

Town of Barnstable

Board of Health

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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, November 25, 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, November 25, 2025. The meeting was called to order at 4:00 P.M. 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 Violations:

- A. Mohammad Sattar, owner, representing AJ Mart – 459 Main Street, Hyannis, Map/Parcel 308-083 – On September 30, 2025, flavored products or flavor enhancers (including mint/menthol flavors) were sold at store and signage were missing.

Bob Collett, Barnstable County Tobacco Control Division Program Director, was present. Mr. Collett stated during a routine retail inspection, conducted on September 30, 2025, several flavored products were found in this retail establishment and were mostly flavor enhancers and also several flavored vape products that don't necessarily contain nicotine. Mr. Collett stated under state law the interpretation is that anything that can be smoked or vaped may not be flavored.

Thomas Sousa, Attorney, was present. Mr. Sousa stated Mr. Mohammad Sattar does not spend a lot of time at this store and had someone else run the store for him. Mr. Sousa stated Mr. Sattar removed all the products from the store. Mr. Sousa stated this is a first offense.

Dr. Guadagnoli asked if there were any flavored tobacco products. Mr. Collett answered, "No, not per se, but flavored enhancers." Mr. Collett stated that the sale of flavor enhancer is under state law and it mandates a suspension. Wraps are considered flavored enhancers.

Mr. McKean objected to a suspension on Christmas Day and that suspension should be on a normal work day.

Dr. Guadagnoli asked what are we restricting Mr. Sattar from selling on Christmas Day or any other day. Mr. Collett answered, "Any tobacco products whatsoever."

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Daniel Luczkow, M.D., the Board voted on the mandatory \$1,000 fine and a one-day suspension on Christmas Day. (Unanimously, voted in favor).

- B. Asim Jamal, owner, representing Mini Food Mart – 252 Main Street, Hyannis, Map/Parcel 327-127 – On September 30, 2025, flavored products (Dutch Gold Fusion cigarillos) or flavor enhancers (including mint/menthol flavors) were sold at store.

Bob Collett was present. Mr. Collett stated on September 30, 2025 at 12:30 P.M., during a routine retail inspection, presence of Dutch Gold Fusion, which is a known flavored cigarillos product, was found on the shelf at this retail establishment.

Asim Jamal was present. Mr. Jamal stated his brother was working at the store. Mr. Jamal stated they have fifty (50) kinds of Dutch Gold Fusion that are being sold at the store, and it is unknown if they are flavored or not.

Mr. Collett advises everyone to check with Tobacco Control Division Program when there is a product that retailers have any questions about. Mr. Collett stated Dutch Gold has been known to be flavored for several years.

Mr. Jamal asked why the retailers are getting punished for it and that they should go for the wholesalers who are sending the products. Mr. Jamal stated he has been running the store by himself since 2007, and never had a single ticket.

Mr. Collett stated the state law doesn't call for the enforcement to be directed at either wholesalers or manufacturers.

After some discussion, and upon a motion made by Donald Guadagnoli, M.D., duly seconded by Daniel Luczkow, M.D., the Board voted on the mandatory \$1,000 fine and a one-day suspension on Christmas Day. (Unanimously, voted in favor).

2. Regulation:

Regulation – Multiple amendments to the proposed tobacco regulation restricting the sale of nicotine products

Bob Collett was present. Mr. Collett stated this is a draft model regulation provided by Department of Public Health for consideration to upgrade local regulations to bring them up to statewide minimum standards and in some instances advance beyond what the state requires. The checklist on page 1 of the draft are a list of what the State of Massachusetts Department of Public Health (DPH) suggests to have included in local regulations; they are evidence based and go through a legal review process. Mr. Collett stated a lot of these already exist in current regulations.

Mr. Collett briefly went over each item on the draft and provided his comments. Mr. Collett stated the Board should have a discussion and a public hearing.

Tom Lee stated the Board received a letter from the New England Convenience Store and Energy Marketers Association for opposing this proposed regulation change.

There was one public comment. Mr. Paresh Patel was present, owner of AM-PM Convenience Store in Hyannis. Mr. Patel discussed he was present to work with the Board of Health. Mr. Patel stated a few years back, the minimum age to use a tobacco product was 18. Mr. Patel stated it was raised to age 21; and now selling the legal product, legal age consumer. He asked why are we having all these restrictions regarding the sale of a legal product. Mr. Patel stated people are trying to change their habit to quit smoking, and get the nicotine pouches, for example. Mr. Patel expressed his second concern of not getting notifications regarding

Board of Health meetings and that he would want to have a discussion with the Board of Health members regarding the list that was presented.

Nilesh Marfatia, owner of Route 28 Convenience Store, in Centerville, was present. Mr. Marfatia stated so many products are already banned and as a convenience store he doesn't have much to sell at this time. Mr. Marfatia stated customers go to neighboring states and buy the cigarettes and they lose the business here. Mr. Marfatia stated the store was already hurting five years ago menthol got banned.

Dr. Guadagnoli stated the items on the list that are highlighted in yellow, that is bringing us up to the minimum standards of the MA DPH, we don't have a choice and need to be consistent with what the state law is. Dr. Guadagnoli stated that we don't need to go beyond what the state has.

After a lengthy discussion, the Board of Health will review the draft and then discuss with Thomas McKean, as well as with Health Staff, to schedule and put on the agenda (to be determined-Tom Lee stated probably January, 2026). Notifications of this hearing will be sent to the public.

3. Failed Septic System/Extension Request

Douglas Brown, representing owners, Cynthia & Robert Lister, 126 Donegal Circle, Centerville, MA, Map/Parcel 169-084, Phase 1 Sewer Expansion – Failed septic system, requesting temporary septic repair.

Douglas Brown was present. Mr. Brown stated he is proposing to do a temporary repair because the property is on Phase I of Sewer. Mr. Brown stated a percolation test was done to do a regular repair and the soils there were terrible. Mr. Brown stated when the plans were submitted, one of the health staff suggested to come in front of the Board of Health for the temporary repair. Mr. Brown stated the best option would be to excavate around the existing leaching pit, take the bad soils and stones out, and put new in.

Tom Lee asked if there were cost estimates for each option. Mr. Brown replied "No," and further stated it would be less than half of what the regular repair would be with the poor soils.

Thomas McKean stated he checked with DPW and sewer would be available in about six or seven years. Mr. McKean asked if option #1 would last that long. Mr. Brown answered, "No, no question (it will)." Mr. McKean stated he had no objections if Mr. Brown thinks it will last.

There was no public comment.

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, to approve temporary septic repair.

4. Innovative Alternative Technology for New Construction:

- A. Daniel A. Ojala, P.E, PLS, Down Cape Engineering Inc., representing owners, Albert & Eneida Shkurti – 41 Thatcher Holway Road, Marstons Mills, Map/Parcel 148-083, 21,780 sq.ft, proposed new construction of Innovative Alternative (I/A) Secondary Treatment Unit for an addition to an existing 2-bedroom single family dwelling.

Daniel Ojala was present. Mr. Ojala confirmed, for the record, that it is a 21,780 square foot lot. Mr. Ojala stated a three bedroom septic system is normally allowed, but the state Title 5 does have their provision which is more restrictive than the local 330 Ordinance for these

small lots. Mr. Ojala stated when a general denitrification system is installed, the nitrogen is reduced so that 660 gallons per day per 40,000 is allowable. In this case 359 gallons per day is allowable and only 330 is proposed. A Bio-Microbics FAST 0.5 unit technology was selected for this project. Mr. Ojala stated it will be tested and monitored in accordance with the minimum standards required by MA DEP .

Mr. McKean stated Health staff had no objections.

Dr. Canniff stated the original house has two bedrooms, and this property has three bedrooms. Dr. Canniff asked if the office would be ruled as another bedroom. Dr. Canniff stated a solution can be to widen the doorway. Mr. McKean continued, "or file a deed restriction." A three bedroom deed restriction is another option to the applicant.

After some discussion, and upon a motion made by Christine Beer, PhD., duly seconded by Daniel Luczkow, M.D., the Board voted to approve proposed new construction of Innovative Alternative (I/A) Secondary Treatment Unit for an addition to an existing 2-bedroom single family dwelling with condition that a three (3) bedroom deed restriction shall be recorded at the Registry of Deeds prior to the issuance of a permit. (Vote: 4 in favor, 1 opposed – Paul Canniff, D.M.D.)

- B. Daniel A. Ojala, P.E, PLS, Down Cape Engineering Inc., representing owner, Greystone Construction & Development Corp. – 65 Olander Drive, Hyannis, Map/Parcel 270-240, 15,246 sq.ft, proposed construction of an I/A Secondary Treatment Unit for a new 2-bedroom single family dwelling.

Daniel Ojala was present. Mr. Ojala stated this is a new construction; using the best available nitrogen reducing technology, a SeptiTech STAAR system. Mr. Ojala stated when using the 660 rule, the applicant meets the minimum standard with a system that discharges 19mg/l total nitrogen. Mr. Ojala stated it is a year-round installation. Testing will occur quarterly for the first year and then twice per year after that, five months apart.

Mr. McKean stated Health staff had no objections.

There was no public comment.

Upon a motion made by Paul Canniff, D.M.D., duly seconded by Donald Guadagnoli, M.D., the Board voted to approve proposed construction of an I/A Secondary Treatment Unit for a new 2-bedroom single family dwelling with condition that a two-bedroom restriction shall be recorded at the Registry of Deeds prior to the issuance of a permit.

5. Sewer Connection/Extension Requests:

- A. Sasha Nailer, representing owner, Marie Higgins - 130 Seabrook Road, Hyannis, Map/Parcel 307-029, Stewart Creek, SEWH-24-248 - Requesting extension of an additional twelve months to connect building to public sewer.

Sasha Nailer was present. Ms. Nailer stated she is requesting a six month extension. Ms. Nailer stated she had ten days to request a hearing before the Board of Health. She stated ten days was a burden to her to try to figure out the entire process. Ms. Nailer stated she received one estimate and had an appointment the following day for second estimate. Ms. Nailer stated three estimates are required to apply for the Aquifund Loan. Ms. Nailer stated she hopes to get this project done by April, which is the deadline to connect.

Mr. McKean stated that this property was part of the Stewart's Creek project and wasn't due for connection until last September in accordance with the Board of Health connection timeline policy based on the age of the existing septic system. With this septic system age formula, Stewart's Creek is on a different timeline compared to other sewer projects.

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, to allow for a one year extension to connect building to public sewer.

- B. David V. Lawler, Esq., representing owner, Matthew Lambert, Trustee, 980 W. Main St. Realty Trust – 990 West Main Street, Centerville, Map/Parcel 229-101, Phase 1 – Strawberry Hill Road Sewer Expansion, SEWH-24-288 and EXTS-25-30 – Requesting extension of an additional twelve months to connect building to public sewer.

David Lawler was present. Mr. Lawler stated Matthew Lambert owns the store and has a property on the side. Mr. Lawler stated there will be potential redevelopment of the extra land. Mr. Lawler stated they are planning on doing a comprehensive project that is going to take at least nine months or a year to get it permitted and ready, but there is a chance that one or both of these structures may be gone if approved. Mr. Lawler is requesting a continuance because it would be a waste of money to connect the structures now, rip up the sewer lines, and redo it again.

Mr. McKean suggested to shut off the water to the vacant building and grant the extension. Mr. Lawler stated that the building is used as employee housing and there are no issues with the septic system. Mr. Lawler stated the sewer went in July or August and that this is a brand new sewer pipe that went right up West Main Street. Mr. Lawler stated they would like to have the flexibility of not having to turn the water on and off and for his client to have the flexibility to be able to use that property.

There was no public comment.

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, to allow for a 12 month extension to connect building to public sewer.

- C. David V. Lawler, Esq., representing owner, Matthew Lambert, Trustee, 980 W. Main St. Realty Trust – 980 West Main Street, Centerville, Map/Parcel 250-049, Phase 1 – Strawberry Hill Road Sewer Expansion, SEWH-24-352 and EXTS-25-29 – Requesting extension of an additional twelve months to connect building to public sewer.

David Lawler was present.

Tom Lee stated this was the same reasoning (as Item# 5B).

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, to allow for a 12 month extension to connect building to public sewer.

6. Septic System Variances:

- A. Ryan Pina, EIT, Outback Engineering, Inc., representing owner, Ronald Oliveira – 282 Parker Road, West Barnstable, Map/Parcel 176-013, 19,602 sq.ft - Requesting variance under 310 CMR 15.405(1)(g), State Environmental Code, a reduction of the

required setback between the proposed leaching field and the existing private water supply well from 100' to 51.'

Ryan Pina was present. Mr. Pina stated this is a septic system upgrade and that they are replacing the existing cesspool with a pipe and stone field. Mr. Pina stated this lot had poor soil and is a fairly large system, despite only being a two bedroom house. Mr. Pina stated there is no increase in flow; requested one variance for the separation between the existing well on the property and proposed leaching field to be reduced from 100 feet to 51feet.

There was one public comment.

David Cameron was present. Mr. Cameron lives at 264 Parker Road, West Barnstable, and is the abutter to property address 282 Parker Road, West Barnstable. Mr. Cameron stated when he first received the abutter's notice for a hearing, he was disturbed by the fact that a variance is requested from 100' to 51' and it was alarming to cut the standard in half. Mr. Cameron stated the setback from the leaching field is not 100 feet and that it is 150 feet. Mr. Cameron stated most of the wells in that area are shallow wells, and don't go down too deep because that area predominantly has many layers of dense clay. Mr. Cameron stated the wells are sourced by water from rain and if that well was to become contaminated for any reason, he was concerned for his own well at his property being subject to contamination. Mr. Cameron objected to this variance request. Mr. Cameron stated the Engineering firm did go out and lay out the boundaries along Parker Road, but neglected to lay out the boundaries for the sidelines. Mr. Cameron suggested to have a licensed surveyor to survey that property, so that everyone understands where the boundaries are.

Mr. McKean stated Mr. Pina did not apply for the 150 foot setback from the leaching field required by Town Board of Health regulation, did not apply for the septic tank setback to the well which is in the Town regulation, and did not locate neighbor's wells and neighbor's septic systems that may be affected within 150 feet. Mr. McKean suggested a land surveyor should be hired to properly show where the property lines are between the neighbors. Mr. McKean suggested to postpone or continue this to next month until the plans can be revised.

Tom Lee stated there was no survey stamp. Tom Lee stated they will also need the groundwater flow direction shown on the plan, so that the Board can see whether the well is located downgradient from the proposed leaching field.

Mr. Pina stated the plan wasn't stamped by the PLS, but this lot was surveyed by Outback Engineering by licensed surveyors and the deeds were carefully looked at. Mr. Pina agreed that a stamp is needed on the revised plans.

Dr. Guadagnoli asked how close a septic system can be located to a well without the risk of contamination of the well. Tom Lee stated it depends on the groundwater direction flow. The applicant could be required to drill a new well to provide a greater separation distance. Tom Lee stated this is not a deep well, so the cost of putting a new well is not expensive.

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 table this to December 16, 2025 meeting.

- B. David Coughanowr, ECO-TECH, representing owner, Gabriel Perez – 38 Bristol Avenue, Hyannis, Map/Parcel 309-017, 9,148 sq.ft - Variance requested, under 310 CMR 15.211(1), State Environmental Code, of 10 ft. separation between reserve area and cellar wall.

David Coughanowr was present. Mr. Coughanowr stated he was asked to design a system for four bedrooms. Mr. Coughanowr stated this was a tight lot and that he had to specifically design this proposed leaching gallery for this lot. Mr. Coughanowr stated Health Staff, David Stanton, reviewed the septic permit application and was told by Mr. Stanton that it was three bedrooms. If the applicant is requesting four bedrooms, then a reserve area shall be provided. Mr. Coughanowr stated he was able to locate one spot in the front yard where it would fit, however, it doesn't meet the setback to the foundation, which is required to be located 20 feet away from the foundation wall. Instead he is only able to provide a 10 foot separation distance.

There was one public comment. Lori (last name not provided) is an abutter and was mainly requesting clarification for the reason for the abutter notification letter. Tom Lee answered it is a formality and that it was to inform the neighbors about the proposed construction at a property. Tom Lee stated it may or may not affect a neighbor's property.

Mr. McKean asked if the owners are proposing to construct an addition to the house. Mr. Coughanowr answered, "No, there is no more room for an addition here."

Mr. McKean stated staff recommended disapproval of the variance based on the fact that there was no hardship presented for such a request, as required by the State Environmental Code, Title 5

Mr. McKean stated when reviewing the engineering plan for this 9,148 square feet lot, the designer was not able to fit a septic system with a reserve area. The paved areas and the structure covers the majority of this parcel.

According to Section 310 CMR 15.410, *Variances*, the Board may vary the application of a provision of 310 CMR 15.000. The person requesting a variance must establish that strict enforcement of the provision of 310 CMR 15.000 from which a variance is sought would be manifestly unjust, considering all the relevant facts and circumstances of the individual case. Also, the person requesting the variance must establish an upgraded system with the increased flow provides better protection of public health, safety, and the environment than the existing system with no increase in flow.

The applicant did not provide information relative to manifest injustice nor establish the proposed upgraded system will provide better protection of public health, safety and the environment compared to the existing system with no increase in flow.

Tom Lee stated four bedrooms is a lot of bedrooms for a small lot.

Dr. Luczkow asked if this area was going on sewer.

Mr. McKean stated sewer is not planned for this street.

Mr. Coughanowr confirmed that it was not in the near term to connect to public sewer.

After some discussion, a motion was made by Donald Guadagnoli, M.D to grant the variance duly seconded by Daniel Luczkow, M.D. The Board voted unanimously to not grant this variance request. (Vote: 5 opposed – Tom Lee, Daniel Luczkow, M.D., Donald Guadagnoli, M.D., Paul Canniff, D.M.D., Christine Beer, PhD.)

- C. (Continued from September 30, 2025) Lee Barber, owner, 5 Deerfield Road, Osterville, MA, Map/Parcel 166-021, 16,117 sq.ft - Variance requested from Section 360-45 (B)(1)(b) of the Town of Barnstable Code, to exceed 330 gallons per acre per day in a Saltwater Estuary Protection District, construction of an ADU proposed.

Frank Gallagher (Gallagher Engineering in Foxboro, MA) was present. Mr. Gallagher stated Mr. Barber wants to build an ADU on this property for his mother. Mr. Gallagher stated there is an existing three bedroom house at this location, and an addition of the ADU will make it a four bedroom house. Mr. Gallagher stated for the Board to be able to grant this variance request, it is required that nitrogen loading calculations be prepared properly showing that the innovative system will discharge 5 parts per million or less of nitrogen at the downgradient property line. Mr. Gallagher stated the calculations submitted show that with an addition of the ADU (for a four bedroom house), using Title 5 flows for a four bedroom house, and using a nitrogen removal system, can get it down to 9.3 parts per million. Mr. Gallagher stated that the existing condition they are working with on this site yields 30.5 parts per million.

There was no public comment.

Mr. McKean stated this application for a variance doesn't meet the Saltwater Estuary Protection Regulation because there are too many bedrooms proposed on this very small lot. Mr. McKean stated to in order obtain a variance an applicant is required to achieve 5 parts per million (or less) at the downgradient property line, which is part of the variance provision previously adopted by the Board of Health. Mr. McKean stated if the Board of Health wishes to change that standard, it is suggested the Board needs to change the regulation. Mr. McKean stated as of this date, the variance provision is set at 5 parts per million or less as the standard.

Tom Lee stated under current regulations, the Board does not have the ability to approve this variance request because the nitrogen loading calculations, according to the Cape Cod Commission, is required to meet 5mg/liter or less. Tom Lee stated the owner could purchase an additional 4,000 square feet of land as credit to offset that nitrogen. Mr. Lee also suggested an option for the applicant to remove a bedroom from the main house and construct one bedroom in the proposed ADU (providing three bedrooms maximum at this property overall).

Dr. Luczkow stated the owner can also provide a three bedroom deed restriction.

Mr. McKean stated if the owner does not want to provide a deed restriction, he will need to construct one of the existing bedrooms into a room that does not provide privacy, by removing the door and widening the doorway opening so that it won't be considered a bedroom.

Mr. Gallagher stated nitrates come from three sources: the septic system, the impervious surfaces that you have associated with the property, and the lawn treatment, which is a big component. Mr. Gallagher asked if the Board would accept a condition that prohibits the use of any lawn fertilizer as an option. Mr. Gallagher stated if you pull that out of the nitrogen loading calculation, they would be able to achieve less than five parts per million.

Mr. Barber stated if they eliminate the fertilizer, than they are below five parts per million.

Dr. Luczkow stated the Board should take a look at the regulation.

Tom Lee stated for the next meeting, the Board will need the updated nitrogen calculations.

Mr. McKean stated for the next meeting, the Board will also need proposed floor plans for both buildings.

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, to table this to the December 16, 2025 meeting.

7. Grease Trap Request:

John W. Kenney, Esq., representing 412 Main Hyannis LLC, Desmond Keogh, Manager of Business "Dubh Linn, LLC, d/b/a The Auld Triangle" – 412 Main Street, Hyannis, Map/Parcel 309-221, 6,098 sq.ft, - Grease trap extension previously granted for two (2) years ago, expiring November 30, 2025. Variance requested due to financial hardship according to application.

John W. Kenney was present. Mr. Kenney stated his client purchased the British Beer Company in Year 2023 at 197 seats inside, 20 seats outside, for a total of 217 seats. Mr. Kenney stated shortly after purchasing, his client received a notice from the DPW and the Board of Health, that he had to reduce his seats down to 133 seats, a 40% decrease because of the size of the grease trap. Mr. Kenney stated on July 25, 2023, the Board agreed to give a 27 month extension on the variance for the grease trap, and that expires on November 30, 2025. Mr. Kenney stated since the granting of this extension on August 2, 2023, the DPW did an inspection of the grease trap and they reported back that it was in very rough shape and recommended a change in the company servicing the grease trap. Mr. Kenney stated his client paid to have it cleaned up and has been pumping it quarterly. Mr. Kenney stated his client discovered, after taking ownership of the property, that the pipes leading to the grease trap were leaking into the basement. That cost him about \$22,000, and in addition spent approximately \$100,000 in bringing in refrigeration equipment and various equipment up to Board of Health standards. Mr. Kenney stated the grease trap is another \$35-40,000 in expense; by granting his client a 27 month extension, would allow him to proceed with his business and not have to lay anybody off. Mr. Kenney stated it is rare that this business reaches its full capacity; the rare occasions when the client does reach his maximum capacity are a big benefit to a small business.

There was no public comment.

Mr. McKean stated Health staff had no comment. Mr. McKean stated it is a matter of an 18 seat difference and right now he is operating with 18 seats less.

Mr. Kenney stated it was a license for 197 seats inside and 20 seats outside, for a total of 217. Mr. Kenney stated he has been told he has to reduce it down to 133 seats and that this would be a significant reduction.

Mr. Keogh stated he is operating right now what will be required if they didn't get the variance just to be ahead of the game. Mr. Keogh stated he submitted drawings showing that the reduced seating is there. Mr. Keogh stated they have removed the 20 tables already and right now is at 133 seats, but lost a lot of seats because of the grease trap variance. Mr. Keogh stated he will be putting a second grease trap in, but don't have the funds to survive to keep business going; should be able to do it in the next year, but trying to get two years.

Mr. McKean stated that Health Staff did receive an email from Griffin Beaudoin. He recommends continued reduction in seats to meet the 133 seating.

After some discussion, and upon a motion made by Donald Guadagnoli, M.D., duly seconded by Daniel Luczkow, M.D., the Board voted to grant fourteen (14) month extension, with the quarterly pumping, restricting the number of seats at 155 maximum. (Vote: 4 in favor, 1 did not vote – Paul Canniff, D.M.D.)

8. Preliminary Subdivision Application Review:

Matthew Eddy, P.E., Baxter Nye Engineering & Surveying, submitting an application for Approval of Preliminary Plan (Form B) for the proposed subdivision at 145 Barnstable Road, Hyannis, Map/Parcel 327-244-001.

Matthew Eddy was present. Mr. Eddy stated this was a preliminary subdivision that was submitted to the Planning Board and was approved as a preliminary. Mr. Eddy stated the main intent of this subdivision is to grandfather the lot from zoning changes under Mass. General Law. Mr. Eddy stated it is 0.78 acres, with 200 feet of frontage on Barnstable Road, and 100 feet of frontage on Charles Street. Mr. Eddy stated it is in the groundwater protection overlay, and the site is served by public sewer and public water, so there is no septic system. Mr. Eddy stated the proposal is to create two lots, 12,367sq.ft. and a 10,190sq.ft. lot.

There was no public comment.

Mr. McKean asked if the subdivision will undergo construction as apartment buildings? Mr. Eddy stated right now it is a proposed subdivision to create two lots and there is no site plan. It is a letter to the Planning Board for recommendation; and is required to go to the Planning Board and the Board of Health.

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 of Preliminary Plan (Form B) for the proposed subdivision at 145 Barnstable Road, Hyannis.

9. Minutes: October 21, 2025, Board of Health Meeting

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Tom Lee, the Board voted unanimously in favor, to approve October 21, 2025 meeting minutes.

Adjourn - 5:59 PM

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