



# Town of Barnstable

## Board of Health

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### BOARD OF HEALTH MEETING MINUTES

**Tuesday, July 12, 2016 at 3:00 PM**  
**Town Hall, Hearing Room**  
**367 Main Street, 2<sup>nd</sup> Floor, Hyannis, MA**

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, July 12, 2016. The meeting was called to order at 3:00 pm by Chairman Paul Canniff, D.M.D. Also in attendance was Board Member Junichi Sawayanagi. (Currently, there is one vacancy in the Board membership.) Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

#### **Acknowledgement of great appreciation and long service:**

Dr. Canniff took a moment to say a few words on our recently-retired Chairman Dr. Miller, who has been very astute and did an excellent job for the past 15 years. Dr. Canniff sent his thanks, again, out to Dr. Miller and to the whole health department staff for their hard work.

#### **I. Hearing – Tobacco:** Tobacco violations

##### First Offense in last three years:

A) Marstons Mills Food Market – 105 Route 149, Marstons Mills

No one was present from the store. Mr. Collett, Barnstable County Tobacco Enforcement Officer, stated the person on duty sold to a minor on June 29, 2016.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Junichi Sawayanagi, the Board voted to issue a \$100 fine for the repeated violations: June 2016 and June 2013.  
(Unanimously, voted in favor.)

B) Cumberland Farms # 2348 – 1165-1171 Iyannough Road, Hyannis

No one was present.

Mr. Collett stated the person on duty sold to a minor on June 29, 2016.

Upon a motion duly made by Mr. Sawayanagi, seconded by Dr. Canniff, the Board voted to issue a warning as this was their first violation. (Unanimously, voted in favor.)

#### **ADDITIONAL:**

The Board will have Bob Collett attend the August 23<sup>rd</sup> meeting to discuss strengthening the penalty phase of Barnstable's tobacco regulations. Mr. Collett informed the Board that most towns have adjusted their regulations and penalties to deter violations.

#### **II. Variance – Food**

David Anthony representing Town of Barnstable – McKeon Field Concession Stand – 116 High School Road, Hyannis, Map/Parcel 326-001-003, on town sewer, requesting a grease trap variance.

David Anthony summarized the situation and said they will have a grease interceptor in the snack bar this season and Roger Parsons, Town Engineer, wrote in a letter that if there is not an issue with grease at the season's end, they'll be able to continue as it is.

Upon a motion duly made and seconded, the Board voted to grant a grease trap variance with the following conditions: 1) the pump station at the facility shall be inspected at the end of the baseball season by DPW. If there is evidence of grease build-up, an internal grease recovery device shall be installed before the beginning of the 2018 baseball season, 2) the menu is restricted to hamburgers, hot-dogs, chili sausages, clam chowder, popcorn, cheeseburgers, French fries, chicken fingers, and soft drinks, and 3) only paper plates and plastic utensils shall be utilized. (Unanimously, voted in favor.)

**III. Food – Temporary Food Event:**

Kristen Tucker and Heidi Filmer-Gallagher representing Summer Soiree at Long Pasture, requesting a temporary food permit for Thursday, August 11, 2016, at 5:30 at 325 Bone Hill Road, Barnstable. The food items will be: breads, salad, oysters, lobster ravioli, stuffed quahogs, roasted pig, chicken, chicken cacciatore and cookies.

Heidi Filmer-Gallagher was present and the Board discussed the layout of the event.

Upon a motion duly made and seconded, the Board voted to grant an annual temporary food event for the Summer Soiree at Long Pasture with the menu submitted excluding the raw oysters. (Unanimously, voted in favor.)

**IV. Discussion:**

Phuong Truong, owner of Four Seasons Nail Salon – Centerville Plaza, 1667 Falmouth Road, Centerville, clarification of operation in regards to water usage.

Brian Dacey, owner, and Phuong Truong were present. Other owners at the plaza were in attendance. Brian Dacey, owner of multiple units there, was willing to allot some of his water usage to this unit. There was concern expressed that the nail salon will expand the allowed use of chairs and create an issue for the septic system which would affect all the others.

A meeting was arranged for the owners to discuss it on Wednesday morning.

(On Wednesday, July 24, 2016, the outcome of the meeting with owners and Mr. McKean was that the nail salon would not be a good fit for the location. Mr. Dacey will look for a different tenant.)

**V. Craigville Motel:**

Review status of punch list and potential vote to issue a new license.

This will be discussed at a future meeting with a date to be determined. There are two dates being considered: August 23 with the regular Board meeting and August 30 as a meeting strictly for Craigville Motel.

**VI. Hearing – Septic:**

Peter Gross & Melissa Gross McCray, Trustees – 2 Lake Drive, Centerville,  
Map/Parcel 230-075, failed septic.

Jonas McCray was present for the Trust. Ideally, would like to upgrade the system after the summer. It will be empty after the summer (fall-spring). They have serviced the system and it is working. Jonas is currently in between jobs. He brought a draft plan with him. He would like to request an extension to finish the installation of a new system by May 15, 2017 for the installation of a new system. Hopefully, they will return to the Board in March 2017 with revised plans.

Upon a motion duly made and seconded, the Board voted to grant a deadline extension until May 15, 2017 to have a new septic system installed. (Unanimously, voted in favor.)

**VII. Hearing – Sewer Connection:**

Stewart Creek properties overdue for sewer connections.

**A. Rui Miranda, Hyannis owner – 61-65 Nautical Way, Hyannis**

No one was present. Mr. McKean said that Mr. Miranda had obtained quotes for the work but has not been able to obtain a loan. The Board felt many options have been tried and with no one present, the Board felt the only option left is the court system. Owners were supposed to register it as a rental. They have not done so. The owner lives on Blueberry Hill. A constable has served them a notice prior to this.

Upon a motion duly made and seconded, the Board voted to refer the matter of not connecting to the town sewer over to the town legal department for legal action. A \$100 fine will be issued for non-registration. (Unanimously, voted in favor.)

**B. Adrien & Rosanie Joseph, Hyannis owner – 83 Nautical Road, Hyannis**

No one was present. Mr. McKean stated that in January 2016 the owners were granted a six month extension until July and they were instructed to register their rental. The rental has not been registered as of today. The Board felt that many options have been tried to no avail. A constable has serve them a notice prior to this.

Upon a motion duly made and seconded, the Board voted to 1) issue a \$100 fine for not registering the rental and, 2) will refer the matter of not connecting the property to the town sewer to the town legal department for legal action. (Unanimously, voted in favor.)

**C. Matthew & Catherine Conley, owners – 35 Point Lane, Hyannis, contractor Doug Brown (Jan2016)**

No one was present. Mr. McKean said the file reflects that the owners had contracted with Doug Brown. He did not receive the deposit to start the work; and no longer plans to do the job. The owners had connected the health department in December 2015 when the mother was in the hospital. Then, they did not appear at the Board meeting in January 2016. In March, they were granted an extension (until the end of July 2016) as they had contracted with Doug Brown.

Upon a motion duly made and seconded, the Board voted to have a constable serve the owners a notice to appear at the August 23, 2016 meeting to explain their situation. (Unanimously, voted in favor.)

D. Christine Cotell, owner – 31 Woodbury Avenue, Hyannis, constable served notice.

Daven Cotell and his mother, Christine Cotell, were present and explained that she had received notice but due to medical issues had not understood she was required to hook up. He lives with her and it is not a rental. It is a two bedroom cottage and he is trying to help her out. Mrs. Cotell is not able to afford the sewer connection with her fixed income and would not qualify for a loan. Daven requested a deadline extension.

Dr. Canniff mentioned that he should speak with Len Gobeil to see if there is anything available for funding and the Board will give him Mr. Gobeil's number.

Upon a motion duly made and seconded, the Board voted to grant a deadline extension of nine months until the April 2017 Board meeting. (Unanimously, voted in favor.)

E. Thomas Russell, owner – 44 Betty's Pond Road, Hyannis

Mr. Russell was present and explained his situation has not changed. He is living on social security disability as a result of an injury and is unable to meet his expenses. He said he still owes on the loan for the septic tank which was installed seven years ago.

Mr. McKean recommended a septic extension of three years. There was concern of setting a precedent but he pointed out the Board has done three and five year extensions. Dr. Canniff prefers a one year extension to review the status.

Upon a motion duly made and seconded, the Board voted to grant a deadline extension until July 2017; or if the house sells prior to that, connection to sewer would be required at that time. (Unanimously, voted in favor.)

**VIII. Hearing – Underground Storage Tanks:**

Linda Whitcomb, Trustee – 88 Greenwood Avenue, Hyannis, failure to remove an underground storage tank, constable served notice.

Linda Whitcomb was present. She said they finally found the tank location. They had been looking on the wrong side of house. They received a quote for the work and for removing the gas line running across it. She has obtained paperwork to apply for a loan to cover the cost and asked for an extension. (They also have a loan to connect to the sewer.)

Upon a motion duly made and seconded, the Board granted an extension to remove the underground storage tank until February 15, 2017. (Unanimously, voted in favor.)

**IX. Innovative/Alternative (I/A) Septic Monitoring Plan:**

Winston Steadman representing Oyster Harbors Club – 170 Grand Island Drive, Osterville, year 2015 and June 2016 test results of I/A monitoring results and water usage comparisons.

Winston Steadman was present. There was much discussion on the system. The owners are diligent about pumping the whole system annually at the beginning of the season and they pump out the grease tanks monthly during the season.

Winston said that as the Fast system recirculates the fluids, it adds in the BODs and overloads it. The system needs more oxygen; the biological load is too much.

The Board asked Winston to discuss the issue with George Heufelder, Director of Barnstable County Health, as he is very resourceful with the Innovative/Alternative (I/A) systems.

Upon a motion duly made and seconded, the Board voted to request an update at the November 2016 Board meeting. (Unanimously, voted in favor.)

**X. Discussion:**  
Tight Tanks

The Board had a summary from Karen Malkus, Health Department Coastal Resource Inspector, which covered the pumping status of the tight tanks.

All are in compliance to date. There are two which are due to be pumped next month. Karen does a review of these every six months.

**XI. Septic Repair: Urgent**

Glen Harrington representing Dmitry and Irena Zinov, owners – 102 Iyannough Road (formerly James Stephenson Condominiums, Hyannis, Map/Parcel 328-152-00A through -00N, 14 units, 1.51 acre parcel, septic repair needed.

Glen Harrington described the current failed system to the board for the property which was formerly the James Stephen's condominiums and will become timesharing through the current owner.

Upon a motion duly made and seconded, the Board determined an Innovative/Alternative (I/A) system is necessary and the Board voted to grant the variances listed on the application for the setback from the crawlspace as it is less than 10 feet and the depth of the leaching chambers require H<sub>2</sub>O will be used and will be vented. Mr. Harrington will revise the plan with an I/A system with the 2500 gallon tank for the 14 bedrooms and will supply Mr. McKean with a monitoring plan which will be in accordance with the manufacturer's instructions. This is approved and the revised plan will be reviewed by Mr. McKean to allow the system to be installed prior to the next meeting as it is in failure. (Unanimously, voted in favor.)

**XII. Old / New Business:**

A. Minutes.

Upon a motion duly made and seconded, the Board voted to continue the minutes until the August 23, 2016 meeting. (Unanimously, voted in favor.)

B. Status: Altair and Shinzo Miyagusuku, owners – 81 Woodbury Avenue, Hyannis, sewer connection is progressing as the electrician for installation of pump is working with Building Division.

The Board was happy to hear the progress.

Voted to Adjourn at 5:08 pm.