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, July 20, 2023 3:00PM
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	Malcolm McNabb, 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: Malcolm McNabb (Chair), Meredith Lepore (Vice-Chair)
James Cooper, Ann Smith, 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. Approval of Minutes
4. Betterment Release for 4 Fishers Landing
5. Condemnation of 21 Sheep Pond Road, Map: 63 Parcel: 19
6. Condemnation of 8 Macy Road, Map: 60 Parcel: 146
7. Millies Mobile Food Unit Variance- Stay at One Sparks and Not Return to Base
8. Public Hearing: Chapter 386 - Private Well Regulations
9. Summer House Appeal of Staff Letter of Non-Renewal of Food Establishment Permit
10. Directors Report
11. Adjournment

TOWN OF NANTUCKET
TAX COLLECTOR'S OFFICE
37 WASHINGTON STREET
NANTUCKET, MA 02554
508-228-7200 PHONE

BETTERMENT RELEASE REQUIRED

DATE: June 6, 2023

TO: Health Department
Kathy LaFavre

FROM: Ellyse Glushkov, Tax Collector

The following property has paid off their loan agreement with the Town. Please add them to the Health Departments agenda as soon as possible and provide me with a copy of the minutes of the meeting as well as a signed release.

OWNER: Paul S Jensen & Cecil Barron Jensen

PROPERTY LOCATION: 4 Fishers Landing Road

PARCEL#: 0038-157

FILE DATE OF BETTERMENT & DOCUMENT #: 03/29/2021 Doc # 168932

CERTIFICATE NUMBER: Cert 17366
OR
BOOK & PAGE:

PAYOFF DATE: 05/22/23

AMOUNT PAID: $38,233.19

PAID BY: Patricia Halsted Attorney

REQUESTED BY

NAME: Patricia Halsted
FIRM: Patricia Halsted Attorney
EMAIL: patricia@halstedlaw.com
PHONE: 508-228-0444

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

July 5, 2023

George and Marie Frazza
965 5th Ave., #16C
New York, NY 10075

RE: Violation of 105 CMR 410.000-Human Habitation Code –- 21 Sheep Pond Rd., Map 63 Parcel 19

Dear Property Owners:

As a result of an inspection/photos from the Natural Resources Department, the above-referenced property was inspected by Kathy LaFavre, Health Inspector for the Town of Nantucket's Health Department on July 3, 2023, at 2:00 p.m., and violations of Chapter II of the State Sanitary Code 105 CMR 410.000 were observed. Conditions existing are such that an emergency condemnation order has been issued for this property.

VIOLATIONS

1. **Conditions Deemed to Endanger or Impair Health or Safety**-The dwelling's decking is hanging over the embankment and is falling on the beach, there is no electricity, water or septic service to the dwelling – all violations of **105 CMR 410.630 (A) (4-6, 12)** see attachment and photos-This dwelling is condemned and will be posted as such.

Please begin removal of the deck, all septic components (apply for an abandonment permit), and the well - within one (1) week of receipt of notice and secure dwelling (within 48 hours) to prevent any entry.

Please contact this office upon receipt of the notice to discuss plans for the removal or relocation of the dwelling-this must begin to be addressed within 30 days.

There will be a hearing at the next Board of Health meeting (July 20, 2023, 4:00 p.m., 4 Fairgrounds Rd, first floor), to ratify the Condemnation. You may be heard at this meeting.

This dwelling contains violations that may endanger the health and safety of the occupants and the general public. You are hereby ordered to begin correction of Violation 1 within one (1) week upon receipt of this letter.

Re-inspection for compliance will be on 7/24/2023 at 10:00 a.m.

Under Regulation 105 CMR 410.800 of the code cited above, you have a right to a hearing in this matter. At this hearing any affected party has the right to appear. You also have the right to be represented at such a hearing, and have the right to inspect and obtain copies of all relevant inspection and investigation reports, orders, notices and other documentary information in the possession of the Board of Health. Written request for such a hearing must be received by this office within seven days of receipt of this letter.

Any person who shall fail to comply with any order issued pursuant to the provisions of the State Sanitary Code, Chapter II, 105 CMR 410.000 shall upon conviction be **fined not less than ten nor more than five hundred dollars. Each day's failure to comply with the order shall constitute a separate violation.**

If you have any questions concerning this matter, you may contact this office at (508) 228-7200 X7020.

Sincerely,

Kathy LaFavre

Kathy LaFavre
Health Inspector

Cc: occupant/property owner
Enc. Inspection Report-photo-notice-Regulation,
Abandonment Permit, Notice of Occupants' Legal Rights and Responsibilities
Certified Mail/Return Receipt

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
BOARD OF HEALTH

63/19

HOUSING & HUMAN HABITATION INSPECTION REPORT

Location 21 Sheep Pond Rd.
Owner Frazza Address 965 5th Ave # 16C
New York, NY 10075
Occupant Address (if different)
Inspector's Name Kathy LeFavre

map 63 parcel 19
phone #
type of dwelling:
- [X] single family dwelling
- [ ] multi family dwelling
- [ ] lodging house
- [ ] rooming unit
- [ ] dormitory
- [ ] other

Date 7/3/23
Time: In 200 Out 230 pm
Purpose:
- [ ] Routine
- [ ] Follow-up
- [X] Complaint
- [ ] Annual
- [ ] 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 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. accessability	50	150(C)
[ ] 6. smooth/impervious	50	150(D)
[ ] 7. shared facilities	50	151
[ ] 8. chem. toilets	100	152
WATER - POTABLE - owner shall provide:		
[X] 9. quantity & pressure	100	~~100~~ 130(A)(B)
[ ] 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		
[X] 32. system requirement	200	300
INSTALLATION & MAINTANENCE OF FACILITIES PLUMBING CONNECTIONS		
[ ] 33. plumbing-kitchen	100	350(A)
[ ] 34. plumbing-toilet	100	350(B)
OWNERS INSTALLATION & MAINTENANCE		
[X] 35. owners requirements	100	~~351(A)(B)~~ 235, 500
[ ] 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)

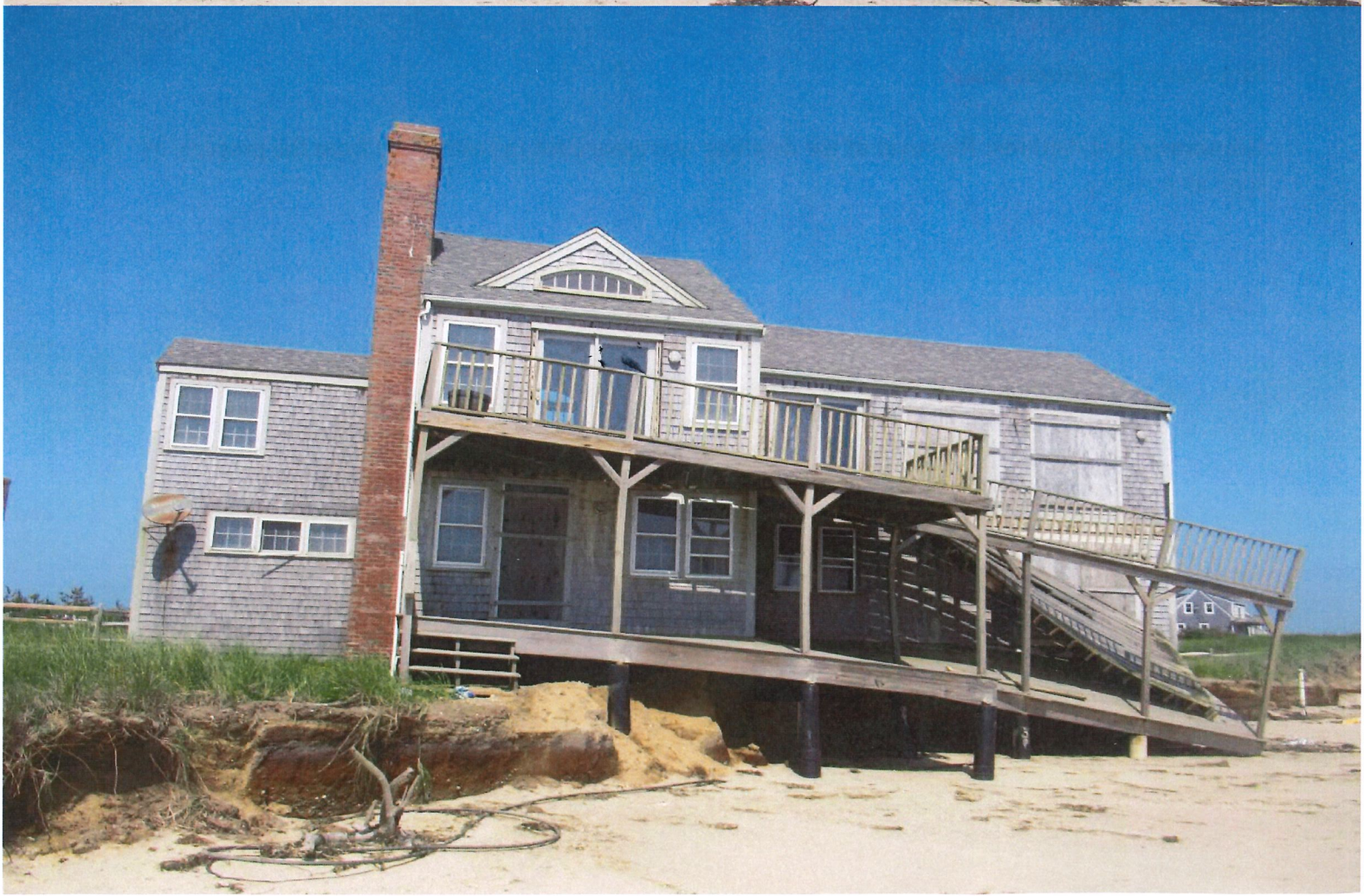
METERING OF ELECTRICITY & GAS	Fine	Code Section
[ ] 43. owner responsibility	200	354(A)(1)(2)
[ ] 44. separate metering	200	354(C) & 355
SPACE & USE - MINIMUM SQUARE FOOTAGE		
[ ] 45. dwelling unit (gen.) 150 sq. ft. first --- 100 sq. ft. each, if >1	300	400(A)
[ ] 46. dwelling-sleeping 70 sq. ft. first --- 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		
[X] 53. means of egress	100	~~450~~ 260
[ ] 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		
[X] 60. owners resp.	200	500 570
[ ] 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
CONDITIONS: HEALTH OR SAFETY		
[X] 80. endanger or impair	200	~~750~~(A) thru (P) 630 (4)(5)(6) (12)(16)

Homeowner must vacate the home immediately, since the home w/in 48 hrs. condemned to endanger Emergency Condemnation.

Inspector K LeFavre Date 7/3/23 Time 200 AM PM Recieved by:

Next schedule reinspection: Date 7/24/23 Time 1000 AM PM





Coastal Properties Inspection Form

Natural Resources Department
Date: 6/30/2023 Time: 3:00 PM
Inspection Team: Morgan Sayle

Map & Parcel #: 63 19 **Address:** 21 Sheep Pond Rd **File #:** SE48-2748 **Date of Issue:** 2/18/2015

Dist. Of Permanent Structure to edge of Coastal Dune: Structure protruding from the dune onto the beach.
Dist. Of Natural Area adjacent to Coastal Dune: No natural area left. The dwelling is located entirely within the coastal dune and coastal beach.

Erosion Control Structure: None in place.

Structure Condition: N/a

Site Condition: There has been a loss of approximately 35 feet of dune since the last measurement in November 2022. Erosion has entirely exposed most of the seaward facing side of the structure's foundation and collapsed the deck onto the beach. The septic system appears to be exposed.

Coastal Structure Type: None in place.

Structure Condition: N/a

Recommended Actions: Removal of the dwelling and associated infrastructure from the property as soon as possible.





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, Kathy LaFavre, Health Inspector for the Nantucket Board of Health, on July 3, 2023 conducted an inspection of a dwelling located at 21 Sheep Pond Rd, Map 63 Parcel 19, Nantucket, Massachusetts. 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 410.630(A), 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: Conditions Deemed to Endanger or Impair Health or Safety: 105 CMR 410.630 (A) (4-6, 12, 16) Failure to provide a supply of water; Shutoff and/or failure to restore electricity, gas or water; Failure to provide a safe supply of water; Failure to provide a toilet and maintain a sewage disposal system in operable condition; Roof, foundation, or other structural defects that may expose the occupant or anyone else to fire, burns, shock, accident or other dangers or impairment to health or safety; and Failure to provide and maintain a railing or guardrail for every stairway, balcony or porch.

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 Kathy LaFavre
Local Board of Health

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

NANTUCKET HEALTH & HUMAN SERVICES
131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Fax 508.228.2066

SEPTIC SYSTEM ABANDONMENT APPLICATION

$100.00 Fee payable to the "Town of Nantucket"

I, _____ hereby apply to the Nantucket Health Department for approval of the abandonment of the existing sewage disposal system at _____, Nantucket, MA in order to:

( ) connect to the Municipal Sanitary Sewer;
( ) construct a new onsite individual sewage disposal system; or
( ) other (please explain in the space provided below.

_____

_____

If this property is being connected to a private or municipal sanitary sewer, a copy of the sewer connection must be submitted with this application.

In order to properly abandon the existing sewage disposal system, the septic tank shall be pumped of its entire contents by a licensed septic hauler; and

- shall be excavated and removed from the site; or
- the bottom of the tank shall be opened or ruptured after being pumped of its contents so as to prevent retention of water and the tank shall be completely filled with clean sand or other suitable material approved in writing by the Board of Health.

A copy of the septic hauler pump report for this site must be submitted to the Nantucket Board of Health.

Once the system has been abandoned, no further use of the system for any purpose is allowed.

_____ _____
Applicant's Signature Date

Please be advised that proper abandonment of the septic tank or cesspool must be witnessed by the Nantucket Health Department. Please provide the Health Department with **two business days' advance notice** of the date and time when the abandonment will occur so that the required inspection may take place.

Inspector's Notes: _____

_____

_____

Inspectors Signature Date Permit Issued

Map and Parcel_____ Expiration Date_____

The Commonwealth of Massachusetts
Department of Public Health

Notice of Occupants' Legal Rights and Responsibilities

This document summarizes some of the legal options that you may have when the owner of a property you live in has not fixed certain problems in your home, as required by the state Housing Code (105 CMR 410.000). This is not legal advice. Talk to an attorney before you decide to withhold your rent or take other action described here.

Safe and Healthy Rental Housing:

Rental housing in Massachusetts must meet minimum standards to protect the health, safety, and well-being of occupants. The Housing Code, 105 CMR 410.000, *Minimum Standards of Fitness for Human Habitation* (*State Sanitary Code, Chapter II*), is the state regulation that sets these minimum standards. The Massachusetts Department of Public Health, Bureau of Environmental Health's Community Sanitation Program (CSP) issues this regulation, but the standards are enforced by local health departments. [1] CSP works with local health departments and the public to provide training and technical assistance about the Housing Code. For more information, please see mass.gov/lists/housing-community-sanitation.

Your Responsibility to Keep Your House Safe and Healthy

The Housing Code also has requirements that people living in rented homes or apartments need to meet. There are some problems like pests, mold, and keeping exits clear, that might need the owners and occupants to work together to fix the problem. For example, occupants need to make sure there is no food or garbage left out that could attract pests or keep their belongings out of exit hallways. If the local health department is doing an inspection, either by your request or for another issue, the local health department may tell you there is something that you need to fix. The local health department may issue you an order to correct and give you a certain amount of time to fix the problem.

Your Right to Safe and Healthy Housing and Protection from Retaliation

If you think that conditions in your home are unsafe or unsanitary and may violate the Housing Code, you should contact your local health department. They will conduct free inspections of your home and will order your landlord to fix any violations of the Housing Code. You can find contact information for your local health department by calling your city or town hall or visiting their website. City/town websites are listed at: mass.gov/lists/massachusetts-city-and-town-websites.

Your landlord is not allowed to raise your rent or try to evict you just because you have made a complaint to them or to the local health department about the violations. This is called retaliation, and you may be able to sue the landlord for damages if this happens (M.G.L. c.186, s.18 and c.239, s.2A).

Your Right to a Hearing

You may ask for a hearing in front of your local Board of Health. You must do this in writing and within the timeframes below. If you send a written request on time to the local health department, a hearing will be held within 14 calendar days. **If you do not make a written request within the timeframes below, you lose the right to a hearing.** The chart below shows the reasons you may request a hearing, and the timeframe you have to send the request.

Reason You May Request a Hearing	Number of Days to Make the Request **in Writing**
Your home was not inspected	**30 days** from the day you contacted health department
The inspector did not find violations you think exist	**30 days** from the last inspection by the health department
The inspector did not issue an order to correct violations	**30 days** from the last inspection by the health department
The inspector did not enforce the order to correct	**45 days** from when the owner received the order to correct

Within **five days** after the hearing, the local health department is required to issue a final decision on your complaint (105 CMR 410.840). If you do not agree with the decision, or at any point throughout the process, you can file an appeal in housing court.

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[1] Depending on your city or town, this may also be called a Local Board of Health (BOH), Local Health Authority, or Inspectional Services Department. This is the local code enforcement authority responsible for enforcing the regulations.

Your Options if an Owner Does Not Fix the Problems

If your landlord does not fix violations of the Housing Code in your home, you may have some options as described below. These are not your only options, but they are common actions that tenants take in these situations. Before taking legal action, contact an attorney to protect yourself. If you cannot afford an attorney, **you may be eligible for free legal aid services.** Go to masslrf.org to find available options for free legal advice. To find additional information on tenant legal rights and responsibilities, visit: masslegalhelp.org/legal-tactics or madeuptocode.org.

Option 1: Go to Court

If your landlord does not fix the problems that the local health department ordered them to fix, or if you believe there are problems in your home that may be in violation of the Housing Code, you may also ask a court in your area to order your landlord to correct the problems.

To file a complaint, contact the Housing or District Court Clerk in your region. To find the closest Housing or District Court go to mass.gov/orgs/housing-court/locations or mass.gov/orgs/district-court/locations. These courts deal with cases about residential housing including eviction, property damage, and Housing Code enforcement. For help filing a complaint, you can contact Court Service Centers at mass.gov/info-details/learn-about-court-service-centers.

You can request that the court order the landlord to:

Fix the Problem: You or the local health department may file a petition in Housing or District Court to order the owner to fix the violations of the Housing Code (M.G.L. c. 111, s. 127 A, C).

and/or

Refund Rent You Have Paid: You can file a complaint requesting that your landlord pay back all or part of the rent you paid during the time that there were Housing Code violations. You can claim either 1) Breach of Warranty of Habitability or 2) Unfair and Deceptive Practices (M.G.L. c. 93A), or both.

For both claims, you will need to prove that your home had Housing Code violations, and that the owner knew about the violations and did not fix them. Breach of Warranty can also be filed by the local health department.

Option 2: Withhold Rent Until Repairs are Made

If your landlord does not correct *certain* housing code violations, you may be able to hold back some or all of your rent payment until they make repairs (M.G.L. c. 239, s. 8A)**. Save the rent money you withhold.** A judge may require you to pay all or some of it back. If they do and you don't have this money, you may be evicted. If you withhold rent and your landlord tries to evict you from your home, you will need to prove, at a minimum, that:

- The violations may endanger or materially impair the health, safety, or well-being of a tenant;[2]
- The rental property owner knew about the violations before you started withholding your rent; and
- You did not cause the violations.

Option 3: Make the Repairs Yourself

State law allows you to use your rent money to pay for certain repairs (M.G.L c. 111, s.127L), and not pay that amount in rent to your landlord. You cannot withhold more than 4 months' rent in a 12-month period to pay for repairs. If you withhold some or all your rent and use it to make repairs and your landlord tries to evict you from your home, you will need to prove:

- The local health department or court determined that the violations may endanger or materially impair the health, safety, or well-being of a residential tenant; [2]
- The landlord was issued an Order to Correct those violations; and
- The owner did not start the repairs (or to sign a contract for work) within 5 days after getting the Order and did not complete repairs within 14 days after receiving the notice of violations.

Option 4: End your Lease Early and Move

If you meet certain conditions, you may be able to end your lease or rental agreement and move out within a reasonable time. Contact an attorney to find out more about this option. If you cannot afford an attorney, **you may be eligible for free legal aid services.** Go to **masslrf.org** to find available options for free legal advice.

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[2] These are serious violations which include problems such as not having heat, hot water, electricity or gas, or exits that are blocked.

CONDEMNED

THESE PERMISES ARE UNFIT FOR

HUMAN HABITATION

21 Sheep Pond Rd.

Per order of the Nantucket Board of Health

K. LaFaure

Inspector signature

7/5/23

Date

DO NOT REMOVE

NANTUCKET HEALTH DEPARTMENT
131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Tele fax 508.325.6117

7/7/2023

Gallagher, Philip N Jr
PO Box 1071
Nantucket, MA 02554

RE: 8 Macy Road

Dear Property Owner:

Due to a complaint received by the Nantucket Health Department regarding the dwelling in a general state of disrepair, a concern for a potential fire hazards, lack of water and rodents observed, an inspection was conducted by Cathy Flynn and Kathy LaFavre at the above reference property July 6, 2023, at approximately 10:00 a.m. During that inspection 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,

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

NANTUCKET HEALTH DEPARTMENT
131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Email: Health@nantucket-ma.gov

CORRECTION ORDER

Issued under the provisions of 105 Code of Massachusetts Regulations (CMR) 410.000:
Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II

Date: 7/7/23

To: Philip N Gallagher, Jr
PO Box 1071, Nantucket, MA, 02554

An inspection was conducted at your property located at 8 Macy Road, Nantucket, MA on 7/06/23. Be advised that an agent of the Local Health Authority has determined certain portions of this residential property to be in violation of the State Sanitary Code, 105 Code of Massachusetts Regulations (CMR) 410.000, *Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II.* The following violations of 105 CMR 410.000 were identified:

Regulatory Cite:	**Description**	**Condition Deemed to Endanger or Materially Impair Health or Safety?** Yes/No *(105 CMR 410.630 (A))*	**Timeframe for Compliance**
410.330 (A): Smoke & Carbon Monoxide Alarms	Smoke Detectors and Carbon Monoxide Alarms missing and/or not operable. ***(A) The owner shall provide, install, and maintain in operable condition smoke detectors and carbon monoxide alarms in every residence that is required to be equipped with smoke detectors and carbon monoxide alarms in accordance with M.G.L. c. 148, §§ 26 C-F½ and 780 CMR: Massachusetts State Building Code, 527 CMR 1.00: Massachusetts Comprehensive Fire Safety Code, and 248 CMR 10.00: Uniform State Plumbing Code and in compliance with accepted standards.***	Yes	24 – 48 hours
410.130: Potable Water/Sanitary Drainage	Occupant informed us that he has to turn the water on to take showers and flush the toilet. ***(A) The owner shall provide a supply of potable water sufficient in quantity and pressure to meet the ordinary needs of every occupant.***	Yes	24 – 48 hours

410.530: Weather-tight Elements	Observed broken windows, missing storm windows, trim of garage separated from structure, failing roof shingles, open ceiling, and studs. ***(A) An exterior openable window shall be considered weathertight only when: (1) All panes of glass are in place, unbroken and properly sealed; (2) The window sash opens and closes fully without excessive effort; and (3) One of the following conditions is met: 105 CMR: DEPARTMENT OF PUBLIC HEALTH 410.530: continued (a) The window sash is sufficiently well-fitted such that it minimizes the infiltration of air or moisture and the space between the window sash and the prime window frame is no larger than c inch at any point on the perimeter of the sash in the case of double hung windows and 1 / 16 inch in the case of casement windows; or (b) A storm window is affixed to the prime window frame in such a way as to minimize the infiltration of air or moisture. (B) A door leading from a residence or dwelling unit to the exterior shall be considered to be weathertight only if: (1) All panes of glass are in place, unbroken and properly sealed; (2) The door opens and closes fully without excessive effort; and (3) One of the following conditions is met: (a) The door is sufficiently well-fitted so that it minimizes the infiltration of air or moisture and the space between the door and the prime door frame is no larger than c inch at any point on the sides of the door; or (b) storm door is affixed to the prime door frame in such a way as to minimize the infiltration of air or moisture. (C) Building and structural elements shall be considered weather-tight when all cracks and spaces not part of heating, ventilating, or air conditioning systems are sealed to prevent infiltration of exterior air or moisture.***	No	5 Days
410.560 (C): Refuse	Observed loose and bulky trash, rubbish and landscaping debris strewn across the property needs to be removed. ***(C) Occupants and owners shall be responsible for the disposal of their bulk items in accordance with requirements established by their municipality.***	No.	7 Days
410.570 (A): Maintenance of Areas in a Sanitary and Safe Condition	Observed multiple sites of excess debris, trash, personal items and landscaping debris. Needs to be removed to prevent rodent harborage. ***(A) Land. The owner of any parcel of land, vacant or otherwise, shall be responsible for maintaining such parcel of land in a clean, safe, and sanitary***	No.	7 Days

	condition and free from: (1) Refuse;(2) Pests; (3) Potential injury hazards;(4) Conditions contributing to the accumulation of standing water; or (5) Any other condition which affects the health, safety, or well-being of the occupants of any residence or of the general public.		
410.260 (B): Means of Egress	Observed debris, miscellaneous furniture and items in close proximity to interior passageways and exterior doors. ****(B) No person shall cause obstruction of any means of egress or passageway.***	Yes.	24 – 48 hours
410.235 (A)(1)(2)(3): Owner's Installation, Maintenance and Repair Responsibilities	Occupant is unable to use sinks, bathtub and/or toilet freely. ****The owner shall ensure proper installation, in compliance with accepted standards, and shall maintain in operable condition free from leaks, obstructions or other defects, all facilities and equipment which the owner is required to provide, and all owner installed equipment: (A) The facilities and equipment the owner is required to provide include, but are not limited to: (1) Sinks; (2) Bathtubs and/or showers; (3) Toilets;***	Yes.	24 – 48 hours
410.550 (C) (A)(2): Elimination of Pests	Observed evidence of rodent harborage and feces in exposed walls, in the hallway and in corners of kitchen. ****Owners and occupants are responsible for the control and elimination of pests as follows:*** ****(A) Residences containing one dwelling unit: (2) The owner shall be responsible for pest elimination if they have not maintained structural or other building elements necessary to keep pests from entering.***	No.	7 Days

	(C) Extermination shall be accomplished by: (1) Eliminating the harborage places of insects and rodents; (2) Removing or making inaccessible materials that may serve as food or breeding ground for pests; (3) Poisoning, spraying, fumigating, trapping pests; or (4) Any other recognized and legal pest elimination method.		
410.500: Owner's Responsibility to Maintain Building and Structural Elements.	Ceiling and walls had exposed beams and rafters. Walls open had exposed pipes. All must be repaired. Several window panes missing or broken. Trim on garage door separated from structure. Roof shingles are in need of replacing. Cracks and holes in garage door leading into interior of dwelling which needs to be replaced. ***A: Every owner of a residence shall maintain all buildings and structural elements in compliance with accepted standards, so they are in good repair and in every way fit for the intended use.** **B: In the event of leaks and flooding, the owner shall ensure all surfaces have been dried within 48 hours from the time they are notified or the end of the event, whichever is sooner.**	No.	14 Days.
410.540: Installation of Screens.	Multiple windows and doors are missing screens; all must be replaced/repaired. ***(A) The owner shall provide and install screens for exterior openable windows.** **(C) The owner shall provide and install screen doors for all doorways opening directly to the outside from any dwelling unit.**	No.	5 Days.

Next Scheduled Inspection: Wednesday. July 12, 2023, 2:00 p.m. (24-48 hour violations; and Monday July 24, 2023 at 2:00 p.m. for remainder of violations.

You are hereby **ORDERED** to correct these violations within the noted timeframe, pursuant to 105 CMR 410.640. Failure to comply may result in court action.

You have a right to request a hearing before the Nantucket Board of Health. To request a hearing, you must submit a written request to the Local Health Authority 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, as well as their right to inspect and copy all records concerning the matter to be heard. You have the right to be represented at the hearing. Conditions may exist which will allow the occupant of the residence to exercise legal rights outlined in the *Notice of Occupant's Legal Rights and Responsibilities* issued by the Department of Public Health Community Sanitation Program (CSP).

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

Kel-li é un dukumentu legal inportanti. El pode afeta bus direitu. Bu debe tene-l traduzidu.

Ky është një dokument ligjor i rëndësishëm Përmbajtja e tij mund të ndikojë në të drejtat tuaja. Dokumenti duhet të përkthehet.

هذه وثيقة قانونية مهمة. وقد تؤثر على حقوقك. فينبغي عليك ترجمتها.

这是一份重要的法律文件。它可能会影响到您的权利。您应该将它翻译出来。

這是一份重要的法律文件。它可能會影響您的權利。您應該將其翻譯為個人首選的語言版本。

Це важливий юридичний документ. Він може вплинути на ваші права. Вам потрібна його перекладена версія.

Đây là một tài liệu pháp lý quan trọng. Tài liệu này có thể ảnh hưởng tới các quyền của bạn. Bạn cần được dịch tài liệu này.

Este é um documento legal importante. Ele pode afetar seus direitos. É aconselhável traduzi-lo.

Это важный юридический документ. Он может повлиять на Ваши права. Вам необходимо иметь его переведенную версию.

Kani waa dukumiinti sharci ah oo muhiim ah. Wuxuu saameyn kartaa xuquuqahaaga. Waa in laguu tarjumaa.

Hii ni hati muhimu ya kisheria. Inaweza kuathiri haki zako. Inapaswa kutafsiriwa.

Sa a se yon dokiman legal enpòtan. Li ka gen enpak sou dwa w. Ou ta dwe bay tradui l.

នេះគឺជាឯកសារច្បាប់ដ៏សំខាន់មួយ។ វាអាចនឹងប៉ះពាល់ដល់សិទ្ធិរបស់អ្នក។ អ្នកគួរតែឱ្យគេបកប្រែឯកសារនេះ។

دا يو مهم حقوقي سند دی دا کېدای شي ستاسو پر حقونو اغېز وکړي. تاسو باید د دې ژباړه ولرئ.

این یک سند حقوقی مهم است. ممکن است بالای حقوق شما تأثیر بگذارد. شما باید آن را ترجمه کنید.

Este es un documento legal importante. Es posible que afecte sus derechos. Debería traducirlo.

Il s'agit d'un document juridique important. Il peut affecter vos droits. Vous devriez le faire traduire.

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

5

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

60 / 146

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
BOARD OF HEALTH

HOUSING & HUMAN HABITATION INSPECTION REPORT

Location 8 Macy Rd
Owner Philip Gallagher Address PO Box 1071
Nantucket MA 02584
Occupant Henry Address (if different)
Inspector's Name C. Flynn, K. LaFavre

map 60 parcel 146
phone #
type of dwelling:
- [X] single family dwelling
- [ ] multi family dwelling
- [ ] lodging house
- [ ] rooming unit
- [ ] dormitory
- [ ] other

Date 7/6/23
Time: In 10:00 Out 10:45
Purpose:
- [ ] Routine
- [ ] Follow-up
- [X] Complaint
- [ ] Annual
- [ ] 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 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. accessability	50	150(C)
[ ] 6. smooth/impervious	50	150(D)
[ ] 7. shared facilities	50	151
[ ] 8. chem. toilets	100	152
WATER - POTABLE - owner shall provide:		
[X] 9. quantity & pressure	100	~~100~~ 130(A)
[ ] 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 & MAINTANENCE OF FACILITIES PLUMBING CONNECTIONS		
[ ] 33. plumbing-kitchen	100	350(A)
[ ] 34. plumbing-toilet	100	350(B)
OWNERS INSTALLATION & MAINTENANCE		
[X] 35. owners requirements	100	~~351(A)(B)~~ 235(A)(1-3)
[ ] 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	Fine	Code Section
[ ] 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
[X] 54. egress obstructions	100	~~451~~ 260(B)
[ ] 55. safe conditions	100	452
SECURITY		
[ ] 56. locks	100	480(A)(B)(C)(D)(E)
[ ] 57. posting name	100	481
[X] 58. smoke detectors - CO	200	~~482~~ 330(A)
[ ] 59. emergency lighting	200	483
MAINTENANCE OF STRUCTURAL ELEMENTS		
[X] 60. owners resp.	200	500
[X] 61. weathertight window	100	~~501(A)~~ > ~~501(B)~~ 530
[X] 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		
[X] 72. extermination	100	~~550(A)(B)(C)(D)~~ 550(C)(A)(2)
[X] 73. screen windows	100	~~551(A)~~ 540
[ ] 74. screen doors	100	552(A)
[ ] 75. screen inst. dates	100	553
[X] **GARBAGE & RUBBISH** - refuse	100	560(C)
[ ] 76. storage	100	600(A)(B)(C)(D)
[ ] 77. collection	100	601(A)(B)(C)(D)(E)
[X] 78. maintenance of area	100	~~602(A)(B)(C)(D)~~ 570(A)
CURTAILMENT OF SERVICES		
[ ] 79. curtailment prohibited	200	620
CONDITIONS: HEALTH OR SAFETY		
[X] 80. endanger or impair	200	~~750(A) thru (F)~~ 630(A)

Inspector Cathy Flynn Date 7/6/23 Time 10:00 (AM) PM Recieved by:

Next schedule reinspection: Date 7/12/23 Time 2:00 AM (PM) 24-48 hr. violations and. 7/24/23 2:00 p.m. all other violations

The Commonwealth of Massachusetts
Department of Public Health

Notice of Occupants' Legal Rights and Responsibilities

This document summarizes some of the legal options that you may have when the owner of a property you live in has not fixed certain problems in your home, as required by the state Housing Code (105 CMR 410.000). This is not legal advice. Talk to an attorney before you decide to withhold your rent or take other action described here.

Safe and Healthy Rental Housing:

Rental housing in Massachusetts must meet minimum standards to protect the health, safety, and well-being of occupants. The Housing Code, 105 CMR 410.000, *Minimum Standards of Fitness for Human Habitation* (*State Sanitary Code, Chapter II*), is the state regulation that sets these minimum standards. The Massachusetts Department of Public Health, Bureau of Environmental Health's Community Sanitation Program (CSP) issues this regulation, but the standards are enforced by local health departments. [1] CSP works with local health departments and the public to provide training and technical assistance about the Housing Code. For more information, please see mass.gov/lists/housing-community-sanitation.

Your Responsibility to Keep Your House Safe and Healthy

The Housing Code also has requirements that people living in rented homes or apartments need to meet. There are some problems like pests, mold, and keeping exits clear, that might need the owners and occupants to work together to fix the problem. For example, occupants need to make sure there is no food or garbage left out that could attract pests or keep their belongings out of exit hallways. If the local health department is doing an inspection, either by your request or for another issue, the local health department may tell you there is something that you need to fix. The local health department may issue you an order to correct and give you a certain amount of time to fix the problem.

Your Right to Safe and Healthy Housing and Protection from Retaliation

If you think that conditions in your home are unsafe or unsanitary and may violate the Housing Code, you should contact your local health department. They will conduct free inspections of your home and will order your landlord to fix any violations of the Housing Code. You can find contact information for your local health department by calling your city or town hall or visiting their website. City/town websites are listed at: mass.gov/lists/massachusetts-city-and-town-websites.

Your landlord is not allowed to raise your rent or try to evict you just because you have made a complaint to them or to the local health department about the violations. This is called retaliation, and you may be able to sue the landlord for damages if this happens (M.G.L. c.186, s.18 and c.239, s.2A).

Your Right to a Hearing

You may ask for a hearing in front of your local Board of Health. You must do this in writing and within the timeframes below. If you send a written request on time to the local health department, a hearing will be held within 14 calendar days. **If you do not make a written request within the timeframes below, you lose the right to a hearing.** The chart below shows the reasons you may request a hearing, and the timeframe you have to send the request.

Reason You May Request a Hearing	Number of Days to Make the Request **in Writing**
Your home was not inspected	**30 days** from the day you contacted health department
The inspector did not find violations you think exist	**30 days** from the last inspection by the health department
The inspector did not issue an order to correct violations	**30 days** from the last inspection by the health department
The inspector did not enforce the order to correct	**45 days** from when the owner received the order to correct

Within **five days** after the hearing, the local health department is required to issue a final decision on your complaint (105 CMR 410.840). If you do not agree with the decision, or at any point throughout the process, you can file an appeal in housing court.

[1] Depending on your city or town, this may also be called a Local Board of Health (BOH), Local Health Authority, or Inspectional Services Department. This is the local code enforcement authority responsible for enforcing the regulations.

Your Options if an Owner Does Not Fix the Problems

If your landlord does not fix violations of the Housing Code in your home, you may have some options as described below. These are not your only options, but they are common actions that tenants take in these situations. Before taking legal action, contact an attorney to protect yourself. If you cannot afford an attorney, **you may be eligible for free legal aid services.** Go to masslrf.org to find available options for free legal advice. To find additional information on tenant legal rights and responsibilities, visit: masslegalhelp.org/legal-tactics or madeuptocode.org.

Option 1: Go to Court

If your landlord does not fix the problems that the local health department ordered them to fix, or if you believe there are problems in your home that may be in violation of the Housing Code, you may also ask a court in your area to order your landlord to correct the problems.

To file a complaint, contact the Housing or District Court Clerk in your region. To find the closest Housing or District Court go to mass.gov/orgs/housing-court/locations or mass.gov/orgs/district-court/locations. These courts deal with cases about residential housing including eviction, property damage, and Housing Code enforcement. For help filing a complaint, you can contact Court Service Centers at mass.gov/info-details/learn-about-court-service-centers.

You can request that the court order the landlord to:

Fix the Problem: You or the local health department may file a petition in Housing or District Court to order the owner to fix the violations of the Housing Code (M.G.L. c. 111, s. 127 A, C).

and/or

Refund Rent You Have Paid: You can file a complaint requesting that your landlord pay back all or part of the rent you paid during the time that there were Housing Code violations. You can claim either 1) Breach of Warranty of Habitability or 2) Unfair and Deceptive Practices (M.G.L. c. 93A), or both.

For both claims, you will need to prove that your home had Housing Code violations, and that the owner knew about the violations and did not fix them. Breach of Warranty can also be filed by the local health department.

Option 2: Withhold Rent Until Repairs are Made

If your landlord does not correct *certain* housing code violations, you may be able to hold back some or all of your rent payment until they make repairs (M.G.L. c. 239, s. 8A). **Save the rent money you withhold.** A judge may require you to pay all or some of it back. If they do and you don't have this money, you may be evicted. If you withhold rent and your landlord tries to evict you from your home, you will need to prove, at a minimum, that:

- The violations may endanger or materially impair the health, safety, or well-being of a tenant;[2]
- The rental property owner knew about the violations before you started withholding your rent; and
- You did not cause the violations.

Option 3: Make the Repairs Yourself

State law allows you to use your rent money to pay for certain repairs (M.G.L c. 111, s.127L), and not pay that amount in rent to your landlord. You cannot withhold more than 4 months' rent in a 12-month period to pay for repairs. If you withhold some or all your rent and use it to make repairs and your landlord tries to evict you from your home, you will need to prove:

- The local health department or court determined that the violations may endanger or materially impair the health, safety, or well-being of a residential tenant; [2]
- The landlord was issued an Order to Correct those violations; and
- The owner did not start the repairs (or to sign a contract for work) within 5 days after getting the Order and did not complete repairs within 14 days after receiving the notice of violations.

Option 4: End your Lease Early and Move

If you meet certain conditions, you may be able to end your lease or rental agreement and move out within a reasonable time. Contact an attorney to find out more about this option. If you cannot afford an attorney, **you may be eligible for free legal aid services.** Go to **masslrf.org** to find available options for free legal advice.

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[2] These are serious violations which include problems such as not having heat, hot water, electricity or gas, or exits that are blocked.

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- ☐ Adult Signature Restricted Delivery $

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City,

60-146

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Gallagher, Philip N Jr
PO Box 1071
Nantucket, MA 02554

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions


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DEWALT







StopsShop







NANTUCKET HEALTH DEPARTMENT
131 Pleasant Street
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200

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):

Millie's Nantucket seeks a variance to operate its food truck (MFU #1) at Cisco Brewery, in hopes of leaving the trailer overnight and returning it once a week to its "home base" located at 1 Sparks Avenue. In accordance with guidelines established at the 6/22/17 BOH meeting, Millie's will use an external 55 gallon wastewater tank, keep a weekly log of wastewater being dumped, keep sanitation logs daily/weekly, continue our "deep clean" procedures, and continue our daily transportation of fresh food to/from Cisco Brewery from our home base via our refrigerator truck, which also has an onboard heating element. The truck would return on Monday nights to 1 Sparks Avenue.

Requestor Name: Dunadel Daryoush, General Manager

Company Name: (if applicable) One Sparks Ave LLC dba Millie's Mid-Island

Address: 1 Sparks Avenue Nantucket, MA 02554 MAP: _____ PARCEL: _____

Phone No. 216-630-1265 Fax No. _____

Email: dunadel@georgetownevents.com

Requestor's Signature: _____ Date: 7/13/2023

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: _____

Millie's Nantucket Board of Health Variance Request (2023)

Dunadel Daryoush
Hither Creek LLC
dba Millie's Nantucket
326 Madaket Road
Nantucket, MA 02554

One Sparks Ave LLC
dba Millie's Mid-Island
1 Sparks Avenue
Nantucket, MA 02554

216-630-1265
dunadel@georgetownevents.com

Town of Nantucket Board of Health
131 Pleasant Street
Nantucket, MA 02554

To the Board of Health:

Millie's Nantucket requests a variance from 105 CMR 590 B.12, in hopes to leave its food concession trailer (Mobile Food Unit #1, known as MFU #1 from hereon), at Cisco Brewery, located 5 Bartlett Farm Road Nantucket, MA 02554, overnight, returning it to its homebase, located at 1 Sparks Avenue Nantucket, MA 02554, once a week on Mondays for deep cleaning procedures.

MFU #1 operates daily seasonally, from May to October, serving an abbreviated version of the Millie's Nantucket food menu. Millie's has a strong track record of exemplary operation with our three existing Mobile Food Units around the Island and our full service brick & mortar operation in Madaket, in full compliance of all applicable Town regulations, including health, fire, building etc. This variance, if granted, would build upon that track record and Millie's would adhere to the criteria for a variance as established in the June 22, 2017 Board of Health meeting, including but not limited to: a) installing an external 55-gallon gray water tank & gravity fed system that transfers gray water from the existing tank to the external by a licensed plumber, b) maintaining a weekly wastewater disposal log at our commercial kitchen located at the Rotary by our Catering + Events manager, c) maintaining a sanitation log of hourly cleaning procedures by our on site cashier + cook, d) maintaining a weekly "deep clean" log performed on Mondays at commercial kitchen base by our Catering + Events manager, e) maintaining daily transportation of fresh cold & hot food to and from Cisco Brewery with the use of our refrigerated and heated truck as done by our cashier + cook, f) maintain our "location plan" of where MFU #1 will be parked overnight at Cisco Brewery and once a week at 1 Sparks Avenue in coalition with Cisco Brewery's management.

Millie's Nantucket Board of Health Variance Request (2023)

The reasoning behind the variance request is two fold: first, due to safety concerns, the transportation of a truck + trailer daily (as we have been doing for the past 8 years) to and from Cisco Brewery is very cumbersome. Not only is it a logistical challenge to maneuver the truck + trailer in and out of Cisco Brewery's parking lot, it adds traffic to an already congested part of the Island as we attempt to leave & arrive at the Rotary during peak rush hour traffic, but beyond that, it is a safety concern. Each time a truck + trailer is on the road, whether it be a landscaping, boat, or food trailer, there is added risk and potential for hazards. This Island is not kind to vehicles, commercial or not, and the added wear and tear of transportation twice a day, fourteen times a week, sixty times a month is less than ideal. We hope to be granted this variance; should you have any further questions, I am at your disposal.

Respectfully,

Dunadel Daryoush
General Manager
Millie's Nantucket & Millie's Mid-Island

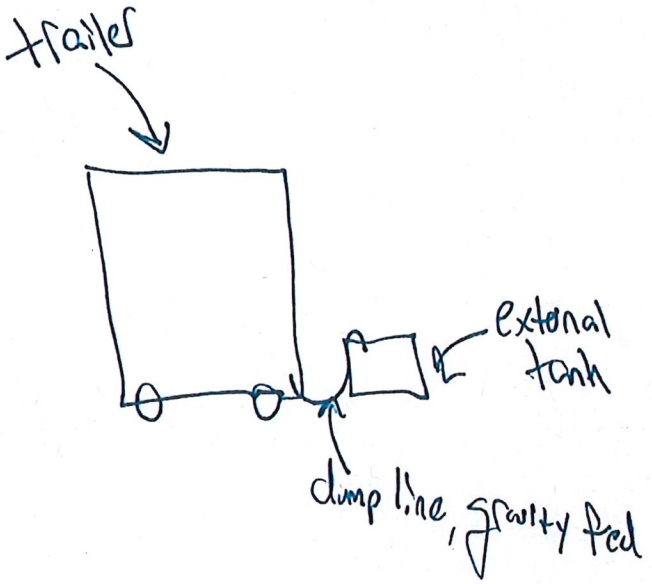
55-gallen Water tank : additional tank

Manufacturer: Class A Customs

Specs: 37.5" x 17.5" x 19.5"

Fittys: 2x 1.5" female NPT fitty

1x 0.5" female NPT fitty



System will be connected & installed by

Ed Williams, Plumber.

Grey water to be transported via pickup truck to 1 sparks & dumped down mop sink drain.

Attachments/hoses will be sanitized & cleaned with bleach & let to sit for 1-2 hours. Followed by flush with clean water

NANTUCKET HEALTH DEPARTMENT
131 Pleasant Street
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200

Staff Recommendation

Meeting Date: 7/20/23

Variance Request: Mobile Food Units return to base weekly for inspections.

Staff Recommends: Not recommended. Concerned about setting a precedent and keeping attached tank sanitary.

The Health Department was informed that Mobile Food Units located at Cisco Brewery are not returning to their base of operations, daily. Cisco Brewery has a septic system and is in the Hummock Pond Water Shed. Due to the increased number of food trailers/food carts at Cisco Brewery, Staff does not recommend smaller trailers/carts attaching larger grey water tanks.

A history of the Boards decision along with the links to several meetings are listed below. The time stamps are in parentheses:

April 21, 2016, the Lobster Trap was granted a variance due to its size as a trailer, grey water tank capacity, using a refrigerated truck with weekly scheduled inspections:https://www.youtube.com/watch?v=yc9uxTYoqkE&list=PL49sKqpy7VAgu6F8x1Xc7zFFGbocwl-5c&index=108&t=1279s. (4:38 - 21:35).

May 19, 2016, Millie's Restaurant which owned a drivable Food Truck at the time, requested the same variance which was denied. The concern was Cisco Brewers being in the Hummock Pond Watershed. The septic system had been stressed in the past: https://www.youtube.com/watch?v=evyxPmK1WSM&list=PL49sKqpy7VAgu6F8x1Xc7zFFGbocwl-5c&index=107&t=1316s. (13:12 - 22:34).

April 20, 2017, the board discussed developing guidelines: https://www.youtube.com/watch?v=IzAYkhp2N1M&list=PL49sKqpy7VAgu6F8x1Xc7zFFGbocwl-5c&index=87&t=2950s. (discussion of guidelines 47:10 - 52:32).

At that same meeting, the Lobster Trap applied for another variance. 2016 was a trial basis. They purchased a 55-gallon tank. The Board granted the variance for another year. (54:32 - 56:55).

June 22, 2017, the board granted authority to Staff to allow MFU return to their base of operations weekly provided they meet certain guidelines: https://www.youtube.com/watch?v=G3f6yPH3HW8&list=PL49sKqpy7VAgu6F8x1Xc7zFFGbocwl-5c&index=89&t=5774s. (1:33:02 - 1:36:36).

From:	Cathy Flynn
To:	Nantucket Lobster Trap; Rachel Afshari; Dunadel Daryoush; Lee Milazzo; mirabai perfas; Dylan Wallace; sean@167raw.com; TJ Fossa; jesse@167raw.com; The Green; Qian Zhong; Krista Lewis; Patrick Ridge; Sean Durnin; bluemooncave@comcast.net; Jack Decker; jamie@ciscobrewers888.com; aikidean@gmail.com
Cc:	Amy Baxter; John D. Hedden; Jake Visco; Kathy LaFavre; Heather Nardone; Sean Reid
Subject:	Mobile Food Units not returning to base of operations daily for cleaning
Date:	Wednesday, July 5, 2023 4:13:00 PM
Attachments:	Variance Request Form.pdf BOH MInutes 4-20-17.pdf BOH Minutes 6-22-17.pdf BOH Minutes 5-19-16.pdf
Importance:	High

To all Mobile Food Unit Operators,

While this letter is directed at any current or future mobile food units operating at Cisco Brewers due to the nature of the Brewery's septic system, it is also a reminder that all food trucks must return to your base of operations DAILY unless you have been granted a variance through the Board of Health.

We have been informed on numerous occasions that several food trucks are leaving their mobile food units at Cisco Brewery for several days at a time or rarely returning to their base of operations to conduct daily cleaning. According to the food code all mobile Food Units MUST return to their base of operations, daily: ***mobile food operations shall operate from a fixed, licensed food establishment or food processing plant and shall report at least daily to such locations for all food, water, and supplies and for all Cleaning and servicing operations.***

Cisco Brewery is on a septic system which is in the Hummock Pond Watershed. Simply put, that they DO NOT have the septic capacity to add the additional flow of grey water from food trucks. If this is happening, Cisco Brewery can be fined through the Massachusetts State Environmental Code, Title 5. For Mobile Food Units, the fines for disposing greywater into a facility other than the Sewer Department or your base of operations are $100.00 per day per incident. In addition, if greywater is being dumped onto the ground that violates Local Regulation 32.0 Regulation Prohibiting Dumping of sewage Island Waterways, 32.01 Disposal of Refuse which is a fine of $200.00 per incident.

A few years back, the Board of Health had several discussions in response to variance requests. In particular 5/9/2016, 4/20/2017 and 6/22/2017 (minutes of those meetings are attached). They wanted to develop guidelines for mobile food units that wanted to return to their base of operations weekly instead of daily. At their 6/22/2017 meeting, the Board adopted six criteria, listed below:

Food truck guidance:

1. 55 gallons of wastewater.
2. Weekly wastewater disposal logs (at commercial kitchen or wastewater treatment plant).
3. Sanitization logs (every time they clean throughout the day. At least once per day).
4. "Deep Clean" procedure (similar to a HACCP plan for cleaning).

5. Daily food transportation procedure to food truck from commercial kitchen like a refrigerated truck.
6. Location plan (Where is the food truck going to stay at location and at weekly base).

As part of the above criteria, we would also conduct weekly inspections at the MFU's base of operations.

If you would like to apply for a variance, I have attached the Variance Request form. If you would like to be heard at the next Board of Health meeting, Thursday July 20, 2023, please submit the Variance request by Thursday July 13th by 4:00PM. Board of Health meetings are held the third Thursday of each month. The variance request form is due the Thursday before by 4:00PM.

Cathy Flynn
Health Inspector
Town of Nantucket
131 Pleasant Street
Nantucket, MA 02554
cmflynn@nantucket-ma.gov
508-228-7200 x7062

Special Requirements

Caterers [105 CMR 590.009(A)]

(1) Base of Operations. Each caterer shall have as its base of operations a food establishment that shall comply with the provisions of 105 CMR 590.000, except that a facility holding a permit as a residential kitchen shall not serve as the base of operations for a caterer.

(2) Notification. Each caterer shall:

(a) Notify the board of health of the city or town in which it plans to serve a meal prior to serving any meal elsewhere than in its own food service establishment and shall give written notice to the board of health on a form provided by the board or the Department either prior to or within 72 hours after serving a meal elsewhere than its own food service establishment; and

(b) If required by the board of health or its agent, provide the board with a copy of its food establishment permit prior to serving a meal in a city or town other than the one in which its food establishment is located.

Mobile Food Operations [105 CMR 590.009(B)]

(1) Mobile food operations shall comply with the requirements of the federal *1999 Food Code* and other applicable provisions of 105 CMR 590.000 except as otherwise provided in 105 CMR 590.009(B). The board of health may impose additional requirements and restrictions to protect against health hazards related to the conduct of the mobile food operation and may prohibit the sale of some or all potentially hazardous foods.

(2) Mobile food operations not equipped with an adequate water and waste system to facilitate hand-washing and the cleaning and sanitizing of utensils shall be limited to the preparation and service of frankfurters and non-potentially hazardous foods and to the sale of pre-packaged food prepared at a food processing establishment licensed in accordance with 105 CMR 500.000, except that pre-packaged food may be prepared by the mobile food operator at a licensed food establishment for which he or she holds a permit in accordance with 105 CMR 590.000.

(3) Mobile food operations equipped with an adequate water and waste system to facilitate hand-washing and the cleaning and sanitizing of utensils may prepare potentially hazardous foods requiring limited preparation for immediate service provided that any advanced food preparation, if necessary, is conducted by the mobile operator in a licensed food establishment.

(4) Mobile food operations shall provide only single-service articles for use by the consumer.

(5) Condiments, cream and sugar shall be served only from a sanitary dispenser or in individually wrapped servings.

(6) Mechanical refrigeration or insulated containers with ice or gel packs must be used to maintain product temperature for pre-packaged, ready-to-eat foods which are required to be held at or below 45°F(7°C) or 41°F(5°C). The storage of packaged food in contact with water or undrained ice is prohibited. Wrapped ready-to-eat foods such as sandwiches shall not be stored in direct contact with ice. Effective July 1, 2005, all mobile food operations selling or distributing ready-to-eat PHFs must be equipped with mechanical refrigeration that can maintain PHFs at or below 41°F(5°C).

(7) Bulk food shall not be used unless purchased from an approved source. Bulk PHFs, with the exception of frozen desserts, must be sold or served on the same day as purchased. All hot food shall be discarded if not used or sold by the end of the day.

(8) A convenient hand-washing facility must be available on site for employee hand-washing whenever handling unpackaged foods. This facility shall consist of at least sufficient warm running water, soap and individual paper towels. The board of health may approve the use of chemically treated towelettes in lieu of hand-washing facilities if only frankfurters, non-potentially hazardous foods and non-perishable foods are served and there is no bare-hand contact. Chemically treated towlettes must be made available for use by customers in

self-service operations.

(9) A sign shall be provided at consumer self-service operations, which states that the use of bare hands by consumers for self-service is prohibited by state law.

(10) Equipment.

(a) Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the equipment and establishment.

(b) Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Effective shields for such equipment shall be provided, as necessary, to prevent contamination. Mobile food operations, which cook or reheat unpackaged food for hot holding shall be fully enclosed unless equipped with air curtains to prevent the contamination of food and food contact surfaces with environmental contaminants.

(c) Ware-washing facilities, when required, shall be available in accordance with the federal *1999 Food Code* for cleaning in-use utensils and food contact surfaces.

(11) Operators of mobile food operations shall obtain the use of adequate and suitable toilet facilities where handwashing facilities are available.

(12) Mobile food operations shall operate from a fixed, licensed food establishment or food processing plant and shall report at least daily to such locations for all food, water and supplies and for all cleaning and servicing operations. Mobile food operators shall retain the list of ingredients and the receipt for all bulk foods, which must indicate the name of the food item, the date purchased and the name of the approved food source licensed in accordance with 105 CMR 500.000.

(13) Servicing areas shall be provided with overhead protection except that areas used only for the loading of water, packaged food or the discharge of sewage and other liquid waste, through the use of a closed system of hoses, need not be provided with overhead protection.

(14) Mobile food operations shall have identification, i.e., person's name and/or business name, city and telephone number in letters not smaller than three inches, on the left and right door panels of the vehicle or on the left and right sides of the trailer or pushcart.

Temporary Food Establishments [105 CMR 590.009(C)]

(1) A temporary food operation shall comply with all applicable requirements of the federal *1999 Food Code*, except as otherwise provided in this 105 CMR 590.009(C). The board of health may impose additional requirements to protect against health hazards related to the conduct of the temporary food operation, may prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result, may waive or modify requirements of 105 CMR 590.000 pursuant to the provisions of 105 CMR 590.010(H).

(2) Whenever a temporary food establishment is permitted to prepare exposed foods without complying with all the requirements of 105 CMR 590.000, the following requirements are applicable. Only those foods requiring limited preparation, such as hamburgers and frankfurters that only require seasoning and cooking, shall be prepared or served. The preparation of other potentially hazardous foods including pastries filled with cream or synthetic cream, custards, and similar products and salads or sandwiches containing meat, poultry, eggs or fish is prohibited. This prohibition does not apply to the service of any potentially hazardous food that has been prepared and packaged under conditions meeting the requirements of 105 CMR 590.000, is packaged in individual servings, is stored at or below 45°F (7°C) / 41°F (5°C) or at or above 140°F (60°C) in facilities meeting the federal *1999 Food Code* requirements for storage, display and transportation and is served directly in the unopened container in which it was packaged.

(3) Temporary food establishment operators shall comply with the mandatory food protection management certification requirement in accordance with 105 CMR 590.003, except that the board of health may waive the requirement if the sponsor of a temporary event has employed at least one (FTE) person in charge in accordance with 105 CMR 590.003(A), who is:

(a) Not a vendor; and

(b) Responsible for monitoring safe food handling practices and initiating corrective actions to ensure compliance with 105 CMR 590.000.

(4) Ice that is consumed or that contacts food shall be made under conditions meeting the requirements of FC 3-202.16 and FC 3-303. The ice shall be in chipped, crushed, or cubed form and in

Minutes for April 21, 2016, adopted May 19

BOARD OF HEALTH
Meeting

Town of Nantucket
16 Broad Street
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Commissioners: Malcolm MacNab, MD, PHD, (chair), James Cooper (Vice chair), Helene Weld, RN, Stephen Visco, Rick Atherton
Staff: Roberto Santamaria, Artell Crowley, Kathy Lafavre, Anne Barrett, Hank Ross

~~ MINUTES ~~
Thursday, April 21, 2016
4 Fairgrounds Road, Community Room – 4:00 pm

Called to order at 4:00 p.m.

Staff in attendance:	R. Santamaria, Health Director; K. Lafavre, Inspector; H. Ross, Inspector; T. Norton, Town Minutes Taker
Attending Members:	Malcolm MacNab, MD, PHD; James Cooper; Stephen Visco
Absent Members:	Helene Weld, RN; Rick Atherton, Board of Selectmen

Agenda adopted by unanimous consent

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

1. None

II. ANNOUNCEMENTS

II. APPROVAL OF MINUTES

1. March 24, 2016 – Held

III. VARIANCE REQUESTS

1. 46 Dukes Road Variance

Sitting	MacNab, Cooper, Visco
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – This variance was applied for the day before the last meeting and the residents asked it be on this agenda. He hasn't heard from the residents nor are they present at this meeting. Recommend no action at this time.
Action	No action at this time.
Vote	N/A

2. Lobster Trap Mobile Food Unit – variance from 105 CMR 590 B.12

Sitting	MacNab, Cooper, Visco
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Michael Wilson,** for the Lobster Trap owners – The variance request is to eliminate the requirement that the trailer return to the kitchen daily. Explained how the regulation doesn't apply: the trailer prepares food at Cisco Brewers' only; all the food is transported in a separate refrigerated truck from and to the kitchen of the Lobster Trap driven; the grey water capacity has been upgraded to 30 gallons; the trailer is towed back to the Lobster Trap weekly for a deep cleaning. There has never been a complaint about the quality of the food stuffs for cleanliness of the truck. **MacNab** – Asked how often the deep clean is required for restaurants. **Santamaria** – A deep clean is not mandated in the code, but we see it done quarterly in restaurants. **Wilson** – His clients are asking that the return to the kitchen for the trailer be weekly. Noted that the trailer is cleaned at the end of the day. The trailer grey water container is off-loaded at the

Lobster Trap weekly. The applicant would accept the *proviso* that the Health Department verifies the trailer is removed and deep cleaned weekly. Reiterated that the trailer is cleaned at the end of every day.

Visco – This request is for one person; what's to stop others from asking for the same variance for their trailer. The Board can revisit it in the Fall to verify that his clients did as promised during the summer season.

Wilson – The food code specifically provides for the variance.

Ross – Thirty gallons of grey water doesn't seem like much water resulting from a daily cleaning.

Santamaria – Asked for an explanation of the cleaning methodology.

Wilson – Methodology doesn't mandate water for every surface. Hot water is used to clean the pans. Chemicals are used for stainless steel flat surfaces; a small amount of liquid, combination of water and bleach, for sanitation. Noted that grey water never had to be discharged at the brewery.

MacNab – He is comfortable with granting the variance with the *proviso* that the deep cleaning is confirmed once a week and grey water is discharged appropriately off site and with a report in September.

Cooper – Asked about the inspection scheduled.

Santamaria – Mobile food units receive an overall comprehensive inspection at the beginning of the season and then randomly throughout the year.

Action **Motion to Grant with the provisions that the trailer is brought back once a week for deep cleaning; the grey water is appropriately handled; there will be once-a-week, random inspections of the trailer; and receive a report on the whole process in November.** (made by: Visco) (seconded by: Cooper)

Vote Carried unanimously

3. 74 Arkansas Avenue, M/P 59.4-41 – variance from Local Regulation 51.02(A) and Sate Regulation 15.405(1)(G)

Sitting	MacNab, Cooper, Visco
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – The site is close to the property line and a well. They are asking for a variance to allow for an I/A septic with a reduced the setback of 82 feet from the well. **Visco** – The standard setback in Madaket is 150 feet; everywhere else it is 100 feet.
Action	**Motion to Grant the variance as requested.** (made by: Visco) (seconded by: Cooper)
Vote	Carried unanimously

4. Exploration Station – variance from 105 CMR 430.370, camp toilet regulations

Sitting	MacNab, Cooper, Visco
Recused	None **Santamaria**
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – The camp has less than 20 people at the camp and the State requires two toilets per sex. This camp is all girls who spend most of the day elsewhere on the Island. The request is to allow for one toilet instead of two.
Action	**Motion to Grant the variance as requested.** (made by: Cooper) (seconded by: Visco)
Vote	Carried unanimously

IV. APPEALS

1. 20 Nobadeer Farm Road (units A & C) – appeal housing decision by Health Department

Sitting	MacNab, Cooper, Visco
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – This is the same appeal that was on the agenda at the last meeting and were asked to table it for this month. The owner is not present. There were multiple people living in an office and on mattresses in unfinished garages; according to the Zoning Enforcement Officer, these properties are allowed only two bedrooms per unit. There are multiple violations here. The owner is asking to be allowed to store all the mattresses in the garage on the site. He is recommending the board make a decision now. As far as he knows, the spaces have not been rented. The owner has made a request to finishing the spaces with the intent to re-let.
Action	**Motion to Deny the request and ask the owner to remove the mattresses from that area until he has permission from the Zoning Enforcement Officer and Historic District Commission to make those areas livable.** (made by: Cooper) (seconded by: Visco)
Vote	Carried unanimously

V. VARIANCE FROM REGULATION 64

1. 50 Brewster Road, M/P 43-96

Sitting	MacNab, Cooper, Visco
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – This is multi-facetted. They are in the new future sewer district and asking not to have to put in an I/A system. They are also asking for relief from the 5-year-inspection requirement. **Visco** – They have two separate systems: the main dwelling had hydraulic failure; the cottage was okay. They do not plan on using the main house this year. **Santamaria** – If they are not using the main house, that's good but there is no way to confirm that house isn't being used. Should we require them to repair the system, we shouldn't require them to put in an I/A system. **Visco** – A way to confirm the house is not being used is to get confirmation from the electric company that the meter was pulled. **Cooper** – They won't be able to use that building again until they are connected to sewer. Asked if the failed septic can be pumped out and disconnected; we don't know when sewer will be hooked up. **Visco** – Could go through the process of cutting off and capping the pipe and the gap disconnected. **MacNab** – He likes the idea of granting the variance with the fact that the failed system be disabled. **Santamaria** – Right now, they technically don't meet the housing code. We can say it is unfit for habitation until such time as the septic functioning again or hooked up to sewer. That should be recorded on the deed in the event the property is sold.
Action	**Motion to Grant the variance with the *proviso* that the septic be disabled from the main house and that be recorded on the deed.** (made by: Cooper) (seconded by: Visco)
Vote	Carried unanimously

2. 10 Kelley Road, M/P 54-31 – waiver from I/A requirement with agreement to enter into Administrative Consent Order (ACO)

Sitting	MacNab, Cooper, Visco
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – Asking to maintain Title V system and enter into an ACO until connected to the sewer. **Visco** – He did an inspection and the septic is fine. The ACO is for a needs area; this area is now approved for sewer and shouldn't have to sign into an ACO when the system is functioning. **Cooper** – Asked what would happen if the property were sold. **Visco** – It would be sold as is; this is in a sewer district and sewer is coming. **MacNab** – If the system fails, they have to come to us.
Action	No action needs to be taken.
Vote	N/A

3. 4 Moor's End Lane, M/P 43-211– waiver from I/A requirement with agreement to enter into ACO

Sitting	MacNab, Cooper, Visco
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – This property is a new construction and they are requesting a regular system until connected to the sewer. In November, they were required to put in an I/A, which has not been built. He is requesting to install a Title V system and enter into an ACO. **James Houghton**, owner – A regular system was permitted in 2015; when regulations changed, we designed a new I/A system. The site is under construction and sewer is coming. We are requesting to put in a traditional system until such time as we can connect to the sewer. **Santamaria** – Asked if Mr. Houghton needs an ACO. **Visco** – He doesn't think so; this isn't a needs area. He's in the sewer district. **MacNab** – Noted the Board would have to rescind the past decision in order requiring an I/A system and release him from the need for an ACO.
Action	**Motion to Rescind the previous order for an I/A system.** (made by: Visco) (seconded by: Cooper)
Vote	Carried unanimously

V. TIGHT TANK AND ACO REQUESTS

1. 21 Massachusetts Avenue, M/P 60.3.1-312 – Tight tank request

Sitting	MacNab, Cooper, Visco
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – This is an existing dwelling across Millie's Bridge.
Action	**Motion to Approve the tight tank.** (made by: Cooper) (seconded by: Visco)
Vote	Carried unanimously

2. 51 Tennessee Avenue – Request for ACO

Sitting	MacNab, Cooper, Visco
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – This is actually a betterment to repair a system to make it fully compliant.
Action	**Motion to Approve the request.** (made by: Visco) (seconded by: Cooper)
Vote	Carried unanimously

VI. DISCUSSION

1. Allow Health Department staff to permit tight tanks over Millie's Bridge

Sitting	MacNab, Cooper, Visco
Discussion	**Santamaria** – Every tight tank has to come to the board. The Regulation is in place. This would be for failed systems only, not new construction.
Action	**Motion to Approve for Health Department to make decision on tight tanks across Millie's Bridge.** (made by: Visco) (seconded by: Cooper)
Vote	Carried unanimously

2. Shimmo Pond/Monomoy Regulation 64

Sitting	MacNab, Cooper, Visco
Discussion	**Santamaria** – The sewer district is approved; in the event there is construction or transfer of property or system failures, they don't have to put in an I/A system as long as the current is functioning up to Title V requirements. **Cooper** – In the event of a sale, it has to be clear in the sales agreement that the new owner must tie into the sewer. **Visco** – That is under Regulation 69. In that area, some of those systems had technical failures; he thinks it should be *status quo* in regards to forcing them to make repairs. The hydraulically failed systems should come in with a temporary repair plan. **Santamaria** – Asking that when they come for the permit, they have to fix it but don't have to put in an I/A. Explained how the department reviews every application that comes in. **Visco** – This should be for Nantucket Harbor Watershed and Plus areas as well.
Action	**Motion to Approve, for those areas now in approved sewer districts, I/A systems will not be required to be put in place as stated in Regulation 64 provided the systems are not in failure or have other issues that in the opinion of the Health Director needs to be brought to the Board.** (made by: Visco) (seconded by: Cooper)
Vote	Carried unanimously

VII. DIRECTOR'S REPORT

1. Hank Ross is back on board; he will be helping with fertilizer outreach and education.
2. The intern will be with the department June 1 to July 31. She will go out with Natural Resources to do water quality work. He is looking to get her into U-Mass Field Station for a day. She will work on outreach and education. She is an environmental health student at University of Georgia School of Public Health. She will do a lot of the disease case counts with the hospital.
3. Noted that there are some illnesses of concern and need to get that information. There are people who have vacationed outside the U.S. and these brought diseases back. Will summarize the status at the May meeting.
4. The Fertilizer Advisory Committee met with seven members. Reviewed members' qualifications. This committee will be working on educational goals and defining enforcement goals. Word is getting out that enforcement has started.
5. The Mosquito Control Commission meets next week. It is moving forward with printing the brochure in Spanish and English. The Department of Public Works director is working on getting the brochure translated into Portuguese.
6. The electrical vehicle is working very well; have had it since February and the tank is still over half full.
7. The Town Manager has asked the Health Department set up a website for outreach and disease information.

Motion to Adjourn: 4:52 p.m.

Submitted by:
Terry L. Norton

Minutes for May 19, 2016, adopted June 16

BOARD OF HEALTH

Regular Meeting

Town of Nantucket
16 Broad Street
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Commissioners: Malcolm MacNab, MD, PHD, (chair); James Cooper (Vice chair); Helene Weld, RN; Stephen Visco; Rick Atherton

Staff: Roberto Santamaria, Artell Crowley, Kathy Lafavre, Anne Barrett, Hank Ross

~ MINUTES ~

Thursday, May 19, 2016

4 Fairgrounds Road, Community Room – 4:00 pm

Called to order at 4:00 p.m.

Staff in attendance:	R. Santamaria, Health Director; A. Crowley, Assistant Health Director; K. Lafavre, Health Inspector; H. Ross, Health Inspector; T. Norton, Town Minutes Taker
Attending Members:	Malcolm MacNab, MD, PHD; James Cooper; Stephen Visco; Rick Atherton, Board of Selectmen
Absent Members:	Helene Weld, RN

Agenda adopted by unanimous consent

I. ANNOUNCEMENTS

II. PUBLIC COMMENTS

None

II. REVIEW AND APPROVAL OF MINUTES

1. April 21, 2016: adopted by unanimous consent.
2. March 24, 2016: adopted by unanimous consent

III. WAIVER REQUEST

1. Great Explorations Camp –105 CMR 430.370 summer-camp bathroom requirements

Sitting	MacNab, Cooper, Visco, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – This variance request is similar to the request last month by Exploration Station; This camp is of a similar size and asking for one unisex bathroom for 10 children who spend most time off site.
Action	**Motion to Approve.** (made by: Visco) (seconded by: Cooper)
Vote	Carried unanimously

IV. ADMINISTRATIVE CONSENT ORDER REQUEST

1. 60 Meadow View Drive (M/P 56-167)

Sitting	MacNab, Cooper, Visco, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – This system has failed hydraulically and needs to be repaired before sewer arrives. **Atherton** – Asked for clarification of issuing an ACO in an area that has sewer proposed. **Crowley** – Technical failures don't need to enter into an ACO. This allows for a non-compliant repair of a hydraulic failure to keep the system operational.
Action	**Motion to Approve.** (made by: Visco) (seconded by: Cooper)
Vote	Carried unanimously

V. COMDEMNATION

1. 40 Macys Lane (M/P 68-103)

Sitting	MacNab, Cooper, Visco, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – This property has come before the board in 2011 for carbon monoxide emissions and numerous times for occupation of uninhabitable space. They have a CO to use the basement but not as living space. It is entirely below ground; the window well opens up below the deck; and the second stairwell is locked from the other side. He is asking for a reconfirmation of the condemnation order; the owner has been fined $1,500. Also the Health Department is pursuing a permanent injunction through Barnstable Superior Court that renders the space unusable so that if anyone is found living down there, it is a criminal violation. The occupants have left but have left some personal belongings. This property owner is putting lives at risk and we are doing everything possible to prevent loss of life; last time, 2011, was very close.
Action	**Motion to Confirm the Condemnation order for 40 Macys Lane.** (made by: Atherton) (seconded by: Cooper)
Vote	Carried unanimously

VIII. VARIANCE REQUEST

1. Millie's Mobile Food Unit – variance from 105 CMR 590 B.12

Sitting	MacNab, Cooper, Visco, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – They are applying for same variance as was issued for Lobster Trap; though this is the actual truck and the Lobster Trap request was for a trailer. **Chris Cochran** – We have grey water tank and have a refrigerated truck handling all temperature needs for storing and transporting food stuffs. This unit is also located at Cisco Brewery. Said it is fully cleaned every night. **MacNab** – Reminded the Board granted the Lobster Trap a variance with their trailer returning to the base of operation once a week for a deep cleaning and with random weekly inspections. **Santamaria** – Said that this request is more for sanitary reasons. **Atherton** – This is for sanitation but the related issue here is that the unit is no longer transported; it's on site 24-6 and that sounds like a restaurant. **Crowley** – Despite the good sanitation practice of bringing it back every night to its base of operations; we have to look at where the wastewater is going. Cisco Brewery is in the Hummock Pond Watershed and their system has been stressed; it makes sense for this to go back to its base of operation. Unlike the Lobster Trap trailer, this is a drivable vehicle, which is registered and inspected. **Cooper** – Asked the owner why they don't want to drive this back and forth. **Cochran** – The position of the trucks and moving them in and out on a daily basis is a logistical nightmare. Discussion about the differences between this request and the one made by Lobster Trap. **MacNab** – This vehicle can move and their wastewater storage tank is larger.
Action	**Motion Not to Grant the variance.** (made by: Atherton) (seconded by: Visco)
Vote	Carried unanimously

2. Old Thumper, LLC; 29 Youngs Way (M/P 67-690) – Emergency variance request

Sitting	MacNab, Cooper, Weld, Visco, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – This was added under the open Meeting Law allowance for items not reasonably anticipated within 48 hours. The variance request is for the installation alternative method for gas, oil, and water separation for a plumbing business. The owner has been granted a preliminary approval from the State but needs the final BOH approval. He goes before the State within a week. **Crowley** – It is in the wellhead area and there should be a deed restriction limiting the use. **Visco** – He is putting in a commercial building that triggers a requirement for vehicle storage. **Santamaria** – There would be no repair to the vehicles; this is strictly for vehicle storage.
Action	**Motion to Grant the variance.** (made by: Visco) (seconded by: Atherton)
Vote	Carried unanimously

VI. BIO-DEGRADABLE PACKAGING DISCUSSION

Sitting	MacNab, Cooper, Visco, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – Over the past couple of months, have started revamping and reinstituting the bio-D packaging. Sent emails to licensed vendors about starting to winnow out non-regulation. **Richard Ray**, former Director of Health – This subject has been discussed over numerous years. **Santamaria** – There is a 1999 law that says this is to be in full effect in 2015. He has asked vendors to start phasing out the non-bio-degradable packaging but he hasn't established a schedule. There are issues with the regulations: a lot of bio-degradable products don't degrade. He has been in conversation with various Town departments to see if it is possible to tighten up the regulations to ensure products are certified as bio-degradable. He is looking to provide recommendations to the board along with a list of exemptions for the regulations. Another issue brought up is the cost. Reviewed various products and their cost per item, which is about 75% more. Another idea suggested is mandatory composting which requires every item is certified as bio-degradable. **Matt Fee**, owner Something Natural – The products are more expensive. He put them through the digester and couldn't track them. We're trying to do something good for the island but we're mixing up the waste stream. Other places have people who sort the greenware out of the plastic; if the two are mixed, neither works. Noted that food vendors is actually a small portion of the population compared to other sources for plastic waste. **MacNab** – In the short term we need to deal with the current regulations. Medium term is looking at the regulations and bringing them up to date. The long term is looking at the whole picture. **Santamaria** – Reviewed some items that are labeled as bio-D and which are compostable and which aren't. The books state that anything no Styrofoam or plastic can be used. Suggested giving vendors at least the first round of using up current supplies. **Ray** – A number of years ago, there wasn't enough support to go forward with this. He found that many retail stores have allowed plastic to creep back in and food services establishment are using plastic which are replaceable by cardboard. The bio-D are out there and available for replacement. **Santamaria** – Setting up a list of replaceable items and phase out moving toward fully compostable by the end of next year. **MacNab** – That sounds a little loose; wonders how we would know when they have used up what they have. We have had this discussion before. We need a phase-out date. Discussion about a good phase-out date; consensus September 1, 2016. **Cooper** – Asked how it would be followed up. **Santamaria** – Each one has to be inspected; that's how we know.

Atherton – Would like to have a way to stop this stuff from coming onto the island.
Fee – All this stuff will be buried on the hill unless it is separated at the source. Once it is buried, it doesn't have the air and water to facilitate degradation.
Santamaria – One long-term goal is to establish a mandatory composting law that included residents; we currently have plastic and tin recycle bins and this would create a third bin for compostables.
MacNab – We start enforcing the regulation September 1 then revise the regulations.

VII. LYME DISEASE TREATMENT OF MICE

Sitting	MacNab, Cooper, Visco, Atherton
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – He has been contacted by scientists from Massachusetts Institute of Technology about a presentation to set up a pilot program on Island to isolate a gene in some mice that makes them immune to Lyme disease; this gene is already in the Island mouse population. They would breed the gene into the mice making them immune then a group of the immune mice would be released into the wild to out-compete the non-immune mice. **MacNab** – Noted that it is the mice which are infected with Lyme Disease, not the deer. **Santamaria** – He will schedule the presentation for 2 p.m. on June 6; it will be open to the public.

IX. DIRECTOR'S REPORT

1. The Fertilizer Advisory Committee (FAC) has been meeting. Mr. Ross has done a significant number of inspections; the department has issued four tickets. Landscaping companies have contacted the FAC about the classes. There are three main goals of the FAC: education and outreach, training, and regulations.
2. Two interns start June 1. Emma Ospelt from the University of Georgia School of Public Health will focus on water quality. Abigail Silber is returning to focus on policy issues in regards to the housing crisis.
3. Renovation for office has been going well. The main entrance is now 3 Chestnut Street. Interior painting and moving will start June 6.
4. The Health Department has been enforcing the septic bylaws. The "Inquirer & Mirror" article has generated a number of phone calls but also generated some confusion. He has received letters from two on-island engineers who were contacted by some of the violators named in the newspaper. Madaket and Hummock Pond will be focused on next.
5. The electrical vehicle has over 1,000 miles on it and they have had to refill it only once.
6. Right now there are 254 I/A systems permitted; they have operation-maintenance programs for all but 26.

Motion to Adjourn: 5:13 p.m.

Submitted by:
Terry L. Norton

Minutes for April 20, 2017, adopted May 25

BOARD OF HEALTH
Meeting

Town of Nantucket
3 East Chestnut Street
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Commissioners: Malcolm MacNab, MD, PHD (chair), Stephen Visco (Vice chair), James Cooper, Helene Weld, RN

Staff: Roberto Santamaria, Artell Crowley, Kathy LaFavre, Anne Barrett, Hank Ross

~~ MINUTES ~~

Thursday, April 20, 2017

4 Fairgrounds Road, Community Room – 4:00 pm

Called to order at 4:02 p.m.

Staff in attendance:	R. Santamaria, Health Director; A. Crowley, Assistant Health Director; K. LaFavre, Health Inspector; H. Ross, Restaurant Inspector; T. Norton, Town Minutes Taker
Attending Members:	Malcolm MacNab, MD, PHD; Stephen Visco; James Cooper; Helene Weld, RN
Absent Members:	Board of Selectmen representative

Agenda adopted by unanimous consent

I. ANNOUNCEMENTS

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

1. None

III. APPROVAL OF MINUTES

1. March 23, 2017: Approved by unanimous consent.

IV. BOH APPLICATIONS REVIEW

1. Revisit Variance from I/A in wellhead district for 17 Woodland Drive

Sitting	MacNab, Visco, Cooper, Weld
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – This was initially brought forward in October; the applicant said they don't need it. **Paul Santos**, Nantucket Surveyors for Joao Coutinho – He feels the original variance did not contain all pertinent information. A new 4-bedroom, conventional system was installed in 2014 on a 20,000 square-foot (SF) lot located in the sewer district. At the present time, there is no active sewer line in Woodland Drive. This lot is in the public water recharge and DEP Map Zone 2 area which limits homes to one bedroom every 10,000 SF under local and state code. In 2014 when his client purchased the property, it was previously determined an I/A system was not required but they could upgrade the system to the Title V standard in place at that time. Now his client is looking for a Certificate of Occupancy (CO) for a second dwelling utilizing the existing system; it is consistent with what's been done in the area with regards to the existing system. His client is pursuing getting a sewer line from Davekim Drive into the site on Woodland Drive. Other property owners on Woodland Drive want to get sewer to their properties. There is no additional flow to the system; there are only four bedrooms. **Santamaria** – Almost every system in the immediate area is a conventional system. **Visco** – The homeowners need to get together and get sewer into their neighborhood; as these fail, the system should be upgraded. He would have no problem with this if there is a timeline for the sewer line to come down Woodland Drive. **Santamaria** – There is another new system just around the corner; they should have gone in as I/A.

Santos – All the permits that came through were issued for conventional systems.

Crowley – In 2014, Title V required an I/A upgrade for this area. It is the owner's responsibility to supply all pertinent information; the plan from three years ago, has no information about the Wellhead Protection District on the plans.

Cooper – Asked if any houses in the area can construct a cottage on their lots; he doesn't want to set precedent by granting this variance.

Santamaria – We are allowed to grant variances on a case-by-case basis. What makes this difficult is the neighbor's application, which was permitted 10 days before this, was submitted for an I/A system; at the bottom of that application is a note that says it is approved without an I/A system; the as-built says conventional.

Crowley – Title V is a minimum code and, on new construction, the BOH should not be granting variances to a minimum code.

Santos – We now know what's going on in there and from this day forward, there should be no more conventional systems; that should inspire them to get sewer down that road. He's happy to follow up with the State Code to see if there is a restriction that the owner needs to comply with and that there is no conflict between the BOH and the State.

Weld – We've granted Meadowview Drive a 10-year grace period; asked if that applies to this area.

Santamaria – That grace period is Island wide for anyone who installs an I/A system. They are part of the sewer district; it's a matter of hooking up.

Cooper – He would like to tie the variance into a date for sewer.

Santamaria – Though this is part of the sewer district, there is no plan to connect Woodland Drive to sewer; the dry line was installed as part of the master plan not the CWMP.

Crowley – If the variance is granted, they should have a plan for the sewer; currently there is no area plan for hooking to sewer.

Visco – Granting this could trigger other new construction in the subdivision.

MacNab – We could grant the variance with a 5-year grace period; if sewer is not in, I/A must be installed.

Discussion about how to handle other requests from residents on the street and not exceed nitrogen loading.

Action	**Motion to Grant the variance only for a 5-year time period in which to tie into sewer starting from this date; at the conclusion of the five years, if there is no sewer, I/A system is required.** (made by: Visco) (seconded by: Weld)
Vote	Carried unanimously

2. Richmond Development Bathroom Request

Sitting	MacNab, Visco, Cooper, Weld
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – This is for retail space requiring two bathrooms. The tenant wants to have only one bathroom. The Building Inspector has indicated it is not a problem. **Patty Roggeveen**, Richmond Development – The code is for two bathrooms for every 5,000 SF. This is a retail space for which there is a signed lease; the bathroom would be for employees only. In their current location, there are three employees including the owner. It would be Handicapped accessible. They have to seek a waiver from the State but that requires a letter from the BOH.
Action	**Motion to Approve the waiver for one bathroom.** (made by: Weld) (seconded by: Cooper)
Vote	Carried unanimously

3. Nantucket Genetic Mice Project Report

Sitting	MacNab, Visco, Cooper, Weld
Documentation	Statement from Dora Buckwald, Project Manager
Discussion	**MacNab** – He has been talking to Massachusetts Institute of Technology scientists about this. **Emily Goldstein** – Read an update statement from the Dora Buckwald, Project Manager.

4. Fertilizer Advisory Committee (FAC) update

Sitting	MacNab, Visco, Cooper, Weld
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Mike Missurelli**, Chair FAC – Last winter they worked with commercial suppliers on products that meet Nantucket's regulations. This year they have been revamping the licensing procedure; the original training video was 3.5 hours that had information not pertinent to the best management practices (BMP). They have recently videotaped a discussion that can be condensed to about 1.5 hours. They also hope to bring a gardener onto the committee. They worked with local vendors this year; Island lumber is now carrying BMP-compliant products. The 2016 licenses are good to 2019; and we need to create an education component in conjunction with renewal of the licenses. **MacNab** – He's working on a BMP for herbicides and pesticides; beekeepers have been coming to him about this. Asked if the FAC would take that on. **Santamaria** – The Massachusetts Department of Agriculture Resources has authority over herbicides and pesticides. **Misurelli** – FAC has a lot to do already. One idea he wants to put forward to the board is that it does not overlap with State pesticide licenses; the Town shouldn't have to spend money on that. **Cormac Collier**, Executive Director Nantucket Land Council – A discussion about herbicides and pesticides should go on the next agenda. **MacNab** – Asked for any advice on how to proceed.

5. Nantucket Meat and Seafood Market – 2 HACCP Plans (Sushi and reduced oxygen packaging (ROP) processing of meat, chicken and pork)

Sitting	MacNab, Visco, Cooper, Weld
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – That applicant is asking for two variances for their HACCP plans. This variance hasn't been previously seen this by the health department. It requires a variance from the State Food Code. Granting the variances ensures the methodology is on file. Asked this request be split into two parts: grant the variance and delegate authority to the staff
Action	**Motion to Grant the variance.** (made by: Cooper) (seconded by: Visco)
Vote	Carried unanimously
Action	**Motion to Grant the authority to the staff to grant the variance.** (made by: Weld) (seconded by: Cooper)
Vote	Carried unanimously

6. Lobster Trap – Mobile Food Unit Variance Renewal

Sitting	MacNab, Visco, Cooper, Weld
Documentation	Supporting documents and plans, staff recommendations.
Discussion (4:56)	**Santamaria** – This is a renewal of the variance granted last year. **Drew Whelden** – They proved they could meet and exceed the health standards with returning to the restaurant once a week. The truck is equipped with a 55-gallon grey-water tank; they have a refrigerator truck to transport food to and from the trailer on site.
Action	**Motion to Grant the variance for one year.** (made by: Weld) (seconded by: Cooper)
Vote	Carried unanimously

V. BOH BUSINESS

1. Food Truck Discussion

Sitting	MacNab, Visco, Cooper, Weld
Documentation	Supporting documents and plans, staff recommendations.
Discussion (4:50)	**Santamaria** – The department has receive several request in addition to the Lobster Trap; the others were denied. Lobster Trap has a large trailer that can hold sufficient grey water and potable water. One restaurant made the same request as granted for Lobster Trap, but their truck is half the size. He asked the board for a consistence tank size in regards to granting the variances. A set of standards would preclude these requests from coming to BOH. If they have a sufficiently size grey water tank, they don't have to go back and forth. **MacNab** – Told Mr. Santamaria to go forward with a 55-gallon grey water capacity such as Lobster Trap has. **Crowley** – Suggested making a part of the variance that they use a refrigerator truck to move food back and forth. **Cooper** – Asked about the inspections. **Santamaria** – We schedule those to catch the truck at the restaurant. Right now there is only Lobster Trap; they are inspected on Monday before the truck goes out. He is expecting only about 10 to 12 requests this year. He'll develop a checklist.

2. Beach Sampling Variance

Sitting	MacNab, Visco, Cooper, Weld
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – He is requesting permission to ask the State not to sample 'Sconset Beach once a week; there have never been any exceedences.
Action	**Motion to Grant the variance.** (made by: Visco) (seconded by: Weld)
Vote	Carried unanimously

3. Extending of existing and future Administrative Consent Orders (ACO) to be extended to January 1, 2022

Sitting	MacNab, Visco, Cooper, Weld
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – Some of the ACOs expired in January; Brian Turbitt, Finance Director, doesn't feel comfortable collecting funds on them and is asking that the ACOs be extended to January 1, 2022, which is the expected sewer date.
Action	**Motion to Extend the existing ACOs to January 1, 2022.** (made by: Visco) (seconded by: Cooper)
Vote	Carried unanimously

4. Director's Report
   a. Had asked to set up an audit for the Landfill; he is asking for more time to allow the new Department of Public Works (DPW) director time to settle in. A draft letter will be ready for the next meeting.
   b. They are entering the restaurant inspection season; Mr. Ross will also be helping with fertilizer. The FY2018 budget was approved and allowing an increase to Mr. Ross's time with the department.
   c. Will have four interns this summer: two from the high school; one undergraduate student; and one graduate student, who will work remotely. Reviewed what they interns will be working on.
   d. Tick-Borne Disease will be a little harder this year; he is meeting with the hospital staff in May about that.
   e. They have received a few temporary food permits to open for Daffodil Weekend and they have received all the temporary permits for the Nantucket Wine Festival.
5. Weld – Asked Mr. Santamaria to see if the Dreamland would replay the 30-second tick video as public education.

6. Weld, Mosquito Control – Vector Disease Control International (VDCI) can't start their Spring program until they are paid for the work they did last September. The committee is currently without a president and down one member so it's future is insecure. They need a point person or the committee will disappear. Santamaria – Explained why Finance hasn't been able to pay VDCI. The new DPW director is working on getting funds released.
7. MacNab – Asked that the next meeting be postponed one week to May 25 as he will not be on Island the 3rd week in May.

VI. ELECTION OF OFFICERS

Holding for the next meeting when the Board of Selectmen representative will be present; accepted by unanimously consent.

VII. ADJOURN

Adjourned by unanimous consent at 5:16 p.m.

Submitted by:
Terry L. Norton

Minutes for June 22, 2017, adopted July 27

BOARD OF HEALTH
Meeting

Town of Nantucket
3 East Chestnut Street
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Commissioners: Malcolm MacNab, MD, PHD (chair), Stephen Visco (Vice chair) , James Cooper, Helene Weld, RN, Jim Kelly
Staff: Roberto Santamaria, Artell Crowley, Kathy LaFavre, Anne Barrett, Hank Ross

~~ MINUTES ~~
Thursday, June 22, 2017
4 Fairgrounds Road, Community Room – 4:00 pm

Called to order at 4:03 p.m.

Staff in attendance:	R. Santamaria, Health Director; A. Crowley, Assistant Health Director; H. Ross, Seasonal Inspector; T. Norton, Town Minutes Taker
Attending Members:	Malcolm MacNab, MD, PHD; Stephen Visco; James Cooper; Helene Weld, RN; Jim Kelly, Board of Selectmen
Absent Members:	None

Agenda adopted by unanimous consent

I. ANNOUNCEMENTS

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

1. None

III. APPROVAL OF MINUTES

1. May 25, 2017: **Motion to Approve.** (made by: Visco) (seconded by: Cooper) Carried unanimously

IV. ELECTION OF OFFICERS

1. Held for July BOH meeting.

V. DPW DIRECTOR UPDATE & REPORT ON LAND FILL

Santamaria – This should be tabled; he has not be able to meet with the Department of Public Works Director. Currently they are looking into the scope of work and going to get an outside 3rd-party review to ensure the scope of work is unbiased. Asked this to be table for the next BOH meeting when there will be a written update.

IV. BOH APPLICATIONS REVIEW

1. Release Administrative Consent Order (ACO) & return all committed funds ($413.30 per Assessors 5/25/17) – 4 Swayzes Drive (M/P 66-164)

Sitting	MacNab, Visco, Cooper, Weld, Kelly
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – The owner wants to cancel the ACO and
Action	**Motion to Approve the release of the ACO.** (made by: Weld) (seconded by: Cooper)
Vote	Carried unanimously

2. Loan Request for O'Mara NHWS A upgrade to I/A 240 Polpis Road (M/P 26-23)

Sitting	MacNab, Visco, Cooper, Weld, Kelly
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – This is to request the bulkhead.
Action	**Motion to Approve.** (made by: Visco) (seconded by: Cooper)
Vote	Carried unanimously

3. Variance request: repair of hydraulic failure Madaket Harbor Water Shed A – 11 E Street (M/P 60.2.1-4)

Sitting	MacNab, Visco, Cooper, Weld, Kelly
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Don Bracken**, Bracken Engineering, Inc. – Upgrade for two 2-bedroom houses; system had a technical failure. Also requesting for variances from the pertinent setback regulations. Going to an I/A system. **Santamaria** – This is a good request
Action	**Motion to Approve the variance.** (made by: Weld) (seconded by: Cooper)
Vote	Carried unanimously

4. Variance Request BOH Regulation 90.01 – 6 Cathcart Road (M/P 54-9)

Sitting	MacNab, Visco, Cooper, Weld, Kelly
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – Request to retain a 4-bedrom conventional septic even though there will be a 6-bedroom permit. Sewer should be there within a year. **Jeff Blackwell**, Blackwell & Assoc. – Owner has applied for HDC permit and want to avoid expense for a permit for a system that will never get installed before sewer arrives. **Arthur Reade**, Reade, Gullicksen, Hanley, & Gifford LLP – Have a proposed covenant requiring the owner to connect to sewer or won't get a Certificate of Occupancy. **Crowley** – Part of the issue is tracking the system; it's in the way fo the system. He'd like to see it abandoned and inspected before signing off on the building permit.
Action	**Motion to Approve the variance contingent upon the applicant obtaining a septic abandonment permit from the Health Department and that the septic system to be abandoned and the site inspected by the Health Department prior to the approval of the Building application and that the covenant be signed and recorded on the registry of deed.** (made by: Cooper) (seconded by: Visco)
Vote	Carried unanimously

5. Variance Request from 64.03 B – 23 Wauwinet Road (M/P 20-36)

Sitting	MacNab, Visco, Cooper, Weld, Kelly
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Don Bracken**, Bracken Engineering, Inc. – Nantucket Island School of Design and the Arts property had permit to install a septic system in 2001 with a 1,980 gallon per day(GPD) flow. With the installation of an I/A system, had to look closely at the numbers to design it correctly; came up with a flow of 830 GPD. The current system is in technical failure because of 4.7 feet of separation to ground water. Explained the advantages to the design of this system. Feels the same environmental protection will be achieved with this system as with others with the full 5 feet of separation. **Santamaria** – A variance was granted for 4.9 feet of separation. **Crowley** – They already have a 1-foot reduction to ground water through the I/A; feels a further reduction isn't warranted and will compromise the regulations. Nantucket Harbor Watershed A is across from Polpis Harbor. **MacNab** – Polpis Harbor is our most polluted harbor. Would like to see another alternative.
Action	**Motion to Deny the variance request per staff recommendation.** (made by: Kelly) (seconded by: Visco)
Vote	Carried unanimously

6. Variance Request 64.04 B – 27 North Pasture Lane (M/P 44-76)

Sitting	MacNab, Visco, Cooper, Weld, Kelly
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – Recommending denial due to this location in the harbor watershed. The 3/11/2016 inspection failed. **Don Bracken**, Bracken Engineering, Inc. – Designed a new I/A system to address the failure. Now asking for the variance to allow a 5th bedroom because of the open space set aside in the development. Water flow is from the open space onto the lot. **Cooper** – Asked if the open space is dedicated to nitrogen loading. **Bracken** – Yes. **Kelly** – The owner purchased this property knowing the system was approved for 4 bedrooms. **MacNab** – Agrees with Mr. Kelly.
Action	**Motion to Deny the variance.** (made by: Cooper) (seconded by: Visco)
Vote	Carried unanimously

7. Tight Tank Request for – 135 Wauwinet Road (M/P 11-12)

Sitting	MacNab, Visco, Cooper, Weld, Kelly
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Art Gasbarro**, Nantucket Engineering & Survey – Asking for a tight tank to replace a failed system. He explored the option of an I/A system, which would require an extensive mound within 50 feet of a barrier beach and within land subject to coastal storm flowage; ConCom won't allow a mounded system in that location. The tight tank is appropriate to meet maximum compliance. Currently it is a 4-bedroom house and the proposed house is still a 4-bedroom house. Presented the floor plans at the table. **Kelly** – Members have received a lot of information today and it was difficult to absorb it before and at the meeting. **Gasbarro** – Reviewed the floor plan and explained the increase of interior space and reduction of porches. **Cooper** – Regulation 50 states no new construction allows a Tight tank; feels renovation of this house constitutes new construction. **Crowley** – They can have up to 9 total rooms under the local regulations. **Visco** – Can stipulate no change to the presented floor plan. **Arthur Reade**, Reade, Gullicksen, Hanley, & Gifford LLP – We are only applying to the permit in regards to the state regulation Title 5; there is nothing in local regulations in regards to tight tanks. The state regulation definition of new construction is a new building for which on Occupancy Permit is required or increase in design flow. Feel the local definition is not applicable in this situation. **Crowley** – He disagrees because our local regulations work in conjunction with Title 5; they don't work separately. **MacNab** – They can't put an I/A system in this location. **Santamaria** – The local regulation is stricture than the state regulation, which is allowable. Local def includes an increase in enclosed square footage as new construction. **Cormac Collier**, Executive Director Nantucket Land Council – He wants to ensure the local definition of new construction is considered. He also wants to ensure that what they are doing won't impact the requirement for I/A systems in the Harbor Watershed District.
Action	**Motion to Approve.** (made by: Visco) (seconded by: Weld)
Vote	Carried unanimously

8. Philip Iuliano well/septic appeal – 36 Wigwam Road (M/P 77-8.4)

Sitting	MacNab, Visco, Cooper, Weld, Kelly
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – This is the second time someone didn't wait for a 30-day review period. **Philip Iuliano**, owner – Requesting a change in where the 36 Wigwam Road proposed system is placed. The new regulations about testing water wells are now in effect. The system at 35 Wigwam Road flows towards his well and within his area possibly contaminating his well. There are two others whose flow won't impact his well. The proposed well is within 120 feet of his well; though it is outside the 100 foot setback, he asks that it be moved toward the lot line increasing the distance 45 more feet. The holding tank for the fifth house is just outside their back door in the middle of the lot at elevation 35 feet with the septic a elevation 38 and runs west to east; he's concerned effluent will hit closer to his well. Asked that the board not approve the system for next door and they be required to move it either further west or further down onto the lot. Reiterated that he is concerned about the potential impact on his well. **MacNab** – It does fit all the laws and Mr. Iuliano's hazard is theoretical. **Santamaria** – This system has lower nitro lowing and more effluent treatment. There is no groundwater at 144 feet; there is no well at that level. Don't see the need for a redesign. Moving it would create only a fraction of an improvement
Action	**Motion to Deny the appeal.** (made by: Weld) (seconded by: Visco)
Vote	Carried unanimously

9. Review of restaurant plumbing waivers

Sitting	MacNab, Visco, Cooper, Weld, Kelly
Documentation	Draft letter for State Board of Examiners of Plumbers and Gasfitters.
Discussion	**MacNab** – It's his understanding that this is a state regulation and BOH can't grant a variance; however, we can write a letter of support. **Santamaria** – Read the draft letter. **Kelly** – He would feel more comfortable with Town Counsel review of the draft letter(s). **Santamaria** – Town Counsel is reviewing what BOH is doing in this regard; he is waiting on that review. **Kevin Dale**, Vaughn, Dale, Hunter and Beaudette P.C., for Lola 41 and Station 21 – First it was made clear to him at the Tuesday Municipal Meeting and the May 25 BOH meeting that the BOH would recommend the variance; asked the letter be revised to state that the BOH recommends that the restaurants that the restaurants that applied for the recommendation be issued be issued a variance for the Occupancy Load that the restaurant can justify. Second, he feels that the Occupancy Load should be stated in the letter and sent with occupancy load plans showing the occupancy load to be 99 persons. **Sarah Alger**, - Echoes Mr. Dale. **Weld** – Wants Town Counsel to okay that change in the letter. **Kelly** – He is very concerned about including the occupancy number in the letter. **Santamaria** – We don't have jurisdiction over the occupancy load. **Cooper** – Asked why it doesn't come from the Building Department. **Santamaria** – Plumbing used to be part of the BOH when plumbing first moved interior; it requires an act of congress to change that law which requires BOH recommendation. The bathrooms are working fine. Suggested the variance be in perpetuity. **Dale** – The state plumbing code uses a number certain of 60 persons per bathroom; Nantucket uses 99; asserted that 99 should be in the letter since it is different than the State. He submitted occupancy plans for the restaurants he represents showing 99. **Alger** – The number is the crux of the entire problem. They are trying to correct the numbers on the Certificates of Occupancy for restaurants in the core district. Over time, seating numbers were plugged in place of the occupancy.

Santamaria – Local regulations are less restrictive than the State, it isn't enforceable. He highly recommends the occupancy load number not be included but state that the current load is not an issue. Asked boards permission to draft the letters supporting maintaining the current occupancy load and hinge it on the maintenance of the number of bathrooms in each establishment.

Action **Motion that the Health Department has the authority to issue letters of recommendations to Plumber's Board for the benefit of these restaurants based on their existing bathrooms.** (made by: Weld) (seconded by: Visco)

Vote Carried unanimously

10. Strong Wings request for a variance from Christian's Law – swim test requirements

Sitting MacNab, Visco, Cooper, Weld, Kelly

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – This is the first year Christian's Law is being enforced by the State; it is a drowning prevention law and requires swimmers to be tested and to have swimming passes.

Chris Getoor, Director of Strong Wings – He feels the regulation is designed for larger camps. Reviewed Strong Wing's protocol in relation to the children attending the camp. Their ration is one life-guard certified staff member to seven students. The law requires every student is swim tested every year; it takes the aquatic director from his duties of monitoring lifeguards to test children who have already demonstrated strong swim skills. Following Christian's Law, they would have to do 46 tests a week. He would like to be able to transfer over the results from year to year for returning students. The total time to test per student is about 10 minutes.

MacNab – Pointed out that you might not know that a returning child has an injury that isn't apparent and can't swim as well.

Getoor – They require a health report and the parents signature assuring there are no health issues. They would swim test a child that had a health concern the prior year and they will test students with "iffy" swim ability.

Cooper – If it were him, he would test swim every kid every year. He wouldn't take anything for granted.

Getoor – He wrestled with this issue keeping safety in mind. He would err on the side of retesting. His criteria for retesting would be those who demonstrated a level 2 or below the year before, those students identified by parents as weak swimmers, and anyone they feel needs to be retested.

Kelly – He is very persuaded by Mr. Getoor's explanation.

Weld – She would like to see detailed data on how many children they have to retest, not just numbers but specifics.

Action **Motion to Grant a one-year variance for retesting of returning and experienced swimmers and the applicant to come back to the BOH at the end of the season for a review of the program to identify the linkage between the reports and of students with issues that required retesting.** (made by: Kelly) (seconded by: Visco)

Vote Carried 3-2//MacNab & Cooper opposed

V. BOH BUSINESS

1. Food Truck return to base discussion letting staff approve in office

Sitting	MacNab, Visco, Cooper, Weld, Kelly
Documentation	Supporting documents, staff recommendations, and criteria.
Discussion	**MacNab** – If we are giving the staff that authority, we need to vote on it. **Santamaria** – Read into the record the six criteria to be used to grant a variance to the requirement that a food truck return to its home base at the end of every day. **Crowley** – Asked if there is interest in adding transportation of food between the trailer and restaurant be in a refrigerated truck.
Action	**Motion to Grant the Health Department the authority to grant variances on food truck operation based on the six criteria.** (made by: Cooper) (seconded by:)
Vote	Carried unanimously

2. Pesticide and herbicide discussion

Sitting	MacNab, Visco, Cooper, Weld, Kelly
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – Have been trying to find out what is being put out there and how it's regulated. The Fertilizer Advisory Committee doesn't want to take it on. Herbicide applicators must get a license by taking an exam which is only given in English. There have been fewer collapsed bee colonies this year. **Cormac Collier**, Executive Director Nantucket Land Council – The majority if not all landscapers use granular-based fertilizer with a weed preventer; they also use foliar application of fungicide on the lawn. He has trackable data on all the golf courses. There are only 3 or 4 herbicides being used in the harbor watershed. Right now there is not a lot of data on whether or not these affect water quality. A lot of people are spraying for ticks and nothing grows for two or three weeks; some herbicides cause cancer. **Santamaria** – He will gather data on pesticides and herbicides.
Action	None
Vote	N/A

3. I/A Policy in Shimmo & Plus Areas – in office approval for conventional systems – discussion

Sitting	MacNab, Visco, Cooper, Weld, Kelly
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – The BOH set the precedent and policy but didn't take a vote giving the authority to the department staff to grant the waivers.
Action	**Motion to Grant the Health Department the authority to give waivers to Regulation 64 in the Shimmo/Plus area for approval of conventional systems where sewer will be coming in the near future.** (made by: Weld) (seconded by: Cooper)
Vote	Carried unanimously

4. Proposed update for Regulation 65 – I/A System Tracking Requirement//Testing – discussion

Sitting	MacNab, Visco, Cooper, Weld, Kelly
Documentation	Supporting documents and plans, staff recommendations.
Discussion	**Santamaria** – We require every I/A system be tracked; been finding some of these I/A systems have been approved for general use and don't have to be tested; only provisional permits must be tested. Barnstable Tracking has suggested adding a tracking component to the regulations. August would be a good time for the public hearing.
Action	**Motion to Hold a public hearing in August to update Regulation 65.** (made by: Weld) (seconded by: Cooper)
Vote	Carried unanimously

5. Director's Report
   a. Have two interns: Grace McNeil will gather and analyze data on mental health and substance abuse. Skye Flegg is collecting well data and stratifying it by location.
   b. Started his doctorate work; when he has research proposal together will bring it for approval.
   c. They are moving forward with restaurant inspections.
6. MacNab – The BOH has received criticism for public hearings for the testing regulations not being held when summer residents can have their say. Therefore the BOH will have a seminar in the summer to go through the I/A, well water, and fertilizer regulations. Staff – Recommend that the seminar be in conjunction with the July 27 meeting with the start time to be announced.
7. Weld – Asked for a moratorium on application data they receive the day on the meeting. Staff – We cut off the agenda and packet the week before. If it comes in late, the board can chose not to accept it. The open meeting law won't allow the use of "late" data at a meeting.
8. MacNab – Asked about the mice vaccine study. Staff – They sent a box so we can look at the product; it is in his office. It will be used at the Nantucket Golf Club, which has volunteered for the pilot program. The vaccine is coated onto a pellet that is eaten.
9. MacNab – Dr. Kevin Esvelt will be here August 17 about the transgenic mice project; PBS Nova wants to come. They suggested a couple of other people on the steering committee.

VI. ADJOURN

Adjourned by unanimous consent at 6:05 p.m.

Submitted by:
Terry L. Norton
List of attached documents:

1. Criteria for granting variances requiring food trucks to return to base daily.

Recommendations for the BOH:

Food truck guidance:

1. 55 gallons of wastewater
2. Weekly wastewater disposal logs (at commercial kitchen or wastewater treatment plant)
3. Sanitization logs (every time they clean throughout the day. At least once per day)
4. “Deep Clean” procedure (similar to a HACCP plan for cleaning)
5. Daily food transportation procedure to food truck from commercial kitchen (HACCP Plan)
6. Location plan (Where is the food truck going to stay at location and at weekly base)

Occupancy Rate

Recommend that we alter the May 2017 vote to granting the variances from:

Motion to Grant the variance to apply occupancy limits based upon Nantucket BOH Regulation 14.04 until the day after Labor Day 2017 for Cru, Station 21, Lola 41, Nantucket Prime, The Boarding House, and The Pearl restaurants providing that they maintain all safety requirements and the Department of Health Office may grant additional variances.

To:

Motion to issue a letter of non-opposition for the purposes on occupancy variance applications to the State Board of Plumbers and Gasfitters providing that they maintain all safety requirements and there is no physical alteration of the premises.

Millie's Food Truck/Cart #3 10/25/16

#14 Public Water Source – DEP No. filled in_____ (water test required?)

#15 Sewage disposal – contract/email from Hughes-letter from owner of 31 Easy Street regarding disposal approval (and #33, 34?)

#24 or #26 - signature needed on appropriate line

Kitchen counters – stainless? YES

#40 Hood Info/Specs needed- Fan specs needed

Pg. 7 please sign and date.

Photos of unit are hard to see – please send better photos of all 4 sides of unit (showing windows/doors/screens) – photo of interior (3 bay – size of each bay?) also hard to see, please send another one. PLEASE SEE ATTACHED PICTURES

Could you update the floor plan and number/label each piece of equipment – i.e. where is char-broiler located; where are fryer specs?, location of potable water tank, grey water tank specs and location, power source location, LP tank location (and size) , Steam table specs needed.

PLEASE SEE ATTACHED DIAGRAM

Which 3 bay are you using (size of individual bays needed) PLEASE SEE ATTACHED PICTURES (1 GALLON)

Which HW sink are you using (is it also on the Vollrath spec sheet?) PLEASE SEE ATTACHED PICTURE

Den Hartog 6 gal sprayer tank (hot water?) – where located on unit – food grade appropriate?

PLEASE SEE ATTACHED DIAGRAM

Den Hartog 7 gallon tank (cold water tank?) – where located on unit – food grade appropriate?

PLEASE SEE ATTACHED DIAGRAM

Refrigeration Unit – need NSF certification

PLEASE SEE ATTACHED

Where are LED lights located? PLEASE SEE ATTACHED DIAGRAM

Food Establishment Permit Application

Application must be submitted at least 30 days before the planned opening date
With the permit review fee of $150.00

1) Establishment Name: Millie's Food Truck #3

2) Establishment Address: 326 Madaket Rd Nantucket, MA 02554

3) Establishment Mailing Address (if different): 3227 45th St Washington, DC 20016

4) Establishment Telephone No: 508-228-8435

5) Applicant Name & Title: Chris Cochran Owner

6) Applicant Address: 5527 Willow St New Orleans, LA 70115

7) Applicant Telephone No: 310 795 6822 24 Hour Emergency No:

8) Owner Name & Title (if different from applicant): Bo Blair

9) Owner Address (if different from applicant): 16 Swift Rock Rd Nantucket, MA 02554

10) Establishment Owned By:

- ☐ **An association**
- ☐ A corporation
- ☐ An individual
- ☐ A partnership
- ☒ Other legal entity LLC

11) If a corporation or partnership, give name, title, and home address of officers or partner.

Name	Title	Home Address
Bo Blair	Owner	
Chris Cochran	Owner	
David Scribner	Owner	3227 45th St Washington dc 20016
David Simone	Owner	3305 45th St Washington dc 20016

12) Person Directly Responsible For Daily Operations (Owner, Person in Charge, Supervisor, Manager etc.)

Name & Title:	Chris Cochran Owner
Address:	5527 Willow St New Orleans, LA 70115
Telephone No:	310 795 6822 Fax:
Emergency Telephone No:	

13) District Or Regional Supervisor *(if applicable)*

Name & Title:	
Address:	
Telephone No:	Fax:

A. Finish Schedule

Please fill in materials to be used (i.e. quarry tile, stainless steel, 4" plastic covered molding, etc.)

	Floor	Coving	Walls	Ceiling
Kitchen	stainless	stainless	stainless	stainless
Ware washing	stainless	stainless	stainless	stainless
Food Storage	stainless	stainless	stainless	stainless
Other Storage	stainless	stainless	stainless	stainless
Bathrooms	N/A	N/A	N/A	N/A
Dressing Rooms	N/A	N/A	N/A	N/A

B. Insect and Rodent Harborage

Please check appropriate boxes.

	YES	NO	NA
1. Are all outside doors self-closing with rodent proof flashing?	(X)	( )	( )
2. Are screen doors provided on outside doors for use in summer?	(X)	( )	( )
3. Do all operable windows have a minimum #16 mesh screening?	(X)	( )	( )
4. Are all pipes, electrical conduit chases, ventilation systems exhaust and intakes sealed?	(X)	( )	( )
5. Is area around building clear of unnecessary brush, litter, boxes or other harborage?	( )	( )	(X)
6. Are air curtains used?	( )	(X)	( )

If yes, where?

C. Garbage and Refuse

Inside food card. Garbage and refuse will be disposed of back at location.

	YES	NO	NA
7. Do all containers have lids?	(X)	( )	( )
8. Will refuse be stored inside?	(X)		( )
If yes, where? trash cans			
9. Is there a can cleaning sink or area?	( )	(x)	( )
Outside			
10. Will a dumpster be used?	(X)	( )	( )
Number 3 Size			
Frequency of pick up Daily			
Contractor Santoa			
11. Will a compactor be used?	( )	(X)	( )
Number Size			
Frequency of pick up			
Contractor			
12. Will cans be stored outside?	( )	(X)	( )

13. Describe surface where dumpster/compactor/cans are to be stored concrete

D. Plumbing

Please describe back-siphonage protection of the following:

	Air Gap	Air Break	Check Valve	"P" Trap	Vacuum Breaker
14. Water Closets	( )	( )	( )	(X)	( )
15. Urinals	( )	( )	( )	(X)	( )
16. Dishwasher	( )	( )	( )	(X)	( )
17. Garbage Grinder	( )	( )	( )	(X)	( )
18. Ice Machines	( )	( )	( )	(X)	( )
19. Ice Storage Bin	( )	( )	( )	(X)	( )
20. Sinks	( )	( )	( )	(X)	( )
21. Steam Tables	( )	( )	( )	(X)	( )
22. Dipper Wells	( )	( )	( )	(X)	( )
23. Refrigerators	( )	( )	( )	(X)	( )
24. Hose Connection	( )	( )	( )	(X)	( )
25. Potato Peeler	( )	( )	( )	(X)	( )
26. Grease Trap	( )	( )	( )	(X)	( )

27. Describe soap dispensers (wall mounted, individual free standing pump dispenspers, and number Wall mounted

28. Hand drying facilities (paper towels, air blower, etc.)
paper towells wall mounted

29. Describe waste receptacles in each restroom: N/A

E. Water Supply

30. Is water supply public (X) or private ( )?

31. If private, has source been approved?
YES ( ) NO ( ) PENDING ( )
Please attach copy of written approval.

32. Is ice made on premises (N/A or purchased commercially ( ) ?
If on premises, enclose specification of machine.
Describe provision for ice scoop storage:

F. Sewage Disposal

33. Is building connected to municipal sewer? YES (X) NO ( )

34. If no, has private disposal system been approved? YES ( ) NO ( )
Please attach copy of written approval. PENDING ( )

G. Dressing Rooms

35. Are separate dressing rooms provided? N/A YES ( ) NO ( )

36. Describe storage facilities for employees' personal belongings (i.e., purse, coats, boots, umbrella, etc.) N/A

H. General

37. Describe facilities for separation of storage of insecticides/rodenticides and detergents/sanitizers/cleaning agents/caustics/acids/polishes and first-aid supplies/personal medications seperate stainless storage area

38. Is laundry facility located on premises? YES (X) NO ( )
If yes, what will be laundered? Towells

Is location physically separated from food preparation areas and ware washing?
YES (X) NO ( )

39. Location of clean linen storage: shelf

40. Location of dirty linen storage: Seperate bin with lin

Exhaust Hoods

Hood Locations	Odor Supp.Dvce/ Filters	Sq. Ft.	Fire Protection	Air Capacity CFM
Grill / Burner	Stainless Grease	10	Extinguisher	800

I. Sinks

41. Is a separate mop sink present? YES (X) NO ( )
If no, describe facility for cleaning of mops and other equipment:

42. Is a separate floor preparation sink present? YES (X) NO ( )

43. Is a separate hand washing sink present in the food preparation areas?
YES (X) NO ( )

J. Dishwashing Facilities

44. Will sinks or a dishwasher be used for ware washing?
Dishwasher ( )
Three Compartment Sink (X)

45. Dishwasher N/A
Type of sanitization used:
Hot Water (temp. provided)_____
Booster heater _____
Chemical Type _____

Sinks

46. Does the largest pot and pan fit in each compartment? YES (X) NO ( )

47. Are there drain boards on both ends? YES (X) NO ( )

48. What type of sanitizer will be used in sinks?
Chlorine **Chlorine will be used**
Iodine
Quaternary Ammonium _____
Hot Water

(Please make certain the corresponding test kits are available at the preopening inspection.)

STATEMENT: I hereby certify that the above information is correct, and I fully understand that any deviation from the above without prior permission from the office may nullify this approval

Signature(s) _____

2/28/17
Date

Chris Cochran
Owner(s) or Responsible Representative(s)

Approval of these plans and specifications by this Health Department does not indicate compliance with any other code, law or regulations that may be required--federal, state or local. It further does not constitute endorsement or acceptance of the completed establishment (structure or equipment).

A preopening inspection of the establishment with equipment will be necessary to determine if it complies with the local and state laws governing food service establishments.

Food Establishment Information

14) **Water Source:** Public	15) Sewage disposal Hughes
DEP Public Water Supply No: (if *applicable)*	@31 Easy St
16) Days and Hours of Operation: 11-10 Mon-Sun	17) No. of Food Employees: 4
18) Name of Person In Charge Certified in Food Protection Management: *Required as of 10/1/2001 In accordance with 105 CMR 590.003 (A)* Please attach copy of certificate	Chris Cochran
19) Person Trained In Anti-Choking Procedures (if 25 seats or more). ☐ Yes	☒ No

20) **Location:** *(check one)*

- ☐ Permanent Structure
- ☒ Mobile

21) **Length Of Permit:** *(check one)*

- ☐ Annual
- ☒ Seasonal/Dates: Apr-Oct
- ☐ Temporary/Dates/Time:

22) **Establishment *Type*** *(check all that apply)*

- ☐ Retail (_____Sq. Ft)
- ☐ Food Service – (_____Seats)
- ☐ Food Service - Takeout
- ☐ Food Service - Institution (_____Meals/Day)
- ☐ Caterer
- ☒ Food Delivery
- ☐ Residential Kitchen for Retail Sale
- ☐ Residential Kitchen for Bed and Breakfast Home
- ☐ Residential Kitchen for Bed and Breakfast Establishments
- ☐ Frozen Dessert Manufacturer

Other (Describe)

Food Truck

23) **Food Operations:** *(check all that apply):*

Definitions: *PHF- potentially hazardous food(time/temperature controls required)*
Non-PHFs- non-potentially hazardous food(no time/temperature controls required)
RTE– ready-to-eat foods (i.e. sandwiches, salads, muffins which need no further processing)

☒ Sale of Commercially Pre-Packaged Non-PHFs	☒ PHF Cooked To Order	☐ Hot PHF Cooked and Cooled or Hot Held for More Than a Single Meal Service.
☐ Sale of Commercially Pre-Packaged PHFs	☐ Preparation Of PHFs For Hot And Cold Holding For Single Meal Service	☐ PHF and RTE Foods Prepared For Highly Susceptible Population Facility
☐ Delivery of Packaged PHFs	☐ Sale Of Raw Animal Foods Intended to be Prepared by Consumer.	☐ Vacuum Packaging/Cook Chill
☐ Reheating of Commercially Processed Foods For Service Within 4 Hours.	☐ Customer Self-Service	☐ Use Of Process Requiring A Variance And/Or HACCP Plan (including bare hand contact alternative, time as a public health control)
☐ Customer Self-Service Of Non-PHF and Non-Perishable Foods Only.	☐ Ice Manufactured and Packaged for Retail Sale	☐ Offers Raw Or Undercooked Food Of Animal Origin.
☒ Preparation Of Non-PHFs	☐ Juice Manufactured and Packaged for Retail Sale	☒ Prepares Food/Single Meals for Catered Events or Institutional Food Service
☐ Other (Describe)	☐ Offers RTE PHF in Bulk Quantities	*To be completed by the Board of Health*
	☐ Retail Sale of Salvage, Out-of Date or Reconditioned Food	Total Permit Fee: Payment due with application:

I, the undersigned, attest to the accuracy of the information provided in this application and I affirm that the food establishment operation will comply with 105 CMR 590.000 and all other applicable law. I have been instructed by the board of health on how-to obtain copies of 105 CMR 590.000 and the federal Food Code.

24) Signature of Applicant: _____

Pursuant to MGL Ch. 62C, sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid state taxes required under law.

25)

26) Signature of Individual or Corporate Name: _____

J. Dishwashing Facilities

44. Will sinks or a dishwasher be used for ware washing?
Dishwasher ( )
Three Compartment Sink (X)

45. Dishwasher N/A
Type of sanitization used:
Hot Water (temp, provided)_____
Booster heater _____
Chemical Type _____

Sinks

46. Does the largest pot and pan fit in each compartment? YES (X) NO ( )

47. Are there drain boards on both ends? YES (X) NO ( )

48. What type of sanitizer will be used in sinks?
Chlorine **Chlorine will be used**
Iodine
Quaternary Ammonium _____
Hot Water

(Please make certain the corresponding test kits are available at the preopening inspection,)

STATEMENT: I hereby certify that the above information is correct, and I fully understand that any deviation from the above without prior permission from the office may nullify this approval

Signature(s) _____

2/28/17
Date

Chris Cochran
Owner(s) or Responsible Representative(s)

Approval of these plans and specifications by this Health Department does not indicate compliance with any other code, law or regulations that may be required--federal, state or local. It further does not constitute endorsement or acceptance of the completed establishment (structure or equipment).

A preopening inspection of the establishment with equipment will be necessary to determine if it complies with the local and state laws governing food service establishments.

	Sat.	Unsat.	N/A	Insuff. Inform.
18. Patrons Restrooms				
Location	( )	( )	( )	( )
Number				
Soap	( )	( )	( )	( )
Hand Drying	( )	( )	( )	( )
Lavatories	( )	( )	( )	( )
Water Closets	( )	( )	( )	( )
Urinals	( )	( )	( )	( )
Waste Receptacles	( )	( )	( )	( )

19. Kitchen Equipment

a. Space between units or wall closed or adequate space for easy cleaning.

b. Aisles sufficient width

c. Storage 6" off floor

d. Countertops and cutting boards of suitable material

e. Self serve food area adequately protected

f. Built-in external temperature gauges or provision for separate internal thermometers noted for each piece of refrigerated equipment.

g. Utensil and Kitchen Storage
Clean
Soiled

h. Counter mounted equipment

I. Floor mounted equipment

J. Vacuum Packaging Equipment

k. Bulk Food

l. Self Service

MILLIE'S FOOD CART MENU

Traditional lobster roll
On buttered toasted brioche roll

Fried shrimp Po boy
Shredded iceberg and tomato
Tartar sauce

Fried oyster Po boy
Shredded iceberg and tomato
Remoulade sauce

Blackened swordfish sandwich
On brioche roll with
Creamy slaw and fried onions

Striped bass tacos
Grilled striped bass on corn tortillas with
Tomato corn relish and lime sour cream

Bartlett vegetable quesadilla
With mushrooms, spinach, tomato, corn and cheddar and Montserrat jack cheeses

If you or anyone in your party has a food allergy please inform the staff prior to ordering

Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs,
may increase your risk of foodborne illness, especially if you have certain medical conditions.


★ MILLIE'S ★


★ MILLIE'S ★
NO PARKING ANYTIME
NO BICYCLE PARKING

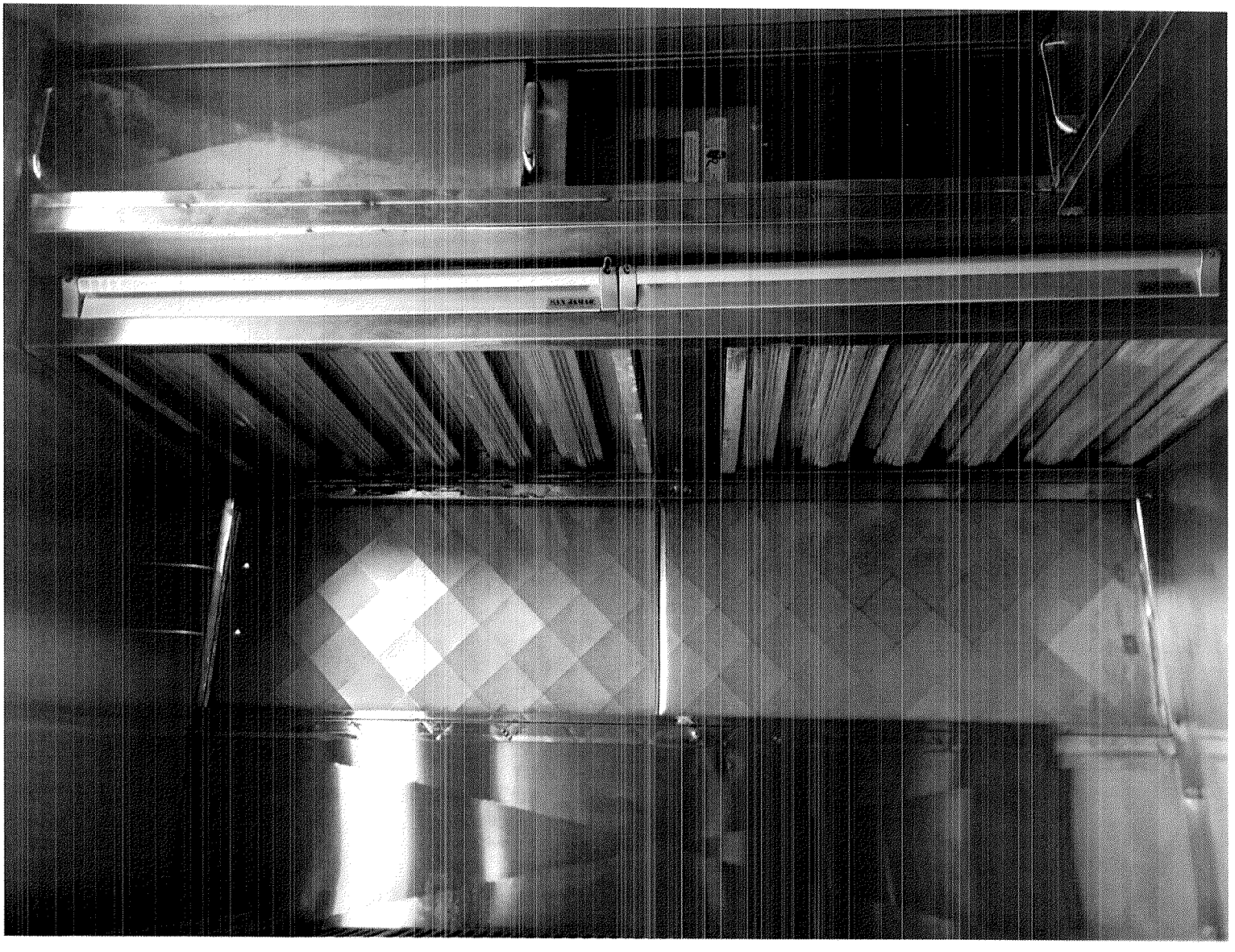

★ MILLIE'S ★


★ MILLIE'S ★
C68·930


WASH ↓ LAVAR
WATER LINE
SANITIZE ↓ DESINFEC
WATER LINE
Employees MUST wash hands
before returning to work.





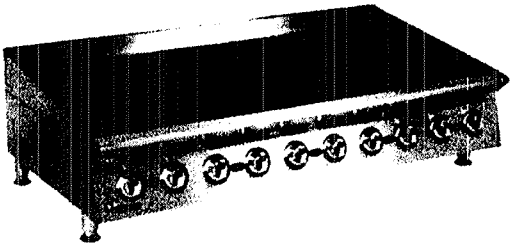


Star Manufacturing

New ULTRA-MAX® RADIANT CHAR-BROILERS

Models 8124RCBA, 8136RCBA, 8148RCBA, 8160RCBA & 8172RCBA

Features/Benefits:



Model 8160RCBA

- ★ Heavy-duty Ultra-Max® radiant gas char-broilers are designed for the most demanding foodservice applications. Ultra-Max char-broilers deliver maximum performance and provide years of maintenance-free operation.
- ★ Heavy-duty, high strength steel alloy radiant transfers maximum heat to steak, chicken, burgers, fish and other menu items. Our exclusive steel radiants with flavor enhancing grooves deliver more heat than traditional cast iron radiants and will not bend or crack due to thermal shock.
- ★ 30% more cooking space with our high capacity design to meet all your back-of-the-house broiling needs.
- ★ *NEW* longer lasting, heavy-duty metal knobs.
- ★ *NEW* cast iron burners.
- ★ All stainless steel construction and front panel for long lasting attractive appearance and ease of cleaning.
- ★ Available in 24", 36", 48", 60", and 72" widths to fit any foodservice operation's space requirements.
- ★ High performance 20,000 BTU straight tubular cast iron burners every 6" of width provide more heat to cook faster and sear in flavor, better heat distribution, and more sectional control.
- ★ Heavy-duty cast iron grates can be individually positioned (flat or slanted) to accommodate a variety of broiling needs. Plus, our grates are reversible with a thin side for searing and a thick side for more delicate menu items.
- ★ Large capacity stainless steel water pan for easy clean up.
- ★ Stainless steel, 5" high, tapered splash guard maintains cleanliness.
- ★ Gas convertible in the field with regulator and conversion kit supplied with each char-broiler. Units are shipped Natural Gas.
- ★ Cool-to-the-touch stainless steel bull nose front provides knob protection and comfortable work zone.
- ★ Heavy-duty 4" adjustable legs to match the height of other Ultra-Max equipment in your line.
- ★ Floor models available with custom equipment stands.
- ★ Optional items include 7" extended plate shelf and round steel grates.

Applications:

Ultra-Max radiant char-broilers are designed for high volume and reliability. Whether it's steak, chicken, hamburger, shish kabobs or other menu items; Star's heavy-duty Ultra-Max char-broilers will fulfill your back-of-the-house cooking requirements and more!

Quality Construction:

Ultra-Max line of radiant char-broilers feature stainless steel side panels, front panel, bull nose, drip pan, splash guard, and grease trough. All metal heavy-duty knobs. NEW cast iron burners every 6" with adjustable valves and standing pilot. Radiants are heavy-duty steel designed for maximum heat transfer and durability. Cooking surface consists of heavy duty, cast iron grates adjustable to flat or slanted positions. Heavy-duty legs are 4" with a 1-5/8" adjustment.

c UL us LISTED

CERTIFICATION ISO 9001:2000

New Warranty:

Ultra-Max radiant char-broilers are covered by a **THREE YEAR** parts and labor warranty.

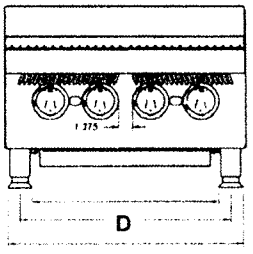
Star Manufacturing - 10 Sunnen Drive - P.O. Box 430129 - St. Louis, MO 63143-3800
Phone: (314) 678-6303 - FAX: (314) 781-5445 - www.star-mfg.com

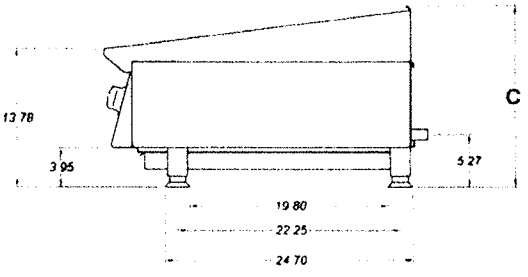
Star Manufacturing

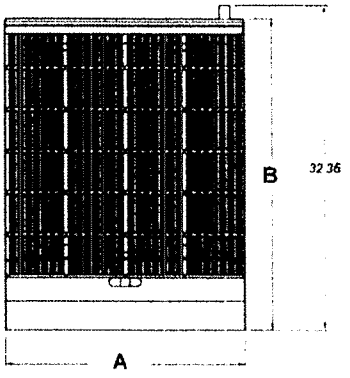
Ultra-Max Radiant Gas Char-Broilers

New ULTRA-MAX® RADIANT CHAR-BROILERS

Models 8124RCBA, 8136RCBA, 8148RCBA, 8160RCBA & 8172RCBA







Specifications

Model No.	Dimensions (A) Width Inches (cm)	(B) Depth Inches (cm)	(C) Height Inches (cm)	(D) Leg Width Inches (cm)	No. Controls	BTU	Grid Area	Weight Installed lbs (kg)	Shipping lbs (kg)
8124RCBA	24" (61)	31-1/50" (78.8)	18" (45.7)	21-1/16" (53.5)	4	*80,000	603 sq. in. (3,890 sq. cm) 23-7/8" x 25-1/4"	174 (78.9)	243 (109.4)
8136RCBA	36" (91.4)	30-5/8" (78.8)	18" (45.7)	33-1/16" (84)	6	*120,000	906 sq. in. (5,845 sq. cm) 35-7/8" x 25-1/4"	240 (108.9)	328 (147.6)
8148RCBA	48" (121.9)	30-5/8" (78.8)	18" (45.7)	45-1/16" (114.5)	8	*160,000	1,209 sq. in. (7,800 sq. cm) 47-7/8" x 25-1/4"	314 (142.4)	399 (180)
8160RCBA	60" (152.9)	30-5/8" (78.8)	18" (45.7)	57-1/16" (144.9)	10	*200,000	1,512 sq. in. (9754 sq. cm) 59-7/8" x 25-1/4"	386 (175.1)	503 (226.4)
8172RCBA	72" (182.9)	30-5/8" (78.8)	18" (45.7)	69-1/16" (175.4)	12	*240,000	1,815 sq. in. (11,710 sq. cm) 71-7/8" x 25-1/4"	485 (220.2)	625 (283.8)

*Units shipped Natural Gas and include conversion kit for field conversion to LP gas.

Typical Specifications

Gas char-broiler is constructed of all stainless steel, front panel and sides. Units have 20,000 BTU natural and propane gas straight cast iron burner for every 6" (15.24 cm) of width and are controlled by an adjustable control valve and standing pilot. Steel radiant provides even heat distribution. Cooking surface is heavy duty cast iron grate type and is adjustable from flat to slanted. A stainless steel water pan, bull nose, 5" back splash are standard. Control knobs are protected by a stainless steel bull nose front. Char-broilers are supplied with heavy-duty 4" (10.2 cm) stainless steel high legs that have a 1-5/8" (4.5 cm) adjustment. Gas connection is 3/4" N.P.T. male with a convertible pressure regulator provided. Units are approved for installation in non-combustible locations and are UL Certified to NSF Standard 4 and Classified cULus listed. Printed in the U.S.A.

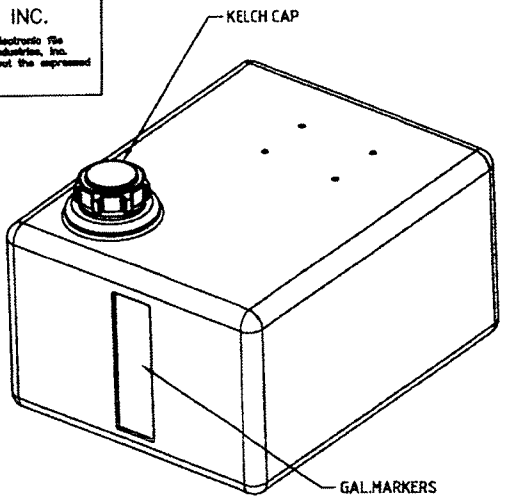
Due to periodic changes in designs, methods, procedures, policies and regulations, the specifications contained in this sheet are subject to change without notice. While Star Manufacturing exercises good faith efforts to provide information that is accurate, we are not responsible for errors or omissions in information provided or conclusions reached as a result of using the specifications. By using the information provided, the user assumes all risks in connection with such use.

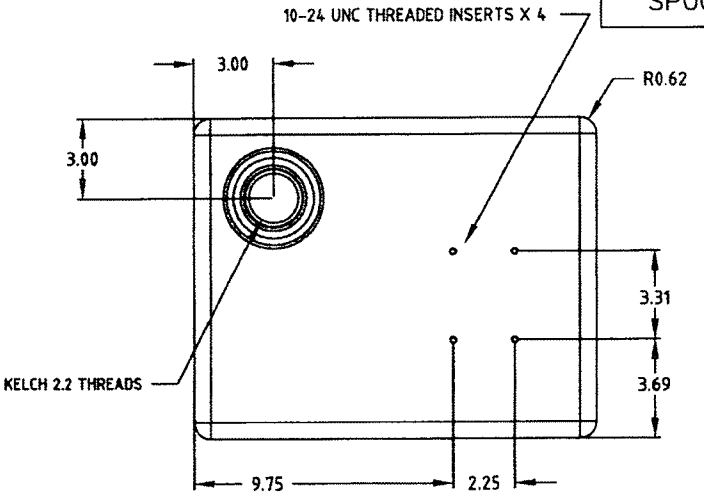
Star Manufacturing - 10 Sunnen Drive - P.O. Box 430129 - St. Louis, MO 63143-3800
Phone: (314) 678-6303 - FAX: (314) 781-5445 - www.star-mfg.com

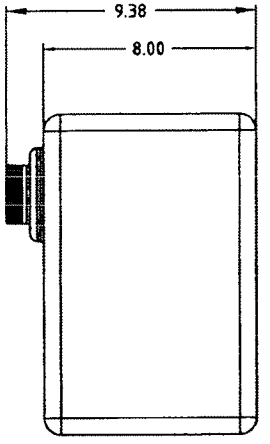
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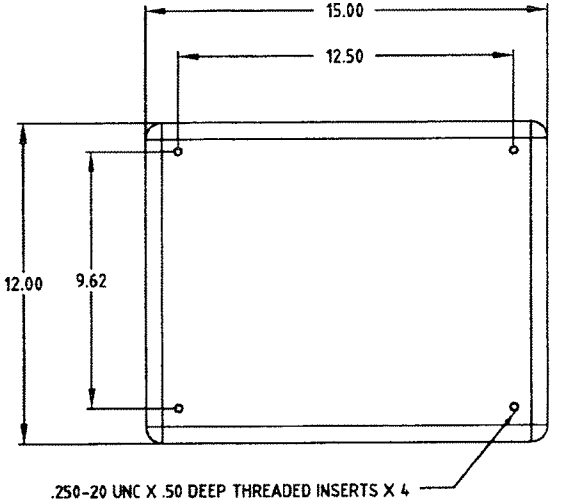
SP0006-2P

A









REV	DESCRIPTION	DATE	APPRD
A	SHOT WEIGHT CORRECTED CCN 1601	2/16/09	ADH

DRAWN / DATE
DHJ / 8/19/99

APPRD. / DATE
REH / 8/19/99

MATERIAL
@ 5 LB. MOBIL 134

ALL DIMENSIONS ARE IN DECIMAL INCHES
TOLERANCES UNLESS OTHERWISE SPECIFIED
± 1% @ 68° F

THIRD ANGLE PROJECTION
ANSI 14.5M

NOTES:
1. NATURAL COLOR
2. NOM. WALL .150

Den Hartog
INDUSTRIES INC.
Acu Rate-Mold Injection Molding Blow Molding Service
4010 HOSPERS DRIVE SOUTH, BOX 421, HOSPERS, IOWA 51238

CLIENT / DESCRIPTION
6 GAL. SPRAYER TANK

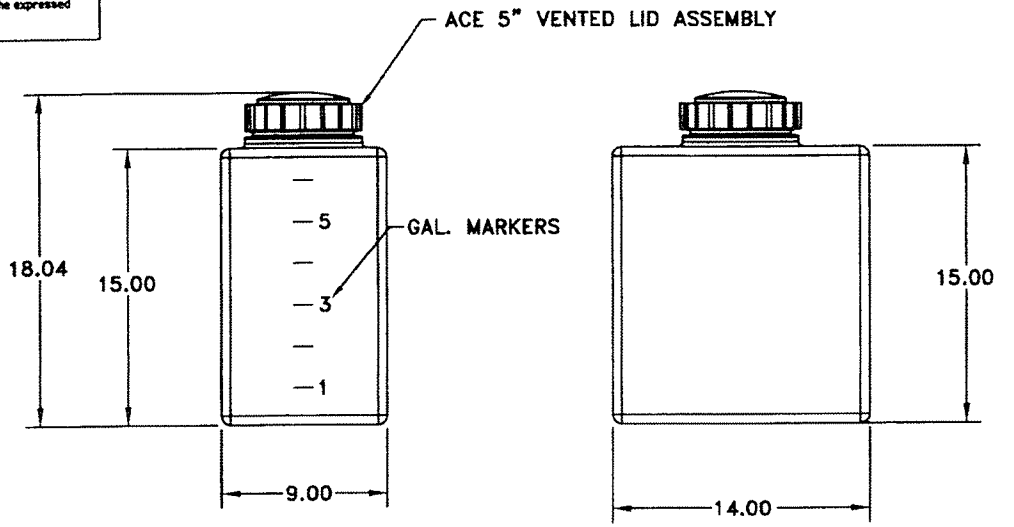
SCALE
N.S.

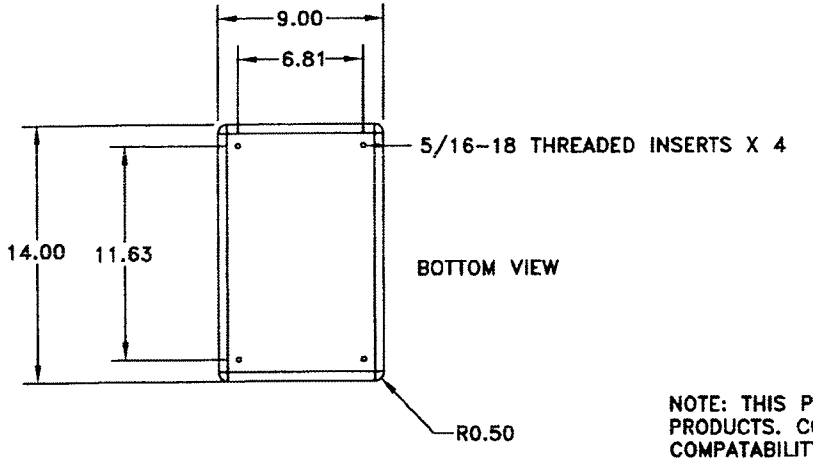
PART NO.
SP0006-2P

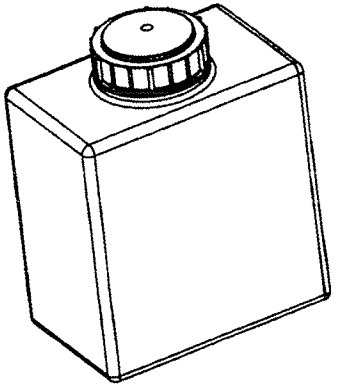
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SP0007-RT B







NOTE: THIS PRODUCT IS NOT DESIGNED TO CONTAIN PETROLEUM PRODUCTS. CONSULT THE FACTORY REGARDING CHEMICAL COMPATABILITY

REV	DESCRIPTION	BY / DATE	CCN
B	WAS 8 POUNDS, DRAWING TEMPLATE UPDATED	DHJ 3/18/10	2006
A	TOLERANCE WAS +/- .5%	10/9/01	

ALL DIMENSIONS ARE IN DECIMAL INCHES
TOLERANCES UNLESS OTHERWISE SPECIFIED

POLYETHYLENE	METAL
±1% @ 68° F	DECIMAL ± .125" FRACTION ± 1/4" ANGLE ± 1°

THIRD ANGLE PROJECTION ANSI 14.5M

DRAWN / DATE: REH 8/15/05
APPRD. / DATE: DHJ 8/15/05
SHOT WEIGHT: 7 LBS. (B)
SHIPPING WEIGHT:
FINISH:

MATERIAL: POLYETHYLENE – MOBIL 135 REFERENCE MATERIAL DATA SHEET FOR SPECIFIC PROPERTIES.

NOTES:
1. NATURAL COLOR

Den Hartog INDUSTRIES, INC.
Aca Roto-Mold Injection Molding Blow Molding Sewjoy
4010 HOSPERS DRIVE S. BOX 425, HOSPERS, IOWA 51238-0425

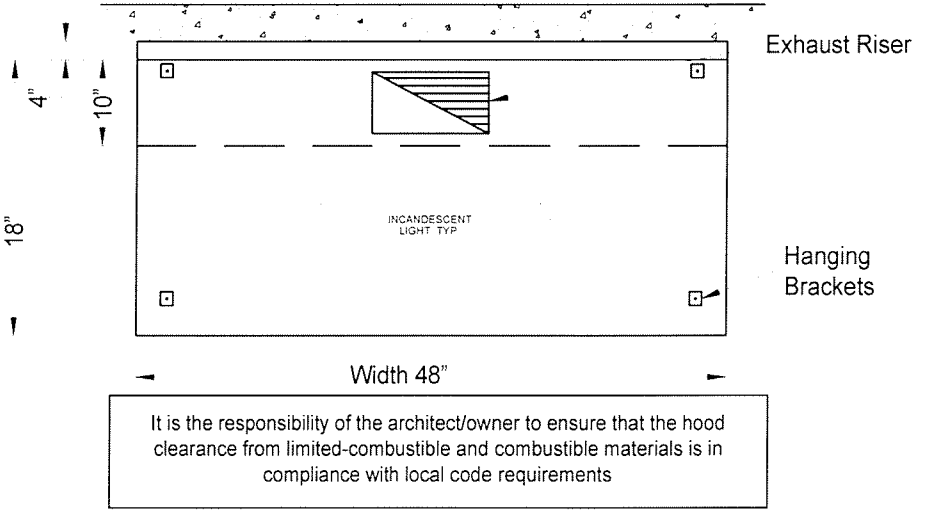
DESCRIPTION: 7 GALLON RECTANGULAR TANK
SCALE: N.S.
PART NO.: SP0007-RT

Concession Trailer

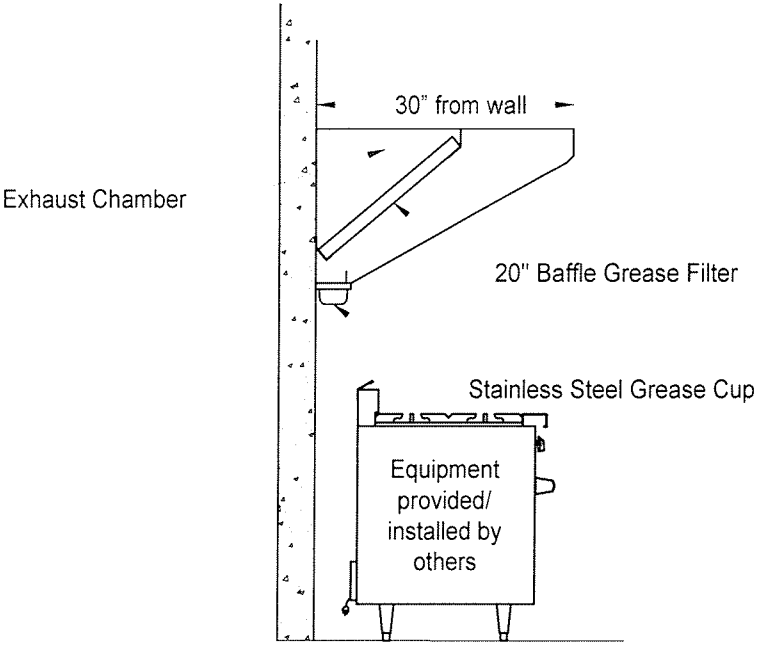
Hood General Specifications

- Hoods are built in accordance with NFPA 96, NSF Specifications and conforms to the U.L. 710 standards
- Hoods are constructed of 18 gauge steel
- Grease Filters are 20" baffle type which carry a U.L. listing and constructed of light weight aluminum
- Grease trough is made to receive grease extracted by the filter
- Each Grease trough is equipped with a stainless steel cup
- Note: Factory does not cut holes in hood
- CFM: 800

- **Deluxe**: All Stainless Steel



It is the responsibility of the architect/owner to ensure that the hood clearance from limited-combustible and combustible materials is in compliance with local code requirements



Model 650

Base Cart

- Completely Enclosed
- All Tubular Steel Framing and Under carriage coated with a Military Grade Rust Inhibitor
- Sliding Plexi-Glass Service Windows
- Exterior Stainless Steel
- Overall Dimensions 96"L x 48"W x 86"H (Dimensions Do Not Linclude Hitch or Ice Well Extension)
- Two (2) Pneumatic Trailer Wheels on Automotive Type Springs
- Fiberglass Roof

Steam Table Area

- Two (2) 16,000 BTU Burners with 100% Safety Controls
- Accommodates Five (5) 1/3 Size Pans (6 7/8" x 12 3/4" x 6") Overall Steam Table Jacket and One (1) 1/2 Size Pan (10 3/8" x 12 3/4" x 6") Over Direct Heat (Large Steam Tables Available)

Cold Storage Area

- Canned or Bottled Drink Chest Area (36" x 23" x 23")
- Capacity 14 Cases of 12oz. Soda Cans
- Meat Storage Bin (23 1/2" x 16" x 12") Insulated with Urethane with Coved Corners for Sanitary Cleaning
- Outside Drink Bin with Lights

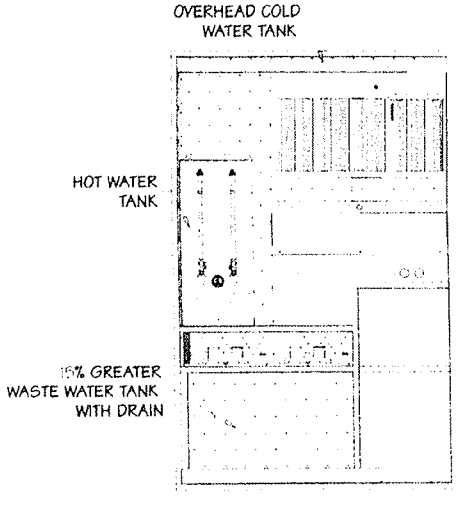
Water/Waste System

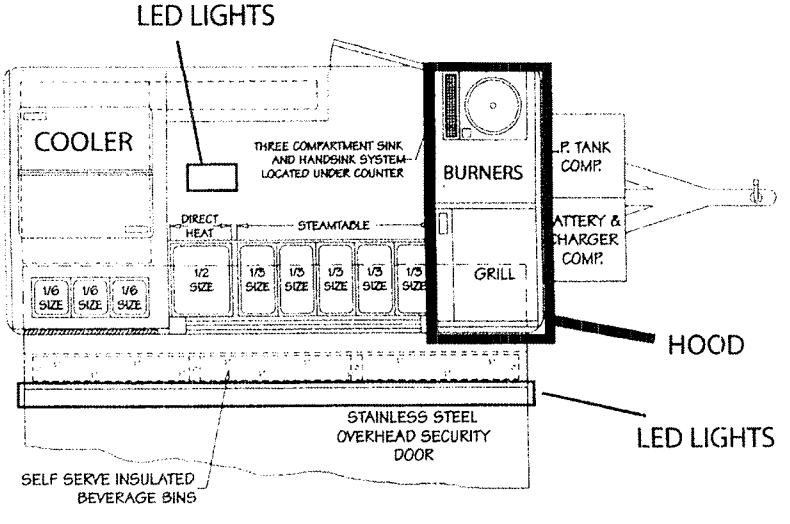
- Three compartment sink and handsink
- Six (6) Gal. Hot and Seven (7) Gal Cold Running Water and Waste Tank 15% Greater

Accessories Included

- Condiment Pots, Self-Service Recessed in a Drink Compartment
- Extra Interior Shelving for Storage
- Locking Stainless Steel Door
- 7" Serving Drop Shelf (Optional Serving Shelf Displace Case Available)
- Char-Broiler or Grill
- 12 Volt Vent Fan Behind Filtered Hood
- Special Compartment for 12 Volt Battery to Operate Interior Light and Vent Fan (Marine Battery and Charger with Automatic Shut Off Included)
- 2" Ball Trailer Hitches with Jack and Swivel Caster
- Locking Operator Door and Flip Up Stainless Steel Awning Door
- Candy, Cookies, and Pastry Display
- White Aluminum or Stainless Steel Exterior
- Four Pot Bain Marie in Ice Chest
- Screen (Windows)

Custom reserves the right to change the design and specifications for any improvement wihtout notice.
It is the responsibility of the purchaser to research Health, Fire, & Zoning Codes prior to ordering.





CUSTOM
Mobile Food Equipment

CALL US TOLL FREE! 800-257-7855
275 South 2nd Road, PO BOX 635 Hammonton, NJ 08037 USA
NJ 609-561-6900 FAX 609-567-9318

VISIT US ON THE WEB!
WWW.FOODCART.COM

Champion Gas Hot Plate Wide Series

Models ☐ GHPW-2i ☐ GHPW-3i

PRODUCT: QUANTITY: ITEM:

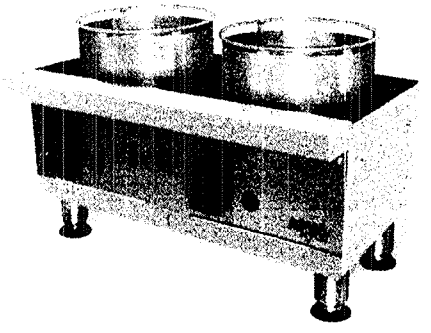
Designed Smart

Increased Performance

- Champion high output gas burners generate 30,000 BTU's per burner
- Reduces amount of labor time to boil water by 50%
- Fast start-up to prime cooking temperatures
- Openings in the front allow the pilot light to be easily lit and adjusted without removing the front panel
- Front extension protects employees from burns

Saves Time and Clean-up Labor Cost

- Maintenance is easier with bottom-mount grease collection pan and removable top grates
- Field convertible gas regulator



Model GHPW-2i Wide Gas Hot Plate

Options & Accessories

- WOK Ring Accessory – Part # 21815507
- High altitude versions available (contact factory)

Design Features

- Heavy-duty stainless steel and aluminized steel construction
- 30,000 BTU/hr per cast iron burner
- Smooth action, infinitely adjustable gas valves turn 90 degrees, giving the operator ultimate control
- Field convertible gas regulator
- Removable cast-iron grate
- Stainless steel collection pans
- Adjustable viewable pilot
- 4" (10.2cm) heat-resistant, adjustable legs
- Front or top-serving

Reliability backed by APW Wyott's Warranty

All APW Wyott Heavy Duty Equipment is backed by a 2-year limited warranty and a 1-year on-site labor warranty, including on-site service calls within 50 miles of authorized service technicians. *

•Certified by the following agencies:

*Warranty does not include cooking grates.

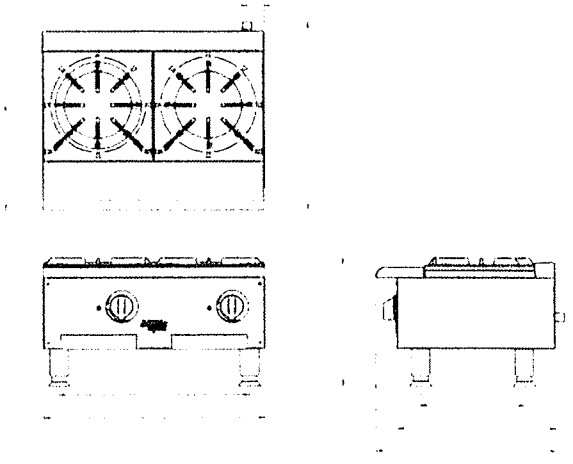
See reverse side for product specifications.

APW wyott
APW Wyott Foodservice Equipment Company · 1307 N Watters Rd Suite 180., Allen, TX 75013 Rev 060614cp
(800) 527-2100 · (972) 908-6100 · Fax (214) 565-0976 · www.apwwyott.com · customercare@standexcsg.com

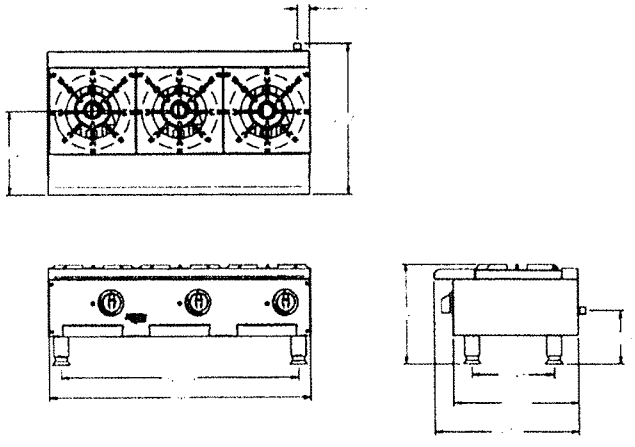
Champion Gas Hot Plate Wide Series

Models ☐ GHPW-2i ☐ GHPW-3i

GHPW-2i



GHPW-3i



PRODUCT SPECIFICATIONS

CONSTRUCTION:

Stainless steel top skirt, crumb tray and front panel.
Aluminized steel sides and back panel. Welded construction.
Field convertible gas regulator. 4" adjustable legs.

Gas Specifications:

GHPW-2i:	60,000 BTU/hr. input 2 manual infinitely adjustable controls Propane is 60,000 BTU/hr.
GHPW-3i:	90,000 BTU/Hr. input 3 manual infinitely adjustable controls Propane is 90,000 BTU/hr.

Overall Dimensions:

GHPW-2i:	14"H x 24"W x 19 1/2"D (35.5cm x 61cm x 50.5cm)
GHPW-3i:	14"H x 36"W x 19 7/8"D (35.5cm x 91cm x 50.5cm)

NOTE: Regulator and pipe add 1 ¼" to the rear of the unit.

Shipping:

GHPW-2i:	64 lbs (29 kg)
GHPW-3i:	104 lbs (47.2 kg)

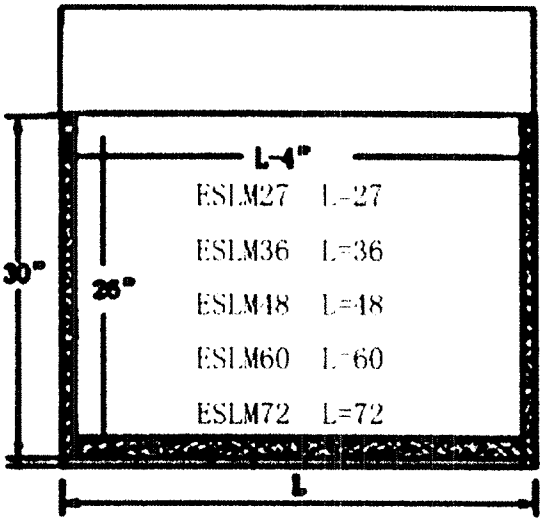
Freight Class: 85
FOB: Standex Dock

*APW Wyott reserves the right to modify specifications or discontinue models without incurring obligation.

1

MODEL : ESLM

FRONT VIEW



ESLM27 L=27

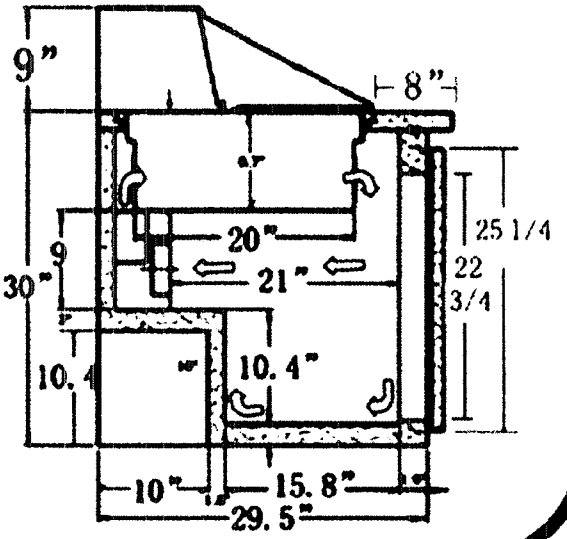
ESLM36 L=36

ESLM48 L=48

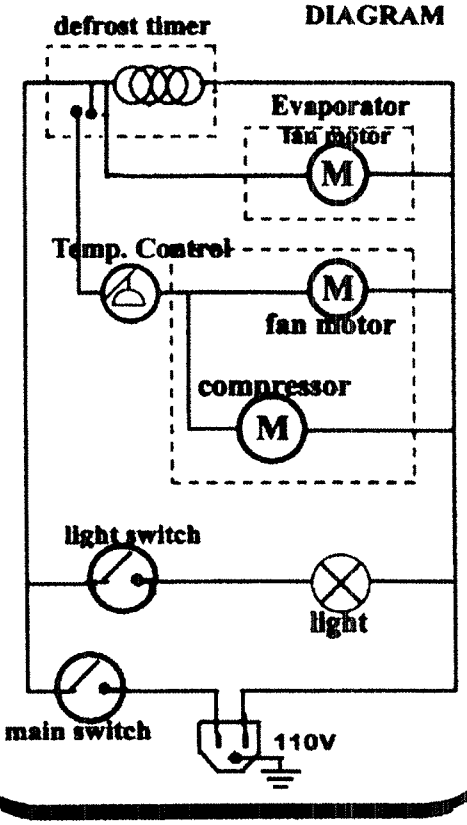
ESLM60 L=60

ESLM72 L=72

SIDE VIEW



LOW BOY BAIN MARIE DIAGRAM



Leader®

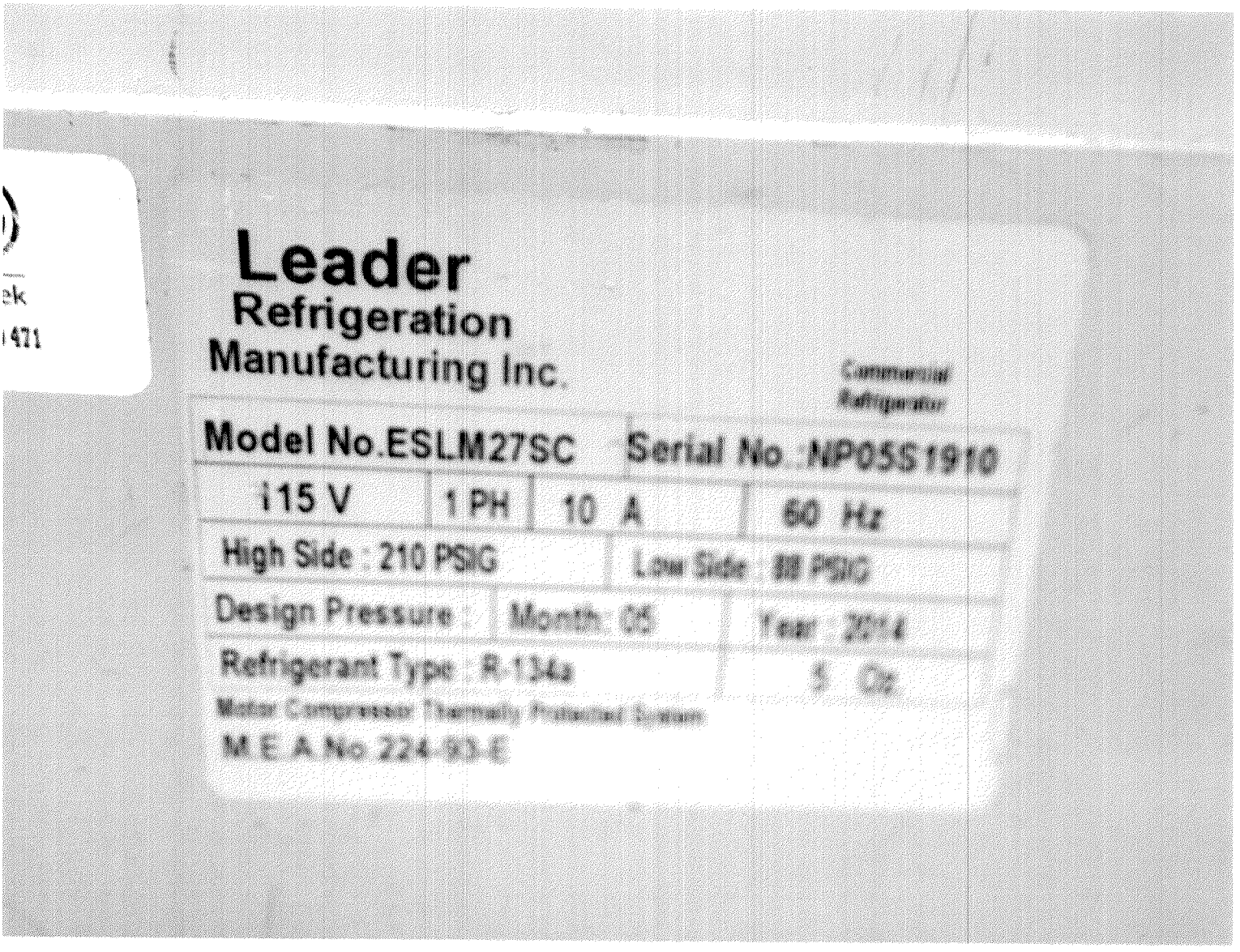
REFRIGERATION MANUFACTURING INC.
USA

BEST QUALITY

BEST SERVICE

BEST VALUE

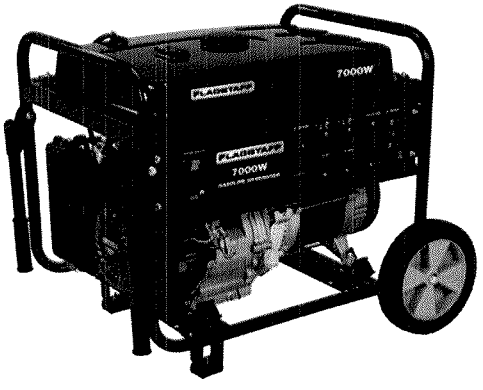
SINCE 1992


Leader
Refrigeration
Manufacturing Inc.
Commercial
Refrigerator
Model No.ESLM27SC
Serial No. NP05S1910
115 V
1 PH
10 A
60 Hz
High Side : 210 PSIG
Low Side : 88 PSIG
Design Pressure :
Month: 05
Year : 2014
Refrigerant Type : R-134a
Motor Compressor Thermally Protected System
M.E.A.No 224-93-E

NORTHERN® TOOL + EQUIPMENT NorthernTool.com | 1-800-838-0516 | Available Online Only

Flagstaff Portable Generator — 7000 Surge Watts, 5500 Rated Watts, EPA Compliant

Item# 720855 1 Review | 2 Answered Questions



Was $599.99
Sale $399.99
Save $200.00

- Four 120V 20A outlets, one 120/240V 30A locking outlet and one 12V DC outlet
- Low oil shutdown protects engine
- 11-hour run time @ 1/2 load on 6.6-gallon tank
- Includes wheel kit and handles

Product Summary

This Flagstaff Portable Generator lets you take up to 7000 watts of dependable power wherever you need it. The included wheel kit makes portability easy. Four 120V outlets, a 120/240 locking outlet and a 12V DC outlet provide plenty of power options for projects and emergencies at home or on the jobsite. **Not for sale in California.**

What's Included

(1) Portable generator

FLAGSTAFF

Features + Benefits

- Four 120V 20A outlets, one 120/240V 30A locking outlet and one 12V DC outlet
- Low oil shutdown protects engine
- 11-hour run time @ 1/2 load on 6.6-gallon tank
- Includes wheel kit and handles

Key Specs

Item#	720855
Manufacturer's Warranty	12mth consumer/90day commercia
Ship Weight	168.0 lbs
Surge Watts	7,000
Rated Watts	5,500
Start Type	Recoil
Engine	OHV
HP	15
Run Time	11 hrs. at 1/2 load
Receptacles (qty.)	(4) 120V 20A outlet, (1) 120/240V 30A locking outlet, (1) 12V DC outlet
Noise Level (dB)	76
Fuel Type	Gasoline
Fuel Capacity (gal.)	6.6
Low Oil Shutdown	Yes
Battery Included	No



SHURflo

SHURFLO REVOLUTION WATER PUMP - 3 GPM - 55 PSI - SUPER QUIET

Part # : 86-8398 | Manufacturer # : 4008-101-E65, 10-0115, 4008-101-A65 | UPC # : 752324010998

Regular Price: ~~$117.18~~ On sale for only: **$58.79**

Qty 1 Add to Cart

Sale Prices Shown are Valid Until 07/08/2016.

The Shurflo Revolution 4008 Fresh Water Pump is an Easy Choice

Face it; there is nothing exciting about RV water pumps. In fact, the more time you spend NOT thinking about your RV's water pump, the better.

In addition to pumping water fast and with steady strong pressure, the next most important thing we want in a water pump is reliability. Because whenever you are thinking about your water pump it likely means you don't have running water.

This on-demand 12 volt AC pump is designed for all travel trailers, fifth wheel, campers, and motorhomes. The pump is high flow delivering 3 gallons per minute, with pressure up to 55 psi. It's constructed to be reliable, low noise, and reduced cycling.

Take a look at Shurflo's inline strainers, it will protect you pumps valve's from debris in the water.

Please call PPL at 800-755-4775 for details.

FEATURES **SPECIFICATIONS**

- 3 gallons per minute
- Water pressure to 55 psi
- 7.5 amp motor
- 1/2 Male threaded Ports (14 NPSM)
- Dry primes to 6 vertical feet]

NANTUCKET HEALTH DEPARTMENT

3 EAST CHESTNUT STREET
NANTUCKET, MASSACHUSETTS

Tel. 506.228.7200

Fax. 508.325.6117

WELLS REGULATION POLICY BRIEF

DATE: 06/15/2023

TO: Members of the Board of Health

FROM: Maryann Vasquez-Cruz, Policy Intern, Nantucket Health Department

RE: Regulations 386

This brief is intended to provide a summary for the revised private well regulations set to be heard at the Board of Health (BOH) public hearing on July 20th, 2023. The information detailed below is for informational purposes only, aimed to assist the BOH in their decision making.

Regulation 386

Prior to issuance of well construction permits and water supply certificate an applicant shall submit to the BOH a Pumping Test Report. Submission of the report shall include the well owners name and address, well's location in reference to at least 2 permanent structures, date pumping test was performed, depth at which test was performed, location of discharge line; if applicable, time discharge rate changed, pumping water levels after pumping, maximum drawdown during test, duration of the test including pumping and recovery time, recovery water levels, respective recovery times, and the reference points used for all measurements taken. No well construction permits, or water supply certificates shall be issued unless the Pumping Test Report demonstrates that sufficient water will be served by the well in its location.

A Well Construction Permit must be obtained from the BOH by a certified well driller or certified company before installing, altering, repairing, or replacing a private well. Emergency repairs may be made prior to permit however fees may apply and be waived. Permits applications are to be submitted along with the well owner's name and address, well drillers name and proof of valid Massachusetts certification, a plan with a specified scale signed by registered surveyor or engineer, and location of well in relation to above/below ground structures. Descriptions of prior and current land uses within 200 ft which may represent potential sources of contamination shall also be reported. Owners of property 400 ft from construction must be notified. A copy of the permit must be on-site at all times during construction. Permits are transferrable and expire after one year and may be extended up to 6 months, however no permits shall be issued for properties with access to municipal water.

After construction, well owners must obtain a Water Supply Certificate. Issuance of water supply certificate certifies that water may be used as a drinking water supply and must obtained before an occupancy permit or building permit. To apply for the certificate applicants must submit a well construction permit, copy of

the well completion report according to MassDEP's well drillers program regulation, and a copy of the Pumping Test and Water Quality Report.

After the construction of the well has been completed and disinfected, a baseline water quality test shall be conducted and submitted as a Water Quality Report. Water samples shall be collected after either purging 3 well volumes or following the stabilization of pH, temperature, and specific conductance in pumped well. Water testing shall be conducted by a Massachusetts or EPA certified laboratory which analyses well water for pathogens, toxins, pH, and any per and polyfluoroalkyl substances from the "PFAS6" group: perfluorooctane sulfonic acid (PFOS); perfluorooctanoic acid (PFOA); perfluorohexane sulfonic acid (PFHxS); perfluorononanoic acid (PFNA); perfluoroheptanoic acid (PFHpA); and perfluorodecanoic acid (PFDA). No water treatment device shall be installed prior to water sampling. The well owner must also make available water quality testing results to all available tenants and any interested property buyers and/or brokers. Applicants shall submit the quality report to the BOH with a copy of the certified laboratory's results, name and contact information of water sample collector, and location of where the sample was obtained. Certificates may be issued, issued with conditional conditions, or be denied.

The location of a well should identify all potential sources of contamination which exist or are proposed within 400 ft of site. Wells should also be located where it may be accessible for repair, maintenance, testing, and inspection. Wells must not be within 100 ft of an existing or proposed leaching facility. They must not also be 300 ft from a downgradient groundwater flow from a leaching facility except if located in a high hydrological regional contour line. These criteria can be determined using the Water Table Map #2 by HWH. Private well locations are also to be certain distances from properties, roads, waste, pesticide or fuel systems, surface waters, and leaching fields. Private wells shall not connect to public water or any type of waste distribution system.

No person shall install, alter, repair, or replace any private well or any component thereof unless they are a certified well driller from a certified company. All private wells shall be designed and constructed with permanent construction materials that are specific of the hydrogeologic environment of the well site and with no unsealing opening which may conduct surface water or contaminated groundwater vertical into the intake portion of the well. Construction sites should take appropriate precautions to avoid injury, contamination of the well, surface water, or the aquifer. Well components such as the well casing, well screen, well grouting and sealing shall be constructed using specific materials which allow for the well to be watertight, safe from contamination, and durable. Upon completion of well construction, the well driller shall disinfect the well and pumping equipment before its installation in the well or after alteration of an existing well. When disinfected, the initial chlorine concentration shall be 100mg/L and left undisturbed for a minimum of 2 hours.

Owners shall abandon/decommission a well if the construction of the well is terminated prior to completion, the well is unsafe for use due to contamination or contaminating other sources, the well is impractical or unsafe, it's been out of service for at least 3 years, or the owner has notified the Board the well is to be decommissioned. In the event of contamination, the property owner may not install a new well if the property can be connected to the municipal water system.

The Board has the authority to investigate and act towards any suspected or known violations of any of these regulations and/or violations of any Water Supply Certificate conditions. Any Order the Board issues shall be in writing to the owner of the well and may request a hearing within 7 days after the order is received. Penalties will be imposed to whomever violates any provision of the regulation by a non-criminal

disposition process. The Board also may grant a variance to any provision of this regulation when in its opinion would result in injustice or deem necessary to public health, safety, welfare, or the environment.

Regulation revisions pertain to the policies voted on by the BOH on 11/18/2021 regarding the 2020 MassDEP PFAS public drinking water standard, which set the maximum contamination level for any or all PFAS to 20 nanograms per liter (ng/L) individually or for the sum of the concentrations of PFAS. The policies voted for prohibited well permits in areas showing PFAS contamination at pr above 20 ng/L, PFAS testing for all new wells connecting to other water sources, recommendation for abandonment of wells showing levels above 20 ng/L, and recommendations to connecting to municipal water in case of contamination and is accessible by the well owner.

Respectfully Submitted,

Maryann Vasquez-Cruz

Policy Intern, Department of Health

Town of Nantucket

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
BOARD OF HEALTH

HOUSING & HUMAN HABITATION INSPECTION REPORT

Location 1 Magnolia Avenue
Owner — Address PO Box 880
Danielle Debenedictis Siasconset, MA 02564
Occupant — Address (if different)
Summer House Employees
Inspector's Name John Hedden / Kathy LaFavre

map 73.3.1 parcel 123
phone # _____
type of dwelling:
- single family dwelling ☐
- multi family dwelling ☐
- lodging house ☐
- rooming unit ☐
- dormitory ☒
- other _____ ☐

Date 6/14/23
Time: In 2:30pm Out
Purpose:
- Routine ☐
- Follow-up ☐
- Complaint ☐
- Annual ☐
- 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.

	Fine	Code Section
BATHROOM FACILITIES - owner shall provide: Dwelling Unit (A) Rooming Unit (B)		
☐ 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. accessability	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 ~~(110-180)~~ 150	100	~~180~~ 150
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 & MAINTANENCE 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)

	Fine	Code Section
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
CONDITIONS: HEALTH OR SAFETY		
☒ 80. endanger or impair	200	~~750(A) thru (P)~~ 630

Fire Department has ordered gas to be shut off for entire property. Dorm has no hot water. Electrical & gas; and plumbing work done without permits. Dorm permit to be revoked. Dorm to be condemned. Occupants must vacate dorm.

Inspector John Hedden / Kathy LaFavre Date 6/14/2023 Time 2:30 AM (PM) Recieved by: _____

Next schedule reinspection: Date TBD Time _____ AM PM

From: John D. Hedden
To: John D. Hedden
Subject: 6-14-2023 pics 1
Date: Tuesday, June 27, 2023 3:17:20 PM




1-800-432-8373









Sent from my iPad

From: John D. Hedden
To: John D. Hedden
Subject: 6-14-2023 pics 2
Date: Tuesday, June 27, 2023 3:18:10 PM













Sent from my iPad

From: John D. Hedden
To: John D. Hedden
Subject: 6-14-2023 pics 3
Date: Tuesday, June 27, 2023 3:18:48 PM













Sent from my iPad

From: John D. Hedden
To: John D. Hedden
Subject: 6-14-2023 pics 4
Date: Tuesday, June 27, 2023 3:19:48 PM







Sent from my iPad

INSPECTION WORKSHEET (IHLTF-002879-2020)

Town of Nantucket
508-228-7200

Case Number:	HLTF-2020-06-00000376	**Case Module:**	Permit
Inspection Date:	Tue Jun 30, 2020	**Inspection Status:**	Re-Inspect Required
Inspector:	Hedden, John D.	**Inspection Type:**	HLTF - Food Establishment

Job Address:	17 OCEAN AV Nantucket, MA, 02554	**Parcel Number:**	73.2.4 58

Contact Type	Company Name	Name
Food Manager		Revoredo, Andres
Parcel Owner	DEBENEDICTIS DANIELLE TR	
Establishment	Andre Partners LLC dba Summer House Pool Bistro	
Applicant		Monroy, Jose

Checklist Item	Status
HLTF - Overall Physical Facility - Overall Physical Facility	Passed

Bar soda lines are being repaired. Screen doors need to be self closing. Dry storage shed floor needs to be cleaned, a piece of the floor needs to be patched. Window behind 3 bay sink needs to be closed or a screen needs to be installed. Light bulbs in kitchen need to be cleaned. Lots of trash and unused equipment outside.

HLTF - Equipment - Equipment — Passed

Make sure walk-in cooler is at correct temperature, temp is at 10 degrees. All dish ware is currently being washed. Dishwasher not sanitizing - Eco lab is repairing today. A number of low boy fridges are not working, are being repaired today. Need handle for lowboy fridge with sandwich station in middle of the kitchen. Need test strips for Quat sanitizer at 3 bay sink.

HLTF - General Comments - General Comments — Passed

Discussed following all State guidelines during COVID 19.

Permit will be issued once cleaning has been completed.

Andres Revoredo

Hedden, John D.

NANTUCKET HEALTH DEPARTMENT
131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Tele fax 508.325.6117

9/12/2022

DEBENEDICTIS DANIELLE TR
P O BOX 880
SIASCONSET, MA 02564

RE: Summer House Bistro, sewer problem.

Dear Danielle Debenedictis:

It was brought to the attention of the Health Department that there was a sewer failure behind the building of the Summer House Bistro. You are being issued this citation for failing to cease operations and notify the Health Department of this imminent health hazard.

Enclosed please find a copy of Cease-and-Desist Letter, Inspection Report, Pictures,

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

Regards,

John Hedden
Chief Environmental Health Officer
jdhedden@nantucket-ma.gov
508-228-7200 ext. 7321

NANTUCKET HEALTH DEPARTMENT
131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Tele fax 508.325.6117
jdhedden@nantucket-ma.gov

NOTICE OF STATE SANITARY CODE VIOLATION AND ORDER TO CEASE, DESIST, REMEDIATE, AND/OR ABATE

DEBENEDICTIS DANIELLE TR and all persons having notice of this order. As the owner/occupant of property, located at 16 Ocean Avenue, MA, Assessor's Map 73.2.4 Parcel 21 and known as a Food Establishment, you are hereby notified that you are in violation of:

⊗ **Section Violation of 105 CMR 590.000 Minimum sanitation standards for food establishments. 8-404.11 Ceasing Operations and Reporting.**

And are ORDERED this date 9/12/2022 to:

SUMMARY OF VIOLATION.

1. CEASE AND DESIST IMMEDIATELY, all functions connected with this VIOLATION, at the above-mentioned property:

The pump for the sewer system located in the back of the food establishment and the pool has failed creating a pond of raw sewage behind the building.

SUMMARY OF ACTION TO ABATE

2. COMMENCE (Immediately), action to abate this violation permanently (Immediately))

Fix the sewer pump. The pond of sewage in the back of the property must be pumped by a licensed septage hauler and the area must be disinfected and replaced with clean soil. The Food Establishment and Pool must not operate until the sewer system is operating properly and the contaminated soil has been disinfected and the soil replaced with clean soil.

And if aggrieved by this order: To show cause as to why you should not be required to do so, by filing an appeal to any court of competent jurisdiction and or Nantucket Board of Health within 7 days of receipt of the order, if such order is issued by the local approving authority per 105 CMR 590.000. Each day's failure to comply with this order will result in a separate offence and will result in monetary penalties.

PC: Board of Health

INSPECTION WORKSHEET (IHLTH-019069-2022)

Town of Nantucket
508-228-7200

Case Number:		**Case Module:**	NONE
Inspection Date:	Mon Sep 12, 2022	**Inspection Status:**	Fail
Inspector:	Hedden, John D.	**Inspection Type:**	Complaint Inspection - Health

Job Address:	16 OCEAN AV Nantucket, MA, 02554	**Parcel Number:**	73.2.4 21

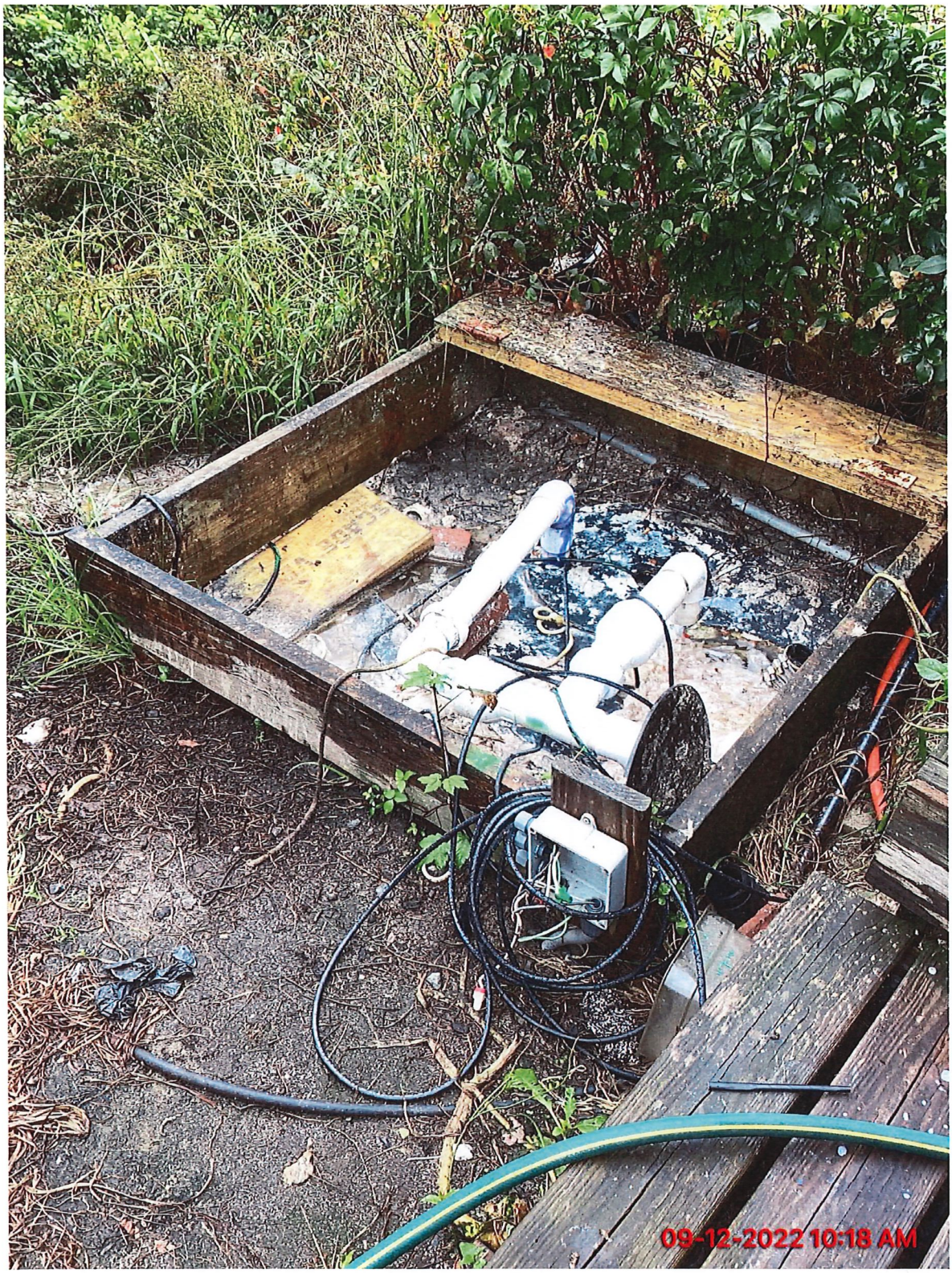
Contact Type	Company Name	Name
Parcel Owner	DEBENEDICTIS DANIELLE TR	

Checklist Item	Status
HLTF - General Comments - General Comments	Failed

The ejector pump in the back of the building has failed. There is a pond of raw sewage behind the building. The pump needs to be fixed or replaced and the contaminated soil needs to be decontaminated removed and replaced with clean soil.

Food Permit has been suspended until there is a proper functioning sewer system and the decontaminated soil has been removed and replaced with clean soil. Pool permit must be suspended.

Hedden, John D.


09-12-2022 10:18 AM


09-12-2022 10:17 AM

VIOLATOR COPY

Town of Nantucket Massachusetts

VIOLATION NOTICE

DEPARTMENT FILE NO. 22-009665

DATE NOTICE WRITTEN: 9/12/22

DEPARTMENT: ☐ POLICE ☒ HEALTH ☐ BUILDING ☐ MARINE ☐ H.D.C. ☐ _____

A 25256

VIOLATOR

NAME (Last, First, Initial): Debenedictis, Danielle

ADDRESS: 16 Ocean Avenue

CITY/TOWN: Nantucket STATE: MA ZIP: 02564

DATE OF BIRTH | RACE/SEX | SOCIAL SECURITY NUMBER

OWNER

OWNER (if different) or PARENT (if minor))

ADDRESS: PO Box

CITY/TOWN: Siasconset STATE: MA ZIP: 02564

DESCRIPTION OF AREA/PREMISES, BICYCLE OR VEHICLE

OFFENSE(s)

DATE OF VIOLATION: 9/12/22

LOCATION OF VIOLATION: 16/10 Ocean Avenue

TIME: 10:00 ☒ AM ☐ PM

	VIOLATION CODE	FINE
A. Imminent Health Hazard (sewage)	105 CMR 590	$ 100
B.		

NOTICE TO VIOLATOR

SEE REVERSE SIDE FOR IMPORTANT INFORMATION ON YOUR RIGHTS AND DUTIES REGARDING THIS VIOLATION NOTICE.

OFFICER: CHECK ONE ONLY ☐ WARNING ☒ NON-CRIMINAL

IF NON-CRIMINAL TOTAL AMOUNT DUE: $ 100

OFFICER, INSERT FINE AMOUNTS ONLY IF YOU CHECK "NON-CRIMINAL" AT LEFT.

OFFICER CERTIFIES COPY GIVEN TO VIOLATOR: Je

ID NO.

☐ BY HAND ☒ BY MAIL

VIOLATOR ACKNOWLEDGES RECEIPT OF NOTICE: X

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

September 1, 2020

DEBENEDICTIS DANIELLE TR
P O BOX 880
SIASCONSET, MA 02564

Re: Violations of 105 CMR 590.000

Dear Summer House Bistro,

During a recent inspection at your establishment, several violations of 105 CMR 590.000 were observed. Please refer to the inspection report provided to you dated 8/31/2020. You are being issued this citation for the following violations;

1. Improper food separation. 105 CMR 590.003, FC 3-301.11
   - Raw animal food must be separated from ready to eat vegetable food. Packages of meat were observed being stored on top of ready to eat vegetable food in one of the lowboy fridges.

2. Outer openings not solid, self-closing, tight-fitting doors. 105 CMR 590.006, FC 6-202.15
   - The rear screen door in the kitchen is not tight-fitting. This is an outstanding violation which has not been corrected in a timely manner.

Instructions for paying this ticket are found on the back of the ticket (payable within 21 days to the Town Clerk's Office). Should you decide to appeal this ticket, instructions for doing so are also located on the back of the ticket.

If you have any questions, please do not hesitate to contact this office.

Sincerely,

John Hedden
508-228-7200 ext. 7321
jdhedden@nantucket-ma.gov
Health Inspector
Nantucket Health Department

INSPECTION WORKSHEET (IHLTF-003926-2020)

Town of Nantucket
508-228-7200

Case Number:	HLTF-2020-06-00000376	**Case Module:**	Permit
Inspection Date:	Mon Aug 31, 2020	**Inspection Status:**	Re-Inspect Required
Inspector:	Hedden, John D.	**Inspection Type:**	HLTF - Food Establishment

Job Address:	17 OCEAN AV Nantucket, MA, 02554	**Parcel Number:**	73.2.4 58

Contact Type	Company Name	Name
Parcel Owner	DEBENEDICTIS DANIELLE TR	
Food Manager		~~Revoredo, Andres~~
Applicant		Monroy, Jose
Establishment	Andre Partners LLC dba Summer House Pool Bistro	

Checklist Item	Status
HLTF - Overall Physical Facility - Overall Physical Facility	Passed

Hand sink in kitchen has leak underneath. Grease trap needs to be cleaned out and cover needs to closed. Extension cord from outside cannot be used to power lights in kitchen. Grease trap pipe possibly has a leak. Back of building needs to be cleaned up. Discussed waste water to be poured down service sink. Bathrooms need screens for windows. Establishment needs service/mop sink. Need screen window in women's bathroom.

HLTF - Equipment - Equipment — Passed

Discussed ice cream freezer to be washed and sanitized. Dishwasher has leak in the back, dishwasher not sanitizing.

HLTF - Food - Food - Temperature Controls, Wholesaler, HACCP, Sanitation — Passed

Meat cannot be stored on vegetables in low boy sandwich fridge. Mussels cannot be stored on the floor in walk-in fridge. Food needs to be stored off the floor in dry storage shed.

INSPECTION WORKSHEET (IHLTF-003926-2020)

Checklist Item	Status
HLTF - General Comments - General Comments	Passed

Discussed new Person In Charge - Abe.
Citation to be issued for storing meat on top of vegetables in sandwich station fridge.
Citation to be issued for back screen door.
Discussed tables in dining area to be 6 feet apart.
Discussed contact tracing.

Abe Beltran

Hedden, John D.

VIOLATOR COPY

Town of Nantucket Massachusetts

VIOLATION NOTICE

DEPARTMENT FILE NO. 20.10286

DATE NOTICE WRITTEN 9/1/2020

DEPARTMENT: ☐ POLICE ☐ MARINE ☒ HEALTH ☐ H.D.C. ☐ BUILDING ☐ _____

A 27297

VIOLATOR

NAME (Last, First, Initial): Karlson, Peter, Summer House

ADDRESS: 16 Ocean Avenue

CITY/TOWN: Siasconset STATE: MA ZIP: 02564

DATE OF BIRTH | RACE/SEX | SOCIAL SECURITY NUMBER

OWNER

OWNER (if different) or PARENT (if minor))

ADDRESS

CITY/TOWN | STATE | ZIP

DESCRIPTION OF AREA/PREMISES, BICYCLE OR VEHICLE: Improper food separation, screen door

OFFENSE(s)

DATE OF VIOLATION: 8/31/2020

LOCATION OF VIOLATION: Summer House Bistro kitchen

TIME: 11:30 ☒ AM ☐ PM

		VIOLATION CODE	FINE
A. Improper food separation	FC	3-302.11	$100
B. Non-tight fitting outer opening	FC	6-202.15	$100

NOTICE TO VIOLATOR

SEE REVERSE SIDE FOR IMPORTANT INFORMATION ON YOUR RIGHTS AND DUTIES REGARDING THIS VIOLATION NOTICE.

OFFICER: CHECK ONE ONLY ☐ WARNING ☒ NON-CRIMINAL

IF NON-CRIMINAL TOTAL AMOUNT DUE: $200

OFFICER, INSERT FINE AMOUNTS ONLY IF YOU CHECK "NON-CRIMINAL" AT LEFT.

OFFICER CERTIFIES COPY GIVEN TO VIOLATOR: JH Lem

ID NO.

☐ BY HAND ☒ BY MAIL

VIOLATOR ACKNOWLEDGES RECEIPT OF NOTICE: X

IF THE FRONT OR THIS NOTICE IS CHECKED

"WARNING": No action on your part is required, however an administrative record of this violation has been recorded.

"NON-CRIMINAL": You have the following alternatives which will operate as a final disposition of this matter with no criminal record:

(1) If the violation IS NOT a bicycle violation, and you choose to pay the fine, you may either appear in person or through a duly authorized agent, or by mailing a check, money order or postal note within 21 DAYS OF THE DATE OF THIS NOTICE TO:

Town Clerk
16 Broad Street
Nantucket, MA 02554

(1A) FOR BICYCLE VIOLATIONS, and you choose to pay the fine, you may either appear in person or through a duly authorized agent, or by mailing a check, money order or postal note WITHIN 21 DAYS OF THE DATE ON THIS NOTICE to the Clerk-Magistrate whose address is listed below.

(2) If you desire to contest this violation notice FOR ANY VIOLATION, you may do so by making a written request for a non-criminal hearing, and enclosing a copy of this notice, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Clerk-Magistrate
Nantucket District Court
P.O. Box 1800
Nantucket, MA 02554

IF YOU FAIL TO PAY THE FINE LISTED ON THIS NOTICE OR FAIL TO REQUEST A HEARING WITHIN 21 DAYS, OR IF YOU FAIL TO APPEAR FOR A HEARING OR TO PAY THE FINE DETERMINED AT THE HEARING TO BE DUE, A CRIMINAL COMPLAINT MAY BE ISSUED AGAINST YOU.

☐ I hereby confess to the offense charged, and enclose the fine payment in the amount of $_____

☐ I hereby request a non-criminal hearing on this matter.

Signature _____

Mailing Address: _____

City/ Town _____

Telephone Number: (_____) _____

NANTUCKET HEALTH DEPARTMENT
131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Tele fax 508.325.6117

9/14/2022

DEBENEDICTIS DANIELLE
228 LEWIS WHARF
BOSTON, MA 02110

RE: 10 Ocean Avenue

Dear Danielle:

Due to a complaint of raw sewage breaking out on the property, the Health Department inspected the above-mentioned property on September 12th, 2022, and found a pond of raw sewage on the property. The pond of raw sewage is a nuisance, a source of filth, and a cause of sickness. You are being issued a citation of $1,000 for failure to maintain the property in a sanitary manner.

Enclosed please find a copy of a Letter to Remediate and photos with more detailed information.

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

Regards,

John Hedden
Chief Environmental Health Officer
Nantucket Health Dept.
jdhedden@nantucket-ma.gov
508-228-7200 ext 7321

NANTUCKET HEALTH DEPARTMENT
131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Tele fax 508.325.6117
jdhedden@nantucket-ma.gov

NOTICE OF STATE SANITARY CODE VIOLATION AND ORDER TO CEASE, DESIST, REMEDIATE, AND/OR ABATE

Danielle Debenedictis and all persons having notice of this order. As the owner of the property, located at 10 Ocean Avenue, MA, Assessor's Map 73.2.4 Parcel 15, you are hereby notified that you are in violation of:

⊗ **M.G.L. Chapter 111 Section 123**
***Nausance, source of filth, and cause of sickness.**

And are ORDERED this date 9/14/2022 to:

SUMMARY OF VIOLATION.

1. CEASE AND DESIST IMMEDIATELY, all functions connected with this VIOLATION, at the above-mentioned property:

There is a pond of raw sewage on the property which is creating a nausance, is a source of filth, and a cause of sickness to the general public.

SUMMARY OF ACTION TO ABATE

2. COMMENCE (Immediately), action to abate this violation permanently (Immediately))

The pond of sewage on the property must be pumped by a licensed septage hauler and the area must be disinfected and the dirt must be removed and replaced by approved means and material.

And if aggrieved by this order: To show cause as to why you should not be required to do so, by filing an appeal to any court of competent jurisdiction and or Nantucket Board of Health within 7 days of receipt of the order, if such order is issued by the local approving authority per 105 CMR 410.000. Each day's failure to comply with this order will result in a separate offence and will result in monetary penalties.
PC: Board of Health



VIOLATOR COPY

Town of Nantucket Massachusetts

VIOLATION NOTICE

DEPARTMENT FILE NO. 22-9714

DATE NOTICE WRITTEN: 9/14/2022

DEPARTMENT: ☐ POLICE ☒ HEALTH ☐ BUILDING ☐ MARINE ☐ H.D.C. ☐ _____

A 25258

VIOLATOR

NAME (Last, First, Initial): Debenedictis, Danielle

ADDRESS: 228 Lewis Wharf

CITY/TOWN: ~~Nantucket~~ Boston STATE: MA ZIP: 02110

DATE OF BIRTH | RACE/SEX | SOCIAL SECURITY NUMBER

OWNER

OWNER (if different) or PARENT (if minor))

ADDRESS

CITY/TOWN STATE ZIP

OFFENSE(s)

DESCRIPTION OF AREA/PREMISES, BICYCLE OR VEHICLE: Raw sewage ponding on Property

DATE OF VIOLATION: 9/12/22

LOCATION OF VIOLATION: 10 Ocean Avenue

TIME: 10:00 ☒ AM ☐ PM

	VIOLATION CODE	FINE
A. Pond of raw sewage	M.G.L. chapter 111 Section 123	$1,000
B.		

NOTICE TO VIOLATOR

SEE REVERSE SIDE FOR IMPORTANT INFORMATION ON YOUR RIGHTS AND DUTIES REGARDING THIS VIOLATION NOTICE.

OFFICER: CHECK ONE ONLY ☐ WARNING ☒ NON-CRIMINAL

IF NON-CRIMINAL TOTAL AMOUNT DUE: $ 1,000

OFFICER, INSERT FINE AMOUNTS ONLY IF YOU CHECK "NON-CRIMINAL" AT LEFT.

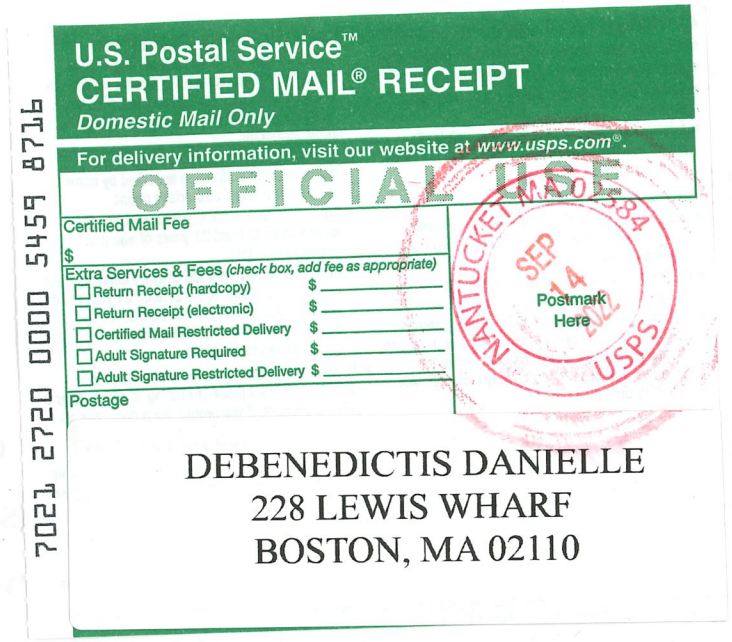
OFFICER CERTIFIES COPY GIVEN TO VIOLATOR

ID NO.

☐ BY HAND ☒ BY MAIL

VIOLATOR ACKNOWLEDGES RECEIPT OF NOTICE

X


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
NANTUCKET MA 02584
SEP 14 2021
Postmark Here
USPS
7021 2720 0000 5459 8716
DEBENEDICTIS DANIELLE
228 LEWIS WHARF
BOSTON, MA 02110

7021 2720 0000 5459 8976

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

USPS NANTUCKET MA 02564 OCT 6 2021 Postmark Here

DEBENEDICTIS DANIELLE TR
P O BOX 880
SIASCONSET, MA 02564

INSPECTION WORKSHEET (IHLTH-019069-2022)

Town of Nantucket
508-228-7200

Case Number:		**Case Module:**	NONE
Inspection Date:	Mon Sep 12, 2022	**Inspection Status:**	Fail
Inspector:	Hedden, John D.	**Inspection Type:**	Complaint Inspection - Health

Job Address:	16 OCEAN AV Nantucket, MA, 02554	**Parcel Number:**	73.2.4 21

Contact Type	Company Name	Name
Parcel Owner	DEBENEDICTIS DANIELLE TR	

Checklist Item	Status
HLTF - General Comments - General Comments	Failed

The ejector pump in the back of the building has failed. There is a pond of raw sewage behind the building. The pump needs to be fixed or replaced and the contaminated soil needs to be decontaminated removed and replaced with clean soil.

Food Permit has been suspended until there is a proper functioning sewer system and the decontaminated soil has been removed and replaced with clean soil. Pool permit must be suspended.

Hedden, John D.


09-12-2022 10:15 AM

09-12-2022 10:16 AM


09-12-2022 10:18 AM


09-12-2022 10:17 AM


09-12-2022 10:17 AM

INSPECTION WORKSHEET (IHLTF-025798-2023)

Town of Nantucket
508-228-7200

Case Number:		**Case Module:**	NONE
Inspection Date:	Thu Jun 22, 2023	**Inspection Status:**	Re-Inspect Required
Inspector:	Hedden, John D.	**Inspection Type:**	HLTF - Food Establishment

Job Address:	1 MAGNOLIA AV Nantucket, MA, 02554	**Parcel Number:**	73.3.1 123

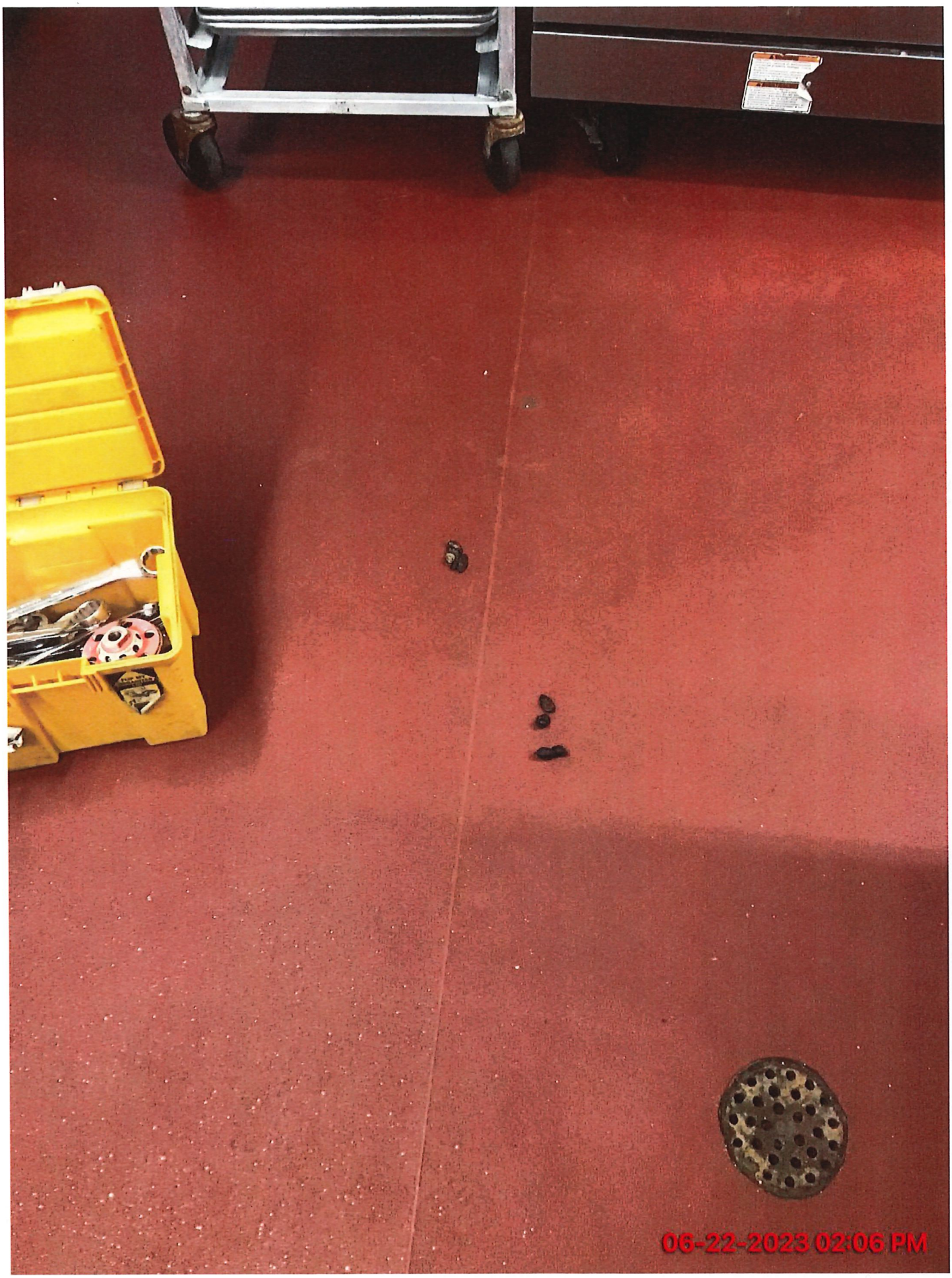
Contact Type	Company Name	Name
Agent		Monroy, Jose
Property Owner	DEBENEDICTIS DANIELLE TR	

Checklist Item	Status
HLTF - General Comments - General Comments	Failed

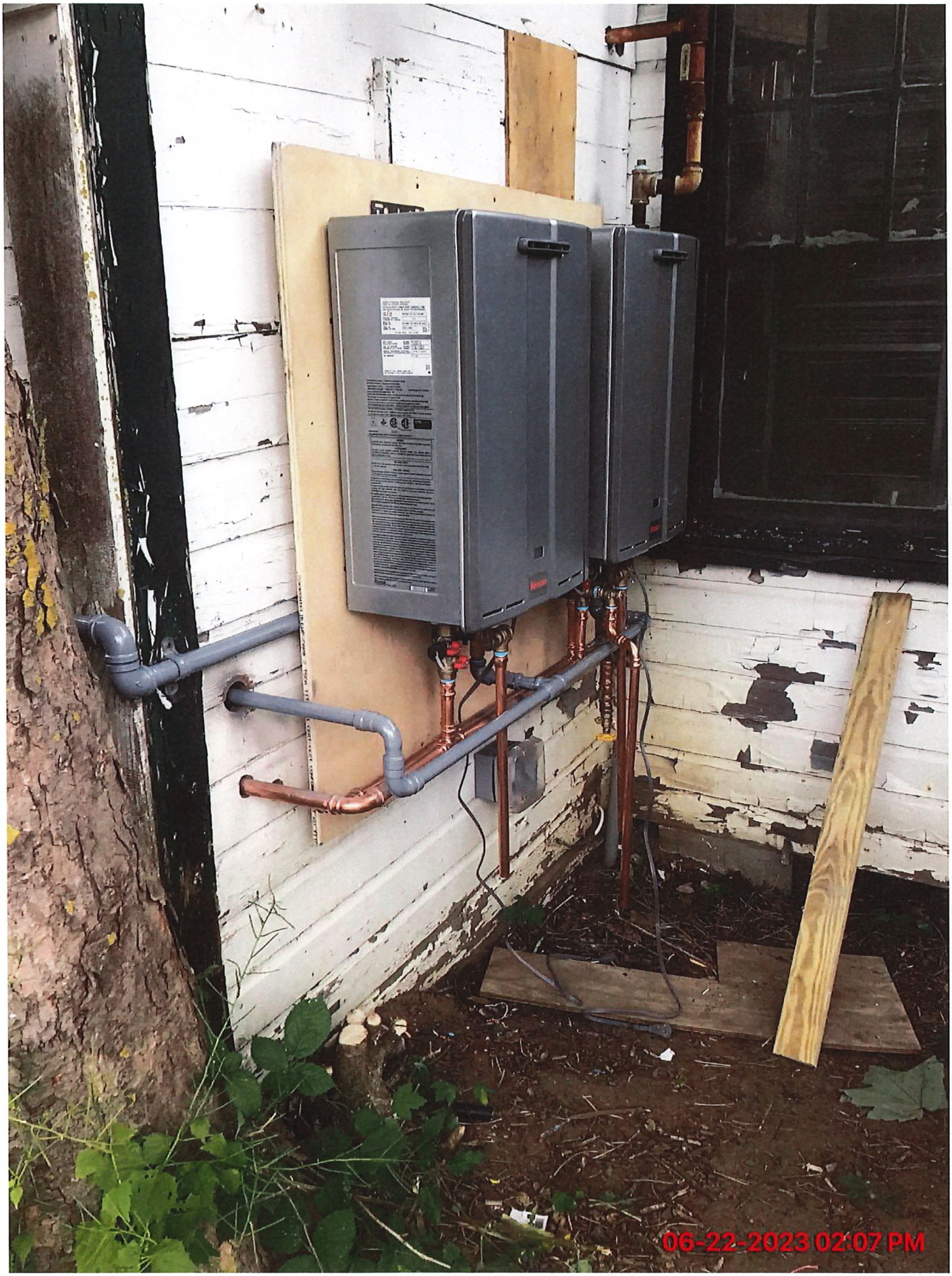
Dog feces found on floor in kitchen - cleaned up onsite. Mop sink has been removed, needs to be replaced and installed. Standing water in drain in back of building. The drain needs to be fixed for water to drain properly.

Jose Monroy

Hedden, John D.


06-22-2023 02:06 PM


06-22-2023 02:06 PM


06-22-2023 02:07 PM


ECOLAB
06-22-2023 02:11 PM

INSPECTION WORKSHEET (IHLTF-019148-2022)

Town of Nantucket
508-228-7200

Case Number:	HLTF-2022-06-00000936	**Case Module:**	Permit
Inspection Date:	Wed Sep 14, 2022	**Inspection Status:**	Re-Inspect Required
Inspector:	Flynn, Cathy M.	**Inspection Type:**	HLTF - Food Establishment

Job Address:	1 MAGNOLIA AV Nantucket, MA, 02554	**Parcel Number:**	73.3.1 123

Contact Type	Company Name	Name
Applicant		Ponce, Juan
Establishment	Andre Associates, LLC dba The Summer House	
Parcel Owner	DEBENEDICTIS DANIELLE TR	
Person in Charge		Ponce, Juan
Food Manager		Ponce, Juan

Checklist Item	Status
HLTF - Overall Physical Facility - Overall Physical Facility	Failed
Floors to be be cleaned under shelves. All shelves need to be wiped down. Screen door needs to be tight fitting. Residential Refrigerator in back ends to be removed immediately. Discussed hazards. Back garbage area need to be swept. All equipment needs to be cleaned, inside and out.	
HLTF - Equipment - Equipment	Failed
Low temp dishwasher only has detergent and rinse additive. No sanitizing solution. Calling EcoLab to repair.Discussed using sink.	
HLTF - Food - Food - Temperature Controls, Wholesaler, HACCP, Sanitation	Failed
Food temps are good. Chemicals stored with food. Tobacco in food storage area.	
HLTF - General Comments - General Comments	Failed
Dirty knives in back of low boy. Employees not wearing acts.	

INSPECTION WORKSHEET (IHLTF-019148-2022)

Checklist Item	Status
HLTF - Food Storage Conditions - Food must be stored properly, no food to be stored on the floor.	Failed
Bags of flour and bread crumbs need to be stored properly.	
HLTF - Handwashing Sinks - Hand washing sinks must have running warm water, soap, and hand towels.	Passed
Hand sink in kitchen obstructed, corrected on site.	

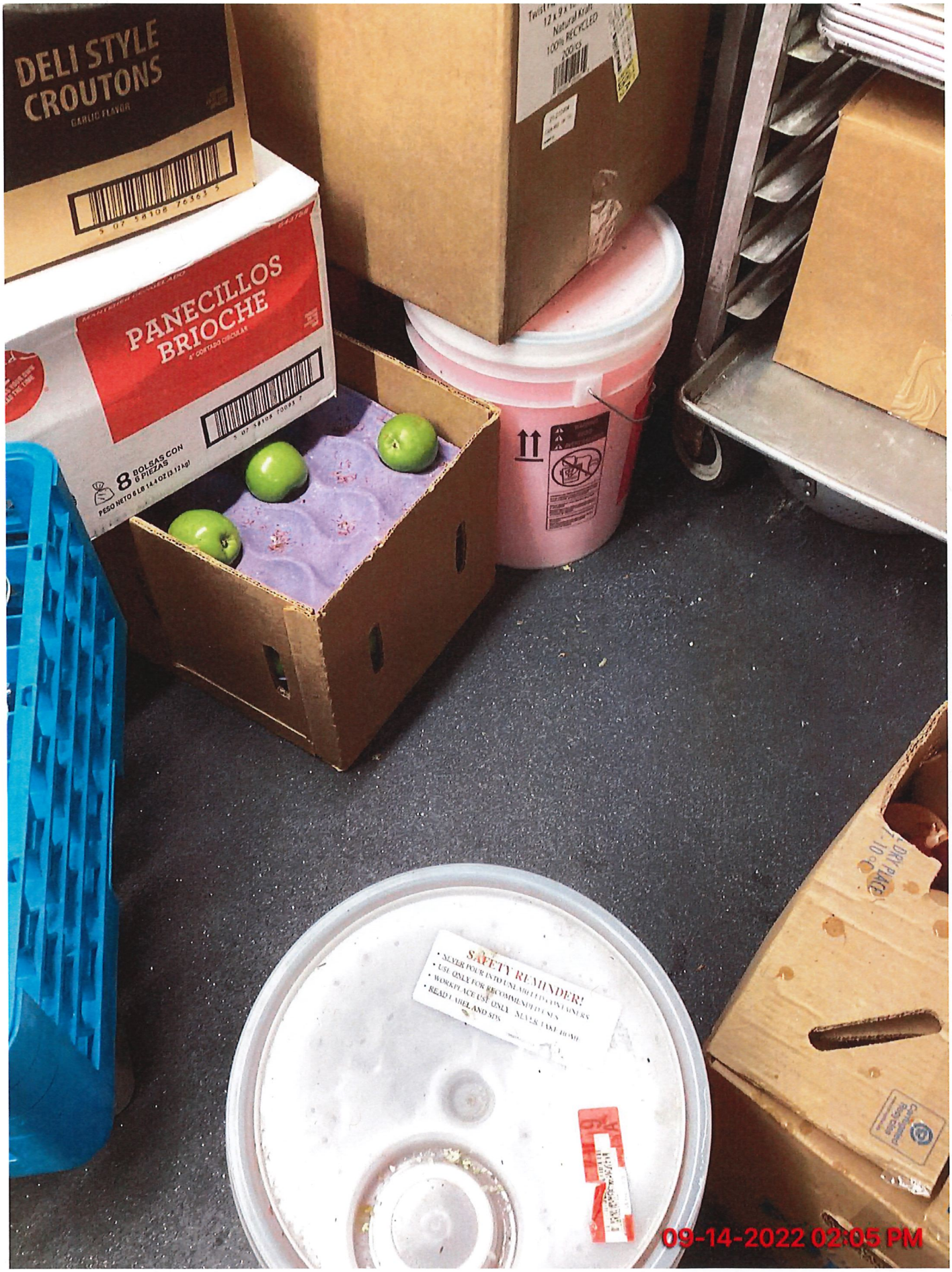
Salliou charles

Flynn, Cathy M.


GAMBLER
GAMBLER
KINGS
DELI STYLE
CROUTONS
PANECILLOS
BRIOCHE
09-14-2022 02:06 PM


CVSHealth
Imperial
FRESH
BEETS
25 lbs
11.35 kg
Produit du Québec, Canada
Product of Quebec, Canada
09-14-2022 02:05 PM


GAMBLER
GAMBLER PIPE TOBACCO
GOLD
GAMBLER
KINGS
GAMBLER
KINGS
PP-TH12916K
09-14-2022 02:06 PM


DELI STYLE
CROUTONS
GARLIC FLAVOR
PANECILLOS
BRIOCHE
8 BOLSAS CON 8 PIEZAS
PESO NETO 6 LB 14.4 OZ (3.12 kg)
SAFETY REMINDER!
09-14-2022 02:05 PM

INSPECTION WORKSHEET (IHLTF-009878-2021)

Town of Nantucket
508-228-7200

Case Number:	HLTF-2021-06-00000627	**Case Module:**	Permit
Inspection Date:	Fri Jun 11, 2021	**Inspection Status:**	Pass
Inspector:	Hedden, John D.	**Inspection Type:**	HLTF - Food Establishment

Job Address:	17 OCEAN AV Nantucket, MA, 02554	**Parcel Number:**	73.2.4 58

Contact Type	Company Name	Name
Person in Charge		Monroy, Jose
Establishment	Beachside Associates, LLC dba Summerhouse Beachside Bistro	
Applicant		Karlson, Peter
Parcel Owner	DEBENEDICTIS DANIELLE TR	
Food Manager		Amaral, Mario

Checklist Item	Status
HLTF - Overall Physical Facility - Overall Physical Facility	Passed

Screen service window needs to be self closing. Need shatter proof bulb at stand freezers in dish room area. Need trash can in dish room. Back screen door needs to be completely self closing. Discussed keeping trash area clean throughout the whole season. Need a roof over mop sink.

HLTF - Equipment - Equipment	Passed

Fridges and freezers need thermometers placed inside of units - corrected onsite. Dishwasher needs new bottle of sanitizer - corrected onsite.

Jose Monroy

Hedden, John D.

INSPECTION WORKSHEET (IHLTF-017146-2022)

Town of Nantucket
508-228-7200

Case Number:	HLTF-2022-06-00000943	**Case Module:**	Permit
Inspection Date:	Thu Jun 23, 2022	**Inspection Status:**	Re-Inspect Required
Inspector:	Flynn, Cathy M.	**Inspection Type:**	HLTF - Food Establishment

Job Address:	16 OCEAN AV Nantucket, MA, 02554	**Parcel Number:**	73.2.4 21

Contact Type	Company Name	Name
Applicant		Ponce, Juan
Food Manager		Diaz, Benanacio
Establishment	Andre Partners LLC dba Summer House Pool Bistro	
Parcel Owner	DEBENEDICTIS DANIELLE TR	
Person in Charge		Ponce, Juan

Checklist Item	Status
HLTF - Overall Physical Facility - Overall Physical Facility	Failed
All shelves need to be wiped down. Suggested shed to store winterizing equipment in . Discussed organizing garbage area.	
HLTF - Equipment - Equipment	Failed
Dishwasher not sanitizing. Calling EcoLab and notifying me. Discussed purchasing ice scoops and holders for both behind bar and ice machine out back. Bar area and equipment needs to be wiped down. Large ice machine in trash area scoop and holder needs to be cleaned and fastened properly.	
HLTF - Management - Certifications Management - Personnel, ServSafe, Allergen, ChokeSaver, CPR	Failed

INSPECTION WORKSHEET (IHLTF-017146-2022)

Checklist Item	Status
HLTF - Food - Food - Temperature Controls, Wholesaler, HACCP, Sanitation	Failed

Discussed placing full container of liquid soap at hand sink. Missing test strips in 3 Bay, corrected on site.
Womens bathroom light fixtures need to be cleaned. One light needs to be replaced. Shower stall door needs to be fixed and shower head needs to be wiped down. One of the Toilet seats needs to be fixed.
Server station needs a deep cleaning before opening.
Mops drying area needs clips and bucket or shallow basin to catch water.

HLTF - General Comments - General Comments	Failed

Reinspect Monday June 27 at 11am.

Juan Ponce

Flynn, Cathy M.

INSPECTION WORKSHEET (IHLTF-017682-2022)

Town of Nantucket
508-228-7200

Case Number:	HLTF-2022-06-00000943	**Case Module:**	Permit
Inspection Date:	Thu Jul 21, 2022	**Inspection Status:**	Re-Inspect Required
Inspector:	Flynn, Cathy M.	**Inspection Type:**	HLTF - Food Establishment

Job Address:	16 OCEAN AV Nantucket, MA, 02554	**Parcel Number:**	73.2.4 21

Contact Type	Company Name	Name
Applicant		Ponce, Juan
Food Manager		Diaz, Benanacio
Person in Charge		Ponce, Juan
Parcel Owner	DEBENEDICTIS DANIELLE TR	
Establishment	Andre Partners LLC dba Summer House Pool Bistro	

Checklist Item	Status
HLTF - Overall Physical Facility - Overall Physical Facility	Failed
Shelves in dishwasher area need to be wiped down. Top of Dishwasher needs to be cleaned. Discussed cleaning up out back garbage area.	
HLTF - Equipment - Equipment	Failed
Dishwasher is sanitizing but not running to temp. Discussed using 3 Bay. Will call Ecolab and send invoice. Monitor temp.	
HLTF - Food - Food - Temperature Controls, Wholesaler, HACCP, Sanitation	Passed
Discussed leaving utensils in food. Discussed Food to should be covered . Garnishes should be on ice, corrected on site.	
HLTF - General Comments - General Comments	Failed
Outside dry storage and utility sheds shed needs to be organized.	

Checklist Item	Status
Reinspect 7/27.	

Juan Ponce

Flynn, Cathy M.


Sysco
Reliance
PLASTIC CUPS
3057
MONOGRAM
VASO
ESTÁNDAR
20 X 50 CUENTA
MONOGRAM
RECIPIENTES
ARTICULADOS
THANK YOU
STORE IN A COOL, DRY PLACE
ALMACENESE EN UN LUGAR FRESCO Y SECO
MONOGRAM
CLEANING
PIG ROASTING INSTRUCTION Model # 2
Start with 16 lbs. of Charcoal
Add Charcoal after 1 hr
Add Charcoal after 1 hr
Add Charcoal after ½ hr
8 lbs.
8 lbs.
SKIP
10 lbs
8 lbs.
8 lbs.
8 lbs.
10 lbs
Dispose of the ashes. Turn the Pig and score the skin
the skin in 30 minutes, slightly opening the box by one of the corners
is not crispy to your liking, continue the roasting for 10 more minutes.
ntinue this process every 10 minutes, until the skin is crispy to your liking
to maintain the pig warm, lift tray, rotate it at 45°, & place on top of the box
VERY IMPORTANT:
Do not open lid before recommended cooking time.
1-800-338-1323
www.lacajachina.com
Warning
Hot surface
07-21-2022 12:13 PM


Qty:1PCS
07-21-2022 12:14 PM

INSPECTION WORKSHEET (IHLTF-017937-2022)

Town of Nantucket
508-228-7200

Case Number:	HLTF-2022-06-00000943	**Case Module:**	Permit
Inspection Date:	Wed Jul 27, 2022	**Inspection Status:**	Pass
Inspector:	Flynn, Cathy M.	**Inspection Type:**	HLTF - Food Establishment

Job Address:	16 OCEAN AV Nantucket, MA, 02554	**Parcel Number:**	73.2.4 21

Contact Type	Company Name	Name
Parcel Owner	DEBENEDICTIS DANIELLE TR	
Establishment	Andre Partners LLC dba Summer House Pool Bistro	
Applicant		Ponce, Juan
Person in Charge		Ponce, Juan
Food Manager		Diaz, Benanacio

Checklist Item	Status
HLTF - Overall Physical Facility - Overall Physical Facility	Passed
Need to pick up misc trash in trash area.	
HLTF - Equipment - Equipment	Passed
Equipment clean. Dishwasher is sanitizing.	
HLTF - Food - Food - Temperature Controls, Wholesaler, HACCP, Sanitation	Passed
Food to temp and labeled.	
HLTF - General Comments - General Comments	Passed
Shed were organized. All previous concerns addressed.	
HLTF - Handwashing Sinks - Hand washing sinks must have running warm water, soap, and hand towels.	Passed

Checklist Item	Status
Paper towels missing at hand washing sink next to 3 bay, corrected on site.	

Juan Ponce

Flynn, Cathy M.

NANTUCKET DEPARTMENT OF
HEALTH & HUMAN SERVICES
3 EAST CHESTNUT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Tele fax 508.325.6117

February 17, 2021

Mr. Peter Karlson
Summer House Bistro
PO Box 880
Siasconset, MA 02564

RE: Summer House Bistro – Outstanding Issues from Summer 2020 Inspections

Dear Peter:

There are still many outstanding issues at the Summer House Bistro food facility which need to be addressed prior to any licensing for 2021. We have included photos and Inspector Hedden's Inspection Report addressing such areas of concern. We want this letter to serve as a reminder to last summer's inspection report and which will allow you ample time to address the outstanding issues. These are namely:

1. Trash Concerns – you must address the trash collection areas outside at the base of the stairs as well as at the top of the stairs (on the street). We found too much uncovered trash, trash on the ground, etc. Trash needs to be in rodent-proof, tightly covered receptacles or in a covered bin – placed on a solid surface-protected, appropriately sized and routinely picked up (daily may be required). Please submit your plan for addressing the trash issues outside the restaurant and on the street level for our review.

2. We would like to see a solid surface at the back-kitchen door, leading to the trash area, as well as to the outside storage unit. Tracking of sand, mud, and water into the kitchen is an issue and source of contamination. Please submit a plan for review.

3. A separate mop sink, properly plumbed, must be installed at your facility. Please submit specs and location for our review. Mop sink areas must have hooks supplied for placement to drip dry the mops after use.

4. Prep table in kitchen has rusty lower shelf. This must be replaced or repaired prior to next season. Submit for review.

5. Ice cream chest – ice cream was uncovered, chest was dirty, no provision for ice cream scoop nor dip well (required). Ice cream scoop was left in uncovered ice cream container overnight. Submit for review.

6. Liquor storage room needs upgrade – floors, walls, ceilings, coving, etc. are inappropriate, refrigerator is not commercial – commercial unit is required. Submit plans for review.

7. Mr. Coffee (coffee maker) is not commercial and coffee maker must be pre-approved commercial unit.

8. Must remove LP Tank and 2 propane cooking units outside rear of facility – fire hazard with placement of units on plywood – these cooking units are not approved for use at the food facility and must be permanently removed.

9. Wall in pool equipment room has large hole – repair.

10. Ice Machine must be moved or sectioned off – cannot be in same room as mechanicals/equipment. The hose from the ice machine must be addressed – it cannot be draining outside into a ditch – mosquito breeding area as well as mud accumulation. Submit for review.

NANTUCKET DEPARTMENT OF
HEALTH & HUMAN SERVICES
3 EAST CHESTNUT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Tele fax 508.325.6117

11. Please make sure hand sink and 3-bay sink leak issues are resolved prior to the summer. Last summer handwashing sink had issues with no hot water; both sinks were routinely leaking from lower pipes.

12. Remove and keep clear all areas outside of food facility – there was an abundance of trash, LP tanks, lawnmower, bear cat machine, broken umbrellas and furniture, etc. Area must be clean and free of all debris not relating to the food facility.

13. Pool chemical storage – build an appropriate building/area for safe storage of chemicals. Submit for review.

14. Improper restaurant supply storage – found outside of facility – build an appropriate unit to house excess supplies. Submit for review.

See attached photos. Please submit a plan review with spec sheets for each piece of equipment or small ware to be purchased, as well as a location planned for addressing items listed above. We will review this and get back to you so that you may begin work and secure any necessary permits needed to address the facility upgrade.

Should you have questions or concerns, please reach out to us. As you will remember, we were very close to pulling your license while the items in the inspection report were addressed. We appreciate your efforts in getting the facility up to par prior to this season.

Regards,

John D. Hedden, Health Inspector
jdhedden@nantucket-ma.gov
508-228-7200 ext. 7321

Kathy LaFavre, Health Inspector
klafavre@nantucket-ma.gov
508-228-7200 ext. 7020

Via regular mail, certified mail, email

INSPECTION WORKSHEET (IHLTF-002879-2020)

Town of Nantucket
508-228-7200

Case Number:	HLTF-2020-06-00000376	**Case Module:**	Permit
Inspection Date:	Tue Jun 30, 2020	**Inspection Status:**	Re-Inspect Required
Inspector:	Hedden, John D.	**Inspection Type:**	HLTF - Food Establishment

Job Address:	17 OCEAN AV Nantucket, MA, 02554	**Parcel Number:**	73.2.4 58

Contact Type	Company Name	Name
Food Manager		Revoredo, Andres
Parcel Owner	DEBENEDICTIS DANIELLE TR	
Establishment	Andre Partners LLC dba Summer House Pool Bistro	
Applicant		Monroy, Jose

Checklist Item	Status
HLTF - Overall Physical Facility - Overall Physical Facility	Passed

Bar soda lines are being repaired. Screen doors need to be self closing. Dry storage shed floor needs to be cleaned, a piece of the floor needs to be patched. Window behind 3 bay sink needs to be closed or a screen needs to be installed. Light bulbs in kitchen need to be cleaned. Lots of trash and unused equipment outside.

HLTF - Equipment - Equipment — Passed

Make sure walk-in cooler is at correct temperature, temp is at 10 degrees. All dish ware is currently being washed. Dishwasher not sanitizing - Eco lab is repairing today. A number of low boy fridges are not working, are being repaired today. Need handle for lowboy fridge with sandwich station in middle of the kitchen. Need test strips for Quat sanitizer at 3 bay sink.

HLTF - General Comments - General Comments — Passed

Discussed following all State guidelines during COVID 19.

Permit will be issued once cleaning has been completed.

Andres Revoredo

Hedden, John D.

INSPECTION WORKSHEET (IHLTF-002954-2020)

Town of Nantucket
508-228-7200

Case Number:	HLTF-2020-06-00000376	**Case Module:**	Permit
Inspection Date:	Wed Jul 8, 2020	**Inspection Status:**	Pass
Inspector:	Hedden, John D.	**Inspection Type:**	HLTF - Food Establishment

Job Address:	17 OCEAN AV Nantucket, MA, 02554	**Parcel Number:**	73.2.4 58

Contact Type	Company Name	Name
Applicant		Monroy, Jose
Establishment	Andre Partners LLC dba Summer House Pool Bistro	
Food Manager		Revoredo, Andres
Parcel Owner	DEBENEDICTIS DANIELLE TR	

Checklist Item	Status
HLTF - Overall Physical Facility - Overall Physical Facility	Passed
Still excessive trash stored in back area outside - needs to be cleaned up. Sanitizer cannot be on food prep counter - corrected onsite. Screen doors need to be self closing and tight fitting.	
HLTF - Equipment - Equipment	Passed
Still need test strips for Quat sanitizer at 3 baysink. Dishwasher not sanitizing - corrected onsite. Make sure bar area ice bins are clean.	
HLTF - Food - Food - Temperature Controls, Wholesaler, HACCP, Sanitation	Passed
Chicken stored above deserts in fridge- corrected onsite.	

Andres Revoredo

Hedden, John D.

INSPECTION WORKSHEET (IHLTF-003926-2020)

Town of Nantucket
508-228-7200

Case Number:	HLTF-2020-06-00000376	**Case Module:**	Permit
Inspection Date:	Mon Aug 31, 2020	**Inspection Status:**	Re-Inspect Required
Inspector:	Hedden, John D.	**Inspection Type:**	HLTF - Food Establishment

Job Address:	17 OCEAN AV Nantucket, MA, 02554	**Parcel Number:**	73.2.4 58

Contact Type	Company Name	Name
Parcel Owner	DEBENEDICTIS DANIELLE TR	
Food Manager		Revoredo, Andres
Applicant		Monroy, Jose
Establishment	Andre Partners LLC dba Summer House Pool Bistro	

Checklist Item	Status
HLTF - Overall Physical Facility - Overall Physical Facility	Passed

Hand sink in kitchen has leak underneath. Grease trap needs to be cleaned out and cover needs to closed. Extension cord from outside cannot be used to power lights in kitchen. Grease trap pipe possibly has a leak. Back of building needs to be cleaned up. Discussed waste water to be poured down service sink. Bathrooms need screens for windows. Establishment needs service/mop sink. Need screen window in women's bathroom.

HLTF - Equipment - Equipment	Passed

Discussed ice cream freezer to be washed and sanitized. Dishwasher has leak in the back, dishwasher not sanitizing.

HLTF - Food - Food - Temperature Controls, Wholesaler, HACCP, Sanitation	Passed

Meat cannot be stored on vegetables in low boy sandwich fridge. Mussels cannot be stored on the floor in walk-in fridge. Food needs to be stored off the floor in dry storage shed.

INSPECTION WORKSHEET (IHLTF-003926-2020)

Checklist Item	Status
HLTF - General Comments - General Comments	Passed

Discussed new Person In Charge - Abe.
Citation to be issued for storing meat on top of vegetables in sandwich station fridge.
Citation to be issued for back screen door.
Discussed tables in dining area to be 6 feet apart.
Discussed contact tracing.

Abe Beltran

Hedden, John D.

INSPECTION WORKSHEET (IHLTF-003926-2020)

Town of Nantucket
508-228-7200

Case Number:	HLTF-2020-06-00000376	**Case Module:**	Permit
Inspection Date:	Tue Sep 8, 2020	**Inspection Status:**	Re-Inspect Required
Inspector:	Hedden, John D.	**Inspection Type:**	HLTF - Food Establishment

Job Address:	17 OCEAN AV Nantucket, MA, 02554	**Parcel Number:**	73.2.4 58

Contact Type	Company Name	Name
Applicant		Monroy, Jose
Establishment	Andre Partners LLC dba Summer House Pool Bistro	
Food Manager		Revoredo, Andres
Parcel Owner	DEBENEDICTIS DANIELLE TR	

Checklist Item	Status
HLTF - Overall Physical Facility - Overall Physical Facility	Passed

Hand sink in kitchen has leak underneath. Grease trap needs to be cleaned out and cover needs to closed. Extension cord from outside cannot be used to power lights in kitchen. Grease trap pipe possibly has a leak. Back of building needs to be cleaned up. Discussed waste water to be poured down service sink. Bathrooms need screens for windows. Establishment needs service/mop sink. Need screen window in women's bathroom.

HLTF - Equipment - Equipment	Passed

Discussed ice cream freezer to be washed and sanitized. Dishwasher has leak in the back, dishwasher not sanitizing.

HLTF - Food - Food - Temperature Controls, Wholesaler, HACCP, Sanitation	Passed

Meat cannot be stored on vegetables in low boy sandwich fridge. Mussels cannot be stored on the floor in walk-in fridge. Food needs to be stored off the floor in dry storage shed.

INSPECTION WORKSHEET (IHLTF-003926-2020)

Checklist Item	Status
HLTF - General Comments - General Comments	Passed

Discussed new Person In Charge - Abe.
Citation to be issued for storing meat on top of vegetables in sandwich station fridge.
Citation to be issued for back screen door.
Discussed tables in dining area to be 6 feet apart.
Discussed contact tracing.

HLTF - General Comments - General Comments — Failed

Re-inspection 9/8/2020

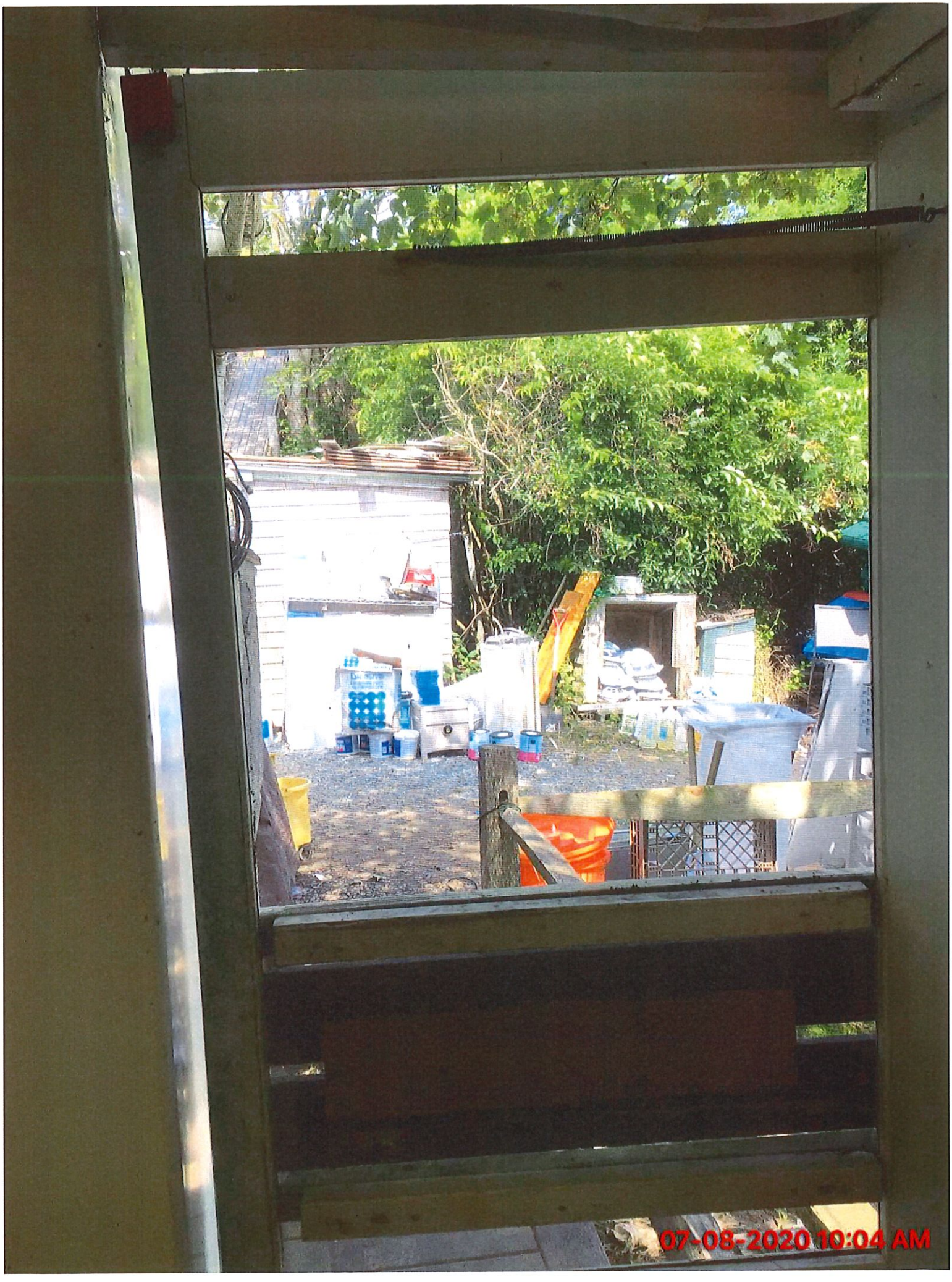
-Citation to be issued for 4 employees with no masks.

No hot water at hand sink, sink has leak - needs to be addressed in next 24 hours. 3 bay sink appears to have leak as well.
Low boy fridge across from grill, temperature is too high - food needs to be discarded. A doors on fridges are not closing securely. All uncovered food needs to be covered. Bag of trashed stored on floor by dishwasher needs to be removed. Box of potatoes stored on the floor by screen door, box is damp. Oysters need to be buried in 3" of ice. Screen door needs to self closing. Insect problem outside by trash. Need to add coving in dry storage shed. Doors to dry storage shed need to be tight fitting.
- permit suspended until trash in back of building is cleaned up and kitchen is cleaned.
All containers with standing water need to be removed. Ice machine still needs to be removed from mechanical room with pool equipment. Floor in liquor room needs major repair, floor boards need to be secure.
- Discussed compliant in regard to masks not being worn at the bar.

Peter Karlson

Hedden, John D.


Scotsman
8FT
A.O.Smith
08-31-2020 11:40 AM


07-08-2020 10:04 AM

Pool chemical storage

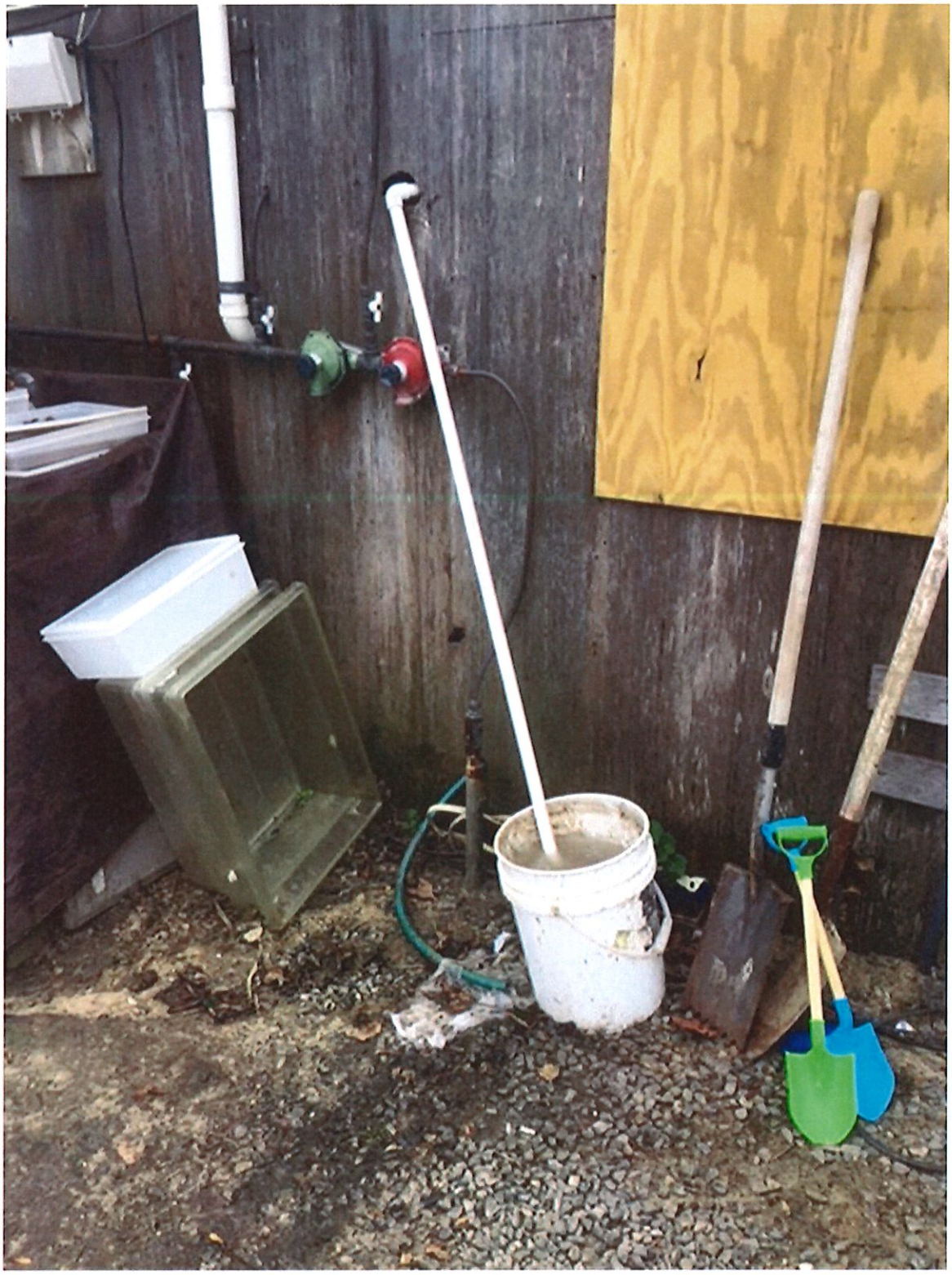


Back of building, improper storage




07-08-2020 10:08 AM

Drain for ice machine, water runoff



Trash



NANTUCKET HEALTH DEPARTMENT
131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Tele fax 508.325.6117

6/27/2023

Summer House Restaurant & Pool Bistro
Danielle Debenedictis
P.O. Box 880
Siasconset, MA 02564

RE: 105 CMR 590.014 (C): Non-Renewal of Food Establishment Permits for 2023

Dear Ms. Debenedictis:

I'm writing to inform you that the Nantucket Health Department will not be renewing food establishment permits for the Summer House Restaurant located at 1 Magnolia Avenue, Siasconset, MA and the Summer House Pool Bistro located at 16 Ocean Avenue, Siasconset, MA, for the year of 2023. This is effective beginning June 27, 2023. Below is a list of violations with the dates observed for each establishment.

Summer House Restaurant Violations:

1. 105 CMR 590.008, (FC) 8-404.11: Imminent Health Hazard - Loose tobacco and rolling of cigarettes in the kitchen food storage area. – 9/14/2022

2. 105 CMR 590.007, (FC) 7-201.11: Separation - Toxic and poisonous materials stored with food. – 9/14/2022

3. 105 CMR 590.005, (FC) 5-202.11: Approved System and Cleanable Fixtures - Plumbing and Gas work done without permits. – 6/14/2023

4. 105 CMR 590.008, (FC) 8-404.11: Imminent Health Hazard - Dog feces found on the floor in the kitchen. – 6/22/2023

5. 105 CMR 590.006, (FC) 6-501.115: Prohibiting Animals – Dog feces found in kitchen is evidence of animals not being prohibited from being allowed in the food establishment. – 6/22/2023

6. 105 CMR 590.003, (FC) -305.11: Food Storage - There have been numerous repeat violations over the years for improper food storage, including food stored on the floor, raw meats stored above vegetables, and food stored next to toxic and poisonous materials.

NANTUCKET HEALTH DEPARTMENT
131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Tele fax 508.325.6117

Summer House Pool Bistro Violations:

1. 105 CMR 590.008, (FC) 8-404.11: Imminent Health Hazard - Backup of sewage behind the building resulting in a pond of raw sewage. The Health Department was not notified of this violation. - 9/12/2022

2. 105 CMR 590.006, (FC) 6-501.12: Cleaning, Frequency and Restrictions - Trash has been an ongoing issue behind the Bistro for many years. The food establishment permit has been suspended in the past due to excessive trash. The inside of the kitchen has been found to need deep cleaning numerous times. Most recently, an excessive amount of pool and paint liquids were observed behind the Bistro on 9/14/2022.

3. 105 CMR 590.005, (FC) 5-202.11: Approved System and Cleanable Fixtures - Plumbing and Gas work done without permits. – 6/14/2023

4. 105 CMR 590.003, (FC) 3-305.11: Food Storage - There have been numerous repeat violations over the years for improper food storage, including food stored on the floor, raw meats stored above vegetables, and food stored next to toxic and poisonous materials.

Due to these violations, the Nantucket Health Department has determined that issuing food establishment permits to your establishments poses a risk to public health and safety.

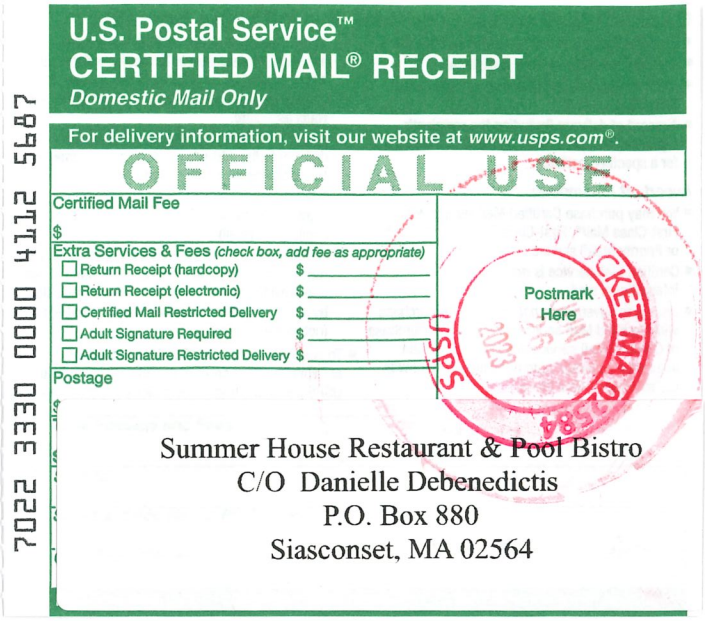
You may request a hearing before the Board of Health. Such request shall be in writing and shall be filed with the office of the Board of Health within 10 days after receipt of this notice. You have the right to inspect and obtain copies of all relevant inspection reports, orders, notices, and other documentary information in the possession of the Board of Health, and the right to be represented at the hearing. The request for a hearing shall be submitted or sent to the address below:

Nantucket Health and Human Services
131 Pleasant Street
Nantucket, MA 02554

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

Regards,

John Hedden
Chief Environmental Health Officer
jdhedden@nantucket-ma.gov
508-228-7200 ext. 7321



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7022 3330 0000 4112 5687

Summer House Restaurant & Pool Bistro
C/O Danielle Debenedictis
P.O. Box 880
Siasconset, MA 02564

From: John D. Hedden
To: John D. Hedden
Subject: 10 ocean
Date: Thursday, September 15, 2022 2:26:45 PM











Sent from my iPad

HEALTH DEPARTMENT
JUN 27 2023
RECEIVED

Danielle E. deBenedictis
P.O. Box 880
Siasconset, MA 02564
Ddeb95@aol.com
(617) 650-6383

June 26, 2023

John Hedden
Chief Environmental Health Officer
and
Nantucket Health and Human Services
131 Pleasant Street
Nantucket, MA 02554

Re: Appeal of Non-Renewal of Food Establishment Permits for 2023

Dear Sir:

Please accept this my written request for a hearing before the Board of Health appealing the Health Department's decision of Non-Renewal of Food Establishment Permits for the Summer House Restaurant Located at 1 Magnolia Avenue, Siasconset, MA and the Summer House Pool Bistro located at 16 Ocean Avenue, Siasconset, MA for the year 2023. The letter that your office sent to me with its decision of Non-Renewal is dated June 27, 2023, but it was received today, June 26, 2023, by email.

Please consider this a formal demand to immediately inspect and obtain copies of all relevant inspection reports, orders, notices, photographs, emails, correspondence and other documentary information in the possession of the Board of Health.

Respectfully,

Danielle E. deBenedictis

From:	David Gray
To:	Kathy LaFavre; John D. Hedden; Sewer; Reimold, Raymond (DEP)
Subject:	FW: Summer House - Site Visit / Pump Inspection WED 09/14 - WO-18446
Date:	Thursday, September 15, 2022 10:52:49 AM
Attachments:	Video.MOV WO-18446.pdf image001.png

Just some more information

David C Gray Sr.
Director
Nantucket Sewer Department
81 S.Shore Rd
Nantucket, MA 02554
Telephone 508.228-7200 EXT 7801
Cell 401-413-8370
dgray@nantucket-ma.gov

From: Collections Inspector <collectionsinspector@gmail.com>
Sent: Thursday, September 15, 2022 9:14 AM
To: Christine Herrmann <cherrmann@nantucket-ma.gov>; David Gray <dgray@nantucket-ma.gov>
Subject: Re: Summer House - Site Visit / Pump Inspection WED 09/14 - WO-18446

This email was scanned by Bitdefender





Sent from my iPad

> On Sep 14, 2022, at 3:17 PM, Christine Herrmann <cherrmann@nantucket-ma.gov> wrote:
>
> Hi guys,
>
> Here is the WO for today's visit.

Thanks,
Christine

Christine M. Herrmann
Office Administrator
Town of Nantucket Sewer Department
81 South Shore Road
Nantucket, MA 02554
508-228-7200 x7810
cherrmann@nantucket-ma.gov

INSPECTION WORKSHEET (IHLTH-019219-2022)

Town of Nantucket
508-228-7200

Case Number:		**Case Module:**	NONE
Inspection Date:	Mon Sep 19, 2022	**Inspection Status:**	Pass
Inspector:	Hedden, John D.	**Inspection Type:**	HLTH - Housing Complaint

Job Address:	10 OCEAN AV Nantucket, MA, 02554	**Parcel Number:**	73.2.4 15

Contact Type	Company Name	Name
Property Owner	DEBENEDICTIS DANIELLE TR	

Checklist Item	Status
HLTH - General Comments - General Comments	Passed

Sewage spill has been neutralized, the top soil has been removed and replaced with clean dirt.

Hedden, John D.

NANTUCKET HEALTH DEPARTMENT
131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Tele fax 508.325.6117

September 15, 2022

Juan Ponce
c/o The Summer House Restaurant
1 Magnolia Drive
PO Box 880
Nantucket, MA 02564

Re: Violations of 105 CMR 590.000

Dear Mr. Ponce,

Enclosed please find a correction letter, inspection report, pictures and citation for a violations observed 9/14/22 for the above referenced establishment.

If you have any questions, feel free to reach out to the contact information below.

Regards,

Cathy

Cathy Flynn
Health Inspector
Health Department, Town of Nantucket
cmflynn@nantucket-ma.gov
508-228-7200 ext. 7062

Enclosure: Correction Order, Inspection Report and Pictures
First Class and Certified Mail

NANTUCKET HEALTH DEPARTMENT
131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Tele fax 508.325.6117

September 15, 2022

Juan Ponce
c/o The Summer House Restaurant
1 Magnolia Avenue
PO Box 880
Nantucket, MA 02564

Re: Violations of 105 CMR 590.000

Dear Mr. Ponce,

During a routine inspection at your establishment, several violations of 105 CMR 590.000 were observed. Please refer to the inspection report provided to you dated 9/14/22. You are being issued this citation for the following violations:

1. **Presence and Use' 105 CMR 590.007, 7-202.11(A) Restriction, which states that:**

   (A) Only those POISONOUS OR TOXIC MATERIALS that are required for the operation and maintenance of a FOOD ESTABLISHMENT, such as for the cleaning and SANITIZING of EQUIPMENT and UTENSILS and the control of insects and rodents, shall be allowed in a FOOD ESTABLISHMENT.

   - Roll Your Own Tobacco machine with loose tobacco and filter tubes observed in food storage of the food service establishment.
   - $100.00fine

2. **Cleaning, Frequency and Restrictions. 105 CMR 590.006, 6-501.12**; which states:

   (A) PHYSICAL FACILITIES shall be cleaned as often as necessary to keep them clean.
   (B) Except for cleaning that is necessary due to a spill or other accident, cleaning shall be done during periods when the least amount of FOOD is exposed such as after closing.

   - Kitchen floors and all equipment need to be cleaned frequently.
   - $100.00 fine

3. **Food Storage. 105 CMR 590.003, 3-305.11 (A);** which states that:

   A) Except as specified in ¶¶ (B) and (C) of this section, FOOD shall be protected from contamination by storing the FOOD: (1) In a clean, dry location; (2) Where it is not exposed to splash, dust, or other contamination; and (3) At least 15 cm (6 inches) above the floor.

   - Boxes of onions and apples on floor.
   - $100.00 fine

NANTUCKET HEALTH DEPARTMENT
131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Tele fax 508.325.6117

4. **Warewashing Equipment, Determining Chemical Sanitizer Concentration. 105 CMR 590.004, 4-501.116,** which states that:

   Concentration of the SANITIZING solution shall be accurately determined by using a test kit or other device.

   - Low temperature dishwasher had no sanitizing solution. Sanitizing tube was inserted into rinse additive solution.
   - $100.00 fine

5. **Hair Restraints. 105 CMR 590.002, 402.11 (A) (B)** which states in part that the person in charge shall ensure that:

   (A) Except as provided in ¶ (B) of this section, FOOD EMPLOYEES shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

   - Observed food prep employees in salad station and chef behind line not wearing hats.
   - $100.00 fine

Instructions for paying this ticket are found on the back of the ticket (payable within 21 days to the Town Clerk's Office). Should you decide to appeal this ticket, instructions for doing so are also located on the back of the ticket.

A re-inspection has been scheduled for Monday September 26, 2022 at 10:00am.

If you have any questions, please do not hesitate to contact this office.

Sincerely,

Cathy Flynn
Health Inspector
Nantucket Health Department
Cmflynn@nantucket-ma.gov
508-228-7200 ext. 7321

INSPECTION WORKSHEET (IHLTF-019148-2022)

Town of Nantucket
508-228-7200

Case Number:	HLTF-2022-06-00000936	**Case Module:**	Permit
Inspection Date:	Wed Sep 14, 2022	**Inspection Status:**	Re-Inspect Required
Inspector:	Flynn, Cathy M.	**Inspection Type:**	HLTF - Food Establishment

Job Address:	1 MAGNOLIA AV Nantucket, MA, 02554	**Parcel Number:**	73.3.1 123

Contact Type	Company Name	Name
Applicant		Ponce, Juan
Establishment	Andre Associates, LLC dba The Summer House	
Parcel Owner	DEBENEDICTIS DANIELLE TR	
Person in Charge		Ponce, Juan
Food Manager		Ponce, Juan

Checklist Item	Status
HLTF - Overall Physical Facility - Overall Physical Facility	Failed
Floors to be be cleaned under shelves. All shelves need to be wiped down. Screen door needs to be tight fitting. Residential Refrigerator in back ends to be removed immediately. Discussed hazards. Back garbage area need to be swept. All equipment needs to be cleaned, inside and out.	
HLTF - Equipment - Equipment	Failed
Low temp dishwasher only has detergent and rinse additive. No sanitizing solution. Calling EcoLab to repair.Discussed using sink.	
HLTF - Food - Food - Temperature Controls, Wholesaler, HACCP, Sanitation	Failed
Food temps are good. Chemicals stored with food. Tobacco in food storage area.	
HLTF - General Comments - General Comments	Failed
Dirty knives in back of low boy. Employees not wearing acts.	

INSPECTION WORKSHEET (IHLTF-019148-2022)

Checklist Item	Status
HLTF - Food Storage Conditions - Food must be stored properly, no food to be stored on the floor.	Failed
Bags of flour and bread crumbs need to be stored properly.	
HLTF - Handwashing Sinks - Hand washing sinks must have running warm water, soap, and hand towels.	Passed
Hand sink in kitchen obstructed, corrected on site.	



Salliou charles



Flynn, Cathy M.

VIOLATOR COPY

Town of Nantucket Massachusetts

VIOLATION NOTICE

DEPARTMENT FILE NO. 22-9776

DATE NOTICE WRITTEN: 9/15/22

DEPARTMENT: ☐ POLICE ☐ MARINE ☒ HEALTH ☐ H.D.C. ☐ BUILDING ☐ _____

A 26768

VIOLATOR

NAME (Last, First, Initial): The Summer House Restaurant

ADDRESS: 1 Magnolia Drive / PO Box 880

CITY/TOWN: Nantucket STATE: ma ZIP: 02564

DATE OF BIRTH | RACE/SEX | SOCIAL SECURITY NUMBER

OWNER

OWNER (if different) or PARENT (if minor)): Juan Ponce

ADDRESS

CITY/TOWN | STATE | ZIP

DESCRIPTION OF AREA/PREMISES, BICYCLE OR VEHICLE: Food Code Violations

OFFENSE(s)

DATE OF VIOLATION: 9/14/22

LOCATION OF VIOLATION: 1 Magnolia Ave

TIME: 2 ☐ AM ☒ PM

	VIOLATION CODE	FINE
A. Tobacco rolled in FSE	FC 7-202.11	$ 100
B. Kitchen floors tegu.p	FC 6-501.12	$ 100

NOTICE TO VIOLATOR

SEE REVERSE SIDE FOR IMPORTANT INFORMATION ON YOUR RIGHTS AND DUTIES REGARDING THIS VIOLATION NOTICE.

OFFICER: CHECK ONE ONLY ☐ WARNING ☒ NON-CRIMINAL

IF NON-CRIMINAL TOTAL AMOUNT DUE: $ 200

OFFICER, INSERT FINE AMOUNTS ONLY IF YOU CHECK "NON-CRIMINAL" AT LEFT.

OFFICER CERTIFIES COPY GIVEN TO VIOLATOR: Cathy J

ID NO.

☐ BY HAND ☒ BY MAIL

VIOLATOR ACKNOWLEDGES RECEIPT OF NOTICE: X

VIOLATOR COPY

Town of Nantucket Massachusetts

VIOLATION NOTICE

DEPARTMENT FILE NO. 22-9777

DATE NOTICE WRITTEN: 9/15/22

DEPARTMENT: ☐ POLICE ☐ MARINE ☒ HEALTH ☐ H.D.C. ☐ BUILDING ☐ _____

A 26769

VIOLATOR

NAME (Last, First, Initial): The Summer House Restaurant

ADDRESS: 1 Magnolia Ave / PO Box 880

CITY/TOWN: Nantucket STATE: ma ZIP: 02564

DATE OF BIRTH | RACE/SEX | SOCIAL SECURITY NUMBER

OWNER

OWNER (if different) or PARENT (if minor)): Juan Ponce

ADDRESS

CITY/TOWN | STATE | ZIP

DESCRIPTION OF AREA/PREMISES, BICYCLE OR VEHICLE: Food Code Violations

OFFENSE(s)

DATE OF VIOLATION: 9/14/22

LOCATION OF VIOLATION: 1 Magnolia Ave

TIME: 2 ☐ AM ☒ PM

	VIOLATION CODE	FINE
A. Food Stored on Floor	FC 3-305.11	$ 100
B. Dishwasher missing Sanitizer	FC 4-501.114	$ 100

NOTICE TO VIOLATOR

SEE REVERSE SIDE FOR IMPORTANT INFORMATION ON YOUR RIGHTS AND DUTIES REGARDING THIS VIOLATION NOTICE.

OFFICER: CHECK ONE ONLY ☐ WARNING ☒ NON-CRIMINAL

IF NON-CRIMINAL TOTAL AMOUNT DUE: $ 200

OFFICER, INSERT FINE AMOUNTS ONLY IF YOU CHECK "NON-CRIMINAL" AT LEFT.

OFFICER CERTIFIES COPY GIVEN TO VIOLATOR: Cathy J

ID NO.

☐ BY HAND ☒ BY MAIL

VIOLATOR ACKNOWLEDGES RECEIPT OF NOTICE: X

VIOLATOR COPY

Town of Nantucket Massachusetts

VIOLATION NOTICE

A 26770

DEPARTMENT FILE NO. 22-9778

DATE NOTICE WRITTEN: 9/15/22

DEPARTMENT: ☐ POLICE ☐ MARINE ☒ HEALTH ☐ H.D.C. ☐ BUILDING ☐ _____

VIOLATOR

NAME (Last, First, Initial): The Summer Hawk Restaurant

ADDRESS: 1 Magnolia Dr / PO Box 880

CITY/TOWN: Nantucket STATE: MA ZIP: 02584

DATE OF BIRTH | RACE/SEX | SOCIAL SECURITY NUMBER

OWNER

OWNER (if different) or PARENT (if minor)): Juan Ponce

ADDRESS:

CITY/TOWN | STATE | ZIP

DESCRIPTION OF AREA/PREMISES, BICYCLE OR VEHICLE: Food Code Violations

OFFENSE(s)

DATE OF VIOLATION: 9/14/22

LOCATION OF VIOLATION: 1 Magnolia Drive

TIME: 2 ☐ AM ☒ PM

	VIOLATION CODE	FINE
A. Food prep employees not wearing hat	FC 402.11	100
B.		

NOTICE TO VIOLATOR

SEE REVERSE SIDE FOR IMPORTANT INFORMATION ON YOUR RIGHTS AND DUTIES REGARDING THIS VIOLATION NOTICE.

OFFICER: CHECK ONE ONLY ☐ WARNING ☒ NON-CRIMINAL

IF NON-CRIMINAL TOTAL AMOUNT DUE: $ 100

OFFICER, INSERT FINE AMOUNTS ONLY IF YOU CHECK "NON-CRIMINAL" AT LEFT.

OFFICER CERTIFIES COPY GIVEN TO VIOLATOR: Cathy Jr

ID NO.

☐ BY HAND ☒ BY MAIL

VIOLATOR ACKNOWLEDGES RECEIPT OF NOTICE: X



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- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
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Total Postage and Fees
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Sent To The Summit Hotel Rep

Street and Apt. No., or PO Box No. 1 Magnolia Ave PO Box 880

City, State, ZIP+4® Nantucket 02554

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

NANTUCKET MA 02554-9998
15 SEP 2022
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GAMBLER
KINGS
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Twist Handle Paper Shopper
12 x 9 x 16 90 GSM
100% Natural Kraft
RECYCLED
09-14-2022 02:06 PM

GAMBLER

GAMBLER PIPE TOBACCO

ROM THE TOBACCO

GAMBLER

KINGS

200 REGULAR CIGARETTE FILTER TUBES

DELI STYLE CROUTONS

GARLIC FLAVOR

PANECILLOS BRIOCHE

09-14-2022 02:06 PM

DELI STYLE
CROUTONS
GARLIC FLAVOR

PANECILLOS
BRIOCHE
4" CORTADO CIRCULAR

8 BOLSAS CON
6 PIEZAS
PESO NETO 6 LB 14.4 OZ (3.12 kg)

WARNING
AVISO
AVERTISSEMENT

SAFETY REMINDER!
- NEVER POUR INTO UNLABELED CONTAINERS
- USE ONLY FOR RECOMMENDED USES
- WORKPLACE USE ONLY - NEVER TAKE HOME
- READ LABEL AND SDS

09-14-2022 02:05 PM


CVSHealth
MONOGRAM
MULTI-PURPOSE
LAVENDER CLEANER
Imperial
FRESH
ONEIDA LTD
BEETS
25 lbs
11-35 kg
Produit du Québec, Canada
Product of Quebec, Canada
09-14-2022 02:05 PM

NANTUCKET HEALTH DEPARTMENT
131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Tele fax 508.325.6117

September 21, 2022

Danielle DeBenedictis
c/o The Summer House Restaurant
1 Magnolia Avenue
PO Box 880
Nantucket, MA 02564

Re: Violations of 105 CMR 590.000

Dear Danielle DeBenedictis,

An inspection of the above referenced property was conducted in response to a complaint received from the Nantucket Fire Department. The remnants of a fire discovered in the back trash and receiving area of the Summer House Restaurant along with several violations of 105 CMR 590.000 were observed. Please refer to the inspection report provided to you dated 9/21/22. You are being issued this citation for the following violations:

1. **Presence and Use' 105 CMR 590.007, 7-202.11(A) Restriction, which states that:**

   (A) Only those POISONOUS OR TOXIC MATERIALS that are required for the operation and maintenance of a FOOD ESTABLISHMENT, such as for the cleaning and SANITIZING of EQUIPMENT and UTENSILS and the control of insects and rodents, shall be allowed in a FOOD ESTABLISHMENT.

   - Roll Your Own Tobacco machine with loose tobacco and filter tubes observed in food storage of the food service establishment still present.
   - **Second violation- $500.00fine**

2. **Cleaning, Frequency and Restrictions. 105 CMR 590.006, 6-501.12**; which states:

   (A) PHYSICAL FACILITIES shall be cleaned as often as necessary to keep them clean.
   (B) Except for cleaning that is necessary due to a spill or other accident, cleaning shall be done during periods when the least amount of FOOD is exposed such as after closing.

   - Kitchen floors and all equipment have not been cleaned
   - **Second violation- $500.00 fine**

3. **Food Storage. 105 CMR 590.003, 3-305.11 (A);** which states that:

   A) Except as specified in ¶¶ (B) and (C) of this section, FOOD shall be protected from contamination by storing the FOOD: (1) In a clean, dry location; (2) Where it is not exposed to splash, dust, or other contamination; and (3) At least 15 cm (6 inches) above the floor.

NANTUCKET HEALTH DEPARTMENT
131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Tele fax 508.325.6117

- Boxes of onions and apples on floor, have not been relocated.
- **Second violation- $500.00 fine**

4. **Warewashing Equipment, Determining Chemical Sanitizer Concentration. 105 CMR 590.004, 4-501.116,** which states that:

Concentration of the SANITIZING solution shall be accurately determined by using a test kit or other device.

- Low temperature dishwasher sanitizing solution tube is inserted into the rinse additive container. Rinse agent tube is inserted into sanitizing agent solution.
- **Second violation- $500.00 fine**

5. **105 CMR 590.003, 3-501.16 (A), Time/Temperature Control for Safety Food, Hot and Cold Holding**, which states in part that:

(A) Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under §3-501.19, and except as specified under ¶ (B) and in ¶ (C) of this section, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be maintained:
(1) At 57oC (135oF) or above, except that roasts cooked to a temperature and for a time specified in ¶ 3-401.11(B) or reheated as specified in ¶ 3-403.11(E) may be held at a temperature of 54oC (130oF) or above; P or (2) At 5°C (41°F) or less.

- Observed time-temperature abuse of uncovered cream cheese on a plate and a prepackaged yogurt.
- **$100.00 fine**

6. **Operational Supplies and Applications. 105 CMR 590.007, 7-201.11 (A)** which states that:

POISONOUS OR TOXIC MATERIALS shall be stored so they cannot contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLESERVICE and SINGLE-USE ARTICLES by: (A) Separating the POISONOUS OR TOXIC MATERIALS by spacing or partitioning;

- Observed dishwashing chemicals in food storage area still not relocated.
- **$100.00 fine**

NANTUCKET HEALTH DEPARTMENT
131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Tele fax 508.325.6117

Instructions for paying this ticket are found on the back of the ticket (payable within 21 days to the Town Clerk's Office). Should you decide to appeal this ticket, instructions for doing so are also located on the back of the ticket.

A re-inspection has been scheduled for Monday September 26, 2022 at 10:00am.

If you have any questions, please do not hesitate to contact this office.

Sincerely,

Cathy Flynn
Health Inspector
Nantucket Health Department
Cmflynn@nantucket-ma.gov
508-228-7200 ext. 7062

INSPECTION WORKSHEET (IHLTF-019290-2022)

Town of Nantucket
508-228-7200

Case Number:	HLTF-2022-06-00000936	**Case Module:**	Permit
Inspection Date:	Wed Sep 21, 2022	**Inspection Status:**	Re-Inspect Required
Inspector:	Flynn, Cathy M.	**Inspection Type:**	HLTF - Food Establishment

Job Address:	1 MAGNOLIA AV Nantucket, MA, 02554	**Parcel Number:**	73.3.1 123

Contact Type	Company Name	Name
Person in Charge		Ponce, Juan
Establishment	Andre Associates, LLC dba The Summer House	
Applicant		Ponce, Juan
Food Manager		Ponce, Juan
Parcel Owner	DEBENEDICTIS DANIELLE TR	

Checklist Item	Status
HLTF - Overall Physical Facility - Overall Physical Facility	Failed

Floors and equipment still not cleaned. Shelves still not wiped down. Back garbage area still not swept. Observed a number a flies around the garbage containers.

HLTF - Food - Food - Temperature Controls, Wholesaler, HACCP, Sanitation	Failed

Observed time -temperature abuse for yogurt and uncovered cream cheese.

HLTF - General Comments - General Comments	Failed

Roll Your Own Tobacco machine, filters and loose tobacco have not been removed from food storage room. Chemicals still stored with food.

Reinspect 9/26/22 at 10am.

Checklist Item	Status
HLTF - Sanitization - Make sure test strips for sanitizers are on hand. Turn on dishwashers. If you have a high temperature dishwasher, you must have a maximum registering thermometer to measure dishwasher temperatures.	Failed

Low temperature dishwasher violations have not been addressed. Sanitizing tube still inserted in rinse agent and rinse agent tube inserted into sanitizing bucket.

Xavier Carvera

Flynn, Cathy M.

VIOLATOR COPY

DEPARTMENT FILE NO. 22400029

Town of Nantucket Massachusetts

VIOLATION NOTICE

A 26772

DATE NOTICE WRITTEN: 9/21/22

DEPARTMENT: ☐ POLICE ☐ MARINE ☒ HEALTH ☐ H.D.C. ☐ BUILDING ☐ _____

VIOLATOR

NAME (Last, First, Initial): The Sommer Hse Restaurant

ADDRESS: 1 Magnolia Ave / PO Box 880

CITY/TOWN: Nantucket STATE: ma ZIP: 02564

DATE OF BIRTH | RACE/SEX | SOCIAL SECURITY NUMBER

OWNER

OWNER (if different) or PARENT (if minor)): Danielle Debenedictis

ADDRESS

CITY/TOWN STATE ZIP

DESCRIPTION OF AREA/PREMISES, BICYCLE OR VEHICLE: Food Code Violations

OFFENSE(s)

DATE OF VIOLATION: 9/21/22

LOCATION OF VIOLATION: 1 Magnolia - Kathy Restaurant

TIME ☐ AM ☐ PM

		VIOLATION CODE	FINE
A.	Food Stored on Floor - Seond violation	FC3-301.11	505
B.	Dishwasher - Sanitizer	FC4-501.114	500

NOTICE TO VIOLATOR

SEE REVERSE SIDE FOR IMPORTANT INFORMATION ON YOUR RIGHTS AND DUTIES REGARDING THIS VIOLATION NOTICE.

OFFICER: CHECK ONE ONLY ☐ WARNING ☒ NON-CRIMINAL

IF NON-CRIMINAL TOTAL AMOUNT DUE: $1000

OFFICER, INSERT FINE AMOUNTS ONLY IF YOU CHECK "NON-CRIMINAL" AT LEFT.

OFFICER CERTIFIES COPY GIVEN TO VIOLATOR: Cotown

ID NO.

☐ BY HAND ☒ BY MAIL

VIOLATOR ACKNOWLEDGES RECEIPT OF NOTICE: X

VIOLATOR COPY

Town of Nantucket Massachusetts

VIOLATION NOTICE

DEPARTMENT FILE NO. 22-10028

DATE NOTICE WRITTEN: 9/21/22

DEPARTMENT: ☐ POLICE ☐ MARINE ☑ HEALTH ☐ H.D.C. ☐ BUILDING ☐ _____

A 26771

VIOLATOR

NAME (Last, First, Initial): The Summer House Rest.

ADDRESS: 1 Magnolia Ave / PO Box 880

CITY/TOWN: Nantucket STATE: Ma ZIP: 02564

DATE OF BIRTH | RACE/SEX | SOCIAL SECURITY NUMBER

OWNER

OWNER (if different) or PARENT (if minor)): Danielle Debenedictis

ADDRESS

CITY/TOWN | STATE | ZIP

DESCRIPTION OF AREA/PREMISES, BICYCLE OR VEHICLE: Food code violations

OFFENSE(s)

DATE OF VIOLATION: 9/21/22

LOCATION OF VIOLATION: Kitchen

TIME ☐ AM ☐ PM

		VIOLATION CODE	FINE
A.	Tobacco rolled in FSE – Second violation	FC7-201.1	500
B.	Kitchen fire suppression – Second violation	FC6-501.12	500

NOTICE TO VIOLATOR

SEE REVERSE SIDE FOR IMPORTANT INFORMATION ON YOUR RIGHTS AND DUTIES REGARDING THIS VIOLATION NOTICE.

OFFICER: CHECK ONE ONLY ☐ WARNING ☑ NON-CRIMINAL

IF NON-CRIMINAL TOTAL AMOUNT DUE: $1000

OFFICER, INSERT FINE AMOUNTS ONLY IF YOU CHECK "NON-CRIMINAL" AT LEFT.

OFFICER CERTIFIES COPY GIVEN TO VIOLATOR: Cathy J | ID NO. | ☐ BY HAND ☑ BY MAIL

VIOLATOR ACKNOWLEDGES RECEIPT OF NOTICE: X

VIOLATOR COPY

Town of Nantucket Massachusetts

VIOLATION NOTICE

DEPARTMENT FILE NO. 22-10030

DATE NOTICE WRITTEN: 9/21/22

DEPARTMENT: ☐ POLICE ☐ MARINE ☑ HEALTH ☐ H.D.C. ☐ BUILDING ☐ _____

A 26773

VIOLATOR

NAME (Last, First, Initial): Summer House Restaurant

ADDRESS: 1 Magnolia Dr / PO Box 880

CITY/TOWN: Nantucket STATE: Ma ZIP: 02564

DATE OF BIRTH | RACE/SEX | SOCIAL SECURITY NUMBER

OWNER

OWNER (if different) or PARENT (if minor)): Danielle Debenedictis

ADDRESS

CITY/TOWN | STATE | ZIP

DESCRIPTION OF AREA/PREMISES, BICYCLE OR VEHICLE: Food code violations

OFFENSE(s)

DATE OF VIOLATION: 9/21/22

LOCATION OF VIOLATION: Dining rm / ~~Fremont~~ Chemical Storage

TIME ☐ AM ☐ PM

		VIOLATION CODE	FINE
A.	Time temp abuse	FC3-501.19(A)	100
B	Chemicals stored in food storage	FC7-201.1	100

NOTICE TO VIOLATOR

SEE REVERSE SIDE FOR IMPORTANT INFORMATION ON YOUR RIGHTS AND DUTIES REGARDING THIS VIOLATION NOTICE.

OFFICER: CHECK ONE ONLY ☐ WARNING ☑ NON-CRIMINAL

IF NON-CRIMINAL TOTAL AMOUNT DUE: $200

OFFICER, INSERT FINE AMOUNTS ONLY IF YOU CHECK "NON-CRIMINAL" AT LEFT.

OFFICER CERTIFIES COPY GIVEN TO VIOLATOR: Cathy J | ID NO. | ☐ BY HAND ☑ BY MAIL

VIOLATOR ACKNOWLEDGES RECEIPT OF NOTICE: X

7021 2720 0000 5459 8792

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- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

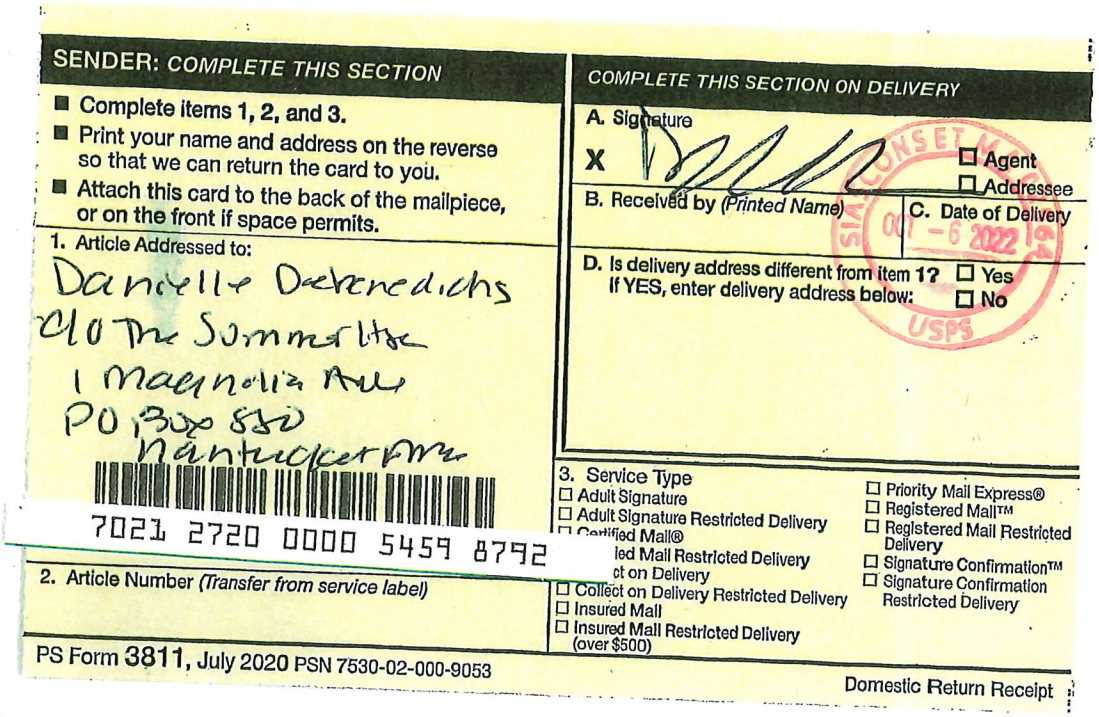
Postage
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Total Postage and Fees
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NANTUCKET, MA
SEP 2 2021
Postmark Here
USPS 02554-9998

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Street and Apt. No., or PO Box No. 1 Magnolia Ave
City, State, ZIP+4® Nantucket, MA 02554

PS Form **3800**, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Danielle Debenedictis
c/o The Summer Use
1 Magnolia Ave
PO Box 850
Nantucket MA

7021 2720 0000 5459 8792

2. Article Number (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by (Printed Name)

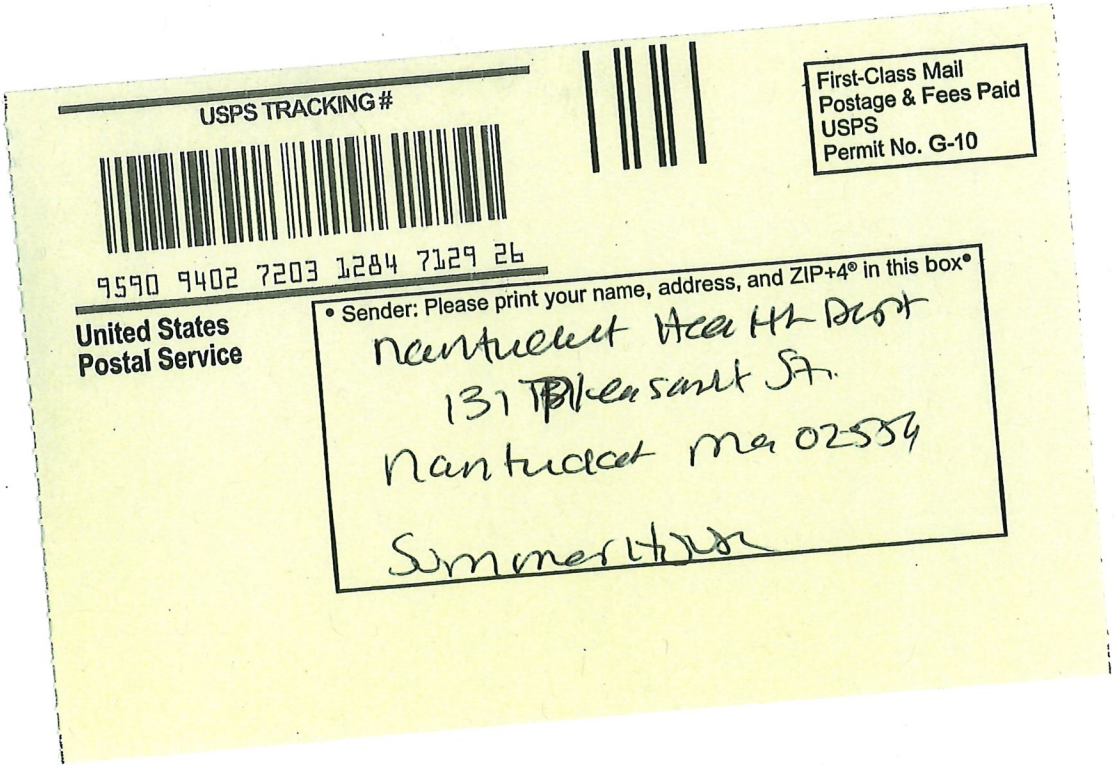
C. Date of Delivery
OCT - 6 2022

SIASCONSET MA
USPS

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ ied Mail Restricted Delivery
☐ ct on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over $500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt



USPS TRACKING #

9590 9402 7203 1284 7129 26

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USPS
Permit No. G-10

United States Postal Service

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Nantucket Health Dept
131 Pleasant St.
Nantucket MA 02554

Summer Use


Yoplait


ARGO
CORN STARCH
FOOD SERVICE
ARGO
CORN STARCH
FOOD SERVICE


GAMBLER
GAMBLER PIPE TOBACCO
THE TOBACCO EXPERTS.
GOLD
MONOGRAM
GAMBLER
KINGS


Mexican Style Tortilla Chips
4467857





NANTUCKET HEALTH DEPARTMENT
131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Tele fax 508.325.6117

September 26, 2022

Danielle DeBenedictis
c/o The Summer House Restaurant
1 Magnolia Avenue
PO Box 880
Nantucket, MA 02564

Re: Violation of 105 CMR 590.000

Dear Danielle DeBenedictis,

On September 21, 2022, you were cited for multiple violations of 105 CMR 590.000. One of the violations mentioned in the citation was time-temperature abuse and uncovered food. This morning I observed the same violation. Please refer to the inspection report provided to you dated 9/26/22. You are being issued this citation for the following violation:

1. **105 CMR 590.003, 3-501.16 (A), Time/Temperature Control for Safety Food, Hot and Cold Holding**, which states in part that:

   (A) Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under §3-501.19, and except as specified under ¶ (B) and in ¶ (C) of this section, TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be maintained:
   (1) At 57oC (135oF) or above, except that roasts cooked to a temperature and for a time specified in ¶ 3-401.11(B) or reheated as specified in ¶ 3-403.11(E) may be held at a temperature of 54oC (130oF) or above; P or (2) At 5°C (41°F) or less.

   - Observed time-temperature abuse of uncovered cream cheese, butter and cut fruit not held at proper temperature. Food not covered
   - **Second Violation $500.00 fine**

NANTUCKET HEALTH DEPARTMENT
131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Tele fax 508.325.6117

Instructions for paying this ticket are found on the back of the ticket (payable within 21 days to the Town Clerk's Office). Should you decide to appeal this ticket, instructions for doing so are also located on the back of the ticket.

If you have any questions, please do not hesitate to contact this office.

Sincerely,

Cathy Flynn
Health Inspector
Nantucket Health Department
Cmflynn@nantucket-ma.gov
508-228-7200 ext. 7062

INSPECTION WORKSHEET (IHLTF-019403-2022)

Town of Nantucket
508-228-7200

Case Number:	HLTF-2022-06-00000936	**Case Module:**	Permit
Inspection Date:	Mon Sep 26, 2022	**Inspection Status:**	Pass
Inspector:	Flynn, Cathy M.	**Inspection Type:**	HLTF - Food Establishment

Job Address:	1 MAGNOLIA AV Nantucket, MA, 02554	**Parcel Number:**	73.3.1 123

Contact Type	Company Name	Name
Applicant		Ponce, Juan
Food Manager		Ponce, Juan
Establishment	Andre Associates, LLC dba The Summer House	
Parcel Owner	DEBENEDICTIS DANIELLE TR	
Person in Charge		Ponce, Juan

Checklist Item	Status
HLTF - Food - Food - Temperature Controls, Wholesaler, HACCP, Sanitation	Failed

Observed cut fruit, cream cheese, butter and yogurt not held at proper temperature control. Food was not covered.



Flynn, Cathy M.

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Danielle DeBenedictis
The Summer House Rest
1 Magnolia Av
PO Box 880
Nantucket Ma 02554

7021 2720 0000 5459 8846

2. Article Number *(Transfer from service label)*

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Mail Restricted Delivery
☐ n Delivery
☐ n Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over $500)
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☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

USPS TRACKING #

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USPS
Permit No. G-10

United States Postal Service

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Nant Health Dept
131 Pleasant St
Nantucket Ma 02554

Sommer House Rest


Yoplait
Yoplait

VIOLATOR COPY

Town of Nantucket Massachusetts

VIOLATION NOTICE

DEPARTMENT FILE NO. 22-010248

DATE NOTICE WRITTEN 9/26/22

DEPARTMENT: ☐ POLICE ☐ MARINE ☒ HEALTH ☐ H.D.C. ☐ BUILDING ☐ ____

A 26778

VIOLATOR

NAME (Last, First, Initial): The Summer House Restaurant

ADDRESS: 1 Magnolia Av / PO Box 880

CITY/TOWN: Nantucket STATE: ma ZIP: 02564

DATE OF BIRTH | RACE/SEX | SOCIAL SECURITY NUMBER

OWNER

OWNER (if different) or PARENT (if minor)): Danielle DeBenedictis

ADDRESS

CITY/TOWN STATE ZIP

DESCRIPTION OF AREA/PREMISES, BICYCLE OR VEHICLE

OFFENSE(s)

DATE OF VIOLATION	LOCATION OF VIOLATION	TIME	VIOLATION CODE	FINE
9/26/22	1 Magnolia Ave	9 ☒ AM ☐ PM		
A. Time-temperature abuse			FC 3-501.19A	500
B.				

NOTICE TO VIOLATOR

SEE REVERSE SIDE FOR IMPORTANT INFORMATION ON YOUR RIGHTS AND DUTIES REGARDING THIS VIOLATION NOTICE.

OFFICER: CHECK ONE ONLY ☐ WARNING ☒ NON-CRIMINAL

IF NON-CRIMINAL TOTAL AMOUNT DUE: $500

OFFICER, INSERT FINE AMOUNTS ONLY, IF YOU CHECK "NON-CRIMINAL" AT LEFT.

OFFICER CERTIFIES COPY GIVEN TO VIOLATOR: Cathy

ID NO.

☐ BY HAND ☐ BY MAIL

VIOLATOR ACKNOWLEDGES RECEIPT OF NOTICE: X

NANTUCKET HEALTH DEPARTMENT
131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Tele fax 508.325.6117

February 1, 2023

Danielle Debenedictis
Francesca Karlson
PO Box 880
Siasconset, MA 02564

Dear Danielle and Francesca,

After several inspections and multiple violations of 105 CMR 590.00 observed this past season, you are hereby ordered by the Nantucket Health Department to have Certified Food Protection Managers (https://www.servsafe.com/ServSafe-Manager) and Allergen Awareness Certifications (https://www.berkshireahec.org/ma-food-allergen-registration/) present during the hours of operation starting June 1, 2023 until further notice. We have determined that six (6) employees are deemed necessary as Food Protection Managers and Allergen Awareness Certificate holders. The number of employees to be distributed equally between The Summer House Restaurant and The Summer House Bistro.

You may request a hearing before the Board of Health. Such request shall be in writing and shall be filed in this office within 10 days after receipt of this order.

If you have any questions, please do not hesitate to contact this office. Please update the department once these certifications are completed.

Regards,

Cathy Flynn
Public Health Inspector
Nantucket Health Department
508-228-7200 ext. 7062
cmflynn@nantucket-ma.gov



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City, State, ZIP+4® Barre, MA 01364

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 2280 0001 0030 2177

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United States Postal Service

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Nantucket Healt Human Services
3 East Chestnut S et
Nantucket, MA 02554

RT3

The Summer House

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Theodora Summer House
Danielle Bergeneaux
Francesca Carlson
PO Box 880
Siasconset, MA 02564

7019 2280 0001 0030 2177

2. Article Numb

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over $500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2 9053 Domestic Return Receipt

Agreement

This Agreement is entered into this ___th day of July, 2023 between Xavier Cervera and Danielle deBenedictis in her official capacity as managing member of Andre Associates, LLC and Beachside Associates, LLC (collectively, "the Parties"):

WHEREAS Andre Associates, LLC and Beachside Associates, LLC ("the Summer House LLC's") run two seasonal restaurants and bars in Nantucket, Massachusetts; and

WHEREAS the Summer House LLC's wish to hire an independent expert/consultant to provide training to their kitchen and bar staff regarding food safety, the Food Code and the Nantucket Health Code as related to operating a restaurant and/or bar; and

WHEREAS Xavier Cervera has sufficient expertise in food safety, the Food Code and the Nantucket Health Code as related to operating a restaurant and/or bar;

IT IS HEREBY AGREED AS FOLLOWS:

1. Xavier Cervera will provide training on a regular basis during the summer season in food safety, the Food Code and the Nantucket Health Code to all employees as related to operating a restaurant and/or bar;

2. Xavier Cervera will update the Town of Nantucket Health Department on a regular basis with the training provided to ensure that that same is sufficient and up to date with current codes and regulations as applicable;

3. Xavier Cervera is not an employee, but is an independent contractor.

4. Either party has the right to terminate the Agreement, notice to be given by email.

5. This Agreement is renewable prior to each summer season.

6. Xavier Cervera will be the point of contact for the health department in all health matters

ENTERED INTO this 20day of July 2023.

Xavier Cervera

Danielle E. deBenedictis in her official capacity as managing member of the Summer House LLC's