

**BOARD OF HEALTH MEETING  
THURSDAY, DECEMBER 14, 2006  
DENNIS TOWN OFFICES  
SMALL HEARING ROOM**

**PRESENT:** Chairman Covell, Members Livingston, Bird and Chamberlain

**STAFF:** Director Hayes, Secretary Fabiano

**ABSENT:** Member Perrino

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

**I. ACTION**

**A. Bruce & Stacy Gendron- Variance Application (Addition)  
122 UPPER COUNTY ROAD, DENNISPORT**

Mr. Covell read the legal notice: a variance application for Bruce and Stacy Gendron, 122 Upper County Road, 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.**

Bruce and Stacy Gendron were present, along with their builder. A 32 x 48 addition has been proposed to an existing ranch. The dwelling would be converted to a Cape. Currently, the existing septic system is for three bedrooms, and the dwelling has two. The proposed addition has three bedrooms total.

Mr. Hayes noted the submitted nitrogen loading calculations are extremely high, due to Mr. Gendron including the entire property into the calculations. Mr. Hayes stated the nitrogen would have to be re-calculated and re-submitted.

A discussion of the proposed floor plan took place.

**Ms. Chamberlain moved to approve the variance application for Bruce and Stacy Gendron, 122 Upper County Road, Dennisport, as per memorandum of December 7, 2006, with the following condition:**

- 1. A revised floor plan shall be submitted to the Health Department showing an open doorway to the proposed office with a half bathroom.**
- 2. New nitrogen loading calculations shall be submitted.**
- 3. No garbage disposal.**

- 4. Water-saving devices shall be installed and verified by the Dennis Plumbing Inspector.
- 5. No alteration to the floor plan of the dwelling without review by the Board of Health.
- 6. Record variances and conditions at the Registry of Deeds to run with the property, WITH A COPY TO THE HEALTH DEPARTMENT.

Mr. Livingston seconded the motion.

**VOTED**

**IN FAVOR 4**

**OPPOSED 0**

**B. David C. Napoli-Variance Application (Re-Build)  
27 WADES WAY, DENNIS**

Mr. Covell read the legal notice: a variance application for David C. Napoli, 27 Wades Way, 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 of habitable space within an environmentally sensitive area.**

Steve Doyle, Stephen Doyle Associates, was present on behalf of the applicants. There is a proposed mounded septic system, with a pump chamber, and poly-liner around the wall. There is a proposed foot and half grade change. No de-nitrification calculations were submitted. The proposed septic system is a FAST system.

Ms. Chamberlain stated the septic system design needs to include ultraviolet treatment.

**Ms. Chamberlain moved to approve the variance application for David C. Napoli, 27 Wades Way, Dennis, as per memorandum of December 7, 2006, with the following conditions:**

- 1. A revised plan showing added ultraviolet treatment and the Town of Dennis Inspection Block shall be 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.

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. 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.
9. A time-run meter shall be installed and hard-wired into the main electrical panel.

Mr. Livingston seconded the motion.

**VOTED**  
**IN FAVOR 4**  
**OPPOSED 0**

**C. Paul & Laura Terrile- Variance Application (Addition)  
138 INDIAN POND ROAD, WEST DENNIS**

Mr. Covell read the legal notice: a variance application for Paul and Laura Terrile, 138 Indian Pond Road, 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 of habitable space within an environmentally sensitive area.**

Mr. Daniel Croteau, Moran Engineering, was present. House is located within an environmentally sensitive area. The number of bedrooms will remain three. Mr. Croteau explained the proposed floor plan to the Board Members. The existing septic system passed inspection in July of 2000. Currently the second floor is just an attic.

Mr. Hayes stated the septic system was installed in 1974.

Ms. Chamberlain stated the septic system should be Title 5 compliant, given the size of the addition.

Mr. Croteau asked if it would be possible to accept the variance this evening and not have to come back to the Board of Health with a new Title 5 septic system.

Mr. Covell recommended the applicants request a continuance and submit a new plan for the January meeting.

**Mr. Livingston moved to continue the variance application for Paul and Laura Terrile, 138 Indian Pond Road, West Dennis, to the January 11, 2007 Board of Health Meeting.**

**Ms. Chamberlain seconded the motion.**

**VOTED**

**IN FAVOR 4**

**OPPOSED 0**

- D. Janice Graves- Appeal of Order to Correct a Violation of 310 CMR 15.000, the State Environmental Code, Title 5 (Cont. from 11/09/06)  
241 OLD WHARF ROAD, UNITS 102 & 103, CHASES OCEAN GROVE, DENNISPORT**

Mr. Covell read the legal notice.

**Mr. Livingston stepped down.**

The Health Director informed the Board that the owner has attempted to connect the kitchen sink to the cesspool; however, the State Plumbing Code prohibits this type of repair. He recommended that the Board modify the existing order to correct the septic system.

**Ms. Chamberlain moved to rescind the order to upgrade the cesspool and allow the system to continue to be utilized in its present condition, subject to the condition that the property change ownership (including transfer of ownership within a family or third party), the septic system shall be upgraded. Unit #103 shall also come under this stipulation.**

**Ms. Bird seconded the motion.**

**VOTED 3-0 (Livingston abstained)**

- E. Bart Tripoli- Appeal of Order to Correct a Violation of 310 CMR 15.000, The State Environmental Code, Title 5  
241 OLD WHARF ROAD, UNIT 115, CHASES OCEAN GROVE, DENNISPORT**

Mr. Covell read the legal notice.

**Mr. Livingston stepped down.**

Mr. Jeff Wall, representing Mr. Tripoli, was present. Mr. Wall explained he had Meggan look at the cesspool and discussed the problem regarding a stain line. A discussion of the report took place.

**Ms. Chamberlain moved to rescind the order to correct a violation for Bart Tripoli, 241 Old Wharf Road, unit 115, Dennisport.**

**Ms. Bird seconded the motion.**

**VOTED**

**IN FAVOR 3 (Livingston abstained)**

**OPPOSED 0**

- F. Carol Keohane- Appeal of Order to Correct a Violation of 310 CMR 15.000, The State Environmental Code, Title 5  
46 AGNES ROAD, SOUTH DENNIS**

Mr. Covell read the legal notice.

A letter was received asking for a continuance to the next hearing, due to illness

**Ms. Chamberlain moved to continue the appeal for Carol Keohane, 46 Agnes Road, South Dennis to the January 11, 2007.**

**Mr. Livingston seconded**

**VOTED**

**IN FAVOR 4**

**OPPOSED 0**

- G. Dennisport Restaurant Trust- Show Cause Hearing for Non-Compliance with an Order to Correct a violation of 310 CMR 15.000, The State Environmental Code, Title 5  
435 MAIN STREET, DENNISPORT (YINGS)**

Mr. Covell read the legal notice.

No one was present.

Mr. Hayes stated he has been unable to obtain any information from the owner.

Mr. Covell spoke with tenant, and the tenant is repeatedly pumping.

**Mr. Livingston moved to order the tenant to submit the pumping records for the septic system to the Health Department for further evaluation.**

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 4  
OPPOSED 0

- H. John Cuchetti- Appeal of Order to Apply for a Common Victualler's License & Amend Food Service License (Cont. from 11/9/06)  
THE SESUIT HARBOR CAFÉ, 375 SESUIT NECK ROAD, EAST DENNIS

Mr. Covell read the legal notice.

No one present was present on the matter. Mr. Covell explained that the Building Commissioner has still not rendered a decision on his end, and therefore suggested continuing the appeal to the next Board of Health meeting.

Ms. Chamberlain moved to continue the appeal hearing for John Cuchetti, 375 Sesuit Neck Road, East Dennis, to the January 11, 2007 Board of Health Meeting.

Mr. Livingston seconded the motion.

VOTED

IN FAVOR 4  
OPPOSED 0

- I. Ronald Lambert-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  
8A SUPREME WAY, DENNISPORT

Mr. Covell read the legal notice.

Mr. Covell stated a memorandum from Kristen Keller was submitted and everything is in compliance.

Mr. Livingston moved to remove the show cause hearing for Ronald Lambert , 8A Supreme Way, Dennisport, from the agenda.

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 4  
OPPOSED 0

- J. **Edward Baker**- 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**  
266 MAIN STREET, SOUTH DENNIS

Mr. Covell read the legal notice.

No one was present on the matter.

**Mr. Livingston moved to continue the show cause hearing for Edward Baker, 266 Main Street, South Dennis, to the January 11, 2007 Board of Health Meeting.**

**Ms. Chamberlain seconded the motion.**

**VOTED**

**IN FAVOR 4**  
**OPPOSED 0**

- K. **Marie O'Brien**- Variance Requested from Habitable Space Requirements of the State Sanitary Code, 105 CMR 410.000, Chapter II, **Minimum Standards of Fitness for Human Habitation**  
29 LONGELL ROAD, DENNISPORT

Mr. Covell read the legal notice.

Mr. O'Brien was present. He and Ms. O'Brien stated they were seeking to upgrade the maximum occupancy from five persons to six.

Mr. Hayes stated the property does have a history of six person maximum occupancy.

**Ms. Chamberlain moved to approve the variance request by Marie O'Brien, 29 Longell Road, Dennisport, and allow for a maximum occupancy of six persons.**

**Mr. Livingston seconded the motion.**

**VOTED**

**IN FAVOR 4**  
**OPPOSED 0**

- L. **Pierina Zukauskas, Pres., Swan River Liquors Corporation d/b/a Swan River Liquors**- Show Cause Hearing for Fourth Violation of the Town of Dennis By-Law for the Sale and Distribution of Tobacco Products, Section II-b  
964A ROUTE 28, WEST DENNIS

Mr. Covell read the legal notice.

The owner was present. Ms. Zukauskas stated she has policies in place, plus ID detectors, and has no explanation for the fourth offense.

**Ms. Chamberlain moved to require the Tobacco Control Coalition to review the training process in place at Swan River Liquors, 964A Route 28, West Dennis, and impose a fine of \$100.00 to the store.**

**Ms. Bird seconded the motion.**

**VOTED**

**IN FAVOR 4  
OPPOSED 0**

**M. Maxi Drug, Inc., d/b/a Brooks Pharmacy #388- Show Cause Hearing for First Violation of the Town of Dennis By-Law for the Sale and Distribution of Tobacco Products, Section II-b 711 MAIN STREET, DENNISPORT**

Mr. Covell read the legal notice.

Kate McNamara and Shannon O'Brien, store managers, were present. Ms. O'Brien explained the employee that made the sale has been terminated, and a re-training of employees will take place. Brooks Pharmacy has a no tolerance policy for the sale of tobacco products to minors.

**Mr. Livingston moved to issue a written warning to Maxi Drug, Inc., d/b/a Brooks Pharmacy.**

**Ms. Bird seconded the motion.**

**VOTED**

**IN FAVOR 4  
OPPOSED 0**

**N. Dennis Konary d/b/a The Marine Package Store- Show Cause Hearing for First Violation of the Town of Dennis By-Law for the Sale and Distribution of Tobacco Products, Section II-b 697 MAIN STREET, DENNISPORT**

Mr. Covell read the legal notice.

Dennis Konary was present. Mr. Konary stated he is in the process of re-training all of his employees to ask for identification of anyone who looks younger than thirty years of age.

**Mr. Livingston moved to issue a written warning to the Marine Package Store.**

**Ms. Bird seconded the motion.**

**VOTED**

**IN FAVOR 4  
OPPOSED 0**

**O. Review Application for a Sampling Variance for Sea Street Beach, Dennisport**

Mr. Covell read the legal notice.

A Registered Sanitarian recommends, in his opinion, the beach has a low public health threat and testing could be suspended from the weekly sampling.

Mr. Hayes recommended the Board could approve the variance from sampling and allow for a sample to be taken once at the beginning of season and once per month thereafter, instead of once per week.

**Ms. Chamberlain moved to approve the variance and allow for a monthly sampling of Sea Street Beach for a total of three years, at which time the Board will review the sample results and determine a sampling schedule.**

**Mr. Livingston seconded the motion.**

**VOTED**

**IN FAVOR 4  
OPPOSED 0**

**P. VOTE to Approval Annual License Renewals for 2007**

**Ms. Chamberlain moved to approve the annual license renewals for 2007 as per memorandum, with the condition that those establishments with outstanding tax bills be called prior to the release of their license or January 1, 2007.**

**Mr. Livingston seconded the motion.**

**VOTED**

**IN FAVOR 4  
OPPOSED 0**

**II. MINUTES**

**1. Regular Meeting of November 9, 2006**

**Ms. Chamberlain moved to approve the minutes of the November 9, 2006 Board of Health meeting as printed.**

**Mr. Livingston seconded the motion.**

**VOTED**

**IN FAVOR 4**

**OPPOSED 0**

**The meeting adjourned at 8:15 pm.**