

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

Present: Chairman Covell, Vice Chairman Perrino and Members Bird, Chamberlain and Bunce

Staff: Director Hayes, Secretary Hodgdon

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

I. ACTION

- A. Richard C. Smithson – Variance Application (New Construction – Cont. from 2/12/09)
480 (498) OLD CHATHAM ROAD, SOUTH DENNIS, M180-7**

Mr. Covell read the legal notice: Continued hearing from 2/12/09. A variance application for Richard C. Smithson, 480 (498) Old Chatham Road, South Dennis who seeks a 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.

Robin Wilcox of Sweetser Engineering, Inc. represented the application. Mr. Perrino and Ms. Chamberlain excused themselves for the application. Mr. Bunce asked what the room will be used for. Mr. Wilcox said it will be used as a living room, the existing house does not have one. There were no abutters present.

Mr. Bunce moved to approve the variance application as per the memo dated March 3, 2009, for Richard C. Smithson, 480 (498) Old Chatham Road, South Dennis.

Ms. Bird seconded the motion.

VOTED

**IN FAVOR 3
OPPOSED 0**

- B. James & Irene John – Variance Application (New Construction)
8 CAMELOT WAY, DENNIS, M367-60 – Brian Yergatian, P.E., BSC Group, Inc.**

Mr. Covell read the legal notice: A variance application for James & Irene John, 8 Camelot Way, Dennis, who seeks the following variances from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

Town of Dennis

Reg. 9.0 **Variance of 16” requested from the primary soil absorption system to the bordering vegetated wetlands.**

Variance of 21” requested from the reserve soil absorption system to the bordering vegetated wetlands.

Reg. 16.B(2) **Variance requested to allow the proposed nitrogen loading to exceed 5 ppm (7.1) proposed) in an Environmentally Sensitive Area.**

Brian Yergatian of BSC Group, Inc. represented the application. The proposed I/A System is to replace the existing Title 5 due to the proximity to a wetland; the lot is in an ESA. Ms. Chamberlain asked Mr. Yergatian if he has been to the Conservation Commission yet. Mr. Yergatian said no, but he has filed. Mr. Hayes stated that an extra test hole needs to be done. Ms. Chamberlain asked if the plan included ultra violet. Mr. Yergatian said no. Ms. Chamberlain requested ultra violet be added to the plan and also asked Mr. Yergatian to re-design the placement of the access stairs in the garage. Mr. Yergatian said they open to a stairwell. Mr. Hayes explained that according to the regulations the proposed room over the garage would be considered a bedroom with stairs leading to it as shown on the plan. Mr. Yergatian said he will consult the owners and their architect, that he couldn't make that decision for them. Mr. Covell suggested a continuance so that Mr. Yergatian can consult with the owners. There were no abutters present.

Ms. Chamberlain moved to continue the variance application for James & Irene John, 8 Camelot Way, Dennis to the April 9, 2009 BOH meeting.

Mr. Bunce seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

**C. Barrel Boat, LLC – Variance Application (Voluntary Upgrade)
255 LOWER COUNTY ROAD, DENNISPORT, M37-36 – Stephen A. Haas, P.E.,
Eagle Surveying, Inc.**

Mr. Covell read the legal notice: A variance application for Barrel Boat, LLC, who seek variances from 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 55 Lower County Road, Dennisport, MA

Title 5

15.211(1): Variance of 5' requested from the soil absorption system to the property line.

Variance of 9' requested from the soil absorption system to the bordering vegetated wetland.

Variance of 9' requested from the soil absorption system to the foundation.

15.212(b): Variance of 1' requested from the 5' separation requirement between the bottom of the soil absorption system and maximum groundwater.

Town of Dennis

Reg. 9.0: Variance of 5' requested from the soil absorption system to the property line.

Variance of 59' requested from the soil absorption system to the bordering vegetated wetland.

Variance of 9' requested from the soil absorption system to the foundation.

Reg. 8(D)-1: Variance of 1' requested from the 5' separation requirement between the bottom of the soil absorption system and maximum groundwater.

Steve Haas of Eagle Surveying represented the application stating there are two (2) retail buildings on one (1) parcel of land served by a cesspool. The owner wants to upgrade as per the memo dated March 5, 2009 and there are no plans to renovate at this time. The retail use is a gift shop and is seasonal.

Mr. Perrino moved to approve the variance application as per the memo dated March 5, 2009 with the following conditions:

- 1. Water-saving devices shall be installed and verified by the Dennis Plumbing Inspector.**
- 2. No alteration of the floor plans to the buildings without further review by the Board of Health.**

Mr. Bunce seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

**D. Robert McGrath – Variance Application (New Construction)
261 SESUIT NECK ROAD, EAST DENNIS, M394-4 – Stephen A. Haas, P.E., Eagle
Surveying, Inc.**

Mr. Covell read the legal notice: A variance application for Robert McGrath who seeks a variance from the Town of Dennis Regulations for Subsurface Disposal of Sewage, for the property located at 261 Sesuit Neck Road, East Dennis, MA.

Town of Dennis

Reg. 16.B: Variance requested to allow new construction in an Environmentally Sensitive Area.

Steve Haas, Eagle Surveying, Inc. represented the application. This is a newly created lot in an Environmentally Sensitive Area and new construction is proposed. Mr. Haas stated that the plan meets all Title 5 and board of Health requirements. The application will be presented at the April 2nd Conservation Committee meeting. Mr. Perrino asked about landscaping and if it will change the calculations. Mr. Haas wasn't sure. Ms. Chamberlain asked Mr. Haas to submit the landscape plan when there is one to Mr. Hayes for review. Mr. Haas agreed to do so. There were no abutters present.

Ms. Chamberlain moved to approve the variance application for Robert McGrath, 261 Sesuit Neck Road, East Dennis contingent on the applicant submitting a landscape plan to Mr. Hayes 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.**
- 7. 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 seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

**E. Dorothy O’Toole – Variance Application (Failed System)
35 WOODLAND DRIVE, WEST DENNIS, M49-54 – Darren Meyer, R.S.**

Mr. Covell read the legal notice: A variance for Dorothy A. O’Toole/Stephen O’Toole who seeks 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 35 Woodland Drive, West Dennis, MA.

Title 5

15.211(1): Variance of 4’ requested from the septic tank to the dwelling.

Variance of 2’ requested from the pump chamber to the dwelling.

Variance of 15’ requested from the soil absorption system to the crawl space.

Variance of 9” requested to allow the adjusted groundwater to be 3” from the inlet and outlet pipes (12” required).

Town of Dennis

Reg. 9.0: Variance of 4’ requested from the septic tank to the dwelling.

Variance of 2’ requested from the pump chamber to the dwelling.

Variance of 15’ requested from the soil absorption system to the crawl space.

Darren Meyer represented the application. Ms. Chamberlain requested that an ultraviolet treatment unit be included in the design, due to the location. Mr. Meyer agreed to add it to the plan. There were no abutters present.

Ms. Chamberlain moved to approve the variance application for Dorothy O’Toole, 35 Woodland Drive, West Dennis, as per the memo dated March 5, 2009, contingent on submitting revised septic plans to show an ultraviolet treatment unit to the Health Department and 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. **The exposed retaining wall shall have a soil, vegetative, or textured covering.**
- 5. **Record variances and conditions at the Registry of Deeds to run with the property with a COPY TO THE HEALTH DEPARTMENT.**
- 6. **The design engineer shall submit a certified as-built plan, with elevations, to the Health Department.**
- 7. **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**
- 8. **A signed operation and maintenance agreement for the ultraviolet disinfection unit shall be submitted to the Health Department prior to the release of the Disposal System Construction Permit. The effluent shall be tested for fecal coliform four (4) times per year.**
- 9. **A time-run meter shall be installed and hard-wired into the main electrical panel.**
- 10. **An engineered report shall be submitted to the Board of Health after any inundation of the system, due to flood or natural causes.**

Ms. Bird seconded the motion.

VOTED

INFAVOR 5
OPPOSED 0

**F. Nicholas & Lorna Paone – Variance Application (Addition)
 34 NORTH ROAD, WEST DENNIS, M27-26 – Robert Perry, P.E., Cape Cod Engineering, Inc.**

Mr. Covell read the legal notice: A variance for Nicholas & Lorna Paone who seek a variance from the Town of Dennis Regulations for Subsurface Disposal of Sewage, for the property located at 34 north Road, West Dennis, MA.

Town of Dennis

Reg. 16.B: Variance requested to allow an addition in an Environmentally Sensitive Area and relief from additional criteria of Reg. 16.B, as deemed just by the Board.

Robert Perry, Cape Cod Engineering, Inc. was present for the variance application. Mr. Perry stated that the owner wishes to add living area and a garage to the existing three (3) bedroom

home which will remain a three (3) bedroom home and that the roofline is such that there is no headroom in the garage. There is no proposed work to the septic system. Ms. Chamberlain expressed her appreciation to Mr. Perry for appearing before the Conservation Commission before coming to the Board of Health. There were no abutters present.

Ms. Chamberlain moved to approve the variance application for Nicholas & Lorna Paone, 34 North Road, West Dennis, as per the memo dated March 5, 2009 provided any existing prior conditions be maintained and 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 5

OPPOSED 0

**G. Ronald & Karen Lambert, Jr. – Variance Requested from the Habitable Space Requirements of the State Sanitary Code, 105 CMR 410.000, Chapter II: Minimum Standards of Fitness for Human Habitation
8B SUPREME WAY, DENNISPORT, M57-55**

Mr. Covell read the legal notice: A variance for Ronald & Karen Lambert, Jr. who seek a variance from the habitable space requirements of the State Sanitary Code, 105 CMR 410.000, Chapter II: Minimum Standards of fitness for Human Habitation, for the property located at 8B Supreme Way, Dennisport, MA.

Ronald Lambert, Jr. was present for the application. Mr. Lambert approached the Board of Health because the property is rented currently with a maximum of 5 tenants allowed. One of the tenants is having a child and so Mr. Lambert is requesting an increase in occupancy.

Ms. Chamberlain moved to approve the request for a variance from the habitable space requirements of the State Sanitary Code, 105 CMR 410.000, Chapter II: Minimum Standards of fitness for Human Habitation, for the property located at 8B Supreme Way, Dennisport, MA as per the memo dated February 24, 2009 to allow six (6) people.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

**H. 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 and Distribution of Tobacco Products (Cont. from 2/12/09)
894 ROUTE 134, SOUTH DENNIS, M218-4**

Mr. Covell read the legal notice: A show cause hearing for Dennis Food & Package, Inc. Saaed Chaudhry, Pres., d/b/a Dennis Food & Package, 894 Route 134, South Dennis, for violation (first offense) of the Town of Dennis By-Law for the Sale and Distribution of Tobacco Products.

Saaed A. Chaudhry and Attorney Paul Tardiff were present for the application. Mr. Tardiff explained this is a first offense for the applicant, they do not contest the facts and that he understands the responsibility that comes with a license for the Sale of Tobacco Products. Mr. Chaudhry has re-educated his staff regarding the policy. The policy anyone under the age of 40, if youthful in appearance will require ID before a sale is made.

There were no abutters present.

Mr. Perrino moved pursuant to the Town of Dennis By-Law to issue a warning and request Mr. Chaudhry provide appropriate training for employees regarding the Town of Dennis By-Law for the Sale and Distribution of Tobacco Products.

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

**I. Lalit Gandhi d/b/a The Jonathan Edwards Motel – Show Cause Hearing for Revocation or Suspension of the License to Operate as a Motel, in accordance with MGL, Chapter 140, Sections 32B & 32C
393 MAIN STREET, DENNISPORT, M73-14**

Mr. Covell read the legal notice. A show cause hearing for Lalit Gandhi d/b/a The Jonathan Edwards Motel, 393 Main Street, Dennisport, MA for the revocation or suspension of the license to operate a motel, in accordance with M.G.L., Chapter 140, Sections 32B & 32C.

Gary Sousa represented the application on behalf of the owners. There were many tenants of the Motel present. Mr. Sousa had a letter from Mr. Gandhi who was unable to attend the meeting because he was in India. The letter stated that Mr. Gandhi has earmarked money for improvements to the Motel and is trying to move the tenants out so that the renovation can be done. Mr. Gandhi's plan is to be open Memorial Day through Labor Day. He asks for time and understanding. His plan is to renovate the entire Motel. Chairman Covell asked the board for comments. Mr. Bunce said the people are not renting at the Motel on a nightly or weekly basis, they are living there as a primary residence. The tenants spoke out of order saying that all of them live there. Mr. Sousa stated the owner wants to use the Motel as a Motel and he doesn't

wish to continue the long term rentals. Discussion ensued about the disrepair and improper use of the property. Chairman Covell called the meeting to order and asked for a spokesperson on behalf of the tenants due to all of them talking at once while Mr. Sousa had the floor. Michael Barry, acting manger, spoke on behalf of the tenants. He said Mr. Gandhi visited the Motel on Saturday with his representatives and gave him a letter stating the tenants had to be out by March 15, 2009. He went on at length about the improvements he and the tenants have made and went on to say they can't possibly find other living arrangements in a few days. Chairman Covell kept reminding those present that the Board has no issues with the tenants, but with the owner. He also stated, again, that the issue before the board tonight is the Motel is not being operated in accordance with the license. The license is a Motel license only and 30 days is the maximum number of days tenants can stay. Mr. Barry said his understanding is that all the violations are minor in nature. Chairman Covell disagreed and said there is significant documentation to the contrary and asked Health Agent Jen Flood to address the issue. Mrs. Flood stated the room violations are considered minor, but there are structural issues such as the roof being water logged, icicles hanging from the roof in several places, the apartment above the office being illegally rented and she suspects electrical problems due to tenants having full size refrigerators in some of the units, fish tanks etc. She stated the building is not being used as a Motel. Mrs. Flood said there are still violations that need to be rectified. Chairman Covell said the mangers have to go back to the owner, 3 days for tenants to be out is unreasonable. Mr. Perrino agreed with the Chairman's comments and said the Jonathan Edwards is not being operated in accordance with the license issued to that establishment and that's why we're here tonight. Mr. Perrino agreed consideration has to be given to the tenants. He said he was going to move to stop operating which means Mr. Ghandi is in violation. Mr. Hayes emphasized Mr. Ghandi has a Motel license. He is not allowed to have long term residents. Mr. Barry said the license is actually a "split license". Mr. Hayes, again, stated the license is for transient use only. There was further discussion regarding the license and the reason for the hearing is about the use of the building. Mr. Covell clarified that the owner either has to apply for a change in use or use the building as a Motel. Some tenants spoke and expressed their concerns. Mr. Perrino said the owner needs to address these issues with the Board. The owner needs to appear before the Board.

Mr. Perrino moved to find that the Jonathan Edwards Motel, 393 Main Street, Dennisport, is being operated in violation of the motel license issued to it.

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

Mr. Perrino made a subsequent motion to suspend the Motel License for the Jonathan Edwards Motel, 393 Main Street, Dennisport, effective April 13, 2009.

Ms. Chamberlain seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

Mr. Covell called a five minute break. Mr. Perrino left at 8:23 p.m.

**J. Ronald Hague – Appeal of Health Department’s Decision to Suspend Disposal System Construction Permit (Cont. from 1/8/09)
97 NEW BOSTON ROAD, DENNIS, M304-26**

Mr. Covell read the legal notice: This is a continued hearing for an appeal by Ronald 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.

Ronald Hague was present for the application. Mr. Hague requested to withdraw his application without prejudice.

**Mr. Bunce motioned to allow Mr. Hague withdraw the application without prejudice.
Ms. Bird seconded the motion.**

VOTED

**IN FAVOR 4
OPPOSED 0**

**K. Baxter Street Condominium Trust/Jean M. Cleary – Show Cause Hearing for Failure to Maintain an Operation & Maintenance Contract for the I/A Septic System (Cont. from 2/12/09)
20 (22) BAXTER STREET, BAXTER STREET CONDO., SOUTH DENNIS, M85-12**

Mr. Covell read the legal notice: Continued show cause hearing for Baxter Street Condominium Trust/Jean M. Cleary for failure to maintain an operation and maintenance contract for the Innovative/Alternative septic System located at 20 (22) Baxter Street Condominium, South Dennis, MA, in accordance with the provisions of 310 CMR 15.000, The State Environmental Code, Title 5 and the variance conditions set forth by the Dennis Board of Health.

No one was present for the application. Mr. Covell asked Mr. Hayes for a recommendation. Mr. Hayes recommended the Board move forward with a criminal citation.

Ms. Chamberlain moved to move forward with a criminal citation for Failure to Maintain an Operation & Maintenance Contract for the I/A Septic System at 20 (22) Baxter Street, Baxter Street Condo, South Dennis as per the memo dated February 20, 2009.

Mr. Bunce seconded the motion.

VOTED

IN FAVOR 4
OPPOSED 0

**L. Derek Mullikin - Show Cause Hearing for Failure to Maintain an Operation & Maintenance Contract for the I/A Septic System
21 STAFFORD CIRCLE, DENNISPORT, M102-62**

Mr. Covell read the legal notice: A show cause hearing for Derek Mullikin for failure to maintain an operation and maintenance contract for the Innovative/Alternative septic System located at 21 Stafford Circle, Dennisport, MA, in accordance with the provisions of 310 CMR 15.000, The State Environmental Code, Title 5 and the variance conditions set forth by the Dennis Board of Health.

Mr. Mullikin was not able to attend, but forwarded a request to be removed from the agenda because the contract with Wastewater Treatment has been renewed resolving the issue.

Ms. Chamberlain moved to remove the item from the agenda as per the memo from Derek Mullikin dated March 12, 2009.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 4
OPPOSED 0

**M. Cesar Coelho – Show Cause Hearing for Failure to Comply with an Order to Correct a Violation of 310 CMR 15.000, The State Environmental Code, Title 5
134 & 136 TELEGRAPH ROAD, DENNISPORT, M103-37**

Mr. Covell read the legal notice: A show cause hearing for Cesar Coelho for failure to comply with an order issued by the Health Department to correct a violation of 310 CMR 15.000, The State Environmental Code, Title 5, at 134 & 136 Telegraph Road, Dennisport, MA.

No one was present for the application. Mr. Covell asked Mr. Hayes if there were any updates. Mr. Hayes said there has been no contact and recommended the Board file a criminal application.

Ms. Chamberlain motioned to proceed with filing a criminal application for failure to comply with The State Environmental Code, Title 5: Standard Requirements for the Siting, construction, Inspection, Upgrade and Expansion of On-Site Sewage Treatment and Disposal of Septage for the property located at 134 & 136 Telegraph Road, Dennisport, MA

Ms. Bird seconded the motion.

VOTED

IN FAVOR 4
OPPOSED 0

N. Kevin Kiernan – Show Cause Hearing for Failure to Comply with an Order to Correct a Violation of 310 CMR 15.000, The State Environmental Code, Title 5 139 CAPT. CHASE ROAD, DENNISPORT, M36-123

Mr. Covell read the legal notice: A Show cause hearing for Anne Kelly Realty Trust for failure to comply with an order issued by the Health Department to correct a violation of 310 CMR 15.000, The State Environmental Code, Title 5, at 139 Capt. Chase Road, Dennisport, MA.

Mr. Kiernan submitted a letter to the Health Department explaining the delay in installing a new septic system and that he has hired Chase & Merchant to install a system which will be completed by March 31, 2009. A Disposal System Construction Permit was issued to Chase & Merchant on February 7, 2009. Mr. Covell asked for a motion to remove the item from the agenda.

Ms. Chamberlain moved to remove the item from the agenda.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 4
OPPOSED 0

O. Anne Kelly Realty Trust – Show Cause Hearing for Failure to Comply with an Order to Correct a Violation of 310 CMR 15.000, The State Environmental Code, Title 5 41 CEDAR LANE, SOUTH DENNIS, M112-1

Mr. Covell read the legal notice: A show cause hearing for Anne Kelly Realty Trust for failure to comply with an order issued by the Health Department to correct a violation of 310 CMR 15.000, The State Environmental Code, Title 5, at 41 Cedar Lane, South Dennis, MA.

Craig Kelly requested in writing to continue the application until the April 9, 2009 meeting. He is unable to attend this evening. See memo dated March 5, 2009.

Ms. Chamberlain moved to continue the application to the April 9, 2009 meeting.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 4
OPPOSED 0

P. Thomas Banks - Show Cause Hearing for Failure to Comply with an Order to Correct a Violation of 310 CMR 15.000, The State Environmental Code, Title 5 56 FERNCLIFF ROAD, DENNISPORT, M38-100

Mr. Covell read the legal notice: A show cause hearing for Thomas Banks for failure to comply with an order issued by the Health Department to correct a violation of 310 CMR 15.000, The State Environmental Code, Title 5, at 56 Ferncliff Road, Dennisport, MA.

Mr. Banks submitted a written request asking the board to continue the hearing to the April 9, 2009 Board of Health meeting. Mr. Banks is in the process of accepting bids for the septic upgrade.

Ms. Chamberlain moved to continue the show cause hearing for Thomas Banks to the April 9, 2009 meeting for the property located at 56 Ferncliff Road, Dennisport, MA.

Ms. Bird seconded the motion.

VOTE

**IN FAVOR 4
OPPOSED 0**

Q. George Young - Show Cause Hearing for Failure to Comply with an Order to Correct a Violation of 310 CMR 15.000, The State Environmental Code, Title 5 101 LAWRENCE ROAD, DENNISPORT, M53-23

Mr. Covell read the legal notice: A show cause hearing for George Young for failure to comply with an order issued by the Health Department to correct a violation of 310 CMR 15.000, The State Environmental Code, Title 5, at 101 Lawrence Road, Dennisport, MA.

Mr. Young was present for the hearing and stated that his realtor told him that he needed to have a Title 5 inspection done. The system failed and Mr. Young decided not to sell and did not realize he was required to upgrade the system if he didn't sell. Mr. Hayes stated the system is resting in groundwater and needs to be upgraded. Mr. Covell said that Mr. Young is required to upgrade and allowed him two (2) years to do so. Mr. Hayes referred Mr. Young to Kendall Ayers at Barnstable County Health Department, 508-375-6610, who runs the county wide community loan program.

Ms. Chamberlain moved to give Mr. Young a two (2) year extension to upgrade the septic system for the property located at 101 Lawrence Road, Dennisport, MA, with the requirement that Mr. Young report his progress to Noreen Dutson, Health Department throughout the process.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 4

OPPOSED 0

R. Phillip Curran - Show Cause Hearing for Failure to Comply with an Order to Correct a Violation of 310 CMR 15.000, The State Environmental Code, Title 5 169 SHAD HOLE ROAD, DENNISPORT, M55-85

Mr. Covell read the legal notice: A show cause hearing for Phillip Curran for failure to comply with an order issued by the health Department to correct a violation of 310 CMR 15.000, The State Environmental Code, Title 5, at 169 Shad Hole Road, Dennisport, MA.

Robin Wilcox represented the application. The property is uninhabited. Mr. Covell suggested the item be removed from the agenda.

Ms. Chamberlain moved to remove Item R.- Phillip Curran - Show Cause Hearing for Failure to Comply with an Order to Correct a Violation of 310 CMR 15.000, The State Environmental Code, Title 5 for 169 Shad Hole Road, Dennisport, MA, from the agenda.

Mr. Bunce seconded the motion.

VOTED

IN FAVOR 4

OPPOSED 0

S. Philip Curran - Show Cause Hearing for Failure to Comply with an Order to Correct a Violation of 310 CMR 15.000, The State Environmental Code, Title 5 171 SHAD HOLE ROAD, DENNISPORT, M37-32

Mr. Covell read the legal notice: A show cause hearing for Phillip Curran for failure to comply with an order issued by the health Department to correct a violation of 310 CMR 15.000, The State Environmental Code, Title 5, at 171 Shad Hole Road, Dennisport, MA.

Robin Wilcox represented the application. The property is uninhabited. Mr. Covell suggested the item be removed from the agenda.

Ms. Chamberlain moved to remove Item S.- Phillip Curran - Show Cause Hearing for Failure to Comply with an Order to Correct a Violation of 310 CMR 15.000, The State Environmental Code, Title 5 for 171 Shad Hole Road, Dennisport, MA, from the agenda.

T. Annual Appointments: Health Director, Health Agents, Environmental Coordinator, Hazardous Waste Coordinator, Milk Inspector, Burial Agent and Staff and Board Liaison to Water Quality Advisory Committee

Ms. Chamberlain moved to accept the Annual Appointments as printed on the memo dated March 6, 2009, with terms to expire on March 31, 2010.

Mr. Bunce seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

II. MINUTES

1. Regular Meeting of January 8, 2009

**Ms. Bird motioned to accept the minutes of January 8, 2009 as written.
Mr. Covell seconded the motion.**

**IN FAVOR 4
OPPOSED 0** **VOTED**

PRESENT: Members Chamberlain and Bunce.

2. Work Session of January 22, 2009

**Ms. Chamberlain motioned to accept the minutes of January 22, 2009 as written.
Ms. Bird seconded the motion.**

**IN FAVOR 4
OPPOSED 0** **VOTED**

PRESENT: Members Bird and Bunce.

3. Regular Meeting of February 12, 2009

**Ms. Chamberlain motioned to accept the minutes of February 12, 2009 as written.
Ms. Bird seconded the motion.**

**IN FAVOR 4
OPPOSED 0** **VOTED**

PRESENT: Chairman Covell and Member Bunce.

4. Work Session of February 26, 2009.

**Ms. Chamberlain motioned to accept the minutes of February 26, 2009 as written.
Ms. Bird seconded the motion.**

IN FAVOR 4

OPPOSED 0

VOTED

PRESENT: Member Bunce.

The meeting adjourned at 9:15 p.m.

jh