

**BOARD OF HEALTH MEETING  
THURSDAY, JANUARY 8, 2009  
DENNIS TOWN OFFICES  
LARGE HEARING ROOM**

**Present:** Chairman Covell, Vice Chairman Perrino and Member Bird  
**Absent:** Member Chamberlain  
**Staff:** Director Hayes, Secretary Hodgdon

**Chairman Covell called the meeting to order at 7:00 p.m.**

**I. ACTION**

**A. Stephen & Marta Fabbrucci – Variance Application (Voluntary Upgrade)  
20 ARBORWAY, DENNISPORT, M38-129**

Mr. Covell read the legal notice: A variance application for Stephen & Marta Fabbrucci, 20 Arborway, Dennisport, who seeks the following variance from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

**Mr. Perrino motioned to remove this item and postpone until the February 12, 2009, as per the memo dated January 8, 2009 from William Gottwald, P.E., DMG associates. Ms. Bird seconded the motion.**

**VOTED**

**IN FAVOR 3  
OPPOSED 0**

**B. Robert H. McPhee, McPhee Associates – Variance Application (New Construction)  
19 QUAIL HOLLOW ROAD, EAST DENNIS, M267-12**

Mr. Covell read the legal notice: A request for the following variances from the regulations of the Mass. Department of Environmental Protection, Title 5, and the Town of Dennis Regulations for Subsurface Disposal of Sewage for the property located at 19 Quail Hollow Road, East Dennis, MA:

Title 5

15.216: Request Town and State approval for Nitrogen Aggregation Easement.

Town of Dennis

Reg. 16A: Variance requested to allow the construction of a new single family dwelling with appurtenances and a Title 5 septic system in an Environmentally Sensitive Area.

Robin Wilcox of Sweetser Engineering was present for the application and presented abutters green cards to Secretary Hodgdon. Mr. Wilcox stated that the nitrogen with the aggregation of the 5,016 sq. ft. lot to the south is 6.95 which is well below what the state wants in Zone II. The Board agreed there is no need for I/A technology.

There were no abutters present.

Mr. Perrino said he sees no reason for I/A Technology, just zone II to be aware of and “keeping in mind if we don’t do it on this one we probably won’t be doing it on the other properties there”. Mr. Hayes agreed just the zone II and they are in compliance with the regulations regarding nitrogen sensitive areas.

**Mr. Perrino motioned to approve the variance application as set forth in the memo dated December 31, 2008. Ms. Bird seconded the motion.**

**VOTED**

**IN FAVOR 3  
OPPOSED 0**

**C. John & Kathleen Kerrigan – Variance Application (Addition)  
64 LADY SLIPPER DRIVE, EAST DENNIS, M261-56**

Mr. Covell read the legal notice: The applicant seeks a variance from the Town of Dennis Regulations for Subsurface Disposal of Sewage, for the property located at 64 Lady Slipper Drive, East Dennis, MA as follows:

Town of Dennis

Reg. 16.B: Variance requested to allow an addition of habitable space in an Environmentally Sensitive Area.

George Davis was present for the application and presented abutters green cards to Secretary Hodgdon. Mr. Davis explained the applicants are adding a family room with a full foundation and a deck off that. Mr. Hayes stated that there are no restrictions on the property now, but they are limited to the two (2) bedrooms they have now and that he made that clear to the owner back in September 2008.

There were no abutters present.

**Mr. Perrino motioned to approve the request for a variance as per the memo dated January 2, 2009. Ms. Bird seconded the motion.**

**VOTED**

**IN FAVOR 3  
OPPOSED 0**

**D. Rosemarie Austin – Variance Application (Addition)  
27 SPADONI WAY, DENNIS, M322-24**

Mr. Covell read the legal notice: The applicant seeks variances from the regulations of the Mass. Department of Environmental Protection, Title 5, and the Town of Dennis Regulations or Subsurface Disposal of Sewage for the property located at 27 Spadoni Way, Dennis, MA as follows:

Title 5

- 15.211(1): Variance of 6’ requested from the soil absorption system to the west property line.  
Variance of 6’ requested from the soil absorption system to the east property line.  
Variance of 4’ requested from the treatment tank to the coastal bank.
- 15.248(1): No reserve area provided – remove and replace requested.
- 15.212(b): Variance of 1’ requested from the 5’ separation requirement between the bottom of the soil absorption system and estimated high groundwater.

Town of Dennis

- Reg. 9.0: Variance of 6’ requested from the soil absorption system to the west property line.  
Variance of 8’ requested from the soil absorption system to the top of the coastal bank.
- Reg. 16.B: Variance requested to allow an addition in an Environmentally Sensitive Area.

NOTE: See memo dated 1/2/2009

Linda Pinto, P.E., Prime Engineering was present for the application and presented abutters green cards to Secretary Hodgdon. Ms. Pinto explained the owners intent is to reconfigure the home to include a second story, however there will be no increase in flow and the assessor’s

database states the existing home has a four (4) bedroom design. Ms. Pinto reviewed the variances requested as per memo dated 1/2/2009.

Member Bird questioned the number of variances requested. Mr. Hayes agreed there are a large number of variances being requested, but it is an existing dwelling and a difficult location. He also clarified that the town does have it assessed at four (4) bedrooms, but it should be three (3) bedrooms and the plan will need to reflect that. Ms. Pinto said she will submit revised plans.

Mr. Hayes also commented that to his knowledge less than 20% of Advantex systems are meeting requirements and may not be meeting what's needed here. Ms. Pinto said her information says otherwise in particular here on the Cape. Mr. Hayes asked her to provide her information in writing if she can get it from her sources. There was a brief discussion regarding the tanks and Mr. Hayes said the tank stays - there will be less damage to the area that way.

An interested party (unable to get his name) expressed his concern that this is a very restricted site and there is no place to put a reserve. Mr. O said that he also has heard that the Advantex system being proposed is not as good as first thought. Mr. Hayes stated again that if Advantex has information in writing they can present it and he will be glad to review it.

**Mr. Perrino motioned to approve the variance application contingent upon submission of revised plans as discussed, submission of statistical information on the system being used, seasonal occupation and the following conditions:**

1. **No garbage disposal.**
2. **Water-saving devices shall be installed and verified by the Dennis Plumbing Inspector.**
3. **No alteration of the floor plan to the dwelling without further review by the Board of Health.**
4. **Record variances and conditions at the Registry of Deeds to run with the property with a COPY TO THE HEALTH DEPARTMENT.**
5. **The design engineer shall submit a certified as-built plan, with elevations, to the Health Department.**
6. A signed maintenance agreement for the alternative system, including the UV disinfection system, if applicable, shall be submitted to the Health Department, prior to the release of the Disposal System Construction Permit. The alternative system shall be tested three (3) times (TKN, TSS, BODs, specific conductance, pH, nitrate, total nitrogen and temperature) during the first summer season, if the dwelling is occupied on a seasonal basis. If the calculated nitrogen loading figure is not met, then the application shall be returned to the Board of Health for review. The alternative system shall be tested three times each year, thereafter, for TKN, TSS, BODs, specific conductance, pH, nitrate, and temperature.
7. **A time-run meter shall be installed and hard-wired into the main electrical panel.**
8. **An engineered report shall be submitted to the Board of Health after any inundation of the system, due to flood or natural causes.**

Mr. Perrino asked Mr. Hayes if ultraviolet was necessary and Mr. Hayes said not at this time. Ms. Bird seconded the motion.

**VOTED**

**IN FAVOR 3**  
**OPPOSED 0**

**E. Ronald Hague – Appeal of Health Department’s Decision to Suspend Disposal System Construction Permit (Cont. from 12/11/08)  
97 NEW BOSTON ROAD, DENNIS, M304-26**

Mr. Covell read the legal notice: Continued hearing for an appeal by Ronal Hague, of the Health Department’s decision to suspend the Disposal System Construction Permit for the property located at 97 New Boston, Road, Dennis, MA.

Mr. Covell stated that due to the lack of a quorum of sitting members the Board cannot hear the application at this time.

**Mr. Perrino motioned to remove the application from this agenda and postpone the application until the March 12, 2009 meeting. Ms. Bird seconded the motion.**

Mr. Perrino was present but abstained.

**VOTED**

**IN FAVOR 2**  
**OPPOSED 0**  
**ABSTAINED 1**

**F. Donald E. Kossack/Lincoln Jay, LLC – Approval of Proposed Covenant and Agreement & Amend Motion of 12/11/08  
21 & 25 UPPER COUNTY ROAD, DENNISPORT, M100-39**

Mr. Covell read the legal notice: A request for approval of a proposed Covenant and Agreement for the property located at Hart Farm Nursery & Garden Center, 21 & 25 Upper County Road, Dennisport, MA and an amendment to the motion made at the variance hearing on December 11, 2008. See memo dated December 18, 2008.

John Idman, Attorney for Don Kossack, was present for the application and stated that 25 Upper County Road is where the soil absorption system will be located and asked the board to amend the prior motion and to have the former reference to an easement in a prior motion be deleted. Mr. Idman is also seeking approval from the board that the covenant agreement submitted to Mr. Hayes is acceptable to the Board in both form and substance.

There were no abutters present.

**Mr. Perrino motioned to grant the relief as requested. Ms. Bird seconded the motion.**

**VOTED**

**IN FAVOR 3  
OPPOSED 0**

- G. Cape Haven Realty Trust/Mary Ann Walsh, Trustee – Show Cause Hearing for Non-Compliance with The State Sanitary Code, 105 CMR 410.000: Minimum Standards of Fitness for Human Habitation and the Town of Dennis Housing Space & Use By-Law, Section I (Cont. from 12/11/08) 69A & 69B LOWER COUNTY ROAD, DENNISPORT, M34-129**

Mr. Covell read the memo issued by Kristen Keller dated 1/8/2009 stating that Ms. Walsh came into the Health Office with a signed affidavit. The property is now in compliance.

**Mr. Perrino motioned to remove this item from the agenda as requested in Ms. Keller’s memo dated 1/8/2009. Ms. Bird seconded the motion.**

**VOTED**

**IN FAVOR 3  
OPPOSED 0**

**II. AGENDA ITEMS**

- 1. Dennis Cove Realty Trust/Leon Narbonne, Trustee- Request to reduce testing and service requirements for FAST treatment system. 57 LITTLE COVE CIRCLE, WEST DENNIS**

Mr. Leon Narbonne was present for the application. There were no abutters present. Mr. Hayes stated that the system has been operating and meeting requirements. Mr. Hayes said that typically testing is done annually in January.

**Mr. Perrino motioned to approve the request with annual testing in January. Ms. Bird seconded the motion.**

**VOTED**

**IN FAVOR 3  
OPPOSED 0**

- 2. Proposed Hawker & Peddler Regulations – Proposed Timeframe for Vendors to Operate from One Location**

This item was referred to the Board of Health by the Selectmen because they questioned the timeframe that a vendor would be allowed to remain in one location. See memo dated 1/2/2009.

Because he felt the regulation as written is unduly restrictive Mr. Hayes suggested SECTION VII: 1. should read as follows:

**The holder of the license is the owner of the property on which the mobile vendor will be selling food to the public, or has written permission of the owner of the property.**

A brief discussion followed to clarify distinctions between Temporary Food Service Licenses and Mobile Food Vendors.

**Mr. Perrino motioned to approve the proposed language on the memo of 1/8/2009 with changes proposed tonight to come back to the next Board of Health meeting for signatures. Ms. Bird seconded the motion.**

**VOTED**

**IN FAVOR 3  
OPPOSED 0**

### **III. MINUTES**

- **Regular Meeting of December 11, 2008.**

**Mr. Perrino motioned to approve the December 13, 2008 Board of Health Meeting as printed. Ms. Bird seconded the motion.**

**VOTED**

**IN FAVOR 3  
OPPOSED 0**

The meeting adjourned at 7:40 p.m.

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