



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, August 20, 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 3:00 p.m. by Mr. Visco

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

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. None

III. DIRECTOR'S REPORT

1. One thing going well is we've been able to keep the number of cases low. One more case today brings us to 50. This latest case was caught locally, so we will be focusing on contact tracing.
2. Staff has been keeping up with food inspections. Madison Humphry will be our seasonal night inspector for the rest of the season.
3. Murphy – Asked if Mr. Santamaria has heard any feedback regarding earlier restaurant closings from the community or businesses.
Santamaria - We have heard good things as well as some backlash. On NPR today, they talked about how bars in other states are starting to deal with COVID. We are just ahead of the curve.

IV. APPROVAL OF MINUTES

1. July 16, 2020
2. July 30, 2020
3. August 7, 2020

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

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

V. BOH APPLICATIONS REVIEW

1. Increase loan: Brannigan, 5 Fishers Landing, (38-151) increase by \$7,000 for replacement of tank

Sitting Visco, MacNab, Cooper, Lepore, Murphy

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – The original estimate omitted the replacement tank.

Action **Motion to Approve the extra funding.** (made by: MacNab) (seconded)

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

2. Variance: 3 Gladlands (80-234), local bylaw Section 62.03(C) well protection zone

Sitting Visco, MacNab, Cooper, Lepore, Murphy

Documentation Supporting documents and plans, staff recommendations.

Discussion **Marianne Hanley**, Gullicksen, Hanley, & Gifford LLP – To create a covenant lot, they need to install a separate septic and well.

Crowley – Reviewed Local Regulation 62 regarding protection of wells. If a lot was created before 1995, it meets maximum feasible compliance; any lot created after must comply. 2017 BOH approved local Regulation 78 which mandates testing of drinking wells. In general, private wells are fairly shallow; our sandy soil conditions allow quick travel of contaminants. There should be a high standard to be granting this variance, i.e. the lot would be unusable. He sees no compelling reason to allow this. There are also a lot of concerns how this Board would deny variances in the future. This does not comply and should be denied.

Cooper – Asked if the lot could be reconfigured to make everything work.

Lepore – Confirmed they are planning to put in a second well for the new lot.

Santamaria – For the lot to be viable, it must have an independent water source.

Hanley – Because of the shape of the lot, this was the only way to fit in the required septic and well.

Visco – The only to get it to comply is to ask neighbors to move their septic; they have the room. Right now, this doesn't comply; it creates a lot detrimental to the environment.

Murphy – It's hard to understand how 3 feet is that critically important; 3 feet seems negligible.

Crowley – The regulations set a standard; once you waive out, the requests start to increase.

MacNab – We've had similar requests before, sometimes only inches; it starts getting slippery. This board has been strict about the regulations.

Cooper – He doesn't support this request.

Hanley – Asked for a continuance to the next meeting for the applicant to do further research.

Action **Motion to Continue to the next regularly scheduled meeting, September 17th.** (made by: MacNab) (seconded)

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

3. Variance: 14 North Cambridge Street (59.4-101) Local regulation, 52.02(A) and 51.00 setbacks

Sitting Visco, MacNab, Cooper, Lepore, Murphy

Documentation Supporting documents and plans, staff recommendations.

Discussion **Crowley** – This is a failed septic; the only issue is the wetlands coastal dunes and salt marsh. This would meet maximum feasible compliance. It is an I/A system. Recommend approval.

Action **Motion to Grant the variance as requested.** (made by: Cooper) (seconded)

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

4. Variance: 9 Beach Street (73.1.3-24), local regulation 52.02(A) setbacks

Sitting Visco, MacNab, Cooper, Lepore, Murphy

Documentation Supporting documents and plans, staff recommendations.

Discussion **Paul Santos**, Nantucket Surveyors – This is to relocate the septic on the lot. We're still within 100 feet of the coastal resource and need relief for that. This has been submitted to the ConCom for similar relief.

Action **Motion to Grant the variance as requested.** (made by: Cooper) (seconded)

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

5. Variance: 4 Seven Mile Lane (72-33), local regulation 64.04.B.1 wellhead and nitrogen loading

Sitting Visco, MacNab, Cooper, Lepore, Murphy

Documentation Supporting documents and plans, staff recommendations.

Discussion **Steven Cohen**, Cohen & Cohen Law P.C. – Within a recharge zone for an I/A system for a bedroom credit.

Crowley – The credit would be against Town property. This is a net benefit to the environment. We are in favor of this.

Action **Motion to Grant the variance as requested.** (made by: Lepore) (seconded)

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

VI. BOH QUESTIONS AND CONCERNS

1. **Cooper** – We said we were having wells checked every two years; asked if we are on board to do that.
Santamaria – COVID kind of messed that up causing us to fall behind. We will reach out to all property owners and caretaker groups. The outreach plan got derailed, pushing it back to this fall and winter. We will miss one year of data.
Cooper – Suggested having the wells checked with property transfers.
Santamaria – A lot of property transfers already do that though we can alter the regulations to require it. He will contact Town Counsel about that.
Visco – Asked if there has been an increase in testing.
Santamaria – Yes. Barnstable County has been supplying us with water bottles and sample kits. This test is a simple drinking water test; PFAS tests are farmed out.
2. **MacNab** – Asked if we are going to discuss Regulation 51, forgiveness of 10 years or more. We owe it to Madaket Residents to address that.
Bill Grieder, Madaket Conservation Association Chair – This dovetails with two policies on previous applications. Since BOH has improved and tightened regulations, we've pushed that out on our newsletter. One issue is updated information available to the public; currently the posted Regulations 51,52, & 62 don't have the latest BOH regulations updates. Asked if there is a way the BOH can request additional help or time to assist staff in getting these updated and out to the public.
Visco – He hears Mr. Grieder's concerns. Asked about updating the website.
Santamaria – He will make updating the website a priority.
Visco – We need to put Regulation 51 on the agenda to increase the sewer-connection variance. Asked for it to be on the next agenda.
3. **Murphy** – Asked for an update on the COVID reopening plans and wonders if we need a meeting in 2 weeks to assess how we stand before schools open. It feels like there will be a lot of life before our next scheduled meeting.
Santamaria – With the reopening plans, he's going back and forth with the Superintendent of Schools on a reopening protocol for the schools; he's been providing technical information for those protocols. The public need to understand no plan is going to meet everyone's needs; there will be compromises that might upset some people. COVID is so new and so destructive, and so disruptive that if it feels like we are making up as we go, that's because we are.
Murphy – She'd rather have a meeting on the schedule and cancel it than try to do it the other way around. We also need to be aware of how to handle the situation if one child shows up at school with COVID.
Lepore – If there is an outbreak in the community, she saw something about the State making mobile units available. Also, all school children are now required to be vaccinated; asked how the Health Department might ensure that happens.
Santamaria – We don't have a Public Health nurse on staff; if we did, the Health Department have its own vaccine supplies. He's working with Gary Shaw to get as much vaccine to the Island as possible.
Lepore – Perhaps the Town needs to think about getting a Public Health nurse; our population is at the point to support that.
MacNab – He supports scheduling another meeting.
Asked if there is a way to hire a part-time nurse or borrow one until a Public Health nurse is hired.
Santamaria – He will talk to Director of Finance Brian Turbitt to see if there is money available. He works closely with Elizabeth Harris at the hospital; she handles a lot of that for us and the Town pays a significant portion of her salary.
Murphy – Suggested September 3rd at 3 p.m. for a placeholder meeting.
4. **Cooper** – Asked for an update on the PFAS testing of wells on the other side of the runway.
Santamaria – As far as he knows, houses were tested; some houses on the east side came back above threshold and some below the threshold.
Lepore – One house on the west side tested positive.

VII. ADDITIONAL DOCUMENTS USED

1. Draft BOH Minutes as listed
2. Local Regulations 51, 52, & 62

VIII. ADJOURN

Action **Motion to Adjourn at 3:59 p.m.** (made by: Lepore) (seconded)
Roll-call vote Carried unanimously//Murphy, Lepore, Cooper, MacNab, Visco-aye

Submitted by:
Terry L. Norton