



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

Day, Date, and Time

Thursday, April 20, 2023 4:00PM

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>

Zoom Link: https://us06web.zoom.us/webinar/register/WN_-VWCsDQBQ0KzzDH_WhUxxw

Signature of Chair or Authorized Person

Stephen Visco, Chair

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: <https://youtu.be/DYJtdE2Z4ws>

Commissioners: Stephen Visco (Chair), Meredith Lepore (Vice-Chair)
James Cooper, Malcolm McNabb, 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. 20 Gladlands Avenue, Map: 80 Parcel: 222, Nitrogen Loading Credit
5. 9 Arlington Street, Map 76.1.3 Parcel 56, Setbacks to water supply, property lines.
6. Well Regulations Discussion
7. Review of Minutes January 19, 2023
8. Adjournment



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):

see attached letter from Site Design Engineering dated 3/23/23

Requestor Name: Dan Mulloy, PE

Company Name: (if applicable) Site Design Engineering LLC

Address: 20 Gladlands Ave MAP: 80 PARCEL: 222

Phone No. 508-503-3500 Fax No. 508-967-0674

Email: dmulloy@sde-ldec.com

Requestor's Signature: *Daniel E. Mulloy* as agent Date: 3/23/23

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: _____



SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

March 23, 2023

SDE No. 21155

Natural Board of Health
3 East Chestnut Street
Nantucket, MA 02554

**Subject: Variance Request
 20 Gladlands Ave
 Nantucket, Massachusetts
 Tax Map 80, Lot 222**

Dear Members of the Board:

The owner of 20 Gladlands Ave is proposing to install a septic to support construction of new residential buildings on the property. The property contains 80,007 square-feet and is located within the Nantucket Wellhead Protection District. The property is not located within any other protection districts and there are no wetland resource areas on or abutting the property. The applicant is requesting relief from Health Department Regulation section 61.04 B Nitrogen Loading Limitations. The Regulations allow a maximum wastewater loading rate of 1 bedroom per 10,000 square-feet (8 bedrooms for this property) through the use of a conventional septic system and the applicant is requesting a variance to allow 10 bedrooms through installation of an Innovative Advanced Technology Treatment System (I/A). The proposed SeptiTech I/A system is approved by DEP to provide a loading rate of up to 1 bedroom per 6,667 square-feet while this proposed request is asking for a smaller loading rate of 1 bedroom per 8,000 square-feet. Installation of the advanced treatment system will provide a higher level of wastewater treatment than that provided by the currently approved conventional 8-bedroom system. This I/A system will therefore produce a cleaner wastewater discharge and serve as a net benefit to the environment versus construction of the currently approved conventional system.

We ask that this request be heard at your next available meeting. Please call me at (508) 503-3500 or email me at dmulloy@sde-ldec.com with any questions.

Respectfully,

Daniel C. Mulloy, P.E.
Site Design Engineering, LLC.

No. _____

THE COMMONWEALTH OF MASSACHUSETTS
BOARD OF HEALTH
TOWN OF NANTUCKET

\$500 flow
\$150 review
\$150 I/A
Fee \$800.00 total

APPLICATION FOR DISPOSAL WORKS CONSTRUCTION PERMIT

Application is hereby made for a Permit to Construct (X) or Repair () an Individual Sewage Disposal System at:
20 Gladlands Ave 80-222

Location - Address

Assessors map and parcel no.

Calliope Nominee Trust

6 Salti Way, Nantucket, MA 02554

Owner

Address

Holdgate Partners

PO Box 427, Nantucket, MA 02554

Installer

Address

Type of Building _____ Size Lot 80,007 Sq. feet
Dwelling _____ No. of Bedrooms 10 Expansion Attic () _____ Garbage Grinder () _____

Other _____ Type of Building _____ No. of persons _____ Showers () _____ Cafeteria () _____

Other fixtures _____

Design Flow _____ gallons per person per day. Total daily flow 1,100 gallons.

Septic Tank 3 Liquid capacity 2500, 1500, 2,000 gallons Length see plan Width _____ Diameter _____ Depth _____

Disposal Trench Field X No. 1 Width 17' Total Length 56.25' Total Leaching area 1,596 sq. ft.

Seepage Pit No. _____ Diameter _____ Depth below inlet _____ Total Leaching area _____ gal.

Other Distribution box () _____ Dosing tank () _____

Percolation Test Results Performed by Dan Mulloy, PE., SE Date 9/27/22

Test Pit No. 1 <2 minutes per inch Depth of Test Pit 120" Depth to ground water >120"

Test Pit No. 2 <2 minutes per inch Depth of Test Pit 120" Depth to ground water >120"

Description of Soil Loose sand

Nature of Repairs or Alterations — Answer when applicable Construction of new 10 bedroom I/A septic system to service new buildings

Agreement:

- (1) The undersigned agrees to install the aforescribed Individual Sewage Disposal System in accordance with the provisions of new Title 5 of the State Sanitary Code.
- (2) A representative of the Nantucket Board of Health shall be present at all percolation tests whenever possible. The undersigned agrees to notify a representative of the Nantucket Board of Health no less than 24 hours prior to performing the percolation test.
- (3) A representative of the Nantucket Board of Health shall inspect the Individual Sewage Disposal System prior to covering. The undersigned agrees to notify a representative of the Nantucket Board of Health no less than 24 hours prior to covering the system.
- (4) The undersigned further agrees not to place the system in operation until a Certificate of Compliance has been issued by the Board of Health.

Signed

James Hughes

3/23/23
Date

Application Approved By _____

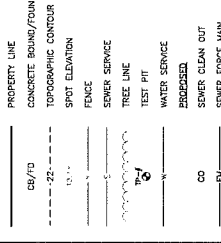
Date

Application Disapproved for the following reasons: _____

NOTES:

Issued _____

Date



SEWER FORCE MAIN
SEWER SERVICE
WATER SERVICE
WELL

4. _____ S _____
5. _____ W _____
6. _____

NOTES:

1. EXISTING CONDITIONS INFORMATION WAS COMPILED FROM THE RECORD PLAN INFORMATION SUPPLIED WITH THE RECORD PLAN INFORMATION.
2. ELEVATIONS ARE REFERENCED TO NAVD83.

3. THE SITE IS NOT LOCATED WITHIN ANY KNOWN FLOOD HAZARD ZONING DISTRICT OR FLOOD INSURANCE RATE MAP COMMUNITY-PANEL 1 (DATE JANUARY 9, 2014).
4. THIS PLAN AND ANY ACCOMPANYING CERTIFICATES OF TITLE TO THE PROPERTY DISPLAIED HEREON, OR ANY OTHER PROPERTIES ARE SHOWN ACCORDING TO CURRENTLY AVAILABLE RECORDS.
5. EXISTING UTILITY LINES SHOWN ON THIS PLAN ARE APPROXIMATE LOCATIONS. THERE MAY BE OTHER SITE DESIGN ENGINEERING, LULI ASSUMES NO THE PRESENCE OF UTILITIES OMITTED OR INCOMPLETELY SHOWN. THE PROPER PUBLIC UTILITY ENGINEERING CONSULTING FIRM SHOULD BE CONSULTED.



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 is requesting relief from Board of Health Regulation section 64.04 B Nitrogen Loading Limitations as well as 310 CMR 15.029, 15.203 and 15.211 see attached letter from Site Design

Engineering dated April 7, 2023

Requestor Name: K & P Muldoon Family Nominee Trust, Kevin Muldoon, Trustee

Company Name: (if applicable) c/o Site Design Engineering LLC, Dan Mulloy

Address: 9 Arlington Street MAP: 76.1.3 PARCEL: 56

Phone No. 508-503-3500 Fax No. 508-967-0674

Email: dmulloy@sde-ldec.com

Requestor's Signature: Daniel E. Mulloy as agent Date: 4/7/2023

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: _____



SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346

P: 508-967-0673 F: 508-967-0674

April 10, 2023

SDE No. 22137

**Subject: Septic System Variance Request
 9 Arlington Street
 Nantucket, Massachusetts
 Tax Map 76.1.3, Parcel 56**

To Whom It May Concern:

Site Design Engineering LLC (SDE) on behalf of the Applicant, K & P Muldoon Family Nominee Trust, has filed an Application with the Nantucket Health Department for a variance to construct a septic system at 9 Arlington Street in Nantucket. The purpose of this letter is to provide to you, as an abutter to the proposed installation, the required notification.

For Information on viewing copies of the Septic location plan contact the office of the Nantucket Health Department (508-228-7200 ext. 7009) located at 131 Pleasant Street during normal business hours. Currently the Public Hearing is scheduled for April 20, 2023 at 4:00 pm. If you have any questions, please contact the Nantucket Health Department or you may call (508) 503-3500 or email Dan Mulloy at dmulloy@sde-ldec.com.

Respectfully,
Site Design Engineering, LLC.

Daniel C. Mulloy, PE.



SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

April 7, 2023

SDE No. 22137

Natural Board of Health
3 East Chestnut Street
Nantucket, MA 02554

**Subject: Variance Request
 9 Arlington Street
 Nantucket, Massachusetts
 Tax Map 76.1.3 Parcel 56**

Dear Members of the Board:

The owners of 9 Arlington Street are proposing to construct a 1-bedroom dwelling with a 1-bedroom I/A septic system on their property. The property is undeveloped, contains 8,000 square feet, and would be serviced by an on-site drinking well. The property is not located within any Wellhead Protection Zones and there are no wetland resource areas on or abutting the property. The owners are requesting the Board grant variances from Title 5 and the Nantucket Board of Health Regulations to allow issuance of septic system and well permits. The specific variance relief requested is noted below.

Variances requested from 310 CMR 15.00 (Title 5).

1. 310 CMR 15:029: Construction of wells near existing systems. Grant a variance allowing construction of a private water supply well within approximately 86 feet of nearby septic system leaching areas.

Justification for variance

- a. The proposed septic system will only service one bedroom and will utilize an advanced treatment system that will reduce effluent strength to levels below those of a conventional system.
- b. The nearest upgradient leaching area within the perpendicular flow direction to the well is approximately 300 feet away.
- c. The ground surface of this property is approximately elevation 53 and groundwater in this area is reported at elevation 8 according to the Board of Health groundwater contour map. In addition, review of well completion reports in this area indicates a groundwater elevation of 13. Based on this information the groundwater separation between the bottom of the leaching area and groundwater will range between 37 and 42 feet, far in excess of a typical 5-foot separation requirement.
- d. The high depth to groundwater allows existing and proposed systems to exceed the levels of environmental protection with respect to pathogens, organic nutrients and phosphates.

2. 310 CMR 15:203 (2)**: System sewage flow design criteria. Grant a variance allowing reduction in minimum design flow from 2 bedrooms to 1 bedroom.

Justification for variance

- a. Restricting the bedroom count will limit septic flows and allow a high level of treatment from the advanced treatment system. The Board has granted the same request for other properties.
 - b. The proposed septic system will utilize an advanced treatment system to comply with nitrogen loading requirements.
3. 310 CMR 15:211: Minimum setback distances. Grant a variance allowing a reduction of leaching area setback requirements to property lines from 10 feet to 5 feet.

Justification for variance

- a. The Title 5 setbacks were put in place to allow access to septic systems within property boundaries. Varying the required property line setback distance will not impact environmental protection.
4. 310 CMR 15:211: Minimum setback distances. Grant a variance allowing a reduction of separation from a leaching area to a water supply well from 100 feet to approximately 86 feet.

Justification for variance

- a. The proposed septic system will only service one bedroom and will utilize an advanced treatment system that will reduce effluent strength to levels below those of a conventional system.
- b. The nearest upgradient leaching area within the perpendicular flow direction to the well is approximately 295 feet away.
- c. The ground surface of this property is approximately elevation 53 and groundwater in this area is reported at elevation 8 according to the Board of Health groundwater contour map. In addition, review of well completion reports in this area indicates a groundwater elevation of 13. Based on this information the groundwater separation between the bottom of the leaching area and groundwater will range between 37 and 42 feet, far in excess of a typical 5-foot separation requirement.
- d. The high depth to groundwater allows existing and proposed systems to exceed the levels of environmental protection with respect to pathogens, organic nutrients and phosphates.

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

Variances requested from the Nantucket Board of Health Regulations.

1. 62.03(c) Private Well Regulations. Request the Board grant a variance for a drinking well to be located within approximately 86 feet of a septic system leaching area. The nearest upgradient leaching area within the perpendicular flow direction to the well is approximately 295 feet away.

Justification for variance

- a. The lot was created in the early 1900's and therefore predates the Boards 300 foot well separation requirement which was enacted in 1990.
- b. The proposed septic system will only service one bedroom and will utilize an advanced treatment system that will reduce effluent strength to levels below those of a conventional system.
- c. The nearest upgradient leaching area within the perpendicular flow direction to the well is approximately 300 feet away.
- d. The ground surface of this property is approximately elevation 53 and groundwater in this area is reported at elevation 8 according to the Board of Health groundwater contour map. In addition, review of well completion reports in this area indicates a groundwater elevation of 13. Based on this information the groundwater separation between the bottom of the leaching area and groundwater will range between 37 and 42 feet, far in excess of a typical 5-foot separation requirement.
- e. The high depth to groundwater allows existing and proposed systems to exceed the levels of environmental protection with respect to pathogens, organic nutrients and phosphates.

Title 5 and the Nantucket Board of Health Regulations allow the Board to grant variances with conditions including deed restrictions and monitoring/reporting requirements as the Board deems necessary. Section 15.410 of Title 5 stipulates the conditions in which the Board can grant a variance, an excerpt of this section is provided below.

15.410: Variances - Standard of Review

- (1) "Local Approving Authorities and the Department may vary the application of any provisions of 310 CMR 15.000 with respect to any particular case..." Variances shall be granted only when, in the opinion of the Approving Authority:
 - (a) The person requesting a variance has established that enforcement of the provision of 310 CMR 15.000 from which a variance is sought would be manifestly unjust, considering all the relevant facts and circumstances of the individual case; and
 - (b) The person requesting a variance has established that a level of environmental protection that is at least equivalent to that provided under 310 CMR 15.000 can be achieved without strict application of the provision of 310 CMR 15.000 from which a variance is sought.

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

- (2) With regard to variances for new construction, enforcement of the provision from which a variance is sought must be shown to deprive the applicant of substantially all beneficial use of the subject property in order to be manifestly unjust.

The applicant is proposing the following measures to provide an equal level of environmental protection:

1. The property would have a recorded deed restriction limiting the property to 1 bedroom. The Health Department would be reviewing building plans prior to issuance of a building permit and we would suggest a condition requiring the Health Department to walk through the completed dwelling prior to an occupancy permit being issued in order to confirm the bedroom and room count in the structure.
2. The proposed septic system will incorporate an I/A treatment system to reduce nitrogen levels.
3. The high depth to groundwater in this area will provide a 37 to 42 foot separation from the bottom of leaching areas when regulations only require 5 feet.

Based on the information above and in accordance with 310 CMR 15.410, the application can provide a level of environmental protection equal to what the regulations require. Denying these variance requests would deprive the applicant of substantially all beneficial use of the subject property and therefore be manifestly unjust.

The property has been owned by the family since 1917 and they are now looking to construct a simple 1-bedroom cottage. We ask that this request be heard at your meeting on April 20. Please call me at (508) 503-3500 or email me at dmulloy@sde-ldec.com with any questions.

Respectfully,



Daniel C. Mulloy, P.E.
Site Design Engineering, LLC.

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674



**SITE DESIGN
ENGINEERING, LLC.**
11 COLUMBIAN STREET
MIDDLEBORO, MA 02746
T: 508-937-0073 F: 508-937-0274
WWW.SDE-LLC.COM

DATE	DESCRIPTION	APPROVED
DATE: DECEMBER 20, 2022		
DRAWN BY: SDE		
CHECKED BY: SDE		
PROJECT NO.: 22157		
ISSUED FOR:		
PLAN REVISIONS		
NO.	DATE	

DATE: DECEMBER 20, 2022
DRAWN BY: SDE
CHECKED BY: SDE
PROJECT NO.: 22157
ISSUED FOR:

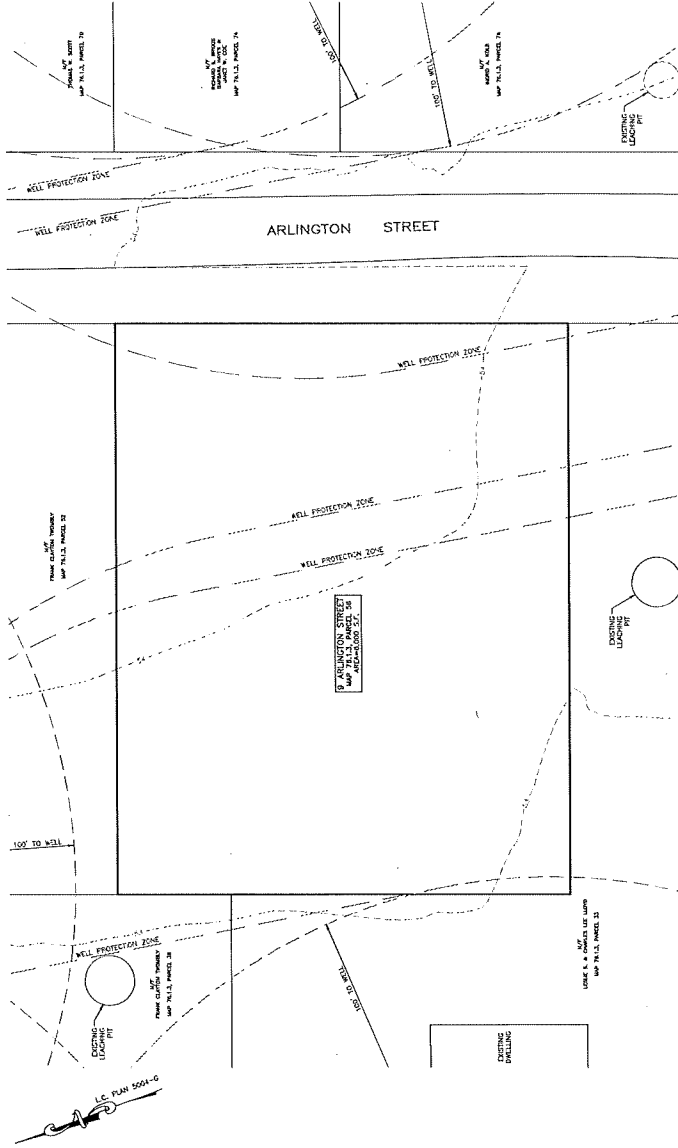
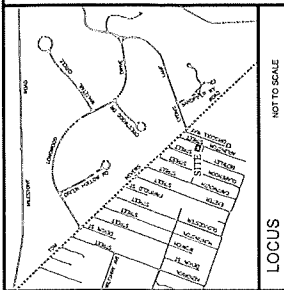
PREPARED FOR KEVIN MALDON
ASSESSOR'S MAP 76.1.3, PARCEL 56
9 ARLINGTON STREET
NANTUCKET, MASSACHUSETTS

EXISTING CONDITIONS PLAN

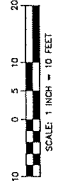
DRAWING TITLE: SITE PLAN
SCALE: 1"=10'
SHEET NO.: 1 OF 1

OVERLAY DISTRICT APPLICABILITY:
NONE

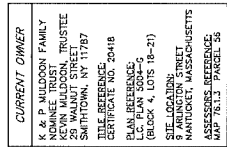
ZONING REQUIREMENTS:
THE SITE IS ZONED LIMITED USE 3 (LUG-3)
REQUIRED
LOT AREA: 120,000 S.F.
LOT FRONTAGE: 200 FT.
FRONT YARD SETBACK: 35 FT.
REAR YARD SETBACK: 35 FT.
SIDE YARD SETBACK: 20 FT.
MAX GROUND COVER RATIO: 35%



CURRENT OWNER:
KEVIN MALDON, TRUSTEE
9 ARLINGTON STREET
NANTUCKET, MA 02559
TITLE REFERENCE:
L.C. CERT. 20418
PLAN REFERENCE:
L.C. PLAN 5004-G (LOTS 18-21)
SITE LOCATION:
9 ARLINGTON STREET
NANTUCKET, MASSACHUSETTS
ASSESSOR'S REFERENCE:
MAP 76.1.3, PARCEL 56



GENERAL NOTES:
1. INFORMATION WAS OBTAINED FROM THE TOWN OF NANTUCKET GEOGRAPHIC INFORMATION SYSTEM (GIS) AND SUPPLEMENTED WITH RECORD MAP INFORMATION.
2. ELEVATIONS ARE REFERENCED TO THE TOWN OF NANTUCKET GDS DATA.
3. THE SITE IS NOT COVERED BY ANY KNOWN FLOOD HAZARD ZONES AS SHOWN ON THE FLOOD INSURANCE RATE MAP COMMUNITY-PLAN, NUMBER 250220 0004, DATED JUNE 9, 2014.
4. THE PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A GUARANTEE OF TITLE TO THE PROPERTY OR ANY OTHER MATTER. THE USER OF THIS PLAN ASSUMES ALL RESPONSIBILITY FOR OBTAINING NECESSARY PERMITS AND ADHERING TO ALL APPLICABLE REGULATIONS.
5. EXISTING UTILITY LINES SHOWN ON THIS PLAN ARE FROM AVAILABLE INFORMATION AND ARE APPROXIMATE. THE USER OF THIS PLAN ASSUMES ALL RESPONSIBILITY FOR OBTAINING NECESSARY PERMITS AND ADHERING TO ALL APPLICABLE REGULATIONS.
6. THE USER OF THIS PLAN ASSUMES ALL RESPONSIBILITY FOR OBTAINING NECESSARY PERMITS AND ADHERING TO ALL APPLICABLE REGULATIONS.
7. THE USER OF THIS PLAN ASSUMES ALL RESPONSIBILITY FOR OBTAINING NECESSARY PERMITS AND ADHERING TO ALL APPLICABLE REGULATIONS.



LIMITED USE 3 (LUG-3) ZONING DISTRICT	
REGULATION	REQUIREMENT
MIN. LOT AREA	120,000 SQ. FT.
LOT FRONTAGE	200'
FRONT SETBACK	35'
SIDE/REAR SETBACK	20'
GROUND COVER RATIO	3%

$$\frac{1}{1}$$
[illegible]

PLAN REVISIONS	DATE	APRIL 7, 2023	DESIGNED BY	RLM/SKD	CHECKED BY	RLM/DCM
			PROJECT NO.	22137	ISSUED FOR:	
					PERMITTING	

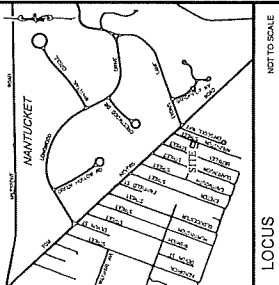


SEPTIC SYSTEM PLAN
9 ARLINGTON STREET
NANTUCKET, MASSACHUSETTS
ASSESSORS MAP 76.1.3, PARCEL 56
PREPARED FOR
K O P MULDOON FAMILY NOMINEE TRUST

DRAWING TITLE	SITE PLAN	SCALE: 1" = 10'	1 OF 1
		SHEET NO.	

NOTES:

1. EXISTING CONDITIONS INFORMATION WAS COMPILED FROM THE GROUND SURVEY, DESIGN ENGINEERING, LLC ON MARCH 22, 2013 AND SUPPLEMENTED WITH RECENT INFORMATION.
2. ELEVATIONS ARE REFERENCED TO NAVD83.
3. THE SITE IS NOT LOCATED WITHIN ANY KNOWN SPECIAL FLOOD HAZARD AREAS AS DETERMINED FROM THE TOWN OF NANTUCKET FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 25030 004 5 (MAP EFFECTIVE DATE JUNE 9, 2014).
4. TO PLAN AND ACCOMMODATE CHANGING AND NOT CONSIDERING OF FUTURE PLANNING AND DEVELOPMENT OF THE SITE AND ADJACENT PROPERTIES ARE SHOWN ACCORDING TO CURRENT ZONING REGULATIONS RECORDS.
5. EXISTING UTILITY LINES SHOWN ON THIS PLAN FROM AVAILABLE INFORMATION ARE NOT GUARANTEED TO BE ACCURATE. DESIGN ENGINEERING, LLC ASSUMES NO RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF UTILITIES NOT SHOWN OR CHANGING OR DISCREPANCY CONNECTIONS. THE PROPER UTILITY CONCERNING REFRIGERANT SHOULD BE CONSULTED.



POCUS

LEGEND

 CONCRETE BOUND
 CONCRETE BOUND/DRILL HOLE
 FENCE
 LANDSCAPING
 SPOT ELEVATION
 TOPOGRAPHIC CONTOUR

DESIGN CALCULATIONS

[illegible]

PROFILE

BIODIFFUSER 22° NARROW (BIO 3)

INFILTRATOR CHAMBER

NOT TO SCALE

SECTION

22°

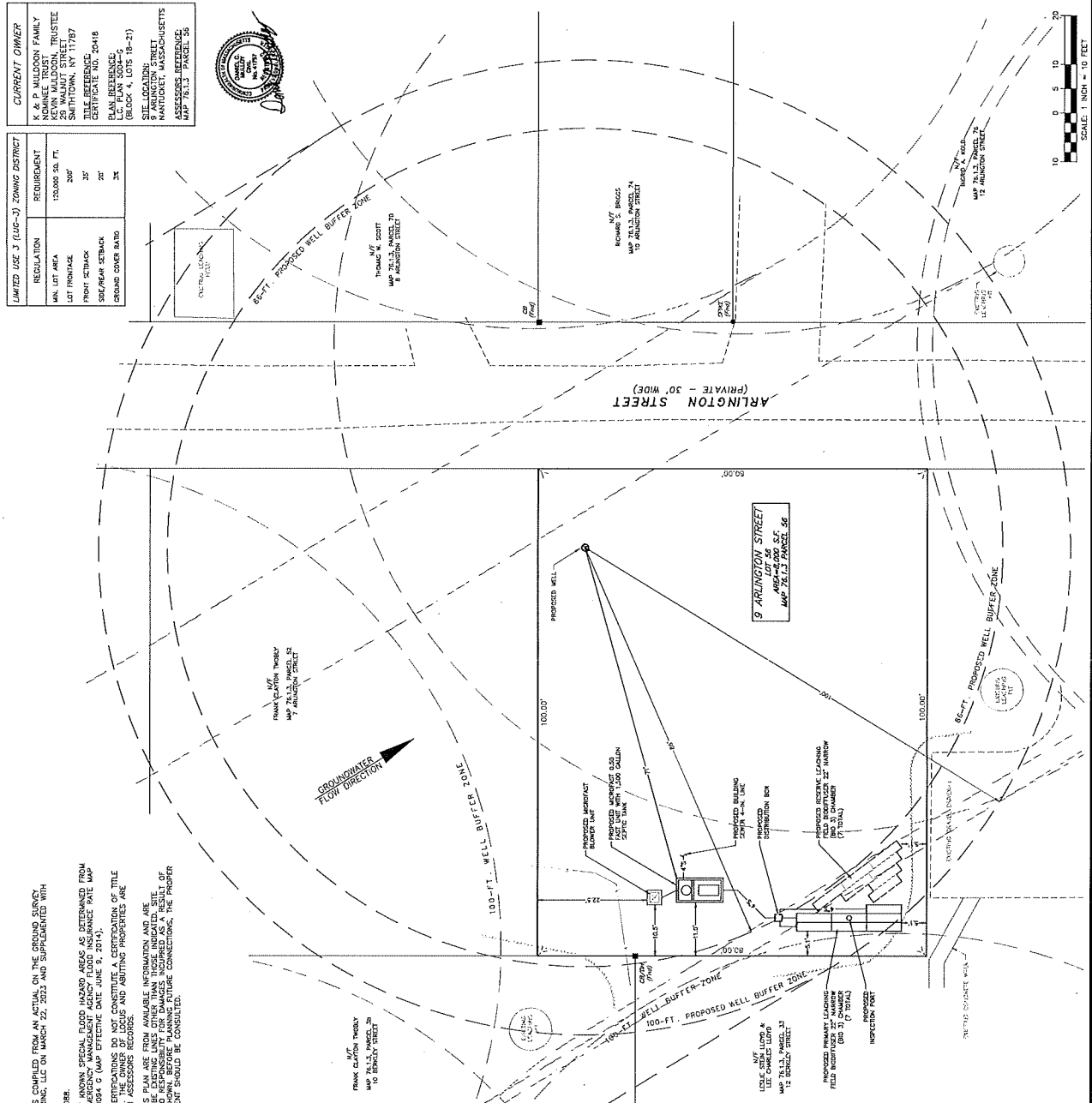
6"

21"

48"

87"

VARIANCES REQUESTED

[illegible]

U.S. Postal Service
Certified Mail Receipt

OUTBOUND TRACKING NUMBER
9414 7112 0620 3374 9027 99
RETURN RECEIPT TRACKING NUMBER
9490 9112 0620 3374 9027 48

#22137 #

ARTICLE ADDRESS TO:

LLOYD LESLIE S & LEE CHARLES
7444 OTTENBROOK TER
DERWOOD MD 20855-1988

FEES
Postage per piece \$0.600
Certified Fee \$4.150
Return Receipt Fee \$3.350
Total Postage & Fees: \$8.100

Postmark
Here



U.S. Postal Service
Certified Mail Receipt

OUTBOUND TRACKING NUMBER
9414 7112 0620 3374 9048 09
RETURN RECEIPT TRACKING NUMBER
9490 9112 0620 3374 9048 99

#22137 #

ARTICLE ADDRESS TO:

CAVANAUGH KATHLEEN M
433 E 56TH ST APT 6E
NEW YORK NY 10022-2463

FEES
Postage per piece \$0.600
Certified Fee \$4.150
Return Receipt Fee \$3.350
Total Postage & Fees: \$8.100

Postmark
Here



U.S. Postal Service
Certified Mail Receipt

OUTBOUND TRACKING NUMBER
9414 7112 0620 3374 9069 37
RETURN RECEIPT TRACKING NUMBER
9490 9112 0620 3374 9069 79

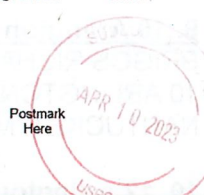
#22137 #

ARTICLE ADDRESS TO:

TWOMBLY FRANK CLAYTON ETAL
PO BOX 942
NANTUCKET MA 02554-0942

FEES
Postage per piece \$0.600
Certified Fee \$4.150
Return Receipt Fee \$3.350
Total Postage & Fees: \$8.100

Postmark
Here



U.S. Postal Service
Certified Mail Receipt

OUTBOUND TRACKING NUMBER
9414 7112 0620 3377 0130 65
RETURN RECEIPT TRACKING NUMBER
9490 9112 0620 3377 0130 21

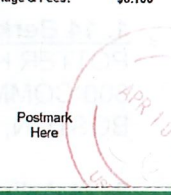
#22137 #

ARTICLE ADDRESS TO:

KOLB INGRID A ETAL
8804 EDWARD GIBBS PL
ALEXANDRIA VA 22309-2214

FEES
Postage per piece \$0.600
Certified Fee \$4.150
Return Receipt Fee \$3.350
Total Postage & Fees: \$8.100

Postmark
Here



U.S. Postal Service
Certified Mail Receipt

OUTBOUND TRACKING NUMBER
9414 7112 0620 3374 9060 94
RETURN RECEIPT TRACKING NUMBER
9490 9112 0620 3374 9060 43

#22137 #

ARTICLE ADDRESS TO:

ARD WARREN H III & LAUREN M
PO BOX 2073
NANTUCKET MA 02554-2073

FEES
Postage per piece \$0.600
Certified Fee \$4.150
Return Receipt Fee \$3.350
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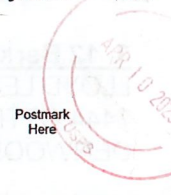
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BRIGGS RICHARD S & HAYES
10 ARLINGTON ST
NANTUCKET MA 02554-7684

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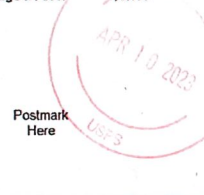
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ARIGO RONALD J TR ETAL
41 IVY LN
SHERBORN MA 01770-1453

FEES
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Certified Fee \$4.150
Return Receipt Fee \$3.350
Total Postage & Fees: \$8.100

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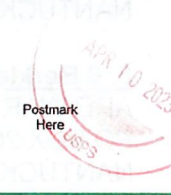
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SCOTT THOMAS W TRST
61 OLD SOUTH RD # 419
NANTUCKET MA 02554-2960

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Certified Fee \$4.150
Return Receipt Fee \$3.350
Total Postage & Fees: \$8.100

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ARTICLE ADDRESS TO:

LACHUISA THOMAS J &
PO BOX 610
SIASCONSET MA 02564-0610

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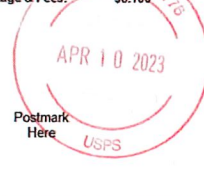
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ARTICLE ADDRESS TO:

POTTER KATHERINE E
300 COMMERCIAL ST APT 413
BOSTON MA 02109-1157

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Total Postage & Fees: \$8.100

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**ABUTTERS LIST
9 ARLINGTON STREET
NANTUCKET, MA
MAP 76.1.3 LOT 56**

1. 14 Berkley Street (76.1.3-233)

POTTER KATHERINE E
300 COMMERCIAL ST APT 413
BOSTON, MA 02109

2. 14 Arlington Street (76.1.3-305)

CAVANAUGH KATHLEEN M
433 EAST 56TH ST APT 6E
NEW YORK, NY 10022

3. 12 Berkley Street (76.1.3-33)

LLOYD LESLIE S & LEE CHARLES
7444 OTTENBROOK TER
DERWOOD, MD 20855

**4. 10 Berkley Street & 7 Arlington Street
(76.1.3-38 & 76.1.3-52)**

TWOMBLY FRANK CLAYTON ETAL
PO BOX 942
NANTUCKET, MA 02554

5. 6 Berkley Street (76.1.3-43)

ARD WARREN H III & LAUREN M
PO BOX 2073
NANTUCKET, MA 02584

6. 5 Arlington Street (76.1.3-47)

ARIGO RONALD J TR ETAL
41 IVY LANE
SHERBORN, MA 01770

7. 6 Arlington Street (76.1.3-64)

LACHUISA THOMAS J &
PO BOX 610
SIASCONSET, MA 02564

8. 8 Arlington Street (76.1.3-70)

SCOTT THOMAS W TRST
61 OLD SOUTH RD #419
NANTUCKET, MA 02554

9. 10 Arlington Street (76.1.3-74)

BRIGGS RICHARD S & HAYES
10 ARLINGTON ST
NANTUCKET, MA 02554

10. 12 Arlington Street (76.1.3-76)

KOLB INGRID A ETAL
8804 EDWARD GIBBS PLACE
ALEXANDRIA, VA 22314



NANTUCKET HEALTH DEPARTMENT

131 Pleasant Street
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200

Staff Recommendation

Meeting Date: 4/20/2023

Property Location: 9 Arlington Street

Map & Parcel: 76.1.3/56

Subject: Setbacks, Nitrogen Loading

Staff Recommends: Staff recommends denial of the variances. The proposed leach field cannot meet the minimum required setback of 100' as required in Title 5 from a water supply well. The proposal is for new construction and variances are not granted on new construction. Enforcement of the minimum setbacks for a water supply well is just. The property is not being deprived of all uses.



Proposed BOH Minutes for March 16, 2023

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, Malcolm MacNab, MD, PHD, Select Board

Staff: Roberto Santamaria, Kathy LaFavre, John Hedden, Cathy Flynn, Jake Visco, Sean Reid, Heather Nardone

~~ MINUTES ~~

Thursday, March 16, 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.

Staff in attendance: Roberto Santamaria, Health Director; Cathy Flynn, Health Inspector; Sean Reid, Health Inspector

Attending Members: Stephen Visco; James Cooper; Kerry McKenna; Malcolm MacNab, MD, PHD, Select Board

Remote Attendance: Meredith Lepore

I. ANNOUNCEMENTS

None

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

None

III. Well Regulations Discussion

Sitting Visco, Cooper, McKenna, Lepore, MacNab

Documentation Code of Nantucket, Chapter 386; Staff recommendations

Discussion **Michael Maynard, Environmental Contamination Officer, Town of Nantucket**

(4:02) **Maynard-** Four public water systems regulated by Mass DEP and 4500 + private wells regulated by the LBOH. Original Regulations (Chapter 386) adopted 8/24/1990; to be revised 6/16/2022. Recently issued BOH regulations from the Mass DEP website is the basis for any change to our local regulations. There will be private well training course available for Staff. The Town has policies in place to address PFAS, including sampling. Existing policies have been woven into the well regulation re-write. EPA has proposed stringent new mandatory PFAS standards with maximum contaminant levels which will have a significant impact on public water supply. Wannacomet Water Company is below standards. There will be a number of discussions online with EPA available over the next 60 days. The town has applied and received money for PFAS over the last few years. The biggest modification to regulation will be requiring testing private wells for 6 PFAS chemicals. The town worked with the University of Massachusetts about 1 ½ years ago, samples from 40 private wells. The Water Company currently conducts this quarterly. Any exceedance needs to be reported to DEP. Will be phased in, such as at time of sale or modifications to existing wells. More Mass State Labs are getting certified to test PFAS.

Santamaria- We are requesting a public hearing over the next two months. Regulations sent to the board to review. Local engineers will be able to review and provide input.

Lepore- Asked if town water tested positive for PFAS, how to the property owners get informed.

Santamaria- Water tests are published on Wannacomet Water website. Only one well has tested positive for PFAS, but below states threshold. If the test is above the threshold, they are mandated to inform the property owner.

Maynard- Required to submit a consumer confidence report, annually.

Lepore- Will there be more types of PFAS tested?

Santamaria- Lab test for 24 of concern. The 6 are part of the mandate to be remedied. Eventually EPA will be setting regulatory standards for all.

McKenna- Asked if new construction versus improvements were addressed.

Santamaria- Discussed highlighted changes.

Maynard- WPI students working with DEP and reviewing existing regulations. Nantucket is well positioned to be a national model.

Cooper- This will affect most islanders. People need to be informed.

Santamaria- Working with Public Outreach Officer to get information out to the public.

MacNab- With Regulation 78, we had mandatory testing every 1-2 years.

Santamaria- At the time, we didn't have enough staff to enforce. Technology has helped streamline process. This enforcement will be similar to septic enforcement. The mandatory testing will happen at the trigger points similar to

Proposed BOH Minutes for March 16, 2023

Title V. We currently have water sampling, we are just adding PFAS.

Bracken-Nantucket is only town that requires to notifying abutters for well permits. Wanted to know the rational in the past and moving forward. Suggested taking a second look at ground water flow direction plan. There are some grey areas- look forward in participating in the discussion.

Santamaria- No more abutters notifications. The rationale is that we have technology that wasn't available. The ground water contour maps and flow direction will be from the most recently adopted maps from the town. The Great Harbor Yacht Club is funding a ground water study for the Great Harbor Watershed. In the we will have to use the e to use Horsley -Witten maps in the meantime.

Maynard – There will be a GIS layer. MASS DEP is currently mapping all the private wells on the island to add to GIS, as well. Drinking water well versus irrigation well.

Buedette- Asked if regulations will be required at sale. Suggests emailing realtors and attorneys on public hearings.

Santamaria- Would like to have public hearing in May to allow for public outreach and comments.

Motion to Hold a Public Hearing on the Well Regulations for May 18, 2023 meeting. (made by: MacNab) (seconded)

Action

Roll-call vote

Carried 5-0// Cooper, Lepore, McKenna, MacNab and Visco- aye

IV. CHANGE OF ESCROW AGENT FOR MAINTENANCE AND ENDOWMENT AGREEMENT, FINBACK HOMEOWNERS ASSOCIATION.

Sitting Visco, Cooper, McKenna, Lepore, MacNab

Documentation Supporting documents and plans, staff recommendations.

Discussion (4:32) **Rick Beaudette,**

The escrow agent set up by existing developer has not been very responsive to the association. They would like to change the escrow agent to maintain control in the event the shared septic system needs to be repaired or replaced.

Cooper- Asked if they need BOH approval.

Santamaria- Staff has no objections.

Action

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

Roll-call vote

Carried 5-0// Cooper, Lepore, McKenna, MacNab and Visco- aye

V. BOH APPLICATIONS REVIEW

1. 8 Austin Farm Drive, 56/367; nitrogen loading credit.

Sitting Visco, Cooper, McKenna, Lepore, MacNab

Documentation Supporting documents and plans, staff recommendations.

Discussion (4:33) **Don Bracken, Bracken Engineering**

Bracken-Increasing the number of bedrooms, replacing trenches with a leaching field with the septi-tech system.

Santamaria-In Hummock Pond Watershed, putting in system for bedroom credit. No concerns

Motion to Approve. (made by: McKenna) (seconded)

Action

Roll-call vote Carried 5-0// Cooper, Lepore, McKenna, MacNab and Visco- aye

2. 26 Rabbit Run Road, 28/9; Septic tank, pump chamber, and soil absorption system setback to coastal bank.

Sitting Visco, Cooper, McKenna, Lepore, MacNab

Documentation Supporting documents and staff recommendations.

Discussion (4:35) **Don Bracken, Bracken Engineering**

Bracken- Proposing addition to pre-1995 structure, large lot near water. In Nantucket Harbor Watershed. Installing a Micro-Fast I/A system, utilizing existing pump chamber but replacing existing leaching pit. Asking for 2 local upgrade approvals; the first is setback for the new tank to the coastal bank resource area; the second is the soil absorption system to the coastal bank setback. The coastal bank separation comes from a DEP regulation based on slope of land to flood zone.

McKenna- The lot is big. Is this an optimal placement.

Bracken- Leaching pit was placed in the best location for elevation and setbacks to the wetlands.

Santamaria-Need setbacks for compliance. Staff has no objections.

Motion to Approve. (made by: McKenna) (seconded)

Action

Roll-call vote Carried 5-0// Lepore, McKenna, MacNab and Visco- aye

VI. BOH BUSINESS

1. Next Level Watersports, LLC- Recreational Camp Variances.

Sitting	Visco, Cooper, McKenna, Lepore, MacNab
Documentation	Supporting Documentation, Minimum Standards for Recreational Camps 105 CMR 430, Staff Recommendations
Discussion (4:40)	Jonathan Berry, Co-Owner, Next Level Watersports Santamaria – Significant amount of variances proposed. Berry- Appeared last fall regarding a cease and desist. Series of problems because we do not have a waterfront facility. Met with Staff last fall. The State defers to LBOH. Discussed variances needed. Compared camp with remote primitive camps. NLW has been operating since 2016. Received approvals from other town departments. Says they are not a camp. Shortage of camps for kids in the summer. Cooper- Asked the age of the children. Asking for 10 variances. If had an accident. Do parents know that you do not have these 10 variances. Berry- We go by weight not age; 70 pounds; 2 kids to 1 instructor. Have emergency plans. Everyone is trained. McKenna- Your website states you are a camp. Asked about adventure camps offered. Berry- All boats are self-powered. Regulation requires 2 bathrooms per gender with hand washing sinks. Santamaria- Difficult variance working on the water. Golf camps have better access to bathrooms than being on the water. Strong Wings bathrooms on all routes. have bathroom with routes. They had advertised as a camp. Cooper- Asked if they had a permit from last year. Asked if not operating as a camp, why are you here. McKenna- Asked about primitive camp. Berry- Has not been offered an alternative to re-brand. Asking to be approved. Other business' operating in the same manner. Can only implement 4 of 10 variances. Cooper- Doesn't feel right to allow to give you a permit if there is an incident with a child. Visco- Agrees with Cooper. Don't meet the minimum standards for half. A "big ask" when entrusted with the public's health. If you called it lessons, you wouldn't be here. McKenna- Suggested moving forward with private lessons. MacNab- Questioned "camp time". Suggested semi-private lessons. Berry- Other BOH have been able to accommodate. Unable to find alternative to "camp". Two-hour lessons are not viable. Semi-private lessons would work. Lepore- Agrees with all that has been said. Strong Wings has a base and a shelter. Shelter is a question on the water if stuck in a storm. 70 pounds is not necessarily an eight-year-old. There are five-year-olds who are 70 pounds. Santamaria- Suggested removing "camp", keep it at 4 or less children and set up reservation system for private lessons. McKenna- Suggested keeping manual used for this hearing. Benefits children's mental health. Promotes water safety and the environment. MacNab- Falls in line with the Select Board discussion on funding for youth development. Santamaria- Staff has no objection to activity. The snare was the definition of a camp. We can find that "middle ground" operationally without triggering camp definition. Vote to withdraw or take no action. Berry- Happy to withdraw. Needs a clear path forward.
Action	Motion to accept withdrawal and contact John Hedden and Roberto Santamaria. (made by McKenna) (seconded)
Roll-call vote	Carried 5-0// Cooper, McKenna, Lepore, MacNab, and Visco- aye

VII. DIRECTOR'S REPORT

- Working on Well Regulations. Water extension in the Monohansett area west of the airport. Airport has requested to use excess soils from water extension work as noise mitigation as long as it meets the leaching standards.
 - Plastics By-Law and Biodegradable Packaging Bylaw conflict causing confusion. Working merging both to coincide with the 2025 RFP for the landfill.
 - This has been the worst year for Lyme's Disease; 304 probable and suspect cases; 72 cases higher than 2013. Mild winter has been the culprit. All tick-borne illness will be our primary illness of concern. False sense of security with the clinical trial. Tick-borne illnesses spiked as a result. Will be working with the Cape and Islands Tick Biologists this summer.
- MacNab- Asked if it was the temperature or better reporting.
- Santamaria- Has seen a shift in diagnosing from confirmed to probable with Lyme's Disease. As a secondary complaint.
- Lepore- People coming in an getting treated without getting their bloodwork. Santamaria- Our new public health nurse will be helping with public outreach.
- McKenna- Asked if the ferries would supply public outreach.

VII. REVIEW OF MINUTES

1. February 16, 2023

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

VII. ADDITIONAL DOCUMENTS USED

1. Draft BOH Minutes February 16, 2023

2. Code of Nantucket, Chapter 386 Wells

VIII. ADJOURN

Action	Motion to Adjourn at 5:26 pm (made by: MacNab) (seconded)
Roll-call vote	Carried 5-0// Cooper, Lepore, McKenna, MacNab and Visco-aye
Submitted by:	
Cathy Flynn	