



BOARD OF HEALTH

Meeting

Town of Nantucket
3 East Chestnut Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

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

~~ MINUTES ~~

Thursday, March 21, 2019

4 Fairgrounds Road, Community Room – 4:00 pm

Called to order at 4:01 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: Stephen Visco; Malcolm MacNab, MD, PHD; James Cooper; Helene Weld, RN; Jim Kelly, 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

V. DIRECTOR'S REPORT

1. Starting inspections earlier than expected; late Easter gives restaurants a reason to open earlier. The shoulder season is getting long.
2. In our Fiscal Year 2019 so far, we've done 450 food tasks, 111 housing inspections, and 442 septic tasks. That's over 1000 tasks not counting tobacco, fertilizer and others.
3. The Select Board decided to start negotiations on an agreement with ACK Natural marijuana retail and medical dispensary.

Kelly – Explained why he voted against taking any action: there is a correlation between marijuana use and psychosis and companies are trying to skirt ownership issues by creating management companies. This Board could go on record through not taking action.

LaFavre – She attended a seminar at which a woman gave a presentation on dust, odor, and another issue; one thing that came up was issues with cannabis odor and noise in neighborhoods; another issue was the chilling unit on the roof is very loud and neighbors have been annoyed by it. They are dealing with this in Colorado to come up with a resolution. This should be factored into the plan.

Santamaria – Local testing was brought up with one of the applicants and the State is requiring local testing. All applicants will have to have high-pressure liquid chromatography on the Island; we'll at least have minimal testing and labels. Listing side effects isn't required by the State. We can require the testing and posting the concentrations. Impurities and contaminants have to be tested for and the percentage of active ingredients must be listed on the label. The sticking point is whether or not they are required to have a qualified, certified lab technician.

MacNab – There are Clinical trials which have found cannabis in breast milk; that should be on the label. He's concerned about putting Nantucket residents at risk because a certified lab technician isn't required.

Motion that the BOH wants the products adequately labeled with percentage and weight of active ingredients, percentage of contaminants and be identified, and packaging should contain known and potential side effects and all testing should be done by a certified technician under good laboratory guidelines. (made by: MacNab) (seconded by: Kelly) Carried unanimously

4. Met with the Agricultural Commission about fertilizer use.

- 5. We received water testing information this morning from the lab consultant; he came up with a pro forma. CZM Smith provided all laboratory information on nitrogen testing.

III. APPROVAL OF MINUTES

February 21, 2019: **Motion to Approve.** (made by: MacNab) (seconded by: Cooper) Carried unanimously

IV. BOH APPLICATIONS REVIEW

- 1. Variance request: 123 Wauwinet (12-9) tight tank request

Sitting Visco, MacNab, Weld, Kelly

Documentation Supporting documents and plans, staff recommendations.

Discussion **Don Bracken**, Bracken Engineering – This is 15,000 square-foot (SF) lot with an existing 4-bedroom house. The existing system is 1,000-gallon septic and 2 leaching trenches. He dug 2 test pits and monitoring well; he has the maximum groundwater elevation; this property is at elevation 3.9. The existing septic is 2 feet above the mean groundwater. Existing trenches are between the house and coastal dune and 18 feet from the velocity zone flood zone; the entire site is within a flood zone. His client wants to construct a 41-SF addition to the house which triggers upgrade of the septic. It is his opinion a tight tank is the best alternative for the site. Explained why they can't put in an I/A mounded system. The proposed tight tank has environmental benefits and 135 Wauwinet Road was permitted a tight tank in 2007; that site has similar conditions. Listed other lots in the area with tank tanks. They are willing to add a deed restriction for seasonal use only in keeping with Title 5.

Visco – Asked if they looked at an alternate design. He doesn't like the idea of a tight-tank installation for convenience purposes.

Bracken – The owner is adamant on keeping the land level.

Kelly – The way he interprets the regulation is that the tight tank is the last resort and this board makes that determination. He's uncomfortable being in the position to adjudicate the scope of the project that drives the type of septic system.

Crowley – We don't know that this is the last resort. In the Wauwinet Road area, the Conservation Commission have allowed septic systems within the coastal dune; that is the question to ask. His recommendation is to not approve this based upon what Conservation Commission has done in other areas.

MacNab – Our standard has always been there is no other option; we don't know that.

Bracken – They will look at other options and provide information. Asked for a continuance

Action **Motion to Continue this issue to the next meeting pending further information.** (made by: MacNab) (seconded by: Weld)

Vote Carried 4-0//Cooper - recused

- 2. Variance request: 96 Cliff Rd (41-15) set back to septic tank

Sitting Visco, MacNab, Cooper, Weld, Kelly

Documentation Supporting documents and plans, staff recommendations.

Discussion **Paul Santos**, Nantucket Surveyors – This request regards the setback from a slab foundation to the septic tank; currently the setback is 10 feet horizontally. The applicant is looking to construct a garage addition that would not meet the 10-foot requirement; it would be 8 feet. The septic is about 6 feet lower than the slab. Title 5 says the 10-foot setback is to ensure adequate space for installation and maintenance. He'd like a sense of the board and approval at the next meeting; or vote today with required documents to be submitted into the file. The septic tanks can be moved to meet the requirements; but the question is if the 2-foot reduction is *diminimus*.

Cooper – They have the ability to move the septic; he thinks they should be moved.

MacNab – Move the tanks.

Crowley – If you can comply, you must comply.

Action **Motion to Deny the variance.** (made by: MacNab) (seconded by: Cooper)

Vote Carried unanimously

3. Variance request: 20 Fulling Mill Rd (27-23.1) less than 100' away from a vegetated wetland

Sitting Visco, MacNab, Cooper, Weld, Kelly

Documentation Supporting documents and plans, staff recommendations.

Discussion **Art Gasbarro**, Nantucket Engineering & Survey – The existing leach trench is about 20 feet from the vegetated wetland; He is looking to increase the horizontal and vertical separation and still comply with the well setback. This is a septic upgrade.

Crowley – This is the best they can do; it's a failed system under a correction order. Recommends approval.

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

Vote Carried unanimously

V. OTHER BUSINESS

1. Public Hearing: Fee Schedule

Santamaria – He is requesting five changes to the fee scheduled. Need a motion to open the hearing.

Motion to open the public hearing at 4:37 p.m. (made by: Weld) (seconded by: Cooper) Carried unanimously

Santamaria – The last change to fee schedule was 2015; changes he is recommending: in-holder fee \$100 to \$150, lodging house \$100 to \$150, dormitories \$100 to \$150, tobacco permits \$100 to \$300, and non-profit fund-raising events to \$20 for five events useable twice a year. We have to charge at least something to cover costs.

Discussion about what to the fee for non-profit events – lemonade stands, bake sales, etc. – should be.

Crowley – He likes the 10 events. Explained that when it is \$10 for 10, we know where they are and can ensure they are in compliance.

Cooper – Asked if people know they have to have a permit. Asked the procedure if someone complains.

Kelly – Likes the schedule as presented.

Motion to close the public hearing at 4:45 p.m. (made by: Kelly) (seconded by: MacNab) Carried unanimously

Motion to Approve the fee schedules as recommended effective April 1, 2019. (made by: MacNab) (seconded by: Kelly) Carried unanimously

2. NARCAN Training

Weld – Asked if there was progress made on the NARCAN training.

Santamaria – We will be doing the NARCAN training on May 30.

3. Tick-Borne Disease

Weld – She was asked if there is a prevalence of Lyme because of feral cats eating white footed mice.

MacNab – Cats eating the mice would destroy the disease; there is a debate whether or not cats get Lyme.

4. Jim Kelly noted that this is his last BOH meeting and he has enjoyed being part of it. He hopes the BOH takes a greater role in the future of Island public health.

VI. ADJOURN

Adjourned by unanimous consent at 4:49 p.m.

Submitted by:

Terry L. Norton