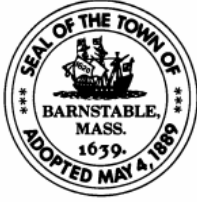


# Town of Barnstable

## Board of Health

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Wayne Miller, M.D.  
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Susan Rask, R.S.

### BOARD OF HEALTH MEETING RESULTS

Wednesday, March 21, 2007 at 3:00 PM

Town Hall, Selectmen's Conf. Room

367 Main Street, Hyannis, MA

#### I. Hearing (cont):

**CONTINUED** A. Charles Sabatt, Attorney, representing Hyannis Public Library,  
**UNTIL** update regarding removal or abandonment of underground fuel  
**JUN 12, 2007 BOH** storage tank.  
**Or provide in writing that the old tank has been drained.**

New storage tanks are already connected. Old storage tank is still underground. They are working with the Fire Dept. to remove it. The old storage is not being used at this time. The Board voted to continue for three months or to be given in writing that the storage tank has been drained.

**CONTINUED** B. Charles M. Sabatt, representing Victor Skende and Beverly  
**UNTIL** Skende, 77 South Street, Apartments 1-4, Hyannis, - regarding  
**OCT 9, 2007 BOH** various housing violations observed.

The parking is being used in excess of 25% of the front yard. Dr. Miller suggests we continue this item for 6 months and allow time for the Town Council to review and see whether they amend the ordinance. Leah Curtis, Town Council said she will bring our comments back to the Town Council.

#### II. Hearing (New):

**CONTINUED** Evandro DeCastro – 1384 Falmouth Road, Centerville –  
**UNTIL** regarding recurring housing violations including overcrowding  
**MAY 22, 2007 BOH** and insufficient septic system capacity.

The current owner is out of the area through April. The Board voted to continue until May 22, 2007 Board of Health meeting.

#### III. Variance Request (Cont.):

**POSTPONED** Catherine Morey, Coastal Engineering Company, representing  
**UNTIL** Silvia & Silvia, 116 Scudder Avenue, Barnstable, 1.3 acre lot -  
**APR 17, 2007** Proposed house addition, five variances requested.

#### IV. Variance Request (New):

**CONTINUED** A. David Crispin, P.E., P.L.S., BSC Group representing  
**UNTIL** Dr. Nathan Rudman, 40 Waterman Farm Road, Centerville,

**MAY 22, 2007 BOH** 18.2 acre lot, new construction, six bedrooms proposed, multiple variances requested in regards to setbacks to wetlands and coastal bank.

The presentation stated the location to west is best due to water flow carrying it through more soil before reaching wetlands even though it appears closer to wetlands. Their information states the flow will be in a southeasterly direction. Sue Rask will run the information passed the hydro geologist at the County as a free service to evaluate the presentation.

The Board will do a site visit and review the comments from the hydro geologist. The Board voted to continue until the May 22, 2006, meeting.

**CONTINUED** B. Thomas and Michelle Russell - 44 Betty's Pond Road,  
**UNTIL** Hyannis, 1.5 acre lot, request to waiver variance.  
**APRIL 17, 2007 BOH**

Dr. Miller would like to see the discontinued use of the two existing cesspools, replace the cesspool, and connect a new tank to the existing leaching system. This should greatly reduce cost and will take care of the immediate issue. The Board would like the revised project's cost before a decision is made.

DPW will not commit to a date because funding for the project has not been appropriated yet. The Board will ask DPW to put in writing that, given everything goes right, this location will be at the top of the list for hookups. With DPW's statement and if the repair described is \$2,000-3,000, then the Board would favor this action.

The Board voted to approve a continuance to April 17 BOH meeting. A letter will be sent to Mark Ells, DPW for two items: (1) regarding this property, and (2) regarding Fisherman's Village.

**CONTINUED** C. John Morin, Jr., owner – 97 Wequaquet Lane, Centerville, .44  
**UNTIL** acres, variances to setback of septic system components.  
**APRIL 17, 2007 BOH**

The Board needs the elevations put on the plan so they can properly make a decision. Continued until April 17, 2007. Applicant will consider whether he wants to use sono tubes and eliminate the need to come back to the Board, or use the foundation thus, providing the elevation on the plan.

**V. Six Bedrooms or More:**

**GRANTED** A. Arne Ojala, Down Cape Engineering representing Susan Whelan, 41 Mount Vernon, Hyannis, 0.4 acre parcel, six bedrooms, no variances.

There are no variances needed and no conditions stipulated for this six bedroom plan.

**GRANTED** B. Stephen Wilson, Baxter Nye Engineering, representing Dennis Berkey – 756 Main Street, Cotuit, 1.73 acre lot, eight bedrooms, no variances.

This will be a seasonal residence. I/A will not be good for this location. There are no variances needed and no conditions stipulated for this eight bedroom plan.

**GRANTED** C. Arne Ojala, Down Cape Engineering, representing Tom Olsen, 440 Grand Island Drive, Osterville, 47,921 square feet lot, proposed seven bedrooms.

The plan has 5 bedrooms, an exercise room, and a study. The Board approved the plan with seven bedrooms and no variances are required.

**VI. Food Establishment Variance:**

**GRANTED WITH CONDITIONS** A. Frank Whelan, Cooke's Restaurant, at 1120 Iyannough Road, Hyannis, variance for in-ground grease trap for new owner.

The Board voted to approve with the following condition: 1) the pumping records are to be submitted and reviewed by Mr. McKean and must meet his approval, then the variance will be granted similar to the prior owner.

**DENIED** B. James Higgins, Cape Cod Hospital, at 88 Lewis Bay Road, Hyannis, touch-less faucet variance.

The Board expressed their view is to be consistent in enforcing the regulation. All the food establishments will be required to install in both the food prep area and the restrooms. Variance Denied.

**DENIED HOWEVER, A CONDITIONAL APPROVAL WAS GRANTED BELOW.** C. Michael Santos representing Barbara Niggle, Willy's Gym, 865 Attucks Lane, Hyannis, grease trap variance.

The applicant was interested in expanding services including play-daycare and children's parties. There would be food preparation including frozen pizza heated up and served, mini sandwiches made there, deli type sandwiches, popcorn, and use of a food grill and an ice machine. The Board did not favor having people walking through the food prep areas. They would want a wall dividing the space. They currently have a two-bay sink. The Board DID NOT approve this.

The Board voted to approve a variance of the type of the prior owner, serving shakes, packaged foods, juice drinks, water, with the addition of a touchless hand wash sink.

**CONTINUED UNTIL APRIL 17, 2007 BOH, OR, MAY BE APPROVED WITH CONDITIONS BELOW.** D. Michael Santos representing Freshen Yogurt, 569 Main St, Hyannis

This is a new food establishment location. The menu is soft serve yogurt and dipped ice-cream. It is believed the GRD does not work for ice cream but this may not result in a problem for our sewer system.

The Board asked for a written clarification from Big Dipper as to whether the low-fat milk made ice-cream can be handled with the Big Dipper. Mr. McKean will speak with Peter Doyle, DPW, for clarification of whether the products will cause a problem with the sewer system.

The Board voted to continue until the April 17, 2007 meeting. (If all answers are satisfactory, the applicant will receive approval and will not need to come back to the Board.)

**VII. Discussion:**

**CONTINUED** A. David B. Mason for Catherine and Peter Murray – 336 Holly  
**UNTIL** Point / 39 Vine Street, Centerville – Requested a discussion of  
**APRIL 17, 2007 BOH** groundwater determination.

A formal hearing will be done April 17, 2007 BOH meeting so they can make the decision on whether to allow the applicant to keep the system until sewer becomes available, or not. The applicant has the choice of preparing a plan for the meeting, in case the Board does require them to replace the system. (Thus, addressing both at same meeting.)

B. Enforcement of minimum seven (7) feet ceiling height.

The Building Dept has informed the Health Dept. that this month, the ceiling regulations are changing from 7 feet to 6 feet 8 inches. The Board would like to have all potential applicants apply to the Board for final approval.

C. Mary Ann Barboza representing Mr. and Mrs. Joseph – 539 River Road, Marstons Mills.

It was thought that the 330 rule applied when the system was put in. Mr. McKean confirmed the date the 330 rule was implemented was November 7, 1987. The septic permit which was installed with a 550 flow (capacity for 5 bedrooms) was dated July 1987. Therefore, the Board approved the expansion to five bedrooms. Any additional bedrooms would have to be removed.

**ADDITIONAL ITEM FOR AGENDA:**

Dr. Miller met with Town attorney, David Houghton, before meeting. In an interim process to deal with the recent report showing increases in nitrogen-loading to three areas, the town attorney will draw up an interim regulation for the three areas, (Centerville River, the Three Bays, and Popponesett Bay). It would be reviewed on a yearly basis and limit construction in these areas to 330 flow per acre (3 bedroom).

The Board thanked Susan Rask for her work in the last three months during the interim of appointing a new Board member and the Board welcomes to the Board Junichi (Jimmy) Sawayanagi.

Voted to Adjourn.