

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, May 26, 2026, 3:30 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, May 26, 2026. The meeting was called to order at 3:30 P.M. by F.P. (Thomas) Lee, Chair. Also in attendance were Board Members Daniel Luczkow, M.D., Donald Guadagnoli, M.D., Paul Canniff, D.M.D., and Christine Beer, PhD. Health Division staff members Thomas McKean R.S., C.H.O., and Vanessa Tripp, Office Manager, were present.

1. Septic Installer License Approval:

Brendan Browne, Septic Installer, representing Browne Brothers Construction, Harwich, MA - Requesting approval to become a licensed septic installer in the Town of Barnstable.

Brendan Browne was present.

Vanessa Tripp stated Mr. Browne passed the exam and all references were good.

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 Brendan Browne a septic installer permit.

2. Body Art – New Establishment:

Sorivel Rosario, owner of new establishment, Cape Cod Permanent Makeup Studio – 342 Main Street, Unit #A, Hyannis, MA, Map/Parcel 327-006-001, requesting approval to become a body art establishment for permanent makeup and microblading.

Sorivel Rosario was present. Ms. Rosario stated she was present to request a permit for Body Art Establishment. Ms. Rosario stated she previously worked with a friend who retired and needed a place to work now.

Vanessa Tripp stated a floor plan was received and that the inspection, completed by Public Health Nurse, passed.

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Daniel Luczkow, M.D., the Board voted unanimously in favor, to approve new body art establishment for permanent makeup and microblading.

3. Septic System Variances:

- A. Jay Tripp, owner, 181 Mitchells Way, Hyannis, MA, Map/Parcel 290-074-002, 43,996 square feet lot - Variance requested from State Environmental Code Title 5, 310 CMR 15.223(1)(b), Septic Tanks. Conversion of an Amnesty Apartment into an ADU, request to

provide an effluent filter in lieu of the requirement to install a double compartment tank or two septic tanks in series by using MassDEP approved effluent filter.

Jay Tripp was present.

There was no public comment.

Thomas McKean stated the property is limited to three bedrooms and the floor plans show three bedrooms, including the ADU. Mr. McKean stated Health staff had no objections to this variance.

Tom Lee asked if there were any changes in terms of bedrooms.

Mr. Tripp stated, "No."

Tom Lee asked if this was previously an amnesty apartment.

Mr. Tripp stated, "It was."

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 variance request.

- B. Timothy Santos, Merrill Engineers and Land Surveyors, representing owner, Bluff Point 1999 Trust No. 2, 124 Bluff Point Drive, Cotuit, MA, Map/Parcel 034-070, 19,170 square feet (upland) – Variances requested from The Town of Barnstable Code 360-1, minimum setback requirements to a waterbody; proposed NitROE system, request to install a leaching field 50 feet from a coastal bank and to install a septic tank 39 feet from a coastal bank. No increase in flow.

Timothy Santos was present. Mr. Santos stated this is currently developed with an existing three-bedroom single family home, serviced by Town water. Mr. Santos is proposing to tear the house down, build a new three-bedroom home, install a new Title 5 compliant septic system, with the addition of a nitro tank, for denitrification purposes. Mr. Santos stated they would need a 50-foot setback from the leaching pit and then 39 feet from the tanks to the top of the bank.

There was no public comment.

Mr. McKean asked if there was a reserve area on the plan submitted.

Mr. Santos stated there was no reserve area and there was no increase in flow.

Tom Lee stated to add a reserve area onto the engineering plan in case the septic system fails and the area is needed in future.

Mr. McKean stated Health staff had no objections.

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

- C. Daniel Ojala, Down Cape Engineering, representing owner, Karen Kasparian, Cape Cod Cranola, 5 Joan Road, Centerville, MA, Map/Parcel 228-086; 0.28 acre parcel, three bedrooms existing (330 gpd); site is located within a nitrogen sensitive area (Saltwater

Estuary Protection Zone) thus restricted to 330 gpd maximum; requesting approval to prepare granola for sale to retail markets; request to utilize existing septic system without a grease trap, site is located within Phase 1 of the Comprehensive Wastewater Management (CWMP) Plan.

Daniel Ojala was present. Karen Kasparian was also present. Mr. Ojala stated the request is to make granola in an existing residential/cottage kitchen. Mr. Ojala noted the nature of this food preparation would not require a grease trap and that this was an accessory to small residential, small batches of granola, and to be sold at farmer's markets and retail. Mr. Ojala stated there are existing two 6 x 6 leaching pits, which is normally a four-bedroom septic. Mr. Ojala stated the water meter readings are 2.77 gallons per day; there is an extra 53 gallons per day of flow. Mr. Ojala noted the owner has a lawn sprinkler, which is increasing the number; about one third of that is being used. Mr. Ojala stated the granola is being cooked on parchment paper, on sheet pans, so there are little dishes. It is then disposed of in the trash. Most of the grease would be on the parchment paper, which limits the amount that makes it to the septic.

Mr. McKean stated Health staff had no objections. It will be the property owner's responsibility if or when the septic system becomes adversely affected by additional flow. This property is in Phase I of the Town's comprehensive wastewater management plan.

Tom Lee stated when connecting to public sewer, it will then be up to DPW to make that determination.

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 request.

- D. Daniel Griffin, owner, 10 Wianno Avenue, Osterville, MA, Map/parcel 117-091, 3,495 square feet parcel- Requesting a variance from Section 360-45 of the Town of Barnstable Code to increase the seating to twenty (20) seats. Conditional variance originally granted on September 6, 2024 limiting the food establishment to six (6) seats maximum within a nitrogen sensitive area (Saltwater Estuary Protection District); 330 gpd limit maximum as per Regulation.

Daniel Griffin was present. Daniel Ojala was also present. Mr. Ojala noted a septic upgrade that was completed a while back and that this was an approval; was negotiated for about six seats in the café. Mr. Ojala noted the daily flow of 245 gallons per day. The district of concern is that it is in the saltwater estuary. Mr. Ojala noted Health's regulation says on any lot you can do 330 gallons per day. Mr. Ojala further discussed the capacity of the system. Mr. Ojala stated Pain D'Avignon uses prepackaged foods delivered to site and that there is not a lot of preparation here. Mr. Ojala asked if the Board could look at this request as "fast food," using 20 gallons per seat.

Thomas McKean stated Health staff had no objections to this request.

Mr. Griffin stated there is no cooking on site and that this is a "grab and go," with primarily coffee. Mr. Griffin noted the request for more seating would offer convenience for the population that comes into the shop. Mr. Griffin briefly went over the floor plan and layout that was submitted to the Board of Health.

Mr. McKean provided a calculation of 15 seats and an office, which would bring the flow to 334 gallons.

Mr. Griffin noted having a large septic system, and a 1,000-gallon grease trap, and there is no cooking.

Mr. McKean suggested, in the alternative, a waiting bench, which allows the customer to wait for their order.

Mr. Griffin noted that he tracked the water flow last year and would send a picture of the meter readings from the Centerville-Osterville Marstons Mills Water District. Mr. Griffin read the results, which were provided in the Board of Health packet.

There was no public comment.

Mr. Griffin noted he would be willing to track the flow for the next year if approved for 15 to 20 seats.

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 variance request to increase to 20 seats, with understanding that water consumption will be measured monthly and presented to the Board of Health in a year.

4. Septic System Variances – Repair:

- A. Douglas Brown, representing owner, Kimberly Spiro, 62 Hillside Drive, Centerville, MA, Map/Parcel 193-039, 11,761 square feet – Proposed temporary repair of a failed septic system, proposed to re-stone leaching pit. Property is within Phase 1 of the Comprehensive Wastewater Management (CWMP) Plan.

Douglas Brown was present. Mr. Brown noted his return for the usual request, a failed leaching pit.

Tom Lee asked if there were any other options.

Mr. Brown noted there are other options, but re-stoning seems to be working well.

There was no public comment.

Mr. McKean stated Health staff had no objections.

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 request.

- B. Mary Taglienti, representing owner, 40 Cove Island Road Nominee Trust, 40 Cove Island Road, Centerville, MA, Map/Parcel 187-061, 63,995 square feet (upland) – Variances requested from State Environmental Code Title 5, 15.224 (2): variance for a decrease in the minimum hydraulic detention time in the first compartment, 48 hours to 43 hours, 15.405 (1b): variance for an increase in the maximum allowable soil absorption system depth, 3 feet to 4 feet, 15.405(1f): variance for a reduction in the setback for a soil absorption system to a Coastal Bank, 50 feet to 36.4 feet. Variances requested from Town of Barnstable Code 360-1, reduction in the setback distance from the soil absorption system to the Coastal Bank, 100 feet to 36.4 feet, and the setback distance from the soil

absorption system to the Salt Marsh, 100 feet to 62.4 feet, variance for reduction in the setback distance from the septic tank to the Coastal Bank, 100 feet to 50.9 feet, and the setback distance from the septic tank to the Salt Marsh, 100 feet to 74.8 feet. Existing 5-bedroom dwelling, no increase in bedrooms is proposed.

Daniel Ojala, Down Cape Engineering, was present. Mr. Ojala stated this property has many bedrooms, at least five, and would file a five-bedroom deed restriction until the Town sewer gets there. Mr. Ojala stated the property is in a saltwater estuary zone. Mr. Ojala read the definition of bedrooms in Title 5, and noted 13 rooms, divided by 2, is 6.5, round down, would be a six bedroom. Mr. Ojala stated property is in Phase II of the CWMP plan. Mr. Ojala stated the property is under the recommended number of bedrooms per acre and hoping that a conventional system would be fine until the sewer does arrive. Mr. Ojala stated the proposed system would be in the middle of the lot, far from the banks; there is a great distance to groundwater.

There was no public comment.

Mr. McKean stated Health staff prepared comments. Mr. McKean stated Mr. Ojala did touch on some of the comments that were already discussed.

Mr. McKean reminded the Board of the CWMP Adhoc Committee's recommendation to require best available technology I/A systems within Phase III of sewer plan, not for Phase I and II. Tom Lee stated, "correct."

Mr. McKean asked if this wouldn't qualify for that. Tom Lee stated, "No." Mr. Lee noted that was just a proposal.

Mr. Ojala reminded the Board that the vertical separation for the pathogen removal is the most important; if looking for nitrogen, then would need to go in a different direction.

Tom Lee asked Mr. McKean if the septic record shows this property as a three bedroom.

Mr. McKean referenced a 1980 septic permit record for three bedrooms.

Mr. Ojala noted this was an error in the health records. Mr. Ojala stated the plan on file shows 10 rooms.

Mr. McKean noted a question that is still open is whether the Town allows someone that has the best available technology to not tie into sewer in the future.

Dr. Beer asked if the property changed hands, and if all five bedrooms were occupied, what would the situation be like?

Mr. Ojala stated that would be using the home to its capacity and depends on how much time people are there.

Dr. Canniff stated he agreed with staff to recommend an I/A system and that the Town sewer could be 20 years or never get there.

Dr. Luczkow stated the Board does not know how much of an impact putting a nitrogen system in is going to have on the water quality on a particular bay.

Dr. Guadagnoli asked if there was a way to put a trigger in terms of a property being sold.

Tom Lee noted that the Board needed to look at this on a site-by-site basis.

After some discussion, and upon a motion made by Daniel Luczkow, M.D., duly seconded by Donald Guadagnoli, M.D., the Board voted to approve variance requests with a 5 bedroom deed restriction. (Vote: 4 in favor, 1 opposed – Paul Canniff, D.M.D.)

5. Innovative Alternative Technology:

David Leger, representing owner, Angela Thornton, 75 Bob-White Run, Cotuit, MA, Map/Parcel 024-054, 20,909 square feet - Proposed I/A Secondary Treatment technology for new construction of a two-bedroom dwelling unit located within multiple (all) nitrogen sensitive areas including within a State designated Zone II, within the Saltwater Estuary Protection Zone, within a Well Protection (WP) zone, and within a Groundwater Protection (GP) zone.

David Leger and Matt Lehman, Strong Tree Engineering, were present.

Mr. Lehman stated the plan is laid out well in accordance with the regulations and asked the Board of Health if had any questions.

There was no public comment related to this request.

Mr. McKean stated Health staff had no objections and seemed to meet all the regulations.

Tom Lee discussed a deed restriction for two bedrooms.

Mr. McKean stated, "Yes, that is automatically required."

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.

6. Sewer Extension Request:

Christine Carey, owner – 1413 Falmouth Road/Route 28, Centerville, MA, Map/Parcel 229-089, Phase 1 Route 28 East Sewer Expansion, SEWH-24-280 - Requesting extension to connect building to public sewer until such time public sewer is available at Sachem Drive.

Christine Carey was present. Ms. Carey stated she was looking to connect both of her properties at the same time, instead of doing it separately. Ms. Carey stated House #1413 and House #1421 share a driveway; and when they do the back house, which is in process with Engineering, she wants to do the front property from Sachem Drive and not Falmouth Road/Route 28.

Tom Lee asked if Mr. Beaudoin stated this request was okay. Mr. McKean answered the applicant did work with Ansley Lanier and Griffin Beaudoin from DPW who requested a deed easement, which was provided by Ms. Carey.

Mr. McKean stated Health staff had no objections.

Tom Lee asked how long until the sewer is available.

Tom McKean and Dr. Guadagnoli asked Ms. Carey when Sachem Drive will be done.

Ms. Carey answered starting in Year 2027, and that engineering is being done now.

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 grant the applicant permission to connect her dwelling to public sewer via an alternative route to Sachem Drive at a future date.

7. Subdivisions:

- A. Daniel Ojala, PE, PLS, Down Cape Engineering, Inc., representing owners, Gladstone LP, Preliminary Subdivision – 32 Pleasant Hill Lane, Hyannis, MA, number of lots 2, 145,490 square feet - Map/Parcel 308/20, 308/23, development will be served by public sewer and public water.

Daniel Ojala was present. Mr. Ojala stated the request was to approve a preliminary plan. Mr. Ojala stated if there were any density, the applicant would install a sewer connection. Mr. Ojala stated this was a preliminary subdivision; had a determination of applicability to set the resource areas.

Tom Lee asked for clarification on explanation provided regarding density and town sewer.

Mr. Ojala answered that right now there is a multi-unit development that is moving forward with the sewer, but if for some reason the zoning changed or were not allowed to have much density, every regulation would be met.

Dr. Canniff asked if the VA clinic is connected to sewer across the street.

Mr. Ojala stated that it was, but it's private property. Mr. Ojala stated they wouldn't be able to tie into that and that it has its own challenges. Mr. Ojala noted it was 1,100 feet to get down to a pump station.

There was no public comment.

Mr. McKean stated if septic systems will be constructed, there will be a restriction of 330 gallons per acre per day maximum. Mr. McKean stated that within the State defined Zone II, it is further restricted to one (1) bedroom per every 10,000 square feet.

Mr. Ojala stated that it was certainly the 440 rule and was unsure if it was a 330 rule.

Tom Lee stated bedrooms would be limited by whatever the regulation is.

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 proposed subdivision plan and if septic systems are proposed, the applicant must comply with the most restrictive nitrogen loading limitation regulation that would be applicable to this site.

- B. Matthew Eddy, PE, Baxter Nye Engineering & Surveying, representing owners, NWASSEF LLC, Definitive Subdivision – 145 Barnstable Road, Hyannis, MA, number of lots 2, plus 1 private road, 34,003 square feet - Map/Parcel 327-244-001, development will be served by public sewer and public water.

John Lavelle, Baxter Nye Engineering, was present. Mr. Lavelle proposed a two-lot subdivision with about 170-foot length with a turnaround. Mr. Lavelle stated it is going to be served by Town water and town sewer. Mr. Lavelle stated it will have its own drainage system. Mr. Lavelle stated the Board of Health approved the preliminary plan back in November.

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 definitive subdivision request.

8. Swimming Pool Variance:

Christian Axios, representing owner, EPF Hyannis Property Owner LLC, Hanover Hyannis, 99 Wilkens Lane, Barnstable, MA, Map/Parcel 296-039-002, Variances requested from Section 105 CMR 435.13(1) Walkways, requesting a pool variance setback from edge of pool to Hoyer Lift, and Section 105 CMR 435.23 Lifeguards, requesting to operate a swimming pool with “qualified swimmers” in lieu of the requirement to provide fully certified lifeguards.

Christian Axios was present. Mr. Axios stated he initially proposed the qualified swimmer option, but after speaking with a colleague in Everleigh, they have lifeguard exemption. Mr. Axios stated he was hoping to go with the lifeguard exemption option. Mr. Axios stated it is a four-foot pool; he is CPR certified and lives on site, along with another colleague that lives on site as well.

Mr. McKean stated he had an objection because this was not on the agenda for discussion. Mr. McKean stated the lifeguard exemption option was not requested and was not reviewed by Health staff. Mr. McKean stated there are more than 90 units.

Mr. Axios answered, “we do.”

Mr. McKean asked how many units there are.

Mr. Axios answered they have 272 units and that Everleigh has 225 units.

Mr. McKean stated in both cases he suggested the request should be denied and that this was not on the agenda.

Tom Lee asked if Mr. Axios wanted to come back next month and discuss it with staff.

Mr. Axios stated, “we could do the qualified swimmers today.”

Mr. McKean stated Health staff had no objection to the Hoyer lift variance. Health staff had no objections to the Qualified Swimmer option.

Dr. Guadagnoli stated this is an apartment building where there could be kids down there and there could be parents who aren’t paying attention. Dr. Guadagnoli stated there is a difference with Everleigh, where people are using this pool for physical therapy and are not there alone.

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 for qualified swimmer variance.

9. Food Variances:

Luis Martinez, representing owner, Alex Tamargo, Wicked Willy’s Raw Bar & Fish N Chips - 473 Main Street, Hyannis, MA, Map/Parcel 308-084 – Proposed construction of a new raw bar/ outside tiki bar and proposed expansion of menu. Multiple variances requested as follows:

- **2013 Federal Food Code: 6-202.16, Exterior Walls and Roofs** – Submitted plan does not show design and proposed construction of any exterior floor-to-ceiling walls along the perimeter designed to protect the establishment from the entry of insects, rodents, animals, and from the weather.
- **2013 Federal Food Code: Outer Openings, 6-202.15 (A):** - Submitted plan does not show design and proposed construction of closed tight-fitting windows and solid self-closing tight fitting doors to protect the establishment from the entry of insects, rodents, animals, and from the weather.
- **2013 Federal Food Code 6-201.16, Wall and Ceiling Coverings:** Submitted plan does not show design and proposed construction of interior wall and interior ceiling covering materials which shall be constructed of easily cleanable materials.
- **2013 Federal Food Code: Protective Barrier, 6-202.15 (C):** – Submitted plan does not show design and proposed construction of exterior doors required to be used as exits which must be self-closing, solid and tight-fitting.
- **2013 Federal Food Code: Outer Openings, 6-201.11 (D)** - Submitted plan does not show design and proposed construction of any screens nor any air curtains at any window or door openings, properly designed and installed air to control flying insects.
- **2013 Federal Food Code: Floor and Wall Junctures, Coved, and Enclosed or Sealed, 6-201.13 (B):** Submitted plan does not show design and proposed construction of floor and wall junctures which shall be coved and sealed.
- **2013 Federal Food Code: (7) 6-201.18, Walls and Ceilings, Studs, Joists, and Rafters.** Submitted plan does not show design and proposed construction of walls, studs, joists, and rafters which shall not be exposed in areas subject to moisture.
- **2013 Federal Food Code: Floors, Walls, and Ceilings, 6-201.13 (A):** Submitted description does not provide information regarding cleaning method of floors and wall junctures. (Note: If water flush cleaning methods are used, sufficient drains must be graded to drain - and all floor and wall junctures shall be coved and sealed).
- **Section 322-4 of the Town of Barnstable Code:** Insufficient number of plumbing fixtures (toilets and sinks) provided in accordance with 248 CMR of the Massachusetts State and Gas Plumbing Code for the proposed increase of 52 seats.
- **Section 322-5 (3) of the Town of Barnstable Code:** Additional seating requested for outside dining fails to comply with subsection 3 of this Section which requires sufficient restrooms provided in accordance with the State Plumbing Code.
- **Section 322-5 (5) of the Town of Barnstable Code:** Food not prepared inside the facility's kitchen and kept inside until served as required per this Code.

Luis Martinez was present.

Tom Lee stated there was a long list of comments from Health staff.

Mr. Martinez stated they wanted to address some of those comments from the staff today. Mr. Martinez stated a lot of these comments received by email, for example, an air curtain, doors, and windows are an exact replication of a pre-existing outdoor tiki bar. Mr. Martinez stated the actual raw bar itself are the details they need to go over. Mr. Martinez stated they would operate within the capacity.

Tom Lee suggested going through this with the staff prior to returning to meeting.

Mr. McKean asked if proposing food to be prepared outdoors and then displayed outdoors.

Mr. Martinez answered that the raw bar would be the only thing that would be prepared outside. Mr. Martinez stated it would be a closed system that is temperature controlled, completely closed, a sliding door that locks at night as well as completely covered. Mr. Martinez stated at no time would there be any food unattended or open to the elements.

Mr. McKean asked if that food could be prepared inside the building behind it and then brought out when a customer orders it.

Mr. Martinez answered, "it could be." He noted that their thing is to put it out for display similar to other restaurants in town that have an outdoor raw bar display.

Mr. McKean and Dr. Canniff asked what other restaurants have this display.

Mr. Martinez answered, "The Black Cat Shack."

Mr. McKean stated this was before these regulations were adopted.

Mr. McKean stated a HAACP plan was not provided and that manifest injustice was not provided. Mr. McKean further stated alternative methods to protect the food were not provided.

Mr. McKean asked how food was covered outside.

Mr. Martinez answered that it is a refrigerated unit, completely enclosed, and in a case with a sliding door, so they would reach in to grab said product prepared in there to shuck the shell, all within this enclosed environment, take it out and put it on a plate, and then the door is closed. Mr. Martinez stated at night, daily, it is taken out and cleaned; beyond just the normal ice bath. Mr. Martinez stated it also has a temperature regulation system built in as well.

Mr. Martinez stated these variances were presented to him by Health Inspector, Thomas Gagnon.

Mr. Martinez stated that the difference is adding the raw bar unit, and other than that, it is exactly what has been approved and already in operation since July of last year.

Mr. McKean's recommendation to the Board was to approve food preparation inside a building that has walls, screens, doors, and windows.

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 continue this item to allow more discussion with Health staff regarding the variances requested (before coming back to the Board, if the applicant chooses to come back to the Board on the future with any variance requests).

10. New Temporary Food Event:

Brooke Mackay, Market Manager, Barnstable Green Market – 3195 Main St./Route 6A, Barnstable, MA, Map/Parcel 299-024, requesting approval for a weekly farmer's market with up to fourteen food sale vendors at the Barnstable County Complex.

Brooke Mackay was present. Ms. Mackay stated the Barnstable Green Market will be on the County complex, where the band stand concerts are held. Ms. Mackay stated they are looking

to have food vendors, preparation of foods, and compared this to the Mashpee and Osterville Farmer's Markets. Ms. Mackay stated there were no food truck applicants at this time and noted she was working with the office on obtaining a list of existing food trucks that are permitted within the Town of Barnstable. Ms. Mackay stated food is not prepared on site.

There was no public comment.

Mr. McKean stated there is no food prepared on site, as Ms. Mackay previously stated. Mr. McKean stated all food is covered in individual portions or bulk portions to be sold as is (covered and protected).

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 temporary food event.

Chairman, Tom Lee, recused himself on Agenda Item 11, A-D.

11. Policies: I/A Pilot Applications/ Amendments:

- A. Maureen Thomas, representing owners, Joseph and Joanna Fortescue – 14 Barberry Lane, Marstons Mills, Map/Parcel 102-162, 9,148 square feet – Request for Amendment to the original Board approval to allow the addition of recycling lines from the NitROE effluent tank to the settling tank.

Maureen Thomas was present. Ms. Thomas stated KleanTu are continually seeking to improve the operation and performance of the nitro systems that are installed. Ms. Thomas stated KleanTu installed 13 systems at Shubael's Pond. Ms. Thomas stated the property owners are working with KleanTu and the Barnstable Clean Water Coalition to enhance the nitrogen removal at these four systems. Ms. Thomas noted that the systems are performing well generally at Shubael's Pond and are meeting the provisional use approval, however, there is an average effluent total nitrogen that's approximately 105 mg/l total nitrogen. Ms. Thomas stated DEP is requesting site specific pilot approval for the recirculation line that goes from the nitro effluent back to the settling tank or the septic tank. Ms. Thomas noted the reason why they are requiring that is because the provisional use approval did not include this one-inch line, and did include internal recycling, which is allowed, but not anything outside of the nitro tank.

There was no public comment.

Thomas McKean stated Health staff had no objections.

Mr. McKean asked if this would become a new standard for all the properties?

Ms. Thomas answered that this was considered version three within KleanTu; version two included internal recycle, and version one didn't have any recycle. Ms. Thomas noted DEP would like a years' worth of data on this recycle for anywhere from 4 to 8 systems, and then they will include this in the amended provisional approval.

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 request to allow the addition of recycling lines from the NitROE effluent tank to the settling tank.

- B. Maureen Thomas, representing owners, Ronald Palma and Juanita Sweet – 251 Lakeside Drive, Marstons Mills, Map/Parcel 102-166, 7,405 square feet – Request for Amendment

to the original Board approval to allow the addition of recycling lines from the NitROE effluent tank to the settling tank.

Maureen Thomas was present. Ms. Thomas stated KleanTu are continually seeking to improve the operation and performance of the nitro systems that are installed. Ms. Thomas stated KleanTu installed 13 systems at Shubael's Pond. Ms. Thomas stated the property owners are working with KleanTu and the Barnstable Clean Water Coalition to enhance the nitrogen removal at these four systems. Ms. Thomas noted that the systems are performing well generally at Shubael's Pond and are meeting the provisional use approval, however, there is an average effluent total nitrogen that's approximately 105 mg/l total nitrogen. Ms. Thomas stated DEP is requesting site specific pilot approval for the recirculation line that goes from the nitro effluent back to the settling tank or the septic tank. Ms. Thomas noted the reason why they are requiring that is because the provisional use approval did not include this one-inch line, and did include internal recycling, which is allowed, but not anything outside of the nitro tank.

There was no public comment.

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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 request to allow the addition of recycling lines from the NitROE effluent tank to the settling tank.

C. Maureen Thomas, representing owners, Roger and Celeste DeRosier – 295 Lakeside Drive, Marstons Mills, Map/Parcel 102-163, 10,019 square feet – Request for Amendment to the original Board approval to allow the addition of recycling lines from the NitROE effluent tank to the settling tank.

Maureen Thomas was present. Ms. Thomas stated KleanTu are continually seeking to improve the operation and performance of the nitro systems that are installed. Ms. Thomas stated KleanTu installed 13 systems at Shubael's Pond. Ms. Thomas stated the property owners are working with KleanTu and the Barnstable Clean Water Coalition to enhance the nitrogen removal at these four systems. Ms. Thomas noted that the systems are performing well generally at Shubael's Pond and are meeting the provisional use approval, however, there is an average effluent total nitrogen that's approximately 105 mg/l total nitrogen. Ms. Thomas stated DEP is requesting site specific pilot approval for the recirculation line that goes from the nitro effluent back to the settling tank or the septic tank. Ms. Thomas noted the reason why they are requiring that is because the provisional use approval did not include this one-inch line, and did include internal recycling, which is allowed, but not anything outside of the nitro tank.

There was no public comment.

Thomas McKean stated Health staff had no objections.

Mr. McKean asked if this would become a new standard for all the properties?

Ms. Thomas answered that this was considered version three within KleanTu; version two included internal recycle, and version one didn't have any recycle. Ms. Thomas noted DEP would like a years' worth of data on this recycle for anywhere from 4 to 8 systems, and then they will include this in the amended provisional

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 request to allow the addition of recycling lines from the NitROE effluent tank to the settling tank.

D. Maureen Thomas, representing owners, Jessalyn Blondin – 317 Lakeside Drive, Marstons Mills, Map/Parcel 102-145-002, 10,454 square feet – Request for Amendment to the original Board approval to allow the addition of recycling lines from the NitROE effluent tank to the settling tank.

Maureen Thomas was present. Ms. Thomas stated KleanTu are continually seeking to improve the operation and performance of the nitro systems that are installed. Ms. Thomas stated KleanTu installed 13 systems at Shubael's Pond. Ms. Thomas stated the property owners are working with KleanTu and the Barnstable Clean Water Coalition to enhance the nitrogen removal at these four systems. Ms. Thomas noted that the systems are performing well generally at Shubael's Pond and are meeting the provisional use approval, however, there is an average effluent total nitrogen that's approximately 105 mg/l total nitrogen. Ms. Thomas stated DEP is requesting site specific pilot approval for the recirculation line that goes from the nitro effluent back to the settling tank or the septic tank. Ms. Thomas noted the reason why they are requiring that is because the provisional use approval did not include this one-inch line, and did include internal recycling, which is allowed, but not anything outside of the nitro tank.

There was no public comment.

Thomas McKean stated Health staff had no objections.

Mr. McKean asked if this would become a new standard for all the properties?

Ms. Thomas answered that this was considered version three within KleanTu; version two included internal recycle, and version one didn't have any recycle. Ms. Thomas noted DEP would like a years' worth of data on this recycle for anywhere from 4 to 8 systems, and then they will include this in the amended provisional

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 request to allow the addition of recycling lines from the NitROE effluent tank to the settling tank.

12. Chairman, Tom Lee – Proposal to eliminate formal public hearing process for the licensure of disposal system installers within the Town of Barnstable

Tom Lee stated there is a septic installer exam and that references are checked by Health staff. Tom Lee noted that, if approved by the Board, an applicant would not need to go through the process of attending a public meeting prior to becoming licensed in the future.

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Paul Canniff, D.M.D., the Board voted unanimously in favor, to eliminate formal public hearing process for the licensure of disposal system installers within the Town of Barnstable.

13. Discussion:

Status update – Status of sewer connections within the Town of Barnstable

Thomas McKean stated the Sewer Compliance Inspector, Terence Hayes, prepared a graph, as an update to the Board. Mr. McKean stated on the graph, 64% are connected to sewer as of today and another 7.5% are connected to sewer on top of that, but awaiting action from DPW, for example, paperwork processing. Mr. McKean stated there is 5% that have permits but are not yet connected to sewer, 12% have extensions from the Board of Health, and 12% have not taken any action to respond or to connect to sewer.

Mr. McKean stated he was at the point of requesting the Board if would be in favor of writing a letter to the Town Attorney suggesting allowing issuance of up to \$200 ticket citations to get the 12% who have not taken any action.

Dr. Canniff asked, “why not inform them of the action the Town’s going to take?”

Mr. McKean answered he was asking for permission right now. Mr. McKean stated the Health Division can’t issue tickets without going to court first, per Town Attorney. Mr. McKean stated there is a provision in the Massachusetts general laws, MGL under Chapter 40 Section 21D, which allows the Town to issue citations, without the requirement of taking a person to court.

Dr. Canniff suggested informing owners first prior to issuing enforcement.

Tom Lee stated, “a warning letter.”

Mr. McKean stated staff have sent three of them so far with wording at the bottom of the letters noting they are subject to a fine.

Dr. Luczkow stated they have the option of coming to the Board of Health and asking for help if they need it.

After some discussion, and upon a motion made by Daniel Luczkow, duly seconded by Donald Guadagnoli, M.D., the Board voted unanimously in favor, to authorize the Chairman, Tom Lee, to write a letter to allow the Health Division to start issuing fines.

14. Minutes:

March 24, 2026 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 March 24, 2026 meeting minutes.

Adjourn – 5:18 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).