



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.
Christine M. Beer, PhD.
Steven Waller, M.D. (alternate)

BOARD OF HEALTH MEETING MINUTES

Tuesday, January 28, 2025, 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, January 28, 2025. The meeting was called to order at 3:01 pm by F.P. (Thomas) Lee, Chair. Also in attendance were Board Members Donald Guadagnoli, M.D., Paul Canniff, D.M.D., Christine Beer PhD, and Stephen Waller, M.D. Health Division staff member Thomas McKean R.S., C.H.O. was also present.

1. Septic Variances:

A. **POSTPONED-** John O'Dea representing Lana and Edward Lukatsky – 129 Hayes Road, Centerville, Map/Parcel 210-095, Phase 1 of the CWMP, failed septic system, variances requested from 310 CMR 15.305, State Environmental Code, Title 5 and from Section 360-44, Deadlines to Repair Failed Septic Systems, Town of Barnstable Code.

This item is postponed as requested by the applicant.

B. Marc Mason -12 Pond Street, Centerville, Map/Parcel 230-088 'emergency' repair work completed; requesting multiple variances: 310 CMR 15.260 to obtain approval without first determining if an on-site septic system is feasible; from Section 310 CMR 15.020 to obtain a permit without a site evaluation, to allow a hand-drawn sketch in lieu of the requirement to submit an engineering plan, and from Section 360-1 of the Town of Barnstable Code, to install a holding tank 55 feet away from a wetland.

Marc Mason testified that the existing holding tank was rusted, unstable, and was potentially polluting the environment. An inspection report completed by Ms. Jo-Ann Wilson dated August 15, 2024 was provided within the submitted application documents. Mr. Mason stated public sewer will be made available to this area within the next few years and this property will be connected to sewer as soon as public sewer becomes available. Dr. Paul Canniff asked if a permit was obtained to replace the rusted holding tank. Mr. Mason answered yes. Chairman Thomas Lee stated site constraints severely restricted the possibility of constructing an onsite sewage disposal system at this property due to the high groundwater and very close proximity to wetlands. Chairman Thomas Lee further explained that after several discussions with the applicant and the Director of Public Health,

he had no objections to his pre-approval of the repair permit due to the “emergency” environmental concerns presented to him at the time. A certificate of compliance for the tank replacement has not yet been issued due to variances needed to be obtained and due to deed recording requirements as per the State Environmental Code Title 5. After some discussion, and upon a motion made by Dr. Donald Guadagnoli, duly seconded by Dr. Paul Canniff, the Board voted to grant the following variances to install a replacement tight tank at 12 Pond Street, Centerville, Massachusetts:

Section 360-45 of the Town of Barnstable Code: To install a tight tank 55 feet away from a vegetated wetland, in lieu of the minimum setback requirement of one hundred (100) feet.

310 CMR 15.020: To obtain a disposal construction permit without a site evaluation.

310 CMR 15.020: To obtain approval without a plan designed and stamped by a professional engineer or registered sanitarian.

310 CMR 15.260: To obtain approval of a replacement holding tank without first determining whether an onsite sewage disposal system is feasible (without a feasibility determination by a professional engineer or registered sanitarian).

These variances are granted with the following conditions:

- 1) Prior to the issuance of a certificate of compliance for the disposal construction (tight tank) permit, the facility owner shall record or register in the chain of the title for the property served by the tight tank at the Registry of Deeds or the Land Registration Office, as applicable, a copy of the Approving Authority’s written approval.
- 2) The licensed installer shall provide an as-built card for the tight tank installation.
- 3) When public sewer becomes available, this property must be connected to public sewer within 30 days of availability in accordance with Section 310 CMR 15.260(5).

C. Carolyn Wieser- 48 Whidah Way, Centerville, Map/Parcel 230-194 requesting variance from 310 CMR 15.211, new addition (family room) proposed, reduced setback to septic tank.

Ms. Weiser testified that the existing septic tank and other components of the existing septic system will be abandoned within a few year, when her property will be connected to public sewer. According to the DPW, public sewer will be available to this property sometime during the year 2026, After some discussion, and upon a motion made by Donald Guadagnoli, duly seconded by Thomas Lee, the Board voted to grant the variance to allow the construction of a foundation wall, for a family room addition, less than ten feet away from an existing septic tank at 48 Whidah Way Centerville MA. The variance granted is from 310 CMR 15.211: To construct a foundation wall 4.5 feet away from an existing septic tank, in lieu of the minimum ten (10) feet separation distance required by Title 5. This

variance is granted with the following condition - A 40-mil polyethylene liner shall be installed in between the new foundation wall and the existing septic tank.

2. Innovative- Alternative Technology

David and Erica Samra – 175 Seapuit River Road, Osterville, Map/Parcel 095-013-001, proposing a NitROE Secondary Treatment Unit.

Sean Riley, P.E. presented engineering plans of the proposed construction of the innovative system and associated documents. Dr. Paul Canniff asked if this system will be connected to a one-bedroom dwelling. Mr. Riley answered yes. After some discussion, and upon a motion made by Donald Guadagnoli, duly seconded by Dr. Paul Canniff, the Board voted to grant the applicant permission to install a NitROE 2KS WWTS Treatment System at 175 Seapuit Road Osterville, Massachusetts. All of the requirements provided within the MA Department of Environmental Protection (DEP) *Provisional Use Approval renewal* document, addressed to KleanTu LLC, dated May 12, 2020, consisting of fifteen (15) pages, shall be adhered to.

3. Sewer Connection Extension Requests:

A. *WITHDRAWN- Eduardo Ribeiro – 102 Strawberry Hill Road, Centerville, Map/parcel 246/047, requesting sewer connection extension due to financial reasons.*

This item is withdrawn as requested by the applicant. Mr. McKean stated the applicant was able to obtain a loan to fund the costs associated with connection of this property to public sewer.

B. Kerry McNamara- 825 West Main Street, Sea Captains Condominiums, engineering completed, requesting an extension to connect to public sewer.

Chairman Thomas Lee asked if the applicant was present for this request. The applicant was not present at this meeting. Mr. McKean stated the applicant did not provide a proposed sewer connection timeline within his submitted application. After some discussion, and upon a motion made by Dr. Steven Waller, duly seconded by Dr. Paul Canniff, the Board voted to postpone this extension request to the next regularly scheduled Board of Health meeting date of February 25, 2025.

4. Minutes:

December 17, 2024

The December 17, 2024 minutes were reviewed by the Board members. After a brief discussion, and upon a motion made by Donald Guadagnoli, seconded by Thomas Lee, the Board voted to approve November 26, 2024 minutes as written.

Adjourn- 3:34 p.m.

Upon a motion duly made by Donald Guadagnoli, seconded by Daniel Luczkow, the Board voted to adjourn. (Unanimously in favor.)

