

Town of Barnstable

Board of Health

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John T. Norman, Chair
Donald A. Guadagnoli, M.D.
F.P. (Thomas) Lee, P.E.
Daniel Luczkow M.D., Alternate

BOARD OF HEALTH MEETING MINUTES

Original 3/25 3:12pm

DATE: Tuesday, March 30, 2021 3:00 PM

ZOOM MEETING 9693 8327 728

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, March 30, 2021. The meeting was conducted through Zoom to avoid social distances closer than 6 feet as stipulated due to Covid 19 epidemic. The meeting was called to order at 3:00 pm by John Norman, Chair. Also in attendance were Board Members Donald Guadagnoli, M.D., and Thomas Lee. Daniel Luczkow, M.D., Alternate, was not able to attend. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present. Zoom Meeting - Meeting ID: 9693 8327 728.

I. Variances – Septic:

John O'Dea, Sullivan Engineering, representing Lisa Mingolla, Trustee of Slow Marsh One Nominee Trust, owner – 1462 Main Street, Cotuit, Map/Parcel 017-013, 1.25 acre parcel, requesting one setback variance from coastal bank for revised plan to septic permit # 2019-321.

John O'Dea presented the plan and stated all components are H2O. There were no objections from staff or Board members.

A brief discussion on whether the components will be covered with either asphalt or concrete in which case John Norman said he would like to back sure covers are accessible for pumping.

John O'Dea will make an additional note on plan noting that if the components are covered with impervious material, they will be brought up to grade for ease of pumping.

Upon a motion duly made by Mr. Lee, seconded by Dr. Guadagnoli, the Board voted to approve the plan. Roll Call: Dr. Guadagnoli – Yes, Mr. Lee- Yes, Mr. Norman – Yes. (Unanimously, voted in favor.)

II. Request for Review for Interpretation and Confirmation of Flow:

Matthew Eddy, Baxter Nye Engineering, representing Bell Tower Corporation, owners – 1600 Falmouth Road, Centerville, Map/Parcel 209-014, 9.91 acre parcel, request for interpretation and confirmation that project is not an increase in flow. Confirm Section 360-37 does not apply for the conversion of office space to residential apartments in a mixed use complex. Public sewer will be available at the site within a few years, no variances requested.

History discussed: Original systems were designed for 14,445 gallons per day. The original seven systems were installed in the late 1980's. The system for Building B was upgraded in the 1995. Department of Environmental Protection (DEP) reviewed the systems in 2014 as

the daily flow ranged from 10,000-15,000/day and they also determined the systems were fine as permitted.

Matthew Eddy, Engineer: Stated the second floor is to be converted from all offices space to 26-28 bedrooms which will be all be one-bedroom except for two two-bedroom. This will result in a daily flow of 13,990/gallons – a decrease in flow from permitted. The second floor conversions into housing will involve 4 of the septic systems and all 4 have been inspected recently and have been determined to be fine. Currently, Building B has less use than designed, so Building A, Second Floor will be plumbed into Building B's septic. Mr. Eddy believes the ruling on 1,650 gal/day does not apply because the permits were already existing.

Staff Comments: Mr. McKean said the staff has no objections to the conversion under the existing permits. He also noted the DEP will review again as it is over 10,000 gallons/day.

Mr. Lee stated he believes the proposed is reasonable and will be fine but would like to require that the second floor, building A, be connected to Building B's system. Mr. Eddy confirmed the plumbing would be done that way.

Upon a motion duly made by Mr. Lee, seconded by Dr. Guadagnoli, the Board voted to agree with the interpretation and confirm the project is not an increase in flow (an innovation/ alternative system would not be required, Second floor of Building A will be connected to Building B's septic system as Building B has a lower use.) Roll-Call: Mr. Lee – Yes, Dr. Guadagnoli – Yes, Mr. Norman-Yes. (Unanimously, voted in favor.)

III. Exemption from Title 5 Inspection-Sewer Connection

Winna Brown, potential buyer, 70 Hyannis Avenue, Hyannis, requesting exemption from a septic inspection at time of sale provided there is an agreement with Board of Health to connect within two years. Sewer connection is expected to be done this Fall 2021.

Under MA DEP State Environmental Code 310 CMR 15.301: (4) Exclusions, an inspection of a septic system is not required at the time of transfer of sale of the facility served by the system under the following circumstances:

(b) the owner of the facility or the person acquiring title has signed an enforceable agreement with the Approving Authority to upgrade the system or to connect the facility to a sanitary sewer or a shared system within the next two years following the transfer of title, provided that such agreement has been disclosed to and is binding on the subsequent owner(s).

IV. Variance – Grease Trap:

Oswaldo (Ozzy) Valdovimos, owner – Mi Pueblo, 459-B Main Street, Hyannis, requesting grease trap variance to continue with his brother's business.

The Board acknowledged his loss and inquired whether one year would be sufficient amount of time. Oswaldo said he is working on finding a new location and he hopes it will be enough time.

A motion to grant an extension for twelve months until April 1, 2022. The Board would like him to return at that time to give a status and a plan for connection, if possible, or may come before the Board to consider an extension at that time.

V. Minutes:

February 23, 2021 Minutes.

VI. Regulation / Policy:

Proposal regarding Section 322-5 of the Town of Barnstable Code.

In order to allow for outside dining as food establishments in the Town of Barnstable, the Director of Public Health shall be giving the authority to provide “counter variances” to assist food establishments with utilizing alternative methods for compliance, in lieu of strict compliance with each of the provisions of Section 322-5 of the Town of Barnstable Code.

The proposed regulation would remain in effect through calendar year 2021.

VII. Update on Shubael Pond Alternative Septic Project:

Zenas Crocker, Barnstable Clean Water Coalition and Mark Nelson, Horsley Witten Group, will provide latest update and ask Board to consider variance(s).

VIII. Additional Item:

John Norman suggested a letter be sent from the Board of Health to the Governor asking why Cape Cod does not have a State Vaccine Site established here as it has the largest percentage (35%) of seniors 65 and older in all of MA.

Dr. Guadagnoli and Thomas Lee strongly agreed with John Norman. A letter will be composed quickly, signed by all Board members, and sent to Governor Baker.

Voted to Adjourn – 4:30 pm

Remote Participation Instructions

In accordance with the Governor’s Order Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gathering of More Than 10 People issued on March 24, 2020, the March 30th public meeting of the Board of Health shall be physically closed to the public to avoid group congregation.

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Channel 18 and may be accessed the Channel 18 website at <https://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>
2. Real-time public comment can be addressed to the Board of Health utilizing the Zoom link or telephone number and access code for remote access below.

Join Zoom Meeting

<https://zoom.us/j/96938327728>

Meeting ID: **9693 8327 728**

1-888-475-4499 US Toll-free

Meeting ID: **96938327728**

3. Applicants, their representatives and individuals required or entitled to appear before the Board of Health may appear remotely and are not permitted to be physically present at the meeting, and may participate through the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to sharon.crocker@town.barnstable.ma.us , so that they may be displayed for remote public access viewing.
Public comment is also welcome by emailing: sharon.crocker@town.barnstable.ma.us