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# 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, September 30, 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, September 30, 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. Septic Installer License Approval:

- A. Joseph Gilmartin III, Septic Installer, representing Amex Construction LLC, 15 Industrial Way, Hanover, MA - Requesting approval to become a licensed septic installer in the Town of Barnstable.

Joseph Gilmartin III was present.

Vanessa Tripp stated Mr. Gilmartin III passed the septic installer's exam; references were contacted and were good references.

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 Joseph Gilmartin III a septic installer permit.

- B. Peter DeSisto, Septic Installer, representing G. Greene Construction Co., Inc., 240 Lincoln Street, Allston, MA - Requesting approval to become a licensed septic installer in the Town of Barnstable.

Peter DeSisto was present.

Ms. Tripp stated Mr. DeSisto passed the septic installer's exam; references were contacted and were good references.

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

#### 2. Body Art – New Establishment and New Artist

- A. New Body Establishment: Ksenia Riabova, owner of new establishment, Lash Studio – 760 Main Street, Unit 1, Hyannis, MA, Map/Parcel 308-002-20A, for permanent makeup and microblading.

Ksenia Riabova was present.

There was one public comment. Katrina Morozova, owner of Lash Boutique and Brow Boutique, was present. Ms. Morozova suggested the Board of Health should deny this license application for permanent makeup and microblading at Lash Studio. Ms. Morozova stated she was contacted by a former client requesting corrective work on her eyebrow(s) after already having permanent eyebrow work completed at Lash Studio. Ms. Morozova stated this is permanent make up and that they cannot be fixed. Ms. Morozova stated her understanding was that Lash Studio did not have a license and building was not yet inspected. Ms. Morozova stated Jenny (first name of former client) provided a full statement about her experience and a receipt with date of services and booking confirmation were also provided.

Thomas McKean stated Lash Studio did have a temporary permit that started on September 26, 2025 and expires on October 1, 2025. Mr. McKean stated if the Board chose to **not** issue a license at this hearing, then the business would close on October 1, 2025, which aligns with the expiration date on the temporary permit.

Dr. Guadagnoli asked if Mr. McKean had been at this establishment. Mr. McKean answered, "No," and that these inspections are conducted by our Registered Nurse, Margaret Stanton. Mr. McKean further stated Lash Studio will be inspected prior to opening permanently. Mr. McKean stated a temporary permit was issued, as we do with other commercial establishments, until the Board of Health meetings are held. Once body art establishments meet all codes including space requirements, sanitation, ceiling tiles, floor tiles, handwash stations, then the annual permits are issued. Mr. McKean stated Ms. Riabova has to comply with all the requirements in the code, as shown on her floor plan.

Dr. Beer asked if the individual practitioner has a license. Mr. McKean stated the practitioner has a license and passed all Health Division requirements.

Dr. Beer asked if any complaints were received regarding safety or health. Mr. McKean stated a letter was received today, September 30, 2025, referencing a slippery table.

Dr. Guadagnoli asked Ms. Riabova if she had an opportunity to see the letter in reference. Ms. Riabova stated this was the first time she heard of this complaint. Ms. Riabova stated she started work when she received the license.

After some discussion, and upon a motion made by Christine Beer, PhD., duly seconded by Donald Guadagnoli, M.D., the Board voted unanimously in favor, to approve new body art establishment on the condition that the facility inspection includes inspection of the coverings on the tabletop.

- B. New Body Artist: Yone Severiano, employee of Atelier Permanent Makeup – 8 West Bay Road, Osterville, MA, Map/Parcel 117-087, requesting approval to become body art practitioner (for tattooing only).

Yone Severiano was present.

Mr. McKean stated a note was sent to the applicant on Open Gov, online permitting center, that Health needed both CPR and First Aid certification. Mr. McKean suggested to place this application on hold until certification is received.

Ms. Severiano stated it was her understanding she was all set with the Health Division and will bring original copies of the certification to the Health Division.

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 approve new body art practitioner application pending all documentation are submitted (CPR and First Aid Certification).

**3. Septic System Variances:**

- A. Stuart Clark, P.E., representing owner, Zig Harbor, LLC C/O Carolyn Tenney – 112 Washington Avenue, Hyannis, MA, Map/Parcel 287-116-001, 18533 square feet lot – Variance requested from Section 360-1 of the Town of Barnstable Code, to install septic system components (septic tank and leaching facility) less than the required 100 feet setback minimum to a bordering vegetated wetland.

Stuart Clark was present. Mr. Clark stated he was present because they are currently rehabbing the carriage house at this property. Mr. Clark stated there currently there is a cesspool that is on the wetland line. Mr. Clark stated they want to move it to the front of the house and increase the flow to it from two bedroom to three bedroom. Mr. Clark presented a map with an aerial view of the main house and the carriage house. Mr. Clark also presented the septic design plan. Mr. Clark stated they moved the septic tank as far as they could away from the building; will reroute the plumbing inside the building and run it out 37 feet to the tank.

There was no public comment.

Mr. McKean stated the engineer is aware of the comments that were sent and that a permit cannot be readily issued if the variance is granted. Mr. McKean stated percolation tests and test holes need to be done for the additional bedroom. Mr. McKean stated that this project is considered new construction. Therefore, percolation tests and soil evaluations cannot or should not be scheduled at the time of construction. Percolation test and soil evaluations need to be scheduled with Chief Health Inspector. Mr. McKean stated it is not considered an emergency repair. Mr. McKean stated the other issue is Note #14 on the engineer's plan indicating this property is located within a nitrogen sensitive area. Mr. McKean stated there is a concern about the wastewater discharge flow into that saltwater estuary embayment. Therefore, the best available nitrogen reduction innovative alternative system should be installed.

Mr. Clark stated there was a miscommunication in the percolation test and that the soil evaluator and Mr. David Stanton didn't understand there was going to be an increase in flow in this system. Mr. Clark stated they have excavated all the sand underneath and when they did the percolation test, the hole was so big, the sides just kept falling. Mr. Clark stated he asked if could do a confirmatory percolation test at time of construction or to schedule the percolation test next week.

Mr. Clark stated as for the nitrogen sensitive area, according to the town mapping, it is not in the local nitrogen sensitive area but it is within a nitrogen sensitive area designated by the State. Mr. Clark stated a watershed permit is used to address the DEP concerns on nitrogen loading. One of the alternatives DEP looked at but did not implement was the idea of replacing all the septic systems in Barnstable with IA systems. Mr. Clark stated a centralized sewer system would be the better option; however, it is unknown when the actual timeframe is for availability of public sewer at this property.

Dr. Guadagnoli asked how the nitrogen concern is being addressed.

Dr. Luczkow stated the water movement off the coast in front of this property is dramatic that changing the nitrogen that comes out from the houses in that area is not going to change the amount of nitrogen in the ocean water.

Mr. Clark stated this carriage house will also function as overflow for the main house, so it is not going to always be occupied.

Tom Lee stated the CWMP Ad Hoc Committee is now looking at requiring IA systems in some of the environmental sensitive areas in Town, where public sewer will not be provided in the near future. Mr. Lee stated the septic system from the adjacent property is also located on this parcel. So then when looking at the combined nitrogen loading on this smaller parcel, it greatly exceeds what is allowable within a nitrogen sensitive area. The proposal of three bedrooms plus eight bedrooms equates to eleven bedrooms or 1,210 gallons per day of wastewater discharge on this parcel of less than one acre in size. Mr. Lee stated under the Title 5 regulations, only four bedrooms are allowable per acre (which equates to one bedroom per every 10,000 square feet).

Dr. Canniff stated the best option would be a tight tank.

Carolyn Tenney, owner of property, was present. Ms. Tenney wanted to clarify that it was functioning as an eight bedroom house in the main house and that it is not being renovated as a eight bedroom house. Ms. Tenney stated the house is being renovated as a five to six bedroom house. Ms. Tenney stated the carriage house was sold as a two bedroom with a cesspool. Ms. Tenney is requesting permission to put a three bedroom because it maximizes the building in terms of use. Ms. Tenney stated it is unknown how much the carriage house will be used.

Mr. McKean stated the tight tank option may be an option, however such an option may not be approved by the state. Mr. McKean stated this is not an emergency repair and that it is considered new construction. Normally, tight tanks are not approvable by the State for new construction.

After some discussion, and upon a motion made by Daniel Luczkow, M.D., duly seconded by Paul Canniff, D.M.D., the Board voted unanimously in favor, to approve variances to construct septic system for two (2) bedrooms. Therefore, the request to construct an additional (3<sup>rd</sup>) bedroom is not granted.

- B. Mark Macallister, Macallister Building, Inc., representing owner, Richard Bendetson, 246 Ocean View Avenue, Cotuit, MA, Map/Parcel 033-003-001, 33050 square feet lot - Variance requested from State Environmental Code Title 5, 310 CMR 15.223(1)(b), Septic Tanks. Proposal to maintain existing septic system as is, without replacing the existing septic tank with double compartment septic tank (and/or without adding a second septic tank).

Mark Macallister was present. Mr. Macallister requested a variance to maintain what is existing. Mr. Macallister stated the system is functioning well for this single family dwelling home. Mr. Macallister stated there is not a proposal for an increase in flow. The property owner seeks to expand space over an existing first floor structure.

There was no public comment.

Mr. McKean stated MA DEP requires a double compartment tank or a two tank in series if there are two dwellings on the same property (for example an ADU or an apartment within a home). Mr. McKean stated in this case it is all one house; it is L-shaped and there is a wall that separates two living spaces. Mr. McKean stated each side has its own bedrooms, bathroom, kitchen, etc. and there is only one septic tank at this property.

Mr. Macallister stated there was a door that connected the two through a hallway which was removed so currently there is a wall, and the two exterior doors are now in very close proximity to each other. Mr. Macallister stated there is a certificate of compliance from 1995 and system has been functioning throughout these years.

Mr. McKean stated that in the past, we had a reasonable policy that allowed for the continued use of a single compartment septic tank when/if no other septic construction work was being planned, but now MA DEP requires enforcement of the installation of two septic tanks or a double compartment septic tank wherever two or more dwelling units are proposed regardless of whether any septic system construction work is planned.

Dr. Luczkow asked what defines that you have two buildings and if this building shares a foundation.

Mr. Macallister confirmed that it does share a foundation.

Mr. McKean stated a building with one foundation can be considered as a two dwelling unit. Mr. McKean stated according to Brian Dudley, who retired from Mass DEP a few years ago, two dwelling units are defined as having two separate kitchens, two separate bathrooms, two separate bedrooms; So essentially there are enough facilities for persons to reside full time within one side or the other, or both. Mr. McKean stated in this case is unique because the floor plans appear to show two dwellings connected together.

Mr. McKean stated the MA DEP developed these new requirements in 2025, which allows local Boards of Health to grant variances, if manifest injustice is demonstrated and if an effluent filter is installed in the outlet tee of the septic tank. Mr. McKean stated installing an effluent filter benefits the homeowner for the longevity of the system, because you are going to make sure the solids don't go out into the leaching system. Mr. McKean stated it requires simple maintenance every 6 months or less.

Michael Schulz, attorney, was present. Mr. Schulz stated this is a single family dwelling (7,000 square feet) and is not a two-dwelling unit. Mr. Schulz stated this is not a Health determination and is a Zoning compliance issue. Mr. Schulz stated it has eight bedrooms, a flow of 1,320 gallons per day, and is used seasonally.

Tom Lee stated the Board of Health enforces Title 5 and MA DEP requirements which are separate from Zoning. This is a septic system issue which falls under the purview of the Board of Health.

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 in favor, to approve the variance for installing the effluent filter.

C. Linda Grice, owner, 12 Oak Street, Cotuit, MA, Map/Parcel 018-028 – Variance requested from State Environmental Code Title 5, 310 CMR 15.223(1)(b), Septic Tanks. Proposal to construct a one-bedroom Accessory Dwelling Unit (ADU) above

detached garage. without replacing the existing septic tank with a double compartment septic tank (and/or without adding a second septic tank).

Linda Grice was present. Ms. Grice stated she is willing to install an effluent filter. Ms. Grice stated currently it is a three bedroom house and one of the bedrooms would now be allotted to the ADU.

There was no public comment.

Thomas McKean stated Health staff had no objections.

Dr. Luczkow asked if adding a kitchen to the ADU.

Ms. Grice stated, "Yes."

Tom Lee stated looking at the site plan, adding the effluent filter would be sufficient for this one.

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 the variance for installing the effluent filter.

D. Lee Barber, owner, 5 Deerfield Road, Osterville, MA, Map/Parcel 166-021 - 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.

Lee Barber was present. Mr. Barber stated this is a three bedroom home and need the extra space for a fourth bedroom. Mr. Barber requested to create an ADU on the lot. Mr. Barber stated he was directed to Coalition of Clean Water and Zenas "Zee" Crocker wrote a letter (copy provided to Board Members), then referred to an Engineer. Mr. Barber stated the ADU he is looking for is a one bedroom; have a second lot and trying to keep an elderly person out of the nursing home.

Mr. McKean stated we need to address the nitrogen loading on this very small lot. This is a proposal for four bedrooms within a designated nitrogen sensitive area, which is mapped by both the town and the state. It is in the saltwater estuary district. Mr. McKean stated Mr. Barber wanted to come to the Board to obtain a verbal "okay" before hiring and paying an engineer to design an innovative system for this small lot. Mr. McKean stated however, we need to receive nitrogen loading calculations from an engineer. Mr. McKean stated the applicant needs to demonstrate to the Board that no more than 5 mg/liter would be generated at the downgradient property line in order to obtain this variance.

Mr. Barber stated he couldn't find an engineer to hire in time before this meeting.

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 to continue this item to a future meeting after the applicant hires an engineer to provide nitrogen loading calculations.

**4. Temporary Food Event Approval:**

Alexa Nickandros, Events Coordinator, representing Hyannis Country Garden – 380 West Main Street, Hyannis, MA, Map/Parcel 269-052 – Requesting approval for event, “Harvest Festival.”

Alexa Nickandros was present. Jeni Wheeler, Co-founder and Executive Director of the Family Table Collaborative was also present.

Mr. McKean stated Health staff had no objections. Mr. McKean asked what the menu would be.

Ms. Wheeler stated the menu is butternut squash bisque, fall salad, macaroni and cheese, and chowder. Ms. Wheeler stated they are not preparing any food on site and individual portions will be handed out to the community.

Dr. Beer stated it looked like it is all refrigerated and electronically monitored for temperature.

Ms. Wheeler stated they have a commercial kitchen and have a refrigerated van donated by Whole Foods Market, so everything is kept under temperature refrigeration on the electronic monitoring and then on site. Ms. Wheeler stated if its hot, it's kept on either sterno or electric, and then for refrigeration, either ice or a cooler.

Mr. McKean asked if Ms. Wheeler was able to combine the food under one tent so that the handwash station is close to all the food service areas.

Ms. Wheeler answered, “correct.”

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Christine Beer, PhD., the Board voted unanimously in favor, to approve event, “Harvest Festival.”

**5. Food Variances:**

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 bread crumb mixtures, Chicken Shack Breader (used for chicken breast) and Chicken Bites Breader (used for chicken bites).

Anthony Pugliese was present. Mr. Pugliese stated he was seeking a variance for TPHC for two additional items, the chicken shack breader and the chicken bites breader. Mr. Pugliese stated these were the breaders used to bread chicken products before they are deep fried.

There was no public comment.

Mr. Pugliese stated the chicken shack, chicken products, chicken bites, and the chicken breasts are held in refrigerated drawers at all times and then to order; they are pulled out of those drawers, so the individual pieces of the chicken put into the breaders, which are at room temperature on top of the station, are immediately breaded and immediately fried. Mr. Pugliese stated they are seeking to hold these breaders with a four hour TPHC label.

Mr. McKean asked about the breadcrumbs that are left behind due to the raw juices from the chicken that could contain salmonella and other bacteria.

Mr. Pugliese stated the chicken products are coming fully cooked, then breaded, then additionally fried. Mr. Pugliese stated they are not handling raw chicken.

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 to utilize "Time as a Public Health Control" for bread crumb mixtures, Chicken Shack Breader (used for chicken breast) and Chicken Bites Breader (used for chicken bites).

**6. Regulations:**

Regulation – Proposed amendment to Town Code Chapter 385-7, Hiring of Outside Consultants

Mr. McKean is asking for consideration to take action at a future month. Mr. McKean stated this was talked about months ago, but it was never formally adopted. Mr. McKean stated to put this on the agenda in October or November, for adoption to include HACCP (Hazard Analysis Critical Control Point) plans to be reviewed by a consultant at the owner's expense and not a Health Inspector's expense. Mr. McKean stated this takes 6-8 hours to review one HACCP plan.

Mr. McKean stated he was not requesting action today on this matter. He suggested scheduling this item for October's Board of Health meeting.

**7. Minutes: August 26, 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 August 26, 2025 meeting minutes.

**Adjourn - 5:39 PM**

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