



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING MINUTES Tuesday, March 26, 2019 at 3:00 PM Town Hall, Hearing Room 367 Main Street, 2nd Floor, Hyannis, MA

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, March 26, 2019. The meeting was called to order at 3:00 pm by Chairman Paul Canniff, D.M.D. Also in attendance were Board Members Donald A. Guadagnoli, M.D., John Norman, and Alternate Tom Lee. Thomas McKean, Director of Public Health, was also present. Sharon Crocker, Administrative Assistant, was not present and transcribed the minutes from the video.

I. Variations – Septic (Cont):

Dan Ojala, Down Cape Engineering, representing Hyannis Rotary LLC, 10 Hyannis Avenue, Hyannis, Map/Parcel 287-131, 44,131 square feet parcel, repair of failed septic system, multiple variances requested (continued from February 2019 meeting).

John Norman mentioned that the engineer has done a lot of work on the plan. He did ask if Dan Ojala could straighten out the septic in a straight line, elongating it in both directions and reducing the variance from 17 feet to 10 feet. Mr. Ojala agreed to rework the plan.

Upon a motion duly made by Mr. Norman, seconded by Dr. Guadagnoli, the Board voted to continue this item to the April 23, 2019 meeting for a revised plan. Unanimously, voted in favor

II. Variance – Septic:

Terence M. Hayes, R.S., of Punkhorn Services, representing owner, Kenneth Mills, of 498 Main Street, Centerville, Map/Parcel 207-045-001, is requesting a 5.6' variance for the soil absorption system to be less than required 10' from a slab and is requesting a 15.2' variance for the soil absorption system to be less than required 20' from cellar wall, to repair septic.

Terry Hayes said our Building Commissioner Brian Florence said the two adjacent lots (same owners) are now one because the garage to the house was built over the property line of the second lot and therefore, by use, it became one lot.

Upon a motion duly made by Mr. Norman, seconded by Dr. Guadagnoli, the Board voted to grant the variances with the following conditions: 1) a liner shall be added on the northerly

(house) side of SAS, 2) septic tank shall be rotated to eliminate any 90° turns in piping, and 3) the plan does not need to be revised for this. (Unanimously, voted in favor.)

III. Variance – Food:

Andre Reggio- Cape Cod Church of Christ, 493 Race Lane, Marstons Mills, requests a variance to operate the kitchen inside the church without a minimum 1,000 gallon in-ground grease trap. Existing septic system designed 3 gallons per seat, kitchen use requires 6 gallon per seat design.

Andre Reggio, operator of Cape Cod Church of Christ, stated they only have pot luck events (10/year) at the church with up to 96 people in attendance.

In April 1982, the septic system was designed for 3 gallons/seat for the church use only, and no kitchen use.

Upon a motion duly made by Mr. Norman, seconded by Dr. Guadagnoli, the Board granted the variance with the following conditions: 1) the variance is non-transferable to a new owner or new church, 2) no more than 12 food events per year, 3) limited to 96 seats in dining area, and 4) no food preparation on site other than coffee and reheating foods (pot luck foods will be brought in). (Unanimously, voted in favor.)

IV. Request for Determination:

A. Laura Kelley, President of Protect Our Cape Cod Aquifer (POCCA) requests a favorable vote from the Board of Health to draft and adopt a future regulation to prohibit the use of the chemical glyphosate at all municipally-owned properties.

The Board said they cannot adopt a regulation to restrict the use of pesticides.

The Town can volunteer not to use the products. However, there are times when the chemical glyphosate (GPH) is currently the only chemical which works in some areas (for example, the invasive grasses at the beaches use this. Sometimes it is used in the product “Rodeo” which is stronger than “Roundup”. The Board knows the Town is making efforts to be “green” but does not know whether any other departments have similar situations.

Mr. Norman recommended the Board check with Town Manager Mark Ells to find out what the current policy is and how it is managed.

Upon a motion duly made by Mr. Norman, seconded by Dr. Guadagnoli, the Board voted to continue this item until the April 23, 2019 meeting, pending additional information.

B. Laura Kelley, President of Protect Our Cape Cod Aquifer (POCCA) requests a letter in opposition to Eversource’s Yearly Operational Plan (YOP) to MDAR.

Dr. Canniff excused himself as Chair and proposed a motion to support no herbicides along the powerlines be used by Eversouce. A motion was not seconded. No action taken. The motion was not seconded and did not carry. No action was taken.

- C. Brian G. Yergatian, of BSC Group Inc., representing Hyannisport Club – 2 Irving Avenue, Map/Parcel 266-031, 1,970 gallons per day proposed, request to utilize a standard Title V septic system in lieu of Section 360-38 of the Town of Barnstable Code which “may” require an I/A system.

Upon a motion duly made by Mr. Norman, seconded by Dr. Guadagnoli, the Board voted to determine a standard Title 5 system be approved for use at this time (without any innovative alternative technology). (Unanimously, voted in favor.)

- D. Andrea McArthur, representing Puritan of Cape Cod, 408 Main St, Hyannis, asking approval for Temporary Food Permit for “Girls Night Out” being held on March 27, 2019 from 5:30pm-7:30pm. There will be 9 food vendors.

Andrea McArthur presented the event, “We Can – Girls Night Out”, which will be hold at Puritan’s with the following food items: ice cream, cupcakes, cookies, scones, brownies, crepes, hamburger sliders, snacks- chips, dips, cheese, olive oils, bread and candies.

Mr. McKean said the floor plan looks good and the vendors would be able to share the hand wash stations as shown on the plan.

Upon a motion duly made by Dr. Guadagnoli, seconded by Mr. Norman, the Board granted an annual one-day-only temporary event for two hours. (Unanimously, voted in favor.)

V. Temporary Food Permit Application- Weekly Events;

Melissa Chartrand, Dean Walton, and Melissa Morris, Snack Bar (Shanty) at 51 Ocean St (formerly, 367 Main/Ocean Street corner) - requests permission to sell pre-made wrapped sandwiches, drinks, and packaged snacks on Fridays and Mondays at noontime.

Elizabeth Hartsgrove presented the pilot program which is an effort to bring attention to the Shanties on the corner. There is one vendor, Little Sandwich Shop, who will be supplying pre-made wrapped foods.

Upon a motion duly made by Mr. Norman, seconded by Dr. Guadagnoli, the Board granted an annual temporary event allowing twice a week on Fridays and Mondays between the hours of 12-2pm only, prepackaged foods only (No cooking, no food preparation allowed), during the summer with the following condition: once an updated food safety training certificate be submitted for Melissa Morris, then Dean Walton and Melissa Morris from Little Sandwich Shop will be authorized to oversee the food. (Unanimously, voted in favor.)

VI. Policies:

Proposed Revision to Administrative Variances (Counter Variances) - Elimination of grease trap variances for 25% seating exceedances administratively.

The Board was interested in having the food establishment customers who are on Town sewer come before the Board for any variances to be granted for 25% seating exceedances.

Upon a motion duly made by Mr. Norman, seconded by Dr. Guadagnoli, the Board voted to continue having the Health Inspectors grant counter variances for 25% seating exceedances to establishments connected to onsite sewage disposal systems only. (No counter variances for grease trap variances for 25% seating exceedances whenever systems are connected to public sewer). (Unanimously, voted in favor.)

VII. Informal Discussion:

Revisit of Tobacco Regulations: Flavored tobacco.

Cheryl Sbarra, Senior Staff Attorney, MA Association of Health Boards, and Bob Collett, Tobacco Enforcement Barnstable County, were present and discussed with the Board the drawbacks of flavored tobacco and their effects on underage people becoming cigarette smokers. The flavors, including mints, are used to reduce the harshness and can numb the throat and allow more intake.

It was also discussed how juuling/vaping is very popular and affordable and has led to a huge increase in use by high schoolers. It was stated that the pod in one juul has as much nicotine as a whole pack of cigarettes and are, therefore, very unhealthy and has become an epidemic addicting the next generation to nicotine across the country.

It was also pointed out that e-cigarettes do offer a good alternative to those adults trying to quit smoking and reducing gradually. Currently, all the towns around Barnstable have restricted where flavors can be sold – allowing them in stores which only sell tobacco as no one under 21 years of age can enter them. Upon future discussions, the Board might consider restricting the sales of e-cigarettes as well.

VIII. Old/New Business:

A. Cape Cod Commission, correspondence - Offering technical assistance in regards to protection of the saltwater estuary protection districts.

Letter was read into the minutes (Exhibit A)

B. Patrick Princi, West Barnstable correspondence regarding support of POCCA's proposal.

Letter was read into the minutes (Exhibit B)

Motion to adjourn – 5:40pm.

Exhibit # A:

Exhibit # B: