



BOARD OF HEALTH

Meeting

Town of Nantucket
131 Pleasant Street
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Commissioners: Stephen Visco (chair), James Cooper, Meredith Lepore, Kerry McKenna, Malcolm MacNab, MD, PHD, Select Board

Staff: Roberto Santamaria, Kathy LaFavre, John Hedden, Cathy Flynn, Jake Visco, Sean Reid, Heather Nardone

~~ MINUTES ~~

Thursday, March 16, 2023

4 Fairground Road, Community Room

This meeting was held via remote participation using ZOOM and YouTube.

Called to order at 4:00 p.m.

Staff in attendance: Roberto Santamaria, Health Director; Cathy Flynn, Health Inspector; Sean Reid, Health Inspector

Attending Members: Stephen Visco; James Cooper; Kerry McKenna; Malcolm MacNab, MD, PHD, Select Board

Remote Attendance: Meredith Lepore

I. ANNOUNCEMENTS

None

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

None

III. Well Regulations Discussion

Sitting	Visco, Cooper, McKenna, Lepore, MacNab
Documentation	Code of Nantucket, Chapter 386; Staff recommendations
Discussion (4:02)	<p>Michael Maynard, Environmental Contamination Officer, Town of Nantucket Maynard- Four public water systems regulated by Mass DEP and 4500 + private wells regulated by the LBOH. Original Regulations (Chapter 386) adopted 8/24/1990; to be revised 6/16/2022. Recently issued BOH regulations from the Mass DEP website is the basis for any change to our local regulations. There will be private well training course available for Staff. The Town has policies in place to address PFAS, including sampling. Existing policies have been woven into the well regulation re-write. EPA has proposed stringent new mandatory PFAS standards with maximum contaminant levels which will have a significant impact on public water supply. Wannacomet Water Company is below standards. There will be a number of discussions online with EPA available over the next 60 days. The town has applied and received money for PFAS over the last few years. The biggest modification to regulation will be requiring testing private wells for 6 PFAS chemicals. The town worked with the University of Massachusetts about 1 ½ years ago, samples from 40 private wells. The Water Company currently conducts this quarterly. Any exceedance needs to be reported to DEP. Will be phased in, such as at time of sale or modifications to existing wells. More Mass State Labs are getting certified to test PFAS.</p> <p>Santamaria- We are requesting a public hearing over the next two months. Regulations sent to the board to review. Local engineers will be able to review and provide input.</p> <p>Lepore- Asked if town water tested positive for PFAS, how to the property owners get informed.</p> <p>Santamaria- Water tests are published on Wannacomet Water website. Only one well has tested positive for PFAS, but below states threshold. If the test is above the threshold, they are mandated to inform the property owner.</p> <p>Maynard- Required to submit a consumer confidence report, annually.</p> <p>Lepore- Will there be more types of PFAS tested?</p> <p>Santamaria- Lab test for 24 of concern. The 6 are part of the mandate to be remedied. Eventually EPA will be setting regulatory standards for all.</p> <p>McKenna- Asked if new construction versus improvements were addressed.</p> <p>Santamaria- Discussed highlighted changes.</p> <p>Maynard- WPI students working with DEP and reviewing existing regulations. Nantucket is well positioned to be a national model.</p> <p>Cooper- This will affect most islanders. People need to be informed.</p> <p>Santamaria- Working with Public Outreach Officer to get information out to the public.</p> <p>MacNab- With Regulation 78, we had mandatory testing every 1-2 years.</p> <p>Santamaria- At the time, we didn't have enough staff to enforce. Technology has helped streamline process. This enforcement will be similar to septic enforcement. The mandatory testing will happen at the trigger points similar to</p>

Title V. We currently have water sampling, we are just adding PFAS.

Bracken-Nantucket is only town that requires to notifying abutters for well permits. Wanted to know the rational in the past and moving forward. Suggested taking a second look at ground water flow direction plan. There are some grey areas- look forward in participating in the discussion.

Santamaria- No more abutters notifications. The rationale is that we have technology that wasn't available. The ground water contour maps and flow direction will be from the most recently adopted maps from the town. The Great Harbor Yacht Club is funding a ground water study for the Great Harbor Watershed. In the we will have to use the e to use Horsley -Witten maps in the meantime.

Maynard – There will be a GIS layer. MASS DEP is currently mapping all the private wells on the island to add to GIS, as well. Drinking water well versus irrigation well.

Buedette- Asked if regulations will be required at sale. Suggests emailing realtors and attorneys on public hearings.

Santamaria- Would like to have public hearing in May to allow for public outreach and comments.

Action **Motion to Hold a Public Hearing on the Well Regulations for May 18, 2023 meeting.** (made by: MacNab) (seconded)

Roll-call vote Carried 5-0// Cooper, Lepore, McKenna, MacNab and Visco- aye

IV. CHANGE OF ESCROW AGENT FOR MAINTENANCE AND ENDOWMENT AGREEMENT, FINBACK HOMEOWNERS ASSOCIATION.

Sitting Visco, Cooper, McKenna, Lepore, MacNab

Documentation Supporting documents and plans, staff recommendations.

Discussion (4:32) **Rick Beaudette,**

The escrow agent set up by existing developer has not been very responsive to the association. They would like to change the escrow agent to maintain control in the event the shared septic system needs to be repaired or replaced.

Cooper- Asked if they need BOH approval.

Santamaria- Staff has no objections.

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

Roll-call vote Carried 5-0// Cooper, Lepore, McKenna, MacNab and Visco- aye

V. BOH APPLICATIONS REVIEW

1. 8 Austin Farm Drive, 56/367; nitrogen loading credit.

Sitting Visco, Cooper, McKenna, Lepore, MacNab

Documentation Supporting documents and plans, staff recommendations.

Discussion (4:33) **Don Bracken, Bracken Engineering**

Bracken-Increasing the number of bedrooms, replacing trenches with a leaching field with the septi-tech system.

Santamaria-In Hummock Pond Watershed, putting in system for bedroom credit. No concerns

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

Roll-call vote Carried 5-0// Cooper, Lepore, McKenna, MacNab and Visco- aye

2. 26 Rabbit Run Road, 28/9; Septic tank, pump chamber, and soil absorption system setback to coastal bank.

Sitting Visco, Cooper, McKenna, Lepore, MacNab

Documentation Supporting documents and staff recommendations.

Discussion (4:35) **Don Bracken, Bracken Engineering**

Bracken- Proposing addition to pre-1995 structure, large lot near water. In Nantucket Harbor Watershed. Installing a Micro-Fast I/A system, utilizing existing pump chamber but replacing existing leaching pit. Asking for 2 local upgrade approvals; the first is setback for the new tank to the coastal bank resource area; the second is the soil absorption system to the coastal bank setback. The coastal bank separation comes from a DEP regulation based on slope of land to flood zone.

McKenna- The lot is big. Is this an optimal placement.

Bracken- Leaching pit was placed in the best location for elevation and setbacks to the wetlands.

Santamaria -Need setbacks for compliance. Staff has no objections.

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

Roll-call vote Carried 5-0// Lepore, Cooper, McKenna, MacNab and Visco- aye

VI. BOH BUSINESS

1. Next Level Watersports, LLC- Recreational Camp Variances.

Sitting	Visco, Cooper, McKenna, Lepore, MacNab
Documentation	Supporting Documentation, Minimum Standards for Recreational Camps 105 CMR 430, Staff Recommendations
Discussion (4:40)	<p>Jonathan Berry, Co-Owner, Next Level Watersports Santamaria – Significant amount of variances proposed. Berry- Appeared last fall regarding a cease and desist. Series of problems because we do not have a waterfront facility. Met with Staff last fall. The State defers to LBOH. Discussed variances needed. Compared camp with remote primitive camps. NLW has been operating since 2016. Received approvals from other town departments. Says they are not a camp. Shortage of camps for kids in the summer. Cooper- Asked the age of the children. Asking for 10 variances. If had an accident. Do parents know that you do not have these 10 variances. Berry- We go by weight not age; 70 pounds; 2 kids to 1 instructor. Have emergency plans. Everyone is trained. McKenna- Your website states you are a camp. Asked about adventure camps offered. Berry- All boats are self-powered. Regulation requires 2 bathrooms per gender with hand washing sinks. Santamaria- Difficult variance working on the water. Golf camps have better access to bathrooms than being on the water. Strong Wings bathrooms on all routes. have bathroom with routes. They had advertised as a camp. Cooper- Asked if they had a permit from last year. Asked if not operating as a camp, why are you here. McKenna- Asked about primitive camp. Berry- Has not been offered an alternative to re-brand. Asking to be approved. Other business’ operating in the same manner. Can only implement 4 of 10 variances. Cooper- Doesn’t feel right to allow to give you a permit if there is an incident with a child. Visco- Agrees with Cooper. Don’t meet the minimum standards for half. A “big ask” when entrusted with the public’s health. If you called it lessons, you wouldn’t be here. McKenna- Suggested moving forward with private lessons. MacNab- Questioned “camp time”. Suggested semi-private lessons. Berry- Other BOH have been able to accommodate. Unable to find alternative to “camp”. Two-hour lessons are not viable. Semi-private lessons would work. Lepore- Agrees with all that has been said. Strong Wings has a base and a shelter. Shelter is a question on the water if stuck in a storm. 70 pounds is not necessarily an eight-year-old. There are five-year-olds who are 70 pounds. Santamaria- Suggested removing “camp”, keep it at 4 or less children and set up reservation system for private lessons. McKenna- Suggested keeping manual used for this hearing. Benefits children’s mental health. Promotes water safety and the environment. MacNab- Falls in line with the Select Board discussion on funding for youth development. Santamaria- Staff has no objection to activity. The snare was the definition of a camp. We can find that “middle ground” operationally without triggering camp definition. Vote to withdraw or take no action. Berry- Happy to withdraw. Needs a clear path forward.</p>
Action	Motion to accept withdrawal and contact John Hedden and Roberto Santamaria. (made by McKenna) (seconded)
Roll-call vote	Carried 5-0// Cooper, McKenna, Lepore, MacNab, and Visco- aye

VII. DIRECTOR’S REPORT

- Working on Well Regulations. Water extension in the Monohansett area west of the airport. Airport has requested to use excess soils from water extension work as noise mitigation as long as it meets the leaching standards.
- Plastics By-Law and Biodegradable Packaging Bylaw conflict causing confusion. Working merging both to coincide with the 2025 RFP for the landfill.
- This has been the worst year for Lyme’s Disease; 304 probable and suspect cases; 72 cases higher than 2013. Mild winter has been the culprit. All tick-borne illness will be our primary illness of concern. False sense of security with the clinical trial. Tick-borne illnesses spiked as a result. Will be working with the Cape and Islands Tick Biologists this summer.
 MacNab- Asked if it was the temperature or better reporting.
 Santamaria- Has seen a shift in diagnosing from confirmed to probable with Lyme’s Disease. As a secondary complaint.
 Lepore- People coming in an getting treated without getting their bloodwork. Santamaria- Our new public health nurse will be helping with public outreach.
 McKenna- Asked if the ferries would supply public outreach.

VII. REVIEW OF MINUTES

1. February 16, 2023

Action **Motion to Approve.** (made by: McKenna) (seconded)
Roll-call vote Carried 4-0// Cooper, McKenna, Lepore and Visco- aye
 MacNab- abstained

VII. ADDITIONAL DOCUMENTS USED

- 1. Draft BOH Minutes February 16, 2023
- 2. Code of Nantucket, Chapter 386 Wells

VIII. ADJOURN

Action **Motion to Adjourn at 5:26 pm** (made by: MacNab) (seconded)
Roll-call vote Carried 5-0// Cooper, Lepore, McKenna, MacNab and Visco-aye
Submitted by:
Cathy Flynn