



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
Daniel Luczkow, M.D., Vice Chair
Donald Guadagnoli, M.D.
Paul Canniff, D.M.D.
Christine M. Beer, PhD.
Steven Waller, M.D. (alternate)

BOARD OF HEALTH MEETING MINUTES

Tuesday, August 26, 2025, 4:00 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, August 26, 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 Steven Waller, M.D. were present. Health Division staff members Thomas McKean R.S., C.H.O., and Vanessa Tripp, Office Manager, were present.

1. Tobacco Hearing:

Jay Imad, representing Mobil, 381 Camp Street, Hyannis, MA, Map/Parcel 345-009 - Massachusetts General Laws Chapter 270, Section 6, reported sale of tobacco product to a person who is under 21 years of age.

Bob Collette, Tobacco Control Division Program Director, was present to attest that Mobil/J&J Auto, sold to a minor (19 years of age) during a routine compliance check on May 10, 2025 at 5:54 P.M. Mr. Collette stated the buyer successfully purchased a black and mild cigar from a female clerk.

Mr. McKean stated this is the third offense in two and a half years.

Jay Imad, owner, was present. Mr. Imad stated the female clerk was trained for a week and was ready to sell product and run the gas station. Mr. Imad stated it was the female clerk's first day of work.

Tom Lee stated when it is a third offense, the fine is \$5,000.

Bob Collette stated there is no allowance for any variances to the law.

Tom Lee asked Mr. Collette how many days of suspension.

Bob Collette stated suspension is between 1 and 30 days. Mr. Collette stated that on the third offense, suspension is between 1 and 7 days, with the fine.

After some discussion, and upon a motion made by Donald Guadagnoli, M.D., duly seconded by Paul Canniff, D.M.D., the Board voted unanimously in favor of issuing a \$5,000 fine and a suspension of the sale of tobacco products on Christmas Day, 2025.

2. Septic Installer License Approval:

A. Patrick Tropeano, Septic Installer, representing PTC, 7 Dowd Avenue, Wareham, MA - Requesting approval to become a licensed septic installer in the Town of Barnstable.

Mr. Tropeano was present.

Ms. Tripp stated references were checked and references were good. Mr. McKean stated Health staff had no objections.

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 Patrick Tropeano a septic installer permit.

- B. Mark Nardone, Septic Installer, representing Bridge Home and Septic, 40 Jacqueline Lane, Plymouth, MA - Requesting approval to become a licensed septic installer in the Town of Barnstable.

Mr. Nardone was not present.

Ms. Tripp stated references were checked and references were good. Mr. McKean stated he passed the exam and Health staff had no objections.

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

- C. Chad LaBombard, representing DC Exco Inc., 55 South Street, Mansfield, MA - Requesting approval to become a licensed septic installer in the Town of Barnstable.

Mr. LaBombard was present.

Ms. Tripp stated references were checked and references were good. Mr. McKean stated Mr. Nardone missed the exam by only a couple of questions, and based on actual calculations, he received a 70% score. Mr. McKean stated a 70% score should be passing and be granted a license.

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

3. Body Art:

Alexandria Hebden, employee of Great Island Tattoo Studio – 12 Enterprise Road, Hyannis, MA, Map/Parcel 293-045, apprenticeship completed, requesting approval to become body art practitioner (for tattooing only).

Ms. Hebden was present.

Mr. McKean stated Health staff had no objections.

There was no public comment.

Ms. Tripp stated that a certified statement from Ms. Hebden's supervisor was received.

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Daniel Luczkow, M.D., the Board voted unanimously in favor, to grant Alexandria Hebden a body art practitioner permit (for tattooing only).

4. **Septic Repair Review:**

Douglas A. Brown, licensed septic installer, representing owner, Robert Jones – 42 Briarcliff Lane, Centerville, MA, Map/Parcel 208-108, failed septic system - Requesting permission to remove and replace leaching system in the same location; property is within Phase 1 of the Comprehensive Wastewater Management (CWMP) Plan.

Douglas Brown was present. Mr. Brown stated property is on Phase I of sewer. Mr. Brown stated property has a raised system and he is proposing to dig out the leaching system and replace in the same location.

Mr. McKean stated that due to the elevation of the distribution box, the leaching facility could be raised approximately six inches, so instead of installing the system only 4 feet above high groundwater, it would be 4.5 feet. Other than this, Mr. McKean stated Health staff had no objections.

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 in favor, to approve request.

5. **Septic System Variances:**

A. Kieran Healy, BSC Group Inc., representing owner, Timothy Klvana, 61 Salt Meadow Lane, West Barnstable, MA, Map/Parcel 156-046, 36237 square feet lot - Variance requested from Section 397- 2, of the Town of Barnstable Code, to allow the installation of a private water supply and a private sewage disposal system on a lot containing an area less than 40,000 square feet.

Kieran Healy was present. Mr. Healy requested to allow the installation of a private water supply (well) and a private sewage disposal system on a lot containing less than 40,000 square feet. Mr. Healy stated it is a proposed 3 bedroom system.

Mr. McKean stated Health staff had no objections.

There was no public comment.

Tom Lee stated the leaching field is down gradient from the drinking well, so the septic system wastewater effluent should flow away from the drinking well.

Dr. Caniff stated the scale on the plan should note one (1) inch is equal to twenty (20) feet.

Mr. McKean stated a revised plan was submitted electronically by Mr. Healy, with correction.

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 in favor of granting the variance request.

B. Tris Weller, Weller & Associates, representing owners, Dana and Craig Fox, 10 Deerfield Road, Osterville, MA, Map/Parcel 166-075 - Variance requested from State Environmental Code Title 5, 310 CMR 15.211, Minimum Setback Distances, proposed addition (closet), with crawlspace foundation proposed to be three feet away from existing septic tank.

Tris Weller was present. Bill O'Brien, contractor, was also present. Mr. Weller stated owners want to add a 10 x 10 closet on the back of the house, with a crawl space under it. Mr. Weller stated the septic tank will be below the level of the slab in the crawl space. Mr. Weller requested permission to leave the septic tank where it is.

Mr. McKean stated there was a concern about owner creating a hardship in this case. Mr. McKean stated owner is creating another space too close to a septic tank; the 10 x 10 closet is a size of a bedroom. Mr. McKean stated after hearing Mr. Weller's explanation about the elevation, this lessened Health staff's concerns.

There was no public comment.

Mr. O'Brien stated the crawlspace is going to be 2 feet deep and insulated.

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Daniel Luczkow, M.D., the Board voted unanimously in favor, to approve variance request.

6. Temporary Housing Request:

Alina Patrana, representing Paranormal Cirque III and Cape Cod Mall/Simon Property Group – 793 Iyannough Road, Hyannis, MA, Map/Parcel 293-039, requesting approval for temporary housing (RV's) at the Paranormal Cirque III.

Alina Patrana was present. Ms. Patrana stated there are 22 RV's and porta potties will be rented. Ms. Patrana stated there will be dumpsters.

Mr. McKean stated Health Staff had no objections.

There was no public comment.

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Daniel Luczkow, M.D., the Board voted unanimously in favor, to grant permission annually for five years maximum.

7. Sewer Connection/ Extension Requests:

A. Juan Marichal, representing owner, ALJ Realty Corp., 143 Strawberry Hill Road, Centerville, MA, Map/Parcel 247-139, Phase 1, SEWH-24-67- Requesting an extension of ten months to connect building to public sewer.

Juan Marichal was present. Mr. Marichal is proposing to demolish the property and stated they were in the process of working with the Building Division and Zoning. Mr. Marichal requested an extension of ten months or sooner, if ready.

Mr. McKean stated Health Staff had no objections. Mr. McKean stated there is a contract by Quinn's Excavation, dated June 27, 2025. Mr. Marichal confirmed they do have a signed contract with Quinn's Excavation.

There was no public comment.

Tom Lee stated the extension start date would begin on today's date, August 26, 2025.

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

B. Keith Gilmore, representing owners, Scott and Milinda McGill, 394 Strawberry Hill Road, Hyannis, MA, Map/Parcel 248-228, Phase 1, SEWH-24-97 – Requesting second extension of an additional twelve months to connect building to public sewer.

Keith Gilmore was present. Mr. Gilmore requested an additional 12 month extension. Mr. Gilmore stated he had to redesign the property from the original addition that they had an active permit on. Mr. Gilmore stated the original septic system was removed in April, 2024. Mr. Gilmore stated there is a new foundation in place now.

Tom Lee asked when the first extension expired. Mr. McKean stated the first extension expired on July 18, 2025.

Mr. McKean asked if requesting a 12 month extension from July 18, 2025 date or today's date, August 26, 2025. Mr. Gilmore confirmed today's date.

Mr. McKean stated Health staff had no objections.

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 an additional twelve months to connect building to public sewer.

C. Jodi Speight, owner, 101 Strawberry Hill Road, Centerville, MA, Map/Parcel 246-045-002, Phase I, SEWH-24-47 – Requesting an extension of an additional six months to connect building to public sewer.

Jodi Speight was not present.

Mr. McKean stated owner requested six months only. Dr. Guadagnoli stated we can do a one year extension.

Mr. McKean asked if the one year extension begins on today's date. Tom Lee and Dr. Guadagnoli stated, "yes."

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Daniel Luczkow, M.D., the Board voted unanimously in favor, to grant an additional one year extension to connect building to public sewer.

D. Kelly and William White, owners, 138 Wequaquet Lane, Centerville, MA, Map/Parcel 250-155-T00, Phase I, SEWH-24-360 – Requesting an extension of an additional six months to connect building to public sewer.

Mr. and Mrs. White were not present.

Mr. McKean stated owners were waiting on tree removal and property surveys. Mr. McKean stated water line is on the property and owners were requesting six months extension.

Dr. Canniff asked if someone else's water line is on this property. Mr. McKean stated, "yes."

Dr. Canniff asked if DPW had any comment on this. Mr. McKean stated, "no."

Upon a motion made by Daniel Luczkow, M.D., duly seconded by Donald Guadagnoli, M.D., the Board voted unanimously in favor, to grant an additional six month extension to connect building to public sewer.

E. Douglas Brown, representing owner, Margo Pisacano, 1167 Phinney's Lane, Hyannis, MA, Map/Parcel 274-011, Phase I, SEWH-24-233 – Requesting second extension of an additional six months to connect building to public sewer.

Douglas Brown was present. Mr. Brown stated they hired an engineer and plans are completed after revisions were done. Mr. Brown stated there were plumbing issues in the buildings that had to be addressed. Mr. Brown stated owner was approved for the Aquifer Fund loan.

Dr. Canniff asked about a six-month extension. Mr. Brown stated six months would be fine.

Mr. McKean stated Health staff had no objections to six months to today's date.

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Daniel Luczkow, M.D., the Board voted unanimously in favor, to grant an additional six-month extension to connect building to public sewer.

8. Sewer Connection/ Alternative Road Connection Requests:

- A. Douglas Brown, representing owner, Greek Orthodox Church of Cape Cod Inc., 1130 Falmouth Road/Rte 28, Centerville, MA, Map/Parcel 230-136, Phase 1, SEWH-24-14 and EXTS-25-27, requesting both an extension and an alternative route/road for connection of building to public sewer.

Doug Brown was present. Mr. Brown stated a drawing showing the location of the sewer stub was submitted. Mr. Brown stated Strawberry Hill Road cuts around the back of the Greek Orthodox Church, which is where the septic is located, therefore would be a much shorter run and would be down gradient. Mr. Brown stated the town put the connection stub out on Wequaquet Lane, and there is a 16 to 17 feet grade change uphill.

Tom Lee stated there was approval from the DPW for the alternate connection location.

Mr. McKean stated Health staff had no objections to the alternate road connection and whatever time it takes until sewer is available on that street.

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 an extension until sewer is available.

- B. George Sowpel, representing owner, Svetlana Davis, 35 Patricia Street, Centerville, MA, Map/Parcel 246-049, Phase I, SEWH-24-206, requesting an alternative route/road for connection of building to public sewer.

George Sowpel was present. Mr. Sowpel stated the front of the property is on Patricia Street. Mr. Sowpel stated the issue is the sewer stub was put on Strawberry Hill Road. Mr. Sowpel discussed the estimated cost if ordered to do the connection as it is arranged, and would include removal of trees and destruction. Mr. Sowpel stated it would cost less to have the sewer connect out to Patricia Street, and would be a 30 foot run (diagram detail provided).

Mr. McKean stated Health staff had no objections and that DPW had no objections.

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 alternative route/road for connection of building to public sewer.

9. Temporary Food Event Approval:

- A. Robert Wenger, President of Centerville Historical Society, Inc., representing Centerville Historical Society, Inc. – 513 Main Street, Centerville, MA, Map/Parcel 207-048 –

Requesting approval for five catered food events held at Centerville Historical Museum through the remainder of 2025.

Dr. Canniff recused himself.

Mr. Wenger was present. Mr. Wenger stated the Museum has been holding monthly "Lunch and Learn" at noon time; providing a bowl of soup and a water. Mr. Wenger stated these are activities for the rest of the year. Mr. Wenger stated the Museum has one Murder Mystery dinner planned that is held every year. Mr. Wenger requested to have a full catered dinner for the two events. Mr. Wenger stated the Museum has no provisions to cook; and they have a sink and refrigerator. All activities would be brought in by a caterer. Centerville Pie Company and Lamberts were among the list of caterers that were previously used.

Mr. McKean asked if Mr. Wenger had any means to keep chicken hot at the facility. Mr. Wenger stated not within the building and that the caterer would provide their own time/temperature. Mr. McKean asked if the caterer is staying on site while people are eating. Mr. Wenger stated, "yes." Mr. Wenger stated the Museum would have anywhere from 2 to 20 people at the "Lunch and Learn." Mr. Wenger stated the caterer would be responsible in keeping the product warm or cold, delivery through the presentation, and caterer would take it off site.

Mr. McKean stated Health staff had no objections to request.

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Daniel Luczkow, M.D., the Board voted unanimously in favor of approving this request.

B. Emily Wagner, representing Cape Cod Young Professionals (CCYP) Back to Business – 2240 Iyannough Road/Rte 132, West Barnstable, MA, Map/Parcel 236-005-W00, requesting approval for change of location for event, "CCYP Back to Business Bash."

Emily Wagner was present, Executive Director of CCYP. Ms. Wagner stated the event is moving from the Airport to the Community College this year and was seeking approval of the new location.

Mr. McKean asked if there were handwash stations in the plan submitted. Ms. Wagner stated every vendor has their own hand wash station within 6 feet of their location.

Mr. McKean stated Health staff had no objections. Mr. McKean stated to provide a clear pathway to the hand wash stations.

Dr. Canniff asked if this required an inspection by a Health Inspector. Mr. McKean stated there are 12 vendors and that it would require an inspection.

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Daniel Luczkow, M.D., the Board voted unanimously in favor, to approve change of location for event, "CCYP Back to Business Bash."

C. Sue Hudson, Assistant Director, PIER Recovery Center - 367 Main Street, Hyannis, MA, Map/Parcel 326-021, requesting approval for event, "Recovery on the Green."

Sue Hudson, Assistant Director, and Mary (last name not provided), new outreach contact at PIER Recovery, were present. Ms. Hudson stated the event will provide information and resources to the community, and engage them in the recovery process. Ms. Hudson stated

Jeni Wheeler, from the Family Table Collaborative, will be offering a pre-packaged lunch; no food prepared on site.

Mr. McKean stated Health staff had no objections.

Dr. Canniff asked if this required inspection by a Health Inspector. Mr. McKean stated this would not require an inspection.

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 event, "Recovery on the Green."

D. Michael Mecnas, representing Brazilian Resource Center – 135 South Street, Hyannis, MA, Map/Parcel 326-061, requesting approval for event, '(First) Cape Cod Brazil Independence Day'.

Michael Mecnas was present. Mr. Mecnas stated the event is on Sunday, September 7th and will have 24 vendors. Mr. Mecnas stated there will be no food trucks and that there will be three restaurants on site (Perry Lima, Ideal Butchery, Back to Brazil); all other vendors are pre-packaged foods.

Mr. McKean stated this event will be posted for inspections and staff had no objections.

Upon a motion made by Paul Canniff, D.M.D., duly seconded by Daniel Luczkow, M.D., the Board voted unanimously in favor, to approve event, "(First) Cape Cod Brazil Independence Day."

10. Food Variances:

A. Anthony Pugliese, Food Safety Manager, representing owner Cape Town Plaza LLC and Shake Shack #1690 - 790 Iyannough Road/Rte 132, Hyannis, MA, Map/Parcel 311-092 - Variances requested from Federal Food Code Section 3-501.19, to utilize "Time as a Public Health Control" for chicken breast, chicken bites, chicken bites breader, chicken breast breader, crispy onions, bacon, chopped bacon, mayonnaise-based sauce, herb mayo, and whipped cream.

John McGonigle, Area Director, John Mitchell, General Manager, and William Cummings, Assistant General Manager, were present. Mr. McGonigle stated Anthony Pugliese, Food Safety Manager, provided staff with just the Time as a Public Health Control Policy for Shake Shack. Mr. McGonigle stated there are certain items company wide where time is used as a controllable for making sure the food is safe (items listed). Mr. McGonigle stated this location currently will not use chicken bites or chicken shack as a time control and that it would be in refrigeration.

Mr. McKean stated he had serious concerns about not keeping chicken at proper temperature for four hours. Mr. McKean stated the policy is 2 hours would be allowed, and not 4 hours, because it's cumulative. Mr. McKean asked if this chicken breast is hot or cold chicken breast. Mr. McGonigle stated they use time as a control for both when it is kept on the line warm, and it sits out for 4 hours, but this would not be the case for this specific location. Mr. McGonigle stated when the chicken is cooked, they don't use a 4 hour time hold, and use 10 minutes.

Mr. McGonigle stated for whipped cream and mayo based sauces, a 4 hour control time is used; with bacon, they use a 4 hour hold, but that is for quality control; crispy onions is a 2 hour hold.

Dr. Guadagnoli asked when using the 4 hours, if the items get tossed after 4 hours. Mr. McGonigle confirmed that items are discarded.

Mr. McKean stated he had no objections, except for the chicken.

After some discussion, and upon a motion made by Daniel Luczkow, M.D., duly seconded by Donald Guadagnoli, M.D., the Board voted unanimously in favor, to approve to utilize "Time as a Public Health Control" for crispy onions, bacon, chopped bacon, mayonnaise-based sauce, herb mayo, and whipped cream.

B. Oscar Millan, representing owner, James Welch, and Frostique Ice Cream – 3821 Falmouth Road, Building 3, Unit A, Marstons Mills, MA, Map/Parcel 057-004 – Requesting a variance, and support for variance from the MA Plumbing Code, to share a common bathroom with another business (Quick Stop Store).

Weston Stahl, General Manager, was present.

Mr. McKean stated the applicant is requesting a variance from the MA Plumbing Board. The request from the attorney was to provide a letter of support. Mr. McKean stated Board of Health policy does not allow a food business to share their bathroom with another business.

Mr. Stahl stated they have taken measures with the property owner that they would maintain these bathrooms; stock and clean them daily, and be opened to the public. Mr. Stahl stated there is no seating inside or outside establishment; and there are primarily two employees each day at Frostique (total of 4 employees, including owners).

Mr. McKean asked if the establishment would remain at no seating in the future. Mr. Stahl confirmed, "yes."

Mr. Stahl stated the next step is to go to the MA Plumbing Board, on September 3, 2025, for an ADA compliant variance for those bathrooms.

Mr. Stahl stated there is an all gender bathroom in the basement of the store. The Quick Stop business does not have access to this bathroom. This was primarily for the employees.

Mr. Stahl stated the bathrooms are not ADA compliant, but do have a ramp in the back of the common space area, for handicap access.

After some discussion, and upon a motion made by Donald Guadagnoli, M.D., duly seconded by Daniel Luczkow, M.D., the Board voted unanimously in favor of granting the variance request to allow employees the ability to share a restroom with Quick Stop employees.

11. Minutes: July 22, 2025, Board of Health Meeting

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 July 22, 2025 meeting minutes.

Adjourn - 5:19 PM

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