



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, February 22, 2022 3:00 PM

Revision#1

ZOOM MEETING 9413 5554 646

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, February 22, 2022. The meeting was conducted through Zoom to avoid social distances closer than 6 feet as stipulated due to Covid 19 epidemic. The meeting was called to order at 3:00 pm By John Norman, Chair. Also in attendance were Board Members Donald Guadagnoli, M.D., Thomas Lee, and Daniel Luczkow, M.D., Alternate. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

Upon a motion duly made and seconded, the Board voted to go into Executive Session. (Mr. Norman-Yes, Dr. Guadagnoli-Yes, Mr. Lee-Yes. (Unanimously, voted in favor.)

I. Executive Session:

Executive session to discuss litigation strategy with respect to the matter of Dugas v. Town of Barnstable.

Upon a motion duly made and seconded, the Board voted to return to the regular meeting. (Mr. Norman-Yes, Dr. Guadagnoli-Yes, Mr. Lee-Yes. (Unanimously, voted in favor.)

II. Variance – Septic (Repair):

Dan Speakman, Speakman Construction, representing Home Mass Buyers, LLC, owners – 32 Washington Avenue Extension, Hyannis, Map/:Parcel 327-032, 5,000 square feet parcel, repair of failed septic, requesting three septic variances with proposed venting.

David Mason presented the plan.

Public Comment: None.

Staff Comments: Mr. McKean said the list of minor issues have all been resolved and the staff has no issue with the proposed plan.

It was discussed of whether to use a liner for the leaching portion by the house. Given that there was a small crawl of 1.5 feet deep and the leach field began below that, it was determined a liner was not needed.

Upon a motion duly made by Mr. Lee, seconded by Dr. Guadagnoli, the Board voted to approve the variances as presented. Roll Call: Mr. Lee-Yes, Dr. Guadagnoli-Yes, Mr. Norman-Yes (Unanimously, voted in favor.)

III. Septic (S.T.U.) (New Construction):

Dan Ojala, Down Cape Engineering, representing Barnstable Land Trust, Inc., owner – 995 Route 149, Marstons Mills, Map/Parcel 103-001, 14.75 acre parcel, new construction, proposing KleanTu Nitroe Wastewater Treatment System as a Secondary Treatment Unit (STU) for new 30 seat public assembly building, no variances requested.

Dan Ojala presented the plan which includes Klean Tu Nitroe under provisional use for industrial waste – for catch basin of machinery driven into garage. The secondary unit uses much less electricity.

Public Comment: None

Staff Comments: There is plenty of land for leaching and owner is voluntarily using the Klean Tu Nitroe. The staff had no issues with the plan which will include the deed recordings and Operating and Maintenance required for life of system.

Mr. Lee mentioned the tight tank can be taken off as it requires a high level alarm not needed in this application.

Upon a motion duly made by Dr. Guadagnoli, seconded by Mr. Lee, the Board voted to approve the septic plan with the use of Secondary Treatment Unit with the condition that a deed restriction pertaining to Secondary Treatment Unit be recorded at time the permit is issued. Mr. Lee-Yes, Dr. Guadagnoli-Yes, Mr. Norman-Yes. (Unanimously, voted in favor.)

IV. Food – Variance:

- A. Blane Toedt, owner for Hyannis West End, LLC d/b/a The West End – 20 Scudder Avenue, Hyannis, Map/Parcel 290-112, currently has 3,500 gallon grease trap with 233 seats, requesting a variance for 86 additional outdoor seats for a total of 319.

Attorney Anthony Panebianco represented the owners of The West End and said the cost of 5,000 gallon tank is very costly and owners would have to shut down the restaurant for a period of time. The owners are proposing to increase the frequency of pumping the grease tank.

Griffin Beaudoin, Town Engineer, stated DPW does not support the variance for additional seats due to risk of damage to sewer lines.

The Board supported DPW's recommendation. The storage size of grease tank is designed to hold grease as it moves through tank and cools off. As grease cools, it floats to top and preventing grease from moving into sewer lines. An under-size tank can result in damage to lines.

Upon a motion duly made by Mr. Lee, seconded by Dr. Guadagnoli, the Board voted to deny the variance for additional seating. Mr. Lee-Yes, Dr. Guadagnoli-Yes, Mr. Norman-Yes. (Unanimously, voted to Deny.) (Seating will remain at 233.)

- B. Darko Ristovski, new owner for Alberto's Ristorante – 356 Main Street, Hyannis, Map/Parcel 327-004, currently has 3,000 gallon grease trap, requesting grease trap variance for 250 seats.

Darko Ristovski stated the kitchen can only handle 200 meals but is looking for 250 seats to allow flexibility in setting up seating in rooms ahead of time and avoiding shuffling.

Public: No comment.

Mr. McKean said the DPW asked to limit this to 200 seating.

Upon a motion duly made by Mr. Lee, seconded by Dr. Guadagnoli, the Board voted to deny the variance for additional seating. Mr. Lee-Yes, Dr. Guadagnoli-Yes, Mr. Norman-Yes. (Unanimously, voted to Deny.) (Seating will remain at 200.)

V. Septic Installer (New):

Timothy Quirk, South Dennis

Mr. Quirk passed the septic exam and his references were good.

Upon a motion duly made by Dr. Guadagnoli, seconded by Mr. Lee, the Board voted to grant Timothy Quirk a septic installer's permit. (Dr. Guadagnoli-Yes, Mr. Lee-Yes, Mr. Norman-Yes. (Unanimously, voted in favor.)

VI. Minutes

January 25, 2022

The minutes were moved to the next Board meeting.

Additional:

Mr. Norman stated that the Town Council has increased the number of Board of Health members to 5 full time members and 1 alternate. The new Board members may be sworn in in time for the March 22, 2022 meeting.

Meeting Adjourned 4:05pm.