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August 23, 2023
12:27 PM

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Town of Dennis
Board of Health
Minutes of Meeting
July 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 Assistants Kellie Dionne and Taylor Branch

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

I. ACTION

A. Barbara Scanlon – Variance Application (New Construction) (*Continued from June 8, 2023 meeting*)
41 Uncle Stephens Road, West Dennis (13-20) – Down Cape Engineering, Inc.

UPDATE:

The Project Engineer, Down Cape Engineering has requested to continue the hearing until the August 10, 2023 date. MADEP has intervened on the conservation approval with a possible superseding order.

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

Title 5

- 15.211:** Variance of 3' requested from the 10' required between the SAS and the waterline.
- 15.211:** Variance of 6.6' requested from the 10' required between the SAS and the property line.
- 15.255 (5):** Variance of 3' requested from the required 5' removal of unsuitable or impermeable soils beyond the outer perimeter of the SAS

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- Reg.9:** Variance of 6.6' requested from the 10' required between the SAS and the property line.
- Reg.9:** Variance of 9' requested from the 10' required to allow the septic tank and SAS to be within 10' of a waterline.
- Reg.9.3(b):** Variance requested to allow septic system to be installed in a coastal dune area.
- Reg.9.3(e):** Variance to allow fill to be deposited for new construction where water table is within 3' of original grade.

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

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

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

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

Proposal:

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

Floor Plans:

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

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

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

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

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

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

Septic System:

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

Existing Nitrogen Loading with 5 bedrooms – 17.79 ppm

Proposed Nitrogen Loading with 3 bedrooms – 7.63 ppm.

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

Mr. Covell stated the applicant requested a postponement until the August 10th meeting.

Motion: Move to continue the variance request for 41 Uncle Stephens Road, West Dennis as printed in the memorandum dated July 6, 2023 to the August 10, 2023 meeting.

Continued

Motion: Chamberlain

Seconded: Duffy

Vote: 5-0

B. Jennifer Trask-Chester/Estate of Jeffrey Trask – Variance Application (New Construction)
52 Upper County Road, Dennisport (100-48) – Down Cape Engineering, Inc.

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

Town of Dennis

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

Reg. 9.0: Variance of 34.5' requested from the required 100' setback from the soil absorption system and the bordering vegetated wetland.

Proposal:

The applicant proposes to raze and rebuild the existing single story one (1) bedroom dwelling and with a new two story two (2) bedroom dwelling. The lot contains 43,310 square feet of land which includes 17,006 square feet of upland.

Floor Plans:

The **existing** dwelling contains a kitchen, living room, one (1) bedroom, one (1) bathroom and a laundry room.

The **proposed** first floor of the dwelling will contain a living room, dining area, kitchen, one (1) bedroom, and one (1) bathroom with laundry.

The **proposed** second floor will contain an open family room, one (1) bedroom, and one (1) bathroom.

Septic System:

The septic system will contain a Microfast .5 septic tank, uv disinfection, distribution box, and a 15' x 30' pipe and stone leaching field. The system has been designed for 333 gallons per day.

Existing Nitrogen Loading is 3.06 ppm

Proposed Nitrogen Loading is 2.63 ppm.

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

The conservation commission signed off on the project on May 16, 2023 with an Order of Conditions issued on May 19, 2023.

Dan Ojala, with Down Cape Engineering, presented on behalf of the property owners. Mike Dupuy from Ardito Law Group was also present as the attorney for the estate. Mr Ojala stated that it is an old, dilapidated site that has been rundown for years with an individual living in a trailer. They went to the Conservation Commission and got their plan approved a month and a half ago. They are going to remove the trailer, the existing trash and the existing dwelling. They will revegetate up to the 50-foot buffer whenever possible resulting in the north-side being very well vegetated. On the south-side they will construct a two (2) family dwelling to replace the one (1) bedroom dwelling that currently exists. The parts-per-million are "nice and low" and will actually be going down as they're introducing a Microfast System, which is a very common unit in the southwest corner, as far from the wetlands as they can get. It will be raised a full five-feet above the adjusted groundwater.

They will also dig up the old cesspools the best they can when they do the demolition of the current building. A UV treatment will be introduced that sterilizes the effluent and helps with pathogens. Everything will be moved back and will try to stay closer to the street. Variances of 65-feet to the leaching from the wetland are needed and the reserve is about 50-feet off. They have full vertical separation. It is located in the Swan Pond district which is in an NSA and they are trying to be pro-active by implementing an I/A System.

Motion: Move to approve the variance application for 52 Upper County Road, Dennisport as printed in the memorandum dated July 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.

#4 The exposed retaining wall shall have a soil, vegetative, or textured covering.

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

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

#7 A signed maintenance agreement for the alternative system shall be submitted to the Health Department,

prior to the release of the Disposal System Construction Permit. The O & M agreement for the alternative system shall include a requirement for testing. This testing shall be conducted four (4) times per year for TKN, TSS, BOD5, pH, nitrate, and temperature. After two (2) years of operation, the applicant shall return to the Board of Health for review of the alternative septic system.

#8 A signed operation and maintenance agreement for the disinfection unit shall be submitted to the Health Department prior to the release of the Disposal System Construction Permit. The effluent shall be tested for fecal coliform four (4) times per year.

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

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

#11 The dwelling shall be restricted to a total of two (2) bedrooms.

#12 The applicant agrees to restrict the property to two (2) bedrooms and agrees to install a septic system that is larger than required by the proposed number of bedrooms in lieu of installing innovative alternative technology.

Motion: McCormick

Seconded: Duffy

Vote: 5-0

C. CWHH Realty LLC – Variance Application (Failed System)

342 Main Street, Dennisport (73-6) – JC Engineering, Inc.

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

Title 5

15.212(1): Variance of 1' requested from the required 5' separation between the SAS and adjusted high groundwater.

15.211: Variance of 3' requested from the required 10' separation between the septic tank and the dwelling.

15.211: Variance of 8.2' requested from the required 10' separation between the septic tank and the property line.

15.211: Variance of 7' requested from the required 20' separation between the SAS and the dwelling.

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

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Reg. 9.0: Variance of 3' requested from the required 10' separation between the septic tank and the dwelling.

Reg.9.0: Variance of 8.2' requested from the required 10' separation between the septic tank and the property line.

Reg.9.0: Variance of 7' requested from the required 20' separation between the SAS and the dwelling.

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

Proposal:

The applicant is proposing to upgrade the existing failed septic system serving the two (2) bedroom dwelling at this address. The property contains 87,120 square feet of land.

Floor Plans:

The dwelling consists of two (2) bedrooms, one (1) bathroom, a kitchen, living room, and a front porch.

Septic System:

The **existing septic system** consists of a cesspool.

The **proposed septic system** will contain a 1500/500-gallon septic tank and pump chamber, distribution box, and eight (8) ARC 36HC chambers. The system has been designed for two (2) bedrooms and does not contain I/A technology.

Proposed Nitrogen Loading is 3.07 ppm.

The property is considered Environmentally Sensitive as there are wetlands on the property and adjusted high ground water is < 6' below grade.

Vice Chairman Bunce recused himself.

Michael Pimentel, with JC Engineering, presented on behalf of the owners. Mr. Pimentel stated that this is an upgrade of a failed cesspool at an existing two (2) bedroom home. They have an existing cesspool that is approximately 110-feet away from the wetlands in the back in groundwater. They are installing a Title 5 Septic System that would have a septic tank and a pump chamber, pumping the sewage into a d-box, and into a row of plastic chambers that run along the edge of the property line. They need to put it in this location due to tight property constraints and the wetland in the back of the property. They are requesting variances of the leaching system to the house and the leaching system to the property line, as well as the variance setback of the septic tank to the property line and the house. It is a much better system than the current cesspool and would provide 4-feet of separation to the ground water with the leaching system.

The applicant is the cousin of the neighbor, which is why they can put the leaching system against the property line. The owners of the two properties are family members and have obtained permission. There will be a strip out of all unsuitable materials, and replacement with clean, course sand that will spill into the neighbor's property. They need the variances so that the system is far back from the wetland and not as close to the house to prevent any compromise to the foundation of the house when they excavate for the hole for the leaching system.

Motion: Move to approve the variance application for 342 Main Street, Dennisport as printed in the memorandum dated July 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.

#11 The dwelling shall be restricted to a total of two (2) bedrooms.

Motion: Chamberlain

Seconded: Duffy

Vote: 4-0

Abstained: Bunce

D. David & Barbara Dorant – Variance Application (Addition/Alteration/Failed System)
6 Fiddlers Green Lane, West Dennis (15-2) – 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 upgrade the failed septic system as well as the addition of a second story and a sunroom to the existing three (3) bedroom single story dwelling. The lot contains 8,801 square feet of land.

Floor Plans:

The **existing** dwelling contains three (3) bedrooms, one (1) bathroom, living room, kitchen, and a 3-season sitting room.

The **proposed** first floor of the dwelling will contain a great room, master bedroom with master bathroom and walk in closet, laundry room, ½ bathroom, and a sunroom.

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

Septic System:

The septic system will consist of a 1500-gallon septic tank with Microfast .5 internal unit, UV disinfection, 1000-gallon pump chamber, distribution box, and 2LC-6 leaching chambers with stone. The system has been designed for three (3) bedrooms.

Proposed Nitrogen Loading with I/A technology is 10.28 ppm.

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

The Conservation Commission issued a Determination of Applicability on 5/5/2023 and signed off on the project on 6/13/2023.

Michael Pimentel, with JC Engineering, presented on behalf of the owners. Mr. Pimentel stated that this is an existing three (3) bedroom, single family home with an existing septic tank and leaching system in the backyard. Currently the leaching in the groundwater. They would upgrade the system with a new Title 5 System that is comprised of a septic tank, pump chamber and a leaching field that is mounded in the back left-hand corner of the property. They are putting in a UV System due to the fact that the homeowner would like to renovate the house. These renovations include replacing the front stoop with a larger front stoop and a proposed second floor addition. The addition to the house would not increase the bedroom count and the house would remain at the three (3) bedrooms that the septic tank was designed for. The homeowner will also convert the existing deck in the back of the house into a sunroom.

Mrs. Chamberlain asked how much mounding would be on the system.

Mr. Pimentel replied that the existing grade for the mounding is approximately 4-feet and the new mounding would be no more than 5-feet. The retaining wall is approximately 4.5-feet tall at its maximum height.

Motion: Move to approve the variance application for 6 Fiddlers Green Lane, West Dennis as printed in the memorandum dated July 6, 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.

#4 The exposed retaining wall shall have a soil, vegetative, or textured covering.

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

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

#7 A signed maintenance agreement for the alternative system shall be submitted to the Health Department, prior to the release of the Disposal System Construction Permit. The O & M agreement for the alternative system shall include a requirement for testing. This testing shall be conducted four (4) times per year for TKN, TSS, BOD5, pH, nitrate, and temperature. After two (2) years of operation, the applicant shall return to the Board of Health for review of the alternative septic system.

#8 A signed operation and maintenance agreement for the disinfection unit shall be submitted to the Health Department prior to the release of the Disposal System Construction Permit. The effluent shall be tested for fecal coliform four (4) times per year.

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

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

Motion: McCormick

Seconded: Chamberlain

Vote: 5-0

E. Mark & Meagan Lambton – Variance Application (New Construction)
6 Barque Circle, East Dennis (338-65) – 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 construct a new 2 story three (3) bedroom dwelling. The lot contains 41,297 square feet of land.

Floor Plans:

The **proposed** first floor of the dwelling will contain an open living area, dining area and kitchen, pantry, mudroom with ½ bathroom, laundry area, and a master bedroom with master bathroom and walk in closet. The **proposed** second floor will contain two (2) bedrooms, one (1) bathroom.

Septic System:

The septic system will contain a 2000-gallon septic tank, distribution box, and 3 – 500-gallon leaching chambers with stone. The system has been designed for four (4) bedrooms and does not contain I/A technology.

Proposed Nitrogen Loading with four (4) bedrooms is 9.67 ppm.

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

The conservation commission signed off on the project on 6/12/2023 as “approval not required”.

Mark Lambton, the homeowner, presented. Mr. Lambton stated that they are proposing a new construction with the initial plans having three (3) bedrooms, but would like to propose plans for a four (4) bedroom septic system in case they need an additional bedroom in the future.

Mr. Bunce stated that it meets the one (1) bedroom per 10,000 square-foot rule as they have 41,300 square-foot of land and three (3) bedrooms so they should be fine with the proposed system. He added that even if they add an additional bedroom it would meet the 1/10 rule.

Motion: Move to approve the variance application for 6 Barque Circle, East Dennis as printed in the memorandum dated July 6, 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: 5-0

F. Glenn & Patricia Johnston – Variance Application (Addition/Alteration)

49 Nobscussett Road, Dennis (350-20) – J. O’Loughlin, 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. Variance of 1.1 requested from the not to exceed 5 ppm nitrogen loading.

Proposal:

The applicant proposes to renovate the existing single story three (3) bedroom dwelling and add a second story with two (2) additional bedrooms for a total of five (5) bedrooms. The lot contains 31,646 square feet of land.

Floor Plans:

The **existing** dwelling contains a front porch, grand hall, living room, kitchen, laundry room, side entry hall, mechanical room, green room, three (3) bedrooms, two (2) bathrooms, and a garage.

The **proposed** first floor of the dwelling will contain an open kitchen, dining, and family room, a side entry hall, mechanical room, green room, one (1) bedroom, laundry room, a den with 5’ cased opening, two (2) bathrooms, and a garage with wine room.

The **proposed** second floor will contain four (4) bedrooms, and two (2) bathrooms.

Septic System:

The septic system will consist of a Singulair 960 Bio Kinetic Nitrogen Removal system with chlorination and dichlorination, a 1000-gallon pump chamber, and a 16’ x 32’ Geomat leaching system which allows for a 40% reduction in leaching size. The system has been designed for five (5) bedrooms.

Existing Nitrogen Loading with 3 bedrooms is 7.6 ppm

Proposed Nitrogen Loading with 5 bedrooms is 6.1 ppm.

The property is environmentally sensitive groundwater is less than 6’ from the surface.

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

Mike O’Loughlin, with J. O’Loughlin, Inc., presented on behalf of the owners. Mr. O’Loughlin stated that they are not able to meet the ESA regulation of the separation of 6-feet from the natural terrain to the ground water and the Johnson’s are looking to add additional flow of two (2) more bedrooms for a total of five (5) bedrooms from the existing three (3) bedrooms that they have now. They are asking for an increase in square footage, which means that they would be staying in the same footprint, but going up to the second floor. The existing three (3) bedroom

system without the I/A is 7.6 ppm, and if they increase to a five (5) bedroom system they can get it down to 6.1 ppm, so they are asking for a variance of 1.1 ppm.

Motion: Move to approve the variance application for 49 Nobscussett Road, Dennis as printed in the memorandum dated July 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.

#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: Duffy Vote: 5-0

G. Louise Hopkins – Variance Application (Addition/Alteration)

311 Paddocks Path, Dennis (310-39) – EAS Survey, 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. Variance of 3.95 ppm from the required less than 5 ppm.

Proposal:

The applicant proposes to renovate the existing two-story building by converting office space to habitable space with 3 - one (1) bedroom units. The lot contains 22, 983 square feet of land.

Floor Plans:

The **existing** first floor contains four (4) garage bays and a lobby with ½ bathroom.

The **existing** second floor contains two (2) offices, a finished storage space, two (2) unfinished storage rooms, and a ½ bathroom.

The **existing** mezzanine contains open space and a ½ bathroom.

There will be no changes to the existing first floor.

The **proposed** second floor will contain **2 units** each containing one (1) bedroom, one (1) bathroom, living room, and a kitchen.

The **proposed** mezzanine will contain a studio with kitchen and one (1) bathroom.

Septic System:

The proposed septic system will contain a new 1500-gallon two compartment septic tank with Microfast .5-unit, UV disinfection, and will utilize the existing distribution box and 2 500-gallon drywells with stone that was installed in 2018. The system has been designed for three (3) bedrooms or 352 gallons per day.

Proposed Nitrogen Loading with 3 bedrooms is 8.95 ppm.

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

The conservation commission signed off on the project on June 27, 2023 as “approval not required”.

Niall Hopkins, the homeowner, presented. Mr. Hopkins stated they are looking to add three (3) one-bedroom units. They will upgrade the septic to accommodate the flow and redo the parking.

Motion: Move to approve the variance application for 311 Paddocks Path, Dennis as printed in the memorandum dated July 3, 2023.

Approved with the following conditions:

#1 No garbage disposal.

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

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

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

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

#7 A signed maintenance agreement for the alternative system shall be submitted to the Health Department, prior to the release of the Disposal System Construction Permit. The O & M agreement for the alternative system shall include a requirement for testing. This testing shall be conducted four (4) times per year for TKN, TSS, BOD5, pH, nitrate, and temperature. After two (2) years of operation, the applicant shall return to the Board of Health for review of the alternative septic system.

#8 A signed operation and maintenance agreement for the disinfection unit shall be submitted to the Health Department prior to the release of the Disposal System Construction Permit. The effluent shall be tested for fecal coliform four (4) times per year.

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

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

Motion: Chamberlain

Seconded: Bunce

Vote: 5-0

H. Robert & Jean Mulroy – Variance Application (New Construction)

146 Shore Drive, Dennis (365-2) – Coastal 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 raze and rebuild the existing 2 story, two-family 4-bedroom dwelling with a new 2 story 4-bedroom single dwelling with den and master home office. The lot contains 20, 435 square feet of land.

Floor Plans:

The **existing** first floor contains a front deck, enclosed porch, 2 kitchens, 2 living rooms, 2 bedrooms, 2 bathrooms, a storage room off the front, and a rear deck.

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

The **proposed** first floor of the dwelling will contain a covered front porch, a mudroom, pantry/laundry room, kitchen, dining room, living room, a den/home office with 5' cased opening, a master bedroom with master bathroom and 2 walk-in closets, a powder room, and a garage.

The **proposed** second floor will contain a family room, three (3) bedrooms, two (2) bathrooms, and a home office with a 5' cased opening. There is also a deck off the side.

Septic System:

The septic system will consist of a 1500-gallon two compartment septic tank with Microfast .5-unit, UV disinfection, distribution box, and 4 - 500-gallon leaching chambers with stone. The system has been designed for four (4) bedrooms.

Existing Nitrogen Loading is 16.63 ppm

Proposed Nitrogen Loading is 8.38 ppm.

The property is environmentally sensitive as it directly abuts Cape Cod Bay.

The conservation commission issued an order of conditions on June 16, 2023 and signed off on the project on June 27, 2023.

Brad Malo, with Coastal Engineering, presented on behalf of the owners. Mr. Malo stated that they are proposing a raise and replacement of the existing 2-family dwelling that was originally designed for a septic system with five (5) bedrooms although a recent septic inspection shows the house as four (4) bedrooms. They are proposing replacing the house with a single family dwelling with 4 bedrooms so there is no increase in flow. An I/A System is proposed with UV Disinfection, and they provide all dimensional requirements of the septic. It is approximately 138-feet from the top of the coastal bank which is the closest resource area.

Motion: Move to approve the variance application for 146 Shore Drive, Dennis as printed in the memorandum dated July 7, 2023.

Approved with the following conditions:

#1 No garbage disposal.

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

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

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

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

#7 A signed maintenance agreement for the alternative system shall be submitted to the Health Department, prior to the release of the Disposal System Construction Permit. The O & M agreement for the alternative system shall include a requirement for testing. This testing shall be conducted four (4) times per year for TKN, TSS, BOD5, pH, nitrate, and temperature. After two (2) years of operation, the applicant shall return to the Board of Health for review of the alternative septic system.

#8 A signed operation and maintenance agreement for the disinfection unit shall be submitted to the Health Department prior to the release of the Disposal System Construction Permit. The effluent shall be tested for fecal coliform four (4) times per year.

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

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

Motion: McCormick

Seconded: Bunce

Vote: 5-0

I. Sean & Jamie Kilmain – Variance Application (Addition/Alteration)
14 Strawberry Lane, East Dennis (314-40) – 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 finish space over the garage creating an office as well as a first-floor addition of a laundry room/mudroom off the rear of the existing two story four (4) bedroom dwelling. The lot contains 21,144 square feet of land.

Floor Plans:

The **existing** first floor contains a front foyer, dining room, kitchen, living room, laundry room, powder room, master bedroom with master bathroom and walk in closet, and a garage.

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

The **existing** basement is unfinished.

The **proposed** first floor of the dwelling will contain a new laundry room/mudroom with ½ bathroom off the rear of the dwelling. There are no other proposed changes to the first floor.

The **proposed** second floor will contain a new office space over the existing garage. No other changes are proposed to the second floor.

The **proposed** basement will remain unfinished.

Septic System:

The applicant proposes to utilize the existing system that was installed in 2001 and consists of a 2000-gallon septic tank, distribution box, and 3 500-gallon leaching chambers with stone. The system was designed for 4 bedrooms and does not contain I/A technology.

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

Existing/Proposed Nitrogen Loading is 10.08 ppm.

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

The conservation commission signed off on the project on June 20, 2023 as “approval not required”.

Previous Variance History

On January 13, 2000 the Board approved (3-0) a Nitrogen Aggregation Loading Plan for an open space subdivision with 15 building lots and one open space lot on Strawberry Lane, ED with the following condition.

1. Water saving devices shall be installed and verified by the Dennis Plumbing Inspector for each new residence.

Each lot the makes up the Facility Land shall be restricted to four (4) bedrooms each.

On August 22, 2000, the Board approved the following variance.

Reg.9.0: Foundation to be less than 2' above the road- variance of 2.3' granted.

Condition: No further addition of habitable space to the dwelling.

John O'Reilly, with J.M. O'Reilly & Associates, presented on behalf of the owners. Mr. O'Reilly stated the parcel is within a Zone II and an ESA and they are looking to increase the habitable space. It was part of an open-space cluster subdivision and the lot has 21,000-square-feet, but the number of lots and the size of the lots was based off of a 40,000-square-foot minimum. Nitrogen calculations are provided for the existing loading based on the 21,000-square-feet, as well as the 40,000-square-feet.

Mr. Bunce clarified that there is a nitrogen aggregation plan in place with Health Director Keller.

Motion: Move to approve the variance application for 14 Strawberry Lane, East Dennis as printed in the memorandum dated July 5, 2023.

Approved with the following conditions:

#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 Vote: 5-0

J. Michael Graziosi – Variance Application (Addition/Alteration)
52 Center Street, East Dennis (398-4) – J.M. O'Reilly & Associates, Inc.

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

Title 5

15.211: Variance of 62' requested from the 100' required between the SAS and the isolated wetland.

15.248: Variance for no reserve provided.

Town of Dennis

Reg. 9.0: Variance of 62' requested from the 100' required between the SAS and the isolated wetland.

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

Proposal:

The applicant proposes to raze and rebuild the existing two story four (4) bedroom dwelling with a new two story four (4) bedroom dwelling. The lot contains 22,460 square feet of land.

Floor Plans:

The **existing** first floor contains a mudroom, kitchen, eating area, living room, laundry, two (2) bedrooms, and two (2) bathrooms. There is also a garage.

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

The **proposed** first floor will contain a mudroom, powder room, laundry, living room, kitchen with eating area and pantry, a master bedroom with master bathroom and walk in closet, a screened room, and a two-car garage. There is also an open deck off the kitchen area.

The **proposed** second floor will contain three (3) bedrooms, an office nook, and two (2) bathrooms.

The proposed basement will contain a TV area, a home gym, utility room, and storage room.

Septic System:

The septic system will consist of a new Microfast .5 septic tank, new distribution box, and utilize the existing soil absorption system that was installed in 1988 and consists of 4 flow diffusers with 3' of stone. The SAS lies 38.5' from the edge of the wetland. The system was designed for four (4) bedrooms.

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

Existing Nitrogen loading is 21.36 ppm.
Proposed Nitrogen Loading is 11.54 ppm.

The property is considered Environmentally Sensitive due to the proximity to a wetland.

Conservation sign-off was received on 6/20/2023 with an Order of Conditions issued on 6/16/2023.

John O'Reilly, with J.M. O'Reilly & Associates, presented on behalf of the owners. Mr. O'Reilly stated that the property is a tear-down and rebuild of an existing four (4) bedroom home on the parcel. They are currently using a conventional Title 5 Septic System that was installed in the late 1980s. The applicant would like to tear down the house and replace it with a new footprint of a four (4) bedroom house. They have received Conservation approval and there is a small isolated wetland in the northwest corner which makes the lot an ESA. After doing multiple tests at the site they could not find suitable soil, especially on the south side of the home near Center Street. After speaking with the Director, they did an inspection of the existing leaching, which was installed over a bed of naturally occurring sand, and are going to use the existing leaching, enhancing the follow by utilizing a Fast 0.5 Unit for reduction of nitrogen.

Mr. O'Reilly stated with the usage of the existing leaching facility, they are 38.5 feet off the isolated vegetated wetlands. The wetland is perched and they did not find groundwater close to the surface and did borings on the southside of the house and were able to find groundwater 20-feet down or at elevation 12.1. They normally like to have the leaching facilities outside of the buffer zones, but they do not have any suitable soil.

Motion: Move to approve the variance application for 52 Center Street, East Dennis as printed in the memorandum dated July 6, 2023.

Approved with the following conditions:

- #1 No garbage disposal.
- #2 Water-saving devices shall be installed and verified by the Health Department.
- #3 No alteration of the floor plan to the dwelling without further review by the Board of Health.
- #5 Record variances and conditions at the Registry of Deeds to run with the property with a copy to the Health Department.
- #6 The design engineer shall submit a certified as-built plan, with elevations, to the Health Department.
- #7 A signed maintenance agreement for the alternative system shall be submitted to the Health Department, prior to the release of the Disposal System Construction Permit. The O & M agreement for the alternative system shall include a requirement for testing. This testing shall be conducted four (4) times per year for TKN, TSS, BOD5, pH, nitrate, and temperature. After two (2) years of operation, the applicant shall return to the Board of Health for review of the alternative septic system.
- #9 A time-run meter shall be installed and hard-wired into the main electrical panel.

Motion: Bunce Seconded: Chamberlain Vote: 5-0

K. Stephanie Haig – Application for variance from Town of Dennis Regulations, Section III, Reg. 3.2 a & Reg. 3.2 b: Minimum Lot Size to Construct a Chicken Coop
154 Mayfair Road, South Dennis (184-33)

The applicant seeks a 3,012 square foot variance from the Town of Dennis Animal Regulations:

Section 3 Reg 3.2a: Minimum Lot Size:

- a. "No animal shelter shall be located on any lot having less than twenty thousand square feet (20,000) of area, unless a variance is granted by the Board of Health. The Board of Health shall reserve the right to review the health conditions on any proposed or existing site where animals have been proposed to be kept."

Proposal:

The applicant owns the property at 154 Mayfair Road, which is a 16,988 square-foot lot. The applicant desires to keep 6 chickens on the property.

The applicant reached out to Animal Control Officer Lori Miranda the week of June 19, 2023, informing her that they wanted to get chickens. She reported that the plan for the coop set up looked fine, but there was not enough square footage on the lot. She then explained to them that a variance would be required from the Board of Health.

Stephanie Haig, the property owner, presented. Ms. Haig stated that she is asking for approval to keep chickens and to build a chicken coop.

Mr. Bunce received clarification from the Health Director that they heard nothing from the abutters, but the Animal Control Officer was doing an inspection of the site the day following the meeting. At the time of the meeting, there had not been an inspection of the site or the coop to date. He added that they should probably wait to decide on the matter until they hear back from the Animal Control Officer.

Mr. Covell stated that they can approve it pending the cleared inspection, but Vice Chairman Bunce and Mrs. Chamberlain stated that they both would like to hear from the Animal Control Officer first.

Motion: Move to continue the variance application for 154 Mayfair Road, South Dennis as printed in the memorandum dated July 6, 2023 to the August 10, 2023 meeting.

Continued

Motion: Bunce Seconded: Duffy Vote: 5-0

L. Harry & Melinda Baum – Show cause hearing for noncompliance with an order to correct violations of the Town of Dennis Housing Space and Use Bylaw: Renting Without a Permit
5 Ronda Lane, Dennis (309-10)

Renting Without A Permit

Multiple letters sent to owner, by the Health Department Office Staff, reminding them to renew their rental permit. First (1st) letter was sent out on May 3, 2023. Certified letter was returned on May 10, 2023, however regular mail not returned. Second (2nd) letter sent out on May 31, 2023. Certified letter was returned, however regular mailed letter was not returned. A third (3rd) certified letter was sent out on June 23, 2023 letting owner know to appear in front of the Dennis Board of Health.

The Dennis Health Department office sent out reminder emails on:

11/1/2022, 11/29/2022, 12/28/2022, 1/31/2023, 2/23/2023, 3/3/2023, 3/8/2023, and 3/15/2023, to the email address previously provided by the property owner.

At this time no communication has been made or application filled out.

No individual was present to speak on behalf of the owners.

Mr. Bunce stated that the Dennis Health Department has sent out two (2) certified letters and a third certified letter on June 23rd letting the owner know to appear before the Dennis Board of Health. Additionally, the Department has sent out eight (8) emails from November 1, 2022 to March 2023. Due to the fact that the Department is being ignored he suggested that they should move the matter to court.

Motion: Move to file an application for criminal complaint with the Orleans District Court for noncompliance at 154 Mayfair Road, South Dennis per memorandum dated July 5, 2023.

Moved to court

Motion: Bunce Seconded: Duffy Vote: 5-0

M. Sheila Burke – Show cause hearing for noncompliance with an order to correct violations of the Town of Dennis Housing Space and Use Bylaw: Renting Without a Permit
35 Arborway, Dennisport (38-184)

Update:

On July 5, 2023 the property owner renewed their Rental Occupancy Permit and is now in compliance with the Health Department.

Mr. Bunce moved to remove from agenda; rental property is current with rental license.

Motion: Move to remove the matter at 35 Arborway, Dennisport as printed in the memorandum dated July 6, 2023 from the agenda.

Removed from agenda

Motion: Bunce Seconded: Chamberlain Vote: 5-0

N. Craig & Nicole Whitten and Roger Dupuis – Show cause hearing for noncompliance with Town of Dennis Fuel Storage Regulations: Failure to Replace or Remove Above Ground Fuel Storage Tank
58 Mayfair Road, South Dennis (171-63)

On February 15, 2023 the Dennis 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 seller of the property on February 15, 2023 as well as the buyer of the property. The closing date listed on the form was February 15, 2023. The exemption was granted until May 16, 2023.

UPDATE:

On July 7, 2023 Deputy Fire Chief Tony Kent confirmed there is a Double Walled Storage Tank at the property. Fuel Storage Regulations: 2.3:(b) Above Ground Heating Fuel Oil Storage Tanks:

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

Department. Enforcement and permitting shall be conducted by the Fire Department in conjunction with the Chapter 148 – 26 F inspections.

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

Mrs. Keller stated that there is an update that the Deputy Fire Chief Tony Kent has confirmed that there is a double-walled fuel storage tank on the property.

Motion: Move to remove the matter at 58 Mayfair Road, South Dennis as printed in the memorandum dated July 7, 2023 from the agenda.

Removed from agenda

Motion: Duffy Seconded: Bunce Vote: 5-0

II. AGENDA ITEMS

1. James & Kimberly Madigan – Request to reduce testing & service requirements for Wastewater Treatment System

7 Prospect Street, East Dennis (390-7)

MicroFAST and Ultraviolet start up for the above referenced property was completed on June 2, 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 Stated:

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
12/08/2020	22.84	6.5	19.5
02/22/2021	7.87	13.3	234
05/13/2021	32.12	4.5	30
10/21/2021	25.98	12	26

02/09/2022	13.86	NR	NR
05/19/2022	21.39	7.6	20
01/12/2023	5.15	5	21

Kimberly Madigan, the homeowner, presented. Mrs. Madigan stated that she has done testing for two (2) years and that all the numbers are good.

Mrs. Chamberlain stated that they have not been doing the testing that was ordered, that they were supposed to be testing four (4) times a year and that the tests do not reflect that. Vice Chairman Bunce agreed that the tests show at most three (3) times a year.

Mrs. Madigan offered to bring up the sheets that she had from the testing company. She also stated that there was a problem in the beginning and that the installers never brought the covers up to code and that they had to put in a FAST system with Robert Childs and the pump was never put in, so a year after the initial installation the pump failed and had to be replaced. She lives on Cape Cod from May to October.

Mrs. Keller added that the May 3, 2023 reading has a parts-per-million under 10.

Mrs. Chamberlain stated that she had no problem reducing the testing to twice per year on a seasonal schedule with the requirement that they do one more test in October 2023. In the future twice-a-year testing dates would be approved, once in May or June and once in October or late September, before the house is closed for the season.

Motion: Move to approve the request to reduce testing requirements for Wastewater Treatment System at 7 Prospect Street, East Dennis, as printed in the memorandum dated July 6, 2023, to twice per calendar year, once in May or June and once in September or October.

Approved

Motion: Chamberlain Seconded: Bunce Vote: 5-0

2. Barbara Divitto – Request to reduce testing & service requirements for Wastewater Treatment System
24 Dr Bottero Road, Dennis (322-3)

Recirculating Sand Filter Final Inspection conducted on September 9, 2004.

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

The State approval for this system is for General Use

General Use Letter Stated:

Section IVB(ii)(b): For systems in use seasonally, where the facility is occupied fewer than six months: after two seasons of monitoring and at written request of the system owner, the local approving authority may reduce the inspection and monitoring requirements for residential system to annual inspections.

County Records:

Date	TN <19	BOD5 <30	TSS <30
11/04/2015	45.24	66	22
11/21/2016	64.1	23	12
06/22/2017	50.6	18	15
06/22/2018	47.1	66	340

10/17/2018	52.7	34	11
08/22/2019	28.92	8	10
10/14/2019	52.8	18	130
07/20/2020	41.5	58	36
10/19/2020	55.65	19	6.3
06/25/2021	39.2	32	5.3
10/21/2021	72	42	15
10/04/2022	79.6	34	16
10/31/2022	83.66	22	13

Barbara Divitto & Chris Alt, the homeowners, presented. Ms. Divitto stated the home is currently being tested twice a year in June and September. The home is seasonal and the tests do not reflect the usage of the home. She is seeking to reduce testing to once a year

Mr. Bunce stated the testing in November from 2015-2018 and October 2018, October 2020, October 2021 and October 2022, numbers are unacceptable. He stated the system is not functioning properly.

The Board reiterated to the owners that the system is not functioning properly and should be looked at by the manufacturer.

Mr. Alt stated they were under the impression everything was working perfectly.

Motion: Move to deny the request to reduce testing & service requirements for Wastewater Treatment System at 24 Dr Bottero Road, Dennis, as printed in the memorandum dated July 3, 2023.

Denied with the following conditions:

The system be inspected by a wastewater company and the report sent to the Health Director and testing continue for two (2) times per calendar year for the next two (2) years, before a request for reduction in testing & service requirements could be applied for again.

Motion: Duffy Seconded: Bunce Vote: 5-0

3. Bridgeway Property Group LLC – Review proposed modifications to floor plan, in accordance with the Board of Health variance condition

1 Canning Terrace, Dennisport (102-23)

Proposal:

The applicant is proposing to modify floor plans previously approved by the Board at the May 13, 2021 meeting.

Approved Floor Plans:

The **previously approved** first floor of the dwelling consisted of a living room, kitchen, dining room, mudroom/laundry area, two (2) bedrooms and two (2) bathrooms. There is also a proposed front porch and a rear deck.

The **previously approved** second floor consisted of a master bedroom with master bathroom and closet space, a study/library and a sitting area.

Proposed Floor Plans:

The **proposed** first floor will contain a covered front porch, powder room, mudroom, living room, kitchen/dining area, a study/library with 5' cased opening, one (1) bedroom and one (1) bathroom, and a rear deck.

The **proposed** second floor will contain a sitting area, utility room, two (2) bedrooms, and two (2) bathrooms

Septic System:

The septic system will consist of a 1500-gallon septic tank with a Microfast 0.5-unit, ultraviolet disinfection, a distribution box, and two, 2'x36' pipe and stone leaching trenches. The system has been designed for three (3) bedrooms.

Nitrogen Loading for 2 bedrooms is 14.6 ppm

Nitrogen Loading for 3 bedrooms is 9.9 ppm.

The property is considered Environmentally Sensitive due to the wetlands on the property as well as ground water is < 6' below grade.

Conservation sign-off was received on April 9, 2021 with an Order of Conditions issued on April 2, 2021.

Laura Barzola, with Labarz Engineering, presented on behalf of her parents, the homeowners. Ms. Barzola stated she is seeking approval of modification to floor plans that were approved by the Board. The floor plan is going to flip-flop; on the first floor will be an office and master bedroom and on the second there will be two (2) bedrooms. One the approved plan, the master and office were located upstairs and the two (2) bedrooms were on the first floor.

Mr. Bunce stated he had no problem, as the number of bedrooms were staying the same

Motion: Move to approve the modification of floor plans 1 Canning Terrace, Dennisport, for the previously approved variance approved on May 31, 2021, as printed in the memorandum dated July 6, 2023.

Approved

Motion: Bunce Seconded: Duffy Vote: 5-0

III. MINUTES

1. Regular Meeting of June 8, 2023

Motion: Move to approve the minutes from the June 8, 2023 Board of Health meeting with the following correction, add the appropriate date on page 9, 7 lines up from the bottom, "order of conditions issued on XXXX."

Approved

Motion: Bunce Seconded: Duffy Abstained: McCormick Vote: 4-0

IV. EXECUTIVE SESSION

1. ENTER INTO EXECUTIVE SESSION:

Pursuant to M.G.L. c. 30A, §21(a), Reason 3, "To discuss strategy with respect to collective bargaining or litigation if an open meeting may have detrimental effect on the bargaining or litigating position of the public body and the chair so declares."

Great Western Sand & Gravel, 141 Great Western Road, South Dennis (131-6)

Chairman Paul Covell, called to close the Public Session and transition into Executive Session.

Motion: Move to adjourn Public Session and transition into Executive Session at 7:55 p.m.

Approved

Motion: Bunce Second: Duffy Vote: 5-0

V. ADJOURNMENT

Motion: Move to adjourn at 8:15 p.m.

Approved

Motion: Chamberlain Seconded: Duffy Vote: 5-0