



# Town of Barnstable

## Board of Health

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F.P. (Thomas) Lee, P.E., Chair  
Donald A. Guadagnoli, M.D., Vice Chair  
Daniel Luczkow, M.D.  
Paul Canniff, D.M.D.  
Christine M. Beer, PhD.  
Steven Waller, M.D. (alternate)

### BOARD OF HEALTH MEETING MINUTES

**Tuesday, May 27, 2025, 4:00 PM**

**James H. Crocker Jr. Hearing Room, Town Hall  
367 Main Street, 2<sup>nd</sup> Floor, Hyannis, MA**

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, May 27, 2025. The meeting was called to order at 4:00 pm by F.P. (Thomas) Lee, Chair. Also in attendance were Board Members Donald Guadagnoli, M.D., Daniel Luczkow, M.D., Paul Canniff, D.M.D., Christine Beer PhD, and Stephen Waller, M.D. Health Division staff member Thomas McKean R.S., C.H.O. was also present.

#### **1. Septic Installer Approval:**

- A. Tim Delude, Septic Installer- representing Shore Things Environmental, LLC, 136 Factory Road/Unit 2, Harwich, requesting approval to become a licensed septic installer in the Town of Barnstable.

Tim Delude was present. Mr. McKean stated staff had no objections; Mr. Delude passed the septic installer's exam and has good references.

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Daniel Luczkow, M.D., the Board voted unanimously in favor, to grant Tim Delude a septic installer permit.

#### **2. Tobacco Hearing:**

- A. POSTPONED-David V. Lawler, PC, representing- C.B. Perkins Cigar Lounge and Bar, 649 Main Street, Hyannis, Map/Parcel 308-134; requesting formal appeal in connection with MA State Code 105 CMR 665.010(D), Minimum Standards for retail sale of tobacco and electronic nicotine delivery systems at licensed smoking bars.

Postponed to June 17, 2025 Board of Health meeting.

#### **3. Septic Variances:**

- A. John O'Dea, Sullivan Engineering- representing Andressa Araujo- owner - 7 Erin Lane, Hyannis, Map/Parcel 291-017-011, requesting septic variance for reduction in minimum setback distances from replaced septic tank and existing secondary treatment tank to addition under construction from Section 310 CMR 15.211 of the State Environmental Code, Title V.

John O' Dea, Sullivan Engineering, and Andressa Araujo, owner of 7 Erin Lane, Hyannis, were present. Mr. O'Dea stated the site went before the Board two meetings ago. There was a septic tank that was damaged by an approved addition that was ongoing and the tank was replaced. The Board requested that permits be sought. That location is within 10 feet of the addition, shown on plan. It was a 1,000 gallon tank and replaced with a 1,500 gallon tank. It is 5.9 feet from the addition. The existing nitro, which was permitted previously, is 4.7 feet from that addition. The surveyor, when doing the as built of the addition, noted that the addition had been lined and it is just a tank. The Board requested information about daycare facilities at the property. Those were reviewed with the Health Department in 2023. There are children ages 3 months to 3 years, all within diaper age range. In 2023, John O'Dea was told that no further action was required for that age group. There were preliminary comments from staff, and they noted the basement floor plan showed one (1) bedroom, which was labeled as one (1) and that was a basement renovation, which was permitted. Also, shown in that plan is a kitchenette area. The basement was finished under that building permit and has not been furnished and/or used at this point, but the owners were thinking to use that space as an ADU in the future. DEP has recently come up with guidelines on how to treat those situations. This variance is requested for the requirement for multiple compartment tanks, and their guidance does allow the Boards to consider situations where, at least as adequate, protection is provided. Mr. O'Dea's understanding is that general two compartment tanks are to reduce amount of total suspended solids that might make it to a leaching field and believe that the nitro tank, which is existing, would provide more than adequate compensation for that. Mr. O'Dea provided revised plans to the Health Department on 05/27/2025.

Tom Lee asked if there was any public comment. There was no response. Mr. McKean stated staff had no objections. He also stated he previously spoke with John O'Dea about two issues: the daycare center and multi compartment tank requirement. The children are in diapers and do not add to the flow. In regard to the multi compartment tank requirement, its purpose is to increase longevity of the system. It does not affect environmental protection.

John O'Dea provided proposed floor plans. There is 1 (one) bedroom in the basement, and 3 (three) on the second floor.

After some discussion, and upon a motion made by Donald Guadagnoli, duly seconded by Daniel Luczkow, the Board voted unanimously in favor to grant septic variance.

- B. Dan Ojala P.E, Down Cape Engineering, representing owner, Jane Small – 290 River Road, Marstons Mills, Map/parcel 060-005, requesting reduction in minimum setback distances from soil absorption to the BVW and septic tank to the BVW as required from Town of Barnstable Code 360-1, Location of components with respect to water bodies.

Dan Ojala, Down Cape Engineering was present. Mr. Ojala says it is an 8.7 acre lot, 3 bedrooms, and there is no increase in flow. The groundwater adjusts up fairly high. Mr. Ojala stated the proposed leaching area was moved further

away from the pond, which might be the most sensitive receptor to the south. It is over 100 feet from that pond and within 50 feet of the bog. Mr. Ojala states there is a pump system with a pressure dose leaching, which spreads the F1 out across the aquifer and prevents ponding, where you might possibly have some pathogens. Mr. Ojala stated this proposal will provide for a five (5) feet separation distance above the adjusted high groundwater table. Mr. Ojala stated he is requesting variances to construct a new soil absorption system fifty (50) feet away from the bordering vegetated wetland and to install a septic tank 73.1 feet away from the bordering vegetated wetland, in lieu of the 100 feet minimum separation distance required for septic system components.

Tom Lee asked if there was any public comment. There was no response. Mr. McKean stated staff had no objections. He then asked what if the bog connects or contributes to any other water resources. Mr. Ojala stated it is connected to the Marstons Mills River. Mr. Ojala stated it is an interconnected waterway; groundwater intercepts the pond.

Dr. Paul Canniff asked if all the bedrooms meet the minimum size standards in the Code in order to be considered bedrooms. Mr. McKean confirmed that seventy square feet is sufficient to be considered a bedroom.

After some discussion, and upon a motion made by Donald Guadagnoli, duly seconded by Daniel Luczkow, the Board voted unanimously to approve variances to construct an onsite sewage disposal system at 290 River Road, Marstons Mills.

4. **Pool Variance:**

- A. Dakota Caparelliotis, Manager, representing- Everleigh Cape Cod and communications Way Apartment Owner LLC- 265 Communication Way, Barnstable, Map/Parcel 314-044, for Lifeguard Exemption for State Sanitary Code 105 CMR 435.23.

Dakota Caparelliotis was present. Mr. Caparelliotis appeared today in an attempt to get an extension. Mr. Caparelliotis stated there was a change of ownership in December, with the same management company. Mr. Caparelliotis is looking to get a variance extended to the new ownership in continuation of what was set up in previous years.

Thomas McKean stated that the Board of Health adopted a policy that requires lifeguards wherever there are more than 90 units. This property has over 200 apartment units. The staff objected granting any variance at this property in regard to lifeguard. Middle-aged and older people reside there.

Resident, Andrea Ianniello, stated Everleigh resides in a 55 and older building. Ms. Ianniello stated it is a very quiet pool; it is a wading pool. Ms. Ianniello stated residents look out for each other if there are any problems in the swimming pool. Dr. Guadagnoli asked Ms. Ianniello about grandchildren and swimming. Ms. Ianniello said grandchildren are allowed between the hours of 3-5 P.M. on Saturdays, accompanied by grandparents, and that children are rarely seen at the swimming pool.

Mr. McKean stated a variance was granted one time last year without any opportunity for comments. A previous chairman ran the meeting. Mr. McKean stated there is trouble every year for the pool to pass inspection. The water hasn't passed bacteriological testing yet. It has been sent to the lab and failed. Every year there is a problem with the emergency phone or the chlorinator. With daily testing four (4) times a day, the logbook has blanks in it. There are problems with inspections every year.

Mr. Caparelliotis started working at Everleigh in February, with new ownership. Mr. Caparelliotis has been in contact with Kathryn Soto, Health Inspector. He stated they have two full time Certified Pool Operator's on site, and have completed the Cape Cod CPR and First Aid, Adult and Child certificate classes. He is working with a new pool operator vendor, per recommendation of Kathryn Soto.

Mr. Caparaelliotis said they have two full time CPO's on site. Said their challenge is on Sundays. Mr. Caparaelliotis said Mondays through Saturdays, there is no trouble with the amount of staff being on site to test four (4) times a day. Mr. Caparaelliotis said the Ecolab equipment that they have leased and under contract is supposed to autofeed and test throughout the day as well, but can commit to that requirement.

Dr. Paul Canniff stated to put this off for a month and see how it works out, with corrections. Mr. McKean stated there is a third option called Qualified Swimmers, someone who is not a fully certified lifeguard, but knows CPR and First Aid, and can check the water quality. Qualified swimmers stays at the pool anytime the pool is open. Mr. McKean stated the Qualified swimmer is available to call 911 and to make sure they test the pool four (4) times a day.

Dr. Guadagnoli stated the pool is serving a very important use for the population. Said it is difficult to find lifeguards, but the log books have to be accurately completed. Said Everleigh has a large population of people who would benefit to have the pool available to them and needed to be safe.

Dr. Luczkow said we should bring this item back next month and to give Mr. Caparaelliotis some time to come up with a solution and time to establish a good track record. Dr. Paul Canniff said it has to pass inspection in order for them to open the swimming pool.

After some discussion, and upon a motion made by Dr. Paul Canniff, duly seconded by Daniel Luczkow, the Board voted to continue this item to the June 17, 2025. (Unanimously, voted in favor).

#### **5. Sewer Connection/ Extension Requests:**

- A. Georgiann Schilling, owner – 7 Cottage Lane, Centerville, Map/Parcel 229-088-001, Phase 1, SEWH-24-279, requesting extension to connect to public sewer for alternative route/road.

Georgiann Schilling and Ted Schilling, owners, were present. They are looking for an alternate route for their property. Mr. Schilling stated their home is on Cottage Lane and the furthest away from the pond. An estimate

from the installer said they have to take down most of the trees they planted. Mr. Schilling said that ten (10) years ago, they replaced their septic system and that it is working fine. Mr. Schilling said they pump the septic system every two years. Their main concern is to prevent damaging to their property, which would be substantial. There is a deck in the back and it's just a few feet to the back of the line. Owners said there is a Long Pond Project 2029, and that there are four (4) houses on that road. Mr. Schilling stated this wouldn't be too much of an imposition to let them do this when that project gets into place.

Tom Lee asked if there was any public comment. There was no response. Thomas McKean stated staff had no objections. Tom Lee said DPW sent recommendations to accept this route alternate connection point. There may be a higher sewer assessment cost due to utility additional infrastructures.

After some discussion, and upon a motion made by Donald Guadagnoli, duly seconded by Daniel Luczkow, the Board voted to approve the extension to connect to the alternate route as approved by the DPW. Public sewer is anticipated to be available for connections as part of the Long Pond Area Sewer Expansion Project after its construction, which is anticipated during the years 2027 to 2030.

- B. Paul Mello, owner –72 Harrison Road, Centerville, Map/Parcel 229-078, Phase 1, SEWH-24-274, requesting extension to connect to public sewer for alternative route/road.

Paul Mello, owner, was present. Mr. Mello stated the Town would like him to hook up to public sewer at Route 28, which is the side yard of his house. This connection would require 150 feet run that would require a vascular type pump to push it up hill. Public sewer will be available on Harrison Road sometime between 2027-2030 period, which would be a 30 feet connection off the street, in front of his house, to hook up to the same tee pumping the neighborhood out into Route 28. This will also eliminate the pump. Mr. Mello spoke with an Engineer and Ruberti Construction.

Tom Lee asked if there was any public comment. There was no response. Thomas McKean stated Health staff had no objections. Mr. McKean had been to the property and agreed with the distances Mr. Mello provided. Mr. McKean said it is a much shorter distance to Harrison Road.

Dr. Paul Canniff said DPW recommends that this request is not approved. Dr. Guadagnoli said that DPW said the sewer service for this was provided at the corner of Harrison and Route 28. Upon review of the property, DPW said there is no significant benefit to shifting the connection point further down Harrison Road, and in fact may result in more disruption, ie., impact to retaining wall, driveway or greenhouse. Thus, DPW recommended the property's request not to be approved.

Mr. Mello stated his system has a cesspool connected to a leaching that is another fifty (50) feet away from the cesspool heading up towards Route

28. Mr. McKean stated it is not a single cesspool. Mr. Mello discussed internal plumbing will be reversed, thus resulting in a much shorter sewer line installation distance from the house to the street, without destruction to a retaining wall or greenhouse.

After some discussion, and upon a motion made by Daniel Luczkow, duly seconded by Donald Guadagnoli, the Board voted to approve the extension to connect to alternate route/road. (Vote: 5 in favor, 1 opposed – Steven Waller).

Dr. Waller stated he is concerned that this is near a pond and that they have harmful algae blooms almost every year. Dr. Waller stated cesspools are part of the reason for the pollution to the pond. Tom Lee stated they have a leaching system connected to the cesspool; thus it is not a single cesspool. It is located more than 100 feet away from the pond and is located on high ground.

- C. Wayne Hyman, Craigville General Store, owner – 628 Craigville Beach Rd, Centerville, Map/Parcel 246-028, Phase 1, SEWH-24-19, requesting second extension to connect to public sewer.

Thomas McKean stated he previously approved, via the online OpenGov process, a six (6) month extension. Mr. McKean stated Wayne Hyman is now requesting an extension for an additional six (6) months. Mr. McKean stated he recently informed Mr. Hyman that he needed to submit his request to the Board of Health because the “internal” online OpenGov extension process is only allowable for one request per property in accordance with the Board of Health policy. Mr. Hyman’s contractor, Joe Butler, previously stated to Mr. McKean that he would be attending this meeting today, but he was not present. The reason for this new request from Mr. Hyman is to obtain some additional time to secure financing.

Upon a motion made by Dr. Donald Guadagnoli, duly seconded by Dr. Daniel Luczkow, the Board voted to approve the six (6) month extension, as a second request. (Vote: 4 in favor, 1 opposed – Dr. Paul Canniff).

## **6. Food- Process Review:**

- A. Jaime Hernandez, Starbucks US East Public Health Advisor, representing Starbucks Coffee Company– 655 Iyannough Rd, Hyannis, Map/Parcel 311-008 and 451 Iyannough Rd, Hyannis, Map/Parcel 311-081 to review TPHC for condiment carafes as a standard procedure at these locations.

Jaime Hernandez, Public Health Advisor, was present. Mr. Hernandez stated he wants to implement Time as a Public Health Control (TPHC) for the carafes at Starbucks, 655 Iyannough Road, Hyannis and 467 Barnstable Road, Hyannis. Mr. Hernandez provided copies of TPHC procedures.

Tom Lee asked if there was any public comment. There was no response.

Thomas McKean stated Health staff had no objections to a two (2) hour maximum, but Health staff would object to a request for four (4) hours. Mr. McKean explained time is cumulative in regard to bacteria growth and one needs to account for transportation of food, delivery, improper storage after its

delivery, display, and service. Many food facilities do not account for all of these actions while the food may be out of temperature. This application is to request to allow an additional four hours to these cumulative actions, for food items that are listed as TCS Time/Temperature Control for Safety) foods. In Massachusetts, TCS (Time/Temperature Control for Safety) foods are those that require special handling to prevent foodborne illnesses due to their potential for rapid bacterial growth

Dr. Paul Canniff referenced a written document provided by Mr. Hernandez which described a two (2) hour maximum at another location. Mr. Hernandez stated this is per the Canadian Code, not the United States FDA Code. Mr. Hernandez stated before COVID, they would have the condiment carafes. This procedure stopped because of COVID restrictions. Mr. Hernandez stated with an ice bath, it wouldn't require a time requirement because it would introduce the variable of temperature control. With this request, to use Time as a Public Health Control (TPHC), this proposal is leveraging time in lieu of temperature as a method of controlling bacterial growth within the food product.

Dr. Luczkow confirmed that the industry standard is four (4) hours. After some discussion, and upon a motion made by Daniel Luczkow, duly seconded by Donald Guadagnoli, the Board voted to approve. (Unanimously, voted in favor.)

#### **7. Minutes - April 29, 2025, Board of Health Meeting**

The April 29, 2025, minutes were reviewed by the Board members.

Dr. Paul Canniff requested to add a comment made by Dr. Luczkow regarding 129 Hayes Road, Centerville. However without further discussion, and upon a motion made by Donald Guadagnoli, duly seconded by Daniel Luczkow the Board voted unanimously in favor of approving the minutes as written.

#### **Adjourn- 5:01 p.m.**

Upon a motion duly made by Donald Guadagnoli, seconded by Daniel Luczkow the Board voted to adjourn. (Unanimously in favor.)