



Town of Dennis
Board of Health
Minutes of Meeting
November 14, 2019

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DENNIS TOWN CLERK

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 Duffy & McCormick
Board Members Absent: Member Chamberlain

Other Attendees: Director Kristen Keller, Assistant Kristie DeStefano

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

I. ACTION

A. Cold Storage Road Realty Trust – Variance Application (Addition/Alteration) **39 Cold Storage Road, East Dennis (M 411-005) – Stephen A Haas**

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 of habitable space in an environmentally sensitive area.

Proposal:

The applicant proposes to add two (2) bedrooms to the existing four (4) bedroom dwelling. There is also a detached garage with space above. The lot contains 73,416 square feet.

Floor Plans:

The **existing** first floor contains an entryway, dining room, family room, breakfast area, kitchen, laundry room, an office, one (1) bedroom with master bathroom, a porch, and two ½ bathrooms.

The **existing** second floor contains three (3) bedrooms, and two (2) bathrooms.

The **existing** second floor of the detached garage contains open space and one (1) bathroom.

The **proposed** first floor of the dwelling will consist of an entryway, dining room, great room, TV room, a study, kitchen, breakfast area, one (1) bedroom, mudroom, laundry room, three (3) bathrooms, deck space, and a covered porch in the front as well as the back.

The **proposed** second floor will consist of five (5) bedrooms, four (4) bathrooms, as well as 2 balconies off of the back.

The **proposed** second floor of the detached garage contains open space and one (1) bathroom.

There is also unfinished attic space as well as an unfinished basement.

Septic System: The septic system will consist of two (2) 1500 gallon septic tanks, a distribution box, and five (5) 500 gallon leaching chambers. The system has been designed for six (6) bedrooms and does not contain I/A technology.

Existing Nitrogen Loading for four (4) bedrooms is 4.1 ppm. Proposed Nitrogen Loading for six (6) bedrooms is 4.95 pp. The property is environmentally sensitive because it lies within 100 feet of a wetland. The conservation commission approved the request for determination of applicability on October 3, 2019.

Stephen Haas presented.

Mr. Bunce feels that with the close proximity to the harbor, even though the nitrogen loading is low he is concerned with pathogens and would support IA and UV.

Mr. Duffy agrees.

Mr. Haas asked about using chlorination; however Mr. Bunce felt that chlorination in this area contributes to the degradation of the estuary.

Mr. Haas does not feel pathogens would survive with the distance and depth to groundwater.

Mr. Bunce's thinking is looking ahead to the future and preventing any damage to the estuary.

Mr. Haas thinks IA is too much for this proposal on this size lot, as well as the number of vacant areas around it that adds to the dilution factor of the nitrogen loading.

Mrs. McCormick asked about the open space next to the property. Mr. Haas confirmed it is vacant land and pointed out nearby wetland areas that would contribute to filtration and dilution.

Mr. Duffy thinks it needs IA and UV.

Mr. Bunce understands the argument as far as nitrogen is concerned but still feels IA and UV are necessary.

Mr. Haas confirms the house will be used seasonally and does not see the need for IA and UV.

Motion: *approved with the addition of IA & UV as well as 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.

#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: Mr. Bunce

Seconded: Mr. Duffy

Vote: 4-0

Mr. Haas then asked if IA is to be required, could the size of the system be reduced. The Board asked what kind of reduction would be requested. Mr. Haas said the field would be reduced 50%. The Board agreed.

Motion: Mr. Bunce

Seconded: Mr. Duffy

Vote: 4-0

B. Robert Teahan – Variance Application (New Construction)
316 Upper County Road, South Dennis (M 120-007) – 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: A variance is requested to allow new construction in an environmentally sensitive area.

Proposal:

The applicant proposes to construct a new three (3) bedroom dwelling. The lot contains 67,447 square feet of land.

Floor Plans:

The **proposed** first floor will consist of a dining room, family room, kitchen, one (1) bathroom, and a garage.

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

Septic System:

The proposed septic system will consist of a 1500 gallon septic tank, a distribution box, and three (3) 500 gallon leaching chambers. The system has been designed for three (3) bedrooms and does not contain I/A technology.

Proposed Nitrogen Loading is 4.13 ppm. The property is considered environmentally sensitive because there are wetlands on the property. The conservation commission issued an order of conditions on September 19, 2019.

Asa Mintz presented.

There were no questions from the Board.

Motion: *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: Mr. Duffy

Seconded: Mr. Bunce

Vote:

4-0

C. Jimmie St. Pierre – Variance Application (New Construction)
31 Pine Road, West Dennis (M 030-010) – 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: A variance is requested for new construction in an environmentally sensitive area.

Reg. 12C: A variance of 6.2 feet is requested to allow construction of the septic tank above the natural grade from the required 1 foot below the existing natural grade.

Reg. 12C: A variance of 3 feet is requested to allow construction of the leaching facility above the natural grade from the required 1 foot below the existing natural grade.

Proposal:

The applicant proposes to construct a new four (4) bedroom dwelling. The lot contains 124,492 square feet of land.

Floor Plans:

The **proposed** first floor will consist of a family room, kitchen, one (1) bedroom, one (1) bathroom with walk-in closet.

The **proposed** second floor will consist of three (3) bedrooms, an office, and one (1) bathroom.

Septic System:

The septic system will consist of a Microfast .5 septic tank, UV disinfection, 1000 gallon pump chamber, distribution box, and a 30'x20' leaching bed. The system has been designed for four (4) bedrooms.

The proposed Nitrogen Loading is 2.33 ppm. The property is considered environmentally sensitive due to the wetlands on the property as well as the adjusted groundwater within 6 feet of the lowest part of the lot. The Conservation Commission issued an Order of conditions on October 17, 2019.

Asa Mintz presented.

There were no questions from the Board

Motion: *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: Mr. Bunce

Seconded: Mrs. McCormick

Vote: 4-0

D. Nicholas Coffey - Variance Application (Addition/Alteration)
30 Pleasant Street, Dennisport (M 058-005) – Sweetser Engineering

The applicant(s) seek the following variance(s) from the regulations of the Town of Dennis Regulations for Subsurface Disposal of Sewage:

Town of Dennis

Reg. 16.B: Variance requested to allow the Addition/Alteration/New Construction of habitable space in an Environmentally Sensitive Area.

Proposal:

The applicant proposes a partial demo and reconstruction of a single family dwelling. The existing six (6) bedroom 2466 sq ft dwelling will be reconfigured into a remodeled five(5) bedroom 2650 sq ft dwelling.

Floor Plans:

The **existing** first level consists of one (1) bedroom, two (2) living rooms, a dining room, and two (2) kitchens.

The **existing** second level consists of five (5) bedrooms and two (2) bathrooms.

The **proposed** first level will consist of two (2) living rooms, two (2) dining rooms, two (2) kitchens and two (2) bathrooms.

The **proposed** second level will consist of five (5) bedrooms and three (3) bathrooms.

The Septic plan makes note of a 2 bedroom dwelling at the rear of the property on its own septic, the assessors database notes a three bedroom dwelling. Spoke with the engineer on 11/6/2019 he will submit floor plans and revised nitrogen loading at or before the meeting.

Septic System:

The proposed septic system will consist of a 1500 gallon tank, a second 1000 tank, a d box and 8 high capacity infiltrators with stone.

The existing nitrogen loading is 13.02 ppm. The proposed nitrogen loading is 6.66. The Median nitrogen loading is 9.84. The property is environmentally sensitive because it directly abuts a wetland. Approval Not Required by the conservation commission.

Robin Wilcox presented. He noted that once the lot was divided, this property would no longer be considered in an environmentally sensitive area.

Mr. Duffy asked if the plan was to divide the property. Mr. Wilcox confirmed it was.

Mrs McCormick asked if the other lot was to be sold off. Mr. Wilcox said that although it had already been approved by the Planning Board, it would not be part of the record until after January 1st.

Motion: 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.

#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: Mrs. McCormick

Seconded: Mr. Duffy

Vote: 4-0

E. Martin & Connie Daly – Variance Application (Addition/Alteration)
21 Greenland Circle, East Dennis (M 317-025)

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

Town of Dennis

Reg. 16B: A variance is requested for the addition/alteration of habitable space in an environmentally sensitive are.

Proposal:

The applicant is proposing to relocate the stairs to the basement as well as enlarge the master bedroom and master bathroom to the existing three (3) bedroom single story dwelling. The lot contains 20,038 square feet of land.

Floor Plans:

The **existing** main floor of the dwelling contains three (3) bedrooms, a living room, kitchen, three season room, two ½ bathrooms that share a shower, a garage, as well as a front porch, and a deck on the rear.

The **existing** basement contains a utility room, kitchen with cedar closet, a TV room, an office, a storage room, and one (1) bathroom.

The **proposed** first floor will consist of three (3) bedrooms, living room, dining room, kitchen, three season room, two (2) bathrooms, a garage, and a front porch.

The **proposed** basement will consist of a utility room, kitchen, a TV room, an office, a storage room, and one (1) bathroom.

Septic System:

The applicant proposes to utilize the existing septic system that was installed in 1972. The system consists of a 1000 gallon septic tank, a distribution box, and a 6'8' leaching pit. The system was designed for three (3) bedrooms and does not contain I/A technology.

The system was last inspected by a Title 5 Septic System Inspector in June 2003. The system passed at the time of inspection.

The existing Nitrogen Loading is 10.39 ppm. The property is Environmentally Sensitive because it lies within a Zone II. The conservation Commission signed off on the project as "approval not required".

Martin and Connie Daly presented.

Mr. Duffy asked about the proposed basement plans. He considers the closed off area to be a bedroom.

Ms. Daly confirmed that the wall and doorway would be coming down to accommodate moving the heating system.

Director Keller asked that revised plans be submitted.

Mr. Bunce did not have a problem with the plan, but thinks the septic system should be inspected since it has not been inspected since 2003.

Motion: *approved with passing inspection of the system, revised plans showing changes to the basement, as well as the following conditions:*

#1 No garbage disposal.

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

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

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

Motion: Mr. Bunce

Seconded: Mr. Duffy

Vote: 4-0

F. John & Susan Lovett – Variance Application (Addition/Alteration)
55 Lower County Road Unit #11, West Dennis (M 013-058) - Donald W. Moncevicz, P.E.

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 of habitable space in an environmentally sensitive area; and

Reg. 16B(2): Variance of 5.61 ppm requested to allow exceedance of Nitrogen Loading Limit of 5 ppm

Proposal: The applicant proposes the addition of a screen porch and a new living area for enlargement of an existing bedroom, the addition of a ½ bath, communicating hallway and closet space.

Floor Plans:

The existing single story dwelling contains a kitchen with a dining area, living room, den, full bath, utility area and two bedrooms.

The proposed single-story dwelling will contain a kitchen with a dining area, living room, den, full bath, ½ bath, utility area, two bedrooms and a screen porch. There is no increase in the bedroom count proposed.

Septic System: The existing septic system, which was installed in 2015 to serve only this dwelling unit, was designed for 2 bedrooms. It consists of a 1500 gallon tank, a 1000 gallon pump chamber and a stone and pipe leach field in a trench formation providing 222 gpd flow. The property has not been Deed Restricted.

Several variances were granted by the BoH in 2015 for installation of this system including a 10' variance from the field to the foundation, a .5' variance for depth to groundwater and a 3' variance for removal of unsuitable soil on the driveway side of the field. .

The Department requested a Nitrogen Aggregation Plan for the property. One was not received. However, Nitrogen Loading Calculations were submitted based on the total land area for the condominium and the total number of bedrooms (29). They equal 16.60 ppm assumed and 10.61 ppm actual with an average of 13.61 ppm. The engineer's variance request is based on the "actual" not the average. The property is environmentally sensitive because it abuts Uncle Stephen's Pond. Conservation sign-off was obtained in August 2019.

Donald Moncevicz presented. Mr. Bunce confirmed that there are two bedrooms. Mr. Duffy confirmed that it is deed restricted.

Motion: *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: Mrs. McCormick

Seconded: Mr. Duffy

Vote: 4-0

**G. Richard & Maureen Lewis – Variance Application (Addition/Alteration)
10 Love Etta Lane, West Dennis (M 051-081) – 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(1):** A variance of 5' from the required 10 foot separation between the soil absorption system and the lot line.
- 15.211(1):** A variance of 5' from the required 10 foot separation between the septic tank and the lot line.
- 15.211(1):** A variance of 5' from the required 10 foot separation between the pump chamber and the lot line.
- 15.211(1):** A variance of 6' from the required 10 foot separation between the septic tank and the slab foundation.
- 15.211(1):** A variance of 5' from the required 10 foot separation between the pump chamber and the slab foundation.
- 15.248:** A variance is requested for no reserve area.

Town of Dennis

- Reg. 9.0:** A variance of 5' from the required 10 foot separation between the soil absorption system and the lot line.
- Reg. 9.0:** A variance of 5' from the required 10 foot separation between the septic tank and the lot line.
- Reg. 9.0:** A variance of 5' from the required 10 foot separation between the pump chamber and the lot line.
- Reg. 9.0:** A variance of 6' from the required 10 foot separation between the septic tank and the slab foundation.
- Reg. 9.0:** A variance of 5' from the required 10 foot separation between the pump chamber and the slab foundation.
- Reg. 9.0:** A variance of 19' from the required 100 foot separation between the soil absorption system and the wetlands.
- Reg. 15.0:** A variance is requested for no reserve area.
- Reg. 16B:** A variance is requested for the addition/alteration/new construction of habitable space in an environmentally sensitive area.

Proposal:

The applicant proposes to add one (1) bedroom as well as a second floor creating three (3) bedrooms to the existing two (2) bedroom single story dwelling. The lot contains 10,870 square feet of land.

Floor Plans:

The **existing** dwelling contains two (2) bedrooms, kitchen, dining, living room, one (1) bathroom, a garage and a deck.

The **proposed** first floor will contain an open entryway, living/dining room, kitchen, mudroom, laundry, one (1) bedroom, two (2) bathrooms, screened porch, and a deck.

The **proposed** second floor will consist of two (2) bedrooms, two (2) bathrooms, a game room, and a storage room.

Septic System:

The proposed septic system will consist of a 1500 gallon two compartment septic tank with a Microfast .5 treatment unit, UV disinfection, a 1000 gallon pump chamber, and a 34'x10' pressure dosed leach field. The system has been designed for three (3) bedrooms.

The existing Nitrogen Loading is 22.07 ppm. The proposed Nitrogen Loading is 13.21 ppm. The property is Environmentally Sensitive because it directly abuts Swan River. The conservation Commission issued an order of conditions on October 3, 2019.

Matt Farrell presented.

Mr. Bunce asked if the system was mounded.

Mr. Farrell said slightly, and they designed a retaining wall around the front to accommodate it, about a foot.

Motion: ~~approved with the condition of the County Deed combining the two lots with proof to the Health Department as well as the following conditions: (removed 03/10/2020 erroneously recorded)~~

#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: Mr. Bunce

Seconded: Mr. Duffy

Vote: 4-0

**H. Katherine M Moore, Trustee – Cont. from 10.10.2019 Show cause hearing to determine compliance with an order by the Board of Health to upgrade a septic system by January 11, 2019 in response to violation of the Town of Dennis Regulations for Subsurface Disposal of Sewage and 310 CMR 15.000, State Environmental Code, Title 5
76 Stafford Circle, Dennisport (M 114-047)**

The Dennis Health Department received a Title 5 Inspection Report dated January 11, 2017 reporting the system at the referenced address was in failure. The inspector, Mr. Joseph Martins, reported observation of multiple problems upon inspection. Specifically he noted the main cesspool on the property had collapsed, the overflow cesspool was located in high groundwater, the rear cesspool

had a liquid level to within 1 inch of the inlet pipe, the line from the main cesspool to the overflow cesspool was blocked and the property had a garbage grinder installed in the kitchen even though the system had not been properly sized for that device.

The property owner, the Katherine M. Moore Trust, was ordered to replace the system within two years. Though the property owner scheduled soil tests in September 2017 and communicated their plan to submit an engineered plan to the Health Department in January 2018, the system remains in failure. The property owner is currently in violation of the State Environmental Code, 310 CMR 15.000, Title 5.

The owner was placed on the May 9, 2019 Agenda and was to submit a plan to the Health Department within 30 days of the meeting as to how the situation was to be rectified. An email dated June 7, 2019 stated that Ms. Moore was continuing to work on gathering the funds to replace the system. Email dated June 26, 2019 – nothing much to report. Bids that have been received seem high. No communication from owner since June 26th email – placed on Aug 8th agenda. At the August 8, 2019 the owner informed the Board that the funds would be available within the next month or so to replace the system. The matter was continued to the October 10, 2019 meeting. An email dated October 9, 2019 stated Ms. Moore would not be able to attend the meeting on October 10, 2019, and was still waiting for property to be sold so that the funds would be available.

To date, there has been no further communication/action on this matter.

Katherine Moore was present and spoke. She stated that she was waiting for the sale of a property that was part of an inheritance that would provide the funds needed to replace the septic system. The sale is currently pending and she anticipates having the money within the next month or two.

Chairman Covell asked when the closing date was; Ms. Moore said she would find out the date and would send an update via email. Chairman Covell suggested that as long as Ms. Moore remained in contact with the Health Director and the closing is timely, that she would not need to come back before the Board.

Motion: If the applicant remains in contact with the Health Director and provides updates as to the closing date she does not have to come back before the Board.

Motion: Mr. Duffy

Seconded: Mr. Bunce

Vote: 4-0

**I. David Troy – Cont. from 10.10.2019 Show cause hearing for noncompliance with an order to correct a violation of 310 CMR 15.000, State Environmental Code, Title 5, and the Town of Dennis Regulations for Subsurface Disposal of Sewage
109 South Village Road, West Dennis (M 032-018)**

The Dennis Health Department received a Passing Title 5 Inspection Report dated July 26, 2019 for the above referenced address. However, upon review of the file staff discovered an “Assessment Only” report dated November 19, 1999 indicating the system was in failure.

The Inspector indicated that he witnessed backup of sewage into the facility or system component due to an overloaded or clogged SAS or cesspool. As well as, any portion of the Soil Absorption System, cesspool, or privy is below the high groundwater elevation.

Specifically the inspector noted: "Water level was found to be 2" above outlet tee invert and above inlet invert at time of inspection. Possible groundwater in flow. Evidence of backup into the tank in the past was found present."

"D-box was found in working order with evidence of back up into the d-box in the past found."

"Flow diffusers were found to be below the high groundwater elevation at the time of inspection."

On the 1999 report the inspector noted he had hand augured and discovered groundwater at 2.3' below the surface and the bottom of the field at 2.5' below the surface.

On the 2019 report the inspector indicated all components in working order with no evidence of hydraulic failure. He also indicates that he conducted a hand auger and did not encounter water at 8'.

Variances were applied for on August 16, 2000 and a plan was submitted for upgrade of the system. Noted on the plan is test hole data recorded and witness by a member of The Dennis Health Department dated February 24, 2000 noting observed groundwater at 36" of the surface. The property abuts an ole bog and the edge of the wetland encroaches on the property. To date the system has not been upgraded and we have had no communication from the property owner.

UPDATE:

On October 10, 2019 an email was received from Attorney Matthew Fitzgibbons, requesting an extension for the matter.

A notice from Attorney Fitzgibbons was received on November 1, 2019 indicating that the property is being sold and the buyers engineer would be in contact with the Health Department prior to the November 14, 2019 meeting.

On November 1, 2019 Sweetser engineering contacted the Health Department in regards to upgrading the septic system.

The potential new owner has been in touch with Mr. Wilcox in regards to the matter.

Robin Wilcox presented. He then gave Director Keller a revised plan. The plan includes IA technology. He stated that this needed to go before Conservation Commission first. He requested filing this project as an In House Variance to expedite the process.

Director Keller asked if there were any changes proposed to the dwelling.

Mr. Wilcox said it met the normal criteria, it was just unusual to file for an IA system as an In House Variance and there would be no additional variances would be needed.

Motion: to allow the Health Director to issue an In-House Variance on this issue.

Motion: Mr. Bunce

Seconded: Mr. Duffy

Vote: 4-0

J. Stephen & Louise Franco – Show cause hearing for noncompliance with an order to correct a violation of 310 CMR 15.000, State Environmental Code, Title 5, and the Town of Dennis Regulations for Subsurface Disposal of Sewage
35 Mariner Road, South Dennis (M 355-027)

As the result of a complaint, an inspection of the above referenced property was conducted on July 17, 2019 where the following condition was observed: effluent ponding at the surface in the back yard.

The homeowners were ordered to complete work within ninety (90) days of receipt of the certified letter dated July 18, 2019. As of today no action has been taken to begin the upgrade of the failing cesspool.9

UPDATE: On 11/12/2019 Health Agent Carrie Schoener went by the property to check on the occupant and the condition of the failing cesspool. No one was home I went to the back yard and found that there was a puddle the size of a cesspool cover in the area where the ponding had been previously.

No one was present.

Mr. Bunce stated that he did not appreciate being ignored by people that are directly violating the sanitary codes of the Commonwealth of Massachusetts and the Town of Dennis.

Motion: *Send the matter to court.*

Motion: Mr. Bunce

Seconded: Mr. Duffy

Vote: 4-0

K. Vote to Renew 2020 Annual Licenses – see attached list

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

By the Sea Guests
57 Chase Ave
Dennisport, MA 02639

Camper Haven LTD
27777 Franklin Rd, Suite 200
Southfield, MO 48034

Jennifer's- Paid-11/07/2019
PO Box 1295
Dennisport, MA 02639-5295

JTC Contractors
1 Buttercup Ln
South Yarmouth, MA 02664

Miranda's Excavating- Paid 10/30/2019
 PO Box 234
 West Harwich, MA 02671

Pecorino Romano- Paid 11/14/2019
 156 Sunnywood Dr
 Centerville, MA 02632

Raymond Caterino
 79 Cove Road
 South Dennis, MA 02660

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

Motion: approved renewal of the paid licenses and hold the unpaid licenses until paid.

Motion: Mr. Bunce

Seconded: Mr. Duffy

Vote: 4-0

II. AGENDA ITEMS

1. Gerard & Barbara Boyle – Request to Reduce Testing & Service Requirements for FAST Treatment System

42 Dr Lords Road, East Dennis (M 389-062)

Date of MicroFAST system start up for the above referenced property was completed on 7/11/2011.

The property requested a testing reduction in January 2015, upon review of the data the Health Director denied the reduction. It was determined that the septic system was not functioning as intended as some of the samples were exceeding the TN requirement of 19 milligrams per liter.

The State approval for this system is for General Use General Use Letter States:
 An individual household shall be monitored at least once every 12 months (exclusive of alarm responses or other maintenance visits).

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.

Since the 2015 Denial the following sampling results have been submitted to the county.

County Records:

Date	TN<19	BOD5 <30	TSS <30
2/13/2018	14.48	8.2	7
5/9/2018	16.99	5.2	0
8/3/2018	3.93	6.4	36.5
12/3/2018	17.32	5.5	9
2/27/2019	28.82	4.04	16

7/16/2019	17.8	6.7	7
9/18/2019	17.8	6.7	7
9/18/2019	21.67	4.6	5

Gerard Boyle spoke.

Mr. Bunce stated that the results did not look good and asked if the home was used seasonally.

Mr. Boyle stated that he was in Florida during the winter. He has been in contact with Wastewater Treatment several times.

Mr. Bunce asks for Director Keller's opinion. She suggests another year of sampling and coming back before the Board.

Motion: *denied; require one more year of testing and then come back before the Board.*

Motion: Mr. Duffy

Seconded: Mr. Bunce

Vote: 4-0

III. MINUTES

1. Work Session of September 26, 2019

Motion: *approved as printed.*

Motion: Mr. Bunce

Seconded: Mrs. Duffy

Vote: 4-0

2. Regular Meeting of October 10, 2019

Motion: *approved as printed.*

Motion: Mr. Bunce

Seconded: Mrs. McCormick

Vote: 4-0

Robin Wilcox came to the podium in regards to 14 Heirs Landing. The Board had previously required an IA system. They had revised the plans and submitted them to the Health Department, however the Building Department could not approve adding 2 bedrooms over the garage due to a zoning bylaw. He will be coming back before the Board which will be going back to the original plan with an existing 7 bedroom house and existing septic system. He has the plans done and will need to refile.

Mr. Bunce says to bring the plans back before the Board.

Adjournment: *Mr. Covell moved to adjourn the meeting at 7:56 pm.*

Motion: Mr. Bunce

Seconded: Mr. Duffy

Vote: 4-0