed. The well was drilled within the 30-day appeal period. There is an inconvenience for 19 Quidnet Road. They have to deal with the health issue.
Cooper – Agrees with Mr. Visco; he'd like to see a set of plans laid out for 19 Quidnet Road; as it stands now with nothing there, there is no plan and so no problem.
Discussion on the motion.

Action **Motion to Deny the appeal.** (made by: Atherton) (seconded by: Visco)

Vote Carried 4-1//MacNab opposed

PROPOSED

15. Hearing: mobile unit license for 167 Hummock Pond Road M/P 65-36

Sitting	MacNab, Cooper, Weld, Atherton(departed 5:35 p.m.)
Recused	Visco
Documentation	Supporting documents and plans, staff recommendations.
Discussion (5:30)	**Santamaria** – Have attempted to do inspections at the location; had multiple non-compliance issues. Asking to revoke the permit for this operation.

Hearing open: 5:31 p.m.

James Merberg, Counsel for Jesse Sandole – Noted this is Mr. Sandole's first year operating the facility and is "finding his way" as owner/operator. The food truck has two 21-gallon grey water tanks that is to be inspected and emptied. The staff has been instructed to make the site available to inspection. Submitted inspection reports at the table. On the issue of compliance, his client understands his obligations to public health and is working to do that. They are engaging the services of Hughes Septic to pump the trailer on an as-needed basis or place an above-ground tight tank on the sight.

Santamaria – It has been the experience of the staff that there has been no effort at compliance. Most recent interactions with Mr. Sandole have not been polite. It is stated in the state regulations that at any time to misrepresent work being done, which in this case is creating food at that site other than the license permits and/or interfere with the inspection are individually reasons for suspension of a license to operate.

Ross – This has been going on for two months. The facility at Nautilus is supposed to be used for dropping of grey water, food production, and restocking of trailer; by not taking the trailer, it is not being taken care of. There is a van, which came downtown; noted he did not have time to inspect the van. However, 90% of the time, the trailer has not moved from the Hummock Pond Road site; if it's being cleaned it is happening out there and where the grey water is going is questionable; he questions where the grey water is going and how is the trailer being properly cleaned if it isn't going back to the Nautilus site in Town. Noted there is no license to do any food beyond fish in the trailer; the property has a 3-bedroom septic system, which isn't adequate for anything more than taking care of the fish market. Noted that Ms LaFavre had told Mr. Sandole that they wanted 24-hour notice and that an email was fine. They've been going at the same time of day.

Santamaria – The food code states the trailer has to be at the base of operation every day for cleaning, preparation, and emptying of grey water. The septic system at Hummock Pond site is not adequate for a full-service kitchen. Another reason for this hearing is the misrepresentation by Mr. Sandole of the work that's been done and interfering with the performance of inspection.

Merberg – Stated that the grey water is being taken to the facility and that his client has discontinued preparing pies in the trailer; they do prepare fish. Assured his client is now in full compliance with that issue. Noted that the Lobster Trap has a variance from bringing their trailer back to the facility daily. With regard to interactions with Mr. Ross, he apologies on behalf of Mr. Sandole and the staff. Asked no formal action be taken today to allow time for his client to correct the issues.

MacNab – The Lobster Trap variance will be reviewed in September and this is not the time to talk about doing that again. He might accept a new person trying to find his way in the business. However, there's no excuse for rudeness and interfering with inspection.

Sandole – Apologizes for incident in question and noted his frustration with trying to be inspected every day while being busy.

Hearing closed 5:49 p.m.

Cooper – Asked about the pump-out proposal. He thinks Mr. Sandole would be looking at the Health Department for guidance, not venting frustration on them.

MacNab – We agreed to talk about that in September after reviewing the one variance granted.

Weld – Suggested issuing a warning with strict compliance guidelines.

Visco – The trailer has to leave for cleaning every day; have to follow the rules.

PROPOSED

Santamaria – Asking for guidance and asking for a variance is two different things. His office manager sent Mr. Sandole a variance request form but never received that back.

MacNab – Leaning to suspending the license for the food truck. There is no excuse for the health inspectors to be treated badly.

Cooper – Suggested that one-more violation and the Health Department can shut them down immediately.

LaFavre – Daily inspection times have been a point of contention.

MacNab – That shouldn't be a matter of contention.

Sandole – Explained that normally the trailer will be back to the base between 5 a.m. and 8 a.m. but sometimes they run late.

Santamaria – The time the department was told the truck would be there, it wasn't.

MacNab – Any violation and the department has the authority to close down operation immediately.

Action	**Motion to Recommend issuance of an official warning that if at any time there is any violation of regulation or coordination of inspection, the department has the authority to close the food truck.** (made by: Weld) (seconded by: Visco)
Vote	Carried 3-1//MacNab opposed

16. Mouse Project Review

Sitting	MacNab, Cooper, Weld, Visco, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Public	None
Discussion	**MacNab** – Reviewed Dr. Kevin Esvelt's proposal to reduce the prevalence of tick-borne disease. The question is how the BOH would manage the program: reviewed two draft proposals. Asked for the board's support to continue the work on management draft; if there is a major change to the draft or program, he will come back to the board.

VI. DIRECTOR'S REPORT

1. Introduced the Health Department two interns, Abigail Silber and Emma Ospelt, and reviewed status of projects they are working on.
2. Infectious disease report: he has diseases broken down but doesn't have tick number. Will forward completed charts to the board. All cases so far are imported.
3. Discussion about Mosquito Control letter.
4. Fertilizer use education and licensing update.
5. Hummock Pond Assn will reapply.

VII. ADJOURN

Motion to Adjourn: 6:21 p.m.

Submitted by:
Terry L. Norton

PROPOSED

RELEASE OF BETTERMENT LIEN

The Town of Nantucket, acting by and through its Board of Health, (the "Board of Health") and its Tax Collector, hereby release to _*Baker Inventions LLC* the lien on the property located at 74 Arkansas Avenue ,Nantucket, Massachusetts to secure the repayment of funds granted pursuant to M.G.L. c. 111, s. 127B1/2 to repair, replace and/or upgrade the failed subsurface sewage disposal system serving the Property, a Notice of which lien is recorded with Nantucket County Registry of Deeds in Book _____, Page_____or *filed with Nantucket Registry District of the Land Court as Document No.140382* and hereby acknowledges satisfaction of said lien and forever discharges said lien.

Executed by the parties this 18_____day of August_____, 2016.

Town of Nantucket Board of Health

_____
Malcolm MacNab, Chair

_____
James Cooper, Vice-Chair

_____
Rick Atherton

_____
Helene Weld

_____
Stephen Visco

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this day of , 2015, before me, the undersigned notary public, personally appeared , members of the Board of Health as aforesaid, proved to me through satisfactory evidence of identification which was personal knowledge, to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose on behalf of the Town of Nantucket

Notary Public_____

My Commission Expires:

_____
Elizabeth Brown, Tax Collector

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

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_____
Notary Public
My Commission Expires: