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.
David Reidy (alternate)

BOARD OF HEALTH MEETING MINUTES
Tuesday, October 27, 2026, 3:00 PM

Zoom: https://townofbarnstable-us.zoom.us/j/82625025737
Meeting ID: 826 2502 5737

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, October 27, 2026. The meeting was called to order at 3:00 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., Christine Beer, PhD, and David Reidy. 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. **Condemnation Determination:**
   Stephen Duff, owner – 1586 Hyannis Road, Barnstable, Map/Parcel 298-018-001, multiple electrical, plumbing, structural element, and smoke detector violations.

   Jeff Carter, Deputy Building Commissioner, was present. Mr. Carter discussed an overview of the property. This is a single-family home that had an amnesty apartment at one time above the garage. As part of the regulatory agreement associated with this amnesty, the unit is non-transferable upon the sale of the property. Additionally, once the owner vacates the premises, the unit no longer retains its amnesty status. Mr. Carter noted that the owner no longer resides at the property; therefore, the unit has reverted to a permitted single-family residence. The Building Division received a complaint about work being done without a permit in January of 2023. There was work being done without a permit and an inspector went to the residence. Mr. Carter discussed five separate units with illegal kitchen and cooking facilities, inadequate fire protection systems and unsafe electrical wiring, unpermitted gas and plumbing work, and a lack of adequate egress, which previously hindered emergency services during a medical event in September of 2023. The Division posted it as an unsafe structure and the Health Division posted it unfit for human habitation. Mr. Carter noted that at the time they were there, multiple children were residing on the property within all five units. Images showing the safety concerns, including the electric panel, were provided to the Board of Health members. Mr. Carter noted

that while the property is currently believed to be vacant, it is being viewed by real estate agents for sale.

Jan Kendrick, Assistant Town Attorney, was present. Ms. Kendrick outlined the request for making a finding that the dwelling is unfit for human habitation, under the sanitary code definition. Ms. Kendrick stated the standard was met, as Deputy Commissioner noted. Ms. Kendrick noted that because the structure requires total reconstruction of electrical, plumbing, and gas systems to meet code, it cannot be safely occupied during remediation.

Tom Lee noted that any prospective new owner will be required to complete all applicable permitting processes through the Building Department.

Ms. Kendrick agreed.

Tom McKean supported these measures and suggested to the Board that without electricity, heat, hot water, proper plumbing, electrical, and smoke detectors, that this property should be condemned by the Board of Health.

Ms. Kendrick noted that the Board should, on record, make those findings as factual determinations, based on the testimony provided by Deputy Commissioner Jeff Carter, as summarized in her brief remarks, and further clarified by Mr. McKean.

The property owner or owner representative was not present.

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 to approve the finding that the building is uninhabitable, based on the testimony and evidence submitted by Jeff Carter, Jan Kendrick, and Thomas McKean.

Upon a motion made by Tom Lee, duly seconded by Donald Guadagnoli, M.D., the Board voted unanimously to condemn the building and require any remaining occupants to vacate the premises.

4. **<u>Septic System Variances – Repair:</u>**
A. Ryan Pina, Outback Engineering, Inc., representing owners, Carlos and Scarpa Vasconcello, 70 Straightway, Hyannis, MA, Map/Parcel 267-087, 7,840 square feet – Proposed repair of failed septic system. Requesting variance under 310 CMR 15.405(1)(h), State Environmental Code, a reduction of the required separation between the bottom of the proposed soil absorption system and the estimated high groundwater elevation from 5’ to 4’.

Ryan Pina was present. An image of the plan was presented on the screen. Mr. Pina proposed a repair of the existing failed septic system. Mr. Pina proposed a pump system with a 2,000-gallon two compartment tank with a 5,000-gallon pump chamber, pumped to a 10 foot by 35-foot pipe and stone leaching field. One variance was requested, a reduction in separation between the bottom of the proposed leaching field and the estimated high groundwater elevation from 5 feet to 4 feet. Mr. Pina noted that the estimated high groundwater elevation was determined using the Cape Cod Commission groundwater monitoring adjustment of 2.9 feet from the observed groundwater at the date of the percolation test. Mr. Pina noted that this would allow the applicant to replace the existing failed system

without the need for a large mounded system; therefore, reducing the impact on the natural flow of runoff on this site.

There was no public comment.

Mr. McKean noted that, for variances of this nature involving a reduction in vertical separation above the groundwater table from 5 feet to 4 feet, it has been the Board's past practice to request a minimum separation of 5 feet, or at least 4.5 feet where possible. He suggested that the engineers explore options to provide greater separation above the groundwater table, particularly given that the property is located within a sensitive area near public water supply wells.

Tom Lee noted this site is located within Zone II, a nitrogen sensitive area close to a public drinking water well.

Dr. Beer asked what the rationale is for not providing 5 feet of separation as recommended by Mr. McKean.

Mr. Pina replied to Dr. Beer's question, explaining that the reason for requesting the reduction was to avoid raising the field one foot higher in the area where the grading would occur. He noted that it was a tight area and that they wanted to avoid directing runoff toward 62 Straightway Drive, Hyannis. Mr. Pina further explained that raising the mound without sufficient room to properly grade the area was the primary concern.

Tom Lee suggested 5 feet should be provided if it is possible. Tom Lee stated that the parcel consists of only 7,800 square feet and is therefore limited to a two-bedroom system. He noted that a deed restriction would be required, along with a revised plan showing the appropriate separation between the bottom of the leaching field and the high adjusted groundwater elevation.

After some discussion and upon a motion made by Donald Guadagnoli, M.D., duly seconded by Daniel Luczkow, M.D., the Board voted to grant a variance subject to receipt of a revised engineering plan showing at least a minimum of 4 feet 9 inches of the adjusted high groundwater and subject to receipt of a recorded two-bedroom deed restriction. (Vote: 4 in favor, 1 opposed – Paul Canniff, D.M.D.)

B. Peter McEntee, P.E., Engineering Works, Inc., representing owners, Manor Family Trust, LLC, 25 Manor Way, Osterville, MA, Map/Parcel 116-123, 13,068 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 5' variance, S.A.S. to property line, for a 5' setback, and 2) a 9' variance, S.A.S. to cellar wall, for an 11' setback.

Peter McEntee was present. Mr. McEntee stated this is a failed septic system in front of the yard. The current septic system consists of a 1,000-gallon tank that flows over to three infiltrators in front yard. Mr. McEntee proposed a new leaching field in the front yard. The plan was presented on the screen.

There was no public comment.

Thomas McKean stated Health staff had no objections.

Dr. Canniff stated that the plan did not include any dimensions. He also noted that the requested variances could impact the abutters and asked whether they had been notified.

Mr. McEntee confirmed that the abutters had been notified and stated that he had addressed concerns raised by one abutter who contacted him. Regarding the dimensions, Mr. McEntee clarified that dimensions are included on the plan.

After some discussion and upon a motion made by Donald Guadagnoli, M.D., duly seconded by Daniel Luczkow, M.D., the Board voted unanimously to grant the variances requested subject to receipt of a revised plan showing the installation of a 40-milliliter polyethylene barrier between the leaching field and the cellar wall.

5. **Subdivision:**
Daniel Ojala, PE, PLS, Down Cape Engineering, Inc., representing owners, Gladstone LP, Definitive 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 an on-site sewage disposal system and public water.

Daniel Ojala was present. Mr. Ojala explained that this is a two-lot division and noted that the zoning district has few minimum requirements. He presented the plans on the screen, including a definitive plan showing the bearings and distances along the lot boundaries. Mr. Ojala also discussed the options for wastewater disposal, including an on-site septic system versus connecting to town sewer. He noted that higher-density development would likely require a sewer connection. The applicant is currently exploring a different concept that would include sewer. However, if the proposal consists of a duplex on each side, there would be sufficient room for on-site septic system, which would likely be the preferred approach. Mr. Ojala added that, to his knowledge, the property is not located within a nitrogen-sensitive area.

There was one public comment. John Richmond was present. Mr. Richmond asked if an on-site sewage treatment plant was put in, what's the guarantee that it will be maintained.

Mr. Ojala answered that the on-site disposal is covered by the State sanitary code and by the Barnstable Board of Health regulations. In this instance, Mr. Ojala noted it would be a Title 5 septic system, just like the houses around it. Mr. Ojala stated they wouldn't do a high-density on-site treatment plant and that this would cost $30-$60,000 a year just to maintain them. It would be economical at that point to connect to the sewer.

Tom Lee added that any requirements related to the septic system design, including loading rates and tank capacity, would comply with the applicable Title 5 regulations.

Mr. McKean asked about density and if looking at about six bedrooms per lot.

Mr. Ojala referenced if they went with the newer zoning district, only about four units total would be allowed.

Mr. McKean explained that the Board of Health has existing regulations requiring an innovative/alternative (I/A) system for projects with a total design flow of 1,500 gallons or more. He clarified that the calculation is based on the aggregate flow for the entire property or subdivision, rather than an individual lot.

After some discussion and upon a motion made by Donald Guadagnoli, M.D., duly seconded by Daniel Luczkow, M.D., the Board voted unanimously to approve the revised definitive subdivision plan with conditions that it has to meet Title 5 regulations and local Board of Health regulations if septic systems are proposed.

Ms. Tripp informed Chairman, Tom Lee, that she received notice that an abutter, for agenda item #4B, was in the waiting room to provide their comments.

6. **Body Art – Variance:**
Anna Sokolava, employee of Lash & Brow Boutique, representing owner Ekaterina Morozova – 28 Barnstable Road, Hyannis, MA, Map/Parcel 327-077, requesting variance under Chapter 307, §307-5(F), of the Town of Barnstable Code, hepatitis B vaccination requirement for body art practitioners.

Anna Sokolova was present. Ms. Sokolova discussed that she could not receive her body art practitioner license because she doesn't have the Hepatitis B vaccination. She noted she moved from Ukraine four years ago and that all her medical records were lost. Ms. Sokolova has a license in different towns in Massachusetts, including Newtown, Needham, Watertown, and Plymouth. She noted that they all accepted her declination form. Ms. Sokolova is currently pregnant and stated she prefers not to get the vaccine and to postpone the vaccination until the next renewal.

There was no public comment.

Mr. McKean stated that a Hepatitis B vaccination is recommended. The applicant submitted a blood titer test and was found not to have any protection from Hepatitis B, but we are not only asking her to protect herself, but the patients that she will be servicing with the tattooing. Mr. McKean stated Health staff does not recommend a permanent variance; however, a temporary variance of six months is suggested.

Dr. Beer asked whether clients could be made aware of the potential risks. Dr. Beer emphasized that, at a minimum, clients should be informed of the potential risk and asked how the Board would address and manage it.

Mr. McKean agreed.

Dr. Guadagnoli discussed that some people's titers don't show immunity and noted that waiting six months after the due date would be an appropriate timeframe.

In response to Dr. Beer's question, Mr. McKean clarified that wearing gloves, taking the extra precautions; bloodborne pathogen precautions for the six months, should be sufficient.

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 to approve temporary body art practitioner permit, for tattooing only, for six months, upon completion of the Hepatitis B vaccinations. The temporary permit will expire on April 30, 2027.

7. **Body Art – New Artist:**
Anna Sokolava, employee of Lash & Brow Boutique – 28 Barnstable Road, Hyannis, MA, Map/Parcel 327-077, requesting approval to become a body art practitioner *(for tattooing only).*

Anna Sokolova was present.

There was no public comment.

Mr. McKean stated Health staff had no objections.

Upon a motion made by Tom Lee, duly seconded by Paul Canniff, D.M.D. The Board voted unanimously to approve temporary body art practitioner permit, for tattooing only, that expires on April 30, 2027.

8. **Policy:**
Proposed amendments to the Criteria to receive a Body Art Practitioner permit

Tom Lee stated Mr. McKean highlighted the proposed amendments in red. Mr. Lee read the paragraph out loud.

A. Applicant must work only at an established licensed Body Art Establishment **located within the United States**, which has not received a warning or suspension within the past twelve months by the Board at/after a public hearing, and which has been in operation for at least two years.

Upon a motion made by Daniel Luczkow, M.D., duly seconded by Donald Guadagnoli, M.D., The Board voted unanimously to approve changes on the criteria to receive a body art permit.

A public comment was received for agenda item #4B:

Debra Foschi, direct abutter to 25 Manor Way, Osterville, was present for public comment.

Ms. Foschi expressed concern that the septic and construction was already done. Ms. Foschi noted there was an expansion of the house. Ms. Foschi also asked the Board of Health how the new tank affects hers at her property.

Tom Lee looked at the engineering plan of 25 Manor Way, Osterville, and noted that the septic system and construction was not at her lot line.

Mr. Lee clarified that this inquiry pertained to the Title 5 system upgrade to replace the old system.

Ms. Foschi inquired about the ongoing construction.

Jeff Carter explained that there were no additional bedrooms associated with the building permit, but that there is an active permit. Mr. Carter also clarified that an abutter gets notified if seeking a special permit or variance for zoning purposes.

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9. **Sauna, Vapor Bath, Mobile Sauna Establishments:**
Proposed regulation for Sauna, Vapor Bath, Mobile Sauna Establishments

Karl Maki was present. Mr. Maki owns Sweat Sauna Cape Cod. Mr. Maki provided his responses to how it is written now. Mr. Maki explained how his business model works as a mobile provider. Mr. Maki stated they have private rental models where they deliver mobile

sauna units directly to private residences and public events. Mr. Maki noted that the biggest point of contact with the population of the Town of Barnstable is their partnership with the Town of Barnstable public beaches. He operates community sauna sessions every weekend at Craigville Beach.

Mr. Maki identified several concerns regarding the proposed requirements. His first concern involved the guidance on towels and linens. During their public beach sessions, they have implemented a policy requesting that participants bring two towels: one to sit on during the sauna session and another to use for drying off after entering the water. As a mobile provider rather than a brick-and-mortar establishment, providing full linen service for all participants throughout the course of the weekend would be difficult.

Mr. Maki's second concern is related to the definition of vapor bath requirements. He noted that the current definition would require all sauna providers to comply with the additional requirements applicable to vapor bath establishments. However, operating on a public beach presents limitations, including the inability to provide separate dressing rooms. Additionally, some of the materials required for vapor bath establishments would off gas, potentially creating safety hazards in certain situations. Another concern involved the requirement for thermostatic temperature control, which Mr. Maki noted could effectively eliminate all mobile sauna providers. He noted that there are currently six mobile sauna businesses operating on Cape Cod, five of which use traditional wood-burning appliances. He explained that his business instead maintains a manual temperature log, in which staff record the temperature every hour before sessions begins and monitor and document temperatures at the beginning, middle, and end of each session.

Lastly, Mr. Maki requested clarification regarding the wording of the safety signage requirements. Specifically, he suggested replacing the phrase "exposure of 30 minutes" with "continuous exposure" to provide greater clarity.

Tom Lee thanked Mr. Maki for his comments.

Will Kennedy, owner of Cape Sauna Club, was present. Mr. Kennedy runs their public sessions at Dowse's Beach, partner with local businesses to offer public sessions on premise, and private rentals. Mr. Kennedy addressed public sessions at private properties for the Town of Barnstable, for residents and non-residents. Mr. Kennedy noted that having a public session run by businesses is a way to help give individuals a healthy alternative. Mr. Kennedy requests to consider allowing their permits that already exist for the Board of Health to be acceptable when operating public sessions at private businesses or residences in the Town of Barnstable.

Tom Lee asked whether Mr. Kennedy has experienced the same issue with temperature control that was mentioned in Mr. Maki's comment.

Mr. Kennedy answered they do not and offer a different type of heating mechanism. Mr. Kennedy noted that he offers propane fired saunas that are approved and permitted by the Fire Department, as well as the Board of Health. Mr. Kennedy stated these do have temperature shutoffs, which mechanically shut off if temperature exceeds.

Mr. Lee thanked Mr. Kennedy for his feedback.

Mr. McKean stated this language comes from the Town of Walpole. Some minor adjustments were made for mobile saunas, for example this draft proposal does not require dressing

rooms. Mr. McKean stated more language needs to be added requiring workers and patrons to have access to restrooms. There was concern from the plumbing inspector about lack of restroom facilities. The bathhouses at the public beaches are now closed for the fall and winter months, while the mobile saunas continue to operate at the public beach parking lots.

After some discussion, the Board of Health agreed to amend the proposed draft regulation based upon comments received from the public and staff. A follow-up public meeting will be scheduled in the future, within the next two months, in this regard.

10. Suzanne Conley- Save Dowses Beach

Suzanne Conley was not present.

This item will be scheduled to November 24, 2026 Board of Health meeting.

11. Adjournment

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).

Adjourned at 4:25 P.M.

Upcoming Board of Health Meeting Dates:
November 24, 2026
December 15, 2026

