



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING MINUTES

Tuesday, February 11, 2014 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, February 11, 2014. The meeting was called to order at 3:00 pm by Chairman Wayne Miller, M.D. Also in attendance was Board Member Junichi Sawayanagi. Board Member Paul J. Canniff, D.M.D, was unable to attend. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

I. Septic Deadline Extension

Letter from Mary Jean Huettner, owner – 81 Thread Needle Lane, Centerville, requesting extension.

Mr. McKean stated the inspector on the septic report noted that it failed due to the adjustment to groundwater figures. The report said the groundwater was observed below the bottom of the leaching pit and with the USGS calculation adjustment, it brought the measurement up above the pit.

Jeffrey Wall, Wall Septic of Harwich, was present. Jeffrey said the owners were going through a divorce in 2006 and they were not offered a voluntary inspection (a non-reporting one). Ms. Huettner continues to own the property. Jeffrey said the groundwater adjustment of 7.1 in the report is very large. The report is unclear how to read the inspector's numbers for interpretation. It's unclear whether it's elevation, or 7.1 below the surface, etc. Mr. Wall said the correct way to read the report is unclear and Mr. Wall believes there may be an error in the reading to groundwater.

Upon a motion duly made by Dr. Miller, seconded by Mr. Sawayanagi, the Board voted to grant a suspension of any further enforcement until the validity of the 2006 inspection report is resolved either by (1) a restatement by the original inspector or (2) by a current inspection which shows it is in compliance. This is to be done within 90 days. (Unanimously, voted in favor.)

II. Septic Variance (Cont):

Matthew Eddy and John Lavelle, Baxter Nye Engineering, representing Peter Bilodeau, owner – 29 Hathaway Road, Osterville, Map/Parcel 114-036, approximately 0.70 acre parcel, proposed Singlair Denitrifying

System, existing 3 bedroom home, requesting to construct a 4 bedroom home, one variance requested (continued from December and January).

Matthew Eddy and Attorney Michael Hayes were present. From an environmental standpoint, Mr. Eddy said the proposed Singulair Denitrifying System was better than the standard septic system and it is designed for a four bedroom. Thus, Attorney Michael Hayes sent a letter to Town Attorney Ruth Weil to show manifest injustice as it seems unfair to not allow the owner the four bedrooms with the fact that the proposed I/A septic system allows more environmental protection than the standard 3 bedroom system. He asked the Board to consider substituting the words "unfair" with "manifest injustice" when viewing the plan.

Mr. Eddy also proposed an alternative to the I/A system which was to use an nitrogen aggregate credit land plan by placing a use restriction on the owner's other property at 83 Bunker Hill, Osterville. He proposed restricting the use of 8,300 square feet at Bunker Hill which would leave it with a balance of 125,073 square feet which would qualify for 8.6 bedrooms. Currently, Bunker Hill has a building on it and has a five bedroom system. The credit of the 8,300 square feet at 29 Hathaway Road would allow the owner to have a four bedroom at that address.

Mr. McKean said he had no objection to the alternative plan. Dr. Miller said he believes the alternative plan is the best situation. He also mentioned that Town Attorney Ruth Weil did not feel that manifest injustice would apply in the first scenario. Mr. Sawayanagi agreed with the alternative plan as long as the documentation was recorded to inform people of the restrictions even if the properties were later sold.

Upon a motion duly made by Dr. Miller, seconded by Mr. Sawayanagi, the Board voted to grant a continuation to the March 11, 2014 meeting as the plan will be revised and reviewed by staff. (Unanimously, voted in favor).

III. Septic Variance (New):

Peter McEntee, Engineering Works, representing Bill and Maxine Schortman, owner – 846 & 848 Craigville Beach Road, Centerville, Map/Parcel 226-175, 6,600 sq.ft. parcel, multiple variances requested.

Peter McEntee presented his plan with a Singular Bio-Kinetic Wastewater Treatment with a GeoFlow Drip Dispersal Septic System due to the limited space.

Dr. Miller asked how many Mr. McEntee has put in before. Peter said he has used this system about six times starting in 2006 and there have not been any issues, including no issues of freezing as they have been in sandy soils.

Mr. McEntee explained that this system needs to run for a couple of months before it is ready for testing. The owners expect to use it seasonally during the spring and the summer months. The required testing is twice a year but the owners may come back to request once a year.

Monitoring for nitrogen was discussed. Mr. McEntee said he did not include this as it is a given that the system will reduce nitrogen and this would allow the monitoring to be simplified. Dr. Miller said he is comfortable with this as the property is not in the Estuary Zone.

Upon a motion duly made by Dr. Miller, seconded by Mr. Sawayanagi, the Board voted to approve the variances on the plan dated 2/4/2014 with the following condition: (1) the monitoring will be according to the protocol submitted and will be twice a year, (2) a four bedroom deed restriction will be recorded at the Barnstable County Registry of Deeds, and (3) an official copy of the deed restriction will be submitted to the Public Health Division. It will also be mentioned in the approval letter that the owners are required to register the property as a rental if they choose to rent it during the winter. (Unanimously, voted in favor.)

IV. Informal Discussion:

Matthew Eddy, Baxter Nye Engineering, representing Cummaquid Golf Club, owner – 35 Marston Lane, Barnstable, Map/Parcel 350-001, 110.3 acres, discuss use of Presby SAS I/A System.

Matthew Eddy and Steven Cook were present. Matt said the original plan submitted and approved 1 ½ years earlier was designed to support a larger building and a larger flow (9,000 gallons/day). The proposed plan is quite similar to original. It is in the same area as the prior plan and the building is smaller so the flow will be reduced to approximately 7,200 gallons/day. Matt also mentioned that as of January 3, 2014, there is a new Title V which says that the plans will not have to get approval from DEP for the depth of the cover.

The Board and Mr. McKean did not anticipate any issues with the changes.

Mr. Eddy brought up the fact that the Board had specified the use of charcoal filters on the vents on the original plan. Dr. Miller explained the condition had been added because there were concerns expressed about the potential of a smell. Matt said the charcoal filters do restrict the air flow somewhat and he would like to review the filter use with the manufacturer, Presby, to make sure it won't present an issue. He will return to the Board with the final plan in April.

V. Septic Installer (New):

Freeman Boynton, Jr., of Duxbury, MA

Mr. McKean said Mr. Boynton, Jr. currently has licensed in several towns off Cape. He has passed the exam and his references were all in order.

Upon a motion duly made by Dr. Miller, seconded by Mr. Sawayanagi, the Board voted to grant a septic installer's license to Freeman Boynton, Jr. (Unanimously, voted in favor.)

VI. Food – Temporary Event:

Kathy Andrews and Raquel Rodriguez representing 14th Annual Multicultural Festival of Cape Cod (first year with food vendors), to be held at Cape Cod

Community College, 2240 Iyannough Road, West Barnstable, on Saturday, March 1, 2014.

Kathy Andrews, Raquel Rodriguez, and Victor Santos of Cape Cod Community College were present.

There will be three vendors: Andrew Lei, Henry Herrera, and Lilly Ferreira. The food will include: rice, beans cheese, flour tortillas, beef & chicken tortillas, cabbage salad, scallion pancakes, beef dumplings corn fritters, fried rice, jag and cannolis. All the vendors' paperwork was in order.

This will be the 14th year for the multicultural event; however, it is the first year with food. The full event will be spread over four buildings on March 1, 2014.

Upon a motion duly made by Dr. Miller, seconded by Mr. Sawayanagi, the Board voted to grant a temporary food variance for the event to be held annually. (Unanimously, voted in favor.)

VII. Old / New Business:

- A. Follow up status: Vista de Mare Diner, 430 Main St. Hyannis – status of grease trap installation.

Attorney Stephen Hayes updated the Board. The grease trap is in and just needs to be connected to the existing plumbing. This will take place on next Monday, February 17, 2014.

VIII. Additional Items:

- A. Title V new regulations:

Mr. McKean said DEP had set up a meeting to discuss the changes to Title V with the local health personnel; however, it was cancelled due to snow. It has been rescheduled for March.

One change Mr. McKean is aware of stipulates tight tanks will no longer be approved by the State. They will be approved by the local health divisions. Tom McKean recommends a policy to review the plans at Board meetings. The applicant will present plans showing whether or not septic system could be installed on the lot and the Board will determine whether they can have a tight tank.

Dr. Miller said the Board should have a public hearing on each case as it is potentially something the neighbors won't be too happy with.

Mr. McKean will draft an overall policy for the next meeting and will keep the Board informed of further updates to Title V.

- B. Town Council Liason:

Town Councilor Paul Hebert said he has been appointed as Liaison for the Board of Health and will be available to them whenever needed. He thanked the Board for their work and gave them a Town pin.

Dr. Miller updated him on the Board's interest in obtaining funding for a handout the Board would like to provide to homeowners purchasing fertilizers at the point of sale. It would inform the appropriate use and the importance to the environment of not over-fertilizing. The cost would be relatively low with a distribution of possibly 2,000 brochures. The pamphlet would also be put on the Town website.

Councilor Hebert said the Council had also discussed the subject and wants to make sure the Town is using fertilizer appropriately, as well. More will be discussed on the fertilizer topic in the future.

Councilor Hebert complimented the Board with how well they treat the citizens and how they try to resolve problems. He will be attending meetings frequently. He also asked the Board if they take any position on the marijuana topic.

Dr. Miller said that possibly down the road the Board may be asked to review concerns as they come up, i.e., public smoking. The Board will wait and see what might or might not be needed.

Voted to Adjourn – 4:15 pm