



# Town of Barnstable

## Board of Health

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### BOARD OF HEALTH MEETING RESULTS

**Tuesday, May 12, 2009 at 3:00 PM**  
**Town Hall, Hearing Room**  
**367 Main Street, Hyannis, MA**

#### **I. Show-Cause Hearing:**

**CONTINUED** Marilyn Higgins and Cindy Gould at 92 County Seat, Hyannis  
**UNTIL JUN 16, 2009** – Refuse Violations.  
**BOH**

Mrs. Higgins and Ms. Gould were unable to attend. The Board of Health would like the owner to appear as this has been a repeat issue. The Board is informed the property has been cleaned up.

#### **II. Hearing: Septic:**

**GRANTED** Michael Picard, owner – 288 South Main St, Centerville,  
**EXTENSION** requesting extension of septic repair deadline to March 14, 2010.

The Board voted to approve the extension of the deadline for the septic repair to March 14, 2010, with the condition that the house is not occupied during that time.

#### **III. Hearing – Underground Storage Tank:**

**ISSUE** Bill Larmee, owner – 3625 Main Street, Barnstable.  
**RESOLVED**

Issue was resolved prior to the meeting. The Fire Department submitted the paperwork showing the tank was removed ~1998.

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

**CONTINUED** Michael Ford representing Michael and Gisa Belanger, owner – 100  
**UNTIL JUN 16, 2009** Cross Street, Cotuit, Map/Parcel 033-032, 0.9 acre lot, four (4)  
**BOH** variances for repair (continued from Oct and Dec 2008)

The Board voted to continue this to the June 16, 2009 Board of Health meeting where Mr. Ford will have a draft decision of the two bedroom with a loft provided the loft is not designed to meet the qualifications of a bedroom.

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

**GRANTED WITH CONDITIONS** A. Stephen Wilson, Baxter Nye Engineering, representing John Spargo – 178 +188 Merchant Mill Way, repair of failed system, Map/Parcels 266-024 and 266-037, 1.1 acres (upland), variance to reg. 360-1; setback requirement of pump chamber to BVW to 82 feet in lieu of 100 feet.

The Board voted to approve the plan submitted with the condition of a three-bedroom deed restriction properly recorded at the Barnstable Registry of Deeds, and 2) a proper copy of the deed restriction be submitted to the Public Health Division.

**CONTINUED UNTIL JUN 16, 2009 BOH** B. Brian Yergatian, BSC Group, representing Timothy and Eila Desrocher, owners – 3072 Falmouth Road, Marstons Mills, Map/Parcel 099-029, 2.2 acre parcel, requesting variance from 310 CMR 15.203 (4) to vary the design flow rate for the daycare facility.

The Board voted to continue this to the June 16, 2009 Board of Health meeting.

**VI. I/A - Monitoring Plan Review :**

Mary Hash (unable to attend), owner – 1199 Craigville Beach Rd, Centerville, requesting reduction of quarterly monitoring on Omni I/A System of seasonal property.

The Board voted to approve the I/A system to an annual monitoring while it is a seasonal rental.

**VII. Variance – Pool:**

**GRANTED WITHOUT CONDITION** Jill Gulden, Trustee and Manager, Captain Gosnold Village – 230 Gosnold Street, Hyannis, requesting variance to continue operation of pool without a main drain, (pool drain/grate covers must conform to the American National Standard ASME A112.19.8).

The Board voted to approve the variance be granted to Captain Gosnold Village to operate the pool without a main drain as they have demonstrated proper care of their pool facility, the water quality has always been good, and the cost of the drain manifests injustice.

**VIII. Variance – Food (New):**

**WITHDRAWN** A. Edgar Gevorgyan, Erica's Café – 640 Main St, Hyannis, Map/Parcel 308-053, new food establishment location, request for variance from regulation 322-3, grease trap.

Edgar Gevorgyan withdrew request – deciding not to open a food establishment at that location.

**APPROVED** A. Richard Bibeault, Farmers Market, Hyannis, and vendor, Valerie Brown, Women and Infant Care (WIC) –new food items to host food demonstrations.

The Board voted to approve the addition of the following food items: salad and cereal - provided the preparation of salad and cereal is made in approved facility with a servsafe certified person. They may then mix the products at the Farmer's Market as a demonstration of the WIC program.

**CONTINUED UNTIL JUN 16, 2009 BOH** B. Farmers Market, Hyannis, proposed vendors, Jenifer Holloman and Jason Beetz of Ocean Song Farm, interested in selling pork and lamb.

They were not present.

**GRANTED WITH CONDITIONS** C. David Lawler, representing British Beer Company – 412 Main Street, Hyannis, Map/Parcel 309-221, variance from the grease trap with additional seating.

The Board voted to approve a temporary increase in seating to 193 seats (173 inside, 20 outside) until the permit of September 30, 2009, with the following conditions: (1) the grease trap will be pumped out monthly on Jun 15, Jul 15, Aug 15 and Sep 15, (2) if there is more than 25% grease removed during the pumping, the pumping requirements will be increased beginning at every 3 week interval, (3) they will come back to the Board at the August meeting and submit the reports for Jun 15 and Jul 15, provided the applicant has received confirmation from Peter Doyle, Water Pollution Control that the 25% grease level is acceptable to him. The Board will continue to review.

**APPROVED** D. Royden Richardson representing one day event, Great Hyannis Road Race / Chips House, requesting a temporary food permit for May 24, 2009.

The Board voted to approve the temporary permit for an annual event with the submitted menu.

**IX. Subdivision(s):**

**APPROVED WITH CONDITIONS** Dan Ojala, Down Cape Engineering, representing Bush-Brown, Frances W. Estate of and Gimbel, Leslie, Trustee – 138 & -0- Pine Lane, Barnstable, Definitive Plan Subdivision, # 818 Map 278, Parcel 47 & 48, 2 lots on 4.75 acres, on-site septic systems, (Definitive Plan-Planning Board is May 11, 2009).

The Board voted to approve the Definitive Plan Subdivision# 818, with the following conditions: 1) all septic will be outside the Well Protection Zone, if at all possible, and 2) the standard basic conditions of subdivisions (i.e., no burying of stumps, etc.) are met.

**IX. Old Business/New Business:**

**A. Letter from Mr. Simpson, Anchor Inn:** The health staff had found that there is such a difference in the numbers of accidents when swimmers are in the presence of a lifeguard and not.

The Board determined that the topic will be tabled until more information can be gathered to determine the best course of action. The Board does not think they will be able to make a decision before the summer session.

**B. Deborah Watson, Hot Dog Boat**

She was under the understanding that she was to be on the agenda today. She is interested in having a Boat with cooked food and motoring up to other boats and selling take-go food.

The Board expressed apology for any mix up in the agenda. However, they said they will need a proper amount of time to consider this. They also explained that there is an established town requirement that prohibits temporary food permits on repeated, regular occasions without a proper food preparation kitchen.

Dr. Miller suggested meeting with Thomas McKean first to obtain his input.

Motion to Agenda 4:30.