

**BOARD OF HEALTH MEETING
THURSDAY, NOVEMBER 9, 2006
DENNIS TOWN OFFICES
LARGE HEARING ROOM**

PRESENT: Chairman Covell, Members Perrino, Livingston, Bird & Chamberlain

STAFF: Director Hayes, Secretary Fabiano

Mr. Covell called the meeting to order at 7:02pm.

I. ACTION

**A. Breakers Resort, LLC- Variance Application
61 CHASE AVENUE, DENNISPORT**

Mr. Covell read the legal notice: a variance application for Breaker's 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/alteration within an environmentally sensitive area.

Mr. Robin Wilcox, Sweetser Engineering, was present on behalf of the applicants. Mr. Wilcox explained the variance being sought. At the last Board meeting, the members had asked the applicants to add some form of de-nitrification to the septic system. Mr. Wilcox explained the plans have been prepared and have been put out to bid. Mr. Wilcox explained the proposed system with the innovative and alternative treatment.

Mr. Livingston asked for an update on the nitrogen loading calculations. This site has been used year round, but not to its full capacity.

Mr. Livingston moved to approve the variance for Breakers Resort, LLC, 61 Chase Avenue, Dennisport, as per memorandum of November 2, 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 of the system, due to flood or natural causes.

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

**B. Chris Wilkins- Variance Application (New Construction)
 136 (REAR OF 146) BRIDGE STREET, EAST DENNIS**

Mr. Covell read the legal notice: a variance application for Chris Wilkins, 136 Bridge Street, East Dennis, who seeks the following variance from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

Town of Dennis

Reg.16.B/9.A: Variance requested to allow new construction in an Environmentally Sensitive Area

Mr. Mark Dibb, BSC Group, was present on behalf of the applicant. Mr. Dibb explained the variance being sought by the applicant, and presented the plan to the Board Members. The lot is a total of 91,000 square feet. The applicant is proposing to build a four –bedroom dwelling, as shown in the submitted floor plans. The septic system is a standard gravity, Title 5 septic system. There is an overgrown cranberry bog near the site and a perched water table as well, making the lot environmentally sensitive. The nitrogen loading calculations have been provided.

Mr. Livingston asked if the wetlands were determined by the Conservation Commission. Mr. Dibb explained a Professional Wetland Specialist had flagged the wetland.

Mr. Perrino stated that the system is well outside the area.

Mr. Hayes recommended the Board Members approve pending a negative confirmation of wetlands in the area.

Mr. Livingston moved to approve the variance application for Chris Wilkins, 136 Bridge Street, East Dennis, as per memorandum of November 2, 2006, with the following conditions

- 1. An Order of Conditions from the Conservation Commission with a negative finding of the wetlands is submitted to the Health Department.**
- 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.**

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

**C. Todd Sczebak/Donald Sczebak- Variance Application (New Construction)
70 INDIAN TRAIL, DENNISPORT**

Mr. Covell read the legal notice: a variance application for Todd and Donald Sczebak, 70 Indian Trail, Dennisport, who seek the following variances from the Massachusetts 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 property line.
Variance of 10' requested from the soil absorption system to the cellar wall.
Variance of 6' requested from the septic tank to the cellar wall.

Town of Dennis

- Reg. 9.0:** Variance of 4' requested from the soil absorption system to the property line.
Variance of 10' requested from the soil absorption system to the cellar wall.
Variance of 6' requested from the septic tank to the cellar wall.
Variance of 4' requested from the soil absorption system to the wetland.

Reg. 12.0: Variance requested to allow the septic tank and soil absorption system to be above the existing grade.

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

Mr. Brian Grady, GAF Engineering, was present on behalf of the applicant. Mr. Grady handed the green cards to the secretary. Mr. Grady explained the applicant is requesting the re-issuance of a variance. The original variances were approved at the August 2005 Board of Health Meeting. Some minor changes have been made, primarily, the footprint of the dwelling was changed, and Mr. Grady has changed the leaching facility that is proposed and has moved it further away from the wetlands.

The Conservation Commission has approved the septic system design.

Mr. Kurt Boetcher, abutter at 66 Indian Trail, was present. Mr. Boetcher is questioning the wetland boundary.

Mr. Livingston stated that the Board Members would have to accept the Conservation Commission's findings. Mr. Boetcher and Mr. Grady had a conversation regarding the retaining walls.

Mr. Hayes explained that this conversation would better suit the Zoning Board of Appeals. A discussion regarding the property lines took place.

Mr. Perrino moved to approve the variance application for Todd and Donald Sczebak, 70 Indian Trail, Dennisport, as per memorandum of November 2, 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 of the system, due to flood or natural causes.
 10. The dwelling shall be restricted to a total of two (2) bedrooms.

Mr. Livingston seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

**D. Nelson Rouette- Variance Application (Addition)
115 SOUTH STREET, EAST DENNIS**

Mr. Covell read the legal notice: a variance application for Nelson Rouette, 115 South Street, East Dennis, who seeks the following variances from the Massachusetts 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 property line.**
Variance of 3' requested from the soil absorption system to the cellar wall.

Town of Dennis

- Reg. 9.0: Variance of 4' requested from the soil absorption system to the property line.**
Variance of 3' requested from the soil absorption system to the cellar wall.
Variance requested to allow an addition of habitable space in an Environmentally Sensitive Area.

Mr. Steve Haas, Eagle Surveying, Inc. was present on behalf of the applicant. Mr. Haas explained the variances to the Board members. The lot abuts Quivet Marsh. Mr. Haas designed a three-bedroom septic system without variances, but, the buyer of the property would like to finish the basement, creating a bedroom. Setback variances to the property line and the dwelling are needed, and there is additional flow within an Environmentally Sensitive Area. The proposed leaching facility would be 12' above the groundwater.

Mr. Livingston stated the location is critical given the close proximity to the creek and would like to see some form of de-nitrification added to the septic system design.

Mr. Livingston moved to approve the variance application for Nelson Rouette, 115 South Street, as per memorandum of November 2, 2006, with the following conditions:

1. A revised septic system plan, showing the addition of added denitrification and ultraviolet treatment is submitted to the Health Department.
2. No garbage disposal.
3. Water-saving devices shall be installed and verified by the Dennis Plumbing Inspector.
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

**E. Charles G. Bilezikian- Variance Application (Addition)
 459 MAIN STREET, WEST DENNIS**

Mr. Covell read the legal notice: a variance application for Charles Bilezikian, 459 Main Street, West 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/alteration within an Environmentally Sensitive Area.

Mr. David Lammers was present on behalf of the applicant. Mr. Lammers explained the variance being sought. There is no proposal to upgrade the septic system. Mr. Lammers indicated he intends to deplete the number of bedrooms from six to three.

Mr. Hayes recommended that after the work to the dwelling is completed, the septic system shall be inspected prior to the release of the Certificate of Occupancy from the Building Department.

Mr. Perrino moved to approve the variance application for Charles G. Bilezikian, 459 Main Street, West Dennis, as per memorandum of November 3, 2006, with the following condition:

“The septic system shall be inspected by a Certified Title 5 Inspector, prior to the release of the Certificate of Occupancy from the Building Department.”

Ms. Bird seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

**F. Donald Giombetti- Appeal of Order to Correct a Violation of 310 CMR 15.000, The State Environmental Code, Title 5 (cont. from 10/12/06)
81 POLLACK RIP WAY, CHASE’S OCEAN GROVE, DENNISPORT**

Mr. Covell read the legal notice.

Mr. Livingston stepped down.

Mr. Donald Giombetti was present and explained the septic system had been re-inspected by Dan Speakman. The report has been submitted to the Health Department; however, it is not in the file this evening.

Ms. Bird moved to rescind the Order to Correct a Violation provided the Title 5 report filed by Mr. Speakman states the septic system is passed.

Ms. Chamberlain seconded the motion.

VOTED

**IN FAVOR 4(Livingston abstained)
OPPOSED 0**

**G. Janice Graves- Appeal of Order to Correct a Violation of 310 CMR 15.000, The State Environmental Code, Title 5
241 OLD WHARF ROAD, UNITS 102 & 103, CHASE’S OCEAN GROVE, DENNISPORT**

Mr. Covell read the legal notice.

Mr. Livingston stepped down.

Ms. Janice Graves was present, along with Jeff Wall, Wall Septic Service. Mr. Wall did the inspection, and determined the system to be passed. This septic system is also a shared septic system.

Mr. Hayes explained the kitchen dry-well was considered to fail.

Mr. Wall stated that he did not realize that dry wells were considered to be failing.

A discussion for the reason for failure took place. Mr. Hayes recommended the hearing be continued so that Ms. Graves can either have further investigation done as to who the proper owner of the drywell is, or, the Plumbing Inspector can be contacted to see if it can be re-piped into the system.

Ms. Chamberlain moved to continue the appeal for Janice Graves, 241 Old Wharf Road, units 102 & 103, Dennisport, to the December 14, 2006 Board of Health meeting, where further investigation can be done as to who is owner of the kitchen drywell and if there are any more leaching facilities.

Ms. Bird seconded the motion.

VOTED

**IN FAVOR 4 (Livingston Abstained)
OPPOSED 0**

- H. John Cuchetti- Appeal of Order to Apply for a Common Victualler's License & Amend Food Service License (Cont. from 09/14/06)
THE SESUIT HARBOR CAFÉ, 375 SESUIT NECK ROAD, EAST DENNIS**

Mr. Covell read the legal notice.

The owner has requested a continuance.

Ms. Chamberlain moved to continue the appeal of an order for John Cuchetti, 375 Sesuit Neck Road, East Dennis, to the December 14, 2006 Board of Health Meeting.

Mr. Livingston seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

- I. Tucker Nominee Trust/ Peter Nese- Show Cause Hearing for Non-Compliance with an Order to Correct Violations of the State Sanitary Code, 105 CMR 410.000, Chapter II, Minimum Standards of Fitness for Human Habitation**

1389 MAIN STREET, 2ND FLOOR WEST APT., EAST DENNIS

Mr. Covell read the legal notice.

Mr. Covell referenced the letter by Agent Tierney to Mr. Nese, stating the property is no longer in violation, and it was being removed from this evening's agenda.

Ms. Chamberlain moved to remove the show cause hearing for Tucker Nominee Trust/Peter Nese, 1369 Main Street, 2nd Floor, East Dennis, from the agenda.

Mr. Livingston seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

- J. Ronald Lambert- Show Cause Hearing for Non-Compliance with an Order to Correct Violations of the State Sanitary Code, 105 CMR 410.00, Chapter II, Minimum Standards of Fitness for Human Habitation 8A SUPREME WAY, DENNISPORT**

Mr. Covell read the legal notice.

Mr. Lambert was present. Mr. Lambert stated he is not disputing anything found in the Health Agent's report. The tenant was damaging everything, and did not want to pay the rent. Mr. Lambert People explained he is a landlord for the Dennis Housing Authority, and they do an inspection every year. Anytime there is a violation found, he immediately fixes it. Mr. Lambert asked for a little extra time to finish the repairs that need to be made, however, all of the major code violations have been corrected.

Mr. Hayes stated an inspection would need to be conducted prior to the release of the Rental Occupancy Permit.

Mr. Perrino moved to continue the show cause hearing for Ronald Lambert, 8A Supreme Way, Dennisport, to the December 14, 2006 Board of Health Meeting. Mr. Lambert has been instructed to call the Health Department for an inspection of the dwelling prior to his renting it.

Ms. Chamberlain seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

- K. Rogério Balestri/ Ricki Day d/b/a BZ's Mexican Pizzeria- Appeal of Order to Discontinue Use of Tableware Requiring Ware Washing**

682 MAIN STREET, DENNISPORT

Mr. Covell read the legal notice.

Mr. Balestri was present, along with his attorney, Theodore Schilling. Mr. Schilling indicated the reasons for Mr. Balestri's appeal. Mr. Schilling stated there are thirty-two (32) ceramic dishes used, and the majority of the business is take-out in nature.

Mr. Perrino moved to approve the appeal by Rogerio Balestri/Ricki Day d/b/a BZ's Mexican Pizzeria, subject to the following conditions:

- 1. The applicant shall submit the water bills to the Health Department**
- 2. The owner shall have the septic system pumped twice per year, once in April and once in September**
- 3. No expansion of the menu that require non-disposable dishes.**

Mr. Livingston seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

II. AGENDA ITEMS

- 1. Kevin & Stephanie Donovan- Review Proposed Modification to Basement Floor Plan
67 HIRAM POND ROAD, DENNIS**

Mr. Brian Grady, GAF Engineering, was present. Mr. Grady explained the change in floor plan. This is not a walk out basement, and the windows will be typical cellar windows.

Mr. Perrino moved to approve the proposed modifications for Kevin and Stephanie Donovan, 67 Hiram Pond Road, Dennis, as presented with the condition that there be no alteration of the floor plan to the dwelling without review by the Board of Health.

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

III. MINUTES

- **Regular Meeting of the Board of Health of October 12, 2006**

Ms. Chamberlain moved to approve the minutes of the regular Board of Health meeting of October 12, 2006 as printed.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

In an off agenda item, Ms. Chamberlain asked Director Hayes about the tracking of septic system pumping. Mr. Hayes indicated to the Board Members that he is working with staff on the progress of a septic system pumping and would like to see something in place by the beginning of 2007.

The meeting adjourned at 8:25 pm.