



# Town of Barnstable

## Board of Health

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**BOARD OF HEALTH MEETING AGENDA** Original: 6/20/19 11:31am  
**Tuesday, June 25, 2019 at 3:00 PM** REVISION#1  
**Town Hall, Hearing Room**  
**367 Main Street, 2<sup>nd</sup> Floor, Hyannis, MA**

**I. Executive Session:**

The Board may enter into executive session to discuss strategy with respect to the case of Cumberland Farms, Inc. v. Board of Health of the Town of Barnstable, et al filed in Suffolk Superior Court on or about June 24, 2019, an item not reasonably anticipated due to the late filing of this action, and to reconvene in open session.

**II. Regulation – Flavored Tobacco:**

Request for extension on effective date of amended regulation.

**III. Public Hearing (Cont.):** Pursuant to the authority granted under Section 31 of Chapter 111 of the General Laws of the Commonwealth of Massachusetts, and 310 CMR 15.305, the Board will continue the public hearing to take public comment and review and discuss a proposed amendment to Article XV of the Town of Barnstable Code: Protection of Saltwater Estuaries, Section 360-45, Interim Regulations. The amendment would modify the existing interim regulation to limit its applicability to the Craigville Beach Zoning District. (Continued from January 22, 2019 meeting.)

**IV. Farmers Market – Osterville:**

David Lawler and Jennifer Williams, Osterville Farmers Market at Osterville Historical Museum – 155 West Bay Road, Osterville, requesting additional dates for Mike Donuts to allow 9 dates during season to cook, and requesting 3 dates for Jaju Pierogi to cook.

**V. Hearing – Food:**

Jeffery Thompson, Grilled Cheese Gallery – 569 Main Street, Unit 11-D, Hyannis, second year of opening business without an inspection prior to opening.

**VI. Septic Inspection Determination (Cont.):**

Mike DiBuono, Septic Inspector, DiBuono Sewer and Drain, requests determination of septic system at 1016 Phinney's Lane, Hyannis, system failed on April 25, 2018,

system conditionally passed on May 15, 2019, and needed tank leak fixed. Septic tank has now been sealed and requesting a “pass”. (Continued from May 2019 meeting.)

**VII. Variance - Septic:**

- A. Daniel Ojala, Down Cape Engineering, representing John Kyajan, II, owner – 40 Cap’n Samadrus Road, Cotuit, Map/Parcel 038-029, 52,819 square feet parcel, requesting two setback variances for a failed septic system.
- B. Peter McEntee, Engineering Works, representing Marc March, owner – 37 Chadwick Avenue, Centerville, Map/Parcel 246-067, 12,500 square feet parcel, multiple variances requested for repair of failed septic system.
- C. Daniel Ojala, Down Cape Engineering, representing Ian Taylor, Trustee – 70 Rushy Marsh Road, Cotuit, Map/Parcel 019-119, 34, 231 square feet lot, requesting one variance for repair of a failed septic system.
- D. Thomas Rooney, engineer and owner - 261 Nyes Neck Road, Centerville, Map/Parcel 232-004, 47,260 square feet lot, requesting two variances for a failed septic repair.

**VIII. Underground Storage Tank:**

Daniel Ojala, Down Cape Engineering, representing Cape Cod Hospital – 27 Park Street, Hyannis, Map/Parcel 342-001, upgrading fuel tanks to emergency generator and backup boiler fuel.

**IX. Temporary Food Permit Application- Weekly Events:**

Keith Bellevue, General Manager at Cape Cod Melody Tent – 41 West Main Street, Hyannis, requesting a temporary food permit for “Craft Brews Blues & Barbecue on Wednesday, July 17 from 5:00 – 9:00pm.

**X. Minutes:**

**XI. Correspondence:**

Written communication from Frances Parks, Cotuit regarding saltwater estuary interim regulation.

**XII. Old / New Business:**

- A. Dumpster location - Bob Murphy, Portside Tavern, 72 North Street, Hyannis, status whether owner of lot with fence next door has granted permission for dumpster to remain.
- B. Fine issued to Linda Whitcomb, Trustee – 88 Greenwood Avenue, Hyannis, underground storage tank not removed.