



# Town of Barnstable

## Board of Health

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### **BOARD OF HEALTH MEETING MINUTES Tuesday, December 13, 2011 at 3:00 PM Town Hall, Hearing Room, 2<sup>ND</sup> Floor 367 Main Street, Hyannis, MA**

**Rev.**

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, December 13, 2011. The meeting was called to order at 3:00 pm by Chairman Wayne Miller, M.D. Also attending was Board Member Junichi Sawayanagi. Board Member Paul J. Canniff, D.M.D, was unable to attend. Thomas McKean, Director of Public Health, and Teresa Wright, Division Assistant, were also present.

#### **I. Hearing – Housing / Septic:**

- A. Lili Seely, owner – 33 Candlewick Lane, Hyannis – housing and septic issue.

Lili Seely was present and asked for an extension on the deadline of a septic repair.

Mr. McKean read the number of housing repairs needed to comply with the rental ordinance, submitted by the health inspector, James Parziale. He also noted the septic system was built for 3 bedrooms, not four. There are two failed septic inspections, one in 2004 and one in 2009, which both state the leaching system is saturated.

Dr. Miller said it is unreasonable to provide an extension in this case with two failed inspections five years apart and with four bedrooms in use.

Ms. Seely said she had Richard Capen come out and do an inspection and it looked ok. (A report has not been received by the Health Division.) Ms. Seely said the inspection she had done was an “emergency visual” inspection. Mr. Capen looked at the level in the pit.

Upon a motion duly made by Dr. Miller, seconded by Mr. Sawayanagi, the Board voted to continue to next meeting on January 10, 2012 with the following conditions:

- 1) Septic needs full inspection before the next meeting on January 10, 2012.
- 2) Need to remove one of the tenants as no more than two bedrooms are allowed (in addition to the owner’s bedroom).

- 3) Owner will speak with Building Department to see if they will allow her to install a permanent structure/platform for the proper egress window height requirement of 44 inches from the floor. Otherwise, owner will have to install the windows down at the 44 inches height or the room(s) can not be allowed to be used for bedroom(s).
  - 4) Another housing inspection will be done before the January 10, 2012 meeting to see of the housing repair list.
- (Unanimously, voted in favor.)

B. Kenneth Carey, owner – 439 (a.k.a. 441) South Main Street, Centerville, 3 units, housing violations.

Kenneth and Paula Carey were present and discussed the three apartments and the housing violations with the Board: Apt#1 – Ceiling Height too low – older house built in 1770, Apt#2 – Protective railings must be installed for outside railing. Apt# 3 – Back Unit: Hot water is not sufficient, the front door needs repair, and the loft area does not conform to regulations: not 70 sq.ft, low ceiling height, \* no second egress.

Kenneth asked whether variances to the Sanitary Code must be recorded at the Registry of Deeds. The Board was unfamiliar with this. Mr. McKean will look into this for him.

Mr. Carey explained that he is requesting an extension on the deadline to install the balusters as the Building Department requires plans be submitted, obtain sign-offs from other departments, and then the timeframe is two weeks to obtain a permit.

Mr. McKean explained that the inspectors will not be able to sign off on a standard building permit because the Health Division does not have any septic information on the property. Mr. Carey said he can provide the septic information. He also said his property borders the Marsh on the Centerville River and the setbacks are not sufficient so the system would have to be totally replaced and pumped up the hill. There have been no signs of any problems with the system and Mr. Carey has been hoping to see sewer become available.

As the septic issue is not crucial at this time, but some housing issues are, it may be possible to qualify for an Express Building Permit due to the potential risk of no balusters.

Upon a motion duly made by Dr. Miller, seconded by Mr. Sawayanagi, the Board voted to:

- 1) Variance approved on ceiling height in both bedrooms in Apt. #1 (one at 6'2" and one at 6'5") due to the age of the structure,
- 2) 90 Day Extension from December 13, 2011 granted to fix baluster in Unit 2,
- 3) Loft in Studio does not qualify as a sleeping area by State Code,
- 5) Have a 16-page septic inspection report done,

6) Rental needs full inspection to be done for next meeting on January 10, 2012,

And, voted to continue to January 10, 2012 meeting. (Unanimously, voted in favor).

**II. Variations – Septic (Cont):**

POSTPONED Michael Pimentel, JC Engineering, representing Christian Camp  
UNTIL BOH Meeting Association, owners –915 Craigville Beach Road,  
JAN 2012 Centerville, Map/Parcel 225-001, 2.5 acre lot, two setback  
variances. (cont. from November 2011)

**III. Variations – Septic (New):**

A. Peter McEntee, representing Brian Hickey, owner –54 Acorn Drive,  
West Barnstable, Map/Parcel 216-015, 32,600 square feet lot, variances.

Peter McEntee attended and discussed the proposed septic plan.

Upon a motion duly made by Dr. Miller, seconded by Mr. Sawayanagi, the Board voted to approve septic plan dated 11/23/11 with the following conditions: 1) Needs water quality test to be performed on the on-site well prior to installation, 2) Must record a 3-bedroom deed restriction at the County Registry of Deeds and, 3) Must provide a proper copy of the Deed Restriction to the Public Health Division. (Unanimously, voted in favor.)

**IV. Variance – Food (New):**

POSTPONED Kathy Murray, owner, Barnstable Village, LLC – 3220 Main Street,  
UNTIL BOH Barnstable, Map/Parcel 300-010, grease trap variance, has  
JAN 2012 limited menu and is a small market.

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

Nick Cimeno, Bourne, MA

Nick Cimeno was not present.

Mr. McKean stated Mr. Cimeno had passed the Installers Exam and had good references.

Upon a motion duly made by Dr. Miller, seconded by Mr. Sawayanagi, the Board voted to grant a Septic Installers License to Nick Cimento. (Unanimously, voted in favor.)

**VI. Discussion – Preliminary:**

Preliminary Discussion for Signage “Wording” and Beach Designations

Dr. Miller said there have been meetings with the Town Manager, Town Attorney, Lynn Poyant, Thomas Geiler, Thomas McKean, etc. and the following is the tentative list of beaches which are to remain being tested on a regular basis:

- Covell's Beach, Centerville
- Craigville Beach, Centerville
- Dowser's Beach, Osterville
- Eugenia Fortes, Hyannis
- Kalmus Beach, Hyannis – Both Sides Tested: Ocean + Yacht Club sides
- Keyes (aka Sea Street) Beach, Hyannis
- Loops Beach, Cotuit
- Millway Beach, Barnstable
- Sandy Neck, West Barnstable
- Veteran's Beach, Hyannis
- Hamblin's Pond, Marstons Mills
- Hathaway's Pond, Barnstable
- Joshua's Pond, Osterville
- Lovell's Pond, Marstons Mills
- Wequaquet Town Beach, Centerville

Dr. Miller also said that at the last meeting, it was unanimously suggested to add to the following location to the above list for testing:

- Estey Avenue, Hyannis.

Dr. Miller said six locations were identified as places where signs should be placed to inform the public that testing is not performed. These locations were chosen because they are either used for swimming, or "beach" is in their designation, or they are designated as a swimming area in the Town Ways to Water. The Town Attorney has suggested that the signs should read "water quality not tested for swimming". This wording is believed to cover the State's comments that it is not open for swimming and the water quality is not tested. The six locations are:

- Cross Street, Cotuit
- Ropes Beach, Cotuit
- Scudder Lane, Barnstable
- Wianno Avenue, Osterville
- Mystic Lake – Race Lane Area, Marstons Mills
- Shubaels Pond by boat ramp and parking lot, Marstons Mills

One beach still in question to be tested or to have signage is:

- Oregon, Cotuit

It was discussed to have further research on Crocker's Neck, Cotuit. Two locations (Long Pond, Centerville and Middle Pond, Marstons Mills) also need more research to determine whether the deeds transferring the property to the Town specifies use as a swimming area.

The Board will have further discussion on this at the January 10, 2012 meeting and take a vote.

Voted to adjourn 4:20 pm.