



# BOARD OF HEALTH Meeting

Town of Nantucket  
131 Pleasant 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, Kathy LaFavre, John Hedden, Cathy Flynn, Anne Barrett

~~ MINUTES ~~

**Thursday, September 16, 2021**

*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; K. LaFavre, Health Inspector; J. Hedden, Inspector; C. Flynn, Health Inspector; T. Norton, Town Minutes Taker

Attending Members: Stephen Visco; Malcolm MacNab, MD, PHD; James Cooper; Meredith Lepore;

Absent Members: Melissa Murphy, Select Board

## I. ANNOUNCEMENTS

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

1. None

## III. APPROVAL OF MINUTES

1. August 12, 2021
2. August 19, 2021

Action **Motion to Approve.** (made by: MacNab) (seconded)  
Roll-call vote Carried 4-0//MacNab, Lepore, Cooper, and Visco-aye

## IV. BOH APPLICATIONS REVIEW

1. Recommendation & Compliance documents re: 115 Surfside Road, no Operation & Maintenance Agreement
  - Sitting Visco, MacNab, Cooper, Lepore
  - Documentation Supporting documents and plans, staff recommendations.
  - Discussion **Santamaria** – Regulation 65 doesn't have an enforcement clause. We need a vote from the board to begin fining up to \$300 per day.  
**Visco** – Asked if this is a one-time vote.  
**Santamaria** – Yes, he will have to fix the regulations with a Public Hearing in November.
  - Action **Motion to give staff a permission to fine 115 Surfside Road.** (made by: MacNab) (seconded)
  - Roll-call vote Carried 4-0//MacNab, Lepore, Cooper, and Visco
2. Variance request for 11 D Street, 60.2.1-17, 51.02(A) & (B) & (C) and 64.04.A setbacks, well, & nitrogen sensitive area
  - Sitting Visco, MacNab, Cooper, Lepore
  - Documentation Supporting documents and plans, staff recommendations.
  - Discussion **Santamaria** – This is maximum feasible compliance. There is a letter of objection; however, because of maximum compliance, staff has no objection to agreeing to the variance. He will bring a policy to the next meeting for a vote.  
**Visco** – They are hooking up to Town water.
  - Action **Motion to Accept the variance as written.** (made by: Cooper) (seconded)
  - Roll-call vote Carried 4-0// MacNab, Cooper, Lepore, and Visco

3. Variance request for 2 Tennessee Avenue, 6024-84, setbacks Local BOH Reg 51.02 A and B

- Sitting Visco, MacNab, Cooper, Lepore  
Documentation Supporting documents and plans, staff recommendations.  
Discussion **Santamaria** – Similar situation with maximum feasible compliance and no objections.  
**Don Bracken**, Bracken Engineering – There are no applications to expand the septic; it did not meet the 6’ separation. Reviewed proposal to bring into compliance as much as possible. The density of wells in the area and property sidelines make it not possible to meet full compliance. They are hooking up to Town water  
Action **Motion to Approve the variance.** (made by: MacNab) (seconded)  
Roll-call vote Carried 4-0//MacNab, Cooper, Lepore, and Visco-aye

4. Appeal of Housing Violation for 21B Ticoma Way 67-162

- Sitting Visco, MacNab, Cooper, Lepore  
Documentation Supporting documents and plans, staff recommendations.  
Discussion **Santamaria** – We’ve been dealing with this violation for a while. The owner was provided a panelist link for the last hearing and this hearing but has not shown up.  
**LaFavre** – We received the complaint last October regarding over-crowding and masks not being worn. We found numerous violations to include missing screens, trash, and rodents. Many problems were corrected by the following November. The owner promised to install screens by April; there have been subsequent inspections every month and yesterday with no screens installed. In the last inspection, we also found trash blocking an egress and egress windows blocked; a ticket was issued. She’s not inclined to give him any leniency since a year later there has been no compliance.  
Action **Motion to keep the fines in place.** (made by: Lepore) (seconded)  
Roll-call vote Carried 4-0//MacNab, Lepore, Cooper, and Visco-aye

**VI. COVID 19**

- Emergency Order discussion  
Sitting Visco, MacNab, Cooper, Lepore  
Discussion **Santamaria** – Haven’t seen the waste-water report for next week. The caseload has dropped; the mask mandate is working. We are no longer in the red zone but still in the yellow zone. The Center for Disease Control (CDC) recommends maintaining an in-door mask requirement. The question is if a group starts asking for vaccine cards at the door are they still required to wear masks indoors; currently the answer is yes. Chicken Box and Cisco require proof of vaccination but still require masks.  
**Lepore** – She doesn’t want to start carving into the mask mandate.  
**Cooper** – Asked if they have to have the actual card or will a photo of it suffice.  
**Santamaria** – Some off-island concert venues allow photos of the vaccine card in conjunction with a photo ID.  
**MacNab** – He could flip a coin on this.  
**Visco** – He’s inclined to follow CDC recommendations; we perhaps should wait a little longer.  
**Lepore** – It’s unfair to allow vaccinated adults to remove their masks indoors when vaccinated students must still wear masks indoors.  
**MacNab** – He’ll go with the consensus another month.  
**Santamaria** – We aren’t changing anything, so we can maintain it for another month. The last update is that the Food and Drug Administration (FDA) have pushed back acceptance, of a dose for children 5 or older, for another 5 weeks. It’s important to put out the news that like the flu there will be flare ups and yearly boosters will be necessary. There is news of new variants, to include an Omega variant. We might be looking at March when we reach a level of vaccination to allow lifting the mask order.

The Hospital has scheduled flu clinics. We are recommending everyone get the flu vaccine, a mix of flu and COVID is lethal.

**MacNab** – Experts are expecting a resurgence of flu this year. He’s had a lot of questions about a 3<sup>rd</sup> shot; the FDA is not recommending that for most people though there will be a meeting about that tomorrow.

Action No action necessary at this time.

Roll-call vote N/A

## VI. BOH BUSINESS

1. **Cooper** – Regarding granting variances to people who cannot get the space between septic and well, wonders why Mr. Santamaria can’t talk to the Water Company about a way to lift the connection fee or spread it out over 2 or 3 years.

**Santamaria** – That is a conversation we’ve been having; many variances would go away if people connect to Town water. It might be worthwhile to look into a regulation requiring connection to Town water; there is a PFAS contaminated well off Hummock Pond. Connection to Town water would prevent contaminated wells.

**Visco** – We secure the money each year for a low interest loan to assist with septic work; he doesn’t know if the Water Company has a similar program.

**Lepore** – Given the PFAS situation, it would be the right thing for the Water Company to give out loans or waive the fee when PFAS is found in a well.

2. **Santamaria** – Introduced Cathy Flynn as the newest inspector.

## VII. ADDITIONAL DOCUMENTS USED

1. Draft BOH Minutes as listed

## VIII. ADJOURN

Action **Motion to Adjourn at 4:32 pm** (made by: Cooper) (seconded)

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

Submitted by:  
Terry L. Norton