



Town of Barnstable

Board of Health

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Wayne Miller, M.D.
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BOARD OF HEALTH MEETING RESULTS

Tuesday, May 10, 2011 at 3:00 PM
Town Hall, Hearing Room, 2ND Floor
367 Main Street, Hyannis, MA

I. Sewer Connection:

Michael Princi, Wynn & Wynn, representing First Light Holdings, LLC, owner – 300 Barnstable Road, Hyannis, Map/Parcel 310-144, sewer connection.

Discussion focused on the fact that the distance of the sewer line to his building is approximately 220 feet and caused the cost of the hook up to be 4 to 5 times greater than any of the neighbors, and this building has very low water use. (estimated cost in 2003 - \$25K). Alternatives are sought with the possibility of obtaining an easement from a neighbor to hook in.

Dr. Miller said an issue tied to this is that since the Lewis Bay area is an urgent area with the DEP, the DEP may be requiring all available in the area to hook up.

The Board voted to Continue to the Jun 14, 2011, meeting.

II. Hearing – Housing:

Carl Riedell, owner – 178 Scudder Road, Osterville, Map/Parcel 140-035, ceiling height.

The Board voted to approve the ceiling height.

III. Variances – Septic (New):

WITHDRAWN A. Peter Eastman, Howard Boats – 164 Beale Way, Barnstable, Map/Parcel 280-004, 0.50 acre lot, boat building and repair requesting approval for composting toilet, currently no plumbing.

Peter Eastman had supplied the Board with a letter from the Barnstable Yacht Club next door stating they are granted permission to use the toilet facilities there.

Dr. Miller said he was interested in having the letter also state that Howard Boats would only operate during the hours which the Yacht Club is open. Mr. McKean will speak with Mr. Eastman.

POSTPONED UNTIL BOH JUN 14, 2011 B. Peter Sullivan, Sullivan Engineering representing C. William Carey, owner - 986 Sea View Avenue, #A, Osterville, Map/ Parcel 091-002, 2.72 acre parcel, proposal to grandfather four bedroom without installing new septic system.

IV. I/A Monitoring:

Jerome Goldstein, owner – 199 Meadow Lane, West Barnstable, Map/Parcel 134-018-001, requesting a reduction in monitoring.

The Board voted to approve the reduction of the Innovative Alternative (I/A) septic system's monitoring plan to: once a year and it is to be monitored for total nitrogen only.

V. Variance – Food (New):

A. Michael Santos, building owner and representing Cape's Best Gyros & Grill – 569 Main St (formerly Café Samedy), grease trap variance.

The Board voted to approve a temporary grease trap variance with the length of the time of the variance to be determined by the Town Engineer, DPW, based on the fact that the three restaurants are operating with similar menus to the previous tenants who were there for three to five years and with the following conditions: 1) must work towards getting a minimum 1,500 gallon capacity grease tank installed, OR, 2) work towards proving the total effluent for the building is less than or equal to 5 mg/liter of grease as requested by the Town Engineer, DPW, 3) during the temporary variance, the two restaurants, Cape's Best Gyros & Grille and Hot Diggity Dogs N More, must use a grease recovery device and maintain a grease removal log, and 4) Cape's Best Gyros & Grill will eliminate the use of deep fryers and will use the stove or oven instead, 5) all paper products will be used as serve ware, 6) a grease recovery device (GRD) will be used, 7) a grease removal log will be maintained and easily accessible to the health inspector, and 8) if it is determined that an in-ground grease trap is required, an in-ground minimum 1,500 gallon capacity grease trap shall be installed before the established deadline.

B. Janis and Randy Gold, The Broken Cone – 569 Main Street, Unit# D-1, Hyannis, grease trap variance and increase seats to 29.

The DPW has previously said that the GRD does not have an affect on ice cream and this is not an issue with the sewer lines. The application stated, in error, an increase in seating. McGee's Ice Cream had previously been approved for 29 seats (9 in, 20 out). No vote was necessary for seating. It will be 29 seats, same as prior tenant.

The Board voted to approve a temporary grease trap variance with the length of the time of the variance to be determined by our Town Engineer, DPW, based on

the fact that the three restaurants are operating with similar menus to the previous tenants who were there for three to five years and with the following conditions: 1) must work towards getting a minimum 1,500 gallon capacity grease tank installed, OR, 2) work towards proving the total effluent for the building is less than or equal to 5 mg/liter of grease as required by our Town Engineer, DPW, 3) During the temporary variance, the two restaurants, Cape's Best Gyros & Grille and Hot Diggity Dogs N More, must use a grease recovery device and maintain a grease removal log, and 4) Cape's Best Gyros & Grill will eliminate the use of deep fryers and will use the stove or oven instead, 5) All paper products will be used as serve ware, 6) a grease recovery device (GRD) will be used, 7) a grease removal log will be maintained and easily accessible to the health inspector, and 8) if it is determined that an in-ground grease trap is required, an in-ground minimum 1,500 gallon capacity grease trap shall be installed before the established deadline.

C. Tracy Paulas, Hot Diggity Dogs N More – 569 Main Street, Unit# 11-D, Hyannis, grease trap variance and air curtain variance.

TWO VARIANCES APPROVED.

The Board voted to approve a temporary grease trap variance with the length of the time of the variance to be determined by our Town Engineer, DPW, based on the fact that the three restaurants are operating with similar menus to the previous tenants who were there for three to five years and with the following conditions: 1) must work towards getting a minimum 1,500 gallon capacity grease tank installed, OR, 2) work towards proving the total effluent for the building is less than or equal to 5 mg/liter of grease as required by our Town Engineer, DPW, 3) During the temporary variance, the two restaurants, Cape's Best Gyros & Grille and Hot Diggity Dogs N More, must use a grease recovery device and maintain a grease removal log, and 4) Cape's Best Gyros & Grill will eliminate the use of deep fryers and will use the stove or oven instead, 5) All paper products will be used as serve ware, 6) a grease recovery device (GRD) will be used, 7) a grease removal log will be maintained and easily accessible to the health inspector, and 8) if it is determined that an in-ground grease trap is required, an in-ground minimum 1,500 gallon capacity grease trap shall be installed before the established deadline.

The Board voted to approve an air curtain variance for the food service window with the following condition: 1) a screen with a spring attached which will prompt the window to close after each use, and 2) the spring will be installed and inspected prior to the June 14, 2011 Board meeting.

D. Rick Bibeault, Mid-Cape Farmers Market, Hyannis, approval to add cheese and meats.

Rick withdrew the request for meats as the vendor has backed out.

The Board approved the cheese.

The Board agreed the price for the two permits needed for the summer will be \$200 (\$100 x 2).

- E. Rick Bibeault, Mid-Cape Farmers Market representing Jason O'Toole of Pizza Barbone, Temporary Food Permit for WIC: Jun 8, Jul 6, Aug 10, Sep 7 and Oct 5, 2011.

The Board approved the temporary permit to be done as one permit for \$35 covering 5 separate dates. The Pizza vendor is there to demonstrate it for WIC and he will also be selling the pizza so the price used is the \$35 rate.

- F. Gary Cannon, Waldorf School of Cape Cod's 12th Annual Silent and Live Auction, Temporary Food Permit for Cotuit Center for the Arts, Route 28, Cotuit on May 21, 2011.

The Board voted to approve the 8 vendors with the allowance to expand to 12 vendors if they are approved by Mr. McKean, Health Director, and the paperwork will be required to be submitted to the Health Division a minimum of one week in advance to allow proper time.

- G. John Greene representing Oceans 10 – 10 Ocean Street (formerly The Black Spot), Hyannis, grease trap variance.

Mr. Greene eliminated salads off his menu and said they are using all disposable products for serving ware.

The Board voted to approve a grease trap variance. A Grease Recovery Device (GRD) must be used and a grease removal log must be maintained and easily accessible to the health inspector. Note: The Health Division must go over the GRD use with Mr. Greene and the daily log. He had left the room prior to the Board finishing. (A grease interceptor is mentioned as a grease trap on the plan. This is not adequate.)

- H. Jason Warren, Osterville Village Café – 3 Wianno Avenue, Osterville, toilet facility variance.

The Board voted to approve the toilet facility variance for one toilet.

- I. Monty Liu (formerly MenChung Liu), Dragonlite Restaurant – 620 Main Street, Hyannis, variance for the operation of acidification of cooked rice.

The Board voted to approve the variance for HACCP Plan – acidification of cooked rice.

- VI. **Septic Installer:**
James Kelley, Dennis, MA

Mr. Kelley does not currently have any licenses under other towns.

The Board voted to approve with the condition of the successful results of the completion of the references.

VII. Old / New Business:

A. Board of Health Officers.

Voted in as the new officers of the Board:

Chairman – Wayne Miller, M.D., Vice Chairman – Paul J. Canniff, D.M.D.

B. Proposed Revision to Section 322-5 of the Town of Barnstable Code Regulation currently requires both air curtain and screen at all serving windows associated with outdoor dining. Proposal is to allow a screen or an air curtain.

Tom McKean will draw up a draft for a new regulation.

Postponed until Jun 14 BOH mtg C. Proposal to allow health inspectors to grant counter variances on HACCP Plans and time/temperature controls for licensed food facilities.

This was not able to be voted on at the meeting.

Motion to adjourn 5pm