

BOARD OF HEALTH

Meeting

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, Hank Ross



~~ MINUTES ~~

Thursday, April 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; K. Lafavre, Inspector; H. Ross, Inspector; T. Norton, Town Minutes Taker

Attending Members: Malcolm MacNab, MD, PHD; James Cooper; Stephen Visco

Absent Members: Helene Weld, RN; Rick Atherton, Board of Selectmen

Agenda adopted by unanimous consent

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

1. None

II. ANNOUNCEMENTS

II. APPROVAL OF MINUTES

1. March 24, 2016 – Held

III. VARIANCE REQUESTS

1. 46 Dukes Road Variance

Sitting MacNab, Cooper, Visco

Recused None

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – This variance was applied for the day before the last meeting and the residents asked it be on this agenda. He hasn't heard from the residents nor are they present at this meeting. Recommend no action at this time.

Action No action at this time.

Vote N/A

2. Lobster Trap Mobile Food Unit – variance from 105 CMR 590 B.12

Sitting MacNab, Cooper, Visco

Recused None

Documentation Supporting documents and plans, staff recommendations.

Discussion **Michael Wilson**, for the Lobster Trap owners – The variance request is to eliminate the requirement that the trailer return to the kitchen daily. Explained how the regulation doesn't apply: the trailer prepares food at Cisco Brewers' only; all the food is transported in a separate refrigerated truck from and to the kitchen of the Lobster Trap driven; the grey water capacity has been upgraded to 30 gallons; the trailer is towed back to the Lobster Trap weekly for a deep cleaning. There has never been a complaint about the quality of the food stuffs for cleanliness of the truck.

MacNab – Asked how often the deep clean is required for restaurants.

Santamaria – A deep clean is not mandated in the code, but we see it done quarterly in restaurants.

Wilson – His clients are asking that the return to the kitchen for the trailer be weekly. Noted that the trailer is cleaned at the end of the day. The trailer grey water container is off-loaded at the

Lobster Trap weekly. The applicant would accept the *proviso* that the Health Department verifies the trailer is removed and deep cleaned weekly. Reiterated that the trailer is cleaned at the end of every day.

Visco – This request is for one person; what’s to stop others from asking for the same variance for their trailer. The Board can revisit it in the Fall to verify that his clients did as promised during the summer season.

Wilson – The food code specifically provides for the variance.

Ross – Thirty gallons of grey water doesn’t seem like much water resulting from a daily cleaning.

Santamaria – Asked for an explanation of the cleaning methodology.

Wilson – Methodology doesn’t mandate water for every surface. Hot water is used to clean the pans. Chemicals are used for stainless steel flat surfaces; a small amount of liquid, combination of water and bleach, for sanitation. Noted that grey water never had to be discharged at the brewery.

MacNab – He is comfortable with granting the variance with the *proviso* that the deep cleaning is confirmed once a week and grey water is discharged appropriately off site and with a report in September.

Cooper – Asked about the inspection scheduled.

Santamaria – Mobile food units receive an overall comprehensive inspection at the beginning of the season and then randomly throughout the year.

Action **Motion to Grant with the provisions that the trailer is brought back once a week for deep cleaning; the grey water is appropriately handled; there will be once-a-week, random inspections of the trailer; and receive a report on the whole process in November.** (made by: Visco) (seconded by: Cooper)

Vote Carried unanimously

3. 74 Arkansas Avenue, M/P 59.4-41 – variance from Local Regulation 51.02(A) and Sate Regulation 15.405(1)(G)

Sitting MacNab, Cooper, Visco

Recused None

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – The site is close to the property line and a well. They are asking for a variance to allow for an I/A septic with a reduced the setback of 82 feet from the well.

Visco – The standard setback in Madaket is 150 feet; everywhere else it is 100 feet.

Action **Motion to Grant the variance as requested.** (made by: Visco) (seconded by: Cooper)

Vote Carried unanimously

4. Exploration Station – variance from 105 CMR 430.370, camp toilet regulations

Sitting MacNab, Cooper, Visco

Recused None **Santamaria**

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – The camp has less than 20 people at the camp and the State requires two toilets per sex. This camp is all girls who spend most of the day elsewhere on the Island. The request is to allow for one toilet instead of two.

Action **Motion to Grant the variance as requested.** (made by: Cooper) (seconded by: Visco)

Vote Carried unanimously

IV. APPEALS

1. 20 Nobadeer Farm Road (units A & C) – appeal housing decision by Health Department

Sitting MacNab, Cooper, Visco

Recused None

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – This is the same appeal that was on the agenda at the last meeting and were asked to table it for this month. The owner is not present. There were multiple people living in an office and on mattresses in unfinished garages; according to the Zoning Enforcement Officer, these properties are allowed only two bedrooms per unit. There are multiple violations here. The owner is asking to be allowed to store all the mattresses in the garage on the site. He is recommending the board make a decision now. As far as he knows, the spaces have not been rented. The owner has made a request to finishing the spaces with the intent to re-let.

Action **Motion to Deny the request and ask the owner to remove the mattresses from that area until he has permission from the Zoning Enforcement Officer and Historic District Commission to make those areas livable.** (made by: Cooper) (seconded by: Visco)

Vote Carried unanimously

V. VARIANCE FROM REGULATION 64

1. 50 Brewster Road, M/P 43-96

Sitting MacNab, Cooper, Visco

Recused None

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – This is multi-faceted. They are in the new future sewer district and asking not to have to put in an I/A system. They are also asking for relief from the 5-year-inspection requirement.

Visco – They have two separate systems: the main dwelling had hydraulic failure; the cottage was okay. They do not plan on using the main house this year.

Santamaria – If they are not using the main house, that's good but there is no way to confirm that house isn't being used. Should we require them to repair the system, we shouldn't require them to put in an I/A system.

Visco – A way to confirm the house is not being used is to get confirmation from the electric company that the meter was pulled.

Cooper – They won't be able to use that building again until they are connected to sewer. Asked if the failed septic can be pumped out and disconnected; we don't know when sewer will be hooked up.

Visco – Could go through the process of cutting off and capping the pipe and the gap disconnected.

MacNab – He likes the idea of granting the variance with the fact that the failed system be disabled.

Santamaria – Right now, they technically don't meet the housing code. We can say it is unfit for habitation until such time as the septic functioning again or hooked up to sewer. That should be recorded on the deed in the event the property is sold.

Action **Motion to Grant the variance with the proviso that the septic be disabled from the main house and that be recorded on the deed.** (made by: Cooper) (seconded by: Visco)

Vote Carried unanimously

2. 10 Kelley Road, M/P 54-31 – waiver from I/A requirement with agreement to enter into Administrative Consent Order (ACO)

- Sitting MacNab, Cooper, Visco
Recused None
Documentation Supporting documents and plans, staff recommendations.
Discussion **Santamaria** – Asking to maintain Title V system and enter into an ACO until connected to the sewer.
Visco – He did an inspection and the septic is fine. The ACO is for a needs area; this area is now approved for sewer and shouldn't have to sign into an ACO when the system is functioning.
Cooper – Asked what would happen if the property were sold.
Visco – It would be sold as is; this is in a sewer district and sewer is coming.
MacNab – If the system fails, they have to come to us.
- Action No action needs to be taken.
Vote N/A

3. 4 Moor's End Lane, M/P 43-211– waiver from I/A requirement with agreement to enter into ACO

- Sitting MacNab, Cooper, Visco
Recused None
Documentation Supporting documents and plans, staff recommendations.
Discussion **Santamaria** – This property is a new construction and they are requesting a regular system until connected to the sewer. In November, they were required to put in an I/A, which has not been built. He is requesting to install a Title V system and enter into an ACO.
James Houghton, owner – A regular system was permitted in 2015; when regulations changed, we designed a new I/A system. The site is under construction and sewer is coming. We are requesting to put in a traditional system until such time as we can connect to the sewer.
Santamaria – Asked if Mr. Houghton needs an ACO.
Visco – He doesn't think so; this isn't a needs area. He's in the sewer district.
MacNab – Noted the Board would have to rescind the past decision in order requiring an I/A system and release him from the need for an ACO.
- Action **Motion to Rescind the previous order for an I/A system.** (made by: Visco) (seconded by: Cooper)
Vote Carried unanimously

V. TIGHT TANK AND ACO REQUESTS

1. 21 Massachusetts Avenue, M/P 60.3.1-312 – Tight tank request

- Sitting MacNab, Cooper, Visco
Recused None
Documentation Supporting documents and plans, staff recommendations.
Discussion **Santamaria** – This is an existing dwelling across Millie's Bridge.
Action **Motion to Approve the tight tank.** (made by: Cooper) (seconded by: Visco)
Vote Carried unanimously

2. 51 Tennessee Avenue – Request for ACO

- Sitting MacNab, Cooper, Visco
Recused None
Documentation Supporting documents and plans, staff recommendations.
Discussion **Santamaria** – This is actually a betterment to repair a system to make it fully compliant.
Action **Motion to Approve the request.** (made by: Visco) (seconded by: Cooper)
Vote Carried unanimously

VI. DISCUSSION

1. Allow Health Department staff to permit tight tanks over Millie's Bridge

Sitting MacNab, Cooper, Visco

Discussion **Santamaria** – Every tight tank has to come to the board. The Regulation is in place. This would be for failed systems only, not new construction.

Action **Motion to Approve for Health Department to make decision on tight tanks across Millie's Bridge.** (made by: Visco) (seconded by: Cooper)

Vote Carried unanimously

2. Shimmo Pond/Monomoy Regulation 64

Sitting MacNab, Cooper, Visco

Discussion **Santamaria** – The sewer district is approved; in the event there is construction or transfer of property or system failures, they don't have to put in an I/A system as long as the current is functioning up to Title V requirements.

Cooper – In the event of a sale, it has to be clear in the sales agreement that the new owner must tie into the sewer.

Visco – That is under Regulation 69. In that area, some of those systems had technical failures; he thinks it should be *status quo* in regards to forcing them to make repairs. The hydraulically failed systems should come in with a temporary repair plan.

Santamaria – Asking that when they come for the permit, they have to fix it but don't have to put in an I/A. Explained how the department reviews every application that comes in.

Visco – This should be for Nantucket Harbor Watershed and Plus areas as well.

Action **Motion to Approve, for those areas now in approved sewer districts, I/A systems will not be required to be put in place as stated in Regulation 64 provided the systems are not in failure or have other issues that in the opinion of the Health Director needs to be brought to the Board.** (made by: Visco) (seconded by: Cooper)

Vote Carried unanimously

VII. DIRECTOR'S REPORT

1. Hank Ross is back on board; he will be helping with fertilizer outreach and education.
2. The intern will be with the department June 1 to July 31. She will go out with Natural Resources to do water quality work. He is looking to get her into U-Mass Field Station for a day. She will work on outreach and education. She is an environmental health student at University of Georgia School of Public Health. She will do a lot of the disease case counts with the hospital.
3. Noted that there are some illnesses of concern and need to get that information. There are people who have vacationed outside the U.S. and these brought diseases back. Will summarize the status at the May meeting.
4. The Fertilizer Advisory Committee met with seven members. Reviewed members' qualifications. This committee will be working on educational goals and defining enforcement goals. Word is getting out that enforcement has started.
5. The Mosquito Control Commission meets next week. It is moving forward with printing the brochure in Spanish and English. The Department of Public Works director is working on getting the brochure translated into Portuguese.
6. The electrical vehicle is working very well; have had it since February and the tank is still over half full.
7. The Town Manager has asked the Health Department set up a website for outreach and disease information.

Motion to Adjourn: 4:52 p.m.

Submitted by:

Terry L. Norton