



# Town of Barnstable

## Board of Health

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### BOARD OF HEALTH MEETING RESULTS

Wednesday, January 17, 2007 at 3:00 PM  
Town Hall, Hearing Room  
367 Main Street, Hyannis, MA

#### I. Hearing:

**POSTPONED** A. Kathy Posner requesting hearing regarding too many bedrooms at  
**UNTIL 2/14/07** 22 Marion Way, Osterville.

**FOR A**

**SHOW CAUSE HEARING** Attorney could not be present due to a death in family.

**CONTINUED** B. Charles M. Sabatt, representing Victor Skende and Beverly  
**UNTIL** Skende, 77 South Street, Apartments 1-4, Hyannis, - regarding  
**FEB 14, 2007 BOH** various housing violations observed.

Continuance to allow time for BOH to speak with town attorney and  
Town Council for fine-tuning of ordinance.

#### II. Variance Request:

**CONTINUED** A. Arne Ojala, P.E., P.L.S., Down Cape Engineering representing  
**UNTIL** Fred Tonsberg, 2 Short Beach Road, Centerville, 12,630 square  
**FEB 14, 2007 BOH** feet lot, existing 2-bedroom proposed to be razed and rebuilt as 2-  
bedroom, numerous variances requested.

**CONTINUED** B. Arne Ojala, P.E., P.L.S., Down Cape Engineering representing  
**UNTIL** Trisko Family Trust, 270 Sandy Neck, Barnstable, 10,890 square  
**FEB 14, 2007 BOH** feet parcel, variance to replace cesspool type structure with a  
leaching pit, composting toilets proposed.

**CONTINUED** C. Kieran Healy of BSC Group, Inc. representing Trustee David Ross  
**UNTIL** of 0 Water Hole Lane, W. Barnstable, 149,675 sq. ft. lot, Section  
**FEB 14, 2007 BOH** 360-1, SAS proposed to be located 65 feet setback to wetlands,  
well testing information received.

**CONTINUED UNTIL FEB 14, 2007 BOH** D. Matthew Eddy, P.E., Baxter Nye Engineering & Surveying representing Shane Pacheco - 1799 Service Road, West Barnstable, 3 acre lot, new construction, proposed two dwellings and a barn, variance requested in regards to separation distance between proposed SAS and neighbor's private well.

**APPROVED** E. David & Linda Bennett, 71 Gosnold Street, Hyannis, variance requested from 105 CMR 410.401, request to maintain existing floor-to-ceiling height, less than seven (7) feet throughout entire dwelling.

The cost of the extensive structural modifications does not justify the change.

**DEFERRED TO MARCH 21, 2007 BOH** F. David Crispin, P.E., P.L.S., BSC Group representing Dr. Nathan Rudman, 40 Waterman Farm Road, Centerville, 18.2 acre lot, new construction, six bedrooms proposed, multiple variances requested in regards to setbacks to wetlands and coastal bank.

The abutters need to be notified.

**APPROVED WITH CONDITIONS** G. John Churchill, JC Engineering representing Cape Property Realty Trust, 265 Sea View Avenue, Osterville, 39,640 s.q. lot – Proposed repair of existing septic system, two variances requested, setbacks to property line.

The Board voted to approve with the following conditions: 1) a revised plan will be submitted with the proper engineer's stamp, and 2) a seven-bedroom Deed Restriction must be recorded at the Registry of Deeds.

**CONTINUED UNTIL MAR 21, 2007 BOH** H. Catherine Morey, Coastal Engineering Company, representing Silvia & Silvia, 116 Scudder Avenue, Barnstable, 1.3 acre lot – Proposed house addition, five variances requested.

**CONTINUED UNTIL FEB 14, 2007 BOH** I. Westen H. Bartlett, 45 Spruce Street, West Barnstable, 20,120 s.f., - proposed repair of existing system, variances requested in regards to setbacks to private wells.

**APPROVE WITH CONDITION** III. Six Bedrooms or More  
Stephen Doyle representing Victoria Vallely, 448 Wianno Avenue, Osterville, 98,960 s.f. lot, seven bedrooms proposed.

The Board voted to approve with the condition that they submit floor plans to the main house (the Board already has plans for the second house.) to the health division.

**APPLICANT WITHDREW** IV. Body Art Applicant:  
Joel Josselyn – Application for Apprentice of Body Art to operate at Cape Cod Tattoo at 701 Main Street, Hyannis.

Applicant had a change of plans. He has withdrawn application. (The Town has never accepted an apprentice program to be operated here.)

**CONTINUED UNTIL FEB 14, 2007 BOH** V. Massage License Applicant:  
Bonnie J. Williams – Proposal to practice massage at Lewis Bay Chiropractic, Hyannis

The Board voted to continue until February 14, 2007 to allow the applicant to obtain the proper signatures as the signature from a physician was not given.

**APPROVED WITH CONDITIONS** VI. Food Establishment:  
Richard L. Kelly Jr., 146 Rosary Lane, Hyannis, Bagel Bar and Deli – Variance requested from Section 322-3, toilet facilities, only one toilet provided, no seating provided, proposal to expand menu and to utilize a grease recovery device (GRD).

The Board voted to approve the variance of one toilet facility with the following conditions: 1) no seating, 2) obtain an inspection from the plumbing inspector for the Big Dipper, and 3) the approved new menu was submitted at the BOH meeting Jan 17, 2007.

**VII. DISCUSSED** Discussion:  
A. Ed Pesce, 18 Bay Lane, Centerville, status update.

The plans had two or more components changed, which was a significant change. Therefore, the Board viewed the plan as new construction and it is within a 100 feet buffer of wetlands. The applicant is required to come back and apply to the Board for approval.

**CONTINUED UNTIL MAR 21, 2007** B. Ed Pesce, 381 Old Falmouth Road, Marstons Mills - Requested a discussion regarding failed septic system.

Property has 2 of the 6 septic systems have failed. The property has limited space to put new systems. Discussion on whether to use the 1650 rule will continue. The Board asked for comparative statistics on 1) the flow using the calculations applicable in 1970's, and 2) the flow using calculations as though the building was built new today.

**CONTINUED UNTIL FEB 14, 2007 BOH** C. William Weller, Weller & Associates, Fisherman's Village Condominium, 855 West Main Street, Hyannis – Requested a discussion regarding a failed septic system.

The Board needs to know where this project fits on the Town's priority of hooking up to town sewer. If it is within 10 years or less, a compromise may be possible provided there is a stipulation that an escrow is established for the cost of sewer hookup.