

# Town of Barnstable

## Board of Health

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### BOARD OF HEALTH MEETING RESULTS

Wednesday, February 14, 2007 at 3:00 PM  
Town Hall, Hearing Room  
367 Main Street, Hyannis, MA

I. **Hearing:**

Tobacco violations as reported by Bob Collette of Barnstable County Tobacco Control.

**Show Cause Hearing:**

**\$100.00** White Hen Pantry, 426 Main Street, Hyannis – Second Offense  
**Non- Criminal Ticket**  
**Citation To Be Issued**

**Hearing:**

**WARNING** West Main Gas, 577 West Main Street, Hyannis – First Offense  
**TO BE ISSUED**

II. **Show Cause Hearing:**

**CONTINUED** John Brian Hopkins, Esq. representing Kathy Posner requesting  
**UNTIL** hearing regarding too many bedrooms at 22 Marion Way,  
**APR 17, 2007 BOH** Osterville.

Mr. Hopkins will have Carman Shay present a septic system for 4-bedroom and floor plans. If it is not legal, the applicant will tear out the two extra bedrooms and record a 3-bedroom Deed Restriction at the Registry of Deeds before the April BOH meeting. They will appear at the April BOH meeting with status.

III. **Hearing – Housing (Cont.):**

**POSTPONED** Charles M. Sabatt, representing Victor Skende and Beverly Skende, 77  
**UNTIL** South Street, Apartments 1-4, Hyannis, - regarding various housing  
**MARCH 21, 2007 BOH** violations observed.

The Town Attorney requested additional time for review.

IV. **Hearing – Housing (New):**

**GRANTED** Briar Cook, 42 Marsh Lane, Hyannis – regarding housing violation  
**WITH**  
**CONDITIONS**

The Board voted to allow the owner to postpone the requirement of installing an oven / stove in the rental unit until the current tenant moves.

**V. Variance Request (Cont.):**

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

The Board voted to approve the plan with the following conditions: (1) a two-bedroom deed restriction be recorded at the Registry of Deeds, and (2) a monitoring plan which will monitor monthly for the first six months, then monitor quarterly thereafter, and review after two years for any adjustments in the monitoring plan.

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

The Board voted to approve the plan with the following conditions: (1) a three-bedroom Deed Restriction will be recorded at the Registry of Deeds, and (2) the back building (work space/boat storage) with a compost toilet will not be converted to habitable space.

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

The Board voted to approve the plan with the following conditions: (1) that the plan will be revised to note that it is a certified vernal pool, (2) a three-bedroom Deed Restriction be recorded at the Registry of Deeds, and (3) the footprint can not be changed.

**GRANTED WITH CONDITIONS** D. Westen H. Bartlett, 45 Spruce Street, West Barnstable, 20,120 square feet, - proposed repair of existing system, variances requested in regards to setbacks to private wells.

The Board voted to approve the plan with the following condition: a three-bedroom Deed Restriction is recorded at the Registry of Deeds.

**VI. Variance Request (Deferred from January BOH):**

**GRANTED WITH CONDITIONS** 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 **private well and neighbor's SAS.**

The Board voted to approve the variance with the following conditions: (1) a five-bedroom Deed Restriction will be recorded at the Registry of Deeds, (2) it is a single-family dwelling unit including cottage as per the plan revision date 2/14/07, unless it goes before the Zoning Board of Appeals process and is accepted.

**VII. Variance Request (New):**

**GRANTED** A. Stephen Wilson, P.E., Baxter Nye Engineering & Surveying  
**WITH** representing Eleanor Mayfield – 58 Wachusett Avenue, Hyannis,  
**CONDITIONS** 4,956 square feet lot, revised variance(s).

The Board voted to approve the plan with the variance with the following conditions: (1) a four-bedroom Deed Restriction will be recorded with the Registry of Deeds, and (2) there will not be any change in footprint of the house.

**GRANTED** B. Ronald Cadillac representing Dawn Burt - 340 Oakland Road, Hyannis,  
**WITH** 17,270 square feet parcel, WP District, 2 bedroom proposed, variance  
**CONDITIONS** for an Omni recirculating sand filter.

The Board voted to approve the plan with the following conditions: (1) no more than two bedrooms, and (2) the monitoring will be quarterly for two years, in perpetuity, unless they come before the Board after two years for a review of the monitoring plan.

**VIII. Variance Request (or Discussion):**

A. Matthew Eddy, P.E., Baxter Nye Engineering & Surveying representing  
S. P. Properties, LLC, 1471 Iyannough Rd, Hyannis (Formerly Rainbow  
Motel), 81,618 sq.ft., Chapter 232-5 Maximum Allowable Wastewater  
Discharge, reduction from existing flow provided and excessive cost to  
benefit.

The Board acknowledged that a variance is not required here due to the reduction in flow means the 330 Rule does not apply and, therefore, an I/A system is not required here for that reason.

**IX. Six Bedrooms or More:**

**GRANTED** Stetson Hall representing Paul Murphy, 232 Wianno Avenue, Osterville,  
**WITH** 18,060 square feet parcel, seven bedrooms.  
**CONDITIONS**

The Board voted to approve the seven bedrooms with the following conditions: (1) a Deed Restriction be recorded at the Registry of Deeds stating the second building not be converted to a habitable second dwelling, no kitchen facilities be provided.

**X. Massage License Applicant (Cont.):**

**GRANTED** Bonnie J. Williams – Proposal to practice massage at Lewis Bay  
Chiropractic, Hyannis

The Board voted to approve Bonnie Williams for a Massage Therapist license.

**XI. Food Establishment:**

**GRANTED** A. Douglas Reichwein representing Tracy Anderson, The Wine List, new  
**WITH** location for education classes, GRD variance.  
**CONDITIONS**

The Board voted to approve with the following conditions: (1) installation of a mechanical grease recovery device (i.e., Big Dipper), (2) a statement acknowledging this is not a food service business-the small portions are done as a demonstration type setting, and (3) a larger floor plan be submitted for the food preparation area so it more clear.

**GRANTED WITH CONDITIONS** B. David Dumont representing The Island Merchant Restaurant and East End Lounge, grease trap variance.

The Board voted to approve the variance with the following conditions: (1) a GRD will be installed and the dishwasher must be connected to it, (2) use the menu submitted with variance request, (3) after three months of operations, submit to Mr. McKean the maintenance logs and record keeping of the frequency of dumping of grease from GRD for his review, and (4) they must come before the Board with any significant changes in menu.

**XII. Discussion:**

William Weller, Weller & Associates, Fisherman's Village Condominium, 855 West Main Street, Hyannis – Requested a discussion regarding a failed septic system.

The Board recommends (1) having the second system re-inspected to see if it now passes, and (2) submitting to Mr. McKean the pumping records. Considering the size of the complex, the re-inspection, and its pumping records (if the pumping only needs to be done 3-4 times a year), it will probably be all right to continue using the current systems for a period of time anticipating the arrival of the sewer system - provided an escrow account is established with the town which would be applied towards either the cost of hooking up to sewer (if it arrives in time), or towards the cost of repairing the current septic system.