



BOARD OF HEALTH

Meeting

Town of Nantucket
131 Pleasant 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, Kathy LaFavre, John Hedden, Cathy Flynn, Anne Barrett

~~ MINUTES ~~

Thursday, October 21, 2021

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

Called to order at 4:00 p.m.

Staff in attendance: R. Santamaria, Health Director; C. Flynn, Health Inspector; Jericho Mele, Human Services Director; T. Norton, Town Minutes Taker

Attending Members: Stephen Visco; James Cooper; Meredith Lepore; Melissa Murphy, Select Board

Absent Members: Malcolm MacNab, MD, PHD

I. ANNOUNCEMENTS

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

- Murphy** – Stated she can not represent both the Select Board and the BOH on the Cannabis Advisory Committee.
Lepore – Volunteered to be the BOH representative.
Santamaria – He will put it on the agenda for a vote at the next meeting in November.
- Thomas Barada** – Confirmed the mask mandate will be discussed at this meeting.

III. APPROVAL OF MINUTES

- September 16, 2021

Action **Motion to Approve.** (made by: Murphy) (seconded)
 Roll-call vote Carried 4-0//Murphy, Cooper, Lepore, and Visco-aye

V. BOH APPLICATIONS REVIEW

- Release ACO for Fraker, 60.1.2-65, 1 H Street, Nantucket Surveyors working on compliant plan
 Sitting Visco, Cooper, Lepore, Murphy
 Documentation Supporting documents and plans, staff recommendations.
 Discussion **Santamaria** – Need a vote to release the ACO.
 Action **Motion to Approve the request.** (made by: Murphy) (seconded)
 Roll-call vote Carried 4-0//Murphy, Cooper, Lepore, and Visco-aye
- Loan request for Unruh, 59-22, 14 Long Pond Drive, MHWS (Madaket Harbor Watershed) upgrade to I/A
 Sitting Visco, Cooper, Lepore, Murphy
 Documentation Supporting documents and plans, staff recommendations.
 Discussion **Santamaria** – Recommend approval
 Action **Motion to Approve the request.** (made by: Murphy) (seconded)
 Roll-call vote Carried 4-0//Murphy, Cooper, Lepore, and Visco-aye
- Loan request for Stone, 59-19, 20 Long Pond Drive, MHWS upgrade to I/A
 Sitting Visco, Cooper, Lepore, Murphy
 Documentation Supporting documents and plans, staff recommendations.
 Discussion **Santamaria** – Recommend approval.
 Action **Motion to Approve the request.** (made by: Murphy) (seconded)
 Roll-call vote Carried 4-0//Murphy, Cooper, Lepore, and Visco-aye

4. Variance request Regulation 49: Tight tank 4 Maine Avenue, 60.3.1-451

Sitting Visco, Cooper, Lepore, Murphy
Documentation Supporting documents and plans, staff recommendations, and correspondence.
Speakers Art Gasbarro, Nantucket Engineering & Survey
Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP
Dan Bailey of Pierce Attwood P.C.
Jack Vaccaro, Epsilon Associates, Inc.

Discussion **Gasbarro** – Attorneys Reade and Bailey, are also attending along with Mr. Vaccaro.
Reade – We are applying for an I/A system; the language for a tight tank says that in the area indicates a tight tank “may” be required. It is discretionary whether or not a tight tank is required.
Gasbarro – Reviewed the plan for the upgrade of the system, which failed due to inadequate separation from groundwater. He filed the plan for an I/A system. He did soil testing and the system complies with Title 5. The only relief needed is to Madaket regulations for separation from a well and property line. This lot is larger than many in the area over Millie’s Bridge.
Bailey – Referenced his letter dated October 14th. We are asking the BOH to allow an I/A system.
Vaccaro – We did look closely at the materials developed by the Massachusetts Estuaries program and recommendations developed by SMass for Nantucket regarding further reduction of nitrogen entering into Madaket Harbor. We’re talking about .002 points of nitrogen exiting through this system.
Cooper – Asked who made the decision and when was it made that everything over the bridge would be a tight tank. Asked why they want an I/A instead of the tight tank and are they looking at extra bedrooms.
Visco – The regulation was passed in 2017. The point was we didn’t want any nutrient loading in that area.
Santamaria – May 21, 2015 the original approval of the regulation was made. The size of the lot limits them to 3 bedrooms. They can’t do any expansions or new construction of any habitable space on a tight tank. This is also a velocity zone and in the 9’ flood plain.
Murphy – Asked why they want I/A over a tight tank. Asked staff’s recommendation.
Gasbarro – With a tight tank, they have to pay for disposal of wastewater, so it’s on-going maintenance. The other point is they can’t do any new construction.
Santamaria – We recommend the tight tank.
Gasbarro – We couldn’t find where it says this has to be a tight tank.
Bailey – He understands why the BOH wants the ability to do tight tanks in Madaket but the studies upon which the regulatlions were based were for the entire Madaket Harbor watershed. The BOH has to treat all property owners, subject to those studies, the same; this is exactly the case to use your discretion to allow an I/A over a tight tank.
Lepore – It’s within 100’ of a well.
Gasbarro – The proposed is greater than 100’ but less than 150’ from a well; Madaket regulations require the 150’.
Cooper – Looking at the total benefit and what’s going into the ground, the tight tank is the better of the two.
Visco – He services many tight tanks; there is a huge cost difference between installing a 3-bedroom tight tank and a 3-bedroom I/A system. How often a tight tank is pumped depends on use.
Reade – Thinks it more in keeping for the Board to apply the regulations lot by lot; there are many lots on the Smith’s Point side of the bridge which should have a tight tank.
Vaccaro – What he found interesting in his review of the reports is that it was clear the water quality within Hither Creek is worse the farther upstream you get. It seems this area of Madaket is being treated differently from other densely developed areas of Madaket. Septic systems further up-stream have more an impact on water quality.

Action **Motion to deny.** (made by: Cooper) (seconded)
Roll-call vote Carried 4-0//Cooper, Murphy, Lepore, and Visco-aye

VI. BOH BUSINESS

1. PFAS-Contaminated Well Abandonment Discussion

Sitting Visco, Cooper, Murphy

Discussion **Santamaria** – Over the course of the last years, we are looking more closely at emerging environmental contaminants. It is getting increasingly dangerous; PFAS are the most dangerous thing and causing cancer. It's used in Teflon and Gortex and anything that is non-stick. We are finding other sources, aside from the Airport, of PFAS entering ground water; there are no set recommendations of what to do with wells found to be contaminated by PFAS; Massachusetts Regulations determine 20 parts per trillion (PPT) as dangerous, while the national standard is 70 PPT. He is asking the board to vote that a well where contamination is found to be above 20 PPT and municipal water is available to be abandoned.

Lepore – She can't vote on this due to a conflict. Asked if the wells could continue to be used for irrigation with carbon filters.

Santamaria – Yes; however. those system require a lot of maintenance and the carbon filters have to be removed and replaced; the carbon filters are considered hazardous waste and it's very expensive to dispose of hazardous waste. Only 6 types of PFAS are regulated and they tend to float. PFAS can seep to lower levels, but we aren't finding it in deeper wells; that doesn't mean we won't find it in the future. Where municipal water isn't available, a property owner would have to use a POET (point of entry) system.

Murphy – Asked the availability for testing for private wells and have we talked with DPW or Waste Options about increasing hazardous-waste collection.

Santamaria – We are already in conversation with them about hazardous waste handling. The issue with testing is only a few specific labs have the calibrated equipment for testing for PFAS. The UMass Department of Environmental Program was only able to test 50 wells on Nantucket. We are revamping the PFAS website to have a list of the laboratories people can use.

Visco – If Town water is available, it makes sense.

Murphy – She'd like to see a draft policy and information on when a POET system is better. This needs more vetting, and we need to allow public discussion. Wants that for the next BOH meeting.

Santamaria – About 6,000 PFAS have been identified; when fluorine bonds with carbon, it becomes a PFAS and one of the most stable molecules ever. Town water is in the deeper aquifer and doesn't recharge the same way as higher aquifer wells.

Action Staff to draft a policy.

Roll-call vote N/A

2. Internal Decision Policy

Sitting Visco, Cooper, Lepore, Murphy

Discussion **Santamaria** – We're asking to be able to approve maximum feasible compliance in house.Action **Motion to Approve the internal decision policy.** (made by: Murphy) (seconded)

Roll-call vote Carried 4-0//Cooper, Lepore, Murphy, and Visco-aye

3. COVID-19 Emergency Order Discussion

Sitting Visco, Cooper, Lepore, Murphy

Discussion **Santamaria** – The ACIP discussed approving the vaccine for children 5-11. A new treatment from Merck has been approved by Food and Drug Administration (FDA) and prevents severe sickness. In the State of Massachusetts, Nantucket is number 1 in vaccinations.

In the last month or two, we hired 2 inspectors and Mr. Crowley retired and inspections are on the rise; staff is starting to burn out. He's asking to go back to an advisory status, regarding indoor mask use, with the Biobot report reviewed week by week. The Biobot Sewer Report Shows us where we are related to every other town; pointed out that 87% of the US is doing worse than Nantucket. Recommends going back to advisory for masks.

Murphy – Asked what is actually being advised.

Santamaria – It's an indoor mask advisory; anytime you are indoors and coming in contact with other people, you should wear masks. It is proven that masks block the droplets; they do prevent

transmission. If you are in a situation where you need a mask – indoors, immunocompromised, unvaccinated – you should wear a mask.

Cooper – He talked to stores and people and found that about 50-50 are for the mask. About 90% of the people feel it is silly to wear a mask in a restaurant when you walk in, go to the bathroom, and leave.

Murphy – Confirmed that masks on public transportations are still in effect.

Santamaria – Those are federal mandates and masks would still be required.

Lepore – Our kids in school are still wearing masks per the State. We are doing well; if things go bad, we don't have another meeting until next month.

Santamaria – The State mandate on masks in schools stops November 1st; the School Committee voted to keep masks through to January 1st.

Enforcement is difficult; it's getting nasty and violent.

Murphy – As Mr. Cooper always says, it's difficult to have a policy we can't enforce. She would support going to advisory.

Visco – Whether or not you wear a mask in a business is up to individual businesses.

Santamaria – Everyone knows what we have to do; the treatment is there. If things go wrong, we can schedule an emergency meeting. Hitting 50% would be the trigger point for going back to required masks.

Mele – We are proposing using the Biobot comparison to trigger going back to mandating masks.

Santamaria – Asked for a motion to table Emergency Order 16, and to remove immediate enforcement with the caveat that if we meet the medium threshold we return to mandating masks. This is a disease of personal responsibility; and everyone knows what they need to do.

He doesn't want to push his staff any further.

Action **Motion to table Emergency Order 16 and to remove immediate enforcement with the caveat that if Nantucket meets the medium threshold we return to mandating masks.** (made by: Murphy) (seconded)

Roll-call vote Carried 4-0//Lepore, Murphy, Cooper, and Visco-aye

OTHER BUSINESS:

Murphy – She has had people confused about the grace period for upgrade to I/A in Madaket. Asked that information be made easily available.

VII. ADDITIONAL DOCUMENTS USED

1. Draft BOH Minutes September 16, 2020
2. Emergency Order 16

VIII. ADJOURN

Action **Motion to Adjourn at 5:14 pm.** (made by: Murphy) (seconded)

Roll-call vote Carried 4-0//Lepore, Cooper, Murphy, and Visco-aye

Submitted by:
Terry L. Norton