



Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601

Office: 508-862-4644
FAX: 508-790-6304

John T. Norman.
Donald A. Guadagnoli, M.D.
Paul J. Canniff, D.M.D.
F.P. (Tom) Lee, P.E., Alternate

BOARD OF HEALTH MEETING MINUTES Tuesday, January 21, 2020 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 21, 2020. The meeting was called to order at 3:00 pm by Chairman John Norman. Also in attendance were Board Members Donald A. Guadagnoli, M.D., Paul Canniff, D.M.D., and Alternate Tom Lee. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

I. Variance – Septic (Cont.):

Michael McGrath, Holmes and McGrath, representing Michael Valerio, owner – 24 Tern Lane, Centerville, Map/Parcel 193-048, repair of failed septic system, requesting multiple variances (continued from December 17, 2019 meeting).

The applicant requested a continuation prior to meeting.

Upon a motion duly made and seconded, the Board voted to grant a continuation to the February 25, 2020 meeting. (Unanimously, voted in favor.)

II. Variance – Septic:

A. Robert Perry, Cape Cod Engineering, representing David and Pamela Leclerc – 3920 Main Street, Barnstable, Map/Parcel 335-057, 38,248 square feet parcel, failed septic, requesting two variances.

Bob Perry was present. The house is a very old house with five bedrooms and an affidavit was provided.

John Norman asked to eliminate bends in piping at septic installation when possible.

Upon a motion duly made by Dr. Guadagnoli, seconded by Dr. Canniff, the Board voted to grant the variances with no conditions. A note will be given to the septic installer asking to eliminate as many bends as possible in the pipe installation to improve flow (no adjustment in plans will be necessary. (Unanimously, voted in favor.)

B. David Mason representing Michael and Sara Rabideau, owners – 1837 Main Street, West Barnstable, Map/Parcel 216-033, 0.83 acre parcel, failed septic system, requesting multiple variances.

David Mason presented the plans for the existing three-bedroom home. All abutting wells are greater than 150 feet away from septic with the exception of one and are noted as such on plan.

Upon a motion duly made by Dr. Guadagnoli, seconded by Dr. Canniff, the Board voted to grant the variances with no conditions. (Unanimously, voted in favor.)

III. Informal Discussion:

John O'Dea, Sullivan Engineering, and Jeffrey Kaschuluk, owner – 58 Wianno Avenue, Osterville, Map/Parcel 141-003.

John O'Dea and owner, Jeffrey Kaschuluk were present. They described their goal to replace the current home in need of repair with the historical home at 554 Wianno Avenue and to purchase the property at 68 Wianno Avenue. The current lots have been used as 7 bedrooms and 1300 square feet of office which is approximately 880 gallons/day. The location is business zoned and can fit 7 individual lots with septic systems and would be allowed to have 3 bedrooms on each lot for a total of 21 bedrooms. The house from 554 Wianno is one lot width outside the Estuary Zone while 58 Wianno Avenue is one lot width inside the zone.

Mr. Kaschuluk mentioned the 554 Wianno owners is reducing their flow amount. They do not want a home that large.

Zenas Crocker encouraged the Board to be careful of approvals in this zone.

The Board members gave their general comments at this time. Mr. Norman said with the intensive use, if a formal plan comes to the Board, he'd want an Innovative/Alternative (I/A) system. Dr. Canniff and Mr. Lee expressed that they would be interested in having the lot used with the current level of flow. Dr. Guadagnoli, as well, was concerned with the level of flow increase. One suggestion was to utilize nitrogen aggregation using another lot within the same zone.

IV. Bedroom Discrepancy (Cont.):

Henrique Sousa, new owner, and Maureen Shea - 7 Erin Lane, Hyannis, Map/Parcel 291-017, 2 versus 4 Bedrooms, continued from December 17, 2019 meeting.

Henrique Sousa and Maureen Shea spoke of the predicament the owner is in as he found out just 7 days before closing that the septic failed and an escrow was established to fix the septic. He was under the understanding that it was to be a four bedroom. If built today, its zone would only allow 2 bedrooms and the old permit appears to be for 2 bedrooms but difficult to assess whether it was expected to be built out later as a four as all the other 9 homes in development on street are all four bedrooms.

The Board discussed their concerns. The program which Zenas Crocker is currently accepting applicants for was brought up. The pilot program is for the Nitro system and he would be willing to see if they could get into the pilot program and Mr. Crocker's program would help bridge the gap of cost between what is held in escrow and the cost of this I/A system. Mr. Crocker believes the ongoing maintenance would be very minimal as it is a standard septic system with an additional tank and with the use of wood chips.

Upon a motion duly made by Dr. Canniff, seconded by Dr. Guadagnoli, the Board voted to approve the four bedroom classification pending the submission and permitting of the innovative/alternative (I/A) system which reduces nitrogen flow to less than 10 mg/liter at the downgradient property line and would be maintained in perpetuity with the property through a deed restriction or, otherwise, must be reduced to a three bedroom. (Unanimously, voted in favor.)

V. Variance – Food:

Raul Fernandez, new owner of The Food Market International, - 163 Barnstable Road, Hyannis, requesting variance for one toilet for food service establishment.

Raul Fernandez was present and stated he has the same agreement with the landlord and church next door as the prior food establishment. He has a key to gain access to the second bathroom which is located in the building next door which the church also uses and he will be responsible for the cleaning of the bathroom.

Upon a motion duly made by Dr. Canniff, seconded by Dr. Guadagnoli, the Board voted to grant the food variance for the toilet facilities with the condition that he will be responsible for the cleaning and maintenance of the bathrooms. (Unanimously, voted in favor.)

VI. Update: Tobacco – Smoking Bar:

New Sedwick, Inc., owner of bar, is now doing business as 'C.B. Perkins Lounge & Bar', a change from 'Puff the Magic'.

VII. Minutes:

December 17, 2019 minutes.

Upon a motion duly made by Dr. Guadagnoli, seconded by Dr. Canniff, the Board voted to adopt the minutes with one amendment, Item VI will reflect the motion was seconded by Dr. Guadagnoli. (Unanimously, voted in favor.)

Motion to Adjourn 5:03pm