



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING MINUTES

Tuesday, January 15, 2013 at 3:00 PM

Town Hall, Hearing Room, 2ND Floor

367 Main Street, Hyannis, MA

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, January 15, 2013. The meeting was called to order at 3:00 pm by Chairman Wayne Miller, M.D. Also attending were Board Members Paul J. Canniff, D.M.D and Junichi Sawayanagi. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

I. Hearing – Tobacco Sales:

Proposed Regulation: Chapter 365 Article 1 – Restricting the Sale of Tobacco Products – proposed ban of tobacco sales at pharmacies and businesses with pharmacies on location.

Daniel J. Wilson, Director of Municipal Tobacco Control Technical Assistance Program brought a hand-out listing the 51 towns and cities who have passed a similar ban. The average time frame given for effective date has been 60 days.

Mr. Wilson stated that the bans usually include no sales of “e” cigarettes (electronic cigarette) to those under 18 years of age. The Town of Barnstable’s regulations currently allow minors to purchase “e” cigarettes.

The Board will vote on adding a restriction prohibiting “e” cigarettes to be sold to minors into the regular tobacco regulation at a later time.

Bob Collett, Program Director, Barnstable County stated this time frame would not be an issue for his staff and him.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to adopt the regulation with an effective date of 60 days after publication of notice. (Unanimously, voted in favor.)

II. Variance – Septic (New):

- A. Matthew Eddy, Baxter-Nye Engineering representing Peter and Suzanne Minshall, owners – 14 Bayview Road, Osterville, Map/Parcel 093-049, 24,369 sq. ft. parcel, variance to groundwater separation.

Matthew Eddy presented the plan. The septic is not in failure. He is improving the system from H-10 to H-20.

Mr. McKean went through the staff's comments. He also noted there is no room on the lot to change the location of the system due to the property lines, the pool, and having a reserve area. Mr. McKean said that the percolation test, with health staff witnessing it, may be done at the time of installation.

Dr. Miller expressed that the system is an improvement over the other system. He noted the separation to ground water variance is actually an improvement to the current system's location to ground water, and there is no increase in flow.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to grant the variance with the following conditions: 1) ("upon paying the percolation fee") the soil test must be witnessed by the health inspector at the installation of the septic and if there is any problem with the soil test, the septic will not be installed at that time, 2) a four bedroom deed restriction must be recorded at the Barnstable County Registry of Deeds and 3) a proper copy of the deed restriction will be submitted to the Health Division. (Unanimously, voted in favor.)

- B. John Schnaible, Coastal Engineering, representing Priscilla Leclerc, owner – 86 Cedar Street, West Barnstable, Map/Parcel 130-011, 2.5 acre parcel, repair of failed septic, requesting multiple variances.

John Schnaible and Priscilla Leclerc were present and discussed the proposed plan. They are proposing an addition which would have an additional bedroom, changing the bedroom count from 3 to 4 bedrooms.

Dr. Canniff asked if they will put in a monolithic tank as the septic will be closer to the owner's well. Mr. Schnaible said they are willing to do that, if required.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to grant the variances with the following conditions: 1) the owner will do the standard well water test once –two years after the installation of septic, 2) use of a monolithic tank, 3) inclusion of the variances on the final septic plan, 3) a four bedroom deed restriction recorded at the Barnstable County Registry of Deeds, and 4) a proper copy of the deed restriction supplied to the Health Division. (Unanimously, in favor.)

- C. Dan Ojala, Down Cape Engineering, representing James and Maxine Goetschius, owners – 19 Connemara Circle, Hyannis, Map/Parcel 291-291, 10,510 sq. ft. parcel, repair of failed septic, requesting multiple variances.

Dan Ojala was present. Dr. Miller discussed the possibility of the system being built for a 2 bedroom and Dan explained that, even if the State allowed it, the same number of variances would be needed.

The system will be the 3 bedroom standard size but it will be limited to a 2 bedroom use.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to grant the variances with the following conditions: 1) proper abandonment of the existing system, 2) record a 2 bedroom Deed Restriction at the Barnstable County Registry of Deeds, and 3) supply a proper copy of the Deed Restriction to the Public Health Division. (Unanimously, voted in favor.)

D. Michael Pimentel, JC Engineering, representing James Jones, Trustee - Estate of Lillian E. Jones, owner – 24 Midway Drive, Hyannis, Map/Parcel 252-064, 7,790 sq. ft. lot, one setback variance.

Michael Pimentel and Richard Cape were present. Mike stated it is currently a three bedroom house.

The staff felt that the plan was fine and meets maximum feasible compliance. The parcel is in a zone which restricts it to a maximum of three bedrooms for the parcel.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to grant with the following conditions: 1) proper abandonment of the existing system, 2) record a 3 bedroom Deed Restriction at the Barnstable County Registry of Deeds, and 3) supply a proper copy of the Deed Restriction to the Public Health Division. (Unanimously, voted in favor.)

III. License - Body Artist Variance:

Maegan Lemay, Hyannis, MA – requesting a variance from the Anatomy and Physiology requirement.

Maegan has been working at Spilt Milk Galleries learning the sterilizing procedures, etc, without doing any tattooing. She has submitted all the requirements towards a Body Artist permit with the exception of taking the Anatomy and Physiology requirement. In lieu of that, she has taken the Quincy Skin Course and is applying for a variance for the course.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to grant a temporary approval as a Body Artist Variance Permit for 18 months under the supervision of Mark Corliss. (This does not include Body Piercing.) After 18 months with supervision and provided there are no issues reported, the Board will grant a full Body Artist permit without the Body Piercing. (Unanimously, voted in favor.)

IV. Food Variance (New):

Harry Kortikere, owner, Deisel Café and Leo Fein, Mgr, Cape Cod Mall - Cape Cod Mall, 793 Iyannough Road, Hyannis, toilet facility variance and grease trap variance (using existing grease recovery device.

Harry Kortikere was present, along with Leo Fein. In the application, a letter was submitted by Macy's stating the café has permission to use the Macy's restrooms.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to grant the two variances with the following conditions: 1) the menu will be limited to the 2 ½ page menu submitted at 1/15/13 meeting, and 2) the Public Health Division must receive two servsafes and the allergen awareness training certificate.

Meeting Adjourned – 4:30 pm.