

## 1. Board Of Health Packet

### Documents:

65 SQUAM VARIANCE.PDF  
113 HUMMOCK POND RD (56-59) VARIANCE REQUEST PACKAGE\_3-10-20.PDF  
113 HUMMOCK POND RD SEWAGE DISPOSAL PLAN\_3-9-2020.PDF  
287 HUMMOCK POND RD (83-39) VARIANCE REQUEST PACKAGE\_3-12-20.PDF  
287 HUMMOCK POND ROAD (83-39)\_SCHEMATIC DESIGN PLAN\_3-12-20.PDF  
SOURIAN - MADEQUECHAM RD SEPTIC SYSTEM BOH VARIANCE REQUEST APPLICATION.PDF  
BOHMIN20111208.PDF  
BOHMIN20120621.PDF  
BOHMIN20200416.PDF  
BOHMIN20200417.PDF  
BOHMIN20200419.PDF  
BOHMIN20200506 .PDF  
BOHMIN20200507.PDF



# NANTUCKET HEALTH DEPARTMENT

3 EAST CHESTNUT STREET  
NANTUCKET, MASSACHUSETTS 02554

Telephone 508.228.7200  
Fax 508.325.6117

## BOARD OF HEALTH REGULATION VARIANCE REQUEST

\$20 per request

I am requesting: (Check one.)

**A variance of a Local Board of Health Regulation**

**A variance of a State Public Health Regulation (310 CMR 15, 105 CMR 590, etc...)**

Please write an explanation of the variance requested (use separate paper if needed): \_\_\_\_\_

A variance is required and requested from the following sections of the Town of Nantucket Board of Health Septic System Regulations Chapter 52.02.A to allow the septic system within the 100-foot buffer zone to a Vegetated Wetland. The septic system will be moved further away from the Vegetated Wetland resource areas, and the separation distance to groundwater increased significantly. Further, enhanced nitrogen removal will be incorporated through the use of a SeptiTech Model 400D Processor. There is no alternative location on the property that would be further away from the resource areas, and no proposed increase in bedrooms.

Requestor Name: Leschly Lotte, Trustee

Company Name: (if applicable) c/o Nantucket Engineering & Survey, PC - Arthur Gasbarro, PE, PLS

Address: 65 Squam Road MAP: 13 PARCEL: 15

Phone No. 508-825-5053 Fax No. \_\_\_\_\_

Email: art@nantucketengineer.com

Requestor's Signature: 

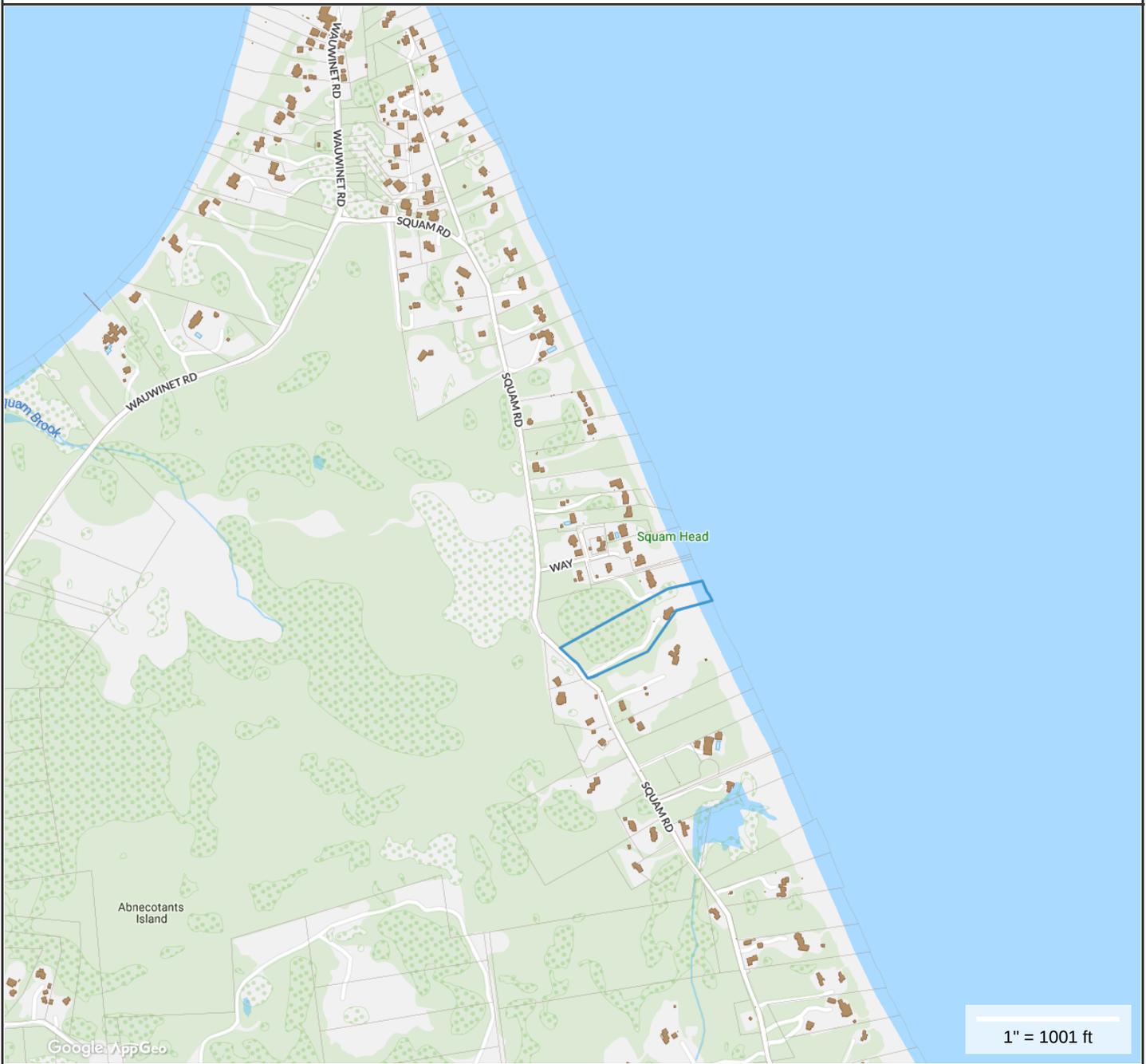
Date: 3/26/20

Please be advised that the Health Department accepts variance requests up to one week before a scheduled Board of Health meeting. Applications received after this deadline will be placed at the subsequent scheduled meeting.

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

# Locus Map



**Property Information**

**Property ID** 13 15  
**Location** 65 SQUAM RD  
**Owner** LESCHLY LOTTE TRUSTEE ETAL



**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/13/2018  
Data updated 11/19/2018



13 14

13 15

13 35

41.318175, -69.991464

**PROPOSED SUBSURFACE  
SEWAGE TREATMENT & DISPOSAL  
SYSTEM UPGRADE**

In Nantucket, MA  
Prepared for

**LOTTE LESCHLY, TRUSTEE**  
65 SQUAM ROAD MAP 13 PARCEL 15  
Scale: 1" = 30' MARCH 17, 2020



**SHEET 1 OF 4**

13-14  
N/F  
E. GARRETT BEWKES, III  
Cert. of Title 17880  
L.C.C. 14902-I, LOT 4

**OWNER INFORMATION**

OWNER: LOTTE LESCHLY,  
TRUSTEE OF LOTTE LESCHLY QPRT  
& TRUSTEE OF JAN LESCHLY QPRT  
CERT. 23930  
L.C.C. 14902-I, LOT 5



*Arthur D. Gasbarro*

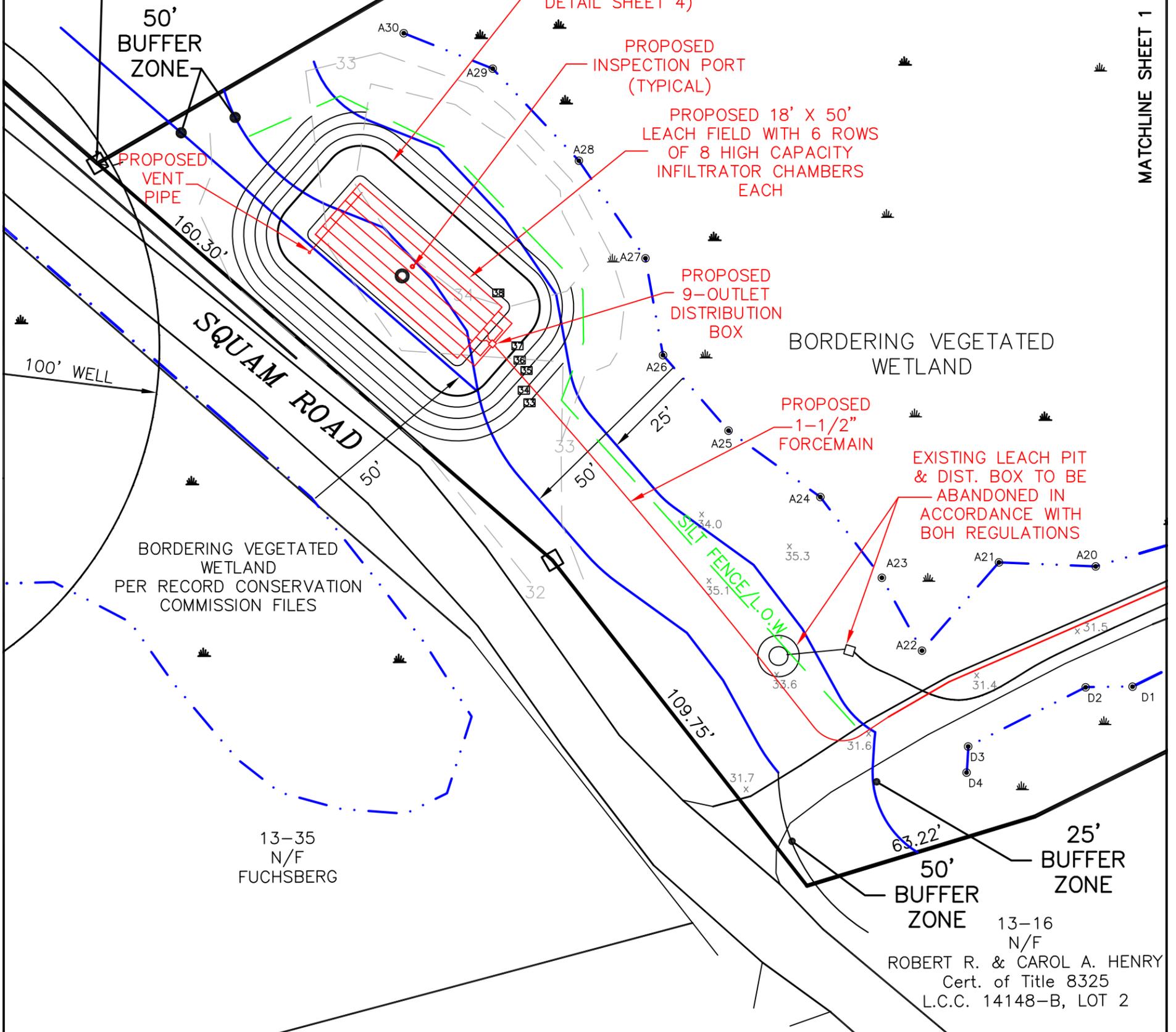
**LEGEND**

- PROPOSED CONTOUR
- SOIL EVALUATION

NO WELLS SHOWN ON  
BEWKES PROPERTY  
RECORD FILES WITHIN  
100- FEET OF  
PROPOSED SYSTEM.

VEGETATED WETLAND BOUNDARY FLAGS  
#A11-A30, #C1-C9, & #D1-D4  
DELINEATED BY: BRIAN MADDEN,  
LEC ENVIRONMENTAL CONSULTANTS.  
SUBJECT TO REVIEW OF THE  
NANTUCKET CONSERVATION  
COMMISSION

**BENCHMARK:  
CBDH  
ELEV.=30.96  
NAVD88 DATUM**



MATCHLINE SHEET 1

13-35  
N/F  
FUCHSBERG

13-16  
N/F  
ROBERT R. & CAROL A. HENRY  
Cert. of Title 8325  
L.C.C. 14148-B, LOT 2

**PROPOSED SUBSURFACE  
SEWAGE TREATMENT & DISPOSAL  
SYSTEM UPGRADE**

In Nantucket, MA  
Prepared for  
**LOTTE LESCHLY, TRUSTEE**  
65 SQUAM ROAD MAP 13 PARCEL 15  
Scale: 1" = 30' MARCH 17, 2020



**SHEET 2 OF 4**

**OWNER INFORMATION**

OWNER: LOTTE LESCHLY,  
TRUSTEE OF LOTTE LESCHLY QPRT  
& TRUSTEE OF JAN LESCHLY QPRT  
CERT. 23930  
L.C.C. 14902-I, LOT 5

13-14  
N/F  
E. GARRETT BEWKES, III  
Cert. of Title 17880  
L.C.C. 14902-I, LOT 4



*Arthur D. Gasbarro*

BORDERING VEGETATED  
WETLAND

PROPOSED  
1-1/2"  
FORCEMAIN

EXISTING  
FORCE MAIN  
TO BE  
ABANDONED

MATCHLINE SHEET 2

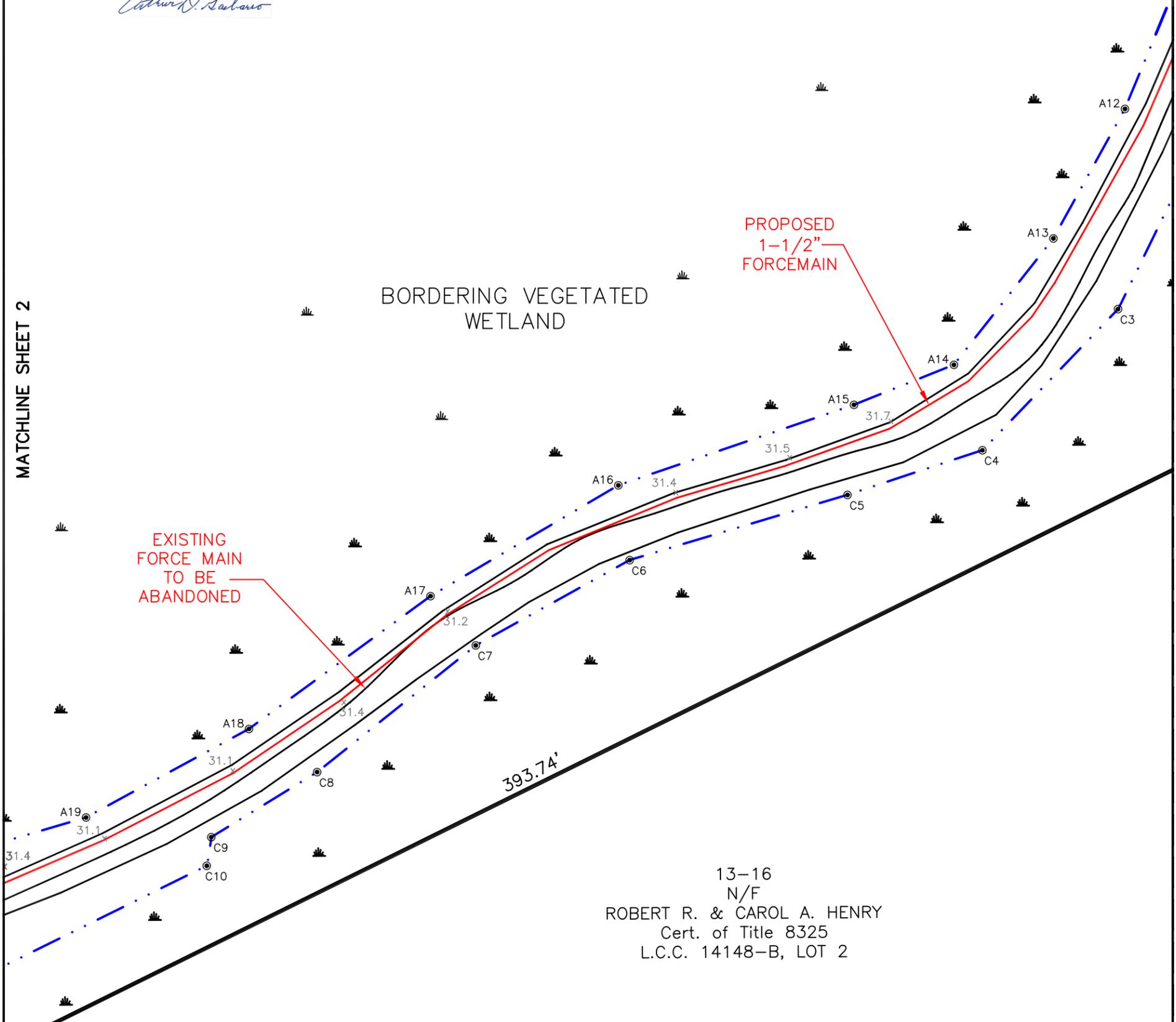
MATCHLINE SHEET 2

13-16  
N/F  
ROBERT R. & CAROL A. HENRY  
Cert. of Title 8325  
L.C.C. 14148-B, LOT 2

**SHEET 1 OF 4**

826.44'  
S 59°51'59" W

393.74'



**PROPOSED SUBSURFACE  
SEWAGE TREATMENT & DISPOSAL  
SYSTEM UPGRADE**

In Nantucket, MA  
Prepared for  
**LOTTE LESCHLY, TRUSTEE**  
65 SQUAM ROAD MAP 13 PARCEL 15  
Scale: 1" = 30' MARCH 17, 2020



**SHEET 3 OF 4**

**OWNER INFORMATION**

OWNER: LOTTE LESCHLY,  
TRUSTEE OF LOTTE LESCHLY QPRT  
& TRUSTEE OF JAN LESCHLY QPRT  
CERT. 23930  
L.C.C. 14902-I, LOT 5

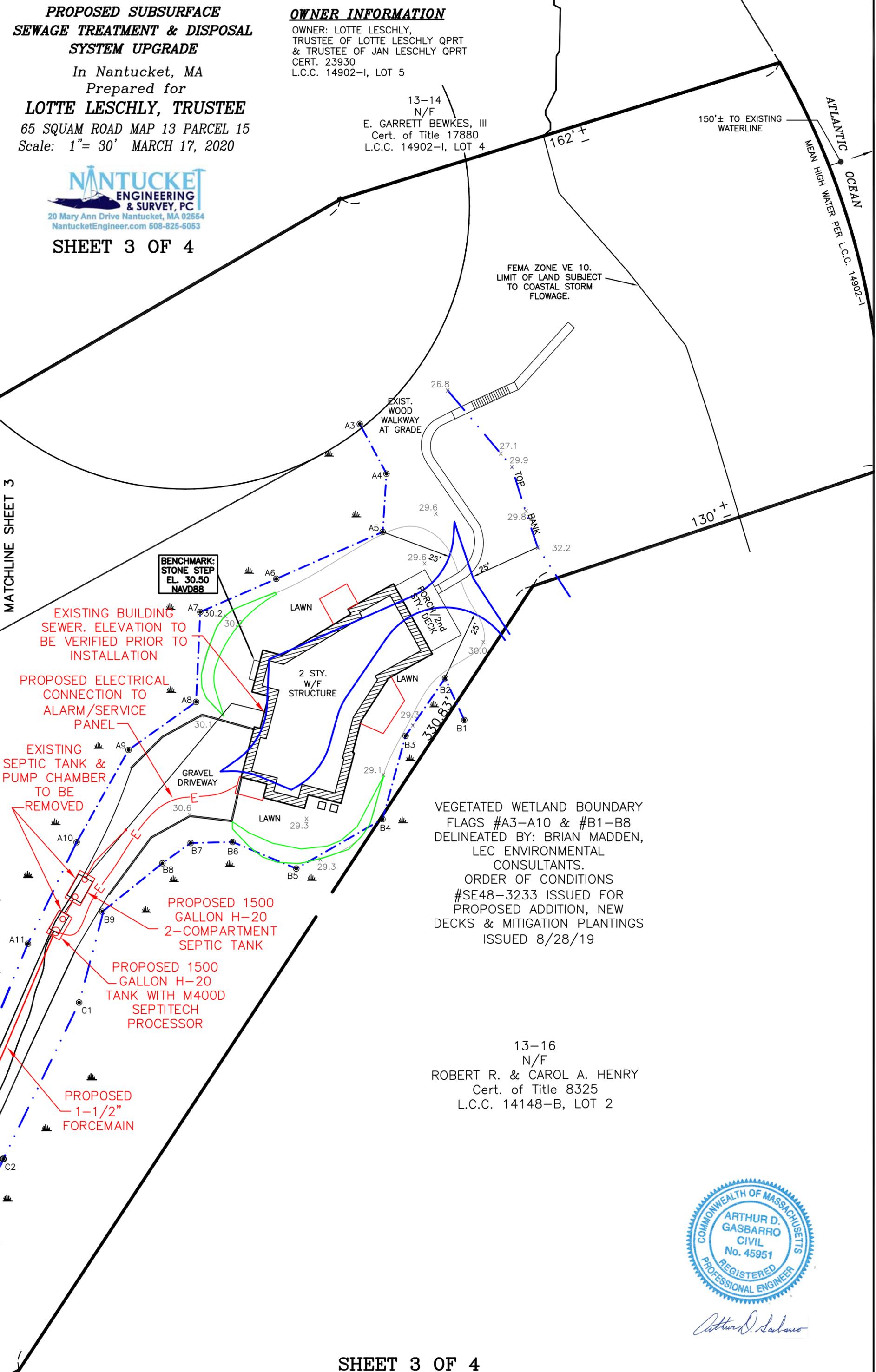
13-14  
N/F  
E. GARRETT BEWKES, III  
Cert. of Title 17880  
L.C.C. 14902-I, LOT 4

150'± TO EXISTING  
WATERLINE

ATLANTIC  
OCEAN  
MEAN HIGH WATER PER L.C.C. 14902-I

FEMA ZONE VE 10.  
LIMIT OF LAND SUBJECT  
TO COASTAL STORM  
FLOWAGE.

MATCHLINE SHEET 3



EXISTING BUILDING  
SEWER. ELEVATION TO  
BE VERIFIED PRIOR TO  
INSTALLATION

PROPOSED ELECTRICAL  
CONNECTION TO  
ALARM/SERVICE  
PANEL

EXISTING  
SEPTIC TANK &  
PUMP CHAMBER  
TO BE  
REMOVED

PROPOSED 1500  
GALLON H-20  
2-COMPARTMENT  
SEPTIC TANK

PROPOSED 1500  
GALLON H-20  
TANK WITH M400D  
SEPTITECH  
PROCESSOR

PROPOSED  
1-1/2"  
FORCEMAIN

BENCHMARK:  
STONE STEP  
EL. 30.50  
NAVD88

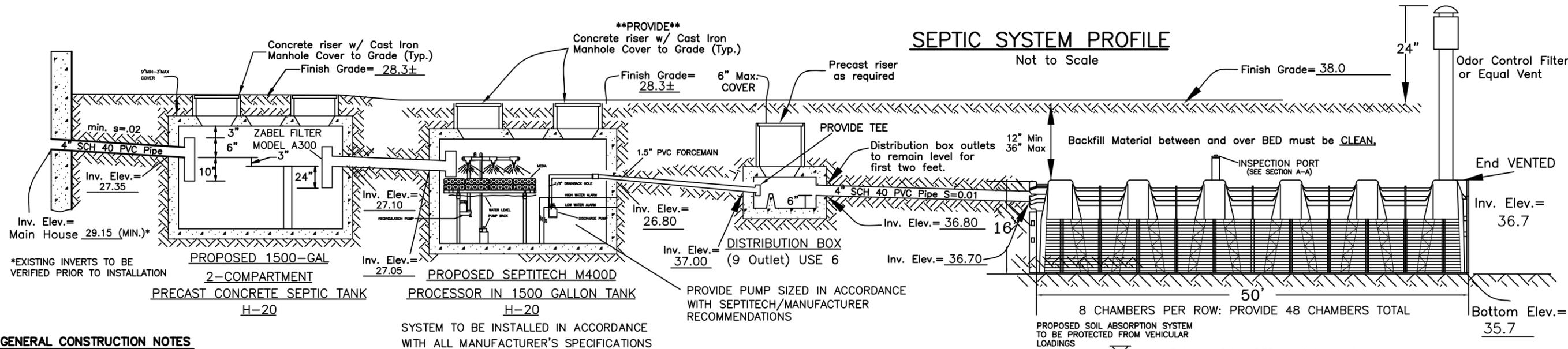
VEGETATED WETLAND BOUNDARY  
FLAGS #A3-A10 & #B1-B8  
DELINEATED BY: BRIAN MADDEN,  
LEC ENVIRONMENTAL  
CONSULTANTS.  
ORDER OF CONDITIONS  
#SE48-3233 ISSUED FOR  
PROPOSED ADDITION, NEW  
DECKS & MITIGATION PLANTINGS  
ISSUED 8/28/19

13-16  
N/F  
ROBERT R. & CAROL A. HENRY  
Cert. of Title 8325  
L.C.C. 14148-B, LOT 2



*Arthur D. Gasbarro*

**SHEET 3 OF 4**



**GENERAL CONSTRUCTION NOTES**

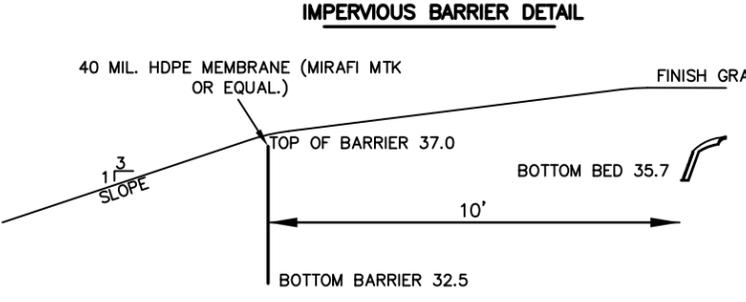
- All construction to conform to 310 CMR 15.00, TITLE 5 and Regulations of the Nantucket Board of Health.
- Any deviation or alteration in the construction from the approved plan without the expressed permission of the Design Engineer may invalidate the design and endorser the issuance of a certificate of compliance.
- Nantucket Engineering & Survey shall be contacted three (3) days prior to the start of construction by the Installer. (508) 825-5053
- This plan does not warrant or imply any subsurface conditions other than those observed at the immediate test pit locations. In the event impervious or unsuitable material is encountered during construction, said impervious or unsuitable material is to be removed and replaced. See Title 5, 15.255 Construction in Fill.
- Delivery piping from the building wall to the Distribution Box shall be SCH40, 4 inch diameter PVC placed at a minimum 2% slope (2% = 0.02 feet per foot or 2' per 100'). All PVC to PVC connections are to be SOLVENT WELDED. Backfill Material in proximity to delivery and/or distribution lines is to be free from tailings, clay or similar materials.
- A cleanout is to be provided in proximity to the building wall to enable a Pumper to clear the house to tank line.
- Distribution lines are to be PVC Schedule 40 NSF or PVC Schedule 35 may be used for systems designed for less than 2000 gpd and where no vehicular traffic is anticipated. PVC end caps are to be provided on Distribution Line ends that do not require venting. All Distribution Lines over fifty (50') feet in length are to be vented.
- Any fill required in proximity to delivery piping shall be clean and free of stones larger than 2" dia and be hand tamped to reduce settlement and assure alignment.
- The septic tank shall be pre-cast reinforced concrete in compliance w/Title 5, 15.223 & 15.226 with an H-10 loading. A Schedule 40 Tee is to be installed in both the inlet and outlet baffles of the Precast Concrete Septic Tank. A gas baffle is to be installed over OUTLET BAFFLE.
- The tank shall have three 20 inch minimum diameter manholes with readily removable impermeable covers within 6 inches of finish grade.
- The base of the Distribution Box shall be set on a compacted, suitable, stable base.
- The Distribution Box shall be fitted with an inlet tee (cut-off 1 inch above the outlet invert). Distribution Boxes shall be a minimum 3 Outlets.
- The first length (minimum 2 feet) of each pipe outlet pipe from the Distribution Box shall be laid level. All outlet pipes should draw equally, A WATER TEST WILL BE REQUIRED.
- Topsoil, peat or other impervious (or unsuitable) material shall be removed from below and for a distance of 5 feet in all directions around the disposal works footprint and replaced with clean, suitable material as described in TITLE 5, 15.255:(3) Construction in Fill.
- Trench bottoms excavated in natural material must be scarified to off-set any machine compaction of the bottom surface.
- All fill used in conjunction of the system construction must conform to Title 5, 15.255:(3) Construction in Fill.
- All stone used in disposal trench construction must conform to Title 5, 15.247 Aggregate for size and quality.
- Any impermeable material used for the construction of an impervious barrier must be impermeable. (Will not pass water, swells upon contact with water, fine sand is not impervious).
- Areas disturbed by construction shall loamed, seeded, mulched or otherwise stabilized to minimize erosion. The general system area shall be graded with a minimum 2% grade to provide positive surface drainage. Compliance with any Order of Conditions issued by the local Conservation Commission or DEP shall be considered requirements of this design.
- The property lines depicted here-on are GRAPHIC, it is strongly recommended that the actual property lines be field established prior to construction. Conformance to local by-laws shall be determined by the Owner (Client) prior to construction. This disposal works design is not a property line, bank mortgage or title survey.
- In the event that evidence or article of human remains is found during the excavation or construction of this proposed works, all activity on-site is to stop. Immediately contact the State Police (508) 228-0706, Nantucket Police 228-1212 (or 911) and DESIGN ENGINEER.
- To prevent the carry over of solids and particulates from the septic tank to soil surfaces in the disposal trenches that are prone to clogging, the septic tank should be inspected periodically to determine the depth of sludge and floatables (grease) accumulation. The tank should be pumped, by a Licensed Pumper, when the sludge volume fills one quarter (1/4) of the tank clear space (or approx every 2 years).
- The Design Engineer will refuse to issue a positive ASBUILT COMPLIANCE certificate if any portion of the construction is covered prior to adequate inspection by DESIGN ENGINEER and the local Health Agent. The Disposal Works is not to be covered until it is authorized by DESIGN ENGINEER.
- Asbuilt and inspection time has not been included in the billing for this design. Multiple inspections and analysis to correct deviations from the approved design will be billed as add'l charges. Call (508) 825-5053 when you are ready for your inspection.

**SEPTITECH NOTES**

- SEPTITECH PROCESSOR SHALL BE INSTALLED IN ACCORDANCE WITH SEPTITECH INSTALLATION INSTRUCTIONS.
- TANK(S) SHALL NOT BE INSTALLED AT A DEPTH ANY GREATER THAN 24-INCHES. TANK INSTALLATION REQUIRING A DEPTH GREATER THAN 24-INCHES SHALL DO SO WITH PRIOR APPROVAL BY SEPTITECH ONLY.
- TANK(S) SHALL BE INSTALLED WITH A MINIMUM OF 6-INCHES OF COMPACTED CRUSHED PEA STONE OR SAND BEDDING. SELECT FILL SHALL BE USED BACKFILLING AROUND TANKS.
- EXTERIOR PIPING: CONTRACTOR IS RESPONSIBLE FOR SUPPLYING AND INSTALLING ALL EXTERIOR PIPING PER SEPTITECH INSTALLATION DRAWINGS.
- AIR INTAKE PIPING: AIR INTAKE SNORKEL SHALL BE INSTALLED WITHIN 100 FEET OF THE PROCESSOR TANK. AIR INTAKE PIPING SHALL BE INSTALLED SUCH THAT A POSITIVE PITCH IS PROVIDED BACK TOWARDS THE PROCESSOR TANK SUCH THAT ANY CONDENSATION BUILD UP IS FREE TO DRAIN.
- PIPE INSULATION: CONTRACTOR IS RESPONSIBLE FOR INSULATING ALL PIPING EXTERIOR TO THE SEPTITECH PROCESSOR INCLUDING THE DISCHARGE LINE FROM THE PROCESSOR TO THE DISPOSAL FIELD.
- TANK INSULATION: AFTER TANK HAS BEEN INSTALLED, CONTRACTOR SHALL INSULATE THE TOP AND SIDES OF THE PROCESSOR TANK BELOW FROST DEPTH (4- FEET MINIMUM) WITH 2" RIGID FOAM (BLUE) BOARD INSULATION AND THEN COMPLETE BACKFILLING.
- ELECTRICAL: ALL ELECTRICAL WORK IS THE RESPONSIBILITY OF THE CONTRACTOR'S LICENSED ELECTRICIAN AND IS NOT PROVIDED BY SEPTITECH. SYSTEM CONTROLLER SHOULD BE INSTALLED IN A HEATED BUILDING WHERE AN AMBIENT TEMPERATURE RANGE OF 60 TO 90 DEGREES F IS MAINTAINED. IF THE CONTROL PANEL MUST BE LOCATED OUTSIDE, PLEASE NOTIFY SEPTITECH, INC. SO A HEATER MAY BE INSTALLED WITHIN THE ENCLOSURE.



*Arthur D. Gasbarro*



**SOIL LOGS**

DEEP OBS. HOLE # 1 EL. = 33.5±

DEPTH	HORIZON	TEXTURE	COLOR
0" to 10"	A	LOAMY SAND	10YR 3/2
10" to 20"	B	LOAMY SAND	10YR 6/8
20" to 156"	C	SILT LOAM	10YR 7/4

REDOX. FEATURES OBSERVED @ 36"  
 NO GW. OBSERVED  
 NO REFUSAL  
 EST. SEASONAL HIGH GW ELEV. = 30.5 REDOX

SOIL EVALUATION BY: ARTHUR GASBARRO, CSE, PE, PLS  
 DATE OF TESTING: 3/3/20 WITNESSED BY: ARTELL CROWLEY, BOH AGENT  
 PERCOLATION RESULTS: RATE = 25 MIN/INCH  
 "C" LAYER

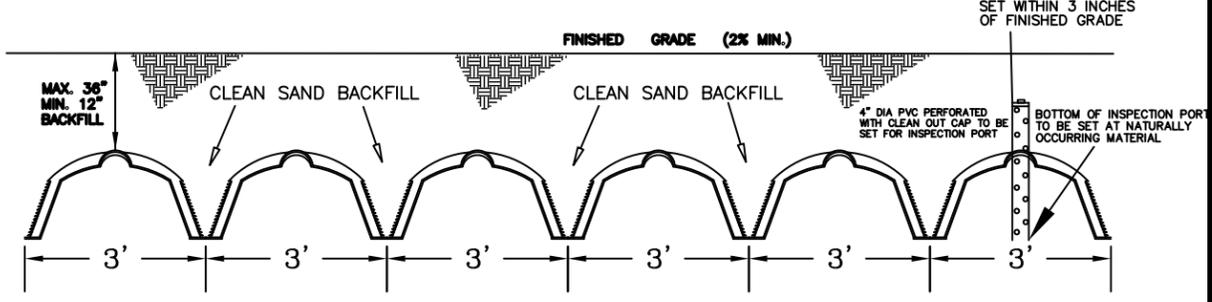
**SEPTIC SYSTEM PROFILE**

Not to Scale

Backfill Material between and over BED must be CLEAN.

PROPOSED SOIL ABSORPTION SYSTEM TO BE PROTECTED FROM VEHICULAR LOADINGS

Bottom of the BED must be level  
 \*Estimated Seasonal High Ground Water Elev. 30.5 - REDOX. OBS.  
 \*MIN. 5'-0" ELEV. REQUIRED BETWEEN BOTTOM OF BED AND THE MAXIMUM GROUNDWATER (GW) ELEV.



**DESIGN CRITERIA**

DESIGN FLOW:  
 MAIN HOUSE: 4 BDRMS  
 4 BEDROOM X 110 GPD/BR = 440 GPD

SEPTIC TANK VOLUME: TWO-COMPARTMENT REQUIRED  
 1ST COMPARTMENT: 440 X 200% = 880  
 2ND COMPARTMENT: 440 X 100% = 440  
 1500 GALLON SEPTIC TANK MINIMUM

SOIL ABSORPTION SYSTEM:  
 DESIGN PERCOLATION RATE: 25 MINUTES/INCH - SOIL CLASS III  
 FOR TITLE 5 SECTION 15.242: LTAR-EFFLUENT LOADING RATE: 0.33 GPD/SF  
 MINIMUM LEACHING AREA: 440 GPD/ 0.33 GPD/SF = 1334 SF

PROVIDE: 3' X 50' LEACHING FIELD  
 W/ 6 ROWS 8 HC INFILTRATOR CHAMBERS EACH  
 48 CHAMBERS X 29.5 SF/CHAMBER = 1416 SF

LEACHING CAPACITY PROVIDED (BY TITLE 5) = 1416 SF X 0.33 = 467 GPD

MAXIMUM ALLOWABLE LOADING (BY TITLE 5) = 467 GPD  
 ACTUAL HYDRAULIC LOADING (DESIGN FLOW) = 440 GPD

**PROPOSED SUBSURFACE SEWAGE TREATMENT & DISPOSAL SYSTEM UPGRADE**

In Nantucket, MA  
 Prepared for  
**LOTTE LESCHLY, TRUSTEE**  
 65 SQUAM ROAD MAP 13 PARCEL 15  
 Scale: 1" = 30' MARCH 17, 2020



**MAIN OFFICE:**  
49 Herring Pond Road  
Buzzards Bay, MA 02532  
TEL: (508) 833-0070  
FAX: (508) 833-2282



**NANTUCKET OFFICE:**  
19 Old South Road  
Nantucket, MA 02554  
TEL: (508) 325-0044  
[www.brackeneng.com](http://www.brackeneng.com)

March 10, 2020

Nantucket Board of Health  
Attn: Mr. Artell Crowley  
3 East Chestnut Street  
Nantucket, MA 02554

**Re : Variance Request  
113 Hummock Pond Road (Map 56, Parcel 59)**

Dear Mr. Crowley,

On behalf of the owners of the above referenced property, Mary Jo and William Buckland, please accept this letter as a request for variances to the Town of Nantucket Board of Health Regulations for the replacement of the existing failed septic system with a new Innovative/Alternative (I/A) system and soil absorption system. The property is located within the Hummock Pond Watershed District (HPWSD) Zone B.

The following variances from the Nantucket Board of Health Regulations are requested:

REGULATION	REQUIRED	PROPOSED
52.02A – SAS location to wetland	100' from wetland	79' (21' variance)
52.02B2 / 64.03B – IA System in Nitrogen Sensitive Area	5' separation from maximum ground water	3' separation (2' variance)

The ground water found is a “perched” water table above an impervious soil layer. The actual static water table is 19.8’ below the bottom of the soil absorption system. The proposed design meets Title V for Local Upgrade approval. Compliance with these regulations would require a substantial retaining wall directly in front of the existing house. Enforcement of these regulations would be manifestly unjust given the circumstances. Furthermore, the proposed design achieves the same degree of environmental protection without strict application of the ground water separation.

We respectfully request that the hearing be scheduled for the March 19<sup>th</sup> meeting for the Local Board of Health Variances. Should you require any further information or have any questions prior to the next scheduled hearing, please contact our office at 508-325-0044 or email the undersigned at [don@brackeneng.com](mailto:don@brackeneng.com).

Sincerely,

**Bracken Engineering, Inc.**

A handwritten signature in black ink, appearing to read 'Donald F. Bracken, Jr.', written in a cursive style.

Donald F. Bracken, Jr., P.E.  
President

Enclosures

Cc: Mary Jo Buckland



# NANTUCKET HEALTH DEPARTMENT

3 EAST CHESTNUT STREET

NANTUCKET, MASSACHUSETTS 02554

Telephone 508.228.7200

Fax 508.325.6117

## BOARD OF HEALTH REGULATION VARIANCE REQUEST

\$20 per request

I am requesting: (Check one.)

A variance of a Local Board of Health Regulation

A variance of a State Public Health Regulation (310 CMR 15, 105 CMR 590, etc...)

Please write an explanation of the variance requested (use separate paper if needed):

52.02A: A 21' variance is requested to allow 79' from the wetland to the proposed SAS versus 100'

52.02B2 & 64.03B: A 2' variance is requested to allow 3' separation to maximum ground water versus 5'

Requestor Name: Donald F. Bracken, Jr., PE

Company Name: (if applicable) Bracken Engineering, Inc., 19 Old South Road, Nantucket, MA 02554

Address: 113 Hummock Pond Road MAP: 56 PARCEL: 59

Phone No. 508-325-0044 Fax No. 508-833-2282

Email: don@brackeneng.com

Requestor's Signature: *Donald F. Bracken*

Date: 3/10/20

Please be advised that the Health Department accepts variance requests up to one week before a scheduled Board of Health meeting. Applications received after this deadline will be placed at the subsequent scheduled meeting.

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

MASS COORDINATE SYSTEM  
ISLAND ZONE MERIDIAN  
DETERMINED USING A  
TOPCON HIPER SR GPS RTK UNIT  
COLLECTION DATE 02/04/2020

#5 MILLBROOK ROAD  
MAP 56 PARCEL 67.1

### SOIL LOGS

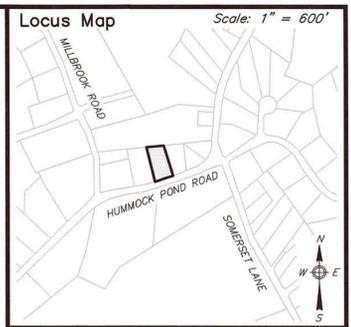
TP. NO.	1
GRD. EL.	25.3
GW. EL.	23.6

DATE PERFORMED: FEBRUARY 19, 2020  
 SOIL EVALUATOR: DONALD F. BRACKEN, JR.  
 WITNESSED BY: KATHY LAFAYRE (HEALTH INSPECTOR)  
 PERC RATE: < 2 MPI  
 SOIL CLASS: CLASS I  
 MAX. GROUND WATER ELEV.: 23.63  
 METHOD OF DETERMINATION: REDOX (TP1)

(SEE SOIL REPORT FOR MORE DETAILED DESCRIPTION)

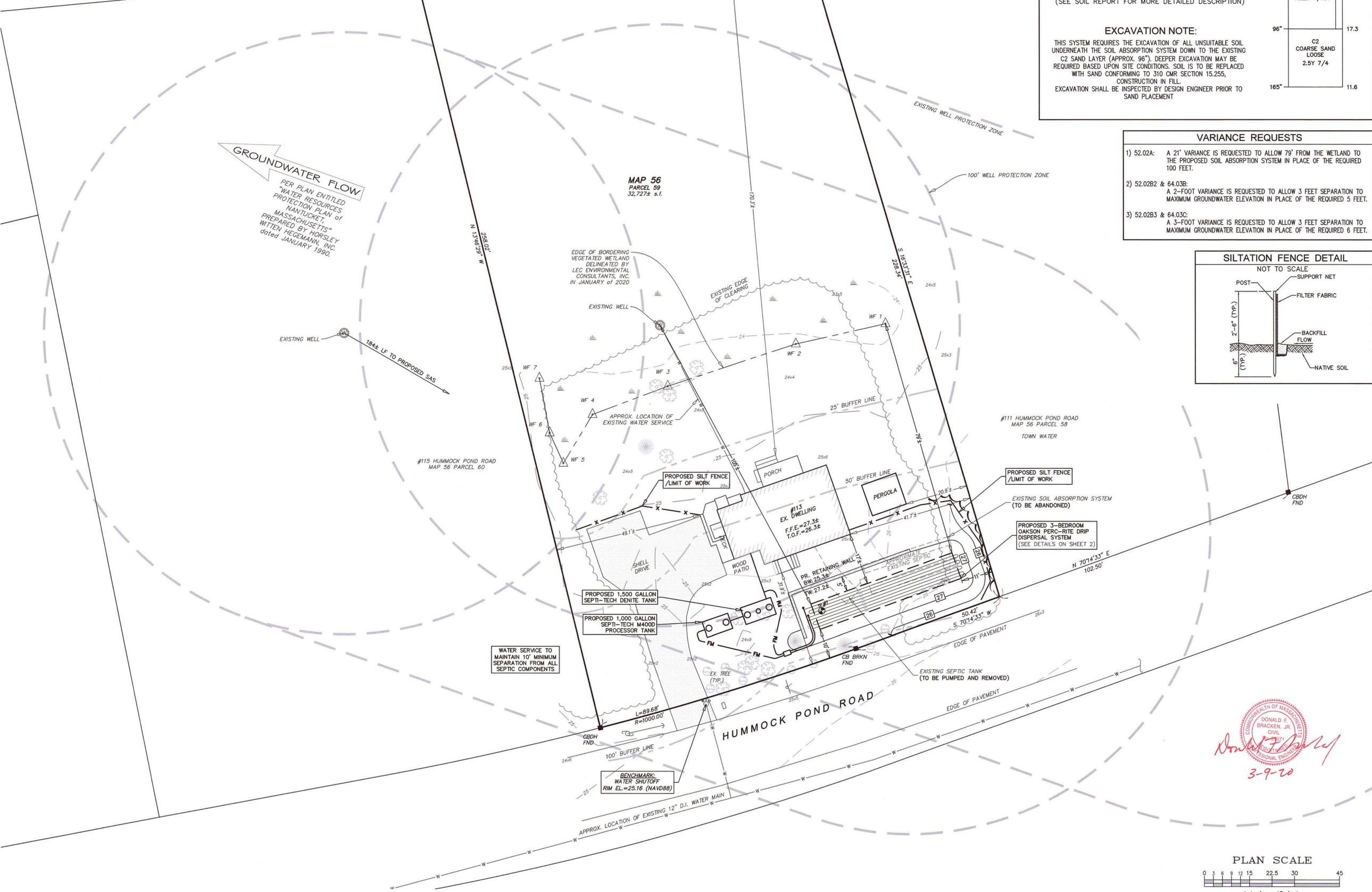
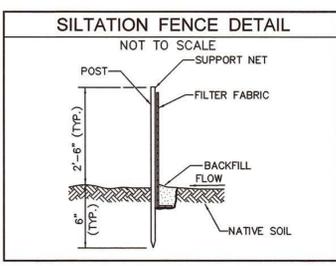
### EXCAVATION NOTE:

THIS SYSTEM REQUIRES THE EXCAVATION OF ALL UNSUITABLE SOIL UNDERNEATH THE SOIL ABSORPTION SYSTEM DOWN TO THE EXISTING C2 SAND LAYER (APPROX. 96"). DEEPER EXCAVATION MAY BE REQUIRED BASED UPON SITE CONDITIONS. SOIL IS TO BE REPLACED WITH SAND CONFORMING TO 310 CMR SECTION 15.255, CONSTRUCTION IN FILL. EXCAVATION SHALL BE INSPECTED BY DESIGN ENGINEER PRIOR TO SAND PLACEMENT

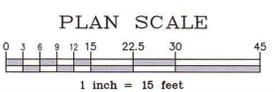


- ### Notes
- BENCHMARK: ELEVATION = 25.16 (NAVD88) TOP OF WATER SHUTOFF
  - ALL CONSTRUCTION METHODS AND MATERIALS TO CONFORM TO TITLE 5 AND THE TOWN OF NANTUCKET BOARD OF HEALTH REGULATIONS.
  - ALL SYSTEM COMPONENTS SHALL BE MARKED WITH MAGNETIC TAPE OR A COMPARABLE MEANS IN ORDER TO LOCATE THEM ONCE BURIED.
  - NO FIELD MODIFICATION TO THE SYSTEM SHALL BE MADE WITHOUT PRIOR WRITTEN APPROVAL OF THE DESIGN ENGINEER AND BOARD OF HEALTH.
  - ALL JOINTS AND COVERS TO BE WATERTIGHT.
  - THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATION OF ANY EXISTING UTILITIES.
  - A CERTIFICATE OF COMPLIANCE MUST BE OBTAINED PRIOR TO BACKFILLING SYSTEM.
  - OWNER: MARY JO BUCKLAND and WILLIAM BUCKLAND 113 HUMMOCK POND ROAD NANTUCKET, MA 02554
  - DEED REFERENCE: Bk:1620 Pg:210
  - PLAN REFERENCE: Plan Bk:18 Pg:30 (LOT 6)
  - THE DESIGN IS INTENDED TO MEET TITLE 5 AND OTHER APPLICABLE REQUIREMENTS. THIS PLAN DOES NOT GUARANTEE THAT THE SYSTEM WILL BE INSTALLED AS DESIGNED, NOR DOES THIS PLAN GUARANTEE THE OPERATION OF THE SYSTEM.
  - THIS SYSTEM IS NOT DESIGNED NOR INTENDED FOR USE WITH A GARBAGE GRINDER.
  - LOCUS DOES NOT FALL WITHIN A ZONE II WELLHEAD PROTECTION AREA.
  - LOCUS DOES NOT FALL WITHIN AN NHESP ESTIMATED HABITAT OF RARE WILDLIFE OR PRIORITY HABITAT OF RARE SPECIES.
  - LOCUS DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0088-G dated 06/09/2014.
  - LOCUS DOES FALL WITHIN ZONE B OF THE HUMMOCK POND WATERSHED PROTECTION DISTRICT.
  - CONTRACTOR TO REFER TO ALL MANUFACTURER'S REQUIREMENTS AND SPECIFICATIONS FOR INSTALLATION OF THE SEPTI-TECH M400 and OAKSON PERC-RITE SYSTEM.
  - THE RECORD PROPERTY OWNER IS TO FILE A NOTICE OF DEED RESTRICTION AT THE NANTUCKET COUNTY REGISTRY OF DEEDS PRIOR TO THE INSTALLATION OF THE SYSTEM, INDICATING THE USE OF INNOVATIVE/ALTERNATIVE SEPTIC SYSTEM ON THE PROPERTY.
  - HOMEOWNER IS TO ESTABLISH AN OPERATION & MAINTENANCE PLAN WITH A COMPANY CERTIFIED SYSTEM OPERATOR FOR THE SEPTI-TECH and OAKSON PERC-RITE SYSTEMS. ALL SYSTEM TESTING, MONITORING, & REPORTING IS TO BE CONDUCTED IN ACCORDANCE TO THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) GENERAL USE PERMITS.
  - CONTRACTOR TO COORDINATE PLACEMENT OF ALL ALARM PANELS WITH THE HOMEOWNER & SYSTEM MANUFACTURER PRIOR TO INSTALLATION.
  - LOT CREATED OCTOBER OF 1972.

- ### VARIANCE REQUESTS
- 52.02A: A 2' VARIANCE IS REQUESTED TO ALLOW 79' FROM THE WETLAND TO THE PROPOSED SOIL ABSORPTION SYSTEM IN PLACE OF THE REQUIRED 100 FEET.
  - 52.02B2 & 64.03B: A 2-FOOT VARIANCE IS REQUESTED TO ALLOW 3 FEET SEPARATION TO MAXIMUM GROUNDWATER ELEVATION IN PLACE OF THE REQUIRED 5 FEET.
  - 52.02B3 & 64.03C: A 3-FOOT VARIANCE IS REQUESTED TO ALLOW 3 FEET SEPARATION TO MAXIMUM GROUNDWATER ELEVATION IN PLACE OF THE REQUIRED 6 FEET.



Seal of Donald F. Bracken, Jr., Civil Engineer, No. 7014, State of Massachusetts. Signature and date: 3-9-20.



Prepared By:

**BRACKEN ENGINEERING, INC.**

48 HERRING POND ROAD BUZZARDS BAY, MA 02552 (tel) 508.833.0070 (fax) 508.833.2282

19 OLD SOUTH ROAD NANTUCKET, MA 02554 (tel) 508.325.0044 (fax) 508.325.0044 www.brackeng.com

**SUBSURFACE SEWAGE DISPOSAL SYSTEM PLAN IN NANTUCKET, MASSACHUSETTS**

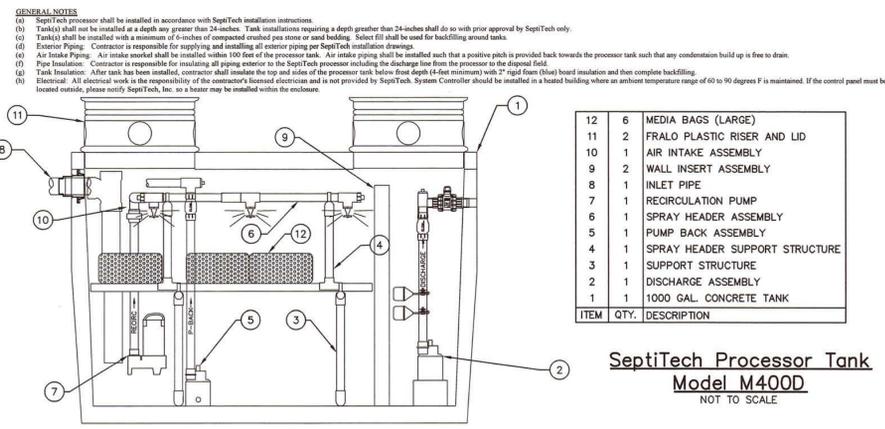
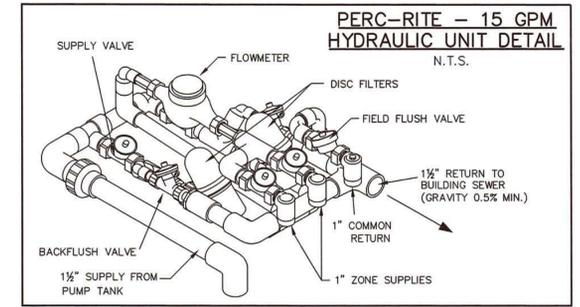
Prepared For:

**MARY JO BUCKLAND  
WILLIAM BUCKLAND**

#113 HUMMOCK POND ROAD  
MAP 56 PARCEL 59

No.	Date	Revision Description	By

Date: MARCH 9, 2020 Drawn: ERC/BEI Checked: DFB/AMG Sheet: 1 of 2



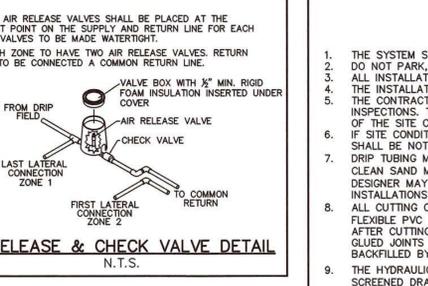
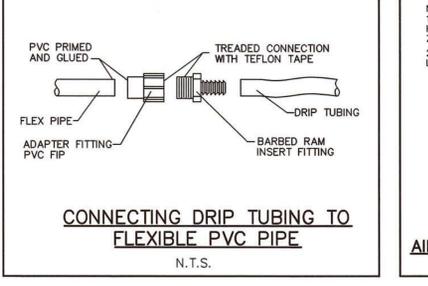
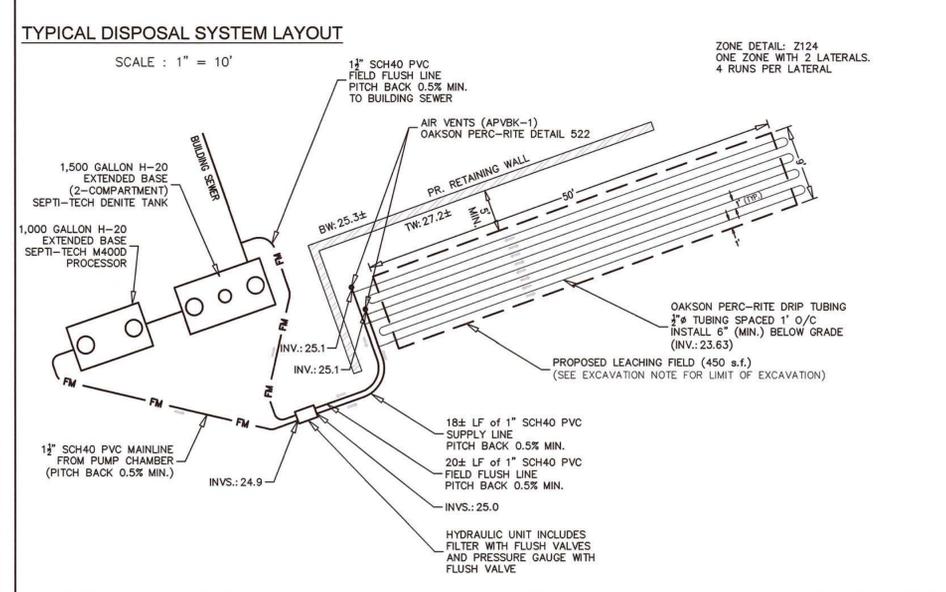
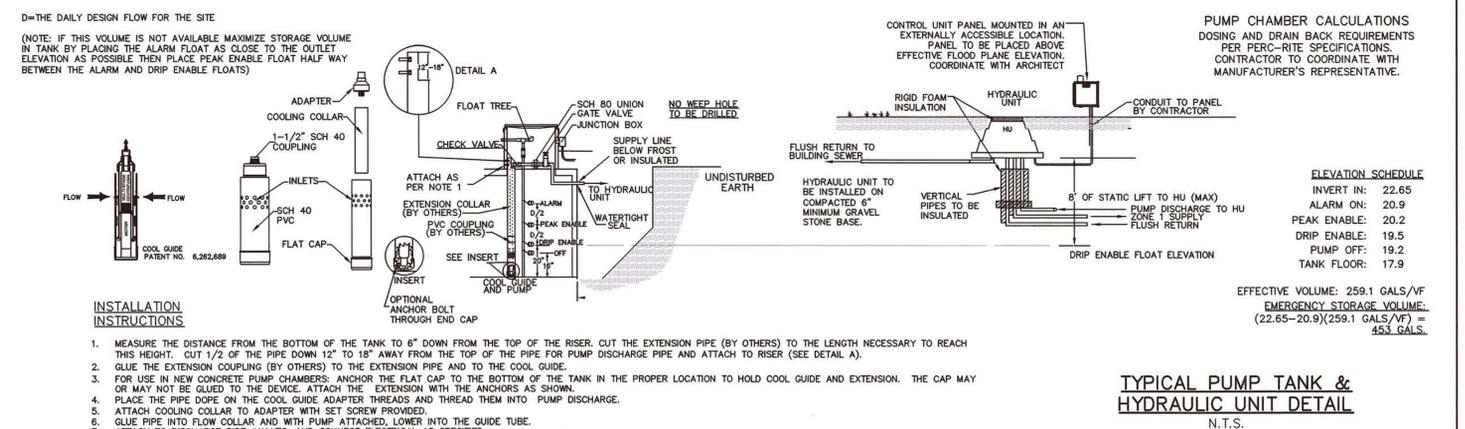
### DESIGN CALCULATIONS

SOIL TEXTURAL CLASS: **CLASS 1**  
 PERC. RATE: **<2 MINUTES/INCH**  
 NO. OF BEDROOMS: **3**  
 DESIGN FLOW REQUIRED: **330 GPD**  
 SEPTIC TANK REQUIRED: **1,500 GALLONS** (SEE DEP. APPROVAL)  
 SEPTIC TANK PROVIDED: **SEPTI-TECH M400**  
 PUMP CHAMBER PROVIDED: **1,000 GALLONS**

**PUMP CHAMBER CALCULATIONS**  
 DOSING AND DRAIN BACK REQUIREMENTS PER OAKSON PERC-RITE SPECIFICATIONS. CONTRACTOR TO COORDINATE PUMP SIZING AND SPECIFICATIONS WITH MANUFACTURER'S REPRESENTATIVE.

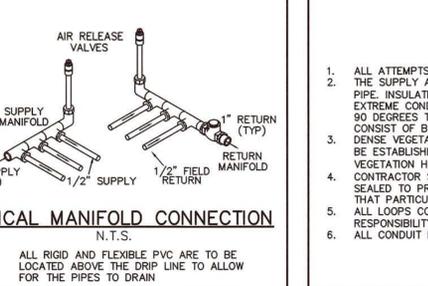
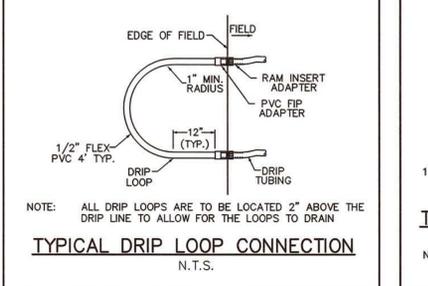
**LEACHING SYSTEM:**  
 OAKSON PERC-RITE DRIP IRRIGATION DISPOSAL FIELD SAND BED TO BE 450 S.F. WITH 400 L.F. OF OAKSON PERC-RITE DRIP TUBING @ 1' O.C.

**EFFECTIVE LEACHING:** (BASED ON GENERAL USE APPROVAL)  
 LOADING RATE = 0.74 GPD/S.F.  
 (330 GPD)/(0.74 GPD/S.F.) = 446 S.F. REQUIRED BED  
 (446 S.F.)/(2 S.F./L.F. DRIP TUBING) = 228 MINIMUM L.F. REQ.  
 (450 S.F. PROVIDED)/(0.74 GPD/S.F.) = 333 GPD > 330 GPD REQ.



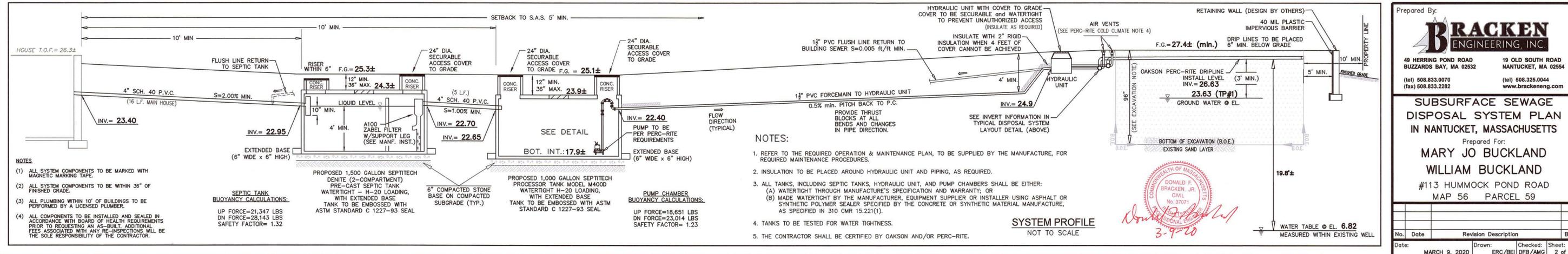
### GENERAL CONSTRUCTION NOTES - "PERC-RITE" DRIP DISPERSAL SYSTEMS

- THE SYSTEM SHALL NOT BE INSTALLED IN WET OR FROZEN SOILS.
- DO NOT PARK, DRIVE LARGE EQUIPMENT, OR STORE MATERIALS ON THE DISPERSAL AREA. NO ACTIVITY SHOULD OCCUR ON DISPERSAL AREA OTHER THAN THE MINIMUM REQUIRED TO INSTALL THE SYSTEM.
- ALL INSTALLATION AND CONSTRUCTION TECHNIQUES SHALL CONFORM TO STATE AND LOCAL CODES PERTAINING TO ON-SITE SEWAGE SYSTEMS AND THE PERMIT FOR THE SITE.
- THE INSTALLATION SHALL BE IN ACCORDANCE WITH SPECIFICATIONS AND PROCEDURES AS SUPPLIED BY THE MANUFACTURER OF THE EQUIPMENT.
- THE CONTRACTOR SHALL BE CERTIFIED TO INSTALL THIS TYPE OF SYSTEM AND SHOULD HOLD A PRE-CONSTRUCTION MEETING WITH THE INDIVIDUALS RESPONSIBLE FOR THE SITE DESIGN AND INSPECTIONS. THE MEETING SHOULD BE HELD PRIOR TO THE BEGINNING OF THE SITE WORK TO ENSURE PROTECTION OF THE SITE CONDITIONS AND TO ENSURE THAT THE SYSTEM IS INSTALLED ACCORDING TO DESIGN.
- IF SITE CONDITIONS ARE DETERMINED TO REQUIRE THE INSTALLATION OF THE SYSTEM TO DEVIATE FROM THE DESIGN PLANS, ALL WORK SHALL STOP IMMEDIATELY AND THE DESIGNER AND HEALTH AGENT SHALL BE NOTIFIED. ANY ON GOING WORK SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
- DRIP TUBING MAY BE INSTALLED WITH A VIBRATORY FLOW, A STATIC FLOW, A NARROW TRENCHER (<6" WIDTH), BY HAND TRENCHING, OR BY SCARIFYING THE SURFACE AND BEDDING THE DRIP TUBING IN CLEAN SAND MEETING THE REQUIREMENTS FOR FILL MATERIAL IN TITLE 5 AT 310 CMR 15.255(3) WITH COVER CONSISTING OF SAND AND TOPSOIL MEETING THE 6" TO 12" DEPTH REQUIREMENT THE DESIGNER MAY INDICATE FOR THE TUBING TO BE INSTALLED UP TO 24" BELOW GRADE. ALL DRIP TUBING IS TO BE INSTALLED PARALLEL WITH THE CONTOUR. VEGETATIVE COVER MUST BE REPLACED FOR INSTALLATIONS WHERE IT IS REMOVED OR BURIED DURING INSTALLATION.
- ALL CUTTING OF RIGID PVC PIPE, FLEXIBLE PVC AND DRIP TUBING OF SIZE 1 1/2" OR SMALLER SHALL BE ACCOMPLISHED WITH PIPE CUTTERS APPROVED BY MANUFACTURER. NO SAWING OF PVC, FLEXIBLE PVC OR DRIP TUBING OF SIZE 1 1/2" OR SMALLER ALL RIGID PVC PIPE, FLEXIBLE PVC AND DRIP TUBING IN THE WORK AREA SHALL HAVE THE ENDS COVERED WITH DUCT IS ALLOWED. TAPE AFTER CUTTING TO PREVENT CONSTRUCTION DEBRIS FROM ENTERING THE PIPE. PRIOR TO GLUING, ALL JOINTS SHALL BE INSPECTED. ALL JOINTS SHALL BE SCHEDULE 40. ALL GLUED JOINTS SHALL BE CLEANED AND FOR AND CLEARED OF ANY DEBRIS. PRIMER WITH PVC PRIMER PRIOR TO BEING GLOUED. ALL FORCE MAINS SHALL BE TESTED FOR LEAKS PRIOR TO BEING BACKFILLED BY PRESSURIZING THE SYSTEM AND OBSERVING FOR LEAKAGE.
- THE HYDRAULIC UNIT IS TO BE PLACED ON A BED OF 4"-6" THICK OF 3/4"-1 1/2" GRAVEL FOR DRAINAGE IF STANDING GROUNDWATER IS A PROBLEM IN THE VICINITY OF THE HYDRAULIC UNIT, A SCREENED DRAIN TO DAYLIGHT IS REQUIRED.



### COLD CLIMATE CONSTRUCTION STANDARDS - "PERC-RITE" DRIP DISPERSAL SYSTEMS

- ALL ATTEMPTS SHOULD BE MADE TO PLACE THE HYDRAULIC UNIT WITH AN OPEN SOUTHERN EXPOSURE FOR WARMING PURPOSES.
- THE SUPPLY AND RETURN LINES SHALL BE INSTALLED BELOW THE FROST LINE. THE VERTICAL SECTIONS OF PIPE THAT CONNECT TO THE SUPPLY AND RETURN LINES SHALL BE INSULATED SCH 40 PVC PIPE. INSULATION SHALL BE MINIMUM 1/2" THICK FOAM (OR 1/2" RIGID FOAM INSULATION MAY BE INSTALLED UNDER THE HYDRAULIC UNIT TO PROTECT THE SUPPLY AND RETURN EQUIVALENT). LINES IN EXTREME CONDITIONS, SUFFICIENT GROUND COVER AROUND THE HYDRAULIC UNIT IS REQUIRED FOR INSULATION. ALL PIPES ENTERING AND LEAVING THE HYDRAULIC UNIT SHALL ELBOW VERTICALLY DOWN 90 DEGREES TO A DEPTH BELOW THE FROST LINE PRIOR TO EXTENDING AWAY FROM THE UNIT HORIZONTALLY. ADDITIONAL INSULATION INSIDE THE HYDRAULIC UNIT IS ENCOURAGED. INSULATION TO CONSIST OF BLUE BOARD, BAGGED STYROFOAM, PEANUTS OR EQUIVALENT. IF FIBERGLASS INSULATION IS USED IT MUST BE SEALED TO PREVENT IT FROM BECOMING SATURATED.
- DENSE VEGETATIVE COVER IS TO BE ESTABLISHED OVER THE SUPPLY TRENCH, RETURN TRENCH AND DRIP TUBING PRIOR TO THE FIRST EXPOSURE TO FREEZING TEMPERATURES. IF VEGETATION CANNOT BE ESTABLISHED, THEN TRENCHES AND TUBING ARE TO BE COVERED WITH A THICK LAYER (MINIMUM 6") OF MULCH, STRAW/HAY, ETC. UNTIL SUCH TURF COVER IS ESTABLISHED. ESTABLISHED VEGETATION HEIGHT OVER THE DISPERSAL AREA SHOULD BE A MINIMUM 4"-6" THROUGHOUT WINTER MONTHS.
- CONTRACTOR SHALL INSULATE ALL "AIR RELEASE VALVES" INSULATION TO CONSIST OF BLUE BOARD, BAGGED STYROFOAM PEANUTS, OR EQUIVALENT. IF FIBERGLASS INSULATION IS USED, IT MUST BE SEALED TO PREVENT IT FROM BECOMING SATURATED. RELEASE VALVES SHALL BE PLACED BELOW THE GROUND SURFACE INSIDE A VALVE BOX BUT AT AN ELEVATION ABOVE THE HIGHEST DRIP LINE IN THAT PARTICULAR ZONE.
- ALL L.OOPS CONNECTING DRIP RUNS SHALL BE SLIGHTLY ELEVATED (MINIMUM 1"-2") SO THAT THEY DRAIN INTO THE DRIP TUBING AFTER THE PUMP SHUTS OFF. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THESE L.OOPS STAY ELEVATED DURING AND AFTER THE L.OOPS ARE BACKFILLED.
- ALL CONDUIT ENTERING INTO THE CONTROL PANEL SHALL BE SEALED TO PREVENT CONDENSATION INSIDE THE PANEL.



Prepared By:

**BRACKEN ENGINEERING, INC.**

49 HERRING POND ROAD BUZZARDS BAY, MA 02532 (tel) 508.833.0070 (fax) 508.833.2282

19 OLD SOUTH ROAD NANTUCKET, MA 02554 (tel) 508.325.0044 (www.brackeneng.com)

**SUBSURFACE SEWAGE DISPOSAL SYSTEM PLAN IN NANTUCKET, MASSACHUSETTS**

Prepared For:

**MARY JO BUCKLAND WILLIAM BUCKLAND**

#113 HUMMOCK POND ROAD MAP 56 PARCEL 59

DATE: MARCH 9, 2020 DRAWN: ERC/BEI CHECKED: DFB/AMG SHEET: 2 OF 2

NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC, MECHANICAL, PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BRACKEN ENGINEERING, INC. SHALL BE HELD LIABLE FOR ANY AND ALL DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, INCURRED BY ANY PARTY AS A RESULT OF THE USE OF THIS DOCUMENT.

**MAIN OFFICE:**  
49 Herring Pond Road  
Buzzards Bay, MA 02532  
TEL: (508) 833-0070  
FAX: (508) 833-2282



**NANTUCKET OFFICE:**  
19 Old South Road  
Nantucket, MA 02554  
TEL: (508) 325-0044  
[www.brackeneng.com](http://www.brackeneng.com)

March 12, 2020

Nantucket Board of Health  
Attn: Mr. Artell Crowley  
3 East Chestnut Street  
Nantucket, MA 02554

**Re : Variance Request  
287 Hummock Pond Road (Map 83, Parcel 39)**

Dear Mr. Crowley,

On behalf of the owners of the above referenced property, Hummock Pond Holdings, LLC, c/o Roger Smith, please accept this letter as a request for variances to the Town of Nantucket Board of Health Regulations for the above referenced property.

Attached is a Schematic Septic Design plan that shows the following:

- The existing 3-bedroom house on #287 will be removed;
- The existing 3-bedroom septic system on #287 will be removed;
- The existing 2-bedroom house on #289 will be relocated to #287 in approximately the same footprint;
- The existing tight tank serving #289 will be removed;
- The 2-bedroom house will be added to and re-configured to be a 4-bedroom house; and
- An I/A system will be installed.

The following variances from the Nantucket Board of Health Regulations are requested:

REGULATION	REQUIRED	PROPOSED
52.02A – SAS location to wetland	100' from wetland resource area	63' (37' variance) from the Top of the Coastal Bank
64.04 C. 2. Phosphorous loading limitations	300' separation from SAS to water body	229' separation (71' variance)

The site is not located in a nitrogen sensitive area, however, there will be a decrease in nitrogen loading from the existing 3-bedroom conventional system to the 4-bedroom I/A system. Removal of one house and the existing septic systems shall be an environmental improvement.

We respectfully request that the hearing be scheduled for the March 19<sup>th</sup> meeting for the Local Board of Health Variances. Should you require any further information or have any questions prior to the next scheduled hearing, please contact our office at 508-325-0044 or email the undersigned at [don@brackeneng.com](mailto:don@brackeneng.com).

Sincerely,

**Bracken Engineering, Inc.**

A handwritten signature in black ink, appearing to read 'Donald F. Bracken, Jr.', is written over the name.

Donald F. Bracken, Jr., P.E.  
President

Cc: Steven Cohen

Enclosures



NANTUCKET HEALTH DEPARTMENT

3 EAST CHESTNUT STREET

NANTUCKET, MASSACHUSETTS 02554

Telephone 508.228.7200

Fax 508.325.6117

BOARD OF HEALTH REGULATION  
VARIANCE REQUEST

\$20 per request

I am requesting: (Check one.)

A variance of a Local Board of Health Regulation

A variance of a State Public Health Regulation (310 CMR 15, 105 CMR 590, etc...)

Please write an explanation of the variance requested (use separate paper if needed):

52.02A – SAS location to wetland - Proposed 63' (37' variance) from the Top of the Coastal Bank

64.04 C. 2. Phosphorous loading limitations - Proposed 229' separation (71' variance) from water body

Requestor Name: Donald F. Bracken, Jr., PE

Company Name: (if applicable) Bracken Engineering, Inc., 19 Old South Road, Nantucket, MA 02554

Address: 287 Hummock Pond Road MAP: 83 PARCEL: 39

Phone No. 508-325-0044 Fax No. 508-833-2282

Email: don@brackeneng.com

Requestor's Signature: *Donald F. Bracken, Jr.* Date: 3/12/20

Please be advised that the Health Department accepts variance requests up to one week before a scheduled Board of Health meeting. Applications received after this deadline will be placed at the subsequent scheduled meeting.

Received by: \_\_\_\_\_

Date: \_\_\_\_\_





**NANTUCKET HEALTH DEPARTMENT**  
**3 EAST CHESTNUT STREET**  
**NANTUCKET, MASSACHUSETTS 02554**  
 Telephone 508.228.7200  
 Fax 508.325.6117

**BOARD OF HEALTH REGULATION**  
**VARIANCE REQUEST**  
 \$20 per request

I am requesting: (Check one.)

- A variance of a Local Board of Health Regulation
- A variance of a State Public Health Regulation (310 CMR 15, 105 CMR 590, etc...)

Please write an explanation of the variance requested (use separate paper if needed):

Variance from State regulation 310 CMR 15.214(2) to allow a septic system design flow of 330 gallons per day on a property of 6,963 sf versus the required area of 20,000 square-feet. Please refer to the attached letter from Site Design Engineering dated February 28, 2020 for additional information.

Requestor Name: Mark & Delphine Sourian c/o Dan Mulloy, Site Design Engineering LLC

Company Name: (if applicable) \_\_\_\_\_

Address: Madequecham Valley Road MAP: 88 PARCEL: 25

Phone No. 508-503-3500 Fax No. 508-967-0674

Email: dmulloy@sde-ldec.com

Requestor's Signature: \_\_\_\_\_ Date: 2/28/20

Please be advised that the Health Department accepts variance requests up to one week before a scheduled Board of Health meeting. Applications received after this deadline will be placed at the subsequent scheduled meeting.

Received by: \_\_\_\_\_

Date: \_\_\_\_\_



## **SITE DESIGN ENGINEERING, LLC.**

11 Cushman Street, Middleboro, MA 02346  
P: 508-967-0673 F: 508-967-0674

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February 28, 2020

SDE No. 18056

Nantucket Board of Health  
3 East Chestnut Street  
Nantucket, MA 02554

**Subject: Title 5 Variance Request  
Madequecham Valley Road  
Nantucket, Massachusetts  
Tax Map 88 Parcel 25**

Dear Members of the Board:

The owners/applicants of property on Madequecham Valley Road (Assessors Map 88 Parcel 25) are requesting approval of a 3-bedroom septic system on their property. The new 3-bedroom septic system will utilize an innovative/alternative (I/A) treatment system (Septitech). This new system provides a 3-bedroom reserve leaching area should it ever be needed. The applicants will also relocate the existing well in order to comply with the 100-foot well setback requirement. The new septic system will be in full compliance with all the requirements of Title 5 with the exception of 310 CMR 15.214(2) which is the requirement of 4 bedrooms per 40,000 square-feet. The specific language of this section is provided below.

310 CMR 15.214(2), "No system serving new construction in areas where the use of both on-site systems and drinking water supply wells is proposed to serve the facility shall be designed to receive or shall receive more than 440 gallons of design flow per day per acre from residential uses except as set forth at 310 CMR 15.216 (aggregate flows) or 15.217 (enhanced nitrogen removal)."

The owners are requesting the Board issue a variance from 310 CMR 15.214(2) of Title 5 to allow construction of the new 3-bedroom I/A septic system on property with 6,963 square-feet (sf) versus the Title 5 required 20,000 sf. The Board has the authority to issue a variance under 310 CMR 15.410 Variances – Standard of Review, as stated below.

(1) Local Approving Authorities and the Department may vary the application of any provisions of 310 CMR 15.000 with respect to any particular case except those listed in 310 CMR 15.415 (*not applicable to this request*). Variances for increased flow to existing systems shall be governed by the provisions of 310 CMR 15.414 (*not applicable to this request*). Variances for schools shall be governed by the provisions of 310 CMR 15.416 (*not applicable to this request*). Variances shall be granted only when, in the opinion of the Approving Authority:

(a) The person requesting a variance has established that enforcement of the provision of 310 CMR 15.000 from which a variance is sought would be manifestly unjust, considering all the relevant facts and circumstances of the individual case; and

(b) The person requesting a variance has established that a level of environmental protection that is at least equivalent to that provided under 310 CMR 15.000 can be achieved without strict application of the provision of 310 CMR 15.000 from which a variance is sought.

Compliance with 310 CMR 15.410 is demonstrated as follows. The owners purchased the property and constructed a Board of Health approved 4-bedroom (non- I/A) septic system in January 1992 for which the Board then issued a Certificate of Compliance in January 1992. A well was also constructed on the property in July 1989. Copies of the septic system approvals, as-built plan and well completion report are attached for reference. The lot was created in 1889 and contains 6,963 square-feet. No building was ever constructed on the property. Denial of the variance request would be manifestly unjust as it would prevent the owners from utilizing the property for its intended and purchased purpose.

The applicants are proposing to construct a new 3-bedroom dwelling which would be connected to a new 3-bedroom I/A septic system. The new septic system will be in full compliance with all the requirements of Title 5 with the exception of the ratio of wastewater flow rate to property area requirement noted above under 310 CMR 15.214(2). The septic system will incorporate a Septitech Treatment unit which has a proven median nitrate discharge rate on Nantucket of 8 to 10 ppm which is less than the federal Safe Drinking Water level of 10 ppm. Section 15.217 of Title 5 allows the use of approved treatment systems to override the requirements of the 4 bedrooms per 40,000 square-foot requirement as long as the treatment systems effluent meets the 10 ppm nitrate requirement. The use of the SeptiTech system will provide a substantially higher level of treatment than the existing 4-bedroom system. The new septic system design plan, application for disposal works construction permit, soil evaluation report and applicable application fee are enclosed.

This variance request is justified as it meets the requirements of 310 CMR 15.410, the lot pre-dated all regulatory requirements and the Board has previously confirmed a 4-bedroom septic system on the property. We also note that the property is located in a very sparsely populated area that consists almost entirely of seasonal homes. If nitrogen aggregation were available (see 310 CMR 15.216) then this area would plainly meet the 440/gpd per acre requirements. Please call me at (508) 503-3500 or email me at ([dmulloy@sde-ldec.com](mailto:dmulloy@sde-ldec.com)) with any questions. I will be attending your meeting on March 19 to discuss this request in greater detail.

---

***SITE DESIGN ENGINEERING, LLC.***

11 Cushman Street, Middleboro, MA 02346  
P: 508-967-0673 F: 508-967-0674

Page 3 of 3  
SDE No. 18056  
Madequecham Valley Road  
February 28, 2020

Respectfully,



Daniel C. Mulloy, P.E.  
Site Design Engineering, LLC.

Enclosures:

Sourian, Application for Disposal Works Construction Permit issued 1-17-90  
Sourian, Certificate of Compliance for Disposal Works Construction Permit issued 1-23-92  
Sourian, Septic System As-Built Plan dated 3-7-91  
Sourian, Water Well Completion Report dated 7-18-89

Sourian, Application for Disposal Works Construction Permit signed 2-25-20  
Sourian, Septic System Site Plan by Site Design Engineering dated 2-7-20  
Sourian, Soil Suitability Assessment by Site Design Engineering dated 1-10-20

---

**SITE DESIGN ENGINEERING, LLC.**

11 Cushman Street, Middleboro, MA 02346  
P: 508-967-0673 F: 508-967-0674

No. 4-90

# BOARD OF HEALTH

Fee \$100.00

TOWN OF NANTUCKET

## APPLICATION FOR DISPOSAL WORKS CONSTRUCTION PERMIT

Application is hereby made for a Permit to Construct (X) or Repair ( ) an Individual Sewage Disposal System at:

Weeweeder Ave.

88/25

Location - Address

Assessors map and parcel no.

Peter Sourian

Rugged Road, Nantucket

Owner

Address

Kenneth C. Coffin Inc.

Lindberg Ave. Siasconset

Installer

Address

Type of Building

Size Lot

6,971

Sq. feet

Dwelling  No. of Bedrooms 4

Expansion Attic ( )

Garbage Grinder (  )

Other  Type of Building \_\_\_\_\_

No. of persons \_\_\_\_\_

Showers ( ) — Cafeteria ( )

Other fixtures \_\_\_\_\_

Design Flow

55

gallons per person per day. Total daily flow

457

gallons.

Septic Tank  Liquid capacity

1000

gallons

Length 8-0

Width 4-10

Diameter

Depth 4-0

Disposal Trench

No. \_\_\_\_\_

Width \_\_\_\_\_

Total Length \_\_\_\_\_

Total Leaching area \_\_\_\_\_

sq. ft.

Seepage Pit No. 1

Diameter 8-6

Depth below inlet 6-0

Total Leaching area 457

gal.

Other Distribution box

Dosing tank ( )

Percolation Test Results

Performed by

John J. Shugrue

Date

July 31, 1989

Test Pit No. 1 2

minutes per inch

Depth of Test Pit 36-48

Depth to ground water 14.0

Test Pit No. 2 \_\_\_\_\_

minutes per inch

Depth of Test Pit \_\_\_\_\_

Depth to ground water \_\_\_\_\_

Description of Soil

Loam 0-2.0 Subsoil 2.0-3.0 Med. Sand & Gravel 6.0-8.0

Fine Sand 8.0-14.0

Nature of Repairs or Alterations — Answer when applicable \_\_\_\_\_

### Agreement:

- (1) The undersigned agrees to install the aforescribed Individual Sewage Disposal System in accordance with the provisions of Title 5 of the State Sanitary Code.
- (2) A representative of the Nantucket Board of Health shall be present at all percolation tests whenever possible. The undersigned agrees to notify a representative of the Nantucket Board of Health no less than 24 hours prior to performing the percolation test.
- (3) A representative of the Nantucket Board of Health shall inspect the Individual Sewage Disposal System prior to covering. The undersigned agrees to notify a representative of the Nantucket Board of Health no less than 24 hours prior to covering the system.
- (4) The undersigned further agrees not to place the system in operation until a Certificate of Compliance has been issued by the Board of Health.

Signed

Kenneth C. Coffin

12/11/89

Date

Application Approved By

Richard Z. Day

1-17-90

Date

Application Disapproved for the following reasons: \_\_\_\_\_

TES:

Issued

1-17-90

Date

#2684

THE COMMONWEALTH OF MASSACHUSETTS

BOARD OF HEALTH

TOWN OF NANTUCKET

No. 4-90

Fee \$100.00

APPLICATION FOR DISPOSAL WORKS CONSTRUCTION PERMIT

Application is hereby made for a Permit to Construct (x) or Repair ( ) an Individual Sewage Disposal System at:

Weeweeder Ave.

88/25

Location - Address

Assessors map and parcel no.

Peter Sourian

Rugged Road, Nantucket

Owner

Address

Kenneth C. Coffin Inc.

Lindberg Ave. Siasconset

Installer

Address

Type of Building

Size Lot 6,971

Sq. feet

Dwelling x No. of Bedrooms 4

Expansion Attic ( )

Garbage Grinder ( )

Other Type of Building

No. of persons

Showers ( ) - Cafeteria ( )

Other fixtures

THE COMMONWEALTH OF MASSACHUSETTS

BOARD OF HEALTH

TOWN OF NANTUCKET

No. 4-90

Disposal Works Construction Permit

Permission is hereby granted. Kenneth C. Coffin Inc. Peter Sourian  
to Construct (x) or Repair ( ) an Individual Sewage Disposal System

at No. map 25 Weeweeder Road Street 4-90

as shown on the application for Disposal Works Construction Permit No. 4-90 Dated 12-11-89

Board of Health

DATE 1-17-90

COPY: BOARD OF HEALTH

Agreement:

THE COMMONWEALTH OF MASSACHUSETTS

BOARD OF HEALTH

TOWN OF NANTUCKET

Certificate of Compliance

No. 4-90

THIS IS TO CERTIFY, That the Individual Sewage Disposal System constructed (x) or Repaired ( )  
by Kenneth C. Coffin Inc. - Peter Sourian  
at map 25 parcel 25 Weeweeder Ave. Installer

has been installed in accordance with the provisions of Article XI of The State Sanitary Code as described in the application for  
Disposal Works Construction Permit No. 4-90 dated 1-17-90

THE ISSUANCE OF THIS CERTIFICATE SHALL NOT BE CONSTRUED AS A GUARANTEE THAT THE SYSTEM  
WILL FUNCTION SATISFACTORY.

Inspector Richard T. Bay

DATE 1-23-92

COPY: BOARD OF HEALTH



# WATER WELL COMPLETION REPORT

88-25

<b>WELL LOCATION</b>		<b>GEOGRAPHIC DESCRIPTION</b>	
Address <u>Madagascar Valley Rd.</u> <u>Assn 88 Parcel 25</u>		<u>200</u> N S E <u>(W)</u> of <small>(feet) (circle)</small>	
City/Town <u>Nantucket.</u>		<u>Madagascar Rd</u> <small>(road)</small>	
Well owner <u>Peter Sourian</u>		<u>9.</u> N <u>(S)</u> E W of <small>(mi. in tenths) (circle)</small>	
Address <u>30 East 70 St</u> <u>NY, NY 10021</u>		<u>intersect. w/ Bunker Rd.</u> <small>(road)</small>	
Board of Health permit: yes <input type="checkbox"/> no <input checked="" type="checkbox"/>			

<b>WELL USE</b>	<b>WELL DATA</b>
Domestic <input checked="" type="checkbox"/> Public <input type="checkbox"/> Industrial <input type="checkbox"/>	Total well depth <u>65</u> ft.
Monitoring <input type="checkbox"/> Other _____	Depth to bedrock _____ ft.
Method drilled <u>mud rotary</u>	Water-bearing rock/unconsolidated material:
Date drilled <u>7-18-89</u>	Description <u>Coarse sand + gravel</u>
<b>CASING</b>	Water-bearing zones:
Type <u>PVC SCH #40</u>	1) From _____ To _____
Length <u>65</u> ft. Dia(I.D.) <u>4</u> in.	2) From _____ To _____
Length into bedrock _____ ft.	3) From _____ To _____
Protective well seal:	Gravel pack well: dia. _____
Grout <input type="checkbox"/> Other _____	Screen: dia. _____
	Slot # <u>020</u> length <u>5'</u> from <u>60'</u> to <u>65'</u>

**PUMP TEST**

Static water level below land surface 24 ft. Date 7-18-89

Drawdown 6 ft. after pumping 1 hr. — min. at 336 gpm

How measured At pump Recovery 6 ft. after — hr. 10 min.

<b>LOG of FORMATIONS</b>			<b>COMMENTS</b>
Materials	From	To	
<u>Topsoil</u>	<u>0</u>	<u>8"</u>	Driller <u>Donald W Holdgate</u> Mass. Registration # <u>4106</u> Firm <u>Holdgate's Well Drilling</u> Address <u>50 OLD SOUTH RS.</u> City/Town <u>Nantucket, MA 02541</u>  <u>Donald W Holdgate</u> <small>Signature of superintendent/registered well driller</small>
<u>Coarse sand</u>	<u>8"</u>	<u>18'</u>	
<u>Heavy Sand</u>	<u>18'</u>	<u>30'</u>	
<u>Sand + Gravel</u>	<u>30'</u>	<u>50'</u>	
<u>Fine sand</u>	<u>50'</u>	<u>55'</u>	
<u>Coarse sand + gravel</u>	<u>55'</u>	<u>65'</u>	

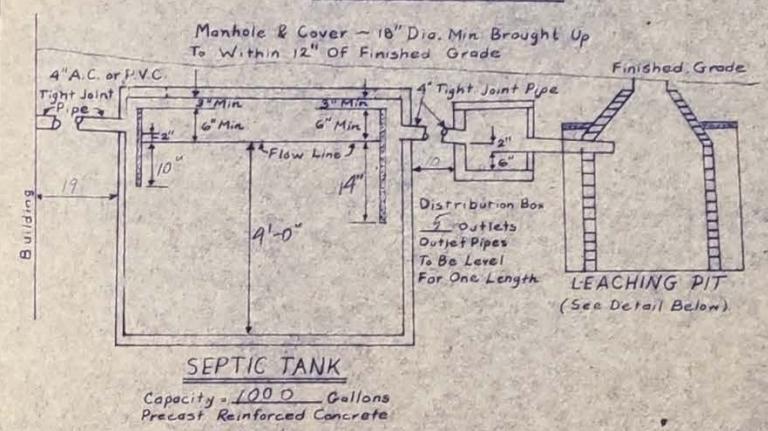
Please print firmly

DRILLER COPY

Office use only

**PLOT PLAN**  
 Scale: 1" = 20'  
 LOT AREA = 8977.35

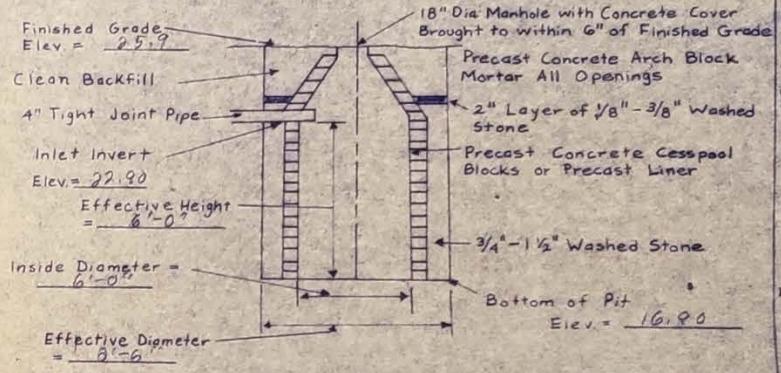
**PROFILE OF SYSTEM**



**SEPTIC TANK**

Capacity = 1000 Gallons  
 Precast Reinforced Concrete

**TYPICAL LEACHING PIT CROSS-SECTION**



Effective Diameter = 8'-6"

**GENERAL NOTES**

- 1) Elevations refer to H.N. ASSUMED BASE. See Bench Mark on plot plan located at: SOUTHEASTERLY OF LOCUS
- 2)  $\odot$  Denotes test hole location.
- 3) Percolation test performed in accordance with Dept. of Environmental Quality Engineering State Environmental Code Title V.
- 4) Estimated flow = 440 Gallons per day.
- 5) Percolation rate = 2 Min. per inch (design rate)
- 6) Septic tank capacity = 1000 Gallons.
- 7) Distribution Box to have 5 outlets with 4 plugged for future expansion as shown on plot plan.
- 8) Leaching Area provided = 217 Square feet.
- 9) Use Of Garbage Grinder PROHIBITED
- 10) Finished grading to be done in accordance with the plot plan.
  - A)  $\odot$  Denotes proposed contour.
  - B) F.G. = X.X. X Denotes proposed finished grade.
- 11) Heavy grading machinery shall not be permitted to pass over the leaching field.
- 12) All construction to conform to the requirements of the State Environmental Code Title V and the Town of Nantucket Board of Health.
- 13) All topsoil, subsoil and deleterious material, if any, must be excavated and removed to 6" below the surface of the natural permeable soil. Backfill as required with a gravel or sand fill material, free of fines, clay, organic material, and large boulders having a percolation rate in its original location of 2 min per inch or better.
- 14) For proper performance of system, septic tank should be inspected at least once a year and when the total depth of scum and solids exceeds 1/3 the liquid depth of the tank, they should be removed.
- 15) The engineer will not be responsible for the performance of this system, unless constructed as shown. Any alterations must be approved in writing by the engineer.
- 16) In cases where ledge or rock is present the engineer will not be responsible for assuring the amount of rock to be removed.

17) FLOW  
 SIDEWALL (25.9 FT) (6.7 FT) = 400.56 GAL  
 BOTTOM (1.9 FT) (56.7 FT) = 56.7 GAL  
 TOTAL = 457 GAL

**TEST HOLE & PERCOLATION TEST DATA**

**SOIL LOG**

SOIL TYPE	DEPTH
Loam	0-2.0
SUBSOIL	2.0-3.0
MEDIUM SAND	3.0-6.0
COARSE SAND & GRAVEL	6.0-8.0
FINE SAND	8.0-14.0

Surface Elevation 25.9  
 Date: JULY 31, 1989  
 Percolation Test at a depth 36" - 48"  
 Rate = 2 min per inch  
 NO Ground Water at a depth of 14.0  
 Elev. = 11.9

**SCHEDULE OF ELEVATIONS**

Top of foundation	<u>27.0</u>	Invert at distribution box inlet	<u>23.75</u>
Basement floor	<u>N/A</u>	Invert at distribution box outlet	<u>22.90</u>
Invert of pipe at foundation	<u>24.80</u>	Invert at leaching pit inlet	<u>22.90</u>
Invert of septic tank inlet	<u>24.40</u>	Invert at leaching pit bottom	<u>16.90</u>
Invert of septic tank outlet	<u>24.15</u>		

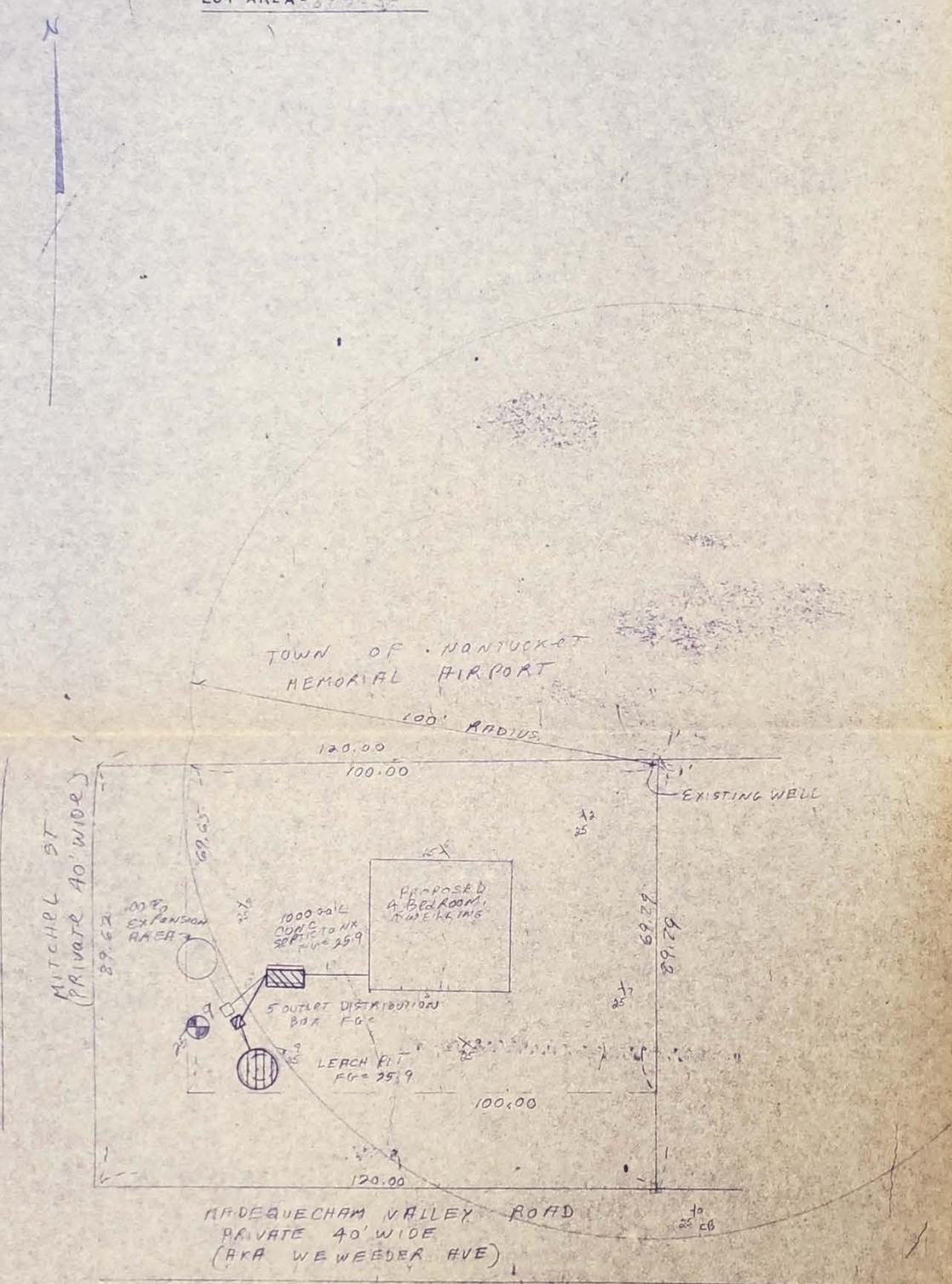
ASSESSORS MAP # 98 PARCEL # 25

**PROPOSED SEWAGE DISPOSAL SYSTEM FOR A PROPOSED 4 BEDROOM DWELING WEWEEDEA AVE NANTUCKET MA**

Applicant: PETER SOURIAN  
RUGGED RD  
NANTUCKET MA 02554

JOHN J. SHUGRUE  
 No. 2559  
 REGISTERED PROFESSIONAL ENGINEER

JOB NO. 2684  
 Scale: As Noted  
 Date: AUG 21, 1989  
JOHN J. SHUGRUE  
620 S. TH ROAD  
NANTUCKET, MASS. 02554



REVISED SEPTIC SYSTEM 3-7-91

No. \_\_\_\_\_

BOARD OF HEALTH  
TOWN OF NANTUCKET

Fee \$750.00

APPLICATION FOR DISPOSAL WORKS CONSTRUCTION PERMIT

Application is hereby made for a Permit to Construct (X) or Repair ( ) an Individual Sewage Disposal System at:

Location - Address Madequecham Valley Road

88-25

Assessors map and parcel no.

Owner Mark + Delphine Sourian

Address 2633 Lincoln BLVD #949, Santa Monica CA 90405

Installer Strang LLC

Address 10 Industry Rd, Nantucket, MA 02554

Type of Building Dwelling (X) No. of Bedrooms 3 Expansion Attic ( ) Size Lot 6963 Sq. feet  
Garbage Grinder ( )

Other Type of Building \_\_\_\_\_ No. of persons \_\_\_\_\_ Showers ( ) — Cafeteria ( )

Other fixtures \_\_\_\_\_

Design Flow 55 gallons per person per day. Total daily flow 330 gallons.

Septic Tank 2 Liquid capacity 1500 gallons Length 10.5 Width 5.7' Diameter \_\_\_\_\_ Depth 5.7'

Disposal French Field (X) No. 1 Width 18' Total Length 15.4' Total Leaching area 462 sq. ft.

Seepage Pit No. \_\_\_\_\_ Diameter 18" Depth below inlet \_\_\_\_\_ Total Leaching area \_\_\_\_\_ gal.  
Other Distribution box ( ) \_\_\_\_\_ Dosing tank ( ) \_\_\_\_\_

Percolation Test Results Performed by Dan Mulloy, PE, Site Design Eng Date 11-21-19

Test Pit No. 13 <2 minutes per inch Depth of Test Pit 134" Depth to ground water >134"

Test Pit No. 14 <2 minutes per inch Depth of Test Pit 120" Depth to ground water >120"

Description of Soil Loose sands

Nature of Repairs or Alterations — Answer when applicable Replacement of existing 4 bedroom conventional system with new 3 bedroom I/A system

Agreement:

- (1) The undersigned agrees to install the aforescribed Individual Sewage Disposal System in accordance with the provisions of new Title 5 of the State Sanitary Code.
- (2) A representative of the Nantucket Board of Health shall be present at all percolation tests whenever possible. The undersigned agrees to notify a representative of the Nantucket Board of Health no less than 24 hours prior to performing the percolation test.
- (3) A representative of the Nantucket Board of Health shall inspect the Individual Sewage Disposal System prior to covering. The undersigned agrees to notify a representative of the Nantucket Board of Health no less than 24 hours prior to covering the system.
- (4) The undersigned further agrees not to place the system in operation until a Certificate of Compliance has been issued by the Board of Health.

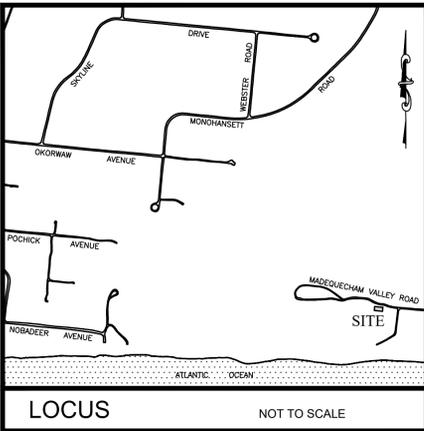
Signed [Signature] Date 2/25/20

Application Approved By \_\_\_\_\_ Date \_\_\_\_\_

Application Disapproved for the following reasons: \_\_\_\_\_

NOTES:

Issued \_\_\_\_\_ Date \_\_\_\_\_



LOCUS NOT TO SCALE

**ZONING REQUIREMENTS:**

THE SITE IS ZONED LIMITED USE 3 (LUG-3)

**REQUIRED**

LOT AREA 120,000 S.F.

LOT FRONTAGE 200 FT.

FRONT YARD SETBACK 35 FT.

REAR YARD SETBACK \*10 FT.

SIDE YARD SETBACK \*10 FT.

MAX. GROUND COVER RATIO \*1,500 SF.

\*LOT IS PRE-EXISTING NON-CONFORMING

**OVERLAY DISTRICT APPLICABILITY**

NONE

**CURRENT OWNER:**

MARK Z. & DELPHINE E. SOURIAN  
2633 LINCOLN BOULEVARD, #940  
SANTA MONICA, CA 90405

**TITLE REFERENCE:**

L.C. CERT. 23601

**PLAN REFERENCE:**

L.C. PLAN 43236-A

**SITE LOCATION**

MADEQUECHAM VALLEY ROAD  
NANTUCKET, MASSACHUSETTS

**ASSESSORS REFERENCE:**

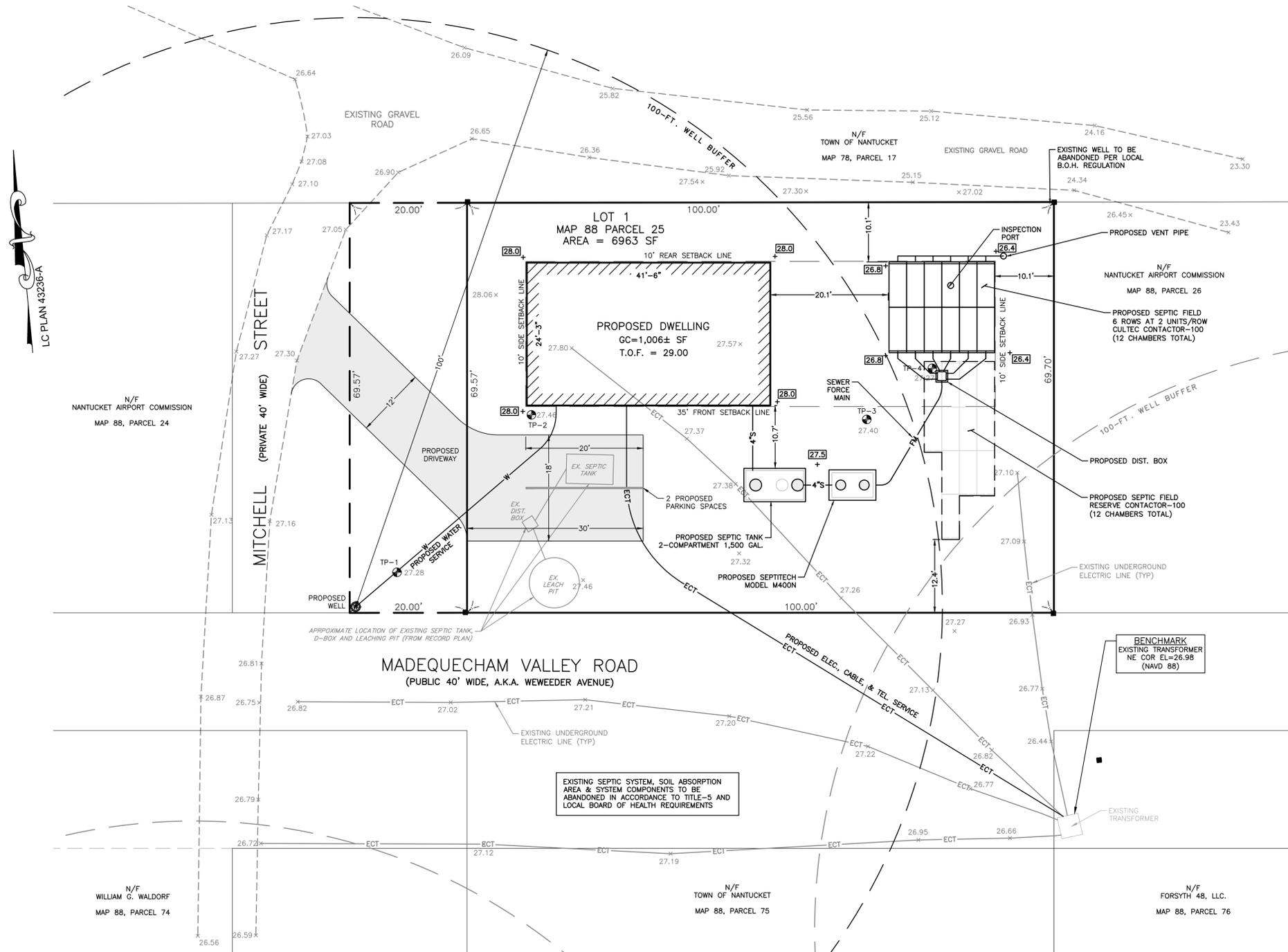
MAP 88, PARCEL 25

**GENERAL NOTES:**

- EXISTING CONDITIONS INFORMATION WAS COMPILED FROM AN ON THE GROUND SURVEY PERFORMED BY SITE DESIGN ENGINEERING LLC AND SUPPLEMENTED WITH RECORD PLAN INFORMATION.
- ELEVATIONS ARE REFERENCED TO NAVD 88.
- THE SITE IS NOT LOCATED WITHIN ANY KNOWN FLOOD HAZARD ZONES AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 250230 0152 G, DATED JUNE 9, 2014.
- THIS SITE IS LOCATED WITHIN THE NATURAL HERITAGE ENDANGERED SPECIES PROGRAM (NHESP) PRIORITY HABITATS OF RARE SPECIES AS SHOWN IN THE MASSACHUSETTS NATURAL HERITAGE ATLAS, 14TH EDITION, EFFECTIVE AUGUST 1, 2017, ISSUED BY THE NHESP, MASSACHUSETTS DIVISION OF FISHERIES AND WILDLIFE.
- THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON. THE OWNER OF LOCUS AND ABUTTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.
- EXISTING UTILITY LINES SHOWN ON THIS PLAN ARE FROM AVAILABLE INFORMATION AND ARE APPROXIMATE LOCATIONS. THERE MAY BE EXISTING LINES OTHER THAN THOSE INDICATED. SITE DESIGN ENGINEERING, LLC. ASSUMES NO RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF UTILITIES OMITTED OR INACCURATELY SHOWN. BEFORE PLANNING FUTURE CONNECTIONS, THE PROPER PUBLIC UTILITY ENGINEERING DEPARTMENT SHOULD BE CONSULTED.

**LEGEND**

- EXISTING**
- PROPERTY LINE
  - CB/FD CONCRETE BOUND/FOUND
  - 18- TOPOGRAPHIC CONTOUR
  - 17.6 x SPOT ELEVATION
  - x FENCE
  - TREE LINE
  - S SEWER MAIN
  - W WATER MAIN
  - E/T/C ELECTRIC/TELEPHONE/CABLE TV SERVICE
  - TP TEST PIT
- PROPOSED**
- [19.0]+ SPOT ELEVATION
  - S SEWER SERVICE
  - W WATER SERVICE
  - E/T/C ELECTRIC/TELEPHONE/CABLE TV SERVICE
  - A/C AIR CONDITIONER UNIT/CONDENSER



11 CUSHMAN STREET  
MIDDLEBORO, MA 02346  
T: 508-967-0673 F: 508-967-0674  
WWW.SDE-LDEC.COM

NO.	DATE	DESCRIPTION	APPROVED

PLAN REVISIONS

DATE: FEBRUARY 07, 2020

DRAWN BY: SJE / RT    DESIGN BY: SJE / RT    CHECK BY: DCM

PROJECT NO: 18056

ISSUED FOR: PERMITTING



**SEPTIC SYSTEM PLAN**

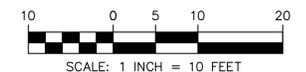
MADEQUECHAM VALLEY ROAD  
ASSESSOR'S MAP 88, PARCEL 25  
NANTUCKET, MASSACHUSETTS

PREPARED FOR MARK Z. & DELPHINE E. SOURIAN

DRAWING TITLE:  
**SITE PLAN**

SCALE: 1" = 10'

SHEET NO. **1 OF 2**







Commonwealth of Massachusetts

City/Town of Nantucket

Form 11 - Soil Suitability Assessment for On-Site Sewage Disposal

A. Facility Information

Mark Z. Sourian

Owner Name

Madequecham Valley Road

Street Address

Nantucket

City

MA

State

88/25

Map/Lot #

02554

Zip Code

B. Site Information

1. (Check one) [X] New Construction [ ] Upgrade [ ] Repair

2. Soil Survey Available? [X] Yes [ ] No If yes: NRCS Source 287A Soil Map Unit

katama sandy loam

Soil Name

Eolian Deposits

Geologic/Parent Material

Soil Limitations

3. Surficial Geological Report Available? [ ] Yes [ ] No If yes: Year Published/Source Publication Scale Map Unit

4. Flood Rate Insurance Map

Above the 500-year flood boundary? [X] Yes [ ] No If Yes, continue to #5. Within the 100-year flood boundary? [ ] Yes [X] No

5. Within a velocity zone? [ ] Yes [X] No

6. Within a Mapped Wetland Area? [ ] Yes [X] No

MassGIS Wetland Data Layer:

Wetland Type

7. Current Water Resource Conditions (USGS): 11/19 Month/Year Range: [ ] Above Normal [X] Normal [ ] Below Normal

8. Other references reviewed:



Commonwealth of Massachusetts

City/Town of Nantucket

Form 11 - Soil Suitability Assessment for On-Site Sewage Disposal

C. On-Site Review (minimum of two holes required at every proposed primary and reserve disposal area)

Deep Observation Hole Number: TP-1 Date: 11/21/19 Time: 10am Weather: Sunny

1. Location

Ground Elevation at Surface of Hole: feet Latitude/Longitude: /

Description of Location:

2. Land Use Brush (e.g., woodland, agricultural field, vacant lot, etc.) None Surface Stones (e.g., cobbles, stones, boulders, etc.) Slope (%)

Vegetation Brush Landform Position on Landscape (SU, SH, BS, FS, TS)

3. Distances from: Open Water Body >100 feet Drainage Way feet Wetlands >100 feet Property Line feet Drinking Water Well feet Other feet

4. Parent Material: Eolian Deposits Unsuitable Materials Present: Yes No

If Yes: Disturbed Soil Fill Material Impervious Layer(s) Weathered/Fractured Rock Bedrock

5. Groundwater Observed: Yes No If yes: Depth Weeping from Pit Depth Standing Water in Hole

Estimated Depth to High Groundwater: >140 inches elevation



**Commonwealth of Massachusetts**

City/Town of Nantucket

**Form 11 - Soil Suitability Assessment for On-Site Sewage Disposal**

**C. On-Site Review** (continued)

Deep Observation Hole Number: TP-1

Depth (in.)	Soil Horizon/ Layer	Soil Matrix: Color- Moist (Munsell)	Redoximorphic Features			Soil Texture (USDA)	Coarse Fragments % by Volume		Soil Structure	Soil Consistence (Moist)	Other
			Depth	Color	Percent		Gravel	Cobbles & Stones			
14	A	10YR 3/2				Sandy Loam					
28	B	10YR 4/6				Loamy Sand					
60	C1	2.5Y 6/6				Sand					
140	C2	2.5Y 5/3				Sand					Loose

Additional Notes:

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Commonwealth of Massachusetts

City/Town of Nantucket

Form 11 - Soil Suitability Assessment for On-Site Sewage Disposal

C. On-Site Review (continued)

Deep Observation Hole Number: TP-2 Date: 11/21/19 Time: 10am Weather: Sunny

1. Location

Ground Elevation at Surface of Hole: feet Latitude/Longitude: /

2. Land Use Brush (e.g., woodland, agricultural field, vacant lot, etc.) None Surface Stones (e.g., cobbles, stones, boulders, etc.) Slope (%)

3. Distances from: Open Water Body >100 feet Drainage Way Property Line Drinking Water Well Wetlands >100 feet Other

4. Parent Material: Eolian Deposits Unsuitable Materials Present: Yes No

If Yes: Disturbed Soil Fill Material Impervious Layer(s) Weathered/Fractured Rock Bedrock

5. Groundwater Observed: Yes No If yes: Depth Weeping from Pit Depth Standing Water in Hole

Estimated Depth to High Groundwater: >144 inches elevation



**Commonwealth of Massachusetts**

City/Town of Nantucket

**Form 11 - Soil Suitability Assessment for On-Site Sewage Disposal**

**C. On-Site Review** (continued)

Deep Observation Hole Number: TP-2

Depth (in.)	Soil Horizon/ Layer	Soil Matrix: Color- Moist (Munsell)	Redoximorphic Features			Soil Texture (USDA)	Coarse Fragments % by Volume		Soil Structure	Soil Consistence (Moist)	Other
			Depth	Color	Percent		Gravel	Cobbles & Stones			
16	A	10YR 3/2				Sandy Loam					
30	B	10YR 4/6				Loamy Sand					
64	C1	2.5Y 6/6				Sand					
144	C2	2.5Y 5/3				Sand					loose

Additional Notes:

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Commonwealth of Massachusetts

City/Town of Nantucket

Form 11 - Soil Suitability Assessment for On-Site Sewage Disposal

D. Determination of High Groundwater Elevation

1. Method Used:	Obs. Hole # <u>TP-1</u>	Obs. Hole # <u>TP-2</u>
<input type="checkbox"/> Depth observed standing water in observation hole	_____ inches	_____ inches
<input type="checkbox"/> Depth weeping from side of observation hole	_____ inches	_____ inches
<input checked="" type="checkbox"/> Depth to soil redoximorphic features (mottles)	<u>&gt;140"</u> inches	<u>&gt;144"</u> inches
<input type="checkbox"/> Depth to adjusted seasonal high groundwater (S <sub>h</sub> ) (USGS methodology)	_____ inches	_____ inches

\_\_\_\_\_ Index Well Number      \_\_\_\_\_ Reading Date

$$S_h = S_c - [S_r \times (OW_c - OW_{max}) / OW_r]$$

Obs. Hole # \_\_\_\_\_ S<sub>c</sub> \_\_\_\_\_ S<sub>r</sub> \_\_\_\_\_ OW<sub>c</sub> \_\_\_\_\_ OW<sub>max</sub> \_\_\_\_\_ OW<sub>r</sub> \_\_\_\_\_ S<sub>h</sub> \_\_\_\_\_

Obs. Hole # \_\_\_\_\_ S<sub>c</sub> \_\_\_\_\_ S<sub>r</sub> \_\_\_\_\_ OW<sub>c</sub> \_\_\_\_\_ OW<sub>max</sub> \_\_\_\_\_ OW<sub>r</sub> \_\_\_\_\_ S<sub>h</sub> \_\_\_\_\_

E. Depth of Pervious Material

1. Depth of Naturally Occurring Pervious Material
  - a. Does at least four feet of naturally occurring pervious material exist in all areas observed throughout the area proposed for the soil absorption system?
 

Yes       No
  - b. If yes, at what depth was it observed?
 

Upper boundary: 28 inches      Lower boundary: 144 inches
  - c. If no, at what depth was impervious material observed?
 

Upper boundary: \_\_\_\_\_ inches      Lower boundary: \_\_\_\_\_ inches



Commonwealth of Massachusetts

City/Town of Nantucket

Form 11 - Soil Suitability Assessment for On-Site Sewage Disposal

C. On-Site Review (minimum of two holes required at every proposed primary and reserve disposal area)

Deep Observation Hole Number: TP-3 Date: 11/21/19 Time: 10am Weather: Sunny

1. Location

Ground Elevation at Surface of Hole: feet Latitude/Longitude: /

Description of Location:

2. Land Use Brush (e.g., woodland, agricultural field, vacant lot, etc.) None Surface Stones (e.g., cobbles, stones, boulders, etc.) Slope (%)

Vegetation Brush Landform Position on Landscape (SU, SH, BS, FS, TS)

3. Distances from: Open Water Body >100 feet Drainage Way feet Wetlands >100 feet Property Line feet Drinking Water Well feet Other feet

4. Parent Material: Eolian Deposits Unsuitable Materials Present: Yes No

If Yes: Disturbed Soil Fill Material Impervious Layer(s) Weathered/Fractured Rock Bedrock

5. Groundwater Observed: Yes No If yes: Depth Weeping from Pit Depth Standing Water in Hole

Estimated Depth to High Groundwater: >134 inches elevation



**Commonwealth of Massachusetts**

City/Town of Nantucket

**Form 11 - Soil Suitability Assessment for On-Site Sewage Disposal**

**C. On-Site Review** (continued)

Deep Observation Hole Number: TP-3

Depth (in.)	Soil Horizon/ Layer	Soil Matrix: Color- Moist (Munsell)	Redoximorphic Features			Soil Texture (USDA)	Coarse Fragments % by Volume		Soil Structure	Soil Consistence (Moist)	Other
			Depth	Color	Percent		Gravel	Cobbles & Stones			
14	A	10YR 3/2				Sandy Loam					
28	B	10YR 4/6				Loamy Sand					
64	C1	2.5Y 6/6				Sand					
134	C2	2.5Y 5/3				Sand					Loose

Additional Notes:

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Commonwealth of Massachusetts

City/Town of Nantucket

Form 11 - Soil Suitability Assessment for On-Site Sewage Disposal

C. On-Site Review (continued)

Deep Observation Hole Number: TP-4\ 11/21/19 10am Sunny
Date Time Weather

1. Location

Ground Elevation at Surface of Hole: Latitude/Longitude:

2. Land Use Brush (e.g., woodland, agricultural field, vacant lot, etc.) None Surface Stones (e.g., cobbles, stones, boulders, etc.) Slope (%)

3. Distances from: Open Water Body >100 feet Drainage Way Wetlands >100 feet

Property Line feet Drinking Water Well feet Other feet

4. Parent Material: Eolian Deposits Unsuitable Materials Present: Yes No

If Yes: Disturbed Soil Fill Material Impervious Layer(s) Weathered/Fractured Rock Bedrock

5. Groundwater Observed: Yes No If yes: Depth Weeping from Pit Depth Standing Water in Hole

Estimated Depth to High Groundwater: >120" inches elevation



**Commonwealth of Massachusetts**

City/Town of Nantucket

**Form 11 - Soil Suitability Assessment for On-Site Sewage Disposal**

**C. On-Site Review** (continued)

Deep Observation Hole Number: TP-4

Depth (in.)	Soil Horizon/ Layer	Soil Matrix: Color- Moist (Munsell)	Redoximorphic Features			Soil Texture (USDA)	Coarse Fragments % by Volume		Soil Structure	Soil Consistence (Moist)	Other
			Depth	Color	Percent		Gravel	Cobbles & Stones			
14	A	10YR 3/2				Sandy Loam					
28	B	10YR 4/6				Loamy Sand					
60	C1	2.5Y 6/6				Sand					
120	C2	2.5Y 5/3				Sand					loose

Additional Notes:

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**Commonwealth of Massachusetts**

City/Town of Nantucket

**Form 11 - Soil Suitability Assessment for On-Site Sewage Disposal**

**D. Determination of High Groundwater Elevation**

1. Method Used:	Obs. Hole # <u>TP-3</u>	Obs. Hole # <u>TP-4</u>
<input type="checkbox"/> Depth observed standing water in observation hole	_____ inches	_____ inches
<input type="checkbox"/> Depth weeping from side of observation hole	_____ inches	_____ inches
<input checked="" type="checkbox"/> Depth to soil redoximorphic features (mottles)	<u>&gt;134"</u> inches	<u>&gt;120"</u> inches
<input type="checkbox"/> Depth to adjusted seasonal high groundwater (S <sub>h</sub> ) (USGS methodology)	_____ inches	_____ inches

_____	Index Well Number	_____	Reading Date										
$S_h = S_c - [S_r \times (OW_c - OW_{max}) / OW_r]$													
Obs. Hole #	_____	S <sub>c</sub>	_____	S <sub>r</sub>	_____	OW <sub>c</sub>	_____	OW <sub>max</sub>	_____	OW <sub>r</sub>	_____	S <sub>h</sub>	_____
Obs. Hole #	_____	S <sub>c</sub>	_____	S <sub>r</sub>	_____	OW <sub>c</sub>	_____	OW <sub>max</sub>	_____	OW <sub>r</sub>	_____	S <sub>h</sub>	_____

**E. Depth of Pervious Material**

1. Depth of Naturally Occurring Pervious Material

a. Does at least four feet of naturally occurring pervious material exist in all areas observed throughout the area proposed for the soil absorption system?

Yes       No

b. If yes, at what depth was it observed?

Upper boundary:	<u>28</u> inches	Lower boundary:	<u>134</u> inches
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c. If no, at what depth was impervious material observed?

Upper boundary:	_____ inches	Lower boundary:	_____ inches
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**Commonwealth of Massachusetts**

City/Town of Nantucket

**Form 11 - Soil Suitability Assessment for On-Site Sewage Disposal**

**F. Board of Health Witness**

Kathy LaFaure  
Name of Board of Health Witness

Nantucket  
Board of Health

**G. Soil Evaluator Certification**

I certify that I am currently approved by the Department of Environmental Protection pursuant to 310 CMR 15.017 to conduct soil evaluations and that the above analysis has been performed by me consistent with the required training, expertise and experience described in 310 CMR 15.017. I further certify that the results of my soil evaluation, as indicated in the attached Soil Evaluation Form, are accurate and in accordance with 310 CMR 15.100 through 15.107.

*Daniel C. Mulloy*  
Signature of Soil Evaluator

1/10/2020  
Date

aniel C. Mulloy / #1702  
Typed or Printed Name of Soil Evaluator / License #

6-30-22  
Expiration Date of License

**Note:** In accordance with 310 CMR 15.018(2) this form must be submitted to the approving authority within 60 days of the date of field testing, and to the designer and the property owner with [Percolation Test Form 12](#).



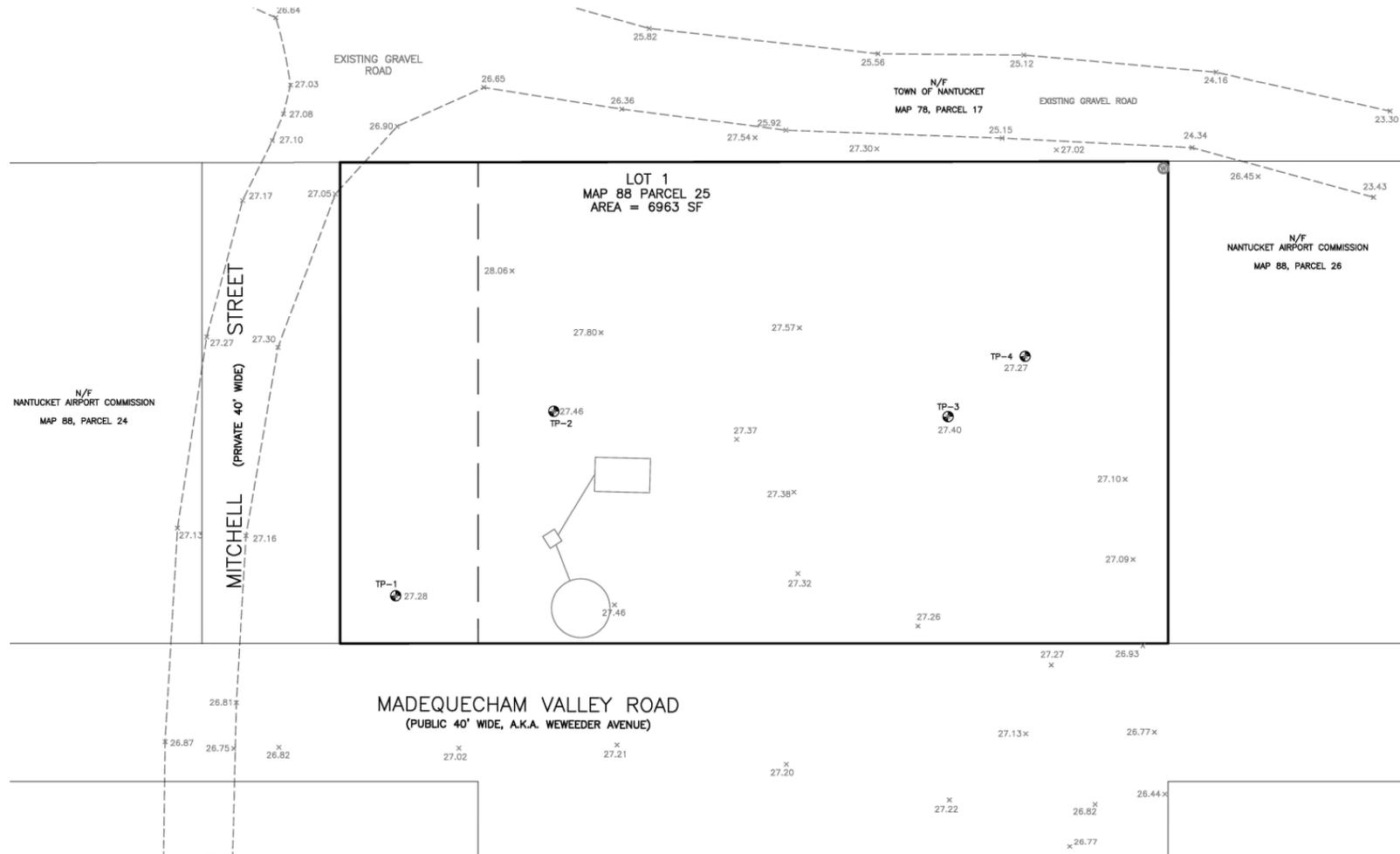
Commonwealth of Massachusetts

City/Town of Nantucket

Form 11 - Soil Suitability Assessment for On-Site Sewage Disposal

Field Diagrams

Use this sheet for field diagrams:





Commonwealth of Massachusetts  
 City/Town of Nantucket  
**Percolation Test**  
**Form 12**

Percolation test results must be submitted with the Soil Suitability Assessment for On-site Sewage Disposal. DEP has provided this form for use by local Boards of Health. Other forms may be used, but the information must be substantially the same as that provided here. Before using this form, check with the local Board of Health to determine the form they use.

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**A. Site Information**

Mark Z. Sourian  
 Owner Name  
 Madequecham Valley Road  
 Street Address or Lot #  
 Nantucket MA 02554  
 City/Town State Zip Code  
 Contact Person (if different from Owner) Telephone Number

**B. Test Results**

	11/21/19 Date	10:00 am Time	11/21/19 Date	10:30 Time
Observation Hole #	TP-1		TP-2	
Depth of Perc	40"		40"	
Start Pre-Soak	10:15		10:45	
End Pre-Soak	25 gal		25 gal	
Time at 12"	in less		in less	
Time at 9"	than		than	
Time at 6"	15 min.		15 min.	
Time (9"-6")				
Rate (Min./Inch)	<2		.2	
	Test Passed: <input checked="" type="checkbox"/>		Test Passed: <input checked="" type="checkbox"/>	
	Test Failed: <input type="checkbox"/>		Test Failed: <input type="checkbox"/>	

Daniel C. Mulloy  
 Test Performed By:  
 Kathy LaFaure  
 Board of Health Witness

Comments:

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Commonwealth of Massachusetts  
 City/Town of Nantucket  
**Percolation Test**  
**Form 12**

Percolation test results must be submitted with the Soil Suitability Assessment for On-site Sewage Disposal. DEP has provided this form for use by local Boards of Health. Other forms may be used, but the information must be substantially the same as that provided here. Before using this form, check with the local Board of Health to determine the form they use.

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**A. Site Information**

Mark Z. Sourian  
 Owner Name  
 Madequecham Valley Road  
 Street Address or Lot #  
 Nantucket MA 02554  
 City/Town State Zip Code  
 Contact Person (if different from Owner) Telephone Number

**B. Test Results**

	11/21/19 Date	10:30 am Time	11/21/19 Date	10:30 Time
Observation Hole #	TP-3		TP-4	
Depth of Perc	36"		36"	
Start Pre-Soak	10:30		10:40	
End Pre-Soak	25 gal		25 gal	
Time at 12"	in less		in less	
Time at 9"	than		than	
Time at 6"	15 min.		15 min.	
Time (9"-6")				
Rate (Min./Inch)	<2		.2	
	Test Passed: <input checked="" type="checkbox"/>		Test Passed: <input checked="" type="checkbox"/>	
	Test Failed: <input type="checkbox"/>		Test Failed: <input type="checkbox"/>	

Daniel C. Mulloy  
 Test Performed By:  
 Kathy LaFaure  
 Board of Health Witness

Comments:  
 \_\_\_\_\_  
 \_\_\_\_\_



Proposed Minutes for December 8, 2011

## BOARD OF HEALTH

Town of Nantucket  
37 Washington Street  
Nantucket, Massachusetts 02554  
[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

**Commissioners:** Patricia Roggeveen (Chair) Malcolm MacNab, MD, PHD, (Vice chair), James Cooper, Helene Weld, RN, Stephen Visco  
**Staff:** Richard Ray, Artell Crowley

~~ MINUTES ~~

**December 8, 2011**

4 Fairgrounds Road, First-floor Conference Room – 4:00 pm

*All or a portion of this meeting is being recorded.*

*If you plan to record this meeting yourself, please check with the chairman of the board before you begin.*

Called to order at 4:15 p.m.

Staff in attendance: Richard Ray

Attending Members: Patricia Roggeveen (Chair); Malcolm MacNab, MD, PHD; James Cooper; Helene Weld, RN; Stephen Visco

Absent Members:

Agenda adopted by unanimous consent

### **I. PUBLIC COMMENTS – ANY MEMBER OF THE PUBLIC MAY ADDRESS COMMISSIONERS AT THIS TIME**

1. None

### **II. APPROVAL OF MINUTES – October 13, 2011**

Adopted by Unanimous consent

### **III. PUBLIC HEARINGS**

1. 5A Mary Ann Drive – Partial Condemnation – basement portion of building

Sitting Roggeveen, MacNab, Weld, Visco

Recused Cooper

Documentation

Presentation Richard Ray – Asking for a partial condemnation because basement portion of the property did not meet the Human Habitation Code. A number of Orders to Correct have been sent to the owner. Those have been partially completed. In order to ensure completion of the project, we are asking for a partial condemnation only of the basement portion of that building, which shall be lifted upon the correction of violations associated with the Human Habitation Code and issued within the Building Department also.

Representing None

Discussion Upon issuance of the partial condemnation, a placard will be placed on the basement entrance of the structure not allowing occupancy of that portion of the structure.

Action Motion to Approve recommendation.

Vote Unanimously

2. 8A Mary Ann Drive – Partial Condemnation – basement portion of building

Sitting Roggeveen, MacNab, Cooper, Weld, Visco

Recused None

Documentation

Presentation Richard Ray – Asking for a partial condemnation because basement portion of the property did not meet the Human Habitation Code. A number of Orders to Correct have been sent to the owner. Those have been partially completed. In order to ensure completion of the project, we are asking for a partial condemnation only of the basement portion of that building, which shall be lifted upon the correction of violations associated with the Human Habitation Code and issued within the Building Department also.

Public David Lemberg, owner – Received notices, have done several things to remedy the situation. The tenants have moved out, removed blockage on the stairway to the first floor, installed carbon-monoxide detectors, and plan to make the room legal and have the plumbing inspected.

Discussion Question- Has any one gone by to check on this stuff?

Ray – There is no doubt the basement apartment has been vacated. Our concern is that it is brought up to compliance. One of the compliance factors is that the heater in the basement is drawing its air from the basement, which is an illegal situation. It's almost the same situation we experienced on Macy's Lane with the carbon-monoxide build up. My concern is this doesn't occur until we can get corrections within the basement. Still asking for partial condemnation until those remediations are made. Then we will go back out to re-inspect; if they do meet the code, we will lift the partial condemnation at that time.

Question – How long to get this done?

Lemberg – Have a plumber going out to find out what needs to be done in the basement. The people on the first and second floor don't go down there.

Question – Do the people on the first and second floor get their heat from the furnace in the basement which is the problem?

Ray – Yes. Not asking that furnace be shut down, just brought up to code.

Action Motion to Approve recommendation.

Vote Unanimously

3. 8B Mary Ann Drive – Partial Condemnation – basement portion of building

Sitting Roggeveen, MacNab, Cooper, Weld, Visco

Recused

Documentation

Presentation Richard Ray – Asking for a partial condemnation because basement portion of the property did not meet the Human Habitation Code. A number of Orders to Correct have been sent to the owner. Those have been partially completed. In order to ensure completion of the project, we are asking for a partial condemnation only of the basement portion of that building, which shall be lifted upon the correction of violations associated with the Human Habitation Code and issued within the Building Department also.

Public Lemberg, owner – Same situation. I rent the whole house out to one person.

Discussion Question - Same time-frame to repair?

Lemberg – Don't have the money right now.

Question - If expense is so much it can't be done now, what are you, Richard, asking for?

Ray – Asking only for a partial condemnation, which relieves occupancy of that basement.

Lemberg – Sent an eviction notice of the basement apartment. Do not have the ability under the law to throw the residents out now.

Ray – He is correct. It is not a defined public health emergency at this point. We will acquiesce to his appropriate approach to vacate the individuals from that basement, but we will still place the Condemnation Order, if so approved.

Visco – Real hazard here is the people sleeping in the basement without adequate egress. This building does present an immediate lifesaving threat.

Ray – The Health Department will go back out and re-investigate the situation. If we do find that it is a lifesaving risk at the moment, we can, without benefit of a hearing, force the eviction of the tenants of the basement.

Action Motion to Approve recommendation.

Vote Unanimously

**IV. CONTINUATION OF HEARING –  
DETERMINATION OF MANDATORY LIFEGUARDS FOR SEMI-PUBLIC POOLS**

Sitting Roggeveen, MacNab, Cooper, Weld, Visco  
Recused None  
Documentation Health Department recommendation.  
Presentation Richard Ray – Enumerate hotels and motels that are semi-public pools and private home-owners with pools. The private home-owners associations do not offer transient rental units. They are by and large permanent homeowners who utilize the pool on premises. Virtually every town on the cape and vineyard do not require lifeguards at semi-public pools. They do require appropriate signage. Read recommendation into the record. All public and semi-public pools will require licensure. The Health Department will inspect them prior to summer utilization.  
Public Steven Welch, property manager – explain safety efforts.  
Janis Carreiro resident – explain safety efforts.  
Stephen Butler, Building Commissioner – Certificates of inspection will be issued; pools can't operate without one.  
Discussion Question – additional training such as CPR.  
Ray – Not mandated through the code.  
Question – Should that be made a qualifier?  
Ray – The question is would that person be poolside at all times? It is an option for the Board.  
Action Motion to Approve recommendation.  
Vote Unanimously

**V. UPDATE**

Proposed amendments to mandatory sewer connection fees – will go to BOS prior to BOH action

Sitting Roggeveen, MacNab, Cooper, Weld, Visco  
Recused  
Documentation  
Presentation Ray – Have put together a veritable sliding scale for those people who have recently installed in-ground septic systems and must now connect to the municipal sewer. Have looked at a percentage based on age of septic: i.e. if one year or less, would be only 10 percent; goes up to 90 percent. If system is older than 7 years, the resident would pay the full fee. However, the concern has come up, by both the Department of Public Works (DPW) and the Board of Selectmen (BOS), that perhaps this sliding fee schedule belongs not with the Department of Health but with the DPW existing regulations. These regulations would preclude and supplant existing monetary regulations. The request from the BOS that prior to the BOH adoption of any of this policy that it come to the BOS; and the BOS will make the decision as to whether or not to include the sliding fees into the DPW's approach of entrance into a sanitary sewer or they may discard them all together. Need no action at this point. I will take it to them next Wednesday.  
Public  
Discussion Question – Can they discard them completely? Can't we approve the sliding scale?  
Ray – Yes, but that would have dueling financial impact effects for people who are going to connect to the sewer. There is an existing sewer fee; and now we come up with a second fee.  
Action No action at this time

## VI. CONCERNS FROM THE BOARD

MacNabb – Been in contact with Dr. Michael Lorberg on the Martha's Vineyard tick-borne disease committee. Let the record show the credit to Bruce Hopper of the tick-borne disease committee, who initiated this. Dr. Lorberg has gotten his committee a chunk of \$150K from the hospital. Going to visit and look at their models. There are people on this island who do not believe we have 50 deer per square mile and the Massachusetts Fish and Game says we do.

## VIII. ADJOURNMENT

Motion to Adjourn: 5:00 p.m.

Submitted by:  
Terry L. Norton

PROPOSED



Proposed Minutes for June 21, 2012

## BOARD OF HEALTH

Town of Nantucket  
37 Washington Street  
Nantucket, Massachusetts 02554  
[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

**Commissioners:** Patricia Roggeveen (Chair) Malcolm MacNab, MD, PHD, (Vice chair), James Cooper, Helene Weld, RN, Stephen Visco  
**Staff:** Richard Ray, Artell Crowley

### ~~ MINUTES ~~

**June 21, 2012**

4 Fairgrounds Road, Conference Room – 4:00 pm

*All or a portion of this meeting is being recorded.*

*If you plan to record this meeting yourself, please check with the chairman of the board before you begin.*

Called to order at 4:00 p.m.

Staff in attendance: Richard Ray, Health Director; Terry Norton, Minutes Taker

Attending Members: Patricia Roggeveen (Chair); Malcolm MacNab, MD, PHD; James Cooper; Helene Weld, RN

Absent Members: Stephen Visco

Agenda adopted by unanimous consent

### **I. PUBLIC COMMENTS/CONCERNS**

Bill Gallagher, 4 items –

A. Master of Soil Sciences degree on-line might be of interest to board members.

B. Paper to share with the board on how to evaluate a research proposal

C. On-line information on how home-owners can use their septic to the best advantage.

D. Believe that Nantucket needs an Institutional Review Board to evaluate, for ethics, all proposals dealing with humans in a medical sense.

### **II. APPROVAL OF MINUTES**

1. May 17, 2012 adopted by Unanimous consent

### **III. APPROVAL OF HEARINGS FOR OFFICER FOR REIS TRUCKING**

1. Application For Waste Transfer Station

Sitting MacNab (acting), Cooper, Weld

Recused Roggeveen

Documentation Supporting documents and plans, staff recommendations.

Representing Richard Ray

Public None

Discussion Recommend Attorney Arthur Krieger as hearings officer for the Miles Reis Transfer Station public hearings. To be held July 19.

Action Motion to Endorse Arthur Krieger as Hearings officer. (Weld) seconded

Vote 3-0

#### **IV. PUBLIC HEARING**

1. Local Regulations 75.00 Local Regulations for the Application of Fertilizers on Nantucket Island.

Sitting	Roggeveen, MacNab, Cooper, Weld
Recused	None
Documentation	Draft documents and staff recommendations.
Representing	Richard Ray
Public	Lee Saperstein, Former chair Article 68 Work Group: introduces the work group members. Douglas Smith, Shellfish and Harbor Advisory Board and Harbor Plan Implementation Committee – For local scallopers, it is important to protect Nantucket’s harbor water quality. Support will be needed for the educational effort if this passes. John Daniels, Woodward and Curran consultant – Comprehensive Wastewater Management Plan. Passing back some minor editorial corrections.
Discussion	Ray – Implementation aimed for January 1, 2013. Discussion about how to get local landscapers on board with the new regulation. Ray - Landscapers will have to be licensed on Nantucket and maintain continuing education to keep that license. Another symposium for landscapers
Action	Motion to Approve. (Cooper) seconded
Vote	Unanimously

#### **V. APPROVAL OF LOAN APPLICATION**

1. Wasterwater Abatement Fund – 90 West Chester Street sewer connection

Sitting	Roggeveen, MacNab, Cooper, Weld
Recused	None
Documentation	Supporting documents and plans, staff recommendations.
Representing	Richard Ray
Public	None
Discussion	None
Action	Motion to Approve. (Weld) seconded
Vote	Unanimously

#### **VI. HEALTH DIRECTORS REPORT: UPDATE**

1. Administrative Consent Order – Madaket and advent in change of wastewater disposal.
2. Review of physicians’ office files – Tick-borne Disease, Sarah Burke, pre-med student volunteer is on staff.
3. Tick-borne Disease Symposium – Public Symposium scheduled for Saturday July 28. Money will be needed for travel, housing and publicity.
4. Reis transfer station – Proposed for Old Bunker Road to collect construction and demolition debris.
5. Strong Wings summer camp – Met all safety requirements for licensing as a recreational children’s camp this year and sponsored a symposium on safety for camps.

#### **VII. CONCERNS FROM THE BOARD**

1. None

**VIII. ADJOURNMENT**

Motion to Adjourn: 4:30

Next meeting: Public Hearing July 19 1 p.m. 4 Fairground Road Conference Room regular meeting at 4 p.m.

Submitted by:

Terry L. Norton

PROPOSED



Proposed Minutes for April 16, 2020

## BOARD OF HEALTH Emergency Meeting

Town of Nantucket  
3 East Chestnut Street  
Nantucket, Massachusetts 02554

[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

**Commissioners:** Stephen Visco (chair), Malcolm MacNab, MD, PHD (Vice chair), James Cooper, Helene Weld, RN, Rita Higgins, Select Board

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

~~ MINUTES ~~

**Thursday, April 16, 2020**

*This meeting was held via remote participation using ZOOM and YouTube,  
Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law*

Called to order at 4:01 p.m. by Mr. Visco

**Staff:** R. Santamaria, Health Director  
**Attending Members:** Stephen Visco, Chair; Malcolm MacNab, Vice chair; James Cooper; Helene Weld; Rita Higgins  
**Absent Members:** Mr. Visco off-line 4:05 to 4:11 p.m.  
**Speakers:** Gary Shaw, President & CEO Nantucket Cottage Hospital; Dawn Hill Holdgate, Select Board Chair

Agenda adopted by unanimous consent

### I. ANNOUNCEMENTS

### II. PUBLIC COMMENT

1. Item 1

### III. COVID UPDATE

**Santamaria** – We're still in midst of the Governor's shelter-in-place order and going up on 12 days without new on-Island COVID19 cases. Our primary effort is to look at the health of the Island and make decisions based upon what we find; that doesn't make everyone happy. This is an unprecedented event, which was last experienced over 100 years ago. It is unfair these decisions fall on government leaders, but we have to make those decisions with what we have as quickly as we can; we are being asked to implement emergency orders on the fly.

### IV. PUBLIC HEARING – REGULATION 51

**Motion to open the public hearing at 4:05.** (Weld) (seconded)

Voice Vote Carried 4-0: Weld-aye; Cooper-aye; Higgins-aye; MacNab-aye; Visco- aye

**Santamaria** – This is a contentious regulation; since we can't have a hearing with public involvement, we're asking to table this for three months. It would be unfair to have a full hearing at this time

**Motion to table to July 16 at 4:00 p.m.** (Higgins) (seconded).

Voice Vote Carried 4-0: Weld-aye; Cooper-aye; Higgins-aye; MacNab-aye//Visco lost internet connection

### V. REVIEW OF MINUTES

1. January 16, 2020
2. February 20, 2020
3. March 17, 2020
4. March 20, 2020
5. April 2, 2020

**Action** **Motion to Approve all the minutes.** (made by: Higgins) (seconded)

Voice Vote Carried 4-0: Weld-aye; Cooper-aye; Higgins-aye; MacNab-aye//Visco lost internet connection

## VI. BOH BUSINESS

1. Loan for 53 Millbrook Road, 56-239, Gianutsos, septic repair
  2. Loan for 266 Madaket Road, Millar, 59.4-273, septic repair
  3. Loan for 30 Dukes Road, Webb, 56-189, septic to sewer
- Sitting MacNab (acting chair), Cooper, Weld, Higgins  
Discussion **Santamaria** – Asked these to be reviewed together; there are no objections  
Action **Motion to Approve all three loan requests.** (made by: Cooper) (seconded)  
Voice Vote Carried 4-0: Weld-aye; Cooper-aye; Higgins-aye; MacNab-aye//Visco lost internet connection- 4. Variance request 113 Hummock Pond Road, 56-59, setbacks 50.02A, 502.05B, 64.03B (**Tabled until May 21, 2020**)
- 5. Variance request for 287 Hummock Pond Road, 83-39, setbacks 52.02A & 64.04 C.2 (**Tabled until May 21, 2020**)
- 6. Variance request for 65 Squam Road, 13-15, 52.02A setbacks (**Tabled until May 21, 2020**)
- 7. Variance Request for Madequecham Valley Road, 88-25, 310CMR 15.214(2) bedroom allowance(**Tabled until May 21, 2020**)
- 8. Genetic Mice Project Steering Committee appointment

Sitting MacNab (acting chair), Cooper, Weld, Higgins  
Discussion **Santamaria** – A person stepped down from the committee; we are recruiting Ginger Andrews.  
**MacNab** – Reviewed Ms. Andrew’s qualifications.  
Action **Motion to Appoint Ginger Andrews to the Genetic Mice Project Steering Committee.** (made by: Weld) (seconded)  
Voice Vote Carried 4-0: Weld-aye; Cooper-aye; Higgins-aye; MacNab-aye//Visco lost internet connection- 9. Phased Work Plans

Sitting Visco, MacNab, Cooper, Weld, Higgins  
Discussion **Santamaria** – The plans were presented at the Select Board meeting; there will be a joint BOH and Select Board meeting on Friday, April 17 at 1 p.m. to discuss a phased back-to-work plan. We will also discuss an order that all Stop & Shop workers are required to wear masks.  
**MacNab** – Swimming pools haven’t been discussed. Asked if we need those.  
**Santamaria** – We’ve addressed maintenance of swimming pools. We’re not opening them yet, but we’re headed into the season that if filters aren’t on, we get algae blooms which attracts mosquitos. Some of the pool maintenance work can be done by 1 or 2 people.  
**MacNab** – Asked what the recommended start time for the phased work plans would be.  
**Santamaria** – The Governor’s order expires on May 4; it’s up to BOH to set the implementation dates for this order.  
**Shaw** – He wants the Board to feel confident about the tools in place for screening and quarantine. We have 26 people trained to monitor quarantined people. We have no COVID patients in the hospital. We have to figure out how to navigate coming up to normal.  
**Weld** – Given the amount of paperwork to generate additional data, suggested April 27 as the implementation date for the phased back-to-work plan.  
**Santamaria** – We can work with that date. If you want any changes to the Order, April 27 start date allows time for that to be done. Town Counsel is working to finalize the document. The Board would need to vote to implement, table, augment, change, etc. It is a living document at this time.  
**Cooper** – Asked if the Board is going work it out today or on April 17<sup>th</sup> with the Select Board. The Police Chief said the Governor said no empty structures will have water turned on; the water should be turned on prior to a family’s return; the same with any electrical issues.  
**Shaw** – Something to keep in mind is that the Select Board and BOH supported extremely fast the request to take measures to slow the spread of COVID because of the unique situation of the Island. Now we are ahead of the State mandate and this is another opportunity to be ahead of the State. Asked if there is an option for the BOH to go ahead and allow water to be turned on to avoid another public health issue.

**Hill Holdgate** – We settled on a definition of unoccupied that doesn't include a finished house with furniture from which the owner has been absent; caretaking and property management are okay. If you want to consider independent and one-worker jobs, you can include that.

**Visco** – We got this plan a little while ago and it's a lot to go over. Most year-rounders are self-employed and encompass more than the landscaping companies. He thinks the wording is a little discriminatory.

**Higgins** – It seems like turning on the water is an issue; it's safer to work in an unoccupied house. We'll have to look at what will happen when people start coming back to the Island. It's hard to differentiate between 1-month or 6-month occupancy. Speaking to the landscaping side, we need to ferret out a safe way for them to start work. Also, if water is running on a property, workers have a place to wash their hands. Regarding 1-person per construction work site, she'd like to discuss and close possible loopholes.

**Shaw** – The approach with the lowest risk is one such as Mr. Visco and Ms. Higgins mentioned and allows people to get back to work while we can monitor the situation.

**Visco** – He'd like to read this over and discuss it at the Friday April 17 meeting.

**Hill Holdgate** – Asked the BOH members try to get comments to Mr. Santamaria as soon as possible so that any changes can be reviewed before the April 17<sup>th</sup> meeting.

**Higgins** – She wants to hear what other BOH members have to say. One thing that came up is considering what can be done safely regarding going back to work. It's a judgement call about what is too strict and what isn't strict enough. There is a divide among the business owners about getting back to work with some wanting to open with as many employees as possible. Asked if there is the possibility to have an employee hotline; there is a fear among people that they will be forced to go back to work or risk losing their job; they should have a safe venue to express concerns their employers might not be acting in the best interest of safety.

**Visco** – No one wants to be ill or sick; from what he sees and hears, people will do what they need to do to keep their employees and families safe.

**Shaw** – Suggested that as the Town loosens the breaks, we should develop a fact sheet explaining expectations and what is safe. People will ask and we need to get word out efficiently.

**Weld** – Mitigation has been successful; as more people come on the island, we'll see more positive cases. Asked if Mr. Shaw is looking at a potential trend leading to another full shutdown.

**Shaw** – We're trying to get to the best minds in the country to help us understand the new normal and ascertain what's the right thing to do. There is more disease on the mainland than here; a good number of people coming over will have been ill and recovered; however, we want to be able to identify if someone who is not feeling well is positive or where someone sits in the disease. We need screening testing to quarantine if necessary to contact tracing while we do a simultaneous test of everybody on the Island. Today at 5 p.m. we will be talking with representatives of the Rowe Institute and MIT and Mass General and a scientist and epidemiologist about defining a study that would lead to doing a dry-blood-blots test and to initiate it through MIT. That information would help us understand the Island's health now. In the meantime, let the breaks off in the lowest-risk way; we have to test this.

**MacNab** – The original Q testing provided a lot of false negatives; there are now new tests being developed. Asked Mr. Shaw what type of test does the hospital use and would the hospital get to the point of using DIY tests.

**Shaw** – Blood tests for antibodies are now coming out *enmasse*; our clinicians would be able to get that test. We have an analyzer that provides results in 45 minutes with a high-level of specificity; we have enough to do more of that testing.

**Higgins** – Right now there is a Healthcare for All; one of her concerns is that as we open up, a group of people who might be under insured or not insured are being put at risk. Asked if the Hospital will continue the policy of Healthcare for All.

**Shaw** – We obtained the rural health-clinic certification so that we don't have to turn anyone away.

**Visco** – Asked the members to look at the order tonight and get suggested changes to Mr. Santamaria as soon as possible.

## **VII. BOARD MEMBER UPDATES AND CONCERNS**

1. None

**Motion to adjourn 4:49 p.m.** (made by: Weld) (second)

Voice Vote Carried unanimously: MacNab-aye; Weld-aye; Higgins-aye; Cooper-aye; Visco-aye

Submitted by:

Terry L. Norton

PROPOSED



Proposed Minutes for April 17, 2020  
**BOARD OF HEALTH**  
**Emergency Joint Meeting**  
**with Select Board**

Town of Nantucket  
3 East Chestnut Street  
Nantucket, Massachusetts 02554

[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

**Commissioners:** Stephen Visco (chair), Malcolm MacNab, MD, PHD (Vice chair), James Cooper, Helene Weld, RN, Rita Higgins, Select Board

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

~~ MINUTES ~~

**Friday, April 17, 2020**

*This meeting was held via remote participation using ZOOM and YouTube,  
Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law*

Called to order at 1:00 p.m. by Mr. Visco

Announcements

**Staff:** Libby Gibson, Town Manager; R. Santamaria, Health Director; Leslie Snell, Planning Deputy Director; Jeff Carlson: Director Natural Resources; William Pittman, Nantucket Police Chief  
**Attending Members:** Stephen Visco, Chair; Malcolm MacNab, Vice chair; James Cooper; Helene Weld; Rita Higgins  
**Select Board:** Select Board Chair Dawn Hill Holdgate, Jason Bridges, Rita Higgins, Matt Fee, Kristie Ferentella  
**Speakers:** Dr. Diane Pearl, Chief Medical Officer NCH; Gary Shaw, President NCH; Gregg Corbo  
**Town Counsel:** Gregg Corbo, K&P

Agenda adopted by unanimous consent

## **I. BACK TO WORK DISCUSSION**

Discussion

(came in at 1:14)

**Gibson** – Reviewed the proposed order, specifically what work is allowed. Start date for this order would be April 27, 2020.

**Ferentell** – Asked if this is for all buildings or only those that need to be made weather tight.

**Corbo** – There was concern about the original emergency order; this provision clarifies what is emergency work and relates to the building that has a CofO and what is necessary to make it habitable.

**Gibson** – At the SB meeting Wednesday, there was question about a property with multiple buildings. It was suggested it would go by the property.

**Snell** – The wording now would allow people to work on a second and primary dwelling that aren't weather tight with no more than two people per building exercising social distancing.

**Fee** – You have to think of safety as well as equity.

**Hill Holdgate** – Her concern is site with multiple building permits; suggested keeping it at 4 people per property.

**Visco** – Agrees it should be by property.

**Bridges** – Asked if the fine details are allowing more than one person per site.

**Hill Holdgate** – This is if two people are exposed to each other; she thinks we need to clarify what we mean by one person per job site. Three item of discussion: expanding what work to be allowed under waiver, structures to be made weather tight and limiting to 4 workers per site, and if one worker could be on any site as long as they register their name and site they will be working on.

**Gibson** – Houses will be changed to “structures.” Allowed work will be bullet points. Work on following housing projects maybe permitted subject to further site visits: workforce rental, year-round use/employee housing – there is a question BOH.

- Snell** – She didn't know where the BOH review came on this bullet and what sort of work would be allowed to continue. The wording requires an extra level of review by the BOH.
- Corbo** – He put that language in there more as a placeholder until it's decided who would determine what work is allowed. If you want the Building Commissioner, he'll make that change, "any work deemed specific to year-round housing, workforce housing, and employee housing as designated by the Building Commissioner."
- Higgins** – Asked if it had been agreed to make Construction and landscaping separate documents.
- Gibson** – Yes.
- Higgins** – Under Construction Safety Stand Down, asked if there is a way to include homeowners in signing off on the protocol.
- Snell** – There is a signature page for the homeowner.
- Corbo** – The primary means of enforcement will be against the contractor by either suspending authorization to proceed or another way. There would be no rise to apply enforcement against the property owner unless they are responsible. Another enforcement would be against workers for not complying with safety protocols relative to COVID19.
- Higgins** – (1:38 statement regarding holding homeowners to an unrealistic standard.)
- Fee** – Asked where painters fall into this and if the four are assigned to one place or can they change every day.
- Hill Holdgate** – She believes its four on any given day. Painters wouldn't apply to a structure which is not weather tight except for exterior; they can fall under the one-worker.
- Bridges** – There needs to be some wording that a contractor can give to a client.
- Cordo** – Regarding the question of the same four people, no it doesn't but they still have to go through the stand-down procedure.
- Fee** – This thing can live for several days on give surfaces; the 4 workers should be looked at carefully.
- Gibson** – General on the job procedures to prevent exposure, provides for no workers leaving the site during the workday. All supplies and materials are to be delivered by the vendor. No workers shall commute from off Island.
- Hill Holdgate** – About people leaving for lunch and picking up supplies are more of a best practice directive to minimize travel.
- Corbo** – He did more work on the travel restrictions. Now it says employees shall not leave the job site except to go home and shall bring food from and not purchase from area vendors.
- Higgins** – The possibility of allowing food trucks to go to sites and if restaurants want to do that; it is a way to get food to sites.
- Cooper** – Questions why the worker has to go home after work.
- Fee** – We're still under a 12-day stay at home order; he doesn't know if going to a restaurant is a good practice. The goal is to have it tight to begin because this is a serious situation.
- Ferentella** – Her concern is people's access to food while at work.
- Corbo** – If you open up to off-Island workers, these provisions are much more important because you only want them there for work and then leave. If we're talking about Island residents, this is of less concern. He researched if this order may limit to workers on Island; he couldn't find any cases. Under the State Constitution, there is a fundamental right of travel; that right can take a back seat to regulations that furthers an important governmental interest. Given the state of emergency and that the regulation is narrow in scope, businesses are allowed to open with only using workers who currently live on Island for the duration of the emergency.
- Visco** – Thought Order Nr. 3, which expired April 6, limited off-island people coming to the Island essential reasons. He thinks Order Nr. 3 should be reinstated; it is a matter of public health.
- Corbo** – All travel on the Island except for essential travel is prohibited; it is within the Town's right to restrict travel when there is a substantial public interest to be furthers.
- HH** – Suggested incorporating that into this.

**Bridges** – We’ve found we can’t restrict travel to the Island.

**Corbe** – Order Nr. 3 was much more extensive and quarantined the Island; now we are talking about opening a limited amount of construction work and whether or not off-island workers should be allowed to come here.

**Hill Holdgate** – She wants us to come more into line with the State to alleviate confusion. She thought we were trying for a directive that if they come from off Island they must stay and self-quarantine.

**Fee** – He doesn’t agree that restricting travel is illegal in this case; we are allowed to protect the community.

**Pearl** – This discussion was about populating a site with 1-4 people in a way that doesn’t risk public health and benefit the community. People travelling to and from the Island is another question. Starting off with these proposals limiting work to island people is a low-risk step. We don’t have a treatment for this disease. She’s concerned about one person on a site in the event they get injured. With four people, she’s concerned about hygiene.

**Hill Holdgate** – We’ll be relying on messaging from the Builder’s Association; if there are a lot of people travelling, we’ll close it off again. She doesn’t want to get into a Constitutional fight.

**Corbo** – This is very different from the Outer Banks closure. This Order limits a certain practice to a specific group; that is justifiable. If you open up to off-island workers, it becomes difficult to enforce their restriction to the job site. Regarding enforcement, if you see someone you know is an off-island worker at someplace other than the job site, you can issue a non-criminal ticket or through the order they can be seen as a trespasser and if they don’t move on are subject to arrest.

**Higgins** – She is uncomfortable with trying to identify someone coming off the ferry and identifying their reason for coming here. Suggested an employee log from contractors with a list of names and addresses.

**Bridges** – He sees something like racial profiling coming out of this; he’d rather see no work being done before May 4. He doesn’t like the idea we can arrest or ticket.

**Corbo** – Suggested saying, “preference shall be given to on-Island workers” and keep the provision they can’t leave the job site.

**Cooper** – If your limited to 4 people per site, a contractor is going to use his local employees.

**Higgins** – Likes Mr. Corbo’s suggestion to give preference. It’s up to us to self-regulate.

**Hill Holdgate** – She likes the contractor logging the four names of who will be working a job site.

**Visco** – He likes the preference wording.

**Pearl** – The surge has not yet occurred in Boston; it is inevitable that this will open up. One step at a time is best and this is the first step.

**Fee** – His concern is in the future; he’s not sure Boston will do the right thing for Nantucket in a month or two. Travel will be the biggest issue. If this is still with us in the future, we will have to discuss limiting travel and opposing Boston.

**Hill Holdgate** – We need to consider where we are at and monitoring every day.

**MacNab** – We wandered off onto travel; asked if the last paragraph was resolved. He likes preference to Nantucketers. Agrees with Dr. Pearl about the one person on site. He thinks its overly restrictive to say they can’t go to a store to get lunch.

**Higgins** – A lot the trades that want one person per job site already do a lot of solo work.

**Corbo** – There’s nothing in the document that addresses the one-worker situation; this document is aimed at opening up bigger projects to a limited extent with proper precautions. Opening jobs to a single worker is another discussion.

**Fee** – He’d prefer to start with one person per one job then open up to larger jobs or have them happen at the same time. We would have the single worker sign the same paper as the larger company.

**Higgins** – Wants to look at one worker per on site at another meeting. Doesn't want to hash it out without guidance from Ms. Snell or Mr. Santamaria. Mr. Shaw said to look at the safest way to introduce work back into the community.

**Hill Holdgate** – Economically, people are coming up on the May 1<sup>st</sup> deadline on mortgage and rental payments. Mr. Shaw said we can “take the breaks off” a little at a time.

**Bridges** – Wants to continue discussion about what weather tight looks like then go back to the four people per site.

**Gibson** – There is a comment about the appeal process going to the BOH and Building comm; asked Mr. Corbo his thoughts.

**Corbo** – He didn't anticipate there being an appeal process. There is a statutory appeal process for receiving a ticket. Asked what appeal is being talked about.

**Snell** – It is in the event the Building Comm denies a request or if a job site is shut down due to COVID concerns.

**Corbo** – He will add a paragraph on that appeal process in the enforcement section.

**Gibson** – One-worker allowance remains outstanding. Off-Island travel is outstanding. There is nothing in the Order about a worker log; that would have to be added.

**Hill Holdgate** – Suggested discussing landscaping.

**Gibson** – Revised landscape protocol from Mr. Carlson was sent to everyone today. The suggestion is that should be a separate document. Safety protocols says, “construction safety stand down” and references a daily log.

**Carlson** – After discussion, we created an initial list of allowable activities to include irrigation related to water turn on. One exemption was one-worker per site. Mowing lawns, mulching and such could be authorized by BOH for one week to ensure people are being compliant. Crews are limited to 2 individuals. Another addition is a requirement for a daily log per employee and which property they visited.

**Higgins** – It might be a good idea to consider logs for construction especially if we are doing an Island preference. She's not fully comfortable with this. She doesn't think we've found the balance between public rights and public health. She's more comfortable with one person per work site is the safest way to move forward for a week or two. She wants a hotline for employees to call if they fear their employer isn't taking care of them.

**Weld** – Asked when work will commence.

**Hill Holdgate** – that needs to be discussed. NCH said they are ready.

**Macnab** – We have to address the right of the worker. A person has a right to say they don't feel safe going back to work.

**Hill Holdgate** – She feels people would not be forced to go back to work during this event; she asked Town Counsel about it.

**Corbo** – He hasn't gotten a conclusive answer; we will provide an opinion on the rights of the workers if there is anything above and beyond what the State does. We only require job sites have a placard about social distancing; you could add a number if the safety measures aren't being met. Discussion about protecting workers concerned about going back to work and whether a job is considered essential or not.

**Corbo** – Landscapers are listed as essential under construction as far as the State is concerned.

**Hill Holdgate** – The Building Association talked about a hotline should workers feel they are put in a precarious situation. (Off-line 2:48 to 2:51)

**Ferrantella** – Bldg Assn is involved in construction, asked who is involved with landscaping.

**Carlson** – We had a number of calls and he did research on guidelines from CDC.

**Bridges** – (Potty 2:50 to 2:52)

**Higgins** – She wants the one person per job to go forward. The MV draft has wording about sanitizing a site.

**HH** – For interior work, proper sanitation needs to take place.

**Corbo** – We can add a requirement to sanitize a site between work team shifts.

**Bridges** – Asked Dr. Pearl about the April 27 start date versus May 4 start date.

**Pearl** – You have a low level of COVID on the Island with no new cases for 14 days. We have to move forward in the safest way possible: masks, social distancing, hygiene. We prepared for a larger outbreak so are “super” prepared. She feels the consequences will be minimal as proposed.

**Higgins** – She was texted a question asking about “patients under investigation” and if they tested positive. The texts were from Linda Williams and “Ava”.

**Pearl** – They have not tested positive and are not high risk.

**Higgins** – She’s confused about allowing people to go back to work while folks are

**Pearl** – Some people chose to take extreme caution and others would prefer to go back to work. To maintain public health, you have to implement masks, distancing, and washing hands.

**HH** – Enacting this is ultimately a BOH decision. However, we still have some decision points.

**Corbo** – There are two categories; allowable activities isn’t clear.

**Carlson** – The crews are limited under Job Procedures.

**Corbo** – He wants to go through this and ensure everything fits with landscaping. There should be a decision on what landscaping is allowed, then he can come up with a document.

**Higgins** – Allowable landscaping work needs to be defined, which jobs can be done by one person.

**Carlson** – We focused on installation of plants. We can craft language that allows a single person working alone.

Discussion about s single person per job per day.

**Corbo** – Four substantive issues need resolution: language for single worker job sites and registration, allowing/prohibiting off-island workers or preference, workers allowed to leave site, and lastly an effective date. Asked for a consensus on each at a time.

**Consensus** – On-island preference and registration with the building department.

**Visco** – Asked about the effective date and sign off.

**Corbo** – The effective date would require a vote of the board. On the four points he’s looking for a consensus on whether or not to add those to the document and how. Once that’s done you can approve based upon the final draft and allowing the chair to sign it.

**Cooper** – He’d like to go over the final draft as a board.

**MacNab** – Agrees.

**Corbo** – Asked for consensus on leaving the job site during the day.

**Cooper** – He doesn’t agree with them having to go directly home at the end of the day.

**Consensus** – People will be allowed to leave during the day with a directive to minimize doing that.

**Corbo** – Asked about single worker jobs.

**Carlson** – For landscaping, the worker has to provide 24-hour notice that they are coming to do work.

**Consensus** – Single-worker jobs okay with registration with the Building Department and no overlap of people during the day. If the house is occupied, the worker has to comply with social distancing and notify the owner 24 hours in advance.

**Corbo** – The last issue is effective date.

**Cooper** – Wants to provide the effective date when the BOH approves the order.

Discussion about the date for an emergency BOH meeting to approve the final draft to allow time for contractors to apply to work.

**Snell** – The Building Commissioner has heard from people who want exceptions, we are able to start processing applications and turn them over as quickly as possible. The emergency orders gives 48 hours to review and provide a response. We know about most of the requests; they are waiting to move forward. IT will help us create a simple, on-line application form.

Continued discussion to include separating landscape from construction. (ZOOM keeps freezing)

**Carlson** – On landscaping, up to two workers are allowed on site. He will put together a step-by-step process for registering to do landscaping work; that will be ready for the BOH Sunday meeting.

**Snell** – We have a form for the waiver and will have an application. We can post online the process.

**Corbo** – You don't need a vote at this time. He will finish the draft for a vote on Sunday. The Chair can declare an emergency meeting; you need to set a time.

Action            **Motion to Hold an Emergency BOH meeting Sunday April 19<sup>th</sup> at 1 p.m. to review the draft vote on the implementation.** (made by: Cooper) (seconded)

Roll-call Vote    Carried unanimously: Cooper-aye; Weld-aye; MacNab-aye; Higgins-aye; Visco-aye

**Motion to adjourn the Select Board meeting at 3:52 p.m..** (made by: Bridges) (seconded)

Approved via roll-call vote.

**Motion to adjourn the BOH meeting 3:52 p.m.** (made by: MacNab) (second)

Carried unanimously by roll-call vote.: MacNab-aye; Higgins-aye; Weld-aye; Cooper-aye; Visco-aye

Submitted by:

Terry L. Norton

PROPOSED



Proposed Minutes for April 19, 2020  
**BOARD OF HEALTH**  
**Emergency Joint Meeting**  
**with Select Board**

Town of Nantucket  
3 East Chestnut Street  
Nantucket, Massachusetts 02554

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**Commissioners:** Stephen Visco (chair), Malcolm MacNab, MD, PHD (Vice chair), James Cooper, Helene Weld, RN, Rita Higgins, Select Board

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

~~ MINUTES ~~

**Sunday, April 19, 2020**

*This meeting was held via remote participation using ZOOM and YouTube,  
Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law*

Called to order at 1:00 p.m. by Mr. Visco

Announcements

**Staff:** Libby Gibson, Town Manager; Santamaria, Health Director; Jeff Carlson, Director Natural Resources; Leslie Snell, Assistant Director Planning and Land Use Services

**Attending Members:** Stephen Visco, Chair; Malcolm MacNab, Vice chair; James Cooper; Helene Weld; Rita Higgins

**Speakers:** Dawn Hill Holdgate, Chair Select Board; Gary Shaw, President NCH

**Town Counsel:** Gregg Corbo, K&P

Agenda adopted by unanimous consent

## **I. REVIEW EMERGENCY ORDERS OF THE BOARD OF HEALTH**

### a. Construction Phased Work Plan – Order #5

**Discussion** **Santamaria** – Changes were requested and the previous meeting and been compiled into a final packet. The final draft has to be adopted.

**Cooper** – The number of workers at a construction site is 4 workers and one COVID officer.

**Corbo** – That is correct; the COVID officer can be one of the workers, in which case it is a maximum of 4 workers.

**Cooper** – Asked if the vendors have agreed to deliver orders to the job site.

**Snell** – MHC wants to incorporate with the order and asked for a list of approved work sites; haven't heard from the others. About the deliver, delivery of items that needs to be cleared up

**Corbo** – the order reflects the changes made after Friday. The deliver issue does have to be addressed; he understands that they would be required to receive deliveries of larger items.

**Visco** – Thinks it's common sense; smaller items could be handled with a curb-side pickup.

**Corbo** – Language to be “supplies and materials needed for work shall be delivered to the site by the vendor when feasible.”

Review of comments from Ms. Snell on the draft.

**Corbo** – Emergency work to be permitted to go forward is limited to structures used and/or occupied prior to March 20, 2020. Allowable Construction needs a beginning date for work; Ms. Snell suggested April 21.

**Discussion** – About the start date, the consensus agrees on April 21

**Corbo** – We changed PLUS Department to Building Commissioner. Added language about a registration form and how to obtain it.

**Higgins** – Asked if there is a single-worker job, does that person have to be a COVID officer.

**Santamaria** – We need to include who the single-workers are.

**Corbo** – Right now it's any work that can be done by one person and is approved by the Building Commissioner.

**Gibson** – Noted some typographical errors.

**Corbo** – The next issue is under the application procedure which don't apply to the single worker; reviewed changes that indicate these apply only to multiple-worker jobs.

**Hill Holdgate** – She has been asked about having someone check in on single workers.

**MacNab** – We weren't checking on one-man jobs before COVID; thinks it would get too complicated.

**Discussion** – About COVID officer at the multi-person jobs, that person is supposed to be at the site all the time.

**Corbo** – General on-the-job procedures; the only comment was on deliveries, which we discussed. The final section is enforcement.

**Cooper** – On deliveries, it states all material is subject to a 24-hour quarantine, confirmed it will sit at the site and can't be used until the following day. It could be a problem with items that might be damaged to being left in the open.

**Shaw** – He will pass that question to Dr. Pearl to provide guidance.

**Santamaria** – If it's going to rain, it wouldn't be delivered; however, if it can be put inside, that's fine. There should be no need for the workers to leave the job site because items are sitting in quarantine. If necessary, an item can be ordered to be delivered the day before work starts.

**MacNab** – Suggested leaving it in and grant Mr. Santamaria the authority to take it out if that is recommended.

**Corbo** – Will add a qualifier, "at the discretion of the Health Director." Asked if there are other changes requested.

**Higgins** – She has been repeatedly asked about someone coming from off-island being required to self-isolate; the sense is people don't think that's strong enough.

**Corbo** – It says, "Hiring preference will be given to people who reside on Island or are able to remain on the Island for the duration of their work." We didn't adopt a quarantine period for workers from off Island.

**Visco** – Under the Stay-at-home (SAH) order, unless you are connected with essential work, you must be quarantined.

**Corbo** – If all workers have to quarantine for 14 days prior to work, it would be hard to get anything done.

**Hill Holdgate** – She thinks the SAH order is for people from out of state.

**Corbo** – The Emergency SAH order, expired on April 6; it then says the Governor's order is in effect. He doesn't think the Governor's order addresses the Island, just people coming from out of state.

**Shaw** – We are entering a couple of phases at once: taking the brakes off slowly and educating the public. He and Mr. Santamaria are working with legislatures to help them understand risks. A third document is for people from out of State; we're working on a plan to write a letter through associations to out-of-State property owners urging a 14-day quarantine upon arrival with ways to get home delivery.

Action **Motion to Adopt Construction Order 5 with the additions and subtractions discussed.** (made by: MacNab) (seconded)

Roll-call Vote Carried unanimously: Weld-aye; Higgins-aye; MacNab-aye; Cooper-aye; Visco-aye

b. Landscape Phased Work Plan – Order #6

Discussion **Carlson** – Some changes were made, and I provided some additions.

**Corbo** – Explained how this was made a document separate from the Construction document. An administrative support person isn't covered by this order; but nothing prohibits an office person from doing that type of work as long as they observe protocols. The scope of landscape under the governor's order is limited to essential work as detailed in the governor's order. Municipalities can enact regulations that are more stringent than the governor's but not less.

**Carlson** – His understanding for the administrative portion is if people should work remotely as long as possible. The initial charge was to maintain landscape in a manner that does not allow pests or insects to thrive and become a public-health issue. Pesticides are allowed under this. Feels this order doesn't go into that too much. We did limit work on trees and shrubs for the sole purpose of pruning for safety only.

**Higgins** – Allowing a single person to do work that can be accomplished by a single person sounds less restrictive than the State order.

**Corbo** – The governor's order has an exemption allowing people to work remotely; that's not clear what a brick and mortar premises would be for a landscaper and if it prohibits a single worker from doing his work.

**Carlson** – From what we've seen, it's a miss bag how that is being interpreted by communities.

**Corbo** – We could say that single-person work is permitted to the extent it is allowed by State law.

**Cooper** – Feels the single-person job should be kept in; we need to let them get back to work and define what they can do.

**Corbo** – As the regulation is written, you can have up to 2 people including the COVID officer; if a single person can do the job listed in the document, there's no reason to call them out. Part 1 lists the type of allowable landscaping work; asked Mr. Carlson if the secondary activities should be delayed a week or should they start at the same time.

**Carlson** – We wanted a week delay to ascertain if there were any issues with the primary activities and roll this out in measured degrees. If BOH feels it's going okay after one week, the secondary jobs will be released.

**Corbo** – Under Part 1 Allowable Landscaping, the primary activities will be allowed to start on April 21 and secondary activities on April 28. The second section limits some work to being done by property owners on their own property. Under Application Procedures, these are similar to the ones for Construction with a couple of clarifications.

**Carlson** – He had talked about a dedicated email address for that; the email address might not be ready by April 21 so suggested using his regular Town email. All mailing and contact information for applications is through our office.

**Corbo** – Safety Stand-down is identical to Construction. Zero Tolerance for Sick Workers is also identical to Construction. General on the Job Procedures should also be identical except for “no more than 2 people” being on site. Enforcement is also identical.

**Higgins** – Asked if these will be available on the website in Spanish.

**Carlson** – It will be available through the COVID link and will be emailed to everyone in our database. We will be translating it into Spanish; numerous services have offered to translate it into Portuguese and Bulgarian and one other he can't recall at this time.

**Santamaria** – We can translate these to at least Spanish and Portuguese.

**Higgins** – Had questions about health insurance covering the swab test; asked that information be made available. Asked what is being done about childcare.

**Santamaria** – He and Taylor Hilts are working on getting childcare up and running and make it available to more people. Three childcare agencies currently exist on Island.

**Shaw** – He sent Ms. Higgins a document from Partners describing the swab coverage. Suggested that information be put on the Town website; the hospital will put it on its website as well. Asked if the BOH will want a COVID update.

**Motion to Adopt Landscape Order #6.** (made by: Cooper) (seconded)

Carried 4-1: Weld-aye; Higgins-nay; Cooper-aye; MacNab-aye; Visco-aye

Action  
Roll-call Vote

c. Essential Worker Mask – Order #7

Discussion

**Santamaria** – This Order is based upon CDC guidelines; some retail establishments are already following them. We are getting complaints that workers at our largest retail establishment aren't wearing masks. Reviewed the sections of the Order. This creates a COVID officer for any food services. Listed other communities which have already passed this order. He and Mr. Corbo have reviewed this.

**Weld** – Asked if they have had conversations with S&S.

**Santamaria** – We have.

**Higgins** – Sections A & B call out portions of the governor's order. Regarding C, asked who that would apply to and who would be impacted.

**Santamaria** – The Bean in S&S is allowed to work. S&S has voluntarily closed the bakery and custom slicing of the meats and cheese. S&S is the only one because MHC has moved to curbside service.

**Hill Holdgate** – Asked what happens if employees refuse to comply or remove their masks. She's not sure why more regulations are needed at this point and why we can't encourage compliance and best practices. She doesn't know what level of micro-managing we want to get into.

**Santamaria** – It depends on each business to make the decision which workers are essential. We are asking employee to wear their mask when on the floor and interacting with the public. As our grocery and retail are concerned, we are looking to protect them as much as possible. 80% of people will comply voluntarily and 20% will not; we don't want to spend time and resources tracking down that 20%.

**Higgins** – This appears to be a long-term order and part of bringing more people back to the Island.

**Santamaria** – Intermittently, until there's a vaccine, we will see times of social distancing with flare ups of COVID. Having the masks in place is a long-term solution to mitigate a resurgence when the Summer people arrive.

**Hill Holdgate** – Asked that public input be taken on this to assess the possible impact. For some of the small businesses to hire an additional person to stand at a door could cause a financial strain on them.

**Higgins** – Asked who will enforce this and if there will be fines.

**Santamaria** – We have the ability to assess a fine, but we aren't looking to do that. We aren't forcing stores to hire anyone new. We are asking the manager to be vigilant. Section Nr. 2 asks for a sign to be posted at the door. We've had a huge influx of complaints about retail workers not wearing masks in triple digits; some are supporters, and some are detractors. This is an unprecedented time with difficult decisions.

**Visco** – He doesn't think the BOH will take public comment on this. He believes Mr. Santamaria has the authority to implement these.

**Higgins** – Under part II it states these are going to be mandated. Under Part B, who determines how many people per shop and how do we make that clear and if a COVID19 officer should be placed at the door of larger stores.

**Santamaria** – The State retail reiteration is asking stores to limit to 40% of their occupancy. Right now, the only group that has someone counting people entering is S&S; a lot of work still needs to go into this. Removing Part B requiring the COVID officer could be removed as long as stores are monitoring their traffic. All the guidelines indicated wearing PPE protects the most vulnerable portion of the population.

**MacNab** – He's not comfortable working on this unless that COVID officer requirement can be removed. He wants to think about Sections B&C

**Santamaria** – It is expected that the COVID officer already works for the store, usually the manager.

**Weld** – Suggested phasing this. Wearing masks should be required; occupancy becomes more of an issue as seasonal residents arrive and could be addressed at a later time.

**Santamaria** – The board could approve this with Part A requiring workers to wear masks, posting a sign at the door suggesting customers wear masks, reiterating the governor's order on retail, and reiterate the Governor's order on grocery.

**Higgins** – Likes the idea of a phased approach.

**MacNab** – Suggested scheduling a meeting for next week to provide time to think about this. Who knows what else could happen between now and then which might need to be addressed here.

**Consensus** – Strict Parts B&C and address those at another time.

**Motion to Adopt Order #7 striking Section II Parts B & C.** (made by: Cooper) (seconded)

Carried unanimously: Weld-aye; Higgins-aye; Cooper-aye; MacNab-aye; Visco-aye

**Higgins** – Stated the John's Hopkins guidelines about assessing risks which were circulated were very helpful. How we assess risks across all agencies of the Island.

**MacNab** – left at 2:45 p.m.

**Shaw** – Suggests that we agree on what we are facing and how to navigate appropriate measures steps to reintroduce back into the world. We haven't had any cases in 15 days and no on-island transmissions. We also see focus on safety and social distancing with a great amount of public awareness on not spreading COVID. COVID's spread is largely attributed to parties and large gatherings, a lot of people in close proximity. We would be remiss if we did not assess the number of anti-bodies in the community; explained the steps to do serology testing. He and others have worked long hours on a plan to do that in 3 phases for permanent Island residents. The first round would tell us something about how it has circulated and how aggressively the BOH should consider opening. A second sampling tells us how a migrating population will impact the Island. A third sampling would be at the end of the summer to ascertain how much COVID is present. Our shift in policy was due to the fact that as we learned about COVID, we as an Island took fast and drastic measures early on. He believes that as the Boston death rate drops, we'll see people who think we're all okay and launch here in great numbers; if your returning to your home, expect to be required to meet certain safety measures to minimize the spread new cases on the Island. In his opinion, the BOH is taking the right steps. We would like the new testing to start before the end of April but have to be approved first. Mr. Santamaria has been part of the discussion to get this going and focusing on the scope and cost of the testing.

**Santamaria** – He and Mr. Shaw have been working together for the last 90 days; he doesn't think we've this close an interaction between the Health Department and the Hospital in a very long time. The effort is evident in 15 days with no new cases and the collaboration with some of the largest names in medicine around the world; Nantucket should be very proud of that.

**Weld** – Asked for any information on Governor's stay at home order being lifted or extended and if restaurants will be addressed.

**Santamaria** – We are working to have our restaurant guidelines be in concert with what the State and Federal Government are doing; however, if we get it wrong, the risks are too high. Restaurants are next with other retail after that. May 4 is still the end date but that could be extended.

**Motion to adjourn the BOH meeting 3:03 p.m.** (made by: Cooper) (second)

Carried unanimously by roll-call vote.: Weld-aye; Cooper-aye; Higgins-aye; Visco-aye

Submitted by:  
Terry L. Norton

Proposed Minutes for May 6, 2020  
**BOARD OF HEALTH**  
**Meeting**

Town of Nantucket  
3 East Chestnut Street  
Nantucket, Massachusetts 02554

[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

**Commissioners:** Stephen Visco (chair), Malcolm MacNab, MD, PHD (Vice chair), James Cooper, Helene Weld, RN, Rita Higgins, Select Board

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

~~ MINUTES ~~

**Wednesday, May 6, 2020**

*This meeting was held via remote participation using ZOOM and YouTube,  
Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law*

Called to order at 3:02 p.m. by Mr. Visco

Announcements

**Staff:** Roberto Santamaria, Health Director; Jeff Carlson, Director Natural Resources  
**Attending Members:** Stephen Visco, Chair; Malcolm MacNab, Vice chair; James Cooper; Helene Weld; Rita Higgins  
**Town Counsel:** Gregg Corbo, K&P  
**Documents used:** COVID Advisory Spread Projection PowerPoint® presentation.

Agenda adopted by unanimous consent

## **I. PUBLIC COMMENTS**

- a. None

## **II. COVID UPDATE**

**Santamaria** – He's been looking at permitting issues for lodging, foods, restaurants; trying to get State guidance. The packet has a report by the COVID Advisory Taskforce (CAT) regarding projections. Gave a PowerPoint® presentation regarding those projections: Nantucket did well putting mitigation in place to minimize the spread of COVID on Island; CAT used the Kermack & McKendrick Susceptible, Exposed, Infected and Resistant (SEIR) model dependent upon behavior; the State Case Fatality Rate is 5.4. The CAT recommendations to keep the numbers down are: return to strict mitigation and the need for an active surveillance program and educational campaign, "Keep ACK Safe." This is a long-term event from 18 to 26 months; another severe outbreak could result in another lockdown.

**MacNab** – Modelling is difficult and requires correct assumption when we know very little about the virus. We need to know the true infection rate and the true death rate, which we can't tell that without knowing the true incident of the disease. Models are only as good as the underlying data, which in this case is flawed; but at the same time, we can't throw out the idea of have a model. There are other models; he'd like to know more about this model and if the numbers used are correct and can estimations be made on a small but inconsistent population. There is no one on the BOH or Select Board with the experience to accept this model outright. Mr. Santamaria should send this report to the State Health Director for comments; we need a non-Nantucket non-biased review of this report.

**Santamaria** – Dr. MacNab's points are great; this model isn't vetted, to his knowledge. One thing we need to do going forward is using information we have at hand.

**Corbo** – It's good to understand the background, which is the basis for decisions. In this case you aren't likely to find perfect science; for purposes of BOH discussion, you don't have to get bogged down in the details of the science. From a regulator perspective, the standards for judging BOH actions is if they are reasonable in relation to public health and safety and do they achieve the desired result. You aren't required to wait until the danger materializes in Public Health; you can take preemptory action to prevent harm. You aren't required to have absolute scientific perfection; the question is, are the proposed actions reasonable steps to take regarding a positive impact on public health.

**MacNab** – We have no manual for dealing with this disease. We have to be careful in making decisions. Mr. Corbo is correct, we should not get hung up on science, which for COVID it isn't very good at this time. It is very important that a non-Nantucket person vet the report. Going forward we should listen to Mr. Santamaria's advice and the hospital. We need to ascertain how to deal with and manage COVID-19. Another question is, what degree of infection are we willing to accept; that is based upon the capacity of the hospital. His recommendation is to let Mr. Santamaria guide us until we get additional input.

**Higgins** – We've gone from emergency phase where the hospital leads us to now when we are looking at a broader picture. The Select Board is looking for who will guide us on the science. Agrees with the point about different models.

**Santamaria** – It was said that the worst decision is no decision at all. The comparison of data is real and important. He will reach out to experts as he needs advice. We have to pay attention to our rules and mitigation and decide if we want our orders to be stricter than the governor's. We need to look into more active surveillance. Explained how the CAT came about. Asked if the BOH wants to continue with the group or go to a more formal vetting process.

**MacNab** – Thinks the CAT should be an advisory board to the BOH rather than to the Select Board.

**Corbo** – Your advisory board should have a good cross section of the community on such an *ad hoc* committee if you are taking data from them. The statement in the preliminary of the packet about if it is worth opening commerce in two or three weeks and causing 75 deaths over the summer, makes it sound like the BOH would be responsible for those deaths when the Board is not. Public Health involves all aspects of society. The Board shouldn't eliminate all measures; people are able to be responsible for themselves. A lockdown would be safe, but it isn't really reasonable; the inability to make a living could have an impact on people's health. The information you rely on should come from the appropriate cross section so as not to favor one particular view.

**MacNab** – He shares the same concerns mentioned by Mr. Corbo; he is concerned about bias. Suggested disbanding that group and Mr. Santamaria creating his own group.

**Visco** – This is an ever-evolving situation. The model is a tool to look at but agrees it should be vetted more. Agrees with Dr. MacNab.

**Higgins** – She would support Mr. Santamaria letting us know who he needs to talk to. Collateral damage from lockdown keeps coming up; we need an on-going, consistent view of numbers to understand the impact of our policies. The Select Board might have to look at a reallocation of resources to deal with the disease. Testing and tracing seems to be important in fighting COVID. Asked when we might be able to increase our testing to test regularly.

**Santamaria** – The testing standards are getting ramped up; there is talk about groups willing to donate tests. A lot of testing has to do with the expansion of symptoms. There's a big funding problem with testing everyone on the Island and there's a problem with sera-testing to ascertain the amount of virus in the blood. The secondary effects of lockdown is something we are looking at; he will be reaching out to the organizations that deal with those issues to get numbers on increased incidents of substance abuse, abuse, etc. He will continue working on getting the correct information into the hands of both boards.

**MacNab** – Reiterated his concern that the advisory board should be selected by Mr. Santamaria or the BOH and have a good cross-section.

**Corbo** – Recommend that the advisory board be constituted by a vote of the BOH.

**Higgins** – Asked if it would be an application process and what the timeframe would be. Her concern is how some of these *ad hoc* groups have come together and the varying levels of transparency.

**Weld** – An application process would take too long; suggested Mr. Santamaria come up with a list of names with credentials; the BOH would then vote on the members.

**Santamaria** – He will ask CAT to focus on reopening guidelines for restaurants and he will focus on reopening procedures for the Town using experts he knows of. He will compile academic and journal references for the Board. This is moving too fast to go through the effort of creating and vetting a new group. He will move forward as he did two weeks ago in providing updates and weekly reports. Regarding liaison, he will call members as needed.

### III. PHASED WORK PLANS

#### a. Construction Phase II – Order #8

Discussion

**Cooper** – The Intent comment refers to “any structure”; asked for clarification if that means any structure that had a permit issued before March 20 can go forward to completion.

**Santamaria** – This has to fit under the governor’s order; we can’t be less strict. Mr. Cooper’s question is a good question for Leslie Snell at the next meeting with the Select Board.

**Cooper** – If it’s just Nantucket residents or Affordable Housing, that can be completed quickly; that would soon leave people out of work again.

**Corbo** – In the packet are two different version of this order; the first version includes the amendments; the second version starts on page 19. We are phasing construction back in, that is to level the State allows, which is residential or necessary construction to maintain safety and sanitation of structures. We put the definition right in there to prevent confusion.

**Santamaria** – One comment brought up is the Covenant Housing; we don’t have permitting for Covenant Housing, which was shut off. He feels that would be a fair exemption to include as long as it doesn’t run afoul of the governor’s order.

**MacNab** – Asked for the number of infected workers and how it relates to timelines.

**Santamaria** – Of the 13 cases on Island, about 1/3 were workers in construction, landscaping, and painting; over half of the cases are Hispanic. Two of the 3 cases that came up after Phase I was implemented were construction-related workers.

**Coopers** – Asked if “any structure” will be stricken. He wants it left in but is confused by what it means.

**Santamaria** – We have to discuss that with PLUS, unless the Board wants to strike it.

**Corbo** – That sentence was removed from the draft starting on Page 19. The attempt of Phase II was to allow continuation of any project that had a permit prior to the state of emergency and providing it can continue under the State order.

**Visco** – There is still no new construction; previously permitted structures can be brought to habitability providing they are allowed under the governor’s order.

**Cooper** – When you talk about going up to 8 people per job site, asked if that is just for construction going from 4 to 8.

**Santamaria** – That would be total people on site; if there are 6 construction workers on site, 2 landscapers would be allowed. That work still has to be registered and permitted by the appropriate departments.

**MacNab** – His concern is the timing; he wants to track the infection rate for another week or two.

**Weld** – Cited a quote from Dr. Anthony Fauci about the dangerous impact of opening too soon.

**MacNab** – The proposed numbers are an arbitrary swag; he can’t vote for this before we have further tracked the disease.

**Santamaria** – We have a joint Select Board meeting at today at 5 p.m. and another meeting tomorrow, Thursday May 7<sup>th</sup>. Pointed out that in the past two weeks, we’ve only had 3 cases.

**Cooper** – Asked if we should keep the one person per truck.

**Visco** – He doesn’t think that is necessary.

**Santamaria** – As long as personal-protection equipment (PPE) is worn, there can be more than one person per truck. PPE is required in the governor’s order.

**Visco** – He’d like to keep it at 4 for most sites but allow up to 8 for larger projects.

**Higgins** – She thought it interesting that about 195 permits are currently out; this would open up work to about 400 projects. The Select Board was contemplating the 4 versus 8; we will get additional State directive on May 18<sup>th</sup>. She doesn’t understand why Dr. MacNab thinks the 8 is an arbitrary number.

**MacNab** – He wants to know upon what the 4 and 8 workers per site were based.

**Higgins** – Certain jobs require 4 people to accomplish a job safely; the 8 was driven by a building perspective. The number of people who share tools and space and the level of compliance will impact the number of COVID cases. She'd rather it remain 4 people per site.

**Corbo** – The relevance is to have a number; the two things to be protected against are: a surge of workers to the Island and keeping workers reduced to limit the possibility of spread on a job site.

**Weld** – In a week and a half, the governor will issue additional orders; asked if this could be put off until we have that information.

**Visco** – He is willing to move forward; what we have is more restrictive than on the mainland.

**Cooper** – He'd be willing to allow 4 construction workers and 2 landscapers since they are working in different areas.

Action None

Roll-call Vote N/A

b. Landscape Phase II – Order #9

**Discussion Carlson** – The only added activity is opening pools; there has been concern about swimming in the pools and an application process, so companies can apply for work which they believe are within the governor's order; we can inspect those sites to ensure they are staying within compliance. The last change is a provision allowing up to 4 workers on a lot over 5000 square feet. An enforcement issue is allowing 2 people per truck; we are seeing unmarked trucks with two people not wearing PPE.

**MacNab** – He thinks allowing 4 on larger lots is an important addition.

**Higgins** – Some of the safety issues are at Mr. Carlson's discretion. The problem is not when they are working but when they are in trucks or helping each other. Asked how the 2 people in the truck is enforced.

**Carlson** – Often we call the company if the vehicle is marked; if we see where an unmarked vehicle is going, we can locate the truck and speak to them then; Natural Resources doesn't have authority to pull vehicles over.

**Santamaria** – He and Mr. Carlson will look into enforcement; it isn't a good idea to have a blanket response. He will come up with a written interpretation.

**Corbo** – Read the requirements in the governor's order for wearing masks; under the order, you aren't required to wear a mask outside as long as the 6-foot separation is maintained.

Action None

Roll-call Vote N/A

**IV. BOARD MEMBER UPDATES/CONCERNS**

a. None

**Motion to adjourn the BOH meeting 4:31 p.m.** (made by: Weld) (seconded)

Carried unanimously by roll-call vote.: Weld-aye; Cooper-aye; Higgins-aye; MacNab-aye; Visco-aye

Submitted by:  
Terry L. Norton



Proposed Minutes for May 7, 2020  
**BOARD OF HEALTH**  
**Emergency Joint Meeting**  
**with Select Board**

Town of Nantucket  
3 East Chestnut Street  
Nantucket, Massachusetts 02554

[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

**Commissioners:** Stephen Visco (chair), Malcolm MacNab, MD, PHD (Vice chair), James Cooper, Helene Weld, RN, Rita Higgins, Select Board

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

~~ MINUTES ~~

**Thursday, May 7, 2020**

*This meeting was held via remote participation using ZOOM and YouTube,  
Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law*

Called to order at 4:00 p.m. by Mr. Visco

Announcements

**Staff:** Roberto Santamaria, Health Director; Leslie Snell, Deputy Director Planning; Paul Murphy, Building Commissioner; Jeff Carlson, Director Natural Resources

**Attending Members:** Stephen Visco, Chair; Malcolm MacNab, Vice chair; James Cooper; Helene Weld; Rita Higgins

**Town Counsel:** Gregg Corbo, K&P

**Documents used:** Draft Emergency Order #8; Draft Emergency Order #9

Agenda adopted by unanimous consent

## **I. PUBLIC COMMENTS**

- a. None

## **II. PHASED WORK PLANS**

- a. Construction Phase II – Order #8

**Discussion** **Corbo** – We will work off the draft Ms. Snell sent around. For a simpler document, he separated out the allowable construction guidelines for all construction sites into its own document from Order #8. Reviewed the statement of purpose.

Under Allowable Construction: defined all unfinished construction as any structure which had an Historic District Commission (HDC) permit and building permit issued prior to March 20, 2020; that work may now continue. Defined a job site and addresses work authorized under Emergency Orders #1 and #5. Under this order, a single worker no longer has to apply with the Building Department. Covenant Housing is also addressed in this order.

**Higgins** – She thinks a simple document is clearer; suggested the list of work allowed under Emergency Order #1 be an addendum to this document.

**Consensus** – Agrees with Ms. Higgins

**Corbo** – Under Paragraph 4, he will add, “as described in addendum hereto.” The next issue is should this Order make specific reference to the Governor’s Exhibit A or not.

**Cooper** – No.

**Visco** – Agrees; this is confusing enough without that.

**Santamaria** – A reference to Exhibit A tells you where it’s coming from; likes the idea of attaching it as an addendum. If we are falling back on Exhibit A, asked if we should list Order 5 and go back to the State.

**Higgins** – Agrees with Mr. Santamaria. The information should be easily accessible.

She prefers to err on the side of caution and doesn’t want to loosen restrictions too much.

**Santamaria** – The only difference here is the number of people on the site; the rest is the same as the Governor’s order.

**Corbo** – New construction isn't allowed unless it is an emergency; that and number of people per site is stricter than the Governor's order. Paragraph 7 of the draft states this Order is subject to the original conditions as listed under Governor's Order 21; PLUS recommends that be deleted. Does the BOH want that to stay in with a list as an addendum.

**Snell** – We think it is unnecessary; we have to follow the Governor's Order.

**Murphy** – Suggests it be removed; that is the practice throughout the Commonwealth. Leaving it in will be confusing for the community and there could be dissatisfaction with an interpretation.

**Santamaria** – The purpose of our Board is health and safety; leaving that in leads to that purpose. However, Mr. Murphy makes a good point about interpretations.

**Corbo** – The buck stops with the Building Commissioner; if it makes his job is easier without it, then do so.

Action **Motion to Strike the verbiage, "conditions as listed under Governor's Order 21."** (made by: Higgins) (seconded)

Roll-call Vote Carried unanimously: Higgins-aye; Weld-aye; MacNab-aye; Cooper-aye; Visco-aye

**MacNab** – We have to agree about increasing to 8 people per site and no new construction; that is what we should be focusing on. You can have a one-page summary of what can and can't be done.

**Corbo** – Wants to know if everyone is satisfied with the guidelines. The first section talks about an application procedure; he doesn't know if that is necessary any longer.

**Snell** – She would support removing that. The Vineyard is no longer requiring registration for work.

**Corbo** – There is no need to have an extra layer of permitting for something that is permitted.

**Cooper** – We're picking this to death; Dr. MacNab is correct about the number of people on a job and the no new construction being our focus here. At the rate we're going, we'll have to have another meeting to approve this.

Action **Motion to remove the application procedures.** (made by: Weld) (seconded)

Roll-call Vote Carried unanimously: Higgins-aye; Cooper-aye; Weld-aye; MacNab-aye; Visco-aye

**MacNab** – He's tired of hearing what everyone else is doing; he wants to know what's best for the Island. He agrees with Mr. Cooper.

**Corbo** – He changed the 1 person per vehicle to no more than 2 people per vehicle at any one time. The Board needs to decide when this will go into effect and the number of people allowed per job site.

**Weld** – Asked when this could be ready since it's being translated into three languages.

**Santamaria** – We should give our translator until Monday to translate the document.

**Weld** – Monday, May 11 sounds reasonable if we can get it translated and distributed.

**Cooper** – Construction should have 4 people per site unless there is work that requires more people. It would be up to the Building Commissioner to decide if more people are to be allowed.

**MacNab** – He thinks going to the Building Commissioner makes this more difficult, but he'll go with the Board. He'd be comfortable with up to 8 people.

**Higgins** – She wants to stick with four; if six are needed, that should be the Building Commissioner's call.

**Corbo** – We'll change "8" to "6" and add "unless a greater number is approved by the Building Commissioner."

Action **Motion to Allow up to 6 people per job site.** (made by: Weld) (seconded)

Roll-call Vote Carried 3-2: Cooper-aye; Higgins-aye; Weld-aye; MacNab-aye; Visco-aye

**Snell** – There are some administrative changes that need to be made under Construction Stand Down to reflect the approved changes.

**MacNab** – We should authorize the chair to sign in our behalf

Action **Motion to approve Executive Order # 8 as shown on the screen and discussed at this meeting and the Nantucket Construction Guidelines and Rules for getting back to work provided that staff may work with Town Counsel to make non-substantive administrative changes for the purpose of consistency and the chair is authorized to sign on behalf of the Board of Health.** (made by: Cooper) (seconded)

Roll-call Vote Carried unanimously: Cooper-aye; MacNab-aye; Higgins-aye; Weld-aye; Visco-aye

b. Landscape Phase II – Order #9

Discussion **Corbo** – There are few substantive changes necessary.

**Cooper** – Confirmed that this Order includes the change to allow 2 people per truck.

**Corbo** – Asked if there is a reason to have the procedures in the Landscape Document or if they are the same as in construction. If so we can delete them and refer to the guidance for construction.

**Carlson** – He hasn't looked at the construction document that carefully,

**Corbo** – We can have a motion that authorizes Staff and Town Counsel to work on marrying the documents or leave this as is.

**Higgins** – Questions what the benefit to marrying the two documents would be; as a landscaper she wouldn't normally look at a construction document.

**Cooper** – He agrees with Ms. Higgins; landscapers should have their own guidance.

**Carlson** – There is a provision to allow up to 4 people per larger lots and 2 per smaller lots.

**Visco** – Agrees with Ms. Higgins and Mr. Cooper. Leave the protocols in.

**Santamaria** – Noted this had Order #8 on it and it should read Order #9. For consistency sake, Monday May 11 should be the implementation date.

**Higgins** – If translation can happen in that time frame, that would be fine. Mr. Carlson provided information to the Select Board on how many new permits were processed; asked if we will continue to get information without the registration.

**Carlson** – We are still processing company applications; as if this afternoon, we've processed 157 applications averaging just over 5 employees per company. This document provides a provision for applying for jobs affecting safety and sanitation.

Action **Motion to Approve Landscape Phase II Order #9.** (made by: Cooper) (seconded)

Roll-call Vote Carried unanimously//Higgins-aye; Weld-aye; Cooper-aye; MacNab-aye; Visco-aye

**III. BOARD MEMBER UPDATES/CONCERNS**

- a. Higgins – Would like the Building Department to provide a list of jobs per week.  
Carlson – Town Administration has asked us to provide the Emergency Operations Team a weekly report on Orders #5 and #6; he can continue to do that with Orders #8 and #9.
- b. Visco – People working on Septics want to know where they stand.  
Santamaria – Septic permits are the same: no new construction but allow repair for septic failures. Since the office is still closed, plans should be sent electronically until the drop box is installed.
- c. Visco – We will probably start looking at Phase III. Asked if any members want to work with staff in the PLUS and Natural Resources on Phase III.  
Santamaria – We need to wait for what Gov. Baker says about the May 18 deadline. He will get a report together for the Select Board and BOH.
- d. Carlson – Emergency Order #4 was the extension of shellfish licenses until the state of emergency is lifted.
- e. Weld – She asked about the timeline for the next meeting and opening restaurants.  
Santamaria – May 21 is our next regularly scheduled meeting.
- f. MacNab – Suggested finding a way to allow public comment for our next meeting.

**Motion to adjourn the BOH 5:10 p.m.** (made by: MacNab) (seconded)

Carried unanimously by roll-call vote.: Weld-aye; Cooper-aye; Higgins-aye; MacNab-aye; Visco-aye

Submitted by:  
Terry L. Norton

PROPOSED