



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING RESULTS

Tuesday, July 12, 2011 at 3:00 PM
Town Hall, Hearing Room, 2ND Floor
367 Main Street, Hyannis, MA

I. Hearing – Show Cause Pool:

Alan Chan, America's Best Value Inn of Cape Cod – 206 Main Street, Hyannis, pool violation.

Jim Chan was present and apologies, expressing that it will not happen again.

The Board voted to **approve** the issuance of a warning with the comment that if this were to happen again, it would lead to the pool closing and/or fines.

II. Variations – Septic (New):

A. Robert Drake representing Dick Vecchione – 455 Scudder Avenue, Hyannis, Map/Parcel 388-141-001, 1.02 acre lot, setback variations.

Robert Drake took two percolation tests and found that the ground water appears to be artificially raised. With this knowledge, he is proposing to use the adjustment rate to ground water of the springtime.

The existing septic tank may be partially under the driveway and is not H20 per plan. Robert will verify whether or not it is under the driveway.

The Board voted to allow a plan which may use the Spring time as the adjustment period for the groundwater calculations and the Board voted to allow Mr. McKean and/or his health staff to grant three variations: one variation of separation to groundwater, and two setback variations, one for each of the two catch basins, with the following conditions: 1) Record a three-bedroom Deed Restriction at the Barnstable County Registry of Deeds, and 2) supply a proper copy of the Deed Restriction to the Public Health Division.

ADDITIONAL COMMENTS AFTER THE MEETING: Mr. McKean will speak to Robert Drake about using the May reading of the pond as a ground water adjustment which should give more comfort to the Board.

- B. H. Earl Lantery, Jr., Muddy Waters Environmental Inc., representing Michael and Christine Albee, owners – 17 Pond Meadow Drive, Marstons Mills, Map/ Parcel 045-035, 0.79 acre parcel, failed system, proposal to install an Aquaworx Remediator under remedial approval.

The Board voted to **approve** the use of the Aquaworx Remediator System provided all the requirements listed in the DEP approval dated 12/22/10 are followed.

This will be completed within a week, if approved. Earl said he would be happy to return to the Board with the results in October or November.

III. I/A Monitoring:

Suzy Genest, owner – 116 Scudder Lane, Barnstable, request to reduce monitoring.

The Board voted to **approve** to reduce the monitoring to once a year with the following conditions: 1) that they are only using the property for seasonal use. 2) if they do use it more than seasonally, it must be tested two times a year, and 3) if the property is serviced by a private well which is located within 150 feet from the septic, or if any other well is located within 150 feet from the septic, the water also must be monitored once a year.

IV. Variance – Food (New):

- A. Kathleen Kadlik owner of Fromage ‘A Trois – 3180 Main Street, Barnstable, Map/Parcel 300-048, on town sewer, requests two variances: to operate with one toilet facility, in lieu of two and a grease trap variance.

Kathleen Kadlik was present and said the entire space is 202 square feet. There is the kitchen and a bathroom with one toilet. There is a maximum of 2 people working there.

The Board voted to **approve** the one toilet facility and the grease trap variance with the following conditions: 1) adhere to the menu submitted 7/12/11, and 2) no more than 3 - 4 people.

- B. Daniel McGrath, owner of McGrath’s Saloon and Sports Bar – 380 Barnstable Road, Hyannis, Map/Parcel 311-026, toilet facility variance, use 3 bathrooms in lieu of 4 (for over 50 seats).

The Board voted to **approve** three toilet facilities, in lieu of four.

- C. Temporary Food Event – Robert Kelly, Barnstable Village Business Association for “Music In The Village” to be held at the Courthouse Complex, 3195 Route 6A, Barnstable, on Tuesday, August 9, 2011, serving food 6:00-8:00 pm.

The Board voted to **approve** the annual event with the submitted food items.

V. Hearing – Show Cause Stable (Cont):

Sally Burke, Sea Flash Farm – 2346 Meetinghouse Way, West Barnstable, stable.

A letter will be sent stating she **must remove** the final pile of manure (which has been there since November) within 90 days.

VI. Septic Installers (New):

Paul Martin, West Yarmouth, MA

Approved Paul Martin as a septic installer.

VII. Old / New Business:

Bathing Beach Policies.

The state noticed that there were some bathing beaches in the Town which we are not testing and therefore, are not properly posted to inform the public that they are not being tested. The authority of which bathing beaches are to be tested is the responsibility of the Board per the State regulations.

Currently, we are awaiting the Legal Department to determine the definition of a “bathing beach”.

Two actions to be done:

- 1) Per the State law, the Board must review and determine which are to be tested.
- 2) For those which the Board determines not to test, the posting must be adjusted.
i.e. – Crocker’s Neck is on town website stating it’s a bathing beach. If BOH does not include it in the testing list, then the website, etc, must also be adjusted.

CONTINUE to the AUG 23, 2011 BOH (Legal Dept. is working on the definition.)

VIII. Craigville Beach DCPC Implementing Regulations:

A. Section 353-10 of the Town of Barnstable Code – Pumping Requirements.

B. Section 360-46 of the Town of Barnstable Code – Reporting Requirements for Septic Haulers.

Yes, use staff recommend that it be written that the sludge layers and solid levels be observed once every five years. Including a minimum of pumping every 5 year period, hopefully, will satisfy the Cape Cod Commission.

Dr. Miller said he is willing to incorporate the whole paragraph under Code 315. Section 351-1 etc.

Dr. Miller asked Mr. McKean to put the draft into a letter with the Town Attorney, then the BOH will review the letter at the Aug 2011 meeting.