



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.

BOARD OF HEALTH MEETING MINUTES

Tuesday, April 28, 2026, 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, April 28, 2026. 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., and Christine Beer, PhD. Daniel Luczkow, M.D., was absent. Health Division staff members Thomas McKean R.S., C.H.O., and Vanessa Tripp, Office Manager, were present.

Tom Lee stated Dr. Waller submitted a letter of resignation to the Board. Tom Lee thanked Dr. Waller for his service to the Town and to the Board of Health.

1. Septic Installer License Approval:

Nicklas Cimeno, Septic Installer, representing Cimeno Site & Septic, Plymouth, MA - Requesting approval to become a licensed septic installer in the Town of Barnstable.

Nicklas Cimeno was present.

Tom Lee asked Mr. Cimeno if he has been working in Plymouth.

Mr. Cimeno stated, "yes."

Vanessa Tripp stated Mr. Cimeno passed the exam and references were good. Ms. Tripp stated Mr. Cimeno holds current licenses in other municipalities.

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 Nicklas Cimeno a septic installer permit.

2. Body Art – New Artist

A. Diego Henrique Da Silva, employee of Evolution Ink – 724 Yarmouth Road, Hyannis, MA, Map/Parcel 345-010-001, requesting approval to become a body art practitioner (*for tattooing only*).

Diego Henrique Da Silva was present.

Ms. Tripp stated Mr. Da Silva submitted the required documentation for his application.

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 Diego Henrique Da Silva, a Body Art Practitioner permit for tattooing only.

B. Joshua Kanter, employee of Black Pearl Tattoo Studio & Gallery – 505 Main Street, Hyannis, MA, Map/Parcel 308-093, requesting approval to become a body art practitioner *(for tattooing only)*.

Alika Travassos, owner of Black Pearl Tattoo Studio & Gallery, was present. Joshua Kanter was also present.

Mr. McKean stated Joshua Kanter is requesting to become a Body Art practitioner within the Town of Barnstable for his first time. Mr. McKean stated Mr. Kanter does not have Hepatitis B vaccination, except for one shot. Mr. McKean stated Mr. Kanter had a letter that he prepared, which noted that he was vaccinated when he was a child, however, the doctor passed away and he could not find any records. Mr. McKean stated Health Division Town Nurse asked Mr. Kanter to get a titer blood test and he has not done that.

Mr. Travassos stated Mr. Kanter has had Hepatitis B shots and that this is needed in the State of Massachusetts to get licensed in any district. Mr. Travassos stated Mr. Kanter has many licenses in many Towns and has been licensed for over 20 years in Massachusetts. Mr. Travassos stated Mr. Kanter is unable to get a record from his doctor because his doctor is now deceased. He noted that Mr. Kanter went to CVS Pharmacy to start the series again.

Mr. McKean stated he could not vouch that other Towns require the same requirements that Town of Barnstable have because each Town Board of Health has their own regulations. Mr. McKean stated Town of Barnstable Health adopted a model regulation that was provided by Barnstable County.

Mr. Travassos stated when the laws were passed in Massachusetts in 2001 to legalize tattooing, that was one of the stipulations, and all the Towns that followed by that, that you need the Hepatitis vaccine to perform tattoos.

Dr. Beer asked if Mr. Kanter looked into getting a test.

Mr. Travassos stated Mr. Kanter is going to Duffy Health Center and that medical appointments are backed up right now.

Mr. Travassos further stated that other Body Art practitioners that went in front of the Board were allowed to start their Hepatitis B series over again and bring receipt of every shot as it was scheduled and that was accepted.

Dr. Beer asked when the Hepatitis B series began.

Mr. Travassos answered two weeks ago.

Joshua Kanter answered “two weeks ago, yes.”

Dr. Beer asked when the next one was due.

Joshua Kanter answered, “two weeks.”

Mr. McKean told the Board that there are three shots total.

Dr. Guadagnoli asked if there were evidence from other applications, that Mr. Kanter submitted to the other Towns, referring to the shots.

Joshua Kanter stated what is in front of him is licensing going back to March 15, 2002.

Dr. Guadagnoli asked Mr. McKean if this was a state requirement.

Mr. McKean stated, "No, each Town has its own Body Art regulations. He stated he believed the Town of Barnstable may have adopted the most stringent model presented by Barnstable County." Mr. McKean further stated that the State of Massachusetts doesn't require the Town to adopt regulations and this is up to each Town if they wish to adopt regulations.

Mr. McKean asked Mr. Kanter to provide documentation from other Towns he is licensed in; but he failed to do that as well.

Mr. Travassos noted that Mr. Kanter has no problems continuing to get the shot series and can get the titer one when he gets appointment at Duffy Health Center. Mr. Travassos stated Mr. Kanter can bring receipt in two weeks for the second shot.

Mr. McKean stated he would have no objection granting a license after Mr. Kanter gets his second and third shots as part of the required series.

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 a temporary Body Art practitioner permit, for tattooing only.

Tom Lee stated this is a temporary permit to work for a titer or vaccination and to submit the records and follow up with the Health Division on each shot. Tom Lee stated that this was an exception and that the Board is not trying to consider every case the same.

Dr. Guadagnoli asked if Mr. Kanter would provide a copy of the licenses in Massachusetts for the Health Division.

Mr. Kanter noted he had Massachusetts licenses in the Towns of Salem, Saugus, Beverley, and Fall River.

3. Body Art – Apprentice

- A. Samantha Ann Morrison, apprentice employee of Black Pearl Tattoo Studio & Gallery – 505 Main Street, Hyannis, MA, Map/Parcel 308-093, apprenticeship was completed - Requesting approval to become body art practitioner (*Body Piercing*).
G, Canniff 2nd.

Samantha Ann Morrison was present.

Ms. Tripp stated Ms. Morrison completed her apprenticeship and that Health Division received the certified statement from her immediate supervisor.

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 a Body Art Practitioner permit, for Body Piercing.

- B. Shane Conway, apprentice employee of Black Pearl Tattoo Studio & Gallery – 505 Main Street, Hyannis, MA, Map/Parcel 308-093, apprenticeship was completed - Requesting approval to become body art practitioner (*Tattooing*).

Ms. Tripp stated Mr. Conway completed his apprenticeship and that Health Division received the certified statement from his immediate supervisor.

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Christine Beer, PhD., the Board voted unanimously in favor, to grant a Body Art Practitioner permit, for tattooing only.

4. Septic System Variance – Repair:

- A. Scott Frank, licensed septic installer, representing owner, Edward Lezynski – 198 Great Marsh Road, Centerville, MA, Map/Parcel 210-087, 11,761 square feet – proposed repair of failed septic system, requesting permission to (Option 1) restone leaching pit, (Option 2) add one 500-gallon chamber with stone, or (Option 3) replace Orangeburg pipe. Property is within Phase 1 of the Comprehensive Wastewater Management (CWMP) Plan.

Scott Frank was present. Mr. Frank stated Option 1 would be the best option.

Tom Lee asked what caused the failure.

Scott Frank stated, “sludge in the bottom.” Mr. Frank noted he was going to clean all around it, and put new stone in, so it would flow.

Tom Lee asked, “What is the condition of the Orangeburg pipe?”

Mr. Frank stated, “The Orangeburg pipe needs to be replaced, too.”

Tom Lee noted doing Option 1, with the pipe replacement.

There was no public comment.

Mr. McKean stated health staff 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 Option 1 (re-stone leaching pit) and Option 3 (replace Orangeburg pipe).

- B. Douglas Brown, representing owner, Galin Shkodrov – 37 Captain Bellamy Lane, Centerville, MA, Map/Parcel 230-178, 24,326 square feet – proposed temporary repair of a failed septic system, proposed to re-stone leaching pit. Property is on Phase 1 of the sewer expansion plan.

Douglas Brown was present. Mr. Brown proposed to re-stone the leaching pit.

Tom Lee asked if Mr. Brown is returning to check the soil.

Doug Brown stated, “Yes.” He noted that most of the time there is more stone than what was there originally.

Dr. Canniff asked if the leaching field was not working.

Mr. Brown answered, "No."

There was no public comment.

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 approve request.

C. (Continued from January 27, 2026) Ryan Pina, EIT, Outback Engineering, Inc., representing owner, Ronald Oliveira – 282 Parker Road, West Barnstable, Map/Parcel 176-013, 19,602 square feet parcel – Septic repair, proposed MicroFAST system; multiple variances requested from Section 397-8(E) to install a soil absorption system 55 feet away from an onsite well in lieu of the 150 feet minimum setback required; from Section 397-8(E) of the Town of Barnstable Code to install a soil absorption system 118 feet away from a neighbor's private well at "264 Parker Road, West Barnstable" in lieu of the required from 150 feet setback; from Section 397-8(E) to install a septic tank 51 feet away from the onsite well in lieu of the required 100 feet minimum setback; and variances from 310 CMR 15.405(1)(g), State Environmental Code as described in variance application request.

Tom Lee stated this item is tabled to May 26, 2026 Board of Health meeting.

5. Septic System Variance – Construction:

David and Paloma McLardy, owner, 3 Franbill Road, Hyannis, MA, Map/Parcel 292-047, 10454 square feet lot - Variance requested from State Environmental Code Title 5, 310 CMR 15.223(1)(b), Septic Tanks. Proposed to construct a one bedroom ADU, without replacing existing septic system, with a double compartment tank or two septic tanks in series by using MassDEP approved effluent filter.

David and Paloma McLardy were present.

Mr. McKean stated health staff had no objections. Mr. McKean noted for the owners to make sure to service the filter on a regular basis (e.g. every six months) so that it doesn't clog and cause sewage to back-up into the house .

Dr. Canniff noted that there should be a list of which filters need to have a contract. Dr. Canniff noted a previous item that was heard before the Board of Health (32 Buckwood Drive, Hyannis) that had a DEP approved form.

Mr. McKean stated at this time it is optional and if the homeowner wanted to do it themselves or hire someone to do it. Mr. McKean stated if it doesn't get done you are at risk of sewage backing up into the house.

Dr. Canniff asked how long they have been using these filters.

Mr. McKean stated the DEP requirement to have these filters as part of this variance request is just a few years old.

Tom Lee stated the filter itself had been used for the septic system for a few years before this policy came out.

Dr. Canniff asked if this ADU was not a new construction?

Ms. McLardy answered, “no.”

Dr. Canniff asked, “You are changing part of the house, right?”

Ms. McLardy answered, “right.”

Mr. McKean noted a revised floor plan was submitted to the Board of Health today.

Ms. McLardy noted the property has four bedrooms.

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 variance request.

6. Sewer Connection/Extension Request:

Paul Baron, Baron Property Management LLC, representing Fisherman’s Village Condominiums – 855 West Main Street, Hyannis, Map/Parcel 249-031-00N – Requesting an additional twelve months extension.

Paul Baron was present. Mr. Baron noted Fishermen’s Village requested an extension a year ago. Mr. Baron stated he finally got an engineer’s plan and was getting bids for installation, but he needed more time.

Mr. McKean stated the original extension was September 9, 2024 and expired on January 31, 2026.

Tom Lee asked if the engineering plan was done.

Mr. Baron stated, “yes.”

Dr. Beer asked if there were any problems with the system.

Mr. Baron stated the system is working fine and is maintained.

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 nine-month extension. (Vote: 3 in favor, 1 opposed – Paul Canniff, D.M.D.)

7. Preliminary Subdivision:

A. WITHDRAWN Daniel Ojala, PE, PLS, Down Cape Engineering, Inc., representing Cape Cod Hospital, Preliminary Subdivision – 34 Park Street Area, Hyannis, number of lots 2, Map/Parcel 342-005, 009, development will be served by public sewer and public water.

B. WITHDRAWN Daniel Ojala, PE, PLS, Down Cape Engineering, Inc., representing Cape Cod Hospital, Preliminary Subdivision – 60 Park Street Area, Hyannis, number of lots 2, Map/Parcel 327-204, 205, 342-002, 003A, 003B, development will be served by public sewer and public water.

C. WITHDRAWN Daniel Ojala, PE, PLS, Down Cape Engineering, Inc., representing Cape Cod Hospital, Preliminary Subdivision – 43 Lewis Bay Road Area, Hyannis, number of lots 2, 0.92 Acres, Map/Parcel 327-225, development will be served by public sewer and public water.

- D. WITHDRAWN Daniel Ojala, PE, PLS, Down Cape Engineering, Inc., representing Cape Cod Hospital, Preliminary Subdivision – 105 Park Street Area, Hyannis, number of lots 2, Map/Parcel 327-206, 207, 208, 209, 210, 211, 212, 217, development will be served by public sewer and public water.
- E. WITHDRAWN Daniel Ojala, PE, PLS, Down Cape Engineering, Inc., representing Cape Cod Hospital, Preliminary Subdivision – 25 Main Street Area, Hyannis, number of lots 2, Map/Parcel 342-031, 034, 036, 040, development will be served by public sewer and public water.

8. Food Variance:

Charlie O'Brien, representing owner, WS Development, Whole Foods Market - 790 Iyannough Road/Rte 132, Hyannis, MA, Map/Parcel 311-092 - Variance requested from Federal Food Code Section 3-501.19, to utilize "Time as a Public Health Control" for multiple salad bar items and hot bar item.

Robert Croft, associate Team Leader, was present. Mr. Croft noted his request to use "Time" instead of temperature on the hot bars.

Tom Lee asked what the time limit was.

Mr. Croft stated the food code is four hours and Barnstable is two hours. Timers are used anytime a food product goes out. These timers are set for four hours. Mr. Croft further noted that if that food hasn't been consumed or sold in those four hours, the food is removed and thrown out at that point.

Tom Lee asked if there was a specific food item being discussed.

Kassie Hyde, Team Leader, for daily operations, was present. Ms. Hyde stated a three-hour timer is used for hot food, unless it's held by temperature. Some items that have a sauce will hold 135 and above temperature, but the items that do not are held for three hours before discard. Ms. Hyde stated a lot of the food items don't hold heat as well because it's not in a saucy dish to maintain temperature. Ms. Hyde stated it is held three hours before complete discard.

Mr. McKean stated he provided the Chairman a list of food items. Mr. McKean stated Health staff had no objections. He noted that timers must be used, whatever is necessary to make sure they don't go beyond four hours and that they get discarded.

Tom Lee verified that it is being held for three hours, not four hours.

Mr. McKean asked if there were any cold items.

Ms. Hyde stated there are cold food items on the salad bar, and the temperature is checked every three hours to ensure it is 41 degrees or below.

After some discussion, and upon a motion made by Donald Guadagnoli, M.D., duly seconded by Tom Lee, the Board voted unanimously in favor, to approve variance request.

9. Grease Trap Request:

- A. Douglas Boulanger, Director of Facilities, Barnstable Public Schools, representing Town of Barnstable School Department, Barnstable High School - 744 West Main Street, Hyannis, Map/Parcel 249-094, 67.8 acre lot – Variance requested from Section 322-3 of the Town of Barnstable Code. No existing sewer main located outside of the proposed culinary classroom. A grease trap, if required, would require the installation of an additional sewage ejector pump.

Douglas Boulanger was present. Edward Rowse, Rowse Architects, was present to speak on Mr. Boulanger's behalf. Mr. Rowse stated this would be a part-time culinary school operation. They would operate from 7:30 A.M. to 12:30 P.M, Mondays through Fridays, on school days only. Mr. Rowse stated there are two grease interceptors located under the slab, within the kitchen area, which will collect any grease debris. The nearing sewer line is on the adjoining street and installing an exterior grease trap would require an ejector pump. He noted the distance is about 300 feet. He stated he was requesting a waiver since they are capturing the grease within the classroom itself.

Tom Lee asked how often it is cleaned.

Mr. Rowse stated this was up to the operation.

Mr. Boulanger stated, "as often as necessary." He noted what is required would be addressed and on an automatic schedule.

Dr. Guadagnoli asked if this was currently in place.

Mr. Boulanger stated that it wasn't and that this is the new classroom they are looking to build.

Mr. McKean stated there is an email from the DPW Town Engineer that had no objections to this request. Mr. McKean suggested it be cleaned once a month. Mr. McKean stated the plumbing inspector requires the interior grease interceptor and regulates the requirements for that.

Dr. Canniff asked if the food is being sold to the public.

Mr. Boulanger stated, "not at this time." He stated that this is considered a culinary classroom environment with a restaurant set up, so that students can learn all aspects of a regular restaurant.

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 variance request.

- B. Robert Murphy, representing owner, Town of Barnstable, Green Side Tavern – 1800 Iyannough Road/Rte 132, Barnstable, MA, Map/Parcel 254-016 – Requesting 240 seats. Variances requested from Section 322-3 of the Town of Barnstable Code, Section 310 CMR 15.230 and 310 CMR 15.203 which specifically requires the kitchen flow to be calculated at 15 gallons/seat for grease trap sizing. Requesting 240 seats total. Existing 1500-gallon grease trap provided.

Robert Murphy was present.

Tom Lee stated the Board received a letter from David Anthony, Director, Asset Management, supporting this request.

Mr. Murphy stated this all became an issue when they put up a bid for the golf course and the variance had expired. Mr. Murphy noted it was unknown to them that there were any issues with seating after getting the bid.

Mr. McKean provided a copy of the letter from David Anthony to Mr. Murphy. Mr. McKean stated based on David Anthony's letter, Health Division had no objections. Mr. McKean noted that the initial concern was the number of seats. He stated to the Board that this is a total of indoor and outdoor seats; 240 seats reflects both exterior and interior seats.

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 variance requests.

C. Rich Cogliano, representing owner, Town of Barnstable, McKeon Field Snack Bar/ TNT Stand – 116 High School Road, Hyannis, Map/Parcel 326-001-003 - Variance requested from Chapter 322 Food Establishments, Article I Minimum Sanitation Standards, 322-3 Grease Traps, of the Town of Barnstable Code. Most of the food items are premade and are reheated onsite, only approximately 20 home games. Future upgrade of grease trap is being planned; project is currently partially funded.

Mr. Cogliano was present. Mr. Cogliano stated this is their 50th anniversary season and that it would be rough for them not to sell hot dogs at a baseball game. He added it was crucial to existence with fundraising. Mr. Cogliano noted that it is a Town owned building. He added that there is funding in place and that they are working with the school to get the plumbing in order. He asked for an extension for the season.

Dr. Canniff asked if the school is already hooked up to sewer.

Mr. Cogliano stated, "yes, it is." He noted the delay is the design and Mr. Anthony is working on that.

Mr. McKean stated there is an email from Town Engineer, Griffin Bowden, and he had no objection to request.

Mr. McKean stated Health Staff had no objection.

After some discussion, and upon a motion made by Donald Guadagnoli, M.D., duly seconded by Christine Beer, PhD., the Board voted, unanimously in favor, to approve variance request.

10. Appointment:

Appointment of Thomas McKean, RS, CHO, Director of Public Health, to act on the Board's behalf in case of emergency or when the Board cannot conveniently assemble pursuant to Massachusetts General Law Chapter 111, Section 30.

Mr. McKean provided examples, in cases where on a weekend, there is an emergency condemnation, or emergency closure of a restaurant due sewage backing up into a facility or on the ground. Mr. McKean stated this was not to be used regularly, but only during emergencies.

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 appoint Thomas McKean as the agent of the Board of Health to act on the Board's behalf during emergencies.

11. Policy:

Criteria to Receive a Body Art Practitioner Permit - Proposed amendments to require the Public Health Division to review and approve each body art practitioner for annual permitting (without any additional Board hearings) after the Board of Health's initial approval of two years of apprenticeship.

Mr. McKean stated there was one example in today's meeting, where a body artist already came to the Board of Health for the initial approval, then went through two years of apprenticeship, to then get a final approval. Mr. McKean stated this was to reduce time and paperwork, for example.

Tom Lee stated that usually these are approved.

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 this new procedure.

Dr. Canniff stated the name of the college should be provided.

Mr. McKean noted that in the regulations to get body piercing, the individual must take an accredited course in Anatomy and Physiology, from a New England college. Mr. McKean stated it is more stringent for body piercing versus tattooing. Mr. McKean stated for tattooing, the Board allows a one-day course, which requires at least six hours of training and a final exam.

Tom Lee noted he would rather keep it as an accredited course. He noted that in the future if there are other options that are available, that is acceptable, the Board would consider it later.

Dr. Guadagnoli questioned why there was a declination form referenced in the policy.

After some discussion, Mr. McKean stated the code doesn't allow for those words, so the policy will be reflected to match the code.

12. Minutes:

March 16, 2026, Dual Meeting of the Board of Health and the CWMP Adhoc Committee

Upon a motion made by Paul Canniff, D.M.D., duly seconded by Christine Beer, PhD., the Board voted unanimously in favor, to approve March 16, 2026 meeting minutes.

Adjourn - 4:11 PM

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