



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, Rita Higgins
Staff: Roberto Santamaria, Artell Crowley, Kathy LaFavre, Anne Barrett, Hank Ross

~~ MINUTES ~~

Thursday, May 23, 2019

4 Fairgrounds Road, Community Room – 4:00 pm

Called to order at 4:00 p.m.

Staff in attendance: R. Santamaria, Health Director; A. Crowley, Assistant Health Director; T. Norton, Town Minutes Taker

Attending Members: Stephen Visco; Malcolm MacNab, MD, PHD; James Cooper; Helene Weld, RN;

Absent Members: Rita Higgins, Select Board

Agenda adopted by unanimous consent

I. ANNOUNCEMENTS

Rita Higgins of the Select Board is the new BOH member.

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

1. None

V. DIRECTOR'S REPORT

1. Working on printing and getting out educational tick-borne disease information. The Hyline has information; we will get something to the Airport.
2. Advertising for a new inspector. One applicant is local with housing; four are from off Island.
3. A letter was issued about illegal/substandard housing by restaurants. All housing and living situations are to be outside the food establishment and their license is contingent upon meeting all state and local regulations.
4. Moving forward with the water laboratory; received estimates are about one-third what we expected.

III. APPROVAL OF MINUTES

1. April 18, 2019: **Motion to Approve as amended.** (made by: MacNab) (seconded by: Cooper) Carried unanimously

IV. BOH APPLICATIONS REVIEW

1. BOH Member for Cannabis Advisory Committee

Sitting Visco, MacNab, Cooper, Weld

Documentation None

Discussion **Santamaria** – The Committee's charter requests one member be from BOH; it is not a committee to that talks about the product or testing but more about prevention and the growing process and will advise policy.

MacNab – He'd be willing but suggested tabling this until he knows if he's reappointed to the BOH.

Action Tabled for the next hearing by unanimous consent.

Vote N/A

2. Co-Composting Facility, Letter of Support

Sitting Visco, MacNab, Cooper, Weld

Documentation Copy of a letter of no objection.

Discussion **Santamaria** – A formality of the agreement is the local BOH indicating it is okay with the distribution of compost coming out of the composter. We need to provide a letter of no objection or no approval.

Action **Motion to Support the letter.** (made by: Visco) (seconded by: Weld)

Vote Carried unanimously

3. Variance request: 123 Wauwinet Road (12-9), tight tank request

Sitting Visco, MacNab, Weld

Documentation Supporting documents and plans, staff recommendations.

Discussion **Brian Maxwell**, Bracken Engineering – This was requested before for a septic in hydraulic failure. At that time, we were asked to look into a conventional system. We have discerned that is technically possible, but it would require substantial variances from the Conservation Commission due to the sensitive nature of the area. A tight tank is the logical choice. We are eliminating the addition on the back of the residence. The back of the lot is at elevation 7 or 8.

Visco – We talked about this; it would have to be mounded and then that area reclaimed. On the plans, it says it's a 4-bedroom house, but the letter says it's a 2-bedroom seasonal home.

Crowley – He'd have to look at the septic application from 1993. They should be allowed to put in what they have. If this weren't land subject to coastal storm flowage, a conventional system would work.

MacNab – He'd support a tight tank request as long as the 2- or 4-bedroom issue is sorted out and no new construction.

Action **Motion to Approve the application for a tight tank with no new construction and the Health Department is to sort out the correct bedroom count.** (made by: MacNab) (seconded by: Weld)

Vote Carried 3-0//Cooper recused

4. Extension request: Dickson, 15 Wauwinet Road, (20-41)

Sitting MacNab (acting chair), Cooper, Weld

Documentation Supporting documents and plans, staff recommendations.

Discussion **Crowley** – The system has been in failure since 2008; the owner was notified by letter in 2016, 2017, and 2018 and cited for sanitary code violation in October 2018. They got a permit in January 2019 and to get it corrected in a timely manner, we put a 6-month deadline to June 14 for the work to be completed. We are recommending an extension to September 30th - they do have a contractor to do the work - and recommend payment of a \$850 application fee. If it isn't completed in that time, there needs to be a penalty. We believe they will do the right thing and are making good-faith efforts.

Tom Dickson – We've tried to be very considerate and conscientious about maintaining the system and keeping it clean.

Mary Jane Dickson – Many people have condemned septic in our area. She spoke to the BOH two years ago explaining the situation and said we'd do the right thing. Art Gasbarro, Nantucket Engineering & Survey knows the property and has agreed to do the work, but he couldn't do it immediately. He has designed the system and applied for the permit. Explained other delays and why she is asking for the extension so that Toscana can do the work next year. The system is in technical failure, not system failure. Doesn't understand the penalty for work they intend to do.

Cooper – When you were cited three or four times previously, asked if they tried to set a date to have the system fixed.

MJDickson – Yes but didn't know they had to tell the Town. They started the process in 2015.

Cooper – If we get to September 30 and the work isn’t completed, who does the BOH look at for that failure to comply, Toscana? The system isn’t repaired. It needs to be completely repaired and inspected on September 30.

MacNab – We’re uncomfortable since it’s been in failure for so long.

TDickson – We have faith Toscana will complete the work by September 30.

Cooper – Asked what would happen if the work isn’t done by September 30.

Santamaria – We would file a complaint to the court at that time.

MacNab – This is uncomfortable; it is in failure; this has to be done.

Santamaria – There is a recommendation for a fee; we need to vote on that as well. Explained that the fee is the cost of a permit fee and the department’s time in following this up. A technical failure is a failure; it was noted 11 years ago so it has been in failure all that time.

Action **Motion to Impose the \$850 fee and accept a letter from Toscana that work will be completed by September 30, 2019.** (made by: Cooper) (seconded by: Weld)

Vote Carried 3-0 //Visco recused

5. Variance Request: 12 Creek Lane (38-98), 54.02(A) flow calculations

Sitting Visco, MacNab, Cooper, Weld

Documentation Supporting documents and plans, staff recommendations.

Discussion **Brian Maxwell**, Bracken Engineering – This is a vacant lot in Fisher’s landing. The variance is to allow for more square footage allowable because of the open space in Fisher’s Landing; this will be for a 4-bedroom dwelling. The board granted a similar variance on the abutting lot in 2015.

Visco – A couple of years ago we allowed ½-acre lots to 2 bedrooms, and 10,000 square-foot (SF) lots to have 3 bedrooms.

Crowley – The Board allowed 4 bedrooms on 20,000 SF lots and 3 bedrooms on 10,000 SF lots with an IA system.

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

Vote Carried unanimously

V. BOH BUSINESS

1. **Visco** – Asked about the landfill/estuaries report for Madaket Harbor and Long Pond.

Santamaria – We are still waiting for the SMAST. He has lost faith in their ability to meet a deadline. They’ve received letters from this board, the Select Board, Town Counsel, and Madaket residents; we email them once a week and have no response. We can only hope we get it soon. It goes back to why people were against Madaket sewer in the first place. This consultant is the most frustrating to work with. We get what we’ve paid for, but the problem is their proprietary model has been peer reviewed by National Academy of Science and Medicine; it is now considered the gold standard in estuaries modeling. They are now telling us early to mid-June; that would be the day before the BOH meeting. We can move that meeting back to June 27.

Crowley – If we move the meeting one more week, that would give the members time to analyze the report.

Santamaria – If we don’t get the report, on June 27, BOH has to decide whether to let the regulation go into effect or move it back yet again. Putting it off creates a credibility issue. He’s willing to forward the video or minutes of this meeting to SMAST to let them know their delay is impacting policies.

MacNab – We can extend the regulation deadline if we aren’t satisfied and that allows for a public hearing. Suggested leaving the June meeting where it is.

Santamaria – The public hearing for the regulations is scheduled for June 20.

VI. ADJOURN

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

Submitted by:
Terry L. Norton