



BOARD OF HEALTH

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, Jake Visco, Anne Barrett, Erin Schrader

~~ MINUTES ~~

Thursday, February 15, 2024
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

Attending Members: Malcolm MacNab, Meredith Lepore, James Cooper, Kerry McKenna, Ann Smith

Remote Participant: -

Absent: -

Early Departure: -

I. PUBLIC ANNOUNCEMENT

This meeting is being audio and video recorded.

II. PUBLIC COMMENT

The Chair opened the floor for public comments, inviting attendees to discuss any concerns not listed on the agenda.

Tobias Glidden, ACK Smart Solar, recognized he was inadvertently at the wrong meeting. Thanked that BOH for all they do.

III. BOARD COMMENTS

Mckenna

Requested to place on a future agenda for further discussion:

1. The concept potentially of developing long term rental guidelines.
2. Discussion on approving loans, with a particular focus on the differentiation between residents and non-residents.
Consideration of setting a different rate for resident non owner-occupied properties compared to 100% resident-occupied or non-resident properties.
Proposal to introduce a new tier for rental units, specifically targeting resident but not owner-occupied properties.
The idea emphasizes creating an additional category to address the unique situation of residents who rent out their properties, suggesting a potential adjustment in rates or policies for these cases.

IV. SEPTIC BETTERMENT LOAN REQUESTS

43 Ridge Lane

Sitting:	MacNab, Cooper, McKenna, Lepore, Smith
Documentation:	Supporting documents and staff recommendations.
Discussion:	Santamaria - Stated that there were no staff objects.
Action:	Motion to approve loan request. (Motion by: Lepore) (Seconded by: McKenna)
Roll-call vote:	Carried 5-0// McKenna, Lepore, Smith, Cooper, MacNab (aye)

10 Jonathan Way

Sitting:	MacNab, Lepore, Cooper, McKenna, Smith
Documentation:	Supporting documents and staff recommendations.
Discussion:	Santamaria - Stated the property at 10 Jonathan Way technically does not qualify for the loan. - Mentioned despite the application submission, the property falls outside nitrogen-sensitive areas. - Highlighted the case involves new construction, which is not covered under current loan qualifications, leading to its ineligibility.
Action:	Motion to deny the loan request. (Motion by: McKenna) (Seconded by: Lepore)
Vote:	Carried: 5:0 / / MacNab, Lepore, Cooper, McKenna, Smith (aye)

53 Millbrook Road

Sitting:	MacNab, Lepore, Cooper, McKenna, Smith
Documentation:	Supporting documents and staff recommendations.
Discussion:	Santamaria - Stated that there were no staff objects.
Action:	Motion to approve loan request. (Motion by: Smith) (Seconded by: Lepore)
Vote:	Carried: 5:0 / / MacNab, Lepore, Cooper, McKenna, Smith (aye)

V. VARIANCE REQUESTS

Bathroom Cisco Beach

Sitting:	MacNab, Lepore, Cooper, McKenna, Smith
Documentation:	Supporting documents and staff recommendations.
Representative:	Eleanor Antonietti, Nantucket Land Bank
Discussion:	Santamaria - Highlighted the food code changes since 2019, affecting mobile food units, especially at Cisco Beach. - Reported the Land Bank's inquiry following a post-COVID enforcement of rules regarding hand washing sinks and bathroom access for mobile food units. - Clarified the current regulation mandates mobile food units to have restroom access and hot water hand washing facilities outside the food prep area, presenting challenges at Cisco Beach. - Summarized last year's compromise, allowing mobile food units to operate at Cisco Beach for limited two-hour periods.

- Indicated a move towards ensuring mobile food units at Cisco Beach have access to hand washing sinks in the future.

Antonietti

- Rapidly familiarized with mobile MFE retail food code and local regulations to submit a variance request.
- Consulted with Roberto and Jesse, the executive director of Land Bank, for guidance on requirements.
- Acknowledged the environmental constraints preventing the installation of a brick-and-mortar establishment.
- Conducted due diligence to understand the code, resulting in confusion due to overlapping regulations.
- Proposed a portable sink with a generator for heating water to required temperatures as a solution.
- Explored options for water access, including tapping into a nearby water fountain and using a hose with PVC piping for connection.
- Considered different types of portable handwashing units, including a trailer-based unit suggested by wildland firefighter crew members.
- Expressed willingness to work with the Board of Public Health staff to resolve logistical challenges.
- Emphasized the community's reliance on mobile food units at the beach and the desire to maintain their presence.
- Discussed plans to expand parking due to loss of spaces and to accommodate mobile food vendors.
- Highlighted the need to install portable sinks within close proximity to the vendors, considering environmental and logistical constraints.

Sean Reid, Public Health Inspector

- Expressed concerns regarding sanitation and food safety related to the use of porta potties by mobile food unit employees at Cisco Beach.
- Highlighted that porta potties are less sanitary compared to brick-and-mortar bathrooms, which impacts food safety.
- Pointed out that the food code requires bathrooms to have a hand sink inside or directly adjacent to ensure proper hand hygiene.
- Mentioned the availability of mobile restrooms that offer better sanitation and cleaning capabilities than porta potties.
- Expressed concern over food safety issues arising from employees using porta potties, cleaning their hands, and then returning to food preparation.
- Emphasized the need for a mobile restroom solution that includes a hand washing facility, as per the standards applicable to brick-and-mortar locations.
- Noted that Cisco Beach events are considered seasonal, not temporary, with mobile units present for the entire day, necessitating more permanent sanitation solutions.
- Expressed willingness to collaborate with the Land Bank to find appropriate solutions for sanitation facilities to support the mobile food units at Cisco Beach.

Antonietti

- Acknowledged the oversight in not addressing the need for a portable bathroom, having focused primarily on the sink requirement.
- Discussed previous conversations with Roberto, which centered on handwashing facilities rather than the porta potty itself.
- Expressed surprise at the porta potty being identified as an issue, having assumed handwashing post-use was the main concern.

	- Opened to exploring options for high-quality portable bathroom trailers, recognizing it as an additional expense that may require discussion on cost-sharing with town administration. - Committed to conducting further due diligence on the portable bathroom requirement, acknowledging it as an overlooked aspect that needs addressing. Santamaria - Mentioned the possibility of combining an upgraded portable toilet with sinks immediately adjacent to meet code requirements. - Emphasized that the main concern is the standard porta potty's lack of ease in cleaning. - Suggested that any proposed solution should include a cleaning schedule and a pumping contract to ensure cleanliness and sanitation. - Stressed the need for easily cleanable and sanitary facilities with a hand sink nearby to provide adequate access and maintain hygiene standards. Cooper - Posed a straightforward question regarding the feasibility of a mobile trailer providing all necessary features to meet health and sanitation requirements. - Inquired if such a trailer, equipped with the amenities currently lacking, could satisfy the health inspector's standards and expectations for mobile food units. Reid - Clarified that most mobile units are equipped with a hand sink intended for food preparation purposes. - Highlighted that the hand sink within these mobile units is not designated for washing hands after restroom use, underscoring a need for additional sanitation facilities. - Expressed the staff's willingness to collaborate with the Land Bank to reach an agreement on addressing the sanitation and facility needs for mobile food units. Antonietti - Inquired about the feasibility of restricting restroom and sanitation facilities to vendors only, to avoid public misuse and related issues such as disposal of diapers. - Expressed concern over the logistical and financial burden of frequent tank refills resulting from public use. - Suggested exploring the option to rent or purchase a unit, with the possibility of collaborating with the town, aimed specifically for vendor use to mitigate these challenges. Reid - Indicated agreement on the necessity of restricting facilities to vendors unless multiple units are available for public use. - Highlighted the challenge of public members seeking to use these nicer, more approachable facilities instead of porta potties at the beach, implying a preference for more comfortable and sanitary options. MacNab - Suggested the importance of returning with a very specific proposal, following discussions on various options, to avoid ongoing uncertainty and indecision. Cooper - Expressed the belief that all sites should be treated equally and maintain a level playing field. - Recommended collaboration to develop a solution that satisfies all parties involved and ensures safety and compliance.
Action:	No action taken.

43 Nobadeer Farm Road – No Rent or Occupancy Order	
Sitting:	MacNab, Lepore, Cooper, McKenna, Smith
Documentation:	Supporting documents and staff recommendations.
Discussion:	Santamaria - Stated that this involves a property with multiple violations that need correction. - The property in question has various violations that need to be addressed. - Upon receiving the violation notice, the property owner stated they would neither rent out the property nor make the necessary repairs. - The housing code contains a provision that allows for a "no reoccupation" order, which functions similarly to a condemnation but is used preemptively rather than after the fact. - This "no reoccupation" order means no one can live in the property until all violations are resolved. - There's a risk of the property being reoccupied illegally, at which point authorities must intervene, potentially leading to actual condemnation. - If the property is reoccupied without resolving the violations, legal action can be taken, including fines and obtaining a court order to physically secure the property against entry. - Clarified that the decision on the "no reoccupation" order represents a vote by the board concerning the housing code. - Emphasized this action does not necessitate the landlord's agreement but is enforced unilaterally by the board to rectify the violations. - Highlighted the risk of inaction, which could lead to the property being rented out again, resulting in a substandard housing situation and starting the enforcement process from scratch. - Stated that implementing a "no reoccupation" order serves as a clear boundary, making any reoccupation a criminal violation under the housing code, which adheres to criminal rather than civil standards. Cooper - Questioned whether the issues with the property are critical for its rentability, then suggested immediate condemnation as a solution. Santamaria - Explained that immediate condemnation is not applicable because the property will not be occupied as of the upcoming week, noting that condemnation requires occupancy to meet a different legal standard. Sean Reid, Public Health Inspector Provided context from an inspection conducted with Inspector Jake Visco, detailing specific issues found at the property: - The floor of the building is unfinished cement, akin to what one might find in a garage. - No smoke detectors were installed, only carbon monoxide alarms. - No oven was provided to tenants for cooking purposes. - Communicated with the property owner, who was willing to fix some but not all of the issues. - Clarified that the building cannot be rented or occupied until all required repairs are completed. - Addressed Mr. Cooper's question about monitoring occupancy, noting the difficulty in verifying whether people are present but mentioned the property's prominent location allows for regular observation by staff.

	McKenna - Confirmed that if the property owner decides to make repairs in the future, they must return to the board to verify the completion of those repairs, rather than simply stating the issues have been fixed.
Action:	Motion to approve the issuance of a No Rent or Occupancy Order. (Motion by: Lepore) (Seconded by: McKenna)
Vote:	Carried: 5:0 / / MacNab, Lepore, Cooper, McKenna, Smith (aye)

Ratify Emergency Condemnation of House at 7 Lily Street, Map :42.3.4 Parcel: 48	
Sitting:	MacNab, Lepore, Cooper, McKenna, Smith
Documentation:	Supporting documents and staff recommendations.
Discussion:	Santamaria - Noted the presence of VOCs (Volatile Organic Compounds) and other contaminants due to the oil spill. - Mentioned that a cleanup process is currently underway. - Stated that once the cleanup is complete, a reinspection will be necessary to lift the condemnation. - Emphasized the necessity of condemnation due to the property being unlivable and dangerously contaminated. - Pointed out that such imminent hazards like VOCs pose a danger not only to occupants but also to the building itself. - Suggested that this case might have been relevant for another department, but due to enforcement issues, it falls under the housing code's responsibility. Sean Reid, Public Health Inspector Explained the role of containment tanks in managing the oil spill: - The tanks were installed to contain the oil, which had leaked in the basement where the oil system was located. - Highlighted that part of the cleanup process involves using these tanks for containment. - Described the use of white pads observed in the photos, which are utilized to absorb as much oil as possible. - Reported the presence of an oil sheen on the basement floor during their inspection. - Mentioned that Inspector Visco and the speaker were present when the fire department arrived and witnessed the response and communication with the oil company as the situation unfolded. Smith - Questioned the necessity of condemning the property if corrective measures are already underway, with qualified personnel on site to address the issues. - Expressed concern that condemnation might be too severe and suggested the possibility of working collaboratively with the property owners to allow completion of the cleanup process. Santamaria Clarified the process and rationale behind immediate condemnation in emergency situations: - Immediate condemnation can occur in the field when an urgent health hazard is identified, such as a significant oil spill. - If the emergency situation, like an oil spill, is resolved quickly before a Board of Health meeting, the incident may not be presented to the board because the emergency has been addressed. - The necessity for board ratification arises when an issue is ongoing and not yet resolved.

	- Emphasized that in this case, the cleanup has not been completed, as a reinspection to verify the remediation and notification from the Licensed Site Professional (LSP) confirming the completion of the cleanup have not yet occurred.
Action:	Motion to Motion to deny the condemnation. (Motion by: Cooper) (Seconded by: Smith) Further discussion ensued: Lepore - Expressed concern over the possibility of a ripple effect, where leniency in one case could impact the board's authority or consistency in condemning other properties under similar distress but different circumstances. Santamaria - Stressed that the vast array of reasons for condemnation decisions means that choosing to condemn or not in this specific case won't set a precedent affecting future decisions. - Clarified that the decision will primarily inform the staff about what circumstances rise to the level necessitating a Board of Health intervention for condemnation. - Emphasized that condemnation is not a permanent record and, to his knowledge, does not harm the property's value. - Described condemnation as a declaration of uninhabitability until the identified issues are resolved. - Highlighted the significance of this particular case due to the substantial amount of oil involved and the absorption of some of it by the property, explaining why it remains an ongoing issue. - Explained the role of the Licensed Site Professional (LSP) program established by the Massachusetts Department of Environmental Protection. - Highlighted the LSP's oversight role in the cleanup process, especially for heating oil spills, due to its hazardous nature to the environment. McKenna - Expressed concern over the complexity of making the house habitable again, considering the involvement of multiple entities. - Suggested that condemnation might be appropriate due to the extensive nature of the required repairs and cleanup. - Emphasized that remediation is not a simple task, involving professional cleanup crews who may need to scrape the concrete floor to remove all contaminants. - Noted that only after such thorough cleanup can further steps be taken, such as restoring power to the property. Lepore - Pointed out that failing to condemn the house could lead to a situation where the owners might attempt to use it during the summer, despite it not being fully cleaned and safe for habitation. - Emphasized that without condemnation, there would be no legal barrier to prevent occupancy, even if the property remains contaminated and unsafe. Reid - Noted the lack of negative feedback from the property owners regarding the condemnation. - Mentioned that there has been no communication from the owners' expressing disagreement or concerns about the condemnation process. - Specified that for the owners, the property in question is likely a second or third home, and they reside elsewhere.

	- Suggested that the primary inconvenience for the owners might be the inability to use the home during specific times, such as February break, due to the lack of essential services like heat and water. Santamaria - Identified the need for a new tank and oil before the building is habitable. - Emphasized that the furnace needs to be reignited. Cooper withdrew his motion. Motion to ratify the condemnation of 7 Lily Street. (Motion by: McKenna) (Seconded by: Lepore)
Vote:	Carried: 5:0 / / MacNab, Lepore, Cooper, McKenna, Smith (aye)

74 Arkansas Avenue – Septic Setback Variance

Sitting:	MacNab, Lepore, Cooper, McKenna, Smith
Documentation:	Supporting documents and staff recommendations.
Discussion:	Santamaria - Noted that the small lots in this set of condos have septic systems that require setback variances as they fail. - Highlighted previous experience in obtaining setback variances for new septic systems. - Stated the necessity of relocating the building sewer onto the property. - Conveyed no further concerns at present. Don Bracken - Acknowledged the need to revise the plan to relocate the sewer line due to its proximity to groundwater. - Mentioned that the existing system is too close to groundwater, necessitating a pump system component for the new plan. - Clarified that variances are being requested to improve setback distances from existing wells. - Highlighted the direction of groundwater flow, indicating that it flows southerly away from the wells for which variances are sought.
Action:	Motion to accept the variance. (Motion by: McKenna) (Seconded by: Lepore)
Roll-call vote:	Carried 5-0// MacNab, Lepore, Cooper, McKenna, Smith (aye)

14-16 Sheep Pond Road - Septic Setbacks from Madaket Regulation, Code of TON chapter 303

Sitting:	MacNab, Lepore, Cooper, McKenna, Smith
Documentation:	Supporting documents and staff recommendations.
Discussion:	Santamaria - Noted the transition of a three-bedroom system to a nine-bedroom system on Sheep Pond Road. - Stated that the project falls under the category of new construction. - Mentioned the requirement for compliance with all Title 5 regulations for new construction projects. - Explained that the recommendation in the packet advises denial due to this requirement. Don Bracken - Described the property as consisting of two lots under the same ownership, numbers 14 and 16.

- Noted that the house on lot 16, close to an eroding bluff, will be removed along with its septic system.
- Explained the proposed construction of a three-bedroom house on lot 14 and a new six-bedroom main house.
- Confirmed compliance with all Title 5 requirements for the design.
- Requested two variances under Madaket regulations: a setback variance and a variance for well setback.
- Clarified that the setback variance is 15 feet due to measurement from the other side of the roadway, with the adjacent land being owned by the Conservation Foundation Land Trust.
- Stated that there will be no impact on the environment due to granting the variance to the lot line.
- Addressed the variance for well setback, proposing 122 feet instead of the required 150 feet, based on the direction of groundwater flow away from the well.
- Argued that granting the variances would not create groundwater contamination or affect abutters, especially since the variance is for their own well.
- Encouraged consideration of these factors in issuing the variances.

McKenna

- Expressed concern regarding coastal erosion, noting the rapid loss of Southshore ocean and the recent loss of properties on Sheep Pond Road.
- Raised questions about the acceleration of coastal erosion and its potential impact on the proposed construction.
- Voiced skepticism about the justification of increasing from three to nine bedrooms based on nitrogen loading calculations.
- Reiterated concerns about the proximity to the ocean, the increase in bedroom count, and compliance with new construction regulations.

Lepore

- Expressed concern about the placement of any structure in close proximity to the ocean.
- Pointed out that even though GIS data may show some land, it still appears too close to the water for installing a septic system.

Bracken

- Clarified that the expansion is approximately 200 feet away from the last located top of the Coastal Bank, with erosion gradually pushing it further from the bank towards the property line.
- Asserted that the movement away from the Coastal Bank justifies the variance towards the property line.
- Acknowledged the inherent risks associated with building in the area and suggested that adjustments might be necessary in the future.
- Compared the situation to the removal of structures with expired life expectancies, indicating that adjustments may be needed in the future.
- Argued that these issues should be considered separately from the variances requested, emphasizing the impact on public health and the environment.

MacNab

- Raised the question about the longevity of the road given ongoing discussions about relocating roads in the area.
- Made a comparison to Baxter Road, suggesting similarities in terms of potential discussions and actions regarding road relocation.

Santamaria

- Differentiated between Sheep Pond and Baxter Road, highlighting that while Baxter has a line of houses on the ocean side, Sheep Pond's layout is more zigzagged.
- Acknowledged ongoing discussions about potentially redoing Sheep Pond Road.

	- Clarified that the proposed house is adjacent to the road and the dune, but not in the middle of the new road. - Noted the absence of a policy on proximity to dunes or erosion rates, except for Title 5 regulations. - Suggested collaboration with the Natural Resources Department to establish an average erosion rate for future septic systems, recognizing the need for such calculations in future projects. Lepore - Affirmed that individuals building in such areas are assuming personal risk, but also noted the collective risk to the community. - Pointed out the potential environmental impact if the septic system erodes into the ocean, emphasizing the difference between a three-bedroom and a nine-bedroom system in terms of impact. - Acknowledged the significant size difference between a three-bedroom and a nine-bedroom system, implying a greater potential impact on the environment. Bracken - Reassured that the house is situated between the septic system and the ocean. - Argued that the house would need to be abandoned long before any risk of the septic system eroding towards the bank or the ocean arises. Sean Reid, Public Health Inspector - Reiterated the staff recommendation to deny the variance. - Pointed out that the engineer confirmed the feasibility of designing a system that meets all Title 5 and local regulations. - Emphasized that while it may be more challenging, it is still possible to adhere to regulations without granting the variance. Bracken - Clarified that no Title Five variances are being requested, only variances to local Madaket regulations. - Noted past history where permits were typically approved if neighboring properties were unaffected. - Asserted that the current application is similar to many others previously approved by the board or staff. - Argued that while the project may not meet regulations, the existing system adequately protects public health and water quality, mainly affecting only the applicant's lot. - Suggested that the regulations may be outdated and not necessarily protective in the current context, making the requested variances reasonable from an engineering and common-sense perspective. MacNab - Expressed concern about the numerous objections and concerns from the Old Bates community. - Acknowledged a lack of familiarity with the proposed new plans for the area. Bracken - Noted the existence of clear access routes to the northwest of the site if access from the east becomes impassable. Respectfully requested a continuance to allow for more time for everyone to review and study the plans.
Action:	Motion to continue. (Motion by: Lepore) (Seconded by: McKenna)
Vote:	Carried: 5:0 / / MacNab, Lepore, Cooper, McKenna, Smith (aye)

196 Hummock Pond Road – Septic Variance for general construction, SAS installed below 36” of finish grade	
Sitting:	MacNab, Lepore, Cooper, McKenna, Smith
Documentation:	Supporting documents and staff recommendations.
Representative:	Jason Olbres , Owner
Discussion:	Santamaria - Identified a property where construction was undertaken. - Noted that due to the removal of a retaining wall, the 36-inch soil barrier above the septic system is no longer maintained. Jason Olbres, Owner - Requested a variance due to non-compliance with the grade requirements over the soil absorption system. - Indicated that all other components of the system are in compliance. - Explained that the issue arose from the design of a retaining wall, initially intended as an architectural feature, which inadvertently set a grade for the system. - Mentioned the preference of the Historic District Commission (HTC) for a sloping grade from the bike path to the house, leading to the current non-compliance issue. - Stated that changing the grade to comply with regulations might cause more harm than good, as it could elevate the bike path above the soil absorption system, potentially affecting the environment and public health. - Consulted with engineers who confirmed that the system's effectiveness would not be compromised by the additional soil, supporting the request for a variance. Jeff Blackwell - Highlighted the challenge of regrading the site to achieve the required 36-inch maximum cover over the septic system, noting that it would create a bowl-like shape on the property. - Explained that Title 5 regulations mandate maintaining slopes over the leach field to facilitate water shedding. - Speculated that the 36-inch cover limitation in Title 5 aims to maintain oxygen levels in the leach field for bacterial treatment of effluent before it reaches groundwater. - Noted that leach fields are typically vented, ensuring oxygenation without strictly adhering to the 36-inch cover limitation. - Argued that the situation is unique and can be conditioned in a way that doesn't set a precedent, as the non-compliance stemmed from the removal of a retaining wall by another board. - Clarified that all other components of the system have less than 36 inches of cover, with the septic system being the only component not compliant with this specific regulation within Title 5. Cooper - Stressed that the system was installed correctly, considering the proper pitch and alignment, as confirmed by the speaker's extensive experience as a plumber. McKenna - Expressed frustration about being at the receiving end of the consequences of others' oversight, particularly regarding regulations from entities. - Suggested exploring architectural solutions to lower the soil without compromising aesthetics. - Acknowledged the importance of the 36-inch regulation for the effectiveness of the septic system, assuming it was based on scientific research and engineering principles. - Raised concerns about the potential impact of having 51 inches of extra material over the system, questioning whether it could affect the system's performance, given that designs were likely based on thorough research and effectiveness.

Olbres

- Acknowledged the small difference of 6 to 15 inches over the 36-inch regulation.
- Recognized the mistake made during new construction and expressed a desire to rectify it
- Admitted that errors can occur in building due to the complexity of codes and regulations.
- Mentioned the allowance for greater than 36 inches in repairing old septic systems, contrasting it with the current situation of installing a new system.
- Contended that there is no environmental harm or health risk associated with the current setup.
- Expressed regret for not being aware of the strict 36-inch requirement earlier and emphasized efforts to educate oneself after learning about it.
- Stated a commitment to thoroughness in ensuring compliance with regulations, highlighting consistent communication with relevant parties throughout the process.

I'm not sure who is speaking 01:13

- Clarified that the excess beyond 36 inches applies only to the leach field, not the tanks, which are all in compliance.
- Explained that the 36-inch cover standard applies to both the septic tank and the leach field components.
- Noted that all components are subject to the 36-inch maximum cover unless under a local upgrade approval situation where a system installed before the current version of Title 5 can be fixed with more than 36 inches of cover with a vent.
- Highlighted that since the situation pertains to new construction, it doesn't fall under the local upgrade approval category meant for fixing broken systems.

I'm not sure who is speaking 01:14

- Noted that the excess fill ranges between six and 15 inches above the 36-inch regulation for the soil absorption system.
- Calculated that having 12 inches of extra fill with 36 inches of fill on top would result in a 33% increase beyond the regulation.
- Emphasized that despite being new construction, the current setup fails to meet Title 5 requirements due to the excess fill above the soil absorption system.

Lepore

- Posed a respectful inquiry regarding the approval process for construction plans before ground-breaking.
- Expressing confusion about the oversight regarding the excess fill and non-compliance with regulations, particularly given the necessity for approval before construction begins.
- Wondered about the lack of notation or correction during the process, especially considering the prevalence of septic systems on the island and the potential for similar issues to arise in the past.
- Seeking clarification on how such oversights occur and are addressed, acknowledging a lack of expertise in septic systems but highlighting the importance of understanding the process.

Speaker

- Described how the septic system design was originally based on a wall, which set the grade closer to the house, with a two-foot vertical drop planned to establish the grade over the leach field.
- Explained that the absence of the wall led to a lack of landscape grading plan to accommodate the change, resulting in a sloping situation that caused more fill to be placed over the system.
- Highlighted that the oversight occurred due to the failure to create a landscape grading plan to address the removal of the wall, ultimately leading to excessive fill over the system.

Olbres

- Expressed being unaware of the technical aspects involved in the septic system design and installation, relying on hired professionals.
- Stated that the engineering and installation were carried out meticulously by professionals.
- Emphasized being unaware that the grade established by the removed retaining wall was used to develop the system's grades.
- Explained that the removal of the wall, done to meet HDC's requirements, led to the grading of the area straight from the bike path to the house, causing the current situation.
- Acknowledged that if they had been informed of the connection between the wall and the system's grade, they would have notified the engineer immediately.
- Described the process of post-construction inspections, noting the absence of scheduled inspections like those during house construction, with only an as-built survey required if variations occur.
- Highlighted the lack of stringent inspection requirements outlined in Title Five for septic system installations.

Speaker 01:19:55

- Explained that removing 15 inches of dirt to comply with the 36-inch cover requirement would create a low area or bowl over the leach field.
- Highlighted that concentrating rainwater over the leach field could cause issues, as leach fields are not designed to handle stormwater runoff.
- Acknowledged the possibility of creating another problem by removing dirt, suggesting that the proposed solution might exacerbate the situation.
- Addressed the suggestion of grading the entire area, indicating that this would involve pushing the grading all the way to the bike path, which may not be feasible or practical.

Olbres

- Stated that putting the retaining wall back would require approval from the HDC (Historic District Commission).
- Mentioned that while HDC approval was needed for the removal of the retaining wall initially, it could potentially conflict with other regulations.
- Noted that the issue with the retaining wall was more of an aesthetic concern for the HDC rather than a specific Title 5 regulation.

Speaker 01:22

- Stated that the retaining wall that was initially included in the approved plan was subsequently removed from the scope of work after the plan had already been approved.

Olbres

- Stated that implementing a retaining wall may not be a feasible solution.
- Mentioned that the bike path would still be elevated higher than the maximum allowable soil cover over the leech field.
- Pointed out that adjusting the grade over the leech field might be possible, but there are limitations due to existing conditions.
- Noted that even with a retaining wall, the issue may not be fully resolved.
- Emphasized that additional complications, such as the need for more retaining walls along the bike path, could arise.

Speaker 01:23

- Responded to the question of the only viable option is redoing the septic system so that complies with the regulations.
- Stated that significant site grading, potentially including adding a 50-foot retaining wall along the house, to recreate the grades shown on the septic system design plan.

	- Explained that reinstalling the septic system correctly is not feasible without introducing a pump system into the overall design if the leech field needs to be raised.
Action:	Motion to deny the variance. (Motion by: McKenna) (Seconded by: Cooper)
Vote:	Carried 3:1:1// Cooper, McKenna, Smith (aye)//MacNab (nay) //Lepore (Abstain)

VII. DIRECTOR'S REPORT

Santamaria

- Announced that this was his last meeting after eight and a half years.
- Stated that his last day with the town is on June 7th.
- Noted that John Hedden will be running the meetings in his absence until they find a new director.
- Informed that the position will be advertised within the next two to three weeks.

VII. ADJOURNMENT

Action: Motion to Adjourn at 5:30 pm.

Roll Call Vote: Carried 5-0// MacNab, Lepore, Cooper, McKenna, Smith

Submitted by:
Elaina Cano