

**BOARD OF HEALTH MEETING
THURSDAY, FEBRUARY 12, 2009
DENNIS TOWN OFFICES
LARGE HEARING ROOM**

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

Vice Chairman Perrino called the meeting to order at 7:00 p.m.

I. ACTION

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

Mr. Perrino read the legal notice: A variance application for Stephen & Marta Fabbrucci, 20 Arborway, Dennisport, who seeks the following variance from the regulations of the Mass. Department of Environmental Protection, Title 5, and the Town of Dennis Regulations for Subsurface Disposal of Sewage:

Title 5

- 15.405(1)(a): Variance of 4' requested from the soil absorption system to the property line.
Variance of 1' requested from the pump chamber to the property line.**
- 15.405(1)(b): Variance of 5' requested from the septic tank to the crawl space.
Variance of 4' requested from the soil absorption system to the crawl space.**
- 15.405(1)(h): Variance of 1' requested from the 5' separation requirement between the bottom of the soil absorption system and groundwater.**
- 15.255(2): Variance of 1' requested from the toe of the slope to the property line.**

Town of Dennis

- Reg. 9.0: Variance of 4' requested from the soil absorption system to the property line.
Variance of 1' requested from the pump chamber to the property line.
Variance of 5' requested from the septic tank to the crawl space.
Variance of 4' requested from the soil absorption system to the crawl space.**

Variance of 1' requested from the 5' separation requirement between the bottom of the soil absorption system and groundwater.

Variance of 1' requested from the toe of the slope to the property line.

William Gottwald, P.E, was present on behalf of the owner. They are proposing to upgrade the existing cesspool to a 1500 gallon septic tank with a 1000 gallon pump chamber and soil absorption system. Mr. Gottwald explained the variances they are requesting on this small lot. The system that is being proposed is the best for this lot.

Ms. Chamberlain moved to approve the variance for Stephen & Marta Fabbrucci, 20 Arborway, Dennisport, as per memorandum dated February 2, 2009 with the following condition:

- 1. No alteration of the floor plan to the dwelling without further review by the Board of Health.**

Ms. Bird seconded the motion.

VOTED

IN FAVOR	3
OPPOSED	0

**B. J.M.G Realty Trust/Gary Abramson, Trustee- Variance Application (Failed System)
116 MAIN STREET, WEST DENNIS**

Mr. Perrino read the legal notice: A variance application for J.M.G Realty Trust/Gary Abramson, Trustee, 116 Main Street, West Dennis, who seeks the following variance from the regulations of the Mass. Department of Environmental Protection, Title 5, and the Town of Dennis Regulations for Subsurface Disposal of Sewage:

Title 5

15.405(1)(b): Variance of 10' requested from the soil absorption system to the crawl space foundation (liner provided).

15.405(1)(a): Variance of 5' requested from the system to the property line.

Variance of 10' requested from the pump chamber to the property line.

15.405(1)(e): Variance of 40'± requested from the septic tank to the bordering vegetated wetland.

15.405(1)(g): Variance of 3' requested from the soil absorption system to the water supply line (liner provided).

15.405(1)(i): Variance requested to allow a sieve analysis in lieu of a perc test - medium sand sieve test results per DEP policy: <5 min/inch per rate utilize 0.74 GPD/SF loading ratio (no reduction in leaching area requested).

Per FAST I/A remedial permit, reduction in leaching size requested: 50% reduction allowed, 27% reduction requested.

15.405(1)(a): Variance of 9' requested from the septic tanks to the property line.

Town of Dennis

Reg. 9.0: Variance of 10' requested from the soil absorption system to the crawl space foundation (liner provided).

Variance of 5' requested from the system to the property line.

Variance of 10' requested from the pump chamber to the property line.

Variance of 40± requested from the septic tank to the bordering vegetated wetland.

Variance of 3' requested from the soil absorption system to the water supply line (liner provided).

Reg. 5.0: Variance requested to allow a portion of the sewage disposal facility for 116 Main Street, West Dennis, to be located at 118 Main Street, West Dennis (Curtain Shop & Sundancer's sharing one system, which is on both properties).

Daniel Ojala, P.E, was present on behalf of the owner. There are 2 properties side by side that they are proposing to put the systems on. They have been approved by the Conservation Commission and have been granted approval to go forward with the project. They are proposing to use a FAST I/A high end system as well as a re-circulation system. Mr. Ojala explained the variances being requested. There is a 40' easement from the neighboring property. There is plenty of room to install the proposed system. There is an easement that has been submitted to the Health Department for the proposed system location. They hope to have the system installed by April 2009. The new system will consist of four septic tanks, a 6,000 gallon pump chamber and a soil absorption system. The existing grease trap is being abandoned and they are proposing to use one of the new tanks as the new grease trap.

Ms. Chamberlain moved to approve the variance for J.M.G Realty Trust/Gary Abramson, 116 Main Street, West Dennis as per memorandum dated February 2, 2009 with 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, with elevations, to the Health Department.**
- 6. A signed maintenance agreement for the alternative system shall be submitted to the Health Department, prior to the release of the Disposal System Construction Permit. The O & M agreement for the alternative system shall include a requirement for testing. This testing shall be conducted four (4) times per year for TKN, TSS, BOD5, pH, nitrate and temperature. After two (2) years of operation, the applicant shall return to the Board of Health for review of the alternative septic system.**
- 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 an inundation of the system, due to flood or natural causes.**

Ms. Bird seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

C. Richard C. Smithson- Variance Application (Addition)
480 (498) OLD CHATHAM ROAD, SOUTH DENNIS

Mr. Perrino read the legal notice: A variance application for Richard C. Smithson, 480 (498) Old Chatham Road, South Dennis, who seeks the following variance from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

Town of Dennis

Reg. 16.B: Variance requested to allow an addition of habitable space (room over the garage) in an Environmentally Sensitive Area.

Mr. Perrino moved to continue the variance application for Richard C. Smithson, 480 (498) Old Chatham Road, South Dennis, until the March 12, 2009 Board of Health Meeting.

Ms. Chamberlain seconded the motion.

VOTED

**IN FAVOR 3
OPPOSED 0**

**D. Shawn & Susan Bent- Variance Application (Addition)
48 ROBBINS CIRCLE, DENNIS**

Mr. Perrino read the legal notice: A variance application for Shawn & Susan Bent, 48 Robbins Circle, Dennis, who seeks 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:

Title 5

15.212(b): Variance of 0.3' requested from the 5' separation requirement between the bottom of the soil absorption system and groundwater. The full groundwater adjustment has been applied.

Town of Dennis

Reg. 16.B: Variance requested to allow an addition of habitable space in an Environmentally Sensitive Area. A portion of this lot may have groundwater at or above 6'. The area of the proposed soil absorption system and the area where the soil test was conducted was not within 6' after applying the 1.5' groundwater adjustment.

Tanya Daigneault, R.S was present on behalf of the owner. Ms. Daigneault explained the variance that they are requesting. This property is in an environmentally sensitive area due to the groundwater depth. Ms. Daigneault also noted that the topography drops off at the back corner of the lot. The existing house has two bedrooms and they are proposing to design a system to accommodate four bedrooms.

Ms. Chamberlain moved to approve the variance for Shawn & Susan Bent, 48 Robbins Circle, Dennis, as per memorandum dated February 3, 2009 with the following condition:

- 1. No alteration of the floor plan to the dwelling without further review by the Board of Health.**

Ms. Bird seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

E. John Flint & Roseann Tully-Variance Application (New Construction)
5 TROTTING PARK ROAD EXT., BELRIT CONDO., U-2, WEST
DENNIS

Mr. Perrino read the legal notice: A variance application for John Flint & Roseann Tully, 5 Trotting Park Road Ext., Belrit Condos., U-2, West Dennis, who seeks the following variance from the regulations of the Mass. Department of Environmental Protection, Title 5, and the Town of Dennis Regulations for Subsurface Disposal of Sewage:

Title 5

15.211(1): Variance of 4' requested from the soil absorption system to the property line.

Town of Dennis

Reg. 9.0: Variance of 4' requested from the soil absorption system to the property line.

Reg. 16.B: Variance requested from the nitrogen loading requirements-16.2 ppm, 11.2 ppm proposed.

David Thulin, P.E was present on behalf of the owner. They are proposing to replace the existing single story dwelling with a two story three bedroom dwelling. The bedroom count is not going to change. The total habitable space will not change. The groundwater is at elevation 2.1'. The leaching area is in the vicinity of 2' above existing ground water. They are proposing to add a 1500 gallon septic tank, a 500 gallon pump chamber and a soil absorption system with 9 Cultec C4 chambers. Mr. Thulin explained the different elevations of the system located on the plan. There will be a 2.5' exposure of the retaining wall. The portion of the wall will be buried by dune cover. Mr. Thulin explained the variances that they are requesting. This has not been to the Conservation Commission yet, they have chosen to go in front of the Board of Health first. Mr. Hayes explained that Title 5 requires that the septic tank be removed from the velocity zone, and this variance was not applied for on this application. The septic tank can also be raised and removed from the velocity zone vertically, or else they need to request the additional variance at another Board of Health meeting. Ms. Chamberlain stated that a tight tank should possibly be proposed, rather than the existing proposed system. There is no I/A technology being proposed for this system. Mr. Thulin had discussed with Brian Dudley, Department of Environmental Protection, and the option of having a tight tank. A discussion of possible tank placement took place. The town planner has considered this dwelling to be two separate units. A discussion of the site took place. Mr. Perrino read the two letters submitted by abutters at 6 Trotting Park Road Ext.

Mr. John Flint, property owner, was present. He explained another property on the same street with a similar system. They are looking to keep the same habitable space, rebuild and have a means of preserving the house. Mr. Perrino stated that there is another tight tank situation in the surrounding area. This property may not have been in the velocity zone which allowed them to put in a tight tank and may have been in a higher elevation. Mr. Hayes stated that if the property is used for 6 months of the year or less, a tight tank would be allowed. Even if a tight tank was installed, it would have to be taken out of the velocity zone, so it would need to be a raised system as well.

Ms. Chamberlain moved to withdraw the application for John Flint & Roseann Tully, 5 Trotting Park Road Ext., Dennisport, as per memorandum dated February 5, 2009 and have a new application submitted with the variance to allow the septic tank to be located in a velocity zone.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

F. DMW Realty Trust- Show Cause Hearing for Non-Compliance with an Order to Correct a Violation of 310 CMR 15.000, The State Environmental Code, Title 5
130 MAIN STREET (RTE. 28), UNIT 8, DENNISPORT

Mr. Perrino read the legal notice: A show cause hearing for DMW Realty Trust, 130 Main Street (Rte. 28), Unit 8, Dennisport for non-compliance with an order to correct a violation of 310 CMR 15.000, The State Environmental Code, Title 5.

Mr. Dennis Wade, owner was present. He explained the current property and the issue with Unit # 8. Mr. Wade stated that the tenant was evicted and broke the clean out and fractured a pipe that goes to the system as an act of vandalism. Mr. Wade noticed some effluent on the lot, dug up the pipe and had the pipe replaced. Doug Brown (D.A Brown Septic) stated to the Health Director that the system is functioning properly after inspecting the property. The owner showed the Board a plan of the property, showing the damage that was done to the system. Mr. Wade stated that the property has not been pumped in the past 16 months. The system was last inspected in 2004. Mr. Hayes stated that he visited the site with Health Agent Jennifer Flood and saw effluent ponding on the back property. Title 5 considers that to be a requirement of a failed system. Mr. Hayes stated that if the system was repaired, it was done so without a valid repair permit. Mr. Hayes also stated that if the owner does not think the system was failed, he was required to have a Title 5 inspection done, which was not done. The issue that the Health Department has is the ponding of effluent to the surface of the ground. Mr. Perrino stated that the issue is that we do not know if this system is functioning properly. The pump chamber in the center and the d-box should be inspected for Unit # 8. Ms.

Chamberlain stated that the pipe repair should be inspected by a Title 5 inspector should be inspected as well. In 2003, according to a Title 5 report, the d-box was not inspected because it was under the concrete and it was never located.

Ms. Chamberlain moved to order DMW Realty Trust, 130 Route 28, Dennisport, Unit # 8, to have the distribution box, pump chamber and the pipe repair inspected within 45 days.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 3

OPPOSED 0

**G. Baxter Street Condominium Trust/Jean M. Cleary- Show Cause Hearing for Failure to Maintain an Operation & Maintenance Contract for the I/A Septic System
20 (22) BAXTER STREET, BAXTER STREET CONDO., SOUTH DENNIS**

Mr. Perrino read the legal notice: A show cause hearing for Baxter Street Condominium Trust/Jean M. Cleary, 20 (22) Baxter Street, Baxter Street Condo, South Dennis, for failure to maintain an Operation & Maintenance Contract for the I/A septic system.

No one was present at the Board of Health meeting.

Ms. Chamberlain moved to continue the show cause hearing for Baxter Street Condominium Trust/Jean M. Cleary, 20 (22) Baxter Street, South Dennis, until the March 12, 2009 Board of Health agenda.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 3

OPPOSED 0

**H. Bell-Ches Realty Trust- Show Cause Hearing for Non-Compliance with an Order to Correct a Violation of 105 CMR 410.602(A), The State Sanitary Code, Chapter II
9 CHASE AVENUE, DENNISPORT**

Mr. Perrino read the legal notice: A show cause hearing for Bell-Ches Realty Trust, 9 Chase Ave, Dennisport for non-compliance with an order to correct a violation of 105 CMR 410.602(A), The State Sanitary Code, Chapter II.

No one was present at the Board of Health meeting. Mr. Hayes stated that nothing has changed in regards to the violation at the property. The property is currently vacant. There is no current construction going on at the property.

Ms. Chamberlain moved to direct the Health Department staff to issue a criminal complaint for Bell-Ches Realty Trust, 9 Chase Avenue, Dennisport.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 3

OPPOSED 0

**I. Maryann Terranova- Appeal of Order to Correct Violations of 105 CMR 410.000, The State Sanitary Code, Chapter II: Minimum Standards of Fitness for Human Habitation
77 HEMLOCK LANE, SOUTH DENNIS**

Mr. Perrino read the legal notice: An appeal of order to correct violations of 105 CMR 410.000, The State Sanitary Code, Chapter II: Minimum Standards of Fitness for Human Habitation, for Maryann Terranova, 77 Hemlock Lane, South Dennis.

Maryann Terranova and John Davis, were present. Mr. Hayes stated that after the Health Department received a complaint, an inspection was done at the property. They were given 30 days to take care of the violations. Ms. Terranova stated that they have completed 4 of the 7 violations. She needs to get the front steps replaced along with the threshold underneath. The ceiling in the kitchen and bathroom are under construction from water damage. Ms. Terranova stated because of financial reasons they would need a few more months to take care of all of the repairs. The property is not being rented, it is owner occupied.

Ms. Chamberlain moved to grant an extension to correct all violations for Maryann Teranova, 77 Hemlock Lane, South Dennis, until the July 9, 2009 Board of Health Meeting. Also as repairs are made, Ms. Terranova is required to call the Health Department for inspections to narrow down the existing violations.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 3

OPPOSED 0

J. Saaed A. Chaudhry, Pres., Dennis Food & Package, Inc., d/b/a Dennis Food & Package- Show Cause Hearing for Violation of the Town of Dennis by-law for The Sale & Distribution of Tobacco Products
894 ROUTE 134, SOUTH DENNIS

Mr. Perrino read the legal notice: A show cause hearing for Saaed A. Chaudry., Pres., Dennis Food & Package, Inc., d/b/a Dennis Food & Package, for a show cause hearing for violation of the Town of Dennis by-law for the sale & distribution of tobacco products.

Attorney Paul Tardiff submitted a letter to the Health Department on February 11, 2009, in which he requested a continuance of the hearing.

Ms. Chamberlain moved to continue the show cause hearing for Saaed A. Chaudhry, Dennis Food & Package Inc., d/b/a Dennis Food & Package to the March 12, 2009 Board of Health meeting.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

K. VOTE to approve the proposed amendment to the Town of Dennis Hawker & Peddler/Transient Vendor Regulations, Section VI: Hawker & Peddler, Pursuant to MGL, C. 111, S. 31.

Ms. Chamberlain moved to approve the proposed amendment to the Town of Dennis Hawker & Peddler/Transient Vendor Regulations, Section VI: Hawker & Peddler, Pursuant to MGL, C. 111, S. 31.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

II. AGENDA ITEMS

1. Peter Berrien-Request to Reduce Testing & Service Requirements for Singulair Treatment System
123 NEW BOSTON ROAD, DENNIS

Mr. Robin Wilcox, Sweetser Engineering, was present on behalf of the owner. Testing of the system has been done for the past two years and the system is working well.

Ms. Chamberlain moved to reduce the testing and service requirement for the singular system to once a year at the time of their regular maintenance for the system for Peter Berrien, 123 New Boston Road, Dennis.

Ms. Bird seconded motion.

VOTED

**IN FAVOR 3
OPPOSED 0**

**2. Chester J. Deluga- Request to Reduce Testing & Service Requirements for FAST Treatment System
6 DR. BOTTERO ROAD, DENNIS**

Chester Deluga requested to be excused from the meeting. The system has been tested for two years and all testing has been normal.

Ms. Chamberlain moved to reduce the testing and service requirement for the FAST Treatment System to once a year to be done at the time of their regular maintenance with a report to be submitted to the Health Department for Chester J. Deluga, 6 Dr. Bottero Road, Dennis.

Ms. Bird seconded the motion.

VOTED

**IN FAVOR 3
OPPOSED 0**

**3. Everett W. Boy, Jr.- Request for One Year Extension to the Disposal System Construction Permit and Variance Approval
53/55 COVE ROAD, WEST DENNIS**

Mr. Jim Haggerty was present on behalf of the owner. They are looking to begin the project within the next 12 months from now. The original permit was issued 6/28/2007 and expired 6/28/2008. The current permit expires of 5/6/09. they are allowed one more extension of the permit application. Mr. Hayes explained the policy of the Health Department's permit renewal process. The property has a vacant home on the property now. If they apply for a permit before 5/6/2009, they will extend the permit until 2010, and the board will further extend the permit until 2011.

Ms. Chamberlain moved to grant the request for a one year extension of the Disposal System Construction Permit and Variance Approval for Everett W. Boy, Jr., 53/55 Cove Road, West Dennis.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

III. MINUTES

- **Regular meeting of January 8, 2009**

Ms. Chamberlain stated that the minutes of the regular meeting of January 8, 2009 will have to be approved at the March 12, 2009 Board of Health meeting.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

- **Work Session of January 22, 2009**

Ms. Chamberlain stated that the minutes of the work session of January 22, 2009 will have to be approved at the March 12, 2009 Board of Health meeting.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

The meeting adjourned at 8:17 p.m.

jmc

