



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING MINUTES Tuesday, December 11, 2012 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, December 11, 2012. The meeting was called to order at 3:00 pm by Chairman Wayne Miller, M.D. Also attending was Board Member Junichi Sawayanagi. Board Member Paul J. Canniff, D.M.D. was not present. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

I. Hearing - Septic Repair – Deadline Extension:

Philip and Doreen Fingado, owners – 241 Cap'n Crosby Road, Centerville, Map/Parcel 193-179, 0.79 acre parcel, failed septic system, requesting an extension.

Philip was present and said the percolation test is scheduled for next week. After that time, he will obtain bids for the repair. He is living at the location.

Mr. McKean said the staff was comfortable with an extension provided the tank is pumped as needed and he noted that on page 12 of the inspection it states that the level in the SAS is nearing the outlet.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve a 90-day extension for septic repair deadline with the condition that the system will be pumped as needed.

II. Variance – Septic (New):

Albert Pulsifer, Sr, owner – 85 Clamshell Cove Road, Cotuit, Map/Parcel 006-055, 21,358 square foot lot, variance to add handicap bedroom and bathroom on first floor.

Mr. Pulsifer was present and said his wife is handicap and they need to modify the house to construction a bedroom and bath on the first floor. The septic system is designed for three bedrooms and the house currently has three bedrooms. He is unable to open the casing in any of the rooms upstairs due to the stairway.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Miller, the Board voted to approve construction of a bedroom downstairs with the following conditions: 1) record a three bedroom deed restriction with the Barnstable County Registry of Deeds, 2) submit a copy of the recorded deed restriction, with page and

book number, to the Public Health Division, 3) identify on the submitted floor plan to the Public Health Division which room upstairs will be used as a den, rather than a bedroom, and 4) that upstairs den will have the door, itself, removed from hinges. It's casing will be allowed to stay in place. (Unanimously, voted in favor.)

III. Variance – Septic (Cont.):

- A. Matthew Eddy, Baxter Nye Engineering, representing Joyce Angelo, owner – 280 Long Beach Rd, Centerville, Map/Parcel 185-026, 7,038 square feet parcel, requesting multiple variances.

Matthew Eddy was present.

Dr. Miller and Mr. McKean explained that with further conversation with the staff today, there is still concern of approving such a plan. The Health Coastal Resource staff member said that the Centerville River has significant microbial contamination. This property would add to it as it is new construction on a vacant lot.

Dr. Miller said that this plan would open up a new territory of allowance on setbacks and prior to doing this, Dr. Miller would like to set up a workshop with the Health staff. The purpose of the workshop would be to determine how they would like to change the regulations to help clarify for the Board when to accept variances of setbacks at various distances.

Dr. Miller believes the system proposed is very impressive and sounds promising. However, they have not been addressing their decisions in this same manner as offered here. Dr. Miller said Matt has supplied the Board with additional tools to analyze properties which propose setbacks within the 100 feet of a coastal bank.

Dr. Miller asked Matt if he would be interested in continuing this to February 12, 2013, allowing Mr. Eddy time to meet with Conservation and see if they approve of the retaining wall. It will also allow time needed by the Board of Health.

Upon a motion duly made by Dr. Miller, seconded by Mr. Sawayanagi, the Board voted to approve a continuation to February 12, 2013 meeting. (Unanimously, voted in favor.)

- B. Dan Ojala, Down Cape Engineering, and Gregory Callahan, GDC Architects, representing Samir & Janie Barber, owners – 10 Hyannis Avenue, Hyannis, Map/Parcel 287-131, 44,131 square feet parcel, failed septic, multiple variances requested.

Dan Ojala was present and reviewed his plan for the Board.

The Board acknowledged the site is restrictive. The State of MA has code# 15.213 which deals with construction velocity. However, the regulation states it does not apply to any building which pre-existed prior to 1995. This house is, therefore, exempt from the regulation as it was built much before that date.

The Board reviewed the Town Code 360-4 which states that whenever the system is in a flood zone (this property is at the flood water level of 15 feet.), the system must be designed to minimize or eliminate infiltration of floodwaters into the system. Upon review of the plan, the Board acknowledged that the system is protected as much as possible and pointed out the regulation was written in 1977 which was before the watertight covers for septic were designed.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Miller, the Board voted to approve the plan with the variances with the following conditions: 1) record an eleven bedroom deed restriction with the Barnstable County Registry of Deeds and, 2) submit a copy of the recorded deed restriction, with page and book number, to the Public Health Division. (Unanimously, voted in favor.)

IV. Title V- Septic Inspection Review:

Donald and Donna Pires, owners – 480 Nottingham Drive, Centerville, Map/Parcel 147-015. Original inspection failed on 08/18/2011, followed by one conditional passed inspection and one passed inspection, at least six months apart.

Donald Pires, owner, and Eric Stevenson, septic installer, were present. There have been four septic inspections performed at this location in the last two years. The first inspection was on 8/18/11. The inspection report noted on page 10 that the septic tank was leaking at the seams and on page 13 it was noted that there were stains at the invert, thus hydraulic failure.

A second inspection was done 2/15/12 and received a conditional pass. Page 10 on the report noted the tank was sound, mentioning there may be a slight leak in the seam.

There was a third and fourth inspection done in October and November 2012 – both of which passed.

Mr. McKean said the he and the staff do not have any objections to accepting the status of the septic system as a passing grade.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Miller, the Board voted to accept the septic system as a passing septic system. (Unanimously, voted in favor.)

V. Variance - Body Artist:

Neftali Vallejo – applying as Body Artist Apprentice with Alex Travassos, Black Pearl, 509 Main St, Hyannis.

The applicant submitted an incomplete application. The name of all occupations in the last two years was left blank and the first question on page two was not addressed. Also, the print-outs for the First Aid, Blood Pathogens, and CPR are not clearly identifying the person which they apply to. The CPR is not a certificate with a name and an expiration date. It appears to be the completion of a quiz. This does not meet the regulations. A picture of the applicant is also required.

Upon a motion duly made by Dr. Miller, seconded by Mr. Sawayanagi, the Board voted to approve Neftali Vallejo as a body artist. (2 voted to Deny-unanimous.). Denied due to an incomplete application. The applicant may re-submit a complete application in the future if the requirements are met.

VI. Tobacco:

Propose Ban of Tobacco Sales at Pharmacies.

The National Association for Local Board of Health's has said a number of communities have enacted regulations prohibiting pharmacies from selling tobacco citing that the pharmacies are the first step people take to obtain health assistance and, thus, a pharmacy is a health care institution. To facilitate their duties, they are to provide health care. They stated that it sends the wrong message to have pharmacies provide health care and to sell tobacco products at the same time. With a reduction in the locations where tobacco is sold, there will be less triggers prompting minors to buy cigarettes.

The Town Attorney has drawn up a proposed regulation banning the sale of cigarettes at pharmacies and stores which contain a pharmacy in them. The proposed regulation will be available to read on the town website at www.town.barnstable.ma.us. The proposed regulation will also be available at the Public Health Division at 200 Main Street, Hyannis and will be on the Tuesday, January 15, 2013 Board of Health agenda.

The Board of Health will consider written comments to the Board. (Please submit prior to the January 6, 2013 to allow the information to reach the Board members.) Also, people are welcome to comment at the Board of Health meeting on Tuesday, January 15, 2013.

VII. Old / New Business:

A. Announcement of special meeting-Sewer Connection – Mon. 1/14/13 at 3pm

The Stewart Creek area is now available to connection. The DPW will be sending out letters to let the residents know about the abatements and hook-ups. The DPW is currently waiving the connection fee of roughly \$400 to encourage people to hook-up promptly.

The special meeting on Monday, January 14, 2013, will be to set up time-frames for required hook-ups and circumstances under which extensions will be granted. There will be discussion as to consideration given to the newer septic systems in use or whether the system is close to failure, or somewhere in between.

The Growth Management has secured a grant program which covers most of the cost of hook-up for those which qualify. There is also a loan program available through the County. For those who need grinder pumps, grinder pumps are available to purchase through DPW at great savings.

B. Subject to Legal Review Prior to Meeting: Guideline Revision: Mobile Food Units, No. 2012-02

This continues to be reviewed by the Legal Department and the Board of Health.

C. Subject to Legal Review Prior to Meeting: Catering Requirements,
No. 2012-003

This continues to be reviewed by the Legal Department and the Board of Health.

Voted to Adjourn 5:00pm.