



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING RESULTS

Tuesday, March 13, 2012 at 3:00 PM
Town Hall, Hearing Room, 2ND Floor
367 Main Street, Hyannis, MA

I. Policy / Regulation:

Review of one year trial of Lifeguard Modification and vote on renewal and/or expansion of the program.

The Board voted to approve a continuation of the trial program with the same parameters as the prior year. (Two voted in favor, one opposed – Dr. Canniff.)

II. Hearing - Show Cause: Housing:

Craigville Motel, 8 Shootflying Hill Road, Centerville, insufficient heat to occupants and use of space heaters, operation of motel without a valid license for 2012.

Tara (Jitendra) Patel, owner, said they have corrected everything on Health Inspector Miorandi's list with the exception of the heating. One of the units has become vacant, leaving only one room in that section which does not have separate thermostats. They will move that party into the heated section.

The Board voted to approve a 30-day extension to resolve the heating issue and obtain a current motel license. If the Fire Department or the Health Department have any issues, the owner must return to the Board in April 2012.

III. Hearing – Sewer Hook-Up:

Leo Fein, General Manager, Cape Cod Mall, representing Mayflower Cape Cod, LLC, owner - 104 Enterprise Road, Hyannis, Map/Parcel 294-019, requesting variance.

Attorney Michael Ford said the owners will connect to the town sewer. Mr. Ford asked that the Board allow the owners an extension until January 2013, so they are able to finance it on their upcoming budget.

The Board voted to approve an extension to connect to sewer to January 2013. This item will be continued to the February 2013 Board meeting to confirm the completion.

IV. Hearing – Septic Failure:

Marcia Elliott, owner – 37 Rue Michele, Barnstable, acceptance of revised septic inspection.

The Board explained the resulting report shows the ground water is still close and the owner should anticipate that she will need to replace the system sooner than later.

The Board voted to continue this until April 2013 on the condition that the owner have another septic inspection done in March 2013 by a different inspector and bring results to the Board.

V. Innovative / Alternative (I/A) System (Cont.)

Stephen Wilson, Baxter Nye Engineering, representing David Brito, P&S Agreement with owners – 31 and 43 Church Hill Road, Centerville, Map/Parcel 207-138 and 207-139, total two lots is 32,045 square feet, three variances, MicroFAST system, (continued from Jan 2012)-revised plans.

DENIED. The Board voted on approving the plan with the I/A system with setback to wetland variances and monitoring plans to be provided with bi-annual testing. DENIED.

VI. Variances – Septic (Cont):

Peter Sullivan, Sullivan Engineering, representing C. William Carey, owner – 986 Sea View Avenue, #A, Osterville, Map/Parcel 091-002, 2.72 acre parcel, proposal to grandfather four bedroom without installing new septic system (continued from June 2011).

CONTINUED TO APRIL 2012

VII. Variances – Septic (New):

A. Dan Ojala, Down Cape Engineering, representing Maura McCaw, owner – 9 Laurel Avenue, Centerville, Map/Parcel 226-075, 0.11 acre lot, multiple variances, repair of failed septic system. IT IS AN I/A SYSTEM.

The Board voted to approve the variances with the I/A system with the following conditions: 1) record a 3-Bedroom Deed Restriction with the Barnstable County Registry of Deeds, 2) supply the Health Division with a proper copy of the deed restriction, 3) submit a signed monitoring plan with quarterly testing and after the first two years, they can ask the Board of Health to consider a reduction in the monitoring requirements, and 4) apply to the DEP for the I/A system.

- B. Jim, LeBeouf, LeBeouf Septic, representing James DeMarco, owner – 149 Point of Pines Ave, Centerville, Map/Parcel 230-072, 0.21 acre lot, septic variances due to site constraint, repair of failed septic system.

David Mason, Engineer, and Jim LeBeouf were present.

The Board voted to approve with the following conditions: 1) A 3 bedroom deed restriction be recorded with the Barnstable County Registry of Deeds, and 2) a proper copy of the deed restriction be provided to the Public Health Division.

VIII. Variance - Pool:

Stuart Bornstein representing Ridgewood Avenue, LLC, owner Doubletree by Hilton Hotel Cape Cod – 287 Iyannough Road, Hyannis, Map/Parcel 328-210-001, pool variance.

The Board voted to approve the variance to the pool to allow the stairs with the condition that the rungs of the stairs will be painted a different color from the pool to assist in making them stand out.

IX. Underground Storage Tank:

Matthew Eddy, Baxter Nye Engineering, representing Balise Motor Sales – 322 Falmouth Road, Hyannis, Map/Parcel 293-010, install a 4,000 gallon double wall steel storage tank which is a three compartment tank for waste oil and new motor oil.

The Board voted to approve without conditions. The contact name for the monitoring is Dennis Bolduc.

X. Variance – Food (New):

- A. Tracy Pavlas, owner, Hot Diggity Dog – 569 Main Street, # 11D, Hyannis, Map/Parcel 308-444-00N, grease trap variance.

The Board voted to approve the grease trap variance to extend until whichever comes sooner: until a new owner is in the space, the five year lease expires, or five years has lapsed. At that point, in order to continue, a grease trap or a Trapzilla will be installed.

- B. Terri Perry, owner, Caffè' Crumb – 846 Main Street, Osterville, Map/Parcel 117-075-001, grease trap variance.

The Board voted to approve the grease trap variance based on the submitted menu.

XI. Policy/ Regulation:

- A. Beach Designations – Revision to Estey Avenue, Hyannis.

The Board approved the change to the Beach Designation Lists. The change is to move Estey Avenue, Hyannis, off of the beaches for testing and onto the list of locations where signs will be placed stating the water is not tested.

B. Discussion: Mobile Food Unit / Trailer – Requirements

The Board approved the proposed regulation above (No. 2012-02).

C. Policy for Considering Passing a Septic System Which had Previously Failed.

The Board approved the proposed regulation above.

D. Revision to Body Art Practitioners regarding Anatomy and Physiology Requirement.

The Board voted to approve the Body Art Practitioner Permit for Tattoo Artists Only, Revision dated 3/12/12.

E. Ban on Pharmacy Tobacco Sales.

This will be placed on the April 26, 2012 meeting.