



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING RESULTS

Tuesday, March 8, 2011 at 3:00 PM
Town Hall, Hearing Room, 2ND Floor
367 Main Street, Hyannis, MA

I. Hearing – Tobacco:

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

- A. AM/PM Convenience store, Falmouth Road, Centerville – First Offense, tobacco products sold to a minor.

The Board voted to issue a Warning.

- B. Hyannis Food Mart, 18 Center Street, Hyannis – First Offense, tobacco products sold to a minor.

The Board voted to issue a Warning.

II. Hearing – Pool (Cont.):

George Simpson, owner – Anchor In, One South Street, Hyannis, lifeguard requirements (continued from September 2010).

(Moved to end of meeting.)

George (Skip) Simpson was present. Dr. Miller reviewed the prior discussions.

****MINUTES WILL BE POSTED

THE PUBLIC IS ENCOURAGED TO INFORM US OF ANY COMMENTS THEY MAY HAVE ON THE LIFEGUARD ISSUE.

THE UP VOTE WILL BE

III. Hearing: Show- Cause for Stable Permit (Cont.):

Sally Burke, owner of Sea Flash Farm – 2346 Meetinghouse Way, West Barnstable, 14 horses, violations of Chapter 376-8 and 376-9 (continued from January 2011).

Update for the Board members.

Sally Burke said she has not yet determined whether they will be composting at the property. She has been removing the manure there approximately every two weeks. The deadline is still at July 2011. Sally Burke is requested to appear at the July 2011 Board meeting.

IV. Hearing – Underground Storage Tank

Jeffrey Lowery, owner – 88 Bay Road, Cotuit, MA. Underground storage tank (continued from February 2011).

Jeffrey and Nancy Lowery were present. Mr. Lowery said they purchased the 1,000 gallon tank from Owen Corning. It is fiberglass and Owen Corning guaranteed it for 100 years. It was purchased during the Carter Administration and during an energy crisis. They chose the tank after considering the environment and energy conservation etc. They went to the expense of this size because it afforded the protection of the environment they wanted. The Lowerys were unaware of the regulation requiring removal of underground tanks until the most recent letter received 11/24/10.

The Board explained to the Lowerys that the fiberglass tanks are also susceptible to leakage.

Upon a motion duly made by Dr. Canniff, seconded by Junichi Sawayanagi, the Board voted on the following: 1) abandon the use of the underground tank (1,000 gallon) by July 1, 2011, and unless approved by the Fire Department for “abandonment in place”, then the tank must be removed by August 15, 2011. (Unanimously, voted in favor.)

V. VariANCES – Septic (New):

A. Gregory MacDougall representing Sacha Negron and Michael James, owners – 165 Parker Road, West Barnstable, Map/Parcel 176-027, 45,378 square feet lot, setback variances to wetlands and well.

Upon a motion duly made by Dr. Canniff, seconded by Junichi Sawayanagi, the Board voted to approve the variance with the following conditions: 1) a two-bedroom Deed Restriction will be filed at the Barnstable County Registry of Deeds, and 2) a proper copy of the deed restriction will be submitted to the Public Health Division. (Unanimously, voted in favor.)

**CONTINUED
TO APRIL 2011**

B. Carmen Shay representing Allen Halliday, Trustee – 154 Eel River Road, Osterville, Map/Parcel 115-010-001, 74,985 square feet lot, setback variances for septic tank and pump chamber to wetlands.

VI. VariANCES – Septic (Cont.):

Joe Henderson, Horsley Witten Group representing Town of Barnstable, owner – 425 Sandy Neck Road, West Barnstable, additional information on capacity of system (continued from Board meeting Feb 10, 2011).

VII. Variance – Food (Cont):

- A. Mario Mariani representing Pain D’Avignon Café – 15 Hinckley Road, Hyannis, outdoor dining, air curtain variance (continued from December 2010).

Mario Mariani was present.

- B. Michael Thiel representing Michael’s Creative Baking – 424 Main Street, Hyannis (formerly, Center News), grease trap variance.

Michael Thiel said he will like a sandwich – bakery counter and all the baked products will be made at their other location.

The Board voted to approve a grease trap variance with the following conditions: 1) the DPW must be in agreement as the property is tied to sewer, 2) based on the menu submitted 3/8/11 with the items prepared offsite noted, and 3) a log will be kept and made accessible to the Public Health Inspector.

- C. Cynthia Hall representing Osterville Farmers Market, Osterville Historical Museum, 155 West Bay Rd, Osterville, donuts.

No variance required as the applicant has decided to make the product off-site at a residential kitchen.

The Board did officially vote to approve donuts at the Farmer’s Market (already covered under baked goods.) provided they are made off-site

VIII. Regulation / Policy:

Tobacco Policy: Propose change in length of time to review records of establishment - extending time beyond two years.

The Board voted 1) to change from two years to five years, 2) the Board may suspend the owner’s right to sell tobacco for up to 4 days at the third offense. And the fine for the fourth, the fifth and any subsequent offenses would be \$ 500.

IX. Old / New Business:

- A. Craigville Beach DCPC Septage Pumping.

Mr. McKean reviewed the forms the Cape Cod Commission has designed for the Pumping records. The staff recommended that the forms be done with a yellow carbon backup so that the inspectors give one copy to the owner and submit the original to the town.

The Board of Health approved.

- B. The new FEMA required regulations due by 6/16/11 to remain qualified for flood insurance.
- C. Dr. Canniff's comments on following up on a "restaurant" whose condition of a food variance has not been met. Discussion of system to identify.

Vote to Adjourn at 6:00pm.