



Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601



Office: 508-862-4644
FAX: 508-790-6304

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

BOARD OF HEALTH MEETING MINUTES

Tuesday, April 8, 2014 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, April 8, 2014. The meeting was called to order at 3:00 pm by Chairman Wayne Miller, M.D. Also in attendance was Board Member Paul J. Canniff, D.M.D. Board Member Junichi Sawayanagi was unable to attend due to illness. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

I. Hearing – Consideration of Condemnation:

The Estate of Anthony C. Soares, Lisa Heald, and Linda Oberton – 7 General Patton Drive, Hyannis, Map/Parcel 292-099, failure of septic system and illegal discharge of grey water.

Linda Oberton was present. The property has been vacant for the past 3-4 weeks and the water has been shut off as requested. She said the septic will be pumped tomorrow and the property sealed up this upcoming weekend. Linda hopes the Board will not classified the property as “condemned” as it would hinder the ability to sell the property which they are currently planning to do.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board voted to determine the property “uninhabitable” and must be secured from entry, water shall remain off, and it will be illegal to occupy until the septic is resolved.

II. Hearing – Stable (Continue)

Follow up on Kathy Woodbury, Stable, and Mrs. Richard Koppen, property owner – 365 Sampsons Mill Road, Cotuit, stable violations, failure to obtain a valid permit and to operate a stable.

Kathy Woodbury was not present.

Cynthia Sullivan, sister to Kathy Woodbury, said an eviction was put in the process on March 14, 2014 which requires Kathy Woodbury to leave within 30 Days and the horses become the property of her mother, Mrs. Koppen. This will allow Mrs. Koppen the legal right to move the horses off the property.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board ordered (1) a cease and desist order of operation of the stable and removable of

the horses within 30 days and (2) ordered the manure to be cleaned up within 60 days. (Unanimously, voted in favor.)

III. Sewer Connection Extension Requested:

Richard Fleming, Anchor Auto Body, owner – 83 Corporation Road, Hyannis, Map/Parcel 293-013, requesting an extension until June 1, 2014.

Richard Fleming was present. He explained that he had been ill and he was requesting an extension.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board granted an extension until July 1, 2014. (Unanimously, voted in favor.)

IV. Hearing – I/A Maintenance Plan:

RESOLVED A. John and Elizabeth Mulak, Trustees – 55 Tonela Lane, Barnstable, no I/A maintenance plan.

B. Thomas Gere, owner – 88 Hillards Hayway, West Barnstable, no I/A maintenance plan.

Mr. Gere was not present.

Thomas McKean had spoken with Mr. Gere who expressed his plans to make a decision tomorrow on one of two contractors (Winston Steadman or Mr. Pierce) and will be signing a maintenance contract at that time. The Board asked Mr. McKean to give a status of this at the next meeting.

Upon a motion duly made by Dr. Canniff, seconded by Dr. Miller, the Board voted to continue this to the May 13, 2014 meeting. (Unanimously, voted in favor.)

V. Septic Variances:

A. Stephen Haas, Engineer, representing Angelina Gomez, owner – 253 Tower Hill Road, Osterville, Map/Parcel 118-093, 13,000 square feet parcel, requesting multiple setback variances.

Stephen Haas presented his engineering plan which included pump chambers 50 feet from the pond.

The Conservation Commission had suggested the homeowner purchase and store a backup pump on-site in case of a pump failure. The Board of Health decided this was beyond their desire and has not required this in the past. It is believed that the homeowner will have a strong incentive to immediately resolve any such issue as their back door is right there.

Upon a motion duly made by Dr. Canniff, seconded by Dr. Miller, the Board voted to grant the variances with the following conditions: (1) record a two bedroom deed

restriction at the Barnstable County Registry of Deeds, and (2) supply the Health Division with an official copy of the deed restriction. (Unanimously, voted in favor. In the decision letter, the Board will include a recommendation (not a condition) of having a backup generator on site.)

- B. Dan Ojala, Down Cape Engineering, representing David Hennessy, owner – 63 Seventh Avenue, Hyannis, Map/Parcel 246-152, 0.21 acre parcel, requesting multiple variances.

Dan Ojala discussed his engineering plan. The original plan had pump chambers in plastic tanks and the staff had a concern with buoyancy. The revised plan put the septic in the front yard. The full system is designed to handle an H2O load.

Mr. McKean had no issue with the revised plan.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board voted to approve the revised plan dated April 7, 2014, with the following conditions: (1) record a three bedroom deed restriction at the Barnstable County Registry of Deeds, (2) supply the Health Division with an official copy of the deed restriction, and (3) the installation of the septic system will be supervised by the designing engineer. (Unanimously, voted in favor.)

VI. Food Variance – New:

Sullivan Engineering representing Old Post Corner, LLC, owner of building, and Robert Hayden, owner of Saga Steakhouse, - 1560 Old Post Road, Cotuit, Map/Parcel 058-022, requesting grease trap variance, not on town sewer.

Jon O’Dea was present. He explained the original plan for the Building Department of September 2012 had not anticipated a restaurant use and thus, no grease trap was installed prior to the paving of the lot. They are exploring alternatives to digging up the new pavement and are proposing the use of a Trapzilla above-ground grease trap.

Dr. Miller said the Trapzilla grease trap was approved for an establishment with a much lighter menu and no seating. Time has yet to tell how successful it will work. Dr. Miller believes this heavier menu will be inviting potential disaster if the Trapzilla can not handle it.

Mr. O’Dea said the owner of the building also had a concern of the problem which would arise if the Trapzilla were to fail. They are considering having a separate septic system for the grease trap – a two compartment tank (one for the 1,000 gallon grease trap and one with an ejector pump).

Rather than have the Board vote on the Trapzilla grease trap at this time, the applicant opted to continue this item to the May 13, 2014 meeting in the hopes that all parties may be able to obtain more supporting information for the Trapzilla or another alternative

VII. Food – Temporary Food Event:

Audi of Cape Cod's "Premier Event" on Saturday, April 19, 2014, located at 460 Yarmouth Road, Hyannis, from 11 am – 4 pm, with one vendor, Ken Foster - Breakaway Grill, serving hot dogs and hamburgers.

Ken Foster was present.

Mr. McKean said the staff has no objections. The Board is very familiar and happy with Mr. Foster's Breakaway Grill and procedure as he has been doing temporary food events for years.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board voted to grant the temporary food event on April 19, 2014. (Unanimously, voted in favor.)

VIII. I/A System Maintenance (Cont.):

A. Jeremiah and Kristen Valiga, owners – 646 Osterville-West Barnstable Road, Marstons Mills, Map/Parcel 123-015, no operation and maintenance contract for the I/A system onsite (April 1, 2013).

Kristen Valiga was present and explained the maintenance contract became too expensive. It increased from \$850/year to \$2,000/year. The blowers were found to be shut off at one point causing bad test results. The system is in a locked shed and the owners believe the service man may have forgotten to turn the blowers back on after testing the system. They switched to a contractor in Falmouth for 6-8 months. That contractor could not get the system to work so they returned to their original contractor who determined they needed a new panel for \$700. Mrs. Valiga said the contractor's high rates became too unreasonable. The County gave her a list of contractors to try. Kristen said that all but one has been unfamiliar with their system. She has been in contact with Todd at Coastal Engineering, Orleans and hopes he is able to offer a reasonable fee. Kristen asked the Health Division to give her a copy of the required tests needed so she can pass it on to him.

Dr. Miller said at this time, they will need to require all the original testing to verify the system is doing fine. With more test results, the testing may be able to be reduced to test only the total nitrogen level which should, in turn, reduce the cost.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board voted to continue this for two months to the June 10, 2014 meeting. (Unanimously, voted in favor.)

IX. Old / New Business:

A. Approval of the Minutes – February 11, 2014 and March 11, 2014.

The Minutes will be continued to the May 13, 2014 meeting.

- B. Status - Lorne Fellows, tenant – 70 Winter Street, Unit# E, Hyannis, Map/Parcel 309-242-00A, no heat provided and no hot water provided, tenant is responsible for utilities. (Owner is Kenneth Willett.)

Mr. McKean said this item was resolved prior to the meeting.

- C. Informal discussion regarding future potential tobacco restrictions.

In discussing raising the smoking age to 21 years, Dr. Miller stated that he does find it problematic to not allow 18-20 year olds to smoke while we allow these ages to be in the military. However, with the continued articles being published stating the maturity of the brain is not until age 25, the discussion of trying to prevent the smoking in the younger ages is of great concern as it affects their health a great deal and the addiction is said to affect the younger people more intensely.

Dr. Canniff said he has read papers which show the e-cigarette is smoked in combination with the cigarettes and it is questionable of whether it is helping others to quit. There have been reports stating the dangers of the liquid smoke of e-cigarettes and showing a great increase in the number of tobacco poisoning cases in children.

Mr. McKean had provided the Board with a copy of the changes the Town of Yarmouth have made in their tobacco regulations for a review. There have been six towns in the State at this point that have changed the age on their smoke regulations.

Informal Discussion will continue at the Board meeting on MAY 13, 2014. The goal will be to have a proposed regulation ready for public notice at June 10, 2014 meeting.

Meeting adjourned 4:20 p.m.