



BOARD OF HEALTH Meeting

Town of Nantucket
131 Pleasant Street
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Commissioners: Stephen Visco (chair), James Cooper, Meredith Lepore, Kerry McKenna, Malcolm MacNab, MD, PHD. Select Board

Staff: Roberto Santamaria, Kathy LaFavre, John Hedden, Cathy Flynn, Jake Visco, Sean Reid, Heather Nardone

~~ MINUTES ~~

Thursday, February 16, 2023

4 Fairground Road, Community Room

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

Called to order at 4:00 p.m.

Staff in attendance: Roberto Santamaria, Health Director; John Hedden, Chief Environmental Officer; Cathy Flynn, Health Inspector

Attending Members: Stephen Visco; James Cooper; Meredith Lepore; Kerry McKenna

Absent Members: Malcolm MacNab, MD, PHD, Select Board

I. ANNOUNCEMENTS

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

1. Curtis Barnes – Asked if the BOH would reduce the rental registration fee from \$250 to \$150. Cited difference in cost would still be adequate revenue. Thinks the BOH contract with GBI and Granicus are attributed to the fee. Asked the BOH to pass a resolution that every rental property needs to be registered. Cited Richmond Development’s parking issues due to overcrowding. His son has seen 2 -bedroom apartments with 8-10 people living in it. Thinks it’s ridiculous that the Town is registering STR’s with no complaints when most of the Health Department complaints are from year-round rentals.

Santamaria- It was a joint meeting to change the fee and bylaw which is up to the Select Board. He will pass this along.

Visco- Richard Ray attempted this years ago but got shot down at town meeting. We are trying to move in that direction.

III. APPROVAL OF MINUTES

1. January 19, 2023

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

Roll-call vote Carried 3-0// Cooper, McKenna, and Visco- aye

Lepore- abstained

IV. DIRECTOR’S REPORT

1. The Health Department had the Granicus training for host compliance software yesterday. Waiting on Granicus to give the go-ahead to begin registering STR’s for this year. The regulation states the registration has to be completed by November 1, 2023. Enforcement begins January 1, 2024.

2. We are funding an intern using a rural Health Equity Grant. She will be helping with inspections for the Natural Resources Department and the Health Department.

3. We are working with the Visiting Nurses Association to expand our Maternal Child Health Home Visit program. It will also include direct observation therapies for TB patients to wellness visits for post-partum follow-ups.

4. Our Public Health nurse is leaving. Posting full time position next week. The Community Health increase was part of our five-year strategic plan voted in 2017. This was de-railed by COVID.

V. BOH APPLICATIONS REVIEW

1. Variance request for 5 Bank Street, 73.4.2/8, septic tank and soil absorption system property line setbacks.

Sitting Visco, Cooper, McKenna, Lepore

Documentation Supporting documents and plans, staff recommendations.

Discussion **Arthur Gasbarro- Nantucket Engineering;** Requesting relief to install a one-bedroom system and for set-back to no less than 4 feet. The depth over the system is slightly more the 3 feet to about 3.7 feet to maintain gravity flow. We will work with Staff. A soil evaluation with backhoe was caving. Only able to get nine feet when need another foot or six inches to show no ground water. Wants to address the point in the staff report. Might have to comeback for relief or to put in a pump chamber.

(4:10) **Hedden** – No concerns with setbacks. Formality thru Title V that the neighbors need to be notified. Discussed clarification on groundwater separation.

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

Roll-call vote Carried 4-0// Cooper, Lepore, McKenna, and Visco- aye

2. Needle Exchange Program @ Health Imperatives

Sitting Visco, Cooper, McKenna, Lepore

Documentation Supporting documents and staff recommendations.

Discussion **Santamaria** – Health Imperatives looking for approval from the BOH to start program. Staff has no objections. Receptacle is at Health Department. Heath Imperatives conducts the clean needle exchange. Needle destruction is conducted at 131 Pleasant.

(4:14) Action **Motion to Approve the Needle Program.** (made by: Lepore) (seconded)

Roll-call vote Carried 4-0// Lepore, Cooper, McKenna, and Visco- aye

VI. BOH BUSINESS

1. Well Regulations Discussion

Sitting Visco, Cooper, McKenna, Lepore

Documentation Code of Nantucket, Chapter 386; staff recommendations

Discussion **Santamaria** – December meeting had an issue with private wells about a loophole in well regulation and setbacks. Needs to be updated and add a requirement to conduct PFAS testing similar to a Title V inspection. Looking for anything else from the Board to update. Can add this to March agenda. Would like to schedule a public hearing for April/May. Need vote from the Board for town counsel to review changes.

(4:16) **Cooper-** The sooner we do this the better off we are.

Visco- The intention of the regulation wasn't to stop people making improvements on a property. There was more concern over new construction.

Santamaria- We will need to clarify new construction trigger versus improvements.

Gasbarro- Does not think it's a loophole. His interpretation of the Naushon Way discussion there were lots created prior to 1990 that did not apply based on direction of groundwater flow. He doesn't think that should change other than language helping staff clarify. Change could make some lots "unbuildable". You're still providing separation required by Title 5 by 100 feet. The groundwater flow direction based on the Horsley Whitton groundwater map is challenging to interpret the ground water contours. Suggested creating an updated map with groundwater contours and how the direction is determined.

Visco- We've been relying on a map from 33 years ago.

Santamaria- We will have to discuss changes before the public hearing. Won't be able to vote a new well regulation until we see how it drives with the new Title V. USGS was here to remap all groundwater and aquifers for accurate measurements. From a PFAS perspective versus a septic system perspective, the town putting out more accurate data. Clay has created splits in the ground flow from airport review.

Hedden- This is a well regulation. Isn't restricting someone from improving a lot. This is the location of where their well is. If pre 1990 and can't meet 300 zone we would grant relief. An abutting lot increasing the leach facility meeting 300-foot zone is different. It's confusing with wells and soil absorption systems and their locations.

Cooper- Asked for different wording with town water.

Santamaria- Current well regulation does not address that.

Visco- Shouldn't be able to drive a well because town water is available.

Santamaria- Looked into that with Regulation 78. This is the opportunity. Will be adding a sub section dedicated to PFAS and emerging contaminate language.

McKenna- The regulation in 1990 addressed issues in 1990. For potable water, is there a way for folks on private roads to work with the water company and the Town to get it. It's his understanding that there is a process for owners who live on private roads can petition the water company or the Town. He would like to inform the public.

Visco- There is a process. The abutters had to sign off to give water company the easement to put the water down Columbus and Midland.

Santamaria- Mark Willet is part of the Water Coalition with Natural Resources, Land Council, Maria Mitchell, the Shellfish Association, the Sewer Department and the Health Department. It has been discussed on how to make information more available.

Lepore- Will the Health Department make PFSAS testing available.

Santamaria- Barnstable County Lab does not have PFAS testing. They are looking to add. Another lab will have to provide their own bottles and payment.

Cooper- Should we include the Water Company if they have any plans on expanding.

Santamaria- Will ask Mark Willet for expansion plans. They have to bring water to the west of the airport. Certain situations changed the priorities. Madaket is on the list.

Cooper- Asked for public meeting in May.

Santamaria- New Public Outreach Coordinator will be helping to get information out to the public.

Visco- Will reach out to surveyors and engineers.

Action

Vote N/A

VII. ADDITIONAL DOCUMENTS USED

1. Draft BOH Minutes January 19, 2023
2. Code of Nantucket, Chapter 386 Wells

VIII. ADJOURN

Action **Motion to Adjourn at 4:37 pm** (made by: Lepore) (seconded)

Roll-call vote Carried 4-0// Cooper, Lepore, McKenna, and Visco-aye

Submitted by:
Cathy Flynn