

**BOARD OF HEALTH MEETING  
THURSDAY, SEPTEMBER 13, 2007  
DEPARTMENT OF PUBLIC WORKS BUILDING  
CONFERENCE ROOM**

**PRESENT:** Chairman Covell, Members Perrino, Livingston, and Chamberlain.

**STAFF:** Director Hayes, Secretary Fabiano

**ABSENT:** Member Bird

**I. ACTION**

**A. Vadim & Olga Radunsky- Variance Application (Addition-Cont.  
from 8/12/07)  
13 BAY LEAF WAY, UNIT 2, WEST DENNIS**

Mr. Covell read the legal notice: a variance application for Vadim and Olga Radunsky, 13 Bay Leaf Way, Unit 2, West Dennis, who seek 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**

**15.211(1):** Variance of 7' requested from the soil absorption system to the north property line.

Variance of 7' requested from the soil absorption system to the west property line.

Variance of 12' requested from the soil absorption system to the foundation wall.

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

Variance of 2' requested from the septic tank to the foundation wall.

Variance of 7' requested from the treatment tank to the property line.

Variance of 4' requested from the treatment tank to the foundation wall.

**15.248(1):** No reserve area provided.

**15.203:** Variance requested to allow a 22% reduction in the size of the soil absorption system (50% reduction allowed under the remedial permit for Clean Solutions™).

**Town of Dennis**

**Reg. 9.0:** Variance of 7' requested from the soil absorption system to the north property line.

Variance of 7' requested from the soil absorption system to the west property line.

Variance of 12' requested from the soil absorption system to the foundation wall.

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

Variance of 2' requested from the septic tank to the foundation wall.

Variance of 7' requested from the treatment tank to the property line.

Variance of 4' requested from the treatment tank to the foundation wall.

**Reg. 16.B:** Variance requested to allow an addition in an Environmentally Sensitive Area, as defined by Reg. 9.3A.

**Reg. 15.0:** No reserve area provided.

Ms. Linda Pinto, Bennett & O'Reilly Engineering, was present on behalf of the applicant. The Conservation Commission has approved the application and an Order of Conditions will be prepared during the week. Ms. Pinto stated that she has proposed a clean solution system and ultraviolet treatment has been added to the design. Ms. Pinto explained the variances to the Board Members.

**Ms. Chamberlain moved to approve the variance application for Vadim and Olga Radunsky, 13 Bay Leaf Way, Unit 2, West Dennis, as per memorandum of September 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 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, 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 of the system, due to flood or natural causes.**

**Mr. Livingston seconded the motion.**

**VOTED**

**IN FAVOR 4**

**OPPOSED 0**

**B. Paula Howard/Robert A. Landry, Sr.- Variance Application  
(Addition)  
77 CEDAR HILL ROAD, EAST DENNIS**

Mr. Covell read the legal notice: a variance application for Paula Howard and Robert Landry, 77 Cedar Hill Road, 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 an addition/alteration of habitable space in an Environmentally Sensitive Area.**

Mr. Robert Landry, Lightship Homes, was present on behalf of the applicant. Mr. Landry explained the variance application to the Board Members. The applicants would like a home theatre, billiard area and office space in the downstairs area of the dwelling.

Ms. Chamberlain is concerned with the size of the basement area being added to the home, being an increase of flow in a Zone II.

A discussion took place regarding the upgrade of the current septic system.

Mr. Landry asked the Board Members what they would be looking for in order for an approval. Mr. Covell explained the proposed floor plan shows an additional bedroom. A revised septic system plan showing innovative and alternative technology and ultraviolet treatment would. Mr. Covell recommended asking for a continuance.

**Ms. Chamberlain moved to continue the variance application for Paula Howard, 77 Cedar Hill Road, East Dennis, to the October 11, 2007 Board of Health Meeting.**

**Mr. Livingston seconded the motion.**

**VOTED**

**IN FAVOR 4**

**OPPOSED 0**

**C. David & Betsy McKay- Variance Application (Addition)  
101 GRASSY POND DRIVE, EAST DENNIS**

Mr. Covell read the legal notice: a variance application for David and Betsy McKay, 101 Grassy Pond Drive, East Dennis, who seek the following variances from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

**Town of Dennis**

**Reg. 16.A:** Variance requested to allow for an addition within an environmentally sensitive area.

**Reg. 16.B:** Variance requested to allow nitrogen loading to exceed 5 ppm.

Mr. Craig R. Short, Professional Engineer, was present on behalf of the applicant. Mr. Short explained the variances to the Board members. Mr. Short showed a larger scale plan to the Board Members. The current septic system was approved and installed in 2005, and it was approved for four bedrooms. The owners are reconfiguring the floor plan for three bedrooms and a study. The addition is shown on the plan.

Mr. Livingston stated his concerns with the lot being located within an environmentally sensitive area (a Water Department well is down the street) and recommended the applicant install an IA unit with ultraviolet treatment.

Mr. Short asked the leaching area be kept the way it is, but the tanks would have to be removed, and a new IA unit would have to be installed.

**Ms. Chamberlain moved to approve the variance application for David and Betsy McKay, 101 Grassy Pond Road, East Dennis, as per memorandum of September 5, 2007, with the proviso a revised septic system plan is submitted showing the addition of innovative and alternative technology and ultraviolet treatment, the leaching area is to remain in the same location, all prior conditions are to remain in effect with the property, and 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, 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 of the system, due to flood or natural causes.

Mr. Livingston seconded the motion.

**VOTED**

**IN FAVOR 4**

**OPPOSED 0**

- D. Helen Coffey- Show Cause Hearing for Non-Compliance with an Order to Correct a Violation of 310 CMR 15.000, The State Environmental Code, Title 5  
105 SEA STREET, EAST DENNIS

Mr. Covell read the legal notice.

Tom Coffey, Ms. Coffey’s son, was present and apologized to the Board Members. Mr. Coffey stated the violations have been corrected and the garbage disposal had been removed. Mr. Coffey presented Mr. Hayes with an invoice from the plumber.

Mr. Hayes stated he concurs the violations have been corrected.

Mr. Livingston moved to remove the show cause hearing for Helen Coffey, 105 Sea Street, East Dennis, and ordered a letter be sent to the Title 5 Septic System Inspector stating the error in the Title 5 Inspection Report.

Ms. Chamberlain seconded the motion.

**VOTED**

**IN FAVOR 4**

**OPPOSED 0**

- E. Kenneth Swanson- Show Cause Hearing for Non-Compliance with an Order to Correct Violations of 310 CMR 15.000, The State Environmental Code, Title 5, and the Town of Dennis Regulations for Subsurface Disposal of Sewage and the 9/13/06 Variance Condition  
138 GREENLAND CIRCLE, EAST DENNIS

Mr. Covell read the legal notice.

Mr. Swanson was present and explained this is a second home. The dwelling was purchased in October and an Occupancy Permit was applied for. A new septic system

was installed prior to the home being purchased. The garbage disposal has been removed.

A discussion of the floor plan of the dwelling took place. There is a discrepancy to the number of bedrooms on the rental permit application and the number allowed according to the septic system design plan.

Mr. Perrino suggested limiting the number of occupants.

A discussion of the floor plan took place.

**Mr. Perrino moved to limit the occupancy for a four bedroom home, and the occupancy is limited to that number for the property located at 138 Greenland Circle, East Dennis.**

**Mr. Livingston seconded the motion.**

**VOTED**

**IN FAVOR 4  
OPPOSED 0**

**F. Elden Boyt- Appeal of the Health Department’s Decision to Modify the 2007 Rental Occupancy Permit.  
7 OCEAN AVENUE, WEST DENNIS**

Mr. Covell read the legal notice.

Mr. David Reid, Attorney, was present on behalf of Mr. Boyt. Mr. Reid read a history of the property to the Board of Members. Mr. Reid asked the Board Members keep in mind that Mr. Boyt has approached the Board Members to solely look at the rental occupancy only. Mr. Reid continued his history of the property, paying particular attention to Agent Keller’s inspection of the “overflow building” in late 2006. The occupancy used to be seven, and it was increased to ten occupants. After a cease and desist letter was sent to the homeowner by Building Commissioner Brian Florence, and the occupancy was decreased to seven, due to the building not being legal. Mr. Reid explained the building in question has never been used as a “separate building” and has never been rented as such. Mr. Boyt is requesting the occupancy be re-instated for ten persons.

Mr. Reid gave the Board Members a history of the property.

Mr. Hayes commented that the permit is issued and if it is in compliance with all Zoning Regulations, giving the reason for the reduction. Question of compliance needs to be settled by another ZBA.

Mr. James Stinton, Attorney, representing Mr. Christy and Ms. Kelly, was present. Mr. Stinton suggested the Board confine the issue here to just the rental occupancy.

A very lengthy discussion took place regarding the use of the building.

**Mr. Livingston moved to reinstate the occupancy for Elden Boyt, 7 Ocean Avenue, West Dennis to ten persons.**

**Mr. Perrino seconded the motion**

**Mr. Hayes asked the Board Members to sign off on the permit, as he is not permitted to do so.**

**VOTED**

**IN FAVOR 4  
OPPOSED 0**

**II. AGENDA**

- 1. Jim Hagerty, Reef Realty, LTD- Review Modified Floor Plans, per Board of Health Variance Condition  
46 JUDSON WAY, DENNIS**

Mr. Thomas McLellan, Professional Engineer, and Mr. Hagerty, owner, were present. Mr. McLellan explained variances were approved some time ago; however, there is a proposed change to the floor plan. The owners are proposing to add a one car garage to the family room area. The dwelling will remain a three bedroom home. No variances have changed, nor are any new variances being sought.

**Ms. Chamberlain moved to approve the modified floor plan for Jim Hagerty, 46 Judson Way, Dennis, as proposed.**

**Mr. Livingston seconded the motion.**

**VOTED**

**IN FAVOR 4  
OPPOSED 0**

**III. MINUTES**

- 1. Regular Meeting of August 9, 2007**

**Mr. Livingston moved to approve the minutes of the August 9, 2007 Board of Health Meeting as printed.**

**Ms. Chamberlain seconded the motion.**

**VOTED**

**IN FAVOR 4**

**OPPOSED 0**

**OFF AGENDA ITEMS**

Ms. Chamberlain would like to publicly acknowledge the achievements of Agent Stacy Singleton for passing her Registered Sanitarians exam. Ms. Singleton is now an RS.

**The meeting adjourned at 9:00 pm.**