



BOARD OF HEALTH

~~ MINUTES ~~

Monday, March 16, 2026

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

Called to order at 4:20 p.m.

Remote Staff: Roque Miramontes, Director of Public Health; Jerico Mele, Deputy Director of Health and Human Service; John Hedden, Chief Environmental Health Officer; Andre Shapero, Environmental Contamination Administrator

Remote Members: Ann Smith (chair), Meredith Lepore, Kerry McKenna, Thomas Dixon

Public Participant:

I. CALL TO ORDER

II. JOINT MEETING OF BOARD OF HEALTH, AFFORDABLE HOUSING TRUST, AND PLANNING BOARD REGARDING BOARD OF HEALTH HUMMOCK POND WATERSHED AND WELLHEAD PROTECTION DISTRICT REGULATION AMENDMENTS

Discussion:

Why IA systems are being required

- The existing IA regulations covering Nantucket Harbor and Madaket have had a positive impact on water quality, and the BOH wants to extend the same framework to the Hummock Pond watershed and Wellhead Protection District for consistency and broader protection
- Kerry McKenna explained the core rationale: protecting the sole-source aquifer and surface water in the island's most densely populated areas, the same logic that drove the earlier Madaket and harbor regulations
- The BOH noted that Long Pond is now the healthiest pond on the island, which they attribute in part to the IA regulations in the Madaket area

Water quality science: nitrogen and PFAS

- Andrew Shapero presented data from the 2014 Massachusetts Estuaries Project Hummock Pond Estuary Plan, which identified nutrient loading — especially nitrogen — as the primary threat to Hummock Pond
- Wastewater is the largest controllable source of nitrogen: 65% of total nitrogen loading, 81% of the controllable nitrogen the BOH
- The estuary plan recommends a 62% reduction in nitrogen loading to the Hummock Pond watershed
- Nitrogen fuels cyanobacteria (harmful algal blooms); Hummock Pond is particularly susceptible due to slow-moving water, and BOH staff were unable to collect PFAS water samples on one occasion because of an active bloom
- On the Wellhead Protection District: Well 15 in the Wannacomet system has been shut down since 2022 due to PFAS contamination at 55.5 parts per trillion — more than 2x the state drinking water standard of 20 ppt
- A preliminary conceptual site model commissioned by the town identified septic as one potential source of the PFAS contamination, though the definitive cause is not yet known
- Current public wells do not exceed the MassDEP nitrate limit of 10 mg/L, but Andrew noted more recent evidence suggests nitrate is probably carcinogenic under certain conditions
- Nitrogen levels in the aquifer are not decreasing; there may be a small increase, but it's not statistically confirmed as significant
- IA systems do not filter out PFAS

Unintended consequences for year-round residents

- **Joe Topham and Penny Dey raised the concern that the regulations could force a \$85K–\$100K+ IA system on families making modest, non-bedroom additions to their homes — a potential last straw for year-round residents already on the financial edge**
- Joe Topham cited a specific case where a homeowner in Tom Nevers was initially told he needed an IA system to add a detached office space, though the BOH ultimately granted an exception
- Penny Dey noted that 60% of homes on Nantucket are second homes, meaning the financial burden of these regulations will fall disproportionately on the minority who live here year-round
- Brooke Mohr raised the concern that an unaffordable IA requirement could pressure year-round families — especially those whose wealth is tied to their home — to sell to seasonal buyers

- Nat Lowell raised ongoing maintenance costs as a separate burden: IA systems require annual inspections, state filings, and regular testing, comparable to a recurring condo fee
- David Iverson noted that 90% of commercial zoning, including all gas stations and car washes, is in the Wellhead Protection District, and questioned whether residential septic systems are actually the primary failure point there

What counts as new construction

- Under the BOH's local regulation (Chapter 223), new construction is defined as addition of habitable space — this is a local definition, not Title 5
- A deck does not trigger the requirement, adding a living room, office, or bedroom would
- Title 5 uses a different standard: total room count divided by 2, rounded down, to determine required bedroom capacity (e.g., 10 rooms = 5-bedroom system)
- Penny Dey argued the trigger should be tied to bedrooms (sleeping capacity drives effluent flow), not habitable space generally, to avoid penalizing non-sleeping additions
- Kerry McKenna confirmed that defining room use is difficult in practice — historically the focus has been on flow, with 110 gallons per bedroom as the key metric
- John Hedden noted the local definition was tightened about a year ago to capture situations where rooms with full bathrooms and kitchens were being labeled as offices

Select Board's four recommendations

- Dylan Metsch-Ampel walked through the 4 recommendations from the Select Board's January 15th letter, which the Housing Department drafted in collaboration with the Land and Water Council:
 1. Provide hardship waivers for year-round residents unable to afford an IA system
 2. Extend the existing septic loan program to cover property transfers and new construction (currently it only applies to failed systems)
 3. Establish financial assistance — grants and/or 0% or low-interest loans — for year-round residents who need help covering ongoing IA maintenance costs
 4. Allow nitrogen loading credits (additional bedrooms per Title 5) in exchange for upgrading to an IA system plus a year-round deed restriction on the property
- Dylan Metsch-Ampel clarified the recommendations are intentionally broad because the Housing Department's role is to flag housing impacts, not to prescribe the regulatory language — that's for the BOH to work out
- Tom Dixon pushed for these provisions to be explicitly enumerated in the regulations rather than left to vague discretionary language, noting that as boards turn over, the reasoning behind variances gets lost if it isn't written down

Hardship waivers and loan programs

- The existing septic loan program offers 2% interest over 20 years, added to the property tax bill, and was set up through BEP using state funds — it currently only covers failed systems in nitrogen-sensitive areas and connections to sewer
- Dylan Metsch-Ampel confirmed the program does not currently extend to property transfers or new construction triggered upgrades, which is what Recommendation 2 would address
- John Hedden said the town can investigate whether the state would allow the program to be extended to those scenarios
- Penny Dey raised a legal question about whether treating year-round residents differently from seasonal owners is permissible; Dylan said town counsel previously confirmed that defining eligibility by primary residence is legal, but flagged that formal legal review is still needed
- Kerry McKenna noted the BOH has been struggling to find concrete, legally defensible language to define hardship criteria — attempts to use "environmental justice" language and Affordable Housing Trust guidelines were both dropped as too vague or too narrow
- The current draft regulations include a "special variance" provision giving the BOH sole discretion, but Tom Dixon and others want specific criteria enumerated rather than leaving it open-ended

Path forward

- Brooke Mohr suggested the clearest next step: Planning, BOH, and AHT staff collaborate on a revised draft of the regulations that incorporates the 4 Select Board recommendations, run it through town counsel, then send it to each board independently for review and a recommendation back to the BOH
- Ann Smith said the BOH is willing to incorporate the 4 points and doesn't see the boards as far apart — the question is how to get the language right
- David Iverson's position: Hummock Pond watershed regs should move forward — the science is clear; Wellhead Protection District regs need more data showing nitrogen is actually increasing before proceeding
- Kerry McKenna asked whether the BOH could advance the Hummock Pond regs now while the Wellhead regs get more work; David said yes, but hardship and variance provisions need to be explicitly written into the Hummock Pond regs as well

Minutes – BOH March 16, 2026 Adopted May 21, 2026

	• Tom Dixon said he won't vote on anything that hasn't been reviewed by town council (Greg Corbeau or John Giorgio) • Dylan Metsch-Ampel noted no boards are voting on anything today and asked for clarity on what staff should do between now and a follow-up meeting
Action	Motion to approve agenda for the special meeting (Motion by; Dixon) (Seconded by; McKenna) Carried 4-0//Smith, Lepore, McKenna, Dixon,(Aye)

III. ADJOURNMENT	
Discussion	Motion to adjourn at 5:52pm (Motion by: Lepore) (Seconded by: Dixon) Carried 4-0//Smith, Lepore, McKenna, Dixon,(Aye)

Submitted by: Tomeka Gary