



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING MINUTES Tuesday, March 28, 2017 at 3:00 PM Town Hall, Hearing Room 367 Main Street, 2nd Floor, Hyannis, MA

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, March 28, 2017. The meeting was called to order at 3:00 pm by Chairman Paul Canniff, D.M.D. Also in attendance were Board Members Junichi Sawayanagi, Donald A. Guadagnoli, M.D. and Alternate Member Cecile M. Sullivan, RN, MSN. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

I. Regulations / Policys: Lifeguard Rules at Swimming Pools:

The current trial period of having no lifeguards (for those who have 75 units or less) and has an extended expiration date of April 30, 2017 (continued from January 2017 meeting).

Upon a motion duly made and seconded, the Board voted to extend the current pool coverage regulations through December 31, 2017 with no changes at this time. (Vote: Two in favor and Dr. Guadagnoli was opposed).

Dr. Guadagnoli was interested in a motion to eliminate the lifeguard requirement for 75 units or less. Dr. Guadagnoli said due to the information discussed and submitted in the last two meetings, he believes the argument was compelling.

Attorney Charles McLaughlin pointed out that with the additional discussion after the vote, the Board should rescind the vote if further discussion is desired.

Upon a motion duly made and seconded, the vote to extend the regulations through December 31, 2017 with no changes at this time was rescinded (for further discussion). (Unanimously, voted in favor.)

All were in agreement that a good policy is: adults should not swim alone. Dr. Guadagnoli expressed the desire to get more in step with other towns in the State who do not require lifeguards.

Upon a motion duly made and seconded, the Board voted to extend the current pool coverage regulations through December 31, 2017 with no changes at this time. (Vote: Two in favor and Dr. Guadagnoli was opposed).

II. Variance – Septic:

- A. Brian Yergatian, BSC Group, representing E. Jaxtimer, Trustee, JHJ Realty Trust, owner – '0' Rue Michelle (a.k.a. #20), Barnstable, Map/Parcel 335-073, 1.24 acres. Previously approved, expired permit, variance from a marginal lot regulation requested.

Moved to the April 25, 2017 meeting per a written request received.

- B. Thomas Roux representing Michael Dinapoli, owner – 542 Main Street, West Barnstable, Map/Parcel 133-010, 0.95 acre lot, requesting a setback variance.

The property borders wetlands, has a private well, and has two septic systems on it. The 1,500 gallon septic tank will remain. The 1,000 gallon septic tank will be abandoned and replaced. Mr. McKean said the staff did not have an issue with the final plan.

Upon a motion duly made by Dr. Canniff and seconded by Mr. Sawayanagi, the Board voted to grant the approval of the variance on the engineering plan dated September 8, 2016, revision date March 6, 2017 with the following conditions: 1) a three bedroom deed restriction must be recorded at the Barnstable County Registry of Deeds and an official copy must be filed with the Health Division. (Unanimously, voted in favor.)

- C. John O'Dea, Sullivan Engineering, representing Ernest J. Jaxtimer, owner – 1450 Osterville-West Barnstable Road, Marstons Mills, Map/Parcel 127-007-001, 4.42 acre parcel, marginal lot, requesting two variances, previously approved.

John O'Dea said that the property is one of three parcels in a row which are farm land. They are proposing a mounted system. Of the ten feet of sand they dug down into, 2.8 feet was dry, suitable soil. They do not need a variance to wetlands as it does not meet the definition of wetlands. In 2003, the property was granted a variance for a five bedroom system that remained active until 2015. The owner will be putting in an office for the farm.

Mr. McKean said the staff did not have any objections and no conditions.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Guadagnoli, the Board voted to grant the variances without conditions. (Unanimously, voted in favor.)

- D. Earl Lantery, Lantery Associates, representing Nancy Connor, owner – 455 Huckins Neck Road, Centerville, Map/Parcel 233-048, 20,800 square feet parcel, failed septic system, one variance requested.

Moved to the April 25, 2017 meeting per a written request received.

III. Holding Tank:

Tom Lee, Horsley Witten, representing Town of Barnstable, owners – Craigville Beach restrooms, 997 Craigville Beach Road, Centerville, requesting the use of a holding tank.

Tom Lee, Horsley Witten, Mark Marinacchio, Town of Barnstable DPW, and Roger Parsons, Town Engineer, were present and discussed the design.

The plan proposes a septic holding tank to service the bathroom facilities. They have made the system as efficient as possible. The urinals will be waterless. The showers have four heads for rinsing with the water going into the sand. In planning for the future, the tank walls are baffled to provide the opportunity to use for leaching, if necessary in future. At peak season, the tank will need to be pumped every 5-7 days. There is a cellular connection which will notice town staff at Structures and Grounds that it will need to be pumped soon. This will not be an audible alarm at the beach itself. The staff is expected to be able to have the septic serviced relatively fast. The next line will have a visible and audible alarm.

Roger Parsons noted the tank is heavy enough – it will not float away in a big storm. The tank holds 10,000 gallons. The current system is two cesspools and is very old. During renovation, they discovered a line broken and fixed it. However, with the age of system, it needs to be replaced before anything else happens. The cost of a standard septic system there would be \$323K. The cost of the tight tank is \$45.2K plus the cost of pumping throughout the season.

Upon a motion duly made and seconded, the Board voted to grant the use of a holding tank with the condition that the tank will be pumped in the morning but no earlier than 8:00 am. (It is estimated that the tank will have to be emptied every 5-7 days at the peak of the season.)

IV. Temporary Food Events:

A. Christopher Hall is representing West Barnstable Village Festival Committee who is proposing three temporary food events over the calendar year.

1. The “West Barnstable Spaghetti Dinner” at West Barnstable Fire Department, 2160 Meetinghouse Road on April 1, 2017 from 5:00-7:30 pm with the following foods: spaghetti, red sauce, meatballs, sausage, cold salad, bread, butter, ice cream, juice and coffee.

Christopher Hall was present and all paperwork had been submitted and reviewed.

Upon a motion duly made and seconded, the Board voted to grant an annual temporary food variance for the West Barnstable Village Festival Committee with the above-mentioned foods with the condition that two handwash stations be added – one between each group of two “green labelled” tables in layout diagram. (Unanimously, voted in favor.)

2. The “Railroad Hobo BBQ Joint at the West Barnstable Festival” to be served next to Old Village Store of West Barnstable, 2461 Meetinghouse Way on August 19, 2017 from 11:00 am- 2:00 pm with the following foods: BBQ brisket, pulled pork, pork ribs, beef ribs, BBQ beans, cole slaw, pickles, corn bread, water and soda.

Upon a motion duly made and seconded, the Board voted to grant an annual temporary food variance with the above-mentioned food. (Unanimously, voted in favor.)

3. The “West Barnstable Fire Department Christmas Pancake Breakfast” at West Barnstable Fire Department, 2160 Meetinghouse Way on December 9, 2017 from 8:00-11:00 am with the following food: breakfast pancakes, sausage, bacon, eggs, orange juice, and coffee.

Upon a motion duly made and seconded, the Board voted to grant an annual temporary food variance with the above-mentioned foods with the condition that two handwash stations be added – one between each group of two “green labelled” tables in layout diagram. (Unanimously, voted in favor.)

- B. The Cape Cod Media Group is sponsoring the “Prime Time of Your Life” Expo at Barnstable High School, 744 West Main Street, Hyannis on April 29, 2017 from 10 – 4 pm. There will be food ordered from Stop & Shop with servers on location.

Pat Switchanko, Cape Cod Media Group, was present and said they plan to have 57 exhibitors. With pre-registration, people may attend for free and after April 15 it will be \$5.00. She explained that Stop & Shop will have a chef doing food demonstrations and she had a vendor or two who has not submitted their paperwork.

Upon a motion duly made and seconded, the Board voted to grant an annual temporary food variance. They will have handwash stations on loan from Nauset Disposal. The Board approved additional vendors (i.e. Cape Cod Clambake) on the condition that they meet the approval of the Health Division. (Unanimously, voted in favor.)

- C. The Barnstable Restaurant and Tavern is sponsoring the “Handyman Hotline Home Show at Cape Cod Beer, 1336 Phinney’s Lane, Barnstable on April 8th from 11:30 - 1:30 pm. The food item will be chowder.

Upon a motion duly made and seconded, the Board voted in favor of granting an annual temporary food event with chowder (from the Barnstable Restaurant and Tavern). (Unanimously, voted in favor.)

- D. Siena Restaurant requesting a temporary food permit for Youth Job Fair at the HYCC, 141 Bassett Lane, Hyannis on Wednesday, April 12 from 2:30-5:00pm with the following food samples to be given: chocolate mousse.

Request was withdrawn.

- V. **Hearing – Sewer Connection:**
Jeff Coombs, owner – 23 Keating Road, Hyannis, Map/Parcel 306-003, owner requesting deadline extension.

Mr. and Mrs. Jeff Coombs were present and discussed their situation. The Board discussed the length of time to be given for an extension which ranged from six months to two years.

Upon a motion duly made and seconded, the Board voted to grant a two-year extension until March 31, 2019 to connect to sewer. (The vote was two in favor, Dr. Canniff opposed.)

VI. Hearing – Housing:

Nicole Ahadeeya, tenant – 288 Scudder Avenue, Hyannis, hardship and unit repairs needed.

The tenants were hoping to be allowed to extend their stay until they found a new location. They had been paying \$650/month for the past year for the attic space. Proper egress was not possible from the attic. No one should have been living in that space. The Board sympathized with the difficulty of finding a rental. The Board hoped there was a possibility to negotiate a different room at the property; however, the attic space was not safe to live in.

Upon a motion duly made and seconded, the Board voted whether to grant an extended stay for the tenants. (The vote was unanimous to DENY the extension due to safety issues.)

VII. Motel License:

Craigville Motel – 8 Shootflying Hill Road, Centerville.

Attorney Charles McLaughlin was present. The final sign-offs were received from Building, Fire, and Health. A discussion determined that the original Board vote on this item at the January 24, 2017 meeting needed to be revised.

Upon a motion duly made by Dr. Canniff, seconded by Dr. Guadagnoli, the Board moved that the Craigville Motel license for the property at 8 Shootflying Hill Road, Centerville, previously approved by this Board on January 24, 2017, be amended to indicate that the license shall be limited to public occupancy Rooms # 1-32 inclusive, until further order of this Board, and that, as so amended, Board's vote of January 24, 2017 is re-affirmed, and the motel license shall be issued to James Connors, Esq., Attorney for the property owner, without delay. (Unanimously, voted in favor.)

VIII. Discussion:

Tobacco – age restriction.

Discussed briefly. Two Board members expressed an interest in increasing the age. One expressed a desire to not increase the age.

IX. Old / New Business:

Minutes.

CONTINUED.

The minutes will be moved to the April 25, 2017 meeting.