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Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601



Wayne Miller, M.D.
Paul Canniff, D.M.D.
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RESULTS OF BOARD OF HEALTH MEETING Tuesday, May 13, 2008 at 3:00 PM Town Hall, Hearing Room 367 Main Street, Hyannis, MA

I. Tobacco Hearing: Hearing- Tobacco:

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

FINE \$100 A. Big Daddy's Pizza (formerly Cotuit Pantry), 4120 Falmouth Road, Hyannis – Second Offense, tobacco products sold to a minor.

The Board voted to issue a \$100 fine for the second offense.

II. Hearing – Housing (Cont.):

CONT TO JUN 10 BOH Deborah Packard, owner – 226 Long Beach Road, Centerville, MA – housing violation(s).

CONTINUED to June 10, 2008 meeting. **An Health Inspector will be scheduled** to inspect the premises to verify the removal of two bedrooms on **Sat, May 31, 2008**. Provided everything is in order, the issue will be closed. However, if any unresolved issues, the owner **MUST** attend the next meeting.

III. Septic Variances (Cont):

Withdrawn Request A. Patrick Page, Trustee - 21 Buttonwood Lane, West Barnstable, 41,300 square feet parcel, Map/Parcel 217-031, variance for percolation test.

Patrick Page withdrew his request for the variance.

APPROVED WITH CONDITIONS A. Peter McEntee, Engineering Works, representing Harold Gramse, Trustee – 98 Vanduzer Road, Barnstable, 22,280 square feet parcel, seven variances due to site constraints (continued from April meeting).

The Board voted to approve the variances on the plan revised and submitted at the Board meeting 5/13/08 (as a pressure-dosage plan), with

the following condition: a six-bedroom deed restriction recorded at the Registry of Deeds, and submitted to the Health Division.

IV. Septic Variances (New):

CONTINUED TO JUN 10 BOH A. Mike Aucoin representing Bergenheim Trust, owner – 112 Nyes Neck Road East, Centerville, Map/Parcel 232-011-002, 1.0 acre parcel, repair of septic requesting four variances.

Unanimously voted to CONTINUE TO JUNE 10, 2008.

APPROVED WITHOUT CONDITIONS B. John Lavelle, Coastal Engineering, representing Oyster Harbors Yacht Basin Realty, owner, 122 Bridge Street, Osterville, Map/Parcel 093-009, 1.77 acre parcel, one variance request.

The Board voted to approve the plan dated November 30, 2007, revision date March 19, 2008. (It was a full moon when the test occurred. The plans do show the pipes are waterproofed (as noted on page two) and pipes will be sleeved as on plan. No additional conditions to the plan.

CONTINUED UNTIL Jun 10 BOH C. Arlene Wilson representing Cotuit Oyster Company, owner, 26 Little River Road, Cotuit, Map/Parcel 053-009, 0.16 acres, requesting a modification of septic system variance issued 4/29/04.

CONTINUED until June 10, 2008 BOH meeting at the request of the applicant.

APPROVED WITH CONDITIONS D. Whitney Wright, owner – 4308 Main Street, Barnstable, 145,800 square feet parcel, one variance (postponed from Feb 2008 meeting).

The Board voted to accept the plan with the following condition: the water supply of the irrigation well shall be kept separate from the town supply of water.

V. Variance – Food (Cont):

APPROVED TEMPORARY VARIANCE UNTIL OCT 31, 2008 RETURN TO BOARD OCT 2008. A. John Cotellessa, owner, Original Gourmet Brunch at 517 Main Street, Hyannis, requesting grease trap variance and expansion in seating from 70 to 94.

The Board voted to approve a temporary variance to expire Oct 30, 2008 with the condition that the grease trap be inspected two times: in Jun 2008 and Aug 2008 and present a written report from inspector showing the ratio of grease and dates emptied during Jun to Oct- to the Oct 2008 meeting. At that time, the Board will use the data to evaluate the frequency needed for future pumping (especially during their heavy season).

VI. Variance – Food (New):

APPROVED A. Felis Barreiro, owner of Alberto's Restaurant, 356 Main
TEMPORARY VARIANCE Street, Hyannis, Map/Parcel 327-004, additional
UNTIL OCT 31, 2008 32 seats with a grease trap variance request.
RETURN TO BOARD OCT 2008.

The maximum seats (inside and out) is 250 seats. He requests it be distributed so that he can have 32 seats in the front, 32 in the back, and 198 inside seating. The seating can be worked out with the inspector and the owner, but once determined it is to stay as that breakout (inside/outside) to allow ease of enforcement.

The Board voted to approve a conditional variance with the condition that it be inspected monthly (Jun- Sep) through the summer showing the amount of grease accumulated, if, removed, show amount of removal and dates, and then present written report from their inspector to the Board in Oct 2008 BOH meeting.

GRANTED B. Swan River Fish Market, 1600 Falmouth Rd – Unit# 12,
Centerville, request a toilet facility variance.

Mr. Al Burns, Swan River Fish Market, said the menu will be basically the same as the Osterville Fish Market Too, and there will only be two employees and only a take-out menu and hopes to open in early Jun 2008.

The Board voted to approve the toilet facility variance for one toilet.

VII. Variance –Temporary Food (New):

GRANTED A. First annual maritime festival event "SeaCotuit" for May 24-25
WITH CONDITIONS 2008, at the Village Green, Main Street, Cotuit

The Board voted to approve the annual event of SeaCotuit with the condition that the two portable toilets be ordered with running water.

GRANTED B. Leticia Durham, Harry's Cajun Restaurant, sponsoring "Spring
without Conditions Blues Festival" on May 25, 2008, at 350 Stevens Street
(outdoors), Hyannis as a fundraiser for the Duffy Health Center.

Leticia Durham and Alicia presented the event. The only supplier will be Harry's Cajun Restaurant. They will prepare the food inside Harry's and put into chaffing dishes. The event will be May 6 from 1-6 pm. They will have four portable toilets with water.

The Board voted to approve the Spring Blues Festival event.

GRANTED C. John Rega representing "Taste of Cape Cod" to be held on May
WITHOUT 26, 2008 at Resort & Conference Center, 35 Scudder Road,
CONDITIONS Hyannis as a fundraiser for the Family Food Pantry.

The Board voted to approve the "Taste of Cape Cod" event.

GRANTED D. Cape Cod Life sponsoring a food event “Food and Wine Festival with a Taste of Culture on June 1, 2008 at Rectrix Aerodrome, Barnstable Road, Hyannis.

Mimi presented the events for Cape Cod Life. There will be a “dualling chefs event with six different chefs, and they will have a refrigerated truck outside the Rectrix and a truck with ice will be on site. There will be two coolers at each table. She was unsure of all planned details and the Board approved with the contingency that it meets Mr. McKean’s approval upon review of all details.

GRANTED E. Cape Cod Life sponsoring Food and Wine Festival on June, 4, 2008, at Cotuit Center for the Arts, Falmouth Road, Cotuit with two vendors, Siena and Regatta of Cotuit.

The Board voted to approve with the contingency that it meets Mr. McKean approval once all details are reviewed. (Mimi did not have all details with her).

GRANTED F. Cape Cod Life sponsoring a “Boat Show” food event on **without Conditions** June 14-15, 2008, at the harbor, Ocean Street, Hyannis.

Approved (one vendor this year).

GRANTED G. BayBridge Clubhouse sponsoring “Local Fest” on June 20, **WITHOUT CONDITIONS** 2008 on Hyannis Village Green as fundraiser for Department of Mental Health.

VIII.

Subdivision # 767 - Modification of Definitive Plan:

Down Cape Engineering representing Penelope Hinkley, owner - Modification of the Definitive Plan at 620 Main Street, West Barnstable, Map and Parcel 157-004, private wells, on-site sewerage disposal system, scheduled to be heard at the May 12, 2008 Planning Board Meeting.

No objections to the Subdivision# 767 as on the plan.

The Board voted to send a letter to the Planning Board of approval of the proposed plan.

IX.

Correspondence/Updates:

A. Correspondence from John Lebica, Cape Cod Community College.

Correspondence read.

B. Draft ordinance to permit absentee board members who participated in adjudicatory hearings, to continue to participate.

The Board agreed to wait on approval until the Board had a chance to speak to the town attorney.

- C. Letter from Lombardo Associates regarding Nitrex Nitrogen Removal Technology.

The Board acknowledged it is another alternative, but noted, it is a big cost for a short-term solutions. They discussed the possibility of bringing Sue Rask in for a special meeting to discuss the alternative.

X. Emergency Septic Repair: 245 Mitchell's Way, Hyannis

The Board was satisfied with the emergency repair permit and plan.

Voted to Adjourn. 6:15 pm.