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# Town of Barnstable

## Board of Health

200 Main Street, Hyannis MA 02601



Wayne Miller, M.D.  
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### BOARD OF HEALTH MEETING RESULTS

**Tuesday, June 8, 2010 at 3:00 PM**  
**Town Hall, Hearing Room**  
**367 Main Street, Hyannis, MA**

**I. Hearing (Cont.):**  
**CONTINUED TO BOH JUL 13, 2010** Requested by motel owner, George "Skip" Simpson, Anchor-in, One South Street, Hyannis – continued discussion of qualified swimmers and lifeguard requirements at pools.

Dean Melanson, Deputy Fire Chief – Hyannis Fire Dept., stated that lifeguards are trained in observation skills to prevent people from overdoing it and becoming a risk. Lifeguards are strong swimmers and are trained in preventing a victim from pulling them down and risking their lives as well.

The Board will review more in-depth and will speak to the Legal Department as well (for potentiality of lawsuits). Continued to July 13, 2010 Board meeting.

**II. Hearing - Proposed Regulation:**  
**APPROVED CONTINUANCE OF CURRENT POLICY** Tight Tanks at Beauty Salons and Barber Shops.  
The Board voted to continue with the current policy and to include the require to add a Holding Tank to a Hair Salon with the following conditions: 1) if the septic fails, 2) if there is a change in ownership, or 3) an increase in flow.

**III. Hearing – Septic:**  
**APPROVED WITH CONDITIONS** Sullivan Engineering representing J. Robert Casey, Trustee, Pickwick Realty Trust, owner – 71 Ocean View Avenue, Cotuit, Map/Parcel 034-045, 4.7 acre parcel, Recirculating Sand Filter System.

In January 28, 2008, the Planning Board endorsed the house plan. This was a pre-existing lot. They filed a "Perimeter Plan which is an Approval-Not-Required Plan (meaning it was not a Sub-Division, however, the plan allows protection under the State Code Chapter 111 Section 127P to allow them a three year period to freeze the regulations.

Therefore, it is their contention that they do not fall under the Feb 2009 regulation until January 28, 2011.

The Board voted to approve the plan dated May 3, 2010, pending agreement with the legal department on extension of deadline, and with the following conditions: (1) Quarterly Monitoring Plan must be submitted and (2) Operating and Maintenance Agreement for the system must be submitted.

**IV. Hearing – Septic Failed (Cont.):**

**APPROVED  
WITH  
CONDITIONS**

Michael Santos, owner – 26 Bishops Terrace, Hyannis, Map/Parcel 251-215, septic failure.

The Board voted to allow Mr. Santos to continue with the current system with the following conditions: 1) the septic must be inspected yearly for the next three years and the reports will be submitted to the Health Division, 2) if the property is sold within five years from today (June 8, 2013), then Mr. Santos must replace the septic system at his own costs or he must inform the buyer of the Board of Health's concerns and the buyer must sign off on such a statement, and 3) prior to renting, Mr. Santos must undergo a rental inspection and register it as a rental to meet regulations.

**V. Variance – Septic (New Item):**

**APPROVED  
WITH  
CONDITIONS**

A. Linda Pinto representing Marsha Alibrandi, owner – 4093 Route 6A, Barnstable, Map/Parcel 335-028, 15.0 acre lot, 2 setback variances requested.

Approved without any additional conditions to the plan.

The Board voted to approve the proposed plan dated 05/07/10 with the two variances: 1) setback of 124 feet of SAS from a drinking water well (26 foot variance), and 2) setback of 88 feet of SAS from the edge of wetlands (12 foot variance).

**CONTINUED  
TO BOH  
JUL 13, 2010**

B. Peter McEntee, Engineering Works, representing Mary Schoebel, owner – 11 Nyes Point Way, Centerville, Map/Parcel 233-069, 0.5 acre parcel, multiple setback variances.

The Board asked the engineer to rework the plan and see if some of the distances of the setbacks can be improved on – trying to maintain as a minimum, the distance of the current setback of 70 feet.

The Board voted to Continue it to the July 13, 2010 Board of Health meeting.

**ADDITIONAL NOTE ON A SEPARATE TOPIC:**

Peter McEntee gave the Board an update on the situation at Fancy's Market, Main Street, Osterville, at the aerated system. The system is working well.

**CONTINUE TO BOH JUL 13, 2010** C. Linda Pinto representing Justin and Martina Larhette, owner – 10 Flowing Pond Circle, Osterville, Map/Parcel 146-066, 0.36 acre lot, septic failure, one-bedroom deed restriction, increase flow to 2 bedroom capacity using I/A system.

The Board asked Ms. Pinto to work out some numbers to prove, statistically, that it will be more beneficial to the environment with the I/A system.

Dr. Miller also suggested Ms. Pinto contact Brian Dudley at DEP for suggestions, keeping in mind that DEP will have to approve the final plan.

The Board voted to Continue to July 13, 2010 Board of Health meeting.

**APPROVED WITH CONDITIONS** VII. Variance – Pool:  
A. Allyn Hall representing Sandy Terraces Trust – 570 Wakeby Road, Marstons Mills, MA, variance to pool requirements of specific ladder/stairs, and variance to lifeguard requirement.

Tom Carin, Anchor Pools, spoke of the pool.

Tom Carin, pool contractor said he had received a verbal Cease and Desist the construction of the pool from the Health Division. The Board gave the contractor the approval to continue with the pool construction without opening the pool until a pool permit is issued.

- 1) The Board voted to approve with the following conditions: the applicant receive in writing from the pool installer that he certifies the pool will now afford the same amount of safety as recessed stairs – both in structural stability and in safety. The pool contractor will install additional railings and whatever else he deems necessary to satisfy the certification he signs.
- 2) The Board voted to approve the applicant for qualified swimmers (a variance to the lifeguard requirement) with the condition that all requirements for qualified swimmers are met.

**APPROVED WITH CONDITIONS** VIII. Variance – Food (New):  
A. Temporary Food Event: David Kuehn for Rhythm and Roots Festival to be held at the Cotuit Center for the Arts, 4404 Falmouth Road (Route 28), Cotuit, on July 10, 2010.

Sara Edick spoke for the Cotuit Center for the Arts. The Board suggested she may be able to use a handwash station from Richard Bibeault of the Mid-Cape Farmers Market or from Spanky's, if having difficulty getting one.

There will be three different sandwiches: Hot Panini Sandwiches (1) Roast Beef, Cheddar Cheese and Tomato Sandwiches, and (2) Portabella Mushroom, and cold wrap sandwiches. The Board request this be put in writing.

The equipment of handwash station, cooler, electric grill must be brought in the day before (or thereabouts), to the Health Division for inspection.

The Board voted to approve with the use of a handwash station and the submission in writing of the specific menu-descriptions of sandwiches (hot and cold).

- A. Temporary Food Event: George Soars, Barnstable Youth Hockey, for Cotuit Fourth of July Event to be held at 140 Old Oyster Road, Cotuit, on July 4, 2010.

The Board voted to approve the permit provided the applicant discuss the event with Mr. McKean and satisfy any concerns Mr. McKean may have regarding it.

**DENIED (1)** C. Arif Yilmaz, Sweets Garden – Kiosk at Cape Cod Mall, 793  
**AND** Hyannough Road, Hyannis, 5 variances.  
**APPROVED (2)**  
**IF CONDITIONS**  
**ARE MET.**

1) The Board voted on the application for variances, as presented, on the food permit. (DENIED)

With further discussion, the Board specified two concerns are to protect the public from the air contaminants and from contaminants through touch.

2) The Board also voted to approve with the following conditions: 1) they provide a satisfactory cover for each section, meeting Mr. McKean's approval, 2) disposable scoops are used, and 3) the handwash portable sink shown to the Board is used at the location. Mr. McKean must be satisfied with the products mentioned in the conditions or the applicant can revisit the Board. (Unanimously, voted in favor.)