



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.

BOARD OF HEALTH MEETING MINUTES

Tuesday, August 4, 2009 at 3:00 PM
Town Hall, Hearing Room
367 Main Street, Hyannis, MA

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on August 4, 2009. The meeting was called to order at 3:00 pm by Chairman Wayne Miller, M.D. Also in attendance was Junichi Sawayanagi. Paul Canniff, D.M.D. was unable to attend. Thomas McKean, Director of Public Health, and Sharon Crocker, Division Assistant, were also present.

I. Hearing - Septic:

POSTPONED Francis and Barbara Ferguson, owners – 512 Whistleberry
UNTIL SEP 8, 2009 Drive Marstons Mills – bedroom count.

II. Hearing – Housing:

POSTPONED Francis Wurzburg - 140 Willimantic Drive, Marstons Mills-
UNTIL SEP 8, 2009 ceiling height.

III. Septic Variance (New):

- A. Peter McEntee, Engineering Works representing The 699 Main Street, LLC - Fancy's Market – 699 Main Street, Osterville, Map/Parcel 141-011, 0.17 acre parcel, approval requested for I/A Soil Air System on failed septic.

Peter McEntee presented the observations with the failure of the septic installed one year ago. George Heufelder, Barnstable County, worked with Mr. McEntee on the situation. He told the owners to put an interceptor grease trap inside as well and stressed to scrap all food off items before washing. The solution proposed is to use the I/A Soil Air System.

Mr. McEntee expects the system can be installed in September and would come to the October 13, 2009, Board of Health meeting if a 30-day period has passed.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Miller, the Board voted on an emergency installation of the I/A Soil Air System, pending state approval, with the following conditions: 1) if the DEP denies approval, the Board of Health must be notified immediately and the Soil Air System

must be discontinued within 24 hours, 3) must monitor the ponding level two times a week and appear before the Board after the first month to then determine the monitoring after that time, and 4) if pumping is needed or any high water alarms go off, this must be reported to the Board of Health within 24 hours - one working day. (Unanimously, voted in favor.)

III-B. Variance – Food (Cont.):

David Lawler representing British Beer Company, 412 Main Street, Hyannis – grease log results.

David Lawler and John LaLiberte, Bluewater, presented the results of the grease trap pumpings. It was pumped on June 16 and July. Each pumping only had a quantity of 1,000 gallons in the 2,000 tank and the percentage of grease was less than 25%. John recommends pumping one more time at the end of August and then change to a three month pumping.

Upon a motion duly made by Junichi Sawayanagi, seconded by Dr. Miller, the Board voted to approve the grease pumping schedule of every three months except during the busy summer months of July and Aug. July and August will each be pumped at the end of the month. (Unanimously, voted in favor.)

IV. Variance – Food (New):

Caffe Gelato Bertini, 20 Pearl Street, Hyannis, new owner, two variances requested - toilet facility (1 provided) and grease trap variance, same menu as previous, no indoor seating.

Cynthia and Tom Duby were present. They are interested in running the Business in the same fashion as prior owner with gelato (ice cream) and coffee (expresso). They said the grease recovery device (GRD) was installed by the prior owner as required. The prior owner had a picnic table outside. The Board requested that be changed to a bench and/or chairs.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Miller, the Board voted to approve the grease trap variance and the toilet facility variance with the following conditions: 1) an under-the-sink grease interceptor (GRD) must be used, 2) the menu is restricted to gelato (ice cream) and expresso (coffee) only 3) only paper plates and plastic utensils shall be utilized. 4) seating for patrons is not authorized, 5) the variances are not transferable, and 6) the decision letter shall be posted on a wall adjacent to the food service permit easily accessible to a health inspector. (Unanimously, voted in favor.)

V. Informal Discussion:

Peter Sullivan, Sullivan Engineering representing Ruth Wells, owner – 35 Navigation Road, West Barnstable, Map/Parcel 156 – 056.

Peter Sullivan and John O'Dea discussed the potential plans for the 5 acre parcel. They have run into clay while trying to replacing the septic system for the 3 bedroom house (currently vacant). They are also interested in setting up a tent for short-term use for a project. Included in the discussion were ideas on composting toilet(s) and self-contained chemical toilet(s).

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Miller, the Board voted to approve the use of a self-contained chemical toilet for a 60 Day period between December 2009 and January 2010.
(Unanimously, voted in favor.)

VI. Septic Variance (New):

Glenn Harrington representing Steven and Nancy Costello – 255 Scudder Road, Osterville, Map/Parcel 139-014, 045 acre parcel, two, non-environmental variances.

Glenn Harrington presented the plan and noted he will be doing a revised plan to fix a type error. The size of septic tank is 1,500 gallons, not 1,000.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Miller, the Board voted to approve the two variances: 1) a setback from foundation to 14 feet in lieu of 20, and 2) depth to grade will be 3 feet 9 inches in lieu of 3 feet with the following condition: a revised plan showing the septic tank as 1,500 gallon. (Unanimously, voted in favor.)

VII. Proposed Revision to Variance Procedure:

Proposed Revision, below:

Variations for Septic System Repairs Which May Be Granted by the Board of Health Agent or by a Health Inspector

Paperwork and Hearing Reduction Proposals Approved by the Board of Health, Revised During a Public Hearing Held on August 4, 2009

- 1) FOR ALL SYSTEMS THAT HAVE NO INCREASE IN FLOW - Septic system component to foundation setback (but in no case less than a 50% reduction in the required separation distance), if an impervious liner is designed and installed.
- 2) FOR ALL SYSTEMS THAT HAVE NO INCREASE IN FLOW- System component installations proposed more than three feet below grade with proper venting (piped to the atmosphere) and with H-20 loading, but in no case shall the SAS be located more than six feet below grade.
- 3) FAILED SYSTEMS ONLY – SAS to private onsite well separation distance variances, if located in the same general location as the old SAS and more than 100 feet separation is proposed, both from the on-site well and any and all wells on adjacent and neighboring parcels.*
- 4) FAILED SYSTEMS ONLY – Septic tank or pump chamber proposed to be located less than 100 feet but more than 75 feet away from wetlands or a water course.*

5) Additional seating at food establishments, if no more than 25% above the maximum grease trap capacity.

6) Proposals for six or more bedrooms, without any variances, are no longer reviewed by the Board.

*NOTE: If there are two or more variances requested from #3 and/or #4 listed above, the applicant shall instead seek variances from the Board of Health at a public meeting.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Miller, the Board voted to accept the revisions (above) in procedure of approval of variances. (Unanimously, voted in favor.)

VIII. Correspondence:

A. Concerned neighbors of Stewart Creek

Letter mentioned a concern of shared septic systems. The Board reviewed and noted the property was permitted for a shared system. No current issues noted.

B. Christine Tuck, 379 South Street, Hyannis- Veteran's Outreach Center