



Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601



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

BOARD OF HEALTH MEETING RESULTS

Tuesday, May 10, 2011 at 3:00 PM
Town Hall, Hearing Room, 2ND Floor
367 Main Street, Hyannis, MA

I. Sewer Connection:

Michael Princi, Wynn & Wynn, representing First Light Holdings, LLC, owner – 300 Barnstable Road, Hyannis, Map/Parcel 310-144, sewer connection.

Michael Princi, Esq., was present and discussion focused on the fact that the distance of the sewer line to his building is approximately 220 feet and caused the cost of the hook up to be 4 to 5 times greater than any of the neighbors, and this building has very low water use. (estimated cost in 2003 - \$25K). Alternatives are sought with the possibility of obtaining an easement from a neighbor to hook in.

Dr. Miller said an issue tied to this is that since the Lewis Bay area is an urgent area with the DEP, the DEP may be requiring all available in the area to hook up.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to Continue to the Jun 14, 2011, meeting. (Unanimously, voted in favor.)

II. Hearing – Housing:

Carl Riedell, owner – 178 Scudder Road, Osterville, Map/Parcel 140-035, ceiling height.

Carl Riedell was present and stated the age of the building and that the apartment had been used as a sleeping quarters for over thirty years and much longer. He has had a long term tenant in there who has no complaints of the ceiling height as she is not tall.

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

III. Variances – Septic (New):

WITHDRAWN A. Peter Eastman, Howard Boats – 164 Beale Way, Barnstable, Map/Parcel 280-004, 0.50 acre lot, boat building and repair requesting approval for composting toilet, currently no plumbing.

Peter Eastman had supplied the Board with a letter from the Barnstable Yacht Club next door stating they are granted permission to use the toilet facilities there.

Dr. Miller said he was interested in having the letter also state that Howard Boats would only operate during the hours which the Yacht Club is open. Mr. McKean will speak with Mr. Eastman.

POSTPONED B. Peter Sullivan, Sullivan Engineering representing C. William
UNTIL BOH Carey, owner - 986 Sea View Avenue, #A, Osterville, Map/
JUN 14, 2011 Parcel 091-002, 2.72 acre parcel, proposal to grandfather
four bedroom without installing new septic system.

IV. I/A Monitoring:

Jerome Goldstein, owner – 199 Meadow Lane, West Barnstable,
Map/Parcel 134-018-001, requesting a reduction in monitoring.

The tests of eight monitoring results submitted to the Board met with their approval for a reduction in monitoring.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the reduction of the Innovative Alternative (I/A) septic system's monitoring plan to: once a year and it is to be monitored for total nitrogen only. (Unanimously, voted in favor.)

V. Variance – Food (New):

IN REFERENCE TO: A, B, and C (below):

The three restaurants (below), Cape's Best Gyros & Grill, The Broken Cone, and Hot Diggity Dogs N More, are new tenants in the same building. Bob Bergmann, Town Engineer – DPW, is concerned with the level of grease the three will produce. Mr. Bergmann said DPW will require either (1) a grease tank is installed with the three tenants connected to it, or (2) if the tenants prove that the total amount of effluent (grease) from the building is less than 5 mgs/liter, then the grease recover devices (GRD's) can continue to be used, if properly maintained.

A. Michael Santos, building owner and representing Cape's Best Gyros & Grill – 569 Main St (formerly Café Samedy), grease trap variance.

The Board voted to approve a temporary grease trap variance with the length of the time of the variance to be determined by the Town Engineer, DPW, based on the fact that the three restaurants are operating with similar menus to the previous tenants who were there for three to five years and with the following conditions: 1) must work towards getting a minimum 1,500 gallon capacity grease tank installed, OR, 2) work towards proving the total effluent for the building is less than or equal to 5 mg/liter of grease as requested by the Town Engineer, DPW, 3) during the temporary variance, the two restaurants, Cape's Best Gyros & Grille and Hot Diggity Dogs N More, must use a grease recovery

device and maintain a grease removal log, and 4) Cape's Best Gyros & Grill will eliminate the use of deep fryers and will use the stove or oven instead, 5) all paper products will be used as serve ware, 6) a grease recovery device (GRD) will be used, 7) a grease removal log will be maintained and easily accessible to the health inspector, and 8) if it is determined that an in-ground grease trap is required, an in-ground minimum 1,500 gallon capacity grease trap shall be installed before the established deadline.

B. Janis and Randy Gold, The Broken Cone – 569 Main Street, Unit# D-1, Hyannis, grease trap variance and increase seats to 29.

Randy Gold, The Broken Cone, is only serving ice cream. The DPW has previously said that the GRD does not have an effect on ice cream and this is not an issue with the sewer lines. The application stated, in error, an increase in seating. McGee's Ice Cream had previously been approved for 29 seats (9 in, 20 out). No vote was necessary for seating. It will be 29 seats, same as prior tenant.

The Board voted to approve a temporary grease trap variance with the length of the time of the variance to be determined by our Town Engineer, DPW, based on the fact that the three restaurants are operating with similar menus to the previous tenants who were there for three to five years and with the following conditions: 1) must work towards getting a minimum 1,500 gallon capacity grease tank installed, OR, 2) work towards proving the total effluent for the building is less than or equal to 5 mg/liter of grease as required by our Town Engineer, DPW, 3) during the temporary variance, the two restaurants, Cape's Best Gyros & Grille and Hot Diggity Dogs N More, must use a grease recovery device and maintain a grease removal log, and 4) Cape's Best Gyros & Grill will eliminate the use of deep fryers and will use the stove or oven instead, 5) all paper products will be used as serve ware, 6) a grease recovery device (GRD) will be used, 7) a grease removal log will be maintained and easily accessible to the health inspector, and 8) if it is determined that an in-ground grease trap is required, an in-ground minimum 1,500 gallon capacity grease trap shall be installed before the established deadline.

C. Tracy Paulas, Hot Diggity Dogs N More – 569 Main Street, Unit# 11-D Hyannis, grease trap variance and air curtain variance.

TWO VARIANCES APPROVED.

The Board voted to approve a temporary grease trap variance with the length of the time of the variance to be determined by our Town Engineer, DPW, based on the fact that the three restaurants are operating with similar menus to the previous tenants who were there for three to five years and with the following conditions: 1) must work towards getting a minimum 1,500 gallon capacity grease tank installed, OR, 2) work towards proving the total effluent for the building is less than or equal to 5 mg/liter of grease as required by our Town Engineer, DPW, 3) During the temporary variance, the two restaurants, Cape's Best Gyros & Grille and Hot Diggity Dogs N More, must use a grease recovery

device and maintain a grease removal log, and 4) Cape's Best Gyros & Grill will eliminate the use of deep fryers and will use the stove or oven instead, 5) All paper products will be used as serve ware, 6) a grease recovery device (GRD) will be used, 7) a grease removal log will be maintained and easily accessible to the health inspector, and 8) if it is determined that an in-ground grease trap is required, an in-ground minimum 1,500 gallon capacity grease trap shall be installed before the

The Board voted to approve an air curtain variance for the food service window with the following condition: 1) a screen with a spring attached which will prompt the window to close after each use, and 2) the spring will be installed and inspected prior to the June 14, 2011 Board meeting.

- D. Rick Bibeault, Mid-Cape Farmers Market, Hyannis, approval to add cheese and meats.

The Board agreed the price for the two permits needed for the summer will be \$200 (\$100 x 2).

Rick withdrew the request for meats as the vendor has backed out.

The proposed cheese is from Shire Brothers, Dartmouth, MA.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve the addition of cheese to the Mid-Cape Farmers Market. It is pasteurized cheese, transported in a refrigerated truck and held in ice at the market. (Unanimously, voted in favor.)

- E. Rick Bibeault, Mid-Cape Farmers Market representing Jason O'Toole of Pizza Barbone, Temporary Food Permit for WIC: Jun 8, Jul 6, Aug 10, Sep 7 and Oct 5, 2011.

Rick Bibeault was present.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve a temporary permit to be done as one permit for \$35 covering 5 separate dates. The pizza vendor, Pizza Barbone, is attending the market to do a demonstrate for the WIC program with fresh vegetables and he will also be selling the pizza, so the price of the permit is the \$35 rate. (Unanimously, voted in favor.)

- F. Gary Cannon, Waldorf School of Cape Cod's 12th Annual Silent and Live Auction, Temporary Food Permit for Cotuit Center for the Arts, Route 28, Cotuit on May 21, 2011.

The Board voted to approve the 8 vendors with the allowance to expand to 12 vendors if they are approved by Mr. McKean, Health Director, and the

paperwork will be required to be submitted to the Health Division a minimum of one week in advance to allow proper time.

- G. John Greene representing Oceans 10 – 10 Ocean Street (formerly The Black Spot), Hyannis, grease trap variance.

Mr. Greene was present and said they has eliminated salads off their menu and said they are using all disposable products for serving ware.

The Board voted to approve a grease trap variance...but an investigation is needed to determine whether they have a GRD. The paperwork says that there is a grease “trap” – however, it may be a type error. If they do have a GRD, they must be notified to use a log to track grease removed as this was not mentioned while John Greene was in the meeting. He left very quickly and did not hear the Board state this. (Unanimously, voted in favor.)

- G. Jason Warren, Osterville Village Café – 3 Wianno Avenue, Osterville, toilet facility variance.

Jason Warren was present and explained the establishment would be a similar one to the previous owner.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the toilet facility variance for one toilet. (Unanimously, voted in favor.)

- I. Monty Liu (formerly MenChung Liu), Dragonlite Restaurant – 620 Main Street, Hyannis, variance for the operation of acidification of cooked rice.

Monty Liu was present.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve the variance for HACCP Plan – acidification of cooked rice. (Unanimously, voted in favor.)

VI. Septic Installer:
James Kelley, Dennis, MA

Mr. Kelley does not currently have any licenses under other towns.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve with the condition of the successful results of the completion of the references. (Unanimously, voted in favor.)

VII. Old / New Business:
A. Board of Health Officers.

Voted in as the new officers of the Board:

Chairman – Wayne Miller, M.D., Vice Chairman – Paul J. Canniff, D.M.D.

- B. Proposed Revision to Section 322-5 of the Town of Barnstable Code Regulation currently requires both air curtain and screen at all serving windows associated with outdoor dining. Proposal is to allow a screen or an air curtain.

This was not able to be voted on at the meeting. It was submitted after the meeting was posted.

- C. Proposal to allow health inspectors to grant counter variances on HACCP Plans and time/temperature controls for licensed food facilities.

This was not able to be voted on at the meeting. It was submitted after the meeting was posted.

Motion to adjourn 5pm