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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, January 12, 2010 at 3:00 PM Town Hall, Hearing Room 367 Main Street, Hyannis, MA

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on January 12, 2010. The meeting was called to order at 3:00 pm by Chairman Wayne Miller, M.D. Also attending were Board Members Junichi Sawayanagi and Paul J. Canniff, D.M.D. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

I. Hearing – Housing:

- A. 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.

The septic calculation showed it was built only as a three bedroom (probably the other room was originally a den-as frequently was done).

The Board voted to approve the property as a three bedroom with the following conditions: 1) open the doorway of the room in the basement to 4 feet or greater, 2) record a Deed Restriction as a three bedroom, and 3) supply the Public Health Division with a proper copy.

- B. Philip Sheinis, owner – 6 Uncle Willie's Way, Hyannis, Map/Parcel 292-307, requesting variance from ceiling height.

II. Hearing – Septic Failed (Cont.):

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

The Board requested a letter be sent notifying Mr. Santos that the Board requests his presence at the February 2010 meeting, otherwise a decision will be made at that time without the benefit of further input from the owner. The Board would also like to know how many bedrooms are in the property.

The Board voted to Continue to the February 2010 meeting.

- B. Rosanie Joseph and Severe Philogene, owners – 33 Stetson Street, Hyannis, Map/Parcel 306-055, septic failure (continued from November 10, 2009 meeting.

(Septic Permit is about to be taken out, processing loan through the County.) Continued until permit issued.

III. Variance – Septic (New):

- A. Peter McEntee, Engineering Works, representing Adele Barraro, owner – 18 Briarcliff Lane, Centerville, Map/Parcel 208-106, 0.35 acre lot, failed septic system, requesting four variances.

Peter McEntee stated the septic system has not “officially” failed, however, the owner wants it replaced as the existing tank is in groundwater. He summarized the proposed plan for a new septic tank/pump chamber (one piece unit). The four variances requested are: 1) 1 foot variance from the standard 5 feet to groundwater, 2) reduction to 12” separation between inlet and outlet pipes servicing septic tank/pump chamber and high groundwater. The installations of water tight sleeves will result in a water-tight tank, 3) 18’ variance to 82 feet from SAS to wetland in lieu of 100’, and 4) 19’ variance to 81 feet from septic tank to wetland in lieu of 100’.

The percolation rate was exactly two minutes per inch. Had the percolation rate been any greater than two minutes, they would not have had to request the first variance (separation to groundwater). With the percolation rate so close to the cut-off, he feels the one foot variance would be fine.

Peter noted the letter had a type error on the first variance stating 5 feet variance. The plan is correctly stated as a variance to 4 feet separate to groundwater.

Mr. McKean mentioned the checklist was not submitted. Under the general notes on plan, #12 should be corrected to “designer”, and the notation on buoyancy rate on the third page should be corrected to 6.5 (not 6.6). Health inspector suggested a 2-bedroom deed restriction.

Dr. Miller mentioned that this is an extraordinary improvement to the current system and the new system will be much further away from wetlands instead of in the groundwater. Mr. McEntee stated there are no wells in the area and has chosen this tank/pump chamber because of its weight to counteract the buoyancy.

The Board discussed that this would be the fourth mound system in the area and the area, in general, is a difficult one.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the variances with the following conditions: 1) correct

the spelling error on 2-1 to “separation”, 2) correct the buoyancy calculation (using 6.5” not 6.6), 3) provide the 7-page checklist and 4) record a 2-Bedroom Deed Restriction providing the Public Health Division with the proper copy. The approval will be dependent on the staff’s review of the checklist. (Unanimously, voted in favor.)

- B. Peter McEntee, Engineering Works, representing Keith and Susan Francis, owners – 249 Holly Point Road, Centerville, Map/Parcel 232-070, 0.40 acre lot, failed septic system, requesting three variances.

Peter McEntee summarized the suggested plan.

Dr. Miller mentioned the plan is a marked improvement of the current system. The Board prefers to keep the 100 ft variance from wetlands and approve the variance of setback to the side property line.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve with the following condition: 1) supply the 7-page checklist, and 2) correct the wording on item #12 using “designer”. The approval will be dependent on the staff’s review of the checklist, and 3) record a three-bedroom Deed Restriction and supply the Public Health Division with the proper copy. (Unanimously, voted in favor.)

IV. Variance – Food (Cont.):

- A. Louis Capolino, Caffè “E” Dolci – 430 Main Street, Hyannis, grease trap variance previously granted, addition to menu (continued from December 2009 meeting).

Thomas McKean presented today’s health inspection at the site. All items identified at the prior inspection were fine. The health inspector recommended that the plumbing inspector view the changes at the sink.

Louis said they are interested in using the refrigerator (as it cost \$12K) and asks whether they could block off the pipes and use the remainder of the refrigerator. The Board said they would like the plumbing inspector see it.

The owners brought in the grease log they kept. Very little grease is showing.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the expanded menu temporarily until a period of when the Big Dipper representative can appear before the Board with the following conditions: 1) continue with the grease log, 2) health inspections will continue every two weeks, 3) not to use the refrigerator as storage until further discussion, (4) the trap must be installed in the sink

drain), and the 5) discussion will continue in approximately 2 months once the Big Dipper Representative is available. (Unanimously, voted in favor.)

V. Variance – Food (New):

Patience Taylor representing Marstons Mills Farmer's Market, requesting a temporary food permit at Liberty Hall, 2150 Main Street, Marstons Mills, multiple dates.

Cyndi Jacobs and Patience Taylor presented their request for a Farmer's Market which would include vegetable, baked goods, produce (salad greens and radishes) and honey, eggs, shellfish, herbs, pesto and tapende, soaps, granola, meat, jam and jellies.

Approve with condition that they meet the requirements of the Public Health Division and 2) Patience Taylor will be the contact person. (They must come before the Board if it is to be changed)

VI. Informal Discussion:

Dan Ojala, Down Cape Engineering, and Steven Cook, Architect, representing Faith Baptist Church – 245-251 Osterville-West Barnstable Road, Osterville, design flow.

Mr. Ojala and Mr. Cook presented the plan. Church was built in 1986. No historical records to view. They are requesting the design flow be based on the number of seats in the church as the church is not used for other functions i.e., no day care). The normal use of church is 8 hours per week.

They are proposing 166 seats instead of 106 currently per the Building Department.

The Board of Health suggests upgrading system through alternatives: an aggregate plan as in dental office proposal, etc. Ideally, the Board can locate the 1982 permit. Mr. Cook said the staff has investigated several times. A further search will be conducted.

VII. 1996 Policy on Hair Salons Holding Tanks – Request to be updated.

Mr. McKean said that the 1996 policy was written after gathering input from many. The policy stated a few situations which would trigger requiring a holding tank. However, if the hair salon was already in existence, then they did not require a holding tank be installed. The DEP was going to come back and issue proposals for it. The staff proposes the Board to require a schedule of time where the pre-existing hair salons are required to upgrade to a holding tank to stop the chemicals from going into our ground water. To be consistent with the introduction of other policies the Board of Health has done, they

discussed sending a notice that hairsalons must upgrade within 3 years (within 5 years normally).

Dr. Miller recommended 1) Mr. McKean contact other colleagues to see if they have passed any legislation on it, in other towns and get in touch with DEP. The public hearing must be advertised twice, and then a meeting could be set up for March. Also to be considered: check with Dept of Water Pollution Control and see if they need the hairdressers on town sewer to also be using a holding tank at the sewer facility for these harsh chemicals.

Voted to Adjourn 5:18pm.