

**BOARD OF HEALTH MEETING
THURSDAY, AUGUST 10, 2006
LARGE HEARING ROOM
DENNIS TOWN OFFICE**

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

STAFF: Director Hayes, Secretary Fabiano

Chairman Covell called the meeting to order at:

I. ACTION

**A. LSC Associates, LLC- Variance Application (Alterations- Cont. from 7/13/06)
405 OLD WHARF ROAD, DENNISPORT**

Mr. Covell read the legal notice: a variance application for LSC Associates, LLC, 405 Old Wharf Road, Dennisport, 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.

Timothy Santos, representing Holmes and McGrath, was present. The applicant has agreed to add a BioClear unit with ultraviolet treatment to the existing septic system, and has presented the revised plan.

Mr. Livingston moved to approve the variance application for LSC Associates, LLC, 305 Old Wharf Road, Dennisport, as per memorandum of August 1, 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 system due to flood or natural causes.

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 5
 OPPOSED 0

**B. Robert Goehring- Variance Application (New Construction- Cont. 7/13/06)
 20 TROTTING PARK ROAD EXT., WEST DENNIS**

Mr. Covell read the legal notice: a variance application for Robert Goehring, 20 Trotting Park Road, Extension, 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 new construction within an environmentally sensitive area.

A letter was submitted by Weller and Associates requesting a continuance.

Ms. Chamberlain moved to continue the variance application for Robert Goehring, 20 Trotting Park Road, Extension, West Dennis, to the September 14, 2006 Board of Health Meeting, so that an additional test hole can be scheduled.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 5
 OPPOSED 0

**C. Scott Callahan- Variance Application (New Construction Cont. from 7/13/06)
28 SURFSIDE ROAD, WEST DENNIS**

Mr. Covell read the legal notice: a variance application for Scott Callahan, 28 Surfside 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 new construction within an environmentally sensitive area and relief from additional criteria of Regulation 16. B, as deemed just by the Board.

Mr. Robert Perry, Professional Engineer, was present on behalf of the applicant. The applicants wish to do an IA septic system in this instance. Mr. Perry stated he would submit a revised septic system plan showing the addition of an IA unit with ultraviolet disinfection.

Mr. Livingston moved to approve the variance application for Scott Callahan, 28 Surfside Road, West Dennis, as per memorandum of July 31, 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 system due to flood or natural causes.**

10. A revised plan showing the addition of IA technology and ultraviolet treatment is submitted to the Health Department.

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

D. Jonathan Uhrig- Variance Application (New Construction- Cont. from 7/13/2006)
20 BAYVIEW AVENUE, DENNIS

Mr. Covell read the legal notice: a variance application for Jonathan Uhrig, 20 Bayview Avenue, 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 new construction in an Environmentally Sensitive Area and relief from additional criteria of Regulation 16.B, as deemed just by the Board.

Reg. 9.0: Variance of 33' requested from the soil absorption system to the watercourse (bordering vegetated wetland).

Reg. 9.3: Variance requested to allow the construction of the septic system within a coastal dune deposit and a mapped barrier beach.

A letter from the engineer was submitted to the Board requesting a continuance to the next Board of Health Meeting.

Ms. Chamberlain moved to continue the variance application for Jonathan Uhrig, 20 Bayview Avenue, West Dennis, to the September 14, 2006 Board of Health Meeting.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

E. Robert & Joan Dalpe- Variance Application (Addition)
2 BARNHOUSE ROAD, DENNISPORT

Mr. Covell read the legal notice: a variance application for Robert and Joan Dalpe, 2 Barnhouse 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 within an environmentally sensitive area.

Mr. and Mrs. Dalpe were present. Mr. Dalpe explained he is seeking to build an addition to the back of the existing dwelling. It would be a dining room and an extension of an existing loft.

Gerry Fraser, 11 Barnhouse Road, Dennisport was present and stated she supported the addition.

Ms. Chamberlain moved to approve the variance application for Robert and Joan Dalpe, 2 Barnhouse Road, Dennisport, with the condition the existing septic system is inspected by a Certified Title 5 System Inspector.

Ms. Bird seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

**F. Barton & Janet Grasson- Variance Application (Addition)
14 BEACH ROAD, WEST DENNIS**

Mr. Covell read the legal notice: a variance application for Barton and Janet Grasson, 14 Beach 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 new construction within an environmentally sensitive area.

Ms. Janet Grasson, owner, was present. Ms. Grasson explained the proposed addition to the Board Members. There is already an existing IA technology system, and Ms. Grasson stated she has signed an operation and maintenance agreement.

Mr. Livingston moved to approve the variance application for Barton and Janet Grasson, 14 Beach Road, West Dennis, as per memorandum of July 31, 2006, pending the receipt of the operation and maintenance agreement and test results, and all prior conditions to run with the property.

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

**G. Town of Dennis Police Department- Variance Application (New Construction)
685 ROUTE 134, SOUTH DENNIS**

Mr. Covell read the legal notice: a variance application for the Town of Dennis, 685 Route 134, South Dennis, who seek the following variance from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

Town of Dennis

Reg. 9.3A: Variance requested to allow for new construction of a 10,876 square foot Police Station building within an environmentally sensitive area (Zone II aquifer- soil absorption system is located outside of the Zone II delineation).

Christopher Garcia, engineer of the project, was present.

Ms. Chamberlain visited the site and went over the numbers.

Mr. Hayes explained the proposed septic system design is within full compliance of Title 5.

Ms. Chamberlain moved to approve the variance application for the Town of Dennis Police Department, 685 Route 134, South Dennis, as per memorandum of August 1, 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. The design engineer shall submit a certified as-built, with elevations, to the Health Department.

Mr. Livingston seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

**H. Frederick & Alice Perkins- Variance Application (Addition/Alteration)
46 WHIG STREET, DENNIS**

Mr. Covell read the legal notice: a variance application for Frederick and Alice Perkins, 46 Whig Street, 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/alteration within an environmentally sensitive area.

Mr. Michael O’Loughlin, J. O’Loughlin, Inc. was present. Mr. O’Loughlin stated the applicants would like an addition/remodel. They would be increasing the number of bedrooms by one; however, the septic system was upgraded with the additional bedroom included in the design. There additional space is a total of less than 500 sq. ft.

Mr. Hayes explained DEP has printed language approving the capacity of septic systems as they are deemed on any permit. The permit for the updated septic system in 2002 meets the criteria for this particular addition.

Ms. Chamberlain moved to approve the variance application for Frederick and Alice Perkins, 46 Whig Street, Dennis, as per memorandum of August 1, 2006, with the following condition:

“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**

**I. Steven & Charlene Keady- Variance Application (Addition)
59 LUNETTE LANE, DENNIS**

Mr. Covell read the legal notice: a variance application for Steven and Charlene Keady, 59 Lunette Lane, 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. Robin Wilcox, Sweetser Engineering, was present. Mr. Wilcox explained nitrogen loading had been submitted.

Mr. Livingston stated IA and UV should be added to the septic system design, given the proximity of the wetland.

Ms. Chamberlain moved to approve the variance application for Steven and Charlene Keady, 59 Lunette Lane, Dennis, as per memorandum of August 1, 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.
4. Record variances and conditions at the Registry of Deeds to run with the property, WITH A COPY TO THE HEALTH DEPARMENT.
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. A revised septic system plan shall be submitted to the Health Department showing the addition of innovative and alternative technology and ultraviolet treatment to the proposed design.

Mr. Livingston seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

**J. Craig & Carol Gonsalves- Variance Application (Addition)
 113 SETUCKET ROAD, SOUTH DENNIS**

Mr. Covell read the legal notice: a variance application for Craig and Carol Gonsalves, 113 Setucket Road, South 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/alteration in an environmentally sensitive area (Zone II).

Mr. Robin Wilcox, Sweetser Engineering, was present. Mr. Wilcox explained the proposed addition. The septic system has been inspected.

Ms. Chamberlain moved to approve the variance application for Craig and Carol Gonsalves, 113 Setucket Road, South Dennis, as per memorandum of August 1, 2006, with the following condition:

“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**

K. Paul Reardon- Continued Show Cause Hearing for Non-Compliance with the State Sanitary Code, 105 CMR 410.000, Chapter II, Minimum Standards of Fitness for Human Habitation 393 MAIN STREET, DENNISPORT

Mr. Covell read the legal notice: a continued show cause hearing for Paul Reardon, 393 Main Street, Dennisport.

Pam Ross, Manager, was present.

Mr. Hayes explained to the Board members that the tenant has moved out. Because the apartment has been unoccupied, the Board Members were able to see the rental. Some repairs that have been carried out, however, they were damaged or destroyed by the tenant, and additional damage has been done.

Mr. Hayes suggested removing the hearing from the agenda.

Mr. Livingston moved to remove the show cause hearing for Paul Reardon, 393 Main Street, Dennisport, from the Board of Health Agenda.

Ms. Chamberlain seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

L. Albert & Julie Ann Laflamme- Variance Application from Habitable Space Requirements of the State Sanitary Code, 105 CMR 410.000, Chapter II, Minimum Standards of Fitness for Human Habitation 49 DEPOT STREET, UNIT 2, DENNISPORT

Mr. Covell read the legal notice: a variance application for Albert and Julie Ann Laflamme, 49 Depot Street, unit 2, Dennisport.

Albert and Julie Ann Laflamme were present.

Ms. Chamberlain moved to approve the variance application for Albert and Julie Ann Laflamme, 49 Depot Street, unit 2, Dennisport, and allow for a maximum occupancy of five tenants.

Mr. Livingston seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

M. Richard F. Sunter- Appeal of Order to Correct a Violation of the State Sanitary Code, 105 CMR 410.500, Chapter II, Minimum Standards of Fitness for Human Habitation 11 UNCLE JOHN’S WAY, DENNIS

Mr. Covell read the legal notice: An appeal from an order to correct a violation for Richard Sunter, 11 Uncle John’s Way, Dennis.

A memorandum from Agent Singleton was distributed to the Board Members, stating Mr. Sunter was in compliance.

Ms. Chamberlain moved to remove the appeal of an order to correct a violation for Richard Sunter, 11 Uncle John’s Way, Dennis, from the agenda.

Mr. Livingston seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

N. Robert B. Gerstley- Appeal of Order to Correct Violations of the State Sanitary Code, Minimum Standards of Fitness for Human Habitation and the State Environmental Code, Title 5.

**6 SEARSVILLE ROAD, (AKA 2 GREAT WESTERN ROAD),
SOUTH DENNIS**

Mr. Covell read the legal notice: an appeal of an order to correct a violation by Robert B. Gerstley, 6 Searsville Road, South Dennis.

The Board of Health received a letter from Attorney Leche requesting a continuance to the September 13, 2006 Board of Health Meeting.

Ms. Chamberlain moved to continue the appeal of an order to correct violations for Robert B. Gerstley, 6 Searsville Road, South Dennis, to the September 13, 2006 Board of Health Meeting.

Mr. Livingston seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

- O. Harry Baum- 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
5 RONDA LANE, DENNIS**

Mr. Covell read the legal notice: a show cause hearing for Harry Baum, 5 Ronda Lane, Dennis.

Mr. Baum requested to have the show cause hearing continued to the September meeting, due to pending litigation.

Ms. Chamberlain moved to continue the show cause hearing for Harry Baum, 5 Ronda Lane, Dennis, to the September 13, 2006 Board of Health meeting.

Mr. Livingston seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

II. MINUTES

- 1. Regular Meeting of July 13, 2006**

Mr. Livingston moved to approve the minutes of the regular Board of Health Meeting of July 13, 2006 as revised.

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 4(Perrino not present)

OPPOSED 0

OFF AGENDA

Mr. Hayes and the Board Members discussed usage of the annual flu clinics as a test of the emergency flu pandemic protocol.

The meeting adjourned at 8:03 pm.