

# Town of Barnstable

## Board of Health

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### BOARD OF HEALTH MEETING MINUTES Tuesday, April 17, 2007 at 7:00 PM Town Hall, Hearing Room 367 Main Street, Hyannis, MA

#### I. Hearing (New):

**POSTPONED** A. Charles Hamblin, owner – 1726 Santuit-Newtown Road,  
**Until May 22, 2007** Cotuit, grass and leave deliveries.

**POSTPONED** B. David B. Mason for Catherine and Peter Murray – 336 Holly  
**Until May 22, 2007** Point / 39 Vine Street, Centerville – Request keeping current  
**BOH Meeting** system until sewer arrives.

#### II. Hearing – Housing (New):

A. Kathleen Faline, owner, - 106 Rosa Lane, Marstons Mills, requesting extension to correct violations.

The Health division said it is uninhabitable and no one is currently in the house. The tenant hasn't removed all his items and police advised the owner that she couldn't enter until the tenant moves out. However, the BOH believes she can fix emergency repairs with proper notice and advised her to seek legal advice.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to require the first three violations: 1) fill the oil tank for heat – completed, 2) turn the water back on, and 3) install smoke detectors completed within 7 days, and the final violation of hole(s) in wall to be completed within six months (due to the difficulty of locating the tenant). Unanimously voted in favor. (and, if legal counsel says she can not enter unit to install smoke detectors, she will contact Mr. McKean.)

B. Jerard P. Reardon, owner – 221 Sea Street, Hyannis, hearing requesting size of parking area.

Jerard Reardon spoke of the situation at 221 Sea Street is that the parking area does not fit in any other area.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve a continuance of six months until October, 2007, with no finding (no fine attached) and recommends Mr. Reardon speak to his Town Councilor to explain his

difficulty with the ordinance and to see whether there may be a revision of the ordinance. (Unanimously voted in favor.)

**III. Variance Request (Cont):**

- A. Thomas and Michelle Russell - 44 Betty's Pond Road, Hyannis, 1.5 acre lot, request to waiver variance, continued from March 21, 2007 hearing.

Michelle and Thomas Russell were present. Dr. Miller read letter from Mark Ells, DPW, which states Mark acknowledges 44 Betty's Pond Road is in one of the two highest priority sites designated for connection to the town sewer once funding arrives.

The two bids received for the replacement of the septic tank are \$3K and \$4K, not including the \$1.9K spent on engineer's plans. The Russell's also said the expected cost to hook up to sewer per Kendall Ayers is \$10K-15K.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the replacement, only, of the septic tank within six months with the anticipation that they will be connecting to town sewer within an estimated two years. (Unanimously voted in favor.)

- B. John Morin, Jr., owner – 97 Wequaquet Lane, Centerville, .44 acres, variances to setback of septic system components.

No one was present. The Board needed to take action on the matter as required within 45 days.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted on the variance of the setback from the crawlspace to the SAS. (Unanimously VOTED TO DENY.)

**IV. Variance Request (New):**

- Craig Short, P.E., representing Nancy Johnson - 225 Iyannough Road (Rte. 28) location of JD's Pizza/Mitie's Restaurant, Hyannis, four variances for repair of failed septic system.

Craig Short presented his client's information.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve five variances in accordance with septic plan dated 4/17/2007 (a. SAS setback 10 feet from cellar, b. SAS setback 5 ft from property line, c. underground grease tank located 0.4 feet way from a slab, d. underground grease tank located 8.4 feet away from cellar, e. top of existing 2,000 gallon septic tank#2 will be maintained at 3.85 feet below finish grade.) with the following conditions: a 40 mil polyethylene liner shall be installed against the crawl space. (Unanimously voted in favor.)

**IV. Food Establishment Variance (New):**

- Linda Leonard, owner of Murray's Family Market, 89 South Main Street, Centerville, grease trap variance, limited menu.

Linda Leonard said the owner could not confirm whether there was an in-ground grease trap (used by the former owner). Linda had bids for grease inceptors. The Board explained that the inceptor is not the same as the GRD.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the variance with the condition of using a Grease Recovery Device (GRD) and using the limited one-page menu dated March 30, 2007. If an in-ground grease trap is located, a limited menu will not apply. (Unanimously voted in favor.)

**V. Massage License Applicant:**

- A. Herve Desroches – Proposes to practice massage therapy in the Town of Barnstable.

The application is complete and references are good.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the applicant as a Massage Therapist. (Unanimously voted in favor.)

- B. Patricia Mary Martin – Proposes to practice massage therapy in the Town of Barnstable.

The application is complete and references are good.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the applicant as a Massage Therapist. (Unanimously voted in favor.)

**VI. Discussion:**

- A. Touchless faucets at pre-existing establishments – Cynthia Cole, Executive Director, Hyannis Main Street Business Improvement District (BID)

Cynthia Cole spoke, along with numerous restaurant owners: David Columbio of Roadhouse Café and VP of Main Street BID, Joe Dunn of Island Merchant, John Shay of Trader Ed's, David Nobel at Embargo, Paul Mazzeo at Palio Pizzeria, Richard Wagner at Black Cat, John Evans at Up The Creek Again, Rick Angelini of Hyannis Area Chamber of Commerce, Peter Martino at Chauneys, and Jon Cotellessa at Gourmet Brunch. Many felt the devices are not dependable, at times the temperatures are inconsistent and, at other times, the faucets do not operate at all.

The Board will take the discussion under advisement and welcome participation in future meetings on the topic. The Board will work with a group (2-3 people from the restaurants, health staff, plumber and/or electrician) to look into this future. Currently, the ordinance remains in place.

- B. Dumpster Screening at pre-existing establishments– Cynthia Cole, Executive Director, Hyannis Main Street (BID)

Cynthia Cole will formalize the request for a moratorium of one year for Main Street area (the specific area will be identified) for the dumpster screening. Her plan is to enable a volume discount for screening.

C. Peter Sullivan, P.E., representing Mr. and Mrs. Cook, 545 South Main Street, Centerville.

Peter Sullivan summarized 1 1/3 acres not in the zone of contribution, the Board had approved with variances in 2004. Peter redesigned a system which the Board motioned last meeting and the vote did not carry to approve the plan.

Owner, Mr. Jeffrey Cook, spoke. The original variance approval for three bedrooms still has two more weeks to take a permit out on. They will use that to install this new over-designed system (a 4 bedroom system) with a sand filter and keep the three-bedroom deed restriction. They will collect data quarterly, review the data in the future with the staff and the Board in the hopes of having the Board approve of rescinding the deed restriction.

**VIII. Correspondence:**

A. John Hopkins, Attorney, for Kathy Posner, 22 Marion Way, Osterville, will do the necessary work to meet Board's approval.

A letter from John Hopkins dated April 10, 2007, asks for extension until July 1, 2007, to complete all the items requested by the Board. The response letter should specify to go to the Building Dept for clarification on what they will be able to keep in the kitchen.

B. Anne and Jim Adams, 759 Main Street, Cotuit, regarding 671 Main Street, Cotuit development.

The plan for 671 Main Street, Cotuit does not comply with State Title V. Here the 440 Rule would apply. The owner(s) must apply to the Board. The 440 Rule is a State rule which means the 40B Developments must come before us. They can not get a State Approval without receiving the local Board of Health approval first.

C. Cotuit-Santuit Civic Association regarding 671 Main Street Cotuit development. (see above item B)

**New Items:**

- 1) Dr. Miller had on the agenda to review the touchless. He requested that the file/notes be pulled when Sumner proposed the faucets.
- 2) Mr. McKean will check with State on the touchless faucet reliability.
- 3) Manure at the Transfer Station – status. The Board needs to send a letter to Glenn Santos at Transfer Station to request progress.
- 4) Escrow Status – The line item of \$5,000 is in the budget.
- 5) Old Jail Lane – Stocetti. Status – Tom will make sure the tank was replaced.

- 6) Cumberland Farms – Were the tanks replaced as scheduled? They are submitting the required reports to Alisha Parker. They are to attend the Jun 2007 meeting to update status.
- 7) Defining Length of Time to Complete Repairs: The Board must publish the proposed. Tom McKean will run it by the Town attorney on the process. And Mr. McKean will put it on the Jun 12 agenda and give Dr. Canniff and Mr. Sawayanagi the list.
- 8) Spoke to Janet Joakim and Leah Curtis regarding adopting the 330 rule to the south side regarding the estuary project. A committee will be formed, they need to meet with other town councilors, and they will be in touch with the Board. The Board is having the town attorney look at drafting an interim regulation until the Town Council adopts a full regulation.

Motion to adjourn.