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Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601



Wayne Miller, M.D.
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RESULTS OF BOARD OF HEALTH MEETING Tuesday, March 11, 2008 at 3:00 PM Town Hall, Hearing Room 367 Main Street, Hyannis, MA

I. Show- Cause Hearing – Housing (New):

DISMISSED Marilyn Higgins and Cindy Gold at 92 County Seat, Hyannis
– Housing violations.

Housing Violations Dismissed. Trash has been cleaned up and the pile of antiques are being handled.

II. Hearing – Housing

CONTINUED UNTIL SEP 9, 2008 BOH MEETING James Madru, Manager, Breakwater Condominiums,
dumpster setback to property line.

The Breakwater Condominiums was granted a temporary variance to continue the use of the dumpster 5 feet from property line until Sep 9, 2008 at which the Board will review whether it had been kept properly emptied and the area clean.

III. Discussion:

Stephen Wilson, Baxter Nye Engineering, representing Hyannisport Club – 2 Irving Avenue, 156 Acre parcel, pertaining to building closest to Merchant's Mill Way, just west of Hall's Creek.

The Board acknowledged the proposed plan would be ok with a two-compartment septic and the Health Division would need floor plans. An I/A system would not be required.

IV. Septic Variances:

POSTPONED UNTIL APRIL 8 BOH Meeting A. Whitney Wright, owner – 4308 Main Street, Barnstable,
145,800 square feet parcel, one variance (postponed from
Feb 2008 meeting).

The Board needs corrected plans and variance request revising the map and parcel number, along with specifying the desired variance.

V. Six or More Bedrooms (Cont.):

DENIED Darren Meyer representing Jamison DaSilva, owner – 47 Suffolk Avenue, Hyannis, 11,000 square feet parcel (continued from Jan 2008 BOH).

The obstacles the applicant must overcome for approval would be: removing the two illegal bedrooms. They do not have proper egress. They must comply with the occupancy ordinance regarding the size of the parking (so it is not too wide). If they want a kitchen in the downstairs, Title V requires him to put in a two-compartment septic tank.

VI. Correspondence:

READ Letter from William and Myrna Elkins regarding 47 Suffolk Avenue, Hyannis.

VII. Six or More Bedrooms (New):

APPROVED A. Glen Harrington representing Paul Dauphinee, owner – 80 Evans Street, Osterville, 12,800 square feet parcel.

The septic would be installed before the sale of the property.

APPROVED B. Sullivan Engineering representing John and Ann Marie Cotton, owners – 161 Marquand Drive, Marstons Mills, 5.08 acre parcel. Proposed seven bedrooms.

VIII. Variance – Food (New):

John Kenney, Attorney, representing David Lancaster, owner of Nirvana Coffee Company, proposing to operate from 3206 Main Street, Barnstable, requesting one toilet facility variance and one grease trap variance.

CORRECTION to Agenda: Mr. Field and Ms. Bearse are the property owners. The owner of Nirvana Coffee is David Lancaster.

TWO discussions were voted on.

- 1) **APPROVED** - Board approved the variance of the grease trap with the following conditions: a) it is approved with the menu filed, b) they will use a grease recovery device, and c) they will maintain a daily log listing the amount of grease removed, and the daily logs will be easily accessible for the health inspectors.
- 2) **DENIED** - Board voted to deny the allowance of a variance from the toilet facility requirement of two.

IX. Subdivision # 817 - Definitive Plan:

Cape & Islands Engineering representing Peter Jenkins, Jr., Definitive Plan at 361 Parker Road, West Barnstable, Map and Parcel 176-021, private wells, on-site sewerage disposal system, continued from Oct 2007 meeting (Postponed from Jan 2008 BOH).

- THE BOH will recommend to the Planning Board that the BOH wants to invoke the 1650 Rule and use a shared system unless they reduce the flow. THE BOH will also state that if the total flow for the Subdivision is greater than 1650, a new plan showing a revised plan identifying where a shared system will be located.
- THE BOH would add to the requirements of the well testing to include herbicide and pesticide. There are cranberry bog(s) nearby and seasonally the testing may differ.

- Floor plans must be submitted to the Board of Health.
- THE BOH would also note to the Planning Board that the Fire Department wrote a letter stating their concern with the accessibility for Lot# 1.
- THE BOH will acknowledge the revised plan is the one where the five wells are shown with circles identifying the radius. The plan the Board reviewed is identified as "Revd Jan 14, 2008 40 Ft Wide Road and Dated Dec 6, 2007".

X. Correspondence:

READ Letter from A.M. Wilson Assoc. regarding proposed Subdivision# 817

XI. Old Business/New Business/Correspondence:

A. Joseph Dunn, Island Merchant regarding grease recovery device and testing.

The Board approved the continued use of the grease recovery device with the requirement that a log be kept with the dates and quantity of grease removed and the log will be kept in an easily accessible place for the health inspectors to view, similar to dishwashing logs.

B. Ed Pesce, Pesce Engineering, and John Kenney, Attorney, representing 381 Old Falmouth Road, Marstons Mills –septic system discussion regarding failure (continued from BOH Jan. and June 2007, and Jan 2008).

Mr. Pesce will have a hydraulic inspection of the leaching system done in Mid- to- End July 2008. He will come to the September 9, 2008 meeting with the results.

A Decision was decided by the Board on this property with the following conditions:

- 1) They will not invoke the 1650 rule - if the Unit F proves to be ok.
- 2) The design flow in the plan is dated 2/09/08.
- 3) He will replace two systems Unit B & E by 1/1/09.
- 4) Further discussion will be done at the Sep 2009 Board of Health meeting.
- 5) The Board will waive the need for a percolation test before the permit is issued because there are already percolation tests done on the lot. The percolation is to be witnessed at the time of the inspection.
- 6) Mr. Pesce amended Units 1 & 14 to 2,988 gallons per day.