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Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601



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BOARD OF HEALTH MEETING RESULTS Tuesday, January 8, 2008 at 3:00 PM Town Hall, Hearing Room 367 Main Street, Hyannis, MA

I. Proposed Revisions to Solid Waste Regulation:
Glen Santos, Supervisor, Solid Waste Division.

The Board voted to approve the revision of the regulations for multiple (more than two) stickers per household.

Also, an update was given regarding the proposed recycling of horse manure at the transfer station. Glenn is in discussion with the State Dept of Environmental Protection.

II. Hearing (Cont.):
CONTINUED Deborah Packard, owner – 226 Long Beach Road, Centerville,
UNTIL APR 2008 MA – housing violation(s).

The Board voted to grant a Continuance until April 2008 to allow time for them to make a decision on which direction they will take.

III. Show-Cause Hearing:
GRANTED John Lebica, Cape Cod Community College, grease traps.

The Board voted to amend the former variance to read: the triple-bay sink, the dishwasher, and the double-compartment sink will be attached to grease recovery devise(s) to be completed within three months.

IV. Continued Items from Previous Meeting Septic Variances:
GRANTED A. Peter McEntee, P.E., representing Thomas Capizzi, Jr., Trustee,
WITH Centerville, LLC, 1084 Craigville Beach Rd, Centerville, 5,080
CONDITIONS square feet parcel, repair of septic system, eight variances
requested (postponed from Jul & Sep 2007).

The Board voted to approve with the following condition: (1) a two-bedroom Deed Restriction will be recorded at the Registry of Deeds, (2) a copy of the recorded Deed Restriction shall be submitted to the Health Division, (3) the installation shall be in accordance with the revised engineering plan dated January 3, 2008, and (4) a monitoring plan must be submitted.

CONTINUE TO FEB 2008 BOH MEETING B. David Coughanowr representing William Gordon – 62 Point of Pines Avenue, Centerville, 9,930 square feet lot requesting, two variances for repair septic system.

Continued to Feb. 2008 BOH meeting because the Board has not received revised plans.

V. Septic Variances (New):

CONTINUED UNTIL FEB 19, 2008 A. David Dadmun representing Karen and William Butler, owners - 465 Craigville Beach Rd, Hyannis, 15,000 square feet parcel, house addition, request for one variance.

The Board voted to approve a Continuance to February 19, 2008, Board of Health Meeting to allow time for a revised plan which is fully compliant.

GRANTED WITHOUT CONDITIONS A. Peter McEntee, P.E., Engineering Works, representing Timothy Fulham and Lisa Olney, owner – 63 Blue Heron Drive, Osterville, 1.61 acre parcel, two variances requested for repair of septic system.

The plan requests two variances: one for four feet of cover, in lieu of three feet, and a setback variance for the SAS from a coastal bank. The existing tank will be used. There are four bedrooms (including the den).

The Board voted to approve the two variances with no restrictions and shall be installed in accordance to the engineered plans dated December 21, 2007.

CONTINUED UNTIL FEB 19, 2008 B. Arthur Pacheco representing Janet Police, owner – 120 Third Avenue, Hyannis, 0.09 acre parcel, addition of a sunroom and a bulkhead to access basement, two variance requested.

The Board voted to Continue until February 19, 2008, meeting to allow the applicant to present the following: 1) need exact distance from bulkhead to the tank, 2) the distance from the bulkhead to the leaching field, 3) floor plans (to view whether there are any other alternatives).

GRANTED WITH CONDITIONS C. Peter McEntee, P.E., Engineering Works, representing Michael Ashley, owner – 1063 Main Street, Osterville, 9,026 square feet parcel, three variances for repair of septic system.

There are three separate living units at the location and they will be using a two-compartment septic tank. A variance is needed to place 5 feet of soil over the SAS, and two coastal setback variances are needed for the SAS and the septic tank.

Mr. McKean stated it was a failed system and the plan meets the feasible criteria. The Board voted to approve the plan with the following condition: 1) a five-bedroom deed restriction is to be recorded at the Registry of Deeds, 2) a copy of the deed restriction shall be submitted to the Health Division, and 3) shall be installed according to the revised engineering plan dated December 21, 2007.

CONTINUED UNTIL FEB 19, 2009 D. Dan Ojala, P.E., Down Cape Engineering, representing George and Alice Fardy, Trustees for Ocean View Motel – 966 Craigville Beach Road, Centerville, 0.13 acre lot, four variances requested, repair of septic system.

The Board needs time for review of the revised plan and needs a monitoring plan.

The Board voted to approve a Continuance to February 19, 2008, Board of Health meeting.

GRANTED WITH CONDITIONS E. Stephen Wilson, Baxter Nye Engineering, representing Melvin Field, owner – 49 Main Street, Osterville, 1.1 acre parcel, two variances requested for a septic repair.

The property is about to be sold and if the system is not put in before hand, it will be escrowed and put in after.

The Board voted to approve with the following condition: 1) a four-bedroom deed restriction will be recorded at the Registry of Deeds, 2) a copy of the deed restriction will be submitted to the Health Division, and 3) installation shall be in compliance with the engineered plan dated December 7, 2007 and signed December 13, 2007.

DENIED F. Stuart Bornstein, Stuborn Limited Partnership, owner – 276 Falmouth Road, Hyannis, 1.8 acre parcel, map and parcel 293-031, request exemption from connecting to town sewer.

The Board voted on the request for an exemption from a connection to town sewer. (The Board voted unanimously opposing the vote.) The Board will allow a one-year period to have the property connected to town sewer as it will require connecting across Route 28.

VI. Six or More Bedrooms:

CONTINUED UNTIL FEB 19, 2008 Darren Meyer representing Jamison DaSilva, owner – 47 Suffolk Avenue, Hyannis, 11,000 square feet parcel.

Some questions need to be addressed including a plan for how the property will accommodate the parking for all the proposed units.

The Board voted a Continuance to February 19, 2008, Board of Health Meeting.

VII. Nitrogen Aggregation Plan:

CONTINUED UNTIL FEB 19, 2008 Matthew Eddy, Baxter Nye Engineering & Surveying, representing James Murphy, owner – 34 Ost-W. Barnstable Road, Map and Parcel 120-046-001, Osterville, obtaining “credit land” at 1322 Main Street, Map and Parcel 2119-079, Osterville.

Mr. Eddy discussed his proposal with Brian Dudley, MA DEP. The amount of "credit land" they require for their location is 2,700 square feet. They have arranged for a 3,000 square feet easement of the parcel at 1322 Main Street, Osterville. They are scheduled to go to the Site Plan Review Board but are looking for the Board comments before going further with the costs and time.

The Board voted on a Continuance until the February 19, 2008, Board of Health meeting to research some legal questions raised.

VIII. Food Establishment Variance Requests:

GRANTED WITH CONDITIONS Aaron Webb, owner of The Daily Paper, requesting a variance to toilet facilities, Code 322.

The Board voted to issue a variance from the toilet facilities requirement until one of the following three occurs: 1) upon a renewal of the lease, 2) upon a change of lessee, or 3) upon major renovations. The applicant will submit documentation to Mr. McKean showing the current lease dates (expiring approximately 2010). The variance will allow the restaurant to operate with 2 toilet facilities instead of 4.

IX. Subdivision # 817 - Definitive Plan (Cont.):

POSTPONED UNTIL FEB 19, 2008 Cape & Islands Engineering representing Peter Jenkins, Jr., Definitive Plan at 361 Parker Road, West Barnstable, Map and Parcel 176-021, on public water, on-site sewerage disposal system, continued from Oct 2007 meeting.

X. Request to Reduce Monitoring of I/A System:

GRANTED Joseph Sullivan, owner – 130 Short Beach Road, Centerville, eight test results.

Test results submitted were good and the Board voted to reduce the monitoring plan to once a year with reporting to the Public Health Division.

XI. Old Business/New Business:

CONTINUED UNTIL 19, 2008 A. Ed Pesce, Pesce Engineering, and John Kenney, Attorney, representing 381 Old Falmouth Road, Marstons Mills –septic system discussion **FEB** regarding failure (continued from BOH January and June 2007 Meeting).

Mr. Pesce will come back to the Board on February 19, 2008, with additional requested information. Mr. Pesce will fine tune the calculations and will keep a goal of approximately 2,500 gallons per day with a maximum of 3,400 gallons per day.

B. Proposal to regulate high liquid levels in leaching pits.

Not discussed due to time constraint.

XI. Updates:

CONTINUED UNTIL A. Cynthia Cole- Continued discussion of touchless faucets.

FEB 19, 2008 Cynthia Cole wrote a proposal to the Health summarizing the meetings to date. The Hyannis Business District is proposing, as a compromise, to install touchless faucets by 2008 in their kitchens, including the option of knee operated faucets.

Cynthia Cole will continue to do revisions and will return to the Board on February 19, 2008.

CONTINUED UNTIL FEB 19, 2008 B. Thomas McKean will work on a revision to Chapter 385-4 for February 19, 2008 meeting – changing the current regulations of submitting plans two days prior to the Board meeting to ...10 days prior to the Board meetings unless approved by the Board of Health and the staff allowing proper time to mail to the Board members and review.

Board voted to adjourn at 7:00pm.