



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING RESULTS Tuesday, September 13, 2011 at 3:00 PM Town Hall, Hearing Room, 2ND Floor 367 Main Street, Hyannis, MA

I. Hearing – Housing / Pool:

James Connors, Esq., representing Donna LaRose, requesting a hearing for Oak View Condominium Trust, Thomas Benton, Trustee, at Oak Neck Road, Hyannis, pool violation – abandonment.

The Board voted to order (1) the swimming pool be removed and filled in by October 15, 2011 and, (2) the fence around the pool shall be fixed immediately so the pool is safely secured and closed off.

II. Variances – Septic (New):

Richard Tabaczynski, Atlantic Design Engineering, representing Fiat of Cape Cod –500 & 504 Yarmouth Road, Hyannis, Map/Parcel 344-006 & -007, 1.61 acre lot, design flow for service bays and requesting the Board lift the restrictions dated 9/8/88 which includes no more than 6 employees, no washing or repair of vehicles.

The Board voted to approve a continuance until **Monday, September 19, 2011** at 3 pm in the Town Hall, Hearing Room. The Board would like (1) to clarify with Brian Dudley, MA DEP, why he was willing to approve the design flow rate next door to this property and to obtain Mr. Dudley's view on #3, below, (2) the dealership uses a machine "the tenant" to clean their floors of excess water in the shop and the Board would like to know where they will be discharging the water vacuumed up from the floors and, (3) a determination must be made of whether an impervious surface or a pervious surface is more desirable for the parking lot. If an impervious surface is more desirable, then a letter would be sent to the Zoning Board requesting the allowance of such be granted.

III. Innovative / Alternative (I/A) Septic Plan:

Linda Pinto, CSN Engineering, representing Cape Commerce Nominee Realty Trust – 86 Old Farm Road, Centerville, Map/Parcel 251-005, 18,072 square feet parcel, requesting approval for alternative treatment.

The Board voted to approve the I/A system provided the following four corrections are made: 1) correct the map/parcel to 251-005, 2) correct the actual size of the lot to 17,424 square feet, 3) the calculation of the number of gallons per day should be 306.2 gal/day, and 4) improve the topography on the plan as it is difficult to see and read, and with the following conditions: 1) a 2-Bedroom Deed Restriction is recorded at the Barnstable County Registry of Deeds, and 2) a proper copy is submitted to the Public Health Division.

IV. Variance – Food (New):

- A. Rodney Desimone, owner, TJ's Deli Sub's – 1070 Iyannough Road, Hyannis, Map/Parcel 295-019-X01 + X02, grease trap variance.

The Board voted to approve the grease trap variance with the condition that DPW is in agreement with the grease trap variance.

Mr. McKean will obtain an answer as quickly as possible as the owner is trying to open for the weekend. (The owner would be limited to “no seating” until he is approved at his Licensing Hearing next Monday.)

- B. Sam Mazzeo, Palio Pizzeria – 441 Main Street, Hyannis, Map/Parcel 308-080, grease trap variance with increased seating capacity.

The Board approved the seating of 84 seats and offered the owner the option of either: (1) including the counter as 6 of the seats or (2) the counter – “waiting” area will be used for waiting only – no food consumption there, no seats there.

V. Old / New Business:

- A. 45 Straightway, Hyannis – inspection report.

The Board approved the acceptance of the inspection reports – final determination after 1 fail and 2 passes, the inspections will be viewed as passed.

- B. 94 Holly Point Road, Centerville – extension of septic replacement expiring September 15, 2011 – status: signatures on deed restriction are being gathered as a number of owners are abroad. Septic has been installed.

The Health Division is withholding the Certificate of Compliance until the Deed Restriction is submitted. In March 2006, the Board had requested the units 1-7 be tested every year. The file is showing that the condo association is also not keeping up with the inspections every three years required for the other buildings.

A letter shall be mailed to the condo association stating that they have failed to adhere to the Board of Health requirements in the letter dated 3/15/06 (see attached). Given the status of the sewer plans in the town, the Board is interested in having the condo association replace the septic system at this time. As an alternative, another facility on Old Strawberry Hill Road is examining the cost of installing a sewer line in the area and the condo association should look into the possibility of splitting the cost of the sewer line with the other condo association.