



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING MINUTES Tuesday, July 25, 2017 at 3:00 PM Town Hall, Hearing Room 367 Main Street, 2nd Floor, Hyannis, MA

Revised

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, July 25, 2017. The meeting was called to order at 3:00 pm by Chairman Paul Canniff, D.M.D. Also in attendance were Board Members Junichi Sawayanagi, Donald A. Guadagnoli, M.D. and Alternate Member Cecile M. Sullivan, RN, MSN. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

- I. **Weekly Event / Farmers Market (Cont.):** (moved to 1st on agenda)
Jennifer Williams, Osterville Farmer's Market – Applications received for food vendors.

PART ONE: GRANTED.

Upon a motion duly made and seconded, the Board voted to allow Michael McFaddan of Michael's Donuts to cook donuts for three days at the Osterville Farmers Market. The three dates are: August 4, 11 and 18th. His donut product is considered non-hazardous as it is made without yeast and without dairy. (Unanimously, voted in favor.)

PART TWO: GRANTED.

Upon a motion duly made and seconded, the Board voted to grant permission for the temporary food event "Rooting For Health" on Friday, August 11th. It will combine the Farmers Market's regular vendors with one additional vendor, No Joke Smoke BBQ, who will grill vegetables and products at the market and will present recipes to customers with the condition that No Joke Smoke BBQ submits the proper paperwork to the Health Division. (Unanimously, voted in favor.)

- II. **Motel (Follow Up Review):**
Tara and Dilip Patel, Knights Inn (a.k.a. Craigville Motel) – three month review and report, as required per the settlement of March 2017.

Atty. James Connor presented a positive report of the motel's operations for the past three months. The Board was happy with the status. The motel has now obtained a food permit to serve continental breakfast. The Town requested a copy of annual letters from Wyndham Hotels stating the franchise agreement is in full effect. The Town did receive a letter dated April 17, 2017 for the current year. The motel will return to the Board for their next review on October 24, 2017.

III. Food (Follow Up Review):

Consultant Pamela Ross-Kung representing Tiki Port, 790 Iyannough Road, Hyannis, status of improved procedures, continued from June 27, 2017.

Many improved procedures were put in place. The Board was happy with the status.

IV. Septic:

Ed Pesce, Pesce Engineering, representing Wianno Knolls Condominiums – 727 Main Street, Osterville, Map/Parcel 141-013, requesting minor adjustment in location of approved septic system.

Edward Pesce explained that the expense of moving the utilities was very costly so he moved the tanks slightly to avoid moving the utilities. In doing this, he also was able to eliminate one of the setback variances from the February 2017 Board approved plan. He no longer has a setback to lot line.

Upon a motion duly made and seconded, the Board voted to approve the revised plan submitted to Board 7/25/17 which eliminated one of the variances approved at the January 2017 Board meeting. (Unanimously, voted in favor.)

Additional:

The Board discussed the possibility of having the Health Director accept plans with slight modifications to the original Board-approved plans, especially when the revised plan is more advantageous as this one had one less variance.

Mr. McKean pointed out that the standard approval letters from the Board would require a change as they state that the installation must be in strict compliance with the approved plan(s).

The Board determined that in cases, as in this, where a Board-approved plan has been slightly-modified and now provides more protection to the environment, the Health Director may grant approval of the modified plan without it returning to the Board.

Additional:

Mr. Pesce stated the US Post Office now has an additional product for certified mail. Instead of using the green "return receipt" cards, they charge 1/6th the cost for a form stating "Certified Mail" sent to and lists the addresses. It does not provide for signatures of receipts but he pointed out the Board does not require the green cards must be returned. If the signature cards are not returned prior to the meeting, the receipt of certified is used as proof of mailing.

Mr. McKean pulled up the State Code. It specifies sent by "certified" mail (not "return receipt"). The Board and Mr. McKean said they will check with the Legal Department and with the post office before determining whether to allow this new form of notification.

V. Variance – Septic:

- A. Dan Ojala, Down Cape Engineering, representing Windle and Susan Priem, owners – 174 Starboard Lane, Osterville, Map/Parcel 166-054, 2.34 acre parcel, requesting variance(s).

There are two systems: One has only one room on the system and it is too difficult to connect the two systems together.

Upon a motion duly made and seconded, the Board approved with the following conditions: 1) record a six (6) bedroom deed restriction and supply an official copy to the Health Division, and 2) submit proof of removal of the garbage grinder. (Unanimously, voted in favor.)

- B. Dan Ojala, Down Cape Engineering, representing Stuart Cooperrider – 37 Horseshoe Lane, Centerville, Map/Parcel 206-080, 0.45 acre parcel, requesting leaching facility less than 100' to wetland resource area, reduction in setback.

Upon a motion duly made and seconded, the separate system to the cottage will be removed and filled in and the cottage will be connected to the main system. The Board voted to approve the plan dated 7/24/17 with the following conditions: 1) there shall be no more than four (4) bedrooms, and 2) record a four (4) bedroom deed restriction with the Registry of Deeds and submit an official copy to the Health Division. (Unanimously, voted in favor.)

- C. Brian Yergatian, BSC Group, representing E. Jaxtimer, Trustee, JHJ Realty Trust, owner – '0' Rue Michelle (a.k.a. #20), Barnstable, Map/Parcel 335-073, 1.24 acres. Previously approved, expired permit, variance from a marginal lot regulation requested.

Kearn Healy, BSC Group, presented the plan which is a three (3) bedroom house. He brought a revised plan as requested which included a reserve area.

Upon a motion duly made and seconded, the Board granted the variance(s) with the following conditions: 1) must record a three (3) bedroom deed restriction and submit an official copy to the Health Division. (Unanimously, voted in favor.)

- D. Dan Ojala, Down Cape Engineering, representing Peter Favat – 373 Bay Lane, Centerville, Map/Parcel 187-002, 1.35 acre parcel, requesting leaching facility less than 100' to Bordering Vegetated Wetland and septic tank less than 100' to wetland, reduction in setback.

Upon a motion duly made and seconded, the Board granted an I/A Micro Fast system with the following conditions: 1) must record a two (2) bedroom deed restriction, submitting an official copy to the Health Division, 2) must have an Operating and

Maintenance Agreement, and 3) the testing will only be required done two (2) times per year. (Unanimously, voted in favor.)

- E. Dan Ojala, Down Cape Engineering, representing Wayne Farwell – 100 Point of Pines, Centerville, Map/Parcel 230-059, 0.19 acre parcel, requesting leaching facility less than 100' to Bordering Vegetated Wetland and septic tank less than 100' to wetland, reduction in separation, SAS to adjusted groundwater, 5' to 4.'

Upon a motion duly made and seconded, the Board granted the variances with the following conditions: 1) a revised plan must be submitted showing the pressure distribution, and 2) must record a three (3) bedroom deed restriction and submit an official copy to the Health Division. (Unanimously, voted in favor.)

VI. Innovative Alternative (I/A) Monitoring:

Ellen Merritt, Owner - 27 High Street, West Barnstable - requesting reduction of testing per year.

Upon a motion duly made and seconded, the Board granted the reduction of wastewater effluent testing to two times annually. (Unanimously, voted in favor.)

VII. Food – New Business:

Michael Mackintire, owner of Ice Cold Now – 846 Main Street, Osterville, requesting variance, shares restrooms with attached business.

Upon a motion duly made and seconded, the Board voted to grant the restroom facilities variance as they share the restroom with the store next door. At this time, Ice Cold Now does not choose to have seating. If they do have an interest later, it will be discussed then. (Unanimously, voted in favor.)

VIII. Food – Temporary:

- A. Brian Morrison representing People of Action and Barnstable Police Department, requesting permission for their special event, “Barnstable Unity Day” with food prepared by the Kiwanis Club at the Hyannis Village Green, 367 Main Street, Hyannis on Friday, July 28th from 4-7 pm. The items on the menu are hot dogs, hamburgers, and potato chips.

Upon a motion duly made and seconded, the Board voted to grant an annual temporary food event for “Barnstable Unity Day” serving hot dogs, hamburgers and potato chips. (Unanimously, voted in favor.)

- B. Sannie Rocheteau representing Whole Foods is requesting permission for a temporary food permit for their “Giving” Grill Event at 990 Iyannough Rd, Hyannis, on Friday, August 11th from 5-7 pm. The items on the menu are hamburgers/cheeseburgers, veggie burgers, chips, soda and water. The rain date is Saturday, August 12th.

Upon a motion duly made and seconded, the Board voted to grant an annual temporary food event for the "Giving Grill" Event to be set up on the brick walkway protruding out into the parking lot slightly, at the left, front corner of the building. The menu items listed above were granted. (Unanimously, voted in favor.)

- C. Michael Lyons, Ben & Jerry's Ice Cream, is requesting a temporary food permit for the "30th Anniversary" event at Aselton Park, 135 South Street, Hyannis on Saturday, August 5th from 12-8 pm. They will have two mobile trucks, two beer vendors and will serve ice-cream.

Upon a motion duly made and seconded, the Board voted to grant the temporary food request for the "30th Anniversary" event which will include the food vendors and items listed above. (Unanimously, voted in favor.)

IX. Food – Public versus Private Events:

- A. Proposed written clarification of public events versus private events.

MOVED TO AUGUST 22, 2017 MEETING.

X. Regulations / Policies:

- A. Draft policy regarding no certified food protection (P.I.C) manager onsite

MOVED TO AUGUST 22, 2017 MEETING.

- B. Draft policy – Groundwater within four feet of leaching facility during private inspections.

MOVED TO AUGUST 22, 2017 MEETING.

XI. Minutes:

Minutes – May 23, 2017 and June 27, 2017

MOVED TO AUGUST 22, 2017 MEETING.