

**BOARD OF HEALTH MEETING
THURSDAY, OCTOBER 12, 2006
DENNIS TOWN OFFICE
LARGE HEARING ROOM**

Present: Chairman Covell, Members Perrino, Livingston, Bird and Chamberlain

Staff: Director Hayes, Secretary Fabiano

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

I. ACTION

**A. Leonard Arabia & Diane McIntosh- Variance Application (New Construction)
14 CAPTAIN DOANE WAY, WEST DENNIS**

Mr. Covell read the legal notice: a variance application for Leonard Arabia and Diane McIntosh, 14 Captain Doane Way, West Dennis, who seek the following variances from 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 property line.

Variance of 12' requested from the soil absorption system to the foundation.

15.248(1): No reserve area provided.

Town of Dennis

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

Variance of 12' requested from the soil absorption system to the foundation.

Reg. 15.0: No reserve area provided.

Mr. Matt Farrell, representing Bennett and O'Reilly was present. The proposal is to remove the existing dwelling and construct a four- bedroom dwelling in its place, on the same footprint. There are five variances being sought, all of which are setback in nature, and the proposed septic system is a Septi-Tech Design.

Ms. Bird moved to approve the variance application for Leonard Arabia and Diane McIntosh, 14 Captain Doane Way, West Dennis, as per memorandum of October 4, 2006, 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 to the floor plan of the dwelling without 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 quarterly 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. The effluent shall be tested for fecal coliform quarterly.
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 any inundation to the septic system due to flood or natural causes.

Mr. Livingston seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

**B. Robert M. Phillips, Jr.- Variance Application (New Construction)
 10 BAYVIEW AVENUE, EAST DENNIS**

Mr. Covell read the legal notice: a variance application for Robert M. Phillips, Jr., 10 Bayview Avenue, East Dennis, who seeks the following variances from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

Town of Dennis

Reg. 9.0: Variance of 7' requested from the soil absorption system to the coastal bank.

Reg. 16.B: Variance requested to allow new construction in an Environmentally Sensitive Area (demo of existing house, new construction, habitable space increase, garage addition, I/A septic system proposed – no increase of bedrooms or flow increase).

Mr. Edward Stone, Engineer, and Robert Phillips, owner, were present. Mr. Stone explained the variances being sought. This application was before the Board in 2003, but a variance was missed, and the time had elapsed for the granted variances. The disposal system construction permit had expired. A FAST system has been proposed. The dwelling was destroyed in an unnamed storm in December of 2005. The abutters had been notified.

A discussion of the floor plan took place. Some of the elevations have changed, however, the number of bedrooms is the same and the septic system proposed initially in 2003 is the same as seen tonight.

Mr. Livingston moved to approve the variance application for Robert Phillips, Jr., 10 Bayview Avenue, East Dennis, as per memorandum of October 4, 2006, 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 to the floor plan of the dwelling without 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 quarterly 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. The effluent shall be tested for fecal coliform quarterly.**
- 8. A time-run meter shall be installed and hard-wired into the main electrical panel.**

Ms. Chamberlain seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

- C. Joseph & Gloria Solarz- Variance Application (Addition)
62 QUIVET DRIVE, EAST DENNIS**

Mr. Covell read the legal notice: a variance application for Joseph and Gloria Solarz, 62 Quivet Drive, East Dennis, who seek the following variance from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

Town of Dennis

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

Ms. Cynthia Solarz, representing George Davis Builders and her parents, was present. A four-season family room addition in proposed in the back of the dwelling.

Ms. Chamberlain stated she would like to see the septic system inspected prior to the sign off of the Building permit.

Ms. Chamberlain moved to approve the variance application for Joseph & Gloria Solarz, 62 Quivet Drive, East Dennis, as per memorandum of October 4, 2006, with the proviso a passed Title 5 Septic Inspection report be submitted to the Health Department prior to the sign off of the Building Permit Application.

Mr. Livingston seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

**D. Cape Cod Pentecostal Assembly of Dennisport Massachusetts
27 & 29 MILL STREET, DENNISPORT**

Mr. Covell read the legal notice: a variance application for Cape Cod Pentecostal Assembly of Dennisport Massachusetts, 27 and 29 Mill Street, Dennisport, who seek the following variance from 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 soil absorption system to the foundation.

15.212(b): Variance of 1' requested from the bottom of the soil absorption system to the adjusted groundwater.

15.248(1): No reserve area provided.

Town of Dennis

Reg. 9.0: Variance of 3' requested from the soil absorption system to the foundation.

Reg. 8(D)-1: Variance of 1' requested from the bottom of the soil absorption system to the adjusted groundwater.

Reg. 15.0: No reserve area provided.

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

Mr. Robin Wilcox, Sweetser Engineering, and Mr. Robert Duffy, The Resource, Inc., were present. Mr. Wilcox explained the proposed renovations to the church, converting it into affordable housing apartments. The project is located within an environmentally sensitive area. Mr. Wilcox explained the variances.

A discussion of the nitrogen loading took place. No natural resources are close to the property.

Mr. Livingston moved to approve the variance application for Cape Cod Pentecostal Assembly of Dennisport Massachusetts, 27 & 29 Mill Street, Dennisport, as per memorandum of October 4, 2006, 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 to the floor plan of the dwelling without 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.**

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

**E. Baker Boys Revocable Trust/Timothy L. Baker, Jr.- Variance Application (Failed System)
28 UNCLE JOE’S ROAD, SOUTH DENNIS**

Mr. Covell read the legal notice: a variance application for Tim Baker, Jr., 28 Uncle Joe’s Road, South Dennis, who seeks the following variances from 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 6.2’ requested from the soil absorption system to the proposed well.

15.211(1): Variance of 2.5’ requested from the soil absorption system to the lot line.

15.248(1): No reserve area provided.

Town of Dennis

Reg. 9.0: Variance of 6.2' requested from the soil absorption system to the proposed well.

Reg. 9.0: Variance of 2.5' requested from the soil absorption system to the lot line.

Reg. 15.0: No reserve area provided.

Mr. Robin Wilcox, Sweetser Engineering, was present. Mr. Wilcox explained the property is located at the end of the road, which is private and does not hook up to Town water. The adjacent wells have been located, and the septic system is proposed as far away as possible. Lot line variances are being sought. The variance application will also need to have State approval before a sign off.

A discussion of Town Water vs. Well water took place among the Board Members, and two abutter, Wayne Rice, and Scott Stuart. Both Mr. Rice and Mr. Stuart are concerned with the health and safety of their wells. Mr. Stuart stated he would rather have Town water brought in.

Mr. Perrino moved to deny the variances being sought by Baker Boys Revocable Trust, 28 Uncle Joe's Way, South Dennis, with the finding that the health and safety of the existing wells adjacent to this property would be in jeopardy.

Ms. Chamberlain seconded motion.

VOTED

IN FAVOR 5

OPPOSED 0

**F. Norman Neiterman- Variance Application (New Construction)
194 SESUIT NECK ROAD, EAST DENNIS**

Mr. Covell read the legal notice: a variance application for Norman Neiterman, 194 Sesuit Neck Road, 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 for new construction within an Environmentally Sensitive Area.

Mr. Everett Boy, Reef Realty, was present on behalf of the engineer of the proposed septic system, Tom McLellan. The owners are proposing to demolish an existing three-bedroom structure and replace it with new three- bedroom structure.

A discussion of the use of innovative and alternative treatment took place.

Ms. Chamberlain moved to approve the variance application for Norman Neiterman, 194 Sesuit Neck Road, East Dennis, as per memorandum of October 4, 2006, with the following conditions:

1. A revised septic system plan shall be submitted to the Health Department showing the addition of nitrogen reduction and innovative and alternative treatment.
2. No garbage disposal.
3. Water-saving devices shall be installed and verified by the Dennis Plumbing Inspector.
4. No alteration to the floor plan of the dwelling without review by the Board of Health.
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 quarterly 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. The effluent shall be tested for fecal coliform quarterly.
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 to the septic system due to flood or natural causes.

Mr. Livingston seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

G. Paul & Margaret Bolte- Variance Application (Addition)
35 SHORE ROAD, WEST DENNIS

Mr. Covell read the legal notice: a variance application for Paul and Margaret Bolte, 35 Shore Road, West Dennis, who seek the following variance from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

Town of Dennis

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

Mr. Scott Lewis, representing the Boltes, was present. Mr. Lewis explained the addition to the Board members. A revised septic system plan has been submitted.

Ms. Chamberlain moved to approve variance application for Paul and Margaret Bolte, 35 Shore Road, West Dennis, as per memorandum of October 4, 2006 and the floor plans dated September 19, 2006, with the condition that there is no alteration to the floor plan of the dwelling without review by the Board of Health.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

**H. Breakers Resort, LLC- Variance Application (Addition)
61 CHASE AVENUE, DENNISPORT**

Mr. Covell read the legal notice: a variance application for Breakers Resort, LLC, 61 Chase Avenue, Dennisport, who seek the following variance from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

Town of Dennis

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

Mr. Gordon Clarke was present. There is a proposed alteration of habitable space in an environmentally sensitive. Mr. Clarke explained the proposed renovations.

A discussion of adding IA and UV to the current septic system took place. The Board Members encouraged the applicants to seek the advice of an engineer to see if the addition could be made to the existing septic system.

Ms. Chamberlain moved to continue the variance application for Breakers Resort, LLC, 61 Chase Avenue, Dennisport, to the November 9, 2006 Board of Health meeting.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

**I. Richard Roy- Variance Application (Addition)
41/43 NOBSCUSSETT ROAD, DENNIS**

Mr. Covell read the legal notice: a variance application for Richard Roy, 41/43 Nobscussett Road, Dennis, who seeks the following variance from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

Town of Dennis

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

Ms. Sarah Ojala, Down Cape Engineering, was present. The project is located within an environmentally sensitive area, but, are within the groundwater requirement. There is a total of 402 square feet proposed, with no increase in the number of bedrooms. A similar project to this was approved recently.

Plan based upon 78 code should be submitted showing the design calculations. Ms. Ojala did the calculations....can be put on the plan and submitted to Health Department.

Ms. Chamberlain moved to approve the variance application for Richard Roy, 41/43 Nobscussett Road, Dennis, with the conditions a revised septic system design, showing the design calculations, be submitted to the Health Department, and no alteration to the floor plan of the dwelling without review by the Board of Health.

Mr. Livingston seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

**J. Harry Baum- Appeal of Condemnation Order
5 RONDA LANE, DENNIS**

Mr. Covell read the legal notice.

Mr. Harry Baum was present. Mr. Baum explained the reasons for his appeal and the steps taken to correct the violations.

Mr. Perrino moved to order a re-inspection of the dwelling prior to lift of the condemnation order and instructed Mr. Baum to contact the Health Department to make an appointment when said violations are corrected.

Ms. Chamberlain seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

**K. Joseph Giombetti- Appeal of Order to Correct a violation of 310
CMR 15.000, The State Environmental Code Title 5
82 STONE HORSE WAY, CHASE'S OCEAN GORVE,
DENNISPORT**

Mr. Covell read the legal notice.

Mr. Livingston stepped down.

Mr. Joseph Giombetti was present. Mr. Giombetti explained the reason for the appeal. According to Mr. Giombetti, the cesspool is operating fine. .

Mr. Hayes explained to the Board Members that he has spoken to the Title 5 Inspector regarding this inspection.

Ms. Chamberlain moved to approve the appeal for Joseph Giombetti, 82 Stone Horse Way, Chase’s Ocean Grove, Dennisport, MA, as per memorandum of October 4, 2006.

Ms. Bird seconded the motion.

VOTED

**IN FAVOR 4
OPPOSED 0**

- L. Donald A. Giombetti- Appeal of Order to Correct a violation of 310 CMR 15.000, The State Environmental Code Title 5
81 POLLACK RIP WAY, CHASE’S OCEAN GROVE,
DENNISPORT**

Mr. Covell read the legal notice.

Mr. Livingston stepped down.

Mr. Don Giombetti was present and explained his reason for wanting an appeal. Mr. Giombtetti explained he would like to have the septic system re-inspected before having to upgrade the system, therefore, asked for the appeal request to be continued. The cesspool failed because of the stain level at the time of the inspection.

Ms. Chamberlain moved continue the appeal request for Donald Giombetti, 81 Pollack Rip Way, Chase’s Ocean Grove, Dennisport, to the November 9, 2006 Board of Health meeting.

Ms. Bird seconded.

VOTED

**IN FAVOR 4
OPPOSED 0**

- II. AGENDA**
 - 1. Preliminary Subdivision Plan Review**

Mr. Robin Wilcox explained the subdivision plan to the Board Members. 11 acres, Bells desire to cut the main house off the parcel, put a road in, its in a Zone II, abuts Clay pond and Grassy Pond, two different well fields. ESA, prelim, filed with this Board for recommendation, and when definitive comes in, only can approve or disapprove. No variances needed for Title 5, and town water will be required. TH- recommended two conditions, existing septic be shown, and all properties created be served by Town Water.

Ms. Chamberlain moved....terry's conditions

Mr. Livingston seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

III. MINUTES

1. Regular Meeting of September 14, 2006

Mr. Livingston moved to approve as printed

Ms. Chamberlain seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**