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October 13, 2023 @ 12:52 p.m.



Town of Dennis
Board of Health
Minutes of Meeting
September 14, 2023

Kristen Keller,
Health Director

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

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

Board Members Absent:

Other Attendees: Director Kristen Keller, Office Assistant Kellie Dionne

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

I. ACTION

A. Review and Vote to approve the C.A.P.E. Public Health Collaborative Inter-Municipal Agreement (IMA) for the Public Health Excellence for Shared Services Grant.

In August of 2022, the Board supported the Health Departments participation with Barnstable County Health and Environment for the shared services Public Health Excellence Grant.

Through MDPH; Barnstable County Health and Environment received a Public Health Excellence Grant for cross jurisdictional sharing or shared services.

The purpose behind the grant funding is to improve compliance with statutory mandates by pooling resources, sharing staff, expertise finds and programs and to provide a more comprehensive and equitable set of public health services.

An Agent from the Health Department will sit on the Governance Board and meet regularly with representatives from each other Town participating to make decisions regarding cross-jurisdictional policies, operations and finances.

At this time, I respectfully request the support of the Board of Health to approve the C.A.P.E. Public Health Collaborative Inter-Municipal Agreement (IMA) for the Public Health Excellence for Shared Services Grant.

Health Director, Kristen Keller, spoke on behalf of the Public Health Collaborative Agreement.

Mrs. Keller stated that in August 2022, the Board of Health supported the Health Department's participation in the Barnstable County Health and Environment for the Shared Services Public Health Excellence Grant. Through the Mass Department of Public Health, Barnstable County Health and Environment received this grant for cross jurisdictional or shared services. The purpose behind the grant funding is to improve compliance by pooling resources, sharing staff, expertise, fines and programs to provide a more comprehensive and equitable set of public health services. An agent from the Health Department will sit on the governance board and meet regularly with representatives from each town participating and make decisions regarding cross jurisdictional policies, operations, and finances. There will also be an alternate backup from the Health Department to sit in Health Director Keller's

place if she is unavailable. They are requesting the support of the Board of Health to approve the Cape Public Health Collaborative Intermunicipal Agreement for the Public Health Excellence for Shared Services Grant.

Mr. Duffy questioned how many towns are participating.

Mrs. Keller responded that thirteen (13) out of the fifteen (15) towns are participating.

Mr. Bunce asked who the alternate would be.

Mrs. Keller responded that Health Agent, David Coakley, would be the alternate.

Motion: Move to approve the C.A.P.E. Public Health Collaborative Inter-Municipal Agreement (IMA) for the Public Health Excellence for Shared Services Grant, appointing Director Kristen Keller as the agent and Health Agent David Coakley as the alternate.

Motion: Bunce Seconded: Chamberlain Vote: 5-0

B. Barbara Scanlon – Variance Application (New Construction) *(Continued from August 10, 2023 meeting)*
41 Uncle Stephens Road, West Dennis (13-20) – Down Cape Engineering, Inc.

Update:

At the August 10, 2023 Board of Health hearing, the project engineer requested to continue the matter until the September 14, 2023 meeting date. The Board voted (5-0) to continue to the September meeting date.

July 13, 2023 Meeting:

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

Town of Dennis

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

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

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

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

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

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

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

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

Proposal:

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

Floor Plans:

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

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

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

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

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

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

Septic System:

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

Existing Nitrogen Loading with 5 bedrooms – 17.79 ppm

Proposed Nitrogen Loading with 3 bedrooms – 7.63 ppm.

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

No one was in attendance to present on behalf of the property.

Mrs. Keller said a request was received to continue the matter to the December 2023 meeting due to a DEP matter.

Chairman Covell stated that the property offered to withdraw the variance application, but that he thought that would be unfair to the applicant to make them apply a second time and asked for a motion to postpone to the December meeting when the applicant was proposing to have everything with Conservation and DEP handled.

Motion: Move to continue the variance request for 41 Uncle Stephens Road, West Dennis as printed in the memorandum dated September 5, 2023 to the December 14, 2023 meeting.

Continued

Motion: Chamberlain

Seconded: Duffy

Vote: 5-0

C. Danielle Shinnick – Variance Application (Addition/Alteration)

34 Stafford Circle, Dennisport (102-69) – Down Cape Engineering, Inc.

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

Town of Dennis

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

Proposal:

The applicant proposes interior renovations as well as to raise the existing single story three (3) bedroom dwelling onto a new flood compliant foundation. The lot contains 8,069 square feet of land.

Floor Plans:

The **existing** dwelling contains a front porch, living room, dining room, kitchen, laundry, three (3) bedrooms, one (1) bathroom, a family room and a deck off the rear.

The **proposed** dwelling will contain a front porch, an open kitchen/dining room and living room, three (3) bedrooms, two (2) bathrooms, and a deck off the rear.

Septic System:

The applicant proposes to utilize the existing system that was installed in 1994 and consists of a 1000-gallon septic tank, 600-gallon pump chamber, distribution box, and 2 flow diffusors with stone. The system was designed for 3 bedrooms.

The system was last inspected by a Title 5 system inspector in July 2015. The system passed inspection at that time.

Existing Nitrogen Loading is 15.44 ppm.

Proposed Nitrogen Loading is 15.54 ppm.

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

The conservation commission signed off on the project on August 11, 2023 with a determination of applicability issued on August 4, 2023.

PREVIOUS VARIANCES: 10/13/1994

15.03(07) – variance granted for installation of 6 mil poly (retaining wall) in lieu of slope breakout requirements.

15.14(08)- No reserve area provided.

Reg 9.0 – variance of 2' granted from leaching facility to property line.

Reg 9.0 – variance of 10' granted from leaching facility to foundation.

Reg 8(D) – 1 - variance granted to allow monitored water table elevation in lieu of water table adjustment.

The variances were granted with the following condition.

- 1. The exposed retaining wall shall have a soil, vegetative, or textured covering.**

Danny Gonzales, with Down Cape Engineering, presented on behalf of the property owners. He noted that they would like to restore the house after a fire. They are located in an ESA due to groundwater within 6-feet of the grade and while restoring the house they would lift it up out of the flood zone to meet the flood zone compliance standards.

They are requesting no increase in bedrooms or habitable space, but an alteration of habitable space in an ESA.

Mrs. Chamberlain stated that the most recent Title 5 Inspection was in 2015 and that she would like to see it inspected.

Motion: Move to approve the variance application for 34 Stafford Circle, Dennisport as printed in the memorandum dated September 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.

#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

D. Eleanor Colarossi – Variance Application (Failed System)

27 Barnard Road, Dennisport (52-72) – Geo-Cape Environmental Consultants

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(1)(g): Variance of 1' requested from the 25' required between the septic tank and the coastal bank.

15.405(1)(g): Variance of 5' requested from the 25' required between the pump chamber and the coastal bank.

15.405(1)(g): Variance of 2'3" requested from the 20' required between the SAS and the cellar wall.

15.405(1)(g): Variance of 15' requested from the 50' required between the SAS and the coastal bank.

15.405(1)(a): Variance of 5' requested from the 10' required between the SAS and the property line.

15.405(1)(h): Variance of 1' requested from the 5' required between the SAS and high groundwater.

15.405(1)(i): Variance to allow a sieve analysis in lieu of a perc test.

Town of Dennis

Reg.9.0: Variance of 2'3" requested from the 20' required between the SAS and the cellar wall.

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

Reg.9.0: Variance of 1' requested from the 5' required between the SAS and high groundwater.

Reg.15: Variance for no reserve area.

Proposal:

The applicant is proposing to upgrade the existing failed septic system serving the three (3) bedroom plus a den dwelling at this address. The property contains 23,701 square feet of land.

Floor Plans:

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

Septic System:

The **existing septic system** consists of a 1000-gallon septic tank and a 6' x 4' leaching pit with stone.

The **proposed septic system** will contain a 1500-gallon Microfast .5 septic tank, 1000-gallon pump chamber, UV disinfection, distribution box, and three (3) 500 gallon leaching chambers with stone. The system has been designed for three (3) bedrooms or 342 gallons per day.

Proposed Nitrogen Loading is 2.43 ppm.

The property is Environmentally Sensitive as there are wetlands on the property as well as groundwater within 6' of the surface.

Conservation sign-off was received on 8/16/2023 with an Order of Conditions issued on 8/4/2023.

Glen Harrington, with Geo-Cape Environmental Consultants, presented on behalf of the property owners. He noted that the property owners had a voluntary septic inspection that failed, so they need a new system. The property abuts the Swan Pond River and marshes that are associated with it. They have received conservation approval.

The existing system is a 1000-gallon tank with a leach-pit that would be removed. The proposed system is a 1500-gallon tank to a 1000-gallon pump-chamber with UV disinfection to a leaching facility of three (3) 500-gallon chambers.

There are eight (8) variances associated with this request due to the small property and resource areas and a 1-foot drop to ground water.

Mrs. McCormick asked if the system would be mounded.

Mr. Harrington stated that it would not be and it is within grade.

Motion: Move to approve the variance application for 27 Barnard Road, Dennisport as printed in the memorandum dated September 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: McCormick

Seconded: Bunce

Vote: 5-0

E. Bruce Johnson & Denise Rouleau – Variance Application (Addition/Alteration)
59 Indian Pond Road, West Dennis (67-34)

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 renovations to the existing 5-bedroom dwelling which will result in a decrease to 4 bedrooms. The lot contains 35,980 square feet of land.

Floor Plans:

The **existing** dwelling contains five (5) bedrooms, two (2) bathrooms, a living room, kitchen, and a pantry with laundry room.

The **proposed** dwelling will contain four (4) bedrooms, two (2) bathrooms, an expanded living room, expanded kitchen, and a pantry with laundry room.

Septic System:

The applicant proposes to utilize the existing system that was installed in 2007 and consists of a 1500-gallon septic tank, a 1000-gallon septic tank, distribution box, and 5 rows of Cultec Chambers. The system was designed for 5 bedrooms and does not contain I/A technology.

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

Existing Nitrogen Loading is 8.01ppm.
Proposed Nitrogen Loading 6.80 ppm.

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

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

Bruce Johnson, as a part-owner of the property, presented on behalf of the property. He noted that they have extended their renovation and there is a small corner of the lot that is in a lower-lying area. The renovation is of their kitchen, a small bump-out of an existing foundation, and the removal of a bedroom that will be converted into a half bathroom and a laundry room.

Motion: Move to approve the variance application for 59 Indian Pond Road, West Dennis as printed in the memorandum dated September 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.
- #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: Duffy

Vote: 5-0

F. Gregory & Shauna Dobek – Variance Application (Addition/Alteration)
51 Barry Lane, South Dennis (187-16) – R.A. Campbell Enterprises, 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 interior renovations as well as to create finished space in the basement of the existing single story four (4) bedroom dwelling. The lot contains 12,197 square feet of land.

Floor Plans:

The **existing** dwelling contains four (4) bedrooms, two (2) bathrooms, a living room, and a kitchen. The **existing** basement is unfinished.

The **proposed** first floor of the dwelling will contain three (3) bedrooms, three (3) bathrooms, a kitchen, and a living room.

The **proposed** basement will contain open finished space.

Septic System:

The applicant proposes to utilize the existing system that was installed in 2013 and consists of a 2000-gallon septic tank, distribution box, and 24 high capacity infiltrators. The system was designed for four (4) bedrooms and does not contain I/A technology.

Existing Nitrogen Loading with 4 bedrooms is 13.51 ppm.

Proposed Nitrogen Loading with 3 bedrooms is 11.35 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:

10/4/2013 – Variance of 5’ granted from the SAS to the property line,

Variance of 9’ granted from the SAS to the bulkhead.

Variance of 3’ granted from the SAS to the slab foundation.

Variance of 3’ granted from the septic tank to the property line.

Conditions placed –

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

Ryan Campbell, with R.A. Campbell Enterprises, presented on behalf of the property owners. He noted that they would like to finish the basement on the property and put in an office. They would do some alterations on the first floor, including renovating bathrooms, and removing a bedroom to make a master suite.

Mrs. Chamberlain would like to see a current inspection report of the system.

Motion: Move to approve the variance application for 51 Barry Lane, South Dennis as printed in the memorandum dated September 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: Chamberlain Vote: 5-0

G. Aran & Julianne Bride – Variance Application (Addition/Alteration)
70 Lawrence Road, Dennisport (53-138) – AJM Site Design, LLC

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

Town of Dennis

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

Proposal:

The applicant proposes an addition to the existing single story three (3) bedroom dwelling. The lot contains 20,020 square feet of land.

Floor Plans:

The **existing** first floor contains a living room, dining room/kitchen, three (3) bedrooms, one (1) bathroom, and a side porch. There is also a deck off the rear.

The **proposed** first floor of the dwelling will contain a family room, an open kitchen/dining room, a master bedroom with master bathroom and walk in closet, laundry room, two (2) additional bedrooms, one (1) additional bathroom, an office with 5' cased opening, a side porch, and a deck off the rear.

Septic System:

The applicant proposes to utilize the existing system that was installed in 2007 and consists of a 1000-gallon septic tank, 1500-gallon septic tank, 1000-gallon pump chamber, distribution box, and 5 high capacity infiltrators with stone. The system was designed for three (3) bedrooms and does not contain I/A technology.

Existing Nitrogen Loading is 10.47 ppm.

Proposed Nitrogen Loading is 9.97 ppm.

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

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

Asa Mintz, with AJM Site Design, presented on behalf of the property owners. He noted that the owners would like to do an addition on their home. They have a half-acre lot that is located in an ESA with a low spot on the property that is within 6-feet of groundwater. They would like to add a 19'x40' addition to the left side of the house that would include the master bedroom and an office that would have a 5.4' cased opening. It is an existing three (3) bedroom and there is no increase in bedrooms with a septic system installed in 2006 that is Title 5 compliant. There are no other resource areas on the property and they are outside of the flood zone. Mrs. McCormick requested that a Title 5 inspection be done.

Motion: Move to approve the variance application for 70 Lawrence Road, Dennisport as printed in the memorandum dated September 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.

#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: Duffy

Vote: 5-0

H. Kenneth & Dolores Bandera – Variance Application (Addition/Alteration)

53 Holiday Lane, Dennisport (37-3) – AJM Site Design, LLC

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

Town of Dennis

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

Proposal:

The applicant proposes interior renovations as well as the addition of a living room to the existing three (3) bedroom dwelling. The lot contains 11,366 square feet of land.

Floor Plans:

The **existing** dwelling contains three (3) bedrooms, one (1) bathroom, a kitchen, and a living room. There is also a deck off the rear.

The **proposed** dwelling will contain three (3) bedrooms, two (2) bathrooms, an open kitchen/dining room, and a new living room. There is also a deck off the side.

Septic System:

The septic system will contain a 1500-gallon septic tank, 1000-gallon pump chamber, and a 37.5' x 12' pipe and stone leach field. The system has been designed for three (3) bedrooms and does not contain I/A technology.

Existing Nitrogen Loading is 12.51 ppm.

Proposed Nitrogen Loading is 12.38 ppm.

The property is environmentally sensitive as high groundwater is less than 6' from the surface.

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

Asa Mintz, with AJM Site Design, presented on behalf of the property owners. He noted that the owners would like to do an addition on the house to primarily increase the living room size and re-orient the rooms to add a bathroom and some closets. The existing house is a three (3) bedroom and the proposed floor plan is a three (3) bedroom in an ESA. This property has an existing cesspool that will be removed and replaced with a pump system to a pressure distribution leach field that is fully compliant with setbacks. It has a 5-foot separation to groundwater and stays below grade. There may be a small bump, but it would be negligible. There are no other resource areas on the property and it is outside of the flood zone.

Mrs. Chamberlain asked when the system was installed.

Mr. Mintz stated that it is a new system. They would remove the old cesspool and install a new septic system.

Motion: Move to approve the variance application for 53 Holiday Lane, Dennisport as printed in the memorandum dated September 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.
- #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: Duffy

Vote: 5-0

I. Michael & Pamela Lewis – Variance Application (Failed System)
35 Lone Tree Road, Dennisport (70-12) – EAS Survey, Inc.

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

Town of Dennis

Reg.9.0: Variance of 43' requested from the required 100' setback between the soil absorption system and the coastal bank.

Proposal:

The applicant proposes to upgrade the failed septic system for the existing one (1) bedroom dwelling. The lot contains 8,556 square feet of land.

Floor Plans:

The dwelling contains two (2) open rooms and one (1) bathroom.

Septic System:

The septic system will consist of a 1500-gallon septic tank, distribution box, and two (2) 500-gallon leaching chambers with stone. The system has been designed for the minimum 330 gallons per day and does not contain I/A technology.

Existing/Proposed Nitrogen Loading for 1 bedroom is 8.08 ppm.

The property is environmentally sensitive as there are wetlands/coastal dune within 100' of the property.

PREVIOUS HISTORY:

A Title 5 system inspection conducted April 3, 2012 revealed the cesspool had failed. The property owner was ordered to upgrade the system within 2 years.

At the July 10, 2014 meeting, the Board voted to continue the hearing until the January 8, 2015 meeting.

At that meeting the Board voted (4-0) that the property remain unoccupied until the system was brought into compliance with 105 CMR 15.000.

Ed Stone, with EAS Survey, presented on behalf of the owners. He noted that the property had a failed cesspool in 2012 that upon examination three (3) months ago was dry and disconnected. The house has been raised 2-feet with no expansion and is composed of one (1) big bedroom and a bathroom.

A three (3) bedroom gravity system, H10, 1500-gallon tank with H2O d-box and H2O 500-gallon chambers is proposed. The property is located in Zone X for FEMA and has a coastal bank. The state code is 50-feet and the Town of Dennis is 100-feet and there is a 10-foot adjusted water table that is atypical for an ESA. They are proposing a three (3) bedroom system for a one (1) bedroom house with no expansion that has a concrete foundation in place with the house raised and placed back on the foundation.

Mr. Duffy questioned why there was not I/A or UV submitted.

Mr. Stone responded that the lot was atypical and was located 300-feet from the river.

Mr. Duffy said that he believes the location of the property near the river requires I/A and UV.

Mr. Stone stated that they are atypical with a 10-foot water table, 100-feet from the wetlands and that they are 57-feet and 63-feet from the SSA.

Mr. Duffy detailed that Mr. Stone applied for a variance of 43-feet from the 100-foot setback.

Mr. Stone responded that he is over the 50-feet, but within the 100-feet.

Mr. Bunce said that they are looking at 8 ppm on the nitrogen loading so installing I/A for nitrogen reduction might not result in much more reduction in a one (1) bedroom. He added that he would like to see UV added, but that he understands that the Board has previously been strict with properties close to the river. If they decide to not require I/A that they should require UV or some other type of disinfection. They should also deed restrict to one (1) bedroom.

Pamela Lewis, the homeowner, agreed that this was acceptable to the owner.

Mr. Bunce said that there is not enough nitrogen to enforce a nitrogen reducing system.

Mrs. Lewis stated that the home would be seasonal and would be one (1) bedroom with a 1500-gallon tank. The property would only be used four (4) months out of the year and that the nitrogen load that they would put in the tank would not make I/A worthwhile. She has concerns about I/A and not being around the majority of the year and she is hoping to avoid all of the mechanics of an I/A.

Mrs. Chamberlain added that she believes disinfection should be added to the system.

Motion: Move to approve the variance application for 35 Lone Tree Road, Dennisport as printed in the memorandum dated September 5, 2023.

Approved with the following conditions:

A one (1) bedroom deed restriction and the addition of UV or disinfection 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.

#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.

#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: 4-1

J. 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 June 8, 2023 meeting)**
71 Bridge Street, East Dennis (393-12)

UPDATED INFORMATION:

At the June 8, 2023 meeting, the owner informed the Board that he would be converting to solar power. The Board voted to continue the matter for 90 days to the September 14, 2023 meeting.

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

The Dennis Fire Department confirmed that a permit to remove the fuel storage tank has not been issued.

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

The Board voted to continue the matter for 90 days.

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

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

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.

Tia Lilly, the property manager, presented on behalf of the owners as they are out of the country. Mrs. Lilly noted that the owners would like to remove the oil tanks and convert to electric tanks so that the home is powered by electric tanks. The home would be shut down between November and December when the water is drained and nobody is using it and would be back up and running in the spring. The heat would work off the 13 mini-splits throughout the house and the mini-splits stay on regardless.

Mr. Duffy asked when they would remove the fuel tank.

Mrs. Lilly responded that as soon as the last guest leaves in December that they would convert the tank and shut down the house.

Mr. Bunce stated that this has been going on for 14 months and that they want the tank removed. He asked that before the house is opened again in the spring that the tank has to be removed.

Mrs. Lilly agreed and said that the tank will be gone this year and that they will do it properly and inform the Health Department.

Motion: Move to continue the matter for 71 Bridge Street, East Dennis as printed in the memorandum dated September 5, 2023 to the January 11, 2024 meeting.

Continued the following conditions:

By the January meeting date, a permit should be pulled with the Dennis Fire Department, the tank removed and removal inspected by the Dennis Fire Inspector.

Motion: Duffy Seconded: Chamberlain Vote: 5-0

K. Catherine Shepherd - Appeal requested in response to In-House Variance conditions approved August 2, 2023
10 Starboard Way, West Dennis (27-164)

Mr. Mark McGowan, on behalf of the property owner, is appealing a condition of an IHV approval requiring the addition of I/A technology to the existing septic system serving the dwelling at this address, which was installed in 1992. The property contains four (4) bedrooms with 10,744 square feet of land.

The variance application, which was reviewed in-house for the addition/alteration of habitable space was approved on August 2, 2023 with several conditions, including but not limited to the addition of I/A technology to be added to the existing septic system as well as a Title 5 system inspection. This condition was applied in accordance with Town of Dennis Standards of Use for I/A Septic Systems because Nitrogen Loading was at 16.77 ppm. The approved 1992 plan shows high groundwater 4' below the SAS.

Floor Plans:

The **existing** first floor contains a covered porch, living/dining room, kitchen, family room, three (3) bedrooms, three (3) bathrooms, with a sunroom off the rear. There is also a side and rear deck.

The **existing** second floor contains an open master bedroom with office and walk in closet with one (1) bathroom.

The **proposed** first floor will consist of a remodeled expanded kitchen/dining room into the existing sunroom.

Septic System:

The existing system was designed for four (4) bedrooms. It is comprised of a 1000-gallon septic tank, distribution box, and four (4) flow diffusers with stone.

The property is Environmentally Sensitive because it directly abuts Weir Creek and Heron Lagoon.

The conservation commission gave administrative approval on July 7, 2023.

Mark McGowan, with MJM and Associates, presented on behalf of the homeowners. Mr. McGowan requested relief of the condition due to the fact that the renovation that they are looking to do is to just expand the kitchen onto the enclosed porch area. They are not going to change anything about the flow or the exterior and all work is interior based.

Mrs. Chamberlain stated that the system was installed in 1992 with high groundwater 4-feet below the SAS and that the property abuts Weir Creek and Herring Lagoon. She believed that the in-house variance conditions are appropriate.

Mr. Bunce said that he agreed with Mrs. Chamberlain and that the property is on the fingers which is one of the most highly impacted areas in Dennis as far as nitrogen loading is concerned. The Board has been very strict and consistent in that area as far as making people put in I/A and UV. He is of the opinion that he will uphold the Health Department's conditions.

Mr. Duffy added that he also agrees.

Mr. McGowan asked to withdraw his appeal at this time and possibly come back at a later date.

Motion: Move to remove the appeal request for the condition placed on the variance approval at 10 Starboard Way, West Dennis, as stated in the memorandum dated September 5, 2023, from the agenda.

Removed from agenda

Motion: Bunce Seconded: Duffy Vote: 5-0

L. Jason Berglund/6 Riverside LLC and Scott & Robin Downs – Show cause hearing for noncompliance with Town of Dennis Fuel Storage Regulations: Failure to Replace or Remove Above Ground Fuel Storage Tank **6 Riverside Way, West Dennis (8-20)**

UPDATE:

On September 5, 2023, the Health Department was notified by the Dennis Fire Department that a permit for the removal of the above ground fuel storage tank was issued.

On March 30, 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 seller of the property on March 24, 2023 and by the buyer of the property on March 27, 2023. The closing date listed on the form was April 14, 2023. The exemption was granted until July 14, 2023.

On August 7, 2023 notice was sent to both the buyer and the seller of the property to appear before the Board of Health for noncompliance. Records reflect notice to the buyer of the property was received on August 12, 2023, and the seller on August 22, 2023.

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.

Mr. Bunce stated that they have a note from the Dennis Fire Department that a permit for the removal of the above ground heating tank was issued and they can either continue the matter until the fuel tank has been removed or remove it from the agenda.

Mr. Covell replied that they should keep it simple and just continue it.

Mr. Bunce agreed.

Robin Downs, former owner of the property, asked why he was notified of the meeting when the house was sold in April.

Mrs. Keller explained that as the seller of the property had signed a Fuel Storage Exemption that states that the buyer and the seller are responsible for the removal of that tank.

Mr. Downs said that he believed a waiver had been signed.

Mrs. Keller stated that a request for an exemption had been signed and that exemption expired July 14, 2023.

Mr. Downs replied that the house was sold as a petition to partition so the court took over and handled the sale of the property, so he doesn't understand why he is responsible and that the court should be involved if there are any issues or the commissioner that was assigned to the case, Candice Nichols.

Mrs. Keller said that the form holds the buyer and the seller jointly responsible.

Mr. Bunce stated that either way the situation will be taken care of and the permit has been pulled.

Mr. Downs wanted to make sure that the records are updated and that he will not be billed two (2) months from now for something that he is not responsible for.

Mr. Bunce responded that he would not receive a bill from the Board of Health. He added that Mr. Downs was notified because he signed the fuel exemption form with the buyer to remove the tank. As soon as the tank is removed, the matter will go away.

Mr. Downs asked if the Board had any information when the tank would be removed and when the matter would be continued to.

Mr. Bunce replied that it will be continued to the November 2023 meeting – the second Thursday in November.

Motion: Move to continue the matter for 6 Riverside Way, West Dennis as stated in the memorandum dated September 6, 2023 to the November 9, 2023 meeting.

Continued

Motion: Bunce Seconded: Chamberlain Vote: 5-0

M. Casja Jarry – 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
1 Fox Run Circle, East Dennis (312-9)

Updated Information:

On September 7, 2023 the property owner completed an application for a rental occupancy permit. The property is pending an inspection on September 25, 2023.

On July 13, 2023 it was brought to the attention of the Dennis Health Department that the above referenced property was potentially being offered for rent without a valid rental occupancy permit.

Notice was sent to the owner on record to complete an application along with payment within 10 days of receipt of notice.

Records confirm that notice was received on July 15, 2023.

On July 25, 2023 a second notice was sent requesting that an application be completed and returned along with payment within 10 days of receipt of notice.

As of August 15, 2023, the second notice went unclaimed and was returned to the sender, however, regular mail was not returned.

That same day, notice was sent to the owner on record to appear before the Board of Health for lack of compliance.

Records reflect that notice was received on August 19, 2023.

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

No one was in attendance to present on behalf of the property.

Mr. Bunce stated that there was a memo stating that on September 7, 2023 that the owner completed an application for a Rental Occupancy License and that the license was pending an inspection on September 25, 2023.

Motion: Move to continue the matter for 1 Fox Run Circle, East Dennis as stated in the memorandum dated September 8, 2023 to the November 9, 2023 meeting.

Continued

Motion: Bunce Seconded: Duffy Vote: 5-0

II. AGENDA ITEMS

1. Joseph Vozarik & Victoria Barri – Request for extension to the Town of Dennis Fuel Storage Regulations, Section 2: Town of Dennis Fuel Storage Exemption (***Continued from June 8, 2023 meeting***)
81 Signal Hill Drive, Dennis (307-17)

UPDATED INFORMATION:

On August 2, 2023 the Dennis Fire Department confirmed that the Fuel Storage Tank had been removed and converted to gas.

At the June 8, 2023 Board meeting, the Board voted to approve the extension request for 90 days and move the matter to the September 14, 2023 meeting.

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.

There was nobody present to speak on behalf of the property.

Mr. Bunce stated that Dennis Fire Department confirmed that the fuel storage tank has been removed.

Motion: Move to remove the matter for 81 Signal Hill Drive, Dennis as stated in the memorandum dated September 5, 2023 from the agenda.

Removed from agenda

Motion: Bunce Seconded: Duffy Vote: 5-0

2. Stephen Rixham/Brian & Mary Rixham Trust – Request to reduce testing & service requirements for Wastewater Treatment System
14 Janall Drive, East Dennis (263-66)

MicroFAST start up for the above referenced property was completed on 6/19/2018.

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
7/16/2019	36.16	NR	8
7/16/2020	38.47	NR	7
10/14/2020	28.67	6	4
12/14/2020	38.89	NR	NR
6/22/2021	35.1	4.5	13
2/9/2022	44.34	6.8	11.5
1/6/2023	35.61	24.6	NR
04/18/2023	36.01	11.2	18.5

No one was in attendance to present on behalf of the property.

Mr. Bunce stated that the numbers are bad and that even if somebody was present he would suggest that the system be inspected by a qualified I/A inspector as something is not functioning properly.

Mrs. Chamberlain said that according to the documents in front of her, that they have not been testing their system as they were ordered to.

Mr. Bunce agreed and added that considering the amount of time that has elapsed that they have received very few test results.

Mrs. Chamberlain said that she would like the Health Department to send a letter to the homeowners stating that they have not been testing as required and that the system should be checked as the nitrogen numbers are not good.

Mr. Bunce noted that the Board established that a letter informing the owners why the request is being denied will always be sent and if the Board does not think the system is functioning correctly, the homeowner will be notified that the system should be checked by a licensed Wastewater Operator.

Motion: Move to deny the request to reduce testing & service requirements for Wastewater Treatment System at 14 Janall Drive, East Dennis as printed in the memorandum dated September 5, 2023.

Denied**Motion: Bunce Seconded: McCormick Vote: 5-0**

3. Bradford & Marjorie Hooper – Review proposed modifications to septic plan, approved at Board of Health Meeting on January 12, 2023, in accordance with the Board of Health variance condition **9 Captain Nickerson Lane, South Dennis (117-28)** – Dan A. Speakman Construction, Inc.

Proposal:

The applicant is proposing to modify septic plans previously approved by the Board at the January 12, 2023 meeting.

The system consists of a 1500-gallon Microfast .5 septic tank, distribution box, UV disinfection, and five (5) infiltrators with stone. The system was designed for four (4) bedrooms.

The proposed change shows the UV disinfection and the soil absorption system along with reserve area relocated closer to the front property line to create an area for the proposed driveway. The system components continue to meet the required setbacks.

Approved Floor Plans:

The approved first floor plans consist of a sunroom with a 5' cased opening, living room, kitchen, dining room, pantry, an office with a 5' cased opening, one (1) bedroom, one and a half (1 ½) bathrooms, a butler's pantry, breezeway and a garage.

The approved second floor consists of three (3) bedrooms, three (3) bathrooms, a reading area, and a laundry room.

On September 6, 2023 an in-house variance was approved for the addition/alteration of habitable space.

The applicant proposed to finish space in the basement consisting of an open entertainment area with golf simulator, a gym area with 5' cased opening, storage room, and a ½ bathroom.

The variance was approved with the following conditions: #3, & 5.

Dan Speakman, with Dan A. Speakman Construction, presented on behalf of the property owners. He noted that the property initially required a variance due to the property being in an ESA and as a condition of that variance it was required that they return for any revisions. The landscape architect and the owners wanted to relocate the driveway and they need to relocate the septic system to accommodate the driveway.

Motion: Move to approve the proposed modifications to septic plan for 9 Captain Nickerson Lane, South Dennis as stated in the memorandum dated September 6, 2023.

Approved with the previously approved 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

III. MINUTES

1. Regular Meeting of August 10, 2023

Motion: Move to approve the minutes from the August 10, 2023 Board of Health Meeting as printed.

Approved

Motion: Chamberlain Seconded: Duffy Vote: 5-0

IV. ADJOURNMENT

Motion: Move to adjourn at 7:48 p.m.

Approved

Motion: Chamberlain Seconded: Duffy Vote: 5-0