



Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601

Office: 508-862-4644

FAX: 508-790-6304

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

BOARD OF HEALTH MEETING MINUTES

Tuesday, April 25, 2023 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, April 25, 2023. The meeting was called to order at 3:00 pm by Thomas Lee, Vice 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, Alternate. John Norman, Chair, was not able to attend. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were present.

I. Variance – Septic:

- A. Audrey Nielsen, owner, and Bob Walsh, general contractor – 36 Maple Way, Hyannis– 36 Maple Way, Hyannis, Map/Parcel 246-132, 7,952 square feet parcel, for addition, moving septic tank further from property line.

Bob Walsh presented the project, a small additional which requires the corner of septic tank to be moved a little which will allow a small improvement of their setback to the property line.

Upon a motion duly made by Dr. Guadagnoli, seconded by Dr. Luczkow, the Board voted to grant the change in setback variance to the property line. (Unanimously, voted in favor.)

- B. Darren Meyers, Meyers & Sons, representing Samuel Mullin, owner – 89 Blue Heron Drive, Osterville, Map/Parcel 117-005, 54,693 square feet parcel, repair of failed septic system, requesting two variances to setback of bordering vegetative wetlands.

Darren Meyers was present.

Mr. McKean said the staff had no issues with the proposed plan.

Upon a motion duly made and seconded, the Board of Health granted the variances.. (Unanimously, voted in favor.)

II. Septic System – Secondary Treatment Unit (S.T.U.):

John O’Dea, Sullivan Engineering, representing WS Cirrus LLC, owner – 147 Seapuit Road, Osterville, Map/Parcel 070-012, 1.81 acre parcel, no septic system failure, no new construction, interested in improving system by using a retro-fit of a S.T.U. - KleanTu NitROE Waste-Water Treatment.

III. Minimum Repair to Septic – Sewer Phase One:

- A. Britt Beedenbender, owner – 415 Main Street, Centerville, Map/Parcel 208-125, failed septic system, sewer to this area starts Spring 2024, two dwellings with two cesspools, main house cesspool failed, requesting using a cesspool until sewer available for one person in house.

Septic Inspector Doug Brown supplied Mr. McKean with a letter verifying the cesspool was good and clean. Mr. McKean said they should anticipate the sewer arriving in three years.

Dr. Canniff made a motion to grant the use of the cesspool with the condition that only two people live there and that they connect to sewer within six months of its availability. Motion was not carried.

Dr. Luczkow stated that the property is a four bedroom and did not feel the Board should limit the use to only 2 people.

Upon a motion duly made by Dr. Luczkow, seconded by Dr. Guadagnoli, the Board voted to amended the motion by granting the use of the cesspool with the one condition that the owner connect to town sewer within six months of it becoming available. (Unanimously, voted in favor.)

- B. Doug Brown representing Matt Deavila and Kimberly Flynn, owners – 139 Old Stage Road, Centerville, Map/Parcel 189-086-001, 0.50 acre parcel, requesting to connect into an existing on-site septic system component until such time that public sewer becomes available-Phase One.

Doug Brown presented the concept.
Mr. McKean said the staff had no objection.

Upon a motion duly made by Dr. Canniff, seconded by Dr. Guadagnoli, the Board voted to approve with the condition that the owners must connect to Town Sewer within six months of it becoming available. (Unanimously, voted in favor.)

- C. Stephen Knight, owner – 122 Sunny-Wood Drive, Centerville, Map/Parcel 273-223, Sewer expected between 2025-2028, failed septic inspection due to liquid levels, requesting to be allowed to continue using system until sewer is available.

Mr. Knight had received a quote to replace the septic system for \$15.5K. The sewer is expected between 2025-2028 and is requesting to wait until the sewer is available.

Mr. McKean said the staff had no issue with this.

Upon a motion duly made by Dr. Luczkow, seconded by Dr. Guadagnoli, the Board voted to grant the use of the current septic system with the following conditions (1) it must be pumped as needed, (2) it must be connected to Town Sewer within six months of becoming available, and (3) this decision must be spelled out in any purchase and sale agreement for the property, if not connected to sewer. (Unanimously, voted in favor.)

IV. Septic – Deed Restriction Removal Request:

Gary Conway, owner – 132 Park Avenue, Centerville, Map/Parcel 207-031, 0.27 acre parcel, located in the Saltwater Estuary Zone, requesting the Board of Health to remove the deed restriction.

Mr. Conway had misunderstood the reason for the deed restriction. He had associated it with the installation of his pool, which he no longer has.

The Board explained it was due to the addition of the room (used as his library which affords privacy as a bedroom. He will be connecting in Phase one to the sewer. The Board explained the restriction of bedroom counts will also go away once he is connected to the Town Sewer.

Mr. Conway withdrew his request to the Board.

V. Herbicide Usage Request:

Amber Unruh, Department of Public Works, requesting permission to apply a herbicide, Aquaneat, on an invasive Black Locust Tree as most successful remedy for site located at 671, 695 and 721 Old Post Road, Cotuit, Map/Parcel 054-013-001, 054-011-001, and 054-011-002.

Amber Unruh explained that the best way to remedy the invasive Black Locust Tree is by using the herbicide. This particular tree is growing in Cortwood and if you try to cut the tree, it will produce multiple shoots creating a worse problem.

Upon a motion duly made by Dr. Guadagnoli, seconded by Dr. Luczkow, the Board voted to grant the use of the herbicide on the Black Locust Tree. (Unanimously, voted in favor.)

VI. Regulation/Policies:

Nina Coleman, Director of Natural Resources, Sandy Neck Park Manager, proposing changes in dog control regulations would like the Board of Health's feedback.

Nina Coleman presented the proposed changes in the dog control regulations. There was much discussion on the different portions of the regulations. One focus was on the start date of the dogs allowed on the beaches. Some members expressed the desire to continue allowing the dogs on the beaches in April until Mid-May prior to when the beaches start to open for the summer. The proposed change in regulation would prohibit the allowance of dogs as of April 1st – tying that in to the date the Plover Birds regulation takes effect.

The Board will gather their thoughts on the proposed and move this onto the May 23, 2023 Board agenda.

VII. Food – Variance:

A. Richard Dermody, owner of Bites at Craigville – 974 Craigville Beach Road, Centerville, Map/Parcel 226-006, toilet facility variance request.

- Dr. Canniff recused himself as he knows the owner of property, personally.

Mr. Dermody said he is interested in operating the establishment similar to the prior owner and using the public restrooms at Craigville Beach as the one toilet facility.

Upon a motion duly made by Dr. Guadagnoli, seconded by Dr. Luczkow, the Board voted to grant the variance for one toilet facility in lieu of two with the following conditions: 1) only outdoor seating is authorized – no indoor seating, 2) no more than 20 seats are authorized outside, 3) seating shall not be provided whenever the public restrooms located across the street, at 988 Craigville Beach Road, are closed. Seating may only be provided when those public bathrooms are available, 4) the variance may be revoked anytime the owner fails to comply with a condition or anytime unsanitary conditions are observed, and 5) the variance decision letter must be posted on a wall adjacent to the food service permit in an easily viewable location. (Unanimously, voted in favor.)

- B. Tony Ninvaggi representing Mary Ann Taylor, new owner of The Barnacle – 988 Craigville Beach Road, Centerville, Map/Parcel 226-005, toilet facility variance requested.

Tony Ninvaggi said the new owner plans to operate the restaurant the same way he had as prior owner. The only restroom available is on the second floor and does not require the patrons to walk through any food preparation areas. The patrons may also access the public restrooms across the street at Craigville Beach.

Upon a motion duly made by Dr. Guadagnoli, seconded by Dr. Luczkow, the Board voted to grant the toilet facility variance, Section 322-4, to the new owner, Mary Ann Taylor with the following conditions: 1.) at least one toilet facility shall be provided on-site for patrons, 2) a sign shall be conspicuously posted which states that a bathroom is available to patrons and indicating its location, 3) no more than 37 seats are authorized. This equates to approximately six picnic tables, depending upon the length of the tables, and 4) this variance is not transferable to another owner or lessee of this establishment. (Unanimously, voted in favor.)

- Dr. Canniff resumed his participation in meeting.

- C. Alex Tamargo, new owner for The Four Point Tavern at Hyannis Inn – 473 Main Street, Hyannis, Map/Parcel 308-084, requesting a grease trap variance to allow an increase in seating from 66 to 97 total seats, current grease trap is 1,000 gallons.

Alex Tamargo said the prior owner had been granted a variance in 2018 allowing him 97 seats with the 1,000 gallon grease trap. The Board explained that they follow the recommendation of the Town Engineer and he is not in support of increasing the seats to 97. Alex asked if there may have been something applicable to this location which allowed it to be approved. The Board said they could table this and look into it.

Upon a motion duly made and seconded, the Board voted to continue this item to the May 23, 2023 meeting. (Unanimously, voted in favor.)

Additional: Thursday, April 27, 2023, S.Crocker spoke with Mr. Tamargo and explained the original vote was prior to the recent, restricted use of town sewer. At this time, the Engineering Department has changed their perspective. He acknowledged he now understands and will work with the 66 seats.

VIII. Food – Temporary:

- A. Carlos Delagarza, Flip Circus, requesting three temporary food permits (6 days each) for the Flip Circus Event to be held at the Cape Cod Mall – 180 Falmouth Road, Hyannis, Map/Parcel 311-001, for 4/28-5/15/23. The menu includes: hot dogs, nachos, cotton candy, popcorn, pizza, churros, funnel Cake, snow cones, soda and bottled water.

The Flip Circus applied for three temporary food permits: 1) April 28- May 3, 2023, 2) May 4 – May 9, 2023 and 3) May 10 – May 14, 2023. The three permits stretch for a period for 18 consecutive days for a temporary food event.

Mr. McKean stated the State Food Code only allows for 14 consecutive days, thus the 18 days must be interrupted by at least one day off with no more than 14 days together.

Upon a motion duly made by Dr. Guadagnoli, seconded by Dr. Luczkow, the Board voted to grant the temporary permits for the Flip Circus with no more than 14 consecutive days over the course of the food event. The applicant will inform the Health Division of the date which they will not be selling food. (Unanimously, voted in favor.)

- B. Jessica Bolbach representing Funbox is requesting a Temporary Food Permit for the FUNBOX Event at the Cape Cod Mall – 180 Falmouth Road, Hyannis, Map/Parcel 311-001 for Saturdays-Mondays during the months of June-August, 2023. The menu will be snow cones, self-serve syrups, and bottled water.

Jessica Bolbach was present. Jessica corrected the dates to be: Tuesday – Sunday and closed on Mondays.

Upon a motion duly made by Dr. Canniff, seconded Dr. Guadagnoli, the Board to grant the temporary food permits and the hand-wash sink is to be placed inside the tent. (Unanimously, voted in favor.)

- C. Ann Canedy is applying for a Temporary Food Permit for Tales of Cape Cod Event at 3046 Main Street, Barnstable, Map/Parcel 279-071, on May 15 at 7:00-8:30 pm. The menu includes: raw oysters, crackers and chips, lemon squares, clam chowder and seltzer water.

Ann Canedy, Program Director, presented the details of the event.

Mr. McKean asked that they remember to put out the signage on raw seafood and had no issues.

Upon a motion duly made and seconded, the Board granted the temporary food permit for the Tales of Cape Cod Event. (Unanimously, voted in favor.)

- D. Ms. Sunny Fellman is applying for a Temporary Food Permit for the “A-Way with Words” event at the Hyannis Village Town Green, – 367 Main Street, Hyannis, Map/Parcel 326-021, on May 27 from 3-5 pm currently with only one vendor, The Karibbean Lounge. The menu will be: Rice, Stewed Chicken, Seasonal Vegetables, Fried Chicken and Stewed Pork.

Upon a motion duly made and seconded, the Board granted the temporary food permit for the ‘A-Way with Words’ event on the Town Green. (Unanimously, voted in favor.)

IX. Body Art: New Establishment and Artist:

- A) Body Establishment: Jonanne Saraf Massard, owner of new establishment, Pigmenta Permanent Cosmetics – 328 (aka 330) Main Street, Hyannis, Map/Parcel 327-092, for permanent makeup.

Joanne Saraf Massard was present and discussed their location.

Upon a motion duly made by Dr. Guadagnoli, seconded by Dr. Luczkow, the Board voted to grant Pigmenta Permanent Cosmetics a body art establishment permit. (Unanimously, voted in favor.)

- B) Body Artist: Anacarolina Dacosta, Body Artist, at Pigmenta Permanent Cosmetics – 328 (aka 330) Main Street, Hyannis, Map/Parcel 327-092, 2 year apprentice and 100 hours at Pigmenta Inc. Academy , Danvers, MA, completed course “Save Each Life – Anatomy, Physiology and Skin Course for Body Artist Practitioner” on February 27, 2023.

Joanne Saraf Massard was present. Ms. Crocker said the paperwork is in order.

Upon a motion duly made by Dr. Guadagnoli, seconded by Dr. Luczkow, the Board voted to grant Pigmenta Permanent Cosmetics a body art establishment permit. (Unanimously, voted in favor.)

- C) Body Artist Alexandria Hebden, Body Artist, at Black Pearl Tattoo – 505 (a.k.a. 509) Main Street, Hyannis, Map/Parcel 308-093, has completed course “Save Each Life - Anatomy, Physiology and Skin Course for Body Artist Practitioner” to work as apprentice under the supervision of Alika Travassos.

Alexandria Hebden and Alika Travassos were present.

Upon a motion duly made and seconded, the Board voted to grant Alexandria Hebden a body artist permit. She will be under the supervision of Alika Travassos as she works as an apprentice to receive experience. (Unanimously, voted in favor.)

- D) Body Artist Alysandra Cleary, Body Artist, at Black Pearl Tattoo – 505 (a.k.a. 509) Main Street, Hyannis, Map/Parcel 308-093, completed course at Cape Cod Community College “Human Anatomy and Physiology (Self-Paced Tutorial)”, no experience, to work as an apprentice under the supervision of Alika Travassos.

Alysandra Cleary and Alika Travassos were present.

Upon a motion duly made and seconded, the Board voted to grant Alysandra Cleary a body artist permit. She will be under the supervision of Alike Travassos as she works as an apprentice to receive experience. (Unanimously, voted in favor.)

X. Minutes:

Move to May 2023 A. February 28

B. March 28, 2023

Upon a motion duly made and seconded, the Board voted to approve the March minutes. (Unanimously, voted in favor.)

XI. Update Monthly

Regulations/Policies:

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)”.

Meeting Adjourned.