



Office: 508-862-4644

FAX: 508-790-6304

# Town of Barnstable

## Board of Health

200 Main Street, Hyannis MA 02601

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, July 22, 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, July 22, 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., and Christine Beer PhD. Steven Waller, M.D. was not present. Health Division staff members Thomas McKean R.S., C.H.O., and Vanessa Tripp, Office Manager, were present.

#### 1. Annual Election of Officers

Tom Lee stated these elections are done annually in July. Dr. Luczkow provided confirmation by stating, "Okay." Dr. Guadagnoli stated he would like to make a motion to nominate Tom Lee as Chair and Daniel Luczkow, M.D., as Vice Chair.

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Paul Canniff, D.M.D., the Board voted unanimously in favor to elect Tom Lee as Chairman and Daniel Luczkow, M.D., as Vice Chair.

#### 2. MA Department of Public Health State Action for Excellence (SAPHE), Public Health Excellence Shared Services Grant Program:

Director Thomas McKean C.H.O. - Seeks approval from the Board of Health to accept, support, and promote agreements between the Town of Barnstable Health Division and Barnstable County to participate in the MA Public Health Excellence Shared Services Grant Program. This program promotes and supports inter- municipal shared service agreements and cross-jurisdictional sharing which contribute to improvements to local public health capacity. Currently there are twelve municipal health departments within Barnstable County that participate in this program.

Thomas McKean stated Health Division is seeking Board of Health support to accept this program, facilitated by Barnstable County, for the Town of Barnstable to join in on their grant. Mr. McKean stated it would be beneficial for the town's people in that additional resources will be provided to enhance and supplement public health programs and services, for example, nursing services, clinics, and screenings.

Jay Gardiner, Barnstable County Director of Health and Environment and Dr. Katie O'Neill, Shared Services Program Manager, were present. Mr. Gardiner and Ms. O'Neill presented a powerpoint on the Public Health Excellence (PHE) Grant. It is a state-funded grant program designed to encourage municipalities to expand sharing of staff and resources. The History of PHE Shared Services Grant was presented, in addition to recommendations from the Special Commission. Ms. O'Neill stated that part of the recommendation provided a grant opportunity for the municipalities to take part to expand their services and increase the efficiencies of

public health. Ms. O'Neill further discussed the Governance Board, which is comprised of Health Directors from 12 towns; regularly meets under established rules of procedure to make decisions. Ms. O'Neill stated the Town have no financial obligation; there is an agreement and a criteria the Board of Health have to vote on, as well as a signature from the Town Manager, if withdrawing from PHE.

Ms. O'Neill presented the Services provided, including the Food Truck Inspection Program and Community Health Educators out in the field educating tick borne exposures.

Dr. Luczkow, M.D., asked if initiatives would come from Health Division and then run by the Board of Health for agreement, to decide where money will be invested. Mr. McKean stated he would attend monthly meetings and provide updates to the Board of Health from those meetings, regarding program enhancements and any additional services that will be provided. Mr. Gardiner stated there will be funding and programs for Mr. McKean and the Board of Directors to vote on.

Currently there are twelve municipal health departments (out of fifteen) within Barnstable County that participate in this program.

After some discussion, and upon a motion made by Paul Canniff, D.M.D., duly seconded by Donald Guadagnoli, M.D., the Board voted unanimously to support joining the Barnstable County Public Health Excellence Grant program.

**3. Septic Installer License Approval:**

- A. Bill Smith, Septic Installer, representing Bay State Sewage Disposal Inc., 105 Kingman Street, Lakeville, MA - Requesting approval to become a licensed septic installer in the Town of Barnstable.

Bill Smith was present. Thomas McKean stated Mr. Smith passed the local exam and all three references were contacted and provided good references. Health staff had no objections.

Upon a motion made by Christine Beer, PhD., duly seconded by Donald Guadagnoli, M.D., the Board voted unanimously in favor, to grant Bill Smith a septic installer permit.

- B. William McClearn, Septic Installer, 35 First Parish Road, Norwell, MA - Requesting approval to become a licensed septic installer in the Town of Barnstable.

William McClearn was present. Thomas McKean stated Mr. McClearn took the local exam, and missed it by a couple of questions; one reference was provided and was a good reference. Health staff had no objections to granting septic installer permit, with the condition that Health staff contacts two additional references provided by Mr. McClearn.

Mr. McClearn stated he had his license twice in the past in the Town of Barnstable.

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Paul Canniff, D.M.D., the Board voted unanimously in favor, to grant William McClearn a septic installer permit pending references.

- C. Warren Miranda, West Harwich MA, requesting approval to become a licensed septic installer in the Town of Barnstable.

Warren Miranda was not present. Mr. McKean stated two references responded and were both good references; took the local exam and missed it by a couple of questions. Health staff had no objections.

Dr. Guadagnoli asked if missing it by a couple of questions was considered passing the exam. Mr. McKean stated out of 47 questions an individual can only get 12 wrong, which equates to an approximate 70% score (actual calculation percentage is 74%). If an individual gets 14 wrong, it equates to a 70.2% grade. Mr. McKean stated in his opinion a 70% score on a exam should be considered passing. Dr. Guadagnoli asked if Health staff's recommendation for approval depends on which questions were missed. Mr. McKean answered no. He further stated the Board had granted other approvals in the past year when applicants failed examinations by only a few questions.

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

**4. Septic System Variances:**

- A. Dan Ojala P.E, Down Cape Engineering Inc., representing owner, Frederick Jones, 4312 Main Street/Route 6A, Barnstable, Map/Parcel 351-031 - Variances requested from Section 360- 1 of the Town of Barnstable Code. requesting reduction in the setback distance from the soil absorption system to the BVW, 100 feet to 80 feet, and reduction in the setback distance from the septic tank to the BVW, 100 feet to 54.6 feet.

Dan Ojala, P.E, Down Cape Engineering Inc., was present. Mr. Ojala discussed the Title 5 septic system upgrade would consist of a 2,500 gallon dual compartment septic tank; there would be an F1 filter to a water tight pump chamber. Mr. Ojala stated they would be using a pressure dose pump to pump it up to the leaching field. Mr. Ojala discussed the test holes indicated fine medium sand; groundwater was encountered during soil testing and adjustments were made. There is an existing 3 bedrooms, proposed 3 bedrooms, and no increase in flow.

There was no public comment. Mr. McKean stated Health Staff had no objections.

Dr. Canniff stated usually the requirement is a 5 ft. separation. Mr. Ojala state the material found was a fine sand and when a perc test is done and is less than 2 min/inch, there is a 5 foot separation; when you get the finer material, Title 5 grants the ability to go to 4 foot groundwater and that is what was done in this case. The percolation rate was less than 5min/inch.

Upon a motion made by Paul Canniff, D.M.D., duly seconded by Donald Guadagnoli, M.D., the Board voted unanimously in favor, to approve variance requests.

- B. Matthew Eddy, P.E., Baxter Nye Engineering & Surveying, representing owner, 231 Fifth Ave LLC, 231 Fifth Avenue, Hyannis, Map/Parcel 245-040 - Variances requested from State Environmental Code Title 5 and from Town of Barnstable Code 360-1. Requesting reduction in SAS separation to groundwater from 5' to 4;' reduction in SAS setback to property line from 10' to 1.5;' reduction in cover over the SAS from 9" to 6;" and reduction in SAS setback distance to salt marsh from 100 feet to 88 feet.

Matthew Eddy, P.E., Baxter Nye Engineering & Surveying, was present. Mr. Eddy discussed that there were minor revisions; added the soil logs from the perc test and a Sieve Analysis done. A copy of this revision was provided to members. Mr. Eddy stated

there is an existing 3 bedroom home on the lot, with an attached garage. Mr. Eddy stated it has an older septic system, and not of Title 5 design. The existing septic system is located on the front of the lot, near the front property line. Mr. Eddy stated the proposal is to raise and rebuild the house. No increase in septic design flow is proposed for the septic system. Mr. Eddy stated they have kept the SAS; disposal field is far from the wetlands. Mr. Eddy discussed the following variances requested from 310 CMR 15.00 (Title 5) for the proposed septic system: There was no change to separation to the waterline.

- 310 CMR 15.212: to allow reduction in SAS separation to groundwater from 5' to 4.'
- 310 CMR 15.211: to allow reduction in SAS setback to property line from 10' to 1.5' (the existing setback is currently 1.5' to the front property line).
- 310 CMR 15.240 (9): to allow reduction in cover over the SAS from 9" to 6."

Variance requested from Chapter 360-1 of the Town of Barnstable Code:

- To allow reduction in SAS setback distance to salt marsh from 100' to 88' (the existing setback to the SAS is currently 89'.)

There was no public comment. Mr. McKean stated other than the separation to the vertical distance above the groundwater only at four (4) feet, instead of five (5) feet, Health staff would have no objections. Mr. McKean stated the Board of Health has not granted this variance for many years. Five (5) feet of separation is the goal, not four (4) feet.

After some discussion, and upon a motion made by Paul Canniff, D.M.D., duly seconded by Daniel Luczkow, M.D., the Board voted unanimously to approve subject to receipt of a revised plan showing groundwater separation to 4.5 feet.

- C. John O'Dea, Sullivan Engineering, representing owner, Pamela Gremley, 64 Bayview Road, Osterville, MA, Map/Parcel 093-054 - Requesting multiple variances from Section 360-1 of the Town of Barnstable Code and from the State Environmental Code, Title 5; proposed four-bedroom dwelling, I/A Secondary Treatment technology proposed.

John O'Dea, Sullivan Engineering, was present. Mr. O'Dea stated this is two acre parcel and developed with a house since the 1950's. Mr. O'Dea stated the existing septic system was most recently upgraded in the 1980's. Mr. O'Dea stated their project was to reconstruct the dwelling and that it was an appropriate time to upgrade the septic system at the same time. The existing house has 4 bedrooms and staying at 4 bedrooms. The existing septic system would require variances from the wetlands. Mr. O'Dea stated they would need additional relief from the wetlands; and have incorporated an Advantex innovated septic tank. Mr. O'Dea stated a 5 feet of separation of groundwater would also be provided. Mr. O'Dea referred additional separation resources were listed on Sheet 2 of the septic plan.

Mr. McKean stated Health staff had no objections. There was no public comment.

Upon a motion made by Daniel Luczkow, M.D., duly seconded by Donald Guadagnoli, M.D., the Board voted unanimously in favor, to approve with a 4 bedroom deed restriction.

**5. Innovative Alternative Technology:**

Dan Ojala, P.E., representing Down Cape Engineering, representing owner, Christopher Pike, 882 Main Street, Cotuit, MA, Map/Parcel 035-084- Proposed I/A Secondary Treatment

technology for new construction, existing three-bedroom property, proposed construction of a one-bedroom accessory dwelling unit, no variances requested.

Dan Ojala, P.E., Down Cape Engineering was present. Mr. Ojala stated this met all regulations; adding a one (1) bedroom Accessory Dwelling Unit (ADU). Mr. Ojala stated they were putting in a microfast IA system; have a flow through system, in which does not need a generator.

There was no public comment. Mr. McKean stated Health Inspector, Thomas Gagnon, sent Mr. Ojala an email on July 16<sup>th</sup> at 10:00 AM, with questions. Mr. McKean stated the following were requested: the plan to show the north arrow, an original stamp, and water line for the ADU. Mr. Gagnon asked in this email how potable water is getting to the ADU and asked about details about the two compartment tank, and if Mr. Ojala had come across any exemptions regarding the microfast 0.5 for two compartment tank.

Dan Ojala will be providing Health Staff this information and will make revisions to the engineering plan.

Mr. McKean stated he has no objections following Mr. Ojala's responses.

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Daniel Luczkow, M.D., the Board voted unanimously in favor, to approve subject to receipt of revised plans meeting the state Title 5 regulations.

**6. Sewer Connection/ Extension Requests:**

- A. Martin Traywick, representing owner, Ghislaine Lacerte, 648 Craigville Beach Road, Centerville, MA, Map/Parcel 246-008, Phase 1, SEWH-24-17 - Requesting second extension to connect to public sewer, requesting an additional six months.

Martin Traywick, owner, was present. Mr. Traywick requested a second extension because of need to get a plan approved and to get a plumber who has ability to get a permit for the piping reconfiguration in the basement.

There was no public comment. Mr. McKean stated Health Staff had no objections. Mr. McKean stated that Terence Hayes, Sewer Compliance Inspector, recommended a 12 month extension, rather than a 6 month extension.

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Daniel Luczkow, M.D., the Board voted unanimously in favor, to approve a 12 month extension to connect to sewer.

- B. F. Michael Dwyer, representing owner, Judith Dow, 294 Phinney's Lane, Centerville, MA, Map/Parcel 230-133, Phase 1, SEWH-24-325 - Requesting an extension to connect to public sewer, requesting twelve to eighteen months.

Michael Dwyer was present. Mr. Dwyer stated owner was not the primary resident in the home and was on a fixed income. Mr. Dwyer will be taking over his Aunt's estate and it would be in a year or year and a half until the transfer of property goes to Mr. Dwyer. When the property gets transferred, Mr. Dwyer would then be able to get the financing for connection.

There was no public comment. Mr. McKean stated Health Staff recommended an 18 month extension for this property to connect to sewer.

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Paul Canniff, D.M.D., the Board voted unanimously in favor, to approve an 18 month extension to connect to sewer.

**7. Temporary Food Event Approval:**

- A. Maylla Pretti & Josiane Aquino, food certified personnel at IPR Cape Cod Church, 90 Hinckley Road, Hyannis, MA - Requesting approval for new event entitled the "IPR's Festival," at the rear of the building at 73 Falmouth Road, Hyannis, six to eight tents, food will be prepared onsite by staff from the Brazilian Grill and Mariner's Café.

Maylla Pretti and Josiane Aquino were present. Ms. Pretti and Ms. Aquino were looking for a permit to do this festival to open it up to the community, and for the community to get to know the IPR Cape Cod Church. Ms. Aquino stated it would take place behind the youth campus, which was renovated a year ago. Ms. Aquino stated there would be tents selling food from Brazilian Grill and Mariner's Café.

There was no public comment.

Mr. McKean stated Health staff had no objections to this food event. Mr. McKean asked if there will be detail due to hundreds of people that may be attending? Ms. Aquino stated they do plan to have a police detail at the two day event; the event will be from 5:00 PM – 9:00 PM.

Dr. Canniff stated if food would be prepared on site. Ms. Aquino stated kebabs are usually prepared on site through Brazilian Grill; lemonade, for example, would be prepared on site. Ms. Aquino stated this would be cooked outside on a portable grill.

Upon a motion made by Paul Canniff, D.M.D., duly seconded by Donald Guadagnoli, M.D., the Board voted unanimously in favor, to approve food event, "IPR's Festival."

**8. Food Variances:**

- A. William Planninshek representing owner, David Rosenberg, outdoor Tiki Bar, 473 Main Street, Hyannis, MA, Map/Parcel 308-084. **1.** (Limited menu, drinks and packaged snacks only) - Variance request to serve drinks, packaged potato chips, packaged popcorn, packaged pretzels, packaged peanuts, packaged corn chips, and packaged cheddar chips without providing an inground grease trap; variances requested from Section 322-3 of the Town of Barnstable Code, 310 CMR 15.230(1) and Section 901-15 of the Town of Barnstable Code. **2.** Variance request to utilize an outdoor double-compartment sink originally intended for handwashing and leftover drink/ice "dumping," to also include food preparation (i.e. for cutting fruits), without providing a separate designated indoor food preparation sink as required by the 2013 Federal Food Code. **3.** Variance request to utilize a separate commercial kitchen (currently not in operation, unpermitted) located 135 feet away; connected to an inground grease trap; menu to include sandwiches, chowder, and various other items; all prepared food will be transported in containers to the tiki bar and inner bar. (Note: Overall seating would need to be reduced due to limited grease trap capacity).

Mr. Planinshek was present. Mr. Planinshek stated the options were independent of each other. Mr. Planinshek discussed **variance request #1** - Section 901-15, requiring an establishment to have a grease trap. Mr. Planinshek stated this 36 year old Lounge was never required to serve food, due to never having a kitchen. Mr. Planinshek stated to review the menu provided, for relief of this section, which has been in full effect for all

years in business; that the snack and drink menus do not contribute grease nor fat to the existing sewer.

Mr. McKean stated DPW had no objection to variance request #1, however, if the menu changes, that may change DPW's opinion.

Upon a motion made by Christine Beer, PhD, duly seconded by Donald Guadagnoli, M.D., the Board voted unanimously in favor, to approve variance request #1.

WITHDRAWN - Mr. Planinshek discussed **variance request #2**. Mr. Planinshek stated it was not possible to install a prep sink, due to the inner bar's dimensions; a hand sink was installed per Health Division request. Mr. Planinshek requested to review the Tiki Bar plan, for a suggested variance location, for the dump and prep sink to service both bars. Mr. Planinshek stated the sink currently in the Tiki Bar is a hand and dump sink with sideboard, requested by the Health Division. Mr. Planinshek requested for the dump sink to serve as both a dump and prep sink, due to its accomodating configuration to serve both requirements. This was to cut fruit (limes and lemons).

Mr. McKean stated it doesn't meet the federal food code.

Mr. McKean stated as an alternative, he suggested requiring Mr. Planinshek to install an indoor sink, not an outdoor sink, for the purpose of cutting fruit.

Mr. Planinshek discussed **variance request #3**. Mr. Planinshek requested approval for the enclosed menu. Site plan was provided. Mr. Planinshek stated this facility has a 1,000 gallon grease trap and can handle menu needs; grease trap had been pumped, hood cleaned and inspected. Mr. Planinshek stated the prepared food would be transported in appropriate containers approximately 135 feet to Inner & Tiki Bar.

Mr. McKean stated DPW had no objections if the seating is limited to 66 seats this year, however in the Year 2026, there will be an increase in seats when the other restaurant opens, and this will trigger the need to add a grease trap. Mr. McKean stated the food will need to be properly covered during transport, to protect from contamination.

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Paul Canniff, D.M.D., the Board voted unanimously in favor, to approve variance request #3.

- B. WITHDRAWN - Robert Wenger, Centerville Historical Society, President, 513 Main Street, Centerville, Map/Parcel 207-048 - Requesting permission to heat and serve "sit-down meals" including chicken meals, soups, hors d'oeuvres, and bakery provided pastries without an inground grease trap; variances requested from Section 322-3 of the Town of Barnstable Code and 310 CMR 15.230(1); proposes to install a Big Dipper grease recovery device.

## **9. Minutes- June 17, 2025; Board of Health Meeting**

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Daniel Luczkow, M.D., the Board voted unanimously in favor, to approve June 17, 2025 meeting minutes.

### **Adjourn - 5:53 PM**

Upon a motion made by Paul Canniff, D.M.D., duly seconded by Donald Guadagnoli, M.D., the Board voted to adjourn. (Unanimously in favor).