



BOARD OF HEALTH

Town of Nantucket
16 Broad 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, Anne Barrett

~~ MINUTES ~~

Thursday, March 17, 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; K. Lafavre, Inspector; 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

Agenda adopted by unanimous consent

I. ANNOUNCEMENTS

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

1. None

III. APPROVAL OF MINUTES

1. February 18, 2016: Approved by unanimous consent.

IV. CONDEMNATION

1. 20 Nobadeer Farm Road

Sitting MacNab, Cooper, Weld, Visco, Atherton

Recused None

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – Did an inspection; there was evidence of overcrowding with people living in an unheated, unfinished garage and cellar sleeping on mattresses. The inspector declared the areas unfit for habitation. We need ratification of the decision. Owner is filing an appeal against part of the condemnation; he is asking to be allowed to store the mattresses in the garage. We would have to give him a stay of execution until the appeal is heard.

MacNab – Could support the first portion of the order then listen to the appeal at the April meeting.

Discussion about enforcing that the mattresses are being stored and not used.

Action **Motion to Support the condemnation with the exception that the owner is allowed to store the mattress until the hearing.** (made by: Visco) (seconded by: Weld)

Vote Carried unanimously

V. VARIANCE REQUESTS

1. From Local Regulation 15.405 for 84 Quidnet Road M/P 21-67/68
- Sitting MacNab, Cooper, Weld, Visco, Atherton
Recused None
Documentation Supporting documents and plans, staff recommendations.
Discussion **Paul Santos**, Nantucket Surveyors, for Quidnet Properties LLC – This is a small lot on the water side of road but not within the Harbor Watershed Protection District; the property is in excess of 300 feet from Sasachacha Pond with the ground water flow toward the ocean. The up-grade approval is seeking relief for items: the setback to crawlspace from the leaching facility, the leaching facility setback from the property line, and the septic tank to property line setback. The leaching facility setback from the property line is questionable as the client owns a paper street to the north and to the south. The existing septic is a metal tank with leach pit with the leach pit in the paper road layout. This proposal would place the system outside the paper road. It will be located compliant with 100-foot radius from all wells.
Santamaria – Recommend approval.
Action **Motion to Approve the request.** (made by: Atherton) (seconded by: Visco)
Vote Carried unanimously
2. From Local Regulation 69.05 for 20 Equator Drive, M/P 66-225
- Sitting MacNab, Cooper, Weld, Visco, Atherton
Recused None
Documentation Supporting documents and plans, staff recommendations.
Discussion **Santamaria** – This request is to stay the mandatory connection to sewer until such time as their system fails based on the fact the current resident is 88 years old and on a fixed income. They are outside the wellhead districts, so they don't have to hook up for two years since the date of the letter.
Cooper – Noted that the sewer here was put in when the subdivision went in 20 years; explained why some homes aren't connected. They already have two years.
Santamaria – It would be a \$500 hook up fee plus the privilege fee.
Crowley – We do have a betterment home program that would take care of the installation fee.
Action **Motion to Deny the request.** (made by: Cooper) (seconded by: Weld)
Vote Carried unanimously

VI. TIGHT TANK

1. 10 Maine Avenue, M/P 60.3.1-459
- Sitting MacNab, Cooper, Weld, Atherton
Recused Visco
Documentation Supporting documents and plans, staff recommendations.
Discussion **Santamaria** – This house was moved due to erosion. There is one letter of opposition claiming the tight tank will be across from their deck.
Arthur D. Gasbarro, Nantucket Engineering & Survey, for owner – The existing septic components will be removed; they are currently very close to the top of the coastal bank. The tight tank will replace a system of equivalent capacity. The tight tank will be oversized in order to reduce frequency of pumping and it will be equipped with an alarm panel with a visible and audible alarm set at 3/5 capacity. He has explained to the abutter that this is the only location for the tank.
Cooper – Asked if the alarm would be audible enough for the abutter to hear.
Gasbarro – The alarm would be over by the house not at the tank. This same tank is currently installed at 13 Massachusetts Avenue.
Action **Motion to Approve.** (made by: Cooper) (seconded by: Atherton)
Vote Carried unanimously

VII. COMMENT LETTER 106 SURFSIDE ROAD – SURFSIDE COMMONS 40B

Sitting	MacNab, Cooper, Weld, Visco, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion	Santamaria – As long as the applicable rules and regulations are followed, we don't have to get involved. Once the rules or regulations are violated, we get involved. Cooper – He feels this has nothing to do with the BOH and the letter doesn't say that strongly enough. Atherton – Read the draft letter aloud. He has no concern with the language. Suggested adding in the 2 nd paragraph “of the Board of Health” after “applicable rules and regulations.”
Action	Motion to Approve as read. (made by: Weld) (seconded by: Atherton)
Vote	Carried unanimously

VIII. DUKES ROAD REVIEW

Sitting	MacNab, Cooper, Weld, Visco, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion	Santamaria – Five property owners have submitted variance requests to postpone or waive the connection time requirements. It is in the purview of the board to issue a policy in regards to allowing it in this case. Chris Witte , 44 Dukes Road – Our basic position is that we are deeply impacted by a sewer installed by a private developer; at no point during planning of this sewer were the residents of the neighborhood informed that it would become a municipal sewer and they would be required to hook up to it. This sewer has a small diameter and is low pressure line. He believes it will end up being a problem especially when properties build out to their full potential. Some septic systems are fairly new and some not so new but none are in failure; hooking up is a large expense. There are no stubs; they are asking for relief from the hook up and privilege fees to offset the cost of putting in the stubs. Santamaria – The stubs were not put in based upon the type of line installed. Witte – There was a meeting last week, for the owners to talk with the Department of Public Works (DPW) and the Health Department, at which they learned a lot but it didn't make them feel better about not having any input. Carrie Thornewill , 48 Dukes Road – They have a Title 5 septic that is 17 years old; they signed up to have it tested but though on the list, never got tested. Her problem is that a year ago, they were told it was no big deal; the developer asked if they wanted to pay over \$6,000 for a stub but they didn't think they had to so didn't. If the Town had put the septic in, the residents would have had more knowledge about it. Feels that for the sake of the developer saving money, they now have to pay to hook up to sewer when they have septic systems that are good for a number of years. Now her system will fail automatically because there is sewer down the road. MacNab – If the sewer fails, the resident has to put in a new system which costs more than hooking up to the sewer. Attaching to the line will ultimately save the property owner money. Thornewill – Also asked for a waiver to time and the fees. They received the letter four months ago stating they had six months to hook up. Visco – We talked about expanding the timeframe at the last meeting. He thinks it's reasonable to grant them extra time. The line is a low-pressure line. Atherton – We need to deliberate about a reasonable time and apply it equitably up and down the line. There are loan programs that help with the installation costs. Feels that the benefits to the properties are significant once on the sewer. Marjory Trott , 8 Dukes Rd – About the meeting last week, the notification was inadequate and many residents didn't know about it. She couldn't get answers to her questions through some Town

offices so went to the developer's engineer who told her stubs could have been installed at the time the line went in; then at the meeting last week, she was told that it would not have been possible to put the stubs in during installation. She feels the residents should have been part of the discussion when the developer was applying to install the sewer so they could have requested that the stubs be installed.

Visco – The DPW with approving the line could have requested the stubs be put in at every lot. Noted that Don Bracken was hoping to get the neighbors to help defray the costs of putting in the line.

Trott – At all the sewer workshops, there have been statements that there would be stubs for every parcel; when she asked if a stub for every parcel is the norm, the Director of DPW said not necessarily. Expressed her frustration with the dissemination of information about this sewer line and lack of a Sewer Policy public hearing with the developer before the line went in; the residents had no opportunity to weigh in on the project and ask the questions then which they are asking now. Feels the Town considered only the needs of the developer's needs and not those of the residents.

Cooper – Asked when the sewer was taken by the Town.

Santamaria – May 2015, initially it was a private line. At the time the line was put in, it was still private; the developer was not required to put in the stubs.

Cooper – Asked if it is now Town policy to take private sewer lines.

Santamaria – Yes.

Karen MacLellan – 37 Dukes Road – Asked if the Town had installed the line would it be a low-pressure line.

Visco – No because of the expense of a gravity line due to the need of pump stations ever few 100 yards. Most of the sewers being proposed at Town meeting will be low-pressure lines. Explained how the stubs would be attached to the installed line.

Santamaria – The survey hasn't been done so we don't know how much will be low pressure versus gravity.

Thornewill – With all the new hook ups after installation, she's concerned about the integrity of the line.

Visco – Explained how the stubs would be hooked into the line with damaging it.

Wendy Greenberg, 16 Dukes Road – Asked if during the time of hook up could the DPW look at the line. Some engineers she has talked to have concerns that the line will be inadequate once everyone is hooked up. Said that the maintenance expense for the homeowner once hooked up is very high as now each property has its own pump. She is concerned about power outages and having to put in generators.

Atherton – Asked if there is a way to grant the variance to the hook up time without every property owner coming in individually for a variance on that.

Greenberg – Reviewed the costs of installation of the stub, the hook-up fee, and the privilege fee. Asked about the betterment loan.

Santamaria – Explained how to apply for the 20-year loan and that a lien is put on the property until the loan is paid off.

Greenberg – There is another sewer line down Dukes Road that she had tried to hook up to before and couldn't because it was not a full capacity line; she questions that this line is a proper full-capacity line.

MacNab – We are talking about extending the hook up date.

Discussion about a reasonable extension: 2 years from October 17, 2015 or 18 months from today.

Motion to Authorize the Director to extend the time for Dukes Road hook up to October 30, 2017. (made by: Atherton) (seconded by: Weld)

Carried unanimously

Action

Vote

IX. DIRECTOR'S REPORT AND COMMISSIONER COMMENTS

1. Special Meeting: MacNab – March 24 at 4 p.m. to discuss BOH opinions on two opposing warrant articles: right to farm and nuisance animals. Also will approve the letter for the Dukes Road residents.
2. Mosquito Control: Weld – The group will meet Tuesday, March 22 at 3:30 p.m. to discuss beginning the program.
3. Opening inspections: Santamaria – These have started scheduling the inspections for restaurants and Hank Ross will be starting work on April 11.
4. Fertilizer Advisory Group: Santamaria – Reviewed members of the group; a meeting is scheduled within the next two weeks.
5. Watershed: Santamaria – He is working on outreach material that explains where the process is and how the type of septic system is dictated for different areas.
6. Fat, Oil, & Grease Regulations: Santamaria – He will be meeting with the chief of the Wastewater Treatment Plant to discuss that.
7. Opioid Abuse: Weld – Wants this to stay “on the radar.”
8. Communicable Diseases: Weld – Asked if the department will have an intern to track that. Santamaria – The CDC didn’t authorize one but Abigail Silver has asked to come back to continue her work.
9. Discussion about how the situation at 20 Nobadeer Farm Road came to the attention of the Health Department.
10. Wellhead Protection District: Atherton – Asked if the department has Wellhead Protection Watershed District regulations; suggested the board start thinking about applying the same septic regulations to the wellhead districts.

Motion to Adjourn: 5:29 p.m.

Submitted by:
Terry L. Norton