



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, Hank Ross

~~ MINUTES ~~

Thursday, July 16, 2020

This meeting was held via remote participation using ZOOM and YouTube,

Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law

Called to order at 4:00 p.m.

Staff in attendance: R. Santamaria, Health Director; A. Crowley, Assistant Health Director

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

I. ANNOUNCEMENTS

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

1. Meghan Perry – John Coon, PhD is giving a PFAs and PFOs presentation on Monday, July 20th 6:00 p.m.; Channel 18 will be televising. There is a sign up for the presentation on the Nantucket Tipping Point website nantuckettippingpoint.org.

III. DIRECTOR'S REPORT

1. He gave a presentation about sewer; we've written a grant to Community Foundation to expand the sewer testing to weekly for the 'Sconset and Surfside sites.
2. Had a procedural request from Department of Public Works (DPW) about expanding Emergency Order Nr. 12 to include requiring masks at the drop-off for the landfill. He suggests expanding the order. We can add it to the end of this agenda or schedule a short meeting next week after Select Board votes that in. It has to be part of Emergency Order 12 because Waste Options is a private entity, which runs the land fill, and the Select Board is the DPW Board. The mask order is working; that we haven't seen a spike in cases is a testament to the work.

Motion to Expand Order 12 to include the landfill. (made by: MacNab) (seconded)

Carried unanimously//Cooper, MacNab, Lepore, Murphy, Visco-aye

3. We are not releasing demographic information regarding COVID testing at the state's request. The concern is that as soon as it is released, you would get a "lynch mob." Based upon messages he's received, releasing demographic information would be more deleterious than helpful. We have to act like everyone has it; the orders are in place to protect everyone. Releasing the information could create an us-versus-them mindset.

IV. ELECTION OF OFFICER

1. Chair

Motion **Nominate Stephen Visco for chair.** (made by: MacNab) (seconded)

Roll-call vote Carried//Cooper, MacNab, Lepore, Murphy-aye; Visco-abstain

2. Vice Chair

Motion **Nominate Malcomb MacNab for vice chair.** (made by: Cooper) (seconded)

Roll-call vote Carried Cooper, Lepore, Murphy, Visco-aye; MacNab-abstain

V. APPROVAL OF MINUTES

1. June 18, 2020

2. June 29, 2020

Motion **Motion to Approve.** (made by: Cooper) (seconded)

Roll-call vote Carried unanimously//Cooper, MacNab, Lepore, Murphy, and Visco-aye

VI. BOH APPLICATIONS REVIEW

1. Loan request: Perkins, 18 Golfview Drive (66-187) for septic repair
Sitting Visco, MacNab, Cooper, Lepore, Murphy
Documentation Supporting documents and plans, staff recommendations.
Discussion **Visco** – He thinks the address is actually 18 Golfview Drive (66-187); he knows the Perkins family.
Santamaria – No objections; he’ll double check the address.
Action **Motion to Approve.** (made by: Cooper) (seconded)
Roll-call vote Carried//Cooper, MacNab, Lepore, Murphy, and Visco-aye
2. Loan request: Coakley, 13 MacLean Lane (55-483) for septic to sewer
Sitting Visco, MacNab, Cooper, Lepore, Murphy
Documentation Supporting documents and plans, staff recommendations.
Discussion **Santamaria** – No concerns and recommend approval.
Action **Motion to Approve.** (made by: MacNab) (seconded)
Roll-call vote Carried///Cooper/MacNab, Murphy, Lepore, and Visco-aye
3. Variance request: 167 Raw, 167 Hummock Pond Road - delivery of food products
Sitting Visco, MacNab, Cooper, Lepore, Murphy
Documentation Supporting documents and plans, staff recommendations.
Discussion **Santamaria** – This group has been seen before for variance requests. The applicant is not present.
Crowley – Retail food preparation allows for butchering fish and shellfish and pre-packaged foods; it does not allow for food service. We can’t issue food service to 167 Hummock Pond Road due to the septic not being large enough and food cooking would have to be separate from food preparation. In the past they have indicated an unwillingness to comply. He believes granting the variance would encourage future non-compliance. Recommends denial of the request.
Action **Motion to Deny the request.** (made by: Cooper) (seconded)
Roll-call vote Carried unanimously//Cooper, MacNab, Murphy, Lepore, and Visco-aye

VII. PUBLIC HEARING – MADAKET REGULATION 51

Motion to Open the Public Hearing at 4:22 p.m. (made by: Cooper) (seconded)
Carried unanimously//Cooper, MacNab, Lepore, Murphy, and Visco-aye
Santamaria – Substantive changes suggested at the last hearing were added: reviewed changes.
Visco – About the 10,000 square foot (SF) on C-1, asked if that is regardless of I/A or not.
Santamaria – This section called out contiguous lot area.
MacNab – Asked if any lots less than 10,000 SF.
Santamaria – There are a few but they are unbuildable; however, if sewer comes out there the question is if those lots will become buildable – that’s a zoning question.
Charles Stott, Co-President Madaket Conservation Association (MCA) – At a previous hearing, we expressed concern on the financial impact of owners who recently installed Title 5 systems. We asked for a 20-year delay for recently installed Title 5 compliant systems. Asking for Financial relief for those situations.
Visco – Right now you have a 10-year exemption if you installed a new compliant system. We’ve been kicking the can down the road for a lot of years in Madaket and it’s time to move forward.
Leslie Forbes, 19 Long Pond Drive – She has not seen a 501-10C for the 110 gallons per 10,000 SF; asked if that reflects something Richard Ray put in when water came to Madaket. The implication is a 1-acre lot can have 4 bedrooms. In 51.09 enforcement, it references Reg. 67; asked that information be cut and pasted into Reg. 51. There is another regulation referenced for which the same could be done. The current signature page has different people in different positions than are currently on the Board; asked if that will be fixed. Asked when this would become effective.
Santamaria – As far as Reg. 67, adding it would increase Reg. 51 by four pages. Regarding the signature page, we append that as amendments happen by adding a new page of signatures. Implementation date, we have to vote that in today with these as well.

Forbes – The implementation date is important. There aren't that many people who read the BOH information packets; she recommends the BOH alert the public about this change, which is likely to be very expensive.

Bill Grieder, Co-President MCA – We have almost 500 members in the association and we have become the go-to folks for seasonal homeowners to get information. Confirmed the implementation date of the testing for conventional systems will be as of today if the Board goes forward with a vote. Asked for verification that the 2019 document is embedded into this amended document.

Crowley – In 51.06B and 51.07A&B, it says “replace with a tight tank or other innovative alternative...” there are plenty of I/A systems that aren't nitro reducing technology. The reason we're doing this is for nitrogen reduction and the wording prevents getting around having to install a nitrogen reduction system. Replace “innovative alternative” with “Department of Environmental Protection approved nitrogen-reduction technology wastewater disposal system.”

Santamaria – He recommends this be implemented immediately.

MacNab – Asked about the prospect of sewers to Madaket; we've been talking about it for several years. If we don't do that for another 3 or 4 years, Madaket residents will have spent on new septs what putting in sewer would cost.

Santamaria – Sewer to Madaket is years out.

Murphy – Reviewed issues the Select Board is facing and costing the Town money, which had not been budgeted; sewer won't make the top 10 for at least a couple of years.

MacNab – We might make the 10-year grace period 15 years. Asked for that discussion be on next-month's agenda. If we pass this today, we need to talk about maintaining our environment and giving a financial break to residents.

Motion to Close the public hearing at 4:54. (made by: MacNab) (seconded)

Carried unanimously//Cooper, Lepore, MacNab, Murphy, and Visco-aye

Action **Motion to Accept the amendments to Reg 51 with implementation as of today.** (made by: Visco) (seconded)

Roll-call vote Carried unanimously//Cooper, MacNab, Murphy, Lepore, and Visco-aye

VIII. BOH UPDATES AND CONCERNS

1. None

IX. ADDITIONAL DOCUMENTS USED

1. Draft BOH Minutes as listed
2. Madaket Regulation 51

X. ADJOURN

Motion **Motion to Adjourn at 4:57 p.m.** (made by: Visco) (seconded)

Roll-call vote Carried unanimously//Cooper, MacNab, Murphy, Lepore, and Visco-aye

Submitted by:
Terry L. Norton