

**BOARD OF HEALTH
THURSDAY, NOVEMBER 13, 2014
DENNIS TOWN OFFICES
LARGE HEARING ROOM**

Present: Chairman Covell, Vice Chairman Perrino, Members Bunce, Chamberlain & Duffy

Staff: Health Director Terence Hayes, Office Assistant Jennifer Clarke

Mr. Covell called the meeting to order at 7:00 p.m.

I. ACTION

**A. MULLER/LEWIS FAMILY REVOCABLE TRUST/DEBRA J. LEWIS & CHARLES MULLER, TRUSTEES- Variance Application (ADDITION/ALTERATION)
171 FISK STREET, WEST DENNIS, MA**

Mr. Covell read the legal notice: A variance application for Muller/Lewis Family Revocable Trust/Debra J. Lewis & Charles Muller, Trustees, 171 Fisk Street, West Dennis, who seek the following variance(s) from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

EXIBITS/DOCUMENTS: Completed variance application dated 10/23/14. Dennis Board of Health variance approval dated 3/17/14. Memo to Board of Health from Health Department staff dated 11/3/14. Documents are available for review in the Health Department Septic File Map 28-33.

Town of Dennis

Reg. 9.0: Variance requested to allow a 28' reduction of the required 100' setback from a wetland resource area (Top of Coastal Bank) to the soil absorption system. This is an additional 7' beyond the relief that was previously granted by the Dennis Board of Health in March 2014. The distance from the existing soil absorption system to the wetlands is 115'.

The soil absorption system was installed at a slight angle to the design location. This resulted in the northeast corner being approximately 7' closer to the Top of Coastal Bank (28') than the variance approval allowed.

Brian Yergatian, BSC Group, was present at the meeting. The Board of Health approved the variances for an addition/alteration at their March 13, 2014 Board of Health meeting. After the septic system was installed, the soil absorption system had changed location, requiring an additional setback variance. The applicant is seeking an additional 7' beyond the relief that was previously granted. When BSC was called to the site for their certification, it was discovered that the soil absorption system location had been changed. The system is still 115' from the wetlands, even with the change. Mr. Yergatian is unsure as to how the location of the component happened.

Ms. Chamberlain moved to grant the variance application for Muller/Lewis Family Revocable Trust/Debra J. Lewis & Charles Muller, Trustees, 171 Fisk Street, West Dennis. The Board directed the Health Department staff

to send the septic installer a letter admonishing them of the error and advising them that this type of error shouldn't happen again.

Mr. Duffy seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

**B. JAMES & LYNNE DRISCOLL- Variance Application (ADDITION/ALTERATION)
55 LOWER COUNTY ROAD, UNIT 7, WEST DENNIS, MA**

Mr. Covell read the legal notice: A variance application for James & Lynne Driscoll, 55 Lower County Road, Unit 7, West Dennis, who seek the following variance(s) from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

EXIBITS/DOCUMENTS: Completed variance application dated 10/24/14. Request for Determination of Applicability dated 8/14. Letter to owner from Health Department dated 10/16/14. A Title 5 official inspection form dated 10/19/14-10/20/14. Memo to Board of Health from Health Department staff dated 11/3/14. Documents are available for review in the Health Department Septic File Map 13-58.

Town of Dennis

Reg. 16.B: Variance requested to allow addition/alteration of habitable space in an Environmentally Sensitive Area.

James Driscoll was present at the meeting. The applicants propose to add a second story and alter the first floor of his existing two (2) bedroom condominium unit. The existing first floor contains a sun room, kitchen, living room and two (2) bedrooms. The proposed first floor will contain a bedroom (existing), enlarged living room/kitchen area, an enclosed porch/sunroom (unheated) and two (2) bathrooms. The second floor will contain a master bedroom with an exercise nook, a sitting area which will be open to the stairwell and a bathroom. The applicant proposes to utilize the existing septic system which was installed in 1995. The septic system was inspected and passed inspection on October 20, 2014. Mr. Duffy feels that I/A Technology should be added to their septic system due to their location to the salt marsh. Mr. Hayes stated that the septic tank could be removed and a new tank which includes I/A Technology would be installed in its place.

Mr. Perrino moved to approve the variance application for James & Lynne Driscoll, 55 Lower County Road, Unit 7, West Dennis, with the condition that the system be pumped annually in October, and the following conditions:

1. **No garbage disposal.**
2. **Water-saving devices shall be installed and verified by the Health Department.**
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 dwelling shall be restricted to a total of two (2) bedrooms.**

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 4
 OPPOSED 1 (DUFFY)

**C. MARK A. NICHOLS- Variance Application (ADDITION/ALTERATION)
 115 TAUNTON AVENUE, DENNIS, MA**

Mr. Covell read the legal notice: A variance application for Mark A. Nichols, 115 Taunton Avenue, Dennis, who seek the following variance from the regulations of the Mass. Department of Environmental Protection, Title 5, and the Town of Dennis Regulations for Subsurface Disposal of Sewage:

EXHIBITS/DOCUMENTS: Completed variance application 10/27/14. Memo to Board of Health from Health Department staff dated 11/4/14. Documents are available for review in the Health Department Septic File Map 323-2.

Title 5

**15.211: Variance of 14.2' requested from the soil absorption system to the foundation.
15.248: No Reserve Area Provided.**

Town of Dennis

**Reg. 16.B: Variance requested to allow for new construction in an Environmentally Sensitive Area.
Reg. 9.0: Variance of 14.2' requested from the soil absorption system to the foundation.
Reg. 15.0: No Reserve Area Provided.**

Robin Wilcox, Sweetser Engineering, was present at the meeting on behalf of the owner. The applicants propose to add a two (2) story addition to their existing dwelling. The proposed first floor will contain one (1) bedroom, utility room, dining room, kitchen, living room and two (2) bathrooms. The proposed second floor will contain two (2) bedrooms and a bathroom. They are proposing to utilize the existing septic system which was installed in 2013. There is no I/A Technology in the current system. The system was designed for three (3) bedrooms. The foundation is being lifted and a 12' addition is being added to the main house along with the addition on the south side of the house. **A discussion of the abutter's septic systems took place.**

Mr. Duffy moved to approve the variance application for Mark A. & Amy S. Nichols, 115 Taunton Avenue, Dennis, with the condition that revised plans showing the addition of I/A Technology & Disinfection be added to the system, and the following conditions:

1. **No garbage disposal.**
2. **Water-saving devices shall be installed and verified by the Health Department.**
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 four (4) times per year 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 four (4) times per year.
- 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.

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR	5
OPPOSED	0

- D. LINDA L. TAMULAITES- Continued show cause hearing for noncompliance with an order issued by the Health Department to correct a violation of 310 CMR 15.000, The State Environmental Code, Title 5 (continued from 10/9/14)
54 AUNT DEBBY'S ROAD, SOUTH DENNIS, MA

Mr. Covell read the legal notice: A continued show cause hearing for Linda L. Tamulaites, 54 Aunt Debby's Road, South Dennis, for noncompliance with an order issued by the Health Department to correct a violation of 310 CMR 15.000, The State Environmental Code, Title 5.

EXIBITS/DOCUMENTS: Letter to owner from Health Department dated 9/4/14. E-mail correspondence to owner from Health Department dated 10/1/14. Letter to owner from Health Department dated 10/17/14. Memo to Board of Health from Health Department Staff dated 11/3/14. Documents are available for review in the Health Department Septic File Map 111-16.

There was no one present at the meeting on behalf of the owner. On November 3, 2014, the Health Department received the certification letter from Moran Engineering, Inc., The Certificate of Compliance was issued on November 3, 2014. The Health Department staff recommends that the hearing be removed from the agenda.

Ms. Chamberlain moved to remove the show cause hearing for Linda L. Tamulaites, 54 Aunt Debby's Road, South Dennis.

Mr. Duffy seconded the motion.

VOTED

IN FAVOR	5
OPPOSED	0

- E. WILLIAM & VIRGINIA FALLON- Show cause hearing for noncompliance with an order issued by the Health Department to correct a violation of 310 CMR 15.000, The State Environmental Code, Title 5
59 LOWER COUNTY ROAD, WEST DENNIS, MA

Mr. Covell read the legal notice: A show cause hearing for William & Virginia Fallon, 59 Lower County Road, West Dennis, for noncompliance with an order issued by the Health Department to correct a violation of 310 CMR 15.000, The State Environmental Code, Title 5.

EXIBITS/DOCUMENTS: Title 5 Official Inspection Form dated 6/10/14. Letter to owner from Health Department dated 7/24/14. Letter to owner from Health Department dated 10/28/14. Memo to Board of Health from Health Department Staff dated 11/3/14. Documents are available for review in the Health Department Septic File Map 30-12.

No one was present at the meeting on behalf of the owner. There has been no correspondence from the owner. Mr. Perrino said that he spoke with the owner and that the property is on the market for sale.

Ms. Chamberlain moved to continue the show cause hearing for William & Virginia Fallon, 59 Lower County Road, West Dennis, until the December 11, 2014 Board of Health meeting.

Mr. Duffy seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

**F. SOUNDINGS SEASIDE RESORT, LLC- Request for modification of the Board of Health's variance approval granted on March 11, 2014
79 CHASE AVENUE, DENNISPORT, MA**

Mr. Covell read the legal notice: A request for Soundings Seaside Resort, LLC, 79 Chase Avenue, Dennisport, for a modification of the Board of Health's variance approval granted on March 11, 2014.

EXIBITS/DOCUMENTS: Dennis Board of Health variance approval dated 3/17/10. Board of Health meeting minutes dated 2/18/10 & 3/11/10. Memo to Board of Health from engineer dated 10/29/14. Memo to Board of Health from Health Department Staff dated 11/3/14. Documents are available for review in the Health Department Septic File Map 42-18.

Dan Ojala, Down Cape Engineering was present at the meeting on behalf of the owner. The applicant is proposing to reduce the design flow due to the restaurant flow being eliminated. The applicant is requesting that since the design flow is being reduced from the prior approval, that the system which is furthest away from the ocean, system c, not be upgraded to include I/A Technology.

Mr. Bunce moved to approve the request for the Sounding Seaside Resort LLC, 79 Chase Avenue, Dennisport, for modification of the Board of Health's variance approval granted on March 11, 2014.

Mr. Duffy seconded the motion.

VOTED

IN FAVOR 3 (PERRINO & CHAMBERLAIN RECUSED)
OPPOSED 0

- G. **PENTA LIVING TRUST- Cont. show cause hearing for noncompliance with an order issued by the Health Department to correct a violation of the Town of Dennis Housing Space & Use By-Law
10 EASTOVER DRIVE, SOUTH DENNIS, MA**

Mr. Covell read the legal notice: A continued show cause hearing for Penta Living Trust, 10 Eastover Drive, South Dennis, for noncompliance with an order issued by the Health Department to correct a violation of the Town of Dennis Housing Space & Use By-Law.

EXIBITS/DOCUMENTS: Letter to owner from Health Department dated 7/10/14. Letter to owner from Health Department dated 8/6/14. E-mail to owner from Health Department dated 10/9/14. Letter to owner from Health Department dated 10/21/14. Memo to Board of Health from Health Department Staff dated 11/3/14. Documents are available for review in the Health Department Housing File Map 48-31.

There was no one present at the meeting on behalf of the owner. As of today, an application has not been submitted to the Health Department and there has been no further correspondence from the owner.

Ms. Chamberlain moved to direct the Health Department staff to issue a non-criminal violation notice for Penta Living Trust, 10 Eastover Drive, South Dennis, for noncompliance with an order issued by the Health Department to correct a violation of the Town of Dennis Housing Space & Use By-Law.

Mr. Duffy seconded the motion.

VOTED

**IN FAVOR 5
OPPOSED 0**

- H. **JAMES A. & MARK A. RUMA- Cont. show cause hearing for noncompliance with an order issued by the Health Department to correct a violation of 105 CMR 410.00, The State Sanitary Code, Minimum Standards of Fitness for Human Habitation
20 BAYBERRY LANE, DENNISPORT, MA**

Mr. Covell read the legal notice: A continued show cause hearing for James A. & Mark A. Ruma, 20 Bayberry Lane, Dennisport, for noncompliance with an order issued by the Health Department to correct a violation of 105 CMR 410.000, The State Sanitary Code, Minimum Standards of Fitness for Human Habitation.

EXIBITS/DOCUMENTS: Complaint received by the Health Department dated 6/16/14. Letter to owner from Health Department dated 6/18/14. E-mail correspondence from the owner to Health Department dated 6/22/14. Letter to owner from Health Department dated 8/7/14. E-mail correspondence from Health Department to the owner dated 10/9/14. Memo to Board of Health from Health Department dated 11/3/14. Documents are available for review in the Health Department Housing File Map 34-32.

No one was present at the meeting on behalf of the owner. An e-mail from the owner was submitted to the Health Department requesting an inspection. An inspection of the dwelling has been scheduled for November 17, 2014. Health Department staff recommends that the hearing be continued until the December Board of Health meeting.

Mr. Bunce moved to continue the show cause hearing for James A. & Mark A. Ruma, 20 Bayberry Lane, Dennisport, until the December 11, 2014 Board of Health meeting.

Mr. Duffy seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

- I. **AVALON SUNSET TRUST/RICHARD WAYSTACK**-Show cause hearing for noncompliance with an order issued by the Health Department to correct violations of The State Sanitary Code, 105 CMR 410.000, Minimum Standards of Fitness for Human Habitation
174 UPPER COUNTY ROAD, UNIT 2-16, DENNISPORT, MA

Mr. Covell read the legal notice: A show cause hearing for Avalon Sunset Trust/Richard Waystack, 174 Upper County Road, Unit 2-16, Dennisport, for noncompliance with an order issued by the Health Department to correct violations of The State Sanitary Code, 105 CMR 410.000, Minimum Standards of Fitness for Human Habitation.

EXIBITS/DOCUMENTS: Letter & Affidavit of Compliance to owner from Health Department dated 7/2/14. Letter to owner from Health Department dated 8/19/14. Letter to owner from Health Department dated 10/7/14. Memo to Board of Health from Health Department dated 11/3/14. Documents are available for review in the Health Department Housing File Map 89-18.

No one was present at the meeting on behalf of the owner. The last correspondence the Health Department had from the owner was on August 18, 2014. There has been no further correspondence from the owner.

Mr. Bunce moved to direct the Health Department Staff to send Avalon Sunset Trust/Richard Waystack, 174 Upper County Road, Unit 2-16, Dennisport, a final notice.

Ms. Chamberlain seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

- J. **JOSEPHINE & ROBERT UMBRO**- Show cause hearing for noncompliance with an order issued by the Health Department to correct a violation of The State Sanitary Code, 105 CMR 410.000, Minimum Standards of Fitness for Human Habitation
428 MAIN STREET, UNIT 2-11, DENNISPORT, MA

Mr. Covell read the legal notice: A show cause hearing for Josephine & Robert Umbro, 428 Main Street, Unit 2-11, Dennisport, for noncompliance with an order issued by the Health Department to correct a violation of The State Sanitary Code, 105 CMR 410.000, Minimum Standards of Fitness for Human Habitation.

EXIBITS/DOCUMENTS: Complaint received by the Health Department dated 7/14/14. Letter to owner from Health Department dated 10/7/14. Photo of new air conditioning unit dated 11/3/14. Memo to Board of Health from Health Department staff dated 11/4/14. Documents are available for review in the Health Department Housing File Map 65-2.

There was no one present at the meeting on behalf of the owner. On November 4, 2014, the owner came into the Health Department and provided a photo of a new air conditioning unit that was installed. The owner is in full compliance with the Health Department. The Health Department staff recommends that the hearing be removed.

Ms. Chamberlain moved to remove the show cause hearing for Josephine & Robert Umbro, 428 Depot Street, Unit 2-11, Dennisport.

Mr. Bunce seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

II. MINUTES

1. Regular Meeting of September 11, 2014.

Ms. Chamberlain moved to approve the regular meeting minutes of the September 11, 2014 Board of Health meeting as printed.

Mr. Duffy seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

2. Regular Meeting of October 9, 2014.

Ms. Chamberlain moved to approve the regular meeting minutes of the October 9, 2014 Board of Health meeting as printed.

Mr. Duffy seconded the motion.

VOTED

IN FAVOR 5
OPPOSED 0

The meeting adjourned at 8:00 p.m.

jmc