



Town of Barnstable

Board of Health

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RESULTS OF THE BOARD OF HEALTH MEETING

Tuesday, August 21, 2007 at 3:00 PM
Town Hall, Selectmen's Conference Room
367 Main Street, Hyannis, MA

I. Hearing:

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

A. Show Cause Hearing:

\$100 Blanchard Liquors, 226 Falmouth Road, Hyannis – Second Offense,
FINE tobacco products sold to a minor.

The Board voted to issue a second time offense of \$100.

B. Hearings:

WARNING 1. Mini Food Mart, 252 Main Street, Hyannis – First Offense,
tobacco **ISSUED** products sold to a minor.

The Board issued a warning for a first offense.

WARNING 2. Barnstable Road Getty, 112 Barnstable Road, Hyannis – First
Offense, **ISSUED** tobacco products sold to a minor.

The Board voted to issue a warning for a first offense.

WARNING 3. Tedeschi Food Shop# 314, 700 Yarmouth Road, Hyannis – First
Offense, **ISSUED** tobacco products sold to a minor.

The Board voted to issue a warning for a first offense.

II. Hearings – Housing (New):

Deassis Vagner, 7 Quaker Road, Hyannis - housing violation-no hot water.

The owners have abandoned their property and left the tenants with the problems. The house is about to be foreclosed on. The current owners collected two months advanced rent and have now left for Brazil. The tenant paid the light bill, and gas bill. There are only three tenants now. The three tenants left have electric heat in their bedrooms. They could heat the water on electric stove. The tenant is asking the Board of Health to

postpone the evacuation notice until September 15 or longer to allow time to find a new place.

The Board voted to approve an extension of stay until September 30, 2007.

III. Hearings –Septics (New):

- A. Donizete Ronfim, 83 Uncle Willies Way, Hyannis – requesting extension on septic repair to pursue options.

No one was present. The Board voted to order the owner to remove three bedrooms or bring the septic system up to compliance and this must be done within 60 Days.

- B. Stephen and Tammie Jefferson, 17 Hampshire Avenue, Hyannis – requesting reconsideration of 2 bedroom limitation.

The Board voted to approve the three bedrooms with the condition that an I/A system be considered if the current system fails.

- C. Four owners (first of which is continued from Jun 2007 meeting) are requesting consideration to eliminate monitoring of the innovations septic system.

1. George Paton at 39 Falling Leaf Lane, Osterville
(see * below)
2. George Lloyd at 52 Falling Leaf Lane, Osterville
(see * below)
3. B.P. Berestecky at 31 Falling Leaf Lane, Osterville
(see * below)
4. Paul Freehauf at 42 Falling Leaf Lane, Osterville
(see * below)

*The Board voted to eliminate the requirement of quarterly water sample tests for: 39 Falling Leaf Lane, 52 Falling Leaf Lane, 31 Falling Leaf Lane, and 42 Falling Leaf Lane. The annual water sampling test and maintenance will still be required.

The owners said their understanding was that the annual reporting consisted of a Title V inspection annually. The Board explained that it is incorrect. The Board wants the water sampling testing done annually.

The Board noted that the installation of these I/A systems allowed the development to have an increase in the number of bedrooms permitted. The Board will need to have no failures in the neighborhood for a number of years before they will consider changing the annual requirement.

Another option the Board acknowledged approval of would be to eliminate one of the bedrooms (i.e. by widening the doorway) and then, without the potential increase in wastewater, the Board would be comfortable to not require the water sampling annually, as well.

IV. Continued Items from Previous Meeting:

Continued To A. Joe Henderson, P.E., representing Jerome and Marlene Goldstein –
Sep 11, 2007 199 Meadow Lane, W. Barnstable, 1.38 acre lot, addition to house,
Meeting increase from four to six bedrooms, three variances (continued from
Jul 2007 meeting).

The current four bedroom fits without requiring any variances. The proposed six bedrooms requires variances and this property is on a salt marsh. Mr. Henderson pointed out the wetlands have moved over time and the four bedroom system would no longer fit without variances. The Board expressed they are not in favor of the current plan. Mr. Henderson is interested in revising his plan for reconsideration. The Board voted to continue.

GRANTED B. John Schnaible, Coastal Engineering Company, representing
WITH Silvia & Silvia, 116 Scudder Lane, Barnstable, 1.3 acre lot -
CONDITIONS Proposed house addition, two variances (continued from Jun
meeting).

The Board voted to approve a five bedroom plan with the following conditions: 1) a five-bedroom Deed Restriction, and 2) present a revised septic plan which meets with Thomas McKean's approval.

GRANTED C. William Weller, Weller & Associates, representing Fisherman's
WITH Village Condominium - 855 West Main Street, Hyannis, review
CONDITIONS plan to repair failed septic.

The Board voted to approve the plan dated August 3, 2007, with the following conditions: 1) Fisherman's Village Condominium owners will tie into the sewer once the sewer line is available to West Main Street, and 2) once the Septic Escrow program is established, the owners will have escrows set up.

GRANTED D. Charles Allen and Robin Pulsifer, Sepia, 619 Main Street, Unit#2,
WITH Centerville, three variances: toilet facility, grease trap, and 3-
CONDITIONS bay sink, to submit complete floor plans (continued from July
2007 meeting.)

Charles Allen and Robin Pulsifer proposed the use of a coffee machine instead of making a hot chocolate drink and brought the floor plans.

The Board voted to approve a variance from a three-bay sink to allow a 2-bay sink, and voted to approve a variance from a mop-sink requirement. The owners will meet with Thomas McKean to review the necessary floor plan. If a plan is not worked out, the owners will be asked to come back before the Board.

V. Septic Variances (New):

GRANTED A. Stephen Wilson, Baxter Nye Engineering, representing Robert
WITH Benedetto, owner – 359 Santuit Road, Cotuit, 71,100 square
CONDITIONS feet lot, two setback variances from coastal banks.

The Board voted to approve with the following conditions: 1) insert to the plan the water line to the barn, 2) a floor plan for the barn will be submitted, 3) the septic tank will be moved to be in front of barn, and 4) a four-bedroom deed restriction.

VI. Food Establishment Variance Requests (New):

GRANTED WITH CONDITIONS A. Michele Barling, Café ReDesign, 38 Pearl Street, Hyannis – for food establishment, toilet facility variance and grease trap variance at new location.

The Board voted to approve the variances of 1) toilet facility variance and 2) grease trap variance with the condition of a limited menu of hot and iced coffee and tea, hot chocolate, and scones.

GRANTED WITH CONDITIONS B. Gretel Norgeot and Karen Lee, Farmer’s Market located at 540 Main Street, Hyannis – request to add lobster to menu.

The Board voted to approve the addition of lobsters to the menu of the Farmer’s Market provided they follow our guidelines of keeping the lobsters on ice, with a thermometer required in each cooler.

VII. Disposal Works Installer’s Permit Application:

GRANTED A. Jay Merchant, 30 Naushon Road, Dennisport, MA.

The Board voted to approve Jay Merchant as a Disposal Works Installer.

VIII. Massage Therapist Applicant:

GRANTED A. Anthony Antonangeli, Main Street, Marstons Mills, MA

The Board voted to approve Anthony Antonangeli as a Massage Therapist.

GRANTED B. Lindsey McNeil, Cypress Street, Plymouth, MA

The Board voted to approve Lindsey McNeil as a Massage Therapist.

IX. Correspondence/Updates:

A. Update on 828 Sea View Avenue, Osterville

B. Richard Capen at Capewide Enterprises discussed a project at 940 West Main Street Condominiums. The Board explained they would be interested in a preliminary plan and would want to see inspection reports for the other septic systems at the site. The Board would want to see an estimate of the cost to hook up to the Town Sewer, and 2) need reassurance from the Town that the Town is planning to extend in the desired direction. The complex will have to be willing to set up Escrow Accounts once our program goes on line, and the complex will be required to tie into the Sewer line once it does arrive.

The Board voted to adjourn.