

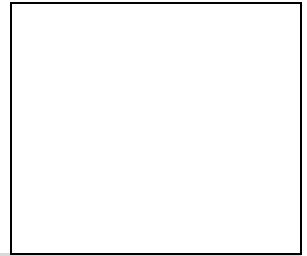


MEETING POSTING

TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25

All meeting **notices and agenda** must be filed, and time stamped with the Town Clerk's Office and posted at least 48 hours prior to the meeting (excluding Saturdays, Sundays and Holidays)



Committee/Board/s	Nantucket Board of Health, 131 Pleasant Street Nantucket, MA 02554
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Day, Date, and Time	Thursday, January 19, 2023 4:00PM
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Location / Address	First Floor Community Room 4 Fairgrounds Road, Nantucket, MA Remote Participation Via YouTube and Zoom Information on viewing the meeting can be found at: https://www.nantucket-ma.gov/138/Boards-Commissions-Committees
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Signature of Chair or Authorized Person	Stephen Visco, Chair
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WARNING: IF THERE IS NO QUORUM OF MEMBERS PRESENT, OR IF MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML STATUTE, NO MEETING MAY BE HELD!

[YouTube Link:](#)

Commissioners: Stephen Visco (Chair), Meredith Lepore (Vice-Chair)
James Cooper, Brooke Mohr, Kerry McKenna

AGENDA:

Please list below the topics the chair reasonably anticipates will be discussed at the meeting

1. Public Announcement – This meeting is being audio and visual recorded
2. Public Comment
3. Directors Report
4. Review of Minutes December 15, 2022
5. Loan Request for 24 Ridge Lane
6. Discussion of Needle Exchange Program at Health Imperatives
7. Variance request for 17 Tetawkimmo Drive, 53-3, septic setbacks
8. Variance request for 8 Bank Street, 73.1.3-69, septic setbacks to allow for new construction of a basement
9. Ratify Emergency Condemnation of basement at 40.5 Essex Road
10. Ratify Emergency Condemnation of basement at 44 Union Street
11. Adjourn



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

Proposed BOH Minutes for December 15, 2022

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 unanimously

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



NANTUCKET HEALTH DEPARTMENT
3 EAST CHESTNUT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Fax 508.325.6117

BOARD OF HEALTH REGULATION
VARIANCE REQUEST
\$20 per request

I am requesting: (Check one.)

- ☐ A variance of a Local Board of Health Regulation
- ☒ A variance of a State Public Health Regulation (310 CMR 15, 105 CMR 590, etc...)

Please write an explanation of the variance requested (use separate paper if needed):

NEW TITLE V SEPTIC SYSTEM INSTALLED 2020.
OWNER SEEKS TO INSTALL A BASEMENT
WHICH WILL BE WITHIN APPROX. 18"
OF NEW TITLE V TANK INSTALLED 2020
310 CMR 15.211(1)

Requestor Name: KRISTI AMENDOLARE c/o M. WILSON, ESQ.

Company Name: (if applicable) ATTORNEY MICHAEL J. WILSON, P.C.

Address: 8 BANK ST MAP: PARCEL:

Phone No. 508 228 1929 Fax No. 508 228 1676

Email: mjw@mjlwilsonlaw.com

Requestor's Signature: 

Date: 1/12/23

Please be advised that the Health Department accepts variance requests up to one week before a scheduled Board of Health meeting. Applications received after this deadline will be placed at the subsequent scheduled meeting.

Received by: 

Date: 1/12/23

BOARD OF HEALTH VARIANCE REQUEST
ADDENDUM

RE: 8 Bank Street Siasconset

Dear Nantucket Board of Health. An amendment to the previously granted variance from the provision of C.M.R. 310 15.211(1) preferring a 10.00' set-back from the septic tank to the proposed basement foundation located at 8 Bank St Siasconset is hereby requested. The property benefits from a newly installed (2020) Title V compliant sub-surface sewage disposal system with a concrete tank and leach field wholly contained within the property. This Board of Health already granted a variance from said provision in 2020 when the new system was installed (see plan attached). The owners wish to install a basement under the residence. The location of the residence as it relates to the system components will all remain the same as was the case in 2020 when the initial variance was granted.

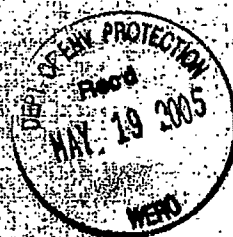
Most of the separation distances specified in the Code are based on concerns related to the protection of public health and the environment, (see Technical Evaluation to The State Environmental Code 310 CMR 15.00 prepared by Defeo, Wait & Associates, Inc. for the Commonwealth of Massachusetts Department of Environmental Affairs, May 19, 2005 at page 74) The predominantly sandy soil located on and beneath the locus as identified on the attached plan encourages the downward migration of any potential liquid migration from the system more than lateral thus mitigating the potential for any liquids impacting the foundation. To eliminate any potential health concerns a Mar-Plex 5000 brand rubberized asphalt waterproof membrane shall be utilized on the foundation rendering it impermeable.

However, a number of separation distances are simply intended to assure adequate working space is available for the system's installation and maintenance (id at 74). The new system was installed in 2020 obviating the need to address the tank itself. Any maintenance to a new Title V system should be limited to an annual pumping schedule for which adequate access is currently available. Permanent subterranean sub-surface soldier piles and lagging is proposed to be installed insuring the long terms stability of the locus in the event future maintenance is required.

The criteria that existed warranting the previously granted variance remains, therefore this requested amendment, under the circumstances, is likewise warranted.

THE STATE ENVIRONMENTAL CODE

310 CMR 15.00



PREPARED BY
DEFEO, WAIT & ASSOCIATES, INC.
FOR THE
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

SETBACKS AND ENVIRONMENTAL IMPACTS

Setback distances refer to the horizontal or lateral distance between the various components of the septic tank/soil absorption system and areas, or items of concern. For the most part, these include points of possible human contact such as wells or surface waters. Generally, the specified separation distances are intended to provide adequate transport time for the passage of the effluent through the soil where the concentrations of contaminants are expected to be reduced by filtration, straining, physical-chemical processes, biological activity, dilution and dispersion.

Approximately 100 million people in the United States depend on ground water as their primary source of drinking water. In Massachusetts, thirty-three percent of all drinking water is supplied from either public or private ground water sources. Protecting these valuable water supplies from contamination is a matter of utmost importance and a responsibility that is shared by a number of federal, state and local agencies, including the Massachusetts Department of Environmental Protection (DEP).

The Department of Environmental Protection, along with other agencies, is also responsible for assuring that sanitary wastes are properly managed so as not to pose a threat to the public health or the environment. Regulating waste disposal practices has traditionally been considered a function which is separate and distinct from water supply management, and as a result the two programs have not always been fully integrated. Now, more than ever, it is evident that the subsurface environment must be considered a single medium, and that we must properly manage both our water use and waste disposal practices if we are to reduce the potential public health risks.

In considering the possible contamination of water supplies from septic tank/soil absorption systems, attention must be focussed on the transport and fate of pollutants from the system through the underlying soils and into the ground water. A number of complex physical, chemical and biological removal mechanisms occur in both the soil and ground water. The reader is referred to earlier discussions for an overall description of the natural treatment processes occurring within the subsurface environment.

Extensive research conducted during the past decade, has clearly demonstrated that contaminants allowed to enter the ground water can travel for great distances without appreciable reductions in concentration. This information would suggest that under ideal conditions, waters used for waste disposal should not be allowed to intermix with those used for water supply. However, since we rely so heavily on the ground water both as a source of drinking water and as a receptor for our wastes, segregating the two often is not practical. Therefore, it is imperative that these two activities be appropriately managed to reduce incidents where the public health is at risk.

Title 5 regulations currently require that in siting septic tanks, leaching structures, and the other appurtenances associated with a septic tank/soil absorption system, certain minimum horizontal separation distances be maintained with respect to: wells or suction lines; water supply lines (pressure); property lines; cellar walls and inground pools; surface water supplies (reservoirs) or tributaries to reservoirs; watercourses; subsurface drains; leaching catch basins or dry wells; and downhill slopes (310 CMR 15.03(7)).

Most of the separation distances specified in the Code are based on concerns related to the protection of public health and the environment. There are, however, a number of separation distances which are intended simply to assure that adequate working space is available for the system's installation, maintenance, repair and replacement. These include setbacks from property lines, and to some degree cellar walls and inground swimming pools.

Protection of water supplies is now addressed in Title 5 through the imposition of specific separation requirements. Leaching facilities can not be constructed within 100 feet of a private water supply well or a surface water body and its tributaries used for water supply, or within 400 feet of a public water supply well. Yet, these separation distances alone or with other more stringent setbacks imposed by many local boards of health, may not be sufficient to protect water supplies in every instance. Imposing a predetermined horizontal separation distance has been found to be relatively ineffective, given that the majority of the treatment of septic tank effluent takes place in the biomat clogging layer and the underlying unsaturated soils. A better approach would include specific design modifications based upon a thorough understanding of the overall environmental setting, the area's hydrogeology and the regional housing density.

9.1 Literature Review

Saturated Flow and Contaminant Transport

A basic understanding of the hydrogeologic principles of saturated flow and how it differs from the unsaturated flow conditions of the vadose zone is a necessary prerequisite to understanding the physical, chemical, and biological processes which occur within an aquifer and, more importantly, to understanding the separational requirements necessary for proper siting of a septic tank/soil absorption system.

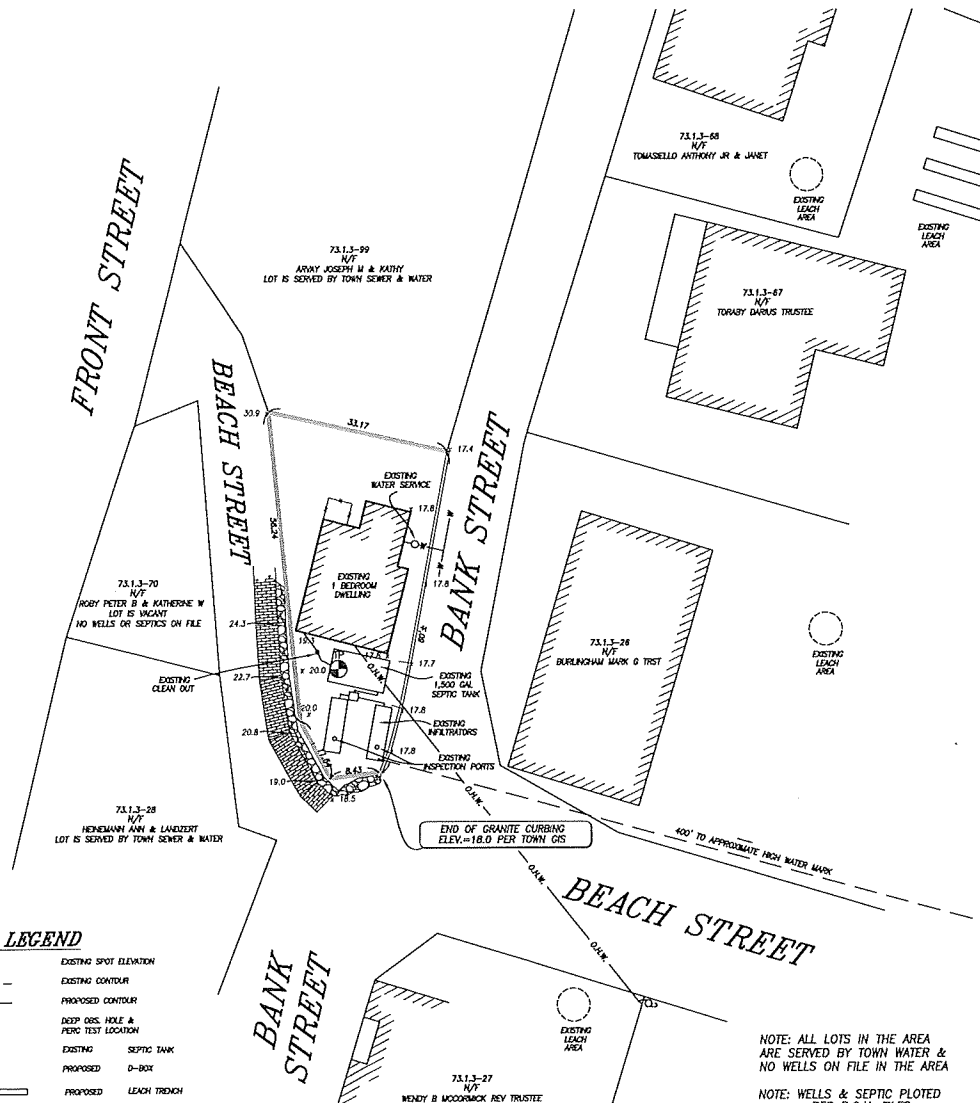
Ground water flow in the saturated environment is usually considered at the macroscopic scale, with reported attributes depicting average or regional characteristics. Assessing regional ground water characteristics is completed through an investigation of the mechanical, thermal and chemical energy levels exhibited at the site. Nature is constantly trying to equalize these energy differentials in accordance with the laws of physics and thermodynamics. This equalization process results both in regional ground water movement and solute transport phenomena.

PLAN

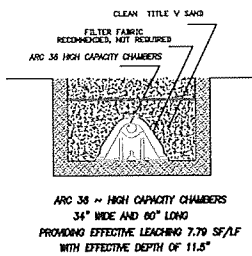
1 INCH = 10 FEET
LOT AREA = 1,477.4 S.F.

WAIVER REQUESTED

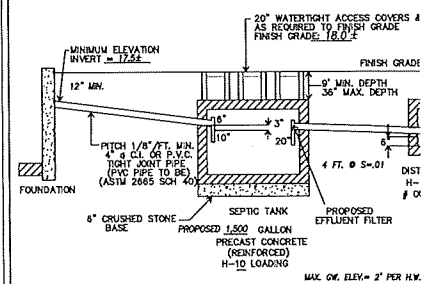
310 CMR 15.203 SYSTEM SEWAGE FLOW DESIGN CRITERIA = 110 G.P.D.
310 CMR 15.211 SETBACK TO PROPERTY LINE <10'
310 CMR 15.211 SETBACK TO FOUNDATION <10'



LEACHING FIELD (CROSS SECTION)



SEWERAGE SYSTEM PROFILE (n



NOTES

- 1: ALL WORK MUST COMPLY WITH THE MASSACHUSETTS ENVIRONMENTAL CODE TITLE 5 AND OF NANTUCKET BOARD OF HEALTH REGULATIONS.
- 2: SEWAGE FLOW = 110 G.P.D. x 1.25 = 137.5 G.P.D.
- 3: LEACH AREA REQ'D = 110 G.P.D. / 0.75 G.P.D. = 146.7 SF (457.77) > LEACH AREA REQUIRED 146.7 SF
- 4: SEPTIC TANK = 110 G.P.D. x 24 HRS = 2640 GALLONS (MINIMUM 1500 GALLONS)
- 5: SEPTIC TANK COVERS TO BE AT FINISH GRADE.
- 6: THERE ARE NO WELLS WITHIN 100 FT. OF THIS LEACHING FIELD.
- 7: THERE IS NO SEWAGE LEACHING WITHIN 100 FT. OF THIS WELL.
- 8: GARAGE GRINDER ALLOWED.
- 9: THIS SYSTEM SHALL NOT BE CONSTRUCTED UNDER DRIVEWAYS OR OTHER IMPERVIOUS SURFACES.
- 10: MEASUREMENTS FOR RECORD PLANS (AS-BUILT) REQUIRED BY THE NANTUCKET BOARD OF HEALTH PRIOR TO CONSTRUCTION.
- 11: CONTRACTOR MUST CONTACT DIG-SAFE (1-888-344-7233) TWO WORKING DAYS PRIOR TO THE START OF CONSTRUCTION.
- 12: FROM THE DATE OF INSTALLATION UNTIL RECEIPT OF A CERTIFICATE OF COMPLIANCE, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE LEACHING FIELD AND THE SOIL ABSORPTION SYSTEM.
- 13: H.W.H. MAP# 2 ESTIMATED HIGH GROUND WATER TABLE ELEV. 8.2'

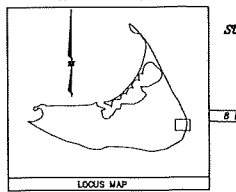
PROPOSED SCHEDULE OF ELEVATIONS

DATE: 6/1/2020	EXISTING
INSET AT FOUNDATION	17.4
INSET INTO TANK	17.4
INSET EXIST. TIME	17.4
INSET EXIST. TIME	17.4
INSET EXIST. TIME	17.4
INSET EXIST. TIME	17.4
INSET EXIST. TIME	17.4
INSET EXIST. TIME	17.4
INSET EXIST. TIME	17.4
INSET EXIST. TIME	17.4

AS-BUILT SCHEDULE OF ELEVATIONS

DATE: 6/1/2020	EXISTING
INSET AT FOUNDATION	17.4
INSET INTO TANK	17.4
INSET EXIST. TIME	17.4
INSET EXIST. TIME	17.4
INSET EXIST. TIME	17.4
INSET EXIST. TIME	17.4
INSET EXIST. TIME	17.4
INSET EXIST. TIME	17.4
INSET EXIST. TIME	17.4
INSET EXIST. TIME	17.4

THE PROPOSED STRUCTURES AS SHOWN HEREIN DO NOT REPRESENT OR IMPLY



NOTE: ALL LOTS IN THE AREA ARE SERVED BY TOWN WATER & NO WELLS ON FILE IN THE AREA
NOTE: WELLS & SEPTIC PLOTTED PER B.O.H. FILES

From: [Sarah Alger](#)
To: [John Hedden \(jhedden@nantucket-ma.gov\)](#); [Paul Murphy](#)
Cc: [Kathy LaFavre](#); [Anne Barrett](#); [Wilhemina Marvel \(dwilliers@aol.com\)](#); [Holly Visco](#)
Subject: 8 Bank Street; Map 73.1.3, Parcel 69; Kristina M, Amendolare and Nicholas Amendolare
Date: Wednesday, December 14, 2022 3:05:06 PM

Dear Messrs. Murphy and Hedden,

I represent Broadway LLC, the owner of the property at 11 Broadway, Siasconset.

I am writing concerning the property at 8 Bank Street; Map 73.1.3, Parcel 69; now owned by Kristina M, Amendolare and Nicholas Amendolare. The 8 Bank Street property has received a Certificate of Appropriateness from the Nantucket Historic District Commission for additions and renovations, including installation of a full basement and the addition of at least one (1) bedroom. In addition, File No. 37-21 for a special permit for expansion and alteration of the pre-existing, nonconforming structure is currently pending at the Zoning Board of Appeals. I want to be sure that if the special permit is granted, and this project moves forward, the project is carefully reviewed for sewage disposal.

At the moment, the existing structure at the 8 Bank Street property is served by a new, one (1) bedroom on site septic system that was permitted through a Variance (maximum feasible compliance) issued by the Board of Health on March 22, 2018. The proposed project would add at least one (1) additional bedroom and would also add a full basement that would be well within ten (10) feet of the septic system. As a result, the project would require additional variances unless the property were connected to the Town sewer system.

If this project moves forward and permit applications are submitted to you, then I would respectfully request that the Board of Health decline to issue any further variances and that the Building Commissioner require the property to connect to the Town sewer system as a condition of the issuance of any building permit for the expansion of the structure, including the addition of a full basement and/or the addition of any bedrooms.

Please put a copy of this correspondence in the file for the 8 Bank Street property (Map 73.1.3, Parcel 69) at your respective offices.

Please let me know if you have any questions or need anything further.

Thank you for your attention.

Regards,

Sarah Alger

Sarah F. Alger, PC

Four North Water Street



NANTUCKET HEALTH DEPARTMENT

131 Pleasant Street
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200

Staff Recommendation

Meeting Date: 1/19/2023

Property Location: 8 Bank Street, Siasconset

Map & Parcel: 73.1.3 / 69

Subject: Variance for septic setbacks for construction of new basement on existing dwelling.

Staff Recommends: Staff recommends denying the variance to allow for the construction of a basement on the existing dwelling. This property lot area is 1,477 square feet, an extremely undersized lot for a septic system. A variance was granted for septic setbacks in the past to allow for a tank and leach facility to service the property due to the property previously being served by a cesspool, which is non-compliant by current Title 5 standards. The variance was granted due to existing conditions on this lot. The construction to install a full basement is new construction, therefore will not comply with the setbacks of the septic tank and leach facility. This is new construction from a previously approved Maximum Feasible Compliance situation. The approved variance previously was to allow the property owner to maintain the cottage on the lot, not to allow for new construction. The existing tank on the property is located approximately 18" from the foundation wall. Any work to the foundation of the house will affect the structural integrity of the septic tank. Not only does the septic tank not meet setbacks, but the leach facility does also not meet the setbacks causing more concern for the integrity of the leach facility. Title 5 setbacks are established to protect the leaching of contaminants into nearby walls as well as to allow for enough room for construction to happen on a project. There simply is not a safe setback of the tank and leach facility to the cottage, the previously approved variance was to allow for existing conditions of the cottage on the lot, not for new construction. The system is a 1-bedroom system and cannot allow for any new additional bedrooms.



NANTUCKET HEALTH DEPARTMENT

131 Pleasant Street
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200

BOARD OF HEALTH REGULATION VARIANCE REQUEST \$20 per request

HEALTH DEPARTMENT
DEC 12 2022
RECEIVED

I am requesting: (Check one.)

- ☒ A variance of a Local Board of Health Regulation
☐ A variance of a State Public Health Regulation (310 CMR 15, 105 CMR 590, etc...)

Please write an explanation of the variance requested (use separate paper if needed):

BOUNDARY LINE SETBACK FROM 10' TO 5'.
FOUNDATION SETBACK FROM 20' TO 15'

310 CMR 15.211

Requestor Name: LUCIANA BRETZ-PAVIE

Company Name: (if applicable) _____

Address: 17 TETAWKIMMO DRIVE MAP: 53 PARCEL: 38

Phone No. 508-228-2720 Fax No. _____

Email: ACKSURVEY@HOTMAIL.COM

Requestor's Signature: Edward F. King Jr. Date: 12/8/2022

Please be advised that the Health Department accepts variance requests up to one week before a scheduled Board of Health meeting. Applications received after this deadline will be placed at the subsequent scheduled meeting.

Received by: AB

Date: 12/12/22



NANTUCKET HEALTH DEPARTMENT

131 Pleasant Street
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200

Staff Recommendation

Meeting Date: 1/19/2023

Property Location: 17 Tetawkimmo Drive

Map & Parcel: 53/38

Subject: Request for variance from property line and foundation setbacks for leach facility.

Staff Recommendation: Staff recommends denying the variance request for setbacks of the proposed leach facility. There is nothing that has been submitted that demonstrates why this property cannot comply with the required 20-foot setback of a leach facility to a cellar or crawl space wall and also the required 10-foot setback of a leach facility to a property line. An application and plan for an upgrade was already approved in 2021 which met all setbacks for the upgrade. Any property that can comply with Title 5 regulations and Local regulations shall comply.



NANTUCKET HEALTH DEPARTMENT

131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554

Telephone 508.228.7200

Tele fax 508.325.6117

12/28/2022

Moris Moldonado
40 ½ Essex Road
Nantucket, MA 02554

RE: 40 ½ Essex Road

Dear Property Owner:

Due to a complaint received by the Nantucket Health Department for unsafe living conditions, an inspection of the above-mentioned property was made on December 28th, 2022, at approximately 1:00 P.M., multiple violations of 105 CMR 410.000 were observed.

Enclosed please find a copy of an inspection report, and correction order with more detailed information. If you have any questions, please do not hesitate to contact us at your convenience.

Regards,

Jake Visco
Health Inspector
Nantucket Health & Human Services
jvisco@nantucket-ma.gov
508-228-7200 ext. 7063



NANTUCKET HEALTH DEPARTMENT

131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554

Telephone 508.228.7200

Tele fax 508.325.6117

CORRECTION ORDER

Issued under the provisions of

The State Sanitary Code, Chapter II, Minimum Standards of Fitness for Human Habitation
105 CMR 410.000

Date: 12/28/2022

To: Moris Moldonado

Property Location: 40 ½ Essex Road

Map: 67 Parcel: 624

An inspection was made of your property at the above address on (12/28/2022).

This inspection revealed violations of the State Sanitary code, Chapter II, as listed below:

Regulation #	Description	✓ if conditions may endanger or impair health, safety or well-being	Time limit for compliance
410:200 (A): Heating Facilities Required	The basement bedroom is currently occupied without an approved heat source; the occupant is using a space heater. The occupant must vacate the room within 24 hours as the room is not fit for human habitation. *The owner shall provide and maintain in good operating condition the facilities for heating every habitable room.	✓	24 Hours
410.256: Temporary Wiring	The basement bedroom has a space heater plugged into a power strip, along with an electric portable cook top. *No appliances can be plugged into a power strip. The space heater must remain unplugged from the power strip.	✓	24 Hours



NANTUCKET HEALTH DEPARTMENT

131 PLEASANT STREET

NANTUCKET, MASSACHUSETTS 02554

Telephone 508.228.7200

Tele fax 508.325.6117

410.351: Owner's Installation and Maintenance Responsibilities	The basement plumbing has a significant leak and must be repaired immediately. *The owner shall install in accordance with accepted plumbing, gas fitting and electrical wiring standards, and shall maintain free from leaks, obstructions or other defects, the following: all sinks, washbasins, bathtubs, showers, toilets, water heating facilities, gas pipes, heating equipment, water pipes, etc.		Begin to Address Within 24 Hours
410.481: Posting Name of the Owner	There is no posted sign of the owner's information; if the basement heat is fixed, the owner must post his name and information for the tenant. *An owner of a dwelling which is rented for residential use, shall post and maintain or cause to be posted and maintained on such dwelling adjacent to the mailboxes for such dwelling or elsewhere in the interior of such dwelling in a location visible to the residents a notice constructed or durable material, not less than 20 square inches in size, bearing his/her name, address and telephone number.		Begin to Address Within 24 Hours
410.482: Smoke Detectors and Carbon Monoxide Alarms	Both basement smoke detectors are missing and must be replaced immediately. The Health Department must verify all smoke and CO detectors are in working order. *Owners shall provide, install, and maintain in operable condition smoke detectors and carbon monoxide alarms in every dwelling that is required to be equipped with smoke detectors and carbon monoxide alarms in accordance with any provision of the Massachusetts General Laws and any applicable regulations of the State Board of Fire Prevention (527 CMR), State Board of Building Regulations and Standards (780 CMR), or the Board of Examiners of Plumbers and Gas Fitters (248 CMR).	✓	24 Hours



NANTUCKET HEALTH DEPARTMENT

131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554

Telephone 508.228.7200

Tele fax 508.325.6117

Next Scheduled Inspection: Friday, December 30th, 1:00 P.M.

You are hereby ORDERED to correct these violations within the noted time limit. Failure to comply within the allotted time period, or subsequent violations, may result in a criminal complaint against you.

You have a right to request a hearing before the Board of Health/Health Director. This request must be made by you, in writing, and filed within seven days after the day this order was served. If you request a hearing, all affected parties will be informed of the date, time and place of the hearing and of their right to inspect and copy all records concerning the matter to be heard. The petitioner has the right to be represented at the hearing. Conditions exist which may permit the occupant of the dwelling to exercise one or more statutory remedies.

** Este é um documento legal importante que pode afetar seus direitos. Recomenda-se traduzi-lo.

** Este es un documento legal importante que podría afectar sus derechos. Se recomienda traducirlo.

If you have any questions, please do not hesitate to contact us at your convenience.

Regards,

Jake Visco
Health Inspector
Nantucket Health & Human Services
jvisco@nantucket-ma.gov
508-228-7200 ext. 7063

Attachment: Inspection Form

Certified Mail, return receipt # to Owner/regular mail to occupants.

EMERGENCY CONDEMNATION AND ORDER TO VACATE
Finding of Unfitness for Human Habitation and
Determination of Immediate Danger

In accordance with M.G.L. c. 111, §§ 127A and 127B, 105 CMR 400.000: State Sanitary Code, Chapter I: General Administrative Procedures and 105 CMR 410.000: State Sanitary Code, Chapter II: Minimum Standards of Fitness for Human Habitation, **Jake Visco and John Hedden, Health Inspectors for the Town of Nantucket Health Department, on December 28th, 2022 conducted an inspection of the basement apartment located at 40 ½ Essex Road, Nantucket, Massachusetts, Map 67 Parcel 624.** A copy of the inspection report is annexed hereto.

Based on the results of that inspection, the Board of Health ("Board") finds that the dwelling is unfit for human habitation. Pursuant to M.G.L. c. 127 B and 105 CMR 410.831 (D), the Board further finds that the conditions within the dwelling are such that the danger to the life or health of the occupants of the subject dwelling is so immediate that no delay may be permitted in making this finding.

Conditions found within the dwelling, which give rise to the emergency finding of unfitness and determination of immediate danger, include: **Sanitary Drainage System Required-(105 CMR 410.300)- The basement toilet does not work. Heating Facilities Required-(105 CMR 410.200) – The basement bedroom does not have an adequate heating source; space heaters are not allowed. Smoke Detectors and Carbon Monoxide Alarms-(105 CMR 410.482) – There are two missing smoke detectors and carbon monoxide alarms.**

Based upon these findings any and all occupants are hereby ordered to vacate and the landlord/owner is ordered to secure the subject dwelling within 48 hours of receipt of this order.

If any person refuses to leave a dwelling or portion thereof, which was ordered condemned and vacated s/he may be forcibly removed by the local board of health (MGL. c. 111, §127B), or by local police authorities at request of the board of health.

Furthermore, anyone who fails to comply with any order of the board of health may be subject to fines ranging from \$10-\$500. Each day's failure to comply with an order shall constitute a separate violation.

Once vacated this building may not be occupied and the placard removed without the written approval of the board of health.

Note: This is an important legal document. It may affect your rights. You should have it translated.

Signed _____


Local Board of Health

cc: **Occupants**
Lien Holders
Mortgage Holders
Building Inspector
Fire Department
Town Counsel



THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
BOARD OF HEALTH



HOUSING & HUMAN HABITATION INSPECTION REPORT

Location <u>40 1/2 Essex Road</u>	map <u>67</u> parcel <u>624</u>	Date <u>12/30/22</u>
Owner <u>Moris Maldonado</u>	phone # _____	Time: In _____ Out <u>1:00 - 1:30</u>
Address <u>40 1/2 Essex Road</u>	type of dwelling:	Purpose:
<u>Nantucket, MA, 02554</u>	single family dwelling ☒	Routine ☐
Occupant <u>NONE</u>	multi family dwelling ☐	Follow-up ☒
Address (if different) _____	lodging house ☐	Complaint ☐
<u>(Condemned)</u>	rooming unit ☐	Annual ☐
Inspector's Name <u>Jake Vesco / Cathy Flynn</u>	dormitory ☐	Other ☐
	other ☐	

Based on an inspection as dated above, the items checked below indicate violated provisions of 105 CMR 410.00, minimum standards of fitness for human habitation. Descriptions of each item appear on the back of this form. Fines as noted on the inspection form, may be assessed pursuant to Mass. General Laws Chapter 40, Section 21D, and Chapter 1, Article 2 of the Code of the Town of Nantucket. This report serves as official notice of violated provisions and official notice to correct said violations.

BATHROOM FACILITIES -

owner shall provide: Dwelling Unit (A)-Rooming Unit (B)	Fine	Code Section
☐ 1. toilet w/ht seat	100	150(A)(B)
☐ 2. wash basin	100	150(A)(B)
☐ 3. bathtub or shower	100	150(A)(B)
☐ 4. door	100	150(A)
☐ 5. accessibility	50	150(C)
☒ 6. smooth/impervious	50	150(D)
☐ 7. shared facilities	50	151
☐ 8. chem. toilets	100	152

WATER - POTABLE - owner shall provide:

☐ 9. quantity & pressure	100	180
☐ 10. hot water (110-130)	100	190

HEATING FACILITIES - required

☒ 11. provided/each room	200	200(A)
☐ 12. approved heat units	100	200(B)
☐ 13. temp. requirements	200	201
☐ 14. venting of heaters	100	202

LIGHTING AND ELECTRICAL - Habitable Rooms other than kitchens

☐ 15. transparent glass	50	250(A)
☐ 16. electrical outlets (2)	50	250(B)

KITCHEN LIGHT AND ELECTRICAL (MINIMUM)

☐ 17. one light fixture (min.)	50	251(A)
☐ 18. two wall outlets	50	251(B)
☒ 19. transparent glass	50	251(C)

BATHROOM LIGHTING (MINIMUM)

☐ 20. one light fixture	50	252(A)
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SWITCHES AND LIGHTING FIXTURES

☐ 21. good working cond.	50	253(A)
☐ 22. common area lights	50	253(B)
☐ 23. hallways/3 or more	50	254(A)
☐ 24. hallway /3 or less	50	254(B)
☐ 25. amperage req.	50	255
☐ 26. temporary wiring	100	256
☐ 27. light obstructions	50	257
☐ 28. exemption->600ft.	50	258

VENTILATION

☒ 29. windows etc.	50	280(A)
☐ 30. mechanical vents	50	280(B)
☐ 31. ventilation shutoff	50	281

SEWAGE DISPOSAL

☒ 32. system requirement	200	300
--	-----	-----

INSTALLATION & MAINTENANCE OF FACILITIES
PLUMBING CONNECTIONS

☐ 33. plumbing-kitchen	100	350(A)
☐ 34. plumbing-toilet	100	350(B)

OWNERS INSTALLATION & MAINTENANCE

☐ 35. owners requirements	100	351(A)(B)
☐ 36. occupants resp.	100	352(A)(B)

ASBESTOS

☐ 37. good repair	100	353(A)
☐ 38. repairs-BOH approv.	200	353(B)
☐ 39. inclosure method	200	353(C)
☐ 40. removal compliance	200	353(D)
☐ 41. removal compliance	200	353(F)
☐ 42. testing-pre removal	200	353(G)

METERING OF
ELECTRICITY & GAS

☐ 43. owner responsibility	200	354(A)(1)(2)
☐ 44. separate metering	200	354(C) & 355

SPACE & USE -
MINIMUM SQUARE FOOTAGE

☐ 45. dwelling unit (gen.)	300	400(A)
150 sq. ft. first --- 100 sq. ft. each, if > 1		
☐ 46. dwelling-sleeping	300	400(B)
70 sq. ft. first --- 50 sq. ft. each, if > 1		
☐ 47. rooming-sleeping	300	400(C)
80 sq. ft. first --- 60 sq. ft. each, if > 1		
☐ 48. ceiling height-<7 ft.	200	401(A)
☐ 49. ceiling height-<6 ft.	200	401(B)
☐ 50. 1/2 height below gr.	300	402

TEMPORARY HOUSING

☐ 51. BOH permission	300	430
☐ 52. minimum standards	200	431

EXITS

☒ 53. means of egress	100	450
☐ 54. egress obstructions	100	451
☒ 55. safe conditions	100	452

SECURITY

☐ 56. locks	100	480(A)(B)(C)(D)(E)
☐ 57. posting name	100	481
☐ 58. smoke detectors	200	482
☐ 59. emergency lighting	200	483

MAINTENANCE OF
STRUCTURAL ELEMENTS

☐ 60. owners resp.	200	500
☐ 61. weathertight window	100	501(A)
☐ 62. weathertight door	100	501(B)
☒ 63. walls, floors, ceilings	100	501(C)
☐ 64. use of lead paint	200	502
☒ 65. railings-stairways	50	503(A)
☐ 66. railings-porch	50	503(B)
☐ 67. balusters-6" max.	50	503(C)
☐ 68. non-absorb. floors	50	504(A)
☐ 69. non-absorb. bath walls	50	504(B)
☐ 70. non-absorb. shower walls	50	504(C)
☐ 71. occupants responsibility	100	505

INSECTS & RODENTS

☐ 72. extermination	100	550(A)(B)(C)(D)
☐ 73. screen windows	100	551(A)
☐ 74. screen doors	100	552(A)
☐ 75. screen inst. dates	100	553

GARBAGE & RUBBISH

☐ 76. storage	100	600(A)(B)(C)(D)
☐ 77. collection	100	601(A)(B)(C)(D)(E)
☐ 78. maintenance of area	100	602(A)(B)(C)(D)

CURTAINMENT OF SERVICES

☐ 79. curtainment prohibited	200	620
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CONDITIONS:
HEALTH OR SAFETY

☒ 80. endanger or impair	200	750(A) thru (P)
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* Basement has been condemned; conditions deemed to endanger or impair. No heat and no toilet. All tenants have vacated and the area must remain unoccupied.

Inspector Jake Vesco Date 12/30/22 Time 1:00 AM PM Received by: _____

Next schedule reinspection: Date N/A Time N/A AM PM

INSPECTION WORKSHEET (IHLTH-021825-2022)

Town of Nantucket
508-228-7200

Case Number:		Case Module:	NONE
Inspection Date:	Fri Dec 30, 2022	Inspection Status:	Fail
Inspector:	Visco, Jake	Inspection Type:	HLTH - Housing Complaint

Job Address: 40 ESSEX RD
Nantucket, MA, 02554

Parcel Number: 67 624

Contact Type	Company Name	Name
--------------	--------------	------

Checklist Item	Status
HLTH - General Comments - General Comments	NA
The previous tenant, _____ has vacated his room and removed all of his belongings.	
HLTH - Sewage - 410.150/300 Safe Sewage Disposal	Failed
The toilet does not work.	
HLTH - Fire Safety - 410.482 Smoke & CO Detectors	Passed
The smoke detectors and CO detectors are now functioning and were tested on site.	
HLTH - Heat - 410.201 Adequate Heat	Failed
There is still no adequate form of heat.	
HLTH - 410.450 Adequate Exits - 410.450 Adequate Exits	Failed
The back area of the basement has another bedroom we were unable to see on our last inspection. I informed the homeowners that the basement is unfit for human habitation and must remain unoccupied until the Board of Health inspects and finds the dwelling complies with 105 CMR 410.000: MA State Sanitary Code.	

Moris Moldonado

Visco, Jake

INSPECTION WORKSHEET (IHLTH-021758-2022)

Town of Nantucket
508-228-7200

Case Number:
Inspection Date: Wed Dec 28, 2022
Inspector: Visco, Jake

Case Module: NONE
Inspection Status: Re-Inspect Required
Inspection Type: HLTH - Housing Complaint

Job Address: 40 ESSEX RD
Nantucket, MA, 02554

Parcel Number: 67 624

Contact Type	Company Name	Name
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Checklist Item	Status
HLTH - General Comments - General Comments	Failed
Water valve needs to be replaced, plumber has been called.	
Space heater cannot be plugged into power strip.	
Hot plate being used in bedroom.	
The owner denied us access to the upstairs portion of the dwelling.	
The basement tenant stated he would be able to sleep upstairs.	
Reinspection will be Friday, December 30th at 1:00 P.M.	
HLTH - Heat - 410.201 Adequate Heat	Failed
No heat provided in basement bedroom. Heat must be provided. Occupant must vacate within 24 hours.	
HLTH - Fire Safety - 410.482 Smoke & CO Detectors	Failed
Smoke detectors must be replaced immediately.	
HLTH - Other - 410.750 Immediate Danger	Failed
Basement bedroom has no permanent heat source; conditions are deemed to endanger or impair.	

Moris Moldonado

Visco, Jake



NANTUCKET HEALTH DEPARTMENT

131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554

Telephone 508.228.7200
Tele fax 508.325.6117

1/6/2022

Diane Coombs
44 Union Street
Nantucket, MA 02554

Re: 44 Union Street, Map: 42.2.3 Parcel: 29 - Violations of 105 CMR 410.000

Dear Diane Coombs:

Our office received a complaint Wednesday 1/4/23 of unfit living conditions in the basement of the above referenced property. An inspection was conducted Thursday, January 5, 2023, at 1:00 P.M. Cathy Flynn and Jake Visco, Health Inspectors for the Town of Nantucket, observed conditions deemed to endanger or impair health or safety, and the basement must be condemned.

The basement is lacking an adequate heating source; smoke detectors and carbon monoxide detectors have been disabled and/or missing; there is lack of proper egress; standing water, lack of proper ventilation.

As a result of our findings, the Nantucket Health Department must condemn the basement as it is unfit for human habitation.

Enclosed please find a copy of an emergency condemnation order, inspection report, order to vacate and pictures.

If you have any questions, please contact us at your convenience.

Regards,

Cathy Flynn
Health Inspector
Nantucket Health & Human Services
cmflynn@nantucket-ma.gov
508-228-7200 ext. 7062

INSPECTION WORKSHEET (IHLTH-021902-2023)

Town of Nantucket
508-228-7200

Case Number:		Case Module:	NONE
Inspection Date:	Thu Jan 5, 2023	Inspection Status:	Fail
Inspector:	Flynn, Cathy M.	Inspection Type:	HLTH - Housing Complaint

Job Address:	44 UNION ST Nantucket, MA, 02554	Parcel Number:	42.2.3 29
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Contact Type	Company Name	Name
-	-	-

Checklist Item	Status
HLTH - Other - 410.750 Immediate Danger Standing water in basement leading into bedroom. Series of wooden planks aligned to access makeshift bedroom. Proper ventilation not provided. Adequate lighting not provided. Debris piled high throughout the basement. Not heat available. Tenant was using space heater as a heat source. Lack of proper egress.	Failed
HLTH - General Comments - General Comments Conditions deemed not safe for human habitation. Basement must be condemned. Order to vacate will be issued.	Failed
HLTH - Fire Safety - 410.482 Smoke & CO Detectors No working smoke detectors and C.O.'s observed by Fire Department.	Failed



Flynn, Cathy M.



THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
BOARD OF HEALTH



HOUSING & HUMAN HABITATION INSPECTION REPORT

Location <u>44 Union Str</u>	map <u>42.23</u> parcel <u>29</u>	Date <u>1/5/23</u>
Owner <u>Diane Coomb</u> Address _____	phone # <u>617-803-6382</u>	Time: <u>1</u> In <u>2:30</u> Out
Occupant <u>Manuel Pina</u> Address (if different) _____	type of dwelling: single family dwelling ☒ multi family dwelling ☐ lodging house ☐ rooming unit ☐ dormitory ☐ other ☐	Purpose: Routine ☐ Follow-up ☐ Complaint ☒ Annual ☐ Other ☐
Inspector's Name <u>Cathy Flynn / Jake Visco</u>		

Based on an inspection as dated above, the items checked below indicate violated provisions of 105 CMR 410.00, minimum standards of fitness for human habitation. Descriptions of each item appear on the back of this form. Fines as noted on the inspection form, may be assessed pursuant to Mass. General Laws Chapter 40, Section 21D, and Chapter 1, Article 2 of the Code of the Town of Nantucket. This report serves as official notice of violated provisions and official notice to correct said violations.

BATHROOM FACILITIES -

owner shall provide: Dwelling Unit (A)-Rooming Unit (B)	Fine	Code Section
☐ 1. toilet with seat	100	150(A)(B)
☐ 2. wash basin	100	150(A)(B)
☐ 3. bathtub or shower	100	150(A)(B)
☐ 4. door	100	150(A)
☐ 5. accessibility	50	150(C)
☐ 6. smooth/imperious	50	150(D)
☐ 7. shared facilities	50	151
☐ 8. chem. toilets	100	152

WATER - POTABLE - owner shall provide:

☐ 9. quantity & pressure	100	180
☐ 10. hot water (110-130)	100	190

HEATING FACILITIES - required

☒ 11. provided/each room	200	200(A)
☐ 12. approved heat units	100	200(B)
☐ 13. temp. requirements	200	201
☐ 14. venting of heaters	100	202

LIGHTING AND ELECTRICAL - Habitable Rooms other than kitchens

☒ 15. transparent glass	50	250(A)
☒ 16. electrical outlets (2)	50	250(B)

KITCHEN LIGHT AND ELECTRICAL (MINIMUM)

☐ 17. one light fixture (min.)	50	251(A)
☐ 18. two wall outlets	50	251(B)
☐ 19. transparent glass	50	251(C)

BATHROOM LIGHTING (MINIMUM)

☐ 20. one light fixture	50	252(A)
--	----	--------

SWITCHES AND LIGHTING FIXTURES

☒ 21. good working cond.	50	253(A)
☒ 22. common area lights	50	253(B)
☒ 23. hallways/3 or more	50	254(A)
☒ 24. hallway /3 or less	50	254(B)
☒ 25. amperage req.	50	255
☒ 26. temporary wiring	100	256
☒ 27. light obstructions	50	257
☒ 28. exemption->600ft.	50	258

VENTILATION

☐ 29. windows etc.	50	280(A)
☐ 30. mechanical vents	50	280(B)
☐ 31. ventilation shutoff	50	281

SEWAGE DISPOSAL

☐ 32. system requirement	200	300
---	-----	-----

**INSTALLATION & MAINTENANCE OF FACILITIES
PLUMBING CONNECTIONS**

☐ 33. plumbing-kitchen	100	350(A)
☐ 34. plumbing-toilet	100	350(B)

OWNERS INSTALLATION & MAINTENANCE

☐ 35. owners requirements	100	351(A)(B)
☐ 36. occupants resp.	100	352(A)(B)

ASBESTOS

☐ 37. good repair	100	353(A)
☐ 38. repairs-BOH approv.	200	353(B)
☐ 39. inclosure method	200	353(C)
☐ 40. removal compliance	200	353(D)
☐ 41. removal compliance	200	353(F)
☐ 42. testing-pre removal	200	353(G)

**METERING OF
ELECTRICITY & GAS**

☐ 43. owner responsibility	200	354(A)(1)(2)
☐ 44. separate metering	200	354(C) & 355

**SPACE & USE -
MINIMUM SQUARE FOOTAGE**

☐ 45. dwelling unit (gen.) 150 sq. ft. first --- 100 sq. ft. each, if >1	300	400(A)
☐ 46. dwelling-sleeping 70 sq. ft. first --- 50 sq. ft. each, if >1	300	400(B)
☐ 47. rooming-sleeping 80 sq. ft. first --- 60 sq. ft. each, if >1	300	400(C)
☐ 48. ceiling height--<7 ft.	200	401(A)
☐ 49. ceiling height--<5 ft.	200	401(B)
☐ 50. 1/2 height below gr.	300	402

TEMPORARY HOUSING

☐ 51. BOH permission	300	430
☐ 52. minimum standards	200	431

EXITS

☐ 53. means of egress	100	450
☐ 54. egress obstructions	100	451
☐ 55. safe conditions	100	452

SECURITY

☒ 56. locks	100	480(A)(B)(C)(D)(E)
☐ 57. posting name	100	481
☐ 58. smoke detectors	200	482
☐ 59. emergency lighting	200	483

**MAINTENANCE OF
STRUCTURAL ELEMENTS**

☒ 60. owners resp.	200	500
☒ 61. weathertight window	100	501(A)
☒ 62. weathertight door	100	501(B)
☒ 63. walls, floors, ceilings	100	501(C)
☒ 64. use of lead paint	200	502
☐ 65. railings-stairways	50	503(A)
☐ 66. railings-porch	50	503(B)
☐ 67. balusters-6" max.	50	503(C)
☐ 68. non-absorb. floors	50	504(A)
☐ 69. non-absorb. bath walls	50	504(B)
☐ 70. non-absorb. shower walls	50	504(C)
☐ 71. occupants responsibility	100	505

INSECTS & RODENTS

☐ 72. extermination	100	550(A)(B)(C)(D)
☐ 73. screen windows	100	551(A)
☐ 74. screen doors	100	552(A)
☐ 75. screen inst. dates	100	553

GARBAGE & RUBBISH

☒ 76. storage	100	600(A)(B)(C)(D)
☒ 77. collection	100	601(A)(B)(C)(D)(E)
☒ 78. maintenance of area	100	602(A)(B)(C)(D)

CURTAILMENT OF SERVICES

☐ 79. curtailment prohibited	200	620
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**CONDITIONS:
HEALTH OR SAFETY**

☒ 80. endanger or impair	200	750(A) thru (P)
--	-----	-----------------

Smoke detectors missing, heat not available
no emergency eq (gas) - the basement must be condemned
* conditions deemed to endanger or impair.

Inspector Cathy Flynn / Jake Visco Date 1/5/23 Time 2:30 AM PM Received by: _____
Next schedule reinspection: Date TBP Time _____ AM PM

EMERGENCY CONDEMNATION AND ORDER TO VACATE
Finding of Unfitness for Human Habitation and
Determination of Immediate Danger

In accordance with M.G.L. c. 111, §§ 127A and 127B, 105 CMR 400.000: State Sanitary Code, Chapter I: General Administrative Procedures and 105 CMR 410.000: State Sanitary Code, Chapter II: Minimum Standards of Fitness for Human Habitation, **Cathy Flynn and Jake Visco, Health Inspectors for the Town of Nantucket Health Department**, on January 5, 2023 conducted an inspection in the basement located at 44 Union Street, Nantucket, Massachusetts, Map 42.2.3 Parcel 29. A copy of the inspection report is annexed hereto.

Based on the results of that inspection, the Board of Health ("Board") finds that the basement in the dwelling is unfit for human habitation. Pursuant to M.G.L. c. 127 B and 105 CMR 410.831 (D), the Board further finds that the conditions within the basement of the dwelling are such that the danger to the life or health of the occupant of the subject basement in the dwelling is so immediate that no delay may be permitted in making this finding.

Conditions found within the basement of the dwelling, which give rise to the emergency finding of unfitness and determination of immediate danger, include: **Heating Facilities Required-(105 CMR 410.200) – The apartment does not have an adequate heating source, space heaters are not allowed. Smoke Detectors and Carbon Monoxide Alarms-(105 CMR 410.482) – There are missing smoke detectors and carbon monoxide alarms. The basement is missing a means of egress (105 CMR 410.450).**

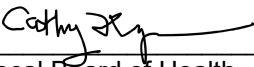
Based upon these findings any and all occupants are hereby ordered to vacate and the landlord/owner is ordered to secure the subject basement of the dwelling within 48 hours of receipt of this order.

If any person refuses to leave the basement of the dwelling or portion thereof, which was ordered condemned and vacated s/he may be forcibly removed by the local board of health (MGL. c. 111, §127B), or by local police authorities at request of the board of health.

Furthermore, anyone who fails to comply with any order of the board of health may be subject to fines ranging from \$10-\$500. Each day's failure to comply with an order shall constitute a separate violation.

Once vacated this building may not be occupied and the placard removed without the written approval of the board of health.

Note: This is an important legal document. It may affect your rights. You should have it translated.

Signed 
Local Board of Health

cc: **Occupant**
Fire Department
Property Owner

7021 2720 0000 5459 9409

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- | | | |
|--|----|--|
| ☐ Return Receipt (hardcopy) | \$ | |
| ☐ Return Receipt (electronic) | \$ | |
| ☐ Certified Mail Restricted Delivery | \$ | |
| ☐ Adult Signature Required | \$ | |
| ☐ Adult Signature Restricted Delivery | \$ | |

Postage

\$

Total Postage and Fees

\$

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Diane Combs

44 Union St

Mantucket, MA 02554

Postmark
Here



* Basement

CONDEMNED

**THESE PREMISES
UNFIT FOR HUMAN
HABITATION**

PER ORDER
BOARD OF HEALTH
Town of Nantucket

BY Cathy Flynn 1/6/23

FORM 1197 (10/17) Home & Works

EMERGENCY CONDEMNATION AND ORDER TO VACATE
Finding of Unfitness for Human Habitation and
Determination of Immediate Danger

In accordance with M.G.L. c. 111, §§ 127A and 127B, 105 CMR 400.000: State Sanitary Code, Chapter I: General Administrative Procedures and 105 CMR 410.000: State Sanitary Code, Chapter II: Minimum Standards of Fitness for Human Habitation, Cathy Flynn and Jake Visco, Health Inspectors for the Town of Nantucket Health Department, on January 5, 2023 conducted an inspection in the basement located at 44 Union Street, Nantucket, Massachusetts, Map 42.2.3 Parcel 29. A copy of the inspection report is annexed hereto.

Based on the results of that inspection, the Board of Health ("Board") finds that the basement in the dwelling is unfit for human habitation. Pursuant to M.G.L. c. 127B and 105 CMR 410.831 (D), the life or health of the occupant of the subject basement in the dwelling is so immediate that no delay may be permitted in making this finding.

Conditions found within the basement of the dwelling, which give rise to the emergency finding of unfitness and determination of immediate danger, include: Heating Facilities Required (105 CMR 410.200) - The apartment does not have an adequate heating source, space heaters are not allowed. Smoke Detectors and Carbon Monoxide Alarms (105 CMR 410.482) - There are missing smoke detectors and carbon monoxide alarms. The basement is missing a means of egress (105 CMR 410.450).

Based upon these findings any and all occupants are hereby ordered to vacate and the landlord/owner is ordered to secure the subject basement of the dwelling within 48 hours of receipt of this order.

If any person refuses to leave the basement of the dwelling or portion thereof, which was ordered condemned and vacated s/he may be forcibly removed by the local board of health (M.G.L. c. 111, §127B), or by local police authorities at request of the board of health.

Furthermore, anyone who fails to comply with any order of the board of health may be subject to fines ranging from \$10-\$500. Each day's failure to comply with an order shall constitute a separate violation.

Once vacated this building may not be occupied and the placard removed without the written approval of the board of health.

Note: This is an important legal document. It may affect your rights. You should have it translated.

Signed: Cathy Flynn
Local Board of Health

cc: Occupant
Fire Department
Property Owner



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