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# Town of Barnstable

## Board of Health

200 Main Street, Hyannis MA 02601



Wayne Miller, M.D.  
Junichi Sawayanagi  
Paul Canniff, D.M.D.

### BOARD OF HEALTH MEETING RESULTS

Tuesday, October 13, 2009 at 4:00 PM  
School Administrative Building, Conference Room  
230 South Street, Basement Level, Hyannis, MA

#### I. Hearing – Underground Storage Tanks:

**GRANTED** Peter Doyle and Dale Saad, Water Pollution Control  
**One Year Ext.** Division, Town of Barnstable, owner– 382 Falmouth Road  
(a.k.a. 617 Bearnse's Way), Hyannis, Map/Parcel 293-001,  
request for a year extension.

The Board voted to approve a one year extension. The Board considers this an above-ground tank as only six inches of tanks are actually below ground.

#### II. Septic Variance:

**GRANTED** Thomas McLellan, Bass River Engineering, representing  
**WITH** Barnstable Housing Authority, owner – 2439 Meetinghouse  
**CONDITIONS** Way (Rte. 149), West Barnstable, Map/Parcel 155-038,  
0.41 acre lot, requesting setback variances from wells.

The Board voted to approve the three setback variances to wells with the following conditions: 1) revised plans will be submitted showing a two-compartment tank and must show the water line from the well to the house, and 2) must test the water before receiving a septic permit.

#### III. Variance – Food (New):

**GRANTED** A. Neia Moore, owner, Neia's Appetizers – 459 (rear unit) /  
**WITH** 461 Main Street, Hyannis, grease trap variance.  
**CONDITIONS**

The Board voted to approve a grease trap variance with the menu dated 10/13/09 with the following conditions: 1) it passes a health inspector's inspection to operate, and 2) a grease trap log of weekly cleaning must be kept.

**GRANTED WITH CONDITIONS** B. Sonny Apotheker, Richie's Italian Ice – Cape Cod Mall, 793 Iyannough Road, Hyannis, three variances. push-cart style.

The Board voted to approve seven variances: toilet facility variance, push-cart regulation variance, mop sink variance, hard plumbing variance, 3-bay sink variance, one servsafe at a time, and touchless faucets variance, with the condition that if the Handy Dandy sink is available with elbow operated handle, he will obtain on. He will operate with a box of scoops which will contain enough scoops for a full day's operation (using one per customer).

**GRANTED WITH CONDITIONS** C. Jenifer L. Holloman representing Long Pasture First Annual Farm Fair – Temporary Food Permit applications for annual event "Long Pasture Farm Fair", on October 24 at Long Pasture Farm, 345 Bone Hill Road, Barnstable.

The Board voted to approve the annual temporary food event, Long Pasture Annual Farm Fair, to be held October 24, 2009, with the following food items: coffee, tea, ice drinks, bottled water, live lobsters (in cooler in ice), raw fruits and vegetables, and raw eggs with the following condition: the final review and approval will be given by Thomas McKean once he has all documents in hand. (For clarification, the vendor with fish pâté is not part of the final list of vendors.)

**IV. Old Business/New Business:**

Septic upgrades within areas where public sewer is proposed.

The discussion included the information that a full upgrade may be postponed in cases where sewer will be available within a five year period and the management of such a situation was discussed.

With estimates of only 3 to 5 septic systems in failure per year in the proposed sewer areas, the Board will work on clear instructions for engineers when designing a minimal septic system (not fully Title V compliant) to handle the septic until the sewer arrives.

A. Septic failure at 33 Stetson Street, Hyannis.

Discussion: Ms. Rask said the septic failure in the Stewart Creek area is at 33 Stetson Street, Hyannis. Sue said the cost to repair it with a mounted septic would be in the range of \$20,000. However, the sewer system will be available to the property in two years. A percolation test showed 11 feet to groundwater, thus, groundwater is not an issue. The engineer thinks the failure may be due to over-occupancy at the property. There are a number of buildings on the property and which may have rental units there.

B. Flu clinics.

Sue Rask said the County may have some MRC nurse volunteers available to us.

### C. State Conflict of Interest Law

Dr. Miller stated upon review of the recent Conflict of Interest Law, he understands it to be very limiting to all especially the volunteers for committees such as Board of Health. It appears people are not able to be employed in any businesses which touched on Board of Health issues. This could mean every business in the town. Further discussion is requested.