

K. DeLong, ASST
TOWN OF ORLEANS
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TOWN OF ORLEANS - BOARD OF HEALTH

MINUTES OF MEETING

August 20, 2009

The Board of Health convened its meeting at 2:02 p.m. on Thursday, August 20, 2009 in the Skaket Meeting Room of the Orleans Town Hall.

Present: Chair Robin Davis, Ph.D., Vice Chair Augusta McKusick, Jan Schneider, M.D., Attorney Job Taylor, III; and Robert Canning, Health Agent. Also present: Mark Carron, Board of Selectmen Liaison and Dale Fuller, Finance Committee Liaison

Excused: Susan Christie

Agenda Item 1 – Public/Press

There was no one present for Public/Press.

Agenda Item 4 – Approve Minutes

The minutes of the Board of Health meeting held on August 6, 2009 had previously been distributed to the Board members for review.

On a motion by Ms. McKusick and seconded by Attorney Taylor, the Board of Health voted to approve the minutes of the meeting held on August 6, 2009. The vote was 3-0-1. Dr. Davis abstained from the vote because she was not present at that meeting.

Agenda Item 5 – Health Agent's Report

Mr. Canning reported on the following:

Seasonal Flu Vaccine

The Health Department has been notified that it will be receiving 800 doses of seasonal flu vaccine from the Department of Public Health. The DPH is requesting that towns hold their flu clinics beginning in October. It is anticipated that Orleans will have its annual clinics in early to mid-October. The Health Department is coordinating these efforts with the Council on Aging and the Visiting Nurses Association.

H1N1 Vaccine

It is anticipated that the DPH will be receiving H1N1 vaccine beginning in early October and will be distributing it throughout the state for administration. There is a chance that health plans in Massachusetts will reimburse public clinics for the cost of administering the H1N1 vaccine to plan members. In order to do this, public clinics will need to have a national provider identifier (NPI) number. The state is requesting a single contact for each provider to coordinate all H1N1 vaccination activities, coordinate vaccine receipt, storage and distribution for Public Health Clinics, Emergency Dispensing Sites, and school clinics, and to coordinate weekly usage reporting. Mr. Canning will work with John Kelly and the Orleans Emergency Management Committee to determine who should be the H1N1 vaccine coordinator.

The Barnstable County Health Department and the VNA have indicated that they may be able to serve as a vaccine storage site for Orleans.

The Department of Public Health has indicated that the initial target groups for H1N1 vaccinations will include:

- Pregnant women
- Household contacts/caregivers of infants less than 6 months
- Health Care Providers and EMS personnel

- Persons 6 months to 24 years old
- High Risk Persons 25 to 64 years old

Dr. Schneider noted that he is pleased that pregnant women have been recognized as being in the High Risk category considered for vaccination. Mr. Canning noted that persons age 65 and above would not be vaccinated for H1N1 until all other people wanting the vaccine have received it. Board members discussed the amount of flu vaccine Orleans received in previous years and the possible need for additional doses this year.

Agenda Item 6 – Old and New Business / Review Correspondence

6 – 1 A letter from the Health Agent to Dushyanthi Mahendran dated August 7, 2009 regarding **40 Orié Lane** had previously been distributed to the Board members for review and discussion.

6 – 2 A letter from Attorney William Riley to Mr. Canning dated August 10, 2009 regarding **40 Orié Lane** had previously been distributed to the Board members for review and discussion. Mr. Canning and Board members discussed the contract attached to the letter. They discussed that the contract is valid only through December 31, 2009 as well as the number of beds available in the rental listing although the maximum capacity is listed at eight persons.

6 – 3 The Bi-Monthly Transfer Station Inspection Report had previously been distributed to the Board members for review and discussion. All items were found to be in compliance.

6 – 4 A letter from the Assistant Health Agent to the Nancy A Ferreira Trust dated August 12, 2009 regarding **23 Meeting House Road** had been distributed to the Board members for review and discussion. Mr. Canning reported that this is a housing order and the owner will be applying for an extension of time; however, the house remains vacant.

6 – 5 A letter from MDEP to **Cumberland Farms** dated July 30, 2009 regarding a gasoline spill at Cumberland Farms had previously been distributed to the Board members for review and discussion.

6 – 6 A letter from the Town Administrator to Robert and Mark Filteau regarding rain run-off toward the town yard and Eel Pond from **33 Bay Ridge Lane** had previously been distributed to the Board members for review and discussion.

6 – 7 The Monthly Groundwater Sampling Report for **Stop & Shop** had previously been distributed to the Board members for review and discussion.

6 – 8 A letter from the Health Agent to Paul Daniels of **Daniels Recycling Company, Inc.** dated August 17, 2009 regarding the Site Assignment Public Hearing scheduled for September 3, 2009 had previously been distributed to the Board members for review and discussion.

Agenda Item 2 – Variance Request – 42 Jack Knife Point Road

Mr. Andrew Grover and Mr. David Lyttle of Ryder & Wilcox, representing their clients, James and Caroline Macon, explained their request for variances from the State Environmental Code, Title 5, and the Orleans Board of Health Regulations. Mr. Grover distributed an additional plan showing an easement allowing the soil absorption system to be located on an adjacent lot and discussed the reasons for the variances requested. He also noted that the owners would like to protect a very large Linden tree which complicates the location of the septic components.

Mr. Canning discussed the size of the lot and that both lots are owned by the same owners. He noted that the septic system could be located all within the lot were it not for a large Linden tree. Mr. Grover reported that they had considered all the other possible locations but determined this to be the best solution. Mr. Canning noted that Title 5 does not require state approval as long as there is an easement allowing the leach area to be located on the abutting lot.

Board members questioned what would happen if one of the lots is sold. Mr. Canning suggested that a condition allowing the easement is added to the vote approving the requested variances. Mr. Lyttle spoke to

the issue that the family would eventually be revising the lot lines to allow the septic system to be on the same lot as the proposed dwelling.

On a motion by Ms. McKusick and seconded by Dr. Schneider, the Board of Health voted in the matter of 42 Jack Knife Point Road. This is a request to build a new septic system on an undeveloped lot which is 79,934 square feet. The Board grants the Title 5 variances as follows:

1. A five foot variance (5') from the property line. Ten feet is required from the property line and five feet is provided for the septic tank.
2. The soil absorption system will be located fourteen feet (14') on the adjacent lot. Twenty-four feet (24') are required and ten feet (10') are provided, a fourteen foot (14') variance is approved.
3. The proposed reserve area will be located eight feet (8') on the abutting parcel. An eighteen foot (18') variance is approved.
4. The proposed soil absorption system and distribution box will be located on the adjacent property.

Findings are as follows:

1. There is a large Linden tree that would allow installation on Lot 72, but the owners wish to preserve the tree. Considering the fact that they own both Lot 12 and Lot 13, this is a reasonable request.

Conditions are as follows:

1. Plans dated August 20, 2009 that reflect a proposed septic easement located on Lot 12, be entered as a condition to the property and allow access to the owners of Lot 13 for construction, repair, and maintenance of said septic system.
2. At the time of sale, if the property is in the same configuration, the above easement will be recorded at the Registry of Deeds.

The vote was 4-0-0.

Agenda Item 3 – Modification of a Definitive Subdivision Plan – Sparrow Lane

Mr. Philip Scholomiti of Ryder & Wilcox, representing the owner, Arey's Pond LLC, explained his request for approval of the proposed Amended Subdivision Plan for Sparrow Lane, formerly Peterson Lane. He explained that one of the conditions to the previous subdivision plan restricted the maximum number of bedrooms per lot and to a total of twenty-four (24) bedrooms for the entire subdivision. The proponent requests approval to swap one of the bedrooms between Lots 4 and 5. This plan decreases the maximum number of bedrooms on Lot 4 from eight bedrooms to seven bedrooms allowing the increase from four bedrooms to five bedrooms on Lot 5.

Mr. Canning noted that the change in the number of bedrooms per lot will continue to comply with District 2 regulations and the Board of Health's Nutrient Management Regulations. The request would not affect any of the other conditions.

Board members discussed why this came before the Board of Health. Mr. Canning explained that the modified plan would have to be approved by the Planning Board and must have the endorsement of the Board of Health.

On a motion by Dr. Schneider and seconded by Attorney Taylor, the Board of Health voted in the matter of the Amended Subdivision Plan for Sparrow Lane dated August 3, 2009. In view of the discussions this Board had in the spring of 2004 limiting the number of bedrooms in the entire subdivision to twenty-four (24), the request for an internal redistribution of bedrooms diminishing from eight (8) to seven (7) on Lot 4 and increasing the number of bedrooms from three (3) to four (4) on Lot 5 does not change the spirit of the previous discussion. All other features of the recommendations made at

that time continue the same. The Board of Health approves this change of bedroom distribution. The vote was 4-0-0.


Other Business

Mr. Carron remarked that the Health Department letter regarding 40 Ori Lane listed Mr. Dunford as Chairman of the Board of Selectmen and the Chairman is now Mr. Fuller.

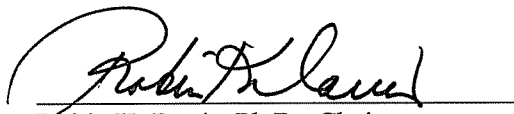
Agenda Item 11 – Adjournment

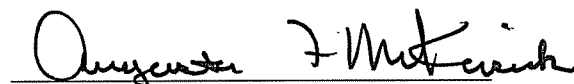
On a motion by Ms. McKusick and seconded by Dr. Schneider, the Board of Health voted to adjourn this meeting of the Board of Health at 2:39 p.m. The vote was 4-0-0.


Respectfully submitted,


Lynda M. Burwell, Board Secretary

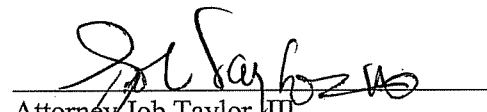
ORLEANS BOARD OF HEALTH


Robin K. Davis, Ph.D., Chairman


Augusta F. McKusick, Vice Chairman


Jan Schneider, M.D.

Excused
Susan B. Christie


Attorney Job Taylor, III

September 3, 2009
Date Approved/Accepted