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# Town of Barnstable

## Board of Health

200 Main Street, Hyannis MA 02601



Wayne Miller, M.D.  
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### RESULTS OF BOARD OF HEALTH MEETING Tuesday, April 8, 2008 at 3:00 PM Town Hall, Hearing Room 367 Main Street, Hyannis, MA

#### I. Hearing- Tobacco:

Tobacco violations as reported by Bob Collette of Barnstable County Tobacco Control.

##### A. Hearing:

**WARNING ISSUED** 1. CVS # 2322, 176 North Street, Hyannis – First Offense, tobacco products sold to a minor.

The Board voted to issue a warning as the First Offense.

**WARNING ISSUED** 2. Christy's #610, 317 Falmouth Road, Hyannis – First Offense (in six years), tobacco products sold to a minor.

The Board voted to issue a warning as the First Offense.

**WARNING ISSUED** 3. Sav-On, 590 Iyannough Rd (Rte 132), Hyannis – First Offense, tobacco products sold to a minor and smoking inside building.

The Board voted to issue a warning as the First Offense.

**Requested POSTPONE UNTIL MAY BOH** 4. Big Daddy's Pizza (formerly Cotuit Pantry), 4120 Falmouth Road, Hyannis – Second Offense, tobacco products sold to a minor.

**\$100 FINE** 5. Hess Express, 149 North Street, Hyannis – Second Offense, tobacco products sold to a minor.

The Board voted to issue a \$100 Fine as the Second Offense.

**CONTINUED MAY 13 BOH** II. Hearing – Housing (Cont.):  
Deborah Packard, owner – 226 Long Beach Road, Centerville, MA – housing violation(s).

The Board voted to Continue to the May Board of Health Meeting and to have an inspection done by the Health Division to verify the work is complete.

**III. Septic Variances:**

**POSTPONED UNTIL  
MAY 13 BOH** A. Whitney Wright, owner – 4308 Main Street, Barnstable, 145,800 square feet parcel, one variance (postponed from Feb 2008 meeting).

**GRANTED  
WITH CONDITIONS** B. Lisa Lyons representing James and Valerie Lane, owners – 86 Summerbell Avenue, Centerville, 0.11 acre parcel, 4 variances for septic repair.

The Board voted to 1) allow Thomas McKean to allow a septic permit to proceed with a plan that allows only setback variances without a reduction in SAS size, or 2) that allows the currently proposed reduction in size SAS system, or an I/A system with setback variances, or to put in a standard system for three bedrooms and adjust the fourth bedroom to eliminate it as a bedroom.

**CONTINUED  
TO MAY 13 BOH** C. Peter McEntee, Engineering Works, representing Harold Gramse, Trustee – 98 Vanduzer Road, Barnstable, 22,280 square feet parcel, seven variances due to site constraints.

The Board voted to Continue to the May 13, 2008 Board of Health meeting to allow time for the Board to discuss the plan with Brian Dudley, DEP.

**GRANTED  
WITH CONDITIONS** D. Peter McEntee, Engineering Works, representing Ernest and Dianna Bovi, owners – 14 Briarcliff Lane, Centerville, 11,000 square feet parcel, M/P 208-105, I/A system with five variances due to site constraints.

The Board voted to approve the revised plan dated 4/08/08 with four variances: 1) variance for sieve analysis in lieu of percolation test, 2) a reduction to the requirement of a 12" separation between inlet and outlet pipes servicing the septic tank/pump chamber and high groundwater, and 3) a setback variance from the 100 feet to 66 feet from SAS to wetlands, and 4) a setback variance from 100 feet to 84 feet from septic tank to wetlands, with the following conditions: 1) a two-bedroom deed restriction will be recorded at the Registry of Deeds, 2) a proper copy will be submitted to the Health Division, and 3) vegetation will be planted along the top of the timber wall to high the mound which will be planted every three feet or according to the nursery instructions.

**GRANTED  
PENDING  
INFORMATION** E. David Coughanowr, R.S., representing Elisabeth Margaret Ricci, owners – 8-10 Sunset Avenue, Centerville, 5,800 square feet parcel, four variances requested.

David had used a more restrictive determination of the groundwater. The Board will accept a less restrictive method i.e., the monitoring of the groundwater or the use of high tide as the tool for groundwater. This would reduce the size of the retaining wall of 4.35 feet. A two-compartment tank will be needed.

The Board voted to approve the plan pending the final groundwater adjusted determination based on a test well for the height of the foundation and wall., 2) a revised plan be submitted to show a two-compartment tank.

**CONTINUED** F. Patrick Page, Trustee - 21 Buttonwood Lane, West Barnstable, 41,300 square feet parcel, Map/Parcel 217-031, variance for percolation test.

**IV. Variance – Food (New):**

**Withdrew Request** A. Elizabeth Wurf Bain representing Hyannis Farmers Market – change in location to Village Green next to the School Building, same schedule as prior years: weekly on Wednesdays in summer.

**TWO VARIANCES:** B. John Cotellessa, owner, Original Gourmet Brunch at 517 Main Street, Hyannis, requesting (1) grease trap variance and expansion in seating from 70 to 94; and (2) a variance request from toilet facilities from 4 to 3 toilets.

Mr. Cotellessa would like a grease trap variance suggesting that the restaurant pump the outside grease trap more often to meet its needs. The regulations state that prior approval by the DEP is required in this situation- whenever the person is not capable of expanding the grease trap.

Two variances were voted on with the results of:

- 1) The Board will continue the grease trap variance to allow the owner to speak with DEP before the Board vote on the request to approve existing grease trap with additional pump out schedule
- 2) The Board voted and approved the toilet facility variance-allowing 3 toilets.

**APPROVED** C. Peter Sullivan, Sullivan Engineering, representing Hyannis Harbor Tours (HyLine Cruises), 230 Ocean Street, Hyannis, requesting toilet facility variance.

A discussion took place regarding an additional double-compartment sink needed. This will be dealt with at a later time once the owner is able to review.

The second floor outside dining area must be separated by a partition and screening / air curtain from the raw bar food preparation area to prevent the entrance of insects and rodents from entering into the parent establishment.

They will be using touchless faucets. The Board voted to approve the plans with three toilet facilities.

**APPROVED BOTH VARIANCES** D. Hal Choubah, Choubah Engineering Group, representing Khalil Naoum of West Main Gas, 577 West Main Street, Hyannis, requesting toilet facility variance and grease trap variance.

The Board approved both variances.

**APPROVED** E. Nancy Magnuson representing Paul Mazzeo of Kandy Korner Gifts, 474 Main Street, Hyannis, map and parcel 308-078, requests a grease trap variance.

The Board approved an interceptor. (No grease trap or GRD required.)

**V. Disposal Works Installer Applicants:**

**APPROVED** A. James Zarella, Marshfield, MA

The Board voted to approve.

**APPROVED** B. Christian D. Turner, Sagamore Beach, MA

The Board voted to approve.

**VI. Subdivision # 817 - Definitive Plan:**

**CONTINUED** Michael Dunning, Attorney representing Peter Jenkins, Jr., Definitive Plan at 361 Parker Road, West Barnstable, Map and Parcel 176-021, private wells, on-site sewerage disposal system, requesting a variance from the Board of Health's Decision of March 1, 2008 to individual I/A systems on each lot.