

**BOARD OF HEALTH MEETING
THURSDAY, APRIL 9, 2009
DENNIS TOWN OFFICES
LARGE HEARING ROOM**

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

Staff: Director Hayes, Secretary Clarke

Chairman Covell called the meeting to order at 7:05 p.m.

I. ACTION

**A. James & Irene John-Variance Application (New Construction-Cont. from 3/12/09)
8 CAMELOT WAY, DENNIS**

Mr. Covell read the legal notice: A variance application for James & Irene John, 8 Camelot Way, Dennis, who seeks the follow variance 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, BSC Group, was present on behalf of the owner. This matter was continued from March 12, 2009. They have scheduled an additional soil evaluation on site and they have incorporated an ultraviolet treatment system. They have also relocated the stairwell from the unfinished storage room above the garage so that they do not open up into the main house. Mr. Yergatian explained the three different variances they are requesting. The system is as far away from the resource area as possible.

Ms. Chamberlain moved to approve the variance application as per the memo dated April 3, 2009, for James & Irene John, 8 Camelot Way, Dennis, 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 plan, with elevations, to the Health Department.**
- 6. **A signed maintenance agreement for the alternative system shall be submitted to the Health Department, prior to 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 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. This effluent shall be tested for fecal coliform four (4) times per year.**
- 8. **A time-run meter shall be installed and hard-wired into the main electrical panel.**
- 9. **An engineered report shall be submitted to the Board of Health after inundation of the system, due to flood or natural causes.**

Ms. Bird seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

**B. F. N Maddix Realty Trust/Kodiak the Bear Realty Trust-Variance
Application (New Construction)
14 NORTH STREET, EAST DENNIS**

Mr. Covell read the legal notice: A variance application for F.N Maddix Realty Trust/Kodiak the Bear Realty Trust, 14 North Street, East Dennis, who seeks the following variances from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

Town of Dennis

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

Mr. Robert Perry, Cape Cod Engineering, was present on behalf of the owner. Mr. Perry has been working with this property for a number of years and has recently designed a septic system. This property is about a 2.5 acre lot. They are proposing to construct a new four bedroom dwelling with a finished basement. The proposed septic system will be about 155' feet away from the edge of the marsh. The septic system will consist of a 2000 gallon septic

tank and meets all of the Dennis Regulations and Title 5 Regulations. Mr. Perry explained changes made to the plans requested by Director Hayes. They are requesting a waiver from Regulation 9.0 from the Dennis Regulations.

Ms. Chamberlain moved to waive the Town of Dennis Regulation 9.0 and to approve the variance application as per the memo dated April 1, 2009, for F.N Maddix Realty Trust/Kodiak The Bear Realty Trust, 14 North Street, East Dennis, 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 plan, with elevations, to the Health Department.**
6. **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**

**C. Eric & Lynn Anderson-Variance Application (Addition)
117 SOUTH STREET, EAST DENNIS**

Mr. Covell read the legal notice: A variance application for Eric & Lynn Anderson, 117 South Street, East Dennis, who seeks the following variances from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

Town of Dennis

Reg. 16.B: Variance requested to allow alterations to a dwelling in an Environmentally Sensitive Area (propose to finish basement).

Mark Grant, Contractor, was present along with the owner, Eric Anderson. They are proposing to finish off the basement of the house. The floor plan that was submitted was that of the original house. Ms. Chamberlain stated that this property drops down to Chase Garden Creek. Mr. Hayes explained the nitrogen loading calculations of this property. Ms. Chamberlain stated that she is not in favor of increasing the nitrogen loading without further I/A technology. Mr. Covell stated that I/A technology needs to be added to this project to receive an approval from the Board of Health. Mark Grant requested a postponement until the May 14, 2009 Board of Health meeting. They will not need to reapply and there will be no

further costs to continue this agenda item. Mr. Perrino requested that the minutes from the 2001 Board of Health Meeting from this property be included in next month's packet.

Ms. Chamberlain moved to continue the variance application as per the memo dated April 1, 2009, for Eric & Lynn Anderson, 117 South Street, East Dennis, to the May 14, 2009 Board of Health meeting.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

**D. Peter Cosenza- Variance Application (Addition)
158 CAPTAIN CHASE ROAD, DENNISPORT**

Mr. Covell read the legal notice: A variance application for Peter Cosenza, 158 Captain Chase Road, Dennisport, who seeks the following variances from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

Town of Dennis

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

Peter Cosenza, owner, was present. Mr. Cosenza explained to the Board that a new septic system was installed in 1997. There are currently two bedrooms on the first floor. They are looking to add a second floor to the house and re-locate the two bedrooms to the second floor, and make a family room on the first floor. There is not going to be a change in the number of bedrooms.

Mr. Perrino moved to approve the variance application as per the memo dated April 1, 2009, for Peter Cosenza, 158 Captain Chase Road, Dennisport, having the conditions from the previous variance request still applies.

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

E. T. Joseph & Alison Almond: 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
13 WHORTLEBERRY LANE, DENNISPORT

Mr. Covell read the legal notice: A variance request from the habitable space requirements of the Habitable Space Requirements of the State Sanitary Code, 105 CMR, 410.000, Chapter II: Minimum Standards of Fitness for Human Habitation, for T. Joseph & Alison Almond, 13 Whortleberry Lane, Dennisport.

Ms. Joseph Almond, owner, was present. Mr. Almond explained the history of the property. Previously this property was used for family only. This year they have decided to begin renting out the property. Mr. Almond found properties located around his house that have less square footage and have a higher occupancy.

Mr. Perrino moved to approve the request for 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 13 Whortleberry Lane, Dennisport, as per the memo dated March 23, 2009 to allow five (5) people.

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

F. Anne Kelly Realty Trust/Craig T. Kelley- 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 (cont. from 3/12/09)
41 CEDAR LANE, SOUTH DENNIS

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

Craig Kelly, owner was present. Mr. Kelly stated that the property has been uninhabited for about 6 years. Currently they are not able to renovate the property due to financial reasons. Mr. Covell stated that this property is uninhabitable until the septic system is upgraded.

Mr. Perrino moved to grant a one (1) year extension to upgrade the septic system for Anne Kelly Realty Trust/Craig T. Kelley, 41 Cedar Lane, South Dennis as per memo dated March 18, 2009. Mr. Perrino also stated that if after one (1) year, the owner is still not able to upgrade the septic system, he can write a letter to the Board of Health, and be

granted an additional one (1) year extension and would not be required to attend an additional Board of Health meeting.

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

**G. 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 (cont. from 3/12/09)
56 FERNCLIFF ROAD, DENNISPORT**

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

No one was present on behalf of the owner. Mr. Hayes informed the Board that a Disposal System Construction Permit was issued on April 6, 2009.

Ms. Chamberlain moved to remove the show cause hearing for Thomas Banks, 56 Ferncliff Road, Dennisport, from the agenda.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

**H. John & Diane Bianco- 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.
292 MAIN STREET (RTE 28), WEST DENNIS**

Mr. Covell read the legal notice: A show cause hearing for John & Diane Bianco, 292 Main Street, West Dennis, for failure to comply with an order to correct a violation of 310 CMR 15.000, The State Environmental Code, Title 5.

Ms. Diane Bianco, owner, was present. Ms. Bianco stated that she is requesting an extension to upgrade the septic system. She stated that this property was put on the market about three (3) years ago. The property is currently still on the market. Ms. Bianco stated that there is a tight tank at this property and there is no washing machine or dryer on site.

Ms. Bird moved to grant a one (1) year extension to upgrade the septic system for John and Diane Bianco as per memo dated March 31, 2009. Mr. Bird also stated that if after one (1) year, the owner is still not able to upgrade the septic system, she can write a letter to the Board of Health, and be granted an additional one (1) year extension and would not be required to attend an additional Board of Health meeting.

Mr. Bunce seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

**I. B.M.M. Realty Trust/Richard Brown- 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.
81 ACORN ROAD, EAST DENNIS**

Mr. Covell read the legal notice: A show cause hearing for B.M.M. Realty Trust/Richard Brown, 81 Acorn Road, East Dennis, for failure to comply with an order to correct a violation of 310 CMR 15.000, The State Environmental Code, Title.

No one was present on behalf of the owner. Mr. Brown submitted a letter to the Health Department requesting an extension until the May 14, 2009 Board of Health Meeting.

Ms. Chamberlain moved to continue the show cause hearing for B.M.M Realty Trust/Richard Brown, 81 Acorn Road, East Dennis to the May 14, 2009 Board of Health meeting.

Ms. Bird seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

**J. Roseangela Miller- Show Cause Hearing for Failure to Maintain an Operation and Maintenance Contract for the I/A Septic System.
14 & 16 REDWING PLACE, DENNISPORT**

Mr. Covell read the legal notice: A show cause hearing for Roseangela Miller, 14 & 16 Redwing Place, Dennisport, for failure to maintain an operation and maintenance contract for the I/A septic system.

No one was present on behalf of the owner. Ms. Miller submitted an e-mail requesting a continuance until the May 14, 2009 Board of Health meeting to allow her time to hire a new service provider.

Ms. Chamberlain moved to continue the show cause hearing for Roseangela Miller, 14 & 16 Redwing Place, Dennisport, until the May 14, 2009 Board of Health meeting.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

K. Marilyn Spahr: Show Cause Hearing for Failure to Maintain an Operation and Maintenance Contract for the I/A Septic System.
17 WAGER LANE, DENNIS

Mr. Covell read the legal notice: A show cause hearing for Marilyn Spahr, 17 Wager Lane, Dennis, for failure to maintain an operation and maintenance contract for the I/A septic system.

No one was present on behalf of the owner. Director Hayes received a phone call from the husband of the owner of the property on April 9, 2009. The owner stated that they are working on obtaining a new operation and maintenance contract and they verbally requested a continuance until the May 14, 2009 Board of Health meeting, with a written request to follow.

Ms. Chamberlain moved to continue the show cause hearing for Marilyn Spahr, 17 Wager Lane, Dennis, until the May 14, 2009 Board of Health Meeting.

Mr. Bunce seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

L. Cape Cod Realty Trust/Mary Ann Walsh- Show Cause Hearing for Failure to Correct Violations of 105 CMR 410.000: The State Sanitary Code, Chapter II: Minimum Standards of Fitness for Human Habitation.
73 LOWER COUNTY ROAD, UNIT 5, DENNISPORT

Mr. Covell read the legal notice: A show cause hearing for Cape Cod Realty Trust/Mary Ann Walsh, 73 Lower County Road, Unit 5, Dennisport, for failure to correct violations of 105 CMR 410.000: The State Sanitary Code, Chapter II: Minimum Standards of Fitness for Human Habitation.

No one was present on behalf of the owner. There was a letter submitted from the owner stating that the tenants in Unit # 5 have been vacated and the unit will not be rented until the Health Department has conducted an inspection. The owner is to call and schedule another inspection of the property.

Ms. Chamberlain moved to continue the show cause hearing for Mary Ann Walsh, 73 Lower County Road, Dennisport, Apt. # 5 to the May 14, 2009 Board of Health meeting.

Mr. Bunce seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

M. Jay & Laura Gilmore- Show Cause Hearing for Failure to Correct Violations of 105 CMR 410.000: The State Sanitary Code, Chapter II: Minimum Standards of Fitness for Human Habitation.
1 BASSETT LANE, DENNISPORT

Mr. Covell read the legal notice: A show cause hearing for Jay & Laura Gilmore, 1 Bassett Lane, Dennisport, for failure to correct violations of 105 CMR 410.000: The State Sanitary Code, Chapter II: Minimum Standards of Fitness for Human Habitation.

No one was present on behalf of the owner.

Ms. Chamberlain moved to advise the staff of the Health Department to go forward in filing a criminal complaint again Jay & Laura Gilmore, 1 Bassett Lane, Dennisport.

Mr. Bunce seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

N. Brian Connolly- Show Cause Hearing for Failure to Correct Violations of 105 CMR 410.000: The State Sanitary Code, Chapter II: Minimum Standards of Fitness for Human Habitation
20 & 22 PINE STREET, SOUTH DENNIS

Mr. Covell read the legal notice: A show cause hearing for Brian Connolly, 20 & 22 Pine Street, South Dennis, for failure to correct violations of 105 CMR 410.000: The State Sanitary Code, Chapter II: Minimum Standards of Fitness for Human Habitation.

No one was present on behalf of the owner. The affidavits have not been signed by the tenant.

Ms. Chamberlain moved to continue the show cause hearing for Brian Connolly, 20 & 22 Pine Street, South Dennis, to the May 14, 2009 Board of Health meeting.

Mr. Bunce seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

II. AGENDA ITEMS

**O. Beachlover Realty Trust/Joseph Imbriani- Request to Reduce Testing & Service Requirements for FAST Treatment System
29 BEACH ROAD, WEST DENNIS**

Diane Imbriani, owner, was present. This request for a reduction in testing has been submitted by Wastewater Treatment Services. Wastewater feels that this system no longer needs to be tested four (4) times per year.

Ms. Chamberlain moved to reduce the testing and service requirement for the FAST system at 29 Beach Road, West Dennis, Beachlover Realty Trust/Joseph Imbriani, to be tested one (1) time per year, to be done in September.

Mr. Bunce seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

**P. John & Cynthia Harper-Request to Reduce Testing & Service Requirements for Singulair Treatment System
67 OLD TOWN LANE, EAST DENNIS**

Mr. John Harper, owner, was present. The system was installed 5 years ago and has been tested twice a year for those 5 years with all normal test results. Mr. Harper is looking for a reduction to once a year. This property is a year round residence.

Ms. Chamberlain moved to reduce the testing and service requirements for the Singulair Treatment System at 67 Old Town Lane, East Dennis, John & Cynthia Harper to be tested one (1) time per year, to be done in the fall.

Mr. Bunce seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

III. MINUTES

- **Regular meeting of March 12, 2009**

Mr. Bunce moved to approve the minutes of the March 12, 2009 Board of Health meeting as printed, with the only change being Agenda item J, the in favor count should read four (4), because Mr. Perrino left the meeting.

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

IV. OTHER BUSINESS

Mr. Bunce motioned to re-nominate Paul Covell as Chairman of the Board of Health.

Ms. Chamberlain seconded the motion.

Ms. Chamberlain motioned to re-nominate Thomas Perrino as Vice Chairman of the Board of Health.

Ms. Bird seconded the motion.

Mr. Perrino motioned to re-nominate Diane Chamberlain as Clerk of the Board of Health.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

The meeting adjourned at 8:00 p.m.

jmc

