

Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING MINUTES

Tuesday, December 8, 2015 at 3:00 PM
Town Hall, Hearing Room, 2ND Floor
367 Main Street, Hyannis, MA

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, December 8, 2015. The meeting was called to order at 3:00 pm by Chairman Wayne Miller, M.D. Also attending were Board Members Paul J. Canniff, D.M.D and Junichi Sawayanagi. Thomas McKean, Director of Public Health, and Sharon Crocker, Administrative Assistant, were also present.

I. Hearing – Sewer Connections:

Stewart Creek Properties overdue for sewer connection.

A. Matthew & Catherine Conley, Hyannis owner – 35 Point Lane, Hyannis.

Mr. Conley has illness in family. Will be continued to January 12, 2016.

II. Septic Variance:

A. Sean Riley, Coastal Engineering, representing David Samra and Erica Pearson, owners – 265 Seapuit Road, Osterville, Map/Parcel 095-004, 87,010 square feet lot, house addition, multiple variances.

The engineer will list the variances on the plan itself, they will include the pump chamber information, the Board members will receive the DEP approval booklets for general use to read prior to January meeting, the water line will be put onto the plan, and the bottom of second page will be corrected to reflect the system as H20.

Upon a motion duly made and seconded, the Board voted to continue this item to the January 12, 2016 agenda. (Unanimously, voted in favor.)

B. Daniel Ojala, Down Cape Engineering, representing Fletcher Booker, III, owner – 74 Summerbell Avenue, Centerville, Map/Parcel 226-064, 3,713 square feet lot, septic repair, multiple variances.

Dan Ojala will review the separate deed for paper walkway which the prior owner had purchased and determine whether the septic can be moved to that location. If not, the Board determined one of the conditions for approval at the first location will be that the owners will hire a certified arborist to verify that the installation of the septic will not de-stablize the maple tree and arborvitae.

Upon a motion duly made and seconded, the Board voted to continue this item to the January 12, 2016 agenda. (Unanimously, voted in favor.)

- C. Daniel Ojala, Down Cape Engineering, representing Estate of David Goldman, owners - 637 & 655 Shootflying Hill Road, Centerville, Map/Parcels 193-215 and 193-216, combined lots have 2.4 acres upland (3.64 acres total), new construction, multiple variances.

Upon a motion duly made and seconded, the Board granted the approval with the following conditions: 1) the SAS will be re-located so that there is a minimum of 25 feet from the drainage and at least 90 feet away from the wetlands, 2) there will be a setback variance to the reserve area to allow the system to be 7 feet from the road, and 3) revised plans must meet approval by Mr. McKean and the staff. (Unanimously, voted in favor.)

III. Variance – Food:

- A. Gary Sadler, Upland Architects, Inc, representing Charles White Management, owners of 7-Eleven, 696 Yarmouth Road, Hyannis, grease trap variance, septic system.

Upon a motion duly made and seconded, the Board granted the use of a grease recovery device (GRD) with the following conditions: 1) provided the selected G.R.D. is approved in the MA State Plumbing Code, 2) they will be limited to the menu submitted 12/08/15 with the number on it as 05-01-11, and 3) the variance is issued to the lessee and is not transferable to a new owner or new business at the location. (Unanimously, voted in favor.)

- B. Attorney John Kenney representing new owners, Morning Glory – 211 Route 149 Marstons Mills, toilet facility variance.

Upon a motion duly made and seconded, the Board granted the toilet facility variance with the same conditions as listed in the prior owners' variance letter revised January 28, 2014: 1) Seating: no more than five (5) seats total for dining purposes, outdoor picnic tables are not authorized, a waiting bench or an Adirondack chair may be allowed, 2) Only disposable paper plates and plastic utensils shall be utilized as there is no mechanical dishwasher on site, 3) the variance letter must be posted adjacent to food permit, and 4) variance is non-transferable to new owners or new business at this location and both the owner of the property and the owner of the business (Morning Glory) have the duty to inform any and all potential purchasers of the existence of these variances and the fact the Board has explicitly made them non-transferable to another owner. (Unanimously, voted in favor.)

IV. Old / New Business:

- A. Minutes.

Upon a motion duly made and seconded, the Board granted the acceptance of the Minutes of the November 10, 2015 Board meeting. (Unanimously, voted in favor.)

- B. Status: 55 Hi-Ona-Hill Road, Centerville – Applicant withdrew variance application due to reduction in bedroom count.
- C. Update on Residential Underground Storage Tanks- Report by Tim Lavelle.

The Board was very excited with the great progress Hazardous Materials Health Inspector Tim Lavelle is making with resolving the old items.

- D. Proposed revision to “Variances Which May Be Granted by the Agent or Health Inspector”.

The Board said the Counter Variances may be approved by staff and any questionable gray area items may be confirmed by the Health Director or his/her appointed nominee.

It was determined that the policy will be revised and reconsidered at the January 12, 2016 meeting.

Additional Items:

- E. Chart of Stewart Creek connections to Sewer.

The Board was very excited with the great progress Karen Malkus is making with Stewart Creek sewer connections

- F. Needle Exchange – Update was given on court progress. The case is continuing in court. The Judge granted an injunction which allows the AIDS Action Group to continue distribution of needle program but the Judge required that a representative from the town and from the AIDS Action Group meet at least once a month to discuss and work on any issues. It is expected the initial meeting will be in approximately 60 days.

Meeting adjourned 5:06pm.