

**BOARD OF HEALTH MEETING
THURSDAY, AUGUST 13, 2009
DENNIS TOWN OFFICES
LARGE HEARING ROOM**

Present: Chairman Covell, Vice Chairman Perrino, Member Bunce & Member Chamberlain.

Staff: Director Hayes, Secretary Clarke

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

I. ACTION

**A. Edgar & Christine Reddick-Variance Application (Addition-Cont. from 7/09/09)
15 BRAMBLE LANE, DENNIS**

Mr. Covell 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, Cape Cod Engineering, was present on behalf of the owner. Mr. Perry explained the history of the use of the house. At the previous Board of Health meeting there was interest in this property possibly having an Innovative Alternative System installed. Mr. Perry stated that they are only 1 ppm over the 5 ppm requirement for nitrogen loading and they meet the 5 ft. separation from groundwater. They suggested in the outline to the Board, that a pressure dosing soil absorption system be installed. They are submitting this suggestion as an alternative to having an Innovative Alternative system. Ms. Chamberlain stated that she would not be in favor of an addition to the house without the Innovative Alternative technology given the history of the property. Mr. Bunce agreed with Ms. Chamberlain and stated his concerns about the property. He explained the severity of the water levels during some times in the season. Mr. Perrino stated that he thinks the pressure dosing system is a good way to handle the issues at this

property. Mr. Perry said that they would do their best to meet the nitrogen requirements. He requested a continuance until the September 10, 2009 Board of Health meeting.

Ms. Chamberlain moved to continue the variance application for Edgar & Christine Reddick, 15 Bramble Lane, Dennis, until the September 10, 2009 Board of Health meeting.

Mr. Bunce seconded the motion

VOTED

IN FAVOR 4

OPPOSED 0

**B. Karen G. Bairstow- Variance Application (Approval of 2-bedroom Capacity for 3-Bedroom Dwelling.
66 COVE ROAD, SOUTH DENNIS**

Mr. Covell read the legal notice: A variance application for Karen G. Bairstow, 66 Cove Road, South Dennis, who seeks the following variance from the regulations of the Mass. Department of Environmental Protection, Title 5:

Title 5

15.002: Approved Capacity - The capacity of a 1978 Code system reflected by the sewage flow as shown on the Disposal Works Construction Permit Application or as shown on the Certificate of Compliance, whichever is less for that system and not the calculated capacity based on 1978 Code loading rates which may account for over design or safety factors. For a system designed in accordance with 310 CMR 15.000, the approved calculated capacity is based on the loading rates found at 310 CMR 15.242.

Susan Dean was present on behalf of the owner. She explained the history of the property and the septic system. The property has not been occupied. According to the Board of Health the septic system has a 2 bedroom capacity. The Town of Dennis Assessors Office has it listed as a 3 bedroom dwelling. They are looking to market and sell the property as a 3 bedroom house with a 3 bedroom septic system. The Board reviewed the Title 5 report on file from 2007 and noted that a septic repair was made. The property is currently under agreement. Ms. Dean stated that the property would remain a 3 bedroom house after the sale and the only addition would be a deck. Ms. Dean also said that if the property does not sell before September 13, 2009, another Title 5 inspection would have to be done. Mr. Hayes stated that the original Disposal Construction Works Permit was for a 2 bedroom system.

Mr. Perrino moved to approve the variance application for Karen G. Bairstow, 66 Cove Road, South Dennis with the following condition:

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

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 4
OPPOSED 0

**C. 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 7/09/09)
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 at the meeting. Mr. Hayes stated that the owner has contracted with Eagle Survey to design a system for the property. The Health Department should be receiving a copy of the design in the office this week.

Mr. Perrino moved to continue the application for B.M.M Realty Trust/Richard Brown, 81 Acorn Road, East Dennis, until the September 10, 2009 Board of Health meeting.

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 4
OPPOSED 0

**D. Steven J. Giangregorio- Appeal of Order to Correct a Violation of 310 CMR 15.000, The State Environmental Code (cont. from 7/09/09)
90 ELIZABETH LANE, SOUTH DENNIS**

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

No one was present on behalf of the owner. There has been no correspondence with the owner as of this date.

Mr. Perrino moved to direct the staff to file for a criminal complaint with the Orleans District Court, for Steven J. Giangregorio, 90 Elizabeth Lane, South Dennis.

Ms. Chamberlain seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

**E. John & Grace Barr- 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.
13 PURITAN LANE, DENNISPORT**

Mr. Covell read the legal notice: A show cause hearing for John & Grace Barr, 13 Puritan Lane, Dennisport, for failure to comply with an order to correct a violation of 310 CMR 15.000, The State Environmental Code, Title 5.

Mr. John Barr, owner, was present at the meeting. The septic system upgrade at the property was due to be completed by May 23, 2009. Mr. Barr explained the history of the property. He was aware of the order to upgrade the septic system but due to health issues was unable to complete the upgrade. Mr. Barr presented the Board with water usage reports stating that only he and his wife are occupying the house. He also presented the Board with a letter from Woodard & Curran, stating that he should contact the Town of Dennis and request a waiver from the upgrade deadline.

Mr. Perrino moved to grant a one (1) year extension for John & Grace Barr, 13 Puritan Lane, Dennisport, to complete the upgrade of the septic system.

Mr. Bunce seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

**F. Mark & Cathy Stankard- 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.
5 LEONARD ROAD, SOUTH DENNIS**

Mr. Covell read the legal notice: A show cause hearing for Mark & Cathy Stankard, 5 Leonard Road, South 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 at the meeting. The owners have made correspondence with the office. They have e-mailed Terence Hayes a preliminary septic system design and a floor plan.

Mr. Perrino moved to continue the show cause hearing for Mark & Cathy Stankard, 5 Leonard Road, South Dennis, until the October 8, 2009 Board of Health meeting.

Ms. Chamberlain seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

**G. Rolf Florin- 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.
114 COVE ROAD, WEST DENNIS**

Mr. Covell read the legal notice: A show cause hearing for Rolf Florin, 114 Cove Road, West 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 at the meeting. On file, we have a plan dated from 2007. There is a memo on file from the owner stating that they are in the process of getting bids for the work to install the septic system. They are looking for an extension in order to complete the work.

Mr. Perrino moved to grant a one (1) year extension for Rolf florin, 114 Cove Road, West Dennis, to complete the upgrade of the septic system.

Ms. Chamberlain seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

**H. Joseph Buscone- Show Cause Hearing for Failure to Maintain an Operation & Maintenance Contract for the I/A Septic System (cont. from 7/09/09)
34 SCHOONER ROAD, DENNIS**

Mr. Covell read the legal notice: A show cause hearing for Joseph Buscone, 34 Schooner Road, Dennis, for failure to maintain an Operation & Maintenance Contract for the I/A Septic System.

No one was present at the meeting. Mr. Hayes stated that he spoke with Winston Stedman from All Cape Onsite, and there has been a contract made with the owner and he said that the Health Department office will be receiving a copy of the contract soon.

Ms. Chamberlain moved to continue the show cause hearing for Joseph Buscone, 34 Schooner Road, Dennis, until the September 10, 2009 Board of Health Meeting.

Mr. Bunce seconded the motion.

VOTED

IN FAVOR 4

OPPOSED 0

**I. Christopher Scabia, Trustee/Northeast Freedom Realty Trust- Show Cause Hearing for Failure to Maintain an Operation & Maintenance Agreement for the I/A Septic System (cont. from 7/09/09)
26 LONE TREE ROAD, DENNISPORT**

Mr. Covell read the legal notice: A show cause hearing for Christopher Scabia, Trustee/Northeast Freedom Realty Trust, for failure to maintain an Operation & Maintenance Agreement for the I/A Septic System.

No one was present at the meeting. Mr. Hayes stated that he has reviewed the signed maintenance agreement contract.

Ms. Chamberlain moved to continue the show cause hearing for Christopher Scabia, Trustee/Northeast Freedom Realty Trust, 26 Lone Tree Road, Dennisport, until the September 10, 2009 Board of Health Meeting.

Mr. Perrino seconded the motion.

VOTED

IN FAVOR 4

OPPOSED 0

**J. Ann Hollingworth- 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
51 INMAN ROAD, UNIT 4, DENNISPORT**

Mr. Covell read the legal notice: A variance requested for Ann Hollingworth, 51 Inman Road, Unit 4, Dennisport, from the Habitable Space Requirements of The State Sanitary Code, 105 CMR 410.000, Chapter II, Minimum Standards of Fitness for Human Habitation.

Ann Hollingworth, owner, was present. She stated that they were told by the realtor and the seller before they purchased the condo, that the unit had an occupancy of 4. They are looking to be able to rent this unit out which is why they are looking to change their rental occupancy from 3 persons to 4.

Ms. Chamberlain moved to approve the variance request for Ann Hollingworth, 51 Inman Road, Unit 4, Dennisport, and change their rental occupancy to 4 persons.

Mr. Perrino seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

II. AGENDA ITEMS

**1. W. Kelly Collins, Jr.- Request to Reduce Testing & Service Requirements for FAST Treatment System (cont. from 7/09/09)
90 BUCKLEY ROAD, WEST DENNIS**

Mr. Covell read the legal notice: A request for W. Kelly Collins, Jr., 90 Buckley Road, West Dennis, to reduce the testing and service requirements for FAST Treatment System.

W. Kelly Collins Jr, owner was present at the meeting. Mr. Hayes stated that system has been regularly tested and has met nitrogen calculations. Property is only used about 8 weeks a year per the owner.

Ms. Chamberlain moved to approve the request for reduction in testing for the FAST system to once a year, to be done in September, with reports submitted to the Health Department, for W. Kelly Collins Jr., 90 Buckley Road, West Dennis.

Mr. Perrino seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

2. Bruce Speca- Request for Reduce Testing & Service Requirements for Singulair Treatment System

18 PORT WAY, WEST DENNIS

Mr. Covell read the legal notice: A request for Bruce Speca, 18 Port Way, West Dennis, to reduce the testing and service requirements for the Singulair Treatment System. Bruce Speca, owner, was present. The system was installed six years ago. He explained the history of the property. Mr. Hayes stated that they meet the requirements to have the testing reduced.

Ms. Chamberlain moved to approve the request for reduction in testing for the Singulair system to once a year, to be done in September, with reports submitted to the Health Department, for Bruce Speca, 18 Port Way, West Dennis.

Mr. Bunce seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

**3. Kevin Donovan- Request to Reduce Testing & Service Requirements for FAST Treatment System
67 HIRAM POND ROAD, DENNIS**

Mr. Covell read the legal notice: A request for Kevin Donovan, 67 Hiram Pond Road, Dennis, to reduce the testing and service requirements for the FAST Treatment System.

Kevin Donovan, owner, was present. The system has had regular testing and meets the requirements for reduction.

Ms. Chamberlain moved to approve the request for reduction in testing for the FAST system to once a year, to be done in September, with reports filed to the Health Department, for Kevin Donovan, 67 Hiram Pond Road, Dennis.

Mr. Bunce seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

**4. Richard Dowd, Jr.- Request to Reduce Testing & Service Requirements for the FAST Treatment System.
10 OCEAN PARK WAY, WEST DENNIS**

Mr. Covell read the legal notice: A request for Richard Dowd, Jr., 10 Ocean Park Way, West Dennis, to reduce the testing and service requirements for the FAST Treatment System.

There is a memo in the file from the owner requesting a continuance until the September 10, 2009 Board of Health meeting.

Ms. Chamberlain moved to continue the request for a testing reduction for Richard Dowd Jr., 10 Ocean Park Way, West Dennis, until the September 10, 2009 Board of Health meeting.

Mr. Perrino seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

5. Review Proposed Variance Condition for Overdesigned Septic Systems

The Board discussed the proposed variance condition for over designed septic systems.

Ms. Chamberlain moved to approve the variance conditions for overdesigned septic systems as printed per memorandum dated June 18, 2009.

Mr. Bunce seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

ADDITIONAL ITEM:

- Review request made by Mic Gandhi to schedule a Board of Health meeting to have the motel license reinstated for the Jonathan Edwards Motel.**

The Board reviewed the request from the owners of the Jonathan Edwards Motel for the scheduling of a hearing to reinstate their motel permit. After discussion, the Board voted to adhere to the conditions they established at the June Board of Health meeting.

Mr. Perrino moved to deny the request of the Jonathan Edwards Motel, 393 Main Street, Dennisport, to schedule a hearing to reinstate the motel license.

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 4
OPPOSED 0

III. MINUTES

- **Regular meeting of July 9, 2009**

Mr. Perrino moved to approve the minutes of the July 9, 2009 Board of Health meeting as printed, with the only change being removing Mr. Covell's name from the action items and changing it to read Mr. Perrino.

Ms. Chamberlain seconded the motion.

The meeting adjourned at 7:53 p.m.

jmc