

Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING RESULTS

Tuesday, April 17, 2007 at 7:00 PM
Town Hall, Hearing Room
367 Main Street, Hyannis, MA

I. Hearing (New):

POSTPONED A. Charles Hamblin, owner – 1726 Santuit-Newtown Road,
Until May 22, 2007 Cotuit, grass and leave deliveries.
BOH Meeting

POSTPONED B. David B. Mason for Catherine and Peter Murray – 336 Holly
Until May 22, 2007 Point / 39 Vine Street, Centerville – Request keeping current
BOH Meeting system until sewer arrives.

II. Hearing – Housing (New):

ORDERED A. Kathleen Faline, owner, - 106 Rosa Lane, Marstons Mills,
REPAIR requesting extension to correct violations.

The tenant has not removed all his items but has not been at the premises.

The Board voted to require the first three violations completed within 7 days: 1) fill the oil tank for heat (completed), 2) turn the water back on, and 3) install smoke detectors; The final violation of hole(s) in wall to be completed within six months (due to the difficulty of locating the tenant). (If legal counsel says she can not enter unit to install smoke detectors, she will contact Mr. McKean.)

CONTINUED B. Jerard P. Reardon, owner – 221 Sea Street, Hyannis, hearing
Until Oct 2007 requesting size of parking area.

Jerard Reardon explained that the parking area does not fit in any other area.

The Board voted to approve a continuance of six months until October, 2007, with no finding (no fine attached) and recommends Mr. Reardon speak to his Town Councilor to explain his difficulty with the ordinance and see whether there may be a possible revision of the ordinance.

III. Variance Request (Cont):

ORDERED REPLACEMENT A. Thomas and Michelle Russell - 44 Betty's Pond
CESSPOOL WITH SEPTIC TANK Road, Hyannis, 1.5 acre lot, request to waiver
WITHIN SIX MONTHS variance, continued from March 21, 2007 hearing.

Letter from Mark Ells, DPW, stated Mark acknowledges 44 Betty's Pond Road is in one of the two highest priority sites designated for connection to the town sewer once funding arrives.

The Board voted to approve the replacement, only, of the septic tank within six months with the anticipation that they will be connecting to town sewer within an estimated two years.

DENIED B. John Morin, Jr., owner – 97 Wequaquet Lane, Centerville, .44 acres, variances to setback of septic system components.

No one was present. The Board needed to take action on the matter as required within 45 days. The Board voted on the variance of the setback from the crawlspace to the SAS.

IV. Variance Request (New):

GRANTED WITH CONDITIONS Craig Short, P.E., representing Nancy Johnson - 225 Iyannough Road (Rte. 28) location of JD's Pizza/Mitie's Restaurant, Hyannis, four variances for repair of failed septic system.

The Board voted to approve five variances in accordance with septic plan dated 4/17/2007 (a. SAS setback 10 feet from cellar, b. SAS setback 5 ft from property line, c. underground grease tank located 0.4 feet way from a slab, d. underground grease tank located 8.4 feet away from cellar, e. top of existing 2,000 gallon septic tank#2 will be maintained at 3.85 feet below finish grade.) with the following conditions: a 40 mil polyethylene liner shall be installed against the crawl space.

IV. Food Establishment Variance (New):

GRANTED WITH CONDITIONS Linda Leonard, owner of Murray's Family Market, 89 South Main Street, Centerville, grease trap variance, limited menu.

The owner could not confirm whether there was an in-ground grease trap.

The Board voted to approve the variance with the condition of using a Grease Recovery Device (GRD) and using the limited one-page menu dated March 30, 2007. If an in-ground grease trap is located, a limited menu will not apply.

(Footnote: An in-ground grease trap has been located.)

V. Massage License Applicant:

GRANTED A. Herve Desroches – Proposes to practice massage therapy in the Town of Barnstable.

The Board voted to approve the applicant as a Massage Therapist.

GRANTED B. Patricia Mary Martin – Proposes to practice massage therapy in the Town of Barnstable.

The Board voted to approve the applicant as a Massage Therapist.

VI. Discussion:

A. Touchless faucets at pre-existing establishments – Cynthia Cole, Executive Director, Hyannis Main Street Business Improvement District (BID)

Cynthia Cole spoke, along with numerous restaurant owners. Many felt the devices are not dependable, at times the temperatures are inconsistent and, at other times, the faucets do not operate at all.

The Board will take the discussion under advisement and welcome participation in future meetings on the topic.

CONTINUE B. Dumpster Screening at pre-existing establishments– Cynthia Cole,
UNTIL May 22, 2007 AGENDA Executive Director, Hyannis Main Street (BID)

Cynthia Cole will formalize the request for a moratorium of one year for Main Street area (the specific area will be identified) for the dumpster screening. Her plan is to enable a volume discount for screening.

C. Peter Sullivan, P.E., representing Mr. and Mrs. Cook, 545 South Main Street, Centerville.

***Peter Sullivan summarized 1 1/3 acres not in the zone of contribution, the Board had approved with variances in 2004. Peter redesigned a system which the Board motioned last meeting and the vote did not carry to approve the plan.

Owner, Mr. Jeffrey Cook, spoke.

VIII. Correspondence:

A. John Hopkins, Attorney, for Kathy Posner, 22 Marion Way, Osterville, will do the necessary work to meet Board's approval.

A letter from John Hopkins dated April 10, 2007, asks for extension until July 1, 2007, to complete all the items requested by the Board. The response letter should specify to go to the Building Dept for clarification on what they will be able to keep in the kitchen.

B. Anne and Jim Adams, 759 Main Street, Cotuit, regarding 671 Main Street, Cotuit development.

The plan for 671 Main Street, Cotuit does not comply with State Title V. Here the 440 Rule would apply. The owner(s) must apply to the Board. The 440 Rule is a State rule which means the 40B Developments must come before us. They can not get a State Approval without receiving the local Board of Health approval first.

C. Cotuit-Santuit Civic Association regarding 671 Main Street Cotuit development.

New Items:

- 1) Dr. Miller had on the agenda to review the touchless. He requested that the file/notes be pulled when Sumner proposed the faucets.
- 2) T.McKean will check with State on the touchless faucet reliability.
- 3) Manure at the Transfer Station – status. The Board needs to send a letter to Glenn Santos at Transfer Station to request progress.
- 4) Escrow Status – The line item is in the budget.

- 5) Old Jail Lane – Stocetti. Status – Tom will make sure the tank was replaced.
- 6) Cumberland Farms – Were the tanks replaced as scheduled? They are submitting the required reports to Alisha Parker. They are to attend the Jun 2007 meeting to update status.
- 7) Defining Length of Time to Complete Repairs: The Board must publish the proposed. Tom McKean will run it by the Town attorney on the process. And Mr. McKean will put it on the Jun 12 agenda and give Dr. Canniff and Mr. Sawayanagi the list.
- 8) Spoke to Janet Joakim and Leah Curtis regarding adopting the 330 rule to the south side regarding the estuary project. A committee will be formed, they need to meet with other town councilors, and they will be in touch with the Board. The Board is having the town attorney look at drafting an interim regulation until the Town Council adopts a full regulation.

Motion to adjourn.