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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, December 16, 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, December 16, 2025. The meeting was called to order at 3:00 P.M. by F.P. (Thomas) Lee, Chair. Also in attendance were Board Members Donald Guadagnoli, M.D., Paul Canniff, D.M.D., Christine Beer, PhD. Daniel Luczkow, M.D., and Steven Waller, M.D. were not present. Health Division staff members Thomas McKean R.S., C.H.O., and Vanessa Tripp, Office Manager, were present.

1. Body Art – New Establishment and New Artist

A. New Body Art Establishment: Jonanne Massard, owner of new establishment, Creative Cosmetics – 152 Breed's Hill Road, Building 1, Unit 1, Barnstable, MA, Map/Parcel 314-024-A01, requesting approval of a body art establishment for permanent makeup and microblading.

Jonanne Massard was present. Ms. Massard stated she was applying for her establishment license and body art license.

Thomas McKean reviewed the floor plans and the proposed construction. Mr. McKean stated everything passed and establishment was inspected as well.

There was no public comment.

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 establishment for permanent makeup and microblading.

B. New Body Artist: Jonanne Massard, employee of Creative Cosmetics – 152 Breed's Hill Road, Building 1, Unit 1, Barnstable, MA, Map/Parcel 314-024-A01, requesting approval to become a body art practitioner (for tattooing only).

Jonanne Massard was present.

Mr. McKean stated there was a special letter in the Board Members' packet, from the Town Public Health Nurse, about Ms. Massard's Hepatitis B vaccinations. Mr. McKean stated based on that information he recommended a conditional approval of the license for six months and once Ms. Massard receives her third dose in six months, that the license can become permanent for the year.

Tom Lee and Dr. Guadagnoli stated, "Okay."

There was no public comment.

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. A temporary Body Art Practitioner permit will expire on June 30, 2026.

2. Sewer Connection/Extension Requests:

(Continued from October 21, 2025) Mark Sherbertes, owner, 9 Quisset Road, Centerville, MA, Map/Parcel 250-152, Phase 1, SEWH-24-357 - Requesting an extension of twelve months to connect building to public sewer.

Mark Sherbertes was not present.

Mr. McKean stated Health staff emailed Mr. Sherbertes. Mr. McKean stated Mr. Sherbertes was starting to work with the DPW Division to see if he can get approval for an alternative road connection. Mr. McKean stated Mr. Sherbertes was supposed to provide a layout plan and some other information and have not heard anything since. Mr. McKean recommended continuing this to the January meeting.

Tom Lee stated instead of the extensions, Mr. Sherbertes is asking for a different location of the connections. Tom Lee stated this is why he needs DPW's approval.

Mr. McKean stated, "correct."

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Paul Canniff, D.M.D., the Board voted unanimously in favor, to table this to January 27, 2026 Board of Health meeting.

3. Septic System Variance:

(Continued from November 25, 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. Installation of Innovative-Alternative Technology proposed for additional (fourth) bedroom at onsite ADU proposed.

Lee Barber, owner, was present. Frank Gallagher, Gallagher Engineering, was present. Mr. Gallagher is seeking approval for Mr. Barber to construct an accessory dwelling unit (ADU) on site, resulting in four bedrooms at this property overall. This property is currently limited to three bedrooms maximum overall. Architectural plans for the ADU were submitted. The submitted plan provides for one bedroom within the ADU.

Mr. Gallagher stated one of the requirements to obtain this variance is to provide documentation that the nitrogen loading will be less than 5 mg/liter at the downgradient property line. Mr. Gallagher stated it is not possible to meet this requirement, even with the use of best available I/A technology. Mr. Gallagher stated, however, if lawn fertilizer is removed from the equation, the applicant could meet this requirement. Therefore Mr. Gallagher is seeking approval from the Board to have a condition that would exclude Mr. Barber from being permitted to apply any lawn fertilizer at this property. Mr. Gallagher submitted a revised calculation that showed elimination of fertilizer from the calculations, resulting in a nitrogen loading of 2.6 mg/liter at the downgradient property line.

There was no public comment.

Mr. McKean stated if this is approved, the Health Division staff is very concerned about the inability to enforce a no lawn fertilizer application condition. Mr. McKean stated an owner could hire a lawn company or the owner himself/herself could apply fertilizers when Health Division staff are not there onsite to observe and monitor. The issue of enforcement is a major concern by Health Division staff and by several other health departments across Cape Cod.

Mr. McKean stated Mr. Barber hasn't proposed a method for ensuring fertilizers will not be used. Also, this is new territory that this Board has never gone into before in the past, opening the door to future similar requests.

Tom Lee stated we must look at each request on a case-by-case basis, determine what conditions are feasible to require, and determine whether each application should be approved or disapproved. He stated there may be a possible solution to this issue. He stated that one of the calculations that he reviewed did not result in compliance with the 5 mg/liter requirement utilizing NiTROE technology with a calculated nitrogen loading of 7 or 8 mg/liter at the downgradient property line. However, Tom Lee continued, when lawn fertilizer is eliminated from the equation, the calculated nitrogen loading is reduced to 3.6 mg/liter at the downgradient property line.

Mr. Lee asked Mr. Barber if he uses a landscaper. Who takes care of lawn?

Mr. Barber stated, "I do."

Mr. Lee asked if the Board placed a condition on the approval that no fertilizers are to be used/applied, would Mr. Barber agree to not to use fertilizers?

Mr. Barber stated, "correct."

Mr. McKean asked if this should be recorded as a deed restriction or if a signed agreement should be required.

Mr. McKean also asked, if Mr. Barber no longer owns the property, how would we enforce this condition onto the next property owner?

Tom Lee stated the property owner could record it as a deed.

Dr. Beer asked if this is an honor system.

Dr. Guadagnoli stated we should put a restriction on the deed that lawn fertilizers cannot be used.

Dr. Canniff stated he has never seen this request before. Dr. Canniff stated Mr. Barber can go forward with the construction of an accessory dwelling unit (ADU) by eliminating a bedroom from the main house.

Tom Lee stated this was previously discussed as one of the options, limiting the property to three bedrooms overall. Mr. Lee stated another potential option is to explore allowance of a fourth bedroom if an I/A system is installed. If we go back to requiring elimination of a bedroom from the main house, an I/A system would not be required, however.

Dr. Beer stated this proposal is a better option because it reduces the nitrogen loading overall. She also stated we should carefully consider what actions to take because it will set a precedent. She further stated lawn fertilizers should not be applied in the saltwater estuary protection district.

Mr. McKean stated not only does this bedroom exceedance not meet the Saltwater Estuary Regulation (a Town of Barnstable Code), it also doesn't meet the variance provision section within this same Code. Mr. McKean stated the request does not achieve 5 mg/liter at the downgradient property line using the standard Cape Cod Commission formula.

After some discussion, and upon a motion made by Donald Guadagnoli, M.D., duly seconded by Christine Beer, PhD., the Board voted to grant a conditional variance to allow the construction of a fourth bedroom at this property with the use of best available I/A technology, with a condition that a deed restriction must be recorded prohibiting the use and application of any fertilizer at this property. This restriction must be recorded on the deed before the applicant receives a permit. (Vote: 3 in favor, 1 opposed – Paul Canniff, D.M.D.)

4. Food Application/New Pop-Up Kitchen:

Tom Spencer, Lead Vocational Instructor for the GROW Program at Riverview School, 43 Wianno Avenue, Osterville, MA, Map/Parcel 117-096 – Requesting approval to provide a 'Pop-up Café,' at Osterville Library, to serve coffee, prepacked muffins, pastries and snacks.

Tom Spencer was present. Mr. Spencer stated Riverview School, in Sandwich, is a Boarding school for adolescents and young adults that are neurodivergent. Mr. Spencer stated his role at the school is to work with various communities across Cape Cod to provide new and groundbreaking vocational experiences for them. Mr. Spencer stated this Pop-up occurred in Sandwich first at their new building and was hoping to get something established in Osterville.

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 Christine Beer, PhD., the Board voted unanimously in favor, to approve 'Pop-up Café.'

5. Grease Trap Request/Pop-Up Kitchen:

Michael McNamara, new owner, representing "Cape Cod Beer" – 1336 Phinney's Lane, Barnstable, MA, Map/Parcel 274-018, 188761 sq.ft. - Variance requested from Chapter 322: Food Establishments/Chapter 322 Article I: Minimum Sanitation Standards, of the Town of Barnstable Code, without a grease trap at "Pop-up kitchen" operating at Cape Cod Beer.

Michael McNamara was present. Mr. McNamara was looking to continue to operate the Pop-up kitchen at Cape Cod Beer. Mr. McNamara stated he purchased the brewery back in October and was not looking to do anything different than what was done previously. Mr. McNamara stated looking to have a space for food vendors to come in that would be authorized by the Town. Mr. McNamara stated there is no washing of any dishes and everything will be cooked off site.

Mr. McKean stated Health staff had no objections and that the Town Engineer, Griffin Bowden, wrote an email on December 4, 2025. Mr. McKean stated Mr. Bowden had no objections to this proposal, however, if this expands in size and/or scope, Engineering would likely have a different opinion on the matter.

Tom Lee stated that means if there is any change in terms of the scale, in terms of any food preparation, Mr. McNamara would need to come back.

Mr. McNamara stated, "100%, totally understand."

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 "Pop-up kitchen," operating at Cape Cod Beer, without a grease trap.

6. Minutes: November 25, 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 November 25, 2025 meeting minutes.

Adjourn - 3:33 PM

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