



# Town of Barnstable

## Board of Health

200 Main Street, Hyannis MA 02601



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

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

### RESULTS OF BOARD OF HEALTH MEETING

**Tuesday, January 11, 2011 at 3:00 PM**  
**Town Hall, Hearing Room, 2<sup>ND</sup> Floor**  
**367 Main Street, Hyannis, MA**

**I. Hearing: Show- Cause for Stable Permit:**

Sally Burke, owner of Sea Flash Farm – 2346 Meetinghouse Way, West Barnstable, 14 horses, violations of Chapter 376-8 and 376-9.

CONTINUED TO  
MARCH 8, 2011 BOH

The Board voted to continue this to March 8, 2011 meeting and a letter will be mailed noting the following expectations to be met by July 1, 2011: the compost facility will be in operation, and the manure will be removed within a maximum of 7-10 days regularly, and all manure stored on the ground will be removed and no additional manure will be put on the ground. At the March 8 meeting, the Board would like a plan in place for the Board of Health approval, and a timetable for the implementation of it.

**II. Hearing: Housing (New.):**

Gary and Stacey Gustafson, owners – 118 Pine Street, Hyannis  
Map/Parcel 249-038, ceiling height.

APPROVED WITH CONDITIONS.

The Board voted to approve one person occupancy per bedroom for the 9 bedrooms on the property with the condition that this is recorded properly at the County Registry of Deeds and a proper copy is submitted to the Public Health Division.

**III. Hearing– Connect to Sewer:**

William and Rita Amaral, owners – 30 Thornton Drive, Hyannis,  
Map/Parcel 296-008-00A, connection to sewer has not been done.

ORDER LETTER TO BE SENT.

No one was present. The Board voted to send another order letter requesting the owner hook up to town sewer within 6 months.

**IV. Variance – Septic (New):**

- A. David Burnie, David J. Burnie Management, representing Steven Daniell, owner – 53 Uncle Willie Road, Hyannis, Map/Parcel 292 – 311, Aero-Stream aerobic septic system restoration requested.

APPROVED WITH CONDITIONS.

Mr. Burnie described the system and its expense. He asked the Board to allow him to obtain future permits directly at the Health Division's counter. After consideration, the Board did determine that, at this time, it will be required to come in front of the Board for each application.

The Board voted to approve the system with the following conditions: a signed monitoring plan with quarterly monitoring for the first three years, at which time the owner can come back to the Board for review. There will be a recording at the County Registry of Deeds showing the required monitoring plan, and a proper copy of the recording will be brought to the Public Health Division and upon completion of system: an as-built will be submitted, along with a copy of the DEP approval letter.

- B. Linda Pinto, engineer, representing Kevin McCrea, owner – 97 Sterling Road, Hyannis, Map/Parcel 268-204, 0.23 acre lot, multiple variances, septic repair.

CONTINUED TO  
FEBRUARY 8, 2011 BOH

The Board voted to approve a Continuance to the February 8, 2011 meeting. The new plan will use the USGS ground water elevation of 3.5 feet. The Board would like to see a barrier on the side of the SAS so it doesn't leach into the pond.

**V. Variance – Food (New):**

- Michael Santos representing John Enwright, owner - Subway Sandwiches at Cape Cod Mall, 793 Lyannough Rd, Hyannis, toilet facility variance and grease trap variance.

APPROVED WITH CONDITIONS.

The Board voted to approve the two variances: 1) a grease trap variance with the condition that a GRD is used and a daily recording of the amount of grease removed is maintained, and (2) a toilet facility variance granted to allow only one toilet (to be used for employees) as the public will be able to use the facility in the food court, with the condition that there will be no seating.

**VI. Old / New Business:**

**A. Tight Tank Project.**

Karen Malkus, Health employee, presented her findings of the records of tight tanks issued through the DEP and Public Health Division.

All tight tanks must be approved by the DEP and must comply with the Board of Health. The DEP letters say that they only have to pump their tanks if used for three months.

The Board requested a new "demand" type letter be sent to the nine people specifying that they need to submit the proof of pumping to us.

The Board is requesting compliance by July 2011 and is requesting all properties record at the Registry of Deeds that the property has a tight tank and monitoring plan.

**B. Proposed policy: Policy For Requesting Variances and Extensions From Connecting To Town Sewer.**

On Hold.

May be ready for Feb 8, 2011 meeting.

Need some input from Mark Milne in Finance and from the Town Attorney. Hopefully, this will be ready for the February 8, 2011 meeting.

**C. Herbicide Spraying.**

Discussion took place on whether or not to support a moratorium on herbicide spraying at utility easements.

The Board decided to support a moratorium of utility spraying until a complete analysis for the chemical spraying effects along the power easements can be more conclusively determined.

**D. Health Boards responses to Wind Turbines and Possible Health Issues.**

Discussion took place on the latest information available. No scientific proof at this time of wind turbines causing health issues. There are only individuals stating that the turbines are affecting them. Research will continue.

Adjourned 5:25 pm.