



BOARD OF HEALTH

Meeting

Town of Nantucket
131 Pleasant Street
Nantucket, Massachusetts 02554
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, August 17, 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; Jake Visco, Health Inspector; Sean Reid, Health Inspector

Attending Members: Malcolm MacNab, MD, PHD; James Cooper

Remote Members: Meredith Lepore and Kerry McKenna

I. ANNOUNCEMENTS

II. PUBLIC COMMENTS

None

III. APPROVAL OF MINUTES

1. June 15, 2023; July 06, 2023; July 20, 2023

Action **Motion to Approve** (Made by Cooper) (seconded by Smith)

Roll-call vote Carried 5-0// Cooper, McKenna, Smith, Lepore and MacNab- aye

IV. BOH APPLICATIONS REVIEW

1. 3 Hussey Street Guest House, Operating without a Permit

Sitting MacNab, Cooper, McKenna, Lepore, Smith

Documentation Staff recommendation

Discussion **Ed Grennan, 3 Hussey Street Guest House**

(3:02) **Santamaria-** Since this is a repeat offense, recommending one month permit suspension in the future.

Action **Motion to Approve a one-month suspension if the same violation occurs.** (Made by: Cooper) (seconded by: Smith)

Roll-call vote Carried 5-0// Cooper, McKenna, Smith, Lepore and MacNab- aye

2. Soil Absorption System to Property Line, 6 Nichols Road, Map: 55, Parcel: 22

Sitting MacNab, Cooper, McKenna, Lepore, Smith

Documentation Supporting documents and staff recommendations.

Discussion (3:04) **Don Bracken, Bracken Engineering**

Santamaria- Variance has expired. No concerns.

Bracken- There was a delay in construction.

Action **Motion to extend the variance.** (Made by: Cooper) (seconded by: Lepore)

Roll-call vote Carried 5-0// Cooper, McKenna, Smith, Lepore and MacNab- aye

3. Waterline setbacks, 8 Okorwaw Avenue, Map: 79, Parcel: 132

Sitting MacNab, Cooper, McKenna, Lepore, Smith

Documentation Supporting documents and staff recommendations.

Discussion (3:06)

Nathan Barber, Barber & Sons

Don Bracken, Bracken Engineering

Santamaria- Asking for the setbacks distance between the water and sewer line to be less than 10 feet. They are sleeved. Staff recommendation is to deny. Other scenarios are possible.

Barber- There will be limited use. A cabana with a ½ bath and is for seasonal use. More involved to move water line 10 feet from sewer line.

Hedden- Setbacks were confirmed by DEP. Suggested moving closer to the building as long as they are sleeved with pressurized pipes. In this case, there is room on the property to separate.

Bracken- Historically, when this hasn't been met, the lines have been sleeved. This has never been implanted or enforced. There will be more instances in the future where water and sewer lines due to density development on lots. It's not that easy to relocate.

Cooper- Could they have done it the way it wase supposed to be done at the beginning?

Bracken- Yes.

Smith- How far are they.

Bracken- Around 5 feet but 3 feet as it gets closer to the structure.

Lepore- Asked why they can't be moved.

Barber- Would have to wrap the line around the garage and through the wooded area, cutting tree roots.

Lepore- There wouldn't be an issue if the pool wasn't in the way.

Smith- There's a potential health risk of having a sewer line 3 feet from a water line. Worried about setting a precedent.

McKenna- Agrees with Smith. Too much development on lots. Need to focus on health and not convenience.

Barber- Requesting to withdraw this variance.

Cooper- How deep are the lines where they cross?

Bracken- The sewer line will be higher than the water line. No health threat because the water line is under pressure, and it's sleeved.

MacNab- This raises an issue.

Santamaria- We are going to see lines crossed due to pre-existing conditions.

Application withdrawn.

Action

Roll-call vote

N/A

4. Nitrogen loading credit, 63 New Siasconset Street, Map: 73, Parcel: 3

Sitting

MacNab, Cooper, McKenna, Lepore, Smith

Documentation

Supporting documents and staff recommendations.

Discussion (3:20)

Santamaria- An upgrade. Staff has no objections.

Don Bracken, Bracken Engineering

Bracken- This is a revised plan from the Boards' request to add additional system for both houses on the lot. Asking for approval as the design has been modified from 9 bedrooms to 8 bedrooms.

McKenna- Wanted confirmation on size of system.

Motion to Approve the Variance. (Made by: Cooper) (seconded by: Smith)

Action

Roll-call vote

Carried 5-0// Cooper, McKenna, Smith, Lepore and MacNab- aye

5. Slip 14 and The Great Harbor Yacht Club- Suspension Heating accepting and/or providing food from an unapproved source

Sitting

MacNab, Cooper, McKenna, Lepore, Smith

Documentation

Supporting documents and staff recommendations.

Discussion (3:23) **Tim Farley, owner Slip 14**
Stephen Creese, General Manager of The Great Harbor Yacht Club
Santamaria- A joint inspection was conducted with the Environmental Police Officer. Witnessed the collar and tail of yellowfin tuna. No receipt. Recommend suspension of permit for 3 days.
Farley- Was unaware that the tuna was accepted. Fish was donated to staff as a gift. Was not trying to be deceitful. Will be educating his staff on the regulations.
Hedden- EP Officer was concerned that tuna was being accepted off of boats. Tuna must be tagged and processed by a wholesale dealer.
McKenna- Concerned that there was an initial deception.
Reid- Receipts stated tuna loin, not whole fish. Receipts were provided by local seafood dealers.
MacNab- You were told it was bought legally.
Lepore- Is this a first offense?
Santamaria- Has happened but with a different owner. The question before you is suspension which is normal practice.
Cooper- Should not let this slide. People need to know that you can't go around doing this.
McKenna- Willing to negotiate the number of days.
Farley- A suspension would be detrimental to our staff.
Smith- Would consider a shorter suspension.
Santamaria- You may choose a suspension for a specific date or hold off in "abeyance". There is a difference between Slip 14 and The Great Harbor Yacht Club.
MacNab- Requested to hold the discussion for Slip 14 and hear The Great Harbor Yacht Club.
Santamaria- Employees admitted to accepting a whole tuna during a routine inspection at The Great Harbor Yacht Club. Was not for public consumption.
Stephen Creese- They have an existing policy not to accept fish.
McKenna- Working with the Board is real. If you get caught, you have to be honest with us. Suggested a one-day suspension for Slip 14 and a suspension held in abeyance for The Great Harbor Yacht Club.
Smith- Wanted clarification on abeyance.
Cooper- It doesn't seem fair to suspend one and offer abeyance for the other.
Santamaria- Does not object to a warning.
Hedden- Suggests a one-day suspension for each or 3/5/7-day suspension for subsequent violation.
Reid- Agrees with Hedden.
Visco- Agrees with what's been said.
McKenna- Listening to Staff and the history, he's okay with a fine and abeyance of this calendar year.
Action **Motion to recommend a 3-day suspension, in abeyance, for both establishments.** (Made by: Smith) (seconded by: Lepore)
Roll-call vote Carried 4-1//McKenna, Smith, Lepore and MacNab- aye; Cooper- nay
6. Lift Condemnation of basement at 55 Essex Road: Map: 67, Parcel: 642
Sitting MacNab, Cooper, McKenna, Lepore, Smith
Documentation Supporting documents and staff recommendations.
Discussion (3:55) **Santamaria-** Issues have been rectified.
Action **Motion to lift the Condemnation of the basement at 55 Essex Road.** (Made by: Lepore) (seconded by: Cooper)
Roll-call vote Carried 5-0// Cooper, McKenna, Smith, Lepore and MacNab- aye
7. Condemnation of dwelling at 34 Hinsdale Road. Map: 68, Parcel: 19.1
Sitting MacNab, Cooper, McKenna, Lepore, Smith
Documentation Supporting documents and staff recommendations.
Discussion (3:56) **Santamaria-** Asking Board to ratify the emergency condemnation.
Hedden- Complaint was for someone living in an RV and unsanitary conditions of a barn on the property.
One of the worst he's seen. Accompanied by Fire, Building, Gas and Plumbing. Using propane tanks and car batteries to generate electricity.
McKenna- Inspection report was not in the packet.
Action **Motion to ratify the condemnation of 34 Hinsdale Road.** (Made by: Cooper) (seconded by: Lepore)

Roll-call vote Carried 5-0// Cooper, McKenna, Smith, Lepore and MacNab- aye

- 9. Condemnation of the trailer at 73 Cato Lane. Map: 66, Parcel: 17.1
- Sitting MacNab, Cooper, McKenna, Lepore, Smith
- Documentation Supporting documents and staff recommendations.
- Discussion (3:59) **Santamaria-** Occupants were living in a storage trailer with no ventilation. Only allowed in temporary situations approved by the Board.
- Action **Motion to ratify the condemnation of the trailer at 73 Cato Lane.** (Made by: Cooper) (seconded by: McKenna)
- Roll-call vote Carried 5-0// Cooper, McKenna, Smith, Lepore and MacNab- aye

V. BOH BUSINESS

- 1. Short Term Rental Bylaw Discussion
- Sitting MacNab, Cooper, McKenna, Lepore, Smith
- Documentation 2023 Special Town Meeting Warrant; staff recommendations
- Discussion (4:02) **Santamaria-** Select Board voted to add STR Bylaw for the Special Town Meeting in November. This will be on next month’s agenda for review. The Granicus contract has been canceled. Looking into other vendors; Gov OS and Rental Scape. A small working group will be reviewing software. Looking to roll out the program, January 1, 2024.
- MacNab-** Questioned staffing levels and enforcement through the Health Department.
- Santamaria-** We can enforce the registration process. The remainder would be difficult. The workload will be burdensome.
- MacNab-** If we can’t enforce Article 39, then there is no point.
- Curtis Barnes-** Yarmouth and Barnstable have had a registration program since 2006.
- Santamaria-** We have a very different Bylaw.
- McKenna-** Questioned how much the Board of Health’s voice had been heard.
- Lepore-** Thinks one or two positions need to be created.
- Santamaria-** Town Administration is looking into this. Possible hybrid positions might be available.
- Action No action at this time.
- Vote N/A

VI. DIRECTOR’S REPORT

- 1. Human Services update scheduled for September meeting.
- 2. Still working on the Well Regulations. Final draft should be ready in the next few weeks.
- 3. September 21, 2023 meeting will be at the 131 Pleasant Street trailer.
- 4. Tick Borne Illness’ are lower. Could be based on smaller population, people diagnosed elsewhere or is this a true drop. Setting up a Tick webpage. Will be in several languages. The Sunscreen page was effective.
- 5. Kathy LaFavre will be retiring after 21 years. Last day will be in September.
- 6. Tamika Gary replaced Ann Medina as Office Manager. She transferred from the DPW.
- Other-
- Lepore- Concerned that tick borne diseases have not been reported?
- Santamaria- Epic takes confirmed and suspect cases. Those are the numbers used on a local level.
- MacNab- Asked for an update on the Summer House and Fertilizer.
- Santamaria- Fertilizer Best Management Practices (BMP) videos should be uploaded soon.
- Smith- Asked about involvement with Fire Fighters Health.
- Santamaria- We can provide screenings.
- MacNab- Asked for the full report and add to the September agenda.
- Lepore and McKenna- Mentioned recent fires in Maui regarding Public Health.

VII. ADDITIONAL DOCUMENTS USED

1. Draft BOH Minutes June 15, 2023; July 6, 2023; July 20, 2023

VIII. ADJOURN

Action **Motion to Adjourn at 4:29 pm** (Made by: Lepore) (Seconded by: McKenna)
Roll-call vote Carried 5-0// Cooper, McKenna, Smith, Lepore and MacNab- aye
Submitted by:
Cathy Flynn