



BOARD OF HEALTH

Meeting

Town of Nantucket
131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Commissioners: Stephen Visco (chair), Meredith Lepore (vice chair), James Cooper, Kerry McKenna, Brooke Mohr

Staff: Roberto Santamaria, Kathy LaFavre, John Hedden, Cathy Flynn, Jake Visco, Anne Barrett

~~ MINUTES ~~

Thursday, December 15, 2022

131 Pleasant Street, Meeting Trailer

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

Called to order at 4:00 pm by Mr. Visco

Staff in attendance: J. Hedden, Chief Environmental Health Officer; C. Flynn, Health Inspector; J. Visco, health Inspector; T. Norton, Town Minutes Taker

Attending Members: Stephen Visco; Meredith Lepore; James Cooper; Brooke Mohr, Select Board; Kerry McKenna

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

1. **Lepore** – Wants the Town to look into the number of reporting Flu and RSV cases. The number of kids vaccinated this year has dropped to 40%. Thinks there's a lot more cases than people realize.

Hedden – According to pharmacists, the medicine has been flying off the shelves.

IV. DIRECTOR'S REPORT

1. None

III. APPROVAL OF MINUTES

1. November 17, 2022

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

Vote Carried unanimously

V. BOH APPLICATIONS REVIEW

1. Release of loan per tax collector's request for 8 Maine Avenue 60.3.1-435

Sitting Visco, Cooper, Lepore, McKenna, Mohr

Documentation Supporting documents and plans, staff recommendations.

Discussion **Hedden** – No objections.

Action **Motion to Approve the release of the loan.** (made by: McKenna) (seconded)

Roll-call vote Carried unanimously

2. Variance request for 26 Naushon Way 80-190; Nitrogen loading - continuation

Sitting Visco, Cooper, Lepore, McKenna, Mohr

Documentation Supporting documents and plans, staff recommendations.

Discussion **Don Bracken**, Bracken Engineering – Recapped details of the request. The septic system is getting farther from the neighbor's well; there is no requirement that the neighbors be notified regarding application. The new I/A system reduces the nutrient loading going into the ground.

McKenna – Asked if the neighbors have been approached about moving their well to increase the distance farther with that being paid for by this client. Questions if this is the proper application of the regulation.

Hedden – The Board could motion to request Town Counsel for clarification.

Mohr – Historic practice is that this Board has allowed this with new construction.

Kevin Dale, Vaughan, Dale, Hunter & Beaudette, P.C. – Reviewed how this regulation came about and how variance requests were handled over time; there have been 17 cases for improved lots that received this exemption. The exemption has not been applied only to new construction

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on empty lots. This Nantucket well regulation talks about maximum attainable distance; this is not a Title 5 regulation. The proper procedure would be to amend the regulation if this board wants to apply it to vacant lots only.

McKenna – Asked if there are recommendations on how to codify definitions.

Dale – This regulation is not for repair of systems; it's for an upgrade. Don't use terms from one regulation in another regulation; be clear, succinct, and say what you mean.

Lepore – This isn't just adding a bedroom; it's adding another structure with a kitchen and bathrooms. More water would be going into the system.

Dale – These regulations don't make the distinction between a new house and adding a bedroom. That is something that should be discussed for amendment of the regulation.

Bracken – The septic size is based upon the formula of 55 gallons per person; that formula dates from the 1960s.

Mohr – We shouldn't be talking about policy when looking at a regulation, which talks about bedrooms, not kitchens. The only part that confuses her is the negative staff recommendation when this warrants approval. She'd make a motion for approval based upon precedence.

Cooper – If it were new construction, you would go by Section B. The I/A system should be limited to 1 more bedroom.

Hedden – The regulation pertains to the distance from the wells. The soil absorption system also needs to comply with Title 5.

Discussion about the process for updating/amending the regulations.

Action **Motion to Approve the exemption as outlined in the regulations.** (made by: Mohr)
(seconded)

Vote Carried 4-1//McKenna opposed

VI. BOH BUSINESS

1. Ratify condemnation of 7 Square Rigger Road, Upstairs dwelling unit.

Sitting Visco, Cooper, Lepore, McKenna, Mohr

Speakers None

Discussion **Hedden** – He and Mr. Visco inspected this in September on a complaint. Reviewed issues they found and were remedied. Went back and found no central heat in the building; they have not repaired the heating system and the property is being sold and tenants evicted. 1st floor is commercial use. It will be condemned until repairs are made; that could fall upon the new owner.

Action **Motion to Ratify the condemnation of 7 Square Rigger Road.** (made by: Cooper) (seconded)

Vote Carried unanimously

VII. ADDITIONAL DOCUMENTS USED

1. Draft BOH Minutes December 17, 2022

VIII. ADJOURN

Action **Motion to Adjourn at 4:49 pm.** (made by: Mohr) (seconded)

Vote Carried unanimously

Submitted by:
Terry L. Norton