



# Town of Barnstable

## Board of Health

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### BOARD OF HEALTH MEETING MINUTES Tuesday, December 14, 2010 at 3:00 PM Town Hall, Hearing Room, 2<sup>ND</sup> Floor 367 Main Street, Hyannis, MA

#### **I. Hearing – Underground Storage Tanks:**

Peter Doyle and Dale Saad, Water Pollution Control Division, Town of Barnstable, owner– 382 Falmouth Road (a.k.a. 617 Bearse’s Way), Hyannis, Map/Parcel 293-001, requesting a second extension on the replacement deadline of two tanks.

Peter Doyle and Dale Saad were present. They explained the funding was not granted for this year. Mr. Doyle said he does believe they will have the funding next year. Since the previous meeting, they have now learned through the industry that the material of the tank does receive more wear over time than originally believed.

They are testing the rain water which gets into the vaults, as they are not a closed system. No hydrocarbons have been found in the testing. Mr. Doyle said they can test of chlorine as well, if desired.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve an extension on the replacement deadline on both tanks to January 2012 with the condition that monthly testing are performed on the rain water for hydrocarbons and for chlorine. (Unanimously, voted in favor.)

#### **II. Hearing:**

Joseph & Inessa Katsman, owner – 45 Straightway, Hyannis, second septic system inspection completed.

Joseph Katsman explained he had a second inspection done on his system as requested at August 2010 meeting. The original inspection failed, stating there was a line or debris on the riser. The second inspection showed it passed and no issue with the riser.

Mr. Katsman said this is his second home and is not there frequently at this time of year but hopes to spend more time during the summer here.

The Board discussed different possibilities.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to request another “partial” inspection be made during the last two weeks of August 2011 (after the maximum use time frame). During the “partial” inspection, the Board wants to have the Pit examined and pictures taken of the Pit and its riser to show it is fine. (Unanimously, voted in favor.)

**III. Hearing: Show- Cause for Stable Permit:**

POSTPONED Sally Burke, owner of Sea Flash Farm – 2346 Meetinghouse  
UNTIL Way, West Barnstable, 14 horses, violations of  
JAN 11, 2011 Chapter 376-8 and 376-9.

**IV. Innovation/Alternative System (Cont.):**

Winston Steadman, All Cape Environmental represents Brian Smith, owner – Fancy’s Market, 699 Main Street, Osterville, Map/Parcel 141-011, with Monitoring Plan for Sludgehammer System, requests revisions to Board of Health approval letter to change to General Use.

Winston Steadman was present. The discussion focused on terms of DEP letter.

Dr. Miller spoke with Brian Dudley and was told that in this case, where the system handles less than 2,000 gallons per day, it qualifies for the category of Residential.

The Board chose the monitoring plan of testing monthly for the first six months, then it will be tested quarterly for the next 18 months  
Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to change the approval letter to General Use with the conditions that 1) the DEP recognizes the application of “residential” in this situation where the system handles less the 2,000 gallons a day, and 2) the monitoring will be monthly for the first six months, then it will be quarterly for the next 18 months. After two years, the owner will come back to the Board to require the monitoring plan. (Unanimously, voted in favor.)

**V. Variance – Septic (New):**

A. Michael Pimentel, JC Engineering, representing Village Square South Condominium Association, owners – 39 Tower Hill Road, Osterville, Map/Parcel 117 – 072-A, requesting three variances.

Michael Pimentel was present.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve with the condition that in the future when the systems fail at the complex, I/A systems will be considered. Monitoring will be quarterly the first two years, then once a year thereafter. (Unanimously, voted in favor.)

WITHDRAWN B. Robert Dunphy, Dublin Companies, representing Shawn & Robert Harris, owners – 141 Old Stage Road, Centerville, Map/Parcel 189-086-002, 0.23 acre parcel, one septic variance, demolition/new construction.

C. Peter Sullivan, Sullivan Engineering, representing Rhea Clark, Trustee, Marcia & Frederick Floyd Trust, owner – 29 Irving Avenue, Hyannis, Map/Parcel 286-005, 5,301 square foot parcel, requesting multiple septic variances.

Peter Sullivan was present and discussed his plan.

Staff recommended approval.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to approve the multiple septic variances without any conditions. (Unanimously, voted in favor.)

D. Catherine Gulliver, owner – 254 Greenwood Avenue, Hyannis, Map/Parcel 288-178, 0.33 acre lot, septic system installed in 2005, homeowner requests additional time to connect to future sewer line.

Catherine Gulliver was present. The records show that the tank and the D-box were replaced five years ago. The Board asked why the tank had needed to be replaced. Apparently, when the house was being rebuilt, the contractor had driven over the tank and it was crushed. The leaching system is over 19 years old which is the most important aspect of the system. The Board noted that the leaching system is at the end of its life.

Catherine stated she is the only one living in the house and believes the leaching field will last a long time. She suggested the Board allow individuals to have their systems inspected every two years and if working fine, allow them to continue.

Mr. McKean will be working on a procedure for people to sign up for hardship extensions.

Catherine chose to withdraw her request to extend time to hook up to the sewer at this time. WITHDRAWN.

**VI. Variance – Food (New):**

A. Julie Kimball, owner, Katie's Ice Cream, Too – New location at Cape Cod Mall, 769 Iyannough Road, Hyannis, (formerly: Brigham's), toilet facility variance.

Julie Kimball was present and asked if she would be allowed to use two very small tables. The Board said no, as it would set a precedent.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve the toilet facility variance with the condition that only benches are used and no tables be used. (Unanimously, voted in favor.)

B. Mario Mariani representing Pain D'Avignon Café – 15 Hinckley Road, Hyannis, outdoor dining, air curtain variance.

Mario Mariani was present and expressed that the 19 seat outside receive full service, along with 63 seats indoors.

The Board requires both screens and air curtains for outside dining. Pain D'Avignon Café is applying for a variance so that they do not need the screen as well as an air curtain.

If the owner is able to locate models reasonable priced and which create low noise-levels, Mario asked the Board to consider approval of the air curtain (allowing them to operate without a screen). The Board expressed being comfortable in using the air curtain alone provided it is on all the time the door is open. (The drawback is that it does not help with keeping animals out.) Mario stated the building has people at it for the majority of the day (average of 21 hours which keeps the animals out). The owner will get pricing on air curtains. They would need five air curtains.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to continue until Feb 8, 2011. (Unanimously, voted in favor.)

**VII. License: Disposal Works (Septic Installer):**

A. Robert Ruggiero, Acton, MA

Robert Ruggiero called and is working with Stephen Poole today and they are unable to attend the meeting as their current project has demanded their attention.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve for a septic license with the condition that the references are approved. (Unanimously, voted in favor.)

B. Stephen E. Poole, Hudson, MA

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to approve for a septic license with the condition that the references are approved. (Unanimously, voted in favor.)

**VIII. Old / New Business:**

A. Enforcement of dumpster screening regulation.

The Board said that if there are people who are refusing to screen in their dumpsters, they need to bring those people to the Board for resolution.

B. Two-compartment septic tanks at duplexes – New Policy.

DEP has said that unless the tank must be replaced, they have not enforced it.

When / if an applicant requests a local or State Code variance involving a setback distance to wetlands, high groundwater, or any other environmental type of variance (thus not a variance request involving a setback distance to a foundation or property line), the Board of Health will require full compliance with Section 310 CMR 15.223 of the State Environmental Code, Title V. Specifically, when such a variance is requested, a properly sized septic tank will be required. Also, when such a variance is requested and the design involves facilities other than a single family dwelling unit or whenever the calculated design flow is 1,000 gallons per day or greater, a two compartment septic tank or two tanks in series will be required.

This requirement shall be enforced during the repair or upgrade of a septic system regardless of whether the repair or upgrade is proposed for the leaching facility only.

However, this policy does not apply to minor components repairs such as replacement of the distribution box, tee, piping, or component lid.

Currently the State does not specify when we are to implement the two-compartment tank. This would create the policy that if someone is repairing their system and are in need of an environmental variance, they will be required to use the additional environmental protection of a two-compartment tank.

Voted to Adjourn 5:40pm