



**BOARD OF HEALTH**

**Meeting**

Town of Nantucket  
131 Pleasant Street  
Nantucket, Massachusetts 02554  
[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

**Commissioners:** Malcom MacNab MD, PHD (chair), Meredith Lepore (vice chair), James Cooper, Kerry McKenna, Ann Smith

**Staff:** Roberto Santamaria, Kathy LaFavre, John Hedden, Cathy Flynn, Jake Visco, Sean Reid, Heather Nardone

~~ MINUTES ~~

**Thursday, July 20, 2023**

**4 Fairground Road, Community Room**

*This meeting was held via remote participation using ZOOM and YouTube.*

Called to order at 3:00 p.m.

Staff in attendance: Roberto Santamaria, Health Director; John Hedden, Chief Environmental Officer; Kathy LaFavre, Health Inspector; Cathy Flynn, Health Inspector; Jake Visco, Health Inspector; Sean Reid, Health Inspector

Attending Members: Malcolm MacNab, MD, PHD; James Cooper; Meredith Lepore; Kerry McKenna

Absent Members: None

**I. ANNOUNCEMENTS**

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

1. Curtis Barnes – Questioned why the Town should continue the Granicus contract due to lack of performance. Santamaria- The town is not paying Granicus until the Short-Term Rental portal is operating.

**III. APPROVAL OF MINUTES**

1. June 15, 2023  
Action **Minutes were not included in the packet. Will defer until the August 20, 2023 meeting.**  
Vote N/A

**IV. BOH APPLICATIONS REVIEW**

1. Betterment release for 4 Fishers Landing  
Sitting MacNab, Cooper, McKenna, Lepore, Smith  
Documentation Supporting documents and plans, staff recommendations.  
Discussion **Santamaria-** Staff has no objections.  
(3:02)  
Action **Motion to Release the Betterment.** (Made by: Lepore) (seconded by: McKenna)  
Vote Carried unanimously
2. Condemnation of 21 Sheep Pond Road, Map 63 / Parcel 19  
Sitting MacNab, Cooper, McKenna, Lepore, Smith  
Documentation Supporting documents and staff recommendations.  
Discussion (3:03) **Santamaria-** There is structural damage due to erosion and no longer habitable.  
**LaFavre-** House is 95% empty. Toscana will be removing the deck. The house, septic and well will be dealt with.  
Action **Motion to Approve the Condemnation .** (Made by: Cooper) (seconded by: McKenna)  
Vote Carried unanimously
3. Condemnation of 8 Macy Road, Map 60 / Parcel 146  
Sitting MacNab, Cooper, McKenna, Lepore, Smith  
Documentation Supporting documents and staff recommendations.  
Discussion (3:05) **Santamaria-** This home has no hot water, structural issues. Requested that it be brought up to code.  
Action **Motion to Approve the Condemnation of 8 Macy Road.** (Made by: Cooper) (seconded by: Lepore)  
Vote Carried unanimously

4. Millie's Mobile Food Unit Variance- Stay at One Sparks Avenue and not return to base

Sitting MacNab, Cooper, McKenna, Lepore, Smith

Documentation Supporting documents and staff recommendations.

Discussion (3:08) **Dunadel Daryoush, General Manager, Millie's Restaurant**

**Santamaria-** A set of standards was approved by the Board several years ago.

**Daryoush-** Would like to leave their mobile food unit #1 at Cisco brewery and bring back to 1 Sparks Avenue once a week.

**Flynn-** Concerned with precedent. There are 21 permitted units with 2 pending.

**Hedden-** Has concerns with how grey water will be kept sanitary. The grey water is self-contained in the Loster Trap's unit. Afraid that every mobile food unit will want to request this when they really should be returning to their base of operations.

**Daryoush-** There is a 10-gallon tank on board. This tank will be 55 gallons. There are currently 3 mobile food units operating out of the Brewery.

**Hedden-** Part of the Lobster Trap variance request was to be inspected once a week. More variances mean more inspections.

**Cooper-** Concerned that if variance is granted, 20 more will apply.

**Lepore-** This would affect more than just Cisco Brewery.

Action **Motion to Deny the Variance Request.** (Made by: Cooper) (seconded by: McKenna)

Vote Carried unanimously

## V. BOH BUSINESS

1. Public Hearing on Well Regulations Discussion

Sitting MacNab, Cooper, McKenna, Lepore, Smith

Documentation Code of Nantucket, Chapter 386; staff recommendations

Discussion (3:18) **Jeff Blackwell, Blackwell Engineering**

**Santamaria-** DEP had drafted a model local well regulation including current PFAS Regulations and the protection of nitrogen sensitive areas. Has been sent to local engineers and surveyors for feedback. The policy brief was written by one of our interns.

**Blackwell-** Suggested identifying unique situations common to Nantucket. Horsely Witten Hegemann, Inc conducted a ground water study and drafted a regulation for Nantucket on Well Permitting and Protection which the Board of Health adopted and has been in effect, to date. The study recognized the direction of ground water flow and separation from contaminated sources. This draft does not mention unbuildable or highly restrictive lots. Recommends volunteers to help flush through these regulations. The focus has to be on those applying for wells for lots where a well might need to be moved or to accommodate a septic system.

**Hedden-** Agrees with Blackwell. Neighboring lots where new soil absorption systems were being installed, were not in compliance of the local regulation. Anything prior to 1990 should be able to install within 300-foot radius. They would still need to meet the 100-foot Title 5 requirement.

**Lepore-** Would like to bring PFAS level to 0 instead of 20.

**Santamaria-** 20 is the maximum contamination level allowed by the State. We can be stricter. We can write a living document to match the State. Technology is advancing.

**McKenna-** Would like to see less variance requests.

Action **Motion to Continue the Hearing until September 21, 2023.** (Made by: Lepore) (Seconded by: Smith)

Vote Carried unanimously

2. Summer House Appeal of Staff Letter of Non-Renewal of Food Establishment Permit

Sitting MacNab, Cooper, McKenna, Lepore, Smith  
Documentation Supporting documents and staff recommendations.  
Discussion (3:39) **Mary-Ellen Manning, Attorney**

**Brian Riley, Town Counsel, KP Law**  
**Steven Cohen, representing the South Sconset Neighborhood Association**

**Manning-** We have agreed to hire a Food Consultant to assist with operations and training for both restaurants. The Bistro is pending review and inspection.

**Santamaria-** Staff has no objections. Will routinely inspect.

**MacNab-** Great that both parties were able to come to a resolution.

**Smith-** Asked if restaurants receive more inspections as a result of violations.

**Santamaria-** There are low, medium and high-risk establishments.

**Cohen-** Asked if there were “pre-existing, non-conforming” conditions that are being allowed to continue and how the public will be updated. Requested a follow-up meeting,

**Santamaria-** Non-conforming does not pertain to the Food Code. All inspections are posted on the town website and e-permitting software.

**Cooper-** Asked if the Board had the right to close the restaurant if this happens again.

**MacNab-** Requested an update at the September meeting.

Action **Motion to close the public hearing.** (Made by: McKenna) (Seconded by: Lepore)

Vote Carried unanimously

## VI. DIRECTOR'S REPORT

1. Training for the Short-Term Rental software will take place next week. There is discussion of changing vendors. Curtis Barnes asked if renting to immediate family counts as a “turn” if not collecting any income. MacNab is concerned about enforcement. Lepore thinks the Town should have a department to deal with Short Term Rentals.

2. The Nantucket Community School will be working with Cape Cod Community College to start training Medical Assistants to be LPN's. Will also be sponsoring LPNs to RB then RN to BSN training.

3. Tick Borne Illnesses- 30% decrease from last year.

4. Started a Sunscreen Campaign. Nantucket has one of the highest rates of melanoma in the country. Lepore suggested having dermatologists speak.

5. Introduced the two interns.

Other-

McKenna- asked about Mental Health and Behavioral Health.

Santamaria training for Staff is ongoing. Will soon have a “train the trainer” opportunity.

Lepore-There is a grant of 1 million dollars for substance abuse prevention for those under 25 years of age.

Santamaria- The Health Department will write the grant.

## VII. ADDITIONAL DOCUMENTS USED

1. Code of Nantucket, Chapter 386 Wells

## VIII. ADJOURN

Action **Motion to Adjourn at 4:10pm** (Made by: Lepore) (Seconded by: McKenna)

Vote Carried unanimously

Submitted by:

Cathy Flynn