

Town of Barnstable

Board of Health

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Wayne Miller, M.D.
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Junichi Sawayanagi

BOARD OF HEALTH MEETING MINUTES Tuesday, December 9, 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, December 9, 2014. 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 Variances (Cont):**

- A. John Churchill, and Michael Pimentel, JC Engineering, representing Jamie Surprenant, Five Bay Bistro – 825 Main Street, Osterville, Map/Parcel 117-100, 0.06 acre parcel, multiple septic variances.

Mike Pimentel, JC Engineering, and Rich Capen, Capewide Enterprises, were present. They are requesting multiple variances and requesting a seat count of 50. The current and the proposed septic systems are all on an easement on town parking lot property and space is limited. The current system is 1,000 gallon grease trap, 1,500 gallon septic tank and 4 leaching pits. The proposed is: 1,000 gallon grease trap, 5,500 gallon septic tank and a geo flow leaching pipe system.

Mr. McKean said the staff noted that 1) the establishment is permitted for 40 seats, not 50, and 2) checklist is needed, 3) revised plans will be needed as perc tests need to be done and all four leaching beds need to be tied into low vent manifold, and 4) the owner notification needs to be recorded on the deed for the geo flow system with remedial use.

There was much discussion on the seating count and the Board determined 50 seats will be used based on historical information. When asked if the seating included bar seats, Attorney Phil Boudreau said the count is 44 seats and 8 bar seats (a total of 52 seats).

The system did pass the septic inspection in April 2014; however, it was showing signs of approaching failure. Michael estimated the distance to groundwater is 20 feet.

The Board expressed concern that the geo system does not have de-nitrification / secondary treatment unit (STU). Mr. Pimental said adding this would be very costly and doesn't believe it necessary. Mr. Capen estimated the cost to be an additional \$45-50K.

For reference, Mike said the geo system is very similar to the Presby system which was just put in at the Cummaquid Golf Course.

Mr. Sawayanagi asked for floor plans to review for the next meeting and to see which sink is connected directly to the grease trap.

The Board is interested in hearing about different systems which would, hopefully, reduce the nitrogen. The Board asked whether a Fast system will work at this location as it would be less costly. The engineer will check into the leaching requirements, etc. The Board would be very happy if the engineer is come up with an alternative to reduce the nitrogen by 30%.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to continue this to the January 13, 2015 meeting and the engineer will 1) research comparative systems and costs, and 2) provide floor plans to see which sink is attached to grease trap. (Unanimously, voted in favor.)

- B. Jamie Surprenant, Crisp Flatbread, 791 Main Street, Osterville, status report on water usage/seating.

Attorney Philip Boudreau was present and requested a continuance to the January 13, 2015 Board meeting. Phil said the owner is interested in keeping the 14 outside seats in addition to the permitted 35 seats and said the owner will be looking into the expense of an Innovative Alternative (I/A) system as the property is just inside the Estuary Zone. The Board acknowledged that with this type of system the State allows for a 50% increase in flow and would allow for approximately 50 seats total.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to continue this to the January 13, 2015 meeting. (Unanimously, voted in favor.)

II. Septic Variance Request:

- A. Grady Consulting representing Wind River Environmental and Anna & Joseph Rogers, owners – 357 Lakeside Drive, Centerville, Map/Parcel 232-050, 0.34 acre parcel, multiple variances requested.

POSTPONED UNTIL JANUARY 13, 2015. (Abutters notices)

- B. Darren Meyer, Meyer & Sons, representing Henry Tousignant, owner – 1017 West Main Street, Hyannis, Map/Parcel 229-060, 21,880 square feet parcel, multiple variance request.

Darren Meyer presented a revised plan. He described some of the rooms: the sun room has all windows and there are two utility rooms which are both unfinished with concrete floors and with mechanics in them.

Upon a motion duly made by Dr. Miller, seconded by Dr. Canniff, the Board voted to approve with the following conditions 1) the system be installed in accordance with the revised plans dated 12/4/14 and with the addition of the pump curve, 2) a 3-bedroom deed restriction be recorded at the Barnstable County Registry of Deeds, and 3) a proper copy of the deed restriction be submitted to the Health Division. (Unanimously, voted in favor.)

III. Variance Request - New:

Nitrogen Aggregate Plan – Maximum Groundwater Discharge :

John Kenney, Esq., representing Stuart Bornstein, Windmill Square LP, owner - 3821 Falmouth Road, Lot 1, Marstons Mills, proposed change of use and increase in wastewater discharge flow from office to fast food with drive through service, request includes exchanging excess wastewater discharge flow from adjacent lot (Lot 2).

Mike Pimentel, JC Engineering, summarized that Phase One was for buildings 2-6 and was designed at 1165 gallons, slightly over capacity – capacity needed was 1091. The result is 74 gallons above capacity.

The original Phase Two was to be implemented if and when the Animal Hospital septic system failed and at that point, then a new system would be installed which ties the following buildings together: Building 1, 7, 9 10 and 11.

Dr. Miller asked how the Board can be sure the Animal Hospital won't need additional flow. Mr. Bornstein said that the Animal Hospital does not have any kennels and has excess capacity in their system.

Mr. McKean stated none of the units are to be used for residential.

The current parcel (Lots 1 and 2 – soon to be divided) has a total capacity of 2,645. For Lot# 1 (the former bank, which they will move the Dunkin Donuts to) will borrow 74 gallons from Lot# 2 and thus, Lot# 1 will have a flow of 565.

2,645	TOTAL (Lots 1+2)
<u>- 565</u>	Lot 1 (including borrowed flow from Lot#2)
2,080	

Upon a motion duly made by Dr. Miller, seconded by Mr. Sawayanagi, the Board voted to grant the variance to allow the flow to be 565 flow to Lot#1 with the following conditions: 1) Lot# 2 is limited in use of total septic flow to no greater than 2,080 gallons per day and 2) that if there is a septic failure for buildings # 1, 7, 9, 10 or 11 then a septic system will be installed connecting all of the mentioned buildings together (Buildings #1, 7, 9, 10 and 11), and 3) deed restrictions for both lots will be recorded at the Barnstable County Registry of Deeds and official copies provided to the Health Division once the Legal Department approves of the wording on the deed restrictions. (Unanimously, voted in favor.)

Additional: For Lot 1 (the new Dunkin Donuts property) - the septic system is designed for 565 gallons/day. It is based on a proposed number of seats of 15.

There are 5 seats that they may use in the future so the engineer designed the leaching system to account for it in case, in the future, they decide they want to expand.

IV. Septic Deadline Extension:

- A. John Denham representing Estate of Jean Bliss – 221 Phinney's Lane, Centerville.

Letter sent in - no one present.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board granted a one year extension to the septic repair deadline. (Unanimously, voted in favor.)

- B. Paul Lorusso representing Cape Cod Aggregates Corporation, owner – 1660 Phinney's Lane, Barnstable, Map/Parcel 276-017.

Letter sent in – no one present.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board granted a six (6) month extension to the septic repair deadline. (Unanimously, voted in favor.)

Additional Note: Verification from the Water Department that the water has been shut off was received 1/5/15.

- C. Debra de Bastos, Esq. representing John O'Connell, owner – 718 Craigville Beach Road, Centerville, Map/Parcel 226-128-002.

Letter and emails sent in – no one present due to the weather off Cape.

The Board granted a one year extension to the septic repair deadline with the condition that the owner provide proof that the water has been shut off by authorities. (Unanimously, voted in favor.)

V. Septic Installer

- A. Michael DiBuono, South Yarmouth, MA

Michael DiBuono called. Could not make meeting due to family illness.

Tom McKean stated Michael had passed the septic installer's exam and all his references supported him for a license.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board granted a septic installer's license to Michael DiBuono. (Unanimously, voted in favor.)

B. Karop (Kip) Dirazonian, Mendon, MA

Tom McKean stated Michael had passed the septic installer's exam and all his references supported him for a license.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board granted a septic installer's license to Karop (Kip) Dizazonian. (Unanimously, voted in favor.)

VI. Body Artist License:

Miceala Morris, current apprentice at Great Island Tattoo Studio, requesting consideration of full license.

Miceala Morris and Lorna Berger, owner – Great Island Tattoo Studio, were present. Great Island Tattoo Studio does not do body piercing, only tattoos.

Lorna discussed their full procedure in training and apprenticing. Lorna said her apprentice does not perform body art on a person until they have spent 6-9 months drawing, stenciling and observing. Miceala did this and spent 3 days/week working 96 hours a month. Then in September 2013 she started working 5 days/week, 160 hours a month. During the first three months of tattooing, Lorna hand-picked customers and did not charge a fee so Miceala could start slowly. Lorna said Miceala has worked a total of 3,168 hours during apprenticeship and presented Miceala's portfolio to Board. In answer to Dr. Canniff's question of how many tattoos has she done, Miceala said she did not take pictures of the smaller ones or count them, but the larger ones are in the portfolio (roughly 15-20 larger ones). The Board was happy with the care and consideration given to training.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board granted a full body artist license to Miceala Morris. (Unanimously, voted in favor.)

VII. Regulations/ Policy:

- A. Proposed Draft Tanning Facility Regulations (continued from Oct 2014 – awaiting ordinance number).

Continued to February 10, 2015 as the proposed regulation has not been assigned an ordinance number.

- B. Lifeguard Modification Deregulations – Fifth Year of Trial Period – Proposed changes.

Continue to February 10, 2015 meeting and Skip, Anchor In, along with all those that are on the pilot program (9) will be invited to the meeting.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to extension the pilot program until the end of February so that they may discuss the issue at the February meeting.

VIII. Old / New Business:

- A. Approval of the Minutes

CONTINUED.

IX. Correspondence:

- Letter from Cape Cod Commission – Fertilizer Management.

The letter is on the town's website for those interested.

ADDITIONAL NOTATIONS:

I/A Monitoring

WITHDRAWN A. Joseph DePilato, 4 Gentian Circle, Osterville

CONTINUED B. Winston Steadman, representing Oyster Harbors Club –
to JANUARY 170 Grand Island Drive, Osterville, I/A Monitoring results.

ADJOURNED 4:50 pm