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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, August 26, 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 August 26, 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. Hearing – Septic:

POSTPONED Celia Freitas, owner – 69 Wayland Road, Hyannis,
UNTIL BOH Map/Parcel 271-229, 0.35 acre lot, requests an extension
SEP 9, 2008 on a repair of septic failure until October 31, 2008.

II. Septic Variances (New):

A. Carmen Shay, representing Ann Tomacelli, owner – 262 Skunknet Road, Centerville, Map/Parcel 174-016, 17,760 square feet lot, one variance requested for a septic repair.

Carmen Shay and the owner's son, Earnest, were present. The Board acknowledged that the process was underway before the Estuary Regulation went through and four bedrooms would be permitted. However, the owner's son explained that with recent information of the current tenant's moving out September 30, 2008, they would be content to widen one doorway to five feet and keep the house as a three bedroom.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve a 90-Day Extension to have the doorway expanded to five feet. (Unanimously voted in favor.)

B. Brian Yergatian, BSC Group, representing Mark Holmquist, owner – 59 Nyes Point Way, Centerville, Map/Parcel 233-018, 0.15 acre lot, multiple variances for repair of septic system.

Keirnan and Brian Yergatian, BSC Group, presented they data. They said they originally planned on using a tight tank. They presented their plan to Brian Dudley who said he thought the site was better suited for a conventional pressure-dosage system.

Discussion ensued including the neighbor's property is also a tight tank and that it is looking hopeful that the sewer lines will arrive soon in which case a tight tank would be a less expensive way to go. The Board does not often feel a tight tank is ideal but feels this is the right situation. A site visit will be arranged to include

Brian Dudley and the Board and BSC (who will also bring the water test results of well), tentatively set for Wed, 9/3/08 at 3pm.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve a Continuance to September 9, 2008, Board of Health meeting. (Unanimously voted in favor.)

- C. Stephen Wilson representing Alan Green, owner – 140 (and 128) Conners Road, Centerville, Map/Parcel 251-014 and 015, 0.47 acre parcel, one variance requested for repair as a two bedroom.

Mr. Wilson presented the plan to the Board with the variance from wetlands. The house is a two-bedroom and will remain a two-bedroom.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the variance with the following condition: a two-bedroom Deed Restriction will be filed with the Registry of Deeds and a proper copy given to the Health Division. (Unanimously voted in favor.)

- D. Dan Ojala, Down Cape Engineering, representing Cornelia Austin, owner – 14 Marshview Lane, Marstons Mills, Map/Parcel 076-006-002, 56, 638 square feet lot, multiple setback variances to coastal bank, BVW and property line.

Dan Ojala presented data.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the variances with the following conditions: a two-bedroom deed restriction shall be recorded (they may insert a line with a possible future review of property for use as a three bedroom). (Unanimously voted in favor.)

- E. Mike Pimentel, JC Engineering, representing Izabel Marrero and Thays Fernandes, owners – 4 Saint Francis Circle, Hyannis, Map/Parcel 291-221, a 0.30 acre lot, three variances requested for repair.

Mike Pimental presented data.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the variances with the following conditions: a three-bedroom deed restriction shall be recorded at the Registry of Deeds. (Unanimously voted in favor.)

II. Septic Variances (Cont):

POSTPONED Joe Henderson, Horsley Witten Group, representing Mark Ellis,
Until SEP 9, 2008 owner - 239 Iyannough Road, Hyannis, Map/Parcel 328-206,
BOH MEETING 0.66 acre lot, five variances requested.

III. Variance – Water Supply- School:

Arthur Grohe, Jr., Board Chairman, West Parish Family School, part of West Parish, 2049 Meetinghouse Way, West Barnstable, variance to use Pex piping to correct lead and copper levels in drinking water (well).

No one was present.

The Board did not oppose the change in piping.

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

IV. Variance – Food Establishment:

- A. Harry Grong for The British Beer Company, 412 Main Street, Hyannis, Map/Parcel 309-221, variances from insufficient size grease trap. Proposes outside dining, no air curtain, no hose bib and no air screen (proposes to keep one solid door closed and keep air conditioning on).

Jacqueline McCarthy, Manager, presented data for Harry.

The Board said they need additional information on the pumping. The information simply shows it was pumped and the Board needs to know the quantity. It is pumped quarterly and is next due in September. They will get the quantity on that pump out and inform Mr. McKean.

Dr. Miller said that regarding the air curtain, he feels it is needed and should not be eliminated. They are planning to put one in. Regarding the pressure hose: the sink is right in the center of the bar and the hose would run about 70 feet, straight through the restaurant and out. They feel the pressure hose works much better.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve a variance for outside dining of 14 seats with the requirement of an air curtain be installed on the door which will be a closed door, and a pressure hose will be used instead of a hose bib, and the amount of the grease removed from the grease traps during the quarterly pumping will be recorded and turned in to Mr. McKean for the following year. For the September pump out, the results will be given to Mr. McKean immediately and this will be continued until the October 14, 2008, meeting to review the results of test. (Unanimously voted in favor.)

- B. David Lawley represented Vojin Vujoseic, owner of Pain D' Avignon, 15 Hinckley Road, Hyannis, Map/Parcel 311-020, variance for bathroom facilities.

David Lawley and Mario were present for the owner. Two bathrooms already exist but require some additional work to make them accessible. The Board needs to review the permits of the Building department and the Common Victual License.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve a Continuance until October 14, 2008, and the business will be allowed to continue operating in the café until then, as the other permits are in place by the other departments. (Unanimously voted in favor.)

V. Variance – Food: Temporary Permit:

Heather Donnelly for MSPCA Walk for Animals, food event to be at Aselton Park, 135 South Street, Hyannis on Sunday, September 7, 2008.

Heather Donnelly presented the event information and it will be for 30 pizzas delivered.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve.

VI. Variance - Body Art License:

A. Josh Kuenne of South Yarmouth, MA to work at Spilt Milk Tattoo, Mark Corliss, owner, 540 Main Street, Suite # 4, Hyannis, requesting variance to allow Mr. Kuenne to perform body art without anatomy and physiology training.

B. Andrew Regan of Jamaica Plains, MA to work at Spilt Milk Tattoo, Mark Corliss, owner, 540 Main Street, Suite # 4, Hyannis, requesting variance to allow Mr. Regan to perform body art without anatomy and physiology training.

Mark Corliss, owner of Spilt Milk Tattoo

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve a temporary body artist permit for both Josh Kuenne and Andrew Regan, provided their references submitted are good.

Also, the Board will review the possibility of breaking out the Body Art from Body Piercing and creating separate regulations. The Anatomy and Physiology is more relevant for Body Piercing.

Mark will bring Mr. McKean information on the Quincy state course given to Body Artists to review for a possible requirement for the permit in the future.

VII. Old Business/New Business:

A. Regulations Recommended for Deletion.

Mr. McKean discussed his interest in having the Board review and update a list of regulations. The Board suggested to handle some at each of the Board meetings.

B. Regulations Which Need To Be Amended.

Mr. McKean and the Board discussed the current status:

- 1) Outside Dining: the wording is not clear. The BOH's desire is to have both a door and an air curtain.
- 2) Fuel Tank Exemption – Cindy Cole is working on.
- 3) Increase in Ticket Citations – The town attorney is working on this.
- 4) Criminal Citations – keep working on.
- 5) Bury large animals in yard. (currently can bury dog and horse)
- 6) Screen Door and Air Curtains questions – yes, should come before the Board.
- 7) Touchless faucets – Discussed to handle violations similar to smoking regulations. If not in compliance by 12/31/08, then they would first have a violation and must do within “xx” days, after that deadline, the second violation would bring a higher fine with a new deadline.
- 8) Screened Dumpster: The Board asked Thomas McKean to speak with Mr. Geiler to see whether he would agree to have the Building Division take on the regulation for dumpsters.

VIII. Additional Items:

Interim Regulations with a focus on Commercial will be discussed at the October 14, 2008 meeting.

The Board's concern is health and not economic. The Chairman was concerned with whether the Board of Health is allowed to differentiate the application of Interim Ordinance for specific classes/groups.

Dr. Miller had met with James Crocker and the group heading up suggestions for commercial wording. The Commercial applies to 1 ½% of population in town.

The Board stated there is a need for a comprehensive wastewater treatment plan. The town must get the Wastewater Subcommittee in place and moving.

Voted to Adjourn