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TOWN OF ORLEANS – BOARD OF HEALTH

MINUTES OF MEETING

November 18, 2010

The Board of Health convened its meeting at 2:02 p.m. on Thursday, November 18, 2010 in the Skaket Meeting Room of the Orleans Town Hall.

Present: Chairman, Job Taylor, III, Robin Davis, Ph.D., Jan Schneider, M.D., and Elizabeth Suraci. Also present: Robert Canning, Health Agent; and Ed Barr, Liaison from the Finance Committee.

Excused: Vice Chair Augusta McKusick

Agenda Item 1 – Public or Press

There was no one present for Public or Press.

Agenda Item 2 – Variance Request – 84 Old Duck Hole Road

Ms. Stephanie Sequin of Ryder & Wilcox represented Alan and Beverly Grieco, new owners of the property at 84 Old Duck Hole Road. She requested a variance to the Nutrient Management Regulations to allow a three-bedroom house on a lot of 24,305 square feet and pointed out that their proposed plan meets all other requirements of Title 5.

Attorney Taylor inquired about the openings to the Family Room which Ms. Sequin affirmed that they would each be at least six feet wide.

Mr. Canning discussed that this is the first variance requested to the Nutrient Management Regulations and is a variance to Section 7.1 subject to installation of an I/A system with nitrogen loading reduction. He explained the calculations included in the application. Using the I/A system for a three-bedroom dwelling reduces the nitrogen loading more than a two-bedroom dwelling with a standard Title 5 septic system. This meets the requirements of the Board of Health for the requested variance.

Board members discussed requiring a deed restriction restricting this property to no more than three bedrooms. Mr. Canning affirmed that it could be a condition of the variance, and that any installation of an I/A septic system requires recording at the Registry of Deeds. They also discussed a condition that this installation will require monitoring and testing quarterly to ensure that the system is working properly.

There were no abutters present.

On a motion by Ms. Suraci and seconded by Dr. Schneider, the Board of Health voted in the matter of 84 Old Duck Hole Road in Orleans. Findings are:

1. This lot is 6,000 square feet smaller than that required for a three-bedroom dwelling.
2. The installation of an I/A septic system for a three-bedroom dwelling reduces the nitrogen loading greater than a standard Title 5 septic system for a two-bedroom dwelling.

The Board of Health granted a Variance to Section 7.1 of the Nutrient Management Regulations to allow construction of a three-bedroom house on a lot of 24,305 square feet.

Condition: The installation of an I/A septic system for a three-bedroom dwelling shall be recorded at the Registry of Deeds.

The vote was 4-0-0.

Agenda Item 3 – Variance Request – 126 Lake Drive

Ms. Judy Bersin of Ryder & Wilcox represented Bogdanoff (Quanset Pond Property, LLC), owner of the property at 126 Lake Drive. David Haig of Haig's Homes was also present. Ms. Bersin explained the variance requested to make two small expansions to the home. There would be no increase in bedrooms, footprint, or flow to the septic system.

Mr. Canning explained that the septic system consists of two cesspools, which are failed by description. He explained that the variance requested is to the Orleans Board of Health Subsurface Sewage Disposal Regulation, Section IV (G) (4) to allow cesspools to remain on a property which will have an expansion in use. They are increasing square footage for the capacity of the cesspool. He noted that the standard of review for the Board of Health is that the same degree of environmental protection as allotted must be the same as if the code was enforced, and that the person requesting the variance must show a hardship to the Board of Health. The cesspools are located in the driveway and will not be encroached upon by the proposed expansion. He suggested that the engineer discuss the structural soundness of the cesspools and the loading for vehicle traffic.

Ms. Bersin explained that they had inspected one cesspool and it appears structurally sound. The other cover was located under a dumpster and could not be exposed for inspection. The components are not H-20 but they were not expected to be exposed to heavy equipment traffic.

Board members discussed that in the past the Board has approved small increases in square footage. They also discussed the requirement to replace existing cesspools whenever certain changes are made to a property. Mr. Canning explained that the existence of several collapsed cesspools in the past had prompted that regulation. Mr. Haig explained that the owner intends to upgrade the septic system in the future as their financial situation allows.

It was noted that the cesspools should be replaced as soon as possible. Ms. Bersin pointed out that the cesspools are located on a hill approximately thirty feet above the level of groundwater.

There were no abutters present.

On a motion by Dr. Davis and seconded by Dr. Schneider, the Board of Health voted in the matter of 126 Lake Drive. Findings are:

1. **This is a 51,000 square foot lot with a three-bedroom dwelling and a one-bedroom cottage.**
2. **The proposed construction will slightly increase the square footage of the property without increasing the footprint.**
3. **The property has cesspools.**
4. **They are not encroached upon by the construction proposal and due to funding issues, etc., the applicant would like to delay improving the septic system.**

I move that we grant a variance to Section IV(G)(4) of the Orleans Board of Health Subsurface Sewage Disposal Regulation to allow this construction to take place.

Condition: The cesspools must be inspected to ensure they are structurally sound, and after the construction, every two years.

The vote was 4-0-0.

Agenda Item 4 – Bedroom Determination – 95 West Road

Ms. Judy Bersin of Ryder & Wilcox represented Michael Carstanjen, owner of the property at 95 West Road. The property is for sale. A septic inspection revealed five rooms that meet the criteria for bedrooms according to the Orleans Board of Health regulation. There is an existing 95 Code septic system.

The original plan shows a septic system that was engineered for five bedrooms, but because of soil problems during installation the leach pit was installed with a capacity for four bedrooms. However, the floor plan shows five bedrooms. It was noted that in order to get to the bathroom on both the first and second floors you must go through a bedroom. Bedroom number one was used as an office by a previous owner.

Mr. Canning explained that the 1995 application was for three bedrooms. The septic system consisted of a 1000 gallon septic tank and a four foot leach pit with stone around it with capacity for four bedrooms under the old Title 5. When a prior sale of the property occurred it was found to have four or five bedrooms in the dwelling. The approved capacity of the septic system is for three bedrooms. There are currently four or five bedrooms in the house. The proponent has asked that the bedroom on the first floor through which one must walk to a bathroom not be considered a bedroom; and that the current septic system, which when installed would have been adequate for four bedrooms, continues to be adequate for four bedrooms.

Stephanie Sequin joined the discussion and spoke about whether there are plans to alter any of the rooms. The property will be for sale and the present owner does not have any plans to alter it. She explained that bedroom number three on the second floor does not meet the criteria of a bedroom because it does not have access to bathing facilities without going through another bedroom. Mr. Canning quoted that any bedroom must have access to a bathroom within a dwelling. When asked, he noted that there is no restriction for not going through another bedroom to get to a bathroom. The regulation would allow the Board of Health to make a determination that a room is not a bedroom based on the traffic patterns in the dwelling.

Dr. Schneider pointed out that many houses have access to bathrooms through a bedroom. He suggested that one of the five bedrooms be structurally changed to eliminate privacy for that room.

Board members discussed that the applicant requests determination that there are only four bedrooms.

Ms. Sequin asked for resolution of the issue that the capacity of the septic system is adequate for four bedrooms.

Mr. Canning suggested that the Health Department could issue an order to the owner that the septic system is inadequate for the dwelling, which resolution would then be handled by the Health Department, thereby eliminating the need to return before the Board of Health. He also discussed the concept of creating a bedroom suite.

On a motion by Dr. Schneider and seconded by Attorney Taylor, the Board of Health voted in the matter of 95 West Road. The property, which was approved in 1995 for three bedrooms, although at that time the septic system was identified as having the capacity for four bedrooms, that we now accept the fact that it still has the capacity for four bedrooms. The vote was 4-0-0.

Agenda Item 5 – Approve Minutes

The minutes of the Board of Health meeting held on November 4, 2010 had previously been distributed to Board members for review and approval.

On a motion by Attorney Taylor and seconded by Ms. Suraci, the Board of Health voted that the minutes of the Board of Health meeting of November 4, 2010 be approved as presented. The vote was 3-0-1. Dr. Schneider abstained because he was not present at that meeting.

Agenda Item 6 – Health Agent's Report

Mr. Canning reported on the following:

Community of Jesus

Christy Haig, sponsor, had requested a Temporary Food Permit and a Variance for the menu to be served at the Advent Festival to be held December 4, 2010 from 10:00 a.m. to 5:00 p.m. at the Community of Jesus. They will be serving tea sandwiches and hors d'oeuvres consisting of chicken salad; crab bundle; cucumber sandwiches; apricots with blue cheese, roasted veggie sandwiches with cheese, and assorted desserts. The food will be prepared in the Bethany House kitchen from licensed food sources. All china to be used for service will be cleaned and sanitized using high temperature dish-machines, or sanitized with chlorine sanitizer after being washed and rinsed by hand. Hand washing and toilet facilities are available on-site. Food will be served to order, not displayed. Gloves will be available to prevent bare-hand contact with ready to eat foods

On a motion by Dr. Davis and seconded by Dr. Schneider, the Board of Health voted to approve a Temporary Food Permit and Variance for the hazardous food to be served at the Community of Jesus Advent Festival on December 4, 2010 from 10:00 a.m. to 5:00 p.m. The vote was 4-0-0.

Flu Clinics

The Health Department has completed its flu clinics for the season. In total approximately 550 doses of flu vaccine were administered to town residents and employees. Because there is a considerable amount of vaccine left, Mr. Canning will be contacting neighboring towns to see if there is any interest in conducting a regional flu immunization clinic in an effort to reach anyone who may have missed the Orleans clinics.

Dr. Schneider expressed concern that if the vaccine is not used that the town will not receive sufficient vaccine in the future. Mr. Canning noted that this had been the lowest attendance in recent years. Many private flu clinics were conducted, both by physicians and other retail outlets.

18 Industry Way

Mr. Marcel Cosantino, owner of the property, was present at the hearing during this report.

On September 16, 2010, the Board of Health granted the owner 30 days to complete the necessary repairs in the unit. Since the November 4, 2010 Board of Health meeting the Health Department conducted re-inspections on November 9th, November 16th and November 17th. At the time of the November 17th inspection the following violations remained from the Board of Health September 16, 2010 order.

- There are damaged floor tiles in the kitchen floor.
- The area behind the sink is not properly sealed and is rotting.
- The existing counter tops, where they have been sawed, have exposed wood and are not easily cleanable.
- The window in bedroom three has broken glass.
- The owner name, address and telephone number are not posted on the premises.
- There is a crack in the center of the bathroom floor (off hallway) the flooring flexed when pressure was applied.
- There is excessive mold on the wall in the laundry area.

The following items have been partially addressed:

- The holes in the walls and interior doors have been patched but must be sealed.
- The odor in bedroom #3 seems to be resolved by removing the carpeting, however new flooring is needed.
- Screens are missing on several of the doors and windows. (The owner states that new screens are in his possession.) However, it is after the time of year when screens are required.

Mr. Canning distributed a compilation of the items listed in the existing orders showing violations and whether or not they have been corrected. (*Exhibit 6-1*)

In addition to the above, during the November 9, 2010 inspection additional items were identified and an order to repair has been issued to the owner.

Attorney Taylor indicated that there are nine violations with which Mr. Cosantino has not complied, and asked him how much time is needed to address these violations. Attorney Taylor also pointed out that in the past both Mr. Cosantino and his tenant have misled the Board of Health with their intentions to comply with repair orders. He asked Mr. Cosantino to state exactly how much time he would need to bring his property into compliance. Mr. Cosantino responded that he would need about a week and noted that he had photos on his phone to show the Board members.

Mr. Canning reported that he had seen the photos and they show some progress on the needed repairs. The present tenant is expected to vacate by the end of this month and will allow the owner to come in before then to make repairs. He reported that the Board's order was not complied with in a timely manner; however, Mr. Cosantino has made some progress. Mr. Canning suggested that the unit should not be occupied until the Health Department has signed off on compliance with the orders.

Dr. Schneider inquired of Mr. Cosantino what his plan is for the future of the property. Mr. Cosantino responded that he would like to secure a new tenant as soon as possible. Dr. Schneider pointed out that it is the responsibility of the Board of Health to ensure that the property is a habitable environment and emphasized that the unit is not to be occupied until the Health Department has approved it.

On a motion by Dr. Schneider and seconded by Ms. Suraci, the Board of Health voted in the matter of 18 Industry Way. I move that the Board recognizes that the premises will become vacant by November 29th of this year, if not before, and that the necessary repairs to comply with the various orders from the Health Department will be repaired thereafter. We, as a Board, state that no one shall live there until such time as all those repairs have been completed and approved by the Health Agent.

Mr. Canning reiterated the findings that the Board finds the owner is not in compliance with the orders of September 20, 2010, and they are issuing a new order that effective November 30, 2010 that they cease and desist use of the dwelling until such time as it is in full compliance.

The vote was 3-0-1. Attorney Taylor abstained from the vote.

33 Eli Rogers Road

On November 6, 2010 the Health Department received a message from Tim Asselton, groundskeeper for 33 Eli Rogers Road, stating that all items required to be complete by November 6th have been completed. The Health Department is trying to arrange for an inspection of the property to confirm these repairs.

20 Hopkins

There is no new information to report.

Agenda Item 7 – Review Correspondence / Old and New Business Correspondence

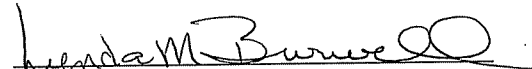
There was no correspondence to review.

There was no further business to discuss during this meeting.

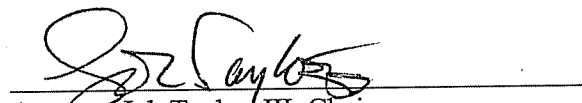
Agenda Item 8 – Adjournment

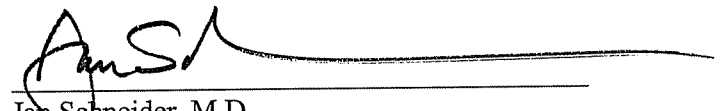
On a motion by Dr. Schneider and seconded by Ms. Suraci, the Board of Health voted to adjourn this meeting of the Board of Health at 3:09 p.m. The vote was 4-0-0.

Respectfully submitted,

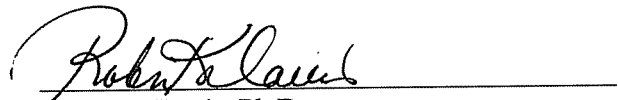

Lynda M. Burwell, Board Secretary

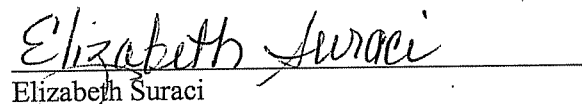
ORLEANS BOARD OF HEALTH

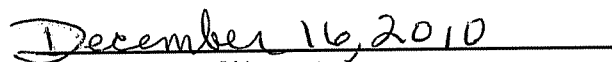

Attorney Job Taylor, III; Chairman


Jan Schneider, M.D.

Excused
Augusta F. McKusick, Vice Chairman


Robin K. Davis, Ph.D.


Elizabeth Suraci


Date Approved/Accepted

**DOCUMENTS PROVIDED FOR THE November 18, 2010
MEETING OF THE ORLEANS BOARD OF HEALTH**

Agenda Item 2 – 84 Old Duck Hole Road

- 2 – 1 – Letter Application submitted by Ryder & Wilcox, Inc. dated October 25, 2010
- 2 – 2 – New House Plans by Thomas A. Moore Design Co. dated September 28, 2010
- 2 – 3 – Proposed On-Site Sewage Treatment and Disposal System Plans by Ryder & Wilcox, Inc. dated October 5, 2010
- 2 – 4 – Excerpt of OBOH Meeting Minutes of October 21, 2010
- 2 – 5 – Excerpt of OBOH Nutrient Management Regulations

Agenda Item 3 – 126 Lake Drive

- 3 – 1 – Letter submitted by Ryder & Wilcox, Inc. dated November 5, 2010
- 3 – 2 – Proposed Plans dated November 5, 2010
- 3 – 3 – Site Sketch – Proposed Renovations by Ryder & Wilcox, Inc. dated November 5, 2010
- 3 – 4 – Excerpt of OBOH Meeting Minutes of November 4, 2010
- 3 – 5 – Excerpt of OBOH Subsurface Sewage Disposal Regulations

Agenda Item 4 – 95 West Road

- 4 – 1 – Request for Meeting dated November 9, 2010
- 4 – 2 – Title 5 Official Inspection Report dated November 9, 2010
- 4 – 3 – Memorandum from Ryder & Wilcox, Inc. dated December 14, 1995

Agenda Item 5 – Approve Minutes

- 5 – 1 – OBOH Meeting Minutes of November 4, 2010

Agenda Item 6 – Health Agent's Report

- 6 – 1a – Letter from the Health Department to Trudy Nordhausen dated November 9, 2010
- 6 – 1b – Letter from the Health Department to Trudy Nordhausen dated November 12, 2010
- 6 – 1c – Inspection Report from November 9, 2010 Inspection
- Exhibit 6 – 1 – Inspection Report from November 17, 2010 Inspection