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# Town of Barnstable

## Board of Health

200 Main Street, Hyannis MA 02601



Wayne Miller, M.D.  
Paul Canniff, D.M.D.  
Junichi Sawayanagi

### RESULTS OF BOARD OF HEALTH MEETING Tuesday, November 18, 2008 at 3:00 PM Town Hall, Hearing Room 367 Main Street, Hyannis, MA

**CONTINUED  
UNTIL  
DEC 9, 2008**

#### **I. Hearing – Proposed Revision to the Saltwater Estuary Protection Ordinance, Section 360-45.**

Many citizens spoke regarding their view on the subject matter.

The Board voted to close the public comment and **CONTINUE** until December 9, 2008 Board of Health meeting to review the information.

#### **II. Appointment – Board of Health Agent**

**APPOINTED** Robert D. Collett and Patricia Lindauer - Agents for the Board of Health for the purposes of tobacco control and issuance of non-criminal ticket citations.

The Board voted to appoint Robert Collett and Patricia Lindauer agents of the Board of Health with respect to issuing tickets for tobacco violations. (At this time, Mr. Collett and Ms. Lindauer do not have the number of violations per store which the health division has in their database.)

#### **III. Hearing – Housing:**

**CONTINUED** Allen White, President, Health Care Management Associates  
**UNTIL** and Merrill Blum, Executive Director, Veteran's Outreach Center,  
**DEC 9, 2009** requested a hearing regarding a complaint from an occupant at 379 South Street, Hyannis.

Mr. White was not present, nor was occupant.

#### **IV. Food Establishment:**

**DENIED.** Paul Dean, Osterville Fish Market – requests reconsideration of grade received during an inspection on 10/21/08.

The grade will be averaged in with other inspections. The Board voted to approve the request to reconsider the grade. **(No, Unanimously Denied.)** (see Jan 2009 – readdressed)

#### **V. Septic Variances (Cont):**

**POSTPONED** Michael Ford representing Michael and Gisa Belanger,  
**UNTIL BOH** owner –100 Cross Street, Cotuit, Map/Parcel 033-032, 0.9  
**DEC 9, 2009** acre lot, four variances for repair (cont. from Oct 14, 2008)

**VI. Septic Variance (New):**

**CONTINUED UNTIL DEC 9, 2009** A. Mike Aucoin, A & M Land Services, representing Roger & Richard Bergenheim, owners – 112 Nyes Neck Road East, Cent., Map/ Parcel 232-011-002, 1 acre lot, one variance requested regarding setback of existing well to proposed septic tank (57 feet).

The Board voted to CONTINUE TO DEC 9, 2008, BOH with the revised plan with the correct distance from SAS to the well.

**POSTPONED UNTIL DEC 9, 2009** B. Michael Ford representing Sandra Tubman, Trustee of Ruth Rusher Trust, owner - 111 Ocean Street, Hyannis, Map/Parcel 326-045, 0.45 acre lot, variances requested to 105 410.400 (C) for a proposed construction or reconstruction of dwelling into a youth hostel.

**VII. License: Disposal Works (Septic Installer)**

**APPROVED** Michael Takach, Dennisport.

The Board voted to approve Michael Takach as a Disposal Works Installer.

**VIII. Correspondence / Old Business / New Business:**

A. Cumberland Farms, 389 West Main, Hyannis – status of underground storage tank.

Letter Read.

B. Review Regulation: 1) number of food safety handling certificates required at (a) Residential Kitchens, and (b) businesses operated by one person.

The Board voted to approve one food safety handling certificate required at a Residential Kitchen operated by one person and a business operated by one person.

C. Review Regulation: Touchless faucet regulation with regards to Residential Kitchens, churches, schools, and municipals.

The Board voted to (a) exempt the Residential Kitchen from the touchless faucet regulation, and (b) churches, schools and municipals will be deferred until further notice once Mr. Sawayanagi and Mr. McKean have an opportunity to categorize different situations which may be proposed to handle low use kitchens.

D. Strategic Planning.

The Board will read for review.

E. Barnstable Agricultural Commission – “Right to Farm” Ordinance.

Word change was recommended to say "Agriculture Commission shall review and expeditiously as possible report its recommendations to the Board." More review is needed.

The Board voted to approve the re-wording (above) AND (view video for any additional item(s) from Dr. Miller.)

F. Regulations Recommended for Deletion:

1.) Criteria for determining System Repair or Replacement (Sections 360-19 through 360-24)

The Board considered voting to delete all other sections above except for Section 360-20C which covers Separation of Ground Water. There are discrepancies in the wording of the above sections in comparison to Title V. Deleting the sections will clean up the town ordinances.

Arlene Wilson recommends saving Section 360-21 pertaining to Variances. She also recommends putting it in as its own procedure.

The Board will vote on them once the re-written items are created (above).

2.) Herbicide Regulations (Chapter 332, Sect.322-1 through 322-5)

The inspectors stated that the pesticide applicants are licensed by the State and have already received permission from the State.

The Board stated that the homeowner is currently allowed by the State to apply to property up to two feet before a well.

The Board recommended that it could be updated to say that with respect to commercial use, the state regulations will be used. Mr. McKean will bring the revised wording back to the Board to vote on once it is composed.

3.) Marginal Lot Regulation (Sections 360-17 and 18)

The Board determined to KEEP the regulation. We are more strict from the state as we require four feet of soil. The state allows it to be IN the ground water level.

4.) Screening of Dumpsters Regulation (Section 353-5)

The inspectors are proposing again to drop the Dumpster Regulation as it is focused on appearances instead of actual health issues.

The Board recommends drafting a letter to Growth Management.