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Town of Dennis  
Board of Health  
Minutes of Meeting  
April 13, 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.

## ***ADMINISTRATIVE***

### **1. Re-Organization of the Board: Elect Chairman, Vice Chairman and Clerk**

Mr. Covell announced he is turning the Board of Health meeting over to Health Director, Kristen Keller, for the annual Board appointments.

Mrs. Keller opened the floor to nominations for the Chairman.

**Motion:** Move to nominate Mr. Paul Covell as Chairman of the Board.

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

Mrs. Keller turned the meeting back over to Chairman Covell.

Mr. Covell opened the floor to nominations for Vice-Chairman.

**Motion:** Move to nominate Mr. Joe Bunce as Vice-Chairman of the Board.

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

Mr. Covell opened the floor to nominations for Clerk.

**Motion:** Move to nominate Mrs. Chamberlain as Clerk of the Board of Health.

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

## **I. ACTION**

**A.** Vote to amend the conditions printed in the February 9, 2023 Board of Health meeting minutes for the variance granted at **401 Main Street, West Dennis (65-40)**

On **July 8, 2021**, the property listed above appeared before the Board of Health for a variance from the Town of Dennis Regulation 16B: The addition/alteration or new construction of habitable space in an environmentally sensitive area.

The applicant proposed to renovate and add 7 bedrooms to the existing historic commercial/mixed use building, as well as construct 4 new duplex buildings with 4 bedrooms each and 1 triplex building with 6 bedrooms each. A total of **29 bedrooms** was proposed on the 650,786 square foot lot.

The septic system would contain a 6500-gallon septic tank, a Microfast 3.0 unit, a Nitrifast 3.0 unit, a 7000-gallon pump chamber, and a 4,672 square foot pressure dosed leaching field. The system was designed for **29 bedrooms and 600 square feet of office space.**

The Board voted (3-0) to approve the variance application with the following conditions:  
**1,2,3,5,6,7,9.**

**February 9, 2023** the property listed above again appeared before the Board for a 16B variance.

The applicant proposed to renovate and add 7 bedrooms to the existing historic mixed-use building, as well as to construct 5 new duplex building each with 4 bedrooms and 1 single family building with 2 bedrooms for a total of **29 bedrooms.**

The septic system would contain a 6500-gallon septic tank, a Microfast 3.0 unit, a Nitrifast 3.0 tank, 7000-gallon pump chamber, and 2- 2352 square foot pressure dosed pipe and stone leaching fields. The system was designed for **29 bedrooms.**

The Board voted (5-0) to approve the variance application with **all previous conditions.**

**At the March 9, 2023 meeting, the minutes presented to the Board for the property listed above included all previous conditions as well as conditions # 8 and 10. These conditions were not previously listed.**

The Board voted (4-0) to approve the minutes as printed from February 9, 2023.

**Motion:** Move to amend the minutes from the February 9, 2023 Board of Health Meeting to exclude conditions #8 and #10 for Action Item D: 401 Main Street, West Dennis.

**Motion: Bunce                      Seconded: Chamberlain                      Vote: 5-0**

**B. Paul & Lesley Muscatiello** – Variance Application (Addition/Alteration)  
**27 Long Hill Road, Dennis (285-58)**

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 convert the existing garage to a family room, relocate the stairs to the basement as well as additional interior renovations and to finish space in the basement of the existing three (3) bedroom single story dwelling. The lot contains 20,000 square feet of land.

**Floor Plans:**

The **existing** dwelling contains three (3) bedrooms, two (2) bathrooms, a living room, dining room, eat in kitchen with laundry space, a screened in porch, and a garage.

The **existing** basement has unfinished space and one (1) partially finished room.

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

The **proposed** basement will contain unfinished space, the existing partially finished room with the entry wall removed, and 350 square feet of newly finished living space.

**Septic System:**

The applicant proposes to utilize the existing system that was installed in 1987 and consists of a 3.5'x 6' leaching pit with 3' of stone. 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 June 2022. The system passed inspection at that time.

Existing/Proposed Nitrogen Loading is 9.09 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".

Mr. Muscatiello, the homeowner, presented on behalf of the project. He stated the renovation will relocate the existing stairway, from a corner next to the garage, to the dining area. The stairway is currently out of code. A new laundry area will be created and the existing laundry area will be closed off by the newly relocated stairs. The proposed basement area will have an open stairway with a 300sqft area at the landing – to be used as an office. The garage will be converted to a living space and will have a 5' long hallway from the kitchen to the new living area.

Mrs. Chamberlain stated her opposition against leaching pits in a Zone II.

**Motion:** Move to approve the variance application for 27 Long Hill Road, Dennis as printed in the memorandum dated April 5, 2023.

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

#1 No garbage disposal.

#2 Water-saving devices shall be installed and verified by the Health Department.

#3 No alteration of the floor plan to the dwelling without further review by the Board of Health.

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

**Motion: Duffy**

**Seconded: McCormick**

**Opposed: Chamberlain**

**Vote: 4-1**

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 construct a new 4 season room addition as well as a new kitchen/dining room addition with deck off the rear of the existing two story four (4) bedroom dwelling. The lot contains 48,717 square feet of land.

**Floor Plans:**

The **existing** first floor contains a covered porch, front foyer, kitchen, dining room, living room, a master bedroom with master bathroom and walk in closet, mudroom, pantry/laundry room, and a 2-car garage. There is also a deck off the rear.

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

The **proposed** first floor will include a new 4 season room off the existing kitchen and a new kitchen/dining room addition off of the existing living room.

The **proposed** second floor will contain a new balcony off of the existing office.

**Septic System:**

The applicant proposes to utilize the existing system that was installed in 2007 and consists of a 2500-gallon septic tank, distribution box, and 6 Cultec chambers. The system was designed for five (5) bedrooms with 558 gallons per day and does not contain I/A technology.

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

Existing Nitrogen Loading is 7.86 ppm

Proposed Nitrogen Loading is 7.84 ppm.

The property is environmentally sensitive because there are wetlands within 100' of the property.

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

**PREVIOUS VARIANCE HISTORY**

**2017:** Variance request to allow the addition/alteration or new construction of habitable space in an ESA.

The applicant proposed to relocate the existing living room to the garage space creating a master bedroom on the first floor. The addition of a new garage with a mudroom and a pantry/laundry room was also proposed.

The **existing** first floor of the dwelling contained a living room, bathroom, kitchen, dining room and garage. The second floor contains 3 bedrooms, a bath/laundry, an "open area" to the stairs, a bathroom and an unfinished space above the garage. The attic area contained an "all purpose room", and a bathroom.

The **proposed** first floor would contain a new garage, mudroom, pantry/laundry, living room, an open kitchen/dining/living room, a covered porch, master bedroom and bathroom. The **proposed** second floor would contain "living area" space and unfinished storage area, above the garage.

The applicants proposed to utilize the existing system that was installed in 2007 containing a 2500-gallon septic tank, and a Cultec Recharger 330 HD Chambers for the SAS. The system was designed for 5 bedrooms and did not contain I/A technology.

The existing tank would be relocated to meet setbacks from the proposed addition.

The Board granted the variance with the following conditions:

#1,2,3,4,5.

Dan Ojala, with Down Cape Engineering Inc., presented on behalf of the project. He stated they are proposing an addition off the back of the existing 4-bedroom home. The septic was installed in the early 2000s. The leaching is in the front and they are not in a particularly nitrogen sensitive area. The kitchen will be renovated and a four-season room will be on the second floor of the new addition.

Mrs. Chamberlain requested a reinspection of the system. The last inspection was in 2014.

**Motion:** Move to approve the variance application for 21 Grazing Field Lane, Dennis as printed in the memorandum dated April 5, 2023.

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

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

#1 No garbage disposal.

#2 Water-saving devices shall be installed and verified by the Health Department.

#3 No alteration of the floor plan to the dwelling without further review by the Board of Health.

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

#6 The design engineer shall submit a certified as-built plan, with elevations, to the Health Department.

**Motion: Bunce**

**Seconded: Duffy**

**Vote: 5-0**

**D. Burkard Living Trust** – Variance Application (Addition/Alteration)  
**15 Gages Road, Dennis (370-47)** – JC 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 add a bathroom to the first floor as well as to finish the basement of the existing single story two (2) bedroom dwelling.

**Floor Plans:**

The **existing** main floor of the dwelling contains two (2) bedrooms, one (1) bathroom, a living room, kitchen, laundry, and a sunroom.

The **existing** basement is unfinished.

The **proposed** main floor of the dwelling will contain two (2) bedrooms, two (2) bathrooms, a living room, kitchen, laundry, and a finished room in the rear with access to the basement.

The **proposed** basement will contain an open playroom with office space, and one (1) bathroom.

**Septic System:**

The proposed septic system will contain a 1500-gallon septic tank with a 500-gallon pump chamber, distribution box and 5 LC-6 leaching chambers with stone. The system has been designed for three (3) bedrooms and does not contain I/A technology.

Existing/Proposed Nitrogen Loading is 13.56 ppm.

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

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

Ms. Caroline Burkard presented on behalf of the project. She stated that they are keeping the original footprint of the home and keeping it as a 2-bedroom. They are seeking approval to renovate the first floor and finish the basement

Mr. Bunce asked if Ms. Burkard knew when the septic was installed.

The homeowner stated it's currently a cesspool .

Mrs. Keller stated there is a repair permit from 1982.

The Board noted the property is upgrading to a new Title 5 System.

**Motion:** Move to approve the variance application for 15 Gages Road, Dennis as printed in the memorandum dated April 5, 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: McCormick**

**Seconded: Bunce**

**Vote: 5-0**

**E. Wayne & Rita Reslow** – Variance Application (Addition/Alteration)

**20 Windshore Street, Dennis (302-56)** – Flaherty Environmental Services

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 convert the existing garage to a family room in the single story three (3) bedroom dwelling. The lot contains 10,004 square feet of land.

**Floor Plans:**

The **existing** dwelling contains three (3) bedrooms, 1 ½ bathrooms, living room, kitchen, dining room, and a garage.

The **proposed** dwelling will contain three (3) bedrooms, 1 ½ bathrooms, living room, kitchen, dining room, and a new family room with pantry space in the rear.

**Septic System:**

The applicant proposes to utilize the existing septic system that was installed in 1972 and consists of a 1000-

gallon septic tank, distribution box, and a 12'x25' leaching field. The system was designed for three (3) bedrooms and does not contain I/A technology.

The system was last inspected by a Title 5 system inspector in August 2018. The system passed inspection at that time.

Existing/Proposed Nitrogen Loading is 13.03 ppm.

The property is considered environmentally sensitive because it lies within 100' of a wetland.

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

Mrs. McCormick abstained.

Dave Flaherty, with Flaherty Environmental Services, presented on behalf of the project.

Terry Deveau, the contractor, presented as well.

Mr. Flaherty stated they are seeking approval to renovate the garage into a living space. There will be no increase in the design flow. The property is located in an ESA and the renovation will add around 27% more habitable space.

Mrs. Chamberlin stated she would request a reinspection of the system. The last inspection was in 2018.

Mr. Deveau agreed.

**Motion:** Move to approve the variance application for 20 Windshore Street, Dennis as printed in the memorandum dated April 5, 2023.

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

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

#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: Chamberlain**

**Seconded: Duffy**

**Abstained: McCormick**

**Vote:4-0**

**F. Timothy & Theresa Bunce** – Variance Application (Addition/Alteration)  
**23 Greenwood Road, East Dennis (290-20)** – Cape Cod 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 the addition of a one (1) bedroom Accessory Dwelling Unit to the existing two story, four (4) bedroom dwelling. The lot contains 27,288 square feet of land.

**Floor Plans:**

The **existing** first floor contains a covered front porch, an entry foyer, two (2) bedrooms, one (1) bathroom, a kitchen, dining room, and a living room. There is also a deck off the rear.

The **existing** second floor contains two (2) bedrooms and one (1) bathroom.

The **existing** basement contains finished space with laundry area, a boiler room and a garage bay.

The **proposed** first floor will contain a covered front porch, an entry foyer, one (1) bedroom with a bathroom and a 5' cased opening into a home office/sitting room, a kitchen, dining room and a living room. There will be a front covered porch off the new addition also including a mudroom, powder room, laundry area, and a new family room with storage closet. There is also a deck off the rear.

The **proposed** second floor will contain two (2) bedrooms, one (1) bathroom and new walk in closet.

The **proposed** second floor ADU will contain a living room, one (1) bedroom, and one (1) bathroom. There is also an exterior staircase to the ADU.

The **proposed** basement will contain finished space, a boiler room, garage bay, and a new 2 car garage.

**Septic System:**

The applicant proposes to utilize the existing septic system that was installed in 1999 and consists of a 1000-gallon septic tank, a 1500-gallon septic tank, distribution box, and seven (7) high capacity chambers with stone. The system was designed for five (5) bedrooms and does not contain I/A technology.

The septic system was last inspected by a Title 5 system inspector in February 2023. The system passed inspection at that time.

Existing Nitrogen Loading is 9.38 ppm

Proposed Nitrogen Loading is 9.03 ppm.

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

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

Mr. Bunce and Mrs. Chamberlain abstained.

Mr. Bob Perry, with Cape Cod Engineering, Inc., presented on behalf of the project. He stated they are seeking approval for a lateral addition to the home and the first ADU in town. There will be no increase in bedrooms. The current septic designed for 5 bedrooms in the early 2000's. The current home is 4 bedrooms. The property is located in a Zone II. The Nitrogen loading is estimated to be around 9ppm. The homeowners have proposed removing two bedrooms on the lower level, by removing the partitions.

Mr. Covell commented, in the future legislation could affect its status as an ADU.

Mr. Perry stated if ADU's were to be affected the addition can easily be converted back into a single-family home.

**Motion:** Move to approve the variance application for 23 Greenwood Road, East Dennis as printed in the memorandum dated April 5, 2023.

**Approved with the following conditions:**

#1 No garbage disposal.

#2 Water-saving devices shall be installed and verified by the Health Department.

#3 No alteration of the floor plan to the dwelling without further review by the Board of Health.

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

**Motion:** Duffy

**Seconded:** McCormick

**Abstained:** Bunce & Chamberlain

**Vote:** 3-0



**G. Kenneth & Kathleen Surdan** – Variance Application (Addition/Alteration)  
**23 Dunes View Road, Dennis (345-150)** – J.M. O'Reilly & Associates, 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 convert garage space to habitable space- a cabana/bar. The two-story dwelling contains 4 bedrooms with a bonus room over the garage. The lot contains 21,207 square feet of land.

**Floor Plans:**

The **existing** first floor contains an entry way, kitchen/dining room, living room, two (2) bedrooms, one (1) bathroom, and a garage.

The **existing** second floor contains two (2) bedrooms, two (2) bathrooms, and a bonus room/guest bedroom accessed from inside the dwelling over the garage with a bathroom.

The **proposed** first floor will contain an entry way, kitchen/dining room, family room, two (2) bedrooms, one (1) bathroom, a new powder room, and a new cabana/bar room.

There are no proposed changes to the second floor.

**Septic System:**

The applicant proposes to replace the existing 2000-gallon septic tank with a Microfast .5 Treatment Unit and utilize the existing distribution box and 6 high capacity infiltrators with stone that were installed in 2002. The system was designed for 444 gallons per day - or 4 bedrooms.

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

Existing Nitrogen Loading for 4 bedrooms - 11.70 ppm

Proposed Nitrogen Loading for 4 bedrooms - 7.13 ppm.

Existing Nitrogen Loading for 5 bedrooms is – 12.59 ppm

Proposed Nitrogen Loading for 5 bedrooms – 7.58 ppm.

The property is Environmentally Sensitive as there are wetlands within 100' of the property.

The Conservation Commission issued a Determination of Applicability on 2/17/2023 and signed off on the project on 2/22/2023.

**VARIANCE HISTORY**

**2006 Variances requested:**

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

**Reg.9.3A:** - Land area that borders on and is within 100' of a wetland.

The applicant proposed to expand the kitchen/dining room of the existing two story 3-bedroom dwelling.

Existing first floor plans contained one (1) bedroom, living room, kitchen, dining room, and a garage.

The existing second floor contained two (2) bedrooms, one (1) bathroom, and a family room with bathroom over the garage.

Proposed Nitrogen Loading calculation for 3 bedrooms were submitted at 9.56 ppm.

The Board voted (5-0) in favor of the variance request.

No conditions were placed. 22

Mr. John O'Reilly, with J.M. O'Reilly & Associates, Inc., presented on behalf of the project. He stated that they are proposing converting the garage into a living space and a bonus room above the garage. They are going to install a denitrifying system. According to Health Department records the home was considered five (5) bedrooms at one point. They are seeking the board to reconsider the new space above the garage as the fifth bedroom to show nitrogen-calculated numbers. They are comfortable with the space above the garage being defined as a bedroom with the addition of fast technology, with the 20% reduction in the leaching field. The system was last inspected three (3) years ago when the current owners bought the property.

Mrs. Chamberlain stated per the memorandum the applicant is agreeing the property is a five-bedroom home.

**Motion:** Move to approve the variance application for 23 Dunes View Road, Dennis with note on the memorandum dated April 5, 2023 that the applicant agrees this is a five (5) bedroom dwelling.

***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: Chamberlain      Seconded: Duffy      Vote: 5-0**

**H. 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 February 9, 2023 meeting*)

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

**Continued from February 9, 2023:**

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

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

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

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

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

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

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

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

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

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

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

A notice was sent on June 29, 2022 which ordered the homeowner to have a Title 5 inspection performed within 30 days. The notice was also hand delivered to the homeowner on June 30, 2022. The son of the homeowner called on August 1, 2022 and stated that he planned on forgoing the inspection and instead pursuing a voluntary septic upgrade. Following this conversation, a notice was sent dated August 8, 2022 which gave the homeowner until September 1, 2022 to either submit a septic application or get a Title 5 inspection. We have had no contact with anyone associated with the property since and ultimately sent a notice to appear before the Board of Health on September 15, 2022. It was confirmed that all certified letters were received. The system is assumed to be original to the house which means it is approximately 72 years old.

Mr. Thomas Mantoni presented on behalf of the property. He stated that a soil test recently done and the plan is being worked on.

Mr. Duffy asked when the plans will be ready.

Mr. Mantoni stated the next couple of weeks to a month.

Mrs. Chamberlain stated she would like the engineer to call the Health Director for an update and timeline.

Mr. Mantoni stated he would call the engineer tomorrow to forward the request.

**Motion:** Move to continue the show cause hearing for 83 Siasconset Avenue, Dennisport as printed in the memorandum dated April 5, 2023 for 60-days to June 8, 2023 meeting of the Board of Health.

**Continued**

**Motion: Bunce      Seconded: Duffy      Vote: 5-0**

## **II. AGENDA ITEMS**

**1. Louis & Karen DeCarlo** – Request to reduce testing & service requirements for Wastewater Treatment System  
18 Highland Street, East Dennis (390-28)

MicroFAST start up for the above referenced property was completed on 7/16/2020.

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
11/06/2020	33.6	15.2	34
02/03/2021	23.89	14.3	9
04/28/2021	31.52	7.7	54
07/30/2021	34.23	8.1	36
10/21/2021	21.5	26.1	23
05/19/2022	18.71	6.8	60
07/21/2022	34.2	14.5	31
10/20/2022	11.43	13	21

No one was present to represent the property.

Mr. Bunce stated the numbers are not acceptable. Only two numbers are under 20.

**Motion:** Move to deny the request to reduce testing & service requirements for Wastewater Treatment System at 18 Highland Street, East Dennis as printed in the memorandum dated April 5, 2023.

**Denied**

**Motion: Bunce      Seconded: Duffy      Vote: 5-0**

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

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

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

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

**Section 2:**

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

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

Mr. Bunce stated the owner had contacted the Health Department on March 22, 2023 and said he was in the process of converting to natural gas. The work was not scheduled to begin until the second week of May.

**Motion:** Move to approve a 60-day extension to the to the Town of Dennis Fuel Storage Regulations, Section 2: Town of Dennis Fuel Storage Exemption and revisit the matter at the June 8, 2023 meeting of the Board of Health.

*Approved*

**Motion: Bunce      Seconded: Chamberlain      Vote: 5-0**

### **III. MINUTES**

**1. Regular Meeting of March 9, 2023**

**Motion:** Move to approve the minutes from the March 9, 2023 Board of Health meeting as printed.

*Approved*

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

### **IV. ADJOURNMENT**

**Motion:** Move to adjourn at 7:34 p.m.

*Approved*

**Motion: Chamberlain      Seconded: Bunce      Vote: 5-0**