

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

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

Absent: Chairman Covell

Staff: Director Hayes, Secretary Hodgdon

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

I. ACTION

**A. Dennis & Sandra Cameron-Variance Application (Garage w/
Finished 2nd Floor – cont. from 6/11/09)
95 HIGHLAND ROAD, EAST DENNIS**

Mr. Perrino 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 on June 11, 2009. See the memo from Robert Perry, P.E., dated June 25, 2009, which explains the research done regarding the groundwater conditions in the vicinity of the project area. Mr. Perry came to the conclusion that an innovative alternative treatment type of subsurface sewage disposal system is unwarranted. Mr. Perrino stated the only issue at the last meeting was whether or not an I/A system was necessary and asked the board if they had any other questions. There were none.

There were no abutters present.

Mr. Bunce moved to approve the variance application for Dennis & Sandra Cameron, 95 Highland Road, East Dennis.

Ms. Bird seconded the motion.

Ms. Chamberlain amended the motion to include the following conditions:

1. No garbage disposal.
2. Water-saving devices shall be installed and verified without further review by the Board of Health.
3. No alteration of the floor plan to the dwelling without further review by the Board of Health.
4. 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.

Ms. Bird seconded the amended motion.

VOTED

IN FAVOR 4

OPPOSED 0

**B. Edgar & Christine Reddick-Variance Application (Addition –
cont. from 6/11/09)
15 BRAMBLE LANE, DENNIS**

Mr. Perrino read the legal notice: A variance application for Edgar & Christine Reddick, 15 Bramble Lane, 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 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., requested a continuance of this application to the August 13, 2009 meeting. See Mr. Perry's letter dated June 23, 2009.

There were no abutters present.

Ms. Chamberlain moved to continue the application for Edgar & Christine Reddick, 15 Bramble Lane, Dennis, until the August 13, 2009 Board of Health meeting.

Mr. Bunce seconded the motion.

VOTED

IN FAVOR 4

OPPOSED 0

**C. Rick Realty Trust/Bonita Ward -Variance Application (New Construction-cont. from 6/11/09)
22 HIRAM POND ROAD, EAST DENNIS**

Mr. Perrino read the legal notice: A variance application for Rick Realty Trust/Bonita Ward, 22 Hiram Pond Road, East Dennis, who seek the following variances 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, P.L.S., Sweetser Engineering, Inc. was present on behalf of the owner. Mr. Wilcox stated that this application has been to the conservation commission and a Negative Determination along with revised plans has been submitted to the Health Department.

See the memo from Terence Hayes, dated 7/1/2009, which states the project was scheduled for review by the conservation commission in July 2, 2009. As per Mr. Hayes' memo, the applicants propose to construct a new, six (6) bedroom dwelling on a 24,976.8 +/- square foot lot. In addition to the six bedrooms, the house will contain an open "T.V./Game Room", on the first floor, an open "Great Room", on the second floor, and a finished attic. The proposed septic system will consist of a 3,000 gallon septic tank, Singulair Treatment Plant, an ultraviolet filter and a soil absorption system, with a capacity of 688.44 gpd.

There were no abutters present.

Ms. Chamberlain moved to approve the variance application as per the memo dated July 1, 2009, for Rick Realty Trust/Bonita Ward, 22 Hiram Pond Road, East Dennis, with the following conditions:

1. No garbage disposal.
2. Water-saving devices shall be installed and verified by the Dennis Health Department.
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.

Mr. Bunce seconded the motion.

VOTED

IN FAVOR 4
OPPOSED 0

D. Christopher Childs - Variance Application (Addition)
106 SWAN RIVER ROAD, WEST DENNIS

Mr. Perrino read the legal notice: A variance application for Christopher Childs, 106 Swan River Road, 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

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

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

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

Town of Dennis

Reg. 9.0: Variance of 1' requested from the 5' separation requirement between the bottom of the soil absorption system to high groundwater.

Variance of 5' requested from the soil absorption system to the lot line.

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

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

Reg. 12.C: Variance of 5' requested to allow septic system to be installed above natural grade.

Thomas McLellan, P.E., Bass River Engineering was present on behalf of the owner. Mr. McLellan presented the green cards to Mr. Hayes.

As per the memo dated July 1, 2009, the applicant proposes to add a second floor to the existing, three bedroom dwelling. The existing first floor contains 936 square feet and the proposed second floor will contain 727 square feet, for a total of 1,663 square feet. The first floor will be renovated to include one bedroom, a living room, kitchen/dining room, mudroom and laundry. The second floor will contain two bedrooms and a bathroom. The proposed septic system will consist of a 1500 gallon septic tank and 5 flow diffusers and has been designed for three bedrooms. I/A technology has not been included in the design. The property is considered Environmentally Sensitive due to the groundwater elevation (observed at 96"). There are no abutting wetlands; therefore, Conservation Commission is not required.

Ms. Chamberlain asked if an effluent filter could be added to the system. Mr. McLellan said yes. Ms. Chamberlain also stated that it requires a maintenance agreement. Mr. McLellan said that is fine.

There were no abutters present.

Ms. Chamberlain moved to approve the variance application as per the memo dated July 1, 2009, for Christopher Childs, 106 Swan River Road, West Dennis, with the provision that an upgraded plan showing an effluent filter and a maintenance agreement for the filter is provided 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 Health Department.
- 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. Bunce seconded the motion.

VOTED

IN FAVOR 4
OPPOSED 0

**E. Roseann Tully & John Flint- Variance Application (New Construction - Rebuild)
 5 TROTTING PARK ROAD EXT., WEST DENNIS**

Mr. Perrino read the legal notice: A variance application for Roseann Tully & John Flint, 5 Trotting Park Road Ext., West 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 5' requested from the soil absorption system to the lot line.

Variance of 2' requested from the water service to the septic tank.

15.213(1)&(2):DEP approved variance must be obtained for placement of septic tank/treatment tank and soil absorption system within a velocity flood zone.

Town of Dennis

Reg. 9.0: Variance of 2' requested from the water service to the septic tank.

Variance of 1' requested from the septic/treatment tank to the building (not including deck).

Variance of 12' requested from the soil absorption system to the building (not including stairs).

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

Reg. 9.1: Variance requested to allow the septic tank and soil absorption system to be re-constructed in a velocity zone – in-ground tank.

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

Reg. 16.B.2: Variance requested to allow the nitrogen loading to exceed 5 ppm – 13 ppm is proposed.

Reg. 9.3.B: Variance requested to allow the septic system to be constructed in a coastal dune.

Steven cook, Architect, David C. Thulin, P.E., P.L.S. and John flint were present. Mr. Cook stated that they have been to the conservation commission and have an order of conditions. Mr. Thulin explained that this is a MICROFAST system.

As per the memo dated July 9, 2009, the applicant proposes to replace the existing, single story, three bedroom cottage with a new, two story, three bedroom dwelling. The total habitable space will remain at 807 square feet. The structure will be supported by pilings and the first floor elevation will be 9' above the existing grade. The property directly abuts Nantucket Sound to the south and a coastal beach and coastal dune to the east. The Conservation Commission has approved the project and issued an Order of Conditions. The proposed septic system consists of a 1500 gallon septic tank with a MICROFAST treatment unit, an ultraviolet unit, a distribution pump chamber and reserve tank and a leaching field. The system has been designed to accommodate three (3) bedrooms. The existing septic system failed a Title inspection on 12/15/08 and the owner is under order to upgrade the system by 12/15/10.

Ms. Chamberlain stated that this needs to go to DEP, and that she recommends approval, but that her first choice for this area is a tight tank and emphasizes this choice. Mr. Hayes agreed with Ms. Chamberlain that a tight tank would be the best choice in this situation and added that this was one of the beaches that was closed today. Abutter, Mike Krasnovsky, of 6 Trotting Park Toad Ext., stated that he'll be looking at the septic system and is not thrilled with that. He also mentioned that the road is often a mess. Mr. Cook said the town planner does not consider this a duplex, it is considered two (2) separate dwellings. He also said that the setbacks reduce the footprint of the dwelling and it is being situated on the furthest spot away from the coastal dune. Mr. Thulin added that they are raising the grade under the house. Abutter, Elizabeth Hayden, of 2 Trotting Park Road Ext., stated that the septic systems throughout the town are an abomination and wants the town to move forward with sewerage. She also said that the septic systems are a necessity and doesn't think the proposed system will look that different than what's already there. Mr. Perrino discussed the possibility of owners getting together and considering the option of sharing a system rather than installing two systems on these single lots with two dwellings on them. Abutter, Belva Dudac, of 7 Trotting Park Road Ext., stated she has no desire to share a septic system and would like the board to view the application that way. Mr. Perrino explained to her that her setbacks could change

now going forward and she said she was fine with that. Mr. Hayes also explained to her that her septic system is in groundwater and that it would be prudent for her to look into it. Mr. Bunce added that that down the road this could adversely affect her.

Ms. Chamberlain wished the record to reflect that the Board reluctantly grants the variance requested for Roseann Tully & John Flint, 5 Trotting Park Road Ext., West Dennis, as per the memo dated July 1, 2009 subject to DEP approval and that a note be included with the application to DEP stating the Board's first choice is still a tight tank in this area, and with the following conditions:

1. No garbage disposal.
2. Water-saving devices shall be installed and verified by the Dennis Health Department.
3. No alteration of the floor plan to the dwelling without further review by the Board of Health.
4. The exposed retaining wall shall 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

IN FAVOR 4

OPPOSED 0

**F. 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 (cot. From 6/11/09)
178 SCHOOL STREET, WEST DENNIS**

Mr. Perrino read the legal notice: A continued show cause hearing for Raymond & Linda France, 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 178 School Street, West Dennis.

As per the memo dated July 2, 2009, a new septic system for 178 School Street, West Dennis, has been installed and a Certificate of Compliance has been issued. The owner is now in compliance and does not need to appear before the Board. The staff recommends the item be removed from the agenda.

There were no abutters present.

Ms. Chamberlain moved to remove the hearing for Raymond & Linda France, 178 School Street, West Dennis, from the agenda.

Mr. Bunce seconded the motion.

VOTED

IN FAVOR 4
OPPOSED 0

G. Steven J. Giangregorio- Appeal of Order to correct a Violation of 310 CMR 15.000, The State Environmental Code, Title 5 (cont. from 6/11/09 90 ELIZABETH LANE, SOUTH DENNIS

Mr. Perrino read the legal notice: A continued appeal by Steven J. Giangregorio of an order issued by the Health Department to correct a violation of 310 CMR 15.000, The State Environmental Code, Title 5 at 90 Elizabeth Lane, South Dennis, MA.

As per Mr. Hayes' memo dated July 1, 2009, the Board voted to continue this appeal until July 9, 2009 (today), pending receipt of a passed Title 5 Septic System Inspection Report. The owner was informed that if the report were received before the meeting he would not need to attend the meeting. To date, the report has not been filed.

As per the staff's memo dated July 9, 2009, Mr. Giangregorio called the Health Department to state that he would not be able to attend tonight's meeting. He will submit a Title 5 report to the Health Department on July 10, 2009. He is also in the process of evicting his tenants.

There were no abutters present.

Ms. Chamberlain moved to continue the hearing for Steven J. Giangregorio, 90 Elizabeth Lane, South Dennis, until the August 13, 2009 meeting so that Mr. Hayes can be in receipt of the report.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 4
OPPOSED 0

**H. Frank & Shawn Dahlstrom- Appeal of Decision to Fail the Septic System(cont. from 6/11/09)
48 COLES POND DRIVE, EAST DENNIS**

Mr. Perrino read the legal notice: Continued appeal by Frank & Shawn Dahlstrom of the Health Department's decision to fail the septic system at 48 Coles Pond Drive, East Dennis, and order the system to be upgraded in accordance with the requirements of The State Environmental Code, Title 5, 310 CMR 15.000.

Robin Wilcox, P.L.S., was present on behalf of the owner. As per Mr. Hayes' memo dated July 1, 2009, at the June 11, 2009 meeting the Board voted to continue the hearing until July 9, 2009, pending receipt of a Title 5 Septic System Inspection Report. Two Title 5 Inspection Reports have been received by the Health Department both reports indicate that the system passes.

There were no abutters present.

Ms. Chamberlain moved to grant the appeal and rescind the order for Frank & Shawn Dahlstrom, 48 Coles Pond Drive, East Dennis.

Mr. Bunce seconded the motion.

VOTED

IN FAVOR 4
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 (cont. from 6/11/09)
81 ACORN ROAD, EAST DENNIS**

Mr. Perrino read the legal notice: A continued show cause hearing for B.M.M. 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 81 Acorn Road, East Dennis, MA.

No one was present. As per the staff's memo dated July 1, 2009, in a letter to the Board for the June 11, 2009 meeting, the owner requested additional time to upgrade the system due to the financial burden. The property is for sale and once there is a buyer the system will be upgraded. A soil test has been scheduled on July 15, 2009 with Steve Haas, of Eagle Survey. Mr. Hayes referred to a letter from Mr. Brown dated July 9, 2009, explaining that the work is in process and that Mr. Brown will keep the Health Department updated as work progresses. Mr. Hayes urged the Board to continue the hearing to the next meeting.

There were no abutters present.

Mr. Bunce moved to continue the hearing for B.M.M. Realty Trust, Richard Brown, 81 Acorn Road, East Dennis, until the August 13, 2009 meeting.

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 4

OPPOSED 0

**J. Joseph Busone-Show Cause Hearing for Failure to Maintain an Operation & Maintenance Contract for the I/A Septic System
34 SCHOONER ROAD, DENNIS**

Mr. Perrino read the legal notice: A show cause hearing for Joseph Buscone for noncompliance with 310 CMR 15.000: The State Environmental code, Title 5, and the Town of Dennis Regulations for Subsurface Disposal of Sewage, for the property located at 34 Schooner Road, Dennis, MA.

No one was present. As per Mr. Hayes' letter to Mr. Buscone dated June 24, 2009, the Barnstable County Department of Health and Environment has informed the Department of Health that the O & M agreement for the FAST I/A Septic System at 34 Schooner Road, Dennis has lapsed. An O & M agreement is required for the life of the system.

Mr. Hayes stated that he been contacted by Mr. Buscone and recommended continuing the hearing until the next meeting.

There were no abutters present.

Mr. Bunce moved to continue the hearing for Joseph Buscone, 34 Schooner Road, Dennis, until the august 13, 2009 meeting.

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 4

OPPOSED 0

**K. Christopher Scabia, Truste/Northeast Freedom Realty Trust-Show Cause hearing for Failure to Maintain an Operation and Maintenance Contract for the I/A Septic System
26 LONE TREE ROAD, DENNISPORT**

Mr. Perrino read the legal notice: A show cause hearing for Northeast Freedom Realty Trust/ Christopher Scabia, Trustee, for noncompliance with 310 CMR 15.000: The State Environmental Code, Title 5, and the Town of Dennis Regulations for Subsurface Disposal of Sewage, for the property located at 26 Lone Tree Road, Dennisport, MA.

No one present. As per Mr. Hayes' letter to Mr. Scabia, Trustee, dated June 24, 2009, the Barnstable County Department of Health and Environment has informed the Department of Health that the O & M agreement for the FAST I/A Septic System at 26 Lone Tree Road, Dennisport has lapsed. An O & M agreement is required for the life of the system

Mr. Hayes stated he had a conversation with Mr. Scabia and urged the Board to continue the hearing until the next meeting.

Mr. Bunce moved to continue the hearing for Christopher Scabia, Trustee/Northeast Freedom Realty Trust, 26 Lone Tree Road, Dennisport, until the August 13, 2009 meeting .

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 4
OPPOSED 0

L. Maryann Terranova- Show Cause Hearing for Noncompliance with an 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: A show cause hearing for Maryann Terranova, for noncompliance with an order issued by the Health Department to correct violations of 105 CMR 410.000, The State Sanitary Code, chapter II, at the property located at 77 Hemlock Lane, south Dennis, MA.

No one was present. As per the memo dated June 26, 2009, stating that on February 12, 2009, the Board granted an extension to correct the violations of 105 CMR 410.000, The State Sanitary Code, chapter II to July 9, 2009. The Board requested the owner contact the Health Department to schedule an appointment for an inspection prior to the July 9, 2009 meeting and if the violations have been corrected the owner will not need to appear.

Mr. Hayes stated that as per the memo dated July 9, 2009, the owner is now in compliance and urged the Board to remove the item from the agenda.

There were no abutters present.

Ms. Chamberlain moved to remove the show cause hearing for Maryann Terranova, 77 Hemlock Lane, South Dennis, from the agenda.

Mr. Bunce seconded the motion.

VOTED

IN FAVOR 4

OPPOSED 0

**M. Benjamin D. Kraul- Show Cause Hearing for Non-Compliance with an Order to Correct a Violation of the Town of Dennis Housing Space & Use By-Law
41 A & B CENTER STREET, DENNISPORT**

Mr. Perrino read the legal notice: A show cause hearing for Benjamin D. Kraul, for noncompliance with an order issued by the Health Department to correct a violation of The Town of Dennis Housing Space & Use By-Law, at the property located at 41 A & B Center Street, Dennisport, MA.

Mr. Hayes stated that as per the memo dated July 9, 2009, the owner is now in compliance regarding rental permits and the correction of violations will follow as a result.

There were no abutters present.

Ms. Chamberlain moved to remove the hearing for Benjamin D. Kraul, 41 A & B Center Street, Dennisport from the agenda.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 4

OPPOSED 0

**N. Margaret Morrissey- Show Cause Hearing for Non-Compliance with an Order to Correct a Violation of the Town of Dennis Housing Use & Space By-Law.
5 LORREE LANE, DENNISPORT**

Mr. Perrino read the legal notice: Show cause hearing for Margaret Morrissey for noncompliance with an order issued by the Health Department to correct a violation of The Town of Dennis Housing Space & Use By-Law, at the property located at 5 Lorree Lane, Dennisport, MA.

No one was present. As per the memo dated July 9, 2009, the owner is in compliance with the order to obtain a rental permit and an order has been issued to correct violations. Mr. Hayes recommended the item be removed from the agenda.

There were no abutters present.

Ms. Chamberlain moved to remove the hearing for Margaret Morrissey, 5 Lorree Lane, Dennisport from the agenda.

Mr. Bunce seconded the motion.

VOTED

IN FAVOR 4
OPPOSED 0

O. Patrick J. McGrath d/b/a The Cutty Sark Motor Lodge-Variance Application (Swimming Pool)
396 OLD WHARF ROAD< DENNISPORT

Mr. Perrino read the legal notice: Application by Patrick J. McGrath d/b/a The Cutty Sark Motor Lodge for a variance from the requirements of 105 CMR 435.08(3)(b): Minimum Standards for Swimming Pools (State Sanitary Code: Chapter V) for the property located at 396 Old Wharf Road, Dennisport, MA.

Patrick J. McGrath, owner, was present. As per the letter to Mr. McGrath from Mr. Hayes, dated June 24, 2009, regarding the applicant's request for a variance from 105 CMR 435.08(3)(b): MINIMUM STANDARDS FOR SWIMMING POOLS (STATE SANITARY CODE: CHAPTER V) which states:

435.08: Inlets and Outlets

- (3) All swimming, wading and special purpose pools shall be constructed in the following manner:
 - (b) A main drain suction outlet(s) shall be provided in the lowest point of the pool floor. At least two main drains shall be provided for every swimming or wading pool more than 30 feet wide. The spacing of the main drain(s) or suction outlet(s) shall not be greater than 20 feet apart across from the deepest section of the pool nor more than 15 feet from the nearest side wall. All outlets shall be covered with suitable protective covers or grates which have been tested and approved by a nationally recognized testing laboratory. The main drain suction outlet(s) and outlet drain covers(s) shall, except skimmers, be installed in a way that they cannot be removed without the use of tools; the total velocity through grate openings shall not exceed two feet per second; the open area in the grates shall be of such design as to prevent physical entrapment of fingers, toes, etc. The system shall provide at least one antivortex main drain outlet. In depths of four feet six inches or less, the antivortex

drain shall not provide a tripping or stubbing hazard to the feet.

Mr. McGrath presented photos and paperwork to the Board. He explained that he is not constructing anything, his pool and motor lodge has existed for approximately forty years as is. He also stated that he is not changing anything either. He has obtained two estimates for main drains and installation which come to twenty – thirty thousand dollars. Mr. Perrino stopped Mr. McGrath and said this pool has been there for a long time and inquired as to why he was here. Mr. Hayes explained that the code dictates requirements and that he advised Mr. McGrath to apply for this variance. He also agreed the Health Department has never had a problem with this pool.

There were no abutters present.

Ms. Chamberlain moved to approve the variance request for Patrick J. McGrath d/b/a The Cutty Sark Motor Lodge, 396 Old Wharf Road, Dennisport, MA.

Ms. Bird seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

**P. Lalit & Usha Gandhi-Request for Reinstatement of Motel License for
The Jonathan Edwards Motel
393 MAIN STREET, DENNISPORT**

Mr. Perrino read the legal notice: Continued hearing for Lalit & Usha Gandhi for the reinstatement of the Motel License for The Jonathan Edwards Motel, 393 Main Street, Dennisport, in accordance with the requirements of M.G.L., Chapter 140, S32A & S32C and The State Sanitary Code, Chapter II, 105 CMR 410.000: Minimum Standards of Fitness For Human Habitation.

No one was present. Mr. Hayes stated that the owners are not ready to have their license reinstated. They have been working hard, but they're just not ready. Mr. Perrino suggested the request be removed from the agenda until work is completed and they are ready for inspection.

There were no abutters present.

Ms. Chamberlain moved to remove the Request for Reinstatement of Motel License for Lalit & Usha Gandhi, 393 Main Street, Dennisport, MA from the agenda.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 4
OPPOSED 0

II. AGENDA ITEMS

1. Stephen O’Leary- Review proposed floor plans. 32 PILGRIM ROAD, DENNIS

Steven O’Leary was present to discuss changes to the floor plan that was approved as part of a variance granted on February 8, 2007. Ms. Chamberlain said if the office wall was completely removed she would not have a problem with the changes. Mr. O’Leary said he would like to be able to keep it somewhat private since it is an office/study. Mr. Hayes suggested making the opening 8’ instead of 5’. Mr. O’Leary agreed. Ms. Chamberlain said if the applicant is willing to make the change to an 8’ opening on the office/study and submit revised plans reflecting that change she’s okay with that. Mr. O’Leary then asked if he could just go back to his previous plans, but with the finished basement as a playroom. Ms. Chamberlain said the board would need the plan he decides on with an as-built. Mr. Hayes explained the two choices – either an 8’ opening on the office/study on the proposed plans or he may leave the floor plans as is with the finished basement.

There were no abutters present.

Mr. Perrino moved to approve the request for Stephen O’Leary, 32 Pilgrim Road, Dennis, MA subject to submission of revised floor plans as discussed.

Mr. Bunce seconded the motion.

VOTED

IN FAVOR 4
OPPOSED 0

2. W. Kelly Collins Jr.- Request to Reduce Testing & Service Requirements for FAST Treatment System 90 BUCKLEY ROAD, WEST DENNIS

No one was present.

There were no abutters present.

Ms. Chamberlain moved to continue the request for W. Kelly Collins Jr., to Reduce the Testing and Service Requirements for the FAST Treatment System located at 90 Buckley Road, West Dennis, MA so that the applicant can appear before the Board.

Mr. Bunce seconded the motion.

VOTED

IN FAVOR 4
OPPOSED 0

**3. Nancy L. White – Request to Reduce Testing & Service Requirements for FAST Treatment System
14 HARBOR WAY, WEST DENNIS**

Nancy L. White was present and stated that she lives at 14 Harbor Way year round. She would like to reduce testing to once a year and stated that the testing meets the requirements to do so. Mr. Hayes agreed and suggested annual testing in March.

There were no abutters present.

Ms. Chamberlain moved to grant the request for Nancy L. White, to Reduce Testing & Service Requirements for FAST Treatment System located at 14 Harbor Way, Dennis, MA, to annual testing in March.

Mr. Bunce seconded the motion.

VOTED

IN FAVOR 4
OPPOSED 0

**4. J.M.G. Realty/Gary Abramson, Trustee – Request to Reduce Testing & Service Requirements for FAST Treatment System
116 MAIN STREET, WEST DENNIS**

Gary Abramson was present and stated that he would like to reduce the testing from four (4) times a year to three (3) time a year. He said Sundancers is closed three months per year.

There were no abutters present.

Ms. Chamberlain moved to grant the request for J.M.G. Realty/Gary Abramson, Trustee, to Reduce Testing & Service Requirements for the FAST Treatment System located at 116 Main Street, Dennis, MA from four (4) times per year to three (3) times per year for the next two (2) years then come back for review.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 4
OPPOSED 0

5. Dennis M. Waitekunas – Discuss Failed Septic System Order/Court Hearing

130 MAIN STREET (RTE. 28), UNIT 8, DENNISPORT

No one was present. Mr. Hayes stated that Doug Brown, Certified Title 5 Inspector, inspected the system and passed it. The report is on file at the Health Department. Mr. Hayes also said that he would inform the court that the issue has been abated.

There were no abutters present.

Ms. Chamberlain moved to rescind the order for Dennis Waitekunas, 130 Main Street (Rte. 28), Unit 8, Dennisport, MA.

Mr. Bunce seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

6. Review Proposed Stormwater Management By-Law and Rules & Regulations

Ms. Chamberlain moved to approve the Proposed Stormwater Management By-Law and Rules & Regulations as presented.

Mr. Bunce seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

7. Review Proposed Variance Condition for Overdesigned Septic Systems

After some discussion Mr. Perrino suggested the Board take some time to consider the issue further. Mr. Bunce agreed.

VOTED

**IN FAVOR 4
OPPOSED 0**

III. MINUTES

- Regular meeting of May 14, 2009.**

Mr. Bunce moved to approve the minutes for the May 14, 2009 as read.

Ms. Bird seconded the motion.

- **Regular meeting of June 11, 2009.**

Ms. Chamberlain moved to approve the minutes for the June 11, 2009 meeting as read.

Mr. Bunce seconded the motion.

Ms. Chamberlain moved to adjourn the meeting.

Mr. Bunce seconded the motion.

The meeting adjourned at 8:30 p.m

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