



OFFICE: 508-862-4644
FAX: 508-790-6304

Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601



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

BOARD OF HEALTH MEETING RESULTS

Tuesday, July 13, 2010 at 3:00 PM
Town Hall, Hearing Room
367 Main Street, Hyannis, MA

I. Hearing – Tobacco:

Tobacco violations as reported by Bob Collette of Barnstable County Tobacco Control.

WRITTEN WARNING A. Rite Aid Pharmacy, 530 West Main Street, Hyannis – First Offense, tobacco products sold to a minor.

The Board voted to issue a written Warning.

WRITTEN WARNING B. Hess, 50 Ocean Street, Hyannis – First Offense, tobacco products sold to a minor.

The Board voted to issue a written Warning.

II. Hearing – Septic:

CONTINUED TO AUG BOH A. Joseph & Inessa Katsman, owner – 45 Straightway, Hyannis, failed septic system.

No one was present. The Board voted to Continue to the August 10, 2010 meeting.

WITHDRAWN B. Carol Carson, Executrix – 19 Old Stage Road, Centerville, failed system, requesting a one-year extension to the repair deadline, unoccupied and water turned off.

Applicant withdrew request. Property was sold on July 9, 2010. New owner, Edward Lennon, is aware of requirement for new septic.

III. Variance – Septic (Cont.):

CONTINUED TO AUG BOH A. Peter McEntee, Engineering Works, representing Mary Schoebel, owner – 11 Nyes Point Way, Centerville, Map/Parcel 233-069, 0.5 acre parcel, multiple setback variances, continued from Jun 2010 meeting.

The Board voted to approve the septic plan pending the following conditions: 1) the owner will meet the requirements of the regulation by registering a note on the Deed at the Registry of Deeds that there is an Innovative Alternative Septic System and it requires a monitoring plan, and (2) this will be Continued to the August 10, 2010 meeting to review the monitoring plan to be submitted.

- CONTINUED TO AUG BOH** B. Linda Pinto representing Justin and Martina Larhette, owner – 10 Flowing Pond Circle, Osterville, Map/Parcel 146-066, 0.36 acre lot, septic failure, one-bedroom deed restriction, proposed increase in flow to a 2 bedroom capacity using I/A system.

Applicant applied for a Continuation to August 10, 2010 meeting.

IV. Variance – Septic (New):

- CONTINUED TO AUG BOH** A. Daniel Ojala, Down Cape Engineering, representing Dennis and Susan Ausiello, owners – 80 Cross Street, Cotuit, Map/Parcel 033-029, 0.50 acre lot, 5 variances, upgrade in system, new construction – expansion of habitable space.

The Board determined the property to be an existing three bedroom. Therefore, the plan, as a four bedroom, would be an increase in flow. The property has only one corner of parcel in the Estuary Zone. The septic plan is located outside the zone and, thus, has the ability to be increased.

The Board voted to Continue to the August 10, 2010 meeting to have a revised plan submitted with a full reserve area and four test holes.

- CONTINUANCE TO AUG BOH** B. Peter McEntee, Engineering Works, representing Kathleen Logan, owner – 20 Sunset Avenue (duplex), Centerville, Map/Parcel 226-171, 6,230 square feet parcel, failed septic system, multiple variances due to site constraints.

The Board voted to approve the plan with the following condition: (1) pending the **Continuance** to the August 10, 2010 meeting for approval by the Board of the monitoring plan and (2) a four-bedroom Deed Restriction will be submitted to the Registry of Deeds and a proper copy will be supplied to the Board of Health.

- APPROVED WITHOUT CONDITIONS** C. F.P. Lee, Horsley Witten Group, representing Town of Barnstable – 425 Sandy Neck Road, West Barnstable, Map/Parcel 263-001, 1,188 acres, upgrading septic system, building renovation – bathhouse/ concession building, using existing grease trap with a proposed grease trap variance, and one septic variance.

Mark Nelson, Horsley Witten Group, presented the plan to the Board. It was noted that the outdoor showers will not have soap used. The Board approved the plans.

The Presby System is for leaching not for treatment of the water; thus, no monitoring plan is required.

The Board voted to approve the plan without additional conditions.

V. Variance – Food (New):

APPROVED WITH CONDITIONS Temporary Food Event: Michael Regan, Irish Festival to be held at the Melody Tent, 21 West Main Street, Hyannis, on Tuesday, July 27, 2010.

Mr. Bob Bag stated the scheduled time of the event is from 3pm to 10 pm. The Board explained that normally the events are limited to a four hour period without additional cooling. The three approved vendors are: (1) Captain Parker's – bringing chili and clam chowder, (2) Tommy Doyle – Irish Stew, and (3) Chapin's Restaurant – Lobster Rolls.

The Board voted to approve the event with the following conditions: (1) the applicant will provide copies of the package with the three vendors and their servsafe, (2) if the food is served for longer than a four hour period, the procedure must receive the approval of Mr. McKean.

ADDITIONAL: Later, the Board was informed the food will be served for 4 hours (4-8pm).

VI. License: Disposal Works (Septic Installer):

APPROVED Brian Reyenger, Crowell Road, East Falmouth, MA

VII. Body Art Practitioner Permit:

WITHDREW APPLICATION Rebecca Marona, Centerville, MA, to work at Oottat Tattoo, 599 Main Street, Hyannis.

Withdrew. Applicant needs to take Anatomy/Physiology.

VIII. Old/New Business:

A. Follow up from June 8, 2010 meeting: Safety adjustments made to existing swimming pool at Sandy Terrace – 570 Wakeby Road, Marstons Mills.

The Board discussed a temporary solution for the end of the year. The temporary solution involved additional screen walls, coming out at a right angle from the recently installed ones and reaching approx. 6 feet towards direction of the railing in pool. It was recommended, however, not required, that they attach the screening to be installed to the other recently-installed screening to provide additional strength. This would leave an eight foot opening with the railing in the center of it to enter into the pool.

B. Letter – Albert Colton, owner, 94 Holly Point Rd, Centerville – septic replacement deadline (wants to reserve the right for a hearing).

Mr. McKean contacted Mr. Colton. Waiting to see if he requests a hearing.

C. Food Service Permit Fees for schools and churches.

BOH must ask the Town Council for clarification of whether the approval of food service fees was intended to apply, or not, to the following non-profit: schools, churches and other governmental agencies. The schools are required to offer the food to the children. This was brought up as one consideration to keep in mind. (Currently, the other town departments also pay for Hazardous Materials Permits, as well.)

CONTINUED TO A LATER DATE D. Lifeguards at pools.

George "Skip" Simpson, Anchor In, suggests three tiers considered for lifeguard requirements depending on the use of the pool, etc. He suggests this would be similar to not requiring all intersections to have a red light, or a blinking red light, etc.

Deborah Comera spoke in favor of Skip Simpson's proposal, as well as Peter Martino of Heritage House. Mr. Martino stated that the motels are still held responsible to provide safety to all their customers whether it is in the room or pool or restaurant, etc.

The Board voted to continue the discussion to a later date.

E. Smoking Bar – Changes in the Mass General Law.

Discussed the proposed changes by the State and the possible veto.

Voted to Adjourn. 6:05 pm