



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

# Town of Barnstable

## Board of Health

200 Main Street, Hyannis MA 02601



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

### BOARD OF HEALTH MEETING MINUTES Tuesday, June 10, 2008 at 3:00 PM Town Hall, Hearing Room 367 Main Street, Hyannis, MA

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on June 10, 2008. The meeting was called to order at 3:00 pm by Chairman Wayne Miller, M.D. Also attending were Board Members Paul Canniff, D.M.D. and Junichi Sawayanagi. Thomas McKean, Director of Public Health, and Sharon Crocker, Division Assistant, were also present.

#### I. Hearing – Housing (Cont.):

Deborah Packard, owner – 226 Long Beach Road, Centerville, MA – housing violation(s).

Deborah Packard was not present. The Health Division Inspector's recent inspection was read stating all work has been completed and additional bedrooms removed. No further action required.

#### II. Hearing – Housing (New):

Donizete Ronfirm, owner – 83 Uncle Willies, Hyannis, removal of three bedrooms.

#### III. Septic Variances (Cont):

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 (continued from May 2008)

Mike Aucoin and Ed Stone presented their revised septic plans which included a change from a 1,000 gallon tank to a 1,500 gal two-compartment tank attached to a pump chamber then to the leaching field (which remains in the higher ground).

The Board requested a monitoring plan be submitted which includes monitoring quarterly. After the second year, the applicant may come back to the Board for a review.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve five variances with the following conditions: 1) a monitoring plan must be submitted, (2) they must put a notice on the deed that the septic system is an I/A system which requires both testing and emptying on a regular basis, (3) a 4 Bedroom Deed Restriction must recorded at the Barnstable County Registry of Deeds and a copy submitted to the Health Division. (Unanimously voted in favor.)

- B. 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.

Revised plan was submitted to Mr. McKean with a comment to see note#18 which is changed now so the vent faces south toward the northly abutter.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the variances with the following conditions:

1) The applicant must obtain variance approval(s) from the MA DEP prior to obtaining a disposal works construction permit, (2) record a deed restriction restricting the property to non-residential use signed by the owner. at the Barnstable County Registry of Deeds with a copy given to the Health Agent. It is to be noted that if there is a change of use to commercial, they must come before the Board of Health again, (3) The incinolet toilet shall be installed according to the State Plumbing Code, (4) The vent pipe shall be installed with the opening to the south, (5) The grey water disposal system shall be installed in strict accordance with the submitted plans with a revision date of May 27, 2008, (6) The designing engineer shall supervise the construction of the onsite sewage disposal system and shall certify in writing to the Board of Health that the system was installed in substantial compliance with the original plans dated August 12, 2003, with a revision date of May 27, 2008 and signed by Robert A. Drake, P.E. (Unanimously voted in favor.)

#### **IV. Septic Variances (New):**

- A. Joe Henderson, Horsley Witten Group, representing Mark Ellis, owner – 239 Iyannough Road, Hyannis, Map/Parcel 328-206, 0.66 acre lot, 5 variances requested.

Joe Henderson and Mark Ellis presented their plan. Both septic systems, the cottage's and the Quarterdeck's, have failed. In Quarterdeck has the leaching field failed. The cottage's system is working –however, it is a single cesspool so it automatically fails. The cottage has two bedrooms. The restaurant has 42 seats and a grease trap. The Quarterdeck is mainly a bar which serves pizza on Monday nights but it was calculated in as a regular restaurant based on 42 seats.

They installed three water monitoring wells and found no issue with ground water or soil. Dr. Miller was unclear of neighboring septic locations Mr. Henderson has looked into the cost of hooking up to the town sewer at Ridgewood Road and it could be possible.

Dr. Miller noted the property is in a WP district. The total flow is about 3,000 gal/day for five buildings. Mr. Henderson stated the pump chamber is only for the cottage because gravity doesn't work to bring it to the shared D-Box.

The Board was concerned and proposed the following steps be done:

Step 1 – The Board will send a letter and ask DPW to reconsider the rejection of extending the sewer line which is 600 feet away with only the Radisson in between.

Step 2 – If they do not extend the sewer, Dr. Miller would want to have advanced treatment technology used. Joe said the difficulty is that there is very limited space available for that.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to send a letter to the Mark Ells and copy to Bob Burgmann, Town Engineer, to ask for reconsideration of the sewer extension and to continue this to the Board of Health Meeting on July 8, 2008. (Unanimously voted in favor.)

**V. Application for Extension – Underground Tank:**

Richard Boyle, Regional Sales Manager for Cumberland Farms # 2142 (a.k.a. # 2326)- 395 West Main Street, Hyannis, Map 269, Parcel 116, requesting extension on replacement date of four (4) fiberglass 8,000 gallon underground storage tanks with a scheduled replacement date.

Richard Boyle presented their plans of their intent is to remove the 4 underground storage tanks with a capacity of 32,000 gallons with 3 double-walled storage tanks with a capacity of two at 12,000 and one at 8,000 gallons for a total of 32,000 gallons in Oct 2008. Mr. Boyle said they do continue to maintain daily monitoring.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to extend the variance until Oct 31, 2008 at which time the tanks will be replaced. (Unanimously voted in favor.)

**VI. Variance – Food (New):**

A. Theodore Schilling, Esquire, representing Tommy Doyle's Irish Pub & Restaurant, Map/Parcel 327-090, grease trap variance.

Theodore Schilling and Allan O'Sullivan presented their plan. They stated their variance request to similar to the variance granted to the prior owner. The Board stipulation can be changed from testing the GRD by an outside firm monthly to having the applicant monitor and log it monthly.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to grant a conditional variance from the Board of Health "Revised Supplement to Minimum Sanitation Standards for Food Service Establishments" Regulation 10, which requires a minimum 1,000 gallon capacity grease interceptor at all food establishments.

This variance will allow the applicant to operate grease recovery devices with the following conditions: (1) No more than 328 seats total are authorized. (2) Two grease recovery devices (GRD's) shall be maintained in series at this establishment, one on the main level and one in the basement. (3) The applicant shall monitor monthly and a log of the quantity of grease discharged into the plumbing (influent) and the quantity of grease discharged out to the sewer line after being processed through the GRD device (effluent). (4) The menu is limited to the list of foods submitted by the prior owner, Hooters, on February 10, 2003. (5) This variance is not transferable and will be voided if this

food establishment has a change of menu or is leased to a party other than the current tenant. (Unanimously voted in favor.)

- B. Cynthia Cole representing Mid-Cape Farmer's Market, 232 Main St (Bank of Cape Cod parking lot), Hyannis.

Cynthia Cole and Rick Bibeau proposed the new location and stated they will continue to operate in the same manner. Mr. McKean said the staff had no objections to the new location. The need to make sure there is adequate hand wash stations was reinforced by him.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the new location of 232 Main Street, Hyannis. (Unanimously voted in favor.)

**VII. Temporary Food Permit:**

- A. Les Hemmila, Barnstable SeaFarms, request to sell oysters and little-necks at the Farmer's Market.

Les Hemmila and Sean Bowin, Dept of Agriculture were present.

Mr. Hemmila will not be shucking any oysters at the market. He will only have oysters and little necks (quahogs) He will have the items already bagged and in a refrigerator truck. There will not be any hands touching the product at the Farmers Market. The product will be kept in the truck and the door will be opened to retrieve one bag at a time as consumers purchase.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve subject to the applicant obtaining his state licenses. (Unanimously voted in favor.)

- B. Vito Marotta, Porky's Bar-B-Que, for Fireworks Evening, July 5, 2008, change of location to vacant lot, north side of South Street (across from Aselton Park.

Mr. Marotta said he would be operating in the same manner as previously approved at the Aselton Park but must move as the park will be in use that day.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the change in location. (Unanimously voted in favor.)

**VIII. Disposal Works Installers:**

- A. Dennis Earle, Sandwich, MA

All references endorsed him as a good candidate and he received a passing grade on the exam.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve Dennis Earle as a licensed Disposal Works Installer. (Unanimously voted in favor.)

B. Thomas Clancy, Middleboro, MA

All references endorsed him as a good candidate and he received a passing grade on the exam.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve Dennis Earle as a licensed Disposal Works Installer. (Unanimously voted in favor.)

**IX. INFORMAL DISCUSSION:**

Gary James, James Engineering representing Dorothy White, owner – 332 Bone Hill Road, Barnstable, Map/Parcel 337-012, 0.88 acre lot,

Gary James is interested in the Board of Health's review and comments. Gary said he has not done work in the town before and was looking for input on what the Board.

Dr. Miller said 50 feet is the minimum they will drop to, percolation tests must be done, and consideration would also be given to the number of variances applied for and the number of bedrooms requested for approval.

The Board expressed difficulty in answering the request without a completed plan.

**X. ADDITIONAL ITEM(S)**

Announcement: Next Monday, June 16 at 7pm is the second meeting Estuaries Regulation.

In terms of the wording for the estuary ordinance: in lot or septic systems, it will be the septic systems within the lot and not the "lot", itself.

There will be 2 to 3 different phrasing for the flow to be discussed. And they are interested in changing the term "dwellings" to say "buildings" so that the ordinance will now cover commercial.

Voted to adjourn.