



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, April 20, 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; John Hedden, Chief Environmental Officer; Cathy Flynn, Health Inspector

Attending Members: Stephen Visco; James Cooper; Kerry McKenna

Late Arrivals: Meredith Lepore at 4:08pm

Remote Attendance: Malcolm MacNab, MD, PHD, Select Board

I. ANNOUNCEMENTS

None

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

None

III. REVIEW OF MINUTES

1. March 16, 2023

Motion to Approve. (Made by: McKenna) (seconded)

Carried 4-0// Cooper, McKenna, Lepore and Visco- aye

IV. DIRECTORS REPORT

1. Hired a Public Information Officer, Hayley Cooke from the Housing office, to update the Health Department's website. It will be redesigned and adding FAQ sections by topic.
2. We hired a new Public Health Nurse, Erin Schrader. Heather Francis will be helping with the transition.
3. The department is experiencing an onslaught of permits.

V. WELL REGULATIONS DISCUSSION

Sitting: Visco, Cooper, McKenna, Lepore, MacNab

Documentation: Code of Nantucket, Chapter 386; Staff recommendations

Speakers: Michael Maynard, Environmental Contamination Officer, Town of Nantucket

Discussion (4:11): **Santamaria-** The regulations were forwarded to town counsel as requested. Will post the public hearing after counsel's review. Requesting to move public hearing from May to June. Once town counsel has reviewed the regulations he will forward them to the local real estate agents, attorneys and engineers in advance of the public hearing.

The State has looked into adopting the EPA standard of PFAS. We have not heard back. The Nantucket Land Council has asked the Board of Health to partner in conducting a PFAS well testing program. May not be able to as advise by town counsel. NLC wanted to use a water testing process out of Notre Dame, but that process has not been approved by the EPA.

Maynard- We will be meeting with the Nantucket Land Council to discuss.

McKenna- Asked about the recent variant.

Santamaria- Hasn't seen nor are conducting variant testing. Current testing is rapid testing and sewer testing. No confirmed variant. The reports are really low.

McKenna- Asked about Candida infection. RS- no confirmed reports. This is one of the illnesses with mandated reporting.

Santamaria- Information regarding wells is posted in the March 16, 2023, Board of Health packet.

Cooper- Asked if regulations were forwarded to the water company.

Maynard- The water company has not commented on the regulations re-write. Has had concerns with private well sampling and what they should be doing with their sampling results. There will be a Private Well Training Class on April 26, 2023. We have over 65 participants, so far. Training conducted by RCAP Solutions, experts in private wells. This online training is available for private well owners and health officials.

Action **Motion to Move Public Hearing on the Well Regulations to June 15, 2023, meeting.** (Made by: MacNab) (seconded)

Roll-call vote Carried 4-0// Cooper, McKenna, MacNab and Visco- aye

VI. BOH APPLICATIONS REVIEW

1. 20 Gladlands Avenue, Map 80 Parcel 222; Nitrogen Loading Credit.

Sitting Visco, Cooper, McKenna, Lepore, MacNab

Documentation Supporting documents and plans, staff recommendations.

Speakers Dan Mulloy, Site Engineering for the applicant.

Discussion (4:11) **Santamaria-** Standard nitrogen loading credit. Staff has no objections.

Mulloy- 80K square foot lot, with a well and existing conventional system approved for 8 bedrooms to use an I/A system to get the bedroom credits to use 10 bedrooms. The system could technically support up to 12 bedrooms with the variance.

Cooper- Are we leaning towards more bedrooms as long as they are using an I/A system. Is this the reason they are doing this.

Santamaria- We have been moving in that direction as long as it is nitrogen negative. It is not automatic. Every situation is different. They all must still come for a review.

MacNab- Thinks it's important that the board review these. Not routine.

Visco- This is not specifically in one of the watersheds where you can't get the credits.

Hedden- This is in the wellhead. This might not actually be 10 bedrooms; it's a total room count with all the houses. Adding a room like gym or an office counts toward the capacity of the septic system. Divide the total rooms by 2 to get the capacity.

Santamaria- will continue to bring to board in nitrogen sensitive areas. These are our local regulations.

Lepore- Seems like a lot of systems are moving around to install a pool. Thinks pools aren't great for the environment. We need to start thinking about pools on the island and how they affect water quality. How are they emptying the pools, what types of chemicals and how affect the environment. Wants to talk more about pools.

Santamaria- new water discharge regulations were passed at the Select Board. We are reaching out to the pool companies to inform them. The new regulation requires them to keep the water on-site. The equipment will have to be able to handle the pool drainage on-site.

McKenna- Where is the water going?

Santamaria- The National Swimming Pool foundation has a process, referred to in the regulation.

Cooper- Asked about square footage.

Santamaria- No requirement. No need for a drywell if small enough.

Mulloy- This is strictly room count. There are multiple buildings on the property.

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

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

2. 9 Arlington Street, Map 76.1.3 Parcel 56; Setbacks to water supply, property lines.

Sitting Visco, Cooper, McKenna, Lepore, MacNab

Documentation Supporting documents and staff recommendations.

Speakers	Dan Mulloy, Site Engineering for the applicant. Will Krader, representing abutter Ingrid Kolb, 12 Arlington Street. Jeff Blackwell, Surveyor representing abutters Clay Twombly and Joe Olson, 10 Berkley Street/7 Arlington Street Sarah Alger, Attorney representing abutters Clay Twombly and Joe Olson, 10 Berkley Street/7 Arlington Street.
Discussion (4:20)	Mulloy- Asking for relief from Title 5 and the Local Regulations under new construction. Building a 1-bedroom cottage on a vacant lot. Requesting variance requests for Title 5; well separation and property line setback; Local BOH well separation requirement. If the board were to consider, they would propose an I/A system with a deed restriction to 1 bedroom. Krader- This densely populated area seems like a public health hazard. Asks that the board follow the recommendation of the Staff. Variances like these are applied to existing construction. This area has a lot of small lots. If variances were allowed, they could be developed. Blackwell- Read letter submitted by Sarah Alger. Request to continue to the May meeting. Would like the board to stick to its regulation of not granting variances for new construction. When the septic systems fail, local regulations allow to maintain historic permitted use. Not intended to grant variances for new construction. It's a concern for adjacent properties. Asking to deny and not start a precedent. McKenna- Have other systems been considered. Visco- Can't use tight tanks for new construction. Mulloy- Has looked at all alternate systems and this is the best fit. Hedden- Title 5 calls out the reason for variances is for existing systems when repairs are needed. This would be setting a precedent. MacNab- Feels uncomfortable granting this variance due to environmental risk. Alger- Setting a dangerous precedent. Would be putting her clients in a variance situation should they ever need repairs to their own system. Thinks it should be denied. Visco- Ample time was given when Title 5 was changing in 1995. We went around to a lot of these small lots on the island back then because we knew things were changing. Title 5 revisions were made specifically to deal with Public Health and protecting the environment. The new construction does not meet the minimum standards.
Action	Motion to Deny. (Made by: Cooper) (seconded)
Roll-call vote	Carried 5-0// Lepore, Cooper, McKenna, MacNab and Visco- aye

VII. ADDITIONAL DOCUMENTS USED

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

VIII. ADJOURN

Action	Motion to Adjourn at 4:36 pm (Made by: MacNab) (seconded)
Roll-call vote	Carried 5-0// Cooper, Lepore, McKenna, MacNab and Visco-aye
Submitted by:	
Cathy Flynn	