

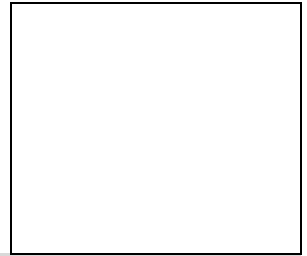


MEETING POSTING

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, February 16, 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 January 19, 2023
5. Variance request for 5 Bank Street, 73.2.4/8, septic tank and soil absorption system property line setbacks.
6. Needle Exchange Program – Health Imperatives
7. Well Regulations Discussion
8. Adjournment



BOARD OF HEALTH

Meeting

Town of Nantucket
131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

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

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

~~ MINUTES ~~

Thursday, January 19, 2023

4 Fairground Road, Community Room

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

Called to order at 4:00 p.m. by Mr. Visco

Staff in attendance: R. Santamaria, Health Director; T. Norton, Town Minutes Taker

Attending Members: Stephen Visco; James Cooper; Kerry McKenna

Absent Members: Meredith Lepore; Brooke Mohr, Select Board

I. ANNOUNCEMENTS

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

1. Curtis Barnes – Asked for clarification on the short-term rentals (STR) and if BOH has registration forms available.
Santamaria – The State will send them to Granicus; they will forward the forms. The Planning Board is involved only in zoning.
Barnes – Barnstable & Yarmouth require all rentals to register; confirmed Nantucket is registering only STRs. Thinks Nantucket should be registering all rentals. TC said we couldn't charge more than the actual cost of putting in the fee.
Santamaria – If the BOH or Health Department had been consulted at the time, we would have told them our issue has been with years-round rentals; we never saw article 39. The \$250 fee was based upon the contract price of Granicus, \$3,000 divided by the number of properties then added \$100.
Barnes – He thinks the \$250 fee is excessive against other locations.
2. Norton – Announced this is her last meeting as minutes taker.

III. DIRECTOR'S REPORT

1. Thanked Ms. Norton's for her service.
2. We are in a peer review stage for a publication on our Tick-borne Illness Report; he's been working with Dr. Alison Snow, Ohio State University. It shows Nantucket is unique in that we get co-infections such as Lyme-Anaplasmosis and Lyme-Babesiosis and Lyme-Miyamotoi infection. We are also finding that we are grossly under counting Babesiosis and Ehrlichiosis co-infections because we're counting and treating Lyme. The Lone Star tick is starting to appear on Island, so Alpha-galactose allergies is showing up; it's not reportable so his information is anecdotal from our Island medical providers. We have not seen Powassan virus on Island, but it is showing up on the Cape; it's a matter of time. Fortunately, we are not seeing many of the Tripoli or West-Nile mosquitoes.
3. He was just appointed to the Cape & Island Tick-borne Illness Taskforce. There is a lot of information sharing.
4. He doesn't have an update on the Massachusetts Institute of Technology project; they were able to create a mouse model. The issue is our Whitefoot mouse vary genetically so can't be mated with the lab mice, so they have to find a model using Island mouse.
5. For Strategic Planning, we are going to create a new 5-year plan this year.

IV. APPROVAL OF MINUTES

1. December 15, 2022
McKenna – Under the Naushon Way item, he voted negatively.
Action **Motion to Approve as amended.** (made by: Cooper) (seconded)
Roll-call vote Carried unanimously

V. BOH APPLICATIONS REVIEW

1. Loan request for 24 Ridge Lane.

Sitting Visco, Cooper, McKenna

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – For a septic upgrade; no objections. This is the last of the available funds for this fiscal year; we have a Warrant Article for an additional \$2m in funds. He wants to set up a policy of new criteria; he wants a discussion with the Board before July 1st. We need to look at capping. We are ahead of the new Title 5 for Madaket and Hummock Pond; we were already using the new Estuaries Map

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

Roll-call vote Carried unanimously

2. Needle Exchange Program @ Health Imperatives.

Sitting Visco, Cooper, McKenna

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – Moving this to next month.

Action No action at this time.

Roll-call vote N/A

3. Variance request for 17 Tetawkimmo Drive, 53-3, septic setbacks.

Sitting Visco, Cooper, McKenna

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – Boundary line and foundation setbacks. It's a 5' variance; this is a tight lot. Staff recommendation is to deny because it is new construction.

Michael Wilson – This is not new construction. A failure of compliance with Title 5 triggered the upgrade. It would seem the system would fit in the back yard, which is retained with a stone wall. Tanks would go in the driveway proper. If it went into the back yard, effluence would have to be pumped up to the tank, the walls would be dismantled, and the trees would have to be removed for installation. In the front, the setback is to proximity to the road. The foundation is *diminimis* going from 20' to 15' setback. This is repair of an existing 4 BR system.

Teddy King, surveyor – The current tank is about 40 to 50' away from the house near the garage in the rear and about 15' from the foundation.

Visco – Suggested drip dispersal to put this in the backyard and still have room for a pool. Leave the leach field where it is and add an IA component.

Wilson – From a health perspective, wonders if the system being closer to the road would be a compromise.

Santamaria – You can be fully compliant if the leach is a drip dispersal.

Visco – Another option is to reduce the size of the leach.

Wilson – Asked this be withdrawn.

Action No action at this time.

Roll-call vote N/A

4. Variance request for 8 Bank Street, 73.1.3-69, septic setbacks for construction of a basement.

Sitting Visco, Cooper, McKenna

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – removed from the agenda.

Action No action at this time.

Roll-call vote N/A

VI. BOH BUSINESS

1. Ratify Emergency Condemnation of basement at 40.5 Essex Road.

Sitting Visco, Cooper, McKenna

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – Jake Visco, the inspector, found no working toilets, smoke detector, carbon detectors, heat, and proper exists. The tenant vacated the premises. There is a lot of history with improper tenancy at this property. We are working with the owner to correct the problem; they know they are in a tight place with the covenant on the property.

Action **Motion to Ratify the Emergency Condemnation of the basement of 40.5 Essex Road.**
(made by: Cooper) (seconded)

Roll-call vote Carried unanimously

2. Ratify Emergency Condemnation of basement at 44 Union Street.

Sitting Visco, Cooper, McKenna

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – This is a difficult situation and a sensitive property. We couldn't get into the house proper, but we're looking to get into the rest of the building. The Fire Department is aware of the hording situation. Mr. Hedden put this on our Problem Property Taskforce so we can coordinate with all pertinent departments. If the owner doesn't let us in voluntarily, we will go to the next step: either Chapter 140 inspection or and administrative warrant.

Action **Motion to Ratify the Emergency Condemnation of the basement of 44 Union Street.** (made by: Cooper) (seconded)

Roll-call vote Carried unanimously

3. McKenna – Asked if there is a process to update and amend regulations.

Santamaria – The regulations do need to be updated and close loopholes; he and Mr. Hedden will look at what regulations need to be updated. He will put it on the agenda for next month. We'll have to engage Town Counsel once we have a working draft.

VII. ADDITIONAL DOCUMENTS USED

1. Draft BOH Minutes December 15, 2022

VIII. ADJOURN

Action **Motion to Adjourn at 4:43 pm.** (made by: Cooper) (seconded)

Roll-call 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): _____

The Applicant seeks relief to upgrade from the existing cesspool in maximum feasible compliance with applicable regulations. There is no expansion of flow proposed.

310CMR15.203 – Design Flow for a 1-bedroom system

310CMR15.211 – 10' Setback to no less than 4' for leach field to property line

Requestor Name: William T. Hegarty & William T. Hegarty, Jr., Trustees

Company Name: (if applicable)

Address: 5 Bank Street MAP: 73.2.4 PARCEL: 8

Phone No. _____

Email: c/o art@nantucketengineer.com

Requestor's Signature: *Arthur D. Sabano* Agent Date: 2/6/23

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: _____

$$1'' = 125.35949263190844 \text{ ft}$$

Property ID	73.2.4 8
Location	5 BANK ST
Owner	HEGARTY WILLIAM T & WILLIAM T JR TRS



Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/14/2022
Data updated Jan. 2021

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.



February 4, 2023

Fred G. & Sarah Lamott, Trustees
PO Box 462
Siasconset, MA 02564

Nicole Alexandria Tirapelli
7 Bank St., #155
Siasconset, MA 02564

RE: Variance Request

Dear Property Owner,

On behalf of The William T. Hegarty Living Trust, current owner of land in Nantucket known as #5 Bank Street (Assessor Map 73.2.4 Parcel 8), we are sending you notice of their application for a variance to permit the upgrade of the septic system to be located within 10-feet of your property line. Attached is the proposed plan for your review.

This matter may be considered by the Board of Health at their regularly scheduled meeting on February 16th. Please direct any questions or concerns to Mr. Roberto Santamaria, Director of the Nantucket Health Department, 508-228-7200, ext. 7014, and to me.

Sincerely,
Nantucket Engineering & Survey, P.C.
By: Arthur D. Gasbarro, PE, PLS

A handwritten signature in blue ink, reading "Arthur D. Gasbarro".

Post Mark
Here

FEES
Postage Per Piece \$4.60
Certified Fee \$4.15
Return Receipt Fee 3.50
Total Package & Fees \$12.25

ARTICLE ADDRESSED TO:
FRED G. & SARAH LAMOTT, TRUSTEES
PO BOX 402
SIASCONSET MA 02504-0402

9414 7118 9956 2115 2990 36

CERTIFIED MAIL
TRACKING NUMBER

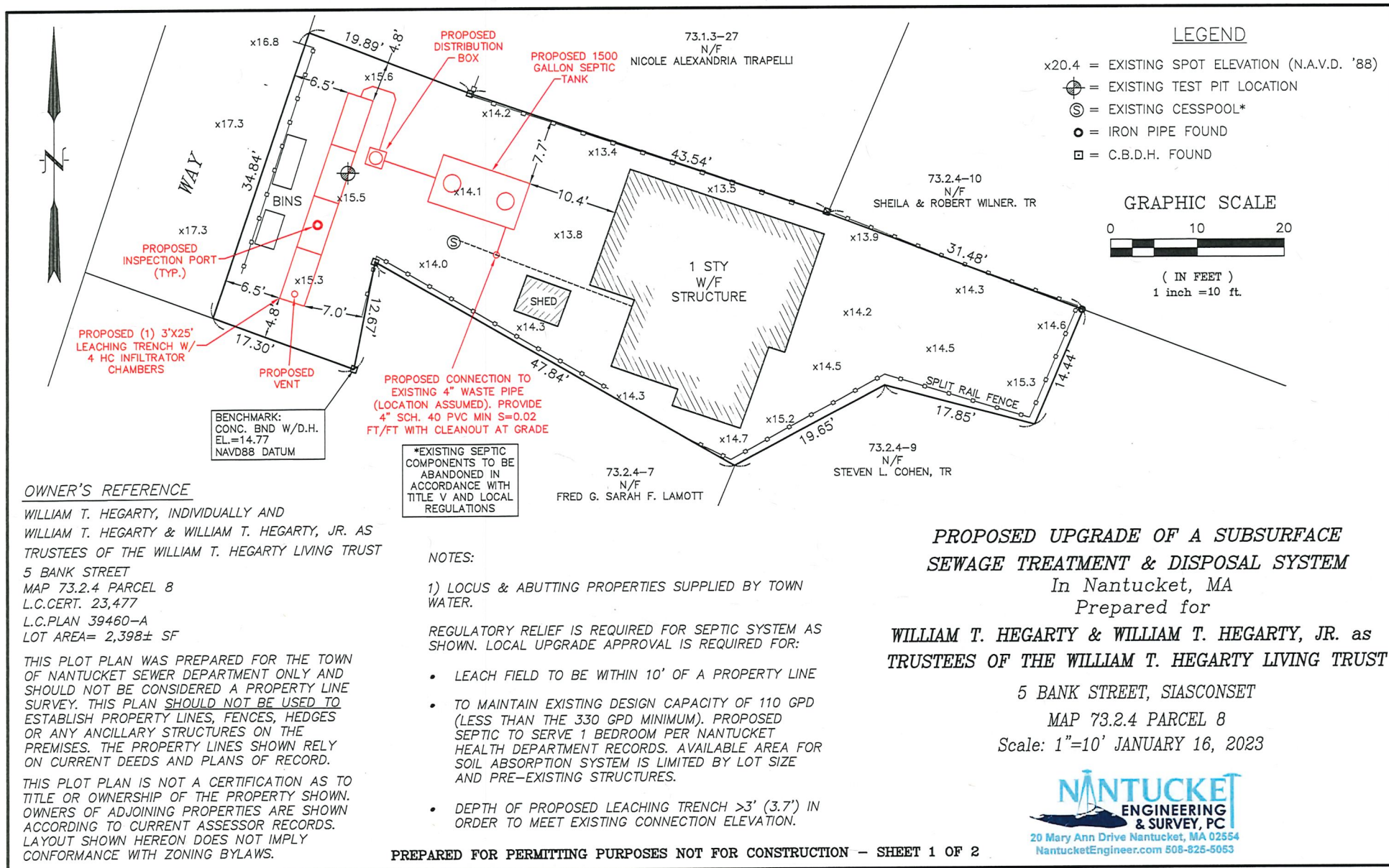
Post Mark
Here

FEES
Postage Per Piece \$4.60
Certified Fee \$4.15
Return Receipt Fee 3.50
Total Package & Fees \$12.25

ARTICLE ADDRESSED TO:
NICOLE ALEXANDRIA TIRAPELLI
7 BANK ST., #165
SIASCONSET MA 02504-0000

9414 7118 9956 2115 2935 91

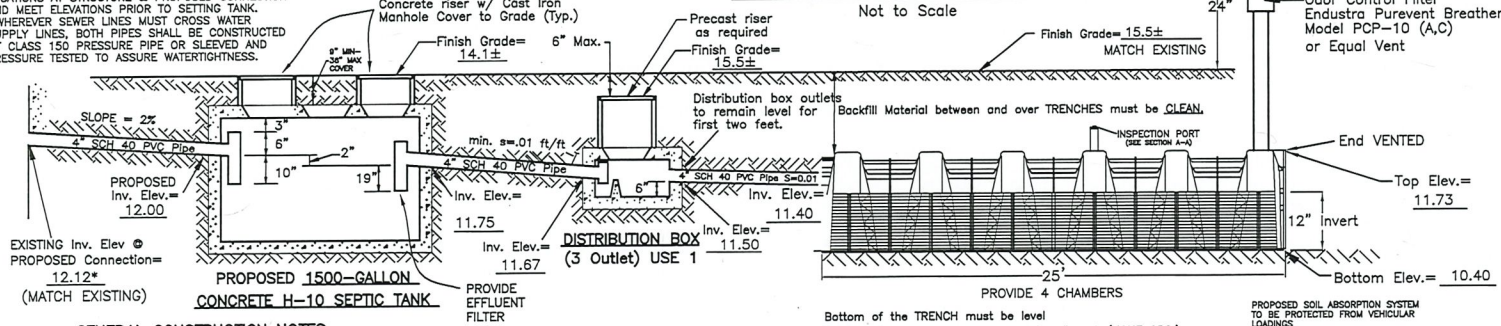
CERTIFIED MAIL
TRACKING NUMBER



NOTES:
CONTRACTOR TO VERIFY EXISTING SEWER LINE LOCATIONS AT STRUCTURE & PROPOSED CONNECTION AND MEET ELEVATIONS PRIOR TO SETTING TANK.
WHEREVER SEWER LINES MUST CROSS WATER SUPPLY LINES, BOTH PIPES SHALL BE CONSTRUCTED OF CLASS 150 PIPE OR SLEEVED AND PRESSURE TESTED TO ASSURE WATERTIGHTNESS.

SEPTIC SYSTEM PROFILE

Not to Scale

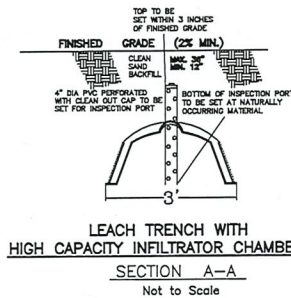


GENERAL CONSTRUCTION NOTES

- All construction to conform to 310 CMR 15.00, TITLE 5 and Regulations of the Nantucket Board of Health.
- Any deviation or alteration in the construction from the approved plan without the expressed permission of the Design Engineer may invalidate the design and endanger the issuance of a certificate of compliance.
- Nantucket Engineering & Survey shall be contacted three (3) days prior to the start of construction by the installer. (508) 825-5053
- This plan does not warrant or imply any subsurface conditions other than those observed at the immediate test pit locations. In the event impervious or unsuitable material is encountered during construction, add impervious or unsuitable material is to be removed and replaced. See Title 5, 15.255 Construction in Fill.
- Delivery piping from the building wall to the Distribution Box shall be SCH 40, 4 inch diameter PVC placed at a minimum 2% slope (2% = 0.02 feet per foot or 2" per 100'). All PVC to PVC connections are to be SOLVENT WELDED. Backfill Material in proximity to delivery and/or distribution lines is to be free from tailings, clay or similar materials.
- A cleanout is to be provided in proximity to the building wall to enable a Pump to clear the house to tank line.
- Distribution lines are to be PVC Schedule 40 NSF or PVC Schedule 35 may be used for systems designed for less than 2000 gpd and where no vehicular traffic is anticipated. PVC end caps are to be provided on Distribution Lines ends that do not require venting. All Distribution Lines over fifty (50') feet in length are to be vented.
- Any fill required in proximity to delivery piping shall be clean and free of stones larger than 2" dia and be hand tamped to reduce settlement and assure alignment.
- The septic tank shall be pre-cast reinforced concrete in compliance with Title 5, 15.223 & 15.226 with an H-10 loading. A Schedule 40 Tee is to be installed in both the inlet and outlet baffles of the Precast Concrete Septic Tank. A gas baffle is to be installed over OUTLET BAFLE.
- The tank shall have three 20 inch minimum diameter manholes with readily removable impermeable covers within 6 inches of finish grade.
- The base of the TANKS & Distribution Box shall be set on a compacted, suitable, stable base.
- The Distribution Box shall be fitted with an inlet tee (cut-off 1 inch above the outlet invert). Distribution Boxes shall be a minimum 3 Outlets.
- The first length (minimum 2 feet) of each pipe outlet pipe from the Distribution Box shall be laid level. All outlet pipes should draw equally. A WATER TEST WILL BE REQUIRED.
- Topsoil, peat or other impervious (or unsuitable) material shall be removed from below and for a distance of 5 feet in all directions around the disposal works footprint and replaced with clean, suitable material as described in TITLE 5, 15.255(3) Construction in Fill.
- Trench bottoms excavated in natural material must be scarified to off-set any machine compaction of the bottom surface.
- All fill used in conjunction of the system construction must conform to Title 5, 15.255(3) Construction in Fill.
- All stone used in disposal trench construction must conform to Title 5, 15.247 Aggregate for site and quality.
- Any impermeable material used for the construction of an impervious barrier must be impermeable. (Will not pass water, swells upon contact with water, fine sand is not impervious).
- Areas disturbed by construction shall be loamed, seeded, mulched or otherwise stabilized to minimize erosion. The general system area shall be graded with a minimum 2% grade to provide positive surface drainage. Compliance with any Order of Conditions issued by the local Conservation Commission or DEP shall be considered requirements of this design.
- The property lines depicted here-on are GRAPHIC. It is strongly recommended that the actual property lines be field established prior to construction. Conformance to local by-laws shall be determined by the Owner (Client) prior to construction. This disposal works design is not a property line, bank mortgage or title survey.
- In the event that evidence or article of human remains is found during the excavation or construction of this proposed works, all activity on-site is to stop. Immediately contact the State Police (508) 228-0706, Nantucket Police 228-1212 (or 911) and DESIGN ENGINEER.
- To prevent the carry over of solids and particulates from the septic tank to soil surfaces in the disposal trenches that are prone to clogging, the septic tank should be inspected periodically to determine the depth of sludge and floatables (grease) accumulation. The tank should be pumped, by a Licensed Pump, when the sludge volume fills one quarter (1/4) of the tank clear space. (or approx every 2 years).
- The Design Engineer will refuse to issue a positive ASBUILT.
- Multiple inspections and analysis to correct deviations from the approved design will be billed as add'l charges. Call (508) 825-5053 when you are ready for your inspection.

DESIGN CRITERIA

- TYPE OF ESTABLISHMENT: 1 BEDROOM (EXISTING)
- DESIGN FLOW: 1 BDRMS X 110 GPD/BR = 110 GPD (SEE NOTE ON SHEET 1)
- SEPTIC TANK VOLUME: 1500 GALLONS: 200% X 110 GPD= 220 GPD
NO ADDITIONAL CAPACITY HAS BEEN PROVIDED FOR GARBAGE DISPOSAL
- DESIGN PERCOLATION RATE: <5 MINUTES/INCH - SOIL CLASS I
FOR TITLE 5 SECTION 15.242: LTAR-EFFLUENT LOADING RATE: 0.73 GPD/SF
- SOIL ABSORPTION SYSTEM (SAS): 110 GPD / .74 GPD/SF= 148.6 SF REQ'D
PROVIDE: (1) 3' X 25' LEACHING TRENCH W/ 4 HC INFILTRATOR CHAMBERS
4 CHAMBERS X 48.7 SF/CHAMBER = 194.8 SF
- LEACHING CAPACITY PROVIDED (BY TITLE 5) = 194.8 SF X 0.74 = 144 GPD
- MAXIMUM ALLOWABLE LOADING (BY TITLE 5) = 144 GPD
ACTUAL HYDRAULIC LOADING (DESIGN FLOW) = 110 GPD



SOIL LOGS

SOIL EVALUATION BY: ELIZABETH KONETCHY, NANTUCKET ENGINEERING & SURVEY, PC
DATE OF TESTING: 12/29/2022, WITNESSED BY: KATHY LAFAYRE, NAN. HEALTH DEPT
PERCOLATION RESULTS: RATE (TEST 1) <5 MIN/INCH - "C" LAYER

DEEP OBS. HOLE # 1 EL=15.5±

DEPTH	HORIZON	TEXTURE	COLOR
0" to 2"	FILL	TOPSOIL	-----
2" to 12"	A	LOAMY SAND	10YR2/2
12" to 28"	B	MEDIUM SAND	10YR4/3
28" to 114"	C	COARSE SAND	2.5Y6/3
*SIGNIFICANT CAVING			

NO REDOX. FEATURES APPARENT
NO GW. OBSERVED WEeping/STANDING
EST. SEASONAL HIGH GW ELEV. <6 (NONE OBS.)

PROPOSED UPGRADE OF A SUBSURFACE SEWAGE TREATMENT & DISPOSAL SYSTEM

In Nantucket, MA

Prepared for

WILLIAM T. HEGARTY & WILLIAM T. HEGARTY, JR. as
TRUSTEES OF THE WILLIAM T. HEGARTY LIVING TRUST

5 BANK STREET, SIASCONSET

MAP 73.2.4 PARCEL 8

Scale: N.T.S. JANUARY 16, 2023

NANTUCKET
ENGINEERING
& SURVEY, PC
20 Mary Ann Drive Nantucket, MA 02554
NantucketEngineer.com 508-825-5053

PREPARED FOR PERMITTING PURPOSES NOT FOR CONSTRUCTION - SHEET 2 OF 2



NANTUCKET HEALTH DEPARTMENT

131 Pleasant Street
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200

Staff Recommendation

Meeting Date: 2/16/2023

Property Location: 5 Bank Street

Map & Parcel: 73.2.4 / 8

Subject: Property Line Setbacks for Septic System Upgrade

Staff Recommends: Staff recommends approval of the proposed upgrade. The current system is a cesspool and is required to be upgraded per Title 5 Regulations. The upgraded system will need to be recorded with the Registry of Deeds as a 1-bedroom system.

A variance will be needed regarding distance to ground water unless a revised plan is submitted showing a minimum of 5-foot separation from bottom of trench to estimated seasonal high groundwater. The current plan shows a separation of 4.4 feet which does not meet the requirement of Town Code 332-18: Location of Soil Absorption Systems. - "The bottom of the system shall be constructed at least five feet above maximum groundwater elevation/depth to groundwater."

Proposed Nantucket Syringe Service Program (SSP)

Effectiveness and Benefits of SSPs:

Syringe service programming is an evidence-based community intervention that has been demonstrated to: reduce the spread HIV, Viral Hepatitis, and other infectious diseases; reduce overdose deaths; and increase the uptake of substance use disorder treatment. SSPs are recommended by both the Massachusetts Department of Public Health as well as the Centers for Disease Control and Prevention.

More information about the effectiveness of SSPs can be found here:

[Summary of Information on The Safety and Effectiveness of Syringe Services Programs \(SSPs\) | CDC](#)

Summary of Proposed Services:

The proposed SSP would be supported through the Massachusetts Department of Public Health and will provide comprehensive services including:

- Provision of sterile needles, syringes, and other drug preparation equipment and disposal services.
- Education and counseling to reduce sexual, injection and overdose risks.
- Provision of condoms and other safer sex supplies to reduce risk of sexual transmission of viral hepatitis, HIV or other sexually transmitted diseases (STDs).
- Provision of HIV, viral hepatitis, STD and tuberculosis screening.
- Provision of nasal naloxone to reverse opioid overdoses.
- Referral and linkage to HIV, viral hepatitis, STD, and TB prevention, treatment, and care services, including antiretroviral therapy for HCV and HIV, pre-exposure prophylaxis (PrEP), post-exposure prophylaxis (PEP), prevention of mother-to-child transmission, and partner services.
- Referral and linkage to hepatitis A virus (HAV) and hepatitis B virus vaccination.
- Referral and linkage to and provision of substance use disorder treatment, including: Acute treatment services (detox), MAT for opioid use disorder, which combines drug therapy (e.g., methadone, buprenorphine, or naltrexone) with counseling and behavioral therapy, residential treatment, and/or community-based recovery services.
- Referral to medical care, mental health services, and other support services.

