



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING MINUTES

Wednesday, June 25, 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, June 25, 2014. The meeting was called to order at 3:00 pm by Chairman Wayne Miller, M.D. Also in attendance was Board Member Paul J. Canniff, D.M.D. Board Member Junichi Sawayanagi was unable to attend due to illness. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

I. Septic Variances:

Chad Hill representing Trout Brook Realty Trust, owner – 144 Trout Brook Road, Cotuit, Map/Parcel 008-009, 0.50 acre parcel, multiple variances.

Chad Hill was present and summarized the Board's review of the plan at the May 13, 2014 meeting. Mr. Hill explained that there was an error in the abutters' notification and the procedure has been completed for this Board meeting.

John O'Dea, Sullivan Engineering, stated the plan was designed a while ago but is still relevant.

Numerous citizens spoke on the subject. Their concerns should be addressed more to the Conservation Commission.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board voted to grant the variances with the following conditions: 1) must record a three-bedroom deed restriction, 2) must supply the Health Division with an official copy of the deed restriction, 3) must follow all the requirements of the most recently available DEP General Use for Sand Filter Approval letter for this system, 4) must have an operating and maintenance plan prior to issuance of permit, and 5) the engineer shall supervise the installing of the retaining wall and the system, verifying that it is installed according to the plans. (Unanimously, voted in favor.)

Dr. Miller thanked the citizens for sharing their views with the Board.

II. Chapter 40B – I/A System:

Dan Ojala, Down Cape Engineering representing PLM Buzzy, LLC, owner - 671 Main Street, Cotuit, 2.38 acre lot, submitting development of 13 bedroom housing for elderly "Bay Points" dwelling units.

Charlie McLaughlin, Assistant Town Attorney, explained that the State has not determined the ownership of the property/40B application. He recommended the Board not vote on this item at this time.

Upon a motion duly made by Dr. Canniff, seconded by Dr. Miller, the Board voted to continue until the applicant is ready and the State has determined the standing (of ownership). (Unanimously, voted in favor.)

III. Discussion: Title V – Holding Tank

Holding Tanks – proposed process for seeking approval, notification of abutters.

The Board discussed changing the parameter of abutters required to be notified specifically for holding tanks. Holding tanks require frequent pumping. Further discussion is needed.

IV. Food Variance:

Jim Carey, Gringo's Restaurant – 577 Main Street, Hyannis, indoor seating with outdoor ambiance.

James Carey stated he currently has three barriers for flying insects: each of the outside doors with screens, air curtains, and the self-closing solid doors in the kitchen, along with an added deterrent of the building's air conditioning. In the kitchen, they have a four foot self-contained insect control lamp.

Removal of the screen doors would leave two levels of protection. It would also make the dining room more welcoming and allow them to stay competitive. The screen door area is where most of accidents occur as in dropped trays, spilt drinks, etc., as it is a heavy traffic area and the doors swing both ways.

Mr. McKean said the Health Division has no objections as long as there are two barriers; using the electronic air curtain - provided it is always turned on, and having the separate doors to the kitchen would cover the essentials.

Dr. Miller said there are other issues, too. If the doors are open to the outside, there can not be any food preparation outside of the kitchen, i.e., bread stations or salad bars. There are repeated problems with establishments not turning on their air curtains.

Jim Carey said he would most likely leave the doors hanging. His air curtains run off the same switch which turns on the TV and the TV is always on when they are open. It was also recommended to devise a two-person reminder procedure which Mr. Carey acknowledged would be done.

Upon a motion duly made by Dr. Canniff, seconded by Dr. Miller, the Board voted to grant the indoor dining without requiring screen doors to the restaurant with the following conditions: 1) the variance is non-transferable to any other operator at this location, 2) no food storage or food preparation outside of the kitchen while the doors to outside are open, 3) the air curtain must stay on when doorways are open to outdoors and 4) the variance letter must be posted next to the food permit. This

variance is contingent on the air curtain being on any time the restaurant is operating with the outside doors open and failure to do so will be reason for revocation of the variance. (Unanimously, voted in favor.)

V. Food – Temporary Food Event:

Charlene Colon representing Outdoor Summer Bridal Show on the Hyannis Green, on Sunday, June 29, 2014 to include the following foods: cannolis, samples of wedding cakes, and Polar seltzer beverages (variety of flavors.)

Charlene Colon was present and stated they will be giving out samples of wedding cakes, cannolis and polar beverages.

Upon a motion duly made by Dr. Canniff, seconded by Dr. Miller, the Board granted the temporary food event with the condition that the applicant supply the Health Division with the actual position of Montilio's table and how they will set up their hand wash station. The vendors will be: Polar Beverages, Cape Cod Cannoli, and Montilio's Bakery. (Unanimously, voted in favor.)

VI. Body Artist – Apprenticeship.

Mark Corliss, Spilt Milk Gallery – apprentice, Marie Ires Todd, has concluded her apprenticeship. Requesting license.

Marie Ires Todd was present. She estimated 100 body art applications were done by her as each procedure requires two applications. She further explained that the majority of her focus is for lasting make-up and improving the appearance of scars, etc. The ink used in this type of art is not permanent. It fades with time.

Mark Corliss had corresponded with the Board that Ms. Todd had completed her apprenticeship for a period of 20 months and no complaints or issues arose during that time.

Upon a motion duly made by Dr. Canniff, seconded by Dr. Miller, the Board granted Marie Ires Todd a body artist license. (Unanimously, voted in favor.)

VII. ADDITIONAL:

Dr. Miller stated he would like to suspend the approval of any additional variances to body artist licenses in the town until the Board has a chance to review the policies at length. Dr. Canniff acknowledged agreement. (Unanimous.)

VIII. Old / New Business:

A. Approval of the Minutes –March 11 and May 13, 2014.

Upon a motion duly made by Dr. Canniff, seconded by Dr. Miller, the Board voted to adopt the minutes for the March 11, 2014 meeting with one correction (page 4 paragraph 3 should end with...has always been a den.). The May 13, 2014 minutes will be continued. (Unanimously, voted in favor)

B. Update: Stable - Kathy Woodbury, 365 Sampsons Mill Road, Cotuit.

Mr. McKean stated the issues have been resolved with the exception of the payment of permits. The Board requests payment within 30 days. If not received, this will return to the Board at the August 2014 meeting. Once payment is made, the Cease and Desist order will be withdrawn.

C. Update: Huettner, 81 Thread Needle Lane, Centerville-failed septic

Ms. Huettner sent the Board a letter stating she is now working with VH Associates. Mr. McKean said the percolation test was done on 6/6/14. However, no permit has been taken as this time. The Board stated they require the system be replaced by August 2014 meeting.

D. Update: Valigia, 646 Ost-W.Barnstable Road, Marstons Mills- test result – I/A not available until mid-June.

Coastal Engineering will be supplying the Health Division with their recent nitrogen test results. The test has already been administered.

E. Fertilizer – Barnstable County has developed a fertilizer plan.

Dr. Miller said the town attorney is reviewing the plan for the fertilizer regulation that the County came up with and is working with the Cape Cod Commission to make sure that the draft provided is acceptable to the Cape Cod Commission. The plan is scheduled to go before the Town Council and will not be a Board of Health regulation. It will be a Town Council ordinance.

ADDITIONAL:

Dr. Miller said he would like the Board to go forward with consideration of updating the smoking regulations (they are not “tobacco” regulations). There are additional items to take into consideration as mentioned in the presentation the State put on advising the Health Divisions of issues: increasing the age to 21 years, and having the definition expanded to include the combustion of any product used for inhalation, as in e-cigarettes. The Board will be ready to discuss recommendations to the draft supplied. If the Town Attorney is able to review the draft for the August meeting, the Board will develop a revised copy to publish for September and potentially for voting on.

Adjourned 5pm.