



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING MINUTES Tuesday, November 12, 2013 at 3:00 PM Town Hall, Hearing Room, 2ND Floor 367 Main Street, Hyannis, MA

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, November 12, 2013. The meeting was called to order at 3:00 pm by Chairman Wayne Miller, M.D. Also attending were Board Members Paul J. Canniff, D.M.D and Junichi Sawayanagi. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

I. Hearing: Determination of Condemnation of Single Family Dwelling.

Noel Santos, Trustee - 305 Megan Road, Hyannis, overflowing sewage onto the ground.

Noel Santos was present. His tenant, Kianna Harris, was also present.

Mr. McKean had pictures of the sewage which is seeping out onto the back yard. Mr. McKean said Mr. Santos had been instructed to pump the septic as needed and to replace the system. The Health Division had not received a response from Mr. Santos in months, to the number of letters sent and the fine which was issued. The Health Division finally received word from Noel last week that he would be coming to the Board meeting and that the system was to be pumped.

Noel Santos said he hired Darren Meyer as the engineer some time in the spring or the summer, and thought it was moving forward. He had lost the contact number and had not followed up.

Mr. Santos called a company to pump the septic last Thursday, but the company had not told him the service is done on a C.O.D. basis and, without him there, they did not pump it. He rescheduled and it was completed today.

Dr. Miller said that the system must be pumped as needed. It does not take long to fill up a septic tank and pit with a family of five. It will need to be pumped at least once a week or more frequently if needed, until the septic system is repaired.

Mr. Santos showed the Board the plan he had received from Darren Meyer earlier and it appears the installation will not require any variances.

Dr. Miller stated the owner must submit the pumping receipts on a weekly basis to Mr. McKean, Public Health Division, until the new system is installed and Mr. Santos must return to the Board of Health at the December 10, 2013 meeting.

The Board discussed the deadline of 30, 45 or 60 days to repair the system. The final decision was to have the system repaired in 30 days as desired by Dr. Canniff – as this has been going on for so long.

Kianna Harris, tenant, said she had told Mr. Santos last October and the Health Division had given him 60 days at that time. She has four children including one autistic and they have not been able to play in the back yard. Kianna said she had sent the owner a letter notifying him in June and July 2013 as well. She also mentioned that there is mold in the back bedroom and leaks in the house. Mr. Santos did not repair the boiler in September and the Fire Department had to come out for an emergency call due to the furnace and she had to hire a contractor to temporarily fix the boiler which cost \$400.

Kianna said he is getting paid by the state's Housing Authority but she had stopped paying her portion as she had hoped that would prompt him to fix the issues. She said the Housing Authority called her last Thursday and told her she has to move out by today, if the Board rules to condemn it.

Dr. Miller asked her if the heat is working now. Kianna said yes, however, the contractor who fixed it said it was just a matter of time before it stops again.

Mr. Santos said the boiler was brand new two years ago. He is questioning whether it really needs to be replaced now. Kianna said she does not recall the furnace being put in within the last two years. She believes it was earlier than that. Mr. Santos said he has been out to the property five times to respond to the mold issue.

Dr. Miller asked Mr. Santos when the last time the boiler was inspected. He said it was at the time it was purchased, two years ago. Dr. Miller recommended having it inspected every year to make sure its running fine and as a safety measure.

Mr. McKean said the Health Inspector, Tim O'Connell, noted a crack above the bedroom window and thinks it may be causing the moisture and mold.

The Board clarified that the Board was not condemning the house today and the tenant will not have to move out of it as this time.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board voted to an extension of the septic repair with the following conditions: 1) the owner must supply proof of the pumping of the septic system to Mr. McKean on a weekly basis. 2) the septic system must be pumped at least once a week, and more frequently, if needed, to avoid any additional overflowing into the yard, 3) the septic system must be replaced within 30 days, 4) the heating boiler must be serviced and inspected with the results being brought back to the Board, and 5) the mold in

the bedroom must be removed and the cause of the mold identified and fixed.
(Unanimously, voted in favor.)

II. I/A Monitoring: No Maintenance Contracts.

- A. Brian and Shelby Powers, owners – 32 Hemeon Road, Hyannis, Map/Parcel 268-090, contract expired December 8, 2006.

Brian Powers explained that he can not afford the cost of the maintenance contract of \$2,000/year. He has had it pumped every three years to be safe and the hauler always says the system looks good. Mr. Powers said the pump has never shut off. It has been continuously running. He also said he had bought the lot at the time when the realty was the highest and paid \$145,000 for the lot. It is 13,000 square feet and was a bit too small to qualify for a two-bedroom which is why an I/A Micro Fast system was installed allowing them to have the second bedroom. Mr. Powers said he had a maintenance contract on it for the first three years and everything worked fine and asked why the contract requires such frequent tests as everything is running fine.

Dr. Miller explained the Operation & Maintenance Inspections/ lab results determine whether the system is functioning to remove the proper level of nitrogen. This can not be determined by viewing it. The Board granted permission to use the lot for a two bedroom with the condition that the contract would be maintained continuously. Another option would be to remove the second bedroom.

Dr. Miller said the Board may be willing to reduce the testing to twice a year if the reports from the original reporting were satisfactory.

Mr. Powers said that four people live in the house and they are year-round. He believes he can get the original reports.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board voted to: 1) require Mr. and Mrs. Powers to obtain a maintenance contract, and 2) to allow Mr. and Mrs. Powers to reduce the monitoring to twice a year with the contingency that the reports are satisfactory and with the condition that the owner submit eight consecutive reports from the original testing to verify they were satisfactory. (Unanimously, voted in favor.)

- B. Raymond F. Schneider, owner – 102 Falling Leaf Lane, Osterville, Map/Parcel 144-003-008, contract expired February 1, 2005.

Mr. Schneider was not present. His septic inspector, David Coughanowr, had sent in the signed copy of the monitoring plan Mr. Schneider had executed. He also informed the Board that the property sold last week. The new owner must obtain a monitoring contract.

III. Septic Variance (Cont):

- A. Anne Dye, 35 Norris Street, Hyannis, Map/Parcel 306-034 – Previously ordered to connect two dwellings to public sewer, extension granted.

Anna Dye was present and said that she is retaining ownership of the property. She has received the loan for the sewer connection from the county and has contracted Bortolotti to do the connection to town sewer. Anna said the one connection will tie in both the house and the cottage. Ms. Dye said the permit is # 4709; however, Bortolotti was not able to quote a completion date at this time.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to extend the deadline date and to return to the Board of Health at the January 2014 meeting if it is not completed. (Unanimously, voted in favor.)

IV. I/A Monitoring:

- A. Randall Cox, owner – Herring Run Place, Unit B, 195 Route 149, Marstons Mills, Map/Parcel 078-018-40B, requesting reduction in Operation & Maintenance requirements from four times a year to a reduced amount.

Mr. Cox said he is living at the property nine months a year now. So, he can only request reduction to twice a year according to the State Code.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to grant the reduction of the monitoring to twice a year. (Unanimously, voted in favor).

- B. Paul & Maria Tanguosso, owners – Herring Run Place, Unit# C, 195 Route 149, Marstons Mills, Map/Parcel 078-018-40C, requesting reduction in Operation & Maintenance requirements to twice a year.

Mr. McKean said the results were fine and recommended reducing it to twice a year.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to grant the reduction of the monitoring to twice a year. (Unanimously, voted in favor).

- C. Joseph and Diane Cabral, owners – Herring Run Place, Unit# E, 195 Route 149, Marstons Mills, Map/Parcel 078-018-4E, requesting reduction in Operation & Maintenance requirements to twice a year.

Diane Cabral was present and confirmed that they are living there full time.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to accept a reduction in the monitoring to twice a year. (Unanimously, voted in favor).

V. Food Variance (Cont):

- A. Jorge Montero, LLC, owner of Vista de Mare Diner – 430 Main Street, Hyannis, status regarding installation of a grease trap (continued from October 2013).

Stephen Hayes, Esquire, was present and stated the project is not completed at this time but is moving forward.

Upon a motion duly made by Dr. Miller, seconded by Mr. Sawayanagi, the Board voted to grant an extension to them with the request that they return to the Board at the January meeting if the grease trap has not completed. (Unanimously, voted in favor.)

- B. WITHDREW Carrie-Lee Touhey, owner – The Cape Cod Cookie Company, 569 Main Street, Unit# B, Hyannis, status regarding installation of a grease trap or connect to an existing tank. (Will remain Retail.)

Carrie-Lee was not present as she withdrew her variance request prior to the meeting. The Board was concerned the health inspector has not been able to get in for an inspection as it has been closed often. The Board asked for a letter to be sent requesting the hours and to have the owner set up an inspection with the inspector.

- C. Chandler Bosworth, Bosworth Associates, representing Enrique Valdovinas, owner of Mi Pueblo, 459-B Main Street, Hyannis, status regarding connection to an existing grease trap (continued from October 2013).

Mr. Bosworth was present. He said the owner of the property had been sick. The contractor must obtain a permit for the grease trap from DPW.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board voted to grant an extension to operate with the request that they return to the Board at the January meeting if the grease trap has not completed. (Unanimously, voted in favor.)

- D. Peter Goulet, Morning Glory Café – 211 Route 149, Marstons Mills, status regarding installation of a grease trap, seating. (continued from October 2013).

Peter Goulet must return to the December meeting to present the engineer's daily flow calculations which the owner of the property had done. Depending on what the engineer's daily flow shows, there may be availability for more seating.

Mr. Goulet said the owner, Craig Larson, was heading to the Health Division to obtain the permit for the grease trap. The Board said with the grease trap installed, he will be able to return to his full menu.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board voted to continue to the December 10, 2013 meeting.

VI. Food Variance (New):

Frank Sanchez, Airport Assistant Airport Manager, 480 Barnstable Road, Hyannis, Map/Parcel 329-003, requesting permission to provide a food

kiosk at the Airport Cafe to sell pre-packaged food items at opposite end of terminal building, adjacent to the waiting area.

Ron Persuitte was present and discussed the plan to place the Kiosk near the waiting area of the airport. He acknowledged that no preparation of food will be done in the Kiosk. There is a self-contained refrigerator unit under the counter and there is a sink with a container for the water which must be emptied in the mop sink.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the kiosk with wheels on it which will assist in the cleaning underneath the kiosk. There will not be any food prepared in the kiosk and a menu is to be submitted. (Unanimously, voted in favor.)

VII. Old / New Business:

A. Approval of the Minutes: July 9, 2013 - October 08, 2013.

Will be reviewed and approved at the December meeting.

B. Policy: Revision to Counter variances regarding placing a liner between a septic component and a foundation wall.

The Board discussed revisions to the Counter variance. There were a few options discussed:

- to accept the proposed as written,
- to modify to require a monolithic tank be used if less than 5 feet unless a 40 mil liner is used,
- to apply the proposed except when the component is less than 10 feet from the foundation.

The Board will continue this item and will (1) speak with Brian Dudley, DEP, to see if there are any risks anticipated, and (2) research what the cost is of the 40 mil liner.

Motion to adjourn 5:30 pm.