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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, January 8, 2008 at 3:00 PM Town Hall, Hearing Room 367 Main Street, Hyannis, MA

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on January 8, 2008. 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 was also present.

I. Proposed Revisions to Solid Waste Regulation:
Glen Santos, Supervisor, Solid Waste Division.

Glen Santos reviewed the proposed regulation.

Glen also updated the Board on the proposed recycling of horse manure. He is in discussion with the State Dept. of Environmental Protection.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the revision of the regulations for multiple (more than two) stickers per household. (Unanimously voted in favor.)

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

Deborah Packard presented data she received from the Conservation Department which showed five bedrooms. Deborah mentioned that just for a drawing, an engineer has quoted the work at \$7,500. Mr. McKean noted the document has three different handwritings on it, indicating all the information is not from the installer.

The Health Division's documentation shows a three-bedroom plan was submitted and installed. The Board identified the owner's options: they could either eliminate two of the existing bedrooms (or widen the doors) or they could enlarge their septic system, both the septic tank and the leach field. This house is in a sensitive area.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to grant a Continuance until April 2008 to allow time for them to make a decision on which direction they will take. (Unanimously voted in favor.)

III. Show-Cause Hearing:

John Lebica, Cape Cod Community College, grease traps.

John Lebica was present and discussed that his predecessor was granted a variance to install four grease traps and the grease traps were never installed. He was unaware of this until the Health Inspector brought it to his attention recently.

He is interested in installing these grease traps; however, he requested consideration for a revision in the variance granted. One of the four sinks is a single-compartment sink and is used for the washing of vegetables only, and installation of a grease recovery device is difficult in this location. John would like approval to not have one at this sink.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to amend the former variance to read: the triple-bay sink, the dishwasher, and the double-compartment sink will be attached to grease recovery devise(s) to be completed within three months. (Unanimously voted in favor.)

IV. Continued Items from Previous Meeting Septic Variances:

- A. Peter McEntee, 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).

Peter McEntee presented his data and explained it is a hydraulic failure with damp soil above the septic area. This house is used year-round. The abutters were initially notified and again, the next door neighbor was notified before this meeting.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve with the following condition: (1) a two-bedroom Deed Restriction will be recorded at the Registry of Deeds, (2) a copy of the recorded Deed Restriction shall be submitted to the Health Division, (3) the installation shall be in accordance with the revised engineering plan dated January 3, 2008, and (4) a monitoring **plan** must be submitted. (Unanimously voted in favor.)

CONTINUE TO FEB 2008 BOH MEETING B. David Coughanowr representing William Gordon – 62 Point of Pines Avenue, Centerville, 9,930 square feet lot, requesting two variances for repair septic system.

Continued to Feb. 2008 BOH meeting because the Board has not received revised plans.

V. Septic Variances (New):

- A. David Dadmun representing Karen and William Butler, owners - 465 Craigville Beach Rd, Hyannis, 15,000 square feet parcel, house addition, request for one variance.

David Dadmun presented data. Mr. McKean stated the plan does not have a reserve area with the addition.

Mr. Dadmun brought a revised plan which included a reserve area and uses a liner.

There exists a discrepancy in the plans. It appears there is a discrepancy between what was supposed to be installed originally in 1990, and what actually was installed. The Board requested (1) a State inspection of the existing system,

The engineer had recommended to Mr. Dadmun to use a different area to fit the system without a variance. The Board is interested in viewing a plan that is fully compliant.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve a Continuance to February 19, 2008, Board of Health Meeting to allow time for a revised plan. (Unanimously voted in favor).

- B. Peter McEntee, P.E., Engineering Works, representing Timothy Fulham and Lisa Olney, owner – 63 Blue Heron Drive, Osterville, 1.61 acre parcel, two variances requested for repair of septic system.

Peter McEntee presented his data. The leaching system is in hydraulic failure. They are interested in using the existing tank. The plan requests two variances: one for four feet of cover, in lieu of three feet, and a setback variance for the SAS from a coastal bank. There are four bedrooms (including the den). It was built in 1965.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the two variances with no restrictions and shall be installed in accordance to the engineered plans dated December 21, 2007. (Unanimously voted in favor.)

- C. Arthur Pacheco representing Janet Police, owner – 120 Third Avenue, Hyannis, 0.09 acre parcel, addition of a sunroom and a bulkhead to access basement, two variance requested.

Arthur Pacheco and Janet Police were present and discussed their plan. The house is a small three bedroom home. The deck will be converted to a sunroom which will not have heat, and the bulkhead will allow access into the basement. They are using two lots, so it is actually 0.188 acre parcel.

Mr. McKean noted they are creating their own hardship by putting on the addition.

There is not a full basement. There is only a dug-out area for the furnace.

The Board needs the exact distances delineated: the distance from edge of the foundation to the tank, and the distance from the foundation to the leach field.

Mr. Pacheco stated the distance is 18 feet from the leaching system to the foundation before the bulkhead is added. The Board also requests a floor plan.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to Continue until February 19, 2008, meeting to allow the applicant to present the following: 1) need exact distance from bulkhead to the tank, 2) the distance from the bulkhead to the leaching field, 3) floor plans (to view whether there are any other alternatives). (Unanimously voted in favor.)

- D. Peter McEntee, P.E., Engineering Works, representing Michael Ashley, owner – 1063 Main Street, Osterville, 9,026 square feet parcel, three variances for repair of septic system.

Peter McEntee presented his plan. Currently, the property has two cesspools and they require frequent pumping. Mr. McEntee has not inspected it for hydraulic failure – this is a voluntary upgrade to eliminate the frequent pumping. There are five bedrooms. The plan is to put one five-bedroom system in. Mr. McEntee stated there is a correction on the plan; they do not require a variance to ground water. They have plenty of room. There are three separate living units at the location and they will be using a two-compartment septic tank. A variance is needed to place 5 feet of soil over the SAS, and two coastal setback variances are needed for the SAS and the septic tank.

Mr. McKean stated it was a failed system and the plan meets the feasible criteria.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve the plan with the following condition: 1) a five-bedroom deed restriction is to be recorded at the Registry of Deeds, 2) a copy of the deed restriction shall be submitted to the Health Division, and 3) shall be installed according to the revised engineering plan dated December 21, 2007. (Unanimously voted in favor.)

- E. Dan Ojala, P.E., Down Cape Engineering, representing George and Alice Fardy, Trustees for Ocean View Motel – 966 Craigville Beach Road, Centerville, 0.13 acre lot, four variances requested, repair of septic system.

Dan Ojala presented the plan for a FAST system and noted some revisions. The motel is a nine-room motel. The revisions included: taking out the D-box and putting in a pressure-dosing system, the groundwater is four feet which is why they are pressure-dosing, and it is calculated at 682 gallons projected per day, there is a variance from street to system, there is a crawl space/slab which the space is tight on, but they do not feel they need a liner. Their plan includes the monitoring for the first two years.

The Board needs time for review of the revised plan and needs a monitoring plan. The Board also needs to know the type of failure so they may apply the correct requirement of time for completion. Dan expressed his client is interested in completing by spring. Dan submitted a page noting the monitoring plan.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve a Continuance to February 19, 2008, Board of Health meeting. (Unanimously voted in favor.)

- F. Stephen Wilson, Baxter Nye Engineering, representing Melvin Field, owner – 49 Main Street, Osterville, 1.1 acre parcel, two variances requested for a septic repair.

Stephen Wilson presented the plan for the four bedroom house (two up and two down). The system is not in hydraulic failure. The property is about to be sold and if the system is not put in before hand, it will be escrowed and put in after.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve with the following condition: 1) a four-bedroom deed restriction will be recorded at the Registry of Deeds, 2) a copy of the deed restriction will be submitted to the Health Division, and 3) installation shall be in compliance with the engineered plan dated December 7, 2007 and signed December 13, 2007. (Unanimously voted in favor.)

- G. Stuart Bornstein, Stuborn Limited Partnership, owner – 276 Falmouth Road, Hyannis, 1.8 acre parcel, map and parcel 293-031, request exemption from connecting to town sewer.

Dan Ojala, Down Cape Engineering, was present with Stuart Bornstein. Dan gave a handout showing how a fresh water pond in the vicinity may actually clean the water of 75-80% of the nitrates.

When they first installed their current system, the town was not ready for a hookup to sewer. The town gave a temporary variance in 1990 to install their current system but did deny a grease trap. There would be a large expense to hookup to the sewer.

The staff is recommending hook up to sewer as this was only intended to be a temporary solution.

Dale Saad, Town of Barnstable –Dept of Engineering, spoke of the current wastewater facility's capacity has expanded and would want this connected. She also noted that research shows some ponds are actually nitrate-sensitive and it is unknown where the pond at this property is nitrate-sensitive or not. Therefore, she recommends hooking up to sewer as required by state.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted on the request for an exemption from a connection to town sewer. (The Board voted unanimously opposing the vote.) The Board will allow a one-year period to have the property connected to town sewer as it will require connecting across Route 28.

VI. Six or More Bedrooms:

- Darren Meyer representing Jamison DaSilva, owner – 47 Suffolk Avenue, Hyannis, 11,000 square feet parcel.

Some questions need to be addressed including a plan for how the property will accommodate the parking for all the proposed units.**

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted a Continuance to February 19, 2008, Board of Health Meeting. (Unanimously voted in favor.)

VII. Nitrogen Aggregation Plan:

Matthew Eddy, Baxter Nye Engineering & Surveying, representing James Murphy, owner – 34 Ost-W. Barnstable Road, Map and Parcel 120-046-001, Osterville, obtaining “credit land” at 1322 Main Street, Map and Parcel 2119-079, Osterville.

Eliza and Matt Eddy, Baxter Nye Engineering, presented their plan. The building will be used by two dentists.

Mr. Eddy discussed his proposal with Brian Dudley, MA DEP as well. The amount of “credit land” they require for their location is 2,700 square feet. They have arranged for a 3,000 square foot easement of the parcel at 1322 Main Street, Osterville. They are scheduled to go to the Site Plan Review Board but are looking for our comments before going further in the costs and time.

Mr. McKean noted the use of the Fitness Center land, 1322 Main Street, is not a good choice. The land was already determined to be limited and the Board had restricted the Fitness Center from having showers as the land could not support it. The land falls into the 330 Rule. Therefore, the Board discussed that they do not believe the I/A system can prompt the use to be boosted up to 550 gallons per day. The Town does not allow variances to the 330 Rule and if it did, they would anticipate it would be a 25% increase not a 33% increase.

The Board also mentioned that they would want him to use the minimum possible gallons for each use (which is higher), not their calculations of use.

Matthew Eddy stated the current land also has a three-bedroom system on it. He had reviewed the presentation with Brian Dudley who acknowledged the proposal was feasible. Mr. McKean noted that 1.3 acres would be expected if a variance was permitted. Both parties agreed to do further research. The Board will check with the Town Attorney on the ability to issue a variance.

Mr. Eddy mentioned that currently there is a use of 545 gallons per day from the three bedroom system now in place. Prior to this, the Board mentioned there is now a 330 restriction for this area and it can not be increased. Mr. Eddy is wondering whether the Board would grandfather the 545 gallon use above (and raises it to the 550 needed if no variance allowed). This would be an additional legal question they may research.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted on a Continuance until the February 19, 2008, Board of Health meeting. (Unanimously voted in favor.)

VIII. Food Establishment Variance Requests:

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

Aaron Webb presented his data. They had done a major renovation at the time they opened in Dec 2006 after their renovations. They were never aware that two additional bathrooms were required. He stated they were very diligent in meeting with the Health Division at the time of the purchase and they were never informed that the bathrooms were not up to code. They had the Health Inspector walk through the site with them to make sure all their renovations met the requirements of the Board. They do not own the building. They do not have the capacity to put the funds in to add toilet facilities.

Mr. McKean mentioned there is a note in the file dated 6/01/82 stating to the Selectmen that the Health Division requires a total of four bathrooms. Once there is more than 50 seats, four bathrooms, allowing two for patrons and two for employees, are required. There have not been any complaints issued on this from patrons.

Mr. and Mrs. Webb noted that there has never been a line for the restrooms. They are in their second year of a five-year lease.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to issue a variance from the toilet facilities requirement until one of the following three have occurred: 1) upon a renewal of the lease, 2) upon a change of lessee, or 3) upon major renovations. The applicant will submit documentation to Mr. McKean showing the current lease dates (expiring approximately 2010). (Unanimously voted in favor.)

IX. Subdivision # 817 - Definitive Plan (Cont.):

CONTINUE TO Cape & Islands Engineering representing Peter Jenkins, Jr.,
FEB 19, 2008 Definitive Plan at 361 Parker Road, West Barnstable, Map and
BOH Meeting Parcel 176-021, on public water, on-site sewerage disposal system, continued from Oct 2007 meeting.

X. Request to Reduce Monitoring of I/A System:

Joseph Sullivan, owner – 130 Short Beach Road, Centerville, eight test results.

Mr. Sullivan was not present. Test results submitted were good.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to reduce the monitoring plan to once a year with reporting to the Public Health Division. (Unanimously voted in favor.)

XI. Old Business/New Business:

A. 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).

Ed Pesce discussed his calculations and how he came up with them. Glen Allen of American Tent, a current owner, was also present.

Mr. Pesce has calculated less than 3,400 gallons use per day after researching with each tenant. Mr. Pesce will come back to the Board on February 19, 2008, with additional requested information.

Two septic systems will be replaced before the next 12 months. The system which the American Tent is on will get prices for a GRD or a grease trap, and they will revise the use upwards. They are interested in replacing this system relatively quickly – in the next 12 months. Mr. Pesce will fine tune the calculations and will keep a goal of approximately 2,500 gallons per day with a maximum of 3,400 gallons per day.

B. Proposal to regulate high liquid levels in leaching pits.

Not discussed due to time constraint.

XII. Updates:

A. Cynthia Cole- continued discussion of touchless faucets.

Cynthia Cole wrote a proposal to the Health summarizing the meeting to date.

They are proposing, as a compromise, to install touchless faucets by 2008 in their kitchens, including the option of knee operated faucets.

Cynthia Cole will continue to do revisions and will return to the Board on **February 19, 2008.**

Board voted to adjourn at 7:00pm.

B. Thomas McKean will work on a revision to Chapter 385-4 for February 19, 2008 meeting – changing the current regulations of submitting plans two days prior to the Board meeting to ...10 days prior to the Board meetings unless approved by the Board of Health and the staff allowing proper time to mail to the Board members and review.