



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING RESULTS

Tuesday, June 14, 2011 at 3:00 PM
Town Hall, Hearing Room, 2ND Floor
367 Main Street, Hyannis, MA

I. Hearing – Trash:

Richard Miller, owner – 99 Walton Avenue, Hyannis, trash violation.

The Board voted to approve use of the funds available to the Board of Health to clean up the property and obtain reimbursement from the owner.

II. Sewer Connection:

Michael Princi, Wynn & Wynn, representing First Light Holdings, LLC, owner – 300 Barnstable Road, Hyannis, Map/Parcel 310-144, sewer connection.

The Board voted to enforce the connection to sewer within an 18-month period – connect by December 2012. (Vote Passed. Two voted in favor. Dr. Canniff voted opposed to the time frame, felt strongly one year was enough time.)

III. Discussion:

Center Village Condo – Request to replace soil absorption systems without a shared I/A system.

They revised their request and are looking for approval to hook up to sewer so they can have a feasibility plan devised.

Bob Bergman said the major cost is already done in having a pump station; they don't usually have to increase the size of station, just the number of hours the station will have to run to handle the additional volume.

The Board explained that the suggestion of using a Title V drain is a separate issue all together and must be reviewed separately and thoroughly. The only issue they can address today is the feasibility of connecting to the town sewer and the Board agreed that it would be reasonable for the condominium association to prepare a feasibility plan with the expectation of connect to sewer soon.

****Dr. Miller** asked Mr. McKean to pull out the Strawberry Hill Condos files and have the Board (possibly at the next meeting) address the septic connections at

the same time as Center Village and the association will be able to split the costs.

IV. Variances – Septic (New):

- A. Peter Eastman, Howard Boats – 164 Beale Way, Barnstable, Map/Parcel 280-004, 0.50 acre lot, boat building and repair requesting approval for incinerating toilet, currently no plumbing.

The Board voted to approve the use of an incinerator toilet and hand sanitizing at the location.

- B. Edward Stone, EAS Surveying, representing owner, Salvation Army - 157 Straightway, Hyannis, Map/Parcel 268-218, 10,544 square feet parcel, gravity system vs. pump.

The Board voted to approve the plan for a one foot variance with the following condition: a structural engineer must design the wall and that it must meet the requirements of Title V and the staff of the Barnstable Board of Health.

- C. Peter McEntee representing Bank of New York Mellon – 116 Iyannough Road, Hyannis, Map/Parcel 328-144, 9,330 square feet lot, variances.

The Board voted to approve with the following conditions: 1) A three-bedroom deed restriction will be properly recorded at the Barnstable County Registry of Deeds, and 2) a proper copy of the deed restriction will be supplied to the Barnstable Health Division.

- D. Peter Sullivan, Sullivan Engineering representing C. William Carey, owner - 986 Sea View Avenue, #A, Osterville, Map/ Parcel 091-002, 2.72 acre parcel, proposal to grandfather four bedroom without installing new septic system.

The Board voted to approve the accept the parcel as having a four bedroom approval with the following condition: 1) A full 16-page septic inspection report will be done on the property and it must validate that the system's design is built to handle a four-bedroom capacity.

- E. Allen Halliday, Trustee – 154 Eel River Road, Osterville, Map/Parcel 115-010-001, 74,985 square feet lot, approval of five bedroom floor plan (continued from the March 2011).

The Board had requested the five bedroom floor plan as the stipulation of removing the three bedroom deed restriction. The septic system is built to handle a five bedroom capacity. The five bedroom plan submitted is a generic plan.

The Board voted to approve the 5 bedroom plan, allowing the property to be used for five bedrooms, and the three bedroom deed restriction will be allowed to be removed.

- F. Robert Greer, owner – 140 Peach Tree Road, Marstons Mills, of interpretation of septic permit dated 4/26/2006 with the number of bedrooms –Section 360-45 variance of salt water estuary.

The Board voted to approve a variance to the estuary to permit the 5 bedroom septic design flow to be used for the 5 bedroom house.

V. I/A Monitoring:

- Joanne Hooker, owner – 112 Nyes Neck Road East, Centerville, request to reduce monitoring.

The Board voted to approve the I/A monitoring to be reduced to once a year with the following conditions: 1) the property is only rented seasonally, 2) the I/A is testing during the prime season of Jul or Aug, and 3) the water will be tested annually as the well was actually installed closer than the plan had originally specified. NOTE: If the property is to be rented year-round, then the property's I/A system must be monitored twice a year, one of which will be during the Jul/Aug season.

VI. Variance – Food (New):

- A. Marat Hunanyan, owner of Cape's Best Gyros & Grill – 569 Main St, request to do deep-fry cooking.

Bob Bergman, Town Engineer, said it was ok to use a deep-fryer on the sewer connection until the end of the season.

The Board voted to reverse one of the criteria's of the BOH ruling on May 2011. The applicant will now be allowed to use a deep fryer for foods on the proposed menu with the condition that the underground grease trap will be installed by the end of the season as stated (by Nov 18, 2011).

- B. Aaron Webb, owner – The Daily Paper, toilet facility variance to utilize three toilet facilities, in lieu of the required four.

The Board voted to approve the toilet facility variance to permit three, instead of the four toilets.

- C. Lori Caron, Salty Lou's Lobster, for Mid Cape Farmers Market – request to sell prepared foods.

Approved as refrigerated items, not as frozen items. The summer temperatures during the Farmers Market allow the potential of the food to thaw as she will only

be storing it in ice. If she opts to use a freezer, the Board does approve frozen items.

- D. Temporary Food Event – Phil Wallace and Susan Finegold for Summer Fete En Plein Air to be held at Pastiche of Cape Cod, 1595 Main St, West Barnstable, on Saturday, June 18, 2011, seven vendors, serving food 4:30-8:00 pm.

Approved as an annual event.

- E. Temporary Food Event Summer Sampler, Osterville Historical Museum, 155 West Bay Road, Osterville, on July 10, 2011 – three vendors, serving food 5:00-7:00 pm.

Cynthia Hall will submit a floor plan of the food event to Thomas McKean.

Approved as an annual event.

VII. Septic Installers (New):

- A. Michael Labute, Mashpee, MA

The Board voted to approve Michael Labute as a septic installer.

- B. Fred Swain, Hudson, MA

The Board voted to approve Fred Swain as a septic installer.

VIII. Body Artist Variance:

- A. Alyssa A. Long, Hyannis - Request to conduct Body Art without taking Anatomy and Physiology from an accredited college. Applicant took an online First Aid and CPR course.

The Board voted to approve as an apprentice for 6 months with a 6-month renewal with the following conditions: 1) Ms. Long registers for Anatomy and Physiology, and 2) no complaints are registered with the Public Health Division with Ms. Long. After the 12 month period, she may come back to the Board for review or for application for licensing if qualifications met. (Unanimously, voted in favor.)

- B. Alex Travasso – Request to conduct Body Piercing without taking Anatomy and Physiology from an accredited college.

Approved as Body Piercing (in addition to his prior approve of Body Art.) No conditions.

IX. Old / New Business:

- A. Proposed Revision to Section 322-5 of the Town of Barnstable Code Regulation currently requires both a screen and an air curtain at all

serving windows associated with outdoor dining. Proposal is to allow a screen or an air curtain.

The Board voted to add the words 'to allow a "self-closing" screen or window **or** an air curtain.

- B. Proposal to allow health inspectors to grant counter variances on HACCP Plans and time/temperature controls for licensed food facilities.

The staff contacts Junichi Sawayanagi, whenever needed, for assistant.

Voted to approve.

- C. Bathing Beach Policies.

POSTPONED until July 2011.

The Town Attorney's office is going to try to clarify the regulations on what constitutes a Bathing Beach.

X. Informal Discussion:

Stephen Wilson representing Christopher Kuhn, owner – 337 South Main Street, Centerville, requesting to utilize open space land as credit to construct a restaurant on a small parcel of land in the salt water estuary.

Stephen Wilson and Chris Kuhn presented the situation.

The Board said they have done it before and would find it reasonable to believe a plan could be drawn up to satisfy them.

Mr. Kuhn's interest is in having a local pub there. This requires him to supply food. He would be offering only the minimum requirement of food needed to approve his liquor license.

XI. Craigville Beach DCPC Implementing Regulations:

- A. Section 353-10 of the Town of Barnstable Code – Pumping Requirements.

POSTPONED to July 2011. The Town Attorneys will be reviewing the regulation first.

- B. Section 360-46 of the Town of Barnstable Code – Reporting Requirements for Septic Haulers.

POSTPONED to July 2011. The Town Attorneys will be reviewing the regulation first.

ADDITIONAL COMMENTS:

Dr. Canniff suggests after the two near-deaths down-Cape this past weekend, he thinks the Board should reconsider the changes implemented this year for lifeguards and pool coverage.

Dr. Canniff stated with respects to the touchless faucet article, he still has confidence the touchless faucets are good choices.

Also, the Falmouth Board of Health has approved some windbine regulations and Dr. Canniff has requested Mr. McKean to obtain a copy for discussion.

Upon a motion duly made to adjourned. 6pm.