



Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601



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

Wayne Miller, M.D.
Junichi Sawayanagi
Paul Canniff, D.M.D.

BOARD OF HEALTH MEETING MINUTES Tuesday, February 10, 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 Thursday, February 10, 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 – Underground Storage Tank

CONTINUED TO Jeffrey Lowery, owner – 88 Bay Road, Cotuit, MA.
MARCH 8, 2011 Underground storage tank.

II. Variances – Septic (Cont.):

- A. 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 and submitted a plan with two changes. She improved the location of the water line. She had realized that the existing tank was not within 10 feet of the water line so she moved this. Ms. Pinto added the note to the plan listing the variance of the pump chamber.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the variances with the following condition: 1) must record a four (4) bedroom deed restriction with the Barnstable County Registry of Deeds and, 2) must supply a proper copy of the recording with the Barnstable Health Division. (Unanimously, voted in favor.)

- B. Joe Henderson, Horsley Witten Group representing Town of Barnstable, owner – 425 Sandy Neck Road, West Barnstable, revised plan (prior Board of Health meeting was July 2010).

Joe Henderson was present and reviewed the plan. Also present was Nina Coleman, Manager of Sandy Neck.

Joe explained that originally the plan was designed with the expectation that the Cultural Interpretative Center (CIC) had been expected to be used as a

function hall. Since the original plan, the town has realized there are other regulations restricting the land from increasing the number of parking spaces in the future. It will remain at 200 parking spaces. They, then, changed the use of the building to be a three-season exhibit center (Spring/Summer/Fall) which will have educational items on display for people to walk through. The final plan is designed for 500 less gallons per day. The allowable flow is 2,753 gallons per day. With 200 parking spaces and 2 people per car, that would relate to 2,751 gallons per day.

Nina Coleman said the beach is an accreting beach, growing to the East. The sand shifts come and go and over time the beach will move towards the East (this reference is over a 150 year period). Bus permits are issued in ahead of time and must be parked off-site. Therefore, it would be hard to limit no buses once the parking lot is full. Buses arrive weekdays (the non-peak periods) with children from the local campgrounds. These groups do not present an issue as the parking is not full during the week.

The septic plan with the smaller leaching allows the system to be kept further from the edge. After further consideration of whether future needs may want increased septic capacity, the Board agreed with the notion of keeping the system smaller and further from the edge. The proposed system does meet the demands based on the formula normally used (2 people per car with the parking lot at full capacity at peak times) for the town beaches.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the revised plan dated 1/27/11 with the following conditions: 1) the building usage will not be changed to an higher use, and 2) the water use will be monitored monthly for the first two years and during the Fall of 2012, the Board will review the water use and may consider imposing parking/use restrictions. (Unanimously, voted in favor.)

III. Variances – Septic (New):

- A Down Cape Engineering representing Chris and Glenna Outwin, owner – 25 Ladd Road, Centerville, Map/Parcel 186-053, 41,782 square feet lot, setback variances to wetlands.

Dan Ojala was present and reviewed the plan.

Mr. McKean said the staff recommended a three (3) bedroom deed restriction.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve the variances with the following condition: A) must record a three (3) bedroom deed restriction with the Barnstable County Registry of Deeds, and (2) must supply a proper copy of the recording with the Barnstable Health Division. (Unanimously, voted in favor.)

- B. John O’Dea, Sullivan Engineering, representing Nathan Rudman, owner – Lot 31, portion of 40 Waterman Farm Rd, Centerville, M/P portion of 207-091-002, 88,280 square feet lot (buildable space), actual lot size is 5.2 acres, setbacks to water bodies.

John O’Dea and Nathan Rudman were present. John reviewed the plan and the history of the lot. The current total acreage can support up to 22 bedrooms and this portion up to 11 bedrooms. There was a septic plan which was approved in 1999. At that time, the 100 feet setback to wetlands did not exist. Then, in 2004, Sullivan Engineering asked the Board to clarify what was meant by “coastal bank”. At that point, the Board decided to use the State Title V regulation clarification. Then in 2006 again the decision was reshaped to include sea-ward face. This location is clearly falling under coastal banks today. Mr. Rudman said he is comfortable restricting the number of bedrooms to six. The land is surrounded by wetlands.

Discussion focused on the date of percolation tests and whether to use or not.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve with the following conditions: 1) two additional test holes will be done – one in the reserve area and one in the SAS area. 2) one new percolation test will be conducted to ensure it meets the standard criteria, 3) revise the plan to state that one foot of fill will be brought in to bring up to the five foot mark to groundwater mark, 4) a six (6) bedroom deed restriction will be recorded at the Barnstable County Registry of Deeds, and 5) a proper copy will be submitted to the Health Division. (Unanimously, voted in favor.)

IV. Modification of Comprehensive (40B) Permit #2003-090):

Peter Freeman, Freeman Law Group, representing JDJ Housing Development, LLC–‘The Village Green’, 0 Independence Drive (formerly 770), Barnstable, Comprehensive Plan # 2003-90 Map/Parcel 332-010-001, (previously discussed Aug 2010).

Mr. McKean said the plan has been reduced from 148 units to 120 units. The Board voted to approve the changes in the proposed plan dated 1/21/11 and respond with the same letter as was sent 8/25/2010 recommending 1) the management office be constructed during the first phase of the project, 2) the office be occupied by an onsite manager during the occupancy of any rental units, 3) consider the earlier proposed elevator(s) be included back into the plan in at least one or more buildings, and (4) the refuse storage be screened from the public view with lids kept closed, and the dumpsters emptied on a frequent and regular basis.

Mr. McKean said there are 60 units in each of the two phases. He said the staff recommended with such a large project, the owner should begin the rental registration process early.

V. License: Disposal Works (Septic Installer):

A. Warren Pena, West Falmouth, MA

Mr. McKean informed the Board Warren Pena had passed the exam and Mr. McKean reviewed Mr. Pena's references with the Board. All were supporting the licensing of Mr. Pena.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve Warren Pena as a Disposal Works Installer. (Unanimously, voted in favor.)

VI. Old / New Business:

A. Correspondence: Eric Winer -Rental Application Fee.

Letter read into the record.

1/07/11

Dear Barnstable Board of Health,

For the past 17 years I have tried to provide decent housing for financially deprived families and people in Hyannis. I own and rent 17 units for low income families and find the "RENTAL REGISTRATION" fees a financial hardship.

Most of my tenants are on Housing which performs annual inspections and sometimes bi annual, based on the same Sanitary Code as the Board of Health. Most of my tenants have requested to not have the Board of Health inspection. I have not received a rent increase in 8 years for all my housing tenants, both from B.H.A. and H.A.C.

With all the expenses going up every year, this Rental Registration is a burden. Water bills, tax bills, assessments, insurance, association fees, trash removal, snow plowing, landscaping, management, area lighting, security patrols, repairs and maintenance have all increased.

If anything can be done to eliminate or reduce the rental registration fee would be greatly appreciated, especially as all my units are on the same map #292 and most of them are abutting properties.

Thank you.

Eric J. Winer

The Board of Health stated this is out of their control. The Town Council has that authority.

The Board will send a letter Mr. Winer to let him know this is not the Board of Health's authority. The Board will also forward a copy of their letter to Mr. Winer, along with Mr. Winer's letter, to the Town Council. (Unanimously, voted in favor.)

B. Proposed policy: Existing Residential Ceiling Height-minimum 6'8"

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the policy relating to floor-to-ceiling heights of 6'8" or greater in existing structures:

The owner of a dwelling with a room(s) containing a floor-to-ceiling height of 6'8" or greater in an existing structure may receive an automatic field variance from a health inspector, or other qualified agent of the Board of Health, performing a housing inspection.

This policy to allow granting of a field variance shall only apply to dwellings with existing habitable rooms constructed before July 1, 1976, the date of adoption of the Massachusetts Building Code.

The health inspector shall provide a written recording of the field variance which shall be kept on file at the Health Division Office. It shall be the responsibility of the owner to properly record the variance decision onto the deed of the property

Owners of dwellings with ceiling heights less than 6'8" shall continue to be required to submit a written request for variance from the Board of Health. "

(Unanimously, voted in favor.)

Voted to adjourn 4:30.