

**BOARD OF HEALTH MEETING
THURSDAY, NOVEMBER 8, 2007
LARGE HEARING ROOM
DENNIS TOWN OFFICES**

PRESENT: Chairman Covell, Members Bird and Chamberlain

STAFF: Director Hayes, Secretary Fabiano

ABSENT: Members Perrino and Livingston

I. ACTION

**A. Hans & Margaret Zybala- Variance Application (New Construction)
4 CHESTNUT LANE, SOUTH DENNIS**

Mr. Covell read the legal notice: a variance application for Hans and Margaret Zybala, 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 new construction within an Environmentally Sensitive Area (re-build).

Mr. Thomas McLellan, Professional Engineer, was present on behalf of the applicant. Mr. McLellan explained the proposed construction: a removal and rebuild of a two-bedroom dwelling. The property is located within an environmentally sensitive area.

Ms. Chamberlain stated the members visited the site.

Ms. Chamberlain moved to approve the variance application for Hans & Margaret Zybala, 4 Chestnut Lane, South Dennis, as per memorandum of October 30, 2007, with the following conditions:

- 1. No garbage disposal.**
- 2. Water-saving devices shall be installed and verified the by the Dennis Plumbing Inspector.**
- 3. No further alteration to the floor plan of 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.**

Ms. Bird seconded the motion

VOTED

IN FAVOR 3
OPPOSED 0

**B. Edward & Kristin Gee- Variance Application (New Construction)
697 OLD BASS RIVER ROAD, DENNIS**

Mr. Covell read the legal notice: a variance application for Edward & Kristen Gee, 697 Old Bass River 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 new construction within an Environmentally Sensitive Area.

Mr. McLellan, Professional Engineer, was present on behalf of the applicant. Mr. McLellan explained the proposed construction to the Board members. The applicant is seeking to build a three-bedroom dwelling.

Ralph Cedroni, abutter to property, was present and asked questions regarding why the property is located in environmentally sensitive area.

Mr. Covell explained what is an environmentally sensitive area and Zone II.

Mr. Hayes explained why this particular property is in an ESA; it is in a Zone II, water recharge area.

Ms. Chamberlain moved to approve the variance application for Edward and Kristen Gee, as per memorandum of October 30, 2007, with the following conditions:

- 1. No garbage disposal.**
- 2. Water-saving devices shall be installed and verified the by the Dennis Plumbing Inspector.**
- 3. No further alteration to the floor plan of 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 card, with elevations, to the Health Department.**

Ms. Bird seconded the motion

VOTED

IN FAVOR 3
OPPOSED 0

**C. David & Rita Taugher- Variance Application (New Construction)
33 PLEASANT STREET, EAST DENNIS**

Mr. Covell read the legal notice: a variance application for David and Rita Taugher, 33 Pleasant Street, 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 new construction within an environmentally sensitive area.

Mr. Thomas McLellan, Professional Engineer, was present on behalf of the applicant.

Mr. Covell explained the Board has visited the site and do not want to make a ruling on the application until the applicant has been seen by the Conservation Commission.

Ms. Chamberlain moved to continue the variance application for David and Rita Taugher, 33 Pleasant Street, East Dennis, to the December 20, 2007 Board of Health meeting.

Ms. Bird seconded the motion.

VOTED

**IN FAVOR 3
OPPOSED 0**

**D. Stanley S. & Marie Pawlowski- Variance Application (Failed System)
3 SQUADRILLI WAY, DENNIS**

Mr. Covell read the legal notice: a variance application for Stanley S. and Marie Pawlowski, 3 Squadrilli Way, Dennis, who seek the following variances from Massachusetts Department of Environmental Protection, Title 5, and the Town of Dennis Regulations for Subsurface Disposal of Sewage:

Title 5

15.260(8): Permission requested for the use of a tight tank as a remedial upgrade of a failed system. The dwelling is to be restricted to seasonal use - 6 months or less.

- 15.211(1):** Variance of 3' requested from the septic tank to the property line.
- Variance of 5' requested from the septic tank to the water supply line.
- Variance of 5' requested from the septic system to the watercourse.

Town of Dennis

Reg. 9.0: Variance of 3' requested from the septic tank to the property line.

Variance of 3' requested from the septic tank to the property line.

Variance of 5' requested from the septic tank to the water supply line.

Variance of 55' requested from the septic system to the watercourse.

Mr. Craig R Short, Professional Engineering, was present on behalf of the applicant. Mr. Short stated the applicant has an approved septic system plan, but, would rather install a tight tank, seeing as the property will be used seasonally.

Ms. Chamberlain moved to approve the variance application for Stanley and Marie Pawlowski, 3 Squadrilli Way, East Dennis, as per memorandum of October 30, 2007, with the following conditions:

1. **No garbage disposal.**
2. **Water-saving devices shall be installed and verified the by the Dennis Plumbing Inspector.**
3. **No further alteration to the floor plan of 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.**

Ms. Bird seconded the motion.

VOTED

IN FAVOR	3
OPPOSED	0

**E. Northern Nominee Trust- Variance Application (New Construction)
78 CHANDLER DRIVE, SOUTH DENNIS**

Mr. Covell read the legal notice: a variance application for Northern Nominee Trust, 78 Chandler Drive, 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 construct a single family dwelling within an environmentally sensitive area. (Zone II)

Mr. Robin Wilcox, Sweetser Engineering, was present on behalf of the applicant. Mr. Wilcox explained the variance being sought.

Ms. Chamberlain moved to approve the variance application for Northern Nominee Trust, 78 Chandler Drive, South Dennis, with the following conditions:

1. **No garbage disposal.**

2. Water-saving devices shall be installed and verified the by the Dennis Plumbing Inspector.
3. No further alteration to the floor plan of 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 card, with elevations, to the Health Department.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

**F. Stephen W. Foster- Variance Application (New Construction)
 6 CORRINE WAY, DENNIS**

Mr. Covell read the legal notice: a variance application for Stephen Foster 6 Corrine Way, 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:

Town of Dennis

- Reg. 9.3A:** Variance requested to allow new construction in an Environmentally Sensitive Area.
Reg. 12.C: Variance requested to allow construction in filled land.
Reg. 16.B: Variance requested from Standards for Environmentally Sensitive Areas – nitrogen loading not to exceed 5 ppm.

Mr. John O’Reilly, Bennett & O’Reilly Engineering, was present on behalf of the applicant. Mr. O’Reilly explained this was a variance for new construction and the property abuts a wetland. Mr. O’Reilly stated Mr. Foster was willing to limit the bedrooms to six. Mr. O’Reilly explained he will be submitting a new site plan showing in revision in the foundation.

Ms. Chamberlain moved to approve the variance application for Stephen W. Foster, 6 Corrine Way, Dennis, as per memorandum of October 30, 2007 with the following conditions:

1. A revised floor plan is submitted to the Health Department showing a total count of six bedrooms.
2. A revised septic system plan showing the change in foundation shall be submitted to the Health Department.
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 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.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

**G. Michael & Jennifer Mathews- Variance Application (New Construction)
11 SEASIDE AVENUE, DENNIS**

Mr. Covell read the legal notice: a variance application for Michael & Jennifer Mathews, 11 Seaside Avenue, 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.

Ms. Sarah Ojala, Down Cape Engineering, was present on behalf of the applicant. Ms. Ojala explained the variances being sought. The property has an existing three-bedroom dwelling. The applicants are seeking to add a garage with a bedroom above, however, plan to remodel the existing dwelling so that the property continues to have the same number of bedrooms. A portion of the septic system will need to be relocated. Ms. Ojala explained there was no groundwater encountered at 14'. The groundwater is flowing northerly.

A discussion of IA technology in this particular area of Dennis took place.

Ms. Chamberlain moved to approve the variance application for Michael and Jennifer Mathews, 11 Seaside Avenue, Dennis, as per memorandum of October 30, 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 to the floor plan of 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.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 3

OPPOSED 0

H. Cynthia Balok, Trustee/Ruth H. O’Neal Trust- Variance Application(Addition)
47 PARTRIDGE LANE, DENNIS

Mr. Covell read the legal notice: a variance application for Cynthia Balok, 47 Partridge Lane, Dennis, who seeks the following variances from the Massachusetts Department of Environmental Protection and the Town of Dennis Regulations for Subsurface Disposal of Sewage:

Title 5

15.211(1): Variance of 4’ requested from the septic tank to the dwelling.
Variance of 5.11’ requested from the septic tank to the property line.

Town of Dennis

Reg. 16.B: Variance requested to allow new construction in an Environmentally Sensitive Area.
Reg. 9.0: Variance of 4’ requested from the septic tank to the dwelling.
Variance of 5.11’ requested from the septic tank to the property line.
Variance of 8’ requested from the reserve soil absorption system to the dwelling.
Variance of 8.75’ requested from the reserve soil absorption system to the wetland.

Mr. Darren Meyer, Registered Sanitarian, was present on behalf of the applicant. Mr. Meyer explained the variances being sought.

Ms. Chamberlain questioned the nitrogen loading calculations and the location of the Bog. Ms. Chamberlain stated she would be seeking to have an IA system installed on this property, given the proximity to the wetland.

Mr. Peter Lomenzo was present on behalf of the applicant. Mr. Lomenzo explained the septic system that exists now has failed the Title 5 inspection, and is located closer to the bog than the proposed septic system. Environmental protection was taken into consideration in moving the proposed septic system further away from the bog.

Mr. Bob Perry stated he has studied the wetland area.

A discussion of the bog took place and the use of IA technology.

Ms. Chamberlain moved to approve the variance application for Cynthia Balok/Ruth O’Neal Trust, as per memorandum of November 1, 2007, with the following conditions:

1. A revised septic system plan showing the addition of IA technology 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. No alteration to the floor plan of the dwelling without further 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 systems.
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 coli form quarterly.
9. A time-run meter shall be installed and hard-wired into the main electrical panel.

Ms. Bird seconded the motion

VOTED

IN FAVOR 3
OPPOSED 0

**I. Carie Capossela & Robert Adler/Basil Cronin- Variance Application
(New Construction)
44 CAPTAIN HOWES STREET, EAST DENNIS**

Mr. Covell read the legal notice: a variance application for Carie Capossela and Robert Adler/Basil Cronin, 44 Captain Howes Street, 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 new construction in an Environmentally Sensitive Area and relief from additional criteria of Regulation 16.B, as deemed just by the Board.

Mr. Covell indicated that after the Board Members had visited the site, he would like for the application to be seen by the Conservation Commission before making any kind of a ruling.

Ms. Chamberlain moved to continue the variance application for Carie Capossela and Robert Adler/Basil Cronin, 44 Captain Howes Street, East Dennis, to the December 20, 2007 Board of Health Meeting.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

- J. **Joy George- Show Cause Hearing for Non-Compliance with an Order to Schedule an Inspection of A Massage Establishment, as per the Town of Dennis Board of Health Rules & Regulations for Massage Therapy; Bodywork; Movement Education
HANDS-ON-HEALTH, 305 HOKUM ROCK ROAD, EAST DENNIS**

Mr. Covell read the legal notice.

The Board Members received a report that an inspection had been scheduled.

Ms. Chamberlain moved to remove the show cause hearing for Joy George from the agenda.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

- K. **Raymond T. Echer- Show Cause Hearing for Non-Compliance with an Order to Schedule an Inspection of A Massage Establishment, as per the Town of Dennis Board of Health Rules & Regulations for Massage Therapy; Bodywork; Movement Education
SPA 28, 6A BAXTER STREET, DENNISPORT**

Mr. Covell read the legal notice.

Ms. Chamberlain excused herself, but agreed to vote present.

No one was present. Mr. Covell recommended continuing the hearing to the next meeting.

Ms. Bird moved to continue the show cause hearing for Raymond Echer to the December 20, 2007 Board of Health Meeting.

Mr. Covell seconded the motion.

Ms. Chamberlain voted Present.

VOTED

IN FAVOR 2
OPPOSED 0

- L. **Daniel Videtta- Show Cause Hearing for Non-Compliance with an Order to Correct a Violation of the Town of Dennis Housing Space & Use By-Law
5 SCOTER ROAD, WEST DENNIS**

Mr. Covell read the legal notice.

No one was present on the matter. Mr. Hayes stated the rental application had been applied for, but, the inspection of the premises has not been conducted as of this date.

Ms. Chamberlain moved to continue the show cause hearing for Daniel Videtta, 5 Scoter Road, West Dennis, to the December 20, 2007 Board of Health meeting.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

- M. **Todd MacBeth-Show Cause Hearing for Non-Compliance with an Order to Correct a Violation of the Town of Dennis Housing Space & Use By-Law
351 MAIN STREET, APT B, WEST DENNIS**

Mr. Covell read the legal notice.

No one was present. Mr. Hayes explained the history of the rental property. There has been no response to the certified letters sent by the Health Department as of this date.

Ms. Chamberlain moved to continue the show cause hearing for Todd MacBeth to the December 20, 2007 Board of Health meeting.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

II. AGENDA

- 1. **David & Betsy McKay- Request to Modify Board of Health’s Variance Approval and Conditions
101 GRASSY POND DRIVE, EAST DENNIS**

Mike Ford, Attorney, was present representing Ms. McKay. Craig R. Short, Professional Engineer, was also present. Mr. Ford explained the prior approved variance application for the property. Ms. McKay would like to modify the Board’s decision, and not put in an IA system with ultraviolet treatment, due to the cost. The proposed addition is less than a 35% increase in habitable space, and Ms. McKay and her husband have agreed to put a deed restriction on the property for three bedrooms, even though the septic system is designed for four bedrooms.

A lengthy discussion took place regarding the upgrade of the septic system with the proposed addition.

Ms. Chamberlain moved to modify the variance approval of September 13, 2007 for Betsy and David McKay, 101 Grassy Pond Road, East Dennis by removing the conditions to submit a new septic system design showing IA technology and ultraviolet treatment, and by removing the conditions requiring the testing of said septic system. Ms. Chamberlain further moved to approve the previous variance application subject to the following new conditions:

- 1. The dwelling shall be restricted to a total of three (3) bedrooms.**
- 2. Record variances and conditions at the Registry of Deeds to run with the property, with a copy to the Health Department.**

Ms. Bird seconded the motion.

VOTED

**IN FAVOR 3
OPPOSED 0**

**2. Abe Battikha- Request for Reduction in Testing FAST Treatment System
9 BABCOCK LANE, WEST DENNIS**

Suzanne Battikha was present. Ms. Battikha explained her reasoning for the request in the reduction of testing. The dwelling is used only seasonally.

Mr. Hayes stated the system had been inspected and maintained, and the results have concluded the alternative system is functioning properly.

Ms. Chamberlain moved to approve the request for a reduction in testing for Abe Battikha, 9 Babcock Lane, West Dennis, and ordered Mr. Battikha to have the alternative system tested once per year upon conclusion of the season (October) with results submitted to the Health Department.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 3

OPPOSED 0

3. Nominate Animal Inspector

Ms. Chamberlain moved to nominate Michelle Saaf as Animal Inspector for the Town of Dennis.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 3

OPPOSED 0

4. Review Proposed FY-09 Health Department Budget

Mr. Hayes explained the reasoning for the two budgets: one is level funded and one shows the levy limit. Mr. Hayes also explained to the Board Members that Town Administration has reinstated the Household Hazardous Waste Collection Day to the Health Department's budget.

Ms. Chamberlain moved to endorse the proposed budget for fiscal year 2009.

Ms. Bird seconded the motion.

VOTED

IN FAVOE 3

OPPOSED 0

III. MINUTES

1. Work Session of September 27, 2007

Ms. Chamberlain moved to approve the minutes of the Board of Health Work Session of September 27, 2007 as revised.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 2 (Covell voted present)

OPPOSED 0

2. Regular Meeting of October 11, 1007

Ms. Chamberlain moved to continue the approval of the minutes of the October 11, 2007 Board of Health meeting to the December 20, 2007 Board of Health meeting.

Ms. Bird seconded the motion.

VOTED

IN FAVOR 3

OPPOSED 0

The meeting adjourned at 8:30 pm.