



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING RESULTS

Tuesday, August 4, 2009 at 3:00 PM
Town Hall, Hearing Room
367 Main Street, Hyannis, MA

I. Hearing - Septic:

POSTPONED Francis and Barbara Ferguson, owners – 512 Whistleberry
UNTIL SEP 8, 2009 Drive Marstons Mills – bedroom count.

II. Hearing – Housing:

POSTPONED Francis Wurzburg - 140 Willimantic Drive, Marstons Mills-
UNTIL SEP 8, 2009 ceiling height.

III. Septic Variance (New):

- A. Peter McEntee, Engineering Works representing The 699 Main Street, LLC - Fancy's Market – 699 Main Street, Osterville, Map/Parcel 141-011, 0.17 acre parcel, approval requested for I/A Soil Air System on failed septic.

The Board voted on an emergency installation of the I/A Soil Air System, pending state approval, with the following conditions: 1) if the DEP denies approval, the Board of Health must be notified immediately and the Soil Air System must be discontinued within 24 hours, 3) must monitor the ponding level two times a week and appear before the Board after the first month to determine the monitoring after that time, and 4) if pumping is needed or any high water alarms go off, this must be reported to the Board of Health within 24 hours - one working day.

III-B. Variance – Food (Cont.):

David Lawler representing British Beer Company, 412 Main Street, Hyannis – grease log results.

The Board voted to approve the grease pumping schedule of every three months except during the busy summer months of July and Aug. July and August will be pumped at the end of each month.

IV. Variance – Food (New):

Caffe Gelato Bertini, 20 Pearl Street, Hyannis, new owner, two variances requested - toilet facility (1 provided) and grease trap variance, same menu as previous, no indoor seating.

The Board voted to approve the grease trap variance and the toilet facility variance with the following conditions: 1) an under-the-sink grease interceptor (GRD) must be used, 2) the menu is restricted to gelato (ice cream) and espresso (coffee) only 3) only paper plates and plastic utensils shall be utilized. 4) seating for patrons is not authorized, 5) the variances are not transferable, and 6) the decision letter shall be posted on a wall adjacent to the food service permit easily accessible to a health inspector.

V. Informal Discussion:

Peter Sullivan, Sullivan Engineering representing Ruth Wells, owner – 35 Navigation Road, West Barnstable, Map/Parcel 156 – 056.

The Board voted to approve the use of a self-contained chemical toilet for a 60 Day period between December 2009 and January 2010.

VI. Septic Variance (New):

Glenn Harrington representing Steven and Nancy Costello – 255 Scudder Road, Osterville, Map/Parcel 139-014, 045 acre parcel, two, non-environmental variances.

The Board voted to approve the two variances: 1) a setback from foundation to 14 feet in lieu of 20, and 2) depth to grade will be 3 feet 9 inches in lieu of 3 feet with the following condition: a revised plan showing the septic tank as 1,500 gallon.

VII. Proposed Revision to Variance Procedure:

Proposed Revision, below:

Variances for Septic System Repairs Which May Be Granted by the Board of Health Agent or by a Health Inspector

Paperwork and Hearing Reduction Proposals Approved by the Board of Health, Revised During a Public Hearing Held on August 4, 2009

- 1) FOR ALL SYSTEMS THAT HAVE NO INCREASE IN FLOW - Septic system component to foundation setback (but in no case less than a 50% reduction in the required separation distance), if an impervious liner is designed and installed.
- 2) FOR ALL SYSTEMS THAT HAVE NO INCREASE IN FLOW- System component installations proposed more than three feet below grade with proper venting (piped to the atmosphere) and with H-20 loading, but in no case shall the SAS be located more than six feet below grade.
- 3) FAILED SYSTEMS ONLY – SAS to private onsite well separation distance variances, if located in the same general location as the old SAS and more than 100 feet separation is proposed, both from the on-site well and any and all wells on adjacent and neighboring parcels.*

- 4) FAILED SYSTEMS ONLY – Septic tank or pump chamber proposed to be located less than 100 feet but more than 75 feet away from wetlands or a water course.*
- 5) Additional seating at food establishments, if no more than 25% above the maximum grease trap capacity.
- 6) Proposals for six or more bedrooms, without any variances, are no longer reviewed by the Board.

*NOTE: If there are two or more variances requested from #3 and/or #4 listed above, the applicant shall instead seek variances from the Board of Health at a public meeting.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Miller, the Board voted to accept the revisions (above) in procedure of approval of variances. (Unanimously, voted in favor.)

VIII. Correspondence:

A. Concerned neighbors of Stewart Creek

B. Christine Tuck, 379 South Street, Hyannis- Veteran's Outreach Center