



Town of Barnstable

Board of Health

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John T. Norman, Chair
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Daniel Luczkow, M.D.
Paul Canniff, D.M.D.
Stephen Waller, M.D.-Alternate

BOARD OF HEALTH MEETING MINUTES

Tuesday, June 27, 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, June 27, 2023. The meeting was called to order at 3:00 pm by John Norman, Chair. Also in attendance were Board Members Thomas Lee, Vice Chair, Daniel Luczkow, M.D, Paul Canniff, D.M.D, and Stephen Waller, M.D, Alternate. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were present. Donald Guadagnoli, M.D, was unable to attend.

I. State Title 5 Regulation Amendments received.

Town Manager Mark Ells.

Mark Ells, Town Manager, In June 2022, the Town was informed of a change coming to MA DEP regulations for Title V. The Town actively engaged in discussions with DEP and the State has just filed their final Water Shed regulations and Title V regulation changes as of June 22, 2023. Mark Ells stated that the State did incorporate many of the concerns the Town informed them of. Their regulations will be effective on July 2, 2023. The Town discussed with the State how much planning had gone into our Comprehensive Wastewater Management (CWMP) 30-year plan and of the State's complete review of it and approval of it prior to this change in regulation and we would want to continue with the plan. It's determined that we will apply for a watershed application July 7, 2023 and upon approval, will be able to continue with our CWMP plan as previously approved as long as we continue to meet the goals of it. This will mean the Town does not have to change their 30-year plan and will not have to adapt to anything extra to meet the State's new regulations which the are based on a 20-year time frame.

Mr. Ells also stated the State agreed that the Town of Barnstable will only be accountable for the portion of watersheds within our own town and not the portions shared with neighboring towns. Also, the State agrees to view the results as one completed calculation and not five individual calculations for the individual watersheds in the town.

John Norman brought up the fact that Barnstable Harbor's test results are good resulting from its dredging and allowing good flushing of the water and wants to make sure we keep this in mind when trying to resolve other watersheds. He asked whether the Town has been monitoring the other watersheds on the South side. Mark said yes, the town has been monitoring and he will get the links for the requested information to the Board.

II. Variance – Septic (Cont.):

Daniel Ojala, Down Cape Engineering, representing Allen, Matthew & Daniel Chase, owners – 56 Redwing Lane, Barnstable, Map/Parcel 318-007, 132,443 square feet

parcel, vacant lot, requesting variance to have septic system in an area with less than four feet of naturally occurring pervious soil above the adjusted groundwater level.

Mr. Ojala stated that soil testing was already done in October and December 2022 and four test holes were excavated and is confident that four feet of suitable material is in ground above the groundwater. However, due to the deep depth of the suitable soil, the engineer is requesting a local variance to allow the soil absorption system to be in an area of less than four feet of naturally occurring soil.

Upon a motion duly made by Dr. Luczkow, seconded by Dr. Canniff, the Board voted to approve the variance with the condition that the engineer will notice Board of Health member Tom Lee of the percolation test date so that he may be in attendance along with the Health Inspector to witness the soil. At that time there will be sloping and shoring of excavation to provide safe access to the deeper layer of soil. (Voted in favor: Roll Call: Dr. Luczkow-Yes, Dr. Canniff-Yes, Tom Lee-Yes, John Norman-Yes, Dr. Waller-Yes.)

III. Variance – Septic:

David Mason representing James Murphy / Mary Jude Donabedian, Trustee, Donabedian Mary Jude Revocable Trust 2019 – 975 Bumps River Road, Centerville, Map/Parcel 168-012-003, requesting septic variance to allow septic tank and pump chamber on adjoining lot (#1007) owned by same trust.

Mr. Mason stated that the two adjacent lots are owned by the same owner and the septic is in need of repair.

Upon a motion duly made and seconded, the Board voted to grant the variance to allow the septic tank and pump chamber on the adjoining lot owned by the same trust. (Unanimously, voted in favor.)

IV. Innovative/Alternative (I/A) – Secondary Treatment Unit (S.T.U):

MOVED TO July 25, 2023:

Brian Yergatian, BSC Group, representing Hyannisport Club – 2 Irving Avenue, Hyannis, Map/Parcel 266-031, 156 acre parcel, proposed expansion of Racquets Facility, requesting to not install an Innovative Alternative (I/A) Septic system.

A. John O’Dea, Sullivan Engineering, representing Leigh Hebard, owner – 73 Hathaway Road, Osterville, Map/Parcel 114-033, Singular Wastewater Treatment Septic System requested by the Board of Health in order to maintain a five-bedroom dwelling.

John O’Dea presented his plan.

Upon a motion duly made and seconded, the Board voted to grant the use of a Singular Secondary Treatment System in order to maintain a five-bedroom dwelling. All the requirements provided within the MA Department of Environmental Protection (DEP) Certification for General Use letter dated October 2, 2019, be adhered to. (Unanimously, voted in favor.)

V. Food – Variance (Cont.):

Courtney and Brent Keyser, Kings Grant Racquetball Club – 12 Old Kings Road, Cotuit, Map/Parcel 022-106, requesting a variance from the Saltwater Estuary Interim Protection

Regulation and a variance from Title V to allow an increase in seating from 39 to 85 seats.

Brent Keyser was present and acknowledged notification to abutters of variance request. No public comment received.

Mr. McKean stated the staff was not in support of expanding the seating beyond the Title V allowance.

DENIED.

Upon a motion duly made and seconded, the Board voted to deny the variance to allow 85 seats at the establishment in this zone. The seating will remain at 39. (Unanimously, voted to Deny.)

VI. Housing – Bedroom:

Deborah and Dennis Mason, Seashore Homes - 63 Main Street, Hyannis, requesting a variance to the bedroom determination, newly built 8 one-bedroom apartments designed to house two people each. State definition requires a minimum of 100 square feet per bedroom for two occupancies and minimum of 70 square feet for one. Requesting variance from State Code to use each bedroom for two adults each.

Dennis and Deborah Mason explained that they had hired an architect from Chatham who did not interpret the State code of bedroom size to involve eliminating the closet space. The bedrooms are 2 square feet short of qualifying as an occupancy for two people. They are looking for relief as the units have been completed and had anticipated two person occupancies.

Mr. Norman acknowledged the Town is strapped for housing and in considering his determination, he considers what the detriment of the relief may be. He did not see any serious harm. Further discussion included the wording of the regulations and the architect's interpretation; then the Board voted.

Upon a motion duly made by Mr. Lee, seconded by Dr. Canniff, the Board voted to grant the relief of two square feet. Thus, the bedrooms at the location will be considered appropriate for two people to occupy. (Unanimously, voted in favor.)

VII. Pool – Variance:

Thomie Stanley, Hyannis Inn Motel – 473 Main Street, Hyannis, Map/Parcel 308-084, requesting a pool variance from the State Sanitary Code 435.06(1)(a) Water Circulation Filtration System, requesting to continue with the flow on pump until the replacement pump is installed which will then comply with the 8-hour turnover rate.

Ms. Thomie Stanley was present and stated they purchased the property February 9, 2023, and learned of the situation once they proceeded to open the pool for the season. They need additional time to get the parts and have the repair done.

Mr. McKean suggested that if approving the request, the Board could request additional water tests to ensure proper cleaning.

Upon a motion duly made by Dr. Canniff, seconded by Dr. Luczkow, the Board voted to grant the allowance to operate with the existing pump until which time they can get it repaired, hopefully by the end of the summer, with the following condition: the water testing will be increased to twice a month until pump repaired. (Unanimously, voted in favor.)

VIII. Food—Variances:

Withdraw Kellyanne Barboza-Penn representing Jimmies Ice Cream – 4075 Falmouth Road, Cotuit, Map/Parcel 040-038, 1.37 parcel lot, in Saltwater Estuary Interim Protection zone, requesting a grease trap variance and outdoor seating for three picnic tables, has an indoor grease interceptor and low-to-no grease.

- A. Elizabeth Wurfbain, presenting event “First Friday” of every month – Farmers Market, July-Dec, 181 North Street, Hyannis (aka Main Street- across from Police Annex, interested in traditional Farmers Market with uncut vegetables and fruit.

Elizabeth Wurfbain was present. She wanted to let the Board know that they may be interested in having vendors selling whole vegetables and fruit at this location, possibly during a “First Friday” event or other dates and wanted to make sure the Board approved.

The Board expressed that it is ok to have the agricultural vendors selling whole fruits and vegetables. Mr. McKean said if they had frozen scallops, as in past, selling directly out of freezer, that would be allowed as well.

The Board said if interested in prepared foods, that would need to come before the Board.

IX. Food – Temporary Events:

- A. Sonny Feldman is coordinating the event “Amplified POC” at the Town Green, 367 Main Street, Map/Parcel 326-021, on Sunday, July 9 from 12-4 pm with two food vendors: (1) Blue Moon of Barnstable providing chicken, steak and veggie tacos, and (2) Karrisbean Lounge of Hyannis providing rice, curried chicken, vegetables, stewed pork, fish, fried chicken, soup, and beef patties.

Sonny was present and said she would provide a copy of the sketch to the Health Division.

Upon a motion duly made by Mr. Lee, seconded by Dr. Luczkow, the Board voted to approve the annual event with the proposed menu items. (Unanimously, voted in favor.)

- B. Jessica Rudden-Dube is coordinating the Cotuit Library Cornhole Fundraiser at the Cotuit Library, 871 Main Street, Cotuit, Map/Parcel 035-055, on Friday, July 14 at 4:30-7:30 pm with a rain date of Sunday, July 16th. Jason Siscoe will be providing the following food items: clam chowder, pasta salad, grilled chicken, potato chips, and Italian Sausages.

Jessica Rudden-Dube was present.

Upon a motion duly made and seconded, the Board voted to approve the annual event with the proposed menu items. (Unanimously, voted in favor.)

X. Septic Installer – New:
James Ford, Osterville

Ms. Crocker stated Mr. Ford passed his exam, his references were good, and all paperwork was in order.

Upon a motion duly made by Dr. Luczkow, seconded by Mr. Lee, the Board voted to approve James Ford as a septic installer. (Unanimously, voted in favor.)

XI. Body Artist – New:

Anzhela Uvarova, body artist at Brow Boutique – 37 Barnstable Road, Hyannis, Map/Parcel 327-013, has the Save Each Life – Anatomy, Physiology and Skin Course for Body Art Practitioners Certificate.

Anzhela has submitted all paperwork necessary for a Body Artist permit with the exception to body piercing.

Upon a motion duly made and seconded, the Board voted to grant Anzhela Uvarova a body artist permit with the exclusion of body piercing. (Unanimously, voted in favor.)

XII. Update Monthly
Regulations/Policies:

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

Nothing new to report.

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

Comment: Not getting much cooperation from MA Department of Environmental Protection (DEP) as this time.

Additional Item:

- 35 Pleasant Street, Hyannis: Mr. McKean said a health inspector did two nighttime, and two daytime inspections within minutes of complaints received, yet no indication of odor. There have been over 7 inspections.

Motion to Adjourn.