



Town of Barnstable

Board of Health

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F.P. (Tom) Lee, P.E., Alternate

BOARD OF HEALTH MEETING MINUTES

DATE: Tuesday, April 28, 2020 3:00 PM

This meeting of the Board of Health was being recorded and transmitted by the Information Technology Department of the Town of Barnstable on Channel 18.

Remote Participation Instructions

In accordance with the Governor's Order Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gathering of More Than 10 People issued on March 24, 2020, the April 28th public meeting of the Board of Health shall be physically closed to the public to avoid group congregation.

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Channel 18 and may be accessed the Channel 18 website at <http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>
2. Real-time public comment can be addressed to the Board of Health utilizing the Zoom link or telephone number and access code for remote access below.

Join Zoom Meeting

<https://zoom.us/j/97635254871>

Meeting ID: 976 3525 4871

1-888-475-4499 US Toll-free
Meeting ID: 976 3525 4871

3. Applicants, their representatives and individuals required or entitled to appear before the Board of Health may appear remotely and are not permitted to be physically present at the meeting, and may participate through the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to sharon.crocker@town.barnstable.ma.us, so that they may be displayed for remote public access viewing.
Public comment is also welcome by emailing: sharon.crocker@town.barnstable.ma.us

This meeting of the Board of Health is being recorded and transmitted by the Information Technology Department of the Town of Barnstable on Channel 18. Under MGL Chapter 30A Section 20, anyone else desiring to make such a recording or transmission must notify the Chair.

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, April 28, 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 Acting Chair Donald A. Guadagnoli, M.D. Also in attendance were Board Members Paul Canniff, D.M.D., and Alternate Tom Lee. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present. Board member John Norman was not able to attend.

Called to Order 3:00pm

I. Show-Cause Hearing – Food:

Lynda Allen, Director, and Rosevina Halley, Administrative Assistant, Crystal Gardens Learning Center, 103-B Enterprise Road, Hyannis, Map/Parcel 294-046, has not meant Board's grease trap variance condition in install a grease interceptor.

Lynda Allen and Rosevina Halley were present in the meeting. Lynda Allen stated their plumber said he can have the interior grease interceptor installed by mid-May. The learning center hopes to reopen by June 29, 2020. The original variance was granted September 8, 2015 with the condition an under the sink grease interceptor be installed. They acknowledged the oversight of not having this installed.

Town Engineer Griffin Beaudoin requested they keep a maintenance log and keep on site available. Normally, it is requested to submit the log to Water Pollution Control and/or Health Division. Provided the submitted menu is followed, he is comfortable the logs remain on site and available.

Upon a motion duly made by Dr. Canniff, seconded by Thomas Lee, the Board voted to grant a new grease trap variance based on the submitted menu with the following condition: 1) A plumber must pull a plumbing permit from the Building Division to install an interior grease interceptor and the plumbing inspector will verify it has been installed, and 2) a maintenance log and the cleaning of the interior grease interceptor must be maintained. Records must be kept on site and available upon request. (Unanimously, voted in favor.)

II. Informal Discussion – Nitrogen Aggregation:

Glen Harrington representing Aliaksandr Kadolka, owner – 457 and 465 Old Stage Road, Centerville, Map/Parcel 190-064 31,392 square feet parcel, and Map/Parcel 190-065 1.64 acre parcel, respectively, within the Salt Water Estuary Zone, nitrogen aggregation credit.

Glen Harrington said the calculations required for the Cape Cod Commission are very restrictive and even though they are looking to use land from 465 Old Stage Road and credit the land to 457 Old Stage Road, he still anticipates that he will need to install an innovative alternative (I/A) system at the location and he inquired whether the Board would consider this.

The Board members expressed that they do not anticipate an issue with that proposal. Mr. Harrington will return at the next Board meeting with a formal request.

III. Determination – Number of Bedrooms:

Sandra Trombley, owner, 1733 Osterville-West Barnstable Road, West Barnstable, Map/Parcel 128-036, requests a determination of property as a four bedroom.

Sandra Trombley participated in the meeting and submitted copies of two Building permits. One dated 1/09/86 for 7 rooms which appear to include three bedrooms, and a second one dated 3/19/87 which said it was for an additional bedroom and bath. At this time, an in-law apartment was added. There are a few inconsistencies in the records but the Board did find it reasonable to agree with the property having four bedrooms.

Upon a motion duly made by Dr. Canniff, seconded by Tom Lee, the Board voted on the motion to recognize the property as a legal four bedroom parcel. (Unanimously, voted in favor.)

IV. Variance - Food:

David Deminico, for Finn's Craft Beer Tap House – 334 Main Street, Hyannis, Map/Parcel 327-090, requesting (1) a grease trap variance due to restrictions of concrete foundation and difficulty in angle to connect to sewer line and (2) an air curtain variance for the proposed garage door entrance.

Mr. Deminico participated in the meeting. Town Engineer Griffin Beaudoin had gone to the site and he stated it would be too difficult to install an exterior grease trap for this location. He is in support of an interior grease recovery device (GRD). Griffin also said the existing GRD is not working properly and a new one must be installed.

First Variance:

Upon a motion duly made by Dr. Canniff, seconded by Thomas Lee, the Board voted to 1) grant a grease trap variance with the following conditions: 1) a new grease recovery device (GRD) must be installed, 2) the restaurant must do a weekly inspection of the GRD and maintain logs on the removal amounts of grease and the dates, and 3) The maintenance logs must be emailed to Water Pollution Control on a quarterly basis. (Unanimously, voted in favor.)

Mr. Deminico said he is also looking to install a 12' x 17' garage door. He is interested in installing an air curtain for the garage door but it would not have a screen as is also required.

Second Variance:

Upon a motion duly made by Dr. Canniff, seconded by Thomas Lee, the Board voted to approve the air curtain variance with the following condition: 1) Mr. McKean, Health Director, must approve of it and applicant must provide information Mr. McKean requests to make the determination. (Unanimously, voted in favor.)

V. Variance – Food

Lori-Ann Carter, District Manager and Elaina Hamelburg, General Manager-North Street location, requesting extension of time-frame to hold at temperature for their two locations: (1) 184 North Street, Hyannis, Map/Parcel 309-260 and (2) 2145 Iyannough Road, West Barnstable, Map/Parcel 215-027-001, for the following items and time frames: (a) Cheese (all) 4 hours, (b) Lettuce 4 hours, (c) Tomatoes 4 hours, (d) Onions 8 hours, and (e) Mayonnaise - not applicable, no time limit. The testing was submitted by Burger King Corporation.

Lori-Ann Carter and Elaina Hamelburg were in the meeting. The Board mentioned there is a question mark noted on the onion testing of 8 hours. It appears to be from Burger King. An explanation of whether Burger King supports the 8 hours on the onions needs to be presented.

Upon a motion duly made by Dr. Canniff, seconded by Thomas Lee, the Board voted to grant the two Burger King locations (184 North Street, Hyannis and 2145 Iyannough Road, West Barnstable) the extension to time-frame allowed to hold the following ingredients: Cheese, Lettuce (all), tomatoes, and onions will be allowed to be held four (4) hours and mayonnaise will not have an expiration (not applicable). Also, the Board granted the approval of extending the onions to 8 hours hold time on the following condition: 1) Thomas McKean, Health Director, receives further

information on onions and that Mr. McKean may approve of the hold time extension to 8 hours. (Unanimously, voted in favor.)

Additional: Later, Mr. McKean received the information on the onions –onions will be ok, as well.

VI. Subdivision # 367 –Modified.

Planning and Development has submitted for comment the Modification to Definitive Plan for Subdivision# 367, Arnold O. Johnson, Hi River Road, Marstons Mills, modification to reduce development by using three lots for tree farming.

The three members of the Board each stated they have no objections to the modification of Subdivision # 367 using three lots for tree farming prior to the installation of roads.

VII. Correspondence:

Letter from Stephen Walsh, Centerville, in support of a temporary ordinance for required face covering.

Stephen Walsh expressed that he would like to see an ordinance or a statement issued by the Board stating that they recommend the use of a face covering (for the nose and mouth area) whenever someone is entering a retail store. Stephen suggested if it were to at least start as a strong recommendation to all people entering a grocery store. He would like it for all stores but suggests possibly starting small and getting the support for grocery stores first. He would be happy to see any and all improvement.

Alison Lowe asked the question of who would have to enforce the ordinance if one was approved.

Mr. McKean said it is his understanding that if the Board of Health approved an ordinance, the Health Division would be responsible for the enforcement and the enforcement would be a difficult one.

The Board members stated they are in support of issuing a strong statement from the Board recommending patrons use a face covering for the nose and mouth areas (as masks are not available to all). Dr. Guadagnoli asked if Mr. McKean would check with the Town Attorney and see where the Town stands on the idea of a temporary ordinance.

VIII. Old / New Business:

Health Director Updates/Coronavirus Emergency.

Mr. McKean gave an update on Covid 19 and stated there are 161 positive cases in the town at this time.

Meeting Adjourned 4:28pm.