



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

MINUTES FOR THE BOARD OF HEALTH MEETING Tuesday, August 21, 2007 at 3:00 PM Town Hall, Selectmen's Conference Room 367 Main Street, Hyannis, MA

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on August 21, 2007. The meeting was called to order at 3:00 pm by Chairman Wayne Miller, M.D. Also attending were Board Members Paul Canniff, D.M.D. and Junichi Sawayanagi. Thomas McKean, Director of Public Health and Sharon Crocker, Division Assistant, were also present.

I. **Hearing:**

Tobacco violations as reported by Bob Collette of Barnstable County Tobacco Control.

A. **Show Cause Hearing:**

Blanchard Liquors, 226 Falmouth Road, Hyannis – Second Offense, tobacco products sold to a minor.

Owner said the employee was given proper training. She was dismissed after receiving offense. They are considering adding to their policy to do independent spot checks as they do for their liquor.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to issue a second time offense of \$100. (Unanimously voted in favor.)

B. **Hearings:**

1. Mini Food Mart, 252 Main Street, Hyannis – First Offense, tobacco products sold to a minor.

Paul Tarra, Esq., represented owner. The owner has now purchased a swipe system which will stop the cash register from operating until the ID is presented.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to issue a warning for a first offense. (Unanimously voted in favor.)

2. Barnstable Road Getty, 112 Barnstable Road, Hyannis – First Offense, tobacco products sold to a minor.

They have increased their procedures to help ensure the request for an ID.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to issue a warning for a first offense.

3. Tedeschi Food Shop# 314, 700 Yarmouth Road, Hyannis – First Offense, tobacco products sold to a minor.

They have added to their cash register programming to aid in the procedure.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to issue a warning for a first offense.

II. Hearings – Housing (New):

Deassis Vagner, 7 Quaker Road, Hyannis - housing violation-no hot water.

Donald Desmarais, Health Inspector, spoke of his inspection. The gas was turned off leaving no hot water. The owners have fled the property and the town, abandoned their property and left the tenants with the problem. The house is about to be foreclosed on.

Tenant has been there since 2001 (at the time, a different owner). The new owners collected two months advanced rent and have now left for Brazil. The tenant paid the light bill, and gas bill. There are only three tenants now. He is asking the Board of Health to postpone the evacuation notice until September 15 or longer.

They have checked with Keyspan and Keyspan requires the owner's name must be on it. The three tenants left have electric heat in their bedrooms. They could heat the water on electric stove.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve an extension of stay until September 30, 2007. (Unanimously voted in favor.)

III. Hearings –Septics (New):

- A. Donizete Ronfim, 83 Uncle Willies Way, Hyannis – requesting extension on septic repair to pursue options.

No one was present.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to order the owner to remove three bedrooms or must bring the septic system up to compliance and this must be done within 60 Days. (Unanimously voted in favor.)

- B. Stephen and Tammie Jefferson, 17 Hampshire Avenue, Hyannis – requesting reconsideration of 2 bedroom limitation.

Stephen and Tammie Jefferson stated they purchased it in Jan 2003 and it had a finished basement at that time.

A historical document specified the structure will be limited to two bedrooms. The Board's greatest concern is that the bottom of the existing leaching pit is too close to the ground water. The engineering's plans on the septic permit shows a 36 foot elevation and the adjusted ground water is at 31 feet leaving only 4 ½ feet. The septic permit shows it as a three bedroom and the Board does take

this into consideration. The staff suggests allowing the three bedrooms that exist (two up and one downstairs)

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the three bedrooms with the condition that an I/A system be considered if the current system fails. (Two voted in favor, Dr. Canniff voted to oppose due to existing documents specifying two bedroom restriction.)

C. Four owners (first of which is continued from Jun 2007 meeting) are requesting consideration to eliminate monitoring of the innovations septic system.

1. George Paton at 39 Falling Leaf Lane, Osterville

George Paton presented the four consecutive tests of satisfactory results. The only odd reading was prior to 2002 at which point they were out of the country and the system read 3.8.

With four good, consecutive tests, the Board agrees to eliminate the quarterly testing. The annual testing and maintenance will be required as the I/A systems allowed this neighborhood to have an increase in the number of bedrooms. The Board will need to have no failures in the neighborhood for a number of years before they will consider changing the annual requirement. Another option the Board acknowledged would be agreeable would be to eliminate one of the bedrooms (ie by widening the doorway) and then, without the potential increase in wastewater, the Board would be comfortable to not require the water sampling (annually, as well).

The owners stated their understanding was that the annual reporting consisted of a Title V inspection annually. The Board explained that it is incorrect. The Board wants the water sampling testing done annually.

2. George Lloyd at 52 Falling Leaf Lane, Osterville

Mr. Lloyd had a system which failed for three years (along with one of residence in the neighborhood). A new system was put in in July 2004 and he passed the test.

The Board stated with a new system, they are comfortable eliminating the quarterly (only) testing here as well. The annual water sampling testing will still be required.

3. B.P. Berestecky at 31 Falling Leaf Lane, Osterville

Four quarterly tests have shown good readings.

4. Paul Freehauf at 42 Falling Leaf Lane, Osterville

Four quarterly tests have shown good readings.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to eliminate the requirement of quarterly water sample tests for: 39 Falling Leaf Lane, 52 Falling Leaf Lane, 31 Falling Leaf Lane, and 42 Falling Leaf Lane. The annual water sampling test and maintenance will still be required. (Unanimously voted in favor.)

IV. Continued Items from Previous Meeting:

- A. Joe Henderson, P.E., representing Jerome and Marlene Goldstein – 199 Meadow Lane, W. Barnstable, 1.38 acre lot, addition to house, increase from four to six bedrooms, three variances (continued from Jul 2007 meeting).

Joe Henderson revised the plan. Upon review, the original order letter did not require a deed restriction.

The staff recommends a monolithic tank and recommends H2O load and Title V requires an effluent filter between pump chamber and other component. Mr. Henderson stated the monolithic tanks are not made for 2000 gallon size, only up to the 1,500 gallon. The wells (one on this property and the neighbors are 119 feet and 120 feet away, meeting the 100 feet minimum).

The current four bedroom fits without requiring any variances. The proposed six bedrooms requires variances and this property is on a salt marsh. Mr. Henderson pointed out the wetlands have moved over time and the four bedroom system would no longer fit without variances. The Board expressed they are not in favor of the current plan. Mr. Henderson is interested in revising his plan for reconsideration.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to continue to the September 11, 2007 meeting. (Unanimously voted in favor.)

- B. John Schnaible, Coastal Engineering Company, representing Silvia & Silvia, 116 Scudder Lane, Barnstable, 1.3 acre lot - Proposed house addition, two variances (continued from Jun meeting).

John Schnaible presented his plans.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve a five bedroom plan with the following conditions: 1) a five-bedroom Deed Restriction, and 2) present a revised septic plan which meets with Thomas McKean's approval. (Unanimously voted in favor.)

- C. William Weller, Weller & Associates, representing Fisherman's Village Condominium - 855 West Main Street, Hyannis, review plan to repair failed septic.

William Weller gave a summary of the prior discussions at the Board of Health meetings for the septic systems reviewed to date.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the plan dated August 3, 2007, with the following conditions: 1) Fisherman's Village Condominium owners will tie into the sewer once the sewer line is available to West Main Street, and 2) once the Septic Escrow program is established, the owners will have escrows set up. (Unanimously voted in favor.)

- D. Charles Allen and Robin Pulsifer, Sepia, 619 Main Street, Unit#2,

Centerville, three variances: toilet facility, grease trap, and 3-bay sink, to submit complete floor plans (continued from July 2007 meeting.)

Charles Allen and Robin Pulsifer proposed the use of a coffee machine instead of making a hot chocolate drink and brought the floor plans.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve a variance from a three-bay sink to allow a 2-bay sink, and voted to approve a variance from a mop-sink requirement. They will meet with Thomas McKean to review the necessary floor plan. (Unanimously voted in favor of two variances.) If a plan is not worked out, the owners will be asked to come back before the Board.

V. Septic Variances (New):

- A. Stephen Wilson, Baxter Nye Engineering, representing Robert Benedetto, owner – 359 Santuit Road, Cotuit, 71,100 square feet lot, two setback variances from coastal banks.

Stephen Wilson presented a new plan for a four bedroom on the 1.64 acres. Staff comments mentioned the plan does not show a water line to barn and they need a floor plan for the barn. It will remain a barn where the owner works on boats. Mr. Wilson said he is willing to move the septic tank to the front of the plan and require a four bedroom deed restriction.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve with the following conditions: 1) insert to the plan the water line to the barn, 2) a floor plan for the barn will be submitted, 3) the septic tank will be moved to be in front of barn, and 4) a four-bedroom deed restriction. (Unanimously voted in favor.)

VI. Food Establishment Variance Requests (New):

- A. Michele Barling, Café ReDesign, 38 Pearl Street, Hyannis – new location for food establishment, toilet facility variance and grease trap variance.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the variances of 1) toilet facility variance and 2) grease trap variance with the condition of a limited menu of hot and iced coffee and tea, hot chocolate, and scones. (Unanimously voted in favor.)

- B. Gretel Norgeot and Karen Lee, Farmer’s Market located at 540 Main Street, Hyannis – request to add lobster to menu.

Gretel Norgeot and Lori Caron were present. Lori Caron has a retail “truck” permit for her van. They will keep the lobsters in coolers with ice. She used a high-endurance Coleman cooler. She has kept a close watch on the temperatures with a refrigerator thermometer. She will use a separate thermometer in each cooler.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the addition of lobsters to the menu of the Farmer’s

Market provided they follow our guidelines of keeping the lobsters on ice, with a thermometer required in each cooler. (Unanimously voted in favor.)

VII. Disposal Works Installer's Permit Application:

A. Jay Merchant, 30 Naushon Road, Dennisport, MA.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve Jay Merchant as a Disposal Works Installer. (Unanimously voted in favor.)

VIII. Massage Therapist Applicant:

A. Anthony Antonangeli, Main Street, Marstons Mills, MA

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

B. Lindsey McNeil, Cypress Street, Plymouth, MA

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

IX. Correspondence/Updates:

A. Update on 828 Sea View Avenue, Osterville

B. Richard Capen at Capewide Enterprises discussed a project at 940 West Main Street Condominiums. The Board explained they would be interested in a preliminary plan and would want to see inspection reports for the other septic systems at the site. The Board would want to see an estimate of the cost to hook up to the Town Sewer, and 2) need reassurance from the Town that the Town is planning to extend in the desired direction. The complex will have to be willing to set up Escrow Accounts once our program goes on line, and the complex will be required to tie into the Sewer line once it does arrive.

The Board voted to adjourn.