



Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601



Office: 508-862-4644
FAX: 508-790-6304

Wayne Miller, M.D.
Paul Canniff, D.M.D.
Junichi Sawayanagi

BOARD OF HEALTH MEETING RESULTS

Tuesday, October 11, 2011 at 3:00 PM
Town Hall, Hearing Room, 2ND Floor
367 Main Street, Hyannis, MA

I. **Hearing – Septic in Failure:**

- A. FDIC – Receiver IndyMac Bank, Attn: Mark Bruce, owner – 23 Sycamore Street, Hyannis, past deadline repair date.

The Board requested (1) a letter be sent requiring them, or a representative, to appear at the next Board of Health meeting on November 8, 2011, (2) a sticker “Unfit for Habitation” be placed on the dwelling, and (3) if possible, find out if the building is occupied.

- B. Wolfram Vedder, Trustee, WVDV Island Ave Realty Trust, owner – 129 Island Avenue, Hyannis, past deadline repair date.

The Board voted to approve a nine-month extension for the septic repair.

- C. Alan Curtis and Gail Eagan, owners – 204 Washington Avenue, Osterville, past deadline repair date.

The owner had emailed that they were unaware of any failed report until they received our letter to appear before the Board. They asked for an extension to research the issue.

The Board voted to continue this to the November 8, 2011 meeting.

- D. Estate of Harold Kearsley, owner – 255 Old Craigville Road, Centerville, past deadline repair date.

No one is living in it and the family has set funds aside for the septic repair as they plan to install it before selling the house. The family expects the septic will be installed during the summer of 2012.

The Board voted to approve a 12-month extension on the replacement of the septic system until 10/11/2012.

- E. Benjamin Canavan, owner -1567 Race Lane, Marstons Mills, past deadline repair date.

The Board voted to extend the deadline of repair and allow the owner to do a second septic inspection within the next 60 days and a third inspection twelve months from the second inspection. At that time, the Board will look at the results and consider whether the system should be determined as a pass or fail.

II. VariANCES – Septic (New):

- A. Arlene Wilson, A.M. Wilson Associates representing Jay Bergeron and JoAnne Crowley, owners –59 Short Beach Road, Centerville, Map/Parcel 206-034, 6,534 square feet lot, two setback variances.

Ms. Wilson said she'll be happy to investigate and if, indeed, the current cesspool is on the Pinho's property, the cesspool will be removed and the lawn repaired to the proper satisfaction and that Mr. Pinho's driveway to the left of his house will not be used for any of the septic work.

The Board voted to have the plan for a tight tank approved by the DEP with the following conditions: 1) a three-bedroom deed restriction is recorded at the Barnstable Registry of Deeds, 2) a proper copy of the deed restriction is submitted to the Public Health Division and 3) the engineer must share the DEP restrictions placed on the system with the homeowner as the restrictions are mailed to the engineers and not the owners. Prior to obtaining a permit, a signed Operating and Maintenance Contract must be submitted to the Public Health Division.

An additional note: The Board explained they are not able to sign off on the pier permit until the septic permit is pulled.

III. Informal Discussion:

- Stephen Wilson representing Christopher Kuhn, owner – 337 South Main Street, Centerville, requesting to utilize open space land as credit to construct a restaurant on a small parcel of land in the salt water estuary. (Continued from discussion in June 2011.)

Stephen Wilson spoke with Brian Dudley, DEP, on the required design flow. Both the house and the restaurant would be the same system for a total design from of 1,330 gallons/day. Setback variances will be needed and a grease trap variance. The owner discussed a trade-off with 49 Weaver Rd property's available flow. The proposed business is still in the discussion phase.

The Board said, using the 440 regulation rule, they would have the necessary flow available for the trade-off. The Board would like to be kept informed of the progress as they would like to do a site visit to the properties once it is further along.

IV. Discussion – Town Sewer:

Mark Ells, Director of Department of Public Works, will give update on DPW sewer availability.

Roger Parsons is the new Town Engineer. Mr. Parsons summarized the H1 sewer area which serves the east and west of Stewart's Creek. There are still some technical features which have to be completed on the east side. On the west side, there are some outstanding issues with some individual grinder pumps and they are developing a program for the ongoing maintenance of the grinder pumps. The goal is to be hooked up by the end of the year.

Roger will keep the Health Division informed of the time frame of when to send out the letters requesting hooking up. Dr. Canniff said Mark Milne has estimated the betterment at \$8,300 which is a very good price.

V. Variance – Food (Cont.):

Mario Mariani representing Pain D'Avignon Café – 15 Hinckley Road, Hyannis, outdoor dining, follow-up on air curtain variance granted March 2011.

Mr. McKean stated that there have not been any complaints or issues with flying insects or rodents. The health inspectors did inspect the location and said the air curtains were installed. Mr. McKean said air curtains have been proven to be at least 80% effective. They are apparently working fine.

The Board would like Mr. Mariani to supply a written statement that he has not had any complaints so that we have something in the files to document this.

VI. Variance – Food (New):

Down Cape Engineering representing CTS Fiduciary, LLC, owner – 655 Route 132, Hyannis, Map/Parcel 311-008, grease trap variance.

The Board voted to approve a grease trap variance with the submitted menu and it only applied to this operator and the menu submitted 10/11/11.

ADDITIONAL:

Dr. Miller brought up to Roger Parsons that the Board would like DPW to work on taking over the approval of grease trap variances for properties on town sewer. Roger said he will discuss this with the Director.

VII. Old / New Business:

Postponed To A Later Date A. Discuss Policy of Bacteria testing at Beaches.