



# Town of Barnstable

## Board of Health

200 Main Street, Hyannis MA 02601



Office: 508-862-4644  
FAX: 508-790-6304

Wayne Miller, M.D.  
Paul Canniff, D.M.D.  
Junichi Sawayanagi

### BOARD OF HEALTH MEETING RESULTS

Tuesday, January 10, 2012 at 3:00 PM  
Town Hall, Hearing Room, 2<sup>ND</sup> Floor  
367 Main Street, Hyannis, MA

#### I. Hearing – Housing / Septic (Cont):

POSTPONED UNTIL FEB 14 2012 A. Lili Seely, owner – 33 Candlewick Lane, Hyannis – housing and septic issue (continued from Dec 2011).

POSTPONED UNTIL FEB. 14 2012 B. Kenneth Carey, owner – 439 (a.k.a. 441) South Main Street, Centerville, 3 units, housing violations (continued from Dec 2011).

#### II. Variances – Septic (New):

A. Stephen Wilson, Baxter Nye Engineering, representing David Brito, P&S Agreement with owners – 31 and 43 Church Hill Road, Centerville, Map/Parcel 207-138 and 207-139, total two lots is 32,045 square feet, multiple variances.

Many spoke of their concerns with the property.

The Board will conduct a site visit on Monday, February 6, 2012 at 11:30am and will visit the property if it rains before the next meeting.

The Board voted to continue to February 14, 2012 and will review a revised plan which should be available in a couple weeks, showing an I/A Microfast System and a new floor plan once it is available.

Mr. Wilson will bring in extra copies of the plan, once completed, for the interested public. The Health Division will also have information about the Microfast System available.

- B. Robin Wilcox, Sweetser Engineering, representing Daniel and Suzanne Penni, Trustees, D&S Penni Realty Trust – 58 Holway Drive, West Barnstable, Map/ Parcel 136-033, 44,500 square feet lot, subdivided in 1971 as Point Hill Realty Trust, requesting multiple setback variances.

The Board voted to approve the variances with following conditions: 1) A four-bedroom deed restriction is recorded at the Barnstable County Registry of Deeds, and 2) a proper copy of the deed restriction is submitted to the Public Health Division.

**III. Title V – Septic Inspection Review:**

Joseph Smith, Bennett Environmental Associates, representing Acworth Inn – 4352 Route 6A, Barnstable, Map/Parcel 351-039, two new septic inspections were done and passed. Original inspection failed on 09/09/2011.

The Board voted to rescind the order to replace the septic system within a year. No further action is required until Aug/Sep 2012 at which time the Board requires another septic inspection to be done. If the septic system then passes, the Board will deem the system as passed.

Mr. Smith may contact Capewide to view the videotape of the inspection to speed things along.

**IV. Variance – Food (New):**

- A. Kathy Murray, owner, Barnstable Market – 3220 Main Street, Barnstable, Map/Parcel 300-010, grease trap variance, has limited menu and is a small market.

The Board voted to approve the grease trap variance with the condition that Roger Parsons, Town Engineer, will take a look at the grease situation for the first two months.

- B. Attorney David Lawler representing Mary Phelps, owner of Earthly Delights – 15 West Bay Road, Osterville, Map/Parcel 141-016, request for two variances: toilet facility and outdoor dining.

The Board voted to approve a toilet facility variance to allow the 12 outdoor seats.

- C. Jason Berg, Panera Bread – 790 Iyannough Rd, Hyannis, Map/Parcel 311-092, request for toilet facilities variance with additional seating.

Alternatives were discussed. Panera Bread may return to the Board with a revised proposal.

Currently, the Board DENIED the request of eliminating two employee bathrooms for additional seating.

**V. Septic Installer (New):**

A. Daniel Duprez, Littleton, MA

The Board voted to approve Daniel Duprez for a septic installer.

B. Craig Condinho, Marstons Mills, MA

The Board voted to approve Craig Condinho for a septic installer.

**VI. Policy/ Regulation:**

POSTPONED TO FEB 14, 2012      A. Signage "Wording" and Beach Designations.

B. Ban on Pharmacy Tobacco Sales.

There are 6-7 towns which have recently put into effect a similar ban.

The staff is opposed to the ban. They feel it interferes with equal rights of commerce.

The Board members feel it is necessary. The State is also looking into passing a state-wide policy. Mr. McKean will research and see how close the State is to passing the policy. In the meantime, Dr. Miller will have the Legal Department write up a regulation to be reviewed.