

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.
Steven Waller, M.D. (alternate)

BOARD OF HEALTH MEETING MINUTES

Tuesday, January 27, 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, January 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 Donald Guadagnoli, M.D., Paul Canniff, D.M.D., and Christine Beer, PhD. Daniel Luczkow, M.D. and Steven Waller, M.D. were not present. Health Division staff members Thomas McKean R.S., C.H.O., and Vanessa Tripp, Office Manager, were present.

1. Tobacco Violation:

Raheel Chaudhry, owner, representing The Smoke Hub – 145 Barnstable Road, Hyannis, MA, Map/Parcel 327-244-001 – On December 9, 2025, flavored tobacco products and/or flavor enhancers (including mint/menthol flavors) were sold at store or in front of the counter. Also flavored blunt wraps (banana cream, lemon haze fronto leaf) were displayed on the counter at store for self-service.

Bob Collett, Barnstable County Tobacco Control Division Program Director, was present. Mr. Collett stated he conducted a routine inspection on December 9, 2025 at approximately 9:38 A.M. Mr. Collett stated the products mentioned on top of the counter for self-service is a violation of the local regulation and the store had several flavored products, which mostly were hemp wraps, but are considered flavor enhancers under the definition in the state law. Mr. Collett stated there are two violations here.

Raheel Chaudhry, one of the owners of The Smoke Hub, was present. Mr. Chaudhry stated all owners were not present at the store almost all of the month of December and at that time were short staffed. Mr. Chaudhry stated they had an employee who works at the Dennis, MA location who covered some shifts in the Hyannis location at that time. Mr. Chaudhry stated what they usually do with deliveries is to have everything come to Hyannis, split up the products there, and take it themselves to the other locations where it's needed. Mr. Chaudhry stated the products (King Palm, Lemon Haze, and Banana Cream) are allowed to be sold in Dennis, but not in Hyannis, and they had these products shipped to Hyannis location, but were for sale in Dennis. Mr. Chaudhry stated they took them off the shelves immediately in the Hyannis location.

Mr. Chaudhry stated they have fronto leaf for sale, which are non-flavored tobacco products, that were behind the counter and right on the edge, but were pushed back so that customers wouldn't take the tobacco products.

Bob Collett stated if these products are being sold in Dennis, it is a violation of state law, and should not be sold anywhere. Mr. Collett stated the fronto leaves were all on top of the counter

for self-service. Mr. Collett stated the Town of Dennis doesn't participate in the program with Barnstable County.

Mr. Chaudhry stated he fully understood that having these products in Hyannis was a mistake, and was caused by multiple issues with short staffing, none of the owners being in the country at that time, and mistake with distribution.

Thomas McKean stated this was a first time offense. Tom Lee stated there is a fine for the first time and there is no suspension in both.

Bob Collett stated, "Right."

Dr. Canniff asked if this was the second offense and referenced a letter dated January 27, 2022 that was in the Board members' packet.

Thomas McKean stated that there is a tolling period of three years. The January 27, 2022 violation date is too early to be considered within the established three year tolling period.

After some discussion, and upon a motion made by Donald Guadagnoli, M.D., duly seconded by Christine Beer, PhD., the Board voted to issue the mandatory \$1,000 fine. (Vote: 3 in favor, 1 opposed – Paul Canniff, D.M.D.)

2. Sewer Connection/Extension Requests:

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

Mark Sherbertes was not present.

Tom Lee stated Mr. Sherbertes is in Florida and will be back after Memorial Day. Tom Lee stated this item should be tabled to after Memorial Day when Mr. Sherbertes returns.

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Christine Beer, PhD., the Board voted unanimously in favor, to table this to the June 30, 2026 meeting.

3. Septic System Variances:

(Continued from November 25, 2025) Ryan Pina, EIT, Outback Engineering, Inc., representing owner, Ronald Oliveira – 282 Parker Road, West Barnstable, Map/Parcel 176-013, 19,602 sq. ft – MicroFAST system proposed; 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 from 310 CMR 15.405(1)(g), State Environmental Code, to install a soil absorption system 100 feet away from an onsite well in lieu of the 150 feet required setback.

Ryan Pina, EIT, Outback Engineering, Inc., was present. Mr. Pina stated a PLS stamp was added to the plan as requested. Mr. Pina stated the septic tank was relocated and proposed a MicroFAST system for nitrogen loading. Mr. Pina stated there were a few updates to the variances requested including the 150 foot minimum required setback that the Town of Barnstable requires and also called out the variance for Title 5. Mr. Pina requested a variance from the septic tank to the existing well. This is why the septic tank was relocated, to provide

the 51 feet requested. Mr. Pina stated the groundwater flow direction runs off the rear of the property, on the north side of the property. Mr. Pina requested a variance from 150 feet to 118 feet from the the setback distances from the abutting properties, 150 feet to 118 feet from the private water well at "264 Parker Road," West Barnstable.

There was one public comment.

David Cameron, owner of 264 Parker Road, West Barnstable, was present. Mr. Cameron stated he appeared at the previous hearing and voiced his objections to some of the variances requested. Mr. Cameron stated a variance is being requested of 95 feet from the leaching field to neighbor's existing well, a variance is being requested from the proposed leaching field to his well of 32 feet, and also a variance is being requested for the proposed septic tank to his neighbor's existing well of 49 feet. Mr. Cameron stated there are dense layers of clay and many of the wells in that neighborhood are what is known as shallow wells. Mr. Cameron stated they are dealing with surface water that's been percolated down through from rain and also a high water table is present. Mr. Cameron stated should there be any failure of this sytem, the septic tank, the new MicroFAST system that is being proposed, or the leaching field that is being proposed, it could can contaminate the wells. Mr. Cameron stated the property lines that were previously mentioned are still in dispute. Mr. Cameron stated there are no markers delineating the boundaries between his property and his neighbor's property.

Thomas McKean stated there is a clear dispute of this property line on the plan. Mr. McKean suggested that the Board should consider this very carefully in possibly continuing this meeting to give the neighbor a chance to prove the property line depicted on the plan.

Tom Lee stated the concern of the property line is very critical in the Engineer's design because it can decide whether the leaching field is in property at, "282 Parker Road, West Barnstable," or neighbor's property. Tom Lee suggested to the Engineer to take a stake and measure the boundary on the field. Tom Lee also stated to obtain a copy of neighbor's deed versus deed at "282 Parker Road" to verify the boundary line, and then table this to February's meeting.

Mr. Pina stated their professional Land Surveyor has been well aware and made a point to him that the property line is in dispute. Mr. Pina stated the Land Surveyor doubled and tripled checked that property line.

Dr. Beer asked if a confirmation from the Registry of Deeds was needed. Tom Lee stated the question is the property line location; it would be the applicant who would verify the line.

Dr. Guadagnoli asked, "How do they verify?" Tom Lee answered, a registered Land Surveyor would take measurements and would place stakes along the boundary.

Mr. Cameron stated they did lay out the frontage of the property very carefully, but all they put out was a benchmark and the benchmark is a reference point and is not the end of the boundary. Mr. Cameron stated if you look on the map, on the scale, there is an indication of the bench mark and then they are saying that the property goes beyond the benchmark, with no delineation of any stakes there, no delineation of any stakes to the rear of the property anywhere.

Tom Lee stated a benchmark is used for another purpose; it is used to assist in determining elevations. It is not used for property line delineations. Stakes along the boundary property line(s) are needed in this case.

David Cameron stated, "I agree."

Dr. Beer asked what would be the contingency plan if the neighbor does not provide or not pay for a survey. Dr. Guadagnoli followed that question with, "or a disagreement."

Tom Lee stated to get a copy of the deed on both sides so that they have it on the record to what was surveyed.

Thomas McKean stated the neighbor had documentation that described the property lines at right angles to the street. Thomas McKean stated this plan does not depict right angles and that is the dispute.

Mr. Pina stated their Land Surveyor looked at the plot plans and the deeds that were available from the registry.

After some discussion, and upon a motion made by Donald Guadagnoli, M.D., duly seconded by Paul Canniff, D.M.D., the Board voted to table this to the February 24, 2026 meeting.

Thomas McKean asked if the Board wants the best available technology or if the Board is satisfied with the proposed MicroFast system. Mr. McKean suggested the best available technology should be required as this has been the standard recommendation in the past. In this case there are two private wells, located onsite and at a neighbor's property that may be impacted by this proposed septic system.

Dr. Guadagnoli asked, "What would the best available be?"

Mr. McKean answered, "Nitro or Nitrex gets the nitrogen down to a much lower level than Microfast."

Tom Lee suggested the best available technology so that there will be less nitrogen going into the groundwater.

Following discussion, and upon a motion made by Christine Beer, PhD., duly seconded by Donald Guadagnoli, M.D., the Board voted unanimously to table this agenda item to the February 24, 2026 meeting.

4. Grease Trap Request:

Willy Planinshek, representing owner, Jessica Rosenberg, Outdoor Tiki Bar, 473 Main Street, Hyannis, MA, Map/Parcel 308-084 - Variance requested from Chapter 322 Food Establishments, Article I Minimum Sanitation Standards, 322-3 Grease Traps, of the Town of Barnstable Code, in order to expand the menu at the Hyannis Inn Sports & Tiki Bar.

Mr. Luis Martinez, Manager at the Tiki Sports Bar at 473 Main Street, Hyannis, was present. Mr. Martinez stated he is the point of contact moving forward on all matters. Mr. Martinez was requesting a variance due to the fact that there is an existing food permit, in which the existing food permit is for a cold menu, due to technical issues. Mr. Martinez stated nothing is prepared in the Tiki Sports Bar area because it doesn't have a kitchen. Mr. Martinez stated they have a variance to work in the kitchen in the opposite area, which is a commercial kitchen with a 1,000 gallon grease trap. Mr. Martinez stated everything is being prepared there and nothing is contributed to anything and is all disposed of in trash bags that are then put in the dumpster in the back. Mr. Martinez stated the variance that was being requested today was to expand the menu from what was already approved. Mr. Martinez stated they already had a menu in place with to-go containers, and the approved transportation, with the Board of

Health (closed, thermal containers), to make sure there is no food or grease trap contamination.

There was no public comment.

Mr. McKean further stated this variance request should be denied. Thomas McKean stated Mr. Planinshek previously appeared before the Board and the Board allowed a very limited menu, and not to cook unlimited types and quantities of menu items. Mr. McKean stated it was limited to sandwiches, cut fruit, and chowder at a separate food facility located more than 130 feet away. Mr. McKean stated there is no grease trap at this Tiki Bar location. DPW is requiring connection to a pipe that connects into an appropriately sized grease trap on-site. The facility should be connected into a pipe as required or should have it's own grease trap if they want to expand the menu at this location. Mr. McKean stated not only is food preparation a concern; washing dishes and washing utensils accumulates waste grease.

Dr. Guadagnoli asked if the commercial kitchen that is across the parking lot is where everything is done. Is everything that is done there in compliance with what we want? Does it have a grease trap? Is that inspected by the Board of Health? Is it in compliance with everything to be a commercial kitchen?

Mr. McKean stated "Yes, if at that location. If the food was being prepared and served at that location, Yes."

Mr. McKean stated this grease trap connection requirement was initiated by the DPW, not by the Health Division staff. This is what DPW wants, and that is a connection to a pipe. It was a specific request. Mr. McKean stated this is what the DPW wants to protect the treatment plant from grease clogging issues.

Dr. Guadagnoli asked how are they not protected if the preparation that's being done is in a place with a grease trap.

Tom Lee stated that second onsite kitchen is for a breakfast restaurant and the existing 1,000 gallon grease trap there is designed for that purpose.

Mr. Martinez stated they are not currently serving breakfast, but it is where all the food is prepped and made.

Tom Lee stated food is prepared in that facility with the grease trap. Tom Lee stated now they are cooking the food and serving the Tiki Bar from that kitchen facility.

Mr. Martinez stated, "Correct."

Tom Lee stated with both the breakfast seating area versus 40 "x" number of seats in this Tiki Bar area, it possibly will be exceeding that 1,000 capacity.

Mr. Martinez stated that side is currently not operating for service. When it does operate for service, there is a 3,000 gallon tank designed and stamped and will be submitted for approval later when that side opens up. Mr. Martinez stated they are months away from that and that particular side where the kitchen is located is not being operated for service. Mr. Martinez stated currently they have that variance for the cold menu due to complications of the equipment, gas lines, hoods, etc, which have all been fixed and approved. Mr. Martinez stated nothing is going to change, everything is prepped and washed at the kitchen, and on the Tiki

side nothing is put into sinks and everything is in plastic and disposable. Mr. Martinez stated there is no grease contribution to that.

Tom Lee asked whether there is seating provided at the breakfast facility.

Mr. Martinez stated, "Not currently." Mr. Martinez stated currently there are less than 50 people that are served.

Mr. McKean asked if they knew which month the breakfast facility will open in the Spring of 2026.

Mr. Martinez stated, "No."

Tom Lee stated that the 1,000 gallon grease trap is just for serving the kitchen, preparing the food for the Tiki Bar at this point.

Mr. Martinez stated, "Correct, Sir."

Tom Lee stated the breakfast place cannot be operational until a grease trap is installed.

Dr. Canniff stated there is a letter dated December 16, 2025, to Thomas McKean, from the DPW, that stated they provided their recommendation with this matter, which was that a grease trap should be required.

After discussion, and upon a motion made by Donald Guadagnoli, M.D., duly seconded by Christine Beer, PhD., the Board voted to grant the variance subject to the breakfast facility not being operational; this breakfast facility kitchen may only be utilized for the preparation of food for the Tiki Bar. When the owner opens the breakfast facility, the grease trap capacity shall be increased to satisfy the capacity requirement(s) established in the local and State Codes. (Vote: 3 in favor, 1 opposed – Paul Canniff, D.M.D.)

5. Town of Barnstable Code/ Proposed Revision to Chapter 318 Fee Schedule:

Proposal to Revise Chapter 318 Fee Schedule as follows:

Housing Inspection (Rental Registration) See Section 170-8

Thomas McKean stated Chapter 170 was updated by the Town Council in December. The rental registration fee was increased to \$250. Previously, it was \$90 per unit.

Mr. McKean stated this fee should not appear within our own Board of Health schedule fee, because this is a Town Council Code. The Town Attorney suggested this language be removed from Chapter 318 Board of Health fee schedule, and should now refer to Section 170-8 of the Town of Barnstable Code.

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Christine Beer, PhD., the Board voted unanimously in favor, to revise the wording to be consistent with what the Attorney recommended.

6. Citizen Request:

Paula Crowley, Captain Alden's Lane, Osterville – Allegation of rat infestation in neighborhood; suggested remedies other town(s) use to combat rat issues.

Paula Crowley was present. Ms. Crowley stated she was present due to a terrible experience with a rat infestation in her neighborhood. Ms. Crowley stated she first complained about this

a few years back when she noticed a neighbor had a chicken coop after the fact. Ms. Crowley stated originally she was seeing rat holes in her backyard and then discovered that there was a chicken coop and some bird feeders in the neighborhood, which had never been there before. Ms. Crowley stated she purchased her home in 1997 and never experienced any kind of rat or rodent issue until a few years ago. Ms. Crowley stated she spent money on hiring pest control services at the original complaint, when she discovered there were rats in the neighborhood, in her backyard, and this helped mitigate the problem, but it didn't solve the problem. Ms. Crowley purchased dry ice to try and flood the holes, to suffocate the rats, and hired construction workers to come and bury mesh wire around her deck so the rats couldn't dig. Ms. Crowley stated neighbors were having the same experience. Rats were burrowing under the fence, under her neighbor's property. Pictures were provided. Ms. Crowley stated the chicken coop was right up against the fence. Ms. Crowley stated the investigation on the original complaint filed came back that the chicken coop owners were not in any violation and that their yard was clean and they were abiding by policies set forth by the Town. Unfortunately, even abiding by these policies didn't seem to help. Ms. Crowley stated the rat infestation grew and again is out of control. Ms. Crowley stated now the rats are burrowing up against the foundation and is very concerned because she has pets and does not want to resort to poison. Ms. Crowley stated not only do rats pose a Public Health threat, but everyone knows how rats affect the environment and the infrastructure. Ms. Crowley stated she hopes Barnstable will be more proactive like other Towns have been including Provincetown, Yarmouth, and Mashpee, Towns that have preventative measures in addition to what Barnstable does now. These Towns propose permits at the cost of the coop owners and pest control paid by the coop owners. Minimum lot size requirements was another example of preventative measures.

Dr. Beer asked if there was any evidence from the exterminators on the number of rats or population of rats in a particular area.

Ms. Crowley stated she can provide pictures of rat holes in the neighborhood and pictures of all the rats in her backyard, specifically. Ms. Crowley stated she does not have statistics from pest control companies but could get that for the Board. Ms. Crowley stated if you go to any commercial establishment in Hyannis, it is hard not to see all those rat boxes surrounding the buildings. The pictures that were provided were to show that neighbors are experiencing the same problem and that they had to spend money to mitigate the rat problem.

Thomas McKean stated there was an investigation two years ago by a health inspector and there were no violations found in Inspector's findings. Mr. McKean stated now moving forward to this year, a different inspector was sent to the same property, who found no violations, no evidence of rat holes, and observed no rats. Mr. McKean stated the Inspector looked at the property that had a bird feeder at another property on the same street, and did not find any evidence of rats. The Inspector had been there several times in recent months and did not see any evidence of rats in this particular neighborhood. Mr. McKean stated following talking to Ms. Crowley, he looked up the Town of Provincetown requirements and they provide educational materials; but it does not appear as though they adopted any regulations. Mr. McKean stated he had no objections to providing educational materials here in this Town. Mr. McKean stated if Ms. Crowley knows of any Towns that have regulations the Board of Health would be interested in seeing those.

Ms. Crowley stated the Town of Yarmouth has set back limitations and lot size limitations. Ms. Crowley believes Provincetown has a regulation that if you are a business that has a food dumpster, you have to pay for the pest control.

Mr. McKean stated there is a rooster regulation that was adopted by the Town Council. If the Board is interested in any setback regulations, that may likely fall under Town Council or Animal Control, but not the Board of Health.

Tom Lee stated this is not a simple matter. Tom Lee suggested if Ms. Crowley had any pictures of the rats in her yard, to share these pictures with the Board of Health, and if know of any regulations, to also share with the Board. Tom Lee stated the Board cannot decide here, which direction they are going, but can study what is the comparison with different Towns and what the Board can do.

Dr. Guadagnoli suggested to also ask the Town Attorney regarding jurisdiction.

Ms. Crowley stated she would provide all that information to the Board of Health.

7. **Minutes:** December 16, 2025, Board of Health Meeting

Dr. Canniff had a comment regarding the Osterville property that wanted an ADU, and was approved, if they could stop fertilizing. Dr. Canniff stated that at the meeting, the plans that were presented were not plans that were acceptable to the Board of Health. Dr. Canniff stated they had no dimensions on the plan and the Board has no idea how big that ADU was going to be. The Board of Health does not get a chance to look at the plans that will be submitted to the Health Division. Dr. Canniff stated this is a wrong procedure and if going to approve plans at a meeting, they should have everything on them that is required. Dr. Canniff stated there wasn't a display of the septic system and they said they were going to use a Nitro or equivalent and during the meeting the Board told them they had to use the Nitro, not the equivalent, but never seen requests approved without adequate plans.

Tom Lee stated the Board is in the process of saying we are allowing to use the Nitro for the design. They still have to come up with the design and the floor plan.

Tom Lee asked Health Staff, Thomas McKean, if need to see that plan.

Mr. McKean stated he haf been in communications with the specialists dealing with this case and can have him make sure it comes to the Board before final approval.

Tom Lee stated, "Yes, sure."

Upon a motion made by Donald Guadagnoli, M.D., duly seconded by Christine Beer, PhD., the Board voted unanimously in favor, to approve December 16, 2025 meeting minutes.

Adjourn - 4:12 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).