



RECEIVED BY: *AT*  
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Town of Dennis  
Board of Health  
Minutes of Meeting  
June 8, 2023

Kristen Keller,  
Health Director

Dennis Town Hall  
Nathan Stone Jr Hearing Room  
685 Route 134, South Dennis, MA

**Board Members Present:** Chairman Covell, Vice Chairman Bunce, Members Chamberlain and Duffy

**Board Members Absent:** McCormick

**Other Attendees:** Director Kristen Keller, Office Assistant Kellie Dionne

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

## **ADMINISTRATIVE**

**Appoint Health Agent, Grace Melillo**

**Motion:** Move to appoint Grace Melillo as Health Agent.

**Motion:** Bunce      **Seconded:** Chamberlain      **Vote:** 4-0

## **I. ACTION**

**A. Thomas & Linda Brady** – Variance Application (Addition/Alteration) (***Continued from May 11, 2023 meeting***)  
**37 Nobscussett Road, Dennis (329-5)** – AJM Site Design, LLC

The applicant seeks the following variance from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

### **Town of Dennis**

**Reg.16B:** Variance requested to allow the addition/alteration or new construction of habitable space in an environmentally sensitive area.

**Proposal:**

The applicant proposes to raze and rebuild the existing 2 story four (4) bedroom dwelling with a new three (3) bedroom single story dwelling. The lot contains 66,578 square feet of land.

**Floor Plans:**

The **existing** dwelling contains two bedrooms, a living room, dining room/kitchen, one bathroom, and a sunroom off the rear of the first floor. The second floor contains two bedrooms.

The **proposed** first floor will contain a covered front porch, mud hall, laundry room with pantry, two (2) front bedrooms, one (1) bathroom, a kitchen, great room, dining room, master bedroom with master bathroom and walk in closets, a screened porch with a deck, and a side porch.

There is also a garage with proposed unfinished storage space above.  
The **proposed** basement is unfinished.

**Septic System:**

The septic system will contain a 2000-gallon septic tank, distribution box, and three (3) 500-gallon leaching chambers. The proposed system shows 5.5' between the bottom of the SAS and adjusted high groundwater. The system has been designed for four (4) bedrooms and does not contain I/A technology.

Existing Nitrogen Loading with 4 bedrooms is 5.20 ppm  
Proposed Nitrogen Loading with 3 bedrooms is 4.28 ppm.

The property is environmentally sensitive as adjusted high groundwater is within 6' of the surface.

The conservation commission has signed off on the project as "approval not required".

Asa Mintz, with AJM Site Design, presented on behalf of the property. Mr. Mintz stated the acre and a half lot is located in a marginal ESA. There is one point on the North Side of the property that is within 6-feet of groundwater. He explained that the applicants are looking to raise and rebuild with a standard 2000 gallon tank with 3 500-gallon pump chambers. The nitrogen loading is 4.25 and there is 5.5 feet of separation to groundwater. They are putting a 4-bedroom system in for the future in the event they decide to make a 4th bedroom. They understand they will need to go before the board in that case.

**Motion:** Move to approve the variance application for 37 Nobscussett Road, Dennis as printed in the memorandum dated May 31, 2023.

***Approved with 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.
- #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.

**Motion: Bunce      Seconded: Duffy      Vote: 4-0**

**B. Peter and Nancy Belsito – Variance Application (Failed System)  
68 Glendon Road, Dennisport (19-75) – Meyer & Sons, Inc.**

The applicant(s) seek the following variance(s) from the regulations of the Mass. Department of Environmental Protection, Title 5, and the Town of Dennis Regulations for Subsurface Disposal of Sewage:

**Title 5**

**15.212:** Variance of .98' requested from the 5' required between the SAS and adjusted high groundwater.

**Town of Dennis**

**Reg.8(d)(1):** Variance of .98' requested from the 5' required between the SAS and adjusted high groundwater.

**Proposal:**

The applicant proposes to upgrade the existing failed 3-bedroom system with a 4-bedroom system for possible future expansion. The lot contains 10,900 square feet of land.

**Floor Plans:**

The existing dwelling consists of three (3) bedrooms, one (1) bathroom, a living room and a kitchen.

**Septic System:**

The **proposed septic system** will contain a Microfast .5 -2000-gallon septic tank, UV disinfection, a 1000-gallon pump chamber, and a 50'x12' pressure dosed leaching field. The system has been designed for 4 bedrooms.

The property is considered Environmentally Sensitive because ground water is < 6' below grade.

Existing Nitrogen loading with 3 bedrooms is 13.66 ppm.

Proposed Nitrogen loading with 4 bedrooms is 15.75 ppm.

Conservation sign-off was received on 5/21/2023 with a Determination of Applicability issued at the Conservation Commissions 5/19/2023 meeting.

**PREVIOUS HISTORY:**

**April 1990** – Plans were submitted to the Health Department for the addition of habitable space – new kitchen/dining area. The Health Director informed the applicant that the septic system did not meet the minimum requirements of Title 5 or the Town of Dennis for separation to the water table when the addition of habitable space is contemplated.

The septic system would need to be designed to meet the minimum State and Town of Dennis requirements.

The applicant appealed the Health Directors decision.

At the **May 10, 1990** Board of Health hearing, the Board voted unanimously to deny the appeal of the Health Directors decision to not approve the request for a Building Permit to extend the kitchen and living room. The Boards decision was based on the fact that habitable space was being added, and the existing system did not meet that minimum requirements of Title 5 or the Town of Dennis Regulations.

The Town of Dennis Board of Health's Policy requires that a septic system meet the minimum requirements of State and town codes, when any addition of habitable space is contemplated. The intent of the policy, is to meet or exceed the minimum requirements of the State Environmental Code and to further protect the ground and surface waters in the Town of Dennis.

Darren Meyer, with Meyer & Sons, presented on behalf of the applicants. Mr. Meyer stated the property is an ESA and flood zone due to high groundwater. The existing 3-bedroom dwelling will remain 3 bedrooms, but the homeowner is looking to install a 4 bedroom system for future expansion. The system will have MicroFast and denitrifying technologies and a UV disinfect unit designed for pressure dosing. The current plan calls for a timber wall structure to cover the exposed 2 feet. They are requesting a 1-foot variance from the separation of ground water and the 16.B variance.

Mr. Bunce stated they cannot grant an increase in flow and add a bedroom without the 5-foot separation. He asked if they are going to raise the system.

Mr. Meyer replied that right now there is a 4-foot separation and it was due to cost.

The Board specified that the plan can be redesigned show the 5-foot separation or kept at 3 bedrooms.

Mrs. Keller confirmed it is correct they can't add flow without the 5-foot separation.

Mr. Meyer stated the applicant is willing to abide by the 5-foot separation and revise the plans.

**Motion:** Move to approve the variance application for 68 Glendon Road, Dennisport as printed in the memorandum dated May 31, 2023.

**Approved with the following conditions:**

A new plan submitted to the Health Director showing 5' separation to groundwater.

#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 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.

#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 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.

#8 A signed operation and maintenance agreement for the 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.

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

#10 An engineered report shall be submitted to the Board of Health after any inundation of the system, due to flood or natural causes.

**Motion: Chamberlain**

**Seconded: Bunce**

**Vote: 4-0**

**C. Carolyn Hayden/Hayden Realty Trust** – Variance Application (Failed System)  
**50 Howes Street, Dennis (403-4)** – Down Cape Engineering, Inc.

The applicant seeks the following variance from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

**Town of Dennis**

**Reg.9.3(b):** Variance to allow system construction within a formerly mapped coastal dune.

**Proposal:**

The applicant proposes to upgrade the failed cesspool at the existing seven (7) bedroom dwelling. The lot contains 42,237 square feet of land.

**Floor Plans:**

The existing first floor contains four (4) bedrooms, living room, kitchen, one (1) bathroom and a porch.

The existing second floor contains three (3) bedrooms and one (1) bathroom.

**Septic System:**

The septic system will consist of a 3500-gallon septic tank, distribution box, and a 26'x41' pipe and stone leaching field. The system has been designed for seven (7) bedrooms and does not contain I/A technology. Proposed separation between the bottom of the SAS and adjusted high groundwater is 5'

Existing and Proposed Nitrogen Loading is 7.17 ppm.

The property is environmentally sensitive as it directly abuts cape cod bay, lies entirely within a coastal dune and adjusted high groundwater is within 6' of the surface.

The Conservation Commission signed off on the project on April 26, 2023 with an order of conditions issued on May 5, 2023.

Dan Ojala, with Down Cape Engineering, presented on behalf of the property. Mr. Ojala stated the 7-bedroom home currently has cesspools close to a coastal bank. They are seeking approval to upgrade to a Title 5 System. There is a full foot separation to ground water. There is no increase in flow and nitrogen loading is around 7 ppm.

Mr. Duffy stated he felt the system required I/A Technology.

Mrs. Chamberlain agreed.

**Motion:** Move to approve the variance application for 50 Howes Street, Dennis as printed in the memorandum dated May 31, 2023.

***Approved with the following conditions:***

A revised plan submitted to the Health Director showing the addition of I/A and UV Technology.

#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 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.

#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 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.

#8 A signed operation and maintenance agreement for the 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.

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

#10 An engineered report shall be submitted to the Board of Health after any inundation of the system, due to flood or natural causes.

**Motion: Duffy      Seconded: Chamberlain      Vote: 4-0**

**D. Michael Camara** – Variance Application (Addition/Alteration)  
**78 Bleak House Circle, Dennis (388-47)** – Down Cape Engineering, Inc.

The applicant(s) seek the following variance(s) from the regulations of 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 5' requested from the 10' required between the SAS and property line

**15.211(1):** Variance of 17.7 requested from the 50' required between the SAS and the isolated wetland.

**15.221(7):** Variance of 1.2' requested from the required 3' maximum cover over the SAS.

**Town of Dennis**

**Reg. 9.0:** Variance of 5' requested from the 10' required between the SAS and property line

**Reg.9.0:** Variance of 67.7' requested from the 100' required between the SAS and the isolated wetland.

**Reg.16B:** Variance requested to allow the addition/alteration or new construction of habitable space in an environmentally sensitive area.

**Proposal:**

The applicant proposes to add a second story as well as remodel the interior of the existing single story 3-bedroom dwelling and finish the existing basement. The lot contains 19,255 square feet of land.

**Floor Plans:**

The **existing** dwelling contains three (3) bedrooms, two (2) bathrooms, a dining room, living room, kitchen, great room, and a sunroom. There is also a front covered porch and a patio off the rear.

The **existing** basement contains one bathroom with laundry space. There is also a 2-car garage.

The **proposed** first floor of the dwelling will contain a covered porch, a front foyer, two (2) bedrooms, two (2) bathrooms, laundry room, sitting area, kitchen with pantry, dining area, great room, and a study with double doors.

The **proposed** second floor a master suite with master bathroom and walk in closet, a family room, and one (1) additional full bathroom. There is also a roof deck on the front as well as the rear of the dwelling.

The **proposed** basement will contain one (1) bathroom with laundry space, a new sitting area, new gym area, and a mechanical room.

**Septic System:**

The septic system will contain a Microfast .5 septic tank, a 1000-gallon pump chamber, distribution box, and 2-500-gallon leaching chambers. The system has been designed for 3 bedrooms or 349 gallons per day.

Existing Nitrogen Loading is 8.83 ppm

Proposed Nitrogen Loading is 5.07 ppm.

The property is environmentally sensitive as there are wetlands on the property.

The conservation commission signed off on the project on 5/18/2023 with an order of conditions on 5/19/2023.

Dan Ojala, with Down Cape Engineering, presented on behalf of the property. Mr. Ojala stated that there is an isolated vegetative wetland on the property. The distance of separation to the leaching is about 32-feet. The system is being placed high above groundwater and they have met the full 5-foot separation required. They have introduced I/A and added TTS to the leaching and a pump chamber. There is no increase in flow and conservation has approved it.

Mrs. Chamberlain stated the lot does slope and would like to see all runoff kept on the property.

Mr. Ojala stated that they are introducing dry wells.

Mike McDonald, an abutter, asked for clarification about how the leaching field being placed closer to his property will affect his property.

Mr. Ojala replied that he would be able to move 5 feet closer on his end and still meet the 10-foot separation required by Title 5.

**Motion:** Move to approve the variance application for 78 Bleak House Circle, Dennis as printed in the memorandum dated May 31, 2023.

**Approved with 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.
- #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 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.
- #9 A time-run meter shall be installed and hard-wired into the main electrical panel.

**Motion: Bunce      Seconded: Chamberlain      Vote: 4-0**

**E. David Caron/1 Vinland Drive Trust** – Variance Application (New Construction)  
**1 Vinland Drive, South Dennis (172-61)** – Down Cape Engineering, Inc.

The applicant seeks the following variance from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

**Town of Dennis**

**Reg.9.0**      Variance of 26.1 feet from the required 100-foot separation between the SAS and the top of Coastal Bank.

**Reg.16B:**      Variance requested to allow the addition/alteration or new construction of habitable space in an environmentally sensitive area.

**Proposal:**

The applicant proposes to raze and rebuild the existing single story 2-bedroom dwelling with a new two story 3-bedroom dwelling. The lot contains 11,582 square feet of land.

**Floor Plans:**

The **existing** dwelling contains a side porch with entryway, kitchen, dining area, living room, one (1) bathroom, and two (2) bedrooms.

The **proposed** first floor will contain an entryway, laundry room with ½ bathroom, an office, and an open kitchen/dining and living room. There is also a one car garage and a deck off the rear.

The **proposed** second floor will contain three (3) bedrooms, two (2) bathrooms, and a deck off of the master bedroom.

**Septic System:**

The septic system will contain a Microfast .5 septic tank, UV disinfection, distribution box, and 2 - 500-gallon leaching chambers. There is also a reserve area. The system has been designed for 3 bedrooms or 336 gallons per day.

Existing Nitrogen Loading for 2 bedrooms – 11.47 ppm.

Proposed Nitrogen Loading for 3 bedrooms – 7.47 ppm.

The property is environmentally sensitive as it lies within 100' of a coastal bank.

The Conservation Commission signed off on the project on 5/18/2023 with an Order of Conditions issued on 5/19/2023

Dan Ojala, with Down Cape Engineering, presented on behalf of the property. Mr. Ojala stated the home is remaining 3 bedrooms and they have added I/A Technology. There is a superb separation of groundwater, but UV was added due to the proximity to the wetland and coastal bank.

**Motion:** Move to approve the variance application for 1 Vinland Drive, South Dennis as printed in the memorandum dated May 31, 2023.

***Approved with 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.

#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 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.

#8 A signed operation and maintenance agreement for the 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.

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

#10 An engineered report shall be submitted to the Board of Health after any inundation of the system, due to flood or natural causes.

**Motion: Chamberlain**

**Seconded: Duffy**

**Vote: 4-0**

**F. Barbara Scanlon** – Variance Application (New Construction)

**41 Uncle Stephens Road, West Dennis (13-20)** – Down Cape Engineering, Inc.

The applicant(s) seek the following variance(s) from the regulations of the Mass. Department of Environmental Protection, Title 5, and the Town of Dennis Regulations for Subsurface Disposal of Sewage:

**Title 5**

**15.211:** Variance of 3' requested from the 10' required between the SAS and the waterline.

**15.211:** Variance of 6.6' requested from the 10' required between the SAS and the property line.

**15.255 (5):** Variance of 3' requested from the required 5' removal of unsuitable or impermeable soils beyond the outer perimeter of the SAS.

**Town of Dennis**

**Reg.9:** Variance of 6.6' requested from the 10' required between the SAS and the property line.

**Reg.9:** Variance of 9' requested from the 10' required to allow the septic tank and SAS to be within 10' of a waterline.

**Reg.9.3(b):** Variance requested to allow septic system to be installed in a coastal dune area.

**Reg.9.3(e):** Variance to allow fill to be deposited for new construction where water table is within 3' of original grade.



**Reg.16B:** Variance to allow the addition/alteration or new construction of habitable space in an environmentally sensitive area.

**Reg.16:** Need concurrence that exceptional circumstances exist so that the above variances from local regulations may be granted. Upgrade – no increase in flow.

**Reg.12(c):** Variance of 4.7' requested to allow the septic tank not to be one foot below natural grade. Tank 3.7' above natural grade.

**Reg.12(c):** Variance of 3' requested to allow the SAS not to be one foot below natural grade. Top of SAS 2' above natural grade.

**Proposal:**

The applicant proposes to raze the existing 2 dwellings (5 bedrooms total) and replace with a new 3 story, 3-bedroom dwelling. The lot contains 9,053 square feet of land.

**Floor Plans:**

The **existing** first floor contains a kitchen, dining, living room, one (1) bedroom and one (1) bathroom.

The **existing** second floor contains two (2) bedrooms.

The **existing** #37B contains two (2) bedrooms, one (1) bathroom, a kitchen, dining room, and a living room.

The **proposed** first floor will contain a laundry room, ½ bathroom, kitchen, dining room, and a living room.

The **proposed** second floor will contain two (2) bedrooms, two (2) bathrooms and a walk-in closet.

The **proposed** third floor will contain one (1) bedroom and storage space.

**Septic System:**

The **proposed septic system** will consist of a Microfast .5 septic tank, UV disinfection, distribution box, and 24 Quick4 standard LP units with no stone. The system has been designed for 3 bedrooms or 453 square feet of leaching area.

Existing Nitrogen Loading with 5 bedrooms – 17.79 ppm

Proposed Nitrogen Loading with 3 bedrooms – 7.63 ppm.

The property is environmentally sensitive because it directly abuts Nantucket Sound.

The conservation commission signed off on the project on May 18, 2023 with an Order of Conditions issued on June 2, 2023.

Mrs. Keller recommended to continue to the matter to the July meeting so all abutters could be notified of all the variances and conservation has completed their paperwork.

**Motion:** Move to continue the variance request for 41 Uncle Stephens Road, West Dennis as printed in the memorandum dated May 30, 2023 to the July 13, 2023 meeting.

***Continued***

**Motion: Duffy      Seconded: Bunce      Vote: 4-0**

**G. Joel and Beth Crowell** – Seeking approval of a definitive subdivision plan, entitled “Crowellton Court”, at the address known as 254 & 270 Sesuit Neck Road, East Dennis – Down Cape Engineering, Inc.

The applicants, Beth and Joel Crowell, submit for review the proposed definitive open space subdivision plan. There are approximately nine (9) acres of land on the two existing lots.

The applicants propose the existing dwelling located at 270 Sesuit Neck Road remain, with two new lots planned in the rear. Lot #2 – 56,154 square feet of land, and Lot #3 – 47,769 square feet of land. Also proposed is an open space parcel of 233,484 square feet of land.

Both parcels are environmentally sensitive as there are wetlands on or within 100' of each parcel.

Chairman Covell stated the advertisement for the variance application was not correct, but since it was advertised as more than being asked for they can review & vote on it tonight.

Dan Ojala, with Down Cape Engineering, presented on behalf of the property. Mr. Ojala stated they are seeking approval for a subdivision with 3 buildable lots. They are good-sized lots. Engineering, planning, and conservation have approved the plans. There will be 5-acres of green space on the property.

Mr. Bunce questioned how they will access lot #4.

Mr. Ojala stated lot #4 is the open space.

The Board discussed how to word the motion.

**Motion:** Move to approve the Definitive Subdivision Plan, entitled "Crowellton Court", located at 254 & 270 Sesuit Neck Road, East Dennis.

***Approved with the following conditions:***

1. No variances be granted to 310 CMR 15.000: *THE STATE ENVIRONMENTAL CODE, TITLE 5: STANDARD REQUIREMENTS FOR THE SITING, CONSTRUCTION, INSPECTION, UPGRADE AND EXPANSION OF ON-SITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS AND FOR THE TRANSPORT AND DISPOSAL OF SEPTAGE.*
2. 16B Variances from the Town of Dennis Regulations for Subsurface Disposal of Sewage will be required for any Additions/Alterations or New Construction of Habitable Space in an Environmentally Sensitive Area.

**Motion: Bunce      Seconded: Duffy      Vote: 4-0**

**H. Lee Ann Henry** – Variance Application (Addition/Alteration)  
**40 Quivet Drive, East Dennis (381-32)** – David B Mason, RS

The applicant seeks the following variance from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

**Town of Dennis**

**Reg.16B:**      Variance requested to allow the addition/alteration or new construction of habitable space in an environmentally sensitive area.

**Proposal:**

The applicant proposes the addition of 2 bedrooms to the existing two story 2-bedroom dwelling. The lot contains 31,706 square feet of land.

**Floor Plans:**

The **existing** first floor of the dwelling contains one (1) bedroom, a kitchen, living room, dining room, one (1) bathroom, and a sunroom. There is also a deck off the rear.

The **existing** second floor contains one (1) bedroom and one (1) bathroom.

The **proposed** second floor will contain three (3) bedrooms and one (1) bathroom.

The are no proposed changes to the first floor.

**Septic System:**

The septic system will contain a 2000-gallon Microfast .5 septic tank, distribution box, and 3 – 500-gallon leaching chambers. The system has been designed for 4 bedrooms or 455 gallons per day.

Existing Nitrogen Loading with 2 bedrooms – 5.23 ppm.

Proposed Nitrogen Loading with 4 bedrooms – 5.33 ppm.

The property is environmentally sensitive as it lies within a Zone II.

The conservation commission signed off on the project as “approval not required”.

David Mason presented on behalf of the property owners. Mr. Mason stated this was originally for a repair. The home is 4 bedrooms and the septic system was only designed for 2 bedrooms. They are seeking approval for the I/A design for the bedroom design.

Mr. Taugher, an abutter, asked for clarification about leaching rolling downward towards his property.

Mr. Mason stated the current system is in the same location and direction as the previous system.

**Motion:** Move to approve the variance application for 40 Quivet Drive, East Dennis as printed in the memorandum dated May 31, 2023.

**Approved with 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.

#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 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.

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

**Motion: Duffy**

**Seconded: Chamberlain**

**Vote: 4-0**

**I. Mary Hosmer** – Variance Application (Addition/Alteration)

**14 North Street, East Dennis (412-30)** – J.M. O'Reilly and Associates, Inc.

The applicant seeks the following variance from the Town of Dennis Regulations for Subsurface Disposal of Sewage:

**Town of Dennis**

**Req.16B:** Variance requested to allow the addition/alteration or new construction of habitable space in an environmentally sensitive area.

**Proposal:**

The applicant proposes to convert a screen porch to a sunroom, deck to a screen porch as well as finish the basement of the existing 2 story four (4) bedroom dwelling.

**Floor Plans:**

The **existing** first floor contains a front foyer, mudroom, laundry room, dining room, kitchen, family room, one (1) bedroom with walk in closet and bathroom, an office, powder room, screened porch and a deck.

The **existing** second floor contains three (3) bedrooms, one (1) bathroom, and a deck.

The **existing** basement is unfinished.

The **proposed** first floor of the dwelling will contain a front foyer, mudroom, laundry room, dining room, kitchen, family room, powder room, a bar, one (1) bedroom with walk in closet and bathroom, a new sunroom, and a deck.

The **proposed** second floor will contain three (3) bedrooms, one (1) bathroom and a new screened porch. There will also be a rooftop deck.

The **proposed** basement will contain a game room, exercise room, wet bar, one (1) full bathroom, and an unfinished mechanical room.

**Septic System:**

The applicant proposes to utilize the existing system that was installed in 2009 and consists of a 2000-gallon septic tank, distribution box, and 4, 500-gallon leaching chambers. The system was designed for 4 bedrooms and does not contain I/A technology.

The system was last inspected by a Title 5 system inspector in January 2021. The system passed inspection at that time.

Existing and Proposed Nitrogen Loading is 3.32 ppm.

The property is environmentally sensitive as there are wetlands on the property.

The conservation commission issued an order of conditions on April 21, 2023 and signed off on the project on May 8, 2023.

**PREVIOUS VARIANCES: April 9, 2009****Reg.16B: Variance to allow new construction in an environmentally sensitive area.**

The applicant proposed to construct a new 4-bedroom dwelling with finished basement.

The **proposed** first floor would contain a front foyer with ½ bathroom, kitchen, dining room, living room, and a master bedroom with master bathroom and closet.

The **proposed** second floor would contain three (3) bedrooms and two (2) bathrooms.

The **proposed** basement would contain a recreation room, one (1) bathroom, a mechanical room, and storage space.

The variances were approved with conditions:

1, 2, 3, 4, 5, and 6.

John O'Reilly, with J.M. O'Reilly and Associates, presented on behalf of the property. Mr. O'Reilly stated the applicants are seeking approval to finish their basement and convert a screened porch to a sun room. The nitrogen loading is right under 4ppm.

**Motion:** Move to approve the variance application for 14 North Street, East Dennis as printed in the memorandum dated May 31, 2023.

**Approved with 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.

#5 Record variances and conditions at the Registry of Deeds to run with the property with a copy to the Health Department.

**Motion: Bunce**

**Seconded: Duffy**

**Vote: 4-0**

**J. Noelle Allard** – Variance Request (Rental Max Occupancy)  
**141 U-17 Main Street, West Dennis (62-5-24)** – CT Nguyen

The applicant is requesting a variance to increase the Rental Occupancy number for the dwelling from two (2) occupants to three (3) occupants.

An inspection conducted on April 16, 2023 revealed 305 square feet of habitable space for two (2) occupants.

Previous rental history held an occupancy of two (2) occupants (February 2015).

The dwelling is a large studio that has a kitchen, a living/sleeping area, a sitting space, and one (1) full bathroom.

Mr. Nguyen, the agent, presented on behalf of the property. Mr. Nguyen stated they are seeking approval for increased occupancy from 2 to 3 people in the studio.

Mr. Bunce stated they need a minimum of 350 square-feet for an occupancy of 3. There are 45 feet shy of meeting the occupancy for 3

Mrs. Keller stated the history is for 2. It is a large studio area.

The Board asked Mrs. Keller for her recommendation.

Mrs. Keller stated she would recommend leaving the occupancy at 2 people.

**Motion:** Move to deny the variance request for 141 U-17 Main Street, West Dennis as printed in the memorandum dated May 30, 2023.

***Denied***

**Motion: Chamberlain      Seconded: Duffy      Vote: 4-0**

**K. Daniel Shea & Jason Guerrettaz/Pepper Valley LLC** – Show cause hearing for noncompliance with Town of Dennis Fuel Storage Regulations: Failure to Replace or Remove Above Ground Fuel Storage Tank  
**(Continued from March 9, 2023 meeting)**  
**71 Bridge Street, East Dennis (393-12)**

**UPDATED INFORMATION:**

At the March 9, 2023 Board meeting, the owner, Mr. Daniel Shea presented and stated that he was researching converting to solar power and needed more time.

The Board voted to continue the matter for 90 days.

As of the date of this memo, there has been no further communication from the property owner.

On May 19, 2023 the Dennis Fire Department confirmed that there have been no permits issued for the removal of the Fuel Storage Tank.

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At the February 9, 2023 Board meeting, there was no one present on the matter. The Board voted (5-0) to continue the matter to the March 9, 2023 meeting.

As of the date of this memo, there has been no further communication from the property owner.  
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**Continued from December 2022:** At the December 2022 Board meeting, the property owner informed the Board that Mass Save had cancelled an appointment at the property and rescheduled for January 18, 2023. At that time, the property owner would decide on moving forward with either replacing the fuel storage tank or converting to gas. The Board voted to continue the matter to the February meeting.

As of the date of this memo there has been no further communication from the property owner.

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On July 11, 2022 an Agent from the Health Department approved a 90-day exemption form for the removal or replacement of the above ground fuel storage tank at the above listed property.

The exemption form had been signed by both the buyer of the property as well as the seller on July 8, 2022. The closing date listed on the form was July 22, 2022. The exemption was granted until October 19, 2022.

As of the date of this memo, a permit to remove or replace the fuel storage tank has not been issued. This was confirmed with the Dennis Fire Department.

### **Fuel Storage Regulations:**

#### **Section 2**

#### **2.3:(b) Above Ground Heating Fuel Oil Storage Tanks:**

4. At time of property transfer all Above Ground fuel oil storage tanks shall be replaced with a double wall fuel oil storage tank or shall be required to provide 110% containment capacity to prevent contamination from leaks that may occur. Exterior fuel oil storage tanks must be covered with substantial impermeable construction material to prevent water accumulation within containment in such a way that satisfies the Health and Fire Department. Enforcement and permitting shall be conducted by the Fire Department in conjunction with the Chapter 148 – 26 F inspections.

5. If an existing Above Ground Storage Tank exists in a building being transferred the buyer and seller may apply to the Board of Health for an exemption to this regulation if the intent is to convert to another form of heating appliance not using fuel oil or remove the existing single wall fuel oil storage tank and replace it with a double wall storage tank. The buyer and seller must agree in writing to the agreement and accept joint responsibility for completion of the replacement and or removal. A time frame for the completion of the removal and installation must be submitted to the Board of Health with the application for exemption.

Daniel Shea, the homeowner, presented on behalf of the property. Mr. Shea stated they are in the process of hiring an engineer to exam their roof to move to solar. He asked for a 90-day extension.

**Motion:** Move to continue the matter at 71 Bridge Street, East Dennis as printed in the memorandum dated May 30, 2023 to the September 14, 2023 meeting.

**Continued**

**Motion: Duffy      Seconded: Bunce      Vote: 4-0**

**L. Eleanor Mantoni** – Show cause hearing for noncompliance with an order by the Board of Health to complete a Title 5 inspection or submit a septic application by September 1, 2022 in response to violation of the Town of Dennis Regulations for Subsurface Disposal of Sewage and 310 CMR 15.000, State Environmental Code, Title (Continued from April 13, 2023 meeting)

**83 Siasconset Avenue, Dennisport (54-59)**

At the April 2023 hearing the Board voted to continue the matter for 60 days and asked that the Engineer reach out to the Health Department with an update.

On May 19, 2023, the Engineer contacted the Health Department to inform that he would be submitting an in-house variance for the upgrade of the septic system within the next week.

**On May 22, 2023 the Health Department received an In House Variance application to upgrade the existing failed system.**

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**Continued from February 9, 2023** – At the February 2023 hearing the Board voted to continue the matter for 60 days with the requirement that the property owner notify the Health Department of their progress within 30 days.

On March 7, 2023 the Health Department conducted soil testing for the upgrade of the septic system at the referenced property.

As of the date of this memo, there has been no communication with the property owner since the February hearing.

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**Continued from January 12, 2023** – At the January 2023 hearing the property owner informed the Board that an engineer had not yet been hired to upgrade the septic system but that they did have a name of someone. The Board voted to continue the matter to the February meeting and informed the property owner to keep in contact with the Health Department.

On January 31, 2023 the Health Department received an email from Mr. Thomas Santoni stating that he had received one quote from an engineer and was waiting on a couple more.

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**Continued from December 12, 2022** – At the December 2022 hearing the property owner informed the Board that they were approved for the Community Septic Loan Program. They had not been in contact with an engineer at the time of the meeting. The Board continued the matter to the January hearing informing the property owner to contact an engineer and stay in contact with the Health Department.

As of the date of this memo there has been no further communication from the owner.

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**Continued from October 13, 2022** – At the October 2022 Board of Health hearing the Board voted to continue the matter for 60 days to give the property owner time to file an application with Barnstable County for the septic loan program.

As of the date of this memo, there has been no communication with the property owner and no application to upgrade the existing septic system.

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On June 27, 2022 the Dennis Health Department received a complaint regarding unlicensed work being performed on a cesspool located at 83 Siasconset Avenue in Dennisport. The caller stated that they witnessed a line being dug up as well as stones being placed in the ground around the system.

During an investigation of the complaint on June 29, 2022, there appeared to be areas of mounded dirt and stone around the yard which indicated that the system may have recently been excavated or worked on. Per a conversation with the homeowner during this same visit, she stated that she believed a pipe may have broken open and was then worked on by a family member.

A notice was sent on June 29, 2022 which ordered the homeowner to have a Title 5 inspection performed within 30 days. The notice was also hand delivered to the homeowner on June 30, 2022. The son of the homeowner called on August 1, 2022 and stated that he planned on forgoing the inspection and instead pursuing a voluntary septic upgrade. Following this conversation, a notice was sent dated August 8, 2022 which gave the homeowner until September 1, 2022 to either submit a septic application or get a Title 5 inspection. We have had no contact with anyone associated with the property since and ultimately sent a

notice to appear before the Board of Health on September 15, 2022. It was confirmed that all certified letters were received. The system is assumed to be original to the house which means it is approximately 72 years old.

Thomas Mantoni, the homeowner's son, spoke. Mr. Mantoni stated that they have applied for an in-house variance and are working towards upgrading the septic.

Mrs. Keller confirmed the Health Department did receive a variance and she has requested revised plans from the engineer. They are in compliance now.

**Motion:** Move to remove the matter at 83 Siasconset Avenue, Dennisport as printed in the memorandum dated May 31, 2023 from the agenda.

***Removed from agenda***

**Motion: Chamberlain      Seconded: Duffy      Vote: 4-0**

**M. Abigail Hammett & Theophilus Offei and ZF SPV LLC** – Show cause hearing for noncompliance with Town of Dennis Fuel Storage Regulations: Failure to Replace or Remove Above Ground Fuel Storage Tank **436 Main Street, South Dennis (128-14)**

On December 15, 2022, Deputy Fire Chief Tony Kent conducted an inspection at the above referenced dwelling and noted a Fuel Storage Tank that needed removal or replacement.

On February 1, 2023, an order letter was sent to the Seller and the Buyer of the property requesting an exemption form be completed and submitted to the Health Department by February 17, 2023.

A second notice was sent to both the seller and the buyer of the property requesting an exemption form be completed and submitted to the Health Department by May 17, 2023. Failure to comply would result in placement on the June Board of Health Agenda.

Records indicate the second notice as delivered to the seller of the property on May 5, 2023. Certified mail to the buyer was returned, however regular mail was not.

As of the date of this memo, there has been no further communication from either party, and the Dennis Fire Department has confirmed that no permits have been issued for the removal or replacement of the Fuel Storage Tank.

## **Fuel Storage Regulations:**

### **Section 2**

#### **2.3:(b) Above Ground Heating Fuel Oil Storage Tanks:**

4. At time of property transfer all Above Ground fuel oil storage tanks shall be replaced with a double wall fuel oil storage tank or shall be required to provide 110% containment capacity to prevent contamination from leaks that may occur. Exterior fuel oil storage tanks must be covered with substantial impermeable construction material to prevent water accumulation within containment in such a way that satisfies the Health and Fire Department. Enforcement and permitting shall be conducted by the Fire Department in conjunction with the Chapter 148 – 26 F inspections.

5. If an existing Above Ground Storage Tank exists in a building being transferred the buyer and seller may apply to the Board of Health for an exemption to this regulation if the intent is to convert to another form of heating appliance not using fuel oil or remove the existing single wall fuel oil storage tank and replace it with a



double wall storage tank. The buyer and seller must agree in writing to the agreement and accept joint responsibility for completion of the replacement and or removal. A time frame for the completion of the removal and installation must be submitted to the Board of Health with the application for exemption.

Mrs. Chamberlain suggested to move the show cause hearing to court due to no communication.

**Motion:** Move to file an application for criminal complaint with the Orleans District Court for noncompliance at 436 Main Street, South Dennis per memorandum dated May 31, 2023.

***Moved to Court***

**Motion: Chamberlain                      Seconded: Duffy                      Vote: 4-0**

**N. C&C McGrath Realty LLC and Scott Hemmenway** – Show cause hearing for noncompliance with Town of Dennis Fuel Storage Regulations: Failure to Replace or Remove Above Ground Fuel Storage Tank **410 Main Street, South Dennis (128-11)**

On December 23, 2022, Health Agent David Coakley approved a 90-day exemption form for the removal or replacement of the above ground fuel storage tank at the above listed property.

The exemption form had been signed by the seller of the property on December 21, 2022 and by the buyer of the property on December 20, 2022. The closing date listed on the form was January 6, 2023. The exemption was granted until April 6, 2023.

On April 26, 2023 notice was sent to both the buyer and the seller of the property to appear before the Board of Health for noncompliance. Records reflect notice to the buyer of the property was received on April 29, 2023.

As of the date of this memo, the Health Department has not received any communication from the buyer or the seller of this property and the Dennis Fire Department confirms they have not received a request for a permit for removal of the above ground fuel storage tank at this address.

**Fuel Storage Regulations: 2.3:(b) Above Ground Heating Fuel Oil Storage Tanks:**

4. At time of property transfer all Above Ground fuel oil storage tanks shall be replaced with a double wall fuel oil storage tank or shall be required to provide 110% containment capacity to prevent contamination from leaks that may occur. Exterior fuel oil storage tanks must be covered with substantial impermeable construction material to prevent water accumulation within containment in such a way that satisfies the Health and Fire Department. Enforcement and permitting shall be conducted by the Fire Department in conjunction with the Chapter 148 – 26 F inspections.

5. If an existing Above Ground Storage Tank exists in a building being transferred the buyer and seller may apply to the Board of Health for an exemption to this regulation if the intent is to convert to another form of heating appliance not using fuel oil or remove the existing single wall fuel oil storage tank and replace it with a double wall storage tank. The buyer and seller must agree in writing to the agreement and accept joint responsibility for completion of the replacement and or removal. A time frame for the completion of the removal and installation must be submitted to the Board of Health with the application for exemption.

Mrs. Keller stated that the Health Department was notified by the Fire Department that a permit had been pulled for the removal of the tank.

**Motion:** Move to remove the matter at 410 Main Street, South Dennis as printed in the memorandum dated May 31, 2023 from the agenda.

*Removed from agenda*

**Motion: Chamberlain      Seconded: Duffy      Vote: 4-0**

## **II. AGENDA ITEMS**

**1. Walter & Susan Jenkins** – Request for extension to Town of Dennis Fuel Storage Regulations, Section 2: Town of Dennis Fuel Storage Exemption (***Continued from March 9, 2023 meeting***)  
**15 Golf Course Road, East Dennis (315-8)**

### **UPDATED INFORMATION:**

At the March 9, 2023 Board meeting, the Board voted to continue the matter to the June meeting.

On May 19, 2023, the Dennis Fire Department confirmed that a permit was issued for the removal of the Fuel Storage Tank.

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On January 31, 2023 an Agent from the Health Department approved a 90-day exemption form for the removal or replacement of the above ground fuel storage tank at the above listed property.

The exemption form had been signed by the buyer of the property on December 15, 2022. The closing date listed on the form was December 16, 2022. The exemption was granted until March 16, 2023.

On February 9, 2023 an email was received from Mr. Jenkins requesting a further extension as the utility company will not be installing the new heating system until early May 2023.

### **Fuel Storage Regulations:**

#### **Section 2**

#### **2.3:(b) Above Ground Heating Fuel Oil Storage Tanks:**

4. At time of property transfer all Above Ground fuel oil storage tanks shall be replaced with a double wall fuel oil storage tank or shall be required to provide 110% containment capacity to prevent contamination from leaks that may occur. Exterior fuel oil storage tanks must be covered with substantial impermeable construction material to prevent water accumulation within containment in such a way that satisfies the Health and Fire Department. Enforcement and permitting shall be conducted by the Fire Department in conjunction with the Chapter 148 – 26 F inspections.

5. If an existing Above Ground Storage Tank exists in a building being transferred the buyer and seller may apply to the Board of Health for an exemption to this regulation if the intent is to convert to another form of heating appliance not using fuel oil or remove the existing single wall fuel oil storage tank and replace it with a double wall storage tank. The buyer and seller must agree in writing to the agreement and accept joint responsibility for completion of the replacement and or removal. A time frame for the completion of the removal and installation must be submitted to the Board of Health with the application for exemption.

Mrs. Keller stated the Health Department was notified a permit had been applied for the removal of the fuel storage tank

**Motion:** Move to remove the matter at 15 Golf Course Road, East Dennis as printed in the memorandum dated May 30, 2023 from the agenda.

***Removed from agenda***

**Motion: Duffy      Seconded: Chamberlain      Vote: 4-0**

**2. Joseph Vozarik & Victoria Barri – Request for extension to the Town of Dennis Fuel Storage Regulations, Section 2: Town of Dennis Fuel Storage Exemption (*Continued from April 13, 2023 meeting*)  
81 Signal Hill Drive, Dennis (307-17)**

**UPDATED INFORMATION:**

At the April 13, 2023 Board meeting the Board voted to continue the matter to the June meeting.

As of the date of this memo, there has been no further communication from the property owner.

It was also confirmed by the Dennis Fire Department that there have been no permits issued for the removal of the fuel storage tank.

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On December 20, 2022 the Health Department received a Fuel Storage Exemption form signed by both the buyer and the seller of the above property. The closing date listed on the exemption form was January 12, 2023.

A 90-day extension was granted by the Health Director. The expiration date for the extension is April 12, 2023.

On March 22, 2023 the Health Department received an email from the property owner, Mr. Joseph Vozarik requesting a further extension as he is in the process of converting to natural gas and the proposed installation is not scheduled to begin until the second week of May.

**Section 2:**

**2.3:(b) Above Ground Heating Fuel Oil Storage Tanks:**

5. If an existing Above Ground Storage Tank exists in a building being transferred the buyer and seller may apply to the Board of Health for an exemption to this regulation if the intent is to convert to another form of heating appliance not using fuel oil or remove the existing single wall fuel oil storage tank and replace it with a double wall storage tank. The buyer and seller must agree in writing to the agreement and accept joint responsibility for completion of the replacement and or removal. A time frame for the completion of the removal and installation must be submitted to the Board of Health with the application for exemption.

Joseph Vozarik, the homeowner, presented. Mr. Vozarik stated he has applied for natural gas and is currently working with the gas company to schedule an install for the new tank. He asked for a 90-day extension to schedule an installation date.

**Motion:** Move to continue the matter at 81 Signal Hill Drive, Dennis as printed in the memorandum dated May 30, 2023 to the September 14, 2023 meeting.

***Continued***

**Motion: Chamberlain      Seconded: Bunce      Vote: 4-0**

### **III. MINUTES**

#### **1. Regular Meeting of May 11, 2023**

**Motion:** Move to approve the minutes from the May 11, 2023 Board of Health meeting as printed.

**Approved**

**Motion: Bunce      Seconded: Duffy      Vote: 4-0**

#### **2. Work Session of May 16, 2023**

**Motion:** Move to approve the minutes from the May 16, 2023 Board of Health work session with the following corrections:

Page 3, 3<sup>rd</sup> line, should read “Mr. Clark”

Page 4, Waste Water, 4<sup>th</sup> paragraph: change “extra containments” to “emerging containments”

Page 4, Waste Water, 4<sup>th</sup> paragraph: change “for removal for wastewater” to “for removal of wastewater”

**Approved**

**Motion: Chamberlain      Seconded: Duffy      Vote: 4-0**

### **IV. ADJOURNMENT**

**Motion:** Move to adjourn at 7:58 p.m.

**Approved**

**Motion: Chamberlain      Seconded: Duffy      Vote: 4-0**