



Town of Barnstable

Board of Health

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F.P. (Thomas) Lee, P.E., Chair
Donald A. Guadagnoli, M.D., Vice Chair
Daniel Luczkow, M.D.
Paul Canniff, D.M.D.
Stephen Waller, M.D. Alternate

October 28, 2024.

BOARD OF HEALTH MEETING MINUTES

Tuesday, October 22, 2024, 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, October 22, 2024. The meeting was called to order at 3:04 pm by, F.P. (Thomas) Lee, Chair. Also in attendance were Board Members Donald Guadagnoli, M.D. . Daniel Luczkow, M.D, Paul Canniff, D.M.D., and Stephen Waller, M.D. Health Division staff representative Thomas McKean, Director of Public Health, was also present.

1. Septic Variances:

1. (Continued from August 27, 2024) John O'Dea representing Lana and Edward Lukatsky – 129 Hayes Road, Centerville, Map/Parcel 210-095, Phase 1 of the CWMP, failed septic system, requesting to maintain septic until sewer is available, variance requested from Section 360-44, *Deadlines to Repair Failed Septic Systems*, of the Town of Barnstable Code.

This item is postponed to the December 17, 2024 public meeting of the Board of Health, as requested by the applicant.

2. Daniel Ojala, representing owner, Brian Duffy – 41 Stoney Point Road, Barnstable, Map/Parcel 336-041, requesting septic variance for reduction in setback, SAS to Bordering Vegetated Wetland (BVW) (100' to 58.7') and septic tank to BVW (100' to 57.9') for Section 360-1.

The submitted engineering plan appears to meet the maximum feasible compliance standards contained within the State Environmental Code, Title V. Also, the new replacement soil absorption system will be further away from the wetland than the existing system

Upon a motion duly made by Donald Guadagnoli, M.D., seconded by Daniel Luczkow M.D., the Board voted to grant the variances, on behalf of your

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client Brian P. Duffy, to construct an onsite sewage disposal system at 41 Stoney Point Road, Barnstable.

The variances granted are as follows:

Section 360-18(A) of the Town of Barnstable Code: To construct a soil absorption system 58.7 feet away from a bordering vegetated wetland, in lieu of the 100 feet minimum separation distance required.

Section 360-18(A) of the Town of Barnstable Code: To install a septic tank 57.9 feet away from a bordering vegetated wetland, in lieu of the 100 feet minimum separation distance required,

3. Hymie Rimer – 67 Crestview Circle, Centerville, Map/Parcel 252-051-016, seeks to forego repair of failed septic system due to sewer availability in four (4) years, Variances requested from Section 360-44, *Deadlines to Repair Failed Septic Systems*, of the Town of Barnstable Code.

This item was withdrawn by the applicant one-day prior to this scheduled meeting.

2. Sewer Connection/ Extension Requests:

Karen Moreshead, representing property owners, Andrew and Alison Feldman – 134 Strawberry Hill Road, Centerville, Map/Parcel 247-211, requesting to defer the requirement for sewer connection, variance requested from Section 360-13 of the Town of Barnstable Code.

Ms. Morsehead testified that her clients, Andrew and Alison Feldman, recently purchased this property on August 29, 2024. The new owners reside in Bermuda and at this property part-time. The septic system is only four years old.

After a brief discussion and upon a motion duly made by Steven Waller, M.D., seconded by Donald Guadagnoli M.D., the Board voted to grant the applicant an extension to connect the dwelling located at 134 Strawberry Hill Road Centerville, Massachusetts to public sewer. This extension expires on March 31, 2025

3. Garbage and Refuse - Variance:

Vani Patel, representing Hyannis Plaza Hotel - 662 Main Street, Hyannis, Map/Parcel 308-049, requesting variance regarding the minimum setback from an abutter's property line, Town Code § 353-4.

Ms. Patel testified that the new dumpster area is in a location. Although it is close to the property line, there is a large metal structure on the other property against the property line and there should be no problem.

Mr. Stuart Bornstein testified that he received a call from his tenants that there are garbage odors coming from this fenced-in area containing multiple dumpsters along

the property line. Mr. Bornstein stated he was not notified of this proposal prior to its construction. He suggested it should be relocated to another section of this very large property, away from his property line.

The Board of Health members review the photographs provided by the applicant. Mr. McKean stated the local Regulation only requires a minimum ten feet setback from a property line. Mr. Bornstein is requesting relocation much further away.

Daniel Luczkow suggested the two neighbors should communicate with each other about this issue and should come back to the next meeting to propose a resolution to this issue.

Upon a motion duly made by Donald Guadagnoli, M.D., seconded by Paul Canniff, D.M.D., the Board voted to continue this matter unto the public meeting of the Board of Health scheduled on November 26, 2024.

4. Temporary Food:

Linda Davey, temporary food event coordinator, representing Kitchen Appliance Mart (KAM) Appliances - 6 Aggregate Way, Barnstable, Map/Parcel 274-040-002, Proposed Outdoor Food Maker's Market in the parking lot of KAM, November 9, 2024, 11:00 AM – 3:30 PM.

Ms. Davey testified she is proposing to hold an outdoor food market in the parking lot behind KAM Appliance Mart, 6 Aggregate Way Barnstable on November 9, 2024. She stated there will be multiple food vendors at this event. This will be the first time she held an outdoor event at this location.

Upon a motion duly made by Daniel Luczkow M.D., seconded by Donald Guadagnoli, M.D., the Board voted to grant the applicant permission to prepare and serve food at the Outdoor Food Maker's Market, KAM Appliance Market, 6 Aggregate Way Barnstable, on November 9, 2024. This permission is granted with the following conditions:

- (1) Each temporary food permit vendor is required to obtain a temporary food permit from the Health Division Office at least four days prior to the event.
- (2) There shall be at least one trained Allergen Awareness person and one Servsafe certified food handler at each food service table. Copies of Servsafe certification shall be submitted to the Health Division.
- (3) There shall be a handwash station provided at each food service table. The handwash area shall be equipped with dispenser soap and paper towels. Each food handler shall wear disposable gloves during preparation, handling and serving of ready-to-eat foods. Gloves shall be changed often during the event.
- (4) The temporary food permits issued from the Health Division Office shall be posted at each food station/table at an easily accessible location to be viewed by a health inspector during site inspections.

- (5) All the other regulations contained in 105 CMR 590.000: State Sanitary Code, Chapter X - Minimum Sanitation Standards for Food Establishment and of the Town of Barnstable Board of Health sanitation regulations shall be strictly adhered to.

5. **Septic Installer: New**

Patrick Howard, Plymouth, MA

Mr. McKean testified Patrick Howard passed the local written exam. Mr. Howard holds septic installer licenses in various other towns. Mr. Howards telephone references provided good comments about his work.

Upon a motion duly made by Donald Guadagnoli, M.D., seconded by Daniel Luczkow M.D., the Board voted to grant Mr. Howard a septic installer's license.

6. **Legal Notice**

Proposed Amendments to Section 307-9 Body Art Establishment and Section 307-10 Body Art Practitioner Permit; proposed revisions to permit expiration dates. The Board of Health of the Town of Barnstable Massachusetts in accordance with and under the authority granted by Section 31 of Chapter 111 of the General Laws of the Commonwealth of Massachusetts, hereby adopted amendments to Sections 307-9 6 and 307-10 of the Town of Barnstable Code at their public meeting held at 3:00 p.m. on Tuesday October 22, 2024 at the Barnstable Town Hall, 367 Main Street Hyannis MA within the second floor James H. Crocker Jr. Hearing Room.

Chairman Thomas Lee read the following proposed revised language into the record. The following amendments were proposed as follows:

§ 307-9 Application for body art establishment permit.

C. An establishment permit shall be valid from the date of issuance and shall automatically expire on the last day of **December** each year, unless revoked sooner by the Board.

§ 307-10 Application for body art practitioner permit.

C. A practitioner permit shall be valid from the date of issuance and shall automatically expire on the last day of **December** each year, unless revoked sooner by the Board.

Thomas McKean, Health Agent, stated currently all body art permits expire on February 28th each year. Now that all of the various types of health permits are online and automated, there is no need to stagger the issuance and expiration dates throughout the year.

After a brief discussion, Donald Guadagnoli made a motion to adopt the proposed amendments, duly seconded by Daniel Luczkow, M.D. and the Board voted unanimously to adopt the amendments as written.

7. Correspondence

Announcement from Pio Lombardo, P.E, representing Lombardo Associates, Inc, new office location, Nitrex Wastewater Nitrogen Removal Systems.

This correspondence was received by the Board of Health members.

8. (Continued from August 27, 2024) Request from Susanne Conley, Save Our Beaches

Ms. Susanne Conley testified that there needs to be studies concerning the potential detrimental health effects associated with the generation of electromagnetic fields from high voltage underground electric cables, studies regarding the thermal effects of rising temperatures from high voltage underground electric cables upon the groundwater, potential safety hazards associated with water-flooded servicing vaults, and the detrimental effect of increased construction over our groundwater protection zones.

Ms. Conley stated her EMF meter received readings at Covell's Beach which were higher than the EMF readings which were provided by the windfarm company. She asked, what would be acceptable levels of electromagnetic radiation?

Ms. Heather Swenson, Mr. Larry Morin, and Ms. Stacey Gunther also testified.

After a lengthy discussion, Daniel Luczkow, M.D. made a motion to adopt the proposed amendments, duly seconded by Donald Guadagnoli, M.D. and the Board voted to have the Chairman Thomas Lee draft a letter to both the Massachusetts Department of Environmental Protection and the Massachusetts Department of Public Health, requesting studies concerning potential detrimental health effects associated with the generation of electromagnetic fields from high voltage underground electric cables, studies regarding the thermal effects of rising temperatures from high voltage underground electric cables upon the groundwater, potential safety hazards associated with water-flooded servicing vaults, and the detrimental effect of increased construction over our groundwater protection zones. The drafted letter will be reviewed by the Legal Department prior final dissemination to the Board members and prior to mailing to the two agencies- to the Massachusetts Department of Public Health and Department of Environmental Protection.

9. Minutes:

A. August 27, 2024

The August 27, 2024 minutes were reviewed by the Board members. After a brief discussion, and upon a motion duly made by Donald Guadagnoli, M.D., seconded by Steven Waller, .M.D., the Board voted to approve the August 27, 2024 minutes as written.

B. September 24, 2024

The September 24, 2024 minutes were reviewed by the Board members. After a brief discussion, and upon a motion duly made by Donald Guadagnoli, M.D., seconded by Steven Waller, M.D., the Board voted to approve the September 24, 2024 minutes as written.

Adjourn – 4:12 pm

Upon a motion duly made by Tom Lee, seconded by Donald Guadagnoli, M.D. the Board voted to adjourn. (Unanimously, voted in favor.)