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Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601



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

BOARD OF HEALTH MEETING MINUTES Tuesday, July 13, 2010 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 July 13, 2010. The meeting was called to order at 3:00 pm by Chairman Wayne Miller, M.D. Also attending were Board Members Junichi Sawayanagi and Paul J. Canniff, D.M.D. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

I. Hearing – Tobacco:

Tobacco violations as reported by Bob Collette of Barnstable County Tobacco Control.

- A. Rite Aid Pharmacy, 530 West Main Street, Hyannis – First Offense, tobacco products sold to a minor.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to issue a written Warning. (Unanimously, voted in favor.)

- B. Hess, 50 Ocean Street, Hyannis – First Offense, tobacco products sold to a minor.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to issue a written Warning. (Unanimously, voted in favor.)

II. Hearing – Septic:

- A. Joseph & Inessa Katsman, owner – 45 Straightway, Hyannis, failed septic system.

No one was present. Staff was unable to reach Mr. and Mrs. Katsman to confirm the meeting date. Will send written confirmation that they will be on the August 10, 2010, Board of Health meeting.

The Board voted to Continue to the August 10, 2010 meeting. (Unanimously, voted in favor.)

- B. Carol Carson, Executrix – 19 Old Stage Road, Centerville, failed system, requesting a one-year extension to the repair deadline, unoccupied and water turned off.

Applicant withdrew request. Property was sold on July 9, 2010. New owner, Edward Lennon, is aware of requirement for new septic.

III. Variance – Septic (Cont.):

- A. Peter McEntee, Engineering Works, representing Mary Schoebel, owner – 11 Nyes Point Way, Centerville, Map/Parcel 233-069, 0.5 acre parcel, multiple setback variances, continued from Jun 2010 meeting.

Peter McEntee discussed the examination given to locate the septic elsewhere. After reviewing all possibilities, Mr. McEntee feels the most comfortable with his original location. He does not feel comfortable getting closer to the neighboring well-currently 101 feet.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the septic plan pending the following conditions: 1) the owner will meet the requirements of the regulation by registering a note on the Deed at the Registry of Deeds that there is an Innovative Alternative Septic System and it requires a monitoring plan, and (2) this will be Continued to the August 10, 2010 meeting to review the monitoring plan to be submitted. (Unanimously, voted in favor.)

- B. Linda Pinto representing Justin and Martina Larhette, owner – 10 Flowing Pond Circle, Osterville, Map/Parcel 146-066, 0.36 acre lot, septic failure, one-bedroom deed restriction, proposed increase in flow to a 2 bedroom capacity using I/A system.

Applicant applied for a Continuation to August 10, 2010 meeting.

IV. Variance – Septic (New):

- A. Daniel Ojala, Down Cape Engineering, representing Dennis and Susan Ausiello, owners – 80 Cross Street, Cotuit, Map/Parcel 033-029, 0.50 acre lot, 5 variances, upgrade in system, new construction – expansion of habitable space.

Dan Ojala presented the plan. Mr. Ojala had the property as an existing four bedroom. However, there are two applications in the Health records showing the property as a three bedroom.

The Board views it as an increase in flow from a three bedroom to a four bedroom. The property has only one corner of parcel in the Estuary Zone. The septic system is located outside the zone and, therefore, has the ability to be increased. As an increase in flow, the plan must also show a full reserve area and have four test holes done.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to continue to the August 10, 2010 meeting to have a revised plan submitted with a full reserve area and four test holes. (Unanimously, voted in favor.)

- B. Peter McEntee, Engineering Works, representing Kathleen Logan, owner – 20 Sunset Avenue (duplex), Centerville, Map/Parcel 226-171, 6,230 square feet parcel, failed septic system, multiple variances due to site constraints.

Peter McEntee presented the plan.

After discussion of options, the Board felt the plan offered the best protection.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve the plan with the following condition: (1) pending the **Continuance** to the August 10, 2010 meeting for approval by the Board of the monitoring plan, and (2) a four-bedroom Deed Restriction will be submitted to the Registry of Deeds and a proper copy will be submitted to the Board of Health. (Unanimously, voted in favor.)

- C. F.P. Lee, Horsley Witten Group, representing Town of Barnstable – 425 Sandy Neck Road, West Barnstable, Map/Parcel 263-001, 1,188 acres, upgrading septic system, building renovation – bathhouse/concession building, using existing grease trap with a proposed grease trap variance, and one septic variance.

Mark Nelson, Horsley Witten Group, presented the plan to the Board.

The Presby System is being used for leaching, not for the treatment of water. Therefore, no monitoring plan is required.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the plan without additional conditions. (Unanimously, voted in favor.)

V. Variance – Food (New):

Temporary Food Event: Michael Regan, Irish Festival to be held at the Melody Tent, 21 West Main Street, Hyannis, on Tuesday, July 27, 2010.

Bob Bag was present for the Irish Festival. There will be three food vendors.

The Board did not have the full package of the vendors. Bob Bag did not bring the full package with him. Mr. Bag stated the scheduled time of the event is from 3pm to 10 pm. The Board explained that normally the events are limited to a four hour period without addition cooling.

There were three vendors reviewed: (1) Captain Parker's – bringing chili and clam chowder, (2) Tommy Doyle – Irish stew, and (3) Chapin's Fish and Chips – Lobster Rolls.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve the event with the following conditions: (1) the applicant will provide copies of the package with the three vendors and their servsafe certificates, along with a diagram of the locations of the food and hand wash stations. (Unanimously, voted in favor).

VI. License: Disposal Works (Septic Installer):
Brian Reyenger, Crowell Road, East Falmouth, MA

The Board reviewed the application for Brian Revenger. His references had many good comments to say in support of the issuance of a septic permit.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve Brian Revenger for a Septic Installer's Permit.

VII. Body Art Practitioner Permit:
Rebecca Marona, Centerville, MA, to work at Oottat Tattoo, 599 Main Street, Hyannis.

The applicant withdrew her application at this time.

VIII. Old/New Business:

- A. Follow up from June 8, 2010 meeting: Safety adjustments made to existing swimming pool at Sandy Terrace – 570 Wakeby Road, Marstons Mills.

The Board discussed a temporary solution for the end of the year. The temporary solution involved additional screen walls, coming out at a right angle from the recently installed ones and reaching approx. 6 feet towards the direction of the railing in the pool. It was recommended (however, not required), that they attach the additional screening to the other recently-installed screening to provide additional strength. This will leave an eight feet opening to enter into the pool and a railing will be in the center of that opening.

The Board expects to see the situation resolved next year so the pool properly meets the standard requirements.

Upon a motion duly made, and seconded, the Board voted to approve the temporary solution for the pool until Sandy Terrace's season ends this year, 2010. (Unanimously, voted in favor.)

- B. Letter – Albert Colton, owner, 94 Holly Point Rd, Centerville – septic replacement deadline (wants to reserve the right for a hearing).

Mr. McKean contacted Mr. Colton. He is expected to request a hearing, possibly for the August 10, 2010 meeting.

C. Food Service Permit Fees for schools and churches.

The Board of Health must ask the Town Council for clarification of whether we want \$100 fee from these non-profit or whether they want the non-profit and other governmental agencies. The schools are required to offer the food to the children. This is one consideration to keep in mind. (Currently, the other town departments also pay for Hazardous Materials Permits, as well.)

D. Lifeguards at pools.

George "Skip" Simpson, Anchor In, suggests three tiers considered for lifeguard requirements depending on the use of the pool, etc. He suggests this would be similar to not requiring all intersections to have a red light, or a blinking red light, etc.

Deborah Comera said she knows that Skip has looked into this variance thoroughly during this past year and she is in agreement with his proposal. She has spoken to 20 pool owners who are also in support of this.

Peter Martino, Heritage House, has two pools and favors reducing the requirements for lifeguard coverage. Mr. Martino stated that without the regulation, the motels still are held as responsible to provide safety to all their customers whether it is in the room or pool or restaurant, etc.

Junichi Sawayanagi feels it is not necessary to regulate the coverage of pools.

The Board discussed the possibility of relaxing the lifeguard requirements, starting with condominium pools. The hotel owners brought up the fact that there are more people milling around a hotel pool versus a condominium pool and thus, they feel the condo setting would not be as safe a place to start as some of the other pools. The hotel pool managers were anxious to have an opportunity to have fewer requirements.

The Board voted to continue the discussion to a later meeting.

E. Smoking Bar – Changes in the Mass General Law.

Discussed the proposed changes by the State and the possible veto.

Voted to Adjourn. 6:05 pm

Board of Health Meeting July 18, 2010

List of Attachments Presented at the Meeting

1) Variance – Septic (New):

Property: 80 Cross Street, Cotuit, Map/Parcel 033-029

Item: Engineered Septic Plan done by Down Cape Engineering -with Floor Plan- plan dated 6/01/10 and seal dated 6/1/10.

2) Variance – Septic (New):

Property: 18 - 20 Sunset Avenue (duplex), Centerville, Map/Parcel 226-171

Item: Engineered Septic Plan done by Engineering Works -with Floor Plan- plan dated 6/28/10 and seal dated 6/28/10.

3) Variance – Septic (New):

Property: 425 Sandy Neck Road, West Barnstable, Map/Parcel 263-001

Item: Engineered Septic Plan done by Horsley Witten Group, Inc for Sandy Neck new bathhouse and garage – plan dated 6/25/10 and seal dated 7/9/10.

4) Letter from Albert H. Colton, Longmont, CO regarding the property at 94 Holly Point Road, Centerville, Map/Parcel 232-042.