



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING MINUTES

Tuesday, May 22, 2018 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, May 22, 2018. 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. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

I. Lifeguard Exemption Requirements (Cont.)

Todd Deluca, President & CEO, Greater Hyannis Chamber of Commerce.

The Board voted to approve Draft 5 with one change: Children under age 16 shall not use swimming pool without a responsible adult in attendance, and the signage shall list this.

Summary of Draft 5:

Year-round exemptions will continue to be offered to facilities with 75 or less year-round units and will meet the criteria currently in effect with a few exceptions. 1) Children under age 16 (instead of 18) shall not use swimming pool..., 2) Adults shall not (instead of may not) swim alone, and 3) there shall be two (instead of one) staff members, with adult and child CPR certification and First Aid Certification on the premises all times pool is open.

Seasonal Exemption: With the exception of three facilities, the YMCA, the Resort and Conference Center, and the Cape Codder, those facilities limited to 75 units or less occupancy during the "off-season" time period of November 1 through April 30th each year shall be exempt from the lifeguard and qualified swimmer requirements and shall instead provide two staff members with adult and child CPR and First Aid certifications on the premises when the swimming pool is open. However at these same facilities with 76 units or more during the "peak-season" identified as May 1st through October 31st, fully certified lifeguards and/or "qualified swimmers" are required at each pool site. When operating under the seasonal exemption, the criteria which will be applied is the same as noted in year-round exemptions (above).

II. Pool – Variance for Lifeguard Deregulation Modification (Cont.):

Re-open off-season variance granted: Jay Patel, General Manager/Owner, Best Western – 1470 Iyannough Road, Barnstable.

No one was present.

Upon a motion duly and seconded, the Board voted to continue this item to the June 26, 2018 Board meeting. (Unanimously, voted in favor.)

III. Hearing – Tobacco Violations:

Bob Collett, Barnstable County Tobacco Enforcement.

A. First Violation:

1. Mohammad Shafique, Pepper's Pantry-Big Daddy's Pizza, 4120 Falmouth Road, Cotuit
2. Ashfaq Roshan, Quick Stop, 3821 Falmouth Road, Cotuit
3. Marwan Imad for Jay Imad, Sav-On Gas, 381 Camp Street, Hyannis/W. Yarmouth

The Board discussed the violations being the first in three years. Dr. Canniff was in support of a fine for the first violation as recently discussed by the Board.

Upon a motion duly made and seconded, the Board voted to issue a warning for the three establishments. (Two voted in favor of a warning, Dr. Canniff opposed.)

B. Second Violation:

David Thornton, 228 North Street Automotive, North Street, Hyannis

Mr. Thornton put in a request shortly prior to the meeting to continue this item to the June meeting. The Board felt this needed to be handled promptly.

Upon a motion duly made and seconded, the Board determined to issue a \$200 fine and suspend the tobacco permit for 7 days starting Tuesday, May 29, 2018. The suspension will continue if the owner does not have a MA State license to sell cigarettes. (Unanimously, voted in favor.)

IV. Variance – Septic:

- A. Chuck Rowland, Sullivan Engineering, representing B.F. Saul, owner – 347 Eel River Road, Osterville, Map/Parcel 115-001, 1.1 acre lot, repair of failed septic system, requesting variances for depth of components.

Upon a motion duly made and seconded, the Board voted to grant the variances with the following conditions: 1) record a 6-bedroom deed restriction, and 2) the engineer will obtain the bedroom measurements to see whether they are 70 square feet or greater.

(Unanimously, voted in favor.)

- B. Shaun and Mary Harrington, All Cape Well, and Peter Johnson, owner – 70 Moco Road, West Barnstable, Map/Parcel 215-006, 0.54 acre lot, emergency replacement of well, requesting variance of septic to owner's well.

Upon a motion duly made and seconded, the Board voted to grant the variance with the following condition: 1) the owner will do an annual water test on their well. (Unanimously, voted in favor.)

V. Permit – Body Artist (New):

Emma Zavaski, Hyannis, has taken anatomy and physiology, interested in employment at Pincushion, 600 Main Street, Hyannis

No one was present.

Upon a motion duly made and seconded, the Board voted to move this item to the June 26th meeting. (Unanimously, voted in favor.)

VI. Permit – Body Art Establishment (New):

Ivan Bulmaga representing Ekaterina Morozova, owner of Lash Boutique is looking to open a second shop located at 37 Barnstable Road, Hyannis, with Kate Sajin, R.N. operating this location when open, and will work at 26-A Barnstable Road, when closed.

No one was present.

Upon a motion duly made and seconded, the Board voted to move this item to the June 26th meeting. (Unanimously, voted in favor.)

VII. Variance – Food (Cont.):

A. Fulya Tanyu, owner of Compass Café and the Four Points Tavern in the Hyannis Inn - 473 Main Street, Hyannis, air curtain variance request for outside seating, continued from April 24, 2018.

Upon a motion duly made and seconded, the Board voted to grant the variance with the following conditions: 1) within 120 days they must install one air curtain and have a screen door on that exit for food, and 2) they must use the cambro equipment to bring the food they are serving to the other building. (Unanimously, voted in favor.)

B. Russell Smith, Island Twelve Restaurant and Bar – 16 Barnstable Road, Hyannis, space previously part of KKatie’s Burger Bar, Main/Barnstable Rd, Hyannis, continuation of grease trap variance request.

No one was present. DPW had mailed a letter dated 5/9/18 to the Board and to the applicant stating they do not support granting the variance. An exterior grease trap is needed in their opinion.

Upon a motion duly made and seconded, the Board voted to **deny** the grease trap variance as requested by WPC and, thus, a grease trap is required to be installed prior to operation. (Unanimously, voted against granting variance; therefore, variance denied.)

C. Chandler Bosworth and Enrique Valdovinos, owner of Mi Pueblo – 459-B Main Street, Hyannis, Map/Parcel 308-083, requesting grease trap variance with Big Dipper Grease Recovery Device (GRD).

No one was present. The establishment has been in operation for four years and knows a grease trap is necessary. DPW recommended denying the variance and requiring a grease trap be installed by July 4th. The owner is trying to locate a new space as he can’t afford the grease trap.

Upon a motion duly made and seconded, the Board voted to continue this item for 30 days (to the June 26th meeting). (Unanimous, voted in favor.)

VIII. One Day Temporary Food Events:

- A. Jessica MacAleese, Cape Symphony and Conservatory, requesting “Music on Tap” event on Thursday, June 21, 2018 at 2235 Iyannough Road, West Barnstable at 5:30 with a menu of fried chicken on waffles, eggplant rolatini, clam chowder and bread.

Jessica MacAleese was present.

Upon a motion duly made and seconded, the Board voted to grant the temporary food event with the condition that the food tables in the center with self-serve food be removed, and there be a minimum of two servsafe persons, one on each side of the event to each oversee three tables close together. (Unanimously, voted in favor.)

- B. Keith Bellevue, Cape Cod Melody Tent, requesting the Scallop Festival event to be held at the Melody Tent site on August 4, 2018 at 5pm with a menu of fried scallops, french fries, pre-cooked chicken tenders, and coleslaw.

Keith Bellevue was present and stated they are still working out the location of the fryers with the Fire Department.

Upon a motion duly made and seconded, the Board voted to grant the temporary food event subject to the approval of the Fire Department. (Unanimously, voted in favor.)

- C. Jennifer Williams, Osterville Farmers Market requesting:

1. Michael’s Donut, requesting change from three dates maximum, during the summer to 14 dates (every Friday, along with Saturday, October 6th).
2. Stir Crazy-er vendor serves all plant-based foods and is requesting cooking 14 dates (every Friday, along with Saturday, October 6th).

Two motions:

Upon a motion duly made and seconded, the Board voted to grant the two vendors for fourteen dates during the Farmer’s Market season. (Unanimously, voted against fourteen dates).

Upon a motion duly made and seconded, the Board amended the request to grant the two vendors for three dates during the Farmer’s Market season. The dates will be identified at a later time. The Board suggested Stir Crazy-er package their vegetable wraps in their kitchen and sell at the market and then all dates would be available to them. (Unanimously, voted in favor.)

IX. Hearing – Dumpster (Cont.)

Robert Murphy, Portside Tavern – 72 North Street, Hyannis, dumpster issue, continued from December 19, 2017 meeting, results of research into plot plan.

No one was present.

Upon a motion duly made and seconded, the Board voted to require Robert Murphy to move the dumpster onto his property (as the Board was not given evidence that the location where the dumpster currently is owned by him.) (Unanimously, voted in favor.)

X. Hearing – Housing:

- A. William Doriss, tenant – 52 Oak Neck Road, Hyannis, multiple items outdoors and not stored out of sight, owner unable to obtain compliance from tenant.

No Fine. Continue for 30 Days and Re-Inspect.

Continued for 30 days and will have the health inspector re-inspect. If he does make arrangements to inspect inside, the owner would like to accompany the health inspector.

- B. Charles Pisacano – Apartments A-7 and A-8 , 26 Yarmouth Road, Hyannis, undersized rooms, previously approved through amnesty program.

Upon a motion duly made and seconded, the Board voted to grant the exemption to bedroom size to both units A-7 and A-8 (pre-existing units). (Unanimously, voted in favor.)

XI. Informal Discussion:

- Ron Cadillac representing William Rosengren, owner – 58 Nyes Point Way, Centerville, Map/Parcel 223-016, variance was granted in 1995 but not used. New owner will be year-round resident, proposing Micro Fast system and Geo Drip Disposal.

Discussed.

Ron Cadillac said he could add a woodland berm around leaching field as a way to prevent people from driving over it and noted that its location is already raised up above the “traveled way” portion of road. The Board expressed satisfaction with the proposed direction of the plan.

XII. Minutes: April 24, 2018 -- Continued to June 26th meeting.

Meeting adjourned – 5:58pm