



BOARD OF HEALTH

~ MINUTES ~

Thursday, June 12, 2025

Meeting Trailer Room A, 131 Pleasant, Nantucket MA, 02554

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, Chief Environmental Health Officer; Tomeka Gary, Public Health Coordinator

Remote Staff: Jerico Mele, Director of Human Service; Andrew Shapero, Environmental Contamination Administrator

Attending Members: Ann Smith (Vice-chair), Meredith Lepore, Kerry McKenna

Remote Members: Malcolm MacNab (Chairman) Left meeting at 6:07pm Came back to the meeting at 6:17pm

Public Participant: Don Bracken, Dan Mulloy, Paul Santos, Jeff Blackwell, Rachel Perkins, David Cocker

I. PUBLIC ANNOUNCEMENTS

Announced that this meeting is being audio and video recorded

II. PUBLIC COMMENTS

Public Comment:

III. APPROVAL OF MINUTES

Discussion

- Kerry McKenna mentioned there were 2 errors, under 13 woodlands Lots 5 and 6 mentioned to be continued to the May's meeting needs to be changed to June's meeting

Action:

Motion to approve the minutes with Kerry corrections. (Motion by: Lepore) (Seconded by: McKenna)
Carried 4- 0// MacNab, Smith, Lepore, McKenna (Aye)

IV. DISCUSSION OF POTENTIAL MORATORIUM ON SEPTIC VARIANCE REQUESTS IN NITROGEN SENSITIVE AREAS

Discussion:

- Malcolm proposed **90-day moratorium** until **September 18th** on considering variance applications for new construction using IA systems to accommodate more bedrooms than allowed without variance
- Board cited concerns about cumulative environmental impact beyond just nitrogen, including pressure on hospital, fire department, roads, and water supply
- Moratorium excludes applications to replace or upgrade failed systems with no flow increase and applications not requiring variances
- Barnstable County officials will present IA system information at **July** Board of Health meeting
- Applications already submitted must be reviewed within **45-day** legal requirement

Action

Motion to adopt a temporary moratorium of 90 days on considering variance application for new construction if they propose using an IA system to accommodate more bedrooms than can be accommodated without a variance until September 18,2025. (Motion by: MacNab) (Seconded by: Lepore)
Carried 4-0 // MacNab, Smith, Lepore, McKenna (Aye)

V. NANTUCKET BY WATER (FOOD ESTABLISHMENT) VARIANCE FROM BASE OF OPERATION

Discussion:

- Rachel Perkins requested variance from base of operations requirement for ice cream cruise offering commercially prepackaged frozen desserts
- Operation distributes approximately **1,400** ice creams per season (**10** per day) from Stop and Shop the freezer is on the doc (wharf)
- John noted minimal risk since products are commercially prepackaged, temperature controlled, and discarded daily

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Action:	Motion to approve the exempt base of operation as long as no changes are needed for one year with option to extend as long as no additional changes to operation made. (Motion by: McKenna) (Seconded by: Lepore) Carried 4-0// MacNab, Smith, Lepore, McKenna (Aye)
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VI. 72 ARKANSAS AVE-VARIANCE NOT TO UPGRADE SEPTIC SYSTEM FROM TITLE 5 INSPECTION	
Discussion:	David Cocker withdrew his variance request after failed inspection
Action:	No Motion needed to be made. (Motion by:) (Seconded by:) Carried -// MacNab, Smith, Lepore () Mckenna recused himself

VII. 1 TENNESSEE AVE-LOCAL UPGRADE APPROVAL SEPTIC SETBACKS	
Discussion:	- Donald Bracken presented septic system upgrade with variances for property line setbacks and 150-foot well setbacks - Property connecting to Town Water, achieving 100-foot separation from neighboring wells - Crawl space foundation variance approved with system 10 feet from foundation rather than 20 feet, with soil absorption system below crawl space floor
Action:	Motion to approve the variance as presented. (Motion by: McKenna) (Seconded by: Smith) Carried 4-0// MacNab, Smith, Lepore, McKenna (Aye)

VIII. 44 ARKANSAS AVE- LOCAL UPGRADE APPROVL SEPTIC SETBACKS	
Discussion:	- Previously approved system from 2012 never installed, updated plans submitted for microfast system with 7.3-foot setback from property line rather than 10 feet - Abutters notified via certified mail; no objections received
Action:	Motion to approve the variance as proposed. (Motion by: McKenna) (Seconded by: Smith) Carried 4-0// MacNab, Smith, Lepore, McKenna (Aye)

IX. 4 KENDRICK STREET- SEPTIC PROPERTY LINE SETBACKS	
Discussion:	- Jeff Blackwell presented application for 4 Hendricks with 5-foot property line setback for leach field - Property doubled in size by purchasing adjacent vacant lot, now 160 by 100 feet instead of the typical 80 by 100 feet - New well proposed in southwest corner maximizes separation from upgraded septic systems toward Tom Nevers Road - Groundwater flows from Tom Nevers Road south toward property - No bedroom increase – remains a 4-bedroom system on 16,000 square feet - John Hedden confirmed the best drinking water scenario for area.
Action:	Motion to approve the variance as submitted. (Motion by: Mckenna) (Seconded by: Lepore) Carried 4-0// MacNab, Smith, Lepore, McKenna (Aye)

X. 337 MADAKET ROAD- REQUEST FOR NITROGEN LOADING CHANGE	
Discussion:	- This is a continuation from last month's meeting - Paul Santos presented a request to move house from 6 Ames Avenue (three bedrooms) to 339 Madaket Road (currently four bedrooms) - The proposal would increase 339 Madaket Road to a five bedrooms system and reduce 337 Madaket Road from five to four bedrooms - Paul Santos would be willing to have a deed restriction - John Hedden wants an application for 337 and 339 Madaket given to the Health Department - All properties are connected to town water and have IA systems
Action:	Motion to approve the variance with a deed restriction and a walk through when the work is completed (Motion by: Mckenna) (Seconded by: Smith) Carried 4-0 // MacNab, Smith, Lepore, McKenna (Aye)

XI. 339 MADAKET ROAD-REQUEST FOR NITOGEN LOADING CHANGE	
Discussion:	- This is a continuation from last month's meeting - Paul Santos presented a request to move house from 6 Ames Avenue (three bedrooms) to 339 Madaket Road (currently four bedrooms) - The proposal would increase 339 Madaket Road to a five bedrooms system and reduce 337 Madaket Road from five to four bedrooms - Paul Santos would be willing to have a deed restriction - John Hedden wants an application for 337 and 339 Madaket given to the Health Department - All properties are connected to town water and have IA systems
Action:	Motion to approve the variance due to the need of a house move from 6 Ames to 339 Madaket with a deed restriction of 5 bedrooms with issue of a Disposal Work Application due to reduction of 337 Madaket going from 5 bedrooms down to 4 bedrooms. (Motion by: Mckenna) (Seconded by: MacNab) Carried 4-0 // MacNab, Smith, Lepore, McKenna (Aye)

XII. 13 WOODLAND DRIVE, LOT 5-NITROGEN LOADING CREDIT

Discussion:	- This is a continuation from last month's meeting - The board expressed discomfort with approving the bedroom counts without specific building plans or usage details
Action:	Motion to continue the discussion until next month's meeting. (Motion by: McKenna) (Seconded by: Lepore) Carried 4-0// MacNab, Smith, Lepore, McKenna (Aye)

XIII. 13 WOODLAND DRIVE, LOT 6-NITROGEN LOADING CREDIT

Discussion:	- This is a continuation from last month's meeting - Dan Malloy has no updated revised plan and nothing different to discuss and based on the previous application the board would want more detail
Action:	Motion to continue to next month's meeting. (Motion by: Lepore) (Seconded by: McKenna) Carried 4-0// MacNab, Smith, Lepore, McKenna (Aye)

XIV. 38 LOVERS LANE, LOT 1- NITROGEN LOADING CREDIT

Discussion:	- Dan Malloy has come back to the board to reconsider its decision from last month's meeting - The board has approved a lot already on the property - Asking for approval of an I/A system for credit for 3 bedrooms - John would recommend a deed restriction of a 3 bedroom
Action:	Motion to approve the variance request for Lot 1 at 38 Lovers Ln, with a deed restriction of 3 bedrooms. (Motion by: McKenna) (Seconded by: Smith) Carried 3-1// MacNab, Smith, McKenna (Aye) Lepore (Nye)

XV. 38 LOVERS LANE, LOT 2- NITROGEN LOADING CREDIT

Discussion:	- Dan Malloy has come back to the board to reconsider its decision from last month's meeting - Very close to Lot 1 variance request - Existing house with functioning 2-bedroom system, renovation requires new 3-bedroom system - Due to the renovation this would fall under new construction, which a variance request is needed.
Action:	Motion to approve the variance request for Lot 2 at 38 Lovers Lane, with a deed restriction of 3 bedrooms. (Motion by: McKenna) (Seconded by: Smith) Carried 3-1// MacNab, Smith, McKenna (Aye) Lepore (Nye)

XVI. 38 LOVERS LANE, LOT 3- NITROGEN LOADING CREDIT

Discussion:	- Dan Malloy has come back to the board to reconsider its decision from last month's meeting - Lot 3: Vacant lot identical to Lot 1 variance request
Action:	Motion to approve the variance request for Lot 3 at 38 Lovers Lane, with a deed restriction of 3 bedrooms. (Motion by: Smith) (Seconded by: MacNab) Carried 3-1// MacNab, Smith, McKenna (Aye) Lepore (Nye)

XVII. ENVIRONMENTAL CONTAMINATION ADMINISTRATOR UPDATE

Discussion:	- Andrew Shapiro reported a new \$20 lead testing requirement for property transfers, separate from routine test kits - Lead testing is now required due to acidic groundwater that can corrode lead plumbing and naturally occurring lead from historical leaded gasoline 34 water samples submitted May 20th, mostly PFAS testing, with 15 additional data points since last meeting - MassDEP conducted sampling at 11 properties near recent imminent hazard detection - Eastern Research Group will sample 20 surface water locations for PFAS on July 8th - Large PFAS data update planned for July Board of Health meeting with new statistics and mapping
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XVIII. DIRECTOR'S REPORT

Discussion:	- Director Miramontes reported COVID wastewater sampling spike after Memorial Day with new strain causing more gastrointestinal symptoms - Biobot testing expanded to include flu, RSV, opioids, heroin, and street fentanyl monitoring - Increased lone star tick populations detected by Tufts researcher after 40 years of island sampling - Beach water sampling began for 11 weeks testing for enteric diseases at public beaches - Health Department inspector Jake Visco passed CPFS food certification, highest level in state - Department fee evaluation in progress for permit reviews to offset staff time costs - Enhanced tick education campaign planned including alpha gal presentation and collaboration with tick specialists
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XIX. ADJOURNMENT

Action:	Motion to Adjourn at 6:39pm. (Motion by: Smith) (Seconded by: Lepore) Carried 4-0// MacNab, Smith, Lepore, McKenna (Aye)
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Submitted by: Tomeka Gary