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Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601



Wayne Miller, M.D.
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BOARD OF HEALTH MEETING MINUTES

Tuesday, January 11, 2011 at 3:00 PM
Town Hall, Hearing Room, 2ND Floor
367 Main Street, Hyannis, MA

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on January 11, 2011. The meeting was called to order at 3:00 pm by Chairman Wayne Miller, M.D. Also attending were Board Members Junichi Sawayanagi and Paul J. Canniff, D.M.D. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

I. Hearing: Show- Cause for Stable Permit:

Sally Burke, owner of Sea Flash Farm – 2346 Meetinghouse Way, West Barnstable, 14 horses, violations of Chapter 376-8 and 376-9.

Sally Burke was present. There were three issues initially: 1) remove the manure on the ground and do not have any new placed there, 2) file a disposal waste plan with the Health Division, and 3) a receptacle to hold the manure was needed. At this point, the receptacle has been on location for two months. However, the employees are not following proper instructions of disposal. Inspections were done on 9/15/10 and again, today, 1/11/11. The manure is 20 feet high x 30 feet wide. This does not meet the regulations as waste is not allowed stored on the ground.

Bill Plettner, head of the Agricultural Committee, has been working with Sally to construct a plan.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to continue this to March 8, 2011 meeting and a letter will be mailed noting the following expectations to be met by July 1, 2011: the compost facility will be in operation, and the manure will be removed within a maximum of 7-10 days regularly, and all manure stored on the ground will be removed and no additional manure will be put on the ground. At the March 8 meeting, the Board would like a plan in place for the Board of Health approval, and a timetable for the implementation of it. (Unanimously, voted in favor.)

II. Hearing: Housing (New.):

Gary and Stacey Gustafson, owners – 118 Pine Street, Hyannis Map/Parcel 249-038, ceiling height.

There are four buildings on site. One (which includes the low ceilings) has a septic system for 6 bedrooms and currently has five bedrooms.) The other three buildings have one bedroom each and are fed into a second septic. These buildings were constructed in the 1920's.

The staff recommends limiting the occupancy per bedroom with low ceiling to one person and have a Deed Restriction recorded.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve one person occupancy per bedroom for the 9 bedrooms on the property with the condition that this is recorded properly at the County Registry of Deeds and a proper copy is submitted to the Public Health Division. (Unanimously, voted in favor.)

III. Hearing– Connect to Sewer:

William and Rita Amaral, owners – 30 Thornton Drive, Hyannis, Map/Parcel 296-008-00A, connection to sewer has not been done.

No one was present. Discussion focused on the new list obtained today of the list of those not hooked up yet. The whole situation is being taken into consideration currently.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to send another order letter requesting the owner hook up to town sewer within 6 months. (Unanimously, voted in favor.)

IV. Variance – Septic (New):

A. David Burnie, David J. Burnie Management, representing Steven Daniell, owner – 53 Uncle Willie Road, Hyannis, Map/Parcel 292 – 311, Aero-Stream aerobic septic system restoration requested.

David Burnie was present and discussed the system with the Board. He agreed that it is a similar type device as the Sludgehammer used at Fancy's Market, Osterville; however, this one will be used as a residential solution. This is a three bedroom house. This system is used on the leaching system but is not approved for general use for the septic tank.

David Burnie gave some general information on the system: it costs approximately \$3,500-4,000 for installation and a quarterly monitoring plan would cost ~ \$325/year. They would recommend pumping it every 3-4 years. After it is up and running, the system would be thoroughly serviced every 3rd or 4th year.

Mr. Burnie asked the Board if he would be allowed in the future to come to Health's counter to obtain permission to use this system. The Board considered the staff comments of wanting the Board to review new items as this and the Board determined that it would need to come to the Board at this time.

There does not appear to be a signed monitoring plan in hand yet. This is needed for approval. Is the applicant agreeable to quarterly for three years, at which time they can come back to have it reviewed by the Board. The monitoring plan will be recorded with the Registry of Deeds.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the system with the following conditions: a signed monitoring plan with quarterly monitoring for the first three years, at which time the owner can come back to the Board of review, there will be a recording at the County Registry of Deeds showing the required monitoring plan, and a proper copy of the recording will be brought to the Public Health Division and upon completion of system: an as-built will be submitted, along with a copy of the DEP approval letter. (Unanimously, voted in favor.)

- B. Linda Pinto, engineer, representing Kevin McCrea, owner – 97 Sterling Road, Hyannis, Map/Parcel 268-204, 0.23 acre lot, multiple variances, septic repair.

Linda Pinto was present.

Use the USGS for ground water elevation 3.5 feet. Dr. M would like to see a barrier on the side of the SAS so it doesn't leach into the pond. The law requires that the Board consider the one foot variance from ground level (from 5 feet to 4 feet.)

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve a Continuance to the February 8, 2011 meeting. (Unanimously, voted in favor.)

V. Variance – Food (New):

Michael Santos representing John Enwright, owner - Subway Sandwiches at Cape Cod Mall, 793 Iyannough Rd, Hyannis, toilet facility variance and grease trap variance.

Michael Santos was present.

No seating allowed.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the two variances: 1) a grease trap variance with the condition that a GRD is used and a daily recording of the amount of grease removed is maintained, and (2) a toilet facility variance granted to allow only one toilet (to be used for employees) as the public will be able to use the facility in the food court, with the condition that there will be no seating. (Unanimously, voted in favor.)

VI. Old / New Business:

- A. Tight Tank Project.

Karen Malkus, Health employee, presented her findings of the records of tight tanks issued through the DEP and Public Health Division.

All tight tanks must be approved by the DEP and must comply with the Board of Health. The DEP letters say that they only have to pump their tanks if used for three months.

A new "demand" type letter was requested by the Board be sent to the nine people specifying that they need to submit the proof of pumping to us.

Make sure that there is notification through the Deed. Suggested that the DEP letter must be recorded, and that

B. Proposed policy: Policy For Requesting Variances and Extensions From Connecting To Town Sewer.

On Hold. Need some input from Mark Milne, Finance and from the Town Attorney. Hopefully, this will be ready for the February 8, 2011 meeting.

C. Herbicide Spraying.

Dr. Canniff mentioned the article in the paper today that a large number of towns have signed on to requesting NStar limit their herbicide spraying. Dr. Canniff suggested the Board concern signing on. Dr. Miller said that the DEP says that the science shows that there is not a problem with the herbicides to the ground water.

We have a sole source aqua filter system. And this is more of an issue to Dr. Canniff of possible harm to our water supply versus to our water ways.

Dr. Miller commented that he has followed this issue closely and believes there is not scientific evidence of harm at this time.

The Board is willing to support a moratorium under further science is available.

D. Health Boards responses to Wind Turbines and Possible Health Issues.

Mr. McKean said he did contact the Falmouth Board of Health and they did not identify any health issues. Dr. Canniff said there was another article in the paper this week.

Dr. Canniff asked Mr. McKean to research Upper Cape's view on it, as well. Mr. McKean will contact them. Dr. Miller said he did a search on the computer and found there are not any scientific reports at this time to prove that it is scientific proof that the wind turbines are causing person health issues. There are only individual reports at this time stating that the turbines affect them.

Adjourned 5:25 pm.