



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING MINUTES

Tuesday, November 18, 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, November 18, 2014. 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:

- A. Mary Jean Huettner, owner – 81 Thread Needle Lane, Centerville – failed to repair septic system.

Mary Jean (MJ) Huettner was present. MJ pressed to receive a copy of the original order. She said she was never informed and only learned of it recently. In the file, the original certified letter dated 2006 showed the certified notice was signed by Mary Jean at the time. She explained she had not recalled receiving the order to repair as she would have liked to split the cost with her then-husband before they split. The 2013 letters which had stated deadlines (letters in March, October, and a letter requesting her to come before the Board in November 2013.) were also mentioned. The Board noted that she had a contractor represent her at the Board meeting in November 2013 and does not understand why the work for this failed system has not been completed. The leaching pit is below high ground water level.

Ms. Huettner will have to replace the leaching pit with an SAS. An engineer can tell her if the septic tank could be salvaged. She gave Mr. McKean a copy of new septic plan (estimated cost from one contractor was \$18K). Engineered plans were done July 2014. She said the engineer put it out for three bids and Mary Jean only heard back from one.

Currently, MJ rents the house to a friend and MJ also shares the house during the summer months as she is a teacher and comes down June-August. She has now registered it as a rental. The Board informed her that the rental will have to move as of February 28, if the new system is not installed.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board voted to grant an extension until February 28, 2014 and rental permit will only be renewed until 2/28/15 (pro-rate) until the septic is installed. (Unanimously, voted in favor.)

II. Septic Variances (Cont):

- A. John Doyle representing Algimantas and Theresa Landsbergis, owners – 57 New London Avenue, Marstons Mills, Map/Parcel 103-014, 21,015 square feet parcel, one setback variance (continued from Oct 2014).

John Doyle distributed a new plan, moved reserve area downstream. A setback variance is needed from the SAS to well water. He will note that if the system ever falls, he will put the new system in the same place as the original one (and not use reserve) so they can maximize the distance to well water.

At end of last meeting, Mr. McKean pointed out that past Board Member Sue Rask had a regulation that a flow max of 440 was in place. He talked to clients and they are willing to do only 2 bedroom with a 3 bedroom septic design. Mr. Doyle handed out new floor plans (2 bedrooms).

So now they are up to 85% setback and have reduced the flow by 33%.

Tom stated the staff has no objections.

Dr. Canniff asked the cost of hooking up the water – answer: \$3,000.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to grant the variances with the following conditions: 1) must record a two bedroom deed restriction with the Barnstable County Registry of Deeds, and 2) supply the Health Division with a proper copy of the deed restriction. (Unanimously, voted in favor.)

- B. Jeffrey Ryther, BSS Design, representing Harry Taylor and Motoko Sakuri, owners – 56 Sand Point, Osterville, Map/Parcel 073-017, 1.15 acre parcel, rebuild of house with no increase in flow, one variance (continued from Oct 2014).

Jeffrey Ryther and Tom Bunker from BBS Design and Adam Hostetter, Builder, were present. Jeffrey presented the General Use for the Singular 750 GPD model and the Order. Jeffrey also Six Bedroom Deed Restriction already recorded from the Registry of Deeds. supplied a

Dr. Canniff had a question on the cost. Mr. Hostetter said the cost to use this septic system over the standard was an additional \$15K (doubling the cost).

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board voted to grant the variances with the following conditions: 1) the plan will be revised to show where the septic tank will go in reserve system, 2) will comply with all requirements in the MA General Use letter and the engineer will check with manufacturer as to why a tee is not used for the inlet of the first chamber. If manufacturer requires one - a tee will be used, 3) a six-bedroom deed restriction be recorded at the Barnstable County Registry of Deeds,

4) a proper copy must be submitted to the Health Division (this was submitted at the Board meeting),,) a monitoring plan must be submitted (weekends and sporadic weekly use), and 5) owner must adhere to all general use requirements as stated in 2/26/13 description for Singular Model 960 with a 750 g.p.d. (Unanimously, voted in favor.)

C. Stephen Matson, Baxter Nye Engineering, for Cummaquid Golf Course, owner – 35 Marstons Lane, Barnstable, due to soils, plan was revised.

Matthew Eddy was present. Baxter Nye Engineering had encountered unsuitable soils for the earlier plan.

Upon a motion duly made by Dr. Canniff, seconded by Dr. Miller, the Board voted to grant the variances for the Presby I/A system on the plan dated 11/4/14 with the following conditions (same as first approved). (Unanimously, voted in favor.)

III. Septic – 40B Review:

Dan Ojala, Down Cape Engineering, representing PLM Buzzy LLC, owners – 671 Main Street, Cotuit, Map/Parcel 036-015, 2.38 acre parcel, Review of I/A system and O&M Plan for ZBA, 13 Bedroom Housing “Bay Point”.

Dan Ojala was present to answer any questions on the proposed plan.

The Board agreed to send a letter to the Zoning Board of Appeals that the plans dated 06/06/14 are acceptable to the Board of Health with the addition of 1) an emergency natural gas (not diesel) generator be on-site to power the septic system in an electrical outage, 2) the plans provided to the Board of Health with the hand-marked five foot openings will be duplicated for the Building department so the two departments can ensure the five foot openings are done, 3) a 13 bedroom Deed Restriction be recorded at the Barnstable County Registry of Deeds, 4) a proper copy of the Deed Restriction be submitted to the Health Division, 5) a structural engineer or architect will sign off on the five foot openings to confirm they are not weight-bearing walls, 6) a copy supplied of the condominium documents stating the five foot opening, and 7) O & M plans as provided – once a month. (Unanimously, in agreement.)

IV. Stewart Creek

Ruth Duchesney, 14 Paine Avenue, Hyannis – requesting deferment.

Mrs. Duchesney’s granddaughter, Lesley Souza-Oakley, was present and explained that Mrs. Duchesney is a 94 year old widow living only on social security and does not have the means to connect to the town sewer.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to grant an extension until the property is sold with the condition that whenever there is a change of ownership, the new owner will have up to two years to connect the dwelling to public sewer. However, if at the time of transfer, it is determined that the septic system is in hydraulic failure, then the sewer connection

must occur within sixty days after the date of real estate transfer. (Unanimously, voted in favor.)

V. I/A Maintenance Reduction:

A. Joseph DePilato, 4 Gentian Circle, Osterville

Joseph DePilato was present early in the meeting but was not able to stay.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board voted to continue this to the December 9, 2014. (Unanimously, voted in favor.)

B. Winston Steadman, representing Oyster Harbors Club – 170 Grand Island Drive, Osterville, results of I/A Monitoring results.

Postponed: Prior to the meeting, Mr. Steadman requested a postponement until December 9, 2014 Board meeting.

VI. Food – Variance:

Usama Elsehrawy and Robert Goldman representing Wendy's Restaurant – 554 Iyannough Road, Hyannis, #322-4 toilet variance.

Usama Elsehrawy, owner/operator of Wendy's was present. The seating is being reduced from 70 to 65 seats. They will continue with their current amount of toilet facilities and are asking the Board to not require them to increase them. The same owners have owned this since 1986 and have chosen to do this major renovation as 64% of their business is drive-through and their new toilet facilities will meet all the handicap requirements after the renovations. The Board feels the renovation is going to improve the situation.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to grant the toilet variance. (Unanimously, voted in favor.)

VII. Regulations/ Policy:

A. Proposed Draft Tanning Facility Regulations (continued from Oct 2014 – awaiting ordinance number).

Upon a motion duly made and seconded, the Board voted to continue this item to the December 9, 2014 meeting. Unanimously, voted in favor.

B. Lifeguard Modification Deregulations – Fifth Year of Trial Period – Proposed changes.

Upon a motion duly made and seconded, the Board voted to continue this item to the December 9, 2014 meeting. Unanimously, voted in favor.

VIII. Old / New Business:

A. Approval of the Minutes – Oct 14, 2014.

Upon a motion duly made and seconded, the Board voted to continue this item to the December 9, 2014 meeting. Unanimously, voted in favor.

B. Innovative Alternative Septic System Performance Education

VIII. ADDITIONAL:

Donald Romkey of 695 Race Lane, Marstons Mills, gave a status of his situation. The County turned down his loan application. The Board asked him to return to the Board at the February 10, 2015 meeting with the functioning status of septic system.

Postponed until December 9, 2014 Board Meeting:

- John Churchill, JC Engineering, representing Jamie Surprenant, Five Bay Bistro – 825 Main Street, Osterville, Map/Parcel 117-100, 0.06 acre parcel, multiple septic variances.
- Jamie Surprenant, Crisp Flatbread, 791 Main Street, Osterville status report on water usage/seating.