

Town of Barnstable

Board of Health

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John T. Norman, Chair
Donald A. Guadagnoli, M.D.
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Daniel Luczkow M.D., Alternate

BOARD OF HEALTH MEETING MINUTES

DATE: Tuesday, September 22, 2020 3:00 PM

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, September 22, 2020. 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, Daniel Luczkow, M.D., Alternate. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present. Zoom Meeting - Meeting ID: 968 5035 2445.

I. Presentation and Information – Tattooing and Microblading.

Concensus of Board - microblading and tattooing should be considered similar to each other and viewed in the same manner to each other. Tattooing goes deeper than microblading. The health risks to both are essentially the same.

II. Variance – Septic:

A. Dan Ojala, Down Cape Engineering, representing Timothy Wakefield, owner – 111 Thankful Lane, Cotuit, Map/Parcel 039-027, 27,000 square feet parcel, requesting two variances for a failed septic system.

Tom Lee asked for the liner to be pulled up to cover the first leaching chamber as it is less than 20 feet from foundation.

Dr. Luczkow asked whether the prior leaching would be located. Yes, and if it lies within Borderline Wetland Vegetation (BWV), Dan Ojala with obtain administrative approval from Darcy Karle, Conservation.

Upon a motion duly made by Dr. Guadagnoli, seconded by Thomas Lee, the Board voted to grant the variances with the following conditions: 1) 40 mil liner will be adjusted to include covering the first leaching chamber on house side, 2) in removing the old leaching, once located, if it falls within the borderline wetland vegetation, administrative approval will first be obtained through Darcy Karle in Conservation, 3) corrections will be made on plan – setback of pump chamber (not tank), and Code is Section 360-1 setback to wetlands. Roll Call: Dr. Guadagnoli, Yes, Tom Lee – Yes, John Norman – Yes, (Unanimously, voted in favor.)

III. Bedroom Determination:

A. David Solomont, of 55 Briarwood Avenue, Hyannis, Map/Parcel 289-086, requesting bedroom count determination.

It was discussed that four bedrooms are in the structure, documentation was less clear, and the property is in a sensitive zone. The system is a three-bedroom design; therefore, options may include removing a bedroom, or putting in a de-nitrification system.

John Norman said the Barnstable Clean Water Coalition is looking for homeowners who will volunteer to put in their new type of system and they offer to absorb some of the costs with certain conditions including testing. He suggested a discussion with our town engineer to explore the possibility of putting this private road on town sewer with his neighbors support. Mr. Solomont was interested in researching these options as he was not under time constraints for the determination.

Upon a motion duly made by Dr. Guadagnoli, seconded by Mr. Lee, the Board voted to continue this item for sixty days to the November 24, 2020 meeting. Roll Call: Dr. Guadagnoli – Yes, Mr. Lee – Yes, Mr. Norman – Yes. (Unanimously, voted in favor.)

IV. Body Artist – Variances (Continued from August 25)

Corina Brown, Hyannis- Microblading applying at Lash Boutique, variance from the requirement of Anatomy and Physiology for a body artist license.

Applicant has submitted required paperwork for variance, has had training, and is licensed in Plymouth MA.

Upon a motion duly made by Dr. Guadagnoli, seconded by Mr. Lee, the Board voted to grant the variance for microblading as a body artist to Corina Brown. Roll Call: Dr. Guadagnoli- Yes, Mr. Lee – Yes, Mr. Norman – Yes.

Ms. Crocker inquired whether the applicant would need to come back to the Board after a period of supervision. It is not a requirement in the regulations. (It is not required in decision.)

V. Body Artist / Body Art Establishment (New):

Donald Lariviere, Body Artist applying to renew license with Town of Barnstable and have an establishment at: 76-B Falmouth Road, Hyannis.

Donald Lariviere had a body artist license with restriction of no body piercing from Barnstable in 2015-2017. He had been granted a variance from the Anatomy and Physiology requirement upon taking the Quincy Skin Course. He has had a body artist license in Bourne from 2017 to current and is applying to open his own establishment with his five years of experience. Mr. Lariviere is planning to be the only artist.

Upon a motion duly made by Dr. Guadagnoli, seconded by Mr. Lee, the Board voted to grant an establishment license and as he is not overseeing another body artist. Roll Call: Mr. Lee- Yes, Dr. Guadagnoli- Yes, Mr. Norman – Yes. (Unanimously, voted in favor.)

(He will also renew his license as a body artist, with no body piercing.)

VI. Hearing – Show Cause: Outdoor Storage (Continued from August 25)

Ursula Borrer, owner – 171 Able Way, Marstons Mills, Map/Parcel 046-113, repeated violation truck-loads worth of belongings strewn all over property outdoors.

Health Inspector Timothy O’Connell updated the Board of the current status. There has only been a slight amount of progress made, stating not remotely in compliance with Chapter 54.

Joe Accrocco, Ms. Borrer's representative, and Ms. Borrer were both present. Ms. Borrer said she has been working in the yard daily, pacing herself due to her health and age.

Mr. Accrocco said two large pine trees have been purchased to assist in screening. Plans include installing a stockade fence in front near driveway. Ursula has used the fire pit to burn a great number of items and is working towards the goal.

Ms. Borrer has had difficulty obtaining a contractor to work through project. Mr. Norman explained the Board had suggested non-profit charitable groups which may be willing to lend a hand; however, they are not able to make recommendations of private companies.

The Board was troubled to hear some of Mrs. Borrer's testimony was still trying to argue she is not in violation and she should be allowed to keep the items. It was felt she is showing a strong pattern of behavior without insight into what is acceptable and is not acknowledging it is in violation of a town ordinance.

The original notice to remove the excessive items was dated January 30, 2020. Had the fine of \$100/day been applied at that time, the fees would be in excess of \$27,000. The Board felt efforts to work with her had proven unfruitful.

Mr. Norman felt there is not going to be any movement unless there is a penalty and the Board does have the right to waive a fine at a future time. He recommended imposing the daily fine as of this meeting. There was general agreement.

Mr. McKean recommended beginning the Housing Court process.

Dr. Guadagnoli suggested this item return to the Board for update in October. If there is movement shown, the Board, as mentioned, would have opportunity to withdraw the penalty. Without movement, the fines over one month would be \$3,000.

Upon a motion duly made by Dr. Guadagnoli, seconded by Mr. Lee, the Board voted to (1) to impose the \$100/day fine as of this meeting, and (2) to begin the Housing Court process. This will be placed on the October 27th, 2020. Roll Call: Dr. Guadagnoli-Yes, Mr. Lee – Yes, Mr. Norman-Yes. (Unanimously, voted in favor.)

VII. Minutes:

None.

VIII. Additional Item:

John Norman welcomed the new Board member as the Board's alternate, Daniel Luczkow, M.D., and briefly discussed guidelines in communication amongst board members and parameters used for executive sessions.

Voted to adjourn meeting - 5:00pm