



Town of Barnstable

Board of Health

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Donald A. Guadagnoli, M.D.
Alternate: Cecile Sullivan, RN, MSN

BOARD OF HEALTH MEETING MINUTES Tuesday, October 24, 2017 at 3:00 PM Town Hall, Hearing Room 367 Main Street, 2nd Floor, Hyannis, MA

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, October 24, 2017. The meeting was called to order at 3:00 pm by Chairman Paul Canniff, D.M.D. Also in attendance were Board Members Junichi Sawayanagi and Donald A. Guadagnoli, M.D. Alternate Member Cecile M. Sullivan, RN, MSN was unable to attend. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

I. **Variance – Septic (also see Item V):**

- A. J.E. Landers-Cauley Engineering representing Dennis Kerkado, Trustee, Bayridge Realty, LLC – 186 Bay Road, Centerville, Map/Parcel 186-026, 1.15 acre parcel, failed septic system, requesting one variance.

Jack Landers-Cauley explained that he re-designed the plan for the four bedroom house (instead of the three bedroom plan originally submitted) and distributed the revised plan dated 10/20/2017 to the Board which contained few changes. The plan has a 2000 gallon partitioned tank. An injector pump is in the 500 gallon side which leaves 1500 gallons for the septic.

Mr. McKean asked if there was proper egress from basement bedroom. There is a walk-out door but he was not sure whether windows in bedroom are proper egress.

Dr. Canniff would like to wait until next meeting to obtain the answer on bedroom egress.

Upon a motion duly made and seconded, the Board voted to continue this item to the November 28, 2017 meeting. (Unanimously, voted in favor.)

- B. J.E. Landers-Cauley Engineering representing Linda Kaye Linde, owner – 42 Route 130, Cotuit, Map/Parcel 010-006, 1.08 acre parcel, failed septic system, multiple variances requested.

Jack Landers-Cauley presented a revised plan dated 10/19/17. He mentioned that this system has zabel filters which do get clogged faster so the engineer put on the plan that the filters are to be inspected and maintained at least once a year.

Upon a motion duly made and seconded, the Board voted to grant the variances with the following conditions: 1) a revised plan will be submitted which will add the variance request of setback from septic tank to well (less than 100 feet), 2) a two-bedroom deed

restriction will be recorded with the Barnstable County Registry of Deeds and 3) an official copy will be supplied to the Public Health Division. (Unanimously, voted in favor.)

C. Daniel Ojala, Down Cape Engineering, representing Brian Buttrick, owner – 220 Horseshoe Lane, Centerville, Map/Parcel 207-135, 0.23 acre parcel, two setback variances.

Board member Jimmy Sawayanagi recused himself and left the room for this item.

In answer to Mr. McKean's question, Mr. Ojala stated the initial elevation was 4.0 feet with an adjusted groundwater of 1.8 feet for a total of 5.8 feet.

Mr. McKean said the staff supported the proposed plan.

Upon a motion duly made and seconded, the Board voted to grant the variances with no conditions. (Vote: Two in favor, Junichi Sawayanagi recused.)

After the vote, Mr. Sawayanagi returned to the meeting.

II. **Sewer Connection Deadline – Stewart Creek Area:**

A. Dennis and Vicki Marchant, owners – 31 Paine Avenue, Hyannis, Map/Parcel 289-119-001, requesting deadline extension.

Dennis Marchant asked for an extension until May or June of 2018. His original deadline was June 2016. He has received a proposal from a contractor and is lining up the connection to the sewer after his granddaughter has finished college next May and after expenses.

A one year extension to November 30, 2018 was discussed.

Upon a motion duly made and seconded, the Board voted to extend the deadline to connect to sewer to May 30, 2018. (Unanimously, voted in favor.)

B. Jack Greenslade, owner – 27 Betty's Pond Road, Hyannis, Map/Parcel 290-084, requesting deadline extension.

Jack Greenslade came up from Connecticut. He asked for an extension as he has had a number personal items come up this year.

Upon a motion duly made and seconded, the Board voted to extend the deadline to connect to sewer for one year (November 30, 2018). If he is unable to meet that deadline, the Board stated he may request an additional year in writing and will not have to travel up for the meeting. (Unanimously, voted in favor.)

III. **Variance – Food:**

Attorney Steven Pizzuti representing Jorge Siguencia, owner of Casa Peru Fusion Restaurant – 302 Main Street, Hyannis, Map/Parcel 327-095, increase seating to 67 seats, toilet facility variance.

The landlord wrote into the restaurant's lease there is an allowance to use the second floor restrooms provided the Board of Health requires it for the restaurant. These will be used for the staff restrooms, the restaurant will be responsible for the cleaning of them, and must secure the access to the second floor when the restaurant is not in operation.

Upon a motion duly made and seconded, the Board voted to grant the increase in seating from 49 to 67 seats with no conditions (other than requiring that the two upstairs restrooms will be available for staff). (Unanimously voted in favor.)

IV. Temporary Food Event:

Leslie Ballotti, Director of Cranberry Sunset Farm representing First Annual "Harvest" Fundraiser Event, at 1964 Main Street, Marstons Mills, on Sunday, October 29 from 1-5 pm with (1) mobile food trucks offering hot/cold sandwich, hot/cold beverages, salads, soups, chips, pastries ice cream and cookies, (2) kettle popcorn offered by Cape Cod Wicked Good Kettle Corn, (3) cider and donuts donated by Trader Joes, (4) juice from The Local Juice, and (5) a beer garden by Cape Cod Beer.

Peter Dyrmess represented Cranberry Sunset Farm. He said the Monster Cookie mobile truck and Wicked Good Kettle Corn are unable to attend. They would be interested in similar menus for the future years.

Upon a motion duly made and seconded, the Board voted to grant the event as an annual temporary food event with the following condition: any mobile truck without an annual food permit from the Town of Barnstable must bring the mobile truck to the Health Division and must obtain a satisfactory food inspection prior to the event. (Unanimously, voted in favor.)

V. Variance – Septic:

Matthew Eddy, Baxter-Nye Engineering, representing Ben Lasordo, Trustee – 1254, Main Street, Osterville, Map/Parcel 119-056, using a Nitrogen Aggregate Plan with 1276 Main Street, Osterville, both parcels are in Zone II with same owner, variance requested.

Upon a motion duly made and seconded, the Board voted to approve the variance with the following conditions: 1) This is subject to Dr. Canniff discussing with Brian Dudley, MA Department of Environmental Protection (DEP) and clarifying that DEP does allow the use of only partial amounts of a parcel being used for "credit land" in a nitrogen aggregate plan and the remainder of the land may still be used for other purposes, 2) the restaurant will be restricted to 10 seats, and 3) the food is restricted to similar items of the submitted menu, and 4) "fast food" category of using disposable paper goods and paper ware. (Unanimously, voted in favor.)

VI. Minutes:

Minutes - September 26, 2017 meeting.

Upon a motion duly made and seconded, the Board voted to adopt the minutes with the noted change under IV. (Unanimously, voted in favor).

Voted to Adjourn: 5:15 pm.