

**BOARD OF HEALTH MEETING
THURSDAY, DECEMBER 20, 2007
DENNIS TOWN OFFICES
LARGE HEARING ROOM**

PRESENT: Chairman Covell, Members Perrino, and Livingston

STAFF: Director Hayes, Secretary Fabiano

ABSENT: Members Bird and Chamberlain

Chairman Covell called the meeting to order at 5:05 p.m.

I. ACTION

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

Mr. Covell read the legal notice: a variance application by 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:

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

Mr. Thomas McLellan was present on behalf of the applicant. This is a continued application from November, of which the Board requested a determination of the wetland from Conservation. The applicants are wishing to add on to the rear of the dwelling. The lot is labeled environmentally sensitive, because a portion of the lot lies within 100' of a wetland. A letter from an environmental consultant has been submitted, and states during a high water event, the water flows behind the area. The applicant, David Taugher, is also present. Conservation Commission did not have any conditions.

Mr. Livingston stated that the site was visited today.

Mr. Livingston moved to approve the variance application for David and Rita Taugher, 33 Pleasant Street, East Dennis as per memorandum of December 6, 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.**

Mr. Perrino seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

**B. Daniel Salmon- Variance Application (Addition)
56 UNCLE STEPHEN’S ROAD, UNIT C, WEST DENNIS**

Mr. Covell read the legal notice: a variance application for Daniel Salmon, 56 Uncle Stephen’s Road, Unit C, West 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

15.212(b): Variance of 1’ requested from the 5’ separation requirement between the bottom of the soil absorption system and groundwater.

15.248(1): No reserve soil absorption system.

Town of Dennis

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

Reg. 9.0: Variance of 1’ requested from the 5’ separation requirement between the bottom of the soil absorption system and groundwater.

Reg. 12.C: Variance of 2.4’ requested to allow the soil absorption system to be above natural grade.

Reg. 15.0: No reserve soil absorption system.

The applicants have requested to withdraw the application without prejudice. (Thomas McLellan)

Mr. Livingston moved to remove the variance application for Daniel Salmon, 56 Uncle Stephen’s Road, Unit C, West Dennis, without prejudice.

Mr. Perrino seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

**C. Dianne J. Lerner- Variance Application (Addition)
4 MAUREEN’S WAY, DENNIS**

Mr. Covell read the legal notice: a variance application for Dianne J. Lerner, 4 Maureen’s 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 of habitable space within an environmentally sensitive area.

Mr. Thomas McLellan, engineer, was present on behalf of the applicant. The applicants are proposing to do an addition, allowing for the master bedroom to be placed on the first level. This lot is an environmentally sensitive area, due to its proximity to Scargo Lake. The application does not need Conservation Commission approval, but, a wetland delineation has been done. The septic system should be a significant improvement to the site.

Mr. Livingston, stated he visited the site, noting the parcel is high in elevation and over a lake, making it dangerous, given that if fluid should roll down the hill, it will be harmful to the lake. Mr. Livingston stated he would like to have some form of nitrogen reduction and ultraviolet protection in the design.

Mr. McLellan stated as an alternative to an IA system, the applicants would be willing to eliminate a bedroom from the proposed floor plan.

Mr. Perrino affirmed there was no groundwater encountered.

A discussion of the floor plan took place.

Mr. Perrino moved to approve the variance application for Dianne Lerner, 4 Maureen's Way, Dennis, as per memorandum of December 6, 2007, with the following conditions:

- 1. Revised floor plan showing elimination of one bedroom on second floor.**
- 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.**

Mr. Livingston seconded the motion.

VOTED

IN FAVOR 2
OPPOSED 1 (Livingston)

**D. Carie Capossela & Robert Adler/Basil F. Cronin, Jr.- Variance Application
44 CAPT. HOWES STREET, EAST DENNIS**

Mr. Covell read the legal notice: a variance application for Carie Capossela and Robert Adler/Basil F. Cronin, Jr., 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.

The applicants have requested to withdraw the application without prejudice.

Mr. Perrino moved to withdraw the variance application for Carie Capossela/Robert Adler/Basil F. Cronin, Jr., without prejudice.

Mr. Livingston seconded the motion.

VOTED

**IN FAVOR 3
OPPOSED 0**

**E. Peter Stout- Variance Application (New Construction)
1095 ROUTE 6A, DENNIS**

Mr. Covell read the legal notice: a variance application for Peter Stout, 1095 Route 6A, 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 new construction in an Environmentally Sensitive Area and relief from additional criteria of Regulation 16.B, as deemed just by the Board

Mr. Robert Perry, engineer, was present. Mr. Stout's son was present. Mr. Perry explained the history of the site; the residence burned down about a year ago and the location of the property is in close proximity to a wetland (overgrown cranberry bog). The builder just received a sign off from the Conservation Commission. Mr. Perry explained the sensitivity of the site. The applicants are trying to avoid putting in an IA system to avoid a higher cost.

Mr. Livingston stated that he did visit the site.

Mr. Perrino moved to approve the variance application for Peter M. Stout, 1095 Rt. 6A, as per memorandum of December 6, 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.

Mr. Livingston seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

**F. William & Donna Gottwald- Variance Application (New Construction)
28 MYRTLE ROAD, DENNISPORT**

Mr. Covell read the legal notice: a variance application for William & Donna Gottwald, 28 Myrtle Road, Dennisport, who seek the following variance from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

Reg.16.B.: Town of Dennis
Variance requested to allow for new construction of habitable space within an environmentally sensitive area.

Mr. William Gottwald, owner and engineer, was present. Mr. Gottwald explained this application is for a tear down, and re-build. Mr. Gottwald is proposing to add a microFast unit to the current septic system design.

Mr. Livingston stated he visited the site.

Mr. Perrino moved to approve the variance application for William Gottwald, 28 Myrtle Road, Dennisport, as per memorandum of December 6, 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. A signed maintenance agreement for the alternative septic system shall be submitted to the Health Department, prior to the release of the Disposal System Construction Permit. The O & M agreement 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.

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

Mr. Livingston seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

**G. Berit H. Hunter, trustee, Berit H. Hunter Revocable Trust U.T.A.-
Variance Application (Addition)
36 LORING AVENUE, WEST DENNIS**

Mr. Covell read the legal notice: a variance application for Berit H. Hunter, 36 Loring Avenue, West Dennis, who seeks the following variances from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

Town of Dennis

Reg. 16.A: Variance requested to allow the increase of habitable space in an Environmentally Sensitive Area.

Reg. 16.B: Variance requested from the requirement that nitrogen loading shall not exceed 5 ppm.

Mr. Robin Wilcox was present. Mr. Wilcox explained an additional bedroom is proposed, and gave the Board members the nitrogen loading calculations.

Mr. Perrino stated the application was before the Board in May of 2006, and was only for one bedroom.

Mr. Livingston stated that he feels IA and UV should be included in the proposal.

A discussion of the prior variance application took place.

Abutter Eugene Theroux, 26 Loring Avenue, West Dennis was present and stated he was in favor of the project.

Mr. Perrino moved to approve the variance application for Berit H. Hunter, 36 Loring Avenue, West Dennis, 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.

Mr. Livingston seconded the motion.

VOTED

IN FAVOR 3
 OPPOSED 0

- H. **Dennis & Jean Riendeau- Show Cause Hearing for Non-Compliance with an Order to Correct Violations of the 310 CMR 15.000, The State Environmental Code, Title 5**
829 MAIN STREET, WEST DENNIS

Mr. Covell read the legal notice.

Mr. Hayes informed the Board Members that he has been in touch with Dennis & Jean Riendeau, and they are moving forward with correcting the violations.

Mr. Livingston moved to continue the show cause hearing for Dennis & Jean Riendeau, 829 Main Street, West Dennis, to the January 10, 2008 Board of Health meeting.

Mr. Perrino seconded the motion.

VOTED

IN FAVOR 3
 OPPOSED 0

- I. **Augustin Busschaert- Variance Requested from Habitable Space Requirements of the State Sanitary Code, 105 CMR 410.000, Chapter II, Minimum Standards of Fitness for Human Habitation**
428 MAIN STREET, UNIT 1-8, WEST DENNIS

Mr. Covell read the legal notice.

The applicant has requested to continue the variance request hearing to the January 10, 2008 Board of Health Meeting.

Mr. Livingston moved to continue the variance request for Augustin Busschaert, 428 Main Street, Unit 1-8, West Dennis, to the January 10, 2008 Board of Health meeting.

Mr. Perrino seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

- J. **Robert Jandrasits- Variance Requested from Habitable Space Requirements of the State Sanitary Code, 105 CMR 410.000, Chapter II, Minimum Standards of Fitness for Human Habitation**
23 SHIRLEY AVENUE, DENNISPORT

Mr. Covell read the legal notice.

Mr. Robert Jandrasits was present and requested an additional occupant for his rental property.

Mr. Livingston moved to approve the variance request for Robert Jandrasits, 23 Shirley Avenue, Dennisport, and allow for an additional occupant.

Mr. Perrino seconded.

VOTED

IN FAVOR 3
OPPOSED 0

- K. **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 (Cont. from 11/8/07)**
5 SCOTER ROAD, WEST DENNIS

Mr. Covell read the legal notice.

No one was present on the matter.

Mr. Perrino stated the rental permit should be withheld.

No motion was made.

- L. **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. Perrino moved to instruct staff to begin the proceedings of issuing non -criminal citations to Todd MacBeth, 351 Main Street, Apt. B, West Dennis.

Mr. Livingston seconded the motion.

VOTED

IN FAVOR 3

OPPOSED 0

- M. Patricia Mulligan- Show Cause Hearing for Non-Compliance with 105 CMR, 410.000, The State Sanitary Code, Chapter II
20 MAPLE TERRACE, SOUTH DENNIS**

Mr. Covell read the legal notice.

Patricia Mulligan was present and explained her house was being foreclosed upon. Ms. Mulligan gave a brief history of what has brought the dwelling to the foreclosure process. At this time, Ms. Mulligan can not afford to rent a dumpster.

Mr. Perrino moved to continue the show cause hearing for Patricia Mulligan, 20 Maple Terrace, South Dennis, to the February 14, 2008 Board of Health hearing.

Mr. Livingston seconded

VOTED

IN FAVOR 3

OPPOSED 0

- N. Charles Bennison- Show Cause Hearing for Non-Compliance with 105 CMR 410.000, The State Sanitary Code, Chapter II
127 CENTER STREET, DENNISPORT**

Mr. Covell read the legal notice.

Mr. Hayes indicated Mr. Bennison is in compliance.

Mr. Livingston moved to remove the show cause hearing for Charles Bennison, 127 Center Street, Dennisport, from the agenda.

Mr. Perrino seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

- O. David C. Wallace- Show Cause Hearing for Non-Compliance with 105
CMR 410.000, The State Sanitary Code, Chapter II
21 BASS RIVER LANE, SOUTH DENNIS**

Mr. Covell read the legal notice.

No one was present.

**Mr. Livingston moved to continue the show cause hearing for David Wallace, 21
Bass River Lane, South Dennis, to the January 10, 2008 Board of Health Meeting.**

Mr. Perrino seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

- P. James R. Julian- Show Cause Hearing for Non-Compliance with 105
CMR 410.000, The State Sanitary Code, Chapter II
2 CHRIS WAY, SOUTH DENNIS**

No one was present.

Mr. Julian called the Health Department earlier in the day to state he would not be able to attend the hearing, due to a scheduling conflict.

**Mr. Livingston moved to continue the show cause hearing for James Julian, 2 Chris
Way, South Dennis, to the January 10, 2008 Board of Health Meeting.**

Mr. Perrino seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

- Q. Edward Baker- Show Cause Hearing for Non-Compliance with 105
CMR 410.00, The State Sanitary Code, Chapter II
266 MAIN STREET, SOUTH DENNIS**

Mr. Covell read the legal notice.

Mr. Baker requested a continuance to the January 10, 2008 Board of Health Meeting.

Mr. Livingston moved to continue the show cause hearing for Edward Baker, 266 Main Street, South Dennis, to the January 10, 2008 Board of Health Meeting.

Mr. Perrino seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

- R. South Cape Realty Trust- Show Cause Hearing for Non-Compliance with 105 CMR 410.00, The State Sanitary Code, Chapter II. 691 MAIN STREET, UNIT 23, DENNISPORT**

Mr. Covell read the legal notice.

Robert Walsh representing South Cape Realty Trust was present. Mr. Walsh explained the affidavit was never signed, but he was prepared to do so this evening.

Mr. Livingston moved to remove the show cause hearing for South Cape Realty Trust, 691 Main Street, Unit 23, Dennisport, from the agenda.

Mr. Perrino seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

- S. VOTE to Renew 2008 Annual Health Licenses**

Mr. Perrino moved to approve the list of Annual Health Licenses and hold those establishments that are outstanding in their taxes, until paid and verified by the Dennis Tax Collector.

Mr. Livingston seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

II. AGENDA

- 1. James & Beverly Miller- Discuss Board's Requirement for I/A Technology**

47 PARTRIDGE LANE, DENNIS

Mr. Robert Perry was present on behalf of the applicants. Mr. Perry explained briefly why the Board members should rescind the variance conditions placed upon this property at a previous hearing, seeing that the wetland in question is not in any real peril.

A lengthy discussion took place regarding the use of IA

Mr. Livingston moved to rescind the variance condition for the innovative and alternative technology for the property located at 47 Partridge Lane, Dennis and approve the originally submitted septic system plan.

Mr. Perrino seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

2. **Richard Dowd, Jr.- Request to Reduce Testing of FAST Treatment System**
10 OCEAN PARK WAY, WEST DENNIS

Mr. Dowd requested to be seen at the January 10, 2008 Board of Health meeting.

Mr. Livingston moved to continue the discussion of a reduction of testing for the property located at 10 Ocean Park Way, West Dennis, to the January 10, 2008 Board of Health Meeting.

Mr. Perrino seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

3. **Eileen Pereira & Delores Silva- Request to Reduce Testing of FAST Treatment System**
3-4 DRIVER WAY, EAST DENNIS

Ms. Periera requested to be continued to the January 10, 2008 Board of Health meeting.

Mr. Livingston moved to continue the discussion of a reduction of testing for the property located at 3-4 Driver Way, East Dennis, to the January 10, 2008 Board of Health Meeting.

Mr. Perrino seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

4. **Michael Loffredo- Request to Reduce Testing of FAST Treatment System
2 & 4 POITICKI ROAD, WEST DENNIS**

Noel Mischler was present. Request in reduction of testing. Mr. Hayes gave the Board Members a briefing on how the system has been operating.

Mr. Livingston moved to approve the reduction of testing of the FAST Treatment system located at 2 & 4 Poiticki Road, West Dennis and allow for testing once per year, to occur in either September or October.

Mr. Perrino seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

III. MINUTES

1. **Regular Meeting of October 11, 2007**

Mr. Livingston moved to approve the minutes of the October 11, 2007 Board of Health meeting as printed.

Mr. Perrino seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

2. **Regular Meeting of November 8, 2007**

Mr. Perrino moved to continue the approval of the November 8, 2007 Board of Health Meeting minutes to the January 10, 2008 Board of Health meeting.

Mr. Livingston seconded the motion.

VOTED

IN FAVOR 3
OPPOSED 0

The meeting adjourned at 6:15 pm.