



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING MINUTES

Tuesday, March 20, 2018 at 3:00 PM

Town Hall, Hearing Room

367 Main Street, 2nd Floor, Hyannis, MA

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, March 20, 2018. The meeting was called to order at 3:00 pm by Chairman Paul Canniff, D.M.D. Also in attendance were Board Members Junichi Sawayanagi and Donald A. Guadagnoli, M.D. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

I. Lifeguard Requirements:

Todd Deluca, Greater Hyannis Chamber of Commerce, had two proposals. The Chamber felt the local pool regulations put the Chamber members at a disadvantage since regulations are not the same for hotels in competitive towns as well as hotels within their own town. Their first proposal is to eliminate the Board's regulations and use the State's regulations which they believe are designed to be fair and equitable.

If the Board doesn't favor the first proposal, Mr. Deluca asked the Board to consider adjusting the criteria (# of rooms) used to apply the local regulation. The Chamber does not believe it is reasonable to correlate a hotel's inventory of rooms with amount of risk at the pool as the rooms may be vacant, occupants may not choose to use the pool, etc. Mr. Deluca suggested using seasonality to make it a more equitable regulation.

The Cape Cod Chamber of Commerce had summarized the occupancy rates by month of all hotels in town. With the exception of the Resort and Conference Center and the Cape Codder, the other hotels have less than 75 units rented during the off-season months. The second proposal is to limit the use of the local regulation to the "in-season" period only (Memorial Day through Columbus Day) and to eliminate the requirement of 2 lifeguards for locations with two pools or more.

Dr. Guadagnoli made a motion to waive the local regulations as requested. The motion was not seconded.

Dr. Guadagnoli made a motion to consider using the high density time (Memorial Day through Columbus Day) as the time to apply the local regulations. Dr. Canniff did not support this. Mr. Sawayanagi would like more time to consider the information.

The Board will take the new information into consideration and continue this item at the April 24, 2018 meeting.

II. Variance – Septic:

- A. Michael Pimentel, JC Engineering, representing Gerald Healy, owner – 16 Short Beach Road, Centerville, Map/Parcel 206-043, 4,995 square feet parcel, two variances requested.

Attorney Michael Ford and John Churchill, engineer, presented their plan and stated that the property is a three bedroom dwelling.

Upon a motion duly made by Dr. Guadagnoli, seconded by Dr. Canniff, the Board voted to grant the two setback variances submitted on the plan dated 2/9/18. (Two voted in favor, Dr. Canniff voted against.)

- B. Peter McEntee, Engineering Works, representing Lee and Beverly Staniar, owners - 206 Annable Point Road, Centerville, Map/Parcel 211-032, 14,090 square feet parcel, failed septic system, multiple variances requested.

Peter McEntee presented his plan.

Upon a motion duly made and seconded, the Board voted to grant the five variances on the plan dated 1/30/18 and signature dated 3/6/18 with the following conditions: 1) A four bedroom deed restriction must be recorded at the Barnstable County Registry of Deeds, and 2) submit an official copy to the Health Division. (Unanimously, voted in favor.)

- C. Sean Riley, Coastal Engineering, representing E&B Development, developer – 18 Waterside Drive, Centerville, Map/Parcel 207-155, 0.53 acre parcel, Centerville, three feet setback variance for reserve area.

Sean Riley presented his plan.

Melvin Cohen, a neighbor, expressed concern of developing the lot as the property has a steep slope leading to a wet area which attracting mosquitoes and ticks.

Upon a motion duly made and seconded, the Board voted to grant the variance on the plan dated 3/6/18 with the following condition: 1) if the reserve area is used in the future, the applicant will install an I/A nitrogen-reducing technology. (Unanimously, voted in favor.)

- D. Peter McEntee, Engineering Works, representing Ronald Silvia, Trustee – 368 South Main Street, Centerville, Map/Parcel 207-058, 3,970 square foot parcel, repair failed septic system, multiple variances requested.

Peter McEntee discussed the proposed plan.

Upon a motion made and duly seconded, the Board voted to grant the 8 variances on the plan with the following conditions: 1) the system will be restricted to 260 gallons/day (even though

the system is built to handle 280 gallons/day, and 2) the test hole(s) will be done at the time of installation. (Unanimously, voted in favor.)

III. Subdivision:

Attorney Eliza Cox, Nutter McClellan & Fish LLP, representing Mr. and Mrs. William Eddy and the Audubon Acres Realty Trust, Audubon Acres— Modification to Definitive Plan **Subdivision# 809**, Daffodil Lane (formally known as 2294 Main Street), Map/ Parcels 237-017-002 and -003, Barnstable, 3.5 acres, original plan had two lots: Lot 2A and Lot 2B, plan is modified to add a third lot and the construction items necessary for that lot, public water supply and on-site sewage disposal systems.

Upon a motion duly made and seconded, the Board voted in support of the subdivision modifications. (Unanimously, voted in favor.)

IV. Septic Installer:

B. Francis O'Shea, Braintree, MA

Mr. O'Shea passed his septic exam and he received good references in support of a license.

Upon a motion duly made and seconded, the Board voted to grant Francis O'Shea a septic installer's license. (Unanimously, voted in favor.)

V. Motel (Follow Up Review):

Attorney James Connors and Dilip Patel, Knight's Inn (a.k.a. Craigville Motel) – three month review and reports, as required per the settlement of March 2017.

Attorney Anthony Alva and Dilip Patel were present.

Mr. McKean said the Health and Fire Departments had no issues with their inspections at the motel. Mr. McKean reminded them that the motel is still restricted to the use of only the 32 rooms initially identified.

Mr. Patel said the Knights Corporation is due for their annual inspection in April and he will supply Mr. McKean with a copy of it once available.

This concludes the three installments of follow-up inspections recorded in the agreement last year (3, 6 and 12 months).

VI. Informal Discussion:

A. Eric Farrenkopf, Hyannis, proposing the Board consider a regulation to govern emissions from Solid Fuel Burning Devices.

Eric Farrenkopf would like to see a regulation on wood burning as he feels everyone deserves a break from the smoke emitted in burning stating there are currently no regulations on the subject.

Ray Ristol, a neighbor to Mr. Farrenkopf, spoke on the subject. Mr. Ristol has electric heat which is too expensive to run so they burn wood to heat the house and they do have their chimney cleaned every year.

Upon a motion duly made and seconded, the Board voted not to propose a regulation governing emissions from solid fuel burning devices. (Two voted not to create a regulation. Dr. Canniff voted in favor of looking into it.

- B. Proposed deregulation to eliminate Section 360-9.1 Upgrading systems consisting of leaching pit with high liquid level.

Tom McKean said in the past, the Board approved the local regulation which he feels is too strict and does not take other items into consideration. It is also limited to only consider levels in the leaching pits. The State does not recommend digging up a leaching pit because it disturbs the environment.

Upon a motion duly made and seconded, the Board voted to eliminate Section 360-9-1. (Unanimously, voted in favor.)

VII. Minutes:

Minutes – December 19, 2017 revised and February 20, 2018.

Upon a motion duly made and seconded, the Board voted to adopt the minutes. (Unanimously, voted in favor.)

VIII. Old / New Business:

Policy: Criteria for Determining System Repair or Replacement, Four Feet To Groundwater – for Board members signatures.

Meeting Adjoined at 5:58pm.