



BOARD OF HEALTH

~ MINUTES ~

Thursday, November 21, 2024

131 Pleasant St, Room A

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

Called to order at 4:00 p.m.

Staff in attendance: Roque Miramontes, Director of Public Health; John Hedden, Environmental Health Officer; Heather Nardone, Public Health Inspector; Jerico Mele,

Human Services

Remote Staff: Tomeka Gary, Public Health Coordinator

Attending Members: Malcolm MacNab, Chairman Ann Smith, Vice-chair; Meredith Lepore, James Cooper

Remote Members: Kerry McKenna

Public Participant: Paul Santo, Don Bracken, Arthur Reade, Meg Ruley, Michael Kizilbash, Sarah Alger, Mark Catone, Lisa Soder, Kit Murphy, Joseph Gay, Andrew Taple, Willa Arsenal, John Shea, Scott, Akins, Kevin Dale, Pauline Proch, Gary Kohner, Gavin Norton, Jonathan Beery

Left the Meeting: Malcolm MacNab at 6:30

I. PUBLIC ANNOUNCEMENTS

Announced that this meeting is being audio and video recorded

II. PUBLIC COMMENTS

Public Comment:	Meg Ruley - Sent in a letter to the BOH and wanted to know if there is any plans for them to do environmental analysis over at 2,4 and 6 Fairgrounds Rd with the pending MASS Dep investigation. Malcolm MacNab - Chair MacNab indicated he received the letter and will formally respond.
-----------------	--

III. APPROVAL OF MINUTES

Discussion:	Meredith Lepore - On October 17,2024 Minutes • Pointed out one correction that needed to be made to previous minutes.
Roll-Call Vote:	Motion to approve the minutes of October 17,2024 with the modifications. (Motion by: Smith) (Seconded by: Lepore) Motion to approve the minutes of October 24,2024 minutes as is submitted (Motion by: Lepore) (Seconded by: Cooper)
Roll-Call Vote	Carried5-0//MacNab, Cooper Smith, Mckenna, Lepore(Aye) for both minutes

IV. Online Sharing of private well PFAS results

Sitting:	MacNab, Cooper, Smith, McKenna, Lepore
----------	---

Minutes – BOH November 21, 2024, Adopted December 19,2024

Recused:	-
Discussion:	Roque Miramontes - PFAS test results from private wells must be sent to MassDEP if elevated - The Health Department receives results per regulations and works individually with property owners to provide consult on the mitigation of PFAS found in their private wells. However, the Town or Board of Health did not contribute to the report nor did they pay for them.
	- From the Town's perspective, sharing private well PFAS results represents an unwarranted invasion of privacy. - The Health Department's role is to educate the public, but that must be balanced with the right to personal privacy, free of government intrusion. Meredith Lepore - We don't need to put name and address but there need to be some way of keeping track of where places test positive and sharing that information with neighbors of the affected private well. Roque Miramontes - MassDEP responsible for tracking plumes and conducting investigations - Agreed that advising neighbors of affected wells is an important concern, but it must be done in a way that is legal and obeys privacy laws. - Unless advised to do so by Town counsel or directed to do so by the Town Manager, the Health Department will not be posting these results online. - The Town has hired an Environmental Contamination Administrator who is starting January 2025. He will work closely with all stakeholders to address PFAS in Nantucket. John Hedden - Provided a reminder that the intent of the regulation was to give property owners involved in transfers a tool to educate themselves on the safety of the water they drink. - Further indicated that he would hope that people would take every contaminant serious because there's also nitrates and low ph found in some water samples
Public Comment:	Meg Ruley - It's her understanding that the Board of Health, not town council and not the health department, but the Board of Health's responsibility is to protect the health of the residents and the citizens of Nantucket. - She implored the Board of Health to make this information public if only just the street, and need to change the way we talk about PFAS and how we educate people about and inform.
Action:	No motion made
Roll-Call Vote	

V. 10 Field Ave- Betterment Loan 00:29:44

Sitting:	MacNab, Cooper, Smith, McKenna, Lepore
Recused:	
Discussion:	John Hedden - This is a normal septic to sewer application
Public Comment:	-
Action:	Motion Made a motion to approve (Motion by: Cooper) (Seconded by: Smith)
Roll-Call Vote	Carried 5-0// MacNab, Cooper, Smith, McKenna, Lepore (Aye)

VI. 3 Pops Lane

Minutes – BOH November 21, 2024, Adopted December 19,2024

Sitting:	MacNab, Cooper, Smith, McKenna, Lepore
Recused:	
Discussion:	Malcolm MacNab - This is continued from October meeting Don Bracken - First issue was if there an existing system upgraded already on the property, and it was not. - Second was the location of the pool and health concerns which revised plans were submitted and moved. - We are here to ask for variances of set back of property lines which is 50ft and title 5 is 10. Other setback distance between the primary soil absorption system in the reserve area which has a 15ft requirement. Change from a 5-bedroom system to a 6-bedroom system. John Hedden - The board did grant a variance to the same exact system 25/30 years ago - If the system had failed, they would be able to replace the system, the design would come into the
	office, and I would evaluate it for compliance. Kerry McKenna - When measuring the square footage of the property is the wetlands and all other land factored in, even if it cannot be used? John Hedden - Yes, all is factored in Meredith Lepore - When it was sold they should have replaced the system at that time. Is there not a required timeline for replacing a system when a house is sold? Don Bracken - The system cannot be located anywhere else, it would be placed in the same area. There was 6bedroom septic system brought to the conservation commission, it was just never approved. Michael Kizilbash - As the owner of the property, there is no reason why did not replace the system when they took possession of the property. There was no ill intent, they were just unaware of any timeline to complete the work. John Hedden - If the Health Department was made aware of this violation today, the steps would be to write a letter and give the owner 6 months to install the system. Either way, there would still be a need for a variance and that is what is before the board today.
Public Comment:	Joseph Guay (on behalf of John and Sarah Hendrickson) - They are the abutter to the west of the applicant; the property was conveyed December 2,2021 3 years ago and was in technical failure. There was a requirement to upgrade to an IA system at that time, which was not done. Now they are asking to increase the number of bedrooms and the required variance to do so. Unless there's a hardship, I ask the board not to grant this. Andrew Tapley 333 Madaket Rd - I live here year around and what they are trying to do is increase the build cover and to move the septic leach field. Mark Catone - I am the architect and have been working with Michael and Nancy for the last 2 years. They have been working with us and were not aware of the timeline. Willa Arsenault -Land and Water Council - we understand the system needs to be upgraded, we just question if the system was not going up to 6bedroom, would the same variances be needed or granted.
Action:	Motion to deny the variance (Motion by:Lepore) (Seconded by: McKenna)
Roll-Call Vote	Carried: 5-0// Macnab, Smith, McKenna, Lepore, Cooper (Aye)

Sitting:	MacNab, Cooper, Smith, McKenna, Lepore
----------	--

Minutes – BOH November 21, 2024, Adopted December 19,2024

Recused:	
Discussion:	Don Bracken - A variance was submitted in June to reconstruct the existing house using the same system and the board approved the variance. They could not be heard on Zoom so they requested an opportunity to return the board at a later date. Indicated the property is not in a nitrogen sensitive area and they have adequate groundwater separation, and are not within 100ft of any wetlands. So we are asking to use the same system that is there. John Hedden - Do not see any need for an IA system to be installed just reiterate that they need to record a one bedroom deed restriction. Malcolm MacNab - There is already a deed restriction, and we don't know the final plans and they have not been approved, There is not real reason to discuss future plans until we know Don Bracken - Asked to be continue to the next meeting and in between we'll record the one-bedroom deed restriction
Public Comment:	Lisa Soder - I am confused as to why we the board is entertaining a motion by the owners to remove one of the two conditions of the variance that was necessary for a second septic variance Kit Murphy and Sarah Alger (representing Mina Austin)
	- If the board is going to waive the IA septic can, there be a one bedroom deed restriction filed before the variance is approved? John Shea (Sconset Civic Association) - This has always been a one-story home and the owner is now trying to turn it into a two story home. I am here to urge you to pay close attention to the historic and beautiful part of the island when considering this request.
Action:	Motion to continued variance request pending filing one bedroom deed restriction filing (Motion by:Cooper) (Seconded by:Lepore)
Roll-Call Vote	Carried: 5-0// Macnab, Smith, McKenna, Lepore, Cooper (Aye)

VIII. Esther Island 1:25:49

Sitting:	MacNab, Cooper, Smith, McKenna, Lepore
Recused:	
Discussion:	Don Bracken - This property is in technical failure in the Madaket District and in need of an IA system. The septic system that's there and winching trench has passed so we are asking for a variance not to have to install an IA system - Would restrict this to a two bedroom with seasonal use - Its outside of the watershed area - No electricity so hard to maintain IA system Kerry McKenna - Have you explored other IA systems that do need electric Don Bracken - To my knowledge there is no IA system that can operate without power, which this property does not have. Meredith Lepore - What about a generator?

Minutes – BOH November 21, 2024, Adopted December 19,2024

Public Comment:	Scott Akins - I have one but it only powers a couple of lamps, and I don't know the wattage. This is really a summer cottage. I feel there would be more environmental damage with the machines to put in the new system. Kevin Dale (Manager of the LLC that owns the property) - Will be happy to draft deed and seasonal uses restriction for the board of health and have it recorded
Action:	Motion to approve the variance with deed restriction (Motion by: Cooper) (Seconded by: Smith)
Roll-Call Vote	Carried: 5-0// Macnab, Smith, McKenna, Lepore, Cooper (Aye)

IX. 1 Mothball Way	
Sitting:	MacNab, Cooper, Smith, McKenna, Lepore
Recused:	
Discussion:	John Hedden - This variance request is for a shared system between two lots that were subdivided previously. - A new system was just installed approximately three years ago - Anytime you have a shared system you need a variance if you are building on the property within 5 years Paul Santos - There was a subdivision done in 1993, approved by the planning board but they used it as one parcel. Recently a second dwelling has been moved onto the other lot. - Lot has a 6-bedroom system that services both dwelling, Arthur has gone back to the planning board to have them recognize the 2 lots. - We have met all requirement of Title 5 for a shared system. We are here to validate the shared system provision Kerry McKenna - If the lots are owned by the same party, would it not be easier just to use them as one instead of coming to the Board for a variance? Paul Santos - That what we are doing now but the intent is to use them as 2 lots, just in case one is sold in the future. Arthur Reade - the point here is to enable one of these lots to be sold down the line. It will need to be recorded before
	the closing takes place so that variance is in place once the lots are in separate ownership.
Public Comment:	
Action:	Motion to approve the variance (Motion by:Smith) (Seconded by:Lepore)
Roll-Call Vote	Carried: 3-2// Macnab, Smith, Lepore (Aye) McKenna, Cooper (Nye)

X. 5 Wherowhero LN	
Sitting:	MacNab, Cooper, Smith, McKenna, Lepore
Recused:	

Minutes – BOH November 21, 2024, Adopted December 19,2024

Discussion:	Paul Santos - Here on behalf of Our house a non-profit organization that would like to install a commercial kitchen - It's a 15-bedroom house, and we would like to add a small addition to the structure which I believe is 6ft depth by 12ft wide. - Under the code they would need a new system, the system on the lot is an older leach pit system with a septic tank. We have every reason to believe that it is still functioning properly. - Owners went through the current title 5 process, looked at how we would calculate design flow. - This property is not part of the sewer district, there is a line nearby, but does not look like it will not be activating any time soon. - will still have to install a 1,000-gallon grease trap Kerry McKenna - is the house ever fully occupied (i.e., all 15 rooms) at the same time the commercial kitchen is being used? John Hedden - I would be okay with the 13 gallon per day usage as a mess hall, he said for 30 campers or students you'd have to get rid of some bedrooms in order to accommodate that 390 gallons per day of mess hall use
Public Comment:	Pauline Proch - 10 to 15 student a night, dinner 3 nights a week which is cooked at the school then brought to us. - Our dream is to have cooking lessons, have students purchase food from farms and shops and cook it here. -
Action:	Motion to approve the variance based on reinspection of the system (Motion by: Smith) (Seconded by:Lepore)
Roll-Call Vote	Carried: 5-0// Macnab, Smith, McKenna, Lepore, Cooper (Aye)

XI. Nantucket Surf School	
Sitting:	MacNab, Cooper, Smith, McKenna
Recused:	Lepore
Discussion:	Heather Nardone - Gary's following all of the things that we discussed. I believe that we should grant the variances for. It's basically all related to bathroom and sewer water.
Public Comment:	
Action:	Motion to approve the variance a requested (Motion by: Smith) (Seconded by: Cooper)
Roll-Call Vote	Carried: 5-0// Macnab, Smith, McKenna, Cooper (Aye)

XII. Ack Surf School	
Sitting:	MacNab, Cooper, Smith, McKenna
Recused:	Lepore
Discussion:	Heather Nardone - Same variances as Nantucket Surf School but is requesting not to have a tent for infirmary - Nantucket Surf School has always had a tent but operates on a different beach - I think we need to keep things consistent and granting this variance will create inconsistency. - The code states that if it is used as an infirmary it has to be labeled as so and suggestion would be Infirmary for Ack Surf School only

Minutes – BOH November 21, 2024, Adopted December 19,2024

Public Comment:	Gavin Norton - I have a tent I just feel uncomfortable putting infirmary on it and everyone at Nobadeer beach comes to me for help. Additionally, it's very windy and I would have to find away to tie it up. Meredith Lepore - Gavin is correct, could we just have a small sign inside of the tent
Action:	Motion to deny to tent and approve the pumping variance (Motion by: McKenna) (Seconded by: Cooper)
Roll-Call Vote	Carried: 5-0// Macnab, Smith, McKenna, Cooper (Aye)

XIII. Next Level Water Sport 2:19:45	
Sitting:	MacNab, Cooper, Smith, McKenna, Lepore
Recused:	
Discussion:	Heather Nardone - The variances are similar to Ack Surf School and Nantucket Surf School but different scenario it's a Pocomo point which is private beach. There is no lifeguard and there are no porta potties. - Requirements cannot be met because the camp occurs on private property Malcolm MacNab - If they have a permanent and permanent spot, they could be considered as a primitive camp.. - John and Heather go down to his permanent location and see what is there
Public Comment:	Jonathan Beery - Came to Nantucket not knowing the rule and a town rig stated you needed a permit to operate, no opportunity to set up a concession and went to select board and got approval - Our permit allows us to operate on the Waters of Nantucket and have done everything to comply - When teaching, campers are on boats and not land - Only issue we have is the bathroom and lack of medical infirmary.
Action:	Motion to extend this until next month
Roll-Call Vote	Carried: 5-0// Macnab, Smith, McKenna, Lepore, Cooper (Aye)

Dr. MacNab left the meeting before the Director's report.

XIV. Director's Report	
Sitting:	Cooper, Smith, McKenna, Lepore
Recused:	

Minutes – BOH November 21, 2024, Adopted December 19,2024

Discussion:	Roque Miramontes - We have an Environment Contamination Administrator starting in January and PFAS this will be part of his job - The STR registration process is going more smoothly and the health department has proposed hiring someone to manage the system in the next fiscal year. - Limitations for enforcement of short-term rentals do to lack of staffing. - Current focus remains on registration system management - Today at this meeting there was a software system used called CircleBack AI, which is being considered as a tool to capture meeting minutes. - 10 people took the ServSafe training and 7 took the final test and passed - Heather is doing a wonderful job with the camps and think that we will not see another camp variance prior to next summer. - There is a new portal for reporting requirement to the state regarding camps- Health Department must report information on each camp including the variances that were approved by the board - Two Chicken pox cases reported from separate location in Nantucket. The two patients are isolated at home with family and do not appear to be connected.
Public Comment:	

XV. Adjournment	
Action	Motion to adjourn the meeting (Motion by: Lepore) (Seconded by: Cooper)
Roll-Call Vote:	Carried: 4-0// Smith, McKenna, Lepore, Cooper (Aye)

Submitted by: Tomeka Gary