



BOARD OF HEALTH

Meeting

Town of Nantucket
131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Commissioners: Stephen Visco (chair), Malcolm MacNab, MD, PHD (Vice chair), James Cooper, Meredith Lepore, Melissa Murphy
Staff: Roberto Santamaria, Kathy LaFavre, John Hedden, Cathy Flynn, Jake Visco, Anne Barrett

~~ MINUTES ~~

Thursday, May 19, 2022

4 Fairground Road, Community Room

This meeting is also held via remote participation using ZOOM and YouTube.

Called to order at 4:02 pm by Dr. MacNab

Staff in attendance: R. Santamaria, Health Director; J. Hedden, Health Inspector; J. Visco, Health Inspector;
T. Norton, Town Minutes Taker

Attending Members: Malcolm MacNab, MD, PHD; James Cooper; Meredith Lepore; Melissa Murphy, Select Board

Remote Participants: Ms. Lepore, Ms. Murphy

Absent Members: Stephen Visco

I. ANNOUNCEMENTS

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

1. None

III. APPROVAL OF MINUTES

1. April 21, 2022

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

IV. BOH APPLICATIONS REVIEW

1. Release loan for Wright, 38 Long Pond (59.4-116)

Sitting MacNab, Cooper, Lepore, Murphy
Documentation Supporting documents and plans, staff recommendations.
Representative None

Discussion **Santamaria** – No objections to releasing this loan.
Action **Motion to Approve the release.** (made by: Cooper) (seconded)
Roll-call vote Carried 4-0//Murphy, Lepore, Cooper, and MacNab-aye

2. 19 Ellen’s Way; no Operations and Maintenance (O&M) per Barnstable County
3. 16 Ellen’s Way; no O&M per Barnstable County

Sitting MacNab, Cooper, Lepore, Murphy
Documentation Supporting documents and plans, staff recommendations.
Representative None

Discussion **Santamaria** – These are the same owner different properties. We need to adopt the Barnstable County letters to start sending tickets regarding both properties.
Cooper – Asked what the next step is.
Santamaria – Once the BOH votes, we issue a \$300 ticket per day. We usually get compliance after the 1st ticket.

Action **Motion to Accept the letters request from Barnstable County for both 19 & 16 Ellen’s Way.** (made by: Cooper) (seconded)
Roll-call vote Carried 4-0//Murphy, Lepore, Cooper, and MacNab-aye

4. Variance request for Next Level Watersports Day Camp: bathroom/hand washing facility

Sitting MacNab, Cooper, Lepore, Murphy
Documentation Supporting documents and plans, staff recommendations.
Representative None
Discussion Withdrawn.
Action No action necessary
Roll-call vote N/A

5. Variance request for 8 Osprey Way (82-40) 56.02(A) & 64.04(B) nitrogen loading

Sitting MacNab, Cooper, Lepore, Murphy
Documentation Supporting documents and plans, staff recommendations.
Representative Jeff Blackwell, Blackwell & Associates
Discussion **Santamaria** – This is for a net negative nitrogen reduction system.
Blackwell – The existing is a 4-bedroom, conventional system; the owners are proposing a construction project and installation of a new system with I/A technology and 6-bedroom capacity; this would result in a 30% reduction in nitrates.
Santamaria – Staff has no objections
Action **Motion to Approve the variance.** (made by: Cooper) (seconded)
Roll-call vote Carried 4-0//Lepore, Murphy, Cooper, and MacNab-aye

V. BOH BUSINESS

1. Pool Discussion

Sitting MacNab, Cooper, Lepore, Murphy
Documentation Pool regulations; Short-term Rental (STR) bylaw
Public Brian Barnett
Discussion **Santamaria** – This summer, we're still looking at the original regulations regarding pool use and lifeguards. The internal discussion, regarding the STR bylaw becoming effective, is that it's not prudent to discuss this now. We could have a more robust discussion once we look at the STR regulations. He's asking to defer this discussion until the summer. In the meantime, the regulations as they stand require camps and hotels to have certified lifeguards; subdivisions wouldn't be required to have certified lifeguards. We're looking at using a percentage of the neighborhood with semi-public pools; if the neighborhood has an homeowner's association and they meet the percentage, we would require a certified, full-time lifeguard.
Murphy – She supports putting this off.
Barnett – Asked for clarification of what the process would be regarding a regulation change.
MacNab – Asked what is being done about improper discharge of pools.
Santamaria – Natural Resources Director Jeff Carlson and I drafted a set of Water Drainage Regulations. Town Counsel has reviewed those and offered comments; Mr. Carlson, Town Manager Libby Gibson, and I will meet about that later. It had to go through review by other affected departments. We will bring it forward once we've incorporated Town Counsel's recommendations; he'll forward it to the Board members.
Hedden – It's in the pool regulations that it's illegal to discharge a pool in an unsanitary way and onto public ways. The regulations would address dichlorination and neutralizing chemicals before discharge.
Action No action at this time.
Roll-call vote N/A

2. Fertilizer Regulation Review

- Sitting MacNab, Cooper, Lepore, Murphy
- Documentation Draft Fertilizer Regulation
- Public Mike Misurelli, State and Town licensed applicator
Emily Molden, Nantucket Land Council (NCL)
Mark Lucas, Nantucket Golf Club Manager
- Discussion **Santamaria** – Reviewed the draft Fertilizer Regulations. Once the Nantucket Planning and Economic Development Commission (NP&EDCK) approves the regulations to form, the BOH will hold a public hearing and vote. Explained how the regulation will streamline processes and make tracking data easier.
- Cooper** – Wants to know how to get a property owner to be in the mix when something goes wrong; as written, the regulations go after the applicator.
- Santamaria** – That’s part of the education process. We’ve filmed a series of videos and connected with NCTV for these to be part of an Town informational program. On our website, we will be publishing which companies are licensed applicators. If we physically see the violation, we can react; we cannot walk onto a property to find a violation.
- MacNab** – We still haven’t solved the enforcement problem.
Discussion about the problems with enforcement that are difficult to resolve.
- Santamaria** – The tracking will allow Mr. Carlson and I to better track abuse. A lot falls on our inspectors, and maintenance of the spreadsheet will be the responsibility of the Chief Environmental Officer. We need to update the regulations to capture the new number of applicators.
- Murphy** – There are limitations to enforcement; that in partnership with outreach and tracking is the most impactful way we can enforce this. She believes there has been some measurable improvement in water quality since passing of the original regulations; it’s just not enough. She thinks this is a good solution, but it has to be a top priority of not just Town departments but the community. She thinks once a quarter, this should be on our agenda for an update.
- Santamaria** – Acknowledge the Fertilizer Advisory Committee (FAC) and their review of current regulations. The State Department of Environmental Protection (DEP) requires reporting and record keeping; we are asking for an analog of that. We are looking at using a 3rd-party reviewer to assess the accuracy of our reporting. The NLC would be good as a 3rd-party reviewer. This morning we were contacted by an officer Scotts, one of the world’s largest fertilizer producer; they said they are willing to work with us.
- Misurelli** – The FAC needs to get back together and be more active in the record keeping. When it comes to products, we use different things for different times of the year and that is 3,000 pounds spread over 300 applicators from 150 companies; it could be a burden to whoever is tracking this information.
- Molden** – While we wait on the Legislature to respond to the home rule petition, it is important tools we have in place. We need to think about the best way to implement the regulations. The BOH is required under the regulations to maintain the education program and administer that assessment; however, there is more that can be done. It seems a good opportunity to get input from Island landscapers through the FAC. Asked if there is an intention to continue working with them; suggested a BOH member be an *ad hoc* member of the FAC. Thinks publishing licensed applicators on line is a good idea. There are a lot of resources that are needed; that could be an excellent discussion to have this summer. She’d be happy to continue working as a 3rd-party reviewer.
- Lucas** – He was a member for the FAC and Article 68 workgroup; he likes these amendments. He agrees about the importance education and outreach. Enforcement is difficult, but Mr. Santamaria said that when inspectors are out, they get to know the applicators; that is a good opportunity for outreach. Asked if this would be voted on today.

Santamaria – No; he wants the BOH to agree to it as to form; it must be approved by NP&EDC first. Then we can hold a BOH public hearing. The soonest we could vote on this would be the July meeting.

Lucas – Agrees Mr. Misurelli this could be an administrative monster, and with Ms. Molden that the FAC could be a help in working out how to lighten the load on inspectors. HE would like the FAC to be more involved and likes the idea of a BOH member being a full-time or *ad hoc* member.

Santamaria – If anyone with comments or suggestion can send them to him or Health@Nantucket-ma.gov. The good news is we have been approved to hire a Public Information Officer for the Health Department and Natural Resources; a good part of their work will be fertilizer outreach.

Action No action at this time.
Roll-call vote N/A

VI. DIRECTOR’S REPORT

1. We are in another COVID outbreak, especially in the schools.
2. Met with Granicus; they would identify STRs and function much as Barnstable County does regarding O&Ms. We will be reaching out to other software companies.

Murphy – Said she’ll have to recuse from STR conversations and votes. She heard the workgroup tasked with looking at zoning solutions regarding STRs will meet this Friday.

Discussion on the make-up of that workgroup – Finance Committee, Planning Committee, and Select Board – and why BOH isn’t a part of it.

MacNab – The BOH will have to approve these regulations. He’d like to attend those workgroup meetings as a member of the public because some of the information presented need correct interpretation.

3. We are continuing the same spike in confirmed and suspect cases of tickborne illnesses we were seeing from last year. We already have 10 confirmed and suspect cases for 2022 and the season hasn’t started. We have a total of 180 cases in the last 360 days.

VII. ADDITIONAL DOCUMENTS USED

1. Draft BOH Minutes April 21, 2022

VIII. ADJOURN

Action **Motion to Adjourn at 5:09 pm.** (made by: Cooper) (seconded)
Roll-call vote Carried 4-0//Murphy, Lepore, Cooper, and MacNab-aye

Submitted by:
Terry L. Norton