



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING AGENDA Tuesday, September 11, 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 September 11, 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. Hearings – Housing (New):

Herbert Lach, Attorney, representing Amy Everett, owner – 56 Seabrook Road, Hyannis, housing violations: egress, ceiling, and floor.

Tim O'Connell, Health Inspector, reviewed the inspection he had done. The first floor unit was 56A and had issues with the deck (no baulisters, wood missing on deck flooring, and height of deck is over 4 feet high.) The unit in the basement is 56 and has an issue with window(s), for proper egress, the ceiling height.

Herbert Lach agrees to the issues. The owner lives in Ohio. The builder, Steve Wayland, has purchased lattice for the deck and will be installed within the week, and has ordered windows which will arrive in four weeks.

Linda Epton, Building Department, spoke. If the owner proves it was built in 1957 and the units existed in 1962, the ceiling is preexisting to the building code.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to continue this to the November 13, 2007, meeting with the following condition: the downstairs bedroom will not be used, and the deck will be completed within four weeks from today. (Unanimously voted in favor.)

II. Hearing – Continued use of tight tank:

John Norton, Attorney, representing Andrew Hatch, owner – 110 Annabelle Point Road, Centerville, requesting extension on I/A septic system in use awaiting town sewer to Wequaquet Lake.

John Norton presented the data. The owner had put in a tight tank awaiting the town sewer to arrive.

Mr. Hach used to live there full time-single occupancy. At this point, he does not use it frequently and it is up for sale. The Board noted that it has only been pumped three times a year and if it is tight tank working efficiently, it should have been pumped approximately every two months. The pumping records do not show that.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to continue until the October 9, 2007 meeting with the requirement that the current owner will (1) have the tank inspected by a licensed inspected to ensure the tight tank is working correctly, and (2) a occupancy report expressing the use and number of people/frequency, along with providing a plan for emptying of the system, and (3) the current owner will notify the Board of a new ownership of property once it occurs, and (4) the variance will transfer to the new owner(s) only after they have met with the Board and given an occupancy report listing number of people using the system and frequency at the property, along with a plan listing dates of company for pumping the system. (Unanimously voted in favor.)

III. 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 presented the plan and expresses the system is an improvement over the current system.

The Board expressed that they have a strict requirement that if variances are required, they do not allow an increase in flow. Whenever there is an increase in flow, a reserve area must be located. This plan creates their own hardship by looking for a 6 bedrooms. It is currently a four bedroom. One proposal is to negotiate with the neighbors to move their well and the owner's well to avoid the difficulties. Another proposal is to have two reserve areas.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to continue the October 9, 2007. (Unanimously voted in favor.)

- POSTPONED TO OCT 9, 2007** B. Joseph Dunn, Island Merchant, 302 Main Street, Hyannis – food establishment with grease trap variance, update to Board on three months tests wastewater entering and exiting grease recovery device (continued from Feb 2007 BOH meeting).

IV. Septic Variances (New):

- POSTPONED TO** A. Peter McEntee, P.E., representing Thomas Capizzi, Jr., Trustee, Centerville, LLC, 1084 Craigville Beach Rd,

OCT 9, 2007 Centerville, 5,080 square feet parcel, repair of septic system, eight variances requested (postponed from Jul 2007 meeting),

- B. Down Cape Engineering representing Robert Jones – 42 Briarcliff Lane, Centerville, 15,080 Square Feet Parcel, repair of failed septic system, one variance requested.

Dave Flaherty, Down Cape Engineering, presented the plan and offers to put a two-bedroom Deed Restriction on it.

There was a discussion of whether a filter is required on the outlet and it was determined that that is only required on a pressure-dose system.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the plan with the condition of a two-bedroom Deed Restriction. (Unanimously voted in favor.)

- C. Down Cape Engineering representing Saul and Irma Gershkowitz – 75 Marshview Lane, Marstons Mills, 10,454 square feet, repair of failed septic system, six variances.

Dave Flaherty, Down Cape Engineering, presented the plan and again, offered to put a two-bedroom Deed Restriction on it. He clarified that the room is open from the dining room through the family room.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve the plan dated August 24, 2007, with the condition that there be a two-bedroom Deed Restriction. (Unanimously voted in favor.)

- D. Arlene Wilson, representing Frederick Mycock – 765 Santuit Road, Cotuit, 10,100 square feet parcel, repair of failed septic system, ten variances.

Arlene Wilson presented a summary and expressed that Mr. Brian Dudley, DEP, does not want to approve the plan as is. Ms. Wilson said the building has a crawl space under it. Another issue will be trying to get the proposed lithium tanks down the road to deliver it to the site.

One suggestion is whether the system be located where the driveway is.

Brian Dudley explained his view. He said they look at tight tanks as last resort due to many reasons including environmental damage is people don't keep up with the pumping, etc.

He had sketched out an alternative design and allowed for a more compact design. The proposed design does contain some of what he had hoped for. He has not thoroughly reviewed this new plan. He acknowledges this plan is feasible and approvable.

In discussion, Mr. Dudley said if they added in a suggested composting toilet and a grey water system, they would (1) have to give him a demonstration that the compost toilet would work here, and (2) separating the grey water would not alleviate any of the issues they would still have with the tight tank.

Ms. Wilson explained the problem with that suggestion is that on this property they do not have the room under the crawl space to dig down enough to do a compost toilet. This property is over 75 years old and is listed on the historical register, limiting its changes.

The differences in proposals: Brian cut down the distance to the retaining wall. The leaching field was moved a little further away. He also looked at a single chamber tank and pressure distribution so no need for a distribution box and the size of the retaining wall would be different.

The retaining wall in the plan would be four feet above the ground.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve with the following conditions: 1) a one-bedroom deed restriction, (2) no increase in footprint, (3) no increase in habitable space, (revised plans) , and (4) adequate plantings in front of the retaining wall with shrubs having a maturity of height at least as high as the height of the retaining wall, every four feet, in accordance with the recommendations of the National Nursery Association. (Unanimously voted in favor.)

E. Darren Meyer, R.S., representing Alice Carey – 255 Green Dunes Drive, Hyannis, 1.2 acre parcel, one variance.

Darren Meyer presented the plan with five bedrooms and four baths.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the plan dated 8/01/07 with the condition of a five bedroom deed restriction recorded at the Registry of Deeds. (Unanimously voted in favor.)

F. Mark Dibb, BSC Group, representing Marcia Elliott – 20 Rue Michelle, Barnstable, 1.24 acres, house addition, one variance.

Mark Dibb presented the new plan reducing the previously approved four-bedroom I/A plan to the current three-bedroom plan without an I/A system.

Arlene Wilson, representing the neighbors, said they are happy to see the reduced number of bedrooms but had a question on the size of the lawn.

Upon a motion duly made Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve the proposed spec plan with the following conditions: (1) a three-bedroom deed restriction will be recorded, and (2) when the final permit is applied for, the final plan must have the calculation for nitrogen loading (including the structure, the driveway, and the lawn) must be under 5 parts per million. (Two voted in favor, Dr. Canniff voted against.)

V. I/A Monitoring Plan:

Stephen Haas, P.E., representing Linda Mandella, owner – 168 Lakeside Drive, Centerville, 9,955 square feet lot, review of I/A monitoring plan.

Stephen Haas represented the plan for a one-bedroom.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board approved the monitoring plan with a one-bedroom deed restriction. (Unanimously voted in favor.)

VI. Six or More Bedrooms:

Sullivan Engineering representing W. Frederick and Diana Uehleir – 109 Eel River Road, Osterville, 1.0 acre lot.

John O’Dea, Sullivan Engineering presented the plan for the two dwellings with one kitchen and one kitchenette and as required, it’ll have a two compartment septic tank.

The total number of rooms are 17, thus using 50% interpretation gives 8 bedrooms (actual labeled is 7).

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the plans. (Unanimously voted in favor.) (revised plans will be given.)

VII. Discussion:

**POSTPONED
TO
OCT 9, 2007**

Ed Pesce, Pesce Engineering, and John Kenney, Attorney, representing 381 Old Falmouth Road, Marstons Mills – septic system discussion regarding failure (continued from BOH January and June 2007 Meeting).

VIII. Subdivision (Preliminary Plans):

Down Cape Engineering representing Lesley Gimbel, Trustee, Preliminary Plans at -0- Pine Lane, Barnstable, map and parcel 278-048, on public water, on-site sewerage disposal system.

Dave Flaherty, Down Cape Engineering, presented the plan with houses on 1 ½ acres each.

Reviewing the 1650 rule which can be used when there is a single owner, the Board may consider a shared system and/or an I/A system.

This is in the Zone and has the 330 Rule apply. These are all four-bedrooms.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the preliminary plan which will have four bedroom deed restrictions. (Unanimously voted in favor.)

IX. Old Business/New Business:

- A. Proposed Item – Exception to Food Regulations – coffee.
- B. Lindsey Counsell, Three Bays Preservation – Water count at Warren’s Cove, Marstons Mills.

Lindsey Counsell and Bill Golden of Three Bays Preservation brought reports showing testing done at Warren’s Cove. There were high counts on August 23, and September 4 (1000+) Previous testings were around 330. They have checked the shoreline and have not found any pipes coming into the water improperly.

The DNA testing they did on the samples lately show Princess Cove is 50% human fecal coli results.

Currently, the Health Division is looking to fill the staff position and there is no funds for proposed testing.

Lindsey said their testing is done for the season but they can so a specific testing at Warren’s Cove again.