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Dennis Town Clerk's Office
April 27, 2023 @ 11:22 a.m.

Town of Dennis
Board of Health
Minutes of Meeting
February 9, 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, Duffy and McCormick

Board Members Absent:

Other Attendees: Director Kristen Keller, Office Assistant Kellie Dionne

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

I. ACTION

A. Richard & Carrie Mitchell – Variance Application (Addition/Alteration) (***Continued from January 12, 2023 meeting***)

28 Gold Finch Lane, East Dennis (318-40) – Peter Moulton

At the January 12, 2023 Board of Health meeting the Board voted to continue the matter to the February meeting as no one was present on the matter.

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 renovate the existing three (3) bedroom dwelling. The lot contains 12,197 square feet of land.

Floor Plans:

The **existing** dwelling contains three (3) bedrooms, a kitchen, living room, dining room, family room, a garage, and a rear deck.

The **proposed** dwelling will contain three (3) bedrooms, and open kitchen/living room, dining area, family room, garage and a rear deck.

Septic System:

The applicant proposes to utilize the existing septic system that was installed in 1974 and consists of a 1000-gallon septic tank, distribution box, one 6x6 leach pit with 2' of stone. A second 6x6 leaching pit with 2' of stone was added in 1988. The system was designed for three (3) bedrooms and does not contain I/A technology.

The septic system was last inspected by a Title 5 system inspector in 2012. The system passed inspection at that time.

The existing/proposed nitrogen loading is 14.94 ppm.

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

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

Mr. Peter Moulton presented on behalf of the property owners.

Mr. Moulton stated they are remodeling the kitchen, raising the ceiling around 2 ft, removing a wall between the kitchen and living and adding new flooring through most of the first floor.

Mrs. McCormick stated the system was last inspected in 2012 and she recommended a re-inspection.

Mr. Bunce agreed.

Mrs. Chamberlain stated she is opposed to a system with pits in a Zone II and would like to see it upgraded to a Title 5 System.

Mr. Moulton noted the groundwater is quite deep in that area.

Motion: Move to approve the variance application for 28 Gold Finch Lane, East Dennis as printed in the memorandum dated February 2, 2023.

Approved with the receipt by the Health Department of a passing Title 5 Inspection Report 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.

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

Motion: McCormick

Seconded: Duffy

Vote: 4-1

Opposed: Chamberlain

B. Stephen Aschettino – Variance Application (Failed System/Addition/Alteration)

54 Buckley Road, West Dennis (26-60) – Strong Tree Engineering

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 .8’ requested from the 5’ required between the bottom of the SAS and groundwater.

15.211(1): Variance of 4.5’ requested from the 20’ required between the SAS and foundation.

15.255(2): Variance of 10’ requested from the 15’ minimum horizontal separation between the SAS and the adjacent side slope. Proposed retaining wall with liner.

Town of Dennis

Reg. 9.0: Variance of 4.5’ requested from the 20’ required between the SAS and foundation.

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

Proposal:

The applicant proposes interior renovations to the kitchen and bathrooms as well as upgrading the failed septic system to the existing single story three (3) bedroom dwelling. The lot contains 14,914 square feet of land.

Floor Plans:

The **existing** dwelling contains three (3) bedrooms, living room, kitchen, family room, two (2) bathrooms, and a laundry room.

The **existing** basement is unfinished.

The **proposed** dwelling will contain three (3) bedrooms, an open kitchen/dining room, family room, living room, and two (2) bathrooms.

There are no proposed changes to the basement.

Septic System:

The septic system will contain a 1500-gallon septic tank, distribution box, and a 25'x18' pipe and stone leaching bed. The system has been designed for 3 bedrooms with 333 gallons per day and does not contain I/A technology.

Proposed Nitrogen Loading with 3 bedrooms is 14.01 ppm.

The property is environmentally sensitive as groundwater is less than 6' from the surface and the top of the coastal bank is within 100'.

Conservation sign-off was received on 1/6/2023 with a Determination of Applicability issued at the Conservation Commissions 12/21/2022 meeting.

Justin Lamoureux, with Strong Tree Engineering, and the applicant, Stephen Aschettino, presented on behalf of the property.

Mr. Lamoureux stated the groundwater is approx. 2.4". As they surveyed the house they found two pipes exiting the foundation, one of which is in the garage and is pretty high, and the second is much lower with a standpipe that exits the foundation with absolutely no pipes that connect to it. They will be able to replumb the basement to raise up the system and provide approx. 4.2" of separation

There is a new 1500 gallon tank, a new dbox and field. The interior renovations include a bathroom, kitchen, and windows.

Mrs. Chamberlain stated the cased opening could easily become a bedroom and in essence, the property is a four-bedroom home and not a three-bedroom home.

Mr. Aschettino stated the built-ins are bookcases and not closets and they are using the existing layout of the room and have removed doors per the request.

Mr. Duffy agreed and stated the property should have an I/A and UV System.

Mr. Lamoureux stated they are 160' from the water.

Mr. Duffy stated it is close enough and he will require it.

Mrs. Chamberlain stated she is concerned about the dewatering and it needs to stay on the property and not go into the street.

Mr. Lamoureux stated there are notes on the plan regarding the dewatering and it will be kept within the grass area of the property.

Mrs. McCormick questioned whether the system was bunkered.

Mr. Lamoureux stated it is elevated. The existing is about level 4 and coming up to level 8.

Mrs. McCormick asked if there was a retaining wall.

Mr. Lamoureux stated yes, around the east part of the property, Approx. 3' high.

Mrs. Chamberlain asked if everyone agreed with the 3-bedroom system.

Mr. Duffy stated with the I/A, they have opened the 5-foot case opening as asked, and they had to believe it would not be used as a bedroom.

Mrs. Chamberlain stated the house was marketed as a four (4) bedroom.

Mr. Duffy changed his motion to include requiring a four (4) bedroom system, as it was sold as a four (4) bedroom home.

Motion: Move to approve the variance application for 54 Buckley Road, West Dennis as printed in the memorandum dated February 2, 2023.

Approved with the receipt of revised septic plans with the septic application showing the system sized for four (4) bedrooms, the addition of I/A and UV Technology 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 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: Bunce

Vote: 5-0

C. Mark Julian/614 Main Street Realty Trust – Variance Application (Addition/Alteration)
608 U-614 Route 6A, Dennis (329-45-614)

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 finish the existing second floor of the 20-seat restaurant, creating one bedroom with additional living space. The lot contains 80,050 square feet of land.

Floor Plans:

The **existing** restaurant contains twenty (20) seats, a kitchen area, and two (2) bathrooms.

The **existing** second story contains unfinished space and an office.

There are no changes proposed to the existing restaurant.

The **proposed** second floor will contain one (1) bedroom, living room, kitchen, and one (1) bathroom.

Septic System:

The applicant proposes to utilize the existing septic system that was installed in 2022 and consists of a 2500-gallon septic tank, a 1000-gallon septic tank, distribution box, and nine (9) flow diffusers with stone. There is also a 1000-gallon grease trap. The system was designed for 20 seats (700 gpd) with 846 gallons per day capacity.

With the additional bedroom, actual gallons per day required will be 810.

Nitrogen Loading at the time the septic system was upgraded was 2.02 ppm.

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

The conservation commission signed off on the project on 1/18/2023 as "approval not required".

Previous Variances:

February 2022: Variance of 1' requested to all the SAS to be less than 5' above adjusted high groundwater.

Variance requested for no reserve area.

The variances were approved with the following conditions.

#1,2,3,5,6, & 10.

Mr. Mark Julian, the owner, presented.

Mr. Julian stated he is proposing to add a one (1) bedroom apartment above his business.

There were no questions from the Board.

Motion: Move to approve the variance application for 608 U-614 Route 6A, Dennis as printed in the memorandum dated February 2, 2023.

Approved with the previous 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.

#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: McCormick Seconded: Bunce Vote: 5-0

D. Columns Development LLC – Variance Application (New Construction)

401 Main Street, West Dennis (65-40) – 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.16B: **Variance requested to allow the addition/alteration or new construction of habitable space in an environmentally sensitive area.**

Proposal:

The applicant proposes to renovate and add seven (7) bedrooms to the existing historic commercial mixed-use building, as well as construct five (5) new duplex buildings with four (4) bedrooms each and one (1) single family building with two (2) bedrooms for a total of **29 bedrooms**. The lot contains 650,786 square feet of land.

Floor Plans:

The **existing** first floor contains dining/dancing space, lounge area, a bar, kitchen, a seasonal tent with stage, and office space.

The **existing** second floor contains a function room, office, ladies lounge, office/storage space and a bathroom.

The **existing** third floor contains attic space, and an unlabeled room.

The **proposed** first floor of the main structure will consist of a front entrance with common area, and two (2) individual Units.

Unit 101 first floor contains two (2) bedrooms, living room, kitchen, dining room, and two (2) bathrooms.

Unit 102 first floor contains two (2) bedrooms, kitchen, living room, laundry space, and two (2) bathrooms.

The **proposed** second floor of the main structure contains common space and an office/den with 3 individual units.

Unit 201 contains a living room, kitchen, and a ½ bathroom.

Unit 202 contains a living room, kitchen, and a ½ bathroom.

Unit 203 contains an eat in kitchen, and one (1) bathroom.

The **proposed** third floor will contain three (3) bedrooms and two (2) bathrooms.

The **proposed** first floor of the five (5) duplex buildings will contain 2 living rooms, 2 kitchens, and 2 bathrooms.

The **proposed** second floor of the five (5) duplex buildings will contain four (4) bedrooms and four (4) bathrooms.

The **proposed** first floor of the single-family building will contain a living room, kitchen, and one bathroom.

The **proposed** second floor will contain two bedrooms and two bathrooms.

Septic System:

The septic system will contain a 6500-gallon septic tank, a Microfast 3.0 tank, a Nitrifast 3.0 tank, 7000-gallon pump chamber, and two (2) 2352 square foot pressure dosed pipe and stone leaching fields. The system has been designed for 29 bedrooms with 3,480 gallons per day.

Existing Nitrogen Loading is 7.81 ppm

Proposed Nitrogen Loading is 3.46 ppm.

The property is considered environmentally sensitive due to the wetlands that are on the property.

The conservation commission issued an order of conditions on June 4, 2021.

Conservations sign off was received on January 19, 2023 with a memo from the Conservation Agent approving the previously approved plan from 2021.

Previous Variances:

July 2021 –

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

The applicant proposed to renovate the existing building adding seven bedrooms, and construct 4 new duplex building with 4 bedrooms each and one triplex building with 6 bedrooms each for a total of 29 bedrooms.

The proposed septic system contained a 6500-gallon septic tank, a Microfast 3.0 unit, a Nitrifast 3.0 unit, a 7000-gallon pump chamber and a 4672 square foot pressure dosed pipe and stone leaching field.

The variance was approved with the following conditions:

1,2,3,5,6,7, & 9.

Daniel Ojala, with Down Cape Engineering, presented on behalf of the property owners.

Mr. Ojala stated he is proposing a slight modification to the previous plan. They are eliminating the proposed office use and the triplex and it will be a duplex and a single unit.

Mr. Ojala stated, as a cost-saving measure, they divided the leaching field, due to a 6-inch fire line that runs through the middle of the building. There will be Microfast & UV. One pump is designed to feed one field and the other pump to feed the second field.

Motion: Move to approve the variance application for 401 Main Street, West Dennis as printed in the memorandum dated February 2, 2023.

Approved with the previous 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: Chamberlain

Seconded: Bunce

Vote: 5-0

E. Glendon LLC – Variance Application (Addition/Alteration)

286 Old Wharf Road, Dennisport (21-18) – 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

- 15.405(1a):** Variance of 3' requested from the 10' required between the SAS and property line
- 15.405(1b):** Variance of 6.3' requested from the 20' required between the SAS and foundation.
- 15.405(1h):** Variance of 1' requested from the required 5' from the bottom of the SAS and high groundwater.
- 15.405(1j):** Variance of 12" requested from the required 12" between the inlet and outlet tees and high groundwater.
- 15.555(5):** Variance of 3' from the required 5' removal of unsuitable materials.

Town of Dennis

- Reg.9.0:** Variance of 3' requested from the 10' required between the SAS and property line.
- Reg.9.0:** Variance of 6.3' requested from the 20' required between the SAS and foundation.
- Reg.9.0:** Variance of 1' requested from the required 5' from the bottom of the SAS and high groundwater.
- Reg.9.0:** Variance of 3' requested from the required 5' removal of unsuitable materials.
- Reg.16B:** Variance requested to allow the addition/alteration /new construction of habitable space in an environmentally sensitive area.

Proposal:

The applicant proposes interior renovations as well as finishing the basement of the existing main dwelling. Also proposed is a septic upgrade to include the main dwelling along with the existing three cottages. The lot contains 23,568 square feet of land.

Existing Floor Plans:

Main Dwelling -The dwelling consists of three (3) bedrooms, one (1) bathroom, a kitchen, living room/dining room, and a sunroom.

Cottage #1 – The dwelling consists of two (2) bedrooms, one (1) bathroom, a kitchen, and a living/dining room.

Cottage #2 – The dwelling consists of two (2) bedrooms, one (1) bathroom, a kitchen, and a living room/dining room.

Cottage #3 – The dwelling consists of a kitchen, one (1) bathroom, and a living room/bedroom.

Proposed Floor Plans:

There are no proposed changes to the 3 cottages.

The **proposed** first floor of the main dwelling will contain three (3) bedrooms, a sunroom, one (1) bathroom, an open kitchen and a living room.

The **proposed** basement of the main dwelling will contain a family room, one (1) bathroom, an unfinished storage room, and an unfinished mechanical room.

Septic System:

The **proposed septic system** consists of a Microfast 1.5 septic tank, a 2000-gallon pump chamber and two (2) 20'x34' pressure dosed leaching fields. The system has been designed for nine (9) bedrooms.

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

Existing Nitrogen Loading for 9 bedrooms is 15.61 ppm
Proposed Nitrogen Loading is 8.85 ppm.

Conservation signed off on the project on January 24, 2023 as "approval not required".

Daniel Ojala, with Down Cape Engineering, presented on behalf of the property owners.

Mr. Ojala stated they are seeking approval for a Mircofast 1.5 system, with no increase in flow, the owners have decided against remodeling the basement at this time.

Mr. Ojala stated there will be steel casted boots to avoid infiltration of groundwater.

Mr. Bunce stated They are doing what they can do.

Ms. Ellen Storlazzi, an abutter, presented a letter she had written:

"I live year-round at 40 Oak St. To explain how close these setbacks are, I can see into the door of the studio and my property line goes into the middle of the shower in the cottage to the right of the studio. My family has lived on Oak St. since the '50s. When I was a child this property was a wetland or bog and flooded tremendously with every substantial rain storm. Recently this low-lying property flooded so much that it lifted a heavy multiple trash container and floated it 70 feet or more. I do not know the owners of this property so this is not personal. I intend to understand the facts, and by doing so, protect myself, my property, and my peace of mind. With the help of the Dennis Board of Health, the Building Department, the Engineering Company, and my local and state research I got educated. Massachusetts.gov rules to require a Title 5 Inspection within 6 months of purchase. The Dennis Board of Health has no current Title 5 Inspection from 286 Old Wharf Road. The property was purchased in June of 2021. Now, nearly two years later we neighbors are presented with a disruptive plan asking for numerous variances. So, we still do not know if any of these houses would pass septic inspection, if so, which of the cottages, what small systems might be placed instead, or if individual septics could be placed. Perhaps one in the middle. What other avenues are feasible? Through the Board of Health, I learned of the occupancy allowed. I was told the studio has an occupancy of 1. The owners or managers had to have seen the occupants and visitors that could overload this 270-square-foot questionable septic system. I KNOW the studio is problematic because a friend who rented it in recent years suffered with septic issues throughout his summer and I saw septic crews here during his vacation. Also, I know it is problematic because of the sewerage I have smelled a few times from my window. The Town cannot help but be aware that there are current occupants in this property as I have seen Dennis vehicles in the yard. I was informed that the cottages are restricted to seasonal use. I would not want to be renting a house that I was not supposed to be in the first place. Aren't Massachusetts landlords required to protect their tenants? Bylaws have been created in this very building- or in the Old Bass River Road building. They are to give us guidelines and protections and now as an abutter, I am asked to throw them aside. I understand people wanting to make money, but not at the expense of our property lines, my health, or my more enjoyable everyday living within appropriate occupancy limits and all that entails. The information gleaned from very accommodating Town of Dennis sources tells me the following; By laws regarding land are trying to be ignored, by laws regarding restrictions on seasonal rentals are currently ignored, Board of Health occupancy laws have been grossly ignored and Massachusetts government laws of septic systems inspections were definitively ignored. This should All be cause for concern. What else may be attempted to be bypassed in the future? Is it possible for the Town of Dennis to not be insulted? Oh, and did these property owners ask for permission as they cut away many feet of vegetation belonging to the Raspallos? Should any of this vegetation be protected as a previous wetland? The required bylaw buffer which includes 2, 2-3 story tall trees will have to be removed. Will even more land then needed to restore the buffer to the surrounding residential homes. The aforementioned troubles me greatly but what troubles me even more is for this land to be dwarfed by two gigantic 22' by 53' above ground structures of proposed solution---even if they are reported to be environmentally sound and even if dressed up with greenery. Any previous beauty is already overloaded with cars and trucks and if allowed this land becomes a large septic property with some houses as an afterthought.

"Each unit is bigger than any of the cottages "was a comment told to me. I provided photographs to give a visual I could not describe to anyone. One will show flooding as recently as the past two weeks. In summary, this proposal affects me to the core. My concern of this "environmentally sensitive land" cannot be overstated. It affects my property and the future value of my property and will compromise an area that is already so environmentally fragile. This proposal is a MAJOR cause of concern. I am unsettled with the upcoming flooding of this property with non- conforming leaching fields and in a FEMA Flood Zone! These four buildings are all non-conforming, and not one has an appropriate setback. It is strategic tailoring of this proposal to be passed in the middle of winter when almost all abutters are absent and perhaps unreachable? The behaviors of the property owners under the title of Glendon LLC seem to have no concern of those of us who surround them. Their past behavior does not bode well as to how they might treat some of us in the future. In summary, I am extremely concerned with any process now or in perpetuity that will allow for ANY iota of expansion in this already fragile, environmentally unsound and precious land. What IS personal for me is to honor past owners of 286 Old Wharf Road --The Mazmanians, The Bowlbys, Joyce Daggett, and The Staigers who shared a mutual kindness, respect and in some cases love with my family. I respectfully ask that this Board unanimously deny all request of this application."

Mr. Ojala responded they are not in a high-hazard flood zone. The property is low and the groundwater is high. He stated they are not doing anything new on the property. They are doing the best they can with the existing dwellings on the property. If it was an empty lot it would be a different conversation. They are existing cottages. The owners are happy to add foliage to cover the leaching near the property lines. He stressed how much the upgrade is needed on the property and stated the owners are willing to comply with all conditions from the Board.

Mrs. Chamberlain asked Mrs. Keller if the Health Department has rental licenses for the properties.

Mrs. Keller stated yes, and they are seasonal.

Mrs. Chamberlain noted when they drove by, the cottages are in use, so they are in violation of that.

Mr. Covell stated this application has stirred up more than one hornet's nest. The Building Department is deeply involved already. A good deal of what's involved in front of us is not the purview of the Board. He cautioned the board to only act on matters that are our responsibility. There will most likely be direction coming from the Building Director.

Mr. Duffy questioned Mr. Ojala if there was a septic or cesspool on the property.

Mr. Ojala stated a mixture of both 78' code, Title 5 and an old cesspool, that may have been disconnected with the upgrade. He stated informally, they knew they had to upgrade, it was a private sale. No Title 5 was completed.

Mr. Bunce questioned if there was a timeline for hearing back from the Building Commissioner. He stated he was sensitive to the abutters and there are other issues outside the Health Department. He suggested they postpone until they hear back from the proper department and take that into consideration with better information.

Mrs. Keller stated there was not a timeline to hear back.

Mr. Ojala noted that the owners have been informed they are seasonal and the Board could make that part of the decision. If the Zoning Board approves them to be year round, they could come back and modify that decision.

Mr. Covell noted they are being used year round right now.

Mrs. McCormick stated her concern that the system was under failure, if an abutter could smell sewerage and is concerned that whether the property is seasonal or not, if it is failing they will need the upgrade.

Mr. Ojala, Mr. Covell and the Board discussed the nature of the seasonality.

Mr. Covell stated there will not be an answer tonight. The people have a right to be heard. The Board is not obligated to act on it tonight.

Lance Greene, an abutter, spoke about his concerns with the non-confirming structures.

Jamie Stebenne, the homeowner, stated that the property has had winter rentals previously and was not told by the real estate agent that the property was seasonal only.

Mrs. Keller asked for clarification that the basement renovations are not happening now.

Mr. Ojala and Mr. Stebenne agreed the renovation to the basement is no longer being perused at this time.

Ms. Laura Covello, an abutter, stated her support for the application.

Motion: Move to continue the variance application for 286 Old Wharf Road, Dennisport as printed in the memorandum dated February 2, 2023 to the March 9, 2023 meeting to allow Zoning issues to be handled and to allow applicant time to revise plans if the basement renovation is not moving forward at this time.

Continued

Motion: Duffy Seconded: Bunce Vote: 5-0

F. 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 December 12, 2022 meeting)***
71 Bridge Street, East Dennis (393-12)

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.

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.

No one was in attendance to represent the property.

Mrs. Keller stated the homeowner was present at the January meeting and they stated they were having an inspection the 18th of January and would inform the Board of his decision. He was aware he was supposed to be in attendance.

Mrs. Keller stated she would move to continue to the March 9th meeting.

Motion: Move to continue the variance application for 71 Bridge Street, East Dennis as printed in the memorandum dated February 2, 2023 to the March 9, 2023 meeting.

Continued

Motion: Bunce Seconded: Duffy Vote: 5-0

G. 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 5 (**Continued from January 12, 2023 meeting**)
83 Siasconset Avenue, Dennisport (54-59)

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 Mantoni stating that he had received one quote from an engineer and was waiting on a couple more.

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.

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.

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.

Mr. Thomas Mantoni presented on behalf of the property.

Mr. Mantoni stated they hired an engineer and as soon as they have plans, a septic permit will be filed.

Mr. Mantoni stated he mailed the contract with the engineer and has been keeping the Health Department up to date. They are still putting out bids for the installer, but the septic will be upgraded this year.

Motion: Move to continue the matter for 83 Siasconset Avenue, Dennisport as printed in the memorandum dated February 2, 2023 to the April 13, 2023 meeting with the condition that the homeowner notifies the Health Department of their progress in thirty (30) days.

Continued

Motion: Bunce Seconded: McCormick Vote: 5-0

H. Charles Taft/C A T Realty Trust – Show cause hearing for noncompliance with an order to correct violations to Massachusetts General Law Ch. 111 §122 & Town of Dennis Nuisance Regulation (***Continued from January 12, 2023 meeting***)
174 Lower County Road, Dennisport (36-44)

Update: This item was continued from the January 12, 2023 meeting:

On January 17, 2023 Mr. Taft contacted the Health Department to confirm that the property would be cleaned within the 30-day time frame. Several follow-up inspections found that progress was being made. Mr. Taft contacted the Health Department again on January 30, 2023 stating that the property was

cleaned and should no longer be in violation. An inspection on January 31, 2023 found that the lumber, propane tanks, tarps, and patio furniture had been removed and only several miscellaneous items remained. Mr. Taft was informed on February 1, 2023 that the few items remained had to be cleared before he is in full compliance.

As the result of a complaint, Health Agent Jason Belmonte conducted a plain view inspection of the above referenced property on **August 10, 2022**. During that inspection he observed a large amount of materials accumulated on the backside of the property consisting of: **rotted lumber, pallets, stumps, pipes, propane tanks, tarps, patio furniture, and numerous other materials**. This put the property owner in violation of **Massachusetts General Law Ch. 111 §122 and the Town of Dennis Nuisance Regulation**.

To address this situation a notice was sent on August 10, 2022, giving the owner 14 days to make a good faith effort to remove the offending material and maintain the property free of debris. Our records indicate that this notice was received on August 15, 2022.

A second notice was sent on September 20, 2022 granting the same 14-day timeframe, and our records indicate was received on September 23, 2022.

After not hearing from the property owner a follow-up inspection on December 1, 2022 confirmed that the accumulation of materials had not been dealt with. Therefore, a notice to appear before the Board of Health was sent on December 2, 2022.

Following receipt of the letter the property owner has been in constant contact with the Health Department and has been working on selling the property as well as trying to rectify the situation. However, as of the date of this memo the accumulation of debris, materials, lumber and junk remains on the property and no corrections have been made.

Mr. Covell stated the property has been brought into compliance.

Motion: Move to remove the matter at 174 Lower County Road, Dennisport as printed in the memorandum dated February 8, 2023 from the agenda.

Removed from agenda

Motion: Bunce Seconded: Chamberlain Vote: 5-0

I. Nora Gilboy – Show cause hearing for noncompliance with an order by the Board of Health to upgrade a septic system by January 3, 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 5 (***Continued from January 12, 2023 meeting***)
23 North Road, West Dennis (27-31)

Update: This item was continued from the January 12, 2023 meeting:

As of the date of this memo, there has been no updates from the occupant and no further contact has been made with the Health Department. Several follow-up inspections found that the residence does appear to be occupied.

A Certified Title 5 System inspection was performed on December 23, 2019 and the inspector determined the system to be failed. The system is a single cesspool with no inlet tee and Orangeburg piping. The Health Department issued an order on January 3, 2020 to upgrade the system within two (2) years and the deadline for the upgrade was on January 3, 2022.

A certified letter was sent to current owner, Nora Gilboy on November 23, 2022 stating that they had 7 days to respond with a plan as to how they would be rectifying the matter or they would be asked to appear in front of the Board of Health at the next scheduled meeting. Records indicate that this letter was received on December 17, 2022.

As no contact was made with the Health Department, a notice to appear before the Board of Health was sent on December 27, 2022 for failure to comply. Our records show that as of December 30, 2022 the certified notice is being held at the Norwood post office at the customer's request.

As of the date of this memo, the Health Department has not received an application and plans from a licensed septic system installer to upgrade the septic system, and the owner has had no further communication with the Department.

No one was present to represent the property.

Mrs. Keller stated the Health Department was made of aware of property transfer and has contact information for the new owners.

Motion: Move to continue the variance application for 23 North Road, West Dennis as printed in the memorandum dated February 1, 2023 to the March 9, 2023 meeting to allow time for the new homeowner(s) to be notified and called before the Board.

Continued

Motion: Chamberlain Seconded: Duffy Vote: 5-0

J. Frank Guinan Jr/Guinan Realty LLC – Show cause hearing for noncompliance with an order to correct violations of 105 CMR 410.602(A) State Sanitary Code, Chapter II: Maintenance of Areas Free from Garbage and Rubbish

6 Airline Road, South Dennis (189-51)

As the result of a complaint, an inspection of the above referenced property was conducted on November 16, 2022 by Health Agent Barry L Lewis. During the inspection the following was found: large amounts of trash & rubbish scattered around the property. This condition is a violation of 105 CMR 410.602(A) State Sanitary Code, Chapter II.

The first notice was sent out and *hand* delivered on November 17, 2022 Giving 10 days to clean up the yard. An inspection conducted on December 18, 2022 showed that the garbage & rubbish situation had not been properly dealt with.

A second notice was sent out and *hand* delivered on December 19, 2022 giving 10 days to clean up the yard. A follow up inspection was conducted on December 29, 2022 showed that the garbage & rubbish situation had not been properly dealt with.

A third and final notice was sent out and *hand* delivered on December 30, 2022 giving 10 days to clean up the yard.

As of 2/2/2023 no attempt to clean up the property has been made.

No one was in attendance representing the property.

Mrs. Chamberlain stated her belief to start fining the property owner, immediately.

The Board members agreed.

The Board discussed nuisance fines.

Motion: Move to issue a non-criminal citation to the property owner at 6 Airline Road, South Dennis in the amount of \$100 for the first offence, \$200 for the second and \$300 for the third offence and each subsequent offence. The penalty to apply in the event of a violation, starting one (1) week from the date of the meeting. Each day the Health Department visits the property and a violation exists shall be deemed a separate offence.

Issue Citation

Motion: Bunce

Seconded: Chamberlain

Vote: 5-0

K. Cynthia Northrop/Gary Obirst – Show cause hearing for noncompliance with an order to correct violations of the Town of Dennis Housing Space and Use Bylaw: Renting Without a Rental Permit and 105 CMR 410.000 State Sanitary Code, Chapter II: Minimum Standards of Fitness for Human Habitation
175 Telegraph Road, Dennisport (115-12)

UPDATE: 2/1/2023: The rental application for this property was applied for on January 24, 2023.

As of 2/2/2023, a rental inspection is scheduled for Monday, February 6, 2023.

On November 7, 2021, a certified letter was sent to you requesting that if the property was being offered for rent, that an application be filled out and sent to the Health Department within 10 days of receipt of that letter.

November 29, 2022 a second certified letter was sent to you requesting that if the property was being offered for rent, that an application be filled out and sent to the Health Department within 10 days of receipt of that letter.

On January 12, 2023 a final certified letter was sent to you requesting that if the property was being offered for rent, that an application be filled out and sent to the Health Department within 10 days of receipt of that letter.

Mr. Gary Obirst represented the property. He stated they are currently in the eviction process to be able to fix the issues on the property and he said he can check back in a month.

Motion: Move to continue the variance application for 175 Telegraph Road, Dennisport as printed in the memorandum dated February 8, 2023 to the March 9, 2023 meeting.

Continued

Motion: Bunce

Seconded: Chamberlain

Vote: 5-0

II. AGENDA ITEMS

1. Donald & Sara Ferris – Request to reduce testing & service requirements for Wastewater Treatment System 47 Shore Road, West Dennis (27-130)

Orenco Advantex AX20-RTUV which includes UV Disinfection start up for the above referenced property was completed on 12/5/2014.

The Original approval required testing to be conducted four times per year.

The State approval for this system is for General Use

General Use Letter States:

4. An individual household shall be monitored at least once every 12 months (exclusive of alarm responses or other maintenance visits).

5. Facilities (residential and nonresidential) with a design flow of less than 2,000 gpd, other than an individual household, shall be monitored a minimum of twice/year with a minimum of 5 months since the last monitoring inspection (exclusive of alarm responses or other maintenance visits) and a maximum of 7 months between monitoring inspections.

County Records:

Date	TN<19	BOD5 <30	TSS <30
07/08/2020	15.5	7.2	2
11/26/2020	20.4	6	3
02/02/2021	NR	NR	4
05/03/2021	2.87	NR	NR
07/22/2021	.83	3	2
10/21/2021	3.8	NR	2
03/21/2022	1.55	NR	NR
06/01/2022	5.9	NR	NR
08/03/2022	2.5	NR	NR
12/01/2022	2.08	NR	NR

Mr. Don Farris, the homeowner, presented.

Mr. Farris stated the house was built a few years ago and he is seeking a reduction in his I/A testing.

The Board was very impressed with the performance of the system.

Mr. Bunce stated this is what they like to see and the system is performing to the max. It is showing the lowest numbers he thinks he's ever seen.

Mrs. Keller agreed.

Mrs. McCormick asked Mr. Ferris how many times a year he was looking to get testing reduced.

Mr. Ferris stated to once per year.

Motion: Move to approve the request for reduction in testing & service requirements for Wastewater Treatment System at 47 Shore Road, West Dennis to one (1) time per calendar year, in the month of June.

Approved

Motion: Bunce Seconded: Chamberlain Vote: 5-0

III. MINUTES

1. Regular Meeting of January 12, 2023

Motion: Move to approve the minutes from the January 12, 2023 Board of Health meeting as printed.

Approved

Motion: Bunce Seconded: Chamberlain Vote: 5-0

IV. ADJOURNMENT

Motion: Move to adjourn meeting at 8:12 p.m.

Approved

Motion: Chamberlain Seconded: Bunce Vote: 5-0