



BOARD OF HEALTH Meeting

Town of Nantucket
131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Commissioners: Malcom MacNab MD, PHD (chair), Meredith Lepore, (vice chair), James Cooper, Kerry McKenna, Ann Smith
Staff: Roberto Santamaria, Kathy LaFavre, John Hedden, Cathy Flynn, Jake Visco, Anne Barrett, Erin Schrader

~~ MINUTES ~~

Thursday, December 14, 2023

4 Fairground Road, Community Room

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

Called to order at 4:00 p.m.

Staff in attendance: R. Santamaria, Director of Health & Human Services, J. Hedden, Chief Environmental Health Officer; J. Visco, Health Inspector; E. Schrader, Public Health Nurse; Heather Nardone, Public Health Coordinator

Attending Members: Kerry McKenna, Meredith Lepore

Remote Participant: Malcolm MacNab, Ann Smith

Absent: James Cooper

Early Departure: Smith left the meeting at 5:03 p.m. and returned at 5:25 p.m.
MacNab left the meeting at 5:43 p.m.

I. PUBLIC ANNOUNCEMENT

None.

II. SANKATY HEAD CADDIE PROGRAM (00::)

Discussion:

Santamaria

- Stated the delay from the last meeting, which was continued to today due to a posting issue.
- Mentioned the purpose of the current discussion was to evaluate whether the Sankaty Head Caddie Program is considered a recreational camp or not.

Hedden

- Discussed the mention of 18-year-olds at the camp towards the end of the last discussion.
- Raised questions about how 18-year-olds are classified within the camp context.
- Discussed the mix of 18-year-olds with 14 or 15-year-olds, especially in shared dorm rooms.
- Touched upon variance considerations, particularly focusing on head spacing requirements (six feet) when double-bunked.
- Discussed square footage requirements based on the code.
- Emphasized the need for demonstrating an equivalent level of protection to obtain variances.

Arthur Reade, Attorney for the Sankaty Head Caddie Program

- The Sankaty Head Foundation requests the board to determine that the Caddy Program, though located on land owned by the golf club, does not constitute a recreational camp for children.
- The Foundation argues that the nature of the facility is residential, not primarily recreational, as the caddies are provided housing and summer jobs.
- The caddies, some under 18, are not employed by the golf club but work for individual club members. They also participate in educational programs, college counseling, and scholarships.
- Any recreation involved, such as basketball and swimming, is considered incidental to the facility's focus on education and job opportunities.
- The facility, operating for nearly 100 years, has been inspected by the Board of Health in the past without issues.
- Compliance with the spacing requirements for a recreational camp would be challenging due to the existing residential facility on the premises, potentially requiring substantial construction.

- The Foundation seeks exemption from being categorized as a recreational camp for children based on the argument that the term "camp" is not reflective of the facility's actual nature.
- The Foundation has ceased using the term "camp" and asserts that the standards maintained are in accordance with those appropriate for the facility.
- Urged the Board of Health to grant an exemption based on the belief that the facility does not meet the criteria for a recreational camp for children.

Jack Welch Wagner

- Stated that the program has operated for 93 years, the facility brought kids to Nantucket, provided education, and assisted them with scholarships to attend college.
- Expressed the goal to continue this tradition, the facility needed around 60 caddies to service the club and maintain the scholarship program.
- Asserted that cutting back on the number of caddies would impact 12-14 kids who may lose the opportunity for college scholarships.

Curtis Barnes

- Stated the importance of the scholarship program.
- Expressed a hope for the continued success of these initiatives.
- Stressed the positive impact and longevity of the 90-year legacy.

McKenna

- Raised concerns during the last meeting about the program's nature.
- Specifically, uncertainty about its status if not categorized as a camp or employer.
- Expressed reservations about Department of Labor laws, especially in the absence of a clear classification.
- Stated experience in education and job program setup, highlighting difficulty understanding the program's structure.
- Noted challenges in defining the program's identity, especially since students don't directly work for the organization.

Reade

- Clarified the organization's identity as an educational nonprofit, specifically a public charity.
- Emphasized the program's goal of enabling young men to earn money for college through caddying.
- Pointed out the organization's focus on underprivileged backgrounds and creating opportunities for college education.
- Described the nonprofit as a charitable educational program that extends support through scholarships for caddies pursuing higher education.
- Noted the program's impact, with many participants returning to work during college summers.

McKenna

- Inquired about the program's certification status, specifically if it is state-certified or holds any certification from the education department.

Reade

- Acknowledged the organization's status as an educational entity with 501(c)(3) nonprofit classification.

Dave Henman, Manager of the Caddy Program

- Shared insights on running the caddy program for the 12th summer, highlighting the educational aspects.
- Emphasized the importance of learning through caring, a fundamental element of the program.
- Discussed various educational initiatives, including shared book reading, SAT and ACT tutoring, writing skills, and study skills programs.
- Mentioned specific programs such as speech writing and public speaking, as well as college counseling for juniors and seniors.
- Echoed the mission of fostering success in college and beyond for the participants.
- Recognized caddying as a platform for skill development, while underscoring the significant educational activities conducted at the facility during the summer.

Smith

- Expressed concern regarding the term "camp" and shifted the focus to health-related considerations, particularly for individuals under 18.
- Highlighted the need to adhere to state rules and regulations concerning housing for minors.
- Drew parallels to regulations in boarding schools where specific guidelines are in place.
- Raised the concern that if a significant percentage of participants are under 18, compliance with regulations for housing younger individuals may be necessary.

Lepore

- Expressed confusion about the ongoing issue related to housing regulations.

- Recalled the clarity from the October meeting that employment status would resolve the problem.
- Acknowledged the positive aspects of providing skills, tutoring, and other benefits to the participants.
- Suggested that employing them for the summer might be a straightforward solution, making the matter a non-issue.
- Raised the question of whether the main concern revolves around housing kids under a certain age and the standards associated with it.

Santamaria

- Highlighted the gray area in the summer program's classification, specifically falling within the scope of recreational camp law.
- Acknowledged the oversight in recognizing this definition and its implications.
- Clarified that the issue stems from the program being considered a recreational camp under state regulations.
- Explained that the problem with the hiring aspect is linked to different standards and regulations based on payroll status.
- Indicated that if participants were on payroll, a distinct set of standards under the Department of Labor would apply.
- Provided context on the evolution of understanding and compliance, leading to the current discussion and considerations for resolution.
- Clarified that the primary concern is how the program is categorized by local public health, specifically as a recreational camp.
- Highlighted that being labeled as a recreational camp subjects the program to governance by the Department of Labor Standards.
- Acknowledged that having youth participants is permissible as long as they meet legal employment criteria.

Barnes

- Questioned whether the program could be considered an internship.

Reade

- Discussed the exploration of converting caddies to employee status and determined it's not considered feasible.
- Mentioned that such a change could introduce new issues that are best avoided, leading to a preference for the current structure.
- Emphasized the importance of clarity regarding the caddies' payment structure, noting it's not solely based on tips.
- Highlighted that golfers using the caddies are required to make direct payments to them, which may include additional tips.

Hedden

- Emphasized the original intent of regulations, which is to establish minimal health, safety, and sanitary standards for the well-being of children in recreational camps.
- Pointed out specific aspects of the regulations, such as criminal background checks, immunization proof, and training requirements for staff.
- Reiterated the importance of protecting children's well-being, especially considering health risks associated with certain activities witnessed in videos on the website.
- Expressed ongoing confusion about not pursuing a permit through the Board of Health, particularly when dealing with children under 18.
- Stressed the significance of adhering to regulations to ensure the safety and welfare of participants in the program.

Henman

- Affirmed the organization's commitment to compliance with certifications and criteria requested the previous year.
- Highlighted successful completion of certifications, background checks, and other necessary steps.
- Acknowledged the challenge in meeting the required number of beds in bunkhouses, a specific criterion outlined by recreational camps.
- Emphasized the organization's dedication to fulfilling all other criteria and ensuring staff and participant safety.
- Indicated that despite meeting most requirements, the limitation lies in the capacity of the bunkhouses.

McKenna

- Expressed concern about the idea of exemptions for beds potentially undermining the purpose of regulations.
- Highlighted the challenges in exploring alternative routes, such as becoming a state-certified program or addressing Department of Labor standards.
- Acknowledged the complexity and impact of federal and state regulations on programs like internships.
- Emphasized the responsibility of enforcing regulations, even when faced with challenging situations.
- Noted that the primary struggle revolves around the number of beds.
- Raised the question of whether there's potential for reorganizing housing to maximize space and comply with regulations for individuals over 18, eliminating concerns associated with regulations for those under 18.

Henman

- Acknowledged the potential option of having under 18-year-olds living in a designated space to address the regulation challenges.
- Highlighted the impact of such a change, noting that it might require turning away some participants.
- Emphasized the program's strength in diversity, showcasing the unique relationships built among participants from different backgrounds.
- Pointed out the importance of mentoring within the program, particularly between older and younger participants.

MacNab

- Expressed frustration about the perceived lack of progress since the last meeting.
- Noted the expectation that the two sides were meant to collaborate and find a resolution.
- Observed that the current discussion seemed to revisit the same points from the previous meeting rather than showcasing collaborative efforts.
- Expressed the sentiment that the meeting might not have been necessary if a resolution had been worked out.
- Suggested a desire for more tangible progress in addressing the concerns and finding a common ground between the parties.

Reade

- Acknowledged the challenges posed by Mr. Hadden's position, indicating uncertainty about finding a workable solution while maintaining the necessary number of caddies.
- Reiterated the belief in exemption from regulations while recognizing the application also includes a request for variance.
- Pointed out the organization's long history of compliance with various regulations, with the exception of the number of caddies housed.
- Requested consideration for issuing a variance, given the organization's track record of compliance and the absence of prior issues.
- Stressed the absence of problems or issues related to the program's operation, particularly regarding the proximity of the campers.
- Urged the board to grant a variance if the program is determined to be subject to camp regulations, allowing for the continuation of operations in a manner consistent with historical practices.

Smith

- Questioned the percentage of participants under the age of 18.

Henman

- Responded that approximately 60% of the participants are under the age of 18.

Board discussion ensued during which they offered suggestions regarding the separation of those under 18 and those over 18, which included reducing the number of participants or building a separate building for housing.

MacNab

- Expressed a willingness to explore the possibility of extending discussions for another month.
- Voiced a desire to avoid wasting time if there's a concern that the additional time may not lead to a fruitful resolution.

Reade

- Expressed willingness to continue discussions for another month and reach out to Roberto and John for potential resolution.
- Highlighted the challenge in maintaining the present level of caddies, crucial for operations, and lacking the necessary facilities for 60 caddies.
- Clarified that if the organization were to apply for a license for the 2024 season, complying with the current regulations would not be feasible while sustaining the required number of caddies.
- Emphasized the need for flexibility or relief regarding the separation of beds, specifically the issue affecting the program.

Smith

- Proposed the idea of granting a variance for the 2024 season with the anticipation of a future change.

Reade

- Emphasized the conditional nature of the variance, with the understanding that it addresses the immediate need for the 2024 season while indicating a commitment to addressing the issue in the long term.

- Acknowledged the commitment to provide updates early in the process to allow ample time for discussion and resolution.
- Acknowledged the current limitations, including financial constraints and the need for funding, permitting, and potential arrangements with the club.

Jake Visco, Health Inspector

- Emphasized the importance of ensuring that, despite the variance, the organization upholds standards that safeguard participants' well-being.
- Indicated that any variance should not compromise the safety or protection of individuals involved in the program.
- Stated that it will be required for the organization to illustrate how it would compensate for the reduced square footage while ensuring the same degree of protection for participants.

Welch Wagner

- Emphasized the importance of providing assurances and evidence that health and safety measures, including COVID-related protocols, would be upheld.
- Acknowledged the significant financial commitment required for constructing additional facilities, estimated at a million and a half dollars.
- Proposed a two-year timeframe to address the spacing issue, allowing for continued program operation while seeking funding and addressing the challenges related to space constraints.

Action: **Motion to grant a one-year variance, allowing the organization to continue its program while reevaluating after one year. Stipulated the condition that the organization must present a detailed plan within the year (Fall of 2024) on how it intends to bring the program into compliance. (Motion by: Lepore) (Seconded by: Smith) (52:23)**

Roll-call vote Carried 3-1// Lepore, Smith, MacNab (aye) / / McKenna (nay)

III. PUBLIC COMMENT (ITEMS NOT ON AGENDA)

Meg Ruley, Toms Way Resident

- Shared information about a letter sent to the town manager, Libby Gibson, addressing PFAS contamination on Tom's Way.
- Noted that the Department of Environmental Protection (DEP) has conducted over 50 water samples in the area, revealing contamination in every house serviced by private wells on Tom's Way.
- Mentioned the collaborative efforts of neighbors in addressing the issue, with plans to bring a water main to Tom's Way starting in January.
- Expressed gratitude for the support from the water company and emphasized the urgency of the contamination issue, indicating it has some of the highest concentrations in Massachusetts and possibly New England.
- Requested support from the Town of Nantucket and the Board of Health to fund the connection from the street to the houses, which is currently being done by the residents themselves.
- Provided a copy of the letter to Dr. McNab, Roberto Santamaria, and Michael Manner for their awareness and consideration.
- Clarified that residents are responsible for hookups in response to PFAS contamination.
- Shared the challenge of communication and response from various entities when PFAS is mentioned due to perceived liabilities.
- Acknowledged that the Department of Environmental Protection (DEP) directs concerns to the health department, which receives data since September.
- Explained the role of Libby as a point person in communicating with different departments due to the perceived liability of discussing PFAS.
- Highlighted the request to Libby to explore if the town could fund the hookup, considering the upcoming identification of the potentially responsible party (PRP) by the DEP.
- Stressed the residents' preference not to pay the entire amount upfront, anticipating reimbursement once the PRP is identified.
- Mentioned the Water Commission's contribution of around \$600,000 for installing the water main, scheduled to be completed by the end of January.
- Updated on a meeting with the Water Commission in the morning.
- Requested relief for hookup costs, which were initially \$5,000 per hookup.
- Shared that the Water Commission agreed to reduce the hookup cost and defer the payment.

Lepore

- Voiced concern about the perceived lack of a safe level for PFAS, regardless of concentration.
- Emphasized the need for the town and the airport Commission to take responsibility for those affected by PFAS contamination.

III. APPROVAL OF MINUTES

1. November 16, 2023

Action: No action taken. Moved to next meeting. (1:03:32)

IV. SEPTIC LOAN REQUESTS

1. Septic Loan Request, 74 Arkansas

Sitting: MacNab, Cooper, McKenna, Lepore

Documentation: Supporting documents and staff recommendations.

Discussion: -

Action: Motion to accept. (Motion by: McKenna) (Seconded by: Lepore)

Roll-call vote: Carried 3-0// McKenna, Lepore and MacNab (aye)

2. Septic Loan Request, 41 Tennessee Ave

Sitting: MacNab, Cooper, McKenna, Smith

Documentation: Supporting documents and staff recommendations.

Discussion: -

Action: Motion to accept. (Motion by: Lepore) (Seconded by: McKenna)

Roll-call vote: Carried 3-0// McKenna, Lepore and MacNab (aye)

3. Septic Loan Request, 108 Surfside Rd

Sitting: MacNab, McKenna, Lepore

Documentation: Supporting documents and staff recommendations.

Representing: Jessica Torres

Discussion: (1:06)

McKenna

- Recognized the potential challenge of being constrained by the policies set, emphasizing the need to find solutions within the established framework.
- Suggested revisiting the mortgage terms with the bank as a potential avenue for addressing the updated construction policies.

Michael Connolly, Surveyor

- Clarified that the entire project involves three dwellings.
- Pointed out that with a functioning well, there is ample space to accommodate the required number of bedrooms for the existing main house.
- Provided information about the current state of the proposed subdivision and its implications for the septic system's location.

John Bracken

- Noted that the cottages consist of two bedrooms each, while the new house has three bedrooms.
- Proposed the idea of providing a loan specifically for the two-bedroom portion of the project.
- Suggested calculating the percentage of the total cost associated with the system needed for the two-bedroom cottages.

Action: Motion to approve a loan for 43% of the total cost of the septic system.

Clarified that the purpose of the loan is specifically to enable the cottages to hook up.

(Motion by: Lepore) (Seconded by: McKenna)

Roll-call vote: Carried 3-0// McKenna, Lepore and MacNab (aye)

4. Septic Loan Request, 15 Folger Ave

Sitting: MacNab, Cooper, McKenna, Smith

Documentation: Supporting documents and staff recommendations.

Discussion: Staff had no objections

Action: Motion to approve. (Motion by: Lepore) (Seconded by: McKenna)

Roll-call vote: Carried 3-0// McKenna, Lepore and MacNab (aye)

5. Septic Loan Request, 32-44 (Evens) South Cambridge Street -Massasoit Village Condominium Association

Sitting: MacNab, Cooper, McKenna, Smith

Documentation: Supporting documents and staff recommendations.

Discussion: (1:14:55)

Santamaria

- Explained that the Massasoit Village Condominium Association, encompasses one of the two shared systems on the property.
- Noted that the entire association is owned by seasonal residents, not year-round residents.
- Recommended approving up to 50% of the septic system cost for this specific association, taking into consideration its seasonal ownership structure.

Action: **Motion to approve 50% of the septic system cost.** (Motion by: McKenna) (Seconded by: Lepore)

Roll-call vote: Carried 3-0// McKenna, Lepore and MacNab (aye)

V. BOH APPLICATION REVIEW - VARIANCES

1. 234 Madaket Road-Bedroom Count

Sitting: MacNab, Lepore, McKenna

Documentation: Supporting documents and staff recommendations.

Discussion: (1:17:00)

Santamaria

- Described the property as seeking permission for the construction of an additional space before the installation of an already permitted and valid IA system.
- Stated that staff does not foresee any issues with the request.
- Mentioned that if a new septic system is installed by a certain date, it would be eligible for a one-year extension.

Action: **Motion to approve.** (Motion by: Lepore) (Seconded by: McKenna)

Roll-call vote: Carried 3-0// McKenna, Lepore and MacNab (aye)

2. 10 Skyline Drive – nitrogen loading

Sitting: MacNab, Lepore, McKenna

Documentation: Supporting documents and staff recommendations.

Discussion: Staff had no objections or concerns.

(1:18:47)

Arthur Gasbarro

- Explained that the property is undergoing redevelopment, and the proposed septic system would provide additional capacity for potential future structures on the property.
- Clarified that the request aligns with the allowances under Title Five and strictly adheres to the use of IA systems.
- Mentioned the compliance with local regulations regarding nitrogen loading, particularly within the wellhead.
- Noted the extension of town water to the area and the likelihood of connections, providing an alternative for those with concerns.
- Advocated for the environmental benefits of an IA system, emphasizing the advantages of careful oversight and reporting under an O&M contract.
- Pointed out that the system is not close to harbors, minimizing concerns about nitrogen impact on algae growth.
- Expressed the belief that the proposal is unlikely to have adverse effects on the Wellhead Protection District and is justified.

McKenna

- Voiced unease about the idea that although a more advanced system is being used, the overall waste output remains the same, but with an increase in the number of individuals contributing to it.

Action: **Motion to approve.** (Motion by: Lepore) (Seconded by: McKenna)

Roll-call vote: Carried 3-0// McKenna, Lepore and MacNab (aye)

3. 63 Starbuck Road- Septic Setbacks

Sitting: MacNab, Lepore, McKenna
Documentation: Supporting documents and staff recommendations.
Discussion: Staff had no objections or concerns.
Action: Motion to approve. (Motion by: Lepore) (Seconded by: McKenna)
Roll-call vote: Carried 3-0// McKenna, Lepore and MacNab (aye)

4. 181B Polpis Rd-Well Regulation Variance

Sitting: MacNab, Lepore, McKenna
Documentation: Supporting documents and staff recommendations.
Discussion: Staff's recommendation was to deny the variance due to the ability to meet the current regulations.

(1:25:02)

Michael Connolly, Surveyor

- Highlighted the challenge of achieving the required 300-foot separation for the well due to the unique downgradient issue and the presence of wetlands.
- Noted that the proposed well location would only affect the owner's lot and would not impact neighboring lots.
- Discussed the separation process initiated by the planning board and the attempt to improve the situation by relocating the well.
- Mentioned the approval received from the Conservation Commission for the proposed well location, ensuring it is at least 50 feet away from wetlands.
- Recommended granting approval, emphasizing that it would benefit the affected lot and the well's water source.

Santamaria

- Acknowledged the challenges posed by the subdivision, stating that the situation wouldn't have arisen if the subdivision had not occurred.
- Emphasized the critical nature of the situation, indicating that disapproval might lead to drastic measures such as cutting down the house due to the absence of water.

Richard Mack, Owner

- Expressed a challenging situation following his father's passing in June.
- Mentioned the intention to sell his father's property and the need to have a separate well due to the sale.
- Shared concerns about potential future development on his father's property, expressing uncertainty about the number of bathrooms and potential water usage.

McKenna

- Questioned if one existing well serve both properties with deed restrictions in order to protect both parties of interest.

Hedden

- Recognized that each property must have its own well, the current situation is a consequence of the subdivision, which did not adequately address well separation.

Lepore

- Considered the depth of the well (130 feet) as a potential factor in their favor, suggesting that it would be positioned far below septic systems and unlikely to be affected negatively.

Santamaria

- Acknowledged the potential scientific sense in the idea that deeper wells might result in cleaner water.
- Noted that this provision is not currently present in existing regulations.
- Highlighted the shared aquifer, recognizing that either well could potentially impact it.
- Discussed the robustness of the aquifer and the slim chance of it running dry, especially at greater depths.

Lepore

- Emphasized that the request is for year-round residents who are part of the community, not for seasonal residents.
- Pointed out the low chance of contamination due to the depth of the proposed well.
- Shared a personal stance against variances but acknowledged the specific circumstances in this case.

McKenna

- Observed the subdivision map and noted the apparent layout, suggesting that the subdivision may have created a challenging situation.
- Highlighted the potential impact of the subdivision on the current situation, implying that the layout may not have been ideal.

Action: **Motion to approve the variance, due to the 130 foot depth of the well.** (Motion by: Lepore) (Seconded by: McKenna)

Roll-call vote: Carried 4-0// Smith, MacNab, Lepore, McKenna (aye)

5. 62 Arkansas Rd-Septic Upgrade

Sitting: MacNab, Cooper, McKenna

Documentation: Supporting documents and staff recommendations.

Discussion: Staff had no concerns.

McKenna

- Pointed out that the property owners have been deceased for two years.
- Questioned the adequacy of the notice given the circumstances, especially considering the condemnation notices and the fact that the son did not respond.

Don Bracken, Bracken Engineering

- Described the complexity of the situation due to small lots and the need for variances.
- Emphasized the unique challenges, such as a narrow lot width, and the presence of a common area with a blanket easement for septic systems.
- Highlighted the limited locations available for placing the septic tank to meet regulatory requirements.
- Estimated the need to pump the septic tank approximately 120 feet away for optimal location.

Action: **Motion to approve the variance.** (Motion by: McKenna) (Seconded by: Lepore)

Roll-call vote: Carried 4-0// MacNab, Lepore, McKenna, Smith (aye)

Prior to leaving the meeting, Chair MacNab noted concerns about not receiving a response regarding the letter about physicals for firefighters. Stated that the Union and Town are in negotiations about the matter.

6. 6 & 6A Washington Ave-nitrogen loading

Sitting: Lepore, McKenna, Smith

Documentation: Supporting documents and staff recommendations.

Discussion: Staff's recommendation is to deny the variance.

(1:44:52)

Don Bracken, Bracken Engineering

- Provided background on the project, including its history and previous approvals.
- Explained the initial approval for a greywater system with composting toilets and subsequent issues leading to the proposal for a new treatment system.
- Described the proposed Klean Tu Nitro system, highlighting its technology and benefits.
- Emphasized the potential environmental benefits of the Klean Tu system, which appears to perform better than standard IA systems.
- Noted the possibility of reverting to composting toilets if the Klean Tu system doesn't meet expected performance levels.
- Acknowledged the unique summer usage on the island and the need for real data to assess the system's effectiveness in Nantucket's conditions.
- Addressed the question about an Operations and Maintenance (O&M) contract for the proposed Klean Tu Nitro system.
- Confirmed that an O&M contract would be required for this type of system, similar to the existing IA systems.
- Highlighted that the system is approved under provisional use by the state, indicating that it meets specific standards and requirements.

- Emphasized that the proposed system's approval is subject to more stringent conditions compared to general-use systems that were established earlier.
- Suggested the possibility of conditioning the approval with additional testing requirements, especially during the heavy summer use.

John Smith

- Shared results from 98 total systems installed on Cape Cod and Martha's Vineyard.
- Mentioned an average of six to seven parts per million, with a median of 4.6, in the effluent, despite an influent of 110 parts per million.
- Cited collaboration with George Roy Felder and suggested contacting him for additional support and information.
- Offered the possibility of another Zoom call to go through the data or a visit to Nantucket in January if there is interest.

Santamaria

- Pointed out the provisional approval until May 12, 2025.
- Inquired about the plan for the system if it doesn't receive general use acceptance or faces challenges in the future.

Don Bracken

- Expressed the assumption that, if not approved for general use, would likely follow the standard procedure for provisional use.
- Highlighted that the purpose of provisional use is to monitor testing, and if the system doesn't perform as projected, the Board of Health has the authority to require a change.
- Mentioned that provisional use systems may expire, but if the system is functioning as expected, it can typically remain in the ground.

John Smith

- Shared information about the provisional use status.
- Mentioned the anticipation of installing more units in the coming year.
- Discussed the approval with ARPA funding and the regulations in place.
- Emphasized the primary motivation being to protect ponds and lagoons, along with supporting the local workforce.

McKenna

- Raised concerns about the tightness of properties in the Washington Avenue area.
- Inquired about potential setbacks and whether there are any concerns related to the system or if any system could address the challenges.
- Explored the possibility that, due to the property's size and location, there might be a need for variances, regardless of the chosen system.

Santamaria

- Acknowledged the existence of compliance challenges, particularly related to maximum feasible compliance portions.
- Recognized the provisional approval status of the proposed system and expressed interest in understanding its functionality.
- Mentioned the board's authority to set time limits and standards.
- Referenced a recommendation for denial based on the perceived non-compliance with the original agreement related to the graywater system and nitrogen loading.

McKenna

- Raised concerns about the company's long-term viability.
- Highlighted the importance of a company's continued existence for ongoing support.
- Inquired about safeguards or plans for ensuring continuity in case the company faces challenges or goes out of business.

Don Bracken

- Pointed out that the provisional use document may have built-in protections in case the company faces issues or goes out of business.
- Suggested that the Board of Health has the authority to require a change to another system that is still in business and actively maintained.
- Proposed conditioning the approval by leaving the composting toilets in place initially.
- Suggested the option of reverting to the graywater system with composting toilets if the proposed system does not perform as expected.

Hedden

- Provided a historical overview of the property, detailing the changes and approvals over time.
- Highlighted the nitrogen loading aggregate plan approved by the DEP, which included provisions for composting toilets and no black water discharge on the property.
- Raised a question about how the plan was approved given certain prohibitions in place.
- Questioned whether higher technology composting toilets have been explored for potential installation on the property.

Don Bracken

- Acknowledged the need to check with the owners regarding exploring other options, especially given the problems they have encountered.
- Indicated an assumption that most systems may have similar performance, contributing to the historical challenges with the property.
- Pointed out the unique situation where a system has demonstrated better results.
- Emphasized the tough decision faced by the Board, balancing the historical deal with the potential environmental benefits of the proposed changes.

Hedden

- Acknowledged the importance of DEP approval and emphasized the significance of the certified parts per million as determined by DEP.
- Recognized the historical decisions and deals made by previous boards, highlighting the challenge of moving forward.
- Suggested the possibility of setting a specific parts per million limit, such as six, for the new system to align with the best-case scenario and compare it with the expected performance of the graywater system with composting.

John Smith

- Shared information about the provisional permit, specifying the capacity limit up to 2000 gallons per day.
- Highlighted the successful implementation of the nitro system in a project treating 6600 gallons per day in West Falmouth.
- Mentioned a new project on Martha's Vineyard involving workforce housing and a rehabilitation center called Navigator, with an anticipated flow of 20,000 gallons per day.
- Emphasized the preference for the nitro system over soaring due to its suitability for the project's timeline.

McKenna

- Inquired about the potential for altering the provisional status and whether it is subject to change.
- Explored alternative approaches that could address the property's issues while considering historical factors and potential variances required for the lot.

Don Bracken

- Clarified that the only variance being sought is related to the Madaket setbacks.
- Emphasized the need for the board to consider the discussed factors, including testing results and potential conditions, before making a motion.

McKenna

- Inquired about the possibility of imposing additional conditions to gather more information and explore alternative solutions for island residents.

Santamaria

- Discussed the idea of setting a limit of 10 parts per million for the system, considering that it's significantly lower than the standard IA systems.

Action: **Motion to the system with the condition that it undergoes monthly testing to ensure it stays below 10 parts per million throughout an 18-month testing period. The testing period aligns with the provisional certification's timeframe until 2025, with an initial test three months after the installation.** (Motion by: McKenna) (Seconded by: Smith) **(2:20:30)**

Roll-call vote: Carried 3-0// Lepore, McKenna, Smith (aye)

VI. ADJOURN

Action: **Motion to Adjourn at 6:22 pm.** (Motion by: Smith) (Seconded by: McKenna)

Roll Call Vote: Carried 3-0// Lepore, McKenna, Smith -aye

Submitted by:
Elaina Cano