



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, Meredith Lepore, Melissa Murphy
Staff: Roberto Santamaria, Artell Crowley, Kathy LaFavre, John Hedden, Anne Barrett

~~ MINUTES ~~

Thursday, July 15, 2021

4 Fairground Road, Community Room

Called to order at 4:00 pm and announcements by Dr. MacNab

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

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

Absent Members: Stephen Visco; Meredith Lepore

I. ANNOUNCEMENTS

II ELECTION OF OFFICERS

1. Chair
2. Vice Chair

Action **Motion to Table elections for full board.** (made by: Murphy) (seconded)

Vote Carried 3-0

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

- 1.

IV. APPROVAL OF MINUTES

1. May 20, 2021

Action **Motion to Approve.** (made by: Murphy) (seconded)

Vote Carried 3-0

V. BOH APPLICATIONS REVIEW

1. Release ACO: Atkins, 209 Madaket Road, 59-49; compliant permit by Nantucket Surveyors

Sitting MacNab, Cooper, Murphy

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – No concerns with releasing ACO.

Action **Motion to Approve the release ACO.** (made by: Murphy) (seconded)

Vote Carried 3-0

2. Release loan: Weinhold, 11R South Shore Road, 67-468

Sitting Visco, MacNab, Cooper, Lepore, Murphy

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – No concerns with releasing the loan.

Action **Motion to Approve the release of the loan.** (made by: Murphy) (seconded)

Vote Carried 3-0

3. Loan: Day, 55R Polpis Road, 54-24.1; septic to sewer

Sitting MacNab, Cooper, Murphy

Documentation Supporting documents and plans, staff recommendations.

Discussion **Cooper** – Noted an error in the packet: one page has one cost the other page has another.

Santamaria – Advised that staff recommends issuing the loan for the higher cost.

- Action **Motion to Approve the loan.** (made by: Cooper) (seconded)
Vote Carried 3-0
4. Local upgrade approval: 94 Quidnet Road, 21-107; 310 CMR 15:211 min setbacks & 15:221(7) general construction requirements
Sitting MacNab, Cooper, Murphy
Documentation Supporting documents and plans, staff recommendations.
Action **Dan Mulloy**, Site Design Engineering – Upgrade on maximum feasible compliance; no other location is acceptable due to septic and well setbacks.
Crowley – This is for an existing structure; this is the best possible sit; recommend granting approval.
Vote **Motion to Approve the request.** (made by: Murphy) (seconded)
Roll-call vote Carried 3-0
5. Variance request: 1 A Street, 60.2.4-79; 310 CMR 15:211 setbacks Local Reg 51.02a,b,c setbacks and reserve area
Sitting MacNab, Cooper, Murphy
Documentation Supporting documents and plans, staff recommendations.
Discussion **Dan Mulloy**, Site Design Engineering – This is maximum feasible compliance upgrade; there are wells all over the place. No additional bedrooms are proposed. The property will connect to Town water so the within requirement for being 150’ from the well is going away.
Crowley – With connecting to Town water, they are looking for local relief from the 6’ sideline setback. Recommend approving.
Action **Motion to Approve the request.** (made by: Murphy) (seconded)
Vote Carried 3-0
6. Variance for connection to Town sewer: Glidden, 24 Rugged Road, 67-164; Reg. 69
Sitting MacNab, Cooper, Murphy
Documentation Supporting documents and plans, staff recommendations.
Discussion **Santamaria** – This is for relief from the property line setback.
Marguerite Glidden, owner – The lot shape makes it impossible to meet the property line setback. We abut a dense 40B development in a rural area. We have plenty of room for the septic. Peter Meerbergen was allowed this exact same relief with four conditions; she’s willing to accept those conditions. If we put in a tertiary building, that would tie into Town sewer. We will not subdivide the property. If we tie in the front structure, we have to tie in the rear house. Expressed the opinion that the only reason we’re being asked to tie in is because of the dense development next door, which was required to install sewer. She meets all the same requirements as Mr. Meerbergen. Contends the front house is more than 200 feet from the road.
Crowley – Regulation 69 requires connecting to Town sewer. Mr. Meerbergen is almost 600 feet off the road at the back of the property; the front house is less than 200 feet from the road and sewer. They are in the wellhead protection zone. We have the loan program to help offset the cost the connection. The only time you’d have to connect the rear house is upon failure, subdivision, or sale.
Cooper – Agrees with Mr. Crowley; he’d grant the variance for the back house but not the front house. If you give her a variance, the next person 200 feet away will want a variance as well. If someone comes in with the same circumstance, they will want the same variance.
Murphy – Asked if there is precedent for not requiring the front to connect because it’s under single ownership. She’d support this with the conditions proposed and with events that would trigger the requirement for all structures to connect to Town sewer.
Crowley – We’ve had some dwellings along Old South Road that were also 300 to 500 feet from the road; the difference between this and the Meerbergen variance is the distance of the rear structure. 20 Rugged Road is over 350’ from Rugged Road with the second dwelling for 20 Rugged Road is less than 200’. We have to look at the next request and how we will justify giving

this relief; it's important to be consistent with everyone. The line to the septic could be tapped into with a force main to the sewer line along an existing path.

Art Gasbarro, Nantucket Engineering & Survey – He did all the measurements and feels it's unjust not to grant the request as was granted to the neighbor. The underlying issue is we have very similar circumstances to the property immediately adjacent; he doesn't think this would set a precedent for all future sewer connections. The cost will be burdensome to the applicant. There is no impact to Town water for the limited amount of time this would be in place.

MacNab – Normally, he's one to push for sewer, but perhaps we need to look at some of our regulations to review for blanket requirements; in this case, a housing development with sewer appeared and our regulations require the neighbors to hook up. He would go with granting the variance with all the conditions.

Action **Motion to Approve the variance with the conditions as follows: any subdivision of the property, new construction, septic failure, or sale would trigger requirement to connect to Town sewer.** (made by: Murphy) (seconded)

Vote Carried 2-1//Cooper opposed

7. Variance: 316 Madaket Road, 60.2.1-64; 51.02A,B,C

Sitting MacNab, Cooper, Murphy

Documentation Supporting documents and plans, staff recommendations.

Discussion **Crowley** – This would be maximum feasible compliance from 150' well setback; this property will be connecting to Town water; he meets Title 5. Recommend granting variance to local regulations.

Action **Motion to Approve the variance.** (made by: Murphy) (seconded)

Vote Carried 3-0

8. Ratify condemnation of 46 Center Street, 42.3.1-2

Sitting MacNab, Cooper, Murphy

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – This property was declared uninhabitable due to plumbing and electrical failure. James Merberg for EMMA LLC – This property was left in a form of disrepair. The sewer connection has been repaired; it might require further inspection but he's confident it will pass. A second issue had to do with tenant having made some electrical connections not up to code; repairs are being made by Marc Marelli under supervision of Chris Skehel; those repairs should be complete within 7 days. Another issue had to do with fire system; we've made arrangements through Wayne Alarm to do an assessment and required repairs; that work can't take place until electricity is restored. Asked the Board to give them time to record the corrections.

Santamaria – Normally we ratify the condemnation; once everything is corrected, we lift the condemnation then ratify that. Doesn't want anyone using the structure.

Crowley – Once life-safety issues are taken care of, we can inspect and lift the condemnation.

Action **Motion to Ratify the Condemnation.** (made by: Murphy) (seconded)

Vote Carried 3-0

VI. REVIEW OF SWIMMING POOL RESEARCH

Sitting

MacNab, Cooper, Murphy

Discussion

MacNab – Back in the fall, we had a discussion about swimming pools. He’s been doing research on the environmental impact of pools. Most research has come from the Southwest; he has tried to adapt what he learned from hot, arid areas to Nantucket. In the Fall there were 975 pools; we’re probably closer to 1000 now. Chemicals used in pools is a concern. Water is not a concern right now, but water usage is way up. The electrical issue is interesting because it creates a lot of greenhouse gases to generate electricity and there is the prospect of a 3rd cable coming. He found a model and input an average pool size – if all have efficient pumps, they still generate hundreds of hours of electricity; pools drain very little so chemicals are not a huge concern; if we get more pools, there could be an issue with water. The Town has to look at a tipping point for when pools will start having a significant impact.

Murphy – She knows several properties using solar to run their pools; doesn’t know if there’s a way to track them.

MacNab – We could make a requirement that all pools have solar generators. There is still a problem with safety issues at community pools.

Santamaria – We’ve addressed safety issues with public pools but there are 1000 private pool. The biggest environmental issue is proper drainage of pools; it’s terrible for a fresh-water pool but worse for a saltwater pool. The theory behind a saltwater pool is it’s easier to maintain and drain; if a saltwater pool sits for a week before it’s drained, the salt settles and you’re draining pure water; no one waits that long and are draining salt water. The same is true with a freshwater pool, you’re supposed to run the water through a filter to eliminate the chemicals. Sometimes there are chemicals such as PFAS and surfactants, which are getting drained into the harbor. This is a Town issue requiring a multi-faceted approach. When permitted, a pool needs a proper location to drain it; currently pools are being drained onto the grass. The standard in permitting falls under Zoning in the PLUS Department. With Conservation Commission (ConCom), it depends on when they discharge the pool that it won’t affect the wetlands, won’t cause scouring, and will go into a proper drainage system. From a health perspective, we need to ensure the water being drained is properly dechlorinated and decontaminated. If it is draining into a storm water drain, the Department of Public Works (DPW) and Sewer are involved. The last he heard, a drainage bylaw is being worked on by Rob McNeil at the DPW; he’ll look into the status. In 2017, we proposed a joint discharge bylaw with ConCom, but we were told to wait because DPW wanted something.

MacNab – Strongly encouraged, through the Select Board, the named organizations get to work; we’re a tiny Island with 1000 pools and the growth rate is exponential. At some point it will become a toxic situation.

Santamaria – There are different types of pool equipment: propane heated; solar heated; electrically heated; saltwater, fresh water, some use carbon dioxide for decontamination, some use cyanuric acid. There are guidelines but no standard regulations. There are structural requirements but no operation standards. We’ve paid for the training so that all our inspectors are Certified Pool Operators to know what they are looking at.

Cooper – He’s concerned about the safety of people using the public and semi-public pools; that discussion needs to be an agenda item soon.

Murphy – Suggested creating an outline for a propose to the WPI to take on the study project and propose possible regulations.

MacNab – We need to reassess our bylaws and regulations; October would be a good time.

VI. BOH BUSINESS

1. Introduction of PFAS intern:

Santamaria - Lydia Silver, student at Tufts University, is working with the Health Department, the Town, and the Airport on PFAS. Trying to convince her to stay after graduation.

Silver – She is a Master’s student studying sustainable water management.

Murphy – PFAS is a large health issue, asked the best way for BOH to be involved and if the Board should be getting updates.

Santamaria – He should start providing updates at meetings. The issue is so complex as the science evolves; there’s everything from short-chain compounds to long-chain compounds such as PFOA, which is Teflon. The information chain is every week; Ms. Silver is working on collating that information.

Silver – She’s looking at artificial turf situation; she’s found things are not being measured in parts per trillion she’s working on converting that and what should happen if all that artificial turf is converted; it would have to go to the landfill.

Santamaria – Since he put Ms. Silver on the study 3 weeks ago, we’ve learned about PFAS in cosmetics and shampoo. It’s ever evolving and is the next year plus of work. Right before COVID, we were thinking of PFAS as a point source contamination; we’ve since learned how wide-spread it is and billions of PFAS molecules there are.

2. BOH Nomination for representative to Cannabis Advisory Committee:

Murphy – Asked if she could serve as representative for both BOH and Select Board.

Santamaria – That is a question for Town Counsel; he’ll look into it.

Action Tabled for further information.

Vote N/A

3. Request to allow more office approvals for septic repairs:

Santamaria – There are things that happen in the office that don’t rise to the level of a public hearing.

Crowley – In 2010, the BOH granted staff approval on repairs. We want to reaffirm with the Board what staff is doing in-house. He can put something in writing so the BOH can see it and affirm it at the next meeting.

4. **MacNab** – Asked for a COVID vaccination update.

Santamaria – We should have about 20,000. We’re at just about 60%. Right now, there’s not a lot of interaction between vaccinated people and unvaccinated people. If there is a break-through case with a fully vaccinated person, we see the symptoms less severe. In Massachusetts, the dominate variant is the Alpha variant. We have to explicitly ask for a mobile testing unit.

VII. ADDITIONAL DOCUMENTS USED

- 1. Draft BOH Minutes May 20, 2021

VIII. ADJOURN

Action **Motion to Adjourn at 5:09 p.m.** (made by: Murphy) (seconded)

Vote Carried 3-0

Submitted by:
Terry L. Norton