



# Town of Barnstable

## Board of Health

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### BOARD OF HEALTH MEETING RESULTS

**Tuesday, April 12, 2011 at 3:00 PM**  
**Town Hall, Hearing Room, 2<sup>ND</sup> Floor**  
**367 Main Street, Hyannis, MA**

#### **I. Hearing – Food Variance:**

Aaron Webb, The Daily Paper, 644 West Main St, Hyannis – lease notification regarding insufficient number of toilet facilities.

The Board will have Mr. Webb bring additional suggestions to the June meeting, stating the possibility of a toilet facility upstairs. The Board would like information gathered for the next meeting on other locations that the Board approved unisex toilet facilities and to compare the number of seating at the establishments.

The Board voted to Continue until June 14, 2011 meeting.

#### **II. Hearing – Pool (Cont.):**

George Simpson, owner – Anchor In, One South Street, Hyannis, lifeguard requirements (continued from March 2011).

Dr. Miller read the proposed policy and broke it down having the Board discuss and vote on each item.

- 1) Signage: ‘Children under 16 shall not use swimming pool without a responsible adult in attendance.’ Yes, all in favor.
- 2) Signage: ‘No alcohol allowed in the pool area.’ Yes, all in favor.
- 3) Maximum pool occupancy of 20. Yes, all in favor.
- 4) Access to pool area by key or key card Yes, all in favor.
- 5) Maximum pool depth for 5 feet for all new pools, and Newly renovated pools. Pre-existing pools do not need to Apply for a variance. Yes, 2 in favor, No= Dr. Canniff.
- 6) No diving board, slides, or other such appliances. Yes, all in favor.
- 7) Pool Hours from 8am – 9pm, if no lifeguard or a qualified swimmer. Yes, all in favor.

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|-----|---|--------------------|
| 8)  | No organized/scheduled children’s activities without a lifeguard or qualified swimmer | Yes, all in favor. |
| 9)  | Staff member with adult and child CPR on site   | Yes, all in favor. |
| 10) | Trial Time Period: One Year   | Yes, all in favor. |
| 11) | Limited to facilities with 50 units or less   | Yes, all in favor. |

The Board voted to approve the above policy for a trial period of one year to be limited to pools at sites with 50 units or less. (Two voted in Favor, One voted to Deny-Dr. Canniff).

Mr. McKean stated the Health Division will require 2-3 weeks to create the application form for the policy and implementing it.

**III. Variances – Septic (New):**

- A. Carmen Shay representing Allen Halliday, Trustee – 154 Eel River Road, Osterville, Map/Parcel 115-010-001, 74,985 square feet lot, setback variances for septic tank and pump chamber to wetlands (Postponed from March 8, 2011).

Mr. McKean asked for a couple notations to be revised on the upper right box of the plan, to accurately match the plan (changing “tank” to “H2O Pump Chamber”, adding “H2O leaching chambers” and deleting the word “component”).

Mr. Shay said he would add a manhole with a clean-out area in the driveway vicinity to improve ease of clean-out.

The Board voted to approve the plan with the following conditions: 1) the permit would allow for three bedrooms and the permit can be applied to a five bedroom use upon submission of a five bedroom plan to the Board. 2) A three-bedroom deed restriction would be recorded at the Registry of Deeds and would state that five bedrooms will be permitted upon a submission of a five bedroom plan to the Board of Health and the three bedroom deed restriction would be lifted, and 3) a proper copy of the deed restriction will be supplied to the Public Health Division.

- B. Dan Ojala, Down Cape Engineering, representing Scott and Maura Hempstead – 34 Ridge Rd, West Barnstable, Map/Parcel 216-024, 24,250 square feet lot, three septic variances.

The Board voted to approve the plan as a two-bedroom with the following conditions: 1) a two-bedroom deed restriction was recorded at the Barnstable County Registry of Deeds and may stipulate that if public water is supplied, the deed restriction can be lifted, and 2) a proper copy of the deed restriction must be supplied to the Public Health Division.

- C. Dan Ojala, Down Cape Engineering, representing Albert Colton – 94 Holly Point Road, Centerville, Map/Parcel 232-042, requesting an extension of septic replacement.

The Board voted to approve an extension to September 15, 2011, and the Board stated that they do prefer the installation occur as soon as possible.

- WITHDRAWN D. Mark Marinaccio and John Juros, Department of Public Works, request to upgrade existing toilet facility with Title V variance at Joshua's Pond, Osterville, seasonal use only.

**IV. Subdivision# 820:**

Dan Ojala, Down Cape Engineering, representing Stephen E. Wallace, –'0' High Street, a.k.a. Wayside Lane Extension, West Barnstable, Preliminary Plan Subdivision# 820 in Historical District, Map 110, Parcel 007, 2 lots on 6.96 acres, within the Resource Protection Overlay District.

The Board voted to approve the preliminary plan of the Subdivision# 820 with the following conditions: 1) the well will be moved to a setback of 10 feet from the property line, and 2) the septic plan will be in compliance with Title V.

**V. Variance – Food (New):**

- A. John Greene representing Oceans 10 – 10 Ocean Street (formerly The Black Spot), Hyannis, grease trap variance.

No one was present.

Mr. McKean said there are a couple items on the floor plan which he would like to see moved – the mop sink and the sandwich unit. Otherwise, with the proposed menu and with the limitations of the lot itself, the grease recovery devise is a good alternative.

The Board voted to approve a continuation to May 10, 2011 meeting.

- B. Michael Santos representing Cape's Best Gyros & Grill – 569 Main St (formerly Café Samedy), grease trap variance.

No one was present.

Mr. McKean said that the Water Pollution Control Division and the Health Division are not supporting the use of a grease recovery devise with this menu.

The Board voted to approve a continuation to May 10, 2011 meeting.

**VI. Body Art Establishment / Artist:**

Alex Travassos, Artist/Owner, Black Pearl Tattoo – 509 Main Street, Hyannis, variance for Artist License.

New Hampshire had never had a history of offering any courses in the field, so he sponsored such courses, along with requiring and sponsoring each of his employees to have CPR and First Aid course, along with blood borne pathogen courses, held on site.

The Board voted to approve a one year temporary body artist permit to Alex Travassos with the following conditions: 1) Mr. Travassos to contact the State of New Hampshire and get in writing the criteria for a body artist, 2) provide proof/copies of his NH body artist licenses for a number of the years to the Health Director, and 3) complete the Quincy Skin Course. Upon completion of the conditions to Mr. McKean's satisfaction, a temporary permit of one year will be issued.

**VII. Old / New Business:**

WITHDRAWN A. Proposed revisions to Article III Section 360-3 Floodplain Sewage Regulations.

A. 986 Sea View Avenue, #A, Osterville.

The Board voted to continue to the May 10, 2011 meeting -main section, septic.

B. Board of Health Officers.

The Board voted to continue to the May 10, 2011 meeting.

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

Peter Eastman, Howard Boats – 164 Beale Way, Barnstable, Map/Parcel 280-004, 0.50 acre lot, boat building and repair requesting approval for composting toilet, currently no plumbing.

This appeal was not received 14 days prior to the meeting and additional research is required. This will be placed on the May 10, 2011 meeting.

Meeting Adjourned 6:10pm.