

# 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**

**DATE: Tuesday, May 25, 2021 3:00 PM**

**ZOOM MEETING 9523 5680 430**

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, May 25, 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 Donald Guadagnoli, Vice Chair. Also in attendance were Board Members Thomas Lee, and Daniel Luczkow, M.D., Alternate. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present. John Norman was not present.

#### **I. Variances – Septic (Continued from May 11, 2021):**

John O'Dea, Sullivan Engineering & Consulting, representing Gregory and Julianna Pinto, owners - 63 Ocean Avenue, Centerville, Map/Parcel 226-149, 8.3 acre parcel, requesting multiple variances.

John O'Dea presented revised plan and in addition to the variances discussed May 11 of setback to waterbodies, setback to garage and depth of components, they included the variance allowing up to a 25% reduction and re-notified the abutters. The regulation stating the sizing of component is 310 CMR 15240.4

Mr. McKean asked what the actual amount of reduction is. Mr. O'Dea said it is a 25% reduction as they are not using the sidewall.

Mr. Lee said the regulation allowing the reduction is CMR 15405.1C.

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

#### **II. Variances – Septic:**

A. Dan Ojala, Down Cape Engineering, representing Samuel Traywick, owner – 744 Old Falmouth Rd, Lot B (which is expected to be renamed 20 Wendy Way), Marstons Mills, Map/Parcel 124-016-001, requesting one variance.

Dan Ojala presented plan and noted there is a significant adjustment of 3 feet so there would be less than 4 feet to groundwater. There is an intermittent stream which drains the groundwater and never lets it get above the crest of the stream. They have brought in Title 5 fill in the area of septic and the adjusted groundwater separation is 5.25 feet.

Staff comments: The variance request for this local ordinance and the plan do not match. Request is for 1.35 variance, plan is showing 2.65. Please revise request to match plan. Mr.

McKean mentioned that a neighbor had called regarding the proposed variance. Ms. Crocker did not receive any correspondence from neighbor, however.

Any public comment: None.

Upon a motion duly made by Mr. Lee, seconded by Dr. Luczkow, the Board voted to approve the variance with the condition that the plan be revised so the variance distance matches the request. Roll Call: Mr. Lee – Yes, Dr. Luczkow – Yes, Dr. Guadagnoli – Yes. (Unanimously, voted in favor.)

**III. Innovative/Alternative (I/A) Septic Systems:**  
Heard in the following order: B, C, then A.

A. Joseph Henderson, Horsley Witten Group, representing Zenas Crocker, owner – 306 Lakeside Drive, Marstons Mills, Map/Parcel 102-028, 0.23 acre parcel, repair of septic system using a NitROE Innovative Alternative septic system.

Thomas Lee recused himself from meeting.

Joe Henderson presented the plan and it is part of the I/A project at Shubael's Pond area. There are no variances being proposed.

Joe reflected on the staff comments he was given. They had a lot of information on the soils and groundwater based on all the test wells and they performed a percolation test Monday which confirmed sandy soil, 30+ feet to water table and perc rate was <5 minutes per inch. With regards to the outdoor shower, they will have it as a "rinse" station. The septic tank with NitROE shown was a tank John Smith is working on with DEP to provide an upgraded septic tank; however, it is not part of the approval so they will revert back to using the standard septic tank. Mr. Henderson will incorporate these comments into a revised plan.

Zee Crocker noted the staff had a number of questions and offered to setup some educational process for staff and inspectors where they can have hands on time seeing the system and John Smith would be available to answer questions as they will need to inspect the systems and will need to know what to look for, etc. They will also be making a series of videos which will be helpful for the staff and the public. John Smith continues to work at optimizing the system as with the proposed enhanced tank.

Mr. McKean and the Board thanked Mr. Crocker for the offer and will look forward to the opportunity.

Upon a motion duly made by Dr. Luczkow, seconded by Dr. Guadagnoli, the Board voted to approve the use of the NitROE I/A system. Roll Call: Dr. Luczkow – Yes, Dr. Guadagnoli – Yes. (Unanimously, voted in favor.)

\*Thomas Lee returned to the meeting.

**Additional Discussion:** Mark Nelson, Horsley Witten Group, spoke of trying to establish some method of streamlining the work for the Health Division and the Board. He understands all properties with setback to property line would have to be heard individually. Mark said between 10-12 of the locations at Shubael's coming up this Fall are going to be similar to discussion on 306 Lakeside Drive and would like to have a way to bring them

together as one discussion. Many will only require inserting the NitROE system between the tank and the leaching. There may be 3-4 with property setbacks and none of others are expected to have issues with depth to groundwater.

Mr. McKean said he is not opposed. Mark Nelson will reach out to him once he knows the property and what will be required and see how he would proceed. They will be installing systems in June and then start back up again in Fall.

Zee Crocker also mentioned the provisional approval requires quarterly monitoring. Their systems will continue to be monitored monthly, at no cost to the owners, to collect as much data as possible.

B. Chuck Rowland, Sullivan Engineering & Consulting, representing Brian Koelbel and Tracy Ryan, owners – 220 Bay Street, Osterville, Map/Parcel 094-005, 2.42 acres parcel, house renovation, requesting two variances and the use of the NitROE Innovative Alternative (I/A) septic system.

Chuck Rowland presented the plan using the provisional use system NitROE and the homeowner is interested in using the system to help the environment. Currently, a three bedroom home, they are also asking to increase an additional bedroom for future use.

Zee Crocker, Barnstable Clean Water Coalition, said using this system for a three bedroom would reduce the nutrient loading by 78%. Adding an additional bedroom would still reduce the loading by 72-73%. He discussed how the system is illustrating results much better than other systems on the market and their goal is to reach 50 operating systems for three years in order receive Department of Environmental Protection (DEP) to grant full approval.

Mr. McKean said the lot is a very large and they do not have any issue with the increased bedroom on this size lot.

Mr. Rowland said it was not a failed system. However, the excavator did drive over it and a new system is now necessary.

John Smith, engineer, stated there are currently 20 of these systems they have installed at this time in the Cape area. They are able to tweak the system as they learn more with the analysis of effects on different flow rates and chemicals, etc. and the technology continues to bring down the percentage of nitrogen. The initial price to install is a bit higher; however, their hope is that there will be minimal upkeep and maintenance.

Mr. Lee had gone to the MA Testing Center with John Smith and checked out the system. He feels it makes sense for smaller systems versus other I/A systems and much less O&M costs with a great performance. Mr. Lee likes the NitROE system.

Dr. Luczkow sees this system is very effective in decreasing nitrogen loading. This is the primary focus at this time. He asked if there are any other nutrients to be concerned with in the future besides nitrogen.

Mr. Lee said phosphorus is another element and the MA Testing Center is doing testing on this as well.

Mr. Crocker stated the systems to be installed at Shubael's Pond will have their wastewater tested by US EPA's lab in Oklahoma, one of the best labs in the world. It will look at 250 different constituents in the water including phosphorus, household products and pharmaceuticals. He is anxious to learn a lot more with the results it'll produce. The system will perform much better than a Title 5 system.

John Smith spoke in more depth of the phosphorus and ongoing research at lab.

Upon a motion duly made by Dr. Luczkow, seconded by Mr. Lee, the Board voted to approve the I/A system as presented. Roll Call: Tom Lee – Yes, Dr. Luczkow – Yes, Dr. Guadagnoli – Yes. (Unanimously, voted in favor.)

C. John O'Dea, Sullivan Engineering & Consulting, representing Mark Curley, owner – 138 Bridge Street, Osterville, Map/Parcel 093-030, 22,300 square feet parcel, repair of failed septic system, using a NitROE Innovative Alternative septic system requesting two variances.

Chuck Rowland, Sullivan Engineering, presented plan with two variances, setback to property and 4 feet separation to ground water instead of five feet.

The property owner had option to do a septic permit with a pump chamber but has opted for the the more expensive route to install the NitROE system as he believes it will be better for the water and environment. Property is right on the water.

Tom Lee agreed it would be better for the environment. He stated the board has approved similar variances to groundwater for Innovative/Alternative (I/A) systems.

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

**IV. Variance – Grease Trap:**

Don Cox representing Jimmy's Tavern at Hyannis Golf Course – 1800 Iyannough Road, Hyannis, Map/Parcel 254-016, property owned by Town of Barnstable, on septic system, has 1500 gallon grease trap qualifies for 100 seats, requesting variance to allow 287 seats.

Upon a motion duly made and seconded, the Board of Health approved the Grease Trap variance with the following conditions: the grease trap shall be inspected monthly with the grease trap maintenance done on an as-needed basis with a minimum of quarterly pumping. Proof of pumping must be submitted to the Board of Health. Must return to the Board of Health for a review during May 2022. Restricted to 287 seats. Variance expires June 1, 2022. Unanimously, voted in favor.

**V. Minutes:**

**MOVE TO JUNE:** March 30, 2021 and May 11, 2021 Minutes.

**WITHDRAWN TOBACCO VIOLATIONS:**

**MOTION TO ADJOURN – 4:15pm**