



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, May 18, 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; Sean Reid, Health Inspector

Attending Members: Stephen Visco and James Cooper

Late Arrivals: Malcolm MacNab, MD, PHD, Select Board at 4:19pm

Remote Attendance: Kerry McKenna and 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. April 20, 2023

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

Carried 3-0// Cooper, McKenna, and Visco- aye

V. CLIFFSIDE BEACH, BEACH SAMPLING VARIANCE

Sitting Visco, Cooper, McKenna

Documentation None

Speakers None

Discussion **Santamaria-** They have to apply for variance every year to use town beach as their analog as they share same beach. Staff has no objections.

(4:01) **Motion to Approve the sampling variance .** (Made by Cooper) (seconded)

Roll-call vote Carried 3-0// Cooper, McKenna and Visco- aye

VI. BOH APPLICATIONS REVIEW

1. 56 Arkansas Avenue, Map: 59.4 Parcel: 156; Septic setbacks variance

Sitting Visco, Cooper, McKenna

Documentation Supporting documents and plans, staff recommendations.

Speakers Don Bracken, Bracken Engineering

Maggie Stewart, 58 Arkansas Avenue

Discussion **Santamaria-** Asking for I/A upgrade. Staff has no objections.

(4:02) **Bracken-** Installing new I/A and soil absorption system. The lot is 16 ft wide. Asking for several variances and local upgrade approval.

Stewart- Due to tight constraints wants to ensure that no one drives on or places heavy machinery on top of their new septic system.

Bracken- Will mark off area with caution tape. It's also noted on plan.

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

Roll-call vote Carried 3-0// Cooper McKenna and Visco- aye

2. 141R Hummock Pond Road, Map: 65 Parcel:4.1, nitrogen loading variance.

Sitting Visco, Cooper, McKenna
Documentation Supporting documents and staff recommendations.
Speakers Chris Ray, Bracken Engineering

Discussion (4:06) **Ray-** DEP in 2009 approved a shared system for the Nanahumacke Subdivision. The design limited each lot to 4 bedrooms worth of flow. Seeking relief of effluent flows greater than one bedroom or 10K SF lot area. This lot not part of the Nanahumacke shared system plan.

McKenna- Asked which lot he was referring to.

Ray- Lot 23 is the subject parcel which has a Conservation restriction. Lot 22 was created to as a buffer to create open space.

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

Roll-call vote Carried 3-0//Cooper, McKenna Visco- aye

3. 1 Sheep's Commons Lane, Map:54 Parcel: 280, nitrogen loading variance

Sitting Visco, Cooper, McKenna
Documentation Supporting documents and staff recommendations.
Speakers Paul Santos, Nantucket Surveyors

Discussion (4:10) **Santos-** Nitrogen loading variance request for lot open space subdivision created prior to Title 5. Lots vary in size. Request to increase from 3 bedrooms to 4 bedrooms by adding an I/A system. Located in Zone B of the Nantucket Harbor Watershed. It's in a DEP zone and Public Well Head Recharge.

Visco- We just recently approved variances in that area.

McKenna- Concerned with overloading systems, down the road.

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

Roll-call vote Carried 3-0//Cooper, McKenna Visco- aye

4. 49 Polpis Road, Map: 54 Parcel: 21, sewer connection variance

Sitting Visco, Cooper, McKenna and MacNab
Documentation Supporting documents and staff recommendations.
Supporting documents and staff recommendations.
Speakers Inez Hutton, 49 Polpis Road
Chris Ray, Bracken Engineering

Discussion (4:13) **Hutton-** Requesting a variance for a period of time to connect to town sewer. Would like to have septic sys inspected soon.

Hedden-They are proposing a new food establishment. In the past, there was a catering company on the property. They are in the Nantucket Watershed. Town Sewer is on Polpis Road. They'd be required to connect to sewer.

Hutton- The driveway is 800 ft long. It would be an expense. There are 4 buildings on the property.

Cooper-There was a property off of Fairgrounds Road where we let them keep the back building on septic, but the front had to tie into Town Sewer.

Santamaria-The stipulation for Glidden's (24 Rugged Road) was that if they subdivided, they would have to connect. All the houses on the property were forced to connect this year because they subdivided.

Visco- Gave one to Mr. Meerbergen (20 Rugged Road) because he was 500 ft back with the same stipulation.

Hedden- He would need history to gauge the usage on the previous catering business. There is also a residence on the property. It's in the Well Head and Nantucket Harbor Water Shed. The board shouldn't make any variances for properties located in nitrogen sensitive areas.

Santamaria-This is the difference between the other two the board just heard. A change in the

property forces an I/A upgrade. A change in the property would force a sewer connection.

Visco- The location of Polpis/Shimmo Pond area and efforts the Board has made to have everyone tie into sewer. We have the loan program.

McKenna- Is this a forced choice between I/A upgrade or sewer connect?

Santamaria- I/A upgrade will be similar cost.

Hutton- Asked for an explanation of upgrading to I/A.

Ray- Asked what is requiring her to connect. If they are re-permitting the food establishment, what would cause this.

Santamaria- Flow calculation.

Hedden- The mandatory sewer connection is why. If sewer runs by your house, it's a mandatory two years to hook up outside of any zone. In a nitrogen sensitive zone, it's 6 months. We need to consider the change of use. We will need a predicted waste flow coming out of that system.

Visco- You're in the Nantucket Harbor Water Shed. Any permit you want to pull would have been an automatic trigger to put in an I/A.

Hutton- The kitchen has been in existence since 1996. Various people have leased it for 5 or 6 years. Last time it was leased was 2018/2019.

Santamaria- The issue is the kitchen is inactive. You would have to meet the Title 5 regulations, an I/A system. You have sewer available, and we would require you to meet that permitting standard. If you don't connect to sewer but you still pursue the permit, you would have to install the I/A system.

Hutton- Didn't think she needed to be re-permitted. Was told by zoning that she was good to go.

Hedden- There are two separate septic systems. One that serves the main dwelling, 3 bedrooms and a separate system from 1978 where the commercial kitchen is located. You would need a Title 5 inspection as it's been over 5 years.

Hutton- Asked for a two-year time limit.

McKenna- This is a change of use. The sewer is there. Do we have money in the loan program?

Santamaria- Loan program was increased. Funds will be available July 1st.

MacNab- There is a loan program. Given the location and regulations, the option is sewer.

Santamaria- The timeframe is reasonable.

Cooper- Asked if line was a gravity line.

Visco- Everything is pressure line.

Santamaria- There would be a timeframe to connect, you would still need it inspected,

McKenna- Asked what happens if septic system fails.

Visco- Two-year time limit is reasonable.

McKenna- Wants to be clear, if grant two-year extension planning has to begin now and if the second system fails, she will have to tie in.

Santamaria- In the ground by 5/21/25.

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| Action | Motion to approve the variance for two years as long as the business septic system passes inspection and will have the two years, May 21, 2025, to tie into town sewer. (Made by MacNab) |
| Roll-call vote | Carried 4-0//Cooper, McKenna, MacNab and Visco- aye |

VII. DISCUSSION OF 105 CMR 410.180 (D)- HEATING REQUIREMENTS

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| Sitting | Visco, Cooper, McKenna and MacNab |
| Documentation | Minimum standards of fitness for human habitation - State Sanitary Code 105 CMR 410.180 (D) |
| Discussion (4:33) | Santamaria- A recent inspection at a lodging house revealed there was no heat in half of the property. There is a provision in the State Housing code that allows LBOH to vary the heating requirement to exp from 5/31 to 5/15. Just for this year, we are requesting the heating requirement to expire on 5/15. That w it will give us enough time to inform. Hedden- New housing code updated 5/12/23. In the prior code, heat was allowed until June 15 th and |

began again September 15th. The new code changed to June 1st to September 15th. The new code allows for the Board of Health, as long as it is published on the town website, to go from May 15th to September 30th. We are finding more and more older inns and unheated cottages that don't have heat. We catch by finding space heaters in the rooms. Hadn't been enforced in the past. Back then, the season started later. We had less inspectors in the department. Towns in the state vary in temperature.

McKenna- What will be the start and end date for heating in 2024.

Santamaria- We will stick with the code 6/1 to 9/15. We want to give them this year to bring into compliance.

Action **Motion to roll back the heating requirements for Nantucket for this year to May 15th.** (Made by MacNab)(seconded)

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

VIII. DIRECTOR'S REPORT

1. Met with Public Outreach coordinator to start working on Lyme disease and tick borne illness outreach campaign. The lone star tick has made it to the island.

MacNab- The company that developed the vaccine for mice through pellets has been approved.

Santamaria- US Biologic testing oral vac for mice has been FDA approved.

2. Met with Granicus with an update and expect the software and user interface to be up and running next month so we can start registering people next month at the end of June.

McKenna- Asked if any updates on interval timeshare loopholes with short term rentals.

Santamaria- If you are renting your week out you will need to register.

3. Introduced new Public Health Nurse, Erin Schrader.

Visco- Reminder that there is a public hearing on the Well Regulations June 15, 2023.

VII. ADDITIONAL DOCUMENTS USED

1. Draft BOH Minutes March 16, 2023

2. State Sanitation Code 105 CMR 410.00

VIII. ADJOURN

Action **Motion to Adjourn at 4:41 pm** (Made by: Cooper) (seconded)

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

Submitted by:

Cathy Flynn