# 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, September 29, 2026, 3:00 PM**

**Zoom: https://townofbarnstable-us.zoom.us/j/82478704673**
Meeting ID: 824 7870 4673

*This meeting is being recorded and will be posted for future viewing on the Town of Barnstable's Government Access Channel: https://barnstable.cablecast.tv/INTERNETCHANNEL/WATCH-NOW*

A regularly scheduled and duly posted meeting of the Barnstable Board of Health was held on Tuesday, September 29, 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. and Christine Beer, PhD. Daniel Luczkow, M.D., and Paul Canniff, D.M.D., were absent. Health Division staff members Thomas McKean R.S., C.H.O., and Vanessa Tripp, Office Manager, were present.

1. **Call to Order**

2. **Announcements by Chair**
   A. Recording Notice
   B. Roll Call

3. **Temporary Food Event Approval:**
   Lisa Eaton, Event Organizer, representing event "EXIT Gives Back Vendor & Food Truck Fair"– 367 Main Street, Hyannis, MA, Map/Parcel 326-021, requesting approval of a new temporary food event. Date of event: October 3, 2026.

   Lisa Eaton was present. Ms. Eaton stated the Exit Cape Realty is doing an event to support the Veterans Outreach Center of Cape Cod. Ms. Eaton noted that there would be five food trucks and food tents.

   Thomas 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 new temporary food event.

4. **Septic System Variances – Repair:**
   Peter McEntee, P.E., Engineering Works, Inc., representing owners, LLHHKK, LLC, 994 Main Street, Cotuit, MA, Map/Parcel 034-036, 10,019 square feet – Proposed repair of a failed septic system. Requesting variance from 310 CMR 15.405(a) & (b), Local Upgrade Approval, to allow: 1) a 4' variance, S.A.S. to property line, for a 6' setback, 2) a 2' variance, septic tank to cellar wall, for an 8' setback, 3) a 3' variance, S.A.S. to cellar wall, for a 17' setback, 4) a 3' variance to the 3' maximum cover requirement, for up to 6' of cover over the septic tank. Tank will be an H-20.

Peter McEntee was present. Mr. McEntee noted this is a small lot in Cotuit Bay. Mr. McEntee noted the property has been permitted as a three-bedroom property. Mr. McEntee noted, in his opinion, there are four bedrooms under the Title 5 definition. Mr. McEntee stated the pipe comes under the house, so they are forced into a situation where they are going to have to have a combination septic tank and pump chamber pumping up to two 500-gallon chambers. Mr. McEntee stated this was the best configuration of the system. He noted there is plenty of separation to groundwater from the bottom of the leaching system.

There was no public comment.

Thomas McKean noted an issue with the bedroom count. Mr. McKean stated there are too many bedrooms, and the engineering plan indicates four bedrooms. Mr. McKean stated it will cause an issue in the future with permitting. The house must be limited to three bedrooms. Mr. McKean suggested a three-bedroom deed restriction or reconstruction of the additional rooms to revert it to a three-bedroom.

Mr. McKean also asked Mr. McEntee if the soil test was requested to be done at time of installation.

Mr. McEntee answered, “No.” He noted he did the soil logs and referenced the logs on the plan.

Tom Lee confirmed there was a soil log on page two of the plan submitted.

Mr. McEntee noted this was permitted for three bedrooms and designed for three bedrooms. He referenced the Title 5 Inspection in the file that says the number of bedrooms is three permitted and four bedrooms existing. Mr. McEntee further discussed the bedroom count shown on the plan.

Tom Lee stated this parcel is only 10,000 square feet. Mr. Lee noted the default number of bedrooms is three. The previous design was for three bedrooms. To accommodate four bedrooms, the Board would need to revisit the total nitrogen calculations to determine what type of I/A system will be required and whether it can meet the 5 mg/L nitrogen limit.

Dr. Guadagnoli asked with a three-bedroom restriction, what prevents them from continuing to use the house the way it’s been used?

Mr. McEntee answered a modification would have to be made to one of the rooms that would be considered a bedroom to bring it down to three bedrooms.

Mr. McEntee displayed the basement-level floor plan on the screen and reviewed the proposed layout.

After some discussion, and upon a motion made by Tom Lee, duly seconded by Donald Guadagnoli, M.D., the Board voted unanimously to approve request with conditions of a three-bedroom deed restriction, a floor plan showing the three bedrooms under the Title 5 definitions, and a revised plan showing three bedrooms.

5. **Septic System Variance:**
   A. (Continued from August 25, 2026) Chuck Rowland, P.E., Cape & Islands Engineering, representing owner, Yesim Mushayandebvu – 108 Bay Road, Cotuit, MA, Map/Parcel 007-022, 0.6 acre lot – MicroFAST system proposed; Variances requested from Ch. 360-45

Interim Regulations for the Protection of Saltwater Estuaries, Ch. 360-1 Minimum Setback Distances (16.7 feet separation distance between coastal bank and the proposed MicroFAST tank, 22.4 feet separation between pump chamber and coastal bank), and variances requested from Title 5, 310 CMR 15.00 State Environmental Code. Proposed addition of a 4th bedroom within a Saltwater Estuary District.

Chuck Rowland was present. Mr. Rowland stated the Board of Health requested to table this project to September meeting. Mr. Rowland noted the calculations were provided. He referenced 134 East Bay Road in Osterville as a comparable project that had been approved for an additional bedroom within a saltwater estuary. With the updated calculations, using the latest Cape Cod Commission nitrogen loading calculations, Mr. Rowland proposed 5.8 parts per million with the fast system. Mr. Rowland stated this is not setting a precedent, which was a major concern at the last meeting. Mr. Rowland stated with the fast system, they are going from 8.67 parts per million to 5.8 parts per million, which is a 33% reduction in nitrogen loading with the additional bedroom and the I/A system. Mr. Rowland noted it would be manifestly unjust to the environment if the Board did not allow this. Mr. Rowland stated this was in Phase II (11-20 years) to connect to Town sewer.

Mr. McKean stated Mr. Rowland was correct and that it was updated to Phase II. Mr. McKean stated Health was not informed about the change of map; however, Health did receive confirmation from DPW that it is in Phase II, which is 11 to 20 years on their timeline.

There was no public comment.

Tom Lee referenced the East Bay Road project, noting that it had been approved under the Title 5 regulations in effect at the time, taking into consideration the sewer circumstances. He explained that Title 5 regulations were updated in 2023 and now require the use of the best available technology. Mr. Lee then asked Mr. Rowland whether there was a way to further reduce nitrogen loading to below 5 parts per million (ppm).

Mr. Rowland explained that an alternative solution to achieve a nitrogen load below five would be to install pavement. He stated that removing some of the native areas and replacing them with pavement, instead of shells, would reduce the overall nitrogen loading at this site. Mr. Rowland then shared the updated nitrogen loading numbers on the screen.

Chairman Lee stated a granted variance would be subject to receipt of a revised plan showing pavement area(s), along with receipt of the updated nitrogen loading calculations.

Mr. McKean stated Health staff had no objections.

After some discussion, and upon a motion made by Donald Guadagnoli, M.D., duly seconded by Christine Beer, PhD., the Board voted unanimously to approve request subject to receipt of a revised calculation on the total nitrogen and the site plan showing the pavement area(s).

B. Rebecca Horn, owner, 101 Maushop Ave, Barnstable, MA, Map/Parcel 277-014, 37,026 square feet lot – Variance requested from State Environmental Code Title 5, 310 CMR 15.223(1)(b), Septic Tanks. Proposed addition of 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.

Rebecca Horn was present. Ms. Horn stated she developed this proposal after speaking with Health Director, Thomas McKean, who recommended Ms. Horn to bring this request before the Board of Health. Ms. Horn stated the project will not increase the property's total bedroom

count. Ms. Horn stated she is removing one bedroom from the main house and adding one in the ADU, so the total remains three bedrooms. Ms. Horn noted that the cost of replacing the tank or adding a second tank would be a significant financial burden.

There was one public comment.

Andrew Miller, owner of 127 Maushop Ave, Barnstable, submitted public comments to the Board of Health. Mr. Miller asked how a variance is being requested when the building plans are not finalized. Mr. Miller noted that we don't know the true location of the building that is being proposed and how it is going to connect to existing septic system.

The Board of Health received two public comments by email.

Tom Lee asked Ms. Horn if she was doing a new house plan for this or building a new building.

Ms. Horn explained that she was proposing a new ADU addition and noted that the Board of Health is one step in the overall building permit application process. She clarified that the plans have not yet been finalized and that there would be no change to the existing bedroom count.

Tom Lee explained that the number of building locations does not affect the Board of Health variance being requested. He acknowledged that the house plans may not yet be finalized but noted that a September 2025 Title 5 interpretation allows an effluent filter to be used in place of a two-compartment septic tank or two tanks in series for purposes of Board of Health approval of an ADU. He further clarified that the Board of Health has the authority to grant a septic tank variance, subject to the installation of an effluent filter. Mr. Lee further noted that obtaining and finalizing the necessary building permits is the homeowner's responsibility and that this process does not affect or change the Board of Health regulations.

Mr. McKean stated Mass DEP allows the Board to grant this variance.

After some discussion, and upon a motion made by Donald Guadagnoli, M.D., duly seconded by Christine Beer, PhD., the Board voted unanimously to approve request with the conditions of the O&M (Operation and Maintenance) requirement for an effluent filter.

C. Tales Coelho, owner, 22 Keel Way, Hyannis, MA, Map/Parcel 268-005, 10,018 square feet lot – Variance requested from State Environmental Code Title 5, 310 CMR 15.223(1)(b), Septic Tanks. Proposed addition of 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.

Tales Coelho was present.

Tom Lee asked whether the proposed project would result in any change to the existing bedroom count.

Mr. Coelho answered the current bedroom count shows three bedrooms, except one of the bedrooms has no heat.

Mr. McKean stated that is not the criteria to make a bedroom uninhabitable.

Tom Lee referenced on the site plan, Mr. Coelho is trying to convert that into an office.

Mr. Coelho answered, “Correct. Office/storage.”

Tom Lee discussed with the owner that if he would like to keep that layout and designate the property as a three-bedroom home, with the additional room classified as an office, he would need to include a deed restriction limiting it to three bedrooms.

Mr. McKean suggested a three-bedroom deed restriction should be required before a permit is issued.

After some discussion, and upon a motion made by Donald Guadagnoli, M.D., duly seconded by Christine Beer, PhD., the Board voted unanimously to grant the septic tank variance subject to (a) the installation of an effluent filter and (b) the applicant shall file a three-bedroom deed restriction prior to issuing the permit.

6. **Grease Trap Request:**
Stephen Fleshman, Stephen Fleshman Architect, LLC, representing Hyannis Entertainment, LLC, Mayflower Cape Cod LLC – 793 Iyannough Road/RTE 132, Hyannis, MA, Map/Parcel 293-024, Variance requested from 322-3 Grease Traps of the Town of Barnstable Code; Requesting a variance to install an 8,000-gallon grease trap in lieu of the requirement to install a grease trap designed for 15 gallons per seat; 1,754 seats proposed.

Stephen Fleshman was present. William Currie, Currie Building Systems, Inc., and James Griffiths, owner’s representative, were also present.

Mr. Fleshman stated this is not a standard restaurant but is a restaurant with entertainment facilities. Mr. Fleshman stated this building was built in approximately Year 2000, with twelve cinemas, full concessions, with a total seat count of about 2,368. Mr. Fleshman discussed the plans with renovations. He noted there will be nine luxury cinemas and those will have luxury seating in them. Mr. Fleshman stated the seat count would be 557. Cinema 10 will be eliminated and will become a live Broadway theater stage. Cinema 11 will be a live theater and they will be increasing that seating by going up and over an adjacent cinema 12, which will have about 715 seats there. Cinema 12 will be a cabaret style theater and that will have 241 seats. Mr. Fleshman stated all the nine cinemas are looked at as non-food service concessions. Mr. Fleshman noted that no food would be prepped from the commercial kitchen that is being installed, and it would be made from pre-packaged, pre-cooked food, and only heated in an oven in the space. Mr. Fleshman stated the live theater with the 715 seats would be beverages only due to the nature of the seating. Mr. Fleshman discussed the food service category, in which meals will be served, and will be in the cabaret theater. There will be a lobby bar on the first floor where meals can be served. There will be a mezzanine bar that’s being added that meals will be served. Mr. Fleshman stated those areas equal about 482 seats. Mr. Fleshman noted interior grease traps will be provided as required under the state building code on all fixtures. Mr. Fleshman stated the exterior grease trap addresses any overflow and any non-connected kitchen waste.

Mr. McKean confirmed that the Health Division received correspondence from the DPW recommending approval. Mr. McKean stated Health Division staff had no objections.

There was no public comment.

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

7. **Subdivision:**
Kieran Healey R.L.S of BSC Group, Inc. representing Marcello Mallegni, Ocean Grove Preliminary Subdivision – 337, 345, and 347 Main Street Hyannis, Assessor's Map/ Parcel 327-111,112, & 113, 18,550 square feet, four (4) parcels, development will be served by public sewer.

Brian Yergatian was present. Mr. Yergatian stated this was a *definitive* subdivision.

Mr. McKean stated the Board of Health already approved of the preliminary subdivision for the same project.

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 definitive subdivision request.

8. **Policy:**
Proposed amendments to the Criteria to Receive a Body Art Practitioner Permit

Mr. McKean noted in a previous meeting, Dr. Luczkow raised the question if someone can obtain apprenticeship training in another country. Mr. McKean discussed this should be written as a policy as to what the Board would allow or disallow apprenticeship training regarding body art. Mr. McKean received a draft proposal from Chairman, Tom Lee, which proposes training must be provided from within the United States.

Mr. McKean stated he had no objections to any proposal the Board may have.

Dr. Guadagnoli noted he was fine with United States training.

Mr. McKean further noted that the Board had previously suspended individuals for practicing body art without the required permit. He asked how long such individuals would be prohibited from training an apprentice under their supervision, given that the apprenticeship program lasts two years.

Tom Lee suggested revisiting and revising the language regarding suspension for the next meeting.

Dr. Guadagnoli agreed and would also like to hear Dr. Luczkow's and Dr. Canniff's thoughts.

After some discussion, and upon a motion made by Donald Guadagnoli, M.D., duly seconded by Christine Beer, PhD., the Board voted unanimously to require experience from within the United States as part of the policy.

9. **Status of Pest Management:**
Brian MacVarish, Director of Risk and Food Safety, Shaw's Market, 1070 Iyannough Road/Rte 132, Hyannis, MA, Map/Parcel 295-019-X02.

Thomas McKean stated the health office received complaints regarding pests at this supermarket, and it has been going on for some time now. Mr. McKean asked Mr. MacVarish if he could come to the Board to provide an update on the pest control measures that have been taken.

Brian MacVarish was present. Mr. MacVarish stated he has been working through an integrated pest management plan, with triggers and thresholds of how to continue to escalate from normal service to an escalated service, monitoring inspection protocol and prevention regarding sanitation. Mr. MacVarish noted more importantly, the control process.

Mr. MacVarish discussed the use of smart technology equipment, in which this equipment dials out when there is activity, so there is no wait for service to provide early intervention. A technical team was brought in to come in and go through the location. This service was escalated three times per week due to heavy external pressure as well as some sub-slab pressure.

Mr. MacVarish discussed the four categories in the integrated plan. First, was heavy exclusion, which included filling 38 sub-slab pits. They have contracted Vista services. Dairy cases were removed; installed dense glass and stainless steel to make long term investment in exclusion. They implemented 10 door sweeps and sealed 5 columns. Also, Mr. MacVarish stated they continue to mesh perimeter cases to eliminate any type of harborage underneath cases and install climb inhibitors and Flexi Armour on the back loading docks.

Mr. MacVarish further discussed the monitoring and inspection protocols. The service frequency has increased to five times per week, including three daytime visits by technicians and two visits by an operations manager. A certified entomologist provides technical oversight and adapts the trapping, exclusion, and sanitation plans. Pest Connect cameras systems are being installed to identify and get access to behind coolers if missing any additional exclusion opportunities. Mr. MacVarish would like to continue to provide periodic updates to the Health Department on their progress.

Tom Lee asked how often reporting would be provided.

Mr. MacVarish answered that reports are currently submitted to the Health Department every other week. He expressed he would like to continue working with the Health Department, noting significant progress through extensive exclusion efforts, although activity is still ongoing.

Mr. McKean stated that Mr. MacVarish is welcome to attend any Board meeting to provide updates.

Mr. McKean raised the question whether pests entered via delivery trucks.

Mr. MacVarish answered they have not seen recent activity coming in through deliveries. He will look at this more and will include this in next update to the Board.

Mr. MacVarish will be returning to the Board of Health on December 15, 2026.

10. ***Presentation by Heather Billings, Senior Waste Reduction Consultant, Mass DEP Recycling Works.***

Heather Billings was present. Ms. Billings represented the Center for Ecotechnology, an environmental non-profit in Massachusetts contracted with MassDEP, to provide the Recycling Works in Massachusetts program, free technical assistance to help businesses comply with commercial food material disposal bans and other waste bans. Ms. Billings noted that many businesses are unaware of these regulations, which could then lead to enforcement actions from DEP. Ms. Billings also expressed interest in developing an automated spreadsheet to auto-populate and send information to businesses based on

data gathered during Barnstable inspections. Ms. Billings provided copies of information to the Board of Health and is happy to help make it easy for health departments and health inspectors to gather information to food establishments about recycling, food scraps, and food donations, for example.

Mr. McKean discussed that the Health Division staff have already begun reviewing these questions to include within the online permit applications. However, there may be an issue with integrating with a spreadsheet.

Ms. Tripp stated currently we have an Open Gov permitting system in which we can run reports and potentially add questions. To her understanding, it is not an automatic excel sheet that is shared.

Mr. McKean asked Ms. Billings if the Town of Barnstable was the first to implement this.

Ms. Billings answered that Westminster does have something on their permit and inspection sheet. Ms. Billings said the Town of Newburyport was thinking about it.

Mr. McKean asked Ms. Billings if this was under the purview of Health Departments or is it under the purview of another agency for this type of project.

Ms. Billings answered that this was not a requirement. She noted there is an interagency conversation between MassDEP and DPH and believes DPH is working on a digital form.

Mr. McKean asked Ms. Billings if she worked for MassDEP.

Ms. Billings stated, “No.” Ms. Billings stated she works on a MassDEP program and for the Center of Ecotechnology (CET). They are contracted to manage the MassDEP Recycling works in Massachusetts program. It is a free assistance program that MassDEP provides.

Tom Lee stated internally we will evaluate how to address those questions and assess the manpower required if we move forward with the program.

Ms. Billings also suggested adding a link to the MassDEP Recycling Works program to the Town website, Health Division page.

**11. Minutes:**

August 25, 2026 Board of Health meeting

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Christine Beer, PhD., the Board voted unanimously in favor, to approve August 25, 2026 meeting minutes.

**12. Adjournment**

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Christine Beer, PhD., the Board voted to adjourn. (Unanimously in favor). Adjourned at 4:38 P.M.

**Upcoming Board of Health Meeting Dates:**

*October 27, 2026*
*November 24, 2026*