



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING MINUTES Tuesday, November 26, 2019 3:00PM James H. Crocker, Jr. 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, November 26, 2019. The meeting was called to order at 3:00 pm by Donald A. Guadagnoli, M.D. Also in attendance was Board Alternate Member Tom Lee, quorum of two was met. John Norman and Paul Canniff, M.D. were not able to attend. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

- I. **Amendment to Section 371-11H of the Town of Barnstable Code:**
Extend the Moratorium on new applications and permits for Adult Only Retail Tobacco Stores until February 28, 2020.

Upon a motion duly made and seconded, the Board voted to adopt the amendment to Section 371-11H extending the moratorium on new applications and permits for Adult Only Retail Tobacco Stores until February 28, 2020. (Unanimously, voted in favor.)

- Moved to Dec 17, 2019 Meeting> II. **Comprehensive Wastewater-Management Plan (CWMP):**
Dan Santos, Department of Public Works Superintendent, Comprehensive-Wastewater-Management Plan (CWMP)

MOVED TO DECEMBER 17, 2019:

- III. **State Plumbing Variance Requested.**
John Amato, JJA Sports LLC, representing Barnstable Public Schools, owner – 835 Falmouth Road, Hyannis (aka Barnstable High School, 744 West Main Street, Hyannis, Map/Parcel 249-094, Field of Dreams Phase I, petitioning Board of Health to support State Plumbing variance request for restroom requirement at new field.

John Amato did a presentation of the field showing the field has ability to be used for either softball or soccer but cannot be used simultaneously and they are asking for favorable support for their request to the State for a plumbing variance which would mean they will

Upon a motion duly made and seconded, the Board voted to support the request of the State plumbing code variance. (Unanimously, voted in favor.)

- IV. **Variations – Septic (Cont.):**

John Schnaible, Coastal Engineering Co. Inc., representing Marie Souza, owner, 168 Long Beach Road, Centerville, Map/Parcel 205-008, 0.07 acre parcel, replacement of a failed septic system, multiple variances requested, proposed tight tank and gray water system (continued from September 24, 2019).

Upon a motion duly made and seconded, the Board granted the variances in accordance with the revised plan dated September 30, 2019, with the following conditions: 1) record a four bedroom deed restriction at the Barnstable County Registry of Deeds and supply a copy to the Health Division, 2) the bathroom toilets and kitchen facilities (sink and appliances) will be connected to the holding tank, 3) the bathroom sinks, shower(s) and the laundry machines will be connected to the regular septic system. (Unanimously, voted in favor.)

V. Variance – Septic:

A. Dan Ojala, Down Cape Engineering, representing Estate of William Crowley – 62 Old Stage Road, Centerville, Map/Parcel 208-039, 9,915 square feet parcel, two variance requests, repair failed septic system.

Upon a motion duly made and seconded, the Board voted in favor of granting the variances without conditions. (Unanimously, voted in favor.)

B. Michael and Sacha Negron, owners – 165 Parker Road, West Barnstable, Map/Parcel 176-027, 41,969 square feet parcel, requesting two variances, repair of failed septic system.

Upon a motion duly made and seconded, the Board voted in favor of granting the variances with the following condition: 1) a two bedroom deed restriction shall be recorded at the Barnstable County Registry of Deeds and a copy of such shall be submitted to the Health Division. (Unanimously, voted in favor.)

C. John McNabola and owner, Thomas Fisher – 164 Annabelle Point Road, Centerville, Map/Parcel 211-014, seasonal home, septic in good condition, requesting exempt from local code to install new septic when razing home.

Kieran Healy, BSC Group, John McNabola, and Thomas Fisher presented plan.

Upon a motion duly made and seconded, the Board voted to continue this item to December 17, 2019. Kearn Healy, engineer, is given a few extra days to submit a plan as the normal deadline would be next Tuesday, December 3rd. (Unanimously, voted in favor.)

D. Dan Ojala, Down Cape Engineering, representing Gerard and Joan Regan, Trustees – 1068 Craigville Beach Road, Centerville, Map/Parcel 206-133, 10,824 square feet parcel, requesting multiple septic variance, repair of failed septic with upgraded system.

Upon a motion duly made and seconded, the Board voted in favor of granting the variances with the following condition: 1) a two bedroom deed restriction shall be

recorded at the Barnstable County Registry of Deeds and a copy of such shall be submitted to the Health Division, and 2) a pressure distribution monitoring plan must be submitted. (Unanimously, voted in favor.)

VI. Determination: Septic Inspection

MOVED TO APRIL 27, 2020 Meeting> Scott Annand, owner – 16 Thistle Drive Centerville, Map/Parcel, requesting determination of septic inspection as passing versus conditional.

VII. Bedroom Discrepancy:

MOVED TO DEC 17, 2019 Meeting> A. David Coughanowr and owner, Henrique Sousa – 7 Erin Lane, Hyannis, Map/Parcel 291-017, 2 versus 4 bedrooms.

MOVED TO APRIL 27, 2020 Meeting> B. Sandra and Leon Trombley, owners – 1733 Osterville-West Barnstable Road, West Barnstable, Map/Parcel 128-036, 3 bedrooms versus 4 bedrooms.

VIII. Temporary Food Permit Applications:

A. John Cotellessa and Tamara Scharoff, Original Gourmet Brunch, for two events with the same submitted menu, set-up, and same location. The two events are the following:

1. “Gingerbread Lane at Harbor Overlook” on Friday and Saturday, November 29 and 30th at 51 Ocean Street, a.k.a. Gingerbread Lane @Harbor Overlook, Hyannis, from 10-3 pm.

Upon a motion duly made and seconded, the Board voted to grant the event as an annual temporary food event. (Unanimously, voted in favor.)

2. “Main Street Hyannis Holiday Stroll” on Saturday, December 7 at 51 Ocean Street, a.k.a. Gingerbread Lane @ Harbor Overlook, Hyannis, from 12-6 pm.

Upon a motion duly made and seconded, the Board voted to grant the event as an annual temporary food event. (Unanimously, voted in favor.)

B. Amanda Converse and Jen Villa representing LoveLocal Fest Holiday Edition 2019 event at Barnstable High School Field House and Gym, 744 West Main Street, Hyannis. on Saturday, December 7, 2019, 5 - 9 pm and Sunday, December 8 from 11 am – 5 pm.

Upon a motion duly made and seconded, the Board voted to grant the event as an annual temporary food event with the following condition: 1) a revised sketch of the vendors, identifying where the samplers will be versus the strictly retailers. (Unanimously, voted in favor.)

IX. Body Artist:

Patricia Pola, artist returning to Great Island Tattoo, 12 Enterprise Road, Hyannis, requesting reconsideration of September 2019 Board decision.

Patrica Pola and Lorna Berger, owner of Great Island Tattoo, were present. The Board discussed Patricia's years of experience as a shop owner and good record, along with her years of working at Great Island Tattoo.

Upon a motion duly made and seconded, the Board voted to modify their decision at the September 24, 2019 meeting and now allow Patricia Pola to operate as a body artist with the exclusion of body piercing (not trainee). (Unanimously, voted in favor.)

X. Proposed revision to Town Code, Section 376-3– Stables.

Propose changing annual stable license to run calendar year with an effective start date of January 1st, versus December 1st.

Upon a motion duly made and seconded, the Board adopted the change in the stable license. The annual license will now run calendar year and expire December 31st each year. (Unanimously, voted in favor.)

XI. Sewer Connection: Deadline Extension

A. Elaine Basias, owner – 32 Paine Avenue, Hyannis, Map/Parcel 288-142, requesting deadline extension to connect to town sewer.

No one was present.

Upon a motion duly made and seconded, the Board voted to continue to December 17, 2019 as the applicant did not specify the desired time period of requested extension or the reason. (Unanimously, voted in favor.)

B. Oswald Jordan of Brockton, and owner – 54 Point Lane, Hyannis, Map/Parcel 288-168-001, requesting deadline extension to connect to town sewer.

No one was present.

Upon a motion duly made and seconded, the Board voted to continue to the December 17, 2019 meeting as the applicant did not specify the desired time period of requested extension. (Unanimously, voted in favor.)

XII. Hearing: Washing Vehicles.

A. Damion Murray, Cape Quality Collision – 972 Main Street, West Barnstable, violation of Section 108-9 of the Town of Barnstable Code prohibiting the discharge of any hazardous materials, was ordered to cease and desist washing vehicles and/or degreasing engines.

Upon a motion duly made and seconded, the Board voted to uphold the Order from Thomas McKean, Director of Public Health issued to Ms. Taylor Gomes, Manager of Cape Quality Collision, to cease and desist washing vehicles until such time an approved vehicle wastewater containment system is provided onsite. (Unanimously, voted in favor.)

On October 17, 2019 after receiving a complaint, Health Inspector Timothy O'Connell went to 972 Main Street West Barnstable to investigate allegations concerning the discharge of potentially contaminated vehicle wastewater onto the bare ground. While onsite, he was informed by the owner and/or manager of the business that the vehicles are washed with biodegradable soap.

Also on October 17, 2019, Health Inspector Timothy O'Connell verbally informed both the owner and manager of the business that vehicle washing and engine degreasing are activities which are not allowed per the Town of Barnstable Board of Health. Health Inspector Timothy O'Connell contacted the owner and/or manager on the telephone later that day to inform them that an industrial holding tank would be required if they wish to continue to wash vehicles at this site.

On October 24, 2019, after receiving additional complaints, Thomas McKean, Director of Public Health, issued Ms. Taylor Gomes, Manager, a written order letter to cease and desist washing vehicles and engines.

On November 7, 2019, Mr. Damion Murray submitted a written request for a hearing before the Board of Health. A hearing was subsequently scheduled to be held on November 26, 2019

During the public hearing held on November 26th, Mr. Richard Sundelin, owner of the property, testified that he plans to install a system that will capture, filter, and re-use wastewater in order to wash vehicles onsite.

The Board received (and read into the record) a letter from Ms. Nancy Meagher, President of the West Barnstable Civic Association, expressing concern about car wash runoff containing residue from detergents, exhaust fumes, gasoline, motor oils, and heavy metals, all of which "can cause water quality degradation."

During the public hearing, Ms. Nancy Trafton testified that she resides diagonally across the street from the vehicle repair business. She stated she called and complained about the vehicle washing. She expressed she wants assurance from the Board of Health that the vehicle washing activities will not start up again as the business is honoring the cease and desist order issued by the Director of Public Health.

Ms. Samantha Gray, a direct abutter, testified that she observed power washing at 972 Main Street seven (7) days per week during this past summer, including on a particular Sunday in August while she was hosting a birthday party. She provided copies of photographs of power washing to the Board. One of the photos showed washing of a vehicle with its hood open. Ms. Gray testified that photo was taken while an employee was washing an engine.

Mr. Sundelin then testified that he told the business owner that he does not allow the washing of any older engines (e.g. 1968). He also testified that he placed three quarter inch blue stone on the ground beneath the vehicle washing area. He indicated the blue-stones would turn black for an extended period of time (e.g. several months) if oil was discharged onto them. He said the business is working with Richard and DEP as to what type of water containment they will be putting in. The owner is very concerned that ground water does not get contaminated. They are considering putting in a filter system which will recycle the water after cleaning.

The business was reminded that vehicle washing, using soap and a pressure sprayer, and engine degreasing are not allowed per the Town of Barnstable Board of Health, without an industrial holding tank. Section 108-9 of the Town of Barnstable Code prohibits the discharge of any hazardous materials, including grease and oils from engines and exterior vehicle washing, onto the surface of the ground. No vehicles nor engines shall be pressure washed, regardless of whether or not biodegradable soap is used, at the vehicle repair business.

It was suggested to Cape Quality Collision and to Richard Sundelin to contact the Town of Barnstable Building Department and the Town's Zoning Enforcement Officer to seek written approval in regards to proposal to detail vehicles at this site. It is also suggested to contact the Massachusetts Department of Environmental Protection (DEP) in regards to obtaining approval for the proposed filtering system proposed for the re-use of vehicle wash wastewater onsite.

B. Letter from Nancy Meagher, President, West Barnstable Civic Association regarding washing vehicles at 972 Main Street, West Barnstable.

Letter was read into the minutes.

XIII. Correspondence:

Letter from Richard Pitera, South Yarmouth regarding regulation on flavored tobacco.

Letter was read into the minutes.

XIV. Minutes: Moved to December 17, 2019 meeting.