



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, June 20, 2019

4 Fairgrounds Road, Community Room – 4:00 pm

Called to order at 4:00 p.m.

Staff in attendance: A. Crowley, Assistant Health Director; H. Ross, Seasonal Inspector; T. Norton, Town Minutes Taker

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

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

III. APPROVAL OF MINUTES

1. May 23, 2019: **Motion to Approve.** (made by: MacNab) (seconded by: Cooper) Carried 4-0//Higgins abstained

V. DIRECTOR'S REPORT

1. We talked to the Barnstable County Tobacco Program; the next mission is to work on a way to ban or remove flavored e-cigarettes and vaping
2. We had to condemn the dormitory at 29 Fair Street due to no hot water and issues with the smoke and carbon dioxide detectors.
3. In 2015 this board implemented Regulation 54 requiring I/As; since then we've permitted 104 into the Nantucket Harbor Watershed bringing the total to 148 of about 300 properties. We have 106 in Madaket. Hummock Pond has 38 permitted. We had a list of 250 switches from septic to sewer; all but 53 are connected.

IV. BOH APPLICATIONS REVIEW

1. Release of loan: Cook, 219 Madaket Road, M/P 59-43.
Sitting Visco, MacNab, Cooper, Weld, Higgins
Documentation Supporting documents and plans, staff recommendations.
Discussion **Crowley** – They took out a betterment and have now paid it off. That needs to be recorded. Recommend approval.
Action **Motion to Approve release of the loan for 219 Madaket Road.** (made by: Cooper) (seconded by: Weld)
Vote Carried unanimously
2. Loan request: 60.2.1-44, Atwood, 17 Washington Avenue – septic repair.
Sitting Visco, MacNab, Cooper, Weld, Higgins
Documentation Supporting documents and plans, staff recommendations.
Discussion **Crowley** – They want to install an I/A and asking for \$41,000; recommend approval
Action **Motion to Approve loan request for 17 Washington Avenue.** (made by: Weld) (seconded by: Cooper)
Vote Carried unanimously

3. Variance request: Millar, 266 Madaket Road, M/P 59.4-273 – Reg. 51.02(A), 51.02(B) setbacks and 51.02(C) reserve area.

Sitting Visco, MacNab, Cooper, Weld, Higgins
Documentation Supporting documents and plans, staff recommendations.
Discussion **Crowley** – This is in hydraulic failure in the A Zone; they propose to repair with I/A. They need relief from the Madaket regulations requiring 150-foot separation from the well; they can get over 100 feet. They also need to omit the reserve area, which is not required under Title 5. Also need relief from the 50-foot property line setback. This is maximum feasible compliance.
Action **Motion to Approve the variance request.** (made by: Higgins) (seconded by: Cooper)
Vote Carried unanimously

4. Variance request: Worth & Forbes, 19 Long Pond Drive, M/P 59-37.1 – Reg. 54.02.A & 64.04.B.1, 1 bedroom per 10,000 square feet (SF).

Sitting MacNab (acting chair), Cooper, Weld, Higgins
Documentation Supporting documents and plans, staff recommendations.
Discussion **Art Gasbarro**, Nantucket Engineering & Survey – This is to allow 6 bedrooms on a 4-bedroom I/A septic on a 43,000 SF lot; asking for the I/A relief. Feel this is justified given that the I/A system reduces nutrients by 50%; less nutrients will be released with the I/A than a regular 4-bedroom system.
Crowley – The Board has granted these in Madaket. We don't have mandatory I/As in Madaket. Recommend approval.
Action **Motion to Approve the variance request.** (made by: Cooper) (seconded by: Weld)
Vote Carried 4-0//Visco recused

5. Permit extension request: 220 Polpis Road

6. Permit extension request: 226 Polpis Road

Sitting Visco, MacNab, Cooper, Weld, Higgins
Documentation Supporting documents and plans, staff recommendations.
Discussion **Dan Malloy**, Site Design Engineering – Asked that the mid-June deadline be extended to the end of fall. The houses are accessed by a single driveway; installing the force main would mean tearing up the road while people are in the houses. He can't get a contractor to provide an estimate until the summer residents are gone. It's been in non-compliance since 2008. Currently it is a conventional system to be replaced by an I/A.
Weld – They were notified in 2016.
Cooper – Asked if the contractors said when they would give a price.
Malloy – Reis said they will come onboard in the fall. It's an extensive system and the location is difficult to access.
Crowley – This is similar to last-month's request from 15 Wauwinet Road. We could set a September deadline and have them come back; they'd have to pay the application fee again.
Visco – He'd be willing to extend it because summer residents shouldn't have to live in a bad situation.
Higgins – She'd be willing to go to November 1.
MacNab – He'd be willing to go past September but not too late.
Consensus will accept a December 1 deadline
Action **Motion to Approve the extension to December 1, 2019 for both properties.** (made by: MacNab) (seconded by: Cooper)
Vote Carried unanimously

V. BOH BUSINESS

1. Continuation of Public Hearing Madaket Regulations 51.

Sitting Visco, MacNab, Cooper, Weld, Higgins
Documentation Supporting documents and plans, staff recommendations.
Public None
Discussion **Crowley** – We left off with July 1, 2019 as the implementation date for Reg. 51, which would require all septic systems in Madaket be upgraded to I/A upon failure, sale, and disruption. The Water Quality report has not come in. The request at the last hearing was to move the implementation date to September.
Cooper – Asked if the regulations would require adherence to 1 bedroom per 10,000 SF.
Crowley – We would recommend no longer granting bedroom credits in that zone as was done for Nantucket Harbor Watershed. By moving the date, people could continue to ask for the bedroom credit.
Visco – We need to take everything on a case-by-case basis, so people could still ask for the credit until the regulations go into effect.
MacNab – We have to move the date; we don’t have the information necessary to implement the regulations.
Cooper – How long will it take to go through the information to ascertain what needs to be done.
MacNab – Once we get the data, we could implement the regulations at the following meeting, no more than 30 days. The problem is how to get the questions answered; should be at least September.
Higgins – With this extension, it seems like we get 25% reduction instead of the 50% reduction which we want; there’s no way to know how many more we’ll get between now and September. The more we can get at that full 50% the better. With a July deadline, this Board would have more time to ask questions.
Crowley – Suggested setting the continuation and implementation date for September 19, 2019; that’s the September meeting date.
Action **Motion to Continue the public hearing to September 19, 2019.** (made by: MacNab) (seconded by: Cooper)
Vote Carried unanimously
Action **Motion to Extend the regulation implementation date to September 19, 2019.** (made by: MacNab) (seconded by: Weld)
Vote Carried unanimously

2. Tick-borne diseases:

Weld – Referred to the last meeting where it was discussed to place information at the airport. Asked if that had been done.
Crowley – He’ll have that put on the agenda for the next meeting and get numbers together.

3. **Motion to appoint Malcomb MacNab as the BOH representative to the Cannabis Advisory Committee.** (made by: Weld) (seconded by: Cooper) Carried unanimously

VI. ADJOURN

Adjourned by unanimous consent at 4:42 p.m.

Submitted by:
Terry L. Norton