



Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601



Office: 508-862-4644
FAX: 508-790-6304

Wayne Miller, M.D.
Paul Canniff, D.M.D.
Junichi Sawayanagi

BOARD OF HEALTH MEETING RESULTS

Tuesday, February 14, 2012 at 3:00 PM
Town Hall, Hearing Room, 2ND Floor
367 Main Street, Hyannis, MA

I. Hearings – Housing / Septic (Cont):

- A. Lili Seely, owner – 33 Candlewick Lane, Hyannis, housing and septic issue (continued from Dec 2011).

Lili said today she had installed the smoke detectors, CO2 detector and had the two door locks installed.

The Board voted to continue to the April 10, 2012 meeting to follow up and see that all the housing violations have been fixed and the septic permit has been pulled.

- B. Kenneth Carey, owner – 439 (a.k.a. 441) South Main Street, Centerville, 3 units, housing violations (continued from Dec 2011).

Kenneth Carey explained that the additional replacement of the porch has added a large cost. His goal will be to have all work completed by April, if possible.

The Board voted to continue to the April 10, 2012 meeting to see whether the septic inspection and the three units' repairs have been completed.

II. Hearings – Septic:

- A. Bonnie Cooper, owner – 131 Skating Rink Road, Hyannis, failed septic.

Bonnie has taken out a septic loan with the County and is working with B&B for the septic installation. B&B has made an appointment for the perc tests.

The Board voted to continue to the April 10, 2012 meeting.

- B. Freerk Jilderda, owner – 78 Pontiac Street, Hyannis, failed septic.

Mr. Jilderda lives in Canada and has not contacted us to resolve the issue.

The Board voted to have a letter sent stating (1) the septic has been in failure for three years and it must be repaired within 60 days, and (2) the owner must register the property as rental property within 60 days. If these criteria are not met, further action will be taken and tenants would need to be removed.

III. Hearing – Connect to Sewer:

30 Thornton Drive- Business Condominiums, Barnstable

Owners:

A. William and Rita Amaral	1 Unit	Map/Parcel 296-008-00A
B. Richard Fleming	2 Units	Map/Parcel 296-008-00B & 00C
C. Bert Mosher	1 Unit	Map/Parcel 296-008-00D
D. Michael Michnay	2 Units	Map/Parcel 296-008-00E & 00F

Issues that exist: The building was originally set up as a condo trust. One of the owners has moved out of town and is headed into foreclosure. Mr. Fleming's attorney had advised him not to hook up as he would become liable for the whole building. David Anderson, DPW, requires having all owners fill out a questionnaire prior to connection to sewer. Information on questionnaire includes chemicals used in units and whether the units have floor drains. The owners confirmed that units A-D do not have floor drains. It is unknown whether units E&F do. Those units are rented to the tenant Cape Cod Truck Caps. It is unknown how many septic systems are at the location.

Action: The Health Division will send a letter to Michael Michnay requesting the questionnaire be filled out within 30 days. The septic installer Sean Enright will find out how many septic systems are there. Tom McKean will meet with Dave Anderson, DPW to see how we can move forward and Dr. Miller will check with the Town Attorney on any possible issues. Continued to the April 10, 2012 Board meeting.

IV. Innovative / Alternative (I/A) System (Cont.)

Stephen Wilson, Baxter Nye Engineering, representing David Brito, P&S Agreement with owners – 31 and 43 Church Hill Road, Centerville, Map/Parcel 207-138 and 207-139, total two lots is 32,045 square feet, three variances, MicroFAST system, (continued from Jan 2012)-revised plans.

Dr. Miller said one of the criteria to granting the I/A is that a regular Title V system could be installed on the property but the I/A is desired for its additional benefits.

The Board voted to continue to the March 13, 2012 Board meeting to allow time to determine from Zoning whether the property is officially one lot or two, and to allow Mr. Wilson time to make adjustments in his plan.

V. Variances – Septic (New):

Peter McEntee, Engineering Works, representing Thomas Kelly, owner – 128 Saint Francis Circle, Hyannis, Map/Parcel 291-228, 14,900 square feet lot, septic variance(s) due to site constraint.

Peter was present and the staff had no problems with the plan.

The Board voted to approve the variances as requested with the following conditions: 1) a 3 bedroom Deed Restriction is recorded at the Barnstable County Registry of Deeds and 2) a proper copy of the recorded deed restriction be submitted to the Public Health Division.

VI. Variance - Septic (Request to Rescind):

Stephen Wilson, Baxter Nye Engineering, representing Wolfram Vedder, Trustee – 129 Island Avenue, Hyannis, Map/Parcel 265-018-002, 0.26 acre parcel, Board of Health approved variances on April 2009, new plan has no variances.

Stephen Wilson was present and summarized that they have moved the system so that the new plan has no variances.

The Board voted to rescind the prior variance and the prior requirement of a 2-bedroom deed restriction provided a 3 bedroom plan submitted is fully compliant with Title V.

VII. Variance – Food (New):

A. John Green, owner, The Mill Street Tavern, Inc, d/b/a Duck Inn Pub – 447 Main Street, Hyannis, Map/Parcel 308-081-001, toilet facility variance, currently has two for patrons and one for employees.

No one was present for the owner.

Mr. McKean stated the business has a new owner and is proposed to operate in the same manner as the prior owner and will have 100 seats.

The Board voted to approve the variance.

B. Mark Hansen representing Vincent D'Olimpio, owner, Fogo – 55 Lyannough Rd, Hyannis, Map/Parcel 343-005, toilet facility variance.

Mark Hansen presented the plan. One toilet facility will be unisex and there will be two toilet facilities for the patrons. They are also in the process of installing a grease tank.

The Board voted to approve the variance with the stipulation of no more than 83 seats.

VIII. Policy/ Regulation:

A. Signage “Wording” and Beach Designations.

The Board voted to continue testing the water at the list of beaches regularly during the summer season:

- Covell’s Beach, Centerville
- Craigville Beach, Centerville
- Dowser’s Beach, Osterville
- Eugenia Fortes, Hyannis
- Kalmus Beach, Hyannis – Both Sides Tested: Ocean + Yacht Club sides
- Keyes (aka Sea Street) Beach, Hyannis
- Loops Beach, Cotuit
- Millway Beach, Barnstable
- Sandy Neck, West Barnstable
- Veteran’s Beach, Hyannis
- Hamblin’s Pond, Marstons Mills

- Hathaway's Pond, Barnstable
- Joshua's Pond, Osterville
- Lovell's Pond, Marstons Mills
- Wequaquet Town Beach, Centerville
- *Estey Avenue, Hyannis.* ***see upcoming March 13, 2012 meeting.*

The Board voted to remove the following Ways to Water from any town list of beaches as they will not have their water tested regularly, and to install a sign at each location which reads "water quality not tested for swimming":

- Cross Street, Cotuit
- Ropes Beach, Cotuit
- Scudder Lane, Barnstable
- Wianno Avenue, Osterville
- Mystic Lake – Race Lane Area, Marstons Mills
- Shubaels Pond by boat ramp and parking lot, Marstons Mills
- Oregon, Cotuit

This leaves three locations needed more research: Crocker's Neck, Long Pond, Centerville, and Middle Pond, Marstons Mills, which will be addressed in the future.

B. Discussion: Mobile Food Unit / Trailer

The discussion included having a time limit of four hours on the Mobile Food Unit / Trailer at location. If they have a temporary permit or have a contract with the Town to be the vendor during the summer season, they would be excluded from the time limits. Air curtains and automatic sliders for the windows were discussed. It was also mentioned that the food must be removed from the trailer and put in a refrigerated unit overnight.

The Board voted to continue this to the March 13, 2012 meeting.

C. Policy for Considering Passing a Septic System Which had Previously Failed.

In the first paragraph, it was suggested to add a sentence prior to its final sentence, "Properties that experience seasonal use must have their time frames of the inspections specified by the Board." Also, a similar statement to this will be added at the end of Item #2 in the proposal.

The Board voted to continue this to the March 13, 2012 meeting.

POSTPONED TO FUTURE DATE C. Ban on Pharmacy Tobacco Sales.
Awaiting Draft Regulation

Additional:

A Draft of the Modification to the Body Artist Regulation was handed out and will be reviewed at the March 13, 2012 meeting.