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Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601



Wayne Miller, M.D.
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BOARD OF HEALTH MEETING MINUTES Tuesday, December 18, 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 December 18, 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.

Dr. Miller, Chairman, opened the meeting.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted in meet in Executive Session. (Unanimously voted in favor.)

At 3:20 p.m., upon return from Executive Session, the meeting continued:

I. Hearing- Tobacco:

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

A. Show Cause Hearing:

1. Marstons Mills Food Market, 105 Route 149, Marstons Mills – Second Offense, tobacco products sold to a minor.

The owners were present and reviewed their policy of selling tobacco.

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

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

Donald Corey, owner, was present and explained their policy and stated the person who sold the tobacco was terminated due to this violation. He also said he terminated the prior employee who was responsible for the prior violation. She was a good employee and it was a difficult time of year to be down an employee, however, they stuck to their policy and terminated the employee.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to issue a fine of \$200 for this third offense. (Unanimously voted in favor.)

II. Proposed Revisions to Solid Waste Regulation:

Glen Santos, Supervisor, Solid Waste Division.

Glen Santos is ill today. Thomas McKean spoke of the desired change of the regulation. The change would allow multiple (more than two) stickers for each household. The stickers only allow the disposal of the individual's household.

Postponement until the Board of Health meeting on January 8, 2007.

III. Continued Items from Previous Meeting - Hearings:

A. Kathleen Pouser, owner – 22 Marion Way, Osterville, status on removal of two of five existing bedrooms.

Charles Sabatt, Attorney, represented Kathleen Pouser. He said the owner came to the Building Department to get a permit to expand the door opening as required, however, the Building Department did not allow the permit at that time.

He is told there are four bedrooms and one has been removed, however, he wants to speak with the owner (unreachable at the moment) before he can confirm that.

B. Earl Lantery, P.E., representing Richard Mahoney, 373 Scudder Avenue, Hyannis, failed vaulted SAS.

Earl Lantery stated it is a five bedroom. He said the owner filed the rental application. He believes they are separate units. They are pumping regularly awaiting approval of the final plans with the Sledgehammer. It is monitored quarterly.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the revised plan subject to the review by Mr. Thomas McKean and his staff, with the following conditions: 1) the plans will be revised to show a fifth variance –variance from ground water, and 2) a quarterly monitoring plan for two years and after two years, they may come before the Board requesting a review of the monitoring requirements. (Unanimously voted in favor.)

CONTINUED TO C. Joseph Dunn, Island Merchant, 302 Main Street, Hyannis –
JAN 8 2007 food establishment with grease trap variance, update to
BOH Board on three months tests wastewater entering and exiting
grease recovery device (continued from Feb 2007 BOH meeting).

IV. Hearing (New):

Deborah Packard, owner – 226 Long Beach Road, Centerville, MA – housing violation(s).

Deborah Packard and Tom Faline, Contractor, presented the situation. The lot is not in the Zone of Contribution. In 1992, Deborah's father was the owner at the time and a new septic was installed, and built on a foundation instead of the

original slab. It only came to light recently that the septic was smaller than originally expected.

Both parties, the owner and the health department, must research the prior permits. The owner has contacted the installer, Craig Field at BSC Group. The Health Department's records show a permit pulled by BSC for only three bedrooms. Originally, the property was purchased as a four bedroom and once the house was razed, the fifth bedroom was added.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to continue to the January 8, 2008, Board of Health Meeting. (Unanimously voted in favor.)

V. Septic Variances (Continued):

- A. Peter Mc Entee, P.E., representing Thomas Capizzi, Jr., Trustee, Centerville, LLC, 1084 Craigville Beach Rd, Centerville, 5,080 square feet parcel, repair of septic system, eight variances requested (postponed from Jul & Sep 2007).

Thomas Capizzi, Sr., represented owner. He explained that the owner had understood the regulations to be that they had a year to repair the system as it was a failure due to the distance to ground water and not a hydraulic failure.

They will have the plans available within days and request a continuance until January 8, 2008.

- B. Sullivan Engineering representing Richard McCoy, Jr. – 449 Eel River Road, Osterville, 1.25 acre lot, repair of failed septic system, with a variance request.

Peter Sullivan represented the owner and presented the plan. The plan is designed as a five bedroom and it is currently a four bedroom, the garage is unfinished at this time (possible modification in the future).

Mr. McKean said the staff is comfortable with the five bedrooms as it is greater than 100 feet from the coastal bank.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the five bedroom plan with the following condition: a five-bedroom deed restriction will be recorded. (Unanimously voted in favor.)

- C. David Flaherty, Down Cape Engineering, representing Sean and Gail Maguire, 56 Nye's Neck Road, Centerville, 24,240 square feet lot, repair of failed septic system with variance request.

David Flaherty represented the owner and presented the plan revised November 16, 2007. It had been continued because the plan needed revision to show the owner's well and to notify the abutters. There are three variances: 1) setback variance is five feet to the property line, and 2) setback to the garage, and 3)

distance to the abutter's well. There will be no increase in flow and they will use the existing pump chamber.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve with the following conditions: 1) the plan will be revised to show the three variances, and 2) a three-bedroom deed restriction will be recorded. (Unanimously voted in favor.)

VI. Septic Variances (New):

- A. David Crispin, BSC Group, representing Georgia Giardini – 56 Long Beach Road, Centerville, 20,000 square feet lot, repair of failed septic system with variances requested.

Staff comments requested a review of the sizing calculation – they had thought 200% was not met, there's a dashed line going straight through the pump chamber and they would like clarification on it (answer: that is the limit of where sand fill needs to go – they are keeping the septic tank as far away from the wetlands as possible. Also mentioned, the code FFE is finished floor elevation. David Crispin reviewed the sizing: it is a two bedroom, thus $220/\text{day} \times 200 \text{ gal} = 1400$ and the size of tank is 1500 gallon, therefore, the tank is an adequate size.

Mr. McKean said the buoyancy calculations are needed on the plans.

David Crispin explained that effluent filters are only seen on the septic tanks, not on a pump chamber. The system presented is a MICRO-FAST system. With this system, an effluent filter is not required.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve with the following conditions: 1) revise the plan to eliminate the eight feet to elevation, 2) insert the buoyancy calculations, 3) a two-bedroom deed restriction will be recorded, 4) construction will be done in accordance to the DEP approval letter W04219 dated Jun 4, 2004, 5) monitoring plan will be done quarterly for two years then they will be able to come before the Board to request a reduction in the monitoring plan, and 6) the total will not exceed 19 nitrate. (Unanimously voted in favor.)

- B. David Coughanowr representing William Gordon – 62 Point of Pines Avenue, Centerville, 9,930 square feet lot, repair of failed septic system with two variances.

David Coughanowr and William Gordon attended and David presented the plan of the tight-tank. The DEP would be required to approve the tight-tank and they are very reluctant to do so. DEP requires all options explored first, however, their comment was that DEP approved a similar one in a similar situation.

The staff had concerns with the plan: the bouyancy calculations need to be reviewed. Dr. Miller recommended to be very prepared to debate the use of a tight-tank with the DEP. They are very reluctant.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board requested a continuation until January 8, 2008, to allow for the following

modifications: 1) the plan must be redesigned to increase the pitch from the house, 2) the bouyancy calculations must be added, 3) projected occupancy and projected pumping scheduled with annual reporting to the Board of Health of pumping done. (Unanimously voted in favor of a Continuance.)

- C. Peter Sullivan, Sullivan Engineering, representing Rita Camministraro – 473 Eel River Road, Osterville, 0.85 acre parcel, house addition and repair of septic system with multiple variances request.

Peter Sullivan represented the owner and presented the plan. The plan is designed as a five bedroom. Mr. McKean said the staff is comfortable with the five bedrooms.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the five bedroom plan with the following condition: a five-bedroom deed restriction will be recorded. (Unanimously voted in favor.)

VII. Food Establishment Variance Requests:

Aaron Webb, owner of The Daily Paper, requesting a variance to toilet facilities, Code 322.

Mr. Webb was not present.

Mr. McKean updated that in 1986, with a previous owner, a statement was issued saying they could have 88 seats and that they must meet code. The previous owner should have installed two more bathrooms. They still only have 2 bathrooms and since then, the seating has been increased.

A letter will be sent to Mr. Webb stating the issue will be continued to the January 8, 2008 meeting and the request for a variance will be acted upon at that time.

VIII. Old Business/New Business:

POSTPONED UNTIL JAN 8, 2008 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).

IX. Massage Therapist Applicant:

Karen Black, Centerville, MA

Mr. McKean reviewed the candidate with the Board, all paperwork is in order and references were fine.

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

X. Disposal Works Installer Applicants:

A. Walter Burke, Sandwich, MA

Mr. McKean reviewed the candidate with the Board, all paperwork is in order and references were fine.

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

B. Winston Steadman, Brewster, MA

Mr. McKean reviewed the candidate with the Board, all paperwork is in order and references were fine.

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

C. Darrell Young, Brewster, MA

Mr. McKean reviewed the candidate with the Board, all paperwork is in order and references were fine.

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

XI. Body Artist -Variance:

Mark Curliss, Spilt Milk Tattoo Establishment, request to allow applicants with five years of licenses in other towns to practice body art without first completing an Anatomy and Physiology Course from a New England accredited college.

Mark Curliss summarized that it is very hard to find a qualified person who is willing to move here and is willing to take the anatomy course. He is proposing a variance for Thomas Griffin to granted a six month temporary permit until July 1, 2008, to work under the supervision of Mark Curliss while taking the anatomy course so he is able to earn money at the same time, thus making it an affordable decision.

Mr. Griffin has taken an anatomy course on line which did not meet the N.E. accreditation as labs done on line do not qualify. He has also taken a Boston issued course for 30 hours which specializes in skin and he has much experience in other states.

The Board will need additional time to research and review any change in the regulations.

The Board voted to approve the temporary permit specifically for Thomas Griffin to expire July 1, 2008. (Unanimously voted in favor.)

XII. Updates:

A. Charles Sabatt, representing Hyannis Public Library, storage tank removal.

Charles Sabatt stated that they found there are two tanks underground. One is currently filled with water and one is not. The Fire Department approved of the tanks being filled in and the installer was to remove the water from the tank Dec 11 preparing to fill it in.

B. Cynthia Cole- continued discussion of screening of dumpsters.

Requirement of fencing in dumpsters will be postponed until July 1, 2007 as bids for fencing are being taken. If need be, the time frame may be reviewed at that time.

The discussion of touchless faucets will be continued on January 8, 2008 agenda with Cynthia Cole. (She had thought there was a moratorium until there is a conclusion of the discussions.)

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to extend the Fencing of dumpsters in the town to July 1, 2008.

C. Dr. Canniff requested the BOH book to be updated with the names of department people.

Dr. Miller wants to set a date for a hearing on the escuary regulations.

He read from the Chatham regulations. .. Because of the ... Now the whole town is under the 440 ruling.

Mr. McKean asked if the BOH would ask the Town Council to change the regulations to 440 rule and then everything would be consistent.

Dr. Miller wants to check with Sue Rask. If his understanding is right, the 440 rule cuts the nitrate down 90% and the 330 cuts it down 100%. If so, he favors moving to 330. He believes the town has already acknowledged that there is a need to limit the situation.

The BOH discussed a special meeting. The meeting would be an evening meeting. We'll look at the Hearing Room Schedule for Mondays and Tuesday meeting times available in January 2008.

(2) Dr. Miller wanted to do something for staff - bring pizza and the BOH members will attend. – Jan 4, 2008.

Motion to Adjourn.