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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 MINUTES Tuesday, December 8, 2009 at 4:00 PM Town Hall, Selectmen's Conference Room 367 Main Street, Hyannis, MA

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on December 8, 2009. The meeting was called to order at 4:00 pm by Chairman Wayne Miller, M.D. Also attending were Board Members Junichi Sawayanagi and Paul Canniff, D.M.D. Thomas McKean, Director of Public Health, and Sharon Crocker, Division Assistant, were also present.

I. Hearing – Housing:

- A. Scott Crosby and James Peacock, owners - 257 Pond Street, Unit C, Osterville, Map/Parcel 119/032, variance from ceiling height.

Mr. Crosby and Mr. Peacock were unable to make it and asked for a postponement. The building is a one floor, one bedroom cottage. As the building existed in 1940, prior to the building codes of ceiling requirements, the Board determined an approval for the variance.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the ceiling height for the bedroom. (Unanimously, voted in favor.)

- B. Gary Caruso, owner of 24 Pen Lane, Centerville, Map/Parcel 193-205, hearing requested by owner in regards to violation letter dated October 13, 2009 – POSTPONED Until January 12, 2010.

The Board will postpone until January 12, 2010, as requested. The Board expressed concern of continued use of too many bedrooms for the design of the septic and are anxious to resolve as soon as possible.

- C. John Rodrigues, Trustee, owner - 36 Oak Neck Road, Hyannis, Map/Parcel 308/203, requesting 3 variances from ceiling height.

Mr. John Rodrigues was present. He explained the dwelling has been re-inspected by the health inspector and all other items on the violation letter have been corrected and he has received an occupancy permit for all units.

The dwelling was built in 1900, pre-dating the 1950's building codes for ceiling heights.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve three variances for ceiling heights. (Unanimously, voted in favor.)

D. Dawn M. Burt, owner - 4741 Falmouth Road, Cotuit, Map/Parcel 009/020, requesting variance from ceiling height.

Mr. Alan Burt was present. His house dates back to 1941, prior to the building code on ceiling heights. He currently is caring for the house for Manual Sylvia, an elderly gentleman who has lived there in the one-bedroom for over 40 years. They have done some major repairs to the house and Mr. Sylvia has decided to rent it out to recover some of the repair costs. The bedroom has a ceiling height of 5ft 9 inches.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the ceiling height variance. (Unanimously, voted in favor.)

II. Hearing – Septic Failed (Cont.):

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

Mr. Michael Santos was unable to make the meeting and hoped for a continuance.

The Board had requested a septic inspection be done. The recent inspection was reviewed at the meeting. It stated the system passed. A prior inspection in 2004 had showed the level in the leaching pit was at 4 feet and the pit is 6 feet in total. Mr. McKean expressed concern that the system was showing signs of age at that time.

Dr. Miller requested it continue to be pumped and would like the following information: 1) what is the zone the lot is in, 2) what is the anticipated use of the building, 3) is sewer anticipated in the area soon. If the unit is to be used for rental, the septic may likely endure heavy use.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to **Continue** to the January 12, 2010, Board of Health meeting. (Unanimously, voted in favor.)

III. Variance – Septic (New):

Dan Ojala, Down Cape Engineering, representing Mark Fazio, owner, 36 Deacon Court, Barnstable, Map/Parcel 300-054, 1.73 acre lot, (4) variances, reduction in set backs to wetlands, new construction.

Dan Ojala and Marie Fazio were present. Dan reviewed the plan and summarized there is an isolated wetland, currently, a sharp pitch down towards the wetland which will be leveled off. There is blue clay down to 12 feet, then good sand. The Conservation Commission approved the plan last week.

Dr. Miller recused himself.

Mr. McKean noted the plan does not show 10 feet separation on the leaching facility (infiltrators). Mr. Ojala noted the type error on the plan and will have a proper one submitted. The plan should show 42.5 as the bottom of the leaching system. There are no issues with the floor plans.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve the four variances of setbacks to wetlands with the following conditions: 1) a revised plan be submitted with the correct of the base of the leaching system to 42.5, and 2) a 3-Bedroom Deed Restriction be properly recorded at the Barnstable County Registry of Deeds, and 3) a proper copy of the Deed Restriction be submitted to the Public Health Division. (Unanimously - 2 voted in favor, Dr. Miller had recused himself.)

IV. Variance – Food (New):

Louis Capolino, Caffè “E” Dolci – 430 Main Street, Hyannis, grease trap variance previously granted, addition to menu.

Mr. Louis Capolino was present and had the most recent grease recovery device inspection (August 4, 2009) with him and his current expanded menu. He requested an increase in his restricted menu to include additional types of lasagna and more meatball dishes. He has currently been operating with the extended menu.

The Board reviewed the prior variance approval and stated the applicant was restricted to the submitted menu of 2007 with the one grease recovery device (GRD) in place. The GRD is not designed to handle the expanded menu. Upon review of the grease trap inspection report, it appeared the level of grease going into the sewer is 4.0 instead of the required maximum of 1.0. The Board receives a clearer picture of the situation when a daily log is kept of the amount of grease actually removed and requests this to be done using the Health Division’s Log form. The Daily log must be by the GRD and easily accessible to the Health Inspector.

The dual sink/refrigerator equipment was discussed. The sink is used to dispense water and is not as a prep sink. Mr. Capolino said the equipment was purchased in Italy and came as a complete unit, along with the PVC pipe used to drain sink.

Dr. Miller and Mr. Sawayanagi stated the piping does not meet the plumbing codes which require a trap plumbed with copper for the drinking water. Provided the applicant properly blocks off the waste pipes under sink and brings the plumbing up to code, the Board will allow the left side of the refrigerator unit to be used for storage.

For the increased menu: 1) the applicant will need a second Grease Recovery Device (GRD), and 2) instead of the independent test every six months, the Board would want a log maintained of the amount of grease removed.

For the refrigerator/sink unit, either 1) remove the entire refrigerator/sink unit or 2) the refrigerator located under the sink must be rendered unuseable, 3) the Plumbing Inspector must approve the plumbing of the sink and the section of the refrigerator that the waste pipes are above must be blocked off, then the refrigerator section without waste pipes may be used as food storage.

The Board said the pictures the Health Inspector provided showed inadequate cleaning. Mr. Sawayanagi noted the pictures show a leak in the ceiling. Mr. Capolino said it was due to the air-conditioner and is not over the food prep area. The Board stated the approval of an extended menu will be based on satisfactory inspections by the Health Inspector over the next two years. The Board will give the applicant one month to clean up the establishment before any license suspension.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted on the approval of the extended menu. (Unanimously, voted to DENY with the following requirements to avoid suspension: 1) Caffè "E" Dolci must return to the original approved menu, 2) clean up health inspection violations, 3) repair leak in ceiling and replace ceiling tiles, 3) bring waste pipe up to code and block off front section of refrigerator with piping, or close off refrigerator entirely, and 4) return to the Board at the January 12, 2010 meeting. If all items are satisfactory, the Board will approve the increased menu provided an additional GRD is installed.

V. License: Disposal Works (Septic Installer):

Jeffrey K. Morse, Marshfield, MA

Jeffrey Morse was unable to attend. The Board reviewed his passing grade on the septic exam and his references as an exemplary contractor.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve Jeffrey Morse as a septic installer. (Unanimously, voted in favor.)

VI. Proposed 18 bedroom Development:

Stage Coach Residence – 70 Stage Coach Road and 151 Oak Street, Centerville –Santee Perry, Barnstable Housing Authority, determination of whether a shared IA system shall be required.

No one was present from the Barnstable Housing Authority, nor the engineer for the project.

The Board reviewed the project which is an 18 bedroom affordable housing project (6 one bedroom and 6 two bedroom) with 4+acres dedicated to Conservation. It is not in a ground water protection zone and does not require a septic variance and has town water. Lot# 151 has a two-bedroom home and shed which will be demolished and removed. This project is a single-owner renting out units. It is categorized as a multi-family unit. There are three separate building and the code considers it a shared system. MA State Code 301 requires the septic system to be inspected at least once every three years. (If there were five or more buildings, the regulation would have required inspection every year.) Mr. Traczyk said the basements will not be available for use by the tenants.

Art Traczyk, Regulatory/Design Review Planning for Growth Management Department Service to assist the Zoning Board of Appeals, participated in the discussion with the Board. It was determined an Innovative/Alternative System was not required and determined the engineer must identify any private wells within 150 feet of the septic components. In addition to the Board of Health's November 27 email correspondence to ZBA, the Board of Health will add: 1) the attic space under the roof line is not habitable, and 2) provide screening at the vent pipes to the septic system, the seven page checklist must be completed by the engineer at the time of the septic permit,

VII. Old Business/New Business:

- A. Budget – submitted request for additional funds to manage an escrow account for septic repairs.
- B. Flu Vaccine Clinics – final Seasonal Flu Vaccine Clinic will be Wed December 9, 2009 at the Senior Center. The H1N1 Vaccine continues to be distributed as quantities are received in.