

**BOARD OF HEALTH MEETING
THURSDAY, JANUARY 11, 2007
DENNIS TOWN OFFICES
LARGE HEARING ROOM**

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

STAFF: Secretary Fabiano

ABSENT: Director Hayes

I. ACTION

**A. 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 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. Daniel Croteau, Moran Engineering, was present on behalf of the applicants. The lot is located within an environmentally sensitive area, as defined by Board of Health Regulations. Mr. Croteau explained the proposed construction to the Board Members. As requested at the last meeting, a new Title 5 septic system is proposed, with a pump chamber. The proposed septic system is in full compliance with Title 5, but a variance is needed from the Town Regulations. Mr. Croteau did explain a wall is proposed around the leaching area in order to maintain the 5' separation to groundwater.

The Board Members have visited the site.

Mr. Livingston moved to approve the variance application for Paul and Laura Terrile, 138 Indian Pond Road, West Dennis, as per memorandum January 5, 2007, 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 of the floor plan to the dwelling without further review by the Board of Health.**
- 4. The exposed retaining wall shall have a soil, vegetative, or textured covering.**

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. Bird seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

**B. T.Ross Kelly- Variance Application (Addition)
107 & 107A OLD WHARF ROAD, DENNISPORT**

Mr. Covell read the legal notice: a variance application for T. Ross Kelly, 107 & 107A Old Wharf Road, Dennisport, 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

- 15.203(2): Variance requested to allow a 15% reduction in the system sewage flow design (99 GPD requested).**
- 15.211: Variance of 5' requested from the soil absorption system to the property line.
Variance of 5' requested from the soil absorption system to the water line.
Variance of 5' requested from the soil absorption system to the slab foundation.**

Town of Dennis

- Reg. 9.0: Variance of 7.4' requested from the septic tank to the dwelling.
Variance of 4' requested from the soil absorption system to the property line.
Variance of 15' requested from the soil absorption system to the dwelling.
Variance of 5' requested from the soil absorption system to the property line.
Variance of 5' requested from the soil absorption system to the water line.
Variance of 5' requested from the soil absorption system to the slab foundation.**

Mr. John Schnaible, Coastal Engineering, was present. Mr. Schnaible explained the variances being sought on the property. There is a proposed addition where the applicants are seeking to gain some kitchen area. A FAST system is proposed, with ultraviolet treatment.

Mr. Livingston moved to approve as the variance application for T. Ross Kelly, 107 & 107A Old Wharf Road, Dennisport as per memorandum January 2, 2007, 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 of the floor plan to the dwelling without further 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.**

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

- C. **Olaf & Rebecca Schmidt/Leif Boetcher- Variance Application (New Construction)
58 SEA STREET, EAST DENNIS**

Mr. Covell read the legal notice: a variance application for Olaf and Rebecca Schmidt, 58 Sea Street, East Dennis, who seek the following variance from the Town of Dennis Regulation for Subsurface Disposal of Sewage:

Town of Dennis

Reg.16.B: Variance requested to allow for new construction within an environmentally sensitive area.

Mr. Covell stated that a new plan has been submitted to the Board members showing the proposed addition that is set to be constructed. Plan shows the addition of three new

bedrooms, with no upgrade to the current septic system. No one was present on the matter, and Mr. Covell suggested continuing the variance hearing.

Mr. Livingston moved to continue the variance application for Olaf & Rebecca Schmidt, 58 Sea Street, East Dennis, to the February 8, 2007, and conduct staff members to contact the engineer of the septic system for a proper septic plan.

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

**D. Lot 28 Little Cove Circle Trust/ Christopher Johnson Trustee-
Variance Application (New Construction)
53 LITTLE COVE CIRCLE, WEST DENNIS**

Mr. Covell read the legal notice: a variance application for Lot 28 Little Cove Circle Trust/ Christopher Johnson Trustee, 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 new construction within an environmentally sensitive area.

Mr. Kieran Healey, BSC Group, was present on behalf of the applicant. A three-bedroom dwelling is proposed. This lot is nitrogen sensitive. A FAST unit is proposed. All other components to the proposed septic system meet Title 5 and Town of Dennis Requirements.

Mr. Livingston asked why the application has not been before the Conservation Commission. Mr. Healey stated they were slated to see the Conservation Commission, but it had been postponed. Mr. Healy stated he did not anticipate a problem with the Conservation Commission, or with the delineation of the wetland.

Mr. Livingston stated that Conservation may have a problem with it, and maybe should not be voted upon until they have rendered their decision.

Mr. Perrino moved to approve the variance application for Lot 28 Little Cove Circle Trust, 53 Little Cove Circle, West Dennis, as per memorandum of January 2, 2007, with the following conditions:

- 1. The Conservation Commission approves the application.**
- 2. Ultraviolet treatment is added to the system**
- 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 further review by the Board of Health.**
6. **Record variances and conditions at Registry of Deeds to run with the property, WITH A COPY TO THE HEALTH DEPARTMENT.**
7. **The design engineer shall submit a certified as-built plan, with elevations, to the Health Department.**
8. **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.**
9. **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.**
10. **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. Henry A. Jessop- Variance Application (Addition)
85 HEMLOCK LANE, SOUTH DENNIS**

Mr. Covell read the legal notice: a variance application for Henry A. Jessop, 85 Hemlock Lane, South 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.

Mr. Henry Jessop, owner, was present. The applicant is seeking to construct an additional bedroom. Currently there are two bedrooms on this property, with a three bedroom septic system. Septic system was installed two years ago.

Mr. Perrino stated that the septic system is for two bedrooms only. Design calculations are for a two-bedroom system. The leaching area is undersized. A discussion of the lot size and area took place, along with the calculated nitrogen loading.

Mr. Covell stated there is a problem. The Board is in no position to discuss the proposed floor plan this evening, given the size of the existing septic system. Mr. Jessop was encouraged to speak with talk with an engineer. If the room that is proposed meets the criteria of a bedroom, the Board would not be able to approve it, given the code of Title 5 and Town of Dennis.

Mr. Livingston moved to withdraw the variance application for Henry Jessop, 85 Hemlock Lane, South Dennis, without prejudice.

Ms. Bird seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

**F. Lomenzo Family Trust/Peter & Elaine Lomenzo- Variance Application (Addition)
62 NOBSCUSSETT ROAD, DENNIS**

Mr. Covell read the legal notice: a variance application for Lomenzo Family Trust, 62 Nobscussett Road, 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.

Peter Lomenzo was present. Mr. Lomenzo described the proposed addition.

Ms. Chamberlain moved to approve the variance application for Lomenzo Family Trust, 62 Nobscussett Road, Dennis, as per memorandum of January 2, 2007, with all prior conditions 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**

**G. Edgar & Christine Reddick/ Peter Lomenzo- Variance Application (Addition)
15 BRAMBLE LANE, DENNIS**

Mr. Covell read the legal notice: a variance application for Edgar and Christine Reddick, 15 Bramble Lane, 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. Peter Lomenzo was present on behalf of the applicant. Mr. Lomenzo explained the proposed addition.

Mr. Livingston moved to approve the variance application for Edgar and Christine Reddick, 15 Bramble Lane, Dennis, as per memorandum of January 2, 2007.

Ms. Chamberlain seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

**H. John J. Keenan/Encore Construction Co.- Variance Application (New Construction)
277 DEPOT STREET, DENNISPORT**

Mr. Covell read the legal notice: a variance application for John J. Keenan, 277 Depot Street, 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 new construction within an environmentally sensitive area.

Mr. Perrino and Ms. Chamberlain stepped down.

Kathy Demire, Encore Construction, was present on behalf of the applicant.

Mr. Livingston explained the Board Members had a problem with the septic plan, particularly the secondary building located on the property. Mr. Livingston stated there needed to be confirmation of what was existing over the barn/garage before the board Members could render a decision.

Mr. Livingston moved to continue the variance application for John J. Keenan, 277 Depot Street, Dennisport, to the February 8, 2007 Board of Health Meeting, and instruct staff to conduct an inspection above the garage/barn.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 3 (Perrino, Chamberlain abstained)

OPPOSED 0

- I. 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 (Cont. from 12/14/06)
435 MAIN STREET, DENNISPORT (YINGS)**

Mr. Covell read the legal notice.

Mr. Covell read a letter from Cliff Daluze, who stated he had inspected the septic system, though it has not been certified. Mr. Covell suggested postponement of the hearing because the tenant was present, and was informed that an attorney has been sought by the tenant.

Ms. Chamberlain moved to continue the show cause hearing for Dennisport Restaurant Trust, 435 Main Street, Dennisport, to the February 8, 2007 Board of Health meeting.

Mr. Livingston seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

- J. Carol Keohane- Appeal of Order to Correct a Violation of 310 CMR 15.000, The State Environmental Code, Title 5 (Cont. from 12/14/06)
46 AGNES ROAD, SOUTH DENNIS**

Mr. Covell read the legal notice.

Mr. Covell informed the Board Members that a septic permit has been pulled by a licensed installer. Mr. Covell suggested the Board Members remove the item from the agenda and instruct staff members to return it to the Board if necessary.

Ms. Chamberlain moved to remove the appeal of an order to correct a violation for Carol Keohane, 46 Agnes Road, South Dennis, from the agenda.

Mr. Livingston seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

**K. Kevin & Diane Clue- Appeal of Order to Correct a Violation of 310 CMR 15.000, The State Environmental Code , Title 5
241 OLD WHARF ROAD, UNIT 98, CHASE'S OCEAN GROVE,
DENNISPORT**

Mr. Covell read the legal notice.

Mr. Livingston stepped down.

A letter was submitted by the owners requesting a reschedule of the hearing.

Ms. Chamberlain moved to continue the appeal for Kevin and Diane Clue, 241 Old Wharf Road, unit 98, Dennisport, to the February 8, 2007 Board of Health Meeting.

Ms. Bird seconded the motion.

VOTED

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

**L. John Cuchetti- Appeal of Order to Apply for a Common Victualler's License & Amend Food Service License (Cont. from 12/14/06)
THE SESUIT HARBOR CAFÉ, 375 SESUIT NECK ROAD, EAST
DENNIS**

Mr. Covell read the legal notice.

No one was present on the matter. Mr. Covell suggested that the Board Members postpone the matter, for the matter lies with the Building Commissioner at this point in time, and the Board will have to wait for him to render his decision.

Ms. Chamberlain moved to continue the appeal for John Cuchetti, 375 Sesuit Neck Road, East Dennis, to the February 8, 2007 Board of Health Meeting.

Mr. Livingston seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

**M. 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(Cont. from 12/14/06)
266 MAIN STREET, SOUTH DENNIS**

Mr. Covell read the legal notice.

Mr. Covell informed the Board Members that Mr. Baker submitted a letter stating what has been corrected, and that he would be unable to attend tonight's meeting due to illness.

Ms. Chamberlain moved to continue the show cause hearing for Edward Baker, 266 Main Street, South Dennis, and ordered an inspection of the dwelling prior to the release of the rental permit. Once said inspection has been conducted and violations have been corrected, it can be removed from the agenda.

Mr. Livingston seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

- N. Richard Cravenho- Variance Requested from Habitable Space Requirements of the State Sanitary Code, 105 CMR 410.000, Chapter II, Minimum Standards of Fitness for Human Habitation
91-101 GLENDON ROAD, GLENDON BEACH COTTAGES,
DENNISPORT**

Mr. Covell read the legal notice.

Mr. Richard Cravenho was present. A discussion of the existing dwellings took place. Mr. Covell explained to Mr. Cravenho what the criteria were for determining occupancy. Mr. Cravenho stated he is seeking a maximum occupancy for four people for each rental dwelling.

Mr. Perrino moved to approve the variance request for Richard Cravenho, 91-101 Glendon Road, Glendon Beach Cottages, Dennisport, and allow for a maximum occupancy of four people.

Mr. Livingston seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

II. MINUTES

1. Regular Meeting of December 14, 2006

Ms. Chamberlain moved to approve the minutes of the December 14, 2006 Board of Health meeting, as amended.

Mr. Livingston seconded the motion.

VOTED

IN FAVOR 5

OPPOSED 0

The meeting adjourned at 8:00 pm.