

1. Board Of Health Packet

Documents:

BOHMIN20200716.PDF  
BOHMIN20200730 JOINT.PDF  
BOHMIN20200807 JOINT.PDF  
3 GLADLANDS AVE PDF AUG 10 2020 (003).PDF  
3 GLADLANDS VARIANCE REQUEST.PDF  
9 BEACH STREET.PDF  
14 N CAMBRIDGE.PDF  
VARREQ\_4SEVENMILELN\_8-13-20.PDF  
BOARD OF HEALTH REGULATION 62.00 - PRIVATE WELL REGULATIONS.PDF  
BOARD OF HEALTH REGULATIONS 52.00 SEPTIC SYSTEM  
REGULATIONS.PDF



# 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, Meredith Lepore, Melissa Murphy  
**Staff:** Roberto Santamaria, Artell Crowley, Kathy LaFavre, John Hedden, Anne Barrett, Hank Ross

~~ MINUTES ~~

**Thursday, July 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 4:00 p.m.

Staff in attendance: R. Santamaria, Health Director; A. Crowley, Assistant Health Director

Attending Members: Stephen Visco; Malcolm MacNab, MD, PHD; James Cooper; Meredith Lepore; Melissa Murphy, Select Board

### I. ANNOUNCEMENTS

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

1. Meghan Perry – John Coon, PhD is giving a PFAs and PFOs presentation on Monday, July 20<sup>th</sup> 6:00 p.m.; Channel 18 will be televising. There is a sign up for the presentation on the Nantucket Tipping Point website [nantuckettippingpoint.org](http://nantuckettippingpoint.org).

### III. DIRECTOR'S REPORT

1. He gave a presentation about sewer; we've written a grant to Community Foundation to expand the sewer testing to weekly for the 'Sconset and Surfside sites.
2. Had a procedural request from Department of Public Works (DPW) about expanding Emergency Order Nr. 12 to include requiring masks at the drop-off for the landfill. He suggests expanding the order. We can add it to the end of this agenda or schedule a short meeting next week after Select Board votes that in. It has to be part of Emergency Order 12 because Waste Options is a private entity, which runs the land fill, and the Select Board is the DPW Board. The mask order is working; that we haven't seen a spike in cases is a testament to the work.

**Motion to Expand Order 12 to include the landfill.** (made by: MacNab) (seconded)

Carried unanimously//Cooper, MacNab, Lepore, Murphy, Visco-aye

3. We are not releasing demographic information regarding COVID testing at the state's request. The concern is that as soon as it is released, you would get a "lynch mob." Based upon messages he's received, releasing demographic information would be more deleterious than helpful. We have to act like everyone has it; the orders are in place to protect everyone. Releasing the information could create an us-versus-them mindset.

### IV. ELECTION OF OFFICER

1. Chair

Motion **Nominate Stephen Visco for chair.** (made by: MacNab) (seconded)

Roll-call vote Carried//Cooper, MacNab, Lepore, Murphy-aye; Visco-abstain

2. Vice Chair

Motion **Nominate Malcomb MacNab for vice chair.** (made by: Cooper) (seconded)

Roll-call vote Carried Cooper, Lepore, Murphy, Visco-aye; MacNab-abstain

### V. APPROVAL OF MINUTES

1. June 18, 2020

2. June 29, 2020

Motion **Motion to Approve.** (made by: Cooper) (seconded)

Roll-call vote Carried unanimously//Cooper, MacNab, Lepore, Murphy, and Visco-aye

## VI. BOH APPLICATIONS REVIEW

1. Loan request: Perkins, 18 Golfview Drive (66-187) for septic repair  
Sitting Visco, MacNab, Cooper, Lepore, Murphy  
Documentation Supporting documents and plans, staff recommendations.  
Discussion **Visco** – He thinks the address is actually 18 Golfview Drive (66-187); he knows the Perkins family.  
**Santamaria** – No objections; he'll double check the address.  
Action **Motion to Approve.** (made by: Cooper) (seconded)  
Roll-call vote Carried//Cooper, MacNab, Lepore, Murphy, and Visco-aye
2. Loan request: Coakley, 13 MacLean Lane (55-483) for septic to sewer  
Sitting Visco, MacNab, Cooper, Lepore, Murphy  
Documentation Supporting documents and plans, staff recommendations.  
Discussion **Santamaria** – No concerns and recommend approval.  
Action **Motion to Approve.** (made by: MacNab) (seconded)  
Roll-call vote Carried///Cooper/MacNab, Murphy, Lepore, and Visco-aye
3. Variance request: 167 Raw, 167 Hummock Pond Road - delivery of food products  
Sitting Visco, MacNab, Cooper, Lepore, Murphy  
Documentation Supporting documents and plans, staff recommendations.  
Discussion **Santamaria** – This group has been seen before for variance requests. The applicant is not present.  
**Crowley** – Retail food preparation allows for butchering fish and shellfish and pre-packaged foods; it does not allow for food service. We can't issue food service to 167 Hummock Pond Road due to the septic not being large enough and food cooking would have to be separate from food preparation. In the past they have indicated an unwillingness to comply. He believes granting the variance would encourage future non-compliance. Recommends denial of the request.  
Action **Motion to Deny the request.** (made by: Cooper) (seconded)  
Roll-call vote Carried unanimously//Cooper, MacNab, Murphy, Lepore, and Visco-aye

## VII. PUBLIC HEARING – MADAKET REGULATION 51

- Motion to Open the Public Hearing at 4:22 p.m.** (made by: Cooper) (seconded)  
Carried unanimously//Cooper, MacNab, Lepore, Murphy, and Visco-aye
- Santamaria** – Substantive changes suggested at the last hearing were added: reviewed changes.  
**Visco** – About the 10,000 square foot (SF) on C-1, asked if that is regardless of I/A or not.  
**Santamaria** – This section called out contiguous lot area.  
**MacNab** – Asked if any lots less than 10,000 SF.  
**Santamaria** – There are a few but they are unbuildable; however, if sewer comes out there the question is if those lots will become buildable – that's a zoning question.  
**Charles Stott**, Co-President Madaket Conservation Association (MCA) – At a previous hearing, we expressed concern on the financial impact of owners who recently installed Title 5 systems. We asked for a 20-year delay for recently installed Title 5 compliant systems. Asking for Financial relief for those situations.  
**Visco** – Right now you have a 10-year exemption if you installed a new compliant system. We've been kicking the can down the road for a lot of years in Madaket and it's time to move forward.  
**Leslie Forbes**, 19 Long Pond Drive – She has not seen a 501-10C for the 110 gallons per 10,000 SF; asked if that reflects something Richard Ray put in when water came to Madaket. The implication is a 1-acre lot can have 4 bedrooms. In 51.09 enforcement, it references Reg. 67; asked that information be cut and pasted into Reg. 51. There is another regulation referenced for which the same could be done. The current signature page has different people in different positions than are currently on the Board; asked if that will be fixed. Asked when this would become effective.  
**Santamaria** – As far as Reg. 67, adding it would increase Reg. 51 by four pages. Regarding the signature page, we append that as amendments happen by adding a new page of signatures. Implementation date, we have to vote that in today with these as well.

**Forbes** – The implementation date is important. There aren't that many people who read the BOH information packets; she recommends the BOH alert the public about this change, which is likely to be very expensive.

**Bill Grieder**, Co-President MCA – We have almost 500 members in the association and we have become the go-to folks for seasonal homeowners to get information. Confirmed the implementation date of the testing for conventional systems will be as of today if the Board goes forward with a vote. Asked for verification that the 2019 document is embedded into this amended document.

**Crowley** – In 51.06B and 51.07A&B, it says “replace with a tight tank or other innovative alternative...” there are plenty of I/A systems that aren't nitro reducing technology. The reason we're doing this is for nitrogen reduction and the wording prevents getting around having to install a nitrogen reduction system. Replace “innovative alternative” with “Department of Environmental Protection approved nitrogen-reduction technology wastewater disposal system.”

**Santamaria** – He recommends this be implemented immediately.

**MacNab** – Asked about the prospect of sewers to Madaket; we've been talking about it for several years. If we don't do that for another 3 or 4 years, Madaket residents will have spent on new septic what putting in sewer would cost.

**Santamaria** – Sewer to Madaket is years out.

**Murphy** – Reviewed issues the Select Board is facing and costing the Town money, which had not been budgeted; sewer won't make the top 10 for at least a couple of years.

**MacNab** – We might make the 10-year grace period 15 years. Asked for that discussion be on next-month's agenda. If we pass this today, we need to talk about maintaining our environment and giving a financial break to residents.

**Motion to Close the public hearing at 4:54.** (made by: MacNab) (seconded)

Carried unanimously//Cooper, Lepore, MacNab, Murphy, and Visco-aye

Action **Motion to Accept the amendments to Reg 51 with implementation as of today.** (made by: Visco) (seconded)

Roll-call vote Carried unanimously//Cooper, MacNab, Murphy, Lepore, and Visco-aye

## VIII. BOH UPDATES AND CONCERNS

1. None

## IX. ADDITIONAL DOCUMENTS USED

1. Draft BOH Minutes as listed
2. Madaket Regulation 51

## X. ADJOURN

Motion **Motion to Adjourn at 4:57 p.m.** (made by: Visco) (seconded by: )

Roll-call vote Carried unanimously//Cooper, MacNab, Murphy, Lepore, and Visco-aye

Submitted by:  
Terry L. Norton

# BOARD OF HEALTH

## 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, Meredith Lepore, Melissa Murphy Select Board

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

~~ MINUTES ~~

Thursday, July 30, 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*

BOH called to order at 2:00 p.m. by Mr. Visco

Select Board called to order at 2:00 p.m. by Ms. Hill Holdgate

Announcements

Staff: Libby Gibson, Town Manager; Santamaria, Health Director; Amy Baxter, Police Department

BOH Members: Stephen Visco, Chair; Malcolm MacNab, Vice chair; James Cooper; Meredith Lepore; Meredith Lepore; Melissa Murphy

Select Board: Dawn Hill Holdgate, Chair Select Board; Melissa Murphy; Jason Bridges; Matt Fee; Kristie Ferrantella

Town Counsel: John Giorgio, K&P Law, P.C.; Gregg Corbo, K&P Law, P.C.

Documentation: COVID-19 Enforcement Plan; photo of risky behavior

### I. PUBLIC COMMENT

None

### II. BUSINESS

#### A. COVID Update

- Santamaria** – Regarding metrics, everything is green across the board; positive test rate has dropped to below 1%. Surfside Treatment Plant testing was down last week; waiting for this-weeks report. Cases are up to 4 as off today; pointed out there are a lot of people on Island at this time. We are doing better than the State and the Cape. A number of businesses are voluntarily closing early; we are seeing that after people leave is when we see “risky behavior” after people are getting inebriated and gathering in groups.

**MacNab** – With the governor’s new order and the testing capability, he’s hearing people say they will get tested when they get to Nantucket; asked if the Hosp is anticipating an increase in testing.

**Santamaria** – People who want to get tested should be making appointments now. Go to Town of Nantucket website and click on the COVID-19 Information then click on COVID-19 testing on the right. If you’re asymptomatic and not on the appointment list, the Hospital will turn you away. We don’t foresee an overflow where they Hosp won’t be able to handle it.

**Fee** – A friend in Real Estate said they are advising clients from out-of-state to get tested at home and bring that documentation with them because they are not going to quarantine.

#### B. Review of Enforcement

Discussion **Baxter** – The order from the governor is unclear how it will be enforced. When they fill out the travel form, people are asking who gets it and what’s done with it. Another question is if they get tested and can’t get the results, are they supposed to quarantine until they do get the results. Lastly the question is what we as a community will be doing regarding oversight and enforcement.

**Santamaria** – The travel order goes to the State Department of Public Health (DPH); it is to be forwarded to their final destination. This doesn’t go into effect until August 1. Businesses are suggesting that their clients make copies of the travel order and have it in hand. There is an

advertisement for a temporary night shift inspector to ensure people are complying with the quarantine.

**Gibson** – She’s been trying to find out what other Towns are doing; no one is actively doing this. Towns aren’t expected to enforcement; perhaps a temporary inspector could also go to lodging groups and look at the ledgers. Mass Travel form is not public information; presumable it goes to the contact tracing agency.

**Hill Holdgate** – Within the real estate business, this information has gone out to all tenants. It’s being well received; people want to be in compliance and glad for the option to being quarantined.

**Murphy** – We are experiencing the same thing at our office. Suggested something go out to restaurants and lodging about Health Department expectations.

**Fee** – The way the order is written, short-term rentals are required to report out-of-state tenants. There is also a link to all state Boards of Health to report violators.

**Gibson** – She wouldn’t characterize it as no one wants to enforce it; but the Governor’s order specifically states DPH is enforcing the order and will request help from the local BOH.

**Ferrantella** – She understands the order to be that the DPH will be monitoring to ensure people are quarantining the will contact the local BOH about non-compliance.

**Corbo** – The order is clear enforcement is delegated to the DPH with the assistance of local BOHs. His recommendation is if the Town receives non-compliance notice from its inspector, the Health Department should inform the DPH, so they can take necessary action.

### C. Review of Inspection Report (7/26)

#### Discussion

**Baxter** – Reviewed the COVID-19 Enforcement Plan. The goal is to work toward compliance. Police are called only if public safety is threatened. The enforcement authority should allow 24 hours for businesses to make changes to be in compliance; there is escalation of enforcement. Explained who is on the Inspection Team and that inspectors are out daily and what is on the inspection checklist. Provided a snapshot of documentation and reporting of complaints; going to try to centralize the reports through her office.

**Ferrantella** – With the types of complaints, the policy starts with a verbal reprimand; asked if the next night the same business has a different violation does that count as another verbal reprimand or go to the next level of a written notice.

**Baxter** – At this point, they have been fully informed and that would be a second violation. The violations are “COVID related”; everyone so far has been working to clear up the issue.

**Bridges** – Agrees with Ms. Baxter’s approach and that two can happen in one night.

**Fee** – When there’s a presence, people are following the rules; if there is no presence, people aren’t following the rules. The businesses and customers know what is wrong and having a presence is important to ensure compliance. Tracking the notices is very helpful and important and wants the Town to be more proactive.

**Ferrantella** – Data helps track where and when more violations are happening.

**Baxter** – We are trying to centralize that as well. The “messier” parts are the lines and late-night crowds.

**Santamaria** – He does lunch inspections every day of the week at random hours. John Hedden does his inspections as well. There is more compliance during the day; more than 75% of people are wearing masks; we are seeing problems mostly at night.

**Murphy** – It might be helpful to report back to the Select Board not only the list of violations but also the times of inspections with general observations and number/type of warnings issued.

**Corbo** – The importance of record keeping is when the season is over, the SB can look at which license holders had violations or citations. Under the State Alcohol and Beverages, COVID violations could be actions against liquor licenses.

Discussion about the advantages of having an enforcement report and data on a spreadsheet.

D. Review of Case Status

Discussion

**Santamaria** – There has been a lot of conversation about how many of the 40 cases are active; we only have about 7 active cases right now. We are tracking all of them. We run into problems with contact tracing when new cases don't want to answer the questions; we call them back until they answer the questions. I don't want to give out information by which the person could be identified. Just because someone was positive doesn't mean they are active now.

**Bridges** – Asked why they come off the list.

**Santamaria** – Usually when they become negative, sometimes they go back to their home state. If their test comes back positive after they leave, it is no longer active, but we do the contact tracing and transfer to their local BOH.

**Fee** – We've exported some cases, asked how those are handled and if Mr. Santamaria is in contact with other BOHs.

**Santamaria** – All numbers we receive, we count it in the event they got it here. We counted a case as ours because the person came here after the test back home, which came back negative. We are in conversation with BOHs in other states.

**Murphy** – As of today, our status is manageable and positive in that we've got a low number of active cases currently. She continues to struggle with the number of cases overall; suggested a metric that measures tests and infection rates, so we can see a weekly percentage as well as the number of cases per population.

**Santamaria** – He can look into ways to do visualizations; currently tests are about 2% of the population; the number of cases is less than 1%.

**MacNab** – It would be interesting to see the percentage of the population per week. In a summer population, 1 per day isn't much.

**Bridges** – That 1 per day isn't much because of the contact tracing in place and working with the hospital, etc.

**Visco** – We can keep it that way as long everyone follows protocols. Everyone he saw in Town the other day was wearing masks and avoiding groups.

E. Review of Restaurant/Food Service Hours

Discussion

**Santamaria** – What we're seeing is restaurants are voluntarily closing early though the times aren't consistent. The problem restaurants want to close early.

**Baxter** – She has a dozen correspondence from restaurants about closing early. The "bar scene" is not safe right now.

**Visco** – Asked if the question is a curfew order.

**Santamaria** – He wants to look into that. Asked Town Counsel if the BOH has the authority to close food-service establishments at "X" o'clock; he'd recommend closure around 11:00 or 11:30 p.m.

**Corbo** – If we're talking about issuing an Island-wide order that all food-service establishments close at a certain time, it's his opinion that is within the general regulatory authority of BOH under Ch. 111 §31&122 to prevent nuisances and prevent sickness. You have to demonstrate the order is reasonable expected to protect public health. There is a distinction between requiring restaurants to close at a certain time and a curfew, which requires everyone to be off the street at a certain time; a curfew has more stringent standards.

**Murphy** – She said at the last Select Board meeting, she said she supports this. Her decisions are based upon Mr. Santamaria's recommendations. She feels we are working with a lack of personal responsibility and how we enforce that; bad behavior is individuals after they leave a restaurant. In the interest of public safety, she supports early closure in conjunction with enforcement and transparency.

**Baxter** – The State Order says people should be seated and drinks must be in conjunction with a food over; it is important to tie into food service. If they are open, food service should be available.

**Cooper** – Asked if this is directed at all food services whether or not they Have a liquor license.

**Santamaria** – Yes, it would prevent a roving group of people. Though it might push some groups to house parties, it still mitigates the risky behavior.

**MacNab** – As Ms. Murphy said, lot of this is personal responsibility. He doesn't want to do this, so we feel good but that we are making a difference. A restaurant is a regulatory environment where a home party is not; he's not sure this will make a difference.

**Santamaria** – Provincetown has had this in place for a while; there are other municipalities have this in place.

**Hill Holdgate** – She wants people more spread-out as we go into our three busiest weeks. She feels last call at 11:30 p.m. makes a lot of sense.

**Baxter** – It's later at night when there is no food service and people are getting more aggressive.

**Fee** – Agrees with Ms. Hill Holdgate. Asked if this means Cumbies, etc.

**Santamaria** – Cumbies and Stop & Shop are retails that happen to have food service within them; they would be exempt. You might see some people show up to get food at mid-night, but their food service is closed by then.

**Ferrantella** – Most people are doing this on their own; she's concerned about mandating the extra layer. Agrees with Ms. Hill Holdgate on last call at 11:30 and see how it goes for a couple of weeks. She would like to require no drinks without food service. Would like to see the Town help with testing restaurant employees; it would be a way to keep our community safe.

**Cooper** – Asked if people along the strip could stay open.

**Santamaria** – No, those are food-service establishments. Repeated only Cumbies and Stop & Shop would be exempt.

**Bridges** – He's not seeing any metrics that this downtown risky behavior is leading to increased cases. Thinks the night inspector is a great idea but would like to know what he could do outside of Town.

**Santamaria** – There have been some cases that can be identified to risky behaviors downtown; the number is less than 5.

**MacNab** – If less than 5 out of 40 cases, that is a significant number.

**Santamaria** – That is 10% of our 40 cases.

**Bridges** – He doesn't know if those number will go down if they can transfer their parties to houses or beaches.

**Santamaria** – We have been seeing is parties tend to be with friends or the same social circle; you thus run less of a risk of exposure.

**Murphy** – Some of what we're seeing isn't inappropriate behavior at restaurants; she's getting feedback that it's when people leave one restaurant and go to have fun at other establishments. It's later at night when we see the riskier the behavior. There is no possible way to enforce what happens between leaving a restaurant and a person's final destination. She supports a safer atmosphere in Town late at night.

**Cooper** – By shutting things down early, we are putting them on the street an hour and a half earlier and once there we can't control what they'll do.

**Ferrantella** – She feels that by not closing early, we are also putting undue burden on the restaurants to keep the community safe.

**Fee** – The longer you go, the more people make bad decisions. A lot of people are asymptomatic and don't present; we don't catch those. If we have 5 cases, he wonders what that actually represents. He supports last call at 11:30 p.m. with closure at mid-night. We will get pushback.

**Giorgio** – He would encourage the boards to look at this from the perspective of not only the people in the bar but also someone who wants to have a nightcap and might be at risk and if that a legitimate public health concern.

**Cooper** – Doesn't think it is fair to force businesses that don't serve liquor to close; the restaurants on The Strip make money once the bars close.

**Santamaria** – The riskiest behavior we have seen has been on The Strip. Once they leave where they were, and they are inebriated, they get into line at one of these facilities and engage in the risky behavior. Shared a photo from 10:30 p.m. Saturday where less than half the people in the line were wearing masks and were not distancing as well as sharing drinks and utensils.

**MacNab** – The behavior in the photo happens all day long, not just at night. It's not just the food businesses along the Strip, it is all the business; it's a dangerous place to get the virus and to ride a bike with no enforcement at all.

**Ferrantella** – Asked if enforcement would result in better behavior if we had fines for the business not maintaining distancing in their line.

**Santamaria** – We can enforce that by giving tickets to the establishments.

**Bridges** – Gave the business perspective on managing lines and the cost effectiveness.

**Corbo** – This doesn't have to be a one-step all or nothing proposition; you can start with the sit-down restaurants and warn the take-out establishments that the subject will be reconsidered in a week or two. The onus is on them to comply and if there is no change all food-service establishments will be ordered to close early.

**Ferrantella** – Supports starting with establishments the serve alcohol then monitoring it.

**Hill Holdgate** – Agrees with Ms. Ferrantella.

**Roddy McKelvie** – Asked how they feel they can set the tone to get people to social distance.

**Murphy** – The Town has done a respectable job in communicating and reinforcing that information; she's not sure how much more the Town can do. Agrees with Ms. Ferrantella about separating the establishments. Would like to see written warnings to establishments that are not maintaining social distancing in the lines out in public spaces.

**Corbo** – He has a proposed motion to that effect when the Boards are ready.

**Deborah King** – She's not sure what the extra week will do; we have an identified problem. They aren't correcting themselves during the day.

**Fee** – Asked if those businesses can legally tell people what to do on a public sidewalk.

**Corbo** – It is his opinion that the establishments have the authority and responsibility to issue that order; the sidewalk is for travel and use. If people are congregating to provide business to an entity and those people are creating a hazard, it is the business' responsibility to undertake that enforcement in conjunction with the Town.

**Baxter** – Regarding the photo, a written warning was issued to that establishment for better management of their lines outside their business, as well as issued to other businesses.

**Visco** – He believes it's in the best interest of public health.

**Ferrantella** – Asked how this would apply to restaurants regarding "cocktails to go."

**Baxter** – That legislation allows for cocktails as well as beer and wine with to-go food purchases only; how late they can do that depends upon their license – midnight is already the limit for that.

Discussion on the motion; i.e. management of lines.

Action

**Motion that the Board order that all restaurants that offer alcoholic beverages for on-premise consumption have last call for service of alcohol by 11:30 p.m. every night of the week and that such establishments shall close and remove all customers by 12 o'clock midnight every night of the week; it is further ordered that all such restaurants shall not serve alcoholic beverages to any person who does not also order food; this order shall not apply to restaurants that do not serve alcohol for on-premise consumption or take-out only provided that staff is directed to strictly enforce social distancing and mask requirements to the extent possible and that all such establishments are warned that they are required to enforce these guidelines as to all customers and the Board will revisit this issue at its next meeting in one week.** (made by: Cooper) (seconded)

Roll-call Vote

Carried 4-0//Lepore recused; Cooper, Murphy, MacNab, and Visco-aye

F. Board Member updates and concerns

1. **Bridges** – Asked for clarification on the handling of the lines at establishments along The Strip and daytime risky behavior.

**Corbo** – The motion doesn't address daytime.

**Ferrantella** – Asked how this would impact out-of-Town restaurants.

**Baxter** – The requirement is the same.

**Murphy** – There is a lot of concern around COVID-19; she doesn't make these decisions unless there is demonstrable public health risk.

**Bridges** – Asked when this order is effective.

**Baxter** – Not today; effective July 31<sup>st</sup> would be helpful.

Action **Motion to make the Order effective date July 31<sup>st</sup> at midnight.** (made by: MacNab) (seconded)

Roll-call Vote Carried 4-0//Lepore recused; Cooper, Murphy, MacNab, and Visco-aye

2. **Murphy** – Wants to talk about large groups at the public beaches without masks; we had some response patrol officers are trying to help.

**Gibson** – The beaches are a challenge; personal responsibility is an issue at the beach. We don't have enough people to patrol every beach all day to disperse crowds. Also trying to address carrying capacity of vehicles. We don't want to talk about closing beaches.

3. **Ferrantella** – Asked if the next meeting is joint or just BOH.

**Mooney** – She will schedule a joint meeting for Friday, August 7, at 2:00 p.m.

**Motion to adjourn the BOH meeting 4:17 p.m.** (made by: Murphy) (second)

Roll-call Vote Carried unanimously//Cooper, Macnab, Murphy, Lepore, and Visco-aye

**Motion to adjourn the Select Board meeting 4:17 p.m.** (made by: Ferrantella) (second)

Roll-call Vote Carried unanimously//Murphy, Ferrantella, Fee, and Hill Holdgate-aye

Submitted by:

Terry L. Norton

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**Commissioners:** Stephen Visco (chair), Malcolm MacNab, MD, PHD (Vice chair), James Cooper, Meredith Lepore, Melissa Murphy Select Board

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

~~ MINUTES ~~

Friday, August 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*

BOH called to order at 2:02 p.m. by Dr. MacNab

Select Board called to order at 2:17 p.m. by Mr. Bridges

Announcements

- Staff: Libby Gibson, Town Manager; Santamaria, Health Director; Amy Baxter, Police Department; Police Chief William Pittman; Erika Mooney, Operations Administrator
- BOH Members: Malcolm MacNab, Vice chair; James Cooper; Meredith Lepore; Melissa Murphy
- Absent BOH: Stephen Visco
- Select Board: Jason Bridges, Vice chair; Melissa Murphy; Matt Fee; Kristie Ferrantella
- Town Counsel: Gregg Corbo, K&P Law, P.C.
- Documentation: Governor Baker's Emergency Order announced August 7; DPH May 1 Mask requirements;

## I. PUBLIC COMMENT

None

## II. BUSINESS

### A. COVID Update

1. **Santamaria** – The Governor just issued new orders, 30 minutes ago, regarding restaurants and enforcement: all restaurant gatherings have been brought down to 50 from 100; all alcohol must be consumed on premises with a food order; and Police can enforce as well.
  - Gibson** – We have not had a chance to sort through it all. There is a growing issue with lines and crowds especially on Lower Broad Street. There was talk of putting up barriers to parking, but that is problematic for deliveries. We are looking for increased police presence. One issue of reducing gatherings to 50 to include all properties – public and private. We are looking now at closing the take-out sites to mid-night.
  - Corbo** – He hasn't seen the Governor's order, but he has a press release: the safe reopening plan is being put on hold and the outdoor gathering limit decreased from 100 to 50 effective Tuesday (August 11). His understanding for a "gathering" is something organized by an entity, not a random group.
  - Fee** – He thinks sawhorses blocking the side streets from five on might be better.
  - Baxter** – That is what we're looking at.
  - Santamaria** – We had six days of no new cases but two today; contact tracing is taking place and working. The Governor mentioned the Department of Public Health (DPH) will release a mid-level committee report every week; he doesn't know when that report will start.
  - Murphy** – Regarding no alcohol to go, when does that start.
  - Baxter** – The order is effective August 11.
  - Corbo** – Last week the BOH when it issued its order, part was to limit the service of alcohol to diners who are seated and eating food; that limitation is currently in effect on Nantucket.
  - Lepore** – That order said "food" so people were ordering drinks and eating oyster crackers.

**Santamaria** – Read the section of the Governor’s order which specifies the food that must be consumed in order to be served a drink.

**Corbo** – His opinion is that for purposes of enforcement regarding what was observed and the Nantucket order, if alcohol is to be served with food, reference can be made to the Governor’s order immediately.

**Ferrantella** – Effective immediate doesn’t give restaurants time to get something on their menu; asked for a 24-hour lead time.

**Baxter** – This part doesn’t take effect until August 11. There are all common victualers, and they should have that available as part of their license.

**Fee** – Asked what this means for Cisco.

**Baxter** – The State gave us the authority to determine if the mobile food unit constitutes a food service permit, which it does. Customers will have to order food at the same time; they will have to be eating as well.

**MacNab** – He’s sure the message will be very clear; we have defined what food is and folks know that.

**Bridges** – Suggested sending out a letter defining common victualers.

**Santamaria** – We will do that; we want to make it clear that we had no advance notice either

**Gibson** – Before this meeting ends, we need to discuss hours for food-service establishments. She also wants the Chief to mention the Police presence issue.

**Ferrantella** – Asked if the no alcohol to go includes alcohol with take-out orders.

**Baxter** – She expects some pull back but believes does – no alcohol to go at all. She will send a quick not to get clarification.

**Santamaria** – He recommends everyone watch the press conference after this meeting. The Governor was adamant: with food, at the table, no to go; he specifically called out Towns that were reported to him.

## B. Review of Enforcement

### Discussion

**Pittman** – We’ve been getting requests to have an official presence in the Board Street areas after 9 p.m.; the later it gets, the more crowded and disorderly it becomes. It’s not just the lines. The issue is staffing; CFOs are not hired or trained to do crowd control. He’s 7 bodies short of full-time officers. An expected outcome of Police officer downtown is someone will get arrested; there is always someone who partakes of rude and unruly behavior. Recommends closing the strip establishments at mid-night along with other establishments. Police officers are not necessarily the right “tool” to deal with social distancing and mask violations.

**Baxter** – The main group of people are teenagers in packs; they are the ones who don’t have masks. Some of the restaurants have hired doormen to help with the lines. If Police go down there, we clear people out.

**Fee** – He’s seen with presence downtown the people listen. The businesses are also shorthanded and he’s hearing from businesses that there needs to be a presence. Suggested closing Children’s Beach at night; if someone gives police flack, arrest them so they pay attention.

**Pittman** – He needs clarification as to what the Police should do: sit in cars or manage the crowds.

**Fee** – This is why he’s asking for a written enforcement plan. If someone is in line, it’s the business responsibility; if they are loitering, that’s where the Police step in.

**Bridges** – Would help to know exactly what restaurants are doing to manage their crowds and possibly coordinate that with the gathering limit.

**Gibson** – Gatherings don’t apply to people in lines. Random groups of people is not an organized gathering.

**Corbo** – He agrees with Ms. Gibson; the gathering order applies to an organized gathering, not people in line. Referred to the Governor’s order. He believes social distancing requirements and wearing masks do apply and it is the duty of the business to enforce that. The Town of Nantucket could create its own definition of a gathering.

**Murphy** – One is the concept if is we should require take-out only restaurants should close early, which would both help enforcement; the other concept is to support our businesses. She isn’t sure it is the business’ responsibility to be wearing masks and being 6 feet apart. Kids aren’t going to

want to be around when there is office presence. She relies on recommendations from people who know about public health.

**MacNab** – There are two issues: enforcement – a discussion between police and Select Board – and businesses closing early. He will defer the Police presence to Select Board and staff. Asked Mr. Santamaria about masks and social distancing.

**Corbo** – The DPH May 1 guidance for wearing masks in public lines, it states they must wear masks and maintain 6-foot separation when in lines.

C. Review of Restaurant/Food Service Hours per July 30, 2020 BOH vote

Discussion

**Santamaria** – His recommendation last week was for early closure for take-out establishments in line with the restaurants. The BOH can put in a curfew but then we have to expect the pushback.

**Murphy** – The pinch points are between 8 & 11 p.m. We don't have a Thurs-Sat issue so much. Also thinks things won't slow down heading into Sept because schools are being delayed and families will continue to be here all through Aug. She doesn't support closing earlier than 12. Communication on line enforcement and presence will help.

**Ferrantella** – We've stressed we won't be stricter without a sharp rise in cases. She's hesitant to put something forward that isn't backed by data or spike in cases.

**Cooper** – He's been up and down Main Street every day; there's no way everyone is wearing a mask or observing social distancing. He doesn't think you'll get everyone in the lines to wear a mask and maintain 6 feet apart.

**Lepore** – There is an issue of people wearing masks and doesn't know how you would enforce the 6 feet.

**Murphy** – She also doesn't want to buck a recommendation from Public Health; but wants to understand if community transmission isn't happening and it isn't high risk.

**Santamaria** – As he has previously described, all of this is about behavior; explained how behavior impacts possible community transmission. During the day, the greater majority of people are wearing masks; at night after leaving a restaurant and drinking, the majority of people are not wearing masks.

**Pittman** – We have completely changed the landscape: businesses are closed so everyone is on the sidewalk, where people used to congregate. We've displaced some of the parking down there. We've got restaurants on the sidewalks, which run into the lines. We have tensions in the community from the situation and changing rules. The later you go at night, the more alcohol fueled the problem becomes; last year, that was spread out more. The only tool we have to use is the obstruction of the sidewalk; if someone refuses to move along and providing a false identity, those are arrest-able offenses.

**MacNab** – He agrees with all the points he's heard; the problem is we don't have a manual. A year from now, this would be easy. We have to do something; he supports early closing.

**Cooper** – It seems the biggest problem is the mask and people in line; he agrees the police aren't responsible for that. We have to decide whose problem that is. He doesn't support early closure.

**Murphy** – She'd like to see what happens under the Governor's new order rather than closing those businesses early.

**Stephanie Cunningham** – Suggested that the business issue numbers; people could then wait across the street.

**Baxter** – That is where we are asking businesses to rethink their operations; then we can help define the space.

**Fee** – There are apps that can be used to let people know they can pick up orders but that takes a bit to get into place. Closing half the alley and getting people partially into the street is a good idea. This and next week are our peek then people start tapering off; the next three weekends is what we have to focus on.

**Bridges** – Asked if the officer presence is a response to the Select Board.

**Pittman** – The Select Board requested it. He and the Town Manager have had discussions about this. No one anticipated we'd have this many people this summer; we got everyone.

**Fee** – We have to figure out that if it isn't the Police, who is it.

**Pittman** – There a couple of issues here: in an ordinary year, we hire 41 seasonal staff; however, this year we got three. Reiterated the problems with being understaffed regarding police officers. Right now, it will take forced overtime to cover downtown at night. A lot of enforcement has to be an administrative function along the Strip; reviewed possible solutions aside from Police officers.

**Fee** – If a business closes down, he thinks the "bubble" will push to other parts of Town. We need to find a way to accommodate the businesses, that way we know where the problem lies. What changes can we make structurally.

**Murphy** – She likes the ideas of block South Beach Extension and half of Broad during the evening when traffic and loading aren't impacted. These recommendations combined with closing earlier is an effort to disperse the crowd downtown; she is beginning to support early closure to help manage the crowd. We have to have a collaborative attitude with the businesses.

**MacNab** – Closing the businesses early will help the Chief and the Island.

**Ferrantella** – Closing per the Chief's recommendations, allows room for people to be 6-feet apart. Asked if it's just the Strip having issues until 2 a.m.

**Baxter** – Around the Island there is more space for distancing; there is limited space in this area.

**William Grieder** – Thanked Ms. Murphy for rethinking her stance on closing early. We rely the BOH and staff for protecting the Island. The behavior of the few will impact the majority. The businesses need help and public officials need to listen to paid staff about suggestions on what needs to be done.

**Murphy** – Asked if a SB recommendation is needed for closure.

**Bridges** – If the SB want to close a street or portion of street, we ask staff to do that. We need to decide what level of enforcement we expect from the Police Department.

**Gibson** – Steps are being taken to close South Beach Street Extension. Lower Broad will take time to get into place.

Discussion about closing a lane of lower Broad Street between easy Street and the intersection of South Beach extension.

**Pittman** – Reviewed how he will have a Police presence downtown this weekend.

**Gibson** – Effective immediately, we are working on our South Beach closure, more police presence; see how those go over the weekend and Select Board will revisit lower Broad Street on Wednesday.

**MacNab** – We are looking at 12:00 closure for all business.

Action

**Motion that the BOH amend its July 30, 2020 Order relative to restaurant closures as follows: all restaurants that offer alcoholic beverages for on-premise consumption shall have last call by 11:30 p.m. and shall close and remove all customers by 12 midnight and that all food restaurants and food service, whether providing consumption of food on premises or take-out only close and remove all customers by 12 midnight; it is further ordered that all restaurants shall not serve alcoholic beverages to any person who does not also order food as defined by the Governor's August 7<sup>th</sup> Order and DPH guidance; staff is directed to strictly enforce social distance and mask requirements and the restaurants are required to require customers comply with such requirements; and the Board will revisit the issue at its next meeting; the new provisions of this Order shall take effect on August 11<sup>th</sup>. (made by: Murphy) (seconded)**

Roll-call Vote

Carried 2-1//Lepore recused; Cooper-nay; Murphy, and MacNab-aye

D. Board Member updates and concerns

1. **Murphy** – The virus is still out there and a threat to our community. That balances equally with the health of our businesses.

**Motion to adjourn the BOH meeting 2:50 p.m.** (made by: Cooper) (second)

Roll-call Vote Carried unanimously//Cooper, Murphy, Lepore, and MacNab-aye

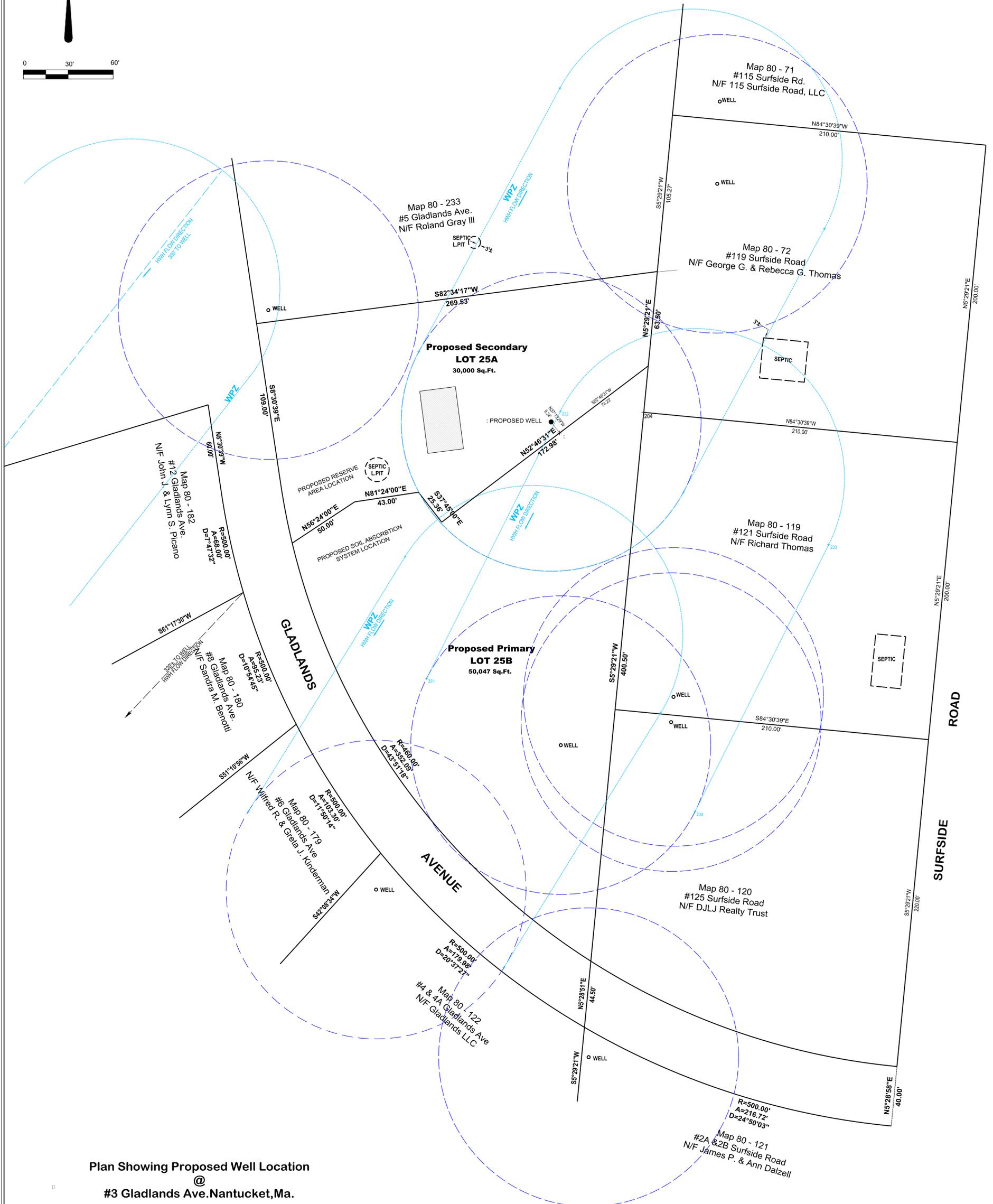
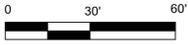
**Motion to adjourn the Select Board meeting 2:50 p.m.** (made by: Fee) (second)

Roll-call Vote Carried unanimously//Fee, Murphy, Ferrantella, Fee, and Bridges-aye

Submitted by:

Terry L. Norton

PROPOSED



Plan Showing Proposed Well Location  
 @  
 #3 Gladlands Ave. Nantucket, Ma.

Scale 1in.=30 ft. Aug.10,2020

Prepared for: Jill S. & Timothy P. Vieth

Assessors Reference: Map 80 - 234  
 Plan Ref: Lot 25 on Plan File 11A  
 Deed Ref: Bk.1449 Pg.276  
 3 Gladlands Realty Trust

Note: Existing septic systems and wells are shown hereon according  
 to As Built Record Plans on file at the Board of Health.

Earle & Sullivan, Inc.  
 Professional Land Surveyors  
 6 Youngs Way Nantucket, Ma.02554  
 508-332-4808

**READE, GULLICKSEN, HANLEY & GIFFORD, LLP**

SIX YOUNG'S WAY  
NANTUCKET, MASSACHUSETTS 02554  
(508) 228-3128

FAX: (508) 228-5630

ARTHUR I. READE, JR., P.C.  
KENNETH A. GULLICKSEN  
MARIANNE HANLEY  
WHITNEY A. GIFFORD

MAILING ADDRESS  
POST OFFICE BOX 2669  
NANTUCKET, MASS. 02584

August 12, 2020

BY HAND

Steven J. Visco, Chair  
Nantucket Board of Health  
2 East Chestnut Street  
Nantucket, MA 02554

Re: 3 Gladlands Avenue  
Map 80 Parcel 234

Dear Mr. Visco:

This office represents Timothy P. Vieth and Jill S. Vieth, the contract purchasers of the premises at 3 Gladlands Avenue, currently owned by 3 Gladlands Realty Trust. It is my clients' intent to subdivide the property and create a covenant lot to provide for year round residential housing for a local citizen. Pursuant to the terms of the purchase and sale agreement, they have executed with the current owner of the property, 3 Gladlands Realty Trust, they are authorized to make this variance request. On behalf of my clients, we are requesting a variance from the well protection zone requirements under Section 62.03(C) of the local by-law. As you can see from the enclosed plan, with the exception of two 3' areas noted on the plan, the well protections zones meet local regulations. Kindly place this matter for consideration on your August 20, 2020 agenda.

If you have any questions or require any further information in order to process this variance request, please do not hesitate to contact me.

Sincerely,

  
Marianne Hanley

/mh

Enclosures

cc: John Brescher, Atty for 3 Gladlands Realty Trust  
Richard K. Earle, P.L.S.  
Mr. & Mrs. Timothy P. Vieth



# 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):

See attached correspondence

Requestor Name: Timothy P. Vieth and Jill S. Vieth

Company Name: (if applicable) \_\_\_ c/o Reade, Gullicksen, Hanley & Gifford, LLP

Property Address: 3 Gladlands Ave MAP: 80 PARCEL: 234

Phone No. 508-228-3128 Fax No. 508-228-5630

Email: [mh@readelaw.com](mailto:mh@readelaw.com)

Requestor's Signature: Timothy P. Vieth and

Date: 8-12-2020

Jill S. Vieth  
by their attorney, Moranne Jovey

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

COPY

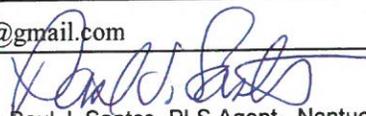
**BOARD OF HEALTH REGULATION  
VARIANCE REQUEST  
\$20 per request**

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 for regulation 52.02(A) as applicable: A Sewage Disposal System upgrade within the 100-ft setback to a Coastal Resource Area. The proposed project will not adversely impact the Coastal Resource Area and there are no reasonable conditions or alternatives that would allow the project to proceed.

Requestor Name: Roberta M. Brown  
Company Name: (if applicable) \_\_\_\_\_  
Address: 9 Beach Street MAP: 73.1.3 PARCEL: 24  
Phone No. 267-431-5100 Fax No. \_\_\_\_\_  
Email: bobbi.brown10@gmail.com  
Requestor's Signature:  Paul J. Santos, PLS Agent - Nantucket Surveyors, LLC Date: 8/13/20

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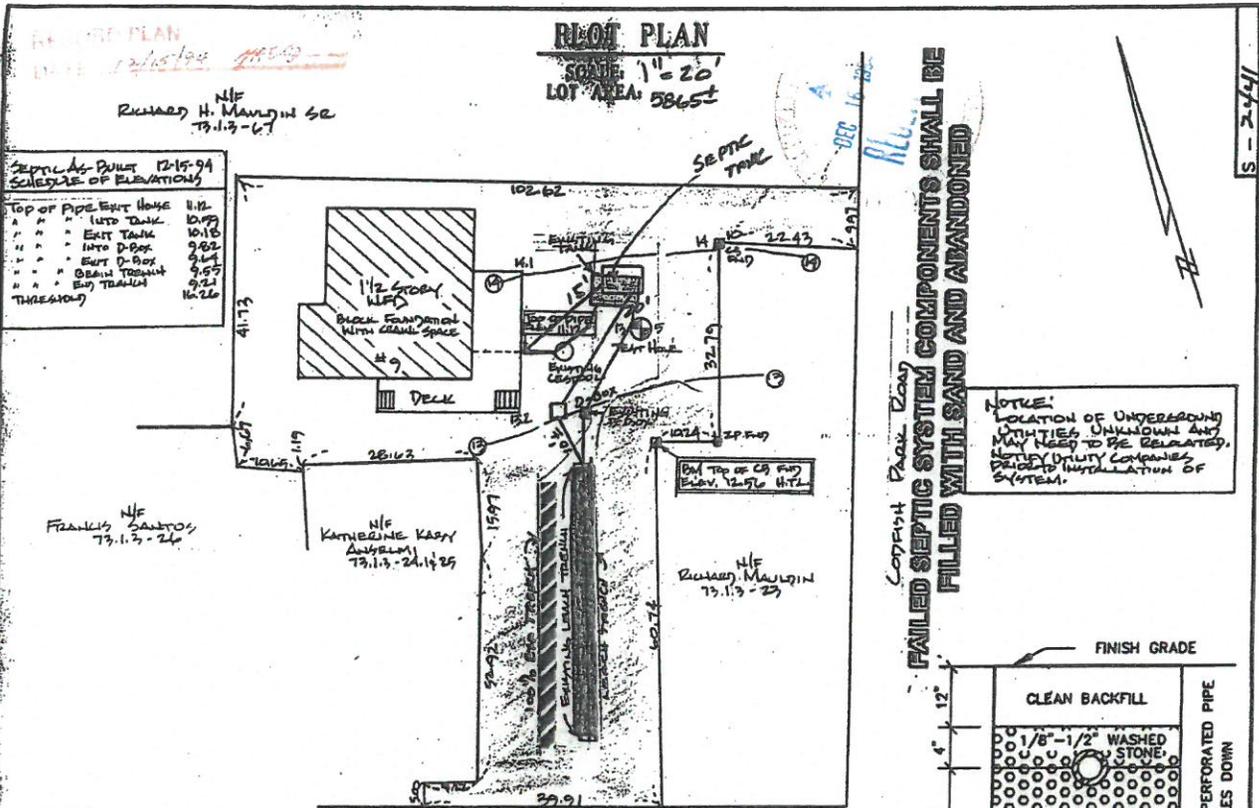
Received by: \_\_\_\_\_

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

9 Beach Street, Nantucket, MA  
Applicant: Roberta Brown

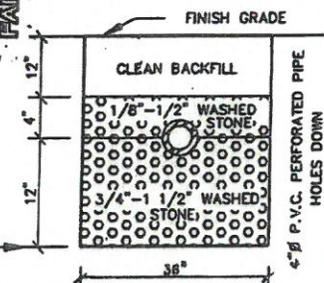


Aerial image of 9 Beach Street

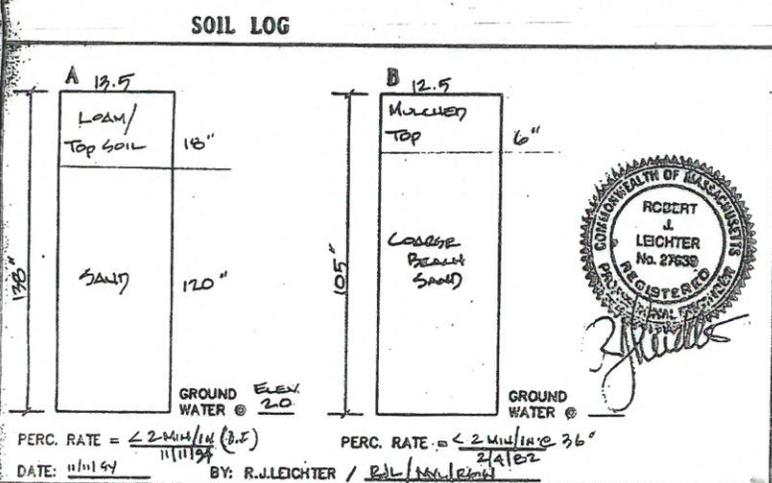


**FAILED SEPTIC SYSTEM COMPONENTS SHALL BE FILLED WITH SAND AND ABANDONED**

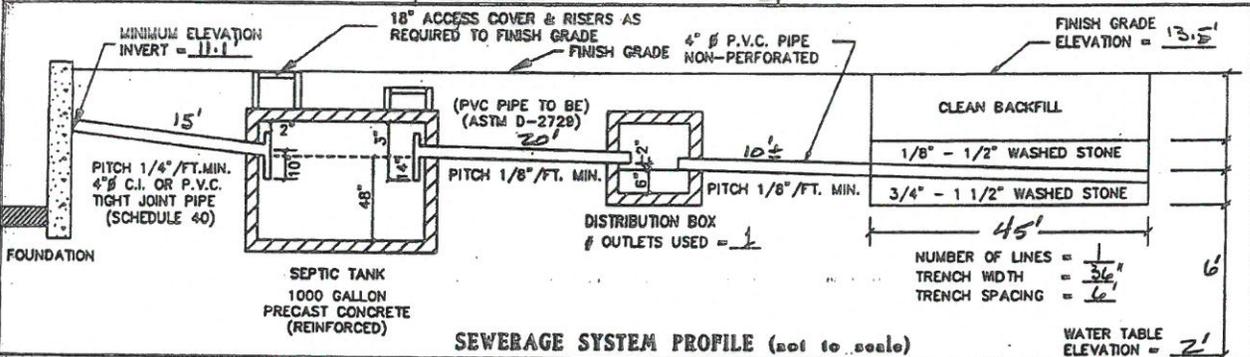
NOTE: LOCATION OF UNDERGROUND UTILITIES UNKNOWN AND MAY NEED TO BE RELOCATED. NOTIFY UTILITY COMPANIES PRIOR TO INSTALLATION OF SYSTEM.



DRAWN BY	N/B & DATE	MAP/PARCEL	DEED	PLAN	CLIENT	# B/R	NSI #	CHECKED
Robert J. Leichter	11/11/94	MAP 73.1.3 P.C. 24	L.L. CROFT 19,099	L.L. PL 391298	ROBERT C. BROWN	3 FROM 1 NO 66	4625	R.J.L.



- NOTES**
- 1: SEWAGE FLOW = 330 G.P.D. (EBR-N66)
  - 2: LEACH AREA = 225 S.F. (360 G.P.D.)
  - 3: SEPTIC TANK = 1200 GALLONS
  - 4: ALL WORK MUST COMPLY WITH MASS. ENVIRONMENTAL CODE TITLE 5 AND TOWN BOARD OF HEALTH REGULATIONS.
  - 5: SEPTIC TANK COVER TO BE AT GRADE.
  - 6: THERE ARE NO WELLS WITHIN 100 FT. OF THIS FIELD.
  - 7: THERE IS NO SEWAGE LEACHING WITHIN 100 FT. OF THIS WELL.
  - 8: GARBAGE GRINDER NOT PERMITTED.
  - 9: MEASUREMENTS FOR RECORD PLANS (AS-BUILT) ARE REQUIRED BY THE NANTUCKET BOARD OF HEALTH. CALL NANTUCKET SURVEYORS AT 228-0240 BEFORE COVERING INSTALLED SYSTEM.



**ROBERT J. LEICHTER, P.E.**  
31 OLD SOUTH ROAD  
NANTUCKET, MA. 02554  
(508-228-0341)

SCALE: AS-SHOWN

DATE: 12-6-94

PROJECT: S-2441

STREET: BEACH ST

FOR: ROBERT C. BROWN

ASSESSORS MAP: 73.1.3 PARCEL: 24

SHEET 1 CONT. ON F REV. DATE: REV. DATE:



# NANTUCKET HEALTH DEPARTMENT

3 EAST CHESTNUT STREET

NANTUCKET, MASSACHUSETTS 02554

Telephone 508.228.7200

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## 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 for regulation 52.02(A) and 51.00 as applicable: Replacement of a Sewage Disposal System within the 100-ft setback to a  
Bordering Vegetated Wetland. The proposed project will not adversely impact the Bordering Vegetated Wetland, there are no  
reasonable conditions or alternatives that would allow the project to proceed and the Nantucket Conservation Commission has  
voted to issue an Order of Conditions for the proposed system replacement (SE48-3325).

Requestor Name: Scott H. Kurland

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

Address: 14 N. Cambridge Street MAP: 59.4 PARCEL: 101

Phone No. 646-523-1061 Fax No. \_\_\_\_\_

Email: scott.kurland@itg.com

Requestor's Signature:  Date: 8/13/20

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):

Relief is requested from Nantucket Health Protection Regulations

64.04.B.1 – To allow the installation of a 3-bedroom IA septic system on a lot containing 20,237 s.f. within Sconset Wellhead Protection District. With the inclusion of IA Technology, the proposed system meets Title 5 nitrogen loading requirements. The nitrogen loading from a 3-br system with IA Technology is projected to be less than from a conventional 2-bedroom system that would otherwise be installed, representing an overall net benefit to protected environmental interests.

Requestor Name: Beth & Ed Schmidt

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

Address: 4 Seven Mile Ln MAP: 72 PARCEL: 53

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

Email: art@nantucketengineer.com

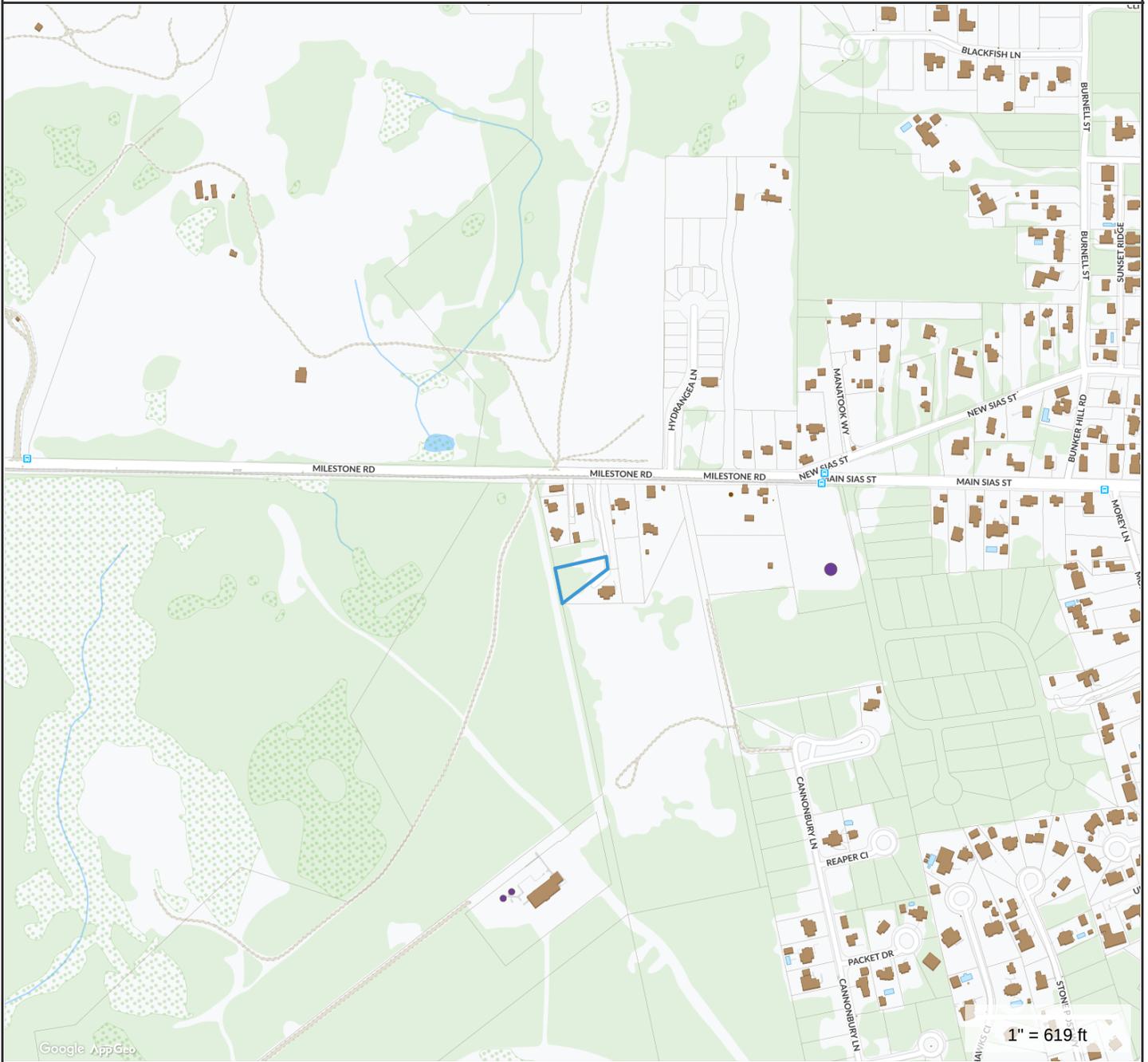
Requestor's Signature:  Date: 8/13/20

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

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

# Locus Map



**Property Information**

**Property ID** 72 53  
**Location** 4 SEVEN MILE LN  
**Owner** ATKINS ROBERT G



**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

**PROPERTY INFORMATION**

ROBERT J. ATKINS,  
C/O GRAY ASSOCIATES INC.  
DEED BOOK 969 PAGE 1  
PLAN NO. 5 PAGE 35, LOT 2  
ASSESSORS MAP 72 PARCEL 53  
#4 SEVEN MILE LANE



8/13/20

*Arthur D. Gasbarro*



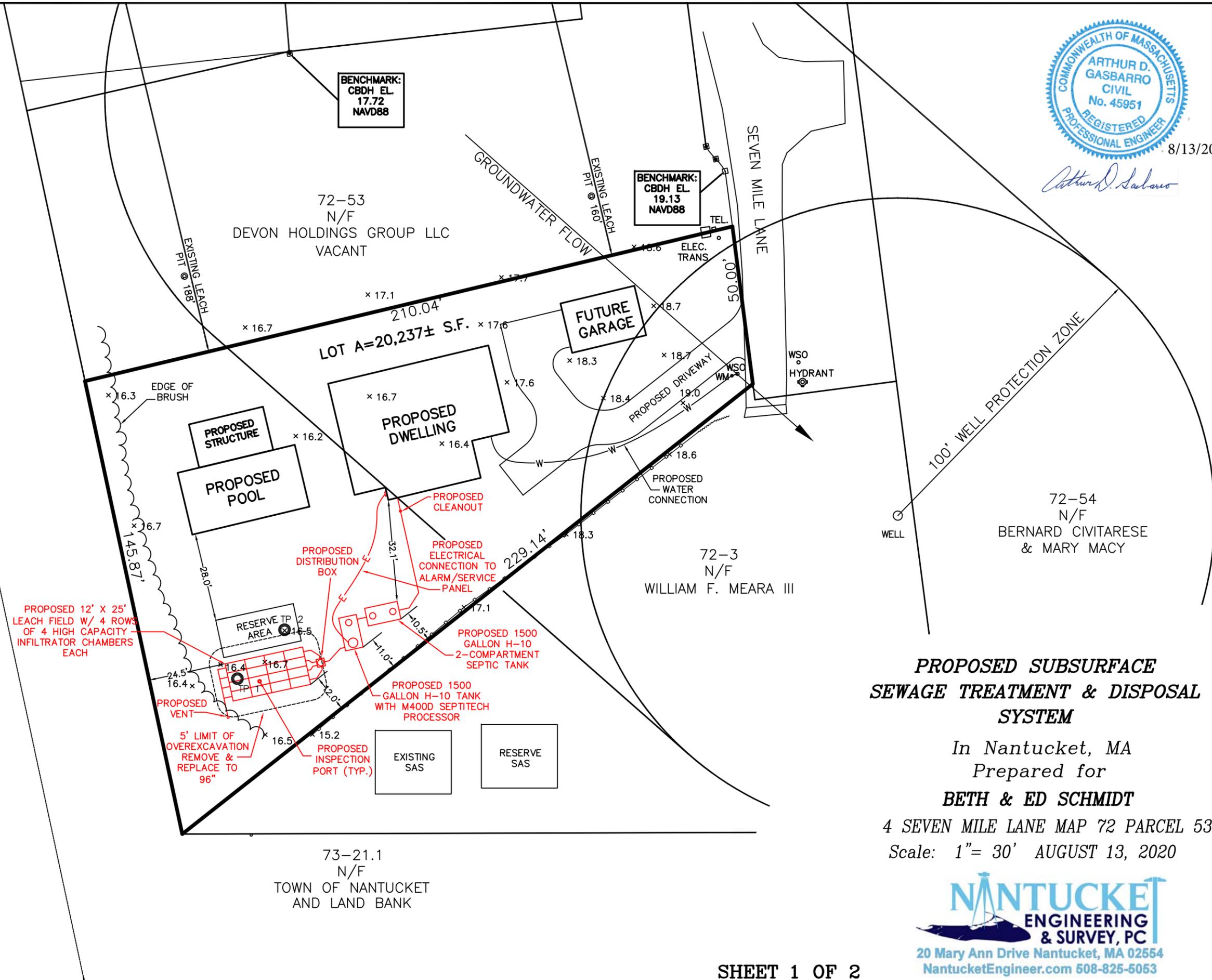
NANTUCKET CONSERVATION FOUNDATION  
75-8  
N/F

THIS PLOT PLAN WAS PREPARED FOR THE TOWN OF NANTUCKET HEALTH DEPARTMENT ONLY AND SHOULD NOT BE CONSIDERED A PROPERTY LINE SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD. THIS PLOT PLAN IS NOT A CERTIFICATION AS TO TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESSOR RECORDS.

WELL & SEPTIC LOCATIONS SHOWN ARE BASED ON RECORD PLANS AT THE NANTUCKET HEALTH DEPT.

B.O.H. APPROVAL REQUIRED TO PERMIT 3 B.R. LOADING PER REG. SEC. 64 WITHIN THE SCONSET WELLHEAD PROTECTION DISTRICT

CONCEPTUAL LAYOUT SHOWN HEREON DOES NOT IMPLY CONFORMANCE WITH ZONING BYLAWS AND REGULATIONS.



73-21.1  
N/F  
TOWN OF NANTUCKET  
AND LAND BANK

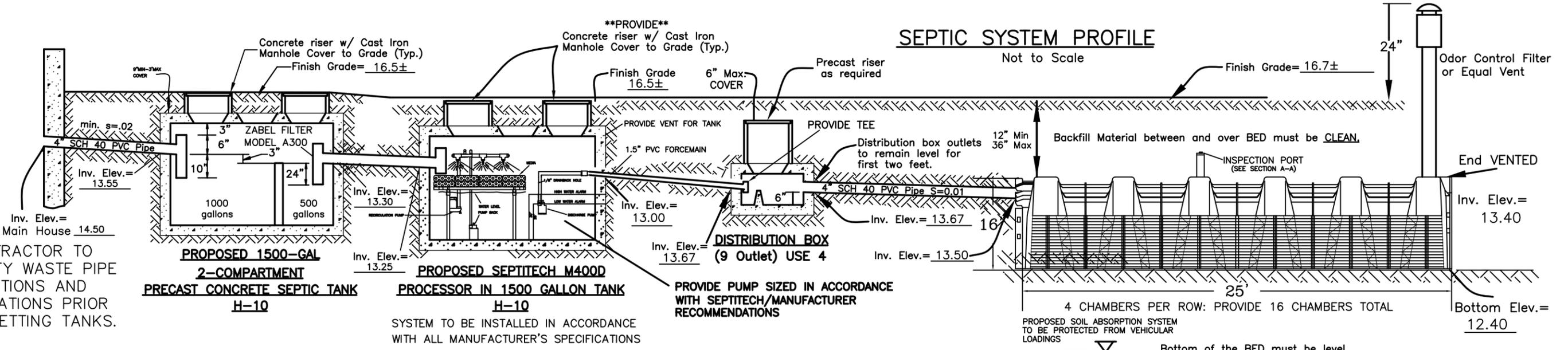
**PROPOSED SUBSURFACE  
SEWAGE TREATMENT & DISPOSAL  
SYSTEM**

In Nantucket, MA  
Prepared for  
**BETH & ED SCHMIDT**  
4 SEVEN MILE LANE MAP 72 PARCEL 53  
Scale: 1" = 30' AUGUST 13, 2020



**SEPTIC SYSTEM PROFILE**

Not to Scale



CONTRACTOR TO VERIFY WASTE PIPE LOCATIONS AND ELEVATIONS PRIOR TO SETTING TANKS.

**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 endanger 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.

**DESIGN CRITERIA**

- TYPE OF ESTABLISHMENT: 3 BEDROOMS
- DESIGN FLOW: 3 BDRMS X 110 GPD/BR = 330 GPD
- SEPTIC TANK VOLUME: 1500 GALLONS: 200% X 330 GPD= 660 GPD  
TWO-COMPARTMENT REQUIRED  
1ST COMPARTMENT 1000 GALLON: 330 X 200% = 660  
2ND COMPARTMENT 500 GALLON: 330 X 100% = 330  
NO ADDITIONAL CAPACITY HAS BEEN PROVIDED FOR GARBAGE DISPOSAL
- DESIGN PERCOLATION RATE: <5 MINUTES/INCH - SOIL CLASS I  
FOR TITLE 5 SECTION 15.242: LTR-EFFLUENT LOADING RATE: 0.74 GPD/SF
- SOIL ABSORPTION SYSTEM (SAS): 330 GPD/ 0.74 GPD/SF= 445.9 SF REQ'D  
PROVIDE: 12' X 25' LEACHING FIELD W/ 4 ROWS 4 HC INFILTRATOR CHAMBERS EACH  
16 CHAMBERS X 29.5 SF/CHAMBER = 472 SF
- LEACHING CAPACITY PROVIDED (BY TITLE 5) = 472 SF X 0.74 = 349 GPD
- MAXIMUM ALLOWABLE LOADING (BY TITLE 5) = 349 GPD  
ACTUAL HYDRAULIC LOADING (DESIGN FLOW) = 330 GPD

**SOIL LOGS**

DEEP OBS. HOLE # 1 EL= 16.4±

DEPTH	HORIZON	TEXTURE	COLOR
0" to 7"	A	LOAMY SAND	10YR 3/2
7 to 18"	B	LOAMY SAND	10YR 5/4
18" to 48"	C1	LOAMY SAND	7.5Y 4/4
48" to 96"	C2	LOAMY SAND	2.5Y 4/4
96" to 156"	C3	MEDIUM SAND	2.5Y 7/4

REDOX. FEATURES OBSERVED @ 120"  
GW. OBSERVED @ 132"  
EST. SEASONAL HIGH GW ELEV. = 6.4 (REDOX.)  
\*\*REMOVE & REPLACE TO 96"

SOIL EVALUATION BY: ARTHUR GASBARRO, CSE, PE, PLS  
DATE OF TESTING: 7/29/20 WITNESSED BY: ARTELL CROWLEY, BOH AGENT  
PERCOLATION RESULTS: RATE = <5 MIN/INCH  
"C3" LAYER

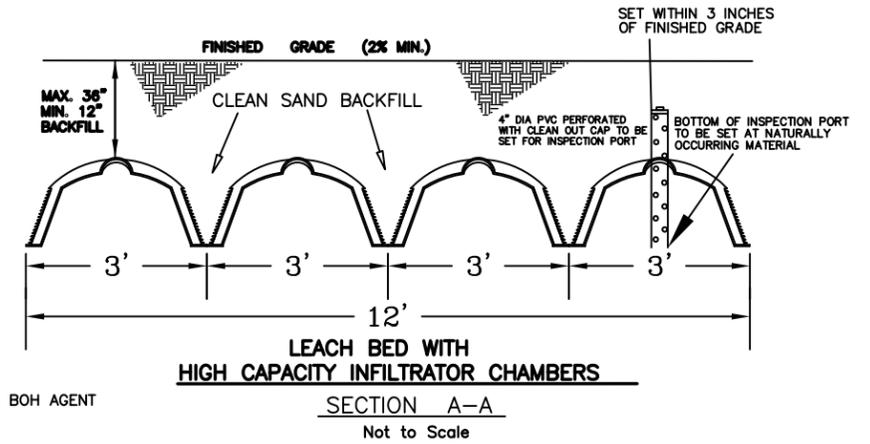
**SOIL LOGS**

DEEP OBS. HOLE # 2 EL= 16.4±

DEPTH	HORIZON	TEXTURE	COLOR
0" to 7"	A	LOAMY SAND	10YR 3/2**
7 to 18"	B	LOAMY SAND	10YR 5/4**
18" to 48"	C1	LOAMY SAND	7.5Y 4/4**
48" to 96"	C2	LOAMY SAND	2.5Y 4/4**
96" to 156"	C3	MEDIUM SAND	2.5Y 7/4

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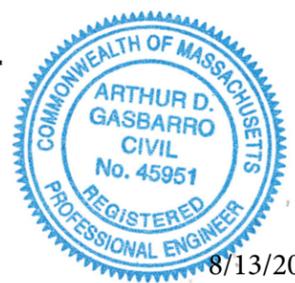


LEACH BED WITH HIGH CAPACITY INFILTRATOR CHAMBERS  
SECTION A-A  
Not to Scale

**PROPOSED SUBSURFACE SEWAGE TREATMENT & DISPOSAL SYSTEM**

In Nantucket, MA  
Prepared for  
**BETH & ED SCHMIDT**

4 SEVEN MILE LANE MAP 72 PARCEL 53  
Scale: 1" = 30' AUGUST 13, 2020



8/13/20  
*Arthur D. Gasbarro*



62.00 PRIVATE WELL REGULATIONS

(A) Purpose

These regulations are intended to protect the public health and general welfare by ensuring that private wells are constructed in a manner which will protect the quality of the groundwater derived from private wells.

(B) Authority

These regulations are adopted by the Nantucket Board of Health, as authorized by Massachusetts General Law, Chapter 111, section 31.

These regulations supercede all previous regulations adopted by the Board of Health pursuant to the construction of private wells.

62.01 DEFINITIONS

(A) Private Well

A private well shall be defined as any dug, driven, or drilled hole with a depth greater than its largest surface diameter developed to supply water intended and/or used for human consumption and not subject to regulation by 310 CMR 22.00.

62.02 PERMIT

(A) The property owner or his designated representative shall obtain a permit from the Health Agent prior to the commencement of construction of a private well. Permits must be obtained for any well that is deepened, reconstructed or repaired for maintenance or other needs. Emergency repairs can be made subject to obtaining the necessary permit at the earliest practicable time. Fee may be waived by the Agent for repairs or maintenance.

(B) Each permit application to construct a well shall include the following:

- (1) the property owner's name and address
- (2) the well driller's name and proof of valid state registration
- (3) a plan with a specified scale, signed by a registered surveyor or engineer, showing the location of the proposed well in relation to

- existing or proposed above or below ground structures
- (4) a description and location of visible prior and current land uses within four-hundred (400) feet of the proposed well location, which represent a potential source of contamination, including but not limited to the following:
    - (a) existing and proposed structures
    - (b) subsurface sewage disposal systems
    - (c) subsurface fuel storage tanks
    - (d) public ways
    - (e) utility rights-of-way
    - (f) any other potential sources of pollution
  - (5) proof that the owner of any property within 400' of the applicant's well site has been notified, by Certified Mail, RRR, of the applicant's intention to install a well
  - (6) a permit fee of \$50.00.
- (C) The permit shall be on site at all times that work is taking place. Each permit shall expire one (1) year from the date of issuance unless revoked for cause. Permits may be extended for one additional six (6) month period provided that a written request is received by the Agent prior to the one year expiration date. No additional fee shall be charged for a permit extension, provided there is no change in the plans for the proposed well.
- (D) Well Construction Permits are transferable.
- (E) Such permits shall be granted of right by the Agent without a hearing upon satisfaction of all rules, obligations and conditions as set forth in these Private Well Regulations, 62.00 et seq. A grant or denial of a permit by the Agent shall be appealable to the Board in accordance with section 67.00 of these regulations.

62.03

PRIVATE WELL PROTECTION ZONES

- (A) In locating a private well, the applicant shall identify all potential sources of contamination which exist or are proposed within four hundred (400) feet of the site. When possible, the well shall be located upgradient of all potential sources of contamination and shall be as far removed from potential sources of contamination as possible, given the layout of the premises.

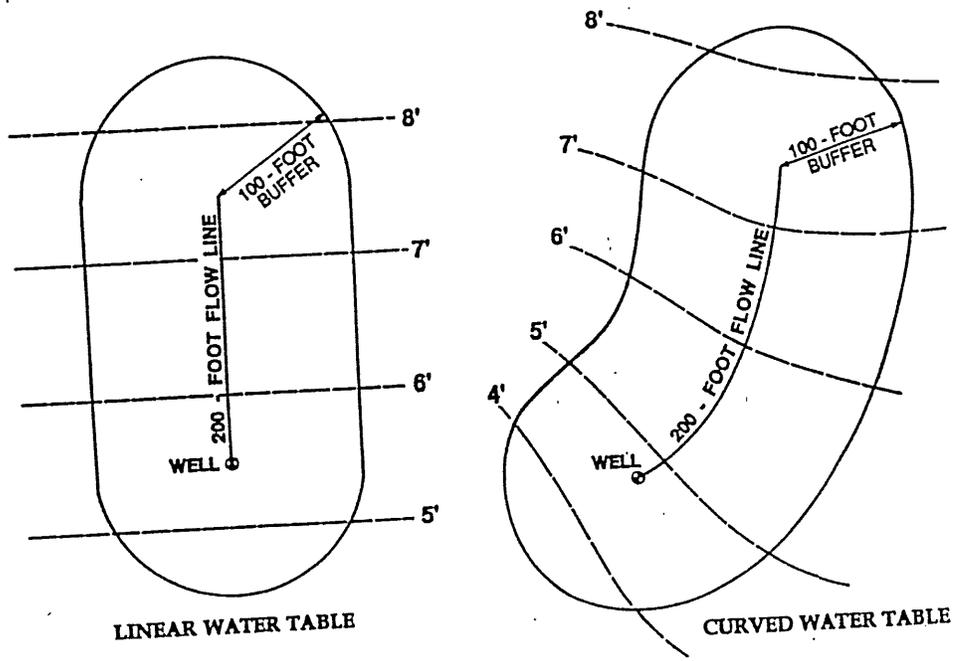
- (B) Each private well shall be accessible for repair, maintenance, testing, and inspection. The well shall be completed in a water bearing formation that will produce the required quantity of water under normal operating conditions.
- (C) No on-site private well permit application shall be approved if the private well is to be within a 100 foot separation distance from existing and proposed leaching facilities and a 300 foot separation distance in a downgradient ground water flow direction from existing or proposed leaching facilities (see attached diagram).
- (D) Ground water flow directions will be determined using the water table map #2 prepared by HWH, Inc. as part of its Nantucket Water Resources Management Plan, March, 1990, or field data submitted by the applicant, (herein incorporated by reference and attached hereto) Board of Health or its agent by measuring the site-specific flow conditions using at least three observation wells in which water table elevations will be measured.
- (E) All wells located in the "dome" areas shown on Map #2, HWH Water Management report, March 1990, on file with the Board of Health ("HWH Map #2") shall be exempt from the 300 foot separation distance in a down gradient ground-water flow direction from existing or proposed leaching facilities but shall maintain a 100-foot separation distance from said facilities. A "dome" is defined as the area within the highest hydrological regional contour line. There are seven (7) "dome" areas on Nantucket.
- (F) The Board reserves the right to impose minimum lateral distance requirements from other potential sources of contamination not listed above. All such special well location requirements shall be listed, in writing, as a condition of the well construction permit.

62.04

WELL DESIGN, CONSTRUCTION AND REQUIREMENTS

- (A) Pursuant to 313 CMR 3.00, no person in the business of digging or drilling shall be hired to construct a private well unless such person is registered with the Department of Environmental Management/Division of Water

*Need*



**PRIVATE WELL PROTECTION ZONES**

Resources. Any work involving the connection of the private well to the distribution system of the residence must conform to the local plumbing code. All electrical connections between the well and the pump controls and all piping between the well and the storage and/or pressure tank in the house must be made by duly licensed installers, including the installation of the pump and appurtenance in the well or house.

- (B) Well drillers shall notify the Nantucket Board of Health when a well has been installed and cleared. At this time, the well driller will furnish the Board with a locus map or Nantucket Tax Assessor's Map and Parcel plan and/or a copy of the State "Water Well Completion Report". A well location diagram, also showing proper dimensions required to locate well, shall be filed with the Inspector of Buildings.
- (C) Abandoned wells, test holes, and borings shall be decommissioned so as to prevent the well, including the annular space outside the casing, from being a channel allowing the vertical movement of water.

The owner of the private well shall decommission the well if the well meets any of the following criteria:

- (1) construction of the well is terminated prior to completion of the well
- (2) the well owner notifies the Board that the use of the well is to be permanently discontinued
- (3) the well has, after extended use, been out of service for at least three years
- (4) the well is a potential hazard to public health or safety and the situation cannot be corrected
- (5) the well is in such a state of disrepair that its continued use is impractical
- (6) the well has the potential for transmitting contaminants from the land surface into an aquifer or from one aquifer to another and the situation cannot be corrected

The property owner shall be responsible for ensuring that all abandoned wells and test holes or borings associated with private well installation are properly plugged. Only registered well drillers may plug abandoned

wells, test holes, and borings.

62.05

PRIVATE WELL SAMPLING AND TESTING

- (A) The applicant shall submit to the Board a Pumping Test Report which shall include the name and address of the well owner, well location, referenced to at least two permanent structures or landmarks, date the pumping test was performed, depth at which the pump was set for the test, location of the discharge line, static water level immediately before pumping commenced, discharge rate and, if applicable, the time the discharge rate changed, pumping water levels and respective times after pumping commenced, maximum drawdown during the test, duration of the test, including both the pumping time, and the recovery time during which measurements were taken, recovery water levels and respective times after cessation of pumping, the reference point used for all measurements.
- (B) Additional Pump Testing: Private wells proposed to be located seaward of the 4-foot water table contour line as delineated on HWH Map #2 will require completion and recordation of the results of 4-hour pump test at a minimum pumping rate of 7 gallons per minute and a maximum pumping rate of 10 gallons per minute; to determine (for public information purposes) the potential for salt water intrusion or other existing contamination sources. The pump test shall be conducted during high tide conditions.
- (C) A water sample will be taken by an agent of the Board of Health or its designee. The well will be pumped until specific conductance readings have stabilized (or at the end of the 4-hour pump test in the case of the wells downgradient from the 4-foot water table contour).
- (D) The water sample will be secured with a bailer of a peristaltic pump to minimize aeration of the sample.
- (E) pH and specific conductance will be measured in the field.
- (F) Samples will be preserved with ice and will be delivered to a state certified water quality laboratory within 24 hours. Samples will be

analyzed for and meet water quality standards for coliform bacteria, nitrate-nitrogen, iron, sodium, chlorides and where the Board of Health deems necessary additional analyses such as volatile organic compounds (VOC's) and EPA Methods 624, 625. The Board of Health shall make the judgement for the inclusion of VOC analyses based upon potential contamination sources and presumed ground water flow directions (utilizing HWH water resources maps and other more recent available information). For example a proposed private well to be located downgradient of a mapped underground storage tank or an industrial land use should be tested for VOC's.

- (G) The quality of the drinking water must meet accepted U.S. Public Health Service Standards. This requirement may be met by the installation of filters or softeners.
- (H) The Board of Health reserves the right to inspect the "water systems" utilized for supplying and/or furnishing water which is located between the well and the building structure or area to be served anytime during construction, installation or yield test of the well.
- (I) Following a receipt of the water quality test results, the applicant shall submit a Water Quality Report to the Board which includes:
  - (1) a copy of the certified laboratory's test results
  - (2) the name of the individual who performed the sampling
  - (3) where in the system the water sample was obtained

The Board reserves the right to require retesting of the above parameters, or testing for additional parameters when, in the opinion of the Board, it is necessary due to local conditions or for the protection of the public health, safety, and welfare. All costs and laboratory arrangements for the water testing are the responsibility of the applicant.

62.06

RELIEF PROCEDURE - PRE-EXISTING LOTS

- (A) Whenever a person has submitted a subdivision, or preliminary subdivision plan followed within 7 months by a definitive plan, or a plan referred to in M.G.L. Ch. 41, sec. 81P,

as the case may be, the land shown on such plan shall be governed by the provisions of the state environmental code and board of health regulations, if any, which differ from the code which are in effect at the time of first submission of the plan. Such provisions shall apply while the plan is processed until rejected, or if approved, until 3 years from the date of filing pursuant to M.G.L. Ch.111 sec. 127P.

- (B) Any lot not covered by clause (A) which is shown or referred to in a deed or shown on a plan duly recorded at the Nantucket Registry of Deeds, or filed in The Land Registration Office before the effective date of this regulation, August 24, 1990, shall comply with section 62.03 (A) of the regulation to the maximum extent possible, meaning that wells shall be located as close to the regulation distance requirements as lot size and contours permit. As a minimum requirement, said lot shall comply with current State Sanitary Code Regulations and local regulations in effect prior to August 24, 1990.

In the event that a pre-existing lot cannot comply with the 300 foot separation requirement set forth in Section 62.03 (A), then, in that event, the Board of Health, or its agent, shall in any case grant to said lot an exemption from the 300 foot separation requirement upon the following conditions:

- (1) The applicant shall submit to the Board of Health a design plan stamped by a Professional Engineer or Land Surveyor showing the location of the proposed well, the proposed or existing leaching facilities on said lot, locations of all wells and leaching facilities within 400 feet of the proposed well, or as far from the locus as deemed necessary to determine that compliance with this section cannot be met, and the ground water gradient and direction of flow for said lot (as determined by Map #2, HWH Water Management Report, March, 1990 on file with The Board of Health).
- (2) For pre-existing, vacant lots being held in contiguous ownership prior to the effective date of this regulation, the applicant shall also file a stamped plan with such design and location information showing maximum compliance with the 300 foot separation

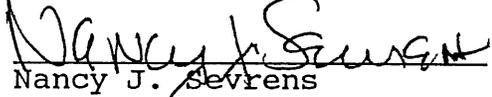
requirement for contiguous lots abutting the subject lot.

- (3) Failed leaching facilities on an improved lot shall, if necessary, be relocated on said lot to the maximum separation distance attainable at the time the facilities are replaced up to 300 feet.
- (4) Adjustments of pre-existing lot lines shall not subject said lot to compliance with the 300 foot separation requirement on the condition that such adjustments do not create an additional "buildable" lot and the distance between the well and leaching facility on said lot is not diminished.

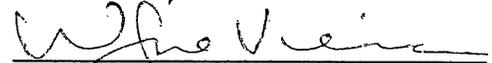
NANTUCKET BOARD OF HEALTH



Bernard D. Grossman



Nancy J. Sevrens



Wayne Viera



Diane Coombs



Carl Borchert

August 22, 1990

Date Signed

August 23, 1990

Date Published

62.05

AMENDMENT TO PRIVATE WELL REGULATIONS

Section 62.05 PRIVATE WELL SAMPLING AND TESTING is hereby amended by deleting the existing section G and inserting instead the following:

(G) The quality of the drinking water must meet accepted Massachusetts Drinking Water Standards, October 1989, Department of Environmental Protection. This requirement may be met by the installation of filters or softeners.

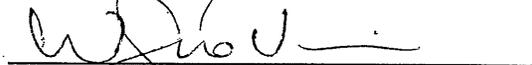
NANTUCKET BOARD OF HEALTH



Bernard D. Grossman, Chairman



Nancy J. Seyrens



Wayne Viera



Diane Coombs



Carl Borchert

August 29, 1990

Date Signed

August 30, 1990

Date Published

# TOWN OF NANTUCKET BOARD OF HEALTH SEPTIC SYSTEM REGULATIONS

## LOCAL REGULATION 52.00

### 52.01 SUBMITTED SEPTAGE PLANS.

- A. The submitted plan shall show as a minimum: the lot to be served, location and dimensions of the system (including reserve area), design calculations, existing and proposed contours, location and log of deep observation hole, location and results of percolation tests, approved soils analysis forms, locations of any wetlands, all known sources of water supply within 200 feet of the soil absorption system, location of any proposed potable water supply well to serve the lot, location of water lines on the property, maximum ground water elevation in the area of the soil absorption system and a profile of the system. The plans shall be prepared by a professional engineer or other professional authorized by law to prepare such plans.

### 52.02 DISTANCES.

- A. No soil absorption system shall be located or installed within 100 feet of a wetland,

A.1 On a lot in existence prior to the effective date of these regulations, where lot configuration and or maximum square footage prohibit locating a soil absorption system the minimum 100 feet from a wetland, the soil absorption system shall have a maximum design flow of 330 gallons per day.

- B 1 Soil absorption systems located in non Nitrogen and/or Phosphorus Sensitive Area shall not be constructed in areas where the maximum ground water elevation is less than *five (5)* feet below the bottom of the soil absorption system.
- B 2 All soil absorption systems located within Nitrogen and /or Phosphorus Sensitive areas that incorporate innovative/alternative technology with enhanced nitrogen /phosphorous removal shall not be constructed in areas where the maximum ground water elevation is less than five (5) feet below the bottom of the soil absorption system.

- B 3 All soil absorption systems located within Nitrogen and/or Phosphorus Sensitive Areas shall not be constructed in areas where the maximum ground water elevation is less than six (6) feet below the bottom of the soil absorption system.**

**52.03 PERMIT EXPIRATION**

- A. All systems for which a Disposal System Construction Permit has been issued shall be completed, and the Certificate of Compliance shall be obtained, within two years of issuance of the permit. Unless an extension pursuant to Title Five 310 CMR 15.020(3) is issued, the permit, and any variances or local upgrade approvals from 310 CMR 15.00 allowed therewith, shall expire if the work authorized by said permit is not completed within a two year period.**
- B. The local approving authority or the Department may issue a written one year extension to the Disposal System Construction Permit and Certificate of Compliance expiration date, upon the presentation of documented facts preventing the completion of the approved system within the time frame of the original permit. Only one extension shall be granted.**

**52.04 SEPTAGE FLOW ESTIMATES.**

- A. Sewage flow estimates shall be determined using procedures given in Massachusetts State Environmental Code; Minimum Requirements for the Subsurface Disposal of Sanitary Sewage: Title Five.**

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Whitey Willauer – Chairman

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Michael Glowacki

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Brian Chadwick

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Michael Kopko

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Douglas Bennett

As Amended: June 14, 2006