

Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING RESULTS

Tuesday, May 22, 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.

A. Show Cause Hearing:

7-11 Store No. 25161B, 210 North Street, Hyannis – Second Offense, tobacco products sold to a minor.

The Board voted to issue a \$100 fine for the second offense. (Unanimously voted in favor.)

B. Hearing:

Sea Street Market, 231 Sea Street, Hyannis – First Offense, tobacco products sold to a minor.

Jennifer Cullen, owner, asked for a change in procedure. Bob Collette will do a quick version of the report and leave the form at the time of inspection for the manager.

The Board voted to issue a warning. (Unanimously voted in favor.)

II. Hearing:

**CONTINUED WITH
NO FINDING UNTIL
OCT 9, 2007**

Charles Hamblin, owner – 1726 Santuit-Newtown Road, Cotuit, applicant is requesting permission to accept grass and leaves at premises.

CONTINUED with no finding until Oct 9, 2007, meeting and an inspector will go out two times during this period to verify there is no issues. If issues are found, the Board will provide guidance to correct the problem, and, if there is not any issues found, the Board will approve the continuation. Unanimously voted in favor.

III. Hearings – Housing (New):

**POSTPONED
UNTIL JUN 12, 2007
BOH**

A. Raineria Laftsidis, owner, 365 Scudder Avenue, Hyannis – Driveway width greater than allowed per Town ordinance.

**CANCELLED
WORK HAS BEEN
COMPLETED.**

B. John Leggiero, owner, 8 Sandy Valley Road, Marstons Mills – No balusters provided on deck.

Owner called the Health Department to say he had put addition landfill onto property to meet the requirements. A health inspector will be sent to verify. The property will not be used as a rental and is being sold.

**DENIED REQUEST
For CONTINUANCE
REPAIR WITHIN 30 DAYS FROM DATE OF LETTER TO COMPLY.**

C. Donna and Jeff Weber, owners, 118 Scudder Avenue, Hyannis – railing on deck.

Requested a postponement until July 10 meeting. The Board felt that the situation was too critical to wait until July. The railing is on the second floor.

The Board voted not to approve the variance for a Continuance. Ordered to keep the Door to the Deck Locked from all people at this time and must meet requirements of balusters within 30 Days of Letter from Board of Health.

GRANTED

D. Elizabeth Nilsson, owner, 2416 Meetinghouse Way, West Barnstable – Insufficient ceiling height.

The Board voted to approve the variance.

GRANTED

E. Charles Rogers, Trustee, Maxwell Nominee Trust, 464 Ost-West Barnstable Rd, Marstons Mills – Insufficient ceiling height.

The Board voted to approve the variance.

IV. Variance Requests (Cont):

**CONTINUED
UNTIL JUL BOH
THEN REVISED TO
CONTINUE TO
JUN 12, 2007 BOH.**

A. 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 (continued from BOH Meeting Mar'07).

The new engineered plans were just received May 21, 2007 and the Board would like opportunity to have the staff review the plans and give their comments. The Board voted to continue the item and requested a revised plan to list all variances (including coastal bank setbacks).

**GRANTED
WITH
CONDITION**

B. David B. Mason for Catherine and Peter Murray – 336 Holly Point / 39 Vine Street, Centerville – three variances, Sec 15.211 SAS to property line 5 feet, 360-1 SAS to wetland 50 feet, 360-1 septic tank to wetland 33 feet. (continued from BOH meeting Mar '07).

The Board voted to approve the variances with the condition of using a monolithic tank.

V. Variance Requests (New):

**GRANTED
WITH
CONDITION**

A. Arlene Wilson, A.M. Wilson Associates representing Elaine Robin, Trustee, Robin Family Realty Trust – 386 Shootflying Hill Road, Centerville, 2.1 acre lot – two variances from setback of 100 feet from wetland (BVW).

The Board voted to approve the variances with the condition of using a monolithic tank.

GRANTED WITH CONDITIONS B. Falmouth Engineering representing Thomas and Rosemary O’Keefe – 22 Clamshell Cove Road, Cotuit, requesting two variances for septic repair.

The Board voted to approve variances with the following conditions: 1) a four (4) bedroom deed restriction, 2) an I/A system, and 3) quarterly monitoring plan for two years then come back to the Board for review of monitoring plan. (Dr. Canniff abstained.)

VI. Food Establishment Variance Requests (New):

GRANTED WITH CONDITION A. Caffè Gelateria Bertini, 20 Pearl Street, Hyannis, grease trap variance.

As a new establishment, the touchless faucets are required. The Board voted to approve the under sink grease trap, size to be determined by the Town of Barnstable Plumbing Inspector, and limited to the submitted menu.

GRANTED ONE, DENIED ONE, ONE VARIANCE REQUEST IS NOT APPLICABLE. B. Roger Ghanem, Craigville Beach Grill, 974 Craigville Beach Road, Centerville, three variances and Outdoor Dining Application.

The Board voted to approve the variance of one toilet facility. The Board voted to deny the variance request of no concrete slab under the dumpster as it is a federal rule to have impervious material under the dumpster. The variance request for an air curtain is not applicable at this location.

VII. Variance Renewal – Smoking

GRANTED FOR TWO YEARS David Wood, Puff the Magic, 649 Main Street, Hyannis, variance renewal – Section 2.0 Prohibition of smoking regulations, pre-existing smoking bar

The Board voted to approve the renewal for the pre-existing smoking bar for a period of two years to run May 1, 2007 – May 22, 2009. The applicant did request a renewal for a 10 year period. The Board agreed to take it under advisement. They will check with the Town Attorney who was involved in the initial time period of two years and will review with the Town Attorney the option to transfer variance with ownership. If the Town Attorney agrees with these two items, the Board will adjust the decision without going in front of the Board again.

VIII. Body Art Applicant:

GRANTED Jackie Lynn Connolly – Application for Body Art to operate at Cape Cod Tattoo at 701 Main Street, Hyannis.

The Board approved Jackie Lynn Connolly for a Body Art License.

IX. Lifeguard Modification Request:

GRANTED Jessica Maguire - Willy’s West (Gym), 865 Attucks Lane, Hyannis.

The Board voted to Grant however, the Board requests all the CPR certificates be submitted to the health division. The Willy’s West Gym’s pool will be only for adults.

X. Discussion:

- A. Cotuit Meadows Subdivision (a.k.a. Scrimshaw Village), 9999 Falmouth Road (Rte. 28), Cotuit. 50 acres.

The Board approves the plan which will be sent to DEP for application.

- B. Dumpster Screening at pre-existing establishments– Cynthia Cole, Executive Director, Hyannis Main Street (BID).

The Board approved a six-month moratorium to the Nov 13, 2007, agenda. They will come back to the Board at that time with a definitive plan, (bids, time frame, etc.)

- C. Percolation tests and soil evaluations for local upgrade approvals.

Options were submitted to reduce the amount of time waiting for a percolation test: the use of soil evaluators as witnesses, the use of other town's health inspectors on off hours, the use of our town's health inspectors during off hours and weekends for an additional fee, or the use of a sieve test in place of a percolation test. Title V allows the sieve test to be used if the findings fall within a certain parameter. The Board agreed to take these under advisement. If an additional fee was charges for overtime, the town would have to set up a separate account through Finance so the payroll does not come out of the regular payroll.

- D. Request for permission to grant variances at counter for setbacks to property line, five feet or greater.

No. Not at this time unless it is an emergency repair. For emergency repairs, it can be approved and would come back before the Board. The State requires the Board to review these.

- E. Peter Doyle, Town of Barnstable, Water Pollution Control Division – permission for herbicide application.

The Board granted permission for herbicide application for a five (5) year period.

- F. Request to increase the percolation test fee to \$150 for night-time and week-end percolation.

The Board determined the \$ 150 proposed fee was too low to cover costs for such a project of working night-time and weekends, and will consider approval of a \$200 fee.

XI. Massage License Applicant:

- APPROVED** A. Kirsten Cahoon – Proposes to practice massage therapy in the Town of Barnstable.

The Board approved Kirsten Cahoon for a license as a massage therapist.

- APPROVED** B. Jennifer Claire Gillis – Proposes to practice massage therapy in the Town of Barnstable.

The Board approved Jennifer Claire Gillis for a license as a massage therapist.

APPROVED C. Elizabeth Keating Hill – Proposes to practice massage therapy in the Town of Barnstable.

The Board approved Elizabeth Keating Hill for a license as a massage therapist.

APPROVED D. Amy Welch Rollins – Proposes to practice massage therapy in the Town of Barnstable.

The Board approved Amy Welch Rollins for a license as a massage therapist.