



# Town of Barnstable

## Board of Health

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### BOARD OF HEALTH MEETING RESULTS

Tuesday, April 14, 2009 at 3:00 PM  
Town Hall, Hearing Room  
367 Main Street, Hyannis, MA

#### I. Show-Cause Hearing:

**CONTINUED UNTIL MAY 12, 2009** Marilyn Higgins and Cindy Gold at 92 County Seat, Hyannis – Refuse Violations.

Mrs. Higgins and Ms. Gold were not present (due to illness). Continued to May 12, 2009.

#### II. Hearing: Septic:

**GRANTED WITH CONDITIONS** A. Ronald Mycock, Mycock Real Estate, representing Diane Roper, owner - 41 Shell Lane, Cotuit, requesting extension of septic repair deadline.

The Board voted to approve the extension for one year or 90 Days after the sale of the house whichever is sooner with the following condition: 1) no one shall occupy the house until the septic system is repaired and, 2) the owner's agent will make sure the septic system area is safe and secured from anyone falling in.

**POSTPONED UNTIL MAY 12, 2009** B. Michael Picard, owner – 288 South Main St, Centerville, requesting extension of septic repair deadline to March 14, 2010.

Dr. Miller asked Mr. McKean for the date of the original flooding. Original flooding was in Nov 2005 and there have not been any occupancy there since. The item will be continued until May 12, 2009 and the Board will require no occupancy continue if the extension is granted.

#### III. Hearing – Housing:

**OPTIONS WERE GIVEN - AWAITING ANSWER.** Deborah and Ralph Krau, owners – 312 Compass Circle, Hyannis, - housing violation, bedroom count.

The Board gave the owners two options: 1) to extend the doorway to 4 feet in the office, or 2) to put a three-bedroom deed restriction. The Board and the owners can not prevent the occupants from actually sleeping there. However, the deed restriction will allow the Board and owners covered in meeting regulations for the future. The owners will respond to the Health Division on their desired choice.

**IV. Septic Variance (Cont.):**

**CONTINUE UNTIL MAY 12, 2009** A. Michael Ford representing Michael and Gisa Belanger, owner – 100 Cross Street, Cotuit, Map/Parcel 033-032, 0.9 acre lot, four (4) variances for repair (continued from Oct and Dec 2008)

The Board voted to Continue until the May 12, 2009 Board of Health Meeting.

**GRANTED WITH CONDITIONS** B. Brian Grady, GAF Engineering, representing Joan Remmes-Foy, owner - 536 Shootflying Hill Road, Centerville, Map/Parcel 193-029, 17,420 square foot lot, four (4) variances requested on failed system, revised plan from the approved Feb 2009 plan.

The Board voted to approve the revised plan signed and dated 3/26/09,–with the following conditions: 1) a properly recorded three-bedroom Deed Restriction, and 2) a copy of the deed restriction will be supplied to the Public Health Division.

**IV. Septic Variance (New):**

**GRANTED WITH CONDITION** A. Stephen Wilson, Baxter Nye Engineering, representing Pittsburgh National Bank, owner – 129 Island Avenue, Hyannis, Map/Parcel 265-018-002, 9,080 square feet lot, repair of failed septic system, setback variance to coastal bank.

The new plan has 1) removed the garbage disposal, 2) leach field measurement has been adjusted, 3) a riser was put on the D-Box, 4) the D-Box is 97 feet from the seawall in lieu of 100 feet, thus the variance for this was added, and 5) a locust map was added.

The Board voted to approve the revised plan dated 4/14/09 with the following conditions: 1) record a 2-bedroom Deed Restriction, and 2) supply the Health Division with a proper copy of the Deed Restriction.

**GRANTED WITH CONDITIONS** B. Dan Speakman representing Robert Booth and Trina Francesconi, owners – 30 Skating Rink Road, Hyannis, Map/Parcel 291-119, 0.29 acre parcel, three (3) variances for repair of septic system.

The Board voted to approve the plan dated March 22, 2009 pending clarification from DEP of the need to vent the system, along with the following conditions: 1) a 2-Bedroom Deed Restriction properly recorded, and 2) a copy be furnished to the Public Health Division. (4/15 Dan Speakman stated he will install a vent)

**GRANTED WITH CONDITIONS** C. Down Cape Engineering representing Carl and Stephen Syriala, owners – 1630 Main Street, West Barnstable, Map/Parcel 197-024, 0.88 acre lot, 4 setback variances for repair of system.

The Board voted to approve the plan dated 4/14/09 with the following conditions: 1) a three-bedroom deed restriction properly recorded, and 2) a proper copy of the deed restriction supplied to the Public Health Division.

**VI. Variance – Food (New):**

**GRANTED WITH CONDITIONS** A. Paulo Brandao Santos for PSPJ Ebenezer, 459 Main Street, Hyannis, new owner, grease trap variance.

The Board voted to approve the grease trap variance for the same number of seats as prior owner, with the following condition: will use all disposable paper goods.

**GRANTED WITH CONDITIONS** B. Peter Scalata and William Achion, The Coffee Table Cafe, 230A Ocean Street, Hyannis, increase in seating proposed, only three bathrooms provided.

Currently, 100% paper and plastic. They do not use glass dishes.

The Board voted to approve 20 additional seats with the following condition: 1) Hyline is willing to present the Board with a letter stating patrons of the Raw Bar/Coffee Table building will be allowed to use the bathroom facilities in Hyline's main building (at least two bathrooms may be used), 2) The Coffee Table Café's restrooms in their building must have proper signage informing patrons that additional restrooms are available at HyLine's main building. Raw Bar will remain at 59 seats and the Coffee Table Café will have 40 seats, and 3) continue with the condition from the variance issued 4/8/08 requiring the Raw Bar and the outside dining area must be separated by proper screening to prevent the entrance of insects and rodents.

**VII. Discussion:**

**CONTINUED UNTIL MAY 12, 2009** George "Skip" Simpson, Anchor-in, One South Street, Hyannis – discussion of qualified swimmers and lifeguard coverage at pools.

Skip Simpson spoke of the current status that other neighboring towns do not require lifeguard and/or qualified swimmers at all times. In the last 12 years, there have not been any drownings in any pools here and he proposed revisiting the requirements for pool supervision.

The Town of Barnstable did experience drowning in its past. Ideas passed around were that ...there must be a person on the property who has CPR training, signage .."swimming at your own risk" should be present, no swimming alone, the pool door can have a noise installed to go off once someone opens

the door so all in vicinity are aware someone is entering the pool area. The area must be secured. No children alone. The Board is willing to research the other towns in the area and will Continue to the May 12, 2009 Board of Health meeting for a decision before the summer season.

**VIII. Old Business/New Business:**

A. Continental Breakfast at Motels and Hotels.

Dr. Miller feels strongly in continuing to restrict the foods. No eggs, pancakes, etc.

Mr. McKean will write up a policy to allow Motels and Hotels included in the regulation for continental breakfasts.

B. H2O Loading of Chambers and Distribution Boxes Under Driveways.

The Board desires H2O used under driveways. It must come before the Board for a variance. If there is an H2O component under the driveway which has never come before the Board to obtain a variance, then it must come before the Board for a variance.

During an inspection, this situation came up and the inspector was unsure on our town's ruling. The answer was determined that yes, if there is a component under the driveway which was not granted a variance, it would be a failed system until it applied for a variance and it was granted.

C. Impervious Liners versus Spray Applied to Foundation.

More information must be gathered before the spray would be approved.

D. Farmers Market - State had prohibited selling raw shellfish in bulk but will now allow a temporary food permit.

The Board will allow the above food proposed to be sold at the farmers market through a temporary food permit. If it becomes a time-consuming task to check all the proper tags, etc, the Board would consider increasing the fee.

Motion to adjourn 5:20pm.