



# 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.  
Paul Canniff, D.M.D.  
Stephen Waller, M.D.-Alternate

### BOARD OF HEALTH MEETING MINUTES

**Tuesday, July 26, 2022 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 26, 2022. The meeting was called to order at 3:00 pm by Donald Guadagnoli, Vice Chair. Also in attendance were Board Members Thomas Lee, Daniel Luczkow, M.D., and Stephen Waller, M.D. John Norman, Chair, and Paul Canniff, D.M.D., were not able to attend. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

**I. Mark Ells, Town Manager - Updates/Discussion** regarding Proposed Title V Regulations.

Mr. Ells gave the Board an update of the MA Department of Environmental Protection (DEP) moving in a rapid direction to change the Title V regulations and require innovative alternative systems to handle nitrogen. There is a need for the DEP to be more realistic in the deadlines they are considering.

**II. Septic – Land Credit – Secondary Treatment Unit (STU):**

Peter McEntee, Engineering Works, representing Robert James Inc, owner - 36 Ralyn Road, Cotuit, Map/Parcel 022-044, 22,128 square feet parcel, land credit, General Use – nitrogen reducing Septic System Pre-Treatment Unit, three bedroom, no variances requested.

Mr. McEntee discussed proposed septic system, in Zone II.

Mr. McKean said the staff had no issues.

Upon a motion duly made by Mr. Lee, seconded by Dr. Luczkow, the Board voted to approve the septic system with the following conditions: a three (3) bedroom deed restriction must be recorded at the Registry of Deeds and the homeowner must be advised of the operational costs. (Unanimously, voted in favor.)

**III. Septic - Deadline to Repair:**

Karen Morehead representing Graziosi Family Trust, owner – 1085 Craigville Beach Road, Centerville, Map/Parcel 206-100, requesting an extension for repair, in Phase 1 for sewer connection, septic tank showing signs of decay including baffle, orangeberg pipe in poor condition, H10 D-Box under garage floor-no access, leach pit less than four feet to groundwater, public sewer available in less than four years.

Karen Morehead said they had researched and a new system would be approximately \$50K to install. Sewer will be available to this property in four years. They are asking for a waiver so they do not have to repair the system until sewer is available.

Mr. McKean said the staff does not have an issue will allowing them to wait until sewer is available on the condition that if it fails, it will then be repaired. (Staff had not realized it was going up for sale)

The Board discussed the waiver would be transferable to the new owners with the same condition.

Mr. McKean said there are three minor issues which are not large enough to be of concern in waiting until sewer is available.

Dr. Waller stated the need to have people connect to sewer as soon as possible.

Upon a motion duly made by Mr. Lee, seconded by Dr. Luczkow, the Board voted to approve the extension of repairing until the connection to sewer is available with the exception that if there is a hydraulic failure, the system will be replaced with a tight tank. This approved extension will be transferred to new owner as well, and a new owner will be advised of the cost of maintenance to system. Approved. (Vote: Three votes in favor, one vote opposed – Dr. Weller.)

**IV. Septic Installer (New):**

Kyle Jones, Centerville, MA.

Ms. Crocker stated that Mr. Jones passed his septic installer's exam and his references were contacted and were fine.

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

**V. Body Art Establishment – New:**

Hiury Lemos, owner, Evolution Ink – 724 Yarmouth Road, Hyannis, Map/Parcel 345-010-001. Obtained body artist approval April 26, 2022, requesting to open establishment.

Hiury Lemos was present and discussed how he started tattooing at an early age. The Board approved him at the April 26 meeting as a Body artist.

Upon a motion duly made by Mr. Lee, seconded by Dr. Luczkow, the Board voted to approve the new body art establishment, Evolution Ink, at 724 Yarmouth Road, Hyannis. (Unanimously, voted in favor.)

**VI. Food – Temporary Event:**

Barnstable Comedy Club – 3171 Main Street, Barnstable, 100<sup>th</sup> Anniversary Event on August 20, 2022 from 6:00 – 8:30 pm, requesting a temporary food permit for: clam chowder.

Lloyd George was present and stated that Mattakeese Wharf Restaurant will be supplying the chowder and the hot boxes to transport it in. They will be serving between 6:00-8:30pm. They will also have some pre-packaged foods (i.e., popcorn) and will have two

people with Servsafe Certificates distributing the food as customers come up to the table to pick up their own chowder.

Upon a motion duly made by Mr. Lee, seconded by Dr. Luczkow, the Board voted to approve this temporary food event. (Unanimously, voted in favor.)

**VII. Minutes:**

May 24, 2022 and June 26, 2022.

Upon a motion duly made by Mr. Lee, seconded by Dr. Luczkow, the Board voted to adopt the minutes for May 24 and June 26, 2022. (Unanimously, voted in favor.)

**VIII. Septic –Variance:**

Carmen Shay representing Antony Clayton and Kameliya Dragneva, owners – 38 Bumpus Road, Hyannis, Map/Parcel 310-038, failed septic, replacing soil absorption system (SAS) in same location, setback variance to foundation: 7 feet in lieu of 20 feet.

Carmen Shay stated that the house takes up the majority of the lot. When the house was constructed years ago, the engineer had also applied for a variance and Mr. Shay is interested in putting the system in the same location.

Mr. McKean said the staff had no objections.

Mr. Lee mentioned a type error on the plan – in the calculation it states three bedroom. It has a 440 flow and is actually a four bedroom. Mr. Shay will fix the plan.

Upon a motion duly made by Mr. Lee, seconded by Dr. Luczkow, the Board voted to approve the variance with the condition a revised plan is submitted correctly stating a four bedroom with the 440 flow. (Unanimously, voted in favor.)

**IX. Bedroom Count:**

Stephanie and Wayne Ellis – 18 Agawam Road, Marstons Mills, Map/Parcel 043-007-018. The applicant is requesting 4 bedroom approval on .043 acre sized lot within a GP (groundwater protection district), Zone II, and within a Saltwater Protection District. 1987 Disposal Works Construction Permit record is for three bedrooms.

The existing septic system handles four bedrooms. They will be removing a bedroom upstairs and creating one in the downstairs for elderly parent.

Upon a motion duly made and seconded, the Board voted to determine the property as a four-bedroom property. (Unanimously, voted in favor.)

**X. Update:**

Septic at 610 Skunknet Road, Centerville, Map/Parcel 169-015-016: Engineer revised septic plan to meet setback to groundwater, no variances are required now.

No action needed.

**XI. Preliminary Discussion: Regulation Revisions**

Charles McLaughlin, Senior Town Attorney – preliminary discussion, proposal to require secondary containment for electrical transformers.

Moved to the next meeting, August 23, 2022.

**XI. Election of Officers.**

Moved to the next meeting, August 23, 2022, when the full Board can be present.

**Meeting Adjourned: 4:01 pm**

**Notice of Recording:** *This meeting of the Board of Health will be recorded and transmitted by the Information Technology Department of the Town of Barnstable on Channel 18. Under MGL Chapter 30A Section 20, anyone else desiring to make such a recording or transmission must notify the Chair.*