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Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601



Wayne Miller, M.D.
Paul Canniff, D.M.D.
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BOARD OF HEALTH MEETING MINUTES Tuesday, July 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 July 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, and Sharon Crocker, Division Assistant, were also present.

I. Show-Cause Hearing – Housing (New):

Marilyn Higgins and Cindy Gold at 92 County Seat, Hyannis – Housing Violations.

Philomena Hurley, the neighbor, spoke of how this has continued for 10 years. It has been a continuous problem. As soon as they clean it up, they start tossing the trash outside all over again. Tim O'Connell, the Health Inspector, agreed with the neighbor. He has been working on these issues for the past year.

Mrs. Higgins has now been received into housing and the house will be sold. She is moving her belonging by herself and had a difficult time estimating when she may be out. She has to depend on contractors schedules. She thanked the town and her neighbor for the patience they have shown.

Mrs. Higgins said she will get all the trash out this Friday at 4pm. If it is not cleaned up by Friday, the Board of Health will hire someone at Mrs. Higgins's expense. Everything else she will be sending to a flea market. She said the Veteran's Association volunteered to help her.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to institute a deadline of Friday, July 11, 2008 at 4 p.m. to have all trash removed from the house and if it is not removed, a contractor will be hired at the owner's expense. (Unanimously voted in favor.)

We can re-implement the ruling if the garbage is cleaned up and the owner starts up all over again. If the daughter and other tenant's continue the problem once the owner has moved, the tickets will be issued to them.

II. Hearing – Housing:

Sheila McNamara, owner – 294 Tobey Way, Hyannis, removal of one bedroom and upgrade the septic system.

Annellen and Sheila McNamara presented their situation. They purchased the house in 2001. The house is occasionally rented out in the summer for 4-8

weeks during July – Aug. Last year the rental program approved the house (with 4 bedrooms) and the owners were unaware of any problem existing. This year it was identified that it is a three bedroom. They would like to keep the three bedrooms upstairs and not change any walls/doors. However, their handicap mother is interested in visiting and staying in the downstairs (dining room.) When she is there, they would like to not use one of the bedrooms upstairs to accommodate her downstairs.

The options given are: to open up the dining room doorway to 5 feet (i.e. French doors), to open up a wall or doorway upstairs, or to request a variance for a septic tank to remain 1000 gallons and increase the leaching field to accommodate the fourth bedroom. Annellen McNamara expressed interest in getting quotes to see if they can increase the septic system which may only require one more infiltrator to the leaching system at this time.

Upon a motion by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to **Continue until November 18, 2008** Board meeting. (Unanimously voted in favor).

III. Septic Variances (Cont):

POSTPONED UNTIL AUG 26, 2008 BOH MEETING A. Joe Henderson, Horsley Witten Group, representing Mark Ellis, owner – 239 Iyannough Road, Hyannis, Map/Parcel 328-206, 0.66 acre lot, 5 variances requested.

III. Septic Variances (New):

A. Michael Pimentel, J.C. Engineering representing Donald and Susan Shur Thompson, owner – 361 Woodside, West Barnstable, Map/Parcel 152-031, 35,300 square feet lot, four variances requested for a septic repair.

Michael Pimental presented the plan. The current drinking well has been there since 1973. Mr. Pimental is unfamiliar with the testing records of the well.

Arlene Wilson represented the neighbor, Aneida Swanson, and mentioned the road is now a town road and asks that the Board consider UV protection required with the new system.

The Board determined that due to the fact that the system is greater than 100 square feet away from the well, the expense is unnecessary. The Health Division is most concerned with the road run-off in winter.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the plan with the following condition: the drinking well must have a standard Title V well test performed and if one has been done in the past year and is normal, that will be accepted. If the water test does not pass, the well will have to be relocated. (Unanimously voted in favor).

(No Deed Restriction is required as the regulations do not allow an increase to four bedrooms due to the lot size.)

B. Rich Capen, Capewide Enterprise, representing Grazina Pileika, owner – 200 Horseshoe Lane, Centerville, Map/Parcel 207/133, 10,637 square feet lot, two variances for house addition.

David Flaherty, Down Cape Engineering, represented the property for the owner and Rich Capen. David will submit the green cards to Mr. McKean tomorrow morning.

There is one variance missing: the septic is less than 100 feet from the wetlands with an increase in flow. Also, the setback variances are not correct for an increase in flow (only for a repaired system with the same flow)

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to **Continue to Sep 9, 2008** Board of Health Meeting. (Unanimously voted in favor.)

(COMMENT added in September: the final result: the applicant decided not to increase the flow, so no continuance was needed.)

C. John Schnaible, Coastal Engineering, representing Pamela and George Christodoulo, owner – 271 Pleasant Pines Avenue, Centerville, Map/Parcel 214-041-002, 0.57 acre parcel, four variances requested for house addition.

John Schnaible and Steve Cook presented the plan with a new type of an I/A system, Perc Right System. The system provides environmental protection and the leaching tubing is only 6 inches to grade. The setbacks are: SAS from wetlands are 82 feet (18 feet variance), the setback of tank from wetlands are 76 feet (24 feet variance), and the pump chamber setback from wetlands is 91 feet (9 feet variance) with no increase in flow.

It will remain a three-bedroom system. The new study is wide open (currently it is an existing office.)

Mr. McKean pointed out that there is an irrigation well and it should be marked on the plan. Mr. Schnaible was unaware of it and will insert it (It appears to be right at the new addition and if it is not to be used they will have it removed.)

Upon a motion duly by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the I/A septic plan with the following conditions: 1) a three-bedroom Deed Restriction must be properly recorded, 2) a copy of the Deed Restriction must be submitted to the Public Health Division, 3) the plan needs to be installed in accordance to the DEP approval requirements, 4) a maintenance agreement must be submitted, 5) the maintenance agreement is the responsibility of the owner and must be conveyed that the responsibility is conveyed to each new owner of the property, and 6) a monolithic tank will be used. (Unanimously voted in favor.)

IV. Variance – Food (New):

- A. Dean Walton for Little Sandwich Shop, 223 (a.k.a. 263) Stevens Street, Hyannis, grease trap variance.

Dr. Miller said they must keep a log of big dipper and Dean will see Mr. McKean for the sample document to be used for tracking the grease removal.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the grease variance. (Unanimously voted in favor.)

V. Body Art License:

Heather Sequeira, Plymouth, MA.

The Board reviewed the applicant's presentation. Heather will be working at PinCushion.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve Heather Sequeira as a Body Artist. (Unanimously voted in favor.)

VI. Updates:

Dr. Miller mentioned the Discussion for the Commercial portion of the Estuary Regulation will be held during the September 9, 2008 Board of Health meeting.

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

Adjourned 4:30 p.m.