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/Town of Barnstable Board of Health

200 Main Street, Hyannis MA 02601



Wayne Miller, M.D.
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Revised 10/9/09

BOARD OF HEALTH MEETING MINUTES Tuesday, October 13, 2009 at 4:00 PM School Administrative Building, Conference Room 230 South Street, Basement Level, Hyannis, MA

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on October 13, 2009. The meeting was called to order at 4:00 pm by Chairman Wayne Miller, M.D. Also in attendance was Junichi Sawayanagi and Susan Rask, Alternate Board Member. Paul Canniff, D.M.D. sat in on the meeting. Thomas McKean, Director of Public Health, and Sharon Crocker, Division Assistant, were also present.

I. Hearing – Underground Storage Tanks:

Peter Doyle and Dale Saad, Water Pollution Control Division, Town of Barnstable, owner– 382 Falmouth Road (a.k.a. 617 Bearse's Way), Hyannis, Map/Parcel 293-001, request for a year extension.

Peter Doyle explained that the tanks are in a self contained vault and only six inches of them are actually below ground. The replacement of the tanks is very costly. The Board would consider this tank an above ground tank.

Upon a motion duly made by Junichi Sawayanagi, seconded by Sue Rask, the Board voted to approve a one year extension. (Unanimously, voted in favor.)

II. Septic Variance:

Thomas McLellan, Bass River Engineering, representing Barnstable Housing Authority, owner – 2439 Meetinghouse Way (Rte. 149), West Barnstable, Map/Parcel 155-038, 0.41 acre lot, requesting setback variances from wells.

Thomas McLellan, P.E. was present and reviewed his plans with the Board. The leach pits have failed and due to the well locations in the vicinity, variances are requested. Mr. McLellan said distance to the neighbor's well is 109 feet from the SAS (which is further than the current system) and is down gradient.

Mrs. Parris, neighbor, had some questions. It was explained that ground water flow moves away from her well and this variance does not put her

well in jeopardy. The proposed system is an improvement from the current one.

Upon a motion duly made by Mr. Sawayanagi, seconded by Sue Rask, the Board voted to approve the three setback variances to wells with the following conditions: 1) revised plans will be submitted showing a two-compartment tank and must show the water line from the well to the house, and 2) must test the water before receiving a septic permit. (Unanimously, voted in favor.)

III. Variance – Food (New):

- A. Neia Moore, owner, Neia's Appetizers – 459 (rear unit)/461 Main Street, Hyannis, grease trap variance.

Neia Moore was present and presented her proposed menu. The location has a grease recovery device, Big Dipper.

Upon a motion duly made by Junichi Sawayanagi, seconded by Sue Rask, the Board voted to approve a grease trap variance with the menu dated 10/13/09 with the following conditions: 1) it passes a health inspector's inspection to operate, and 2) a grease trap log of weekly cleaning must be kept. (Unanimously, voted in favor.)

- B. Sonny Apotheker, Richie's Italian Ice – Cape Cod Mall, 793 Lyannough Road, Hyannis, three variances. push-cart style.

Sonny Apotheker and Leo Fein were present and discussed the proposed operation. The Italian Ice comes in 7 ½ gallon buckets. There are no dairy products in the product, only water sugar and flavoring. He will have a Handy Dandy sink which holds 7 gallons and will be at the push-cart. The operation will be in a good location close to the public restrooms and has permission to sterilize scoops at the Casual Gourmet next to him. There will be only one operator on location at a time. He will operate with a box of scoops which will contain enough scoops for a full day's operation (even using one per customer).

Upon a motion duly made by Junichi Sawayanagi, seconded by Sue Rask the Board voted to approve seven variances: toilet facility variance, push-cart regulation variance, mop sink variance, hard plumbing variance, 3-bay sink variance, one servsafe at a time, and touchless faucets variance, with the condition that if the Handy Dandy sink is available with elbow operated handle, he will obtain on. (Unanimously, voted in favor.)

- C. Jenifer L. Holloman representing Long Pasture First Annual Farm Fair – Temporary Food Permit applications for annual event "Long Pasture Farm Fair", on October 24 at Long Pasture Farm, 345 Bone Hill Road, Barnstable.

Jenifer Holloman and Rick Bibeault discussed the function and had a list of the final six vendors who will be participating and specified fish pate will not be present. There will be handwash stations and the vendors have inside faucets also available to them.

Upon a motion duly made by Junichi Sawayanagi, seconded by Sue Rask, the Board voted to approve the annual temporary food event, Long Pasture Annual Farm Fair, to be held October 24, 2009, with the following food items: coffee, tea, ice drinks, bottled water, live lobsters (in cooler in ice), raw fruits and vegetables, and raw eggs with the following condition: the final review and approval will be given by Thomas McKean once he has all documents in hand. (Unanimously, voted in favor.)

IV. Old Business/New Business:

Septic upgrades within areas where public sewer is proposed.

Sue Rask brought to the Board that there is at least one house in septic failure in the Stewart Creek area. Regulation CMR 310 305.1B covers this type of situation where a full upgrade may be postponed when sewer will be available within a five year period.

Ms. Rask spoke to Brian Dudley, DEP, regarding this property and he said three feet separation to groundwater is fine. The Board of Health and the home owner should come to an agreement on an escrow to have funds available for repair in case the sewer is not available in the proper time frame. The DEP does not need to approve this as long as there is an agreement between the owner and the town. DEP suggests having an escrow account of \$20,000.

Sue Rask estimated there may be only 3 to 5 septic systems in failure per year in the proposed sewer areas. The Board needs to give clear instructions to engineers so they can design a minimal septic system (not fully Title V compliant) to handle the septic until the sewer arrives.

The Board discussed the desire to do everything possible to approve temporary, safe resolutions for failed septic systems in these areas and the Board hopes the Town Council will now approve a part-time position to manage the escrow accounts needed for these properties. Ms. Rask said the Barnstable County Health Department is able to assist the Town by tracking the pumping for these properties. However, they can not track the escrows for us.

A. Septic failure at 33 Stetson Street, Hyannis.

Ms. Rask said the septic failure in the Stewart Creek area is at 33 Stetson Street, Hyannis. Sue said the cost to repair it with a mounted septic would be in the range of \$20,000. However, the sewer system will be available to

the property in two years. A percolation test showed 11 feet to groundwater, thus, groundwater is not an issue. The engineer thinks the failure may be due to over-occupancy at the property. There are a number of buildings on the property and which may have rental units.

B. Flu Clinics.

Sue Rask said the County may have some MRC nurse volunteers available to the town to assist in the flu vaccine distribution.

C. State Conflict of Interest Law

Dr. Miller stated upon review of the recent Conflict of Interest Law, he understands it to be very limiting to all especially the volunteers for committees such as Board of Health. It appears people are not able to be employed in any businesses which touched on Board of Health issues. This could mean every business in the town. Further discussion is requested.