



BOARD OF HEALTH

~ MINUTES ~

Thursday, January 15, 2025

Meeting PSF Community Room, 4 Fairgrounds Road, 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; Jerico Mele, Deputy Director of Health and Human Service; Andrew Shaper, Environmental Contamination Administrator

Remote Staff: Tomeka Gary, Public Health Coordinator; Jake Visco, Public Health Inspector; Sean Reid, Public Health Inspector; Heather Hudson, Public Health Inspector Will Droheiem, Public Health Inspector, Shantaw Bloise-Murphy, Culture and Tourism

Members attending: Ann Smith (chair), Meredith Lepore, James Cooper, Thomas Dixon

Remote Members: Kerry McKenna

Public Participant: Christian Coffin, Joanna Roach, Charity Benz, Dan Mulloy

I. PUBLIC ANNOUNCEMENT

II. PUBLIC COMMENT

Discussion:	None provided

III. APPROVAL OF MINUTES

Discussion	
Action:	Motion to approved December 18, 2025, minutes (Motion by: Lepore) (Seconded by: Cooper) Carried 5-0// Smith, Lepore, McKenna, Cooper, Dixon (Aye)

IV. DIECTOR'S REPORT

Discussion	• Roque Miramontes reported flu cases rose statewide and nationwide starting around December 11 and continued climbing • Hospital sent guidance at end of month about rise in cases and implemented masking and other precautions • Posts on wastewater dashboard spikes to website quickly and shares with hospital to ensure awareness • CDC changed childhood vaccine recommendations from 17 down to 11 vaccines, with flu, COVID, and rotavirus now recommended as shared clinical decisions between parents and providers • Massachusetts DPH disputed CDC changes and will follow American Academy of Pediatrics vaccine schedule instead • Tick-borne disease data for year showed 34 babesiosis cases, 9 ehrlichiosis cases, 280 Lyme disease cases, and 3 tularemia cases attributed to tick bites • Roque Miramontes noted Lyme disease count is likely significant undercount, with CDC indicating reported cases represent only one-tenth of actual occurrences nationwide • Ticks bite most heavily from spring through fall but can bite in winter when temperature exceeds 39.2-degreesFahrenheit • Jericho Mele announced special meeting planned to discuss artificial turf field installation with representatives from pro and anti-sides • School council will present case for installation and Nantucket Land and Water will present opposing case • Both sides will recruit experts, provide additional data, and prepare presentations • Meeting currently scheduled for February 17 or March 2 depending on availability • Presentation will be based on Mount Sinai position paper as starting point for discussion • No action anticipated at end of special meeting, board will consider arguments and present course of
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	action later through public hearing process if necessary
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V. 12 SHIMMO POND RD-BETTERMENT LOAN RELEASE REQUEST

Discussion:	Roque Miramontes spoke on the betterment loan that has been paid in full and the request is for the Board to release the lien on 12 Shimmo Pond Rd.
Action:	Motion to release the lien on 12 Shimmo Pond Rd \ (Motion by: Lepore) (Seconded by: Dixon) Carried 5-0// Smith, Lepore, McKenna, Cooper, Dixon (Aye)

VI. 18 WASHINGTON AVE 60.2.1/14 -BETTERMENT LOAN RELEASE REQUEST SEPTIC

Discussion	- Tomeka Gary confirmed applicant is year-round resident with driver's license on file, though mailing address is off-island due to mail delivery issues - Kerry suggested using county clerk's residency book for future loan applications to establish more solid proof of residency, with driver's license as secondary verification method - Roque noted names don't appear in residency book immediately, so it won't work 100% of the time for verification
Action:	Motion to approve the betterment loan with terms of a being a year around resident (Motion by: Lepore) (Seconded by: McKenna) Carried 4-0// Smith, Lepore, McKenna, Cooper, (Aye) Dixon r

VII. 49 POLPIS ROAD- APPEAL OF ORDER TO CONNECT TO TOWN SEWER. (CONT. FROM OCTOBER 2025 TO ALLOW PROPERTY OWNER TO INVESTIGATE THE TRUE COST TO CONNCT TO TOWN SEWER AND ALTERNATIVE OPTIONS TO PAY FOR IT BEYOND THE BETTERMENT LOAN PROGRAM.)

Discussion	- Inez Hudson requested variance from sewer connection requirement, citing estimated cost of \$125,976.93 from Toscano proposal plus \$10,000 from Jeff Blackwell - Hudson is year-round resident for 53 years living alone 8 months per year at property approximately 800-900 feet from Polpis Road - Board previously granted 2-year variance in May 2023 that expired in May 2025 - Inez Hudson argued her septic poses minimal environmental risk being approximately 1.5 miles from Polpis Harbor with only one person using system - Christian Coffin noted Toscano proposal doesn't include electrical connection for Barnes pump, hardscaping removal, or utility disconnects - Board cited chapter 332 article 2 regulation stating no variances shall be granted in environmentally sensitive areas or harbor protection districts - Jim Cooper suggested exploring pump system from house to reduce costs compared to traditional 6-inch or 8-inch sewer line installation - Inez Hudson proposed exploring tie-in to neighbor Myers' system to avoid driveway excavation costs - Kerry Mckennna noted Inez Hudson has income-producing apartment that could potentially offset loan costs, though currently used by son and wife 1-2 months per year
Action:	Motion to continue to April 16, 2026, meeting to explore alternative sewer connection methods with understanding that variance will be denied if no viable solution found (Motion by: Lepore) (Seconded by: Cooper) Carried 5-0// Smith, Lepore, McKenna, Cooper, Dixon (Aye)

VIII. WICKED ISLAND BAKERY-VARIANCE REQUEST FORM HAIR RESTRAINTS. (CONT FROM AUGUST 2025 TO FURTHER DISCUSS CONSIDERATION OF COUNTER STAFF TO BE DEEMED WAIT STAFF)

Discussion	- Heather requested permanent variance or reclassification of counter staff as servers to avoid annual hair restraint variance requests - Staff handles wrapped and unwrapped food from kitchen rack, placing items in bags with gloved hands or tissue - Heather argued staff poses minimal risk compared to restaurant servers and cited Commonwealth of Massachusetts language about counter staff presenting minimal risk - John's position (conveyed by Andrew) is that regulations require hair covering for fairly noninvasive protection and should be applied uniformly - Board expressed concern about setting precedents and applying regulations uniformly across all island businesses - Tom Dixon noted regulation is clear that hair covering is required when handling unwrapped food, making variance necessary regardless of risk level - Staff will ensure all businesses with counter staff handling unwrapped food are treated uniformly under regulations
Action:	Motion to extend the variance until October when a decision will be made by looking at different businesses on island who operate in a similar fashion (Motion by: Lepore) (Seconded by: Smith) Carried 5-0// Smith, Lepore, McKenna, Cooper, Dixon (Aye)

IX. MARIA MITCHELL ASSOCIATION-REQUEST FOR TEMPORARY HOUSING (105 CMR 410.440) FOR CIRCUS 7/20-7/27. SEEKIN WRITTEN APPROVAL FROM BOARD OF HEALTH

Discussion	- Joanna Roque from Mariah Mitchell Association requested approval for circus to stay at Tom Nevers Field July 20-27 - Circus is self-contained setup with 25 people coming with equipment, no animals (prohibited by Massachusetts law) - Mariah Mitchell visited circus in Florida and reviewed setup before pursuing permit - Parks and Recreation and Culture and Tourism support exploring the idea - Shantaw confirmed public safety has been consulted and department supports the proposal - Circus representatives want to stay with vehicles and equipment for security reasons - RVs will have access to 2 water hookups at Tom Nevers Field - Circus will bring extra tanks for gray water and pack in/pack out all waste, with no black water dumping expected - Porta potties will be rented for entire week for circus staff use
Action:	Motion to approve the variance for Maria Mitchell to bring a circus to Tome Nevers field using trailers that can only be there from July 20 to July 27, 2026 and only those trailers are allowed there and an inspection from Health Department during the stay and no dumping of waste (Motion by: Lepore) (Seconded by: Smith) Carried 4-0// Smith, Lepore, McKenna, Cooper, Dixon (Aye)

X. 13 WOODLAND DRIVE, LOT 6 (79-208)-NITROGEN LOADING CREDIT VARIANCE, WELLHEAD PROTECTION DISTRICT (CONT. FORM BOH MEETING)

Discussion	- Dan Malloy presented proposal for elder housing facility on Lots 5 and 6 at 13 Woodland Drive - Plan shows 10 cottage-style buildings: 9 two-bedroom units and 1 one-bedroom unit for total of 19 bedrooms - Property currently has 12 bedrooms approved, requesting additional 7 bedrooms (lot entitled to 4 bedrooms, plus 3 with IA credit) - Three separate septic systems proposed: two 6-bedroom systems and one 1-bedroom system, all using Septitech best available treatment - Buildings will be 600-900 square feet, single-story with minimal steps for accessibility - Facility restricted to 55 and older per zoning bylaw definition, requires planning board special permit approval - Properties would be merged into one contiguous lot for development, with individual deed restrictions for each building's bedroom count - Dan Malloy proposed board of health walk-through of completed buildings before certificate of compliance issued to verify bedroom counts - Kerry McKenna raised concerns about legal setup and whether lots are officially merged, noting this is third or fourth plan presented for property - Mary expressed concern about approving 19 bedrooms without certainty project will proceed as elder housing, noting 31 total bedrooms approved across entire original lot - Chair noted potential conflict with upcoming wellhead protection regulations that would eliminate nitrogen loading credits
Action:	Motion to continue until February BOH meeting (Motion by: Lepore) (Seconded by: McKenna) Carried 5-0// Smith, Lepore, McKenna, Dixon, Cooper (Aye)

XI. CONTINUATION OF PUBLIC HEARING: HUMMOCK POND WATERSHED REGULATION AMENDMENT

Discussion	- Andrew explained amendments would require IA systems for new construction, upgrade conventional systems to IA on property transfer or failure, and eliminate nitrogen loading credits beyond 100 gallons per day per 100,000 square feet - Regulations would require title five inspections of conventional systems every 5 years - Changes align Hummock Pond watershed with existing Nantucket Harbor and Madaket Harbor watershed regulations 2014 estuary report found Hummock Pond had clear signs of eutrophication from nitrogen inputs including septic systems - Area has low separation distance between ground level and groundwater, limiting subsurface treatment before effluent enters groundwater - Dylan from housing department stated recommendations only apply to wellhead protection district, not Hummock Pond, due to nitrogen sensitivity and planned sewer expansion - Will Arsenault from Nantucket Land and Water Council expressed strong support for Hummock Pond
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	regulations as written Board indicated support for regulations with no vote taken pending final town counsel review
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XI. CONTINUATION OF PUBLIC HEARING: WELLHEAD PROTECTION DISTRICT REGULATION AMENDMENT

Discussion	- Andrew explained Zone 2 wellhead protection area surrounds Wannacomet water wells and is defined by DEP based on hydrological modeling - Nantucket is sole source aquifer, meaning island has only one water source - Regulations aim to protect public water supply from contaminants including nitrogen (linked to methemoglobinemia in children) and PFAS - World Health Organization found nitrate and nitrite are probably carcinogenic under specific conditions - Mark Will from water department reported no spikes in nitrate over past 20 years with nitrogen remaining steady - Dylan presented housing department recommendations: hardship waiver for year-round residents, extend septic loan program to property transfers and new construction, financial assistance for annual IA system maintenance, and allow nitrogen loading credit variances with IA system plus year-round deed restriction - Will Arsenault stated Land and Water Council supports housing department recommendations, seeing them as strengthening board's regulatory power while not harming environmental benefits - Tom noted select board endorsed housing recommendations letter at January 14 meeting, emphasizing housing is town's number one strategic plan priority - Kerry emphasized protecting sole aquifer is critical for community health and economy, noting variance requests are typically for large bedroom counts (8 to 12 bedrooms) not solving housing problem - Dylan clarified recommendations encourage IA system adoption while providing financial support for year-round residents, with year-round deed restriction creating significant disincentive for bedroom additions - Board agreed to work with housing department, Land and Water Council, and town counsel to incorporate specific regulation language changes for vote at next meeting - No vote taken, with staff directed to prepare suggested regulation language for February 19 meeting
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X. ENVIRONMENTAL CONTAMINATION ADMINISTRATOR UPDATE

Discussion	- Andrew presented new PFAS contamination map showing actual detection locations instead of half-mile buffers - Map includes MassDEP data from island-wide investigation (100+ properties) and board of health data from property transfers and voluntary samples (400+ samples) - Total data represents 500+ properties tested across island - Color coding: red for imminent hazard threshold exceedances, orange for state standard (20 parts per trillion) exceedances, yellow for detects below standard, green for non-detects - Squares represent MassDEP data (gold standard), triangles represent board of health data - Since December update, 27 new samples processed with 5 detections below state standard and 5 non-detects - MassDEP sampled Fulling Mill area and Hummock Pond/Oak Hollow area on December 16, still waiting for results - New map shows extensive contamination throughout island including previously highlighted areas (Toms Way, Hummock Pond, Oak Hollow, Madaket, Sesachacha Pond) plus yellow detections in other areas - MassDEP recommends everyone test well at minimum every 10 years - Public information session scheduled for Thursday, January 19 at 5:30 PM online only to recap summer surface water and foam sampling Andrew released new fact sheet on how to select PFAS filter, consolidating resources and expert advice from public information sessions
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X. ADJOURNMENT

Discussion:	Motion to adjourn at 7:06pm (Motion by: Lepore) (Seconded by:) Carried 5-0//Smith, Lepore, McKenna, Dixon, Cooper(Aye)
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