



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING MINUTES Tuesday, November 22, 2016 at 3:00 PM Town Hall, Hearing Room 367 Main Street, 2nd Floor, Hyannis, MA

I. Hearing – Rental

Sheila Perry, tenant at 170 Winter Street, Hyannis, requested a hearing.

No one was present. Mr. McKean asked the Board to vote to withdraw this item from the agenda as repairs are being done.

Upon a motion duly made and seconded, the Board voted to withdraw this item. (Unanimously, vote in favor.)

II. Variance – Septic:

- A. Peter McEntee, Engineering Works, representing Nick and Robin Mahairas, owners of The Mills Restaurant – 135 and 159 (aka 149) Route 149, Marstons Mills, Map/Parcel 078-019 and 078-020, 65,158 square foot parcel, failed septic, requesting three variances.

Pete McEntee presented the plans and clarified that there are three systems at this location. System#1 is a 3,000 gallon tank and handles the restaurant kitchen's flow (broken out at 15gal/seat/day). The System#2 has the customers' bathrooms attached to it at a flow rate of 20gal/seat/day. Together, these flows match the Title V calculations of 35gal/seat/day for a restaurant. Mr. McEntee stated the water usage shows they are far below that. The System#3 handles the gas station and apartments upstairs and is fine.

Mr. McEntee stated he would like to keep the tank in the ground for possible overflow and avoid putting another tank and a pump chamber under the drive as there is already a lot of items under the drive.

Upon a motion duly made by Dr. Guadagnoli, seconded by Mr. Sawayanagi, the Board voted to approve the three variances for the establishment with no more than 50 seats. (Unanimously, voted in favor.)

B. Thomas Roux representing Michael Dinapoli, owner – 542 Main Street, West Barnstable, Map/Parcel 133-010, 0.95 acre parcel, failed septic system, requesting one variance.

Mr. McKean stated that the staff found a number of items which need to be included on the plan. Mr. Roux said he would like a continuance.

Upon a motion duly made and seconded, the Board voted to grant a continuance to the December 20, 2016 Board meeting. (Unanimously, voted in favor.)

III. I/A Monitoring Plan:

Thomas Smith representing Bonnie Smith, Trustee – 1627 Phinney's Lane, Barnstable, Map/Parcel 776-018, 14,359 square foot parcel, I/A septic plan previously approved by the Board of Health, monitoring plan to be approved.

Mr. Smith explained that an I/A system was approved years earlier and the property is still a vacant lot. They are now looking to install the 0.5 MicroFAST Treatment Technology and were asked to bring a monitoring plan for review.

Mr. McKean stated the paperwork received was a maintenance agreement. The monitoring plan would list the items to be tested for on a quarterly basis.

Upon a motion duly made and seconded, the Board voted to grant the installation of the Innovative Alternative system on the revised plans dated March 31, 2016 with the following conditions: 1) a quarterly monitoring plan listing items to be tested for will be submitted at the December 2016 Board meeting and 2) a two-bedroom deed restriction shall be recorded at the Barnstable County Registry of Deeds with an official copy submitted to the Health Division. (Unanimously, voted in favor.)

IV. Food – New

Lynn Mitchell, Mrs. M's Summer House – 550 (a.k.a. 540) Main Street, Unit# 4, Hyannis, Map/Parcel 308-074-00D, menu of a variety of fudges, on town sewer, requesting a grease trap variance.

Lynn Mitchell was present and described the steps involved in the fudge making which creates minimum grease. It does not require a stove or oven. It is made in a double-boiler kettle. She also sells boxed taffy.

The Town Engineer Roger Parsons supported the granting the grease trap variance.

Upon a motion duly made and seconded, the Board voted to grant the grease trap variance with the following condition: the food items will be limited to fudge and taffy. (Unanimously, voted in favor.)

V. Food – Temporary Event:

Joseph Berlandi representing the Barnstable Village Association, sponsors of the Barnstable Village Holiday Christmas Stroll scheduled for Wednesday, December 7, 2016. The event will be held on Main Street, Barnstable Village. The food items will be grilled hot dogs and hamburgers.

Joseph Berlandi said the stroll will be held on December 7, 2016, and will go up and down Main Street, Barnstable. The menu items are grilling hot dogs and hamburgers, and soda. The location for the grilling will be in the parking lot to the left of the Barnstable Market and will have a hand-wash station.

Upon a motion duly made and seconded, the Board voted to grant the event as an annual temporary food event with grilled hot dogs and hamburgers and soda. (Unanimously, voted in favor.)

VI. Craigville Motel:

MOVED TO

DEC 2016 Application for a motel license.

VII. Hearing – Septic:

Edward Pesce, P.E., Pesce Engineering, representing Wianno Knoll Condo Trust – 727 Main Street, Osterville, Map/Parcel 141-013, 83,579 square feet lot, requested, failed septic system, multiple variances requested.

Ed Pesce was present. Dr. Canniff mentioned the plans were originally heard at the September 27, 2016 meeting. At that time, the Board voted 2-to-1 to waive the Innovative Alternative (I/A) component and the hearing was then continued. The current revision has included the Health Division's inquiry on whether he would include a rain garden (not required by Title V) at the property which would help the water quality at the site by providing more nitrogen and nutrient removal.

Mr. Pesce said the trustees do now understand that as the systems are failing, the new regulations for Title V requires three times the size for the leaching. This will present a huge challenge to them as they move forward.

Mr. Pesce does plan to speak to the trustees in more detail and examining the costs going forward in the hopes that they will lay out a plan for the future to make sure new systems, when needed, will all fit.

Dr. Canniff motioned to deny the request of today's plan because it does not include an innovative/alternative system. The motion was not seconded.

Mr. Pesce felt the plan submitted today was the same basic plan from September with the discussed improvements mentioned to the Board at that meeting.

Charlie McLaughlin, attorney for the town, explained that anyone on the Board may offer a motion to reconsider the vote from September. Mr. McLaughlin explained

that one of the problems with having a small Board is that nothing can be talked through ahead of the meeting.

In review, one system of four has failed and the others are working.

Mr. McLaughlin suggested going back to the 1650 rule and make sure the whole situation is looked at. There are over 32 units on 2 acres and three units are dental offices.

Mr. Pesce stated he believes this is best as well and is willing to continue to January 2017 meeting. Mr. McKean recommended to do the replacements in phases.

Upon a motion duly made and seconded, the Board voted to continue to the January 24, 2017 meeting. (Unanimously, voted in favor).

VIII. Hearing – Rental

RESOLVED Kevin and Alicia Voegeli owners - 19 Camp Street and 53 Camp Street, unregistered.

IX. Old / New Business:

A. Minutes.

Moved to the December 22, 2016 meeting.

B. Marijuana Use in Public Places.

No comment on material at this time.

ADDITIONAL:

C. Winston Steadman updated the Board on the monitoring of the Oyster Harbor Club's I/A system. He is interested to add to the system to try to equalize the flow through the leaching because currently there is 2300 gal/day within six hours and he will change it to flow over a 24 hour period.

Winston Steadman was present and discuss the situation of the I/A system. He recommends adding to the system to create a more equal flow over the 24 hour period. This should present improvement in the resulting numbers of testing.

The Board feels it is a worthwhile step to try out.

The meeting adjourned at 4:45pm