



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING RESULTS

Tuesday, May 8, 2012 at 3:00 PM
Town Hall, Hearing Room, 2ND Floor
367 Main Street, Hyannis, MA

I. Hearing - Housing:

Ann Peterson, owner – 494 Elliott Road, Centerville, Map/Parcel 226-192
5.73 acre parcel, housing – low ceiling in basement.

APPROVED.

The Board voted to approve the ceiling variance in the basement with the condition that the basement is not to be used by any tenants.

II. Hearing - Septic / Housing (Cont.):

Linda Pinto, CNS Engineering, representing Kenneth Carey, owner – 439
South Main Street, Centerville, 3 units, Map/Parcel 207-066, 0.66 acre parcel,
multiple variances.

The Board would like the septic tank to be monolithic if the two-compartment tanks are available as such. Otherwise, the tank will be waterproofed and that will be all right.

The Board voted to approve the variances with the following conditions: 1) record a six-bedroom deed restriction at the Barnstable County Registry of Deeds, 2) provide the Health Division with a proper copy of the deed restriction, 3) a floor plan and proposal of what will be done to the third building shall be given to the Health Division to document that there are no bedrooms in it.

III. Innovative /Alternative System:

Dan Ojala, Down Cape Engineering, representing Theodore Skirvan, owner –
114 Long Pond Rd, Marstons Mills, Map/Parcel 030-123, 0.49 acre parcel, I/A
system.

APPROVED.

An innovative/alternative system will be put in. The Board voted to approve the monitoring plan.

IV. Informal Discussion:

- A. Arlene Wilson representing Jay Bergeron and Joanne Crowley, owners – 59 Short Beach Rd, Centerville, Map/Parcel 206-034, 0.15 acre parcel, Oct 11, 2011 Board of Health meeting conditions # 2 and # 3 must be met.

The Board expressed that they would like to submit the information of the “constructive approval” to our town attorney and as long as she agrees with Arlene Wilson, then the permit will be allowed. The Board believes an answer may be possible by the end of this week. The Board also requested a revised floor plan be submitted which shows the second floor bedrooms to be #2 and #3 (versus #3 and #4) to avoid any confusion of the three bedroom plan. The “constructive approval” would still uphold the enforcement of standard requirements which the DEP have set forth for the septic system.

Ms. Wilson agreed and asked for a call as soon as the attorney has decided because the septic permit is holding up the homeowner from getting his pier permit which has a tight window for applications.

B. Grease Traps - Food Establishments on Public Sewer.

Last week, Dr. Miller met with David Houghton and Ruth Weil in the Legal Department, along with Mark Eills, DPW, and discussed the handling of the grease trap variances. One difficulty is that DPW does not have the authority to go inside businesses and inspect. No final decision was made. It was suggested that the granting of the variance be done by DPW and the enforcing be done by Health at this time. Mr. McKean and Mr. Parsons will work together.

Tom McKean, Director of Health, Roger Parsons, Town Engineer, and Ed Jenkins, Plumbing Inspector, will review the food establishments needing grease traps prior to the application of a grease trap variance.

Dr. Miller said that it must be made very clear to the people operating the businesses that there is a group of three people (Mr. McKean, Mr. Parsons and Mr. Jenkins) who must review grease trap applications and respond to the applicants prior to applying for a grease trap variance. The three member group is not included in the timeframe of which the Board of Health must respond to a variance application. Therefore, they must allot sufficient time to avoid delays in the operation of their businesses.

V. Food (New):

- A. Retail Annual Permit: Cynthia Cole representing Mid-Cape Farmer's Market, new location – 486 Main Street, outside First Baptist Church, Hyannis, same vendors.

Cynthia Cole presented the annual application for the Mid-Cape Farmer's Market. The location has changed this year. It is proposed at the First Baptist Church. A site plan was submitted and approved. The church will be closed during the market. Candy Corner will be accessible to the vendors, only.

The Board voted to approve the renewal of permit.

- B. Dan Brennan representing CTS Fiduciary – Starbucks – 655 Iyannough Road, Hyannis, Map/Parcel 311-088, requesting further review of grease trap variance granted October 11, 2011.

Richard Marchesseault, General Contractor for Starbucks, was present. Starbuck's is returning asking for an amendment to their variance previously granted, as the menu is all prepared foods. The Plumbing Inspector had mentioned to them that he felt the inceptor would do the job as no cooking is done at the location.

The Board was concerned that the grease inceptor would not be sufficient with the menu.

The Board voted to amend the grease trap variance with the limitation of the menu submitted as is and without any changes or additions (with the exception of eliminations) with the following conditions: 1) they must submit a drawn plan of the area including the grease inceptor, 2) monthly inspections and cleaning must be done, 3) the monthly logs must be submitted to the Health Division, 4) no cooking will be done on the premises, and 5) the Board of Health must be given the information on how the size of the grease inceptor was determined. (Unanimously, voted in favor.)

VI. Old / New Business:

The following Temporary Policy is in place until the Board has the opportunity to hear the full item next month:

Mobile Trucks

In order to obtain permission to remain at a fixed location for more than four hours, the mobile food unit shall be equipped with the following equipment:

-Adequate refrigeration capable of maintaining temperature at or below 41 degrees Fahrenheit for the number of hours requested. An onsite electrical connection, a generator, propane, and/or battery back-up power may be used to satisfy this requirement.

-Adequate hot water heating tank/heating unit capable of maintaining hot water at temperature of at least 43 degrees C (110 degrees F) through a mixing valve or combination faucet. A heating facility capable of producing enough hot water for these purposes shall be provided on the mobile food unit for the number of hours requested. An onsite electrical connection, a generator, and/or battery back-up power may be used to satisfy this requirement.

-If there are no restroom facilities provided onsite, the mobile food unit shall be equipped with a restroom facility (equipped with a toilet and its own handwash sink which is separate from the handwashing facility provided in the food preparation area). However, a mobile food unit capable of easily relocating to public restrooms multiple times throughout the day (e.g. a self-propelled unit) is exempt from this requirement.

NOTE: The applicant shall comply with Chapter 141 Outdoor Businesses, of the Town of Barnstable Code and shall strictly adhere to all local Town regulations including but not limited to licensing, parking, zoning, and site plan review.