

**BOARD OF HEALTH MEETING
THURSDAY, JUNE 11, 2009
DENNIS TOWN OFFICES
LARGE HEARING ROOM**

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

Chairman Covell called the meeting to order at 7:30 p.m.

I. ACTION

**A. Dennis & Sandra Cameron-Variance Application (Garage w/
Finished 2nd Floor)
95 HIGHLAND ROAD, EAST DENNIS**

Mr. Covell read the legal notice: A variance application for Dennis & Sandra Cameron, 95 Highland Road, East Dennis, who seek 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

15.211(1): Variance of 3' requested from the reserve soil absorption system to the side lot line.

Town of Dennis

Reg. 9.0: Variance of 3' requested from the reserve soil absorption system to the side lot line.

Reg. 16.B: Variance requested to allow an addition of habitable space (floor area in garage 2nd floor) in an Environmentally Sensitive Area and relief from additional criteria of Reg. 16.B, as deemed just by the Board.

Robert Perry, P.E., was present on behalf of the owner. This property was reviewed by the Health Department back in January 2009. They are proposing to tear down the garage and re-build and attach it to the house. There will be one bedroom above the garage. The septic system that was approved in January by the Health Department has a five (5) bedroom capacity. Mr. Perry explained the soil conditions at the property. There is a working cranberry bog located 125' from the proposed soil absorption system. Mr. Perry stated that he is under the assumption that the bog is pumped full of water and he explained the hydraulic connection between the bog and the proposed system. There was a discussion of the way the groundwater might flow at the property due to the location of the house, cranberry bog and proposed septic system. The proposed plans will need to be revised to reflect the change of bedrooms and a new Disposal System Construction Permit will have to be submitted to the Health Department

reflecting the change of bedrooms. Mr. Perry stated that he would like to have the flow of the water tested to show that it flows away from the bog, before the variance would be approved.

Ms. Chamberlain moved to continue the variance application for Dennis & Sandra Cameron, 95 Highland Road, East Dennis, until the July 9, 2009 Board of Health meeting.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 4

OPPOSED 0

**B. Edgar & Christine Reddick-Variance Application (Addition)
15 BRAMBLE LANE, DENNIS**

Mr. Covell read the legal notice: A variance application for Edgar & Christine Reddick, 15 Bramble Lane, 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

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

Town of Dennis

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

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

Robert Perry, P.E., was present on behalf of the owner. Mr. Perry explained the history of the property. In 1991, this property was built as a 1 bedroom house with a 2 bedroom design. They are looking to upgrade the septic system at the house and include a second story addition of space, including 2 bedrooms upstairs. They are looking to upgrade to a 1500 gallon septic tank. Mr. Perry stated that the proposed soil absorption system is approximately 260' from the wetland. They are not proposing to use any I/A technology with this system. Mr. Perry explained that this house has been used customarily. It was the consensus of the Board that I/A technology should be included in the septic system design. Mr. Perry is going to further discuss the project with his client and return to the July 9, 2009 Board of Health meeting.

Abutter, Clara Jean was present at the meeting. She stated that she is opposed to the project.

Ms. Chamberlain moved to continue the application for Edgar & Christine Reddick, 15 Bramble Lane, Dennis, until the July 9, 2009 Board of Health meeting.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 4

OPPOSED 0

C. Sherman & Kathleen Rivolla-Variance Application (Addition-cont. from 5/14/09)

4 WILLOW WAY, SOUTH DENNIS

Mr. Covell read the legal notice: A variance application for Sherman & Kathleen Rivolla, 4 Willow Way, South Dennis, who seeks the following. variance(s) from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

Town of Dennis

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

Reg. 16.B.2: Variance requested to allow the nitrogen loading to be 19 ppm (5 ppm required).

Timothy Bennett, Bennett Engineering, was present on behalf of the owner. They are proposing to add a bedroom and bathroom onto the existing house and the property is located in an Environmentally Sensitive Area. There is no issue with the proposed design of this system, but it was requested that an annual maintenance report be submitted to the Health Department stating that the Zabel Filter is cleaned and functioning properly.

Ms. Chamberlain moved to approve the variance application for Sherman & Kathleen Rivolla, 4 Willow Way, South Dennis, with the conditions that an annual maintenance report is submitted to the Health Department stating that the Zabel Filter is cleaned and functioning properly, as well as 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.**

Ms. Bird seconded the motion.

VOTED

IN FAVOR 4
OPPOSED 0

D. The Over-Easy Realty Trust/Deborah Klimshuk, Trustee- Variance Application (Failed System)
675 ROUTE 28, WEST DENNIS

Mr. Covell read the legal notice: A variance application for The Over-Easy Realty Trust/Deborah Klimshuk, Trustee, 675 Route 28, West 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

- 15.203(3):** Variance requested to allow a 50% reduction in the required 35 gpd design flow for restaurants.
- 15.211(1):** Variance of 10' requested from the soil absorption system to the cellar wall.
- 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 10' requested from the soil absorption system to the cellar wall.
- Variance of 34' requested from the soil absorption system to the watercourse.
- Reg. 8(D)-1:** Variance of 1' requested from the 5' separation requirement between the bottom of the soil absorption system and maximum groundwater.

Robin Wilcox was present on behalf of the owner. Mr. Wilcox explained the days that the restaurant is open and the current flow of the system. There is a current order of conditions in place from the Conservation Commission. Mr. Wilcox explained how the system would be used due to the flow of the seasonal restaurant. This system would consist of a 3000 gallon grease trap, a 3500 gallon septic tank, a 2000 gallon septic tank, 2 treatment tanks with FAST units and a soil absorption system. If the use of the building changes from anything other than a breakfast room, the flow would not be appropriate.

Ms. Chamberlain moved to approve the variance application for The Over-Easy Realty Trust/Deborah Klimshuk, 675 Main Street, West Dennis, with the condition that an

annual maintenance report is submitted to the Health Department stating that the Zabel Filter is cleaned and functioning properly. Also if the use of the building changes to anything other than a breakfast room, they are required to have the project reviewed by the Board of Health. The following conditions also apply:

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 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 found (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 hardwired 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 seconded the motion.

VOTED

IN FAVOR 4
OPPOSED 0

**E. Rick Realty Trust/Bonita Ward- Variance Application (New Construction)
 22 HIRAM POND ROAD, DENNIS**

Mr. Covell read the legal notice: A variance application for Rick Realty Trust/Bonita Ward, 22 Hiram Pond Road, Dennis, who seeks the following variance(s) from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

Town of Dennis

Reg. 12.C: Variance requested to allow the soil absorption system to be less than one foot below natural grade.

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

Robin Wilcox was present on behalf of the owner. Mr. Wilcox explained the soil history of the property. They are proposing to construct a new six (6) bedroom house. Mr. Hayes stated that he would be more comfortable if they received a negative determination from Conservation Commission before being heard by the Board of Health.

Ms. Chamberlain moved to continue the variance application for Rick Realty Trust/Bonita Ward, 22 Hiram Pond Road, Dennis, pending that the applicant apply to the Conservation Commission and receive a negative determination.

Ms. Bird seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

**F. Frank & Shawn Dahlstrom-Appeal of Decision to Fail the Septic System
48 COLES POND DRIVE, EAST DENNIS**

Mr. Covell read the legal notice: A request to appeal the decision to fail the septic system for Frank & Shawn Dahlstrom, 48 Coles Pond Drive, East Dennis

Robin Wilcox was present on behalf of the owner. This property has been owned by the same owner since the 1970's. The owner is looking to add a glass sunroom to the back of the house. Mr. Wilcox explained the history of the septic system at this property. Mr. Wilcox gave the Board members a copy of a blank Title 5 septic report with the septic system failure criteria. According to Mr. Wilcox, the system at 48 Coles Pond Drive, East Dennis, does not meet the failure criteria. Mr. Wilcox explained the size of the pits that are currently at the property. He stated that the client would be willing to have a Title 5 inspection done of the system, and if it passes, they are asking to relief from having to upgrade the septic system.

Ms. Chamberlain moved to continue the variance application for Frank & Shawn Dahlstrom, 48 Coles Pond Drive, East Dennis, until the July 9, 2009 Board of Health meeting, pending the receipt of a Title 5 inspection report.

Ms. Bird seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

**G. Raymond & Linda France- 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 5/14/09)
178 SCHOOL STREET, WEST DENNIS**

Mr. Covell read the legal notice: A show cause hearing for Raymond & Linda France, 178 School Street, West Dennis, for failure to comply with an order to correct a violation of 310 CMR 510.00, The State Environmental Code, Title 5.

There is a memo on file from the homeowner, dated June 9, 2009, stating that he has pending bids for the installation of the septic system.

Mr. Perrino moved to continue the show cause hearing for Raymond & Linda France, 178 School Street, West Dennis, until the July 9, 2009 Board of Health meeting.

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 4
OPPOSED 0

**H. David Holt- Appeal of Order to Correct a Violation of 310 CMR 15.000, The State Environmental Code, Title 5.
401 MAIN STREET, UNIT 2, DENNISPORT**

Mr. Covell read the legal notice: An appeal of an order to correct a violation of 310 CMR 15.000, The State Environmental Code, Title 5, for David Holt, 401 Main Street, Unit 2, Dennisport.

The owner of the property contacted Director Hayes today by phone. There have been no additional complaints regarding this property and Director Hayes recommended that item be removed from the agenda.

Mr. Perrino moved to remove the order for David Holt, 401 Main Street, Unit 2, Dennisport from the Board of Health agenda.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0
ABSTAINED 1-Member Perrino

**I. Steven J. Giangregorio-Appeal of Order to Correct a Violation of 310 CMR 15.000, The State Environmental Code, Title 5.
90 ELIZABETH LANE, SOUTH DENNIS**

Mr. Covell read the legal notice: An appeal of an order to correct a violation of 310 CMR 15.000, The State Environmental Code, Title 5, for Steven J. Giangregorio, 90 Elizabeth Lane, South Dennis.

Owner was present. He stated that the system was full and he has since had the system pumped. He stated that since the pumping of the system they have not had an issue with the system. Mr. Giangregorio stated that Capewide Enterprises pumped the septic system and about 1600 gallons were pumped.

Ms. Chamberlain moved to continue the appeal for Steven Giangregorio, 90 Elizabeth Lane, South Dennis, pending the receipt of a passing Title 5 inspection report. If a passing Title 5 report is received before the July 9, 2009 Board of Health meeting, owner is not required to appear.

Ms. Bird seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

**J. Leonard & Ruth Johnson-Appeal of Decision to Suspend Disposal System Construction Permit
75 BLEAK HOUSE CIRCLE, DENNIS**

Mr. Covell read the legal notice: An appeal of decision to suspend Disposal System Construction Permit for Leonard & Ruth Johnson, 75 Bleak House Circle, Dennis.

William Henchy, Attorney was present on behalf of the owner. Mr. Henchy explained the history of the property. There is now an approved wetland line and an order of conditions from Conservation Commission. Mr. Henchy is looking for the Boards approval on the same plan that was presented before Conservation Commission. There is a memo from Conservation Commission stating that they are in compliance and that the suspension could be lifted. Mr. Hayes explained the issue with the height of the inlet and outlet and he also explained what the height would need to be. He stated that a notation needs to be made on the plan stating the height of the inlet and outlet has been adjusted. Mr. Henchy requested that the same plans be used with the submission of an as-built to the Health Department. There is little difference between the present plan and the plan that was originally submitted. The permit should reflect the new plan date.

Mr. Perrino moved to lift the suspension of the Disposal System Construction Permit for Leonard & Ruth Johnson, 75 Bleak House Circle, Dennis, with the agreement that an as-built plan will be submitted and that the permit reflect the proposed septic plan dated May 15, 2009.

Ms. Chamberlain seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

**K. Roseangela Miller-Show Cause hearing for Failure to Maintain an Operation and Maintenance Contract for the I/A Septic System (cont. from 5/14/09)
14 & 16 REDWING PLACE, DENNISPORT**

Mr. Covell read the legal notice: A show cause hearing for Roseangela Miller for failure to maintain an Operation and Maintenance contract for the I/A Septic System.

A memo in the file dated June 5, 2009, states that the owner is now in compliance with the order from the Health Department.

Mr. Perrino moved to remove the show cause hearing for Roseangela Miller, 14 & 16 Redwing Place, Dennisport from the agenda.

Ms. Chamberlain seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

**L. Cape Cod Realty Trust/Mary Ann Walsh-Show Cause Hearing for Failure to Correction Violations of 105 CMR 410.000: The State Sanitary Code, Chapter II: Minimum Standards of Fitness for Human Habitation (cont. from 5/14/09)
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.

There is a memo in the file dated June 5, 2009, that the owner is in compliance with the show cause hearing.

Ms. Chamberlain moved to remove the show cause hearing for Cape Cod Realty Trust/Mary Ann Walsh, 73 Lower County Road, Unit 5, Dennisport) from the agenda.

Ms. Bird seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

M. Lalit & Usha Gandhi- Show Cause Hearing for Failure to Correct a Violation of The State Sanitary Code, Chapter II, 105 CMR 410.602(A): Minimum Standards for Human Habitation
393 MAIN STREET, DENNISPORT

Mr. Covell read the legal notice: A show cause hearing for Lalit & Usha Gandhi, 393 Main Street, Dennisport, for failure to correct a violation of The State Sanitary Code, Chapter II, 105 CMR 410.602(A): Minimum Standards for Human Habitation.

Mic Gandhi was present at the meeting. Mr. Gandhi stated that there are two tenants at the property, located in unit # 26, and they do have hot water. Mr. Hayes stated that he will do an inspection of unit # 26 tomorrow and verify that they do have hot water. Mr. Gandhi stated they now have regular weekly garbage removal. He stated that the debris is cleaned up at the property. The furniture is still there, but that is considered construction debris.

Ms. Chamberlain moved to allow the Health Director to vacate the order to correct the violation for Lalit & Usha Gandhi, 393 Main Street, Dennisport,

Mr. Perrino seconded the motion.

VOTED

IN FAVOR 4

OPPOSED 0

N. Lalit & Usha Gandhi- Request for Reinstatement of Motel License for the Jonathan Edwards Motel.
393 MAIN STREET, DENNISPORT

Mr. Covell read the legal notice: Request for Reinstatement of Motel License for the Jonathan Edwards Motel, 393 Main Street, Dennisport.

Mic Gandhi was present. Mr. Gandhi stated that the motel has been vacated, except for unit # 26, and all of the furniture has been discarded and new furniture and new carpet has been put in each room. The roof is 90% complete and he explained other renovations being done at the motel. Mr. Gandhi stated that this is only going to be used as a seasonal motel and are looking to obtain a seasonal license. The Tax Collector has reported that there are outstanding taxes for this property. Mr. Gandhi stated that they have a current payment plan with the tax collectors office. All of the requirements need to be met before they will be allowed to open. If the sanitary code is complied with and it is a seasonal license, then there should be no problem in obtaining the license. Mr. Hayes stated that they were at the property yesterday and they were not ready for an inspection. A written agreement from the Tax Collectors office regarding the payment plan is to be submitted to the Health Department. Mr. Covell stated that if the violations are completed before the July 9, 2009 Board of Health meeting, the owner of the property can request a hearing 24 hours in advance, and the Board members will meet to discuss the renewal of the motel license.

Mr. Perrino moved to continue the application to reinstate the motel license for the Jonathan Edwards Motel, until the July 9, 2009 Board of Health meeting, or an earlier meeting date, at the request of the owner, with 24 hours notice. A complete motel inspection needs to be done by the Health Department prior to the meeting.

Ms. Chamberlain seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

**O. 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, (cont. from 5/14/09)
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 5.

No one was present on behalf of the owner. There is a memo from the owner stating that he is unable to be at the meeting due to illness.

Ms. Chamberlain moved to continue the show cause hearing for B.M.M Realty Trust/Richard Brown, 81 Acorn Road, East Dennis, until the July 9, 2009 Board of Health meeting.

Ms. Bird seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

II. AGENDA ITEMS

**1. Norman & Louise Neiterman- Request to Reduce Testing & Service Requirements for FAST Treatment System
194 SESUIT NECK ROAD, EAST DENNIS**

Mr. Covell read the legal notice: A request for Norman & Louise Neiterman, 194 Sesuit Neck Road, East Dennis to reduce testing and service requirements for FAST treatment service.

Norman Neiterman, owner, was present. He stated that the house was built and septic system installed 2 years ago. They are looking for a reduction in testing for their FAST system. The property is a year round residence, but only occupied 8 months a year.

Ms. Chamberlain moved to approve the request for reduction in testing for the FAST system to once a year, to be done in September or October, for Norman & Louise Peterman, 194 Sesuit Neck Road, East Dennis

Mr. Perrino seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

**2. Robin Wilcox/McPhee Associates, Inc. Review Definitive Subdivision Plan for McPhee Associates, Inc.
WINDWARD ESTATES, 13 LOTS OFF SETUCKET ROAD, EAST DENNIS**

Robert McPhee and Robin Wilcox were present. They were before the Board December 11, 2008 with this plan regarding Setucket Road, East Dennis. This is in a water recharge area. The preliminary plans have approved with 1 bedroom per 10,000 square feet per lot. They are looking for the Boards final review on this project.

Mr. Perrino moved to approve the request for the definitive sub division plan for Robin Wilcox/McPhee Associates, Inc., Windward Estates, 13 Lots off Setucket Road, East Dennis.

Ms. Chamberlain seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

3. Review Inter-Community Mutual Aid Agreement among Public Health Agencies in Emergency Preparedness Region 5B.

Mr. Hayes explained that this is an agreement that came down from the state with some revisions made. Mr. Hayes explained briefly the agreement that is being proposed. This has been presented to Town Council and they have chosen not to review the project. They did not want to make a recommendation because they have reviewed it for other communities and because of conflict, they would not make a decision, however did not have any strong objections. The agreement needs to be presented to the Board of Selectmen.

Mr. Perrino moved to approve the Inter-Community Mutual Aid Agreement as presented to the Health Department.

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 4
OPPOSED 0

III. MINUTES

- **Regular meeting of May 14, 2009.**

The review of the May 14, 2009 minutes is continued until the July 9, 2009 Board of Health meeting, pending the receipt of the complete set of minutes to the Board Members.

The meeting adjourned at 9:15 p.m

jmc