



# Town of Barnstable

## Board of Health

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### BOARD OF HEALTH MEETING RESULTS

Thursday, April 26, 2012 at 3:00 PM  
Town Hall, Hearing Room, 2<sup>ND</sup> Floor  
367 Main Street, Hyannis, MA

#### I. Hearing - Housing (Cont.):

- A. Lili Seely, owner – 33 Candlewick Lane, Hyannis, housing and septic issue (continued from Dec 2011 and Feb 2012).

The Board voted to have Ms. Seely return to the Board of Health at the July 10, 2012 meeting if the septic permit has not been completed or if the list of housing repairs has not been completed.

- B. Kenneth Carey, owner – 439 (a.k.a. 441) South Main Street, Centerville, 3 units, housing violations (continued from Dec 2011 and Feb 2012).

The Building Department inspected the new porch last week and it passed inspection. The septic system has been engineered and is on the agenda for next month – May 8, 2012. The Board will review the septic plans at that time.

#### II. Hearing – Show Cause: Housing (Cont.):

Cancelled. Craigville Motel, 8 Shootflying Hill Road, Centerville, insufficient heat to  
Repairs occupants and use of space heaters, operation of motel without a valid  
Completed license for 2012 (Continued from March 2012).

#### III. Hearing – Connect to Sewer (Cont.):

30 Thornton Drive – Business Condos. Barnstable.

##### Owners:

A. William and Rita Amaral	1 Unit	Map/Parcel 296-008-00A
B. Richard Fleming	2 Units	Map/Parcel 296-008-00B & 00C
C. Bert Mosher	1 Unit	Map/Parcel 296-008-00D
D. Michael Michnay	2 Units	Map/Parcel 296-008-00E & 00F

Richard Fleming said his attorney researched and learned that the property never had condominium papers filed. He is looking into having the units subdivided so they each can hook up to the sewer independently.

Upon a motion duly made by Dr. Canniff, seconded by Mr. Sawayanagi, the Board voted to continue to the August 21, 2012, meeting to allow the legal matters to be worked out.

**IV. Hearing – Housing (New):**

Fisherman's Village Condo Association, 855 West Main Street, Hyannis, violation – draining, grade is slanting down towards foundation.

Mr. McKean explained that the method of fixing the violation is up to the condominium as long as water does not collect and pitch back into the foundation. All were in agreement that a drywell would be acceptable and management will move forward with the installation of a drywell.

**V. Hearing – Septic Failure:**

Peter Sullivan, Sullivan Engineering, representing Richard Callahan, owner – 120 Bridge Street, Osterville, septic failure, house is not in use, requesting an extension.

The property is in the marine zone and the owner is trying to figure out the best use for the property without losing the flow associated with it right now. The house is vacant and will remain vacant for a year – as they determine the use.

The Board granted an extension for one year on the septic repair; or, until the house is occupied – which ever is sooner.

**VI. Variances – Septic (Cont.)**

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 the four bedroom house without installing new septic system (continued from June 2011).

The Board voted to approve the existing septic system as a grandfathered four-bedroom system for Unit # A at 986 Sea View Ave, Osterville. The Board was aware there is another house on the property – the other house was not discussed at this meeting.

**VII. Variances – Septic (New):**

A. Peter McEntee, Engineering Works, was representing Richard Largay, owner – 75 Indian Trail, Barnstable, Map/Parcel 336-002, 3.55 acre parcel, septic repair of failed system, three variances.

The Board voted to approve the plan with the following conditions: 1) a three bedroom deed restriction will be recorded at the Barnstable County Registry of Deeds, and 2) a proper copy of the deed restriction will be submitted to the Health Division.

- B. Theodore Skirvan, owner – 114 Long Pond Rd, 0.49 acre parcel, Marstons Mills, discrepancy of bedroom count on septic permit in file.

The property is confirmed to be a 2 bedroom with the existing septic and they want to meet with an engineer to discuss putting in an innovative alternative (I/A) system in place of the 1,000 gallon tank, to bring the system up to a 3 bedroom.

The Board voted to continue to the May 8, 2012 meeting to present an innovative alternative system.

**VIII. Informal Discussion:**

- A. Peter Sullivan, Sullivan Engineering, representing Michael Barnfield, owner - 233 Bay Lane, Centerville, Tight Tank Modification, discuss grey water system possibility.

The house would have to be re-plumbed to separate water into the two systems but hopefully, the slab is still open from the interior work done. The property has a lengthy record of pumping showing they have been responsible with their tight tank. The Board said that as long as there is not an increase in flow, the setback of 50 feet has been allowed.

Peter spoke with Brian at DEP and he will consider the idea. Dr. Miller said he had been told by DEP in the past that unless a Title V system could be put in, then the option to add a separate greywater system was not available. The Board was happy to hear the State may be changing their views towards greywater systems.

Mr. Sullivan will take the next step and speak to DEP in more detail.

**IX. Variance – Food (New):**

- A. Jason O’Toole, owner – Pizza Barbone, 390 Main St, Hyannis, toilet facility variance.

The Board voted to approve the toilet facility variance with the condition that the maximum number of seats at any one time is 55 seats with the two restrooms available. The owner may submit a letter to Thomas McKean stating that the other restrooms are available during the working hours of Pizza Barbone, at which time Mr. McKean will grant 57 seats.

WITHDRAWN B. Temporary Food Event: Ragnar Relay Series – May 11- May 12, 2012, mobile truck at Dowses Beach, Osterville.

**X. Policy/ Regulation:**

A. Touchless Faucet – modification for automatic shut-off button type.

The Board did not have any issues with a faucet with an automatic shut-off button which allows the user to wash their hands after turning it on and not needing to make contact with faucet after that.

The Board voted to approve the modification to the touchless faucet regulation.

POSTPONED. B. Ban on Pharmacy Tobacco Sales.

The Legal Department is working on this. It will not be available for the May meeting.

**XI. Correspondence:**

Fred Safford, Esquire, representing Zale Corporation at Cape Cod Mall. regarding violation of piercing ear cartilage.

Correspondence discussed study done where piercing with piercing gun was at odds with Board of Health's stricter rules. However, the study listed serious issues of concern if an infection were to happen to the cartilage.

**XII. Old / New Business:**

A. Cooper – 131 Skating Rink Road, Hyannis, septic has been replaced.

**Addition:**

**Lifeguards:** Dr. Canniff mentioned the recent state regulation of requiring access to public pools for the handicap. He mentioned his concern that this type of equipment next to and in a pool would give more necessity to requiring lifeguard coverage.