

K. Darling, Asst.  
TOWN OF ORLEANS  
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## TOWN OF ORLEANS – BOARD OF HEALTH

### MINUTES OF MEETING

July 8, 2010

The Board of Health convened its meeting at 2:04 p.m. on Thursday, July 8, 2010 in the Skaket Meeting Room of the Orleans Town Hall.

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

#### **Agenda Item 1 – Public/Press**

There was no one present for Public / Press.

#### **Agenda Item 10 – Approve Minutes**

The minutes of the Board of Health meeting held on June 17, 2010 had previously been distributed to Board members for review.

**On a motion by Dr. Schneider and seconded by Ms. McKusick, the Board of Health voted to accept the minutes of the meeting held on June 17, 2010. The vote was 4-0-0.**

#### **Agenda Item 11 – Health Agent's Report**

Mr. Canning reported on the following Licenses and Permits:

##### **Food Service Establishment**

**Finbars Landing**, located at 5 Route 6A has filed a Change of Ownership. Mark Powers is the new owner DBA under the corporation, Hang Ten Inc.

**On a motion by Ms. McKusick and seconded by Dr. Schneider, the Board of Health voted to approve the operation of Finbars Landing at 5 Route 6A DBA Hang Ten, Inc. owned by Mark Powers. The vote was 4-0-0.**

##### **Temporary Food Establishments**

The **Orleans Firemen's Relief Association** has requested a Variance for the menu to be served at the annual Pancake Breakfast to be held on Sunday, July 11, 2010 from 7:00 a.m. to 11:00 a.m. at the Orleans Fire Station. They will be serving pancakes, sausages, syrup, butter, orange juice and coffee. This is a non-profit organization; therefore a Certified Food Protection Manager is not required. The food will be purchased from Stop & Shop and the event will be held indoors. The Pancakes will be cooked and the sausages will be reheated on griddles. The orange juice and milk will be held in the refrigerator until served. Gloves will be used to prevent bare-hand contact. Hand washing and restroom facilities are available on site. Paper plates, cups and plastic utensils will be used.

**On a motion by Dr. Davis and seconded by Dr. Schneider, the Board of Health voted to approve a Temporary Food Permit and a Variance for the menu for the Orleans Firemen's Relief Association's annual pancake breakfast to be held on Sunday, July 11, 2010 from 7:00 a.m. to 11:00 a.m. at the Orleans Fire Station. The vote was 4-0-0.**

Ms. Bobbi Eldridge of **Snow Library** has applied for a Variance for the menu to be served at the H. K. Cummings Reception to be held on September 18, 2010 from 1:00 p.m. to 3:30 p.m. at the Snow Library. They will be serving tea sandwiches, fruit and cheese platters, cookies, brownie bites, crackers, pretzels, iced tea, and lemonade. The tea sandwiches will be provided by Cape Cup; platters will be purchased from BJ's. Other items will also be from approved sources. Beverages will be served from multi-serving containers into plastic cups. Tongs or toothpicks will be used for serving. Hand washing and toilet facilities will be available on-site and everything will be single use articles. This is a non-profit organization; therefore a Certified Food Protection Manager is not required.

**On a motion by Ms. McKusick and seconded by Dr. Schneider, the Board of Health voted to approve a Temporary Food Permit and a Variance for the menu for a reception to be held at Snow Library on September 18, 2010 from 1:00 p.m. to 3:30 p.m. The vote was 4-0-0.**

### **Recreational Camp for Children**

Colm Hamill representing Mass. Premier Soccer Camps has applied for two permits to operate the soccer camps at the Nauset Regional Middle School on July 12 – July 16, 2010 and August 9 – August 13, 2010. These two permits will be issued following approval from the Board of Health and inspection by the Orleans Health Department.

**On a motion by Ms. McKusick and seconded by Dr. Schneider, the Board of Health voted, subject to inspection and completion of an application, Mass. Premier Soccer Camps may hold two soccer camps on July 12 – 16, 2010 and August 9 – 13, 2010. The vote was 4-0-0.**

### **Mobile Food Establishment**

The owner of **Ardath's Mobile Food** (vendor already has a license) has requested a variance for grilling and serving of hot dogs, pre-formed hamburgers and pre-cooked sausages outside of the mobile food unit at the Orleans Police Department's Block Party on August 18, 2010. The Licensed Mobile Unit will be set up on site and all food storage, ware washing and hand washing will take place inside the unit.

**On a motion by Dr. Schneider and seconded by Dr. Davis, the Board of Health voted to approve a variance to allow Ardath's Mobile Food to grill and serve food outside of the Mobile Food Unit. The vote was 4-0-0.**

### **Septage Collection and Transportation**

**Bay State Sewage Disposal, Inc.** of 105 Kingman Street in Lakeville, MA, owned by Margaret Chaves, has applied for a Septage Collection and Transportation License.

**On a motion by Ms. McKusick and seconded by Dr. Schneider, the Board of Health voted to approve a Septage Collection and Transportation License for Bay State Sewage Disposal, Inc. pending the completion of an application and review of Town specific laws. The vote was 4-0-0.**

### **Daniels Recycling Company, Inc.**

The Health Department has received the monthly operational report from Daniels Recycling Company, Inc. for the month of May 2010. The report was prepared to satisfy the monthly reporting requirements of the DEP's Authorization to Operate, and to satisfy the conditions of the Orleans Board of Health Site Assignment.

In May DRCI received 647 tons of C&D material (28.16 tpd) and 7.4 tons of Brush (0.32 tpd) were received in 23 working days. There were no reported incidents of unacceptable materials found on the tipping floor and no positive results for asbestos were reported. DRCI continues to kick-sort recyclables such as asphalt, brick, and concrete, metals and cardboard on the tipping floor to the maximum extent possible from the waste stream.

In addition, on June 29, 2010 the Health Department conducted an inspection of the DRCI site. At the time of the inspections the following violations were noted:

- Multiple containers were found to not have covers, some of the covers being used for containers were mesh, permeable covers and multiple other tarps were damaged with large holes. In accordance with the Site Assignment, all containers must be covered with impermeable covers.
- A section of fence running parallel to the 100 yard trailer parking along the 31/33 Giddiah Hill Road property is less than 6 feet in height because of a buildup of soil and groundcover along the fence. In accordance with the Site Assignment, DRCI must maintain a 6 foot fence and they have agreed to address this issue.

It was suggested that the Board of Health accept the DRCI report of May, 2010 and continue this discussion during the Old Business portion of this meeting.

### **Meeting with the Board of Selectmen on July 14, 2010**

The Board of Health and the Board of Selectmen will meet on Wednesday July 23, 2010 at 6:45 p.m. in the Nauset Room. Items for discussion include:

- A new appointment to the Board of Health
- Solid waste issues
- Housing Rental Program

### **Waiver Request – Difficult to Inspect Septic Component**

Mr. David Quinn requested the Board of Health grant a waiver for the location, uncovering and inspection of the septic tank inlet. The septic system serving 13 Quinn Road (a two-bedroom dwelling) was inspected on June 25, 2010 by David Quinn, a DEP Approved System Inspector. At the time of the inspection Mr. Quinn inspected the outlet of the septic tank, distribution box and leaching facility and found all to be in good working order. Mr. Quinn was unable to inspect the inlet end of the septic tank because it is located below a patio constructed of interlocked patio blocks. Mr. Quinn has submitted a request for a waiver to expose the inlet cover to the septic tank.

**On a motion by Ms. McKusick and seconded by Dr. Davis, the Board of Health voted to grant a waiver to David Quinn on the property at 13 Quinn Road. The vote was 4-0-0.**

### **Agenda Item 2 –Variance Request – 8 Highwood Road**

Mr. Keith Fernandes of J.M. O'Reilly & Associates, Inc., representing Genevieve Staley c/o Daniels Recycling Company, Inc., owner of the property, was present to discuss the requested variance to the Town of Orleans Sanitary Regulations and 310 CMR 15.00 (Title 5). The proposal is to keep the existing 1000 septic tank, add a two-compartment pump chamber, distribution box, and three leaching trenches. The variance requested is to keep the 1000 gallon septic tank although it doesn't meet the required 200 percent capacity for a six-bedroom house. The original septic system was designed for a four-bedroom house under the 1978 code Title 5. Under the current Title 5 requirements, the house has 12 rooms, therefore is considered a six bedroom home. Because there is considerable landscaping and the current septic tank is located under a second story deck, the owner would like to keep the trees and avoid additional excavation.

Attorney Taylor disagreed with a designation as a six-bedroom house. He opined that one large room not considered separate rooms. Mr. Fernandes explained how he arrived at that determination. Ms. McKusick also disagreed noting that the one large room designated as Living, Kitchen, Dining, and Family should not be considered as four separate rooms for that calculation of bedrooms. The half-acre area of the lot should not be allowed to contain a house with a six-bedroom determination. Mr. Fernandes noted that it would be better for his client to be designated as a four-bedroom house; therefore he questioned whether the variance is required.

Mr. Canning discussed whether there are any walls in the large open space. Mr. Fernandes acknowledged that there is a knee wall between the Kitchen and Dining. Mr. Canning suggested that the Board could find that there are nine rooms in the dwelling, divided by two and rounding down to allow a four-bedroom dwelling.

He suggested that Mr. Fernandes withdraw the request and return with a septic design for a four-bedroom home.

There were no abutters present.

**On a motion by Ms. McKusick and seconded by Dr. Schneider, the Board of Health voted in the matter of 8 Highwood Road that this is a nine-room home with four bedrooms eliminating the need for the requested variances. The vote was 4-0-0.**

### **Agenda Item 3 – Definitive Subdivision Modification – 16-23 Sage’s Way**

Attorney Duane Landreth was present to represent Richard Dupont (potential owner of Lot 1) of the property at 16 – 23 Sage’s Way. There are two houses on this lot; one built in 1969 and another built in 1981. While researching sale of the property, Attorney Landreth discovered the condition allowing only one dwelling to be placed on the property as part of the subdivision plan. The proponent is requesting a waiver of the requirement to allow only one dwelling on a lot, or a modification with respect to this particular lot. Attorney Landreth read a letter from the Orleans Board of Health dated November 8, 1961 (*Exhibit Item 3 – 1 dated 7 – 8 - 10*). He noted that the Board of Health’s approval at that time did not relate to the size of the lot.

Attorney Taylor inquired whether Attorney Landreth was representing the owner of the property or the potential buyer to which Attorney Landreth responded that he represents the potential buyer; however he is also representing the current owner in this matter. Attorney Taylor opined that this is a conflict of interest.

Attorney Taylor informed Attorney Landreth that the current owner is not in compliance with an outstanding order by the Board of Health.

Attorney Landreth objected to the Chairman’s characterization of his representation of both parties as a conflict of interest. He opined that, as part of the purchase, it is likely that the buyer will take care of the deficiencies required by the Board of Health. Attorney Taylor explained that the current owner has refused to comply with Health Department orders on several occasions; therefore the Board cannot be confident that a new owner will comply with those orders. Attorney Landreth explained that the potential buyer will most likely purchase the property and subsequently will be applying for permits to improve the dwelling, therefore triggering permit applications. At that point the Board of Health will be able to restrict any activity on the property until the orders are addressed.

Mr. Canning explained that the lots are roughly 86,000 s.f. In accordance with the inspection reports, the house on Lot 18 has seven bedrooms, and the house on Lot 16 has two bedrooms. The Health Department had issued an order in December, 2008 to resolve a bedroom discrepancy by reducing the number of bedrooms or upgrading the septic system. In May, 2009 the Health Department received an application to replace the septic system. Since 2009 the Health Department hasn’t received any cooperation from the owner. The other houses are listed as six-bedroom dwellings. Town water is available to the other houses on Sage’s way.

Ms. McKusick inquired whether Attorney Landreth had been through the house to confirm that there are seven bedrooms. Attorney Landreth explained that he is relying on the Assessors’ record which shows four bedrooms. Ms. McKusick informed him that the property is in conflict with the Nutrient Management Regulations.

Attorney Landreth requested that the Board of Health approve the modification with a recommendation regarding the number of bedrooms allowed by Town regulations. He noted that there will be an application for substantial enlargement of the main house which will require both Board of Health and Conservation Commission approval. Ms. McKusick suggested conditions that there would be no more than nine bedrooms (total) on the property and that the current owner or new owner must come into compliance within a certain time period.

Dr. Schneider discussed that the original subdivision plan from February 1961 showed only a shed on Lot 1. The more recent plan from June 7, 2010 shows two structures in addition to the shed on Lot 1.

Mr. Canning clarified that the request before the Board of Health is that the condition be changed for all three lots or that the condition be rescinded. Attorney Landreth noted that it was the intention of the proponent to modify the subdivision plan to affect all of the lots. He suggested that the Board could treat that as a covenant for Lot 1 but the owners of Lots 2 and 3 must also consent to any change.

Board members discussed the buildings currently on Lots 2 and 3. Attorney Landreth reported that there is a single-family dwelling on Lot 3 on well water and with a bedroom count of six bedrooms. Mr. Canning reviewed the dwellings, septic, and water service on all three lots in the subdivision.

There were no abutters present.

**On a motion by Ms. McKusick and seconded by Dr. Schneider, the Board of Health voted in the matter of the subdivision at 16 – 23 Sage’s Way, per request by the Planning Department for the Board of Health to comment on the request documented in the letter dated June 27, 2010. The Board of Health will approve with the following conditions:**

- 1. These conditions apply to the parcel #1 of the subdivision labeled Parcel 1 containing the two homes listed as 16 and 18 Sages Way.**
- 2. There shall never be more than nine bedrooms total on this property.**
- 3. There shall never be more than two residential structures.**
- 4. The current owner or future owner has one year from today to show good faith effort in replacing and coming into full compliance with the violation of the septic system that is now over two years old.**

**The vote was 4-0-0.**

#### **Agenda Item 4 – Approval Request – 165 Route 6A, Unit G**

Lisa Anne Arnold, N.D. requested that the Board of Health approve the use of Unit G for her practice, Arnold Natural Medicine, Inc. She reviewed that the Board of Health had previously approved the use of Unit C in the same building. Unit G (now available) has a better layout for her practice. She requested that the Board approve the change from Unit C to Unit G.

Mr. Canning noted that Unit G is a slightly larger than Unit C. The Board had agreed that the 75 gallons-per-1000 s.f. ratio is appropriate for her business. He read the previously approved conditions for occupancy of Dr. Arnold’s practice.

Board members discussed the number of rooms and that Unit G has a different layout.

**On a motion by Dr. Schneider and seconded by Ms. McKusick, the Board of Health voted in the matter of 165 Route 6A, Unit G to approve the change of our approval on May 10, 2010 with the same conditions to allow Dr. Arnold to purchase Unit G for her practice; recognizing there is an increase in the square footage and therefore in the gallons of water usage. The vote was 4-0-0.**

#### **Agenda Item 5 – Request for Determination – 65 Old Colony Way**

Stephanie Sequin of Ryder & Wilcox Engineering, representing MAHO LLC (Rehabilitation Hospital of the Cape and Islands [RHCI]), requested that the Board of Health approve the use of 65 Old Colony Way for an expanded location of RHCI. Also present, Todd Thayer representing RHCI. RHCI is presently in a 3330 s.f. location and has outgrown that space. RHCI is looking at a new location on Old Colony Way, a vacant lot, where they would construct a new 8100 s.f. building. Based on the lot area of that property at 56,000 s.f., the proponent would be limited to 621 gallons per day for an 8100 s.f. building. They are requesting approval of a design flow of 75 gallons per day per 1000 s.f. for an office use and projected 610 gallons per day of effluent. In calculating the projected effluent flow Ms. Sequin used the water meter readings from the last three years for RHCI at its present location. Averaging that information results in 165 gallons per day over 365 days per year. RHCI operates five days per week plus four hours on Saturday which would be equivalent to 211 gal-

lons per day which is equivalent to 64 gallons per day per 1000 s.f. This is in line with the Title 5 requirement for office building use. Although RHCI has physicians on staff, their daily operation is more in line with typical office use. Therefore, the proponent requests that the Board of Health approve a design flow of 75 gallons per day per 1000 s.f. RHCI is planning to increase services without increasing their water usage.

Attorney Taylor inquired whether RHCI will be run the same way with physicians as consultants; and will it continue to be operated as RHCI? Mr. Thayer explained that RHCI is now operating under the Spaulding name. The company will soon be making an announcement of a change.

Mr. Canning expressed concern that there will be some physicians' services here and that Title 5 defines a physician's office under different standards so the Board will want to define it as a professional office.

Dr. Schneider was concerned that they will continue to use the current facility as well. Mr. Thayer assured him that everything will be moved to the new location and will provide more privacy for their clients. Ms. McKusick expressed appreciation for the proponent's willingness to their future share plans with the Board of Health.

**On a motion by Ms. McKusick and seconded by Dr. Schneider, the Board of Health voted in the matter of 65 Old Colony Way and using the water meter readings provided to define this new building as a professional office building contingent upon those things. The vote was 4-0-0.**

#### **Agenda Item 6 – Hearing Request – 210 Main Street**

Mr. Frederick Morse, owner of Zia Pizzeria and representing the Windmill Plaza Condo Association, requested a hearing with the Board of Health to discuss the Order to Repair the failed septic system at 210 Main Street.

Mr. Canning explained that there are a number of septic systems serving the Windmill Plaza. One system was renovated about twelve years ago and septic flow was purportedly diverted to another system away from Main Street in the rear of the property. During renovations to establish Zia Pizzeria it was discovered that plumbing they thought would go to the new septic system, was still discharged to the old one. On June 16, 2010 there was an episode of septage on top of the ground which resulted in an order for a permanent solution. At that time the response from the owner was spectacular and the area was quickly cleaned up. Options for correcting the situation may involve tearing up the parking lot. Mr. Morse and the Health Department have established a formal monitoring program until after the summer season when the work can begin. Mr. Morse also proposed that a portable restroom be installed, and that is now in place. Mr. Morse is inspecting the existing septic tank daily and he is now requesting an extension to the order to repair until fall while he develops an engineering plan.

Mr. Morse explained that the septic system was not inspected prior to his purchase, and was misrepresented by the seller and the real estate agent. The discrepancy was discovered four years ago when it backed up into the restaurant and shut them down for a time. They have spent considerable money on frequent pumping and cleaning the pipes to increase the flow. They tried to avoid a major repair but it appears to be unavoidable. Other owners at Windmill Plaza will explore how to share the cost. They have taken preventive measures to stop overuse of their toilets by foot traffic. He is now working with Stephanie Sequin of Ryder & Wilcox to develop an engineering plan.

Board members discussed that there is more capacity in the newer system and that the fix would be to use the new system. Ms. Sequin explained that the problem is how to get from the waste pipe to the new system out back, and they will probably have to install a pump chamber in the parking lot. Mr. Morse affirmed that he tries to keep the use to a minimum, and the subject system is not used for dishwashing or other waste.

Mr. Morse explained that there are condos upstairs in the building that also use the rear system, but only the two bathrooms in Zia are involved.

**On a motion by Dr. Schneider and seconded by Dr. Davis, the Board of Health voted in the matter of**

210 Main Street, to approve the plan presented for an extension of the order recognizing that nothing can or should be done during the season, that there will be deflection of foot traffic to a new outdoor facility, and regular pumping as described. The extension for will run for six months or until January 1, 2011. The vote was 4-0-0.

### **Agenda Item 7 – Bedroom Determination – 16 Tanglewood Terrace**

Attorney Karen Underhill, representing Robert and Patricia Donaldson (also present), requested a hearing with the Board of Health to appeal the bedroom determination outlined in a letter from the Health Agent dated April 16, 2010. She explained that the first floor TV room and the lower level family room are the two rooms in question. The TV room is the main entry to the home from the driveway to the kitchen; therefore there is no privacy for use as a sleeping room. The family room on the lower level was designed to be a bar, family room, entertainment center, etc. (Attorney Underhill presented photographs of the driveway entrance as well as the flow of traffic through the TV room to the kitchen. (*Exhibit Item 7a through 7e dated 7-8-10*) The design of both rooms generates foot traffic. Attorney Underhill showed a personal family book of photos of the downstairs family room. This was not available to be entered as an exhibit. She explained that the room adjacent to the garage on the first floor (TV room) was originally designed as a home office. This exposure precludes using this room as a bedroom because of its lack of privacy for changing and/or sleeping quarters. The downstairs family room, used for entertainment, again precludes its use for changing and/or sleeping quarters because of a lack of privacy.

Attorney Underhill also explained that the Donaldson's had hired someone to build the family room and had applied for a Building Permit. They complied with the appropriate inspections required by the town and were unaware that this room might be considered a bedroom.

Attorney Taylor opined that the Building Permit allowed construction of an illegal room. Attorney Underhill explained that the Donaldson's acted in good faith and had confidence that their contractor acted appropriately.

Mr. Canning reported that the dwelling was built in 1993 as a four-bedroom dwelling. One bedroom was used as office space. There was also a room on the second floor above the garage shown as storage; however, that room (although subsequently finished) does not meet the criteria of a bedroom. On the lower level, consideration of the light and ventilation, that family room meets the criteria of a bedroom. The septic system was designed for four bedrooms on 41,000 s.f. of land. Considering that there are three "formal" bedrooms, the office (TV room) and basement room (family room) would designate this house as a five-bedroom dwelling. The proponent has requested that either the office or basement not be classified as a bedroom. The Donaldson's have applied for a Building Permit to further finish the basement and the Health Department is holding it pending the Board of Health decision.

Board members discussed whether there is another entry to the home other than the door through the TV room. Mr. Donaldson explained that there is a front door on the other side of the driveway. Mr. Canning showed the original floor plans from the 1993 Building Permit No. 76 with an office and master bedroom on the first floor.

It was suggested that a deed restriction be filed that this dwelling will only contain four bedrooms. Board members discussed other options as well.

**On a motion by Dr. Schneider and seconded by Dr. Davis, the Board of Health voted in the matter of 16 Tanglewood Terrace, to require that a deed restriction be filed indicating that this dwelling shall have only four bedrooms. The vote was 4-0-0.**

### **Agenda Item 9 – Show Cause Hearing – 3:00 p.m. – 20 Hopkins Lane**

Mr. Timothy Murphy, owner of the property at 20 Hopkins Lane, was present to respond to the Board of Health Show Cause Hearing regarding the outstanding Order to Repair the septic system at 20 Hopkins Lane.

Mr. Canning explained that Mr. Murphy was at this meeting to respond to his failure to comply with the Order to Repair. He read from a chronology of events since December 18, 2008 (*Item 9 – 4 in the Board of Health*

*packet for the July 8, 2010 meeting*). Mr. Canning also explained that there is a cottage (served by a cesspool) attached to the house which upon sale of property resulted in the cesspool failure and the Order to Repair.

Mr. Murphy stated that it is his intention to follow through and get the septic system replaced. He noted that he was waiting for septic sewers and it does not appear that will happen soon enough.

Board members requested assurance that he would follow through. Mr. Murphy stated that he will go through the Barnstable County program for financing. He is not sure how long Joe Reynolds will take to submit plans. Ms. McKusick noted that time is up, and requested that Mr. Murphy report back to the Board of Health on August 12<sup>th</sup> with specific plans, drawings, and a letter from Barnstable County financing.

**On a motion by Dr. Schneider and seconded by Dr. Davis, the Board of Health voted in the matter of 20 Hopkins Lane to continue this hearing until August 12, 2010. The vote was 4-0-0.**

### **Agenda Item 8 – Approval / Variance Request – Odd Fellows Hall – 2 Namskaket Road**

Ms. Diane Pansire, representing the World Moves Dance Party, requested a Temporary Food Permit for an event to be held on July 16, 2010 at the Odd Fellows Hall from 6:00 p.m. to 10:00 p.m.

Mr. Canning reported that this is a nonprofit organization that will be serving potentially hazardous foods. They will need a variance in addition to the temporary food permit. They will be serving cut and whole fruit, cut vegetables, Hummus, cheese and crackers, and Brochette; and they will be using Time as a Public Health Control. The Odd Fellows Hall does not have a licensed kitchen. He explained the definition of the Time as a Public Health Control. Restrooms and hand washing are available at the site. The food will be served indoors. There will be no bare hand contact and everything will be served on paper plates, etc.

Board members inquired and Mr. Canning explained further the use of Time as a Public Health Control.

**On a motion by Dr. Davis and seconded by Dr. Schneider, the Board of Health voted in the matter of the World Moves Dance Party event to be held on July 16, 2010 at the Odd Fellows Hall from 6:00 p.m. to 10:00 p.m., to approve a Temporary Food Permit, a variance to use Time as a Public Health Control, and a variance for the service of potentially hazardous foods at a temporary food event. The vote was 4-0-0.**

### **Agenda Item 12 – Review Correspondence / Old and New Business**

12 – 1 – A letter dated June 2, 2010 from Wastewater Treatment Services, Inc. regarding the maintenance and monitoring of the **Windswept Condominium 4 Mill Lane** I/A technology septic system had previously been distributed to Board members for review and discussion.

12 – 2 – A letter dated June 2, 2010 from Wastewater Treatment Services, Inc. regarding the maintenance and monitoring of the **Town of Orleans, 19 School Road** I/A technology septic system had previously been distributed to Board members for review and discussion.

12 – 3 – A letter dated June 2, 2010 from Wastewater Treatment Services, Inc. regarding the maintenance and monitoring of the **172 Skaket Beach Road** I/A technology septic system had previously been distributed to Board members for review and discussion.

12 – 4 – A letter dated June 9, 2010 from Wastewater Treatment Services, Inc. regarding the maintenance and monitoring of the **31 Winslow Drive** I/A technology septic system had previously been distributed to Board members for review and discussion.

12 – 5 – A letter dated June 17, 2010 from Coastal Engineering Company, Inc. regarding the maintenance and monitoring of the **Nauset Village Condominium, 319 South Orleans Road** I/A technology septic system had previously been distributed to Board members for review and discussion.



12 – 6 – A letter dated June 17, 2010 from Coastal Engineering Company, Inc. regarding the maintenance and monitoring of the **41 Oriole Lane** I/A technology septic system had previously been distributed to Board members for review and discussion.

12 – 7 – A letter dated June 10, 2010 from Stearns & Wheeler regarding the Semi-Annual Inspection of the **Orleans Transfer Station** had previously been distributed to Board members for review and discussion.

12 – 8 – A letter dated June 24, 2010 from Stearns & Wheeler regarding the Quarterly Gas Sampling at the **Orleans Landfill** had previously been distributed to Board members for review and discussion.

12 – 9 – A letter dated June 16, 2010 from the Cape Cod Commission regarding the Minor Modification to the **Daniels Construction and Demolition Debris Handling and Transfer Facility** Development of Regional Impact Exemption Decision had previously been distributed to Board members for review and discussion. This allows DRCI to utilize 100 cubic yard trailers.

12 – 10 – A letter dated June 15, 2010 from Mass. Department of Environmental Protection regarding **Approval to Use Orleans Well No. 8** had previously been distributed to Board members for review and discussion.

12 – 11 – An article dated July 2, 2010 from the Cape Cod Times regarding the use of **outside showers** had previously been distributed to Board members for review and discussion.

### **Old Business**

Attorney Taylor reported that **Daniels Recycling Company, Inc.** has come closer to compliance, but still is not in compliance in several areas. He noted that the amount of unprocessed clean wood waste has increased to greater than allowed; and suggested that a representative from DRCI come to the next meeting of the Board of Health to explain what they intend to do to come into compliance.

Dr. Davis recused herself from the discussion.

It was noted that it has been a constant struggle to get DRCI to comply with the requirements of their Site Assignment. The economy impacts these services, but they must be brought into compliance. Board members discussed whether DRCI's consultant could help them with these issues. DRCI will receive relief if and when the state allows them to use covers other than impermeable covers. Mr. Canning discussed the downside of exceeding the limits of storage noting that fire is a very strong possibility. It was decided that their representative should come before the Board of Health.

There remains a significant amount of unprocessed C&D material inside the building. The Health Department approximates the amounts as follows:

<b>Location</b>	<b>Observed Amount (cubic yards)</b>	<b>Allowable Amount</b>	<b>Complies with Established Limits</b>
Total @ Container Storage Area	540	300 cubic yards	(N)
Recyclables stored in containers	90	Must be removed from site in 60 days	
C&D stored in containers	450	Must be removed from site in 7 days	
Inside the Processing Building	720	315 cubic yards	(N)
Unprocessed clean wood waste (brush etc.)	2800	500 cubic yards	(N)
Processed clean wood waste (chips etc.)	1080	1,500 cubic yards	(Y)

Per the April Green Seal Environmental monthly report, the monthly tonnage of inbound material (C&D and wood waste) slightly exceeded the tonnage of outbound material.

Incoming Material Weight Logs provided to the Health Department indicate that some individuals are arriving before 8:00 a.m.


Location	April Observed Amount (cubic yards)	May Observed Amount (cubic yards)	June Observed Amount (cubic yards)	Allowable Amount
Total @ Container Storage Area	1,079	842	540	300 cubic yards
Recyclables stored in containers	306.6	391	90	Must be removed from site in 60 days
C&D stored in containers	722.5	451	450	Must be removed from site in 7 days
Inside the Processing Building	1,612	1671	720	315 cubic yards
Unprocessed clean wood waste (brush etc.)	1,342	1,266	2800	500 cubic yards
Processed clean wood waste (chips etc.)	1,156	645	1080	1,500 cubic yards

There was no further business to discuss.

#### **Agenda Item 10 – Adjournment**

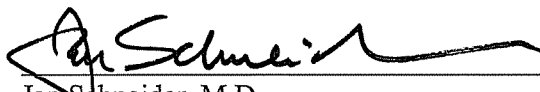
**On a motion by Dr. Schneider and seconded by Ms. McKusick, the Board of Health voted to adjourn this meeting of the Board of Health at 3:43 p.m. The vote was 4-0-0.**


Respectfully submitted,

  
Lynda M. Burwell, Board Secretary

#### **ORLEANS BOARD OF HEALTH**

  
Attorney Job Taylor, III; Chairman

  
Jan Schneider, M.D.

  
Augusta F. McKusick, Vice Chairman

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Robin K. Davis, Ph.D.

August 12, 2010  
~~Date Approved/Accepted~~

**DOCUMENTS PROVIDED FOR THE JULY 8, 2010  
MEETING OF THE ORLEANS BOARD OF HEALTH**

**Agenda Item 2**

- 2 – 1 – Variance Application Form submitted by J.M. O'Reilly & Associates, Inc. – 8 Highwood Road
- 2 – 2 – J.M. O'Reilly & Associates, Inc. Site & Sewage Disposal System Design dated 6/15/10 – 8 Highwood Road

**Agenda Item 3**

- 3 – 1 – Application for Approval of Modification to a Definitive Subdivision Plan for properties at 16-23 Sage's Way
- Exhibit Item 3 – 1 dated 7-8-10 – Orleans Board of Health letter dated November 8, 1961.*

**Agenda Item 4**

- 4 – 1 – Approval Request for 165 Route 6A, Unit G

**Agenda Item 5**

- 5 – 1 – Hearing Request for MAHO LLC (RHCI) at 65 Old Colony Way

**Agenda Item 6**

- 6 – 1 – Approval Request for Windmill Plaza at 210 Main Street
- 6 – 2 – OHD letter of June 22, 2010 Re: 210 Main Street

**Agenda Item 7**

- 7 – 1 – Attorney Karen A. Underhill letter of July 1, 2010 – Appeal of Bedroom Determination for 16 Tanglewood Terrace
  - 7 – 2 – Appeal Request Form – 16 Tanglewood Terrace
  - 7 – 3 – OHD letter of April 16, 2010 Re: 16 Tanglewood Terrace
  - 7 – 4 – David B. Lajoie Site & Sewage Plan dated 03/18/92 for 16 Tanglewood Terrace
- Exhibit Item 7a through 7e dated 7-8-10 – Photographs of the driveway entrance as well as the flow of foot traffic through the TV room to the kitchen. – 16 Tanglewood Terrace*
- A personal family book of photos of the downstairs family room was not available to be entered as an exhibit. – 16 Tanglewood Terrace

**Agenda Item 8**

- 8 – 1 – Application for a Temporary Food Establishment Permit for World Moves Dance Party dated July 2, 2010
- 8 – 2 – Excerpt of MDPH Food Protection Program Guidelines

**Agenda Item 9**

- 9 – 1 – OHD letter of June 11, 2010 Re: 20 Hopkins Lane
- 9 – 2 – OHD letter of January 12, 2009 Re: 20 Hopkins Lane
- 9 – 3 – OHD letter of March 1, 2006 Re: 20 Hopkins Lane
- 9 – 4 – OHD Summary of Activity Re: 20 Hopkins Lane

**Agenda Item 10**

- 10 – 1 – Minutes of BOH Meeting on June 17, 2010

**Agenda Item 11**

- 11 – 1 – OHD letter of July 6, 2010 Re: June 29, 2010 DRCI Inspection Report
- 11 – 2 – Septic System Inspection – Difficulty in Locating Components – Request for Waiver – for 13 Quinn Road

**Agenda Item 12**

- 12 – 1 – A letter dated June 2, 2010 from Wastewater Treatment Services, Inc. regarding the maintenance and monitoring of the **Windswept Condominium, 4 Mill Lane** I/A technology septic system.
- 12 – 2 – A letter dated June 2, 2010 from Wastewater Treatment Services, Inc. regarding the maintenance and monitoring of the **Town of Orleans, 19 School Road** I/A technology septic system.
- 12 – 3 – A letter dated June 2, 2010 from Wastewater Treatment Services, Inc. regarding the maintenance and monitoring of the **172 Skaket Beach Road** I/A technology septic system.
- 12 – 4 – A letter dated June 9, 2010 from Wastewater Treatment Services, Inc. regarding the maintenance and monitoring of the **31 Winslow Drive** I/A technology septic system.
- 12 – 5 – A letter dated June 17, 2010 from Coastal Engineering Company, Inc. regarding the maintenance and monitoring of the **Nauset Village Condominium, 319 South Orleans Road** I/A technology septic system.

- 12 – 6 – A letter dated June 17, 2010 from Coastal Engineering Company, Inc. regarding the maintenance and monitoring of the **41 Oriole Lane** I/A technology septic system.
- 12 – 7 – A letter dated June 10, 2010 from Stearns & Wheeler regarding the Semi-Annual Inspection of the **Orleans Transfer Station**.
- 12 – 8 – A letter dated June 24, 2010 from Stearns & Wheeler regarding the Quarterly Gas Sampling at the **Orleans Landfill**.
- 12 – 9 – A letter dated June 16, 2010 from the Cape Cod Commission regarding the Minor Modification to the **Daniels Construction and Demolition Debris Handling and Transfer Facility** Development of Regional Impact Exemption Decision.
- 12 – 10 – A letter dated June 15, 2010 from Mass. Department of Environmental Protection regarding **Approval to Use Orleans Well No. 8**.
- 12 – 11 – An article dated July 2, 2010 from the Cape Cod Times regarding the use of **outside showers**.