

TOWN OF ORLEANS – BOARD OF HEALTH

MINUTES OF MEETING

January 20, 2011

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TOWN OF ORLEANS
TOWN CLERKS OFFICE
K. Davis

The Board of Health convened its meeting at 2:00 p.m. on Thursday, January 20, 2011 in the Skaket Meeting Room of the Orleans Town Hall.

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

Agenda Item 1 – Public or Press

Ellen LeBow, representing Women Artists of Matenwa Haiti, requested a Temporary Food Permit for an event (Merci D'avance Dance) to be held at the Jailhouse Tavern on January 28, 2011 from 7:00 p.m. to 11:00 p.m. She explained that they would be augmenting the food to be served with selections from other licensed vendors. They will be serving a raw bar, prepared appetizers, pre-cooked ham, pre-made desserts, breads, and cookies.

Mr. Canning commented that food would be served only during a two-hour period through the four-hour event. He noted that the vendor of the raw bar food, PPD Entertainment, would provide the food protection manager for the entire event. After outlining the vendors of the other food items, he explained that although the event is being held in the Jailhouse function room, it is not under the auspices of the Jailhouse Tavern license.

Ms. LeBow affirmed that the group she represents is a non-profit organization.

On a motion by Dr. Schneider and seconded by Attorney Taylor, the Board of Health voted to approve a Temporary Food Permit for the Women Artists of Matenwa Haiti for an event to be held at the Jailhouse Tavern on January 28, 2011 from 7:00 p.m. to 11:00 p.m. The vote was 5-0-0.

Agenda Item 2 – Approval Request – 27 Standish Road

Ms. Judy Bersin of Ryder & Wilcox represented Patrick Dwyer, owner of the property at 27 Standish Road. She explained that Mr. Dwyer requests approval to remove the existing dwelling and replace it with a new dwelling. A Title 5 upgrade of the septic system was constructed in 1993 for the existing four-bedroom dwelling. They replaced cesspools with a 1000 gallon septic tank and a leaching chamber. At that time a variance was granted for no reserve area to be provided. Although the new dwelling will continue to have four bedrooms it will be built utilizing a new footprint of a slightly larger square foot area but there will be no increase in septic flow. The request to the Board of Health was to approve connecting a new sewer line from the new dwelling to the existing septic tank, as well as to approve that no reserve area shall be provided. Ms. Bersin also noted that the water line would be relocated. She also discussed the use of Cultec chambers in the same leaching area if required.

Board members inquired whether the current building still exists, to which Ms. Bersin responded that it has not yet been demolished. They discussed whether the existing dwelling has four bedrooms and she provided a drawing (*Exhibit 2 – I*) showing the floor plan with four bedrooms.

Mr. Canning discussed that typically a plan for new construction requires allowance for a reserve area. However, reconstruction is not considered new construction under Title 5. He also suggested that since there will be a new foundation for the construction, it might be revised to allow more land for a septic system and reserve area.

Board members discussed and Ms. Bersin confirmed that the current foundation is a crawl space and the new construction would utilize a full foundation. Mr. Canning confirmed that either foundation option would require

the same twenty (20') foot setback to the leaching area. They also discussed that the most recent inspection of the septic system took place in 1995 when the owner purchased the property. A concern was raised about where vehicles are parked on the property and whether they would be parked on top of any septic components. Board members discussed that although the rooms on the proposed floor plan were not labeled, it showed what appears to be a bedroom and bathroom on the first floor and three bedrooms on the second floor for a total of four bedrooms.

While discussing further whether the existing dwelling has four bedrooms, Mr. Canning explained that under the transition rules of the Nutrient Management Regulations, if the existing dwelling has only three bedrooms the request for four bedrooms would have to be reconsidered by the Board of Health for an increase in flow.

Ms. Bersin explained further that the plan presented in the packet indicates a reserve area located in the same space as the existing leach area. Under Title 5 the reserve area should be shown in a different area of the property.

On a motion by Ms. McKusick and seconded by Dr. Schneider, the Board of Health voted in the matter of 27 Standish Road, the property for Patrick Dwyer. Findings are:

- 1. That on 2.3 acres a current home exists that is on a crawl space and has a Title 5 1978 designed system serving the property.**
- 2. The owners wish to demolish the house, reconfigure the foundation to include a full basement, and build a four-bedroom home.**
- 3. The owners wish to connect this to an existing sewage disposal system.**
- 4. Because of wetlands and setbacks, there is no reserve area shown on the plan, and any replacement of the leaching field could be done with the excavation of the current leach field and at the expense of the owner.**

I move that we approve the hooking up of the new-built home to this current system with the following conditions:

- 1. The septic system must be inspected to show the structural soundness of the system.**
- 2. The Health Department shall make a site visit to actually confirm the number of bedrooms in the existing house prior to its being demolished.**

Ms. McKusick also requested that when the Health Agent is making the site visit, to note the steep slope of the topography and determine where vehicles are parked on the property. Ms. Bersin noted that H-20 septic components were specified for the previous installation and agreed that it could be confirmed during the septic inspection.

Ms. McKusick amended her motion to include the previous discussion and request it as a condition. Dr. Schneider seconded the amendment. The vote was 5-0-0.

Agenda Item 3 – Approve Minutes

The minutes of the Board of Health meeting held on January 6, 2011 had previously been distributed to Board members for review and approval.

On a motion by Ms. McKusick and seconded by Attorney Taylor, the Board of Health voted to approve the minutes of January 6, 2011 as presented. The vote was 5-0-0.

Agenda Item 6 – Health Agent's Report

Mr. Canning reported on the following:

Solid Waste Issues

The meeting with Mark Budnick regarding the solid waste facility has been tentatively rescheduled for February 3, 2011. The purpose of the meeting is for:

1. An update on the solid waste facility
2. Discussion of the Solid Waste Regulations, including any proposed changes/clarifications
3. A follow-up discussion on solid waste fees
4. Selection of a hearing date and time for amendments to the Solid Waste Regulations

He noted that the fee schedule is included in the Solid Waste Regulations and any changes must be aired at a public hearing.

Orleans Villa Pizza

Mr. Canning explained that there is a proposed sale by Jeff and Elaine Goddard to Todd Goddard and Christopher Tomkinson on February 1, 2011. When this was reviewed by the Board of Health in December, a condition was placed upon the sale that a hand sink must be installed prior to February 1, 2011 (date of sale). The owner anticipates installation of the sink as soon as it is received. Mr. Canning recommended that the Board of Health approve a license to the new owners.

On a motion by Dr. Schneider and seconded by Attorney Taylor, the Board of Health voted to approve a new license for the Orleans Villa Pizza to Todd Goddard and Christopher Tomkinson subject to completion of the sink installation. The vote was 5-0-0.

Mr. Canning requested that the Board members vote to approve the license with a variance for the menu to be served at the event to be held at the Jailhouse Tavern as discussed during Public/Press.

On a motion by Attorney Taylor and seconded by Dr. Schneider, the Board of Health voted to affirm approval of a Temporary Food Permit with variances for the menu for the Women Artists of Matenwa Haiti for an event to be held at the Jailhouse Tavern on January 28, 2011 from 7:00 p.m. to 11:00 p.m. The vote was 5-0-0.

Agenda Item 5 – Review Correspondence / Old and New Business Correspondence

5 – 1 – Request for a Waiver for Difficulty in Locating Components for 2 Shoal Lane was submitted by David Quinn of Ryder & Wilcox dated December 31, 2010 had previously been distributed to Board members for review and discussion. Mr. Canning reported that Mr. Quinn had inspected all of the septic components except Pit “B” because it could not be exposed. All other components were operating properly. In 2007 the Board of Health granted a waiver for this same situation.

On a motion by Ms. McKusick and seconded by Dr. Schneider, the Board of Health voted in the matter of 2 Shoal Lane that the inspection report be accepted with the absence of the ability to inspect Pit “B”. This waiver was also granted in 2007 because of landscaping issues and I move that we grant this again. The vote was 5-0-0.

5 – 3 – A letter from Cape Cod Regional Transit Authority dated January 11, 2011 had previously been distributed to Board members for review and discussion. Mr. Canning noted that Mr. Matthew Kolva, Facilities Project Manager, was present to discuss their request to locate a bus shelter at the southwest corner of Stop & Shop. This new location is at the request of the Orleans Fire Department who determined that the current pick-up location in front of Stop & Shop blocks the front entrance to emergency vehicles. Mr. Canning reiterated that Mr. Kolva’s letter explains that the shelter is an open, removable shed that would not be a permanent building. It is brought to the attention of the Board of Health because they are constructing a structure on a site that does not show a reserve area.

In answer to an inquiry, Mr. Kolva explained that the bus stop would be moved twenty (20') feet past the current entrance stop to the corner of the building. He referred to the Assessor's map showing 10 Route 6A with a star indicating the location of the proposed shelter. (*Exhibit 5 – 3-1*)

Mr. Canning explained that the Health Department would have no problems with the location because it is far away from the septic system components and would never be affected by them. It was also noted that there are many restrictions on the use of the land in question.

On a motion by Ms. McKusick and seconded by Attorney Taylor, the Board of Health voted in the matter of a proposed bus shelter at Stop & Shop that it will not be increasing square footage or flow, or obstructing any future septic system placement.

Responding to an inquiry, Mr. Canning explained that there would be a new concrete foundation on sonotubes and the structure itself would be bolted to the foundation.

The vote was 5-0-0.

Agenda Item 4 – Hearing Continuation – 33 Eli Rogers Road

Attorney Anthony Alva announced to the Board members that he is representing Mr. and Mrs. Robert and Lorena McAdams, also present, and presented his Notice of Appearance of Legal Counsel. (*Exhibit 4 – 1*) He reported that an agreement has been signed by both parties for two dates (January 24 and 25, 2011) for work to be completed in the dwelling at 33 Eli Rogers Road.

Attorney Taylor responded that the Board members are very pleased that Mr. & Mrs. McAdams agreed to the dates for the work to be completed and that they have signed the agreement. Attorney Alva assured the Board that the McAdams' intend to cooperate with the landlord to ensure that the work is completed.

Attorney Taylor thanked the McAdams' for coming to the hearing and for cooperating with the owner's representative. Mr. Canning recommended that the Board of Health continue the hearing to the meeting on March 3, 2011 to ensure that all violations have been brought into compliance.

On a motion by Dr. Schneider and seconded by Attorney Taylor, the Board of Health voted to continue this hearing to 3:00 p.m. on March 3, 2011 with the caveat that if the Board of Health through our Health Agent, Mr. Canning, is comfortable that everything that is required to be done has been completed, then we don't need to have you come in and we will notify you by letter. The vote was 5-0-0.

Agenda Item 5 – Review Correspondence/Old and New Business Correspondence (Cont'd.)

5 – 4 – A letter from GHD dated January 13, 2011 reporting the Summary of Quarterly Gas Sampling Results had previously been distributed to Board members for review and discussion. Mr. Canning reported that everything was in compliance.

5 – 5 – A memo from the Health Agent to the Board of Health regarding Rescinding Permits dated January 18, 2011 had previously been distributed to Board members for review and discussion.

5 – 6 – A letter from The Estate of William A. Grover dated January 11, 2011 regarding 134 Namequoit Road had previously been distributed to Board members for review and discussion. Mr. Canning reported that the owner had requested an extension until December 31, 2011 to comply with the site clean-up ordered by the Health Department. He discussed that the amount of material remaining is miniscule after completion of considerable clean-up.

On a motion by Attorney Taylor and seconded by Ms. McKusick, the Board of Health voted to grant an extension of six months from today. The vote was 5-0-0.

5 – 7 – A schedule of Transfer Station sticker sales from 2008 through 2010 had previously been submitted to Board members for review and discussion.

5 – 8 – The Board of Managers Meeting minutes for the Orleans, Brewster, Eastham Groundwater Protection District of January 12, 2011 had previously been submitted to Board members for review and discussion.

5 – 9 – The Board of Managers Meeting minutes for the Orleans, Brewster, Eastham Groundwater Protection District of October 5, 2010 had previously been submitted to Board members for review and discussion.

5 – 10 – The Board of Managers Meeting minutes for the Orleans, Brewster, Eastham Groundwater Protection District of November 5, 2010 had previously been submitted to Board members for review and discussion.

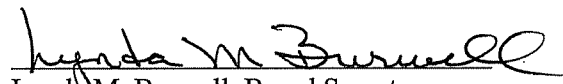
It was noted that the sewage disposal plant conducts a “sale” during the winter months to encourage residents to have their systems pumped at a saving.

There was no further business to discuss during this meeting.

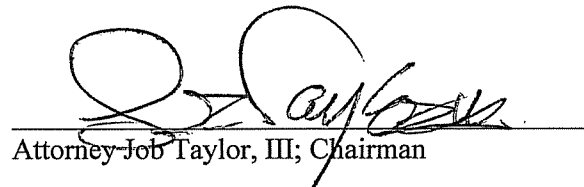
Agenda Item 9 – Adjournment

On a motion by Dr. Schneider and seconded by Dr. Davis, the Board of Health voted to adjourn this meeting of the Board of Health at 2:38 p.m. The vote was 5-0-0.

Respectfully submitted,

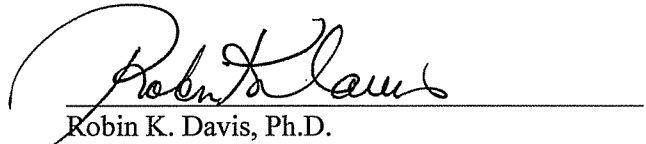

Lynda M. Burwell, Board Secretary

ORLEANS BOARD OF HEALTH

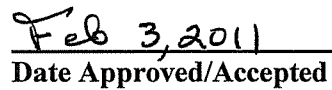

Attorney Job Taylor, III; Chairman

Jan Schneider, M.D.

Augusta F. McKusick, Vice Chairman


Robin K. Davis, Ph.D.


Elizabeth Suraci


Date Approved/Accepted

**DOCUMENTS PROVIDED FOR THE January 20, 2011
MEETING OF THE ORLEANS BOARD OF HEALTH**

Agenda Item 2 – 27 Standish Road

- 2 – 1 – Request for Application Meeting/Hearing form from Ryder & Wilcox dated December 9, 2010 and attachments
- 2 – 2 – Excerpts from the State Environmental Code, Title 5, 15.301: System Inspection
- 2 – 3 – Disposal Works Construction Permit No. 93-15 dated May 6, 1993
- Exhibit 2 – 1 – Sketch of current floor plan

Agenda Item 3 – Approve Minutes

- 3 – 1 – OBOH Meeting Minutes of January 6, 2011

Agenda Item 4 – Hearing Continuation – 33 Eli Rogers Road

- 4 – 1 – Agreement between Tim Aselton (owner's representative) and Robert McAdams (tenant) dated January 14, 2011
- 4 – 2 – OBOH letters to George Albert and Robert and Lorraine McAdams dated January 13, 2011
- Exhibit 4 – 1 Notice of Appearance of Legal Counsel for Tenants at 33 Eli Rogers Road by Anthony Alva, Esq. dated January 20, 2011 – Hand Delivered

Agenda Item 5 – Review Correspondence / Old/New Business

- 5 – 1 – Request for Waiver for Difficulty in Locating Components at 2 Shoal Lane dated December 31, 2010 by System Inspector David Quinn
- 5 – 2 – OHD Letter to Charles Callahan re: 2 Shoal Lane dated March 20, 2007
- 5 – 3 – Cape Cod Regional Transit Authority letter dated January 11, 2011 re: shelter location at Stop & Shop
- Exhibit 3 – 1 – Assessor's Map of 10 Route 6A (Stop & Shop)
- 5 – 4 – GHD letter dated January 13, 2011 re: Quarterly Gas Sampling Results at Orleans Landfill
- 5 – 5 – Health Agent memo to Board of Health dated January 18, 2011 re: Rescinding Permits
- 5 – 6 – Estate of William A. Grover letter dated January 11, 2011 re: 134 Namequoit Road Clean-Up Order of August 19, 2008
- 5 – 7 – Summary of Transfer Station Sticker Sales 2008 – 2010
- 5 – 8 – Orleans, Brewster, Eastham Groundwater Protection District Meeting Minutes of December 17, 2010
- 5 – 9 – Orleans, Brewster, Eastham Groundwater Protection District Meeting Minutes of October 5 2010
- 5 – 10 – Orleans, Brewster, Eastham Groundwater Protection District Meeting Minutes of November 5, 2010