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Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601



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BOARD OF HEALTH MEETING RESULTS Tuesday, February 10, 2009 at 3:00 PM Town Hall, Hearing Room 367 Main Street, Hyannis, MA

I. Hearing - Tobacco:

Tobacco violations as reported by Bob Collette of Barnstable County Tobacco Control.

- A. Mid-Way Garage, 981 Main Street, Osterville – First Offense, tobacco products sold to a minor.

The Board voted to issue a warning.

- B. CVS #2322, 176 North Street, Hyannis – Second Offense, tobacco products sold to a minor.

The Board voted to issue a \$100 fine.

- C. Additional Tobacco Item:

The Board voted to approve the purchase of additional items when doing the tobacco checks.

II. Hearings – Property Owners Ordered to Upgrade Septic Systems:

- A. Christine A. Jenness, representing Carstensen Realty Trust, owner, 250 Smoke Valley Road, Osterville, Map/Parcel 097-002, requesting extension of time to repair failed septic system.

The Board voted to approve the extension of the deadline for the septic repair for one year or until the water to the property is turned back on, whichever is sooner.

- B. John L. Kowalski, representing Linda Peterson, owner of 38 Rosewood Lane, Cotuit, Map/Parcel 025-048 requesting extension of time to eliminate two (2) bedrooms, septic system designed for three (3) bedroom, not five (5).

The Board voted to request two bedrooms be removed within six months and if the owner wants to appeal the Board's decision, she must notify the Board of her request within 30 Days. As no letter was submitted asking for a

continuance, the meeting continued as scheduled (the Board would like this mentioned in their letter).

- C. Roberta E. Mauch, owner – 80 Greenwood Avenue, Hyannis, Map/Parcel 289-139-001, inadequate septic system, requesting two year extension for completion of town sewer project.

The Board voted to approve the continued use of the house with the current septic system until the town sewer arrives there with the following conditions: 1) limited to two residence and any short-term visitors, 2) no washing machine be connected, and 3) the owner will inform Mr. McKean, Director of Public Health, each time the septic system is pumped. The septic is to be pumped as needed.

III. Hearings – Housing (New):

- John Lasota, representing Valeria Medeiros, owner - 572 Main Street, Hyannis, one (1) variance from ceiling height (6'9" in lieu of 7').

The Board voted to approve a variance for ceiling height due to the ceiling being above 6'8" and the high cost to raise the ceiling height.

IV. Septic Variance (Cont.):

POSTPONED Michael Ford representing Michael and Gisa Belanger, owner – 100
UNTIL MARCH Cross Street, Cotuit, Map/Parcel 033-032, 0.9 acre lot, four (4)
BOH MEETING variances for repair (continued from Oct and Dec 2008).

Postponed until March Board of Health Meeting due to illness – M. Ford.

V. IA Monitoring Plan Review (continued):

- A. Thomas Fehnel, 195-A, Route 149, Marstons Mills, requesting discontinuance of testing of RSF system and he will continue quarterly Operation and Maintenance inspections.

The Board agreed the Quarterly monitoring plan must remain in place and may be reviewed at a future time.

- B. David Walsh, 195-E, Route 149, Marstons Mills, requesting discontinuance of testing of RSF system and he will continue quarterly.

The Board agreed the Quarterly monitoring plan must remain in place and may be reviewed at a future time.

VI. Septic Variances (New):

- A. Stephen Haas, Eagle Surveying, representing Joyce Wheeler, Judith Deveney and Jeff Wheeler, owners – 120 Main Street, Centerville, M/P 208-058, 29,000 square foot lot - five (5) variances requested.

The Board voted to approve a Continuance until the March 10, 2009 meeting.

- B. John O'Dea, Sullivan Engineering, representing Oyster Harbors Club,

Inc., owner - 170 Grand Island Drive, Oyster Harbors, M/P 053-012-001, 9.44 acre lot, two (2) variances from (a) coastal bank and (b) tidal waters.

The Board voted to approve the variances including a variance for shifting sand with the following conditions: 1) the tank that services the cabanas and the bathhouses must be pumped when an impending catastrophic storm is expected.

- C. Brian Grady, GAF Engineering, representing Joan Remmes-Foy, owner - 536 Shootflying Hill Road, Centerville, Map/Parcel 193-029, 17,420 square foot lot, two (2) variances requested.

The Board voted to approve the submitted plan and also approved an alternative septic system. The alternative system, if desired, would be to install a 3,000 gallon septic tank to be used as a tight tank and pumped regularly for a three year period. After three years, the situation must be reviewed and the original plan may be completed at that time or an extension may be granted for the tight tank.

VII. Six (6) or More Bedrooms

- A. Michael Borselli, Falmouth Engineering, Inc., representing Miki and Steven Hirsch, owners - 149 Ocean View Avenue, Cotuit, 1.6± acre lot.

The Board voted to approve the plan for 8 bedrooms in the main dwelling (in addition to the three bedrooms previously permitted for a second dwelling) with the condition that a septic plan is submitted showing the septic will be outside the Estuary Zone.

- B. Stephen A. Wilson, Baxter Nye Engineering, representing Vincent A. Wolfington, owner - 586 Scudder Avenue, Hyannis, 49,074 square foot lot.

The Board voted to approve the total of 11 bedrooms on the parcel of land (9 bedrooms in main house and 2 bedrooms in cottage)

VIII. License: Disposal Works (Septic Installer):

- A. Manny Cabral, Mashpee, MA

The Board voted to approve Manny Cabral as a Disposal Works Installer.

- B. Jason Edward Rogers, Orleans, MA

The Board voted to approve Jason Rogers as a Disposal Works Installer provided all his references are positive.

IX. Old Business/New Business:

- A. Brad Pfeifer, Director Hyannis Athletic Association, requesting permission to renovate and increase size of press box, not connected to public water or sewer system, 120 High School Road, Hyannis.

The Public Health Division may sign off on the building permit for the press box and the food permit renewal will be limited to a five-year maximum period until they bring in sewer/septic and water.

- B. Mark Corliss, Spilt Milk, presenting information regarding degree requirements for body artists.

Mark Corliss was not present. Continued to the March 2009 meeting.

- C. Letter in support of Barnstable County Department of Health Innovative/Alternative On-site Treatment System Management Program.

The Board voted to approve the letter in support of the management program for our I/A systems. The fee will be phased in with a \$25 fee per system for the initial year, then it will increase to \$ 50 per system for each consecutive year.

X. Saltwater Estuary Protection Ordinance, Section 360-45

The Board voted to accept the Saltwater Estuary Protection Ordinance to include both residential and commercial property.

XI. New Business/Old Business

- A. Pools – Pool Drains.

The Public Health Division has taken excellent steps to see to it that the new federal regulation is met.

- B. Prescription Pills in drinking water.

Dr. Miller asked Mr. McKean to contact the VNA and Hospice to obtain what their protocol is for disposing of medicine. This will establish what is happening out in the field. Then, the Board will check with Mark Ells, Water Pollution Control and see whether it is possible to have the medicine put in an incinerator as this is probably the best method for the waste. Desire to eliminate the disposal of medicine into the septic and sewer systems.

- C. Touchless Faucets – use of elbow and wrist faucets.

The Board stated the elbow and wrist bars are acceptable as touchless faucets.