



Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601

Office: 508-862-4644

FAX: 508-790-6304

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

BOARD OF HEALTH MEETING MINUTES

Tuesday, November 28, 2023 3:00 PM

James H. Crocker Jr. Hearing Room, Town Hall

367 Main Street, 2nd Floor, Hyannis, MA

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, November 28, 2023. The meeting was called to order at 3:00 pm by Thomas Lee, Vice Chair. Also in attendance were Board Members Donald Guadagnoli, M.D., Paul Canniff, D.M.D., and Stephen Waller, M.D., Alternate. John Norman, Chair, and Daniel Luczkow, M.D., were not able to attend. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were present.

I. Proposed Regulations/Policies:

To join in the discussion will be: Mark Milne, Director of Finance, Karen Nober, Town Attorney, Charlie McLaughlin, Assistant Town Attorney, Thomas LaRosa, Assistant Town Attorney, Robert Steen, Assistant Superintendent of DPW, and Kelly Collopy, Department of Public Works.

A. Policy – “Deadline to Connect Buildings to Public Sewer”

Discussed and will be continued to the December 19, 2023 Board of Health meeting.

Tom Lee recommended to those connecting to sewer to refer to the Barnstable County’s website which has much valuable information on loans, etc.

- County has the Aquifund available for loans
- The State has approved an additional tax credits and it is up to \$ 4,000 for sewer connections to help alleviate the financial burden.

Dan Santos, Director of Public Works, and Kelly Collopy, DPW, discussed that the sooner people connect, the sooner it’ll help the environment; as well as meeting the need to connect to enable the proper functioning of the sewer plant. They support the six-month connection time frame. Kelly Collopy said she has a complete guide to the connection process which will be available before the connections begin. They suggested to create criteria for any possible extension to deadlines.

Mark Milne, Director of Finance, said he also supports the six-month connection time frame and said that for those who will be financing their connection, the best scenario will be the County’s Aquifund which has 0-4% interest rate on a sliding scale. The County is able to process the loans within a few days. If, for some reason, someone is unable to obtain one of those loans, they can apply to the Town for financing. The Town would have a higher interest rate than the County as it is not funded by the State, so this would be someone’s final alternative.

Deadline extensions would be reviewed on a case-by-case basis.

II. Variance Requests:

- A. John O'Dea, Sullivan Engineering, representing Vincent and Jane Peria, owners – 29 Little Island Drive, Osterville, Map/Parcel 093-058-005, 1.3 acre parcel, requesting septic variances for setback of existing septic system to proposed pool.

John O'Dea was present and said they are not requesting environmental variances. They are requesting setback variances for a pool.

Upon a motion duly by Dr. Guadagnoli, seconded by Dr. Canniff, the Board voted to grant the variances. (Unanimously, voted in favor.)

- WITHDRAWN B. Daniel Ojala, Down Cape Engineering, representing Diana Litmanovich & Alexander Branover, owners – 94 Pond View Drive, Centerville, Map/Parcel 229-038, 34,424 square foot lot, house addition, requesting a variance from a multi compartment tank replacement, site is to be connected to town sewer within 5 years.

The Health staff did not have any objections. However, based on prior decisions from Brian Dudley, MA Department of Environment, the Health Division recommended to withdraw.

The applicant decided to withdraw without prejudice.

- C. Scott Miccile, Longfellow Design Build, representing Doug and Sarah MacDonald, owners – 91 Waters Edge, Marstons Mills, 63, 081 square feet parcel, requesting to perform soil evaluation at the time of septic expansion.

Scott Micole stated the prior septic plan did not perform any new percolations so they have decided to do percolation tests but would like to perform them at the time of installation in order to reduce costs.

Mr. Lee suggested to do a percolation away from the driveway. This would enable them to know sooner, rather than later, whether the soil is good. As an engineer, Mr. Lee said he prefers to do the percolation tests ahead of time so the engineer can plan out the septic without delay; but it can be done at time of installation as well.

Upon a motion duly made by Dr. Canniff, seconded by Dr. Guadagnoli, the Board voted to require the percolation test be performed prior to the installation as usual. (3 voted in favor, Dr. Waller voted against)

- D. Secondary Treatment Unit (S.T.U.): Mark Dibb, Cape & Island Engineering representing Jeffrey Dinardo & Maria Apse, owners – 55 Poponessett Road, Cotuit, Map/Parcel 035-002, 33,541 Square Feet Parcel, in Saltwater Estuary Protection Zone, proposing using a MicroFAST 0.5 I/A Septic System and requesting a variance from Saltwater Estuary Protection regulation to allow 4 bedrooms in lieu of 3.

The Board had not received floor plans and had a question concerning the loft mentioned.

Upon a motion duly made and seconded, the Board voted to continue this item to the December 19, 2023 meeting and requested clear, full size floor plans showing four bedrooms and no loft. (Unanimously, voted in favor.)

III. Variance – Septic (Continued from Sep 26 2023):

Dan Ojala, Down Cape Engineering, representing Chef J LLC, owner, Villaggio Ristorante – 4631 Falmouth Road, Cotuit, Map/Parcel 024-157, 46,460 square foot parcel, in Stage One, proposing to locate the pump chamber and leaching fields on separate lot controlled by the same owner, Zone II, permitted for 100 seats, requesting 115 seats and a variance from using a recirculating sand filter (RSF) or alternative. Variance from Saltwater Estuary Protection regulation.

Dan Ojala summarized the project, mentioning that there are two house lots there and both can be used separately. The sewer connection may be 15 years out. Mr. Ojala is proposing to put a SeptiTech Model Staar 9.0 Denite System as a Secondary Treatment Unit (S.T.U.) and is proposing 15 additional seats (100 +15 would be a total of 115). They would like to get as many seats as possible as they only serve dinner.

Mr. McKean said the staff was not given enough time to adequately review the Department of Environmental (DEP) approval letter on this system as they just received a new approval letter the day of the meeting.

The Board determined to continue this item to the December 19, 2023 meeting to allow proper review.

IV. Food Variance:

Aaron Webb, The Daily Paper on Main, 546 Main Street, Hyannis, Map/Parcel 308-074-00B, is requesting a variance to not install air curtains nor screens for outside dining.

Aaron Webb explained that there is no real place to mount an air curtain within the configuration of his entrance.

Mr. McKean mentioned that the regulation to have an air curtain and a screen is a local regulation not a State one. During Covid, this was relaxed to allow establishments to service food outdoors and customers appear to relish that.

Dr. Guadagnoli felt the regulation should reflect realistic standards and he doesn't agree with the need of air curtains and/or screens. He would be in support of using this as a precedent.

Upon a motion duly made by Dr. Guadagnoli, seconded by Dr. Weller, the Board voted to grant the variance of no air curtain provided the door is not wedged open. (Unanimously, voted in favor.)

V. Body Artist:

A. Bethany Harriman is applying for a permit as a Body Art Practitioner for Body Piercing at Pincushion, 600 Main Street, Hyannis, Map/Parcel 308-067. She completed the Anatomy and Physiology course in 2021 and has worked as an apprentice for two years without any issues.

Ms. Crocker stated all the paperwork is in order and the owner Korrin Dean has submitted a letter stating there have not been issues during her apprenticeship with the work and no issues were reported to the Board of Health.

Upon a motion duly made and seconded, the Board voted to grant the Body Artist permit to Bethany Harriman to include body piercing. (Unanimously, voted in favor.)

- B. Madison Schluter, applying as a full Body Artist at Great Island Tattoo, 12 Enterprise Road, Hyannis, Map/Parcel 293-045. Madison completed 17 months supervised training under owner, Miceala Thatcher with no issues found and had completed the Body Art Practitioners Certificate through Save Each Life.

Ms. Crocker stated all the paperwork is in order and the owner submitted a letter stating there have not been any issues during her apprenticeship with the work and no issues were reported to the Board of Health.

Upon a motion duly made and seconded, the Board voted to grant the Body Artist permit to Madison Schluter with the following condition: 1) no body piercing. (Unanimously, voted in favor.)

VI. Regulation/Policies:

- A. Schedule a public hearing to review and discuss proposed revisions to Sections 385-6 and 385-4, and 376-19, revision of deadline to submit revised plans.

This will be advertised in the paper for two weeks and placed on an upcoming meeting (February 27, 2024).

- B. Policy – “Temporary Holding Tanks at Locations Where Public Sewer Will Be Provided in the Near Future (within Two or Three Years)”.

No action.

VII. Minutes:

Minutes

Upon a motion duly made and seconded the October 24, 2023 Minutes were adopted. (Unanimously, voted in favor).