



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 MINUTES Tuesday, September 10, 2013 at 3:00 PM Town Hall, Hearing Room, 2ND Floor 367 Main Street, Hyannis, MA

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, September 10, 2013. The meeting was called to order at 3:00 pm by Chairman Wayne Miller, M.D. Also attending were Board Members Paul J. Canniff, D.M.D and Junichi Sawayanagi. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

I. Septic Variance (Cont):

- A. Dan Ojala, Down Cape Engineering, representing Sheldon Stewart, Trustee – 602 Shootflying Hill Road, Centerville, Map/Parcel 193-035, 30,927 square feet parcel, failed system, request for multiple variances.

Dan Ojala said the discussion left off with the need to inquire with MA DEP on whether it was allowed to request a reduction in size at the same time as requesting a reduction to groundwater. Mr. Ojala has not received an answer back from the State at this time and revised his plan to increase the size to the 400 square feet minimum. Brian Dudley, MA DEP, acknowledged that with this size, it is allowable under Presby. Mr. Ojala did show a location on the map for a reserve but noted that when the system needs to be replaced, it most likely will be right in the same place as the proposed.

Dan said that as of March 2013, the Presby does not require testing now that it has proven itself as a dependable alternative.

Mr. McKean said there is the outstanding issue of the 5 rooms qualifying as bedrooms with the 3 bedroom design (the other rooms are used for an office and a den). A deed restriction will be required.

The second issue is a question on the pump cycle. The system should be set for six doses/day and Dan will follow up with Presby on whether the float switch should be at 3" or 4" and will then coordinate with the installer, Bortolotti.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board voted to grant the variances on the septic plan revision dated 8/29/13 and the Remedial Use of the Presby Environmental Leaching system with the following conditions: 1) a three bedroom deed restriction will be recorded at the Barnstable County Registry of Deeds, 2) an official copy of the deed restriction will be submitted to the Public

Health Division, 3) the State requirements for notification and the recording of the presence of the Secondary Treatment Unit (STU), along with the installation and O&M requirements will be in strict adherence to the State guidelines dated 3/19/13. (Unanimously, voted in favor.)

- B. Anne Dye, 35 Norris Street, Hyannis, Map/Parcel 306-034 – review extension to connect to town sewer.

Mrs. Dye was not present.

Mr. McKean said she had been ordered to connect the main house and the cottage to the sewer and was granted an extension until 9/10/13 allowing additional time to research the pricing and to obtain a loan.

The Board is interested in hearing from her directly with documentation of difficulty in obtaining a County loan and with documentation that the house is on the market.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to continue this to November 12, 2013 meeting. (Unanimously, voted in favor.)

- C. Stephen Wilson, Baxter Nye Engineering, representing Raymond Kwasnick, Trustee – 346 Holly Point Road (and 5 Vine Road), Centerville, Map/Parcel 232-024 (and merged parcel 232-072), total of 40,994 square feet parcel, failed system, multiple variances requested.

Stephen Wilson said Brian Dudley, MA DEP said that this system is using the regular Title V leaching rates and the Cultec is considered a direct substitution for a concrete structure. This would not apply to the I/A letter dated 6/6/13 stating a reserve area is required. Those which need a reserve area are those using the leaching rates shown in that particular letter.

Mr. Wilson asked that the revised plan be discarded. He is requesting the original septic plan dated 7/31/13 with the variances be granted. The original plan does not have a reserve.

Mr. McKean noted that the correspondence from the Boston office of DEP states that even though there are stones around the Cultec, it would still be considered an I/A system. Since Health has received different answers from different offices at DEP, he suggested the Board add wording to the approval that if the system is replaced, a new system would be installed in the same location as this one.

Mr. Wilson said the building permit has been pulled to remove the two bedrooms in the basement and believes it has been completed.

Upon a motion duly made by Dr. Miller, seconded by Mr. Sawayanagi, the Board voted to grant the variances on the original plan dated 7/31/13 with the following conditions: 1) a three bedroom deed restriction will be recorded at the Barnstable County Registry of Deeds, 2) an official copy of the deed restriction will be submitted

to the Public Health Division, 3) if the new system is replaced, the system will be removed and replaced with a system in the same location as the primary shown on the plan, and 4) the installation and maintenance requirements will be in strict adherence to the MA DEP approval letter dated 6/6/13. (Unanimously, voted in favor.)

II. Septic Deadline Extension:

John O'Donnell, owner – 718 Craigville Beach Road, Centerville, Map/Parcel 226-128-002, failed septic, house was vacant and a one-year extension was granted until August 2013. Review for an additional one year extension of repair deadline.

Mr. O'Donnell was not present.

Mr. McKean said the house is vacant and the water is shut off. The staff has no issue with extending the deadline for one year.

Upon a motion duly made by Dr. Miller, seconded by Mr. Sawayanagi, the Board voted to grant a one year extension with the condition that the Public Health Division is provided proof that the water is shut off and remains off until the house is sold. Once the house is sold, the septic system must be replaced within 60 days. (Unanimously, voted in favor.)

III. I/A Monitoring:

Bennett Environmental Associates representing Arthur and Patricia Casavant, owners - 61 Falling Leaf Lane, Osterville, requesting reduction in O&M requirements.

Samantha Farringcoff, Bennett Environmental Associates, said the owners have a general use approval Omni Recirculating Sand Filter System which has been in place since 1999. They have completed 10 quarterly results with Bennett Environmental. The system receives only about half of the design flow. At this time, the low flow actually results in a nutrient load which is less than what the system should be outputting at its design flow. Samantha stated the intent of the system to reduce the nutrient load to the environment is sound for this system. She also noted that the owners have been very diligent about the upkeep of the system.

Mr. McKean said Karen Malkus has reviewed the results and came up with a few high numbers which bring into question whether the system is working correctly. Mr. McKean wishes to continue with the testing. Mr. McKean also noted that the owner's letter on 3/5/12 said that they spent close to \$10K.

Samantha said the two tests done this year were good and kept the parameters in the correct range. Last September's test stood out has been high and may have been due to the much lower water usage during the past year.

Options were discussed including a 2 bedroom deed restriction until the house is sold to ensure the system continues to work with the reduced water flow. Once a

new owner is in, the Board would evaluate how the test results come in with the new owners as they may have a water demand more in line with the design of the system.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board voted to reduce the testing to twice a year for the next year and returning to the Board in September 2014 to see if they were good ones at which point the Board will consider a permanent reduction to twice a year. (Unanimously, voted in favor.)

IV. Food Variance (Cont):

- A. Terri Perry, owner of Café Crumb – 846 Main Street, Osterville, requesting a grease trap variance with a revised menu (continued).

Matthew Eddy, Baxter Nye Engineering, represented Terri Perry and recalled the 5/14/13 Board meeting where the Board determined the menu submitted at that time, with its addition of prepared sandwiches off-site, was permitted and the hearing was continued so the owner could determine her options.

After meeting with the owner of the building, they have decided to continue the operation as is and will be not installing a grease trap at this time.

Upon a motion duly made by Dr. Miller, seconded by Mr. Sawayanagi, the Board voted to grant the variance from the grease trap regulation with the menu submitted 5/14/13 including its addition of sandwiches prepared off-site with the condition 1) that they are prepared at a licensed food preparation facility and 2) there will be no seating. (Unanimously, voted in favor.)

- B. Pam Remy, owner of Inpopnito – 575 Main Street, Hyannis, proposes to sell popcorn, must obtain approval from Town engineer regarding grease trap by September 8, 2013.

Pam Remy said a plumber has already installed the under-the-sink grease trap and it has been inspected by the Plumbing Inspector Mr. Jenkins.

Mr. McKean said Roger Parsons, Town Engineer, along with the staff has no objections and Mr. Parsons had enumerated his three conditions.

Upon a motion made by Dr. Miller, seconded by Mr. Sawayanagi, the Board voted to grant the food permit with the three conditions of Mr. Parsons as follows: 1) no cooking or baking with various ingredients and utensils use except for the additive in a controlled area (which is the popcorn machine), 2) no washing of the popcorn machine. It will be wiped clean by the operator with the exception of the Savory mixer on the cart which will be wiped out first, then washed. (Therefore, minimal sink wash will occur), and 3) no dishes used. The product will be sold in take-away containers/bags. The Board added the following conditions: 4) the menu is restricted to popcorn and bottled beverages in accordance with the menu submitted 7/9/13, and 5) the under-the-sink grease trap is approved. A grease recovery device (GRD) is not required. (Unanimously, voted in favor.)

- C. Carrie-Lee Touhey, owner of The Cape Cod Cookie Company – 569 Main Street, Unit # B, Hyannis, grease trap and toilet facility variances (cont. from May 2013.)

Applicant requested a continuance to the October 8, 2013 meeting.

V. Food – Temp:

- A. Ken Foster for Live Like Renee Day from Ribbons to Remember Day at Dowses Beach, Osterville, on 9/21/13 from 10 – 2 pm, Breakaway Grill.

Ken’s representative, Bob, was present. Mr. McKean said he and the staff had worked with Breakaway Grill many times and there are never any issues or problems.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board voted to grant the temporary food permit for Ribbons to Remember Day on 9/21/13. (Unanimously, voted in favor.)

- C. Dan Chamberlain for Cape Cod Young Professions (CCYP), at Rectrix, 730 Barnstable Road, Hyannis, one vendor, and 24 catering establishments for 9/26/13 from 5:30 – 8:30pm.

The Board discussed the vendors and the layout of the event with Dan Chamberlain.

10 TEMPORARY FOOD PERMITS APPROVED FOR:

- Pizza Barbone
- Embargo
- 586 Bistro (tentative)
- Black Cat
- Brazilian Grill
- Pain D’Avignon
- The Innkeeper’s Club (4 C’s)
- Lost Dog, Dennis
- Lollicakes (pre-made cakes served on trays)
- Millies General Store (prepackaged cheese & crackers, served with gloves)

8 CATERERS WILL BE:

- Ben & Jerry’s
- Polar Caves
- Scargo, Dennis
- Mooncussers, Harwich
- DiParma Italian Table, Yarmouth
- Yarmouth House (Prepared at DiParma’s)
- Red Faced Jacks, Yarmouth (Prepared at DiParma’s)
- Quahog Republic, Falmouth

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to grant an annual temporary food permit for the Cape Cod Young Professionals. (Unanimously, voted in favor.)

VI. Body Art Practitioner- Variance.

Miceala Morris, West Yarmouth, applying as artist at Great Island Tattoo.

Miceala Morris was present.

Mr. McKean said all her paperwork is complete and all her references were good.

Upon a motion to approve by Dr. Miller, seconded by Mr. Sawayanagi, the Board voted to grant an 18-month temporary permit under the guidance of a licensed practitioner, Lorna Berge of Great Island Tattoo. Once the 18-month probation period has been completed with incident, Ms. Morris will be able to apply for a full license. (Unanimously, voted in favor.)

VII. Old / New Business:

A. Approval of the Minutes: June 18, 2013.

Minutes will be continued to the next meeting.

B. Conrad Geyser representing Cotuit Mosquito Yacht Club, owner – 95 Old Shore Road, Cotuit, Map/Parcel 044-002, discussion to operate a “Cotuit DryToilet” (CDT) at the location.

Conrad Geyser presented the Cotuit Dry Toilet which he hoped the Board of Health would approve. The Board explained that he would need to apply to the State Board of Plumbers and Gas Fitters or to the MA DEP. For the Board of Health to review it, the applicant would have to show that the product meets other requirements the DEP puts forth.

The State is one of only two states which do not go by the Federal Plumbing Code. The State has its own codes. The biggest challenge will be the State Board of Plumbers and Gas Fitters because they have a requirement to prove the product has at least two-year retention.

Dr. Miller said given how receptive the DEP has been to these type systems, the applicant may want to go to DEP for approval if the applicant is worried that the product will not meet the two-year retention. They may qualify it for seasonal use, etc.

The topic of handwash availability and the waste water from the handwash was discussed and noted that without a gray water handling facility; a tank and a leach field, he would have difficulty in having it approved.

Mr. Geyser will continue with his work on the approval process through the State.

Additional Discussion: Portable Toilets.

The topic of portable toilets was brought up and the type of hand sanitizing available with them. There are no permits issued for portable toilets.

Mr. McKean stated that Title V permits them for temporary use; however, they do not define how long "temporary use" is.

The Board discussed requiring portable toilets to have handwash facilities, if they are available. This topic will be further explored.

Voted to Adjourn – 4:30 pm