



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING MINUTES

Tuesday, April 12, 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 Tuesday, April 12, 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 – Food Variance:

Aaron Webb, The Daily Paper, 644 West Main St, Hyannis – lease notification regarding insufficient number of toilet facilities.

Aaron Webb was present. He informed the Board that the owner at the time of the Board hearing in January 2008, he was looking at buying the property once his lease came up for renewal and that is why he had considered covering the cost of the additional bathroom. Someone else ended up purchasing the property and he feels it is an unfair burden to request of a renter.

The Board will have Mr. Webb bring additional suggestions to the June meeting, stating the possibility of a toilet facility upstairs. The Board would like information gathered for the next meeting on other locations that the Board approved unisex toilet facilities and to compare the number of seating at the establishments.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to Continue until June 14, 2011 meeting. (Unanimously, voted in favor.)

II. Hearing – Pool (Cont.):

George Simpson, owner – Anchor In, One South Street, Hyannis, lifeguard requirements (continued from March 2011).

Dr. Miller read the proposed policy and broke it down having the Board discuss and vote on each item.

Signage: 'Children under 16 shall not use swimming pool without a responsible adult in attendance.'

Yes, all in favor.

Signage: 'No alcohol allowed in the pool area.'

Yes, all in favor.

Maximum pool occupancy of 20.	Yes, all in favor.
Access to pool area by key or key card	Yes, all in favor.
Maximum pool depth for 5 feet for all new pools, and Newly renovated pools. Pre-existing pools do not need to Apply for a variance.	Yes, 2 in favor, No= Dr. Canniff.
No diving board, slides, or other such appliances.	Yes, all in favor.
Pool Hours from 8am – 9pm, if no lifeguard or qual.swim.	Yes, all in favor.
No organized/scheduled children’s activities without a Lifeguard or qualified swimmer	Yes, all in favor.
Staff member with adult and child CPR on site	Yes, all in favor.
Trial Time Period: One Year	Yes, all in favor.
Limited to facilities with 50 units or less	Yes, all in favor.

Prior to the Board voting on the policy as a whole, Dr. Canniff stated that he believes a lifeguard and/or qualified swimmers are worth the expense to potentially protect human life.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve the above policy for a trial period of one year to be limited to pools at sites with 50 units or less. (Two voted in Favor, One voted to Deny-Dr. Canniff).

III. Variances – Septic (New):

- A. Carmen Shay representing Allen Halliday, Trustee – 154 Eel River Road, Osterville, Map/Parcel 115-010-001, 74,985 square feet lot, setback variances for septic tank and pump chamber to wetlands (Postponed from March 8, 2011).

Carmen Shay presented the plan.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the plan for a five bedroom septic with a three bedroom Deed Restriction until a five bedroom plan is submitted to the Board, at which time the Deed Restriction will be lifted. (Unanimously, voted in favor.)

- B. Dan Ojala, Down Cape Engineering, representing Scott and Maura Hempstead – 34 Ridge Rd, West Barnstable, Map/Parcel 216-024, 24,250 square feet lot, three septic variances.

Dan Ojala was present. The property currently has a private well and this leads to the Title V regulation stipulating that the property can only be used as a two bedroom with a two bedroom deed restriction.

- C. Dan Ojala, Down Cape Engineering, representing Albert Colton – 94 Holly Point Road, Centerville, Map/Parcel 232-042, requesting an extension of septic replacement.

Dan Ojala was present and acknowledged the extension has expired. He would like to have another extension.

Dr. Miller said that without seeing a specific plan, he is reluctant to approve a plan.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve the extension of the septic replacement until September 15, 2011, and the Board prefers the installation to occur sooner, if possible. (Unanimously, voted in favor.)

WITHDRAWN D. Mark Marinaccio and John Juros, Department of Public Works, request to upgrade existing toilet facility with Title V variance at Joshua's Pond, Osterville, seasonal use only.

IV. Subdivision# 820:

Dan Ojala, Down Cape Engineering, representing Stephen E. Wallace, –0' High Street, a.k.a. Wayside Lane Extension, West Barnstable, Preliminary Plan Subdivision# 820 in Historical District, Map 110, Parcel 007, 2 lots on 6.96 acres, within the Resource Protection Overlay District.

Dan Ojala was present and reviewed the plan.

Mr. McKean said the staff commented on page 2, the proposed Well does not meet the 10 feet separation.

Upon a motion duly made by Junichi Sawayanagi, seconded by Dr. Caniff, the Board voted to approve Conditions: Well needs to be relocated to be 10 feet from property line, and subject to no grinding of stumps, etc. (Unanimously, voted in favor).

V. Variance – Food (New):

- A. John Greene representing Oceans 10 – 10 Ocean Street (formerly The Black Spot), Hyannis, grease trap variance.

No one was present.

Mr. McKean said there are a couple items on the floor plan which he would like to see moved – the mop sink and the sandwich unit. Otherwise, with the proposed menu and with the limitations of the lot itself, the grease recovery devise is a good alternative.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to Continue to the May 10, 2011 meeting. (Unanimously, voted in favor.)

- B. Michael Santos representing Cape's Best Gyros & Grill – 569 Main St (formerly Café Samedy), grease trap variance.

No one was present.

Mr. McKean said that Bob Burgmann, Town Engineer -DPW and the Health Division are not supporting the use of a grease recovery devise with this menu. It should have a grease tank installed and there should be space at the lot.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to Continue to the May 10, 2011 meeting. (Unanimously, voted in favor.)

VI. Body Art Establishment / Artist:

Alex Travassos, Artist/Owner, Black Pearl Tattoo – 509 Main Street, Hyannis, variance for Artist License.

Alex Travassos was present. He had operated in New Hampshire for seven years.

New Hampshire had never had a history of offering any courses in the field, so he sponsored such courses, along with requiring and sponsoring each of his employees to have CPR and First Aid course, along with blood borne pathogen courses, held on site.

The Board voted to approve a one year temporary body artist permit to Alex Travassos with the following conditions: 1) Mr. Travassos to contact the State of New Hampshire and get in writing the criteria for a body artist, 2) provide proof/copies of his NH body artist licenses for a number of the years to the Health Director, and 3) complete the Quincy Skin Course. Upon completion of the conditions to Mr. McKean's satisfaction, a temporary permit of one year will be issued.

VII. Old / New Business:

WITHDRAWN A. Proposed revisions to Article III Section 360-3 Floodplain Sewage Regulations.

- B. 986 Sea View Avenue, #A, Osterville.

Will be on the May 10, 2011, meeting agenda.

C. Board of Health Officers.

Continue to the May 10, 2011, meeting.

VIII. Septic Variance (New):

Postponed to May 10, 2011 BOH Meeting	Peter Eastman, Howard Boats – 164 Beale Way, Barnstable, Map/Parcel 280-004, 0.50 acre lot, boat building and repair requesting approval for composting toilet, currently no plumbing.
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