



BOARD OF HEALTH Meeting

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

Commissioners: Malcolm MacNab, MD, PHD (chair), Stephen Visco (Vice chair) , James Cooper, Helene Weld, RN, Rick Atherton

Staff: Roberto Santamaria, Artell Crowley, Kathy LaFavre, Anne Barrett, Hank Ross

~~ MINUTES ~~

Thursday, January 19, 2017

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, Health Inspector; T. Norton, Town Minutes Taker

Attending Members: Malcolm MacNab, MD, PHD; Stephen Visco; James Cooper; Helene Weld, RN; Rick Atherton, Board of Selectmen

Absent Members: None

Agenda adopted as amended by unanimous consent

I. ANNOUNCEMENTS

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

1. Ralph Teague – Had heard that BOH is going to have a public hearing about restricting homeowners from using wells when they have access to Town water. Santamaria – He will schedule the public hearing for February 16; he’s writing a draft regulation, which will be made available to the public before the hearing.
2. Discussion about CZM doing a new modeling of the Landfill and having a peer review done.

III. APPROVAL OF MINUTES

1. December 15, 2016: Approved by unanimous consent.

IV. BOH APPLICATIONS REVIEW

1. Loan Request for Jacqueline Maltby, 20 Equator Drive (66-225)

Sitting MacNab, Visco, Cooper, Weld, Atherton
 Recused None
 Documentation Supporting documents and plans, staff recommendations.
 Discussion (4:10) **Santamaria** – This is to connect to sewer.
 Action **Motion to Approve.** (made by: Weld) (seconded by: Cooper)
 Vote Carried unanimously

2. Loan Request for Bruce Hermansdorfer, 11 Deer Run Road (57-20)

Sitting MacNab, Visco, Cooper, Weld, Atherton
 Recused None
 Documentation Supporting documents and plans, staff recommendations.
 Discussion (4:10) **Santamaria** – This is to help them get the system into compliance.
 Action **Motion to Approve.** (made by: Visco) (seconded by: Cooper)
 Vote Carried unanimously

3. Variance Local Regulation 64 – 31 Quidnet Road
Sitting MacNab, Visco, Cooper, Weld, Atherton
Discussion **Santamaria** – The representative has asked this to be tabled for a month without opening.
4. Variance Local Regulation 64 – 128 Hummock Pond Road
Sitting MacNab, Visco, Cooper, Weld, Atherton
Recused None
Documentation Supporting documents and plans, staff recommendations.
Discussion (4:13) **Art Gasbarro**, Nantucket Engineering & Survey – This is in the Hummock Pond Watershed District; they are asking to install a six-bedroom I/A system the meets nitrogen loading. An I/A system for six bedrooms would have lower nitrogen loading than a conventional four-bedroom system. The applicant has stated that if this is not approved, he will install a nine-bedroom system for which he has approval.
Santamaria – He and Mr. Gasbarro did a lot of calculations and this makes sense; an I/A is to our benefit.
Action **Motion to Approve the variance.** (made by: Visco) (seconded by: Weld)
Vote Carried unanimously
5. Variance Local Regulation 64 – 2 Sheep Commons Road
Sitting MacNab, Visco, Cooper, Weld, Atherton
Recused None
Documentation Supporting documents and plans, staff recommendations.
Discussion (4:18) **Art Gasbarro**, Nantucket Engineering & Survey – This in the Nantucket Harbor Watershed District which requires an I/A system. A permit was issued for a four-bedroom system; the lot size allows only two bedrooms, however an I/A for four bedrooms meets the Title V regulations. There is 31.5 acres of open space in this subdivision but a formal nitrogen aggregation plan was never done.
Cooper – Asked how an approval would affect the built-out lots in the subdivision.
Gasbarro – When the septic permits for the existing structures were issued, no one was considering nitrogen loading. If they up-grade to I/A, they have to come before this board.
Action **Motion to Approve.** (made by: Weld) (seconded by: Cooper)
Vote Carried unanimously
6. Variance – 100 Sankaty Road
Sitting MacNab, Visco, Cooper, Weld, Atherton
Recused None
Documentation Supporting documents and plans, staff recommendations.
Discussion (4:26) **Don Bracken**, Bracken Engineering, Inc. – This is the Sankaty Head Golf Course; they want to increase one of the employee residences from two to four bedrooms so are adding a system. In order to get that increase, they designed a second trench; based upon the elevation of the existing trench, the top of the new trench will be greater than three feet below grade, which is not accepted under Title V. The trench will be constructed with infiltrated polyethylene chambers.
Cooper – Suggested keeping the tank but rebuilding the entire trench so that it complies.
Crowley – This is new construction; the board has to think about granting a variance on new construction and setting a precedent. In this case they do have other options. This is an opportunity to bring into compliance a trench that was constructed wrong.
Bracken – It comes down to what is reasonable and the need to meet Title V. In his opinion, there is no environmental detriment; however, correcting the issue it would quadruple the cost of the project. Noted that the existing trench is nowhere near groundwater, which is very deep.
Cooper – Our purview is compliance; this is an opportunity to bring the system into compliance.
Visco – He supports granting the variance. He doesn't see a detriment to the environment.
Crowley – As of May 2015, it was in compliance; the system was put in ten to twelve years ago. His concern is the variance on new construction. He doesn't agree there is no environmental impact.

Atherton – This isn't actually new construction; it's the expansion of an existing structure.

MacNab – He's comfortable with this as it is not for construction of a new dwelling.

Action **Motion to Approve.** (made by: Visco) (seconded by: Atherton)

Vote Carried 4-1//Cooper opposed

7. Variance – 141 Polpis Road

Sitting MacNab, Visco, Cooper, Weld, Atherton

Recused None

Documentation Supporting documents and plans, staff recommendations.

Discussion (4:39) **Santamaria** – A pool was put in about six feet away from the leech field; the requirement for an I/A has been triggered as the property is transferring; it is not in compliance as the leech field is too close to the pool.

Don Bracken, Bracken Engineering, Inc. – Noted that the pool is waterproof; the effluent from a failed leeching pit could not penetrate the pool.

Visco – If the I/A is going in, there is room for a new trench. He doesn't know how the pool got installed in the first place. The leech pit is deeper into the ground.

MacNab – There is an alternative for this.

Action **Motion to Deny.** (made by: Atherton) (seconded by: Weld)

Vote Carried unanimously

8. Sewer Policy – Pippen's Way

Sitting MacNab, Visco, Cooper, Weld, Atherton

Recused None

Documentation Supporting documents and plans, staff recommendations.

Discussion (4:44) **Santamaria** – The official policy was made but more information has been brought to his attention that complicates issues. Since Pippen's Way is expecting sewer, the question is should they be allowed to install Title V compliant septs. There is no nitrogen aggregation plan for Pippen's Way. Those who have put in I/A systems are subject to the ten-year grace period. The question is should we allow I/A or ask for an aggregation plan. There are three or four empty lots, which would be subject to the same variance.

Atherton – If we allow conventional systems, they would have to hook up to sewer within six months of the arrival of sewer; I/A would have ten years.

Cooper – If this board insisted on I/A for the built-out lots, he doesn't see how the board can allow conventional systems for the remaining lots.

Weld – We need to consider the impact on the environment; the sooner they hook to sewer the better.

Crowley – Noted that the number of bedrooms needs to be considered as well.

Santamaria – If the board allows conventional systems, each one will require a Title V variance.

Bracken – Most houses in this subdivision have five or six bedrooms.

Atherton – Suggested that the new structures on the un-built lots not be allowed to be occupied until they hook to sewer.

Cooper – Asked how the board and department feel about allowing that and not being in compliance with Title V. There could be push back from the State and other people.

Crowley – He thinks allowing conventional systems will be better in the long run because the loading is zero as soon as they hook to sewer.

MacNab – The deal would be that if we allow conventional systems but they must hook to sewer as soon as it is available.

Santamaria – We would have to work very closely with Department of Public Works to know when the force mains are open.

Action **Motion to Allow conventional systems with a six-bedroom restriction; however, they must hook up as soon as sewer is available.** (made by: Atherton) (seconded by: Weld)

Vote Carried 4-0//Cooper abstain

9. Condemnation – 67 Old South Road (68-158)

Sitting MacNab, Visco, Cooper, Weld, Atherton

Recused None

Documentation Supporting documents and plans, staff recommendations.

Discussion (5:02) **Santamaria** – There is an occupied house connected to a completely failed septic. The owner of the property want to demolish the house and abandon the system. The condemnation makes it easier to abandon the system while people are still living there; once it's condemned, the can abandon the system and the residents must leave.

Action **Motion to Approve the condemnation.** (made by: Atherton) (seconded by: Visco)

Vote Carried unanimously

V. BOH BUSINESS

1. Director's Report:

- a. He will have Jeff Carlson, Natural Resources Director, attend the February meeting in for the Landfill discussion.
- b. Boat Basin grey water: he's spoken with the Harbor Master and had water quality meetings with Town Administration and Natural Resources. There is work being done to prevent grey water discharge. There is a regulation that prohibits dumping of grey water into the harbor. There is required information that has to be set up when a vessel is docking due to the federal government declaring Nantucket Harbor a no-discharge zone. When large vessels dock at the Boat Basin, they are connected directly to the sewer system; there is no overboard discharge from the boats. There is also a pump out boat that goes to the boats on moorings; there is a log showing how often a boat is pumped out. About 100,000 gallons have been pumped over a period of one to two years. Every boat is given a no-discharge flier. Atherton – He would like to know more about the catch basin pillows.
- c. There has been talk about approaching Fish and Wildlife for an additional hunting season. He's looking into that.
- d. He's gathering information on herbicides; one thing discussed was setting up a symposium on the regulations. The Fertilizer Advisory Group is concerned because herbicides and pesticides are regulated by the State and so regulate enforcement; if we try to regulate herbicides on top of fertilizers, at what point does the State say the regulations and best management practices are invalid. He's gathering more information on that.
- e. The Boston University Community Health Assessment class is looking for a "client" who would allow them to run a community assessment. There are master-level and doctoral-level students who would carry out the assessment.
- f. The Health Department has received two grants: one to attend training on the new Food and Drug Administration (FDA) food code and one for a self-assessment in standardization so they can move closer to being a fully Federal standardized and FDA approved Health Department.

VI. ADJOURN

Adjourned by unanimous consent at 5:19 p.m.

Submitted by:
Terry L. Norton