



# Town of Barnstable

## Board of Health

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### BOARD OF HEALTH MEETING MINUTES Tuesday, November 28, 2017 at 3:00 PM Town Hall, Hearing Room 367 Main Street, 2<sup>nd</sup> Floor, Hyannis, MA

#### I. Variance – Septic:

J.E. Landers-Cauley Engineering representing Dennis Kerkado, Trustee, Bayridge Realty, LLC – 186 Bay Road, Centerville, Map/Parcel 186-026, 1.15 acre parcel, failed septic system, requesting one variance (continued from October 24, 2017).

Jack Landers stated the owner purchased the house from the bank as a four bedroom (2 up and 2 on first floor). The owner will be combining the two bedrooms on the first floor to make one master bedroom and creating a fourth bedroom in the basement. The Board continued this item to ensure the proposed bedroom in basement would be to code. They have installed a window and door in basement for proper egress to the basement bedroom.

Upon a motion duly made and seconded, the Board voted to approve the variance of 69 feet to the coastal bank for the four bedroom property. (Unanimously, voted in favor.)

#### II. Septic Determination: 1650 Rule:

Sean Riley, Coastal Engineering Company, representing owner – Gardiner Lane, Osterville, merging Map/Parcel 141-104-002 with 141-104-003 and merging Map/Parcel 141-123-002 with 141-104-005; also, 633 and 617 Main Street will be refigured. These changes will result in the elimination of 21 bedrooms currently in place. A determination is to be made whether to apply the 1650 rule.

Sean Riley spoke of many changes occurring at this location. There are a total of 21.33 acres of land listed to the same owner which were originally broken into 10 parcels. The owner has combine some lots resulting in a total count of 7 parcels and is awaiting reassignment of numbering for three parcels.

Gardiner Lane (combine # 11& 25)	New 1 Bedroom Dwelling New Workshop New Tennis Pavilion
Gardiner Lane (combine # 30 & 34)	Existing 5 Bedroom Dwelling New Pool House
(# unassigned) East Bay Road 8 East Bay Road	New Parcel for Common Area Existing 6 Bedroom

106 East Bay Road

Existing 7 Bedroom

New Yoga Studio

110 East Bay Road

Existing 7 Bedroom

120 East Bay Road

Existing 5 Bedroom

\*Demolished Five Structures

Removing a Total of 21 Bedrooms

The daily flow will reduce from 5,610 gallons per day (gpd) to 3,901 gallons per day. The combination of septic systems will be designed for 35 bedrooms. This is in the Saltwater Estuary Zone which is equivalent to ½ bedroom/10,000 square feet.

The engineer is agreeable to use a drip dispersal Innovative/Alternative (I/A) system. This type of system does not require monitoring.

In answer to the Board's question on 8 East Bay Road's system, Mr. Riley said the soil absorption system (SAS) is over 200 feet from the water body running along East Bay Road.

Upon a motion duly made and seconded, the Board voted to grant the two new systems (Gardiner 11 & 25) and Gardiner 30 & 34) will the following conditions: 1) these systems will have drip dispersal I/A systems installed, 2) the other system systems in the 21.33 acre group will each have drip dispersal I/A systems installed once replacement systems are needed. (Unanimously, voted in favor.)

\*Sidenote: The Town Engineer will be asked to review the plans, along with the Health staff, for large projects such as this.

### **III. Innovative/Alternative (I/A) Septic System – Monitoring Plan**

A. John O'Dea, Sullivan Engineering, representing Kenneth Efron, owner – 80 Joby's Lane, Osterville, Map/Parcel 120-094, previously approved Fast I/A System, monitoring plan.

Upon a motion duly made and seconded, the Board voted to grant the two bedroom I/A system with the monitoring plan with the following condition: 1) the statement informing future owners that the property has an innovative alternative (I/A) septic system must be recorded onto the deed at the Barnstable County Registry of Deeds, 2) an official copy of the recorded statement must be submitted to the Health Division, and 3) the recently issued septic permits are to be reinstated as soon as possible. (Unanimously, voted in favor.)

B. John O'Dea, Sullivan Engineering, representing Bruce Efron, owner – 92 Joby's Lane, Osterville, Map/Parcel 120-095, previously approved Fast I/A System, monitoring plan.

Upon a motion duly made and seconded, the Board voted to grant the Fast I/A System with the monitoring plan with the following conditions: 1) a one-bedroom deed restriction will be recorded at the Barnstable County Registry of Deeds, 2) the deed restriction will also include the required statement explaining that there is an I/A system

and what is required of any future owners, 3) an official copy of the deed restriction and I/A statement will be submitted to the Health Division, and 4) the recently issued septic permits are to be reinstated as soon as possible. (Unanimously, voted in favor.)

**IV. Variance – Food:**

Attorneys Michael and Jeffrey Ford, representing, The Thirsty Tuna – 230 Ocean Street, Hyannis, due to new landlord, request similar toilet facility variance as was granted with previous owner, until March 1, 2018.

No one was present from Attorney Ford's office. Attorney Ford had provided a summary to the Board. The new owners of the restaurant have a similar agreement with the new owners of the building as the prior owners. They will have access to the two bathrooms upstairs for staff and Thirsty Tuna will be responsible for the maintenance of the bathrooms. The arrangement is expected to change after March 1, 2018.

Upon a motion duly made and seconded, the Board voted to grant the new owners of The Thirsty Tuna a toilet facility variance for four months to expire on March 1, 2018. (Unanimously, voted in favor.)

Added: November 29, 2017 – received call from Attorney Ford's office explaining the mishap.

**V. Temporary Food Event:**

A. Elizabeth Marcus, Cape Cod Beer, presenting "Oyster Stout" beer with oyster bar at Cape Cod Beer on 1336 Phinney's Lane, Barnstable, on Friday, December 1<sup>st</sup> from 5-8 pm with one food vendor, East Dennis Oysters, offering fresh, raw oysters along with oyster beer from Cape Cod Beer.

Beth Marcus said they have hired East Dennis Oysters to do the raw bar event on December 1<sup>st</sup>. She said they included oysters from every town on the Cape (with the exception of Harwich whose oyster season is closed.) Beth would like to have four events over the year with a raw oyster bar using the same vendor and would like to avoid returning to the Board prior to each one.

Mr. McKean said the Health staff has no objections to the one-day event. He reiterated that the State does not allow oysters to be used at Farmers Markets (as Hyannis's Farmer's Market is held at this location.)

Mr. Sawayanagi suggested to Ms. Marcus to finish off a corner area of her facility with washable walls, floors, ceiling and it would be easier to have events there regularly. Ms. Marcus expressed that is not available in her business plan at this time.

Upon a motion duly made and seconded, the Board voted to grant the Cape Cod Beer four temporary food events (included December 1<sup>st</sup>) with an oyster bar with the condition that she inform the Health Division at least 30 days in advance. (Unanimously, voted in favor.)

- B. Elizabeth Marcus, Cape Cod Beer, presenting local beer and pizza event at Cape Cod Beer on 1336 Phinney's Lane, Barnstable, on Friday, December 8th, Rain Day Friday, December 15th from 11am - 6 pm with one food vendor, Wolf Pizza, offering pizza along with beer from Cape Cod Beer.

Beth Marcus and Noel, Wolf Pizza, spoke. Noel said they have 4 portable ovens which cook one pizza at a time. Noel said they are using the Waquoit Church in Falmouth as their commissary. They make the dough and sauce ahead of time and assemble it at the site. They will be set up by 10:30 am for an inspection.

Noel said they will be under a tent. He and his associate have been to culinary school.

Upon a motion duly made and seconded, the Board voted to grant the approval the Pizza event as a temporary food event. (Unanimously, voted in favor.)

(Mr. McKean will look into whether Beth's idea of pop-up food vendors outdoors may be approved on a more regular basis.)

## VI. **Policies / Regulations:**

- A. Fees: 1) Place a cap on temporary food permits in one year at no more than \$200 per vendor,
- 2) Place a cap of \$20 on Liquor Store annual food permits.

Upon a motion duly made and seconded, the Board voted to grant the two fee changes above. (Unanimously, voted in favor.)

## B. Lifeguard Regulations

No one present.

The Board considered renewing the current program for Lifeguard Deregulation Modification limiting it to the 75 unit properties.

Dr. Guadagnoli was concerned that none of the owners of pool establishments came to the meeting and felt they must have forgotten the continuance.

The Board discussed sending out reminders and placing it on the February 27, 2018 meeting for a discussion. In the meantime, a vote was taken to extend the program and allow the renewal applications to be mailed out this month.

Upon a motion duly made and seconded, the Board voted to adopt the changes submitted and to extend the Lifeguard Deregulation Modification Plan for five years with the reconsideration of regulation to be discussed at the February 2018 Board meeting (current date is 2/27/18). (Two members voted in favor, one opposed (Dr. Guadagnoli).

## VII. **Minutes:**

Minutes – October 24, 2017 meeting.

Upon a motion duly made and seconded, the Board voted to adopt the minutes for October 24, 2017. (Unanimously, voted in favor.)

**VIII. Old / New Business:**