



Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601



Office: 508-862-4644
FAX: 508-790-6304

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

BOARD OF HEALTH MEETING RESULTS

Tuesday, November 8, 2011 at 3:00 PM
Town Hall, Hearing Room, 2ND Floor
367 Main Street, Hyannis, MA

I. Discussion:

Bill Rabe representing Center Village Condo – Captain Cook Lane, Hyannis, sewer plans (also, see Jun 2011).

The Board of Health is in full support of Center Village Condominium's private sewer plan and is excited to hear that the Police Department and Marine & Environmental Departments will be connected, along with the possibility of Strawberry Hill and Shallow Pond Condominiums hooking up to the system in the future. The Board asked that Mr. Rabe, Center Village Condominiums and Mr. McNamara, Manager of Strawberry Hill and Shallow Pond Condominiums return to the Board at the December 13, 2011 meeting and give the Board another report.

II. Hearing – Septic in Failure:

A. Michael & Paula Picard, owners – 288 South Main Street, Centerville, past deadline repair date.

The Board voted to give the owner the option to (1) appear before the Board in person at the December 13, 2011 meeting or (2) the Board shall give notice that there shall be no occupants until the septic is repaired and the house will be posted as "Not Fit for Habitation".

B. Anthony Pino, owner – 23 Sycamore Street, Hyannis, past deadline repair date.

Mr. Pino has supplied the Board will a copy of a signed contract with a septic installer and the permit has been pulled. The Board voted to continue to January 2012 meeting to make sure the septic has been completed.

C. Marcia Moniz, owner – 17-19 Fresh Holes Rd, Hyannis, past deadline repair date and has signed a contract to have Capewide install a new septic.

Ms. Moniz has supplied the Board will a copy of a signed contract with a septic installer and the permit has been pulled. The Board voted to continue to January 2012 meeting to make sure the septic has been completed.

- D. Alan Curtis and Gail Eagan, owners – 204 Washington Avenue, Osterville, past deadline repair date.

The Board voted to approve a two month extension on the deadline and return to the Board on January 10, 2012.

- E. Marcia Elliott, owner – 37 Rue Michele, Barnstable, past deadline repair date.

The Board voted to allow further inspections to be done to see whether they are in agreement with the initial report. In order to reverse the earlier inspection, two passing inspections would need to be done; one in the near future and one twelve months after the first one.

III. Hearing – Housing:

- Lei Reilly, owner – 111 and 111-B Sea Street, Hyannis, housing issues (also, see August 2011 BOH Meeting).

Lei Reilly was not present. Dr. Miller asked that the Board send a letter to the Town Attorney specifying this case and ask if, with repeated violations, are we permitted to restrict the owner from renting in the future, i.e., restrict her from the rental application.

IV. Variances – Septic (New):

- A. Michael Pimentel, JC Engineering, representing Christian Camp Meeting Association, owners –915 Craigville Beach Road, Centerville, Map/Parcel 225-001, 2.5 acre lot, two setback variances.

The Board reviewed the proposed plan and believes dividing the water meter usage by 100 days is more accurate than 365 days as the property is open 3 ½ months a year. The Board also said that DEP is adamant that they want to review any properties which do not fit into their usage categories.

The Board voted to continue to December 13, 2011 so the applicant can speak with Brian Dudley, DEP, for his approval on the water flow.

- B. Sanjay Palit, owner – 169 Keveney Lane, Barnstable, Map/Parcel 351-057 65,340 square feet lot, variance for a leaching system greater than 3 feet below grade.

The Board voted to approve the proposed plan with the 1.8 foot variance.

V. INFORMAL DISCUSSION:

Daniel Penni, D & S Penni Realty Trust, owner – 58 Holway Drive, West Barnstable, Map/Parcel 136-033, 44,500 square feet parcel, interested in expanding system to accommodate an additional bedroom, discuss system's proximity to lot line & wells.

Mr. Penn is looking for input to see whether the idea of an additional bedroom is feasible. An engineer may be able to fit in one more leaching chamber which is not asking for a lot. The Board acknowledged it is a realistic proposal.

VI. Variance – Food (New):

A. David Columbo, owner, Black Cat Harbor Shack – 159 Ocean Street, Hyannis, Map/Parcel 326-039, grease trap variance and toilet facility variance, request to operate an outside bar with a raw bar.

- 1) The Board voted to approve the toilet variance to allow three toilet facilities on site (two public, one employee).
- 2) The Board voted to approve the variance for an increase in seating to 83 seats with a 1,000 gallon grease trap.

David Columbo spoke on the third variance of operating an outside bar with a raw bar. The Board specified conditions and said this will be a pilot program to be reviewed in one year.

- 3) The Board voted to approve the operation of an outside bar with a raw bar with the following conditions:

- Product maintained on ice,
- Shellfish must be maintained under raw bar inside the insulated ice sink, on ice, and under the ice sink's safety glass closure
- Menu only approved for raw bar shellfish – shrimp, oysters.
- With adequate air flow to be a deterrent to insects.
- Area must be under cover,
- There is to be a second area of cover (under glass)
- Hand wash sink must be in close proximity,
- Area must be cleaned at the end of each day.
- And, protocol must be in place for transporting shellfish to and from the refrigerate area at the end of the day.

B. Steven Hirschberger, owner, Arnold Bakery Outlet – 163 Barnstable Road, Hyannis, new location, toilet facility variance.

The Board voted to approve the retail food establishment with one toilet facility. Mr. Hirschberger, Arnold's Bakery Outlet, will be responsible for the shared bathroom and its upkeep.

- C. Janis and Randy Gold, owners, The Broken Cone – 569 Main Street, Unit D-1, Hyannis, MA, reconsider grease trap variance.

The Broken Cone decided to reduce their menu to be limited to ice cream and just a few sandwiches with little or no mayonnaise to avoid the need for a grease trap. The facility has a Big Dipper (internal) grease trap.

Roger Parsons, DPW, prefers the property be connected to a grease trap so the Health Division does not have to continually monitor the owner following the accepted menu. However, he does give his guarded approval of it. The Board voted to approve.

- D. Krasimir Dzhulen, new owner of Dominos Pizza – 40 Industry Road, Marstons Mills, grease trap variance.

The Board voted to approve the grease trap variance with the following condition: a daily grease removal log is maintained.

- E. Keith Bettencourt, BKA Architect, owner, Chipotle Mexican Grill – Cape Cod Mall, 793 Lyannough Rd, Hyannis, toilet facilities.

The Board voted to approve the food establishment with one toilet facility with the condition that there is no more than a total of 54 seats, 48 inside and 6 outside.

VII. CORRESPONDENCE:

- A. Eben & Sara Arlene Johnson regarding 337 South Main Street, Centerville.

A copy of the letter is submitted for the minutes:

The letter will be read at the meeting the next time 337 South Main Street, Centerville, is presented at the Board.