



Town of Barnstable

Board of Health

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BOARD OF HEALTH MEETING RESULTS

Tuesday, December 14, 2010 at 3:00 PM
Town Hall, Hearing Room, 2ND Floor
367 Main Street, Hyannis, MA

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, requesting a second extension on the replacement deadline of two tanks.

APPROVED WITH CONDITIONS.

The Board voted to approve an extension on the replacement deadline on both tanks to January 2012 with the condition that monthly testing are performed on the rain water for hydrocarbons and for chlorine.

II. Hearing:

Joseph & Inessa Katsman, owner – 45 Straightway, Hyannis, second septic system inspection completed.

CONTINUED TO SEPTEMBER 2011.

The Board voted to request another “partial” inspection be made during the last two weeks of August 2011 (after the maximum use time frame). During the “partial” inspection, the Board wants to have the pit examined and pictures taken of the pit and its riser.

III. Hearing: Show- Cause for Stable Permit:

Sally Burke, owner of Sea Flash Farm – 2346 Meetinghouse Way, West Barnstable, 14 horses, violations of Chapter 376-8 and 376-9.

POSTPONED UNTIL JAN 11, 2011.

IV. Innovation/Alternative System (Cont.):

Winston Steadman, All Cape Environmental represents Brian Smith, owner – Fancy’s Market, 699 Main Street, Osterville, Map/Parcel 141-011, with Monitoring Plan for Sludgehammer System, requests revisions to Board of Health approval letter to change to General Use.

APPROVED WITH CONDITIONS.

The Board voted to change the approval letter to General Use with the following conditions: 1) the DEP recognizes the application as “residential” in this situation where the system handles less the 2,000 gallons a day, as currently understood, and 2) the monitoring will be monthly for the first six months, then it will be quarterly for the next 18 months. After two years, the owner will come back to the Board to require the monitoring plan.

V. Variance – Septic (New):

- A. Michael Pimentel, JC Engineering, representing Village Square South Condominium Association, owners – 39 Tower Hill Road, Osterville, Map/Parcel 117 – 072-A, requesting three variances.

APPROVED WITH CONDITIONS.

The Board voted to approve the variances with the condition that in the future when the systems at the complex fail, Innovative Alternative systems will be considered. Monitoring will be quarterly the first two years, then once a year thereafter.

- B. Robert Dunphy, Dublin Companies, representing Shawn & Robert Harris, owners – 141 Old Stage Road, Centerville, Map/Parcel 189-086-002, 0.23 acre parcel, one septic variance, demolition/new construction.

WITHDRAWN.

- C. Peter Sullivan, Sullivan Engineering, representing Rhea Clark, Trustee, Marcia & Frederick Floyd Trust, owner – 29 Irving Avenue, Hyannis, Map/Parcel 286-005, 5,301 square foot parcel, requesting multiple septic variances.

APPROVED WITHOUT CONDITIONS.

The Board voted to approve the multiple septic variances without any conditions.

- D. Catherine Gulliver, owner – 254 Greenwood Avenue, Hyannis, Map/Parcel 288-178, 0.33 acre lot, septic system installed in 2005, homeowner requests additional time to connect to future sewer line.

WITHDRAWN.

Catherine chose to withdraw her request at this time.

VI. Variance – Food (New):

- A. Julie Kimball, owner, Katie’s Ice Cream, Too – New location at Cape Cod Mall, 769 Iyannough Road, Hyannis, (formerly: Brigham’s), toilet facility variance.

APPROVED WITH CONDITIONS.

The Board voted to approve the toilet facility variance with the condition that only benches are used and no tables are to be used.

- B. Mario Mariani representing Pain D'Avignon Café – 15 Hinckley Road, Hyannis, outdoor dining, air curtain variance.

CONTINUED TO FEB 8, 2011.

The Board voted to continue until Feb 8, 2011.

VII. License: Disposal Works (Septic Installer):

- A. Robert Ruggiero, Acton, MA

APPROVED WITH CONDITION.

Robert Ruggiero called and is working with Stephen Poole today and they are unable to attend the meeting as their current project has demanded their attention.

The Board voted to approve for a septic license with the condition that the references are approved.

- B. Stephen E. Poole, Hudson, MA

APPROVED WITH CONDITION.

The Board voted to approve for a septic license with the condition that the references are approved.

VIII. Old / New Business:

- A. Enforcement of dumpster screening regulation.

COMMENT:

The Board requested that the Public Health Division send those who will not follow the dumpster screening ordinance to the Board for a Hearing so a resolution may be obtained.

- B. Two-compartment septic tanks at duplexes – New Policy.

APPROVED.

“When / if an applicant requests a local or State Code variance involving a setback distance to wetlands, high groundwater, or any other environmental type of variance (thus, not a variance request involving a setback distance to a foundation or property line), the Board of Health will require full compliance with Section 310 CMR 15.223 of the State Environmental Code, Title V. Specifically, when such a variance is requested, a properly sized septic tank will be required. Also, when such a variance is requested and the design involves facilities other than a single family dwelling unit or whenever the calculated design flow is 1,000 gallons per day or

greater, a two compartment septic tank or two tanks in series will be required.

This requirement shall be enforced during the repair or upgrade of a septic system regardless of whether the repair or upgrade is proposed for the leaching facility only.

However, this policy does not apply to minor components repairs such as replacement of the distribution box, tee, piping, or component lid.”

Currently the State does not specify when we are to implement the two-compartment tank. This would create the policy that if someone is repairing their system and are in need of an environmental variance, they will be required to use the additional environmental protection of a two-compartment tank.

Voted to Adjourn 5:40pm