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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, August 24, 2010 at 3:00 PM
Town Hall, Hearing Room
367 Main Street, Hyannis, MA

I. Hearing – Housing:

Estate of John S. Rittershaus, 217 Sea Street, Apt# 4, Hyannis – ceiling height.

No one was present to represent the owner.

The Board voted to (1) Continue to the September 14, 2010 meeting and request the owner be present, and (2) the third floor apartment shall not to be rented until after the issue is heard at the September meeting.

II. Hearing – Pool Permit:

POSTPONED Comfort Inn, 1470 Iyannough Rd, Hyannis -
UNTIL SEP 14, 2010 Lifeguard, near-drowning.

III. Show-Cause Hearing for Food Permit:

Centerville Lobster & Fish Market, 1600 Falmouth Road, Centerville - multiple violations, no Servsafe certified persons on site.

Theodore Ray Schilling, Esq. and Jenna Licciardi, owner of Centerville Lobster & Fish, were present for the hearing.

The Board voted to allow continuation of operations with the understanding that the facility will be immediately closed down if another servsafe or seating violation occurs. It will be closed until the owner is able to come in front of the Board again. A reminder was noted to owner that it is required to respond promptly to the health inspector's instructions in the future and to understand the health inspector has the authority to close the establishment for major violations to keep the public safe.

IV. Variance – Food:

Jenna Licciardi, new owner, Centerville Lobster & Fish Market – 1600 Falmouth Road, Unit#12, Centerville, toilet facility variance.

The Board voted to approve a variance for one toilet facility provided there is no seating.

V. Show-Cause Hearing for Food Permit:

Borders Books Café / Seattle's Best – 990 Iyannough Rd, Hyannis, multiple offenses, no servsafe certified persons on site.

The Board voted to (1) revoke the current food service permit until all violations are fixed, (2) with the proper application process, a retail permit may be issued which will limit the items to coffee and prepackaged foods requiring no processing.

VI. Modification of Comprehensive Permit (ZBA # 2003 – 90):

Submitted by JDJ Housing Development, LLC, and Dakota Partners, Inc. – “0” Independence Drive, Barnstable, Map/Parcel 332-010-001, 14.32 acres.

No one was present.

The recommendations to Zoning will be to include the on-site manager in Phase One so staff is present from day one. The trash will be fenced/screened in to meet the Health regulations. The trash removal contract must be sufficient to handle the number of units. Also, there was expressed concern that the elevators originally proposed have been removed and would like to understand why it was removed. The Board feels it would be valuable to have one or more of the buildings with elevators.

VII. Hearing – Septic Deadline Extension:

A. Joseph & Inessa Katsman, owner – 45 Straightway, Hyannis, failed septic system.

The Board voted to approve Mr. Katsman having another septic inspection report done by a certified septic inspector who will submit the results to the Health Division: and, if it is stated to be in failure, the system must be repaired by December 1, 2010.

B. Margaret Grant, Steele Associates, represents Pauline Porkka, owner – 301 Pine Street, Centerville, failed system, requests deadline extension.

The Board approved to extend the deadline for repair to Dec 1, 2010 with the following condition: 1) must send the Board a copy of their Purchase and Sale stating the escrow will be set aside for the replacement of the septic.

C. Dan Ojala, Down Cape Engineering, represents Albert Colton, owner – 94 Holly Point Road, Centerville, failed system, requests deadline extension.

The Board approved to extend the repair deadline until April 1, 2011. The deadline will be revisited at that time to see if sewer is moving forward in this area.

VIII. Variance – Septic (Cont.):

- A. Daniel Ojala, Down Cape Engineering, represents Dennis and Susan Ausiello, owners – 80 Cross Street, Cotuit, Map/Parcel 033-029, 0.50 acre lot 5, variances, upgrade in system, new construction – expansion of habitable space.

The Board voted to approve the septic plan dated July 16, 2010.

IX. Variance – Septic (New):

- A. Stephen Wilson, Baxter Nye Engineering, represents Jetty Realty Trust, Jane Bertolami, Trustee, owner – 15 Sea View Avenue, Osterville, Map/Parcel 162-026-002, 0.56 acre lot, 2 variances.

The Board voted to approve the plan dated August 16, 2010.

- B. Arlene Wilson, A. M. Wilson Associates, represents Thomas and Nina Weld, owners – 269 Seapuit Road, Osterville, Map/Parcel 095-005-002. 2.0+ acre lot, repair of failed septic, set variances, local upgrade approval.

The Board voted to approve the variances in accordance with the plan dated August 25, 2010 to be revised to show a T at the d-box inlet side and with the following conditions: (1) a seven-bedroom deed restriction is recorded at the Barnstable County Registry of Deeds, (2) a proper copy of the deed restriction is submitted to the Town of Barnstable Public Health Division, (3) the septic tank and pump chamber shall be reinforced pre-cast concrete watertight and waterproof.

X. Innovative Alternative Review:

- A. Linda Pinto represents Justin and Martina Larhette, owner – 10 Flowing Pond Circle, Osterville, Map/Parcel 146-066, 0.36 acre lot, septic failure, one-bedroom deed restriction, proposed increase in flow to a 2 bedroom capacity using I/A system.

The Board voted to approve the plan with the following conditions: 1) change the wording on the Reserve Area detail to say “leach basin to be relocated once the reserve area is used”, 2) change the Deed Restriction from one bedroom to two bedrooms at the Registry of Deeds and supply the Health Division with a copy, and 3) submit to the Health Division a two year quarterly Monitoring Plan showing the State’s requirements for monitoring the system.

- B. Winston Steadman II represents Brian Smith, owner – Fancy’s Market, 699 Main Street, Osterville, Map/Parcel 141-011, proposed change from Soil Air to Sludgehammer installation to assist the septic system – not required for the treatment of water.

The Board voted to approve the plan dated 7/27/10 using the Sludgehammer with the following conditions: 1) done in accordance to the specifications listed in the MASS DEP approval letter of Sludgehammer for Remedial Use dated August 4, 2009, and (2) an O&M be filed with the Public Health Division, 3) quarterly monitoring in the SAS for depths of ponding and if ponding continues to be equal or greater to original state of ponding over the first three months, the Sludgehammer shall be removed.

XI. Body Art Practitioner Permit:

Rebecca Marona, Centerville, MA, to work at Oottat Tattoo, 599 Main Street, Hyannis.

Rebecca Marona was present and had taken the Quincy Skin Course.

The Board voted to approve the application as a Temporary Body Artist for a period of 18 months with the following conditions: 1) work only at a Body Artist Establishment which has been in operation for at least two years, 2) the Board of Health must then receive a certified statement from her immediate supervisor that there have not been an problems during this time and provided the Board of Health has not had any complaints/issues with her during this time as well, the Board will issue a permanent license.

XII. Old/New Business:

A. Monitoring Plans: 11 Nyes Point Way, Centerville and 18-20 Sunset Avenue, Centerville.

The Board asked Pete McEntee to submit revised Monitoring Plans for the two addresses above. Mr. McEntee was not present, but had submitted the revisions.

11 Nyes Point Way	Revised to extend the monitoring system to two years and quarterly for two years, rather than the initial one year.
18-20 Sunset Avenue	Revised to extend the monitoring system to two years and quarterly for two years, rather than the initial one year.

The Board voted to approve the two revised monitoring plans.

B. Follow up from June 8, 2010 meeting: Safety adjustments made to existing swimming pool at Sandy Terrace – 570 Wakeby Road, Marstons Mills.

The Board approved the modifications to be done at the Sandy Terrace to meet the State requires for a pool permit next year: (1) removal of the safety barriers (fences) on either side of the pool, (2) the stairs must be painted a contrasting color from the pool, (3) Two additional handrails are to be added on the stairs equal distance from the center rail to the sidewall on each side of the pool, and (4) there must be egress methods every 75 feet around the perimeter of the pool. The State allows either a ladder, or stairs or foot holes in the side of the pools.