



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING MINUTES

Tuesday, January 13, 2015 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, January 13, 2015. 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. Show Cause Hearing – Motel

Craigville Motel, 8 Shootflying Hill Road, Centerville – multiple violations and/or recurring violations of the State Sanitary Code and MA Fire Code.

Tara Patel, Charles (Chuck) Mayo- Maintenance, and West Barnstable Fire Department's Deputy Chief Dave Paananen were present.

There was a coordinated inspection which included: Deputy Fire Chief Dave Paananen, Building Commissioner Tom Perry, Building Inspector Bob McKechnie, Health Director Tom McKean, Zoning Officer Robin Anderson and Health Inspectors Donald Desmarais and Tim O'Connell.

Mr. McKean stated the health violations: non-operational wall heater-Unit 40, non-operational smoke detector-Unit 40, overcrowding unit 4 (4 people in room designed for 2-3), piles of debris and clothing on floors of multiple rooms, rubbish on ground behind motel, multiple discarded appliances and plumbing fixtures, several fire codes, motorcycle in one of the units, piles of vehicle tires, and use of one portable heating unit.

Mr. McKean said the definition of a motel is to provide sleeping accommodations for transient individuals. Statements directly from the occupants were that occupants stay more than 30 days and in some cases, more than a year.

Deputy Fire Chief Paananen said that in addition to the smoke detectors disconnected in units 1&17, and the gas-powered motor bike mentioned by Mr. McKean, there were other fire violations. There was a stairway for the rear which was locked. There were also hot plates and toasters in units 40 & 11.

Deputy Chief said of additional concern is that these violations are repeated at multiple inspections. On November 5, 2014, there were six units with smoke detectors disconnected and three units with hot plate and toasters. Similar issues existed at the April 14, 2014 inspection, there were four smoke detectors

disconnected, a blocked stairwell, hot plates and toasters in 6 units and storage stacked too high (need two feet clearance).

The Board said with it being winter, there is hesitation of putting people out on the street and yet it is a disaster waiting to happen which the Board can not allow.

Chuck Mayo went through each violation.

- Smoke Detector in Unit 40 was unplugged due to the tenant's action and has been plugged back in.
- The motel makes sure there is one in place and working each time someone checks out and each time the room is cleaned. Chuck pointed out that even if they checked 3 times a day, they could not ensure people would leave them in place as they remove them to smoke even though it is not permitted in the rooms.
- Chuck is researching a wireless smoke detector system which will set off an alarm on a panel in the front office if someone removes the smoke detector. He has only received one price at this time. It costs \$10K and they believe that would resolve the problem. He does not know whether the State Fire Marshall will approve of it.
- He also mentioned the heat detectors are hard-wired directly to the Fire Department. He knows the individual smoke detectors do give more advanced notice to occupants and are also required.
- Tara Patel has sent letters to all occupants listing requirements of not removing smoke detectors, no smoking, no hot plates, no toasters, and no combustibles stored in rooms, and must keep rooms neat and clean.
- The infraction for over-occupied was for the room designed for three people. The people that signed in were a couple and their (1) child. It later became known that they also had an infant. They have no place else to go and are there at the moment.
- Room temperature in room 40. The tenant had shut off the wall unit and plugged in a fake fireplace with a heater. He said he preferred the looks of the fireplace. As soon as the owner became aware, she had him remove it the same day and turn the wall unit back on.
- Maintenance of rubbish. Someone had thrown the aluminum foil from their BBQ over the fence. This has been picked up.
- Multiple units have piles of clothes on the floor. Chuck said this is something the owner can not regulate and should not be fined for. It is the occupant's privacy.
- Outdoor storage – old appliances. Chuck said there is a spot in the woods which he cleared and graded. This gave them access to the septic and a place to store old appliances until scrapped. It is not visible from the street and at one inspection he was told it would be ok. Later that changed, and once he was told they should be removed, he had them scrapped right away.
- There was a motorcycle in a room. The owner was not aware of it. The tenant later said there was no gas tank on it. Deputy Fire Chief Paananen stated the motorcycle was in tact with a gas tank at the inspection. Mr. Mayo said the tenant removed the motorcycle the same day.

Tara said a family with 4 children originally signed up to rent for 30 days. After that time, they said they were staying for 30 more days as they did not have any other place to go and were trying to find housing. These are the type of occurrences that

they run into. The owners said they are following the regulations as best they can but people come and overstay, and it is a very costly process to get them out.

By the definition, the Craigville Motel is in violation of their license because people are not supposed to reside there for more than 30 days. The issues arise because people are using it for permanent living quarters and want to have the conveniences of hot plates, etc. Something must be done to keep this from being a habitual problem. This is the third hearing since they have owned the motel (15 years now). Dr. Miller mentioned that when he signs into a hotel, he must initial the clauses which stipulate the date of departure, and no smoking, etc.

Chuck Mayo asked about the possibility of converting to an inn as there would be allowance for longer stays. The Board explained that the longer the permitted stays, the more stringent the rules are.

Tara Patel said that currently there are 15 units rented and of that, 10 have been there more than 5-6 months. The motel holds 42 units. Mr. and Mrs. Patel live there, along with her mother-in-law and they keep a close eye on things.

Dr. Miller suggested the owners approach the courts to appoint an overseer to facilitate bringing the motel back into compliance. Dr. Canniff said he is willing to support anything that is feasible to correct the issues.

With the concern of fire, Town Attorney Ruth Weil said she would request a way to monitor the progress if the Board does vote to continue this for 90 days.

Dr. Miller asked Attorney Weil if the Town can work with the owners, after the owners talk to legal counsel on their own, to help facilitate reducing the stay of occupancies to meet regulations.

In listening to the hearing, Ruth Weil said that Mrs. Patel has processes available which she has not done yet because they are lengthy and costly. If the owners do retain legal counsel, she would be willing to talk with them.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board voted to continue the hearing for 90 days and over that period, monthly unannounced group inspections will be done (Jan, Feb and March) to ensure the motel is keeping in control of the situation. The next meeting will be a special Board meeting on Tuesday, April 7, 2014. At the April meeting, the Board wants to see 1) motel is clear of violations, 2) forward progress to resolve the smoke detector dismantling, and 3) see that occupancy duration is getting down to 30 days or less per unit with the exception of the apartment. (i.e., start evictions, hire counsel, etc.) (Unanimously, voted in favor.)

II. Hearing – Housing (Hostel):

Mike Gambone representing Hostelling International-USA, owner – 111 and 105 Ocean Street, Hyannis, requesting exemption from screen doors as the exterior door remains locked at all times (windows do have screens and air conditioning is scheduled to be installed Spring of 2015).

Mr. Gambone was not able to be present.

Mr. McKean said the staff had no objections to this as the exterior doors are locked at all times for safety and the ventilation will be assisted by the air conditioning being installed.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to grant the variance from the requirement of screen doors. (Unanimously, voted in favor.)

III. Septic Variances (Cont.):

CONTINUE TO
FEBRUARY 10,
2015

A. Michael Pimentel, JC Engineering, representing Jamie Surprenant, Five Bay Bistro – 825 Main Street, Osterville, Map/Parcel 117-100, 0.06 acre parcel, multiple septic variances, Board asked for comparisons of other systems, systems which can reduce the nitrogen level.

CONTINUE TO
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B. Michael Pimentel, JC Engineering, representing Jamie Surprenant, Crisp Flatbread, 791 Main Street, Osterville, status report on water usage/seating.

IV. Septic Variance Request:

A. Grady Consulting representing Wind River Environmental and Anna & Joseph Rogers, owners – 357 Lakeside Drive West, Centerville, Map/Parcel 232-050, 0.34 acre parcel, multiple variances requested.

Rick Grady was present and said that there are two wetland resources at this location and the plan keeps the septic system in approximately the same spot. They will pump, crush, and fill the old system. There is no increase in flow. It will remain as a four bedroom.

Mr. McKean said it meets maximum feasibility. A correction is needed on the plan: so the soil log matches the sieve analysis.

Mr. Grady said there are two chambers which are underneath the right side of driveway and all chambers in plan are H2O. Dr. Canniff asked for a monolithic tank to be used.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to grant the variances with the following conditions: 1) correction of soil log, 2) use a monolithic tank and 3) a four-bedroom deed restriction recorded at the Barnstable County Registry of Deeds and supply the Health Division with an official copy. (Unanimously, voted in favor.)

V. Informal Discussion:

Nitrogen Aggregate Plan – Maximum Groundwater Discharge:

Jeffrey Kaschuluk, owner – 58 and 271 Wianno Avenue, Osterville, propose to transfer allowable wastewater discharge.

Applicant requested a postponement in writing until February 10, 2015.

VI. Chapter 40B Review:

Leadara Zola, Habitat for Humanity of Cape Cod – discussion of donated Parcel at 1819 Old Stage Road, West Barnstable (Map/Parcel 152-036).

Leadara Zola and Keith Fernandez, engineer with J.M. O'Reilly Co., were present. Leadara said this was a land donation and they are trying to use it in the best possible way and are proposing two lots. Zoning will make the final determinations.

Keith Fernandez explained that the neighboring lots had septic information on file so they chose locations for their septic systems and wells which would still allow the neighboring vacant lots to be built upon.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board said they will send a letter to the Zoning Board stating that they reviewed the proposed plan and accept it with Mr. Mc Kean's recommendations: 1) each lot is limited to 2 bedrooms and a deed restriction is recorded at the Barnstable County Registry of Deeds, and 2) plan must be revised to have individual plans for each lot in order to apply for a septic permit, along with their individual well analysis and well permits for each lot, and 3) label the test holes properly on the plan. (Unanimously, voted in favor.)

VII. Food – Variance

A. Gary and Dipak Patel, new owners – Comfort Inn – 1470 Iyannough Rd, Hyannis, Grease Trap Variance, no cooking, only reheating.

Gary Patel was present and said as new owners, they will be continuing with the same breakfast as previous owners. The breakfast consists of reheating eggs and sausage (they arrive pre-cooked), waffles, and the other breakfast items are dry-no preparation.

Mr. McKean said staff had no issue with this. This property is on town sewer so Roger Parsons, Town Engineer, looked over the menu and had no issue with it.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board voted to grant a variance with the following conditions: 1) the menu is as proposed, and 2) breakfast only. (Unanimously, voted in favor.)

B. Cynthia Cole representing Federated Church of Hyannis – 320 Main Street, Hyannis, new proposal of kitchen use, requesting variance from grease trap.

Cynthia Cole, Bob Jones, Hank Farnham and Jan Kligkett were present. Cynthia said they are creating a community kitchen. The church has two kitchens and a big space and will use it for small entrepreneurs starting new food businesses. They are referencing Community Kitchens Cooperative of Cape Cod's format. Cynthia Cole said they received a grant from Cape Cod Economic Development

Commission and changed the sinks and put in stainless steel counter tops. Now, they realize a grease trap is required and it would be a great hurdle to overcome.

Mr. McKean said he met with the town engineer Roger Parsons and the plumbing inspector and all agree that there is no physical place to put a grease trap.

The proposal right now is for hot sauce and Mr. McKean and Mr. Parsons do not have a problem with this.

Cynthia is proposing each new person at the community kitchen have servsafe certification and must go to Mr. McKean for menu approval. If the item(s) to be prepared are not on the 1993 'list of foods allowed without a grease trap', he may insist they come before the Board for review. If the Board determines the food item would be a problem, they will be able to say no or would require a grease recovery device.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to grant a grease trap variance with the use as a community kitchen with the process that each new person must receive approval from Mr. McKean or, if he determines, must come before the Board. The food items currently approved are the items on the Health Division's 1993 'List of foods allowed without a grease trap', or, any revised list by the Board of Health, and hot sauce. This grease trap variance will remain open and no additional grease trap variance fee will be charged for this location as a community kitchen. (Unanimously, voted in favor.)

VIII. Septic Installer

A. James Kerrigan, East Falmouth, MA

Mr. Kerrigan was present. All paperwork was in order and references were good.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to issue a septic installers license to James Kerrigan. (Unanimously, voted in favor.)

B. Jeffrey M. Wall, Harwich Port, MA

All paperwork was in order and references were good.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to issue a septic installers license to James Kerrigan. (Unanimously, voted in favor.)

IX. Old / New Business:

A. Approval of the Minutes

The Board approved the December 2014 minutes.

Meeting Adjourned 5:05 p,m.