



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING MINUTES Tuesday, September 8, 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, September 8, 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. Hearing – Underground Storage Tanks (30 years+): Old Storage Tanks to be removed.

Continued from August 18, 2015 Board Meeting:

A. Dawn Dennen, owner – 473 Pine Street, Centerville

Timothy Lavelle, Hazardous Materials Inspector - Town of Barnstable, stated he mailed a letter of notice and called the owner in August 2015 and again in the beginning of September and has not received any responses. Mr. Lavelle also spoke with Rich Mahoney, Tank Removal Services, who said he vaguely recalled the owner contacting him in the past. Mr. Mahoney will follow up with owner, as well.

The Board had a discussion on how to detect whether a tank has been removed. Methods include following the pipe lines and using metal detectors, unless the tanks are fiberglass.

Upon a motion duly made and seconded, the Board voted to continue this item to the next meeting, October 13, 2015, and the house will be posted with a "Violation of the Order" letter stating the tank is over 30 years old and the tank must be removed and a removal permit from the fire department must be obtained to do this. (Unanimously, voted in favor.)

B. Linda, Marie, Cara, Donna Whitcomb – 88 Greenwood Avenue, Hyannis

REMOVED - from agenda. (This was removed/resolved as they are involved in removing the tank now.)

C. Kristen Rufo, Esq, representing Estate of William Longstreth, owner – 390 Elliott Road, Centerville.

Attorney Kristen Rufo stated she represents Broadway National Bank who is the personal representation of the Estate of William Longstreth. Mr. Longstreth passed away in October 2012. At that point, they learned that there are tenants in the property and the tenants have refused to leave and refuse to allow anyone on the property.

Attorney Rufo is in litigation with tenants trying to have them removed and she asked for a six month extension. She is unable to verify whether the tank is currently being used or not.

Upon a motion duly made and seconded, the Board voted to grant a six month deadline extension for the storage tank removal. (Unanimously, granted in favor.)

D. Sally Allen, Trustee – 93 Marquand Drive, Marstons Mills.

RESOLVED - prior to meeting.

II. Hearing – Stable (Continued)

Kathy Woodbury, horse stable operator, and Mrs. Richard Koppen, property owner – 365 Sampson Mill Road, Cotuit, for failure to remove waste from all the paddocks and surrounding areas.

RESOLVED - prior to meeting.

III. Hearing – Food: HAACP Plan

Edward Rosario, Eclectic Café – 606 Main Street, Hyannis, critical and recurring violations for using cryovac and sous vide equipment without a Hazard Analysis and Critical Control Plan (HACCP).

Upon a motion duly made and seconded, the Board voted to 1) uphold the Cease & Desist order on the cryovac machine until a HACCP plan is approved, 2) attach “custody tape” on the machine to verify no use, and 3) a one-week suspension of the food permit will be upheld if this violation occurs again and the health inspectors will have authority to immediately place the suspension. (Unanimously, voted in favor.)

IV. Septic Variance – I/A Septic System (Continued):

A. Matthew Costa, Cape & Islands Engineering, representing Linda Warren, Trustee – 55 Hi-Ona-Hill Road, Centerville, Map/Parcel 207-092-001, 20,147 square foot parcel, four bedroom Innovative Alternative Fast Septic System, MA DEP interpretation.

POSTPONED until October 13, 2015 meeting.

V. Septic Variance:

A. David Coughanowr, Eco-Tech, representing Federal National Mortgage Association, owner – 64 Hampshire Avenue, Hyannis, Map/Parcel 291-137, 13,614 square feet parcel, septic repair, setback variance requested.

Dr. Miller explained that the system has had a hydraulic failure, but aside of that, the system is an automatic failure due to the fact that the distance from groundwater is less than four feet.

Upon a motion duly made and seconded, the Board granted the variances on the plan with the following conditions: 1) a monolithic tank is installed, 2) a monolithic pump chamber is installed, and 3) a four-bedroom deed restriction be recorded at the Barnstable County Registry of Deeds with an official copy of the deed restriction to be filed with the Public Health Division. (Unanimously, voted in favor.)

- B. Darren Meyer, Meyer & Sons, representing Gail Kendall, Trustee Dewitt Family Realty Trust, owners – 120 East Bay Road, Osterville, Map/Parcel 140-163, 0.63 acre lot, septic repair, setback variance requested.

Upon a motion duly made and seconded, the Board voted to grant the approval of the plan with the following conditions: 1) the plan will be revised to show the buoyancy calculations, 2) a five-bedroom deed restriction will be recorded at the Barnstable County Registry of Deeds with an official copy of the deed restriction will be filed with the Public Health Division, and 3) Mr. Meyers will verify whether the tank is a 1000 or a 1500 gallon tank. (Unanimously, voted in favor.)

VI. Discussion:

- A. Michael and Paula Picard, owners – 288 South Main Street, Centerville, septic repair, discussion of failed septic and I/A septic systems.

Much of the discussion focused around the separation of the system to groundwater. The current system also had hydraulic failure. The outcome came down to a choice of a mound or a retaining wall, or an Innovative/Alternative (I/A) system - possibly a recirculating sand filter one.

- B. Michael and Barbara Gorss and neighbors, concern of 75 Capn Jacs Road, Centerville.

No one was present.

VII. Food Variance:

- A. Lynda Allen, owner of Crystal Gardens Children Learning Center – 103-B Enterprise Road, Hyannis, MA, grease trap variance.

Ms. Allen was present. Town Engineer Roger Parsons does not have an issues granting a grease trap variance here.

The Board discussed requiring the standard use of paper plates and plastic utensils. Ms. Allen said they have a 3-bay sink to sanitize the dishes. She would like to use plates. They changed the sink to a 3 bay sink that is 9" deep and had the plumbing work done. Dr. Canniff said he believes the stipulation to use paper plates and utensils is based on septic systems and would not apply when the property is on town sewer.

Upon a motion duly made and seconded, the Board voted to grant the grease trap variance and they are not restricted to paper plates and plastic utensils. (Unanimously, voted in favor.)

- B. Trish Taylor representing BJ's Wholesale Club, owner – 420 Attucks Lane, Hyannis, public health control variance – using time, 4 hours.

WITHDRAWN by BJ's Wholesale Club.

BJ's Wholesale Club will follow the warming temperatures.

VIII. Food – Temporary Events:

- A. Sarah Mayo, Yellow Dog Music Fest (Barnstable Land Trust, Sponsor,) to be held on September 12 at Craigville Beach Association, 915 Craigville Beach Road, Centerville, serving pre-packed sandwiches and chips in a box, oysters-shucked with lemons cocktail sauce and vinegar sauce, pizzas ordered by customers will be deliver to beach, pre-packaged bags of kettle corn, pre-packaged snack foods.

Sarah Mayo was present and discussed their event.

Upon a motion duly made and seconded, the Board voted to grant the annual temporary food event with the condition that they submit the paperwork for the beer temporary food permit as well (bartender will handle the keg). There will be four temporary vendor permits at \$5.00 each. (The delivery of pizza directly to the customers and the retail pre-packaged foods will not require one.)

- B. Lieutenant Davis, The Salvation Army, for Community Fun Day to be held on September 12 at 100 North Street, Hyannis, serving hot dogs, popcorn, cotton candy, snow cones, water and juice.

No one was present.

Mr. McKean stated that the staff has no issues with the event.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board voted to approve the temporary food event. (Unanimously, voted in favor.)

IX. Body Artist Variance – Trainee:

- Christopher Lawrence, applicant as trainee at Black Pearl Tattoo Studio & Tattoo – 509 Main Street, Hyannis, variance for Anatomy and Physiology.

Christopher Lawrence and Alex Travassos were present.

Upon a motion duly made and seconded, the Board voted to grant the variance from the Anatomy and Physiology requirement provided that the applicant follows the Trainee program for a one-year period through September 9, 2016, as he has had extensive experience, then return to the Board. (Unanimously, voted in favor.)

X. Old / New Business:

A. Update - International Inn, 662 Main Street, Hyannis

David Stanton complimented Health Inspector Donna Miorandi for her diligence and efforts in working with International Inn. Tom McKean said an inspection was done last Friday and they had been closed for 13 days. Everything was fine. Ms. Miorandi inspected again today and she was very pleased with the inspection and with the new manager.

Motion to adjourn – 5:10 pm.