



# Town of Barnstable

## Board of Health

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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

### AGENDA – BOARD OF HEALTH MEETING

Original

**Tuesday, July 25, 2023 3:00 PM**

**James H. Crocker Jr. Hearing Room, Town Hall  
367 Main Street, 2<sup>nd</sup> Floor, Hyannis, MA**

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, July 25, 2023. The meeting was called to order at 3:00 pm by John Norman, Chair. Also in attendance were Thomas Lee, Vice Chair, Board Members Donald Guadagnoli, M.D., 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.

#### **I. Variance – Septic:**

Dan Ojala, Down Cape Engineering, representing Betty Ludtke, owner – 30 Wachusett Avenue, Hyannis, Map/Parcel 287-053, 5,683 square feet parcel, combine two septic systems for two building into one system.

Dan Ojala was present and stated his revised plan dated July 25, 2023 includes a liner the health inspector requested.

Upon a motion duly made by Dr. Guadagnoli, seconded by Mr. Lee, the Board voted to grant the variance(s) according to the revised plan showing the liner was given to Mr. McKean. (Unanimously, voted in favor.)

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

A. Dan Ojala, Down Cape Engineering, representing Susan McAllister, owner – 10 Island Avenue, Hyannis, Map/Parcel 265-004, 70,087 square feet parcel, repair of failed septic system, proposing to install a MicroFAST 0-.9 Innovative Alternative (I/A) Septic System and requesting multiple variances.

Dan Ojala explained that on the original permit it incorrectly showed as a 4 bedroom while assessors stated 8 bedrooms. This was clearly an 8 bedroom in the original footprint and this was before plans were required to be filed. Thus, the submitted plans are designed for the eight bedrooms. With two sensitive embankments and the possibility of sewer not looking promising to this location, they opted to use a MicroFast to protect the water.

Mr. Ojala added the vent requested by the Health Inspector to the MicroFast. He reviewed the size of the tanks with MA DEP and J&R Sales representing MicroFast. They acknowledged the tank size was the correct size and could handle 100 gallons more.

Upon a motion duly made by Dr. Guadagnoli, seconded by Mr. Lee, the Board voted to grant the variances with the use of the MicroFast Septic System. The revised plans are dated 7/25/23 showing the venting. (Unanimously, voted in favor.)

- B. 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.

No one was present. This was moved to the next meeting- August 2023.

**III. Septic Repair – Deadline:**

Paul Baron, Baron Property Management, representing Strawberry Hill Condominiums – 1431 Iyannough Road, Hyannis, Map/Parcel 274-021, requesting extension on deadline until sewer connection.

Paul Baron said currently there is one of the four septic systems in failure with a failed leaching pit. The system covers the units 15-22 (Map/Parcels 274-021-00O to 274-021-00V). The Health Division sent a letter requesting the repair be done within a year. They are in the early portion of Phase 1 of the sewer project and are monitoring the leaching field every month and Bortolotti will be pumping it as needed. They are asking for an extension until connected to sewer.

Mr. McKean said the staff has no issue with extension.

Upon a motion duly made by Dr. Guadagnoli, seconded by Mr. Lee, the Board voted to grant an extension of two years until 7/31/25 with the following conditions: 1) it continue being monitored once a month, 2) the system be pumped as needed to prevent backing up or overflowing, and 3) the system be connected to Town sewer immediately - within six months. (Unanimously, voted in favor.)

**IV. Food – Variance:**

- A. British Beer Company, 412 Main Street, Hyannis, Map/Parcel 309-221, requesting grease trap variance, for 2,000 gallon grease trap, menu items have low level of grease, asking for same seating as prior owner - 197 seats.

Attorney John Kenney was representing the owner at this meeting and explained the owner was unaware at purchase of property that there was a variance on the food permit. He suggested creating a policy to have variances for food also recorded at the Registry of Deeds so attorneys can find them at time of sale. He expressed concern that the drop in seats recommended by Department of Public Works would be a reduction of 39% with huge consequences for income. He stated they do have a grease recovery device (GRD) and a contractor who pumps the grease trap and takes the grease from the GRD every three months. Mr. Kenney asked for a two year extension (through the summer season) with current seating to earn income to cover the cost of an enlarged grease trap.

Upon a motion duly made by Dr. Guadagnoli, seconded by Mr. Lee, the Board voted to grant a temporary extension for 27 months to allow 197 seats used until October 31, 2025. The grease trap shall be pumped whenever the level of grease is 25 percent of the effective depth of the trap or at least every three months, whichever is sooner. (Vote: 4 voted in favor, 1 opposed- Dr. Canniff)

- B. Robert Weekes, Raw Bar – 213 Ocean St, Hyannis, Map/Parcel 326-035, variances from Federal Food Code, requesting allowance to put shucking stations behind the bar.

Mr. Weekes stated the raw bar is outdoors.

Mr. McKean stated the Black Cat Café was granted a similar variance as a pilot program and he would not an issue for this locate to be granted the same provided they operate in a similar fashion.

Mr. Norman said, as the oysters are shucked to order, and not large amounts are opened ahead of time, there shouldn't be an issue with flies, etc.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Lee, the Board voted to grant the variance with the following conditions: 1) a high-powered fan be used as an air curtain just in the area where they are shucking oysters, 2) they seal the piece of wood where the shucking is done. (Unanimously, voted in favor.)

**V. Septic Installer – New:**

Tyler Gilman, South Dennis

All paperwork is in order and installer passed the exam.

Upon a motion duly made by Mr. Lee, seconded by Dr. Guadagnoli, the Board voted to grant Tyler Gilman a septic installer's permit. (Unanimously, granted in favor.)

**VI. Body Artist – New:**

Rosangela Martins, Body Artist at Brazilian Touch Salon and Day Spa – 209 Main Street, Hyannis, Map/Parcel 327-051, has the Save Each Life – Anatomy, Physiology and Skin Course for Body Art Practitioners Certificate.

Upon a motion duly made by Dr. Guadagnoli, seconded by Mr. Lee, the Board voted to grant Rosangela Marins a body art practitioners permit. (Unanimously, granted in favor.)

**VII. Minutes:**

May 23 and June 27, 2023 Minutes.

**VIII. Election of Officers.**

**John Norman was nominated as Chair and Thomas Lee was nominated as Vice-Chair of Board of Health for the year July 2023 – June 2024 .**

Upon a motion duly made and seconded, the Board voted to elect John Norman as Chair and Thomas Lee as Vice-Chair. (Unanimously, voted in favor.)

**IX. Update Monthly**

**Regulations/Policies: (Continued)**

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