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Town of Dennis
Board of Health
Minutes of Meeting
March 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, and Duffy

Board Members Absent: Member 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

Mr. Covell requested a moment of silence for the passing of Dennis resident and longtime Select Board Member, Heidi Schadt.

I. ACTION

A. Glendon LLC – Variance Application (Addition/Alteration) (***Continued from February 9, 2023 meeting***)
286 Old Wharf Road, Dennisport (21-18) – Down Cape Engineering, Inc.

Update:

At the February 9, 2023 Board meeting, the Board voted (5-0) to continue the matter until the March meeting.

As of the date of this memo – there have been no updates on the proposed variance application.

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".

Danny Gonsalves, with Down Cape Engineering, presented on behalf of the property owners. Mr. Gonsalves stated they are splitting the flow into two pressure dose leaching fields with I/A.

Mr. Covell stated what is before the Board tonight is a group of variances Title 5 & Town of Dennis that relate to the replacement of the septic system on the property. We are not here to discuss the use of the property, That is not in the Board's purview.

The Board discussed how important it is to upgrade the property's septic system and upgrading it to an I/A system is the best available option we, as a town, have available to us right now. The Board also echoed they

cannot make zoning decisions, regarding the use of the property.

Ellen Storlazzi, an abutter at 40 Oak Street, spoke against the variance requests. Ms. Storlazzi stated the property is non-confirming and should be within the proper setbacks. She added that the property is in multiple flood zones and has high groundwater.

Mr. Gonsalves stated the outlet tees are within 12" of the groundwater.

Ms. Storlazzi stated she has spoken with manufacturers and gave the "do's & don'ts" provided by the manufacturers. She stated she was told smaller leaching fields are available and she is concerned about the land shifting; her concerns come from her property, close by. She continued that she needs a guarantee that her property will be protected and not flood due to these new systems and noted her concerns about the upkeep and maintenance involved with the proposed system and concerns about what happens if it is not properly maintained.

John Greene, a resident of 290 Old Wharf Road, spoke against the variance requests. Mr. Green stated the 4 structures are non-confirming and already not within proper setbacks. He said allowing these variances directly impacts his possibility to expand his home west by 10ft, if they were to ever consider it. They would have to move their own Title 5 System to their front driveway to meet setback requirements of their own, which would negatively impact the value of their home.

Lance Greene, another abutter, spoke and echoed the sentiments of Ms. Storlazzi and Mr. Greene. He asked if there are alternative options. He asked to share an image of a cranberry bog in the 1930s, located where the property now is. The Board denied the screen share. Mr. Green stated his concern over the raised structure located within feet of their property line. He proposed a hypothetical scenario in which guests of 286 Old Wharf Road are playing on the raised structure, if they fell off the structure and injured themselves, falling into 290 Old Wharf Road's property, who would be liable for the lawsuit? He stated these are legitimate concerns of abutters and alternatives should be sought.

Phil Murphy, an abutter at 32 Oak Street, stated his agreement with the other abutters tonight. Mr. Murphy stated his concern about the leaching fields being so close to the property lines, for parking spaces.

Mr. Gonsalves responded to the abutters. He stated some of the concerns are valid and would like to reiterate the property requires a new septic system and currently, the septic system is below grade, closer to groundwater and more of a detriment to the area. He stated alternative options would be sewer, which isn't available, and tight tanks, that are costly, and not a good fit for this situation.

Ann Greene, an abutter at 290 Old Wharf Road, stated her support of the variance requests and septic system at 286 Old Wharf Road.

Charlene McNamara, an abutter at 43 Oak Street, stated she opposes the setbacks and questioned the nitrogen loading calculation of the property.

Mr. Gonsalves stated according to Dennis's Regulations if you do meet the 5-parts-per-million, you do not need to add I/A., if you do not meet the 5-parts-per-million, I/A is required. He stated the property does not reach the 5-parts-per-million, which is why the system includes the fast system. This MicroFast system is one of the better systems currently available. The MA Department of Environmental Protection feels like the MicroFast systems do what they say they'll do and reduce nitrogen and they have a history of meeting those requirements.

Mrs. McNamara questioned why the septic isn't being moved to the side or the front of the property.

Mr. Gonsalves stated the open area south of cottage 1 has a utility pole and 9-feet of fill. Moving the leaching in the front of the cottage would require variances to others' property lines. There is also a water pipe running through the front. He stated they felt the proposed plan is the best option.

Mr. Lance Greene questioned whether the proposed plan was chosen due to increased cost instead of best placement.

Mr. Covell stated the Board is here to allow the provisions of some variances. He stated maximum feasible compliance is the determination of the Department, Director, and Board. He reiterated the Board's responsibility is to get everyone in the Town with a defective system to upgrade to the best possible system available.

The Board discussed why they allow these types of variances – for the betterment of the Town.

Mrs. Chamberlain stated she would like to add a condition of all drainage to be contained onto the property and a plan for that to be submitted to the Health Director.

Motion: Move to approve the variance application for 286 Old Wharf Road, Dennisport as printed in the memorandum dated February 28, 2023.

Approved with the following conditions:

All drainage and dewatering be contained on the property and a plan for that be submitted to the Health Director.

#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.

#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: Bunce

Seconded: Duffy

Vote: 4-0

**B. William Hewitt & Cathy Lasiewicz – Variance Application (Addition/Alteration)
7 Match Point, Dennis (257-20)**

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 basement of the existing two-story 3-bedroom dwelling. The lot contains 14,466 square feet of land.

Floor Plans:

The **existing** first floor of the dwelling contains an entry foyer, dining room, living room, family room with breakfast area, kitchen, a half bathroom, and a master bedroom with full bathroom.

The **existing** second floor of the dwelling contains two (2) bedrooms, two (2) bathrooms and unfinished space over the garage.

The **existing** basement is unfinished.

There are no proposed changes to the first 2 floors of the dwelling.

The **proposed** basement will contain storage space, a gym, finished living space, and one (1) bathroom.

Septic System:

The applicant proposes to utilize the existing system that was installed in 2000 and designed for four (4) bedrooms with 454 gallons per day. The system does not contain IA technology.

The septic system was last inspected by a Title 5 system inspector in 2014. The system passed inspection at that time.

Existing Nitrogen Loading with 3 bedrooms is 12.65 ppm.

Nitrogen Loading for 4 bedrooms is 14.51 ppm.

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

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

PREVIOUS VARIANCE HISTORY**May 1995: Reg. 9.0 – Variance of 9’ requested from the top of the foundation to low point in the road.**

The Board approved the variance request with the following conditions.

1. A negative grade or swale shall be provided between the house and road.
2. Runoff from the driveway shall be provided for with either a catch basin or self-containment.

Mr. John O'Reilly, with J.M. O'Reilly and Associates, presented on behalf of the property owners and builder. Mr. O'Reilly stated there is no change in footprint. The applicants are seeking approval to finish the basement, install a bathroom and construct a gym area and family room area. The property is within a village green development. The 14,000-square-foot was appropriated by the open space within the development.

Mrs. Chamberlain stated the last Title 5 inspection was in 2014 and she would like a current Title 5 inspection submitted to the Health Department.

The Board agreed.

Motion: Move to approve the variance application for 7 Match Point, Dennis as printed in the memorandum dated February 28, 2023.

Approved with the following conditions:

Receipt by the Health Department of a passing Title 5 Inspection Report.

#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: Duffy

Seconded: Chamberlain

Vote: 4-0

C. Patrick & Lee Ann Gilligan – Variance Application (Addition/Alteration)
47 Porter Lane, West Dennis (25-64) – 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 request to allow the addition/alteration or new construction of habitable space in an environmentally sensitive area.**

Proposal:

The applicant proposes interior renovations and additions as well as to demo the existing detached garage and construct a new attached garage addition with living space above. The property contains six (6) bedrooms with 34,985 square feet of land.

Floor Plans:

The **existing** first floor contains an entryway, living room, dining room, kitchen, one (1) bathroom, a side entry porch with laundry area, master bedroom with master bathroom and walk in closet, a 2-car garage with additional living space on the opposite side consisting of an entry way with living space, a living room, and one (1) bedroom with one (1) bathroom. There is also a screened porch, deck and covered porch off the rear as well as a single car garage.

The **existing** second floor contains four (4) bedrooms, and three (3) bathrooms.

The **proposed** first floor will contain a side and front porch with remodeled entryway, dining room, living room, kitchen, sunroom off the rear, a guest bedroom with bathroom, powder room, mud hall, exercise room, laundry room, family room, existing entryway/living area, and an additional bedroom with bathroom and living space. There is also a screened porch, deck and covered porch off the rear as well as a new attached garage. The **proposed** second floor will contain four (4) bedrooms, four (4) bathrooms, and an art studio.

Septic System:

The applicant proposes to utilize the existing septic system that was installed in 2007 and consists of a Singulair 960 septic tank with recirculating pump, UV disinfection, a 1000-gallon pump chamber, distribution box, and a 30'x30' pipe and stone leaching field. The system was designed for six (6) bedrooms.

There is also a 3-bedroom septic system that was installed in 1992 that consists of a 1000-gallon septic tank, and 2 flow diffusers with stone. The system was designed for 3 bedrooms. **The applicant proposes to abandon the 3-bedroom system.**

The 3-bedroom septic system was last inspected by a Title 5 system inspector in 2019. The system passed inspection at that time.

The 6-bedroom septic system was last inspected by a Title 5 system inspector in 2019. The system passed inspection at that time.

Existing nitrogen loading is 5.68 ppm
Proposed nitrogen loading is 5.60 ppm.

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

The Conservation Commission signed off in the project on 2/6/2023 with a Determination of Applicability on 2/3/2023.

PREVIOUS VARIANCE HISTORY**2007 – 16B Variance request.**

The applicant proposed to add a guest suite to the existing 3-bedroom dwelling. A 6-bedroom septic system was proposed to be added to the 3-bedroom system capacity. No IA technology was proposed.

Proposed Nitrogen loading was 7.9 ppm.

The Board voted (3-0) to approve the variance request with the following conditions:

- A revised septic plan submitted to the Health Department showing the incorporation of an IA system as well as UV treatment.
- 1, 2, 3, 5, 6, 7, 8, 9, & 10.

Danny Gonsalves, with Down Cape Engineering, presented on behalf of the property owners. Mr. Gonsalves stated the 16B is needed because of the flood zone; less than 25%. In 2007 an I/A System was installed, one of the conditions was the 1997 Tank could stay until it failed. It has not failed, but as a part of this proposal is to direct all the plumbing into the '97 system with the I/A component.

Mr. Francis Miller, an abutter at 79 Garfield Lane, questioned the proposed paved driveway. He stated that at the end of the driveway flooding occurs.

Mr. Gonsalves stated there is a proposed paved driveway.

Mr. Miller stated his concern over still water piling at the end of the driveway onto the public roadway and questioned the dry well condition where water from the basement is pumped out. He questioned if the addition of stonework would affect the flooding.

Mr. Gilligan, the homeowner, stated he does not plan to pave the driveway. They may be taking it out. He stated there is no plan for stonework right now.

Mrs. Chamberlain stated she would like that a plan be submitted that shows dewatering will be kept on the property, per the Town By-Law.

Motion: Move to approve the variance application for 47 Porter Lane, West Dennis as printed in the memorandum dated February 28, 2023.

Approved with the following conditions:

All drainage and dewatering be contained on the property and a plan for that be submitted to the Health Director.

#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: Bunce

Seconded: Chamberlain

Vote: 4-0

D. Patricia Vanbrandenburg/Maes Family Realty Trust – Variance Application (Voluntary Upgrade)
21 Bayberry Lane, Dennisport (34-43) – Down Cape Engineering, Inc.

The applicant seeks the following variances 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 1' requested from the 5' required separation between the bottom of the SAS and high ground water.

15.405: Variance of 1' requested from the 1' required separation between the inlet and outlet tees and high groundwater (boots provided).

Town of Dennis

Reg. 9.0: Variance of 1' requested from the 5' required separation between the bottom of the SAS and high ground water.

Reg. 9.0: Variance of 1' requested from the 1' required separation between the inlet and outlet tees and high groundwater (boots provided).

Proposal:

The applicant is proposing to upgrade the existing septic system serving the single family, two (2) bedroom dwelling at this address. The property contains 6,789 square feet of land.

Floor Plans:

The dwelling consists of two (2) bedrooms, two (2) bathrooms, a kitchen, a living room, a rear deck, screen porch and a farmer's porch.

Septic System:

The **existing septic system**, consists of a 1000-gallon septic tank installed in 1969 and two flow diffusers, installed in 1986.

The **proposed septic system** has a design flow of 333 gpd and consists of a 2500-gallon septic tank-pump chamber combination with a pressure dosed pipe and stone leach field including 4 laterals. The field measures 18' x 25' and provides 450 square feet of leaching area.

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

Nitrogen Loading, existing and proposed, is 16.49 ppm.

Review by Conservation was required because the property, which is located near the Swan River, is "Within Land Subject to Coastal Flowage". Conservation sign-off was received on 12/8/2023 with a Determination of Applicability issued by the Conservation Commission on 12/3/2023.

Danny Gonsalves, with Down Cape Engineering, presented on behalf of the property owners. Mr. Gonsalves stated they are seeking groundwater variances to avoid putting in a retaining wall. It will be pumped up by a pressure dose system.

Mr. Duffy asked if the property was in the Swan River recharge area.

Mrs. Chamberlain stated yes & the neighbors were previously required to upgrade and install I/A Technology.

Mr. Duffy stated he would require I/A Technology.

Motion: Move to approve the variance application for 21 Bayberry Lane, Dennisport as printed in the memorandum dated February 28, 2023.

Approved with the following conditions:

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.

#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: 4-0

E. Association to Preserve CC Inc – Variance Application (Addition/Alteration)
482 Main Street, Dennis (305-6) – 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 for the addition/alteration of habitable space in an Environmentally Sensitive Area.**

Proposal:

The applicant is proposing to renovate the existing barn on site. The renovated barn will be used for office space and storage space for non-profit educational use. There is also a four (4) bedroom dwelling on the property, presently used as office space by special permit. No changes are proposed for the four (4) bedroom dwelling. The lot is 1.38 acres in size, (60,100 sf).

Floor Plans:

The existing single family, four (4) bedroom dwelling includes two floors. The first floor includes a mudroom, a kitchen, a full bath, a sunroom, two (2) front rooms that do not provide adequate privacy for sleeping, one (1) room in the rear of the house that could be used for sleeping, a side and rear deck. The second floor includes three (3) rooms that provide privacy for sleeping and a full bath. No alterations of the existing house are proposed.

The **existing** barn consisting of a fieldstone foundation, a main floor and a loft, it does not include any finished or habitable space.

The **proposed** two-story barn will consist of a foundation including a storage area, field crew work space and a clean out closet for access and removal of ash generated by a proposed composting toilet on the main floor. The first floor of the barn will include a “wet-bar” area, a bathroom including a composting toilet, an office and a conference/class room area. The second floor of the barn will include 4 offices.

Septic System:

The existing septic system, installed in 2010, was designed for four (4) bedrooms providing flow of 440 gpd. It consists of a 2000-gallon tank, a d-box and a leach field constructed from 25 BioDiffusor leaching chambers.

The applicant is proposing to add a 1500-gallon, two (2)-compartment septic tank and a pump chamber to serve the barn, which will be connected to the existing d-box and existing leach field.

The engineer provided System Design calculations for the property based a total of 3,700 sf of office space in the existing house and proposed barn combined. Based on Title 5 requirements of 75 gpd/1000 sf of office space, a leaching capacity of 278 gpd would be required. The existing leach field is adequately sized for the existing and proposed office space.

A recent Title 5 inspection revealed the d-box was obstructed due to root infiltration. The property owner was placed under order to replace the d-box on February 8, 2023.

Existing Nitrogen Loading is 3.11 ppm.
Proposed Nitrogen Loading is 4.03 ppm

The property is environmentally sensitive because it is within 100' of a wetland (marsh).

Conservation signed off on the project on 2/17/2023, Approval not required.

Danny Gonsalves, with Down Cape Engineering, presented on behalf of the property owners. Mr. Gonsalves stated they are renovating the existing bar into more workspace. They plan on adding a composting toilet to the barn. It will be pumped around to the septic out front, which just passed a septic inspection.

Mr. Joshua Crowell, an abutter of 482 Main Street, shared his concerns over the proposed parking spaces abutting his property. He voiced his concern over the bathroom and the barn being converted.

Mr. Gonsalves stated the project did go before the Planning Board as part of the review process. The Planning Board was a review process and they didn't have to get any actual relief, so they didn't need to notify abutters. They don't intend to use the parking lot all the time, it is more for special events.

Bruce Wilson, an abutter at 480 Main Street, spoke to clarify that 482 Main Street has an easement to use part of his driveway to access their property and his concerns over this additional parking. Mr. Wilson also stated the proposed gravel parking lot is currently a wooded area.

There were questions from the Board.

Motion: Move to approve the variance application for 482 Main Street, Dennis as printed in the memorandum dated February 28, 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: Chamberlain****Vote: 4-0**

F. Joseph & Marta Murphy – Variance Application (Addition/Alteration)
7 Vinland Drive, South Dennis (172-86) – 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 for the addition/alteration of habitable space in an Environmentally Sensitive Area.**

Proposal:

The applicant is proposing first and second floor additions to the existing three (3)-bedroom dwelling. No increase in the number of bedrooms is proposed. The lot contains 11,761 square feet of land.

Floor Plans:

The **existing** one-story dwelling contains three (3) bedrooms, a kitchen, living room, one (1) bathroom and a deck. The **existing** basement is unfinished.

The **proposed** two-story dwelling will consist of a first floor including a foyer, an open concept kitchen, dining and living room area, a great room with a 5' casement opening, a study with a 5' casement opening and a half (1/2) bath. The second floor will include three (3) bedrooms and two (2) full bathrooms. No **proposed** changes to the basement.

Septic System:

The applicant proposes to utilize the existing septic system that was installed in 2021 with the addition of I&A technology. The existing system consist of a 1500-gallon septic tank, distribution box, and eight (8) leaching chambers with 18" of stone. The system was designed for three (3) bedrooms and does not contain I/A technology. The applicant is proposing to replace the existing 1500 gallon tank with a 0.5 MicroFast unit within a Fast Chamber, minimum capacity 1500 gallons.

The system is less than 2 years old, a Title 5 inspection was not requested.

Existing Nitrogen Loading is 13.79 ppm.

Proposed Nitrogen Loading is 8.01 ppm

The property is environmentally sensitive because it is within 100' of a wetland (salt marsh).

The conservation commission signed off on the project on 2/8/2023, an Order of Conditions was issued on 2/17/2023.

Prior Variances:

A variance under Title 5; 15.248(1), was granted in April 2021 for installation of the septic system without a provision for a reserve.

Danny Gonsalves, with Down Cape Engineering, presented on behalf of the property owners. Mr. Gonsalves stated they are seeking approval for a 16B variance, due the wetland on the property. He stated in 2021 a new septic system was installed and they are upgrading to MicroFast I/A Technology.

Mrs. Chamberlain said she believed UV should be added.

Mr. Gonsalves said the elevation of the leaching is about 35 feet above the wetland at 41 feet.

Motion: Move to approve the variance application for 7 Vinland Drive, South Dennis as printed in the memorandum dated February 28, 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.

#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: Bunce

Seconded: Duffy

Vote: 4-0

G. Richard Eiermann Realty Trust – Variance Application (Addition/Alteration)
21 Coles Pond Drive, East Dennis (413-46) – The House Company

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 a portion of the basement adding one (1) bedroom and bathroom to the existing single story three (3)-bedroom dwelling. The lot contains 26,136 square feet of land.

Floor Plans:

The **existing** dwelling contains three (3) bedrooms, two (2) bathrooms, a kitchen, living room, and a screened porch off the rear.

The **existing** basement is unfinished.

There are no proposed changes to the main floor of the dwelling.

The **proposed** basement will consist of finished living space, one (1) bedroom, and one (1) bathroom.

Septic System:

The applicant proposes to utilize the existing system that was installed in 2010 and consists of a 2000 septic tank, distribution box, and three (3) 500-gallon leaching chambers with stone. The system was designed for four (4) bedrooms and does not contain I/A technology.

The system was last inspected by a Title 5 system inspector in January 2020. The system passed inspection at that time.

Existing Nitrogen Loading is 7.86 ppm.
Proposed Nitrogen Loading is 9.58 ppm.

The property is environmentally sensitive because it lies within 100' of a wetland. The conservation commission has signed off on the project as "approval not required".

PREVIOUS VARIANCE HISTORY

January 2020 – 16B In house variance request for proposed renovations to the kitchen/dining area. The variance was granted on January 27, 2020 with conditions 2 and 3.

February 2020 – 16B variance request to increase the existing dwelling from 2 to 4 bedrooms. The applicant proposed to convert the existing first floor den to a master bedroom with bathroom and add a 4th bedroom in the basement. The applicant proposed to utilize the existing 2010 septic system.

At the February 27, 2020 Board of Health meeting the Board voted (4-0) to approve the variance request with conditions 1, 2,3,4,5, & 6.

Mike Rockwell, the house company, presented on behalf of the property owners. Mr. Rockwell stated they are proposing to add a bedroom and bathroom in the basement. Mr. Rockwell stated the project was approved on March 6, 2023. He is back before the board for re-approval, as the variance recently expired.

Motion: Move to approve the variance application for 21 Coles Pond Drive, East Dennis as printed in the memorandum dated February 28, 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.
- #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.

Motion: Chamberlain

Seconded: Bunce

Vote: 4-0

H. Robert Teahan – Variance Application (Addition/Alteration)
1369 Route 134, East Dennis (359-6) – 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 for the addition/alteration of habitable space in an Environmentally Sensitive Area.**

Proposal:

The applicant is proposing to convert existing commercial office space on the "walk-out" level of an office/residential building to a two (2) bedroom residential unit resulting in an increase in flow. The lot contains 36,155 square feet of land.

The applicant is also requesting the Board consider removing the ESA designation from the property. Their request is based on the assertion that the perched water observed in 2003 does not represent a true seasonal water table.

There are two buildings on the property. One is used exclusively as commercial office space, for which no changes are proposed. The second building on the property is currently used for commercial office space and residential space. Changes proposed for the second building are as follows:

Floor Plans:

The **existing** three-story building contains three (3) offices, a utility room, a bathroom and open office space on the walkout level. Three (3) studio style residential units on the first floor, each including one (1) bedroom, a kitchen and a bath and one (1) residential unit on the second floor including one (1) bedroom, a living room, a kitchen and a bath. There is a total of four (4) bedrooms in the existing building.

The **proposed** three-story building will consist of a walk-out level including two (2) bedrooms, a bath, a combined living/dining room and kitchen, a utility room and a storage room. No changes are proposed for the first floor or second floor. There is a total of six (6) bedrooms in the proposed building.

Septic System:

The applicant is proposing modifications to the existing septic system, which was installed in 2006, to accommodate the increase in flow.

The **existing** system serves both buildings on the property. It consists of a 2500-gallon septic tank, a 1000-gallon pump, a distribution box and a leach field constructed from eighteen (18) high capacity infiltrator units in stone providing a leaching capacity of 644 gpd. The system was designed for four (4) bedrooms and 2000 sf of office space.

The **proposed** system will use the existing septic tank, pump chamber and leach field. A new d-box will be added along with a 4.5' x 39' addition to the existing 25' x 39' leach field including two (2) lateral pipes in stone, increasing the size of the leach field to 29.5' x 39' and increasing the leaching capacity to 759 gpd. The system is designed for six (6) bedrooms and 1200 sf of office space.

A Title 5 inspection of the existing system has not yet been performed.

Existing Nitrogen Loading is 8.47 ppm.

Proposed Nitrogen Loading is 6.89 ppm

The property is environmentally sensitive because ground water is < 6' below grade.

The conservation commission signed off on the project on 2/21/23, Approval not Required.

Asa Mintz, with AJM Site Design, presented on behalf of the property owners. Mr. Mintz stated the property is considered an ESA as it was designated about 20 years ago due to some groundwater that was found associated with some of the fill in some of the test holes. He said there are two buildings, an office and some residences, 4 single bedroom units. The office is going to be remodeled into a 2-bedroom unit and they are looking to add onto the existing leach field a 4½ by 39 ft section, replace some of the plumbing, keep the existing infiltrator system and add a new d-box and couple perforated laterals. They will be able to keep the existing tank and pump chamber, assuming they adjust the chamber to accommodate the volumes. The existing system is designed for 643-gallons-per-day; the increase will be 750-gallons-per-day.

Mr. Mintz first asked to discuss the possibly of removing the property as an ESA.

The Board discussed the possibility and what their authority is and the possibility of asking for additional soil testing. The request was not a part of the variance request for this meeting and will have to be applied for and advertised at another time, should they wish to.

Motion: Move to approve the variance application for 1369 Route 134, East Dennis as printed in the memorandum dated February 28, 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: Chamberlain Seconded: Duffy Vote: 4-0

I. 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 February 9, 2023 meeting)
71 Bridge Street, East Dennis (393-12)

Update: 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.

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.

Daniel Shea, the homeowner, presented on behalf of the property. Mr. Shae stated he was seeking an extension for 60 to 90 days to convert to solar instead of switching to gas. His estimate is high & is looking for other prices.

Motion: Move to grant a 90 day extension to 71 Bridge Street, East Dennis regarding the removal of the Fuel Storage Tank as printed in the memorandum dated March 3, 2023 and move the matter to the June 8, 2023 meeting.

Continued

Motion: Bunce Seconded: Chamberlain Vote: 4-0

J. Paul Doherty – 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 February 9, 2023 meeting**)
23 North Road, West Dennis (27-31)

Update: This item was continued from the February 9, 2023 meeting. Following the February meeting, it came to the attention of the Health Department that the property changed ownership on January 30, 2023. A notice was sent to the new property owner on February 14, 2023, and our records show that the certified mail has not yet been received. However, on February 23, 2023 a trench permit was issued for the property and soil testing was witnessed by Health Agent Barry Lewis on February 28, 2023. As of the date of this memo, there have been no updates from the owner, and they have not contacted the Health Department. Several inspections since the February meeting found that the property does not appear to currently 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.

This item was continued at the January 12, 2023 meeting.

No one was present to represent the property.

Motion: Move to file an application for criminal complaint with the Orleans District Court for noncompliance at 23 North Road, West Dennis per memorandum dated March 2, 2023.

Moved to Court

Motion: Bunce

Seconded: Duffy

Vote: 4-0

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 (***Continued from February 9, 2023 meeting***)
175 Telegraph Road, Dennisport (115-12)

UPDATE 3/2/2023: Per lawyer and tenant, the tenant will be out by March 10, 2023. Repairs to the home will begin then.

At the February 9, 2023 Board of Health meeting, the Board voted to postpone for one month until tenant was evicted per request of property owner.

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 6th, 2023.

On January 20, 2023 the property owner was notified to appear at the February 9, 2023 Board of Health meeting.

On November 7, 2021, a certified letter was sent to the property owner 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 the property owner 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 the property owner 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. Bunce stated that the home owner had an agreement with the tenant to move out of the property the week of the meeting and will be able to address the violations once the tenant has vacated the property. He would give them time to fix the violations and come back before the Board.

Motion: Move to continue the matter for 175 Telegraph Road, Dennisport as printed in the memorandum dated March 2, 2023 for 60 days to the May 11, 2023 meeting.

Continued

Motion: Bunce

Seconded: Chamberlain

Vote: 4-0

L. Lawrence & Mary Eaton and Constitution Properties LLC – Show cause hearing for noncompliance with Town of Dennis Fuel Storage Regulations: Failure to Replace or Remove Above Ground Fuel Storage Tank
11 Captain Prestons Road, Dennis (208-3)

On October 19, 2022 the Dennis Health Director 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 October 5, 2022 and by the buyer of the property on October 5, 2022. The closing date listed on the form was October 28, 2022. The exemption was granted until January 26, 2023. A notation on the exemption form indicated the buyer intended to convert the property to gas.

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.

Lawrence Eaton, the homeowner, presented on behalf of the property. Mr. Eaton stated it was and is their intention to have switched to oil off the bat. It was scheduled to be done by the end of February. There was an emergency at his property in Yarmouth, that has put this on the back burner. He stated that they do have the boiler, it just needs to be installed. He asked for a 60-day extension and confirmed that the tank is located in the garage, is only twelve years old and it is not leaking.

Motion: Move to continue the matter for 11 Captain Prestons Road, Dennis as printed in the memorandum dated February 28, 2023 for 60 days to the May 11, 2023 meeting.

Continued

Motion: Chamberlain

Seconded: Bunce

Vote: 4-0

M. Vote to Renew 2023 Seasonal Establishment Licenses – See attached list

According to the Dennis Tax Office, the following is a list of Licensed Establishments that have delinquent taxes:

Near Beach Motel

183 Captain Chase Road
Dennisport, MA 02639

Please be advised that some of the delinquent taxes may have been paid, but have not yet been posted by the Tax Office.

Motion: Move to approve the renewal of licenses for all seasonal businesses whose taxes have been paid and withhold the renewal of the licenses for those seasonal businesses whose taxes have not been paid, until those taxes are paid per memorandum dated February 28, 2023.

Approved

Motion: Bunce

Seconded: Chamberlain

Vote: 4-0

II. AGENDA ITEMS

1. Christine & Andrew Lane/NE QOZ 698 LLC – Request to reduce testing & service requirements for Wastewater Treatment System
65 Miramar Avenue, Dennisport (16-31)

MicroFAST and Ultraviolet start up for the above referenced property was completed on 9/24/2013.

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).

County Records:

Date	TN<19	BOD5 <30	TSS <30
8/27/2018	17.3	62.2	111
10/29/2018	15.14	NR	11.5
1/23/2019	37.8	61.7	288
11/6/2019	39.96	33.7	512
5/12/2020	23.19	15.1	78
9/15/2020	62.9	24.5	576
12/14/2020	37	28.9	320
3/12/2021	61.2	25.3	36
10/14/2021	38.85	24.1	334
5/10/2022	62.6	241	684
8/4/2022	47.2	12.8	540
11/30/2022	30.77	12.1	12

A reduction in testing was requested in 2020. The Board voted (5-0) at the August 2020 meeting to continue testing requirements for one more year before reapplying to reduce testing.

Andrew Lane, the homeowner, presented on behalf of the property. Mr. Lane stated he has been getting the system tested and is seeking a reduction in testing from four times a year.

Mr. Bunce stated the numbers are not in range. They are above the normal range.

Mr. Eaton stated they recently exchanged their service provider and stated the previous company was testing in the wrong spot.

The Board suggested the manufacturer or licensed I/A Installer/Operator evaluates the system as it is not performing properly.

Mrs. Keller stated an inspection was done in August, the inspection report noted there was tree root growth present in the system & they recommended removing the source of the roots before the issue was compounded earlier in the season. It was noted the d-box needed to be pumped and cleaned.

Mr. Eaton stated he removed the roots and he knows they have had it completely pumped once.

Mr. Bunce suggested a representative of the company come evaluate or explain what is wrong with the functioning of the system.

Motion: Move to deny the request to reduce testing & service requirements for Wastewater Treatment System at 65 Miramar Avenue, Dennisport per memorandum dated February 28, 2023.

Denied

Motion: Bunce

Seconded: Chamberlain

Vote: 4-0

2. Ellen Gaylin Smith – Request to reduce testing & service requirements for Wastewater Treatment System
14 Heirs Landing, South Dennis (95-6)

The property owner requested a reduction in testing from four (4) times/year to two (2) times/year because the house is closed seasonally and the water meter removed for four (4) or more months each year.

Singulair Treatment Plant and Ultraviolet Disinfection start up for the above referenced property was completed during COVID, the Health Department was not conducting inspections at the time and did not witness the Start-up. The operator reports he did not witness the Start-up of the unit, he did not record the Start-up date in the County Database. A Certificate of Compliance (COC) has not been issued for this system because the Health Department has not received an Engineer's Certification Letter or certified as-built. The engineer's representative has contacted the Health Department, the information requested is being prepared and will be provided.

The original approval required testing to be conducted four (4) times per year with the property owner returning to the BOH after two (2) years to review results.

The State approval for this system is for General Use – STU with nitrogen requirements.

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.

Date	TN<19	BOD5 <30	TSS <30
08/31/2022	13.7	3.3	3.7
10/3/2022	15.2	4.1	7.3
1/18/2023	15.8	-	3.0

Ellen Smith, the homeowner, presented. Mrs. Smith stated the home is used seasonally April – November.

Mrs. Keller supported the reduction.

Motion: Move to approve the request to reduce testing & service requirements for Wastewater Treatment System requirements at 14 Heirs Landing, South Dennis per memorandum dated February 23, 2023 to twice yearly, once in July & one in late October.

Approved

Motion: Chamberlain

Seconded: Bunce

Vote: 4-0

3. Walter & Susan Jenkins – Request for extension to the Town of Dennis Fuel Storage Regulations, Section 2: Town of Dennis Fuel Storage Exemption
15 Golf Course Road, East Dennis (315-8)

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.

Motion: Move to approve the request for extension to the Town of Dennis Fuel Storage Regulations, Section 2: Town of Dennis Fuel Storage Exemption at 15 Golf Course Road, East Dennis per memorandum dated February 28, 2023 for 90 days with the matter coming back before the Board at the June 8, 2023 meeting.

Continued

Motion: Chamberlain

Seconded: Duffy

Vote: 4-0

4. Annual Appointments: Health Director, Health Agents, Environmental Coordinators, Hazardous Waste Coordinators, Milk Inspectors, Burial Agents and Water Quality Advisory Committee Liaison

I recommend that the Board approve the following appointments, for terms to expire on **March 31, 2024**:

Health Director
Kristen M. Keller

Health Agents
David Coakley
Barry L. Lewis
Sean O'Brien, Barnstable County Department of Health & The Environment

Environmental Coordinators
Kristen M. Keller

Hazardous Waste Coordinators
Kristen M. Keller

Milk Inspectors
Kristen M. Keller
David Coakley
Barry L. Lewis

Burial Agents
Theresa T. Bunce
Sara McDonald

Liaison to Water Quality Advisory Committee
Kristen M. Keller

Motion: Move to approve the annual appointments, for terms to expire on March 31, 2024 per memorandum dated February 28, 2023.

Approved

Motion: Bunce Seconded: Chamberlain Vote: 4-0

5. Nominate Animal Inspectors for 2023 – 2024

I recommend that the Board nominate the following as Animal Inspectors, for terms to expire on **March 31, 2024**:

Lori Miranda

Joanna Golden

Motion: Move to approve the nominations for Animal Inspectors, for terms to expire on March 31, 2024 per memorandum dated February 28, 2023.

Approved

Motion: Chamberlain Seconded: Duffy Vote: 4-0

III. MINUTES

1. Regular Meeting of February 9, 2023

Mrs. Chamberlain noted a correction on Page 11: *“Jamie Stebenne, the homeowner, stated that the property has had winter rentals previously and was not led by the real estate agent that the property was seasonal only.”* Replacing “led by” with “told.”

Motion: Move to approve the minutes from the February 9, 2023 Board of Health meeting as printed with the noted change.

Approved

Motion: Chamberlain Seconded: Duffy Vote: 4-0

IV. ADJOURNMENT

Motion: Move to adjourn at 8:32 p.m.

Approved

Motion: Chamberlain Seconded: Duffy Vote: 4-0