



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, February 25, 2025 3:00 PM

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

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, February 25, 2025. The meeting was called to order at 3:00 pm by F.P. (Thomas) Lee, Chair. Also in attendance were Board Members Donald Guadagnoli, M.D., Paul Canniff, D.M.D., Daniel Luczkow, M.D., Christine Beer, PhD, and Steven Waller, M.D., Health Division staff member Thomas McKean R.S., C.H.O. was also present.

1. Show Cause Hearing:

Andressa Araujo, 7 Erin Lane, Hyannis, Map/Parcel 291-017-011, due to disconnection of septic tank and onsite NiTROE system components and installation of new septic tank without obtaining a septic permit.

Ms. Andressa Araujo was present and testified that she is the owner of the property located at 7 Erin Lane Hyannis. She stated during November 2024, an application for a new foundation was approved by the Town of Barnstable Building Division, permit number BLDR-23-605. During the construction of the foundation, it was discovered the septic tank was leaking. She stated that it was considered an emergency. Ms. Araujo testified that a company was contacted to pump ("clean") the septic tank. She stated that a new septic tank was then brought to her property from a factory in South Yarmouth. She stated Warren Mirandi and Edward Stone were hired. Ms. Araujo testified that the septic tank installation was completed following the guidance of the engineer, Edward Stone. She testified Warren Miranda completed the installation of the septic tank. Both Mr. Miranda and Mr. Edward Stone were both paid for their work. Ms. Araujo then provided a draft copy of an engineering plan dated February 25, 2025 stamped by Edward Stone, a Professional Land Surveyor.

After some discussion, and upon a motion made by Tom Lee, duly seconded by Donald Guadagnoli, the Board voted unanimously to continue this hearing to March 25, 2025. In the meantime, Warren Miranda and Edward Stone will be subpoenaed to the March 25, 2025 hearing to testify at that time.

2. Failed Septic System

Lana and Edward Lukatsky, owners – 129 Hayes Road, Centerville, failed septic system, located within Phase 1 CWMP Plan, requests a variance to continue to use failed system until public sewer becomes available.

The owners were not present at this meeting. After a brief discussion, and upon a motion made by Tom Lee, duly seconded by Donald Guadagnoli, the Board voted unanimously to continue this hearing to the next scheduled meeting scheduled for March 25, 2025.

3. Compost Toilet

Daniel Joyce contractor of Daniel Joyce Construction representing Hyannisport Golf Club – 2 Irving Avenue Hyannis, Map/parcel 266-031, requests permission to install a compost toilet.

Mr. Joyce testified that this compost toilet will be provided at a remote location near the ninth hole at the golf course, for the convenience of use by golfers.

Mr. McKean stated compost toilets are authorized according to 310 CMR 15.000, State Environmental Code, Title 5

After some discussion, and upon a motion made by Paul Canniff, duly seconded by Christine Beer, the Board voted unanimously in favor of granting Mr. Joyce permission to install a compost toilet at 2 Irving Avenue, Hyannisport Massachusetts with the following condition: A licensed plumber shall apply for a plumbing permit for the installation of the proposed compost toilet.

4. Septic Variances:

A. Timothy Grace P.E. Tighe & Bond Engineering representing Town of Barnstable – 425 Sandy Neck Road. Barnstable, Map/Parcel 263-001 for septic system improvements associated with Sandy Neck Beach Facility, variances requested from section 360-1 and 360-47 of Town of Barnstable Code and 310 CMR 15.405 (1)(a) and 310 CMR 15.220 (3) of the State Environmental Code, Title 5.

Nina Coleman, Director of Sandy Neck, and Timothy Grace were present. Mr. Grace provided engineering plans to the Board members. Mr. Grace testified these variances are needed to allow the applicant to re-use an existing septic tank and pump chamber for future planned renovations to a maintenance garage. These variances will also allow for a new gatehouse to be connected into a newly installed dual compartment septic tank which will be connected into an existing distribution box and soil absorption system located within 100 feet of wetlands

After some discussion, and upon a motion made by Tom Lee, duly seconded by Donald Guadagnoli, the Board voted unanimously to grant variances to construct an onsite sewage disposal system at 425 Sandy Neck Road, West Barnstable, Massachusetts. The variances granted are as follows:

Section 360-47 of the Town of Barnstable Code: To keep an existing septic tank and an existing pump chamber which will be discontinued in use, in lieu of the requirement to excavate and remove the abandoned septic system components from the site or to completely fill abandoned components with sand.

Section 360-18(A) of the Town of Barnstable Code: To reuse an existing soil absorption system and distribution box which are both located within 100 feet of a wetland.

310 CMR 15.405 (1)(a) (Setback to Property Line): Septic system components will cross property lines of Town-owned parcels.

310 CMR 15.220(3): To provide an engineering plan which does not bear the stamp and signature of a Massachusetts Licensed Land Surveyor.

These variances were granted with the following condition: The existing septic tank and pump chamber components, which will both be discontinued for use, shall be inspected by a certified septic system inspector, registered sanitarian, or by a professional engineer three years from this date (sometime during the year 2028) to determine the degree of deterioration of these components, if any, and to determine whether or not these components would be viable for future re-use.

B. Matthew DeAvila and Doug Brown- Douglas A. Brown Inc Septic Installer, 139 Old Stage Road, Centerville, Map/parcel 189-086-001, proposed demolition and construction of structure, variance requested from Section 310 CMR 15.203 of the State Environmental Code, Title 5.

Matthew DeAvila and Doug Brown were present at this meeting. The Board of Health previously granted Mr. Douglas Brown, a licensed septic installer, permission to remove a leaching pit in order to allow the homeowner to construct a new garage, during August of 2023. Two dwellings with a combined total of five bedrooms, are connected into a septic system which contains only one leaching pit.

Mr. DeAvila testified that it was recently discovered that the primary dwelling needs to be demolished and rebuilt due to mold and structural issues. He now requests a variance from Section 310 CMR 15.203 to continue to utilize the existing undersized septic system temporarily, until such time public sewer becomes available Public sewer will be available in approximately two years.

After some discussion, and upon a motion made by Paul Canniff, duly seconded by Daniel Luczkow, the Board unanimously voted in favor of granting Matthew DeAvila a variance from **310 CMR 15.203:** Title 5, State Environmental Code, in order to continue to utilize a septic system which is not designed to treat sanitary sewage discharged from all buildings to be served by the system using the design flows set forth in Title 5, the State Environmental Code. This variance is granted with the following condition: When public sewer becomes available, this dwelling shall be connected to public sewer within sixty (60) days of availability.

- C. Darren Meyer P.E Meyer & Sons Engineering representing property owner, Christopher Parenteau-30 Redwood Lane, Hyannis, Map/Parcel 288-083 requesting variances for limited lot size, variances requested 310 CMR 15.211 of the State Environmental Code, Title 5.

Darren Meyer was present at this meeting. Mr. Meyer provided a proposed septic system design plan to the Board for their review. Mr. Meyer testified these variances are needed because the physical constraints at the site severely restrict the location of the septic system components.

After some discussion, and upon a motion made by Paul Canniff, duly seconded by Daniel Luczkow, the Board voted unanimously to grant Mr Darren Meyer variances, on behalf of his client Christopher Parenteau, to construct an onsite sewage disposal system at 30 Redwood Lane, Hyannis MA. The variances granted are as follows:

310 CMR 15.211: To install a septic tank six (6) feet away from a foundation wall, in lieu of the 10 feet separation distance required by Title 5.

310 CMR 15.211: To install a pump chamber 6.2 feet away from a foundation wall, in lieu of the 10 feet separation distance required by Title 5.

310 CMR 15.211: To install a septic tank 5.2 feet from a property line, in lieu of the 10 feet separation distance required by Title 5.

310 CMR 15.211: To install a leaching facility 5.2 feet from a property line, in lieu of the 10 feet separation distance required by Title 5.

5. Sewer Connection/ Extension Requests:

- A. Robert and Lori Parks, owners – 429 Phinney’s Lane, Centerville, Map/Parcel 230-099, Phase 1, SEWH-24-306, requesting an extension to connect to public sewer.

Robert Parks was present and testified he needs additional time due to the “sizable” cost to connect to public sewer and due to the logistics required

After some discussion, and upon a motion made by Donald Guadagnoli, duly seconded by Daniel Luczkow, the Board voted (4 to 1) to grant Mr. Parks a one-year extension to connect your property located at 429 Phinney’s Lane, Centerville, Massachusetts, to public sewer. This extension expires on July 18, 2026.

Roll Call: Paul Canniff- No, Donald Guadagnoli M.D. -Yes, Daniel Luczkow- Yes; Christine Beer- Yes; F.P. (Thomas) Lee-Yes. (Voted 4 Yes , One – No))

- B. Stephen and Linda Harding, owners – 1118 Phinney’s Lane, Centerville, Map/Parcel 273-093, Phase 1, SEWH-24-410, requesting an extension to connect to public sewer.

Stephen and Linda Harding were present at this meeting. Ms. Harding testified additional time is needed to connect to public sewer due to an inability to afford the costs involved with sewer connection work. She testified that the dwelling at this property is occupied by her elderly parent who cannot afford the connection fee, betterment fee, nor any other additional expenses due to her very low income.

After some discussion, and upon a motion made by Paul Canniff, duly seconded by Donald Guadagnoli, the Board voted unanimously to grant Stephen and Linda Harding a three-year extension to connect the property located at 1118 Phinney’s Lane, Centerville, Massachusetts, to public sewer. This extension expires in three years on July 9, 2028.

- C. Gail and Mutahar Shamsi, owners – 251 Phinney’s Lane, Centerville, Map/Parcel 230-162, Phase 1, SEWH-24-331, requesting an alternative connection location at Great Marsh Road when connections become available in 2030.

Gail Shamsi and Mutahar were present. Gail Shamsi testified that a sewer connection at Phinney’s Lane would require a longer sewer line, more excavation, and more turns along the onsite sewer line. Accessing Phinney’s Lane from the back of the home would involve three bends in the sewer line of approximately 180 degrees total, and a longer sewer line of 140 feet. Alternatively, a connection to Great Marsh Road would

involve only one turn in the sewer line and a shorter onsite sewer line of approximately 100 feet. You testified that it would also be more costly to connect to Phinney's Lane compared to a shorter connection at Great Marsh Road.

After some discussion, and upon a motion made by Donald Guadagnoli, duly seconded by Daniel Lucskow, the Board voted unanimously to grant Gail and Mutahar Shamsi permission to connect the property located at 251 Phinney's Lane Centerville, Massachusetts, to the public sewer via an alternative route/location at Great Marsh Road Centerville at a future date. Public sewer is anticipated to be available for connections along Great Marsh Road during the year 2030.

- D. Susan Swartz, owner – 140 Wequaquet Lane, Centerville, Map/Parcel 250-156, Phase 1, SEWH-24-361, requesting extension to connect to public sewer.

Susan Swartz was present and provided a letter indicating she is not able to afford sewer connection work at this time

After some discussion, and upon a motion made by Donald Guadagnoli, duly seconded by Daniel Lucskow, the Board voted unanimously to grant Susan Swartz a one-year extension to connect the property located at 140 Wequaquet Lane, Centerville, Massachusetts, to public sewer. This extension expires on July 22, 2026.

- E. Gena DelleFemine, POA for property owner, Rebecca Marona – 319 Strawberry Hill Road, Centerville, Map/Parcel 248-299, Phase 1, SEWH-24-103, requesting extension to connect to public sewer.

Gena DelleFemine was present and provided a letter to the Board members indicating the property owner is elderly, in poor health, and is not able to afford sewer connection work at this time.

After some discussion, and upon a motion made by Daniel Luczkow, duly seconded by Donald Guadagnoli, the Board voted unanimously to grant Gena DelleFemine, Power of Attorney for Rebecca Marona, a one-year extension to connect the property located at 319 Strawberry Hill Road , Centerville, Massachusetts, to public sewer. This extension expires on March 31, 2026.

- F. Dr. William N. Fenney, owner – 6 Linda Lane, Hyannis, Map/Parcel 248-060, Phase 1, SEWH-24-202, requesting an alternative connection location at Linda Lane when connections become available in 2032.

Donald Guadagnoli announced that he recuses himself from this agenda item. He stated that prior to his retirement, he was

previously employed by Cape Cod Healthcare (Cape Cod Hospital) where the applicant, William Fenney is also affiliated.

Thus, Stephen Waller, alternate, was present and participated with the discussion and vote regarding this agenda item.

Mary Anne Fenney and William Fenney were present. Dr. Fenney provided a letter to the Board which stated a sewer connection at Strawberry Hill Road would pose a hardship both physically and financially. Accessing this way would involve excessive damage to the backyard, which is expensively landscaped, including walkways, a fire pit, a gazebo and beautiful established trees and plantings. Dr. Fenney testified that it would also be more costly to connect to Strawberry Hill Road compared to a direct connection to Linda Lane.

After some discussion, and upon a motion made by Daniel Lucskow, duly seconded by Steven Waller, the Board voted unanimously to grant Mary Anne Fenney and William Fenney permission to connect the property located at 6 Linda Lane Hyannis, Massachusetts, to the public sewer via an alternative location and route directly to Linda Lane, Hyannis Massachusetts, at a future date. Public sewer is anticipated to be available for connections along Linda Lane during the year 2032.

- G. Richard and Lisa McCormack, owner – 566 Phinney’s Lane, Centerville, Map/Parcel 250-017, Phase 1, SEWH-24-349, requesting a hearing.

Richard McCormack was present and testified that he is currently paying a 30-year \$17,000 Aquifund loan for the existing onsite septic system which is only eight years old. He indicated sewer connection construction costs would be an additional financial hardship at this time.

After some discussion, and upon a motion made by Donald Guadagnoli, duly seconded by Daniel Lucskow, the Board voted unanimously to grant Richard and Lisa McCormack a one-year extension to connect your property located at 566 Phinney’s Lane, Centerville, Massachusetts, to public sewer. This extension expires on July 21, 2026

- H. Rebecca Whitney, owner – 8 Huckins Neck Road, Centerville, Map/Parcel 251-149, Phase 1, SEWH-24-384, requesting a hearing.

Rebecca Whitney was present at this meeting and testified she needed additional time due to financial hardship, She testified she applied for a an Aquifund loan.

After some discussion, and upon a motion made by Paul Canniff, duly seconded by Donald Guadagnoli, the Board voted unanimously to grant Rebecca Whitney a one-year extension to connect your property located at 8 Huckins Neck Road, Centerville, Massachusetts, to public sewer. This extension expires on July 15, 2026.

6. Food Grease Trap Extension Request:

Nicholas Nitschke, Architect representing TRT Hyannis LLC. dba Star Market– 625 W. Main Street Hyannis, Map/Parcel 248-076, requesting extension to install new external grease trap required per Section 322-3 of the Town of Barnstable Code (grease traps).

Nicholas Nitschke and Nadine Lynch were present at this meeting. Ms. Lynch testified additional time is needed to install a grease trap due to extensive renovations planned at the supermarket this Spring.

After some discussion, and upon a motion made by Christine Beer, duly seconded by Daniel Lucskow, the Board voted unanimously to grant Star Market ,TRT Hyannis LLC a six-month extension to install an exterior in-ground grease trap at Star Market, 625 West Main Street Hyannis in compliance with the State Environmental Code, Title 5 and Section 322-3 of the Town of Barnstable Code, This extension expires on September 1, 2025. The applicant must install an exterior grease trap on or before that date.

7. Holding Tank:

Stephen Olson, P.E. representing Barnstable Fire District Water Department- 223 Breeds Hill Road, Barnstable Map/Parcel 313-005-B00, installation of a 2,000-gallon holding tank, amendment from previously approved 5,000 gallon holding tank

Stephen Olson was present at this meeting. Mr. Olsen testified a smaller holding tank, with a capacity of 2,000 gallons, is requested because only one restroom will be provided. A holding tank is needed for a toilet facility which will be used by workers at the wastewater treatment facility. Due to hilly topography and the sensitivity of the drinking water area, design engineers could not provide a place to install a Title 5 septic system. The proposed holding tank will handle septic waste from the bathroom at a building which will not be heavily occupied. Typically there will be two operators who will use the facility intermittently approximately once daily

After some discussion, and upon a motion made by Stephen Waller, duly seconded by Donald Guadagnoli, the Board voted unanimously to grant Stephen Olson permission, on behalf of his client Barnstable Fire District, to install a 2,000-gallon holding tank for septic waste at 223 Breeds Hill Road, Barnstable, Massachusetts.

8. **Minutes:**
January 28, 2025

The January 28, 2025, minutes were reviewed by the Board members.

After a brief discussion, and upon a motion made by Donald Guadagnoli, duly seconded by Daniel Luczkow the Board voted unanimously in favor of approving the January 28, 2025 minutes as written.

Roll Call: Paul Canniff- Yes, Donald Guadagnoli M.D. -Yes, Daniel Luczkow- Yes; Christine Beer- Yes; F.P. (Thomas) Lee-Yes.

Adjourn- 4:17 p.m.

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