



Town of Barnstable

Board of Health

200 Main Street, Hyannis MA 02601



Office: 508-862-4644
FAX: 508-790-6304

Wayne Miller, M.D.
Paul Canniff, D.M.D.
Junichi Sawayanagi

BOARD OF HEALTH MEETING RESULTS

Tuesday, August 23, 2011 at 3:00 PM
Town Hall, Hearing Room, 2ND Floor
367 Main Street, Hyannis, MA

I. **Hearing – Housing (New):**

Lei Reilley, owner – 111 and 111-B Sea Street, Hyannis, housing issues.

The Board voted to (1) the Board supports the actions of the health division director and the health inspector regarding these two properties, 2) the Board finds that unit 111-B has only two legal bedrooms and should be restricted to four occupants, not five, and 3) the Board gives the health agents the right to continue to issue non-criminal citations and fines based on their findings when they inspect the premises, and finally, the citations and fines that have already been issued has the full support of the Board. Also, a letter will be sent to the Assessors informing them that this property has two separate units on one lot (not one) and it has a total of five bedrooms (not three).

II. **Variances – Septic (New):**

A. Peter Sullivan, Sullivan Engineering, representing Pickwick Realty Trust – 71 Ocean View Avenue, Cotuit, Map/Parcel 034-045, 4.66 acre lot, setback variances.

Peter Sullivan was present and discussed the plans. There is an injector pump located just outside the foundation. It is being requested to move the injector pump to move it away from the patio. There are two smaller ponds on the property, in addition to Cotuit Bay. By the Town's definition of a coastal bank, it has to be sea-ward facing. Rather than challenge the Conservation's position that this is a coastal bank, they are working in the plan to provide the protection of the bank.

Mr. Sullivan is installing a two compartment tank (septic tank in front and pump chamber in the back) rather than have it function truly as an injector – with strict guidelines.

This had come to the Board in August 2010 due to the large number of bedrooms.

The Barnstable Board of Health is four times as strict as the State requirements for a coastal setback for a tank. The Board had voted to keep their definition of the setback as the State one (and not Conservation's), so Dr. Miller questioned whether a variance was even necessary. Mr. Sullivan preferred the Board do a formal vote on it as a variance to keep everything smooth.

The Board voted to approve the plan with the condition that the seam is sealed on the tank.

- B. Darren Meyer representing Estate of Marion Hanaghan – 171 Riverview Lane, Centerville, Map/Parcel 190-143, 0.48 acre lot, multiple variances.

The property is a three bedroom dwelling.

Adjusted ground water is 6.09 feet below the bottom of what they propose for leaching. The staff agrees that this plan was designed for maximum feasible compliance and has no issues with the plan. Dr. Miller asked if the staff was concerned with the integrity of the structural foundation. Darren did look at options but the problem would be that they would then have to get into the stonework of the foundation and did not want to cause an issue with the integrity of the wall. There will be no load up against the wall. The Board would rather have the liner moved closer to the leaching and keep it further from the foundation. Mr. Meyer said he would do that.

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

III. Variance – Food (New):

- A. Sonny Patel, owner of Duck Inn Pub – 477 Main Street, Hyannis, Map/Parcel 308-081-001, toilet facility variance - to operate with three toilets facility, in lieu of four.

The Board voted to approve a toilet facility variance and with no more than the previously approved 81 seats with the previous owners.

IV. Old / New Business:

- Toilet facilities – Junichi Sawayanagi gave progress report of meeting with our Plumbing Inspector regarding State code count.

V. Septic Installers (New):

- A. Greg Jones, Sagamore Beach, MA

The Board voted to approve the septic license of Greg Jones.

VI. Additional:

- Dr. Miller asked for “a moment of silence for our long-time Board member, who also had multiple other positions in the town. “Sunny” Sumner Kaufman passed away last week and was buried Thursday at the National Cemetery in Bourne.

Sumner was just an excellent individual. He was on the Board when Dr. Miller came onto the Board. He served the town as representative to the Cape Cod Commission. He was deeply involved with the Life-Long Learning Institute at Cape Cod Community College. We missed him when he left, and we are sure his family misses him tremendously now. So, here’s a tip of the hat to ...Sumner”.

- Thomas McKean also asked for a moment of remembrance for the previous Director of Public Health, John Kelly. John was living in Harwich and passed away a couple weeks ago. He was the Director here for 16 years until 1987 when he retired. He, too, will be missed.
- Dr. Canniff asked that the Board arrange to have DPW attend a meeting to update us on the status of the sewer situation at Stewarts Creek. The Health Division is the responsible party for contacting owners to hook up to sewer, once it is in place. Abandonment permits must be tracked. The Board expressed concern that the Town keep moving forward to hook up to sewer to avoid consequences of a judge determining we did not comply soon enough with the State’s request.
- Dr. Canniff noted that recently, there have been a number of swimming pool incidents elsewhere. Several of them were near-drowning with the good fortune of having a skilled citizen in the vicinity to save them.
- Dr. Canniff also brought up that two towns have had some wind turbine activity recently: Bourne is working on turbine regulations and Falmouth is researching the cost of decommissioning the wind turbine which some citizens have complained about. It would be a huge cost to decommission the turbine.