



# Town of Barnstable

## Board of Health

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**BOARD OF HEALTH MEETING MINUTES**                      **REVISED**  
**Tuesday, August 23, 2016 at 3:00 PM**  
**Town Hall, Hearing Room**  
**367 Main Street, 2<sup>nd</sup> Floor, Hyannis, MA**

*“An announcement for the public at the meeting: These proceedings are being recorded and we need to ask if there is anyone in the audience who will be recording any portion of this meeting.” None so noted.*

**I. Presentation on Changes seen in Tobacco Regulations:**

Bob Collett, Barnstable County Tobacco Enforcement, Sheryl Sbarra, Senior Staff Attorney of MA Association of Health Boards (MAHB), and Kathy Wilbur, Seven Hills Foundation – a health and human services agency will have a presentation discussing tobacco regulations.

Bob Collett made suggestions to the Board of increasing the penalty phase of our Town Code and stated all the other towns he monitors have stricter penalties.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to adjust the penalty phase of the tobacco regulation to the following: the tolling period will be three years, there will no longer be a warning on the first violation within three years. There will be a \$100 fine for the first violation, a \$200 fine for the second violation along with a 7 day suspension of their tobacco permit, a \$300 fine for the third violation along with a 30 day suspension of their tobacco permit within a three year period, and if a fourth violation occurs during a three year period, they will lose their tobacco license all together. (Unanimously, voted in favor.)

Mr. McKean and Dr. Canniff will get the status on how the Legal Division is progressing on the formation of new tobacco regulations and will inform Bob Collett of the status.

**II. Variance – Septic:**

A. Dan Ojala, Down Cape Engineering, representing Yvonne Cavallina-Mudge, owner – 100 Nye’s Neck Road, Centerville, Map/Parcel 233-066, 38,122 square foot lot, within 300 feet of wetlands, requested, private well,

septic repair with no construction work planned, and multiple variances requested.

Dan Ojala presented his septic plan to the Board.

Mr. McKean said the staff mentioned two items: 1) need to show the existing leaching pit which will be abandoned, and 2) need to have a monitoring agreement in place.

Dr. Canniff mentioned the Fast system is a two compartment tank. He asked what is the difference between this and another system.

Mr. Ojala feels they have a solid track record with few moving parts and does not require special applications if increasing bedroom count. Mr. Ojala said they are pretty competitive.

Upon a motion duly made and seconded, the Board voted to grant the use of the Fast System for General Use with the following conditions: 1) a revised plan showing the location of the existing leaching pit to be abandoned, 2) submit a signed monitoring agreement, 3) record a three bedroom deed restriction with the Barnstable County Registry of Deeds, and 4) an official copy of the deed restriction will be submitted to the Health Division. (Unanimously, voted in favor.)

- B. Peter McEntee, Engineering Works, representing Theodore and Jane Grauel, owners – 379 Lakeside Drive West, Centerville, Map/Parcel 232-048, 14,820 square foot parcel, within 300 feet of wetlands, failed septic, three variances requested for upgrade.

Peter McEntee presented his engineering plan requesting three variances for this thickly vegetated lot. The most feasible location for the system is in the drive.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the plan revision dated 8/23/16 with the following conditions: 1) record a three bedroom deed restriction with the Barnstable County Registry of Deeds, and 2) an official copy of the deed restriction will be submitted to the Health Division. (Unanimously, voted in favor.)

- C. Dan Ojala, Down Cape Engineering, representing William LaPoint, Jr., owner – 980 Main Street, Cotuit, Map/Parcel 034-033, 13, 812 square foot lot, within 300 feet of wetlands, failed septic, house renovation/addition, requesting two variances.

Dan Ojala presented his engineering plan which is almost identical to the plan approved by the Board of Health in July 2005. The upgrades were not done at that time and the owners are now interested to move forward.

Part of the system is under the driveway a couple feet and will be vented.

Upon a motion duly made by Dr. C seconded by Mr. Sawayanagi, the Board voted to approve the plan with the following conditions: 1) record a three bedroom deed restriction with the Barnstable County Registry of Deeds, and 2) an official copy of the deed restriction will be submitted to the Health Division. (Unanimously, voted in favor.)

- D. Peter McEntee, Engineering Works, representing Richard and Lisa McCormack, owners – 566 Phinney’s Lane, Centerville, Map/Parcel 250-017, 22,460 square foot lot, failed septic system, to upgrade system requesting multiple variances.

Mr. McEntee presented his plans to the Board.

The Board did discuss the possibility of a liner but determined it was up to the engineer to decide whether he uses a liner or not due to the tight area near the foundation.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to grant the five non-environmental variances with no conditions. (Unanimously, voted in favor.)

- E. Dan Ojala, Down Cape Engineering, representing Thomas and Jessica Poti, owners – 879 Craigville Beach Road, Centerville, Map/Parcel 225-030, 0.25 acre parcel, within 300 feet of wetlands, failed septic system, replacing dwelling, no increase in flow, requesting variance, shifting sand.

Mr. Ojala presented his plans to the Board.

Upon a motion duly made and seconded, the Board voted to grant the variance with the following condition: 1) provided Mr. McKean receives an affirmative from the D.E.P. once he contacts them to verify whether the Board of Health has the authority to grant a variance on the requested regulation, 2) record a two bedroom deed restriction, and 3) provide the Health Division with an official copy of the deed restriction. (Unanimously, voted in favor.)

**III. Body Art Establishment and Artist Application:**

Joe Vittorini, operator of body art establishment in Nantucket for past seven years, desires to open an establishment in West Barnstable, 1) requesting a variance from Anatomy and Physiology course to operate the shop.2) requesting variance from Anatomy and Physiology course for son, Vaughn Vittorini, body artist at Nantucket establishment.

WITHDREW.

**IV. Hearing – Sewer Connection (continued):**

Stewart Creek area properties overdue for sewer connections.

Matthew & Catherine Conley, owners – 35 Point Lane, Hyannis, contractor Doug Brown (Jan2016) – Constable serviced notice for August 23<sup>rd</sup> meeting.

(Heard after Item I.)

Cathy Conley and Matthew Conley were present and informed the Board that that their installer, Doug Brown, will be connecting them up to town sewer within the next two weeks.

**V. Old / New Business:**

**A. Minutes.**

Dr. Canniff had a question on item IV. Hearing – 2 Lake Drive, Centerville. He thought he had not voted in favor but remembered the item had passed. Ms. Crocker will re-check the video.

Upon a motion duly made and seconded the Board voted to approve the July 12, 2016 minutes with the following conditions: must verify the vote on page 3, Item VI. Regarding 2 Lake Drive. (For Minutes: 2 voted in favor. 1 not eligible to vote on prior item - Dr. Guadagnoli).

(Answer: The vote on page 3 Item VI. 2 Lake Drive was unanimously voted in favor (as recorded). There were only two members on the Board at the time.

**Additional Items:**

- 1) Dr. Canniff asked for Karen Malkus to submit her report for the commercial tight tank pumpings for the next meeting.
- 2) Mr. McKean will have Dan Ojala and Dr. Canniff in a meeting tomorrow a.m. and will contact DEP to see whether the Board has the authority to vote a variance for the variance requested at 879 Craigville Beach Road regarding the code requiring the septic to be suspended above the ground.

Voted to adjourn at 5:35 pm.