



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING RESULTS

Tuesday, September 14, 2010 at 3:00 PM
Town Hall, Hearing Room
367 Main Street, Hyannis, MA

I. Hearing – Tobacco:

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

- A. Corner Food Mart, 640 Main Street, Hyannis – First Offense, tobacco products sold to a minor.

WRITTEN WARNING The Board voted to issue a written Warning.

- B. Cumberland Farms #2326, 395 West Main Street, Hyannis – First Offense, tobacco products sold to a minor.

WRITTEN WARNING The Board voted to issue a written Warning.

- C. Hess Express #21234, 149 North Street, Hyannis – Second Offense, tobacco products sold to a minor.

WRITTEN WARNING The Board voted to issue a written Warning.

II. Hearing - Pool:

CONTINUED TO MARCH 2011 George Simpson, owner - Anchor In, One South Street, Hyannis, lifeguard requirements.

The Board voted to Continue until the March 2011 meeting at which time, the State will have completed drafting new lifeguard requirement regulations.

III. Innovation/Alternative System:

CONTINUED TO A LATER DATE Winston Steadman, All Cape Environmental represents Brian Smith, owner – Fancy's Market, 699 Main Street, Osterville, Map/Parcel 141- 011, proposed Monitoring Plan for Sledgehammer System.

The Board voted to Continue to a later date pending the State's approval of the system as the State applies it to a non-residential use.

IV. Hearing – Housing:

GRANTED Josephine Stuehler, owner – 370 Route 149, Marstons Mills
WITHOUT – ceiling height.
CONDITIONS

The Board voted to approve the variance without additional conditions.

V. Hearing- Pool Permit:

FINE Comfort Inn, 1470 Iyannough Rd, Hyannis -
Lifeguard, near-drowning.

\$100.00 Fine

The Board voted to issue a fine of \$100.00 to Comfort Inn for violating the State regulation which stipulates that if a lifeguard is provided, they must be in attendance.

VI. Variance – Septic (Cont.):

GRANTED A. Stephen Wilson, Baxter Nye Engineering, represents Jetty
WITHOUT Realty Trust, Jane Bertolami, Trustee, owner – 15 Sea View
CONDITIONS Avenue, Osterville, Map/Parcel 162-026-002, 0.56 acre lot, two
variances.

The Board voted to approve the plan without additional conditions

GRANTED B. Daniel Ojala, Down Cape Engineering, represents Dennis and
WITHOUT Susan Ausiello, owners – 80 Cross Street, Cotuit, Map/Parcel
CONDITIONS 033-029, 0.50 acre lot 5, variances, upgrade in system, new
construction – expansion of habitable space.

The Board voted to approve revised plans dated September 14, 2010.

VII. Variance – Septic (New):

CONTINUED Michael Pimentel, JC Engineering, representing Household
TO OCT 2010 Finance Corporation II, owner - 41 & 43 Hirammar Road, duplex,
Hyannis, Map/Parcel 292-012, 0.22 acre lot, multiple variances.

The Board voted to Continue to October 12, 2010 meeting pending the cost analysis of sewer connection verses the installation of a second tank.

VIII. Discussion/Variance Request:

DENIED John Churchill, JC Engineering, representing Village Square South
Condominiums – 39 Tower Hill Road, Osterville, Map/Parcel 117-072,
septic upgrade.

The Board determined that an I/A system should be used based on the location of the lot in the Water Protection Zone (Zone 2), the size of the parcel and the designed flow needed to accommodate 28 bedrooms.

IX. Variance – Food (New):

GRANTED WITH CONDITIONS Tammy Korte, ArcVision for new business, Teavana – Cape Cod Mall, 769 Iyannough Rd, Hyannis, toilet facility variance.

The Board voted to approve the toilet facility variance with the condition of no seating.

X. Discussion:

Executive Director Paul Niedzweicki and Technical Services Director Patty Daley, Cape Cod Commission, to discuss the Craigville DCPC Implementation Regulations.

XI. Hearing – Housing (Cont.):

GRANTED Estate of John S. Rittershaus, 217 Sea Street, Apt# 4, Hyannis – ceiling height.

The Board voted to approve the ceiling height variance with the condition that the upstairs apartment shall be limited to (1) occupant with a total occupancy limit of (7). Condition is to be monitored by rental agent and the health inspector.

XII. Variance – Septic (New):

GRANTED WITH CONDITION Dan Ojala, Down Cape Engineering, represents Susan White, owner – 825 Main Street, Route 6A, West Barnstable, Map/Parcel 156-031, 0.39 acre lot, septic repair, multiple variances, water-tight tanks.

The Board voted to approve the variance with the substitution of monolithic tanks.

XIII. Old/New Business:

Need clarification on exemption of rules for temp food permit fees regarding charity organizations, schools/non-profit, Municipal organizations.