

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

Tuesday, August 24, 2021 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, August 24, 2021. The meeting was called to order at 3:00 pm by John Norman, Chair. Also in attendance were Board Members Donald Guadagnoli, Vice Chair, and Thomas Lee, Daniel Luczkow, M.D., Alternate was not able to attend. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

I. Tom Lee - Update regarding Interim Saltwater Estuary Regulations.

Mark Ells, Town Manager and Rob Stein, DPW, discussed update on regulation.

II. Variations – Septic:

Peter McEntee, Engineering Works, representing M.I.G. Realty Trust, owner – 9 Locust Avenue, West Barnstable, Map/Parcel 197 - 026, 16,106 square feet parcel, failed septic system, requesting multiple septic variations.

Peter McEntee presented plan.

Abutter, Rusty Gage, asked for explanation of variance and its effects. He was comfortable with Mr. McEntee's explanation given.

Upon a motion duly made by Mr. Lee, seconded by Dr. Guadagnoli, the Board voted to grant all the variations with no conditions. (Unanimously, voted in favor)

III. Innovative/Alternative – Septic (NitROE):

A. John O'Dea, Sullivan Engineering, representing Nathan and Kathryn Rudman, owners – 40 Waterman Farm Road, Centerville, Map/Parcel 207-091-005, 11.8 acre parcel, requesting septic variations using the NitROE innovative alternative septic system.

Dr. Guadagnoli mentioned possible conflict of interest as he worked in same facility with owner. The Board confirmed there were no financial ties and concluded no conflict to vote.

Mr. O'Dea and Craig Cornwell were present and discussed the proposed plan which will address nitrogen and will be a significant upgrade to the system previously approved.

Mr. Norman stated that the MA DEP provisional approval states that when an innovative alternative is installed, the owner must connect to the sewer within 60 days once sewer becomes available, with no appeal. The owner said he understands and would gladly be connecting today if it were available.

Upon a motion duly made by Mr, Lee, seconded by Dr. Guadagnoli, the Board voted to grant the variances as submitted with no conditions. (Unanimously, voted in favor)

B. Mark Nelson, Horsley Witten Group, and Zenas Crocker representing 6 owners, requesting septic variances using the NitROE innovative alternative (I/A) septic system:

1. Christopher Hagerty, owner – 307 Lakeside Drive, Marstons Mills, Map/Parcel 102-145, 0.21 acre parcel.

*Board member Tom Lee recused himself for all items under Section III. B.

Upon a motion duly made by Dr. Guadagnoli, seconded by Mr. Norman, the Board voted to grant the variances as presented on plan, no additional conditions. (Unanimously, voted in favor.)

2. Paula & Jon Kyle Johnson, owners – 241 Lakeside Drive, Marstons Mills, Map/Parcel 102-167, 0.17 acre parcel.

Mr. McKean said the staff had made mention to Joe Henderson of six minor corrections of type errors, and revision dates, etc., which he would be revising.

Upon a motion duly made by Dr. Guadagnoli, seconded by Mr. Norman, the Board voted to grant the variances with the following condition: update the plan with minor corrections agreed upon with Health staff. (Unanimously, voted in favor.)

3. Mr. and Mrs. William Bolton, owners – 285 Lakeside Drive, Marstons Mills, Map/Parcel 102-164, 0.21 acre parcel.

Discussion included the applicant's withdrawal of review of 2 versus 3 bedrooms. The original septic permit showed a 3 bedroom design and had two bedrooms at the time. The engineer had a copy of an approved application in March 2019 to add a one-bedroom family apartment

Action: The Board requested a Health Inspector to review with the Building Department's records to see whether 2 or 3 bedrooms permitted.

Upon a motion duly made by Dr. Guadagnoli, seconded by Mr. Norman, the Board voted to grant the withdrawal of the variance from 2 bedroom to 3 bedroom. (Unanimously, voted in favor.)

Upon a motion duly made by Dr. Guadagnoli, seconded by Mr. Norman, the Board voted to grant the variances with the following condition: 1) adding a water line setback variance of 2.5 feet from both the existing tank and also from the nitROE tank. (Unanimously, voted in favor.)

4. William and Carol Weston, owners – 36 Barberry Lane, Marstons Mills, Map/Parcel 102-160, 0.21 acre parcel.

Upon a motion duly made and seconded, the Board voted to grant the variances with the following conditions: approved as 1 bedroom only and will remove variance requesting additional bedroom. (Unanimously, voted in favor.)

5. Joseph and Joanna Fortescue, owners – 14 Barberry Lane, Marstons Mills, Map/Parcel 102-162, 0.21 acre parcel.

Mark Nelson agreed to revise the plan to a two-bedroom plan.

Upon a motion duly made and seconded, the Board voted to grant the variances with the following conditions: granted as a 2 bedroom and will submit revised plans. (Unanimously, voted in favor.)

6. Linda Martin, owner – 33 Barberry Lane, Marstons Mills, Map/Parcel 102-147, 0.44 acre parcel.

Property is on a small lot and is in all the restricted zones for increased flow. There is not documentation to show building permits were taken for a fourth bedroom. The applicant states the property has been a four bedroom ever since she has lived there. She also states she is only using three bedrooms and would be acceptable as a three bedroom approval

Upon a motion duly made and seconded, the Board voted to approve the removal of the 4th in variance request. (Unanimously, voted in favor.)

Upon a motion duly made and seconded, the Board voted to grant the variance to use the innovation alternative system with the following conditions: must remove the 4th bedroom. (Unanimously, voted in favor.)

*Board member Tom Lee returned to the meeting for all items under Section IV – VI.

IV. Sewer Connection- Extension:

Mary Tavares, owner – 61 Betty's Pond Road, Hyannis, Map/Parcel 290-088.

Janis Gold spoke for Mary Tavares. Janis stated Mary Tavares sold 67 Betty's Pond at a breakeven point and is not in a position to meet her needs or able to connect to the sewer.

Upon a motion duly made and seconded, the Board granted a five (5) year extension to Mary Grace Tavares, owner, until such time of transfer of ownership and then, the property must be connected to the sewer or an application to connect must be received within 60 days. (Unanimously, voted in favor.)

V. Food – Variance (Grease Trap):

MOVED TO Dan O'Rourke, Jr., owner, Jake's Clambakes – 3821 Falmouth Rd, Windmill Square,
SEP 28, 2021 Unit# 6, Marstons Mills, Map/Parcel 057-004, requesting a grease trap variance.

VI. Body Artist (New):

- A. Laina Olsen, Falmouth MA, is applying to L'Atelier Permanent Makeup, 8 West Bay Road, Osterville, Map/Parcel 117-087, is requesting a variance to the Anatomy and Physiology course, and is attending "Anatomy, Physiology and Skin Course for Body Art Practitioners" course through "Save Each Life".

Upon a motion duly made and seconded, the Board voted to grant the body art variance to Laina Olsen. (Unanimously, voted in favor.)

B. Yuliya Kaznacheiskaya, Centerville, is applying to Cape Cod Eyelashes/ Lash Boutique, 37 Barnstable Road, Hyannis, Map/Parcel 327-013, has taken “Anatomy, Physiology and Skin Course for Body Art Practitioners” course through “Save Each Life”, and has Body Art Operator in Plymouth. With past experience, is applying for Body Artist permit.

Upon a motion duly made and seconded, the Board voted to grant the body art variance to Yuliya Kaznacheiskaya as a body artist – microblading. (Unanimously, voted in favor.)

Voted to adjourn – 5:20 pm.