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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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MINUTES OF BOARD OF HEALTH MEETING Tuesday, October 14, 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 October 14, 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 – Estuary Ordinance** - Postponed to Nov. 18 Board of Health Meeting.
- II. **Septic Variances (New):**
 - A. Dan Ojala, Down Cape Engineering, representing Dr. Stanley Goldstone, owner - 223 Fifth Avenue, Hyannis, Map/Parcel 245-041, 8,000 square feet lot, three variances for repair.

Dan Ojala presented plan. The Health Division staff did not have any issues.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the variances with the following conditions: 1) a four bedroom deed restriction be recorded at the Barnstable County Registry of Deeds and a proper copy submitted to the Public Health Division and (2) use of an adequate vegetative screen or stone face from the front view. (Unanimously voted in favor.)

- B. John O'Dea, Sullivan Engineering, representing Michael and Gisa Belanger, owner –100 Cross Street, Cotuit, Map/Parcel 033-032, 0.9 acre lot, four variances for repair.

John O'Dea (has returned green cards back from abutters and will submit to Mr. McKean tomorrow). Mr. O'Dea explained the septic location chosen allows the owner to save the two trees and avoid moving all the utilities.

Mr. McKean said the staff found the parking area is quite close to the location of the tank and recommended H2O rating and that consideration be given for an innovative alternative system. Also, on reviewing the files, it looked as though the building was a two room facility when last permitted, and now appears to be a three bedroom. More documentation is desirable to make the determination.

Given the quantity and severity of the variances, along with the lack of historical information, the Board would like to have the measurements of the bedrooms as

they appear very close to 70 square feet or less. If it is to be used more than 4 or 5 months a year, then the Board would like an I/A system used.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve a Continuance to November 18, 2008 Board of Health Meeting. (Unanimously voted in favor.)

III. Innovation/Alternative System:

Robin Wilcox, Sweetser Engineering, representing Philip and Mary Ellen Nelson, Trustees – 90 Harbor Point Road, Barnstable, Map/Parcel 352-001, 15 acre lot, house renovation.

Mr. Philip Nelson stated that the pocket door to the office was removed and the door opening enlarged to five feet to avoid the room being counted as a bedroom.

Mr. Wilcox presented the plan and stated that Conservation requested them to use an I/A System. They chose a Singular System. The Board of Health expressed that as long as no variances are needed, the applicant can switch systems to a standard system if the applicant receives approval through Conservation. (Applicant will be meeting with Conservation this evening.)

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the I/A system presented in the plan with the revised date of October 14, 2008, with the following conditions: the monitoring would only be required twice a year for two years with a review at the end of the two years. Also, the Board determined a standard system without any variances would meet the Board of Health regulations as well. (Unanimously voted in favor.)

IV. Six Bedroom:

Glen Harrington representing Taylor Joyce, owner – 100 Oregon Road, Cotuit, Map/Parcel 016-012, 2.6 acre lot.

Glen Harrington was unable to attend the meeting. The plan had a total of six bedrooms in the main house and one additional bedroom in a separate dwelling with two separate systems for each building. The plan did not require any variances.

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

V. Variance – Temporary Food Permit:

John Rega for Taste of Cape Cod Festival, to be held at Resort & Conference Center, Scudder Ave, Hyannis, on November 23, 2008.

John Rega applied for two temporary food permits twice during each year to be run in the same fashion as this past year.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted on approval for two temporary food permits per year to be run in a

similar fashion to the Taste of Cape Cod Festival 2008. The specific dates are not required in advance of the year. (Unanimously voted in favor.)

VI. Old Business / New Business:

- A. Dumpster Update -James Madru, Manager, Breakwater Condominiums, dumpster setback to property line.

A letter from an abutter, Richard Marino was read. He expressed gratitude for the cleanliness of the dumpster area this summer and asks that the dumpster will be emptied once a month in the off-season to avoid any problems. Mr. Madru stated the dumpster would be on a monthly schedule in the off-season. No action was required.

- B. Rainwater standing on top of septic – 70 Thoreau Drive, Centerville.

Victor Muravyov, owner, said there was wetness above his new septic system for two days after it rained. Mr. Muravyov said he is unable to resolve his situation between the engineer, Lisa Lyons, and the installer, Bortolotti. The septic was installed last year and he has been trying to resolve it since May of this year.

The Board listened and said they do not have jurisdiction to require anyone to do the repair for free. The issue is a civil issue which is set up to be heard in court.

- C. Number of Bedrooms to be verified –Ralph Mahoney, owner- 58 Mockingbird Lane, Marstons Mills.

Ralph Mahoney purchased the house in 1993. It was a two bedroom downstairs. Then the owner took out a permit to dorm the upstairs (for three more bedrooms and a bath) and it was approved, giving him a total of five bedrooms. He later took out another permit to add a bedroom above the garage and removed one elsewhere, and the inspector referenced the original permit in 1979 and signed off on approval as a five bedroom stating it as a five bedroom non-conforming house due to changes in rules. The property is in the GP area.

The Board feels that given the confusion, the Board must allow the five bedrooms. However, as a new septic is needed at this time, the Board states that an I/A system will be needed.

Dr. Canniff suggested the idea of allowing the Health Division Inspectors to receive septic permit requests, allow more time to review them, and return them in the future, i.e. 48 hours later. The hope would be to take pressure off the inspectors in reviewing the plans on the spot.

Upon a motion duly made by Mr. Sawayanagi, seconded to Dr. Canniff, the Board voted to approve two options: 1) the owner can put in a standard system for a four bedroom without an I/A system, or (2) the owner can keep the 5 bedrooms and install an I/A system. (Unanimously voted in favor.)

- D. Jaqueline McCarthy / Harry Grong for The British Beer Company, 412 Main Street, Hyannis, (continued from Aug. 2008), with results of grease trap log.

Jacqueline McCarthy was present and gave the Board the results from Johnny Flo. It only listed that 2,000 gallons of grease was pumped out. She said that the contractor was three weeks late in pumping it and she was told it was full. As the trap can be full of liquid and grease, the Board needs additional information similar to reporting received from Alberto's Restaurant. The contractor did not breakdown the percentage of solids and sludge.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to Continue to the January 2009 to allow another grease trap pumping to be done in its normal quarterly cycle and the Board requests the quantity in trap be broken down to the percentage of solid grease and percentage of sludge. (Unanimously voted in favor.)

- E. Felis Barreiro, owner, Alberto's Restaurant, Main Street, Hyannis (continued from May 2008) with results of grease trap log to determine frequency of grease trap pumping with additional seats.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve the 3,000 gallon grease trap for 250 seats. The Board is still interested in seeing the pumped information each time it is pumped; however, they do not need to come before the Board again. (Unanimously voted in favor.)

- F. Original Gourmet Brunch, Main Street, Hyannis (from May 2008), results of grease trap log to determine frequency of grease trap pumping, seating.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the 1,000 grease trap for 94 seats. The Board is still interested in seeing the pumped information each time it is pumped; however, they do not need to come before the Board again. (Unanimously voted in favor.)

- G. Pain D'Avignon - Status of toilet facilities, seats and permits.

Mario stated that the original bathrooms are now accessible to the restaurant. The wall was removed. This brings the total amount of bathrooms to three (including one for handicap) and meets the requirements.

No further issue.

- H. Status – Regulations Revisions

Each month the Board will review a new section of the group of regulations to be reviewed.

Motion to Adjoin (Mr. Sawayanagi)
5:20pm