



BOARD OF HEALTH

Meeting

Town of Nantucket
3 East Chestnut Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Commissioners: Malcolm MacNab, MD, PHD (chair), Stephen Visco (Vice chair), James Cooper, Helene Weld, RN, Rick Atherton

Staff: Roberto Santamaria, Artell Crowley, Kathy Lafavre, Hank Ross, Anne Barrett

~~ MINUTES ~~

Tuesday, October 11, 2016

4 Fairgrounds Road, Training Room – 3:00 pm

Called to order at 3:03 p.m.

Staff in attendance: R. Santamaria, Health Director; A. Crowley, Assistant Health Director; Hank Ross, Restaurant Inspector; T. Norton, Town Minutes Taker

Attending Members: Malcolm MacNab, MD, PHD; Stephen Visco; James Cooper; Helene Weld, RN; Rick Atherton, Board of Selectmen

Absent Members: None

Agenda adopted by unanimous consent

I. ANNOUNCEMENTS

II. PUBLIC COMMENTS – ANY MEMBER OF THE PUBLIC MAY ADDRESS COMMISSIONERS AT THIS TIME

1. None

III. APPROVAL OF MINUTES

1. September 15, 2016: Approved by unanimous consent.

IV. BOH APPLICATIONS REVIEW

1. Variance from Administrative Consent Order (ACO), 12 Middle Valley Road

Sitting MacNab, Visco, Cooper, Weld, Atherton

Recused None

Documentation Supporting documents and plans, staff recommendations.

Discussion (3:07) **Dan Mulloy**, Site Design Engineering– This is in a soon-to-be sewer area. The current bedroom exceeds the one-bedroom per 10,000 square feet requirement. Asking for this variance because ACOs create problems with banks. They are willing to accept conditions, and at such time as sewer is installed, they will connect. This conventional septic system is new.

Santamaria – Sewer is coming and a system is in the ground.

Visco – The I/A would be required only if sewer weren't projected for the area.

Mulloy – Stated that an ACO would be recorded against the property, which makes obtaining a bank loan difficult.

Santamaria – The formal variance would be maintained in the office and be recorded on the deed; it has the caveat that the property must connect to sewer when it becomes available. The ACO recognizes that the system is in failure and the technical failure is recorded on the deed. Explained the difference between this case and a similar request from the Madaket area.

Action **Motion to Approve the variance with the caveat as discussed.** (made by: Visco) (seconded by: Cooper)

Vote Carried unanimously

2. Release of Betterment Lien 23 Monomoy Road

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| Sitting | MacNab, Visco, Cooper, Weld, Atherton |
| Recused | None |
| Documentation | Supporting documents and plans, staff recommendations. |
| Discussion (3:16) | Santamaria – It has been fully paid off and is okay to be signed off. Need approval. |
| Action | Motion to Approve release of the Betterment Loan. (made by: Weld) (seconded by: Atherton) |
| Vote | Carried unanimously |

V. DISCUSSION

1. I/A to Sewer Policy

Sitting MacNab, Visco, Cooper, Weld, Atherton

Recused None

Documentation Graphs cost against age of septic

Public Bruce Mandel, 10 Midland Avenue

Bill Grieder, 10 F Street

Charles Stott, Long Pond Drive

Discussion (3:17) **MacNab** – This Board has the power to allow a delay to hook up to sewer when it comes available but not to waive fees. Reviewed the charts. The unknowns are the date sewer will be flowing and the required hook-up time.

Stott – Feels there should be a mechanism in place to credit those property owners who have gone through great expense to install I/A systems. Asked that the policy apply to all property owners island wide and that it establish a useful lifespan for an I/A system, such as 20 years; also asked the Board to consider a sliding scale in regards to the number of years since the date of installation and/or repairs.

Atherton – Confirmed that this policy would apply only to I/A systems, not conventional systems.

Cooper – If we base this on sewer not being available for 10 years, we need to consider how long the I/A has already been in place.

Visco – The life of an I/A system depends on use is listed as 20 years.

Mandel – It will be almost a decade before the first sewer flush; in that time, there is no means of dealing with nitrogen flow into the ground other than use of I/A systems. Existing conventional systems will fail and I/A systems will need to be installed. Stated that there are newer, more efficient technologies going forward that remove 75% to 90% nitrogen.

MacNab – There are new technologies but they won't show up in Madaket.

Mandel – Going through the regulations, they seem to be in conflict with each other. Cited an example: BOH requires a system be abandoned and a property connected to sewer within 60 days of availability while the sewer department has a 6-month requirement. Also, there is a \$100 sewer abandonment application fee which is added to all the other costs; perhaps that could be waived.

Grieder – He's glad to hear the board is making this an island-wide policy. His question is what determines the lifespan of an I/A system as long as it is functioning.

Visco – Time and use and as long as it is not in hydraulic failure. An I/A leech pit could last forever as long as it is maintained. An I/A system, to be approved, has to meet the under 50% nitrogen removal; some have been as low as 10%.

Santamaria – It is important to look at this as what is the most efficient way to deal with an environmental issue. There is nothing more efficient than sewer.

Atherton – He is interested in any ability to get 85% results for 15% less money. He wants to understand the advantage to a homeowner in delaying hook up.

MacNab – For him granting a variance is easier knowing when sewer will be installed. Trying to attach the hook-up delay to the number of years since installation or repair would be extremely difficult; he prefers setting a fixed time frame.

Santamaria – Recommends setting a fixed time for granting a variance; the bulk of systems in Madaket were put in at the same time, 2010 and 2011.

Discussion about cost savings to the owner for a 10- or 15-year variance.

MacNab – There are four options: a 10 year variance, a 15 year variance, do nothing, and think about it.

Santamaria – This policy could be revisited once the sewer design is in.

MacNab – For him 10 years is a comfortable number.

Motion **Motion to Issue an island-wide policy for a variance of 10 years from the time the septic hook-up permit is issued.** (made by: Weld) (seconded by: Cooper)

Vote Carried unanimously

2. Sewer Connection Policy

Sitting MacNab, Visco, Cooper, Weld, Atherton

Recused None

Documentation Supporting documents and plans, staff recommendations.

Discussion **Santamaria** – He is asking to table this discussion until actual designs are available.

V. BOH BUSINESS

1. Director's Report

- a. Update on grey water issue. Nantucket has been designated a no-discharge zone. Atherton would like the issue be reviewed by an objective third party. Santamaria said he will talk to the Woods Hole Institute.
- b. The venison donation program is stalled; the processor has backed out due to illness. Reaching out to licensees and the hunting association. The hunting association is willing to allow use of their facilities.
- c. All shellfishing in Island waters has been suspended until October 16 due to a bloom of pseudo-nitzschia which contains a neurotoxin. The hope is the cooling of waters will eliminate the bloom. Waiting for analysis on whether or not scallops are okay; it is common to cut the guts when opening the shell.
- d. Packaging is in full force. The Harbor Stop & Shop is still using foam in their store packaging.
- e. Did an inspection at Allen's Way for rodents. No rodents but trash is present. The area is being monitored. Should do rodent baiting 20 days before to 20 days after construction.

VI. ADJOURN

Adjourned by unanimous consent at 4:18 p.m.

Submitted by:
Terry L. Norton