



# Town of Barnstable

## Board of Health

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### BOARD OF HEALTH MEETING MINUTES

**Tuesday, June 9, 2015 at 3:00 PM**  
**Town Hall, Hearing Room, 2<sup>ND</sup> Floor**  
**367 Main Street, Hyannis, MA**

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, June 9, 2015. 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. Hearing – Show Cause - Food:**

Jen Villa, Local Juice – Sale of bottled unpasteurized juice at farmer's markets and temporary food events, invalid or false documentation provided from applicant, product manufactured at unknown location.

Attorney David Lawler and owners Nicole Comier and Jen Villa were present, along with Health Inspector Donna Miorandi. Local Juice acknowledged wrong doing in producing their product and had some missteps. They did error in not meeting all the permits, etc. for their product. They did not have a food permit, nor an inspection of the kitchen they were leasing, and they did not obtain a wholesale license. Local Juice has stopped production until they are in a licensed facility and it is inspected and all requirements are met.

Upon a motion duly made and seconded, the Board voted to issue a warning to Local Juice. (Unanimously, voted in favor.)

**II. Trash Issue:**

Attorney Daniel Rich representing Agnes Schobel, owner – 100 Nyes Neck Road East, Centerville, trash has not been removed as stated.

No one was present. Mr. McKean said Attorney Rich and Mrs. Schobel had both informed Mr. McKean that the outside was cleaned up by Mrs. Schobel's son with the exception of a drum filled with cement and two pieces of exercise equipment. A Health Inspector determined this was not correct. There were a number of other items and this has continued for over six months. Heather Swenson, neighbor, stated there is a child's plastic slide submerged in water as well, the trash has been an ongoing issue, and fishermen are tying up to dock and fishing. The fishermen may also be responsible for recent trees cut next to dock.

Upon a motion duly made and seconded, the Board voted to access a \$100 fine. (Unanimously, voted in favor.)

**III. Septic Variance (Cont.):**

Thomas Roux representing Richard Kiotic, owner – 56 Alderbrook Road, West Barnstable, Map/Parcel 133-054, requesting septic variances.

Tom Roux, Attorney Theodore Barone and David L. Die, Construction Supervisor, presented their information and belief that the dwelling is a three-bedroom and not a two-bedroom. There is one bedroom downstairs and two upstairs.

The current failed system has a pit which is only 50 feet from the wetlands and is sitting in groundwater. Mr. Roux's plan has the leaching system four feet from groundwater and is much further from wetlands.

Upon a motion duly made and seconded, the Board stated that given the design provided and the distance from wetlands and the good separation from groundwater, the three-bedroom designed system is going to provide greater protection to the environment and voted to grant the variances with the following conditions: 1) a three bedroom deed restriction is recorded at the Barnstable County Registry of Deeds and a copy submitted to Health, and 2) remove the incorrect notation on plan stating a three-bedroom variance, and 3) have the three-bedroom designed plan submitted with an engineer's stamp. (Unanimously, voted in favor.)

**IV. Septic Variance:**

Glen Harrington representing Victor Enright, owner – 4151 Main Street, Barnstable, Map/Parcel 351-049, 0.64 acre parcel, requesting two setback variances.

Glen Harrington and owner Victor Enright, owner, were present.

The abutter, Erica Jansen, wrote a letter stating her concern of her arborvitae trees which are tall trees on the property border and she is concerned that the digging for the septic system close to property line may affect the tree roots.

Upon a motion duly made and seconded, the Board granted the variance(s) with the following conditions 1) that a certified arborist is able to submit a written statement that in his opinion the placement of the septic system will not pose a risk to the neighbor's arborvitae trees (35-40 feet high), and 2) If the certified arborist is concerned, then this item must return to the Board.. (Unanimously, voted in favor.)

**V. Monitoring Reduction:**

A. Dennis Farrington, owner – 56 Long Beach Road, Centerville, Map / Parcel 206-011, requesting reduction in monitoring of I/A septic system.

Dennis Farrington said he recently purchased the home and it will be a seasonal property used as a rental. It will be used three months during the year.

Upon a motion duly made and seconded, the Board voted to grant a reduction in testing the effluent of this seasonal property to once a year – during the seasonal use. (Unanimously, voted in favor.)

- B. David McCormick, owner – 9 Laurel Avenue, Centerville, Map/Parcel 226-075, requesting reduction in monitoring of I/A septic system.

David McCormick said he purchased the property in 2013 and it has a FAST system. He only uses his property seasonally on the weekends (mainly June-August). The property is closed up in the winter.

Upon a motion duly made and seconded, the Board voted to grant a reduction in testing the effluent of this seasonal property to once a year – during the seasonal use. (Unanimously, voted in favor.)

**VI. Informal Discussion – Sewer Connection (Cont.):**

Gilbert Wood, owner – 730 and 740 Bearses Way, Hyannis

This item was continued to the next meeting, July 14, 2015, as Mr. Wood was unable to attend the meeting due to a personal matter.

**VII. Food (New):**

- A. Peter DeBartolo, The Local Scoop, interested in preparing crepes at Hyannis Farmers Market (at Cape Cod Beer), 1336 Phinney's Lane, Hyannis.

No one was present.

Upon a motion duly made and seconded, the Board voted to continue this item to the July 14, 2015 meeting. (Unanimously, voted in favor.)

- B. J. Gillis representing Subway – Cape Cod Mall, 793 Iyannough Road, Hyannis, grease trap variance request.

Jack Gillis was present and stated that Subways is moving from one location to another inside the mall. He stated that all the Subways use a grease interceptor and has not needed a grease recovery device. They have been in operation for four years in the mall and have not had any problems with the grease.

Upon a motion duly made and seconded, the Board voted to grant Subways a grease trap variance for their new location inside the mall and they will continue using a grease interceptor as their business is moving from one location to another in the mall. (Unanimously, voted in favor.)

- C. David Anthony, Town of Barnstable – McKeon Athletic Field, requesting one year extension on water and sewer connection for concession stand.

David Anthony, Chief Procurement Officer, explained that they have their contractor lined up for August 15<sup>th</sup>. One of the parts could not be ordered until after all the bids were in and it had a lead time of 6 weeks before the part arrived. The work could not be done between June 12<sup>th</sup> and August 15<sup>th</sup> due to the baseball season. David

Anthony would like to schedule the work for August 15<sup>th</sup> and finish before August 30<sup>th</sup> when St. John Paul II School will need the field for their Fall sports.

Upon a motion duly made and seconded, the Board granted a one year extension. (Unanimously, voted in favor.) Mr. Anthony will send the Board a letter in August 2015 with the status of the project

**VIII. Informal Discussion – Septic Plan:**

Michael Pimentel, JC Engineering, representing James Surprenant, owner Crisp Flatbread – 791 Main Street, Osterville.

Attorney Philip Boudreau, Michael Pimentel, Rich Capen, Capewide Enterprises, and Jamie Surprenant, owner, have been working to find the appropriate size septic system for the site for the last few months and before spending additional funds, wanted to make sure the Board was satisfied with the direction.

Michael Pimentel described the Fast system which would have 50% nitrogen reduction which he felt more than offset the request of additional seats from 35 to 49 seats.

Michael said the current system is a 1,000 gallon grease trap connected to: a 2,500 gallon septic tank, a D Box, and a series of concrete chambers. The proposed system would keep the 1,000 gallon grease trap with the 2,500 gallon septic tank; then add a new two-compartment septic tank accommodating 100% of the design flow of 1,715 and in the second compartment would be a dosing pump. It would dose the Fast system located in a 9,000 gallon septic tank under the parking lot and would flow by gravity and go into a manhole where there would be a recycling pump. The pump would recycle the sewage back to the existing 2,500 gallon tank for further denitrification. Any fluid that does flow through the manhole would flow into the D-Box and into existing leaching system.

The Board said they would be happy with the direction of this plan. Dr. Miller stated the proposed is an expensive plan and expressed the misfortune of not having a septic treatment facility in Osterville as there are a number of businesses approaching septic upgrades.

**IX. Old / New Business:**

A. Letter – Coalition for Responsible Retailing (CRR).

The letter was from a group of retailers who are unhappy with being held responsible for selling tobacco to minors. The group is suggesting the parents be held responsible for underage smoking.

B. Minutes.

Minutes will be continued to the next meeting.

Voted to adjourn meeting – 4:50 pm