

TOWN OF ORLEANS – BOARD OF HEALTH
MINUTES OF MEETING

June 2, 2011

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ORLEANS TOWN CLERK

The Board of Health convened its meeting at 2:04 p.m. on Thursday, June 2, 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: Health Agent Robert Canning, Susan Christie, Liaison from the Board of Selectmen and Ed Barr, Liaison from the Finance Committee.

Attorney Taylor acknowledged Dr. Jan Schneider upon his reelection to the Board of Health and Mrs. Elizabeth Suraci upon her election following her previous appointment to the Board of Health.

Agenda Item 1 – Board of Health Reorganization and Appointments

Nominated by Mrs. McKusick and seconded by Dr. Schneider, the Board of Health voted to elect Attorney Job Taylor, III to serve as Chairman of the Board of Health. There were no further nominations. The vote was 4-0-1 with Attorney Taylor abstaining.

Nominated by Attorney Taylor and seconded by Dr. Schneider, the Board of Health voted to elect Mrs. McKusick to serve as Vice Chairman of the Board of Health. There were no further nominations. The vote was 4-0-1 with Mrs. McKusick abstaining.

Attorney Taylor chaired the meeting of the Board of Health. He suggested that members of the Board consider rotating the chairmanship throughout the year.

Agenda Item 2 – Public or Press

There was no one present for public or press.

Agenda Item 3 – Variance Request – 99 Route 6A

Mr. Thomas McLellan of Bass River Engineering represented William P. Quinn c/o William Quinn, Jr., owner of the property at 99 Route 6A. Mr. McLellan explained the difficulty in designing a septic system for this small lot and has designed the system to meet the minimum requirement of 200 gallons per day for office and retail space. The septic system consists of a 1500 gallon septic tank, distribution box, and leach trench. Mr. McLellan explained the requested variances necessitated because of the tight site constraints and noted that the system will offer the same degree of environmental protection as a standard Title 5 system. He explained that installation of the new septic system will require relocation of the town water service and that it must be encased in a four inch PVC pipe when it is within ten feet of any septic system component or piping.

Mr. Canning reviewed that this is a repair of a septic system to replace a cesspool (an automatic failure upon sale of a property). He explained the standard of review for Board members to consider in this case. Mr. Canning asked Mr. McLellan to describe any impacts to the office building considering the close proximity of the septic system components to the building.

Mr. McLellan explained that the leach area is well below the dirt in the crawl space therefore not presenting any danger to the occupant of the office space.

Board members discussed the rights of way to allow the utilities for the building. Mr. McLellan responded that there is a blanket easement for all utilities to the building.

William Quinn, Jr. spoke about the history of the property that belongs to his father.

On a motion by Dr. Schneider and seconded by Mrs. McKusick, the Board of Health voted in the matter of 99 Route 6A. The issue at hand is it is a very small lot which is a repair of a current cesspool which means basically replacement of the cesspool with a Title 5 system. In order to wedge all the necessary components of a Title 5 system into a very small lot there are six Variances listed on Mr. McLellan's letter of May 4, 2011. We have been assured in discussion that the water service will be replaced and it will be placed in PVC pipe and that the leaching field will be at a lower level than the floor of the crawl space underneath the building. Therefore the leaching field should have no direct impact upon the building itself. Under these circumstances I would like to move that we grant the six Variances as requested. The vote was 5-0-0.

Agenda Item 4 – Variance Request – 34 Route 6A

Ms. Stephanie Sequin of Ryder & Wilcox, Inc. represented Mary DeBartolo applicant to buy the building located at 34 Route 6A (currently Thayer's Florist) where Ms. DeBartolo would like to establish an ice cream parlor. Ms. Sequin explained the capacity of the recently-installed septic system and noted that Title 5 requires minimum capacity of 1000 gallons per day for a restaurant of 40 seats; therefore, all components must be upgraded to meet that requirement. Ms. Sequin reported that the lot is 8,500 square feet with the building located in a corner allowing use of the balance of the property for the septic system. However, there is a leaching catch basin and water service located in front of the building, eliminating that area for a new leaching system. Therefore, Ms. Sequin recommended that the new septic system be located to the right of the building where test holes showed high water at approximately ten feet below grade. She proposes installing a new system with a 1000 gallon grease trap, a 2000 gallon septic tank followed by a 1000 gallon septic tank to a distribution box and a Cultec leach system. In order to fit all these components on the property and maintain the 25 foot setback from the catch basin this plan would require a one foot variance from the back property line. Ms. Sequin proposes installation of a PVC flow barrier to prevent break-out along the side of the leach area. The top of the leaching system will be 3 ½ feet below grade in order to utilize gravity feed requiring a six inch variance from the depth to cover. The system will be vented to provide additional aeration. No Reserve Area is available; therefore a system failure would require replacement in the same location.

To justify the request for variances and meet the standard of review, Ms. Sequin explained that there is a brand new septic system on the property sized for retail use. Any change in use or expansion would necessitate an increase in flow requiring an upgrade of the septic system. She distributed another plan of proposed use (*Exhibit 4-1*) showing a different type of system with a capacity of 440 gallons per day, and allowing a Reserve Area between the trenches while maintaining the required setbacks. Ms. Sequin noted that it is difficult to compare that an ice cream parlor using disposable serve ware would have the same septic flow as a full restaurant; and it would be difficult to use that property for another business without exceeding the sewage flow limit of 440 gallons per day. This proposed use of the building as an ice cream parlor would not require any increase in footprint or parking requirements.

Attorney Taylor noted that a florist shop is a low use business, but an ice cream parlor results in high use; and he noted there is not sufficient parking for forty seats. Ms. Sequin addressed the parking issue and noted that the Zoning By-Law allows one space for every four people. There is additional parking in back of the Birdwatcher General Store and Stop and Shop. Although the Site Plan Review was informal, the plan was acceptable. Ms. DeBartolo explained that although she applied for forty seats, she does not expect to have that many seats available in her shop.

Mr. Canning explained the Site Plan Review process and noted that unless a plan has been formally reviewed by all departments, the plan is considered "informal".

Mr. Canning explained that this is a variance for new construction with a change in use and an increase in flow. He explained the standard of review for these variance requests. The request for State variances will require State review.

Ms. Sequin reported that she spoke with Mark Budnick, Orleans Highway Manager, regarding the drainage system. She provided an Orleans GIS map (*Exhibit 4-2*) showing that the catch basin is tied to leaching pits on the Town windmill property. The proposed leaching field is 35 feet to the catch basin. She requested a 15 foot variance to allow the leaching system to be located 35 feet to a catch basin that might discharge into a watercourse (Town Cove).

Michael O'Connor, owner of the Birdwatcher Store (an abutter) noted that his business abuts another take out restaurant and their customers sometimes use his store's bathroom, and that parking is always an issue. He expressed concern about people using a small walkway between the buildings, especially in the dark.

Ms. Sequin noted that there would be two bathrooms in the ice cream parlor and Ms. DeBartolo explained that she intends to put stairs in the walkway.

Dr. Schneider inquired whether the ice cream parlor would be a year round or seasonal business. Ms. DeBartolo explained that she expects to be closed January through March. Dr. Davis asked about the location of the current new system to which Ms. Sequin explained its location.

On a motion by Ms. McKusick and seconded by Dr. Schneider, the Board of Health voted in the matter of 34 Route 6A, Orleans, MA, applicant Mary DeBartolo, I move we grant the following variances:

- 1. The soil absorption system (Field Drain system) shall be nine feet (9') from the northwest property line. A one foot (1') variance is granted.**
- 2. The soil absorption system (Field Drain system) shall be three and one-half feet (3.5') below final grade. A six inch (6") variance is granted. The system is guaranteed to be vented.**
- 3. No Reserve Area is provided. A replacement system will be installed in place if necessary.**
- 4. The issues raised by an abutter will be handled in a friendly agreement by neighbors.**

Findings are:

- 1. This system is replacing a new system that was installed within the last three years. At that time the drainage system which is designed to be twenty-five feet (25') away was not considered an issue. It apparently drains into a collection system and we feel that no variance is required unless proven otherwise.**

The vote was 5-0-0.

Agenda Item 5 – Approval Request – 27 Nickerson Road

Ms. Stephanie Sequin of Ryder & Wilcox, Inc. represented Philomena Panchok, owner of the property at 27 Nickerson Road. Ms. Sequin distributed an As-Built plan (*Exhibit 5-1*) showing the site plan and septic system alterations as recently constructed. She explained that several months ago the top of the septic tank had been damaged by a tree falling on it. The original 1000 gallon septic tank has been replaced with a 1500 gallon septic tank and a new distribution box which has been connected to the existing leaching pit. Ms. Sequin explained that Mr. David Quinn had conducted test holes and evaluated the soil in the area of the new septic tank concluding that there was no water encountered at fourteen feet of medium to fine sand. She also noted that there is ample space available for a Reserve Area. The proponent requested Board approval of the installation of the new 1500 gallon septic tank and distribution box, and its connection to the existing leaching pit.

Mr. Canning discussed that this was an emergency repair to a septic system and he requested that the Board ratify and consider this repair as a permanent repair by connecting it to a 1978 Code system.

On a motion by Dr. Schneider and seconded by Mrs. McKusick, the Board of Health voted in the matter of 27 Nickerson Road. The issue at stake is that the old system had a tank that was damaged by some landscaping and the request was that a new tank be installed, to be larger than the one that was broken. The new tank is to be connected to a 1978 Code leaching pit built in about 1995. The issue at stake there-

fore is a new tank connecting to an older, pre-existing leaching system. This was done under emergency conditions because of damage to the old tank. I move that we approve this. The vote was 5-0-0.

Agenda Item 6 – Variance Request – 8 Priscilla Road

Mr. Jason Ellis of J. C. Ellis Design Co., Inc. represented Charles and Mary Longsworth, owners of the property at 8 Priscilla Road. Mr. Ellis explained the small, difficult site surrounded by wetlands. There is no room to install any components. In addition, the soil consists mostly of clay and there is evidence of perched water at a depth of four feet. Mr. Ellis requested a continuance until the July meeting while waiting for sieve analysis.

Mr. Ellis explained further that they were able to conduct a test hole approximately fifteen feet deep through blue clay. There was evidence of perched water at approximately 52 inches. However, they did encounter fine, silky sand at about 26 feet deep. Because of the soil conditions they will be required to do a five foot excavation 26' deep for a leaching area. It will necessitate shoring in the front of the house, a very costly proposition. Not only would they be required to excavate to a depth of 26 feet, the leaching system would be raised in front of the house unless they are allowed to utilize a flow barrier. He explained further how he would handle the groundwater.

Mr. Canning discussed the need for a State variance because of depth to groundwater. This has been done successfully prior to 1995, and the State has granted variances to perched groundwater in the past. Use of a curtain drain would also need approval from the State.

Board members discussed the fact that Priscilla Road is a private road, and perhaps the Longsworths own to the middle of the road which might allow them more room for the leach system.

There were no abutters present.

On a motion by Attorney Taylor and seconded by Dr. Schneider, the Board of Health voted to continue this meeting to July 7, 2011 at 2:00 p.m. The vote was 5-0-0.

Agenda Item 7 – Variance Request – 23 Herring Brook Way

Mr. Jason Ellis of J. C. Ellis Design Co., Inc. represented Timothy and Carol Counihan, owners of the property at 23 Herring Brook Way. Mr. Ellis distributed an Orenco AdvanTex Performance Summary (*Exhibit 7-1*) and explained his request to use this system on this property to avoid constructing a three-foot raised leach field. He noted that he has successfully installed several of these systems in the Outer Cape over the past two or three years, and explained the remote sensing system that can fix a problem before an owner is aware of it. Mr. Ellis explained that most nutrient reductions are in the ninety percentile range resulting in an improved effluent discharging from the leach field. Mr. Ellis relocated the system to eliminate two of the previously-approved variances.

Mr. Canning discussed that this repair is to replace a cesspool, an automatic failure. The Board of Health previously approved a variance for a raised leaching area. I/A technology for remedial use allows Board of Health approval of a two-foot reduction in the distance to groundwater. Mr. Canning noted that the entire septic system is located in a coastal bank as defined by the Conservation Commission and would need the same variances as previously granted.

Board members discussed the monitoring of the system and inquired if that information would be forwarded to the Carmody system monitored by Barnstable County. Mr. Ellis explained that a local person would conduct the operations and maintenance work and that the information would be sent to Carmody. He reported that the other systems on the Cape are working well, removing 75 percent to 90 percent of nitrates. Mr. Canning confirmed that the Advantex system in Orleans is functioning well.

On a motion by Dr. Davis and seconded by Dr. Schneider, the Board of Health voted in the matter of 23 Herring Brook Way. I move that we approve installation of the Advantex system innovative technology. We have already seen this case and the modifications to variances that we approved a year ago are described in the letter of May 18, 2011 from J.C. Ellis Design Company. I move that we approve those variances. A condition of this approval is that we are approving it for remedial use and we require the instal-

lation of UV lights. Grant a thirty-six foot (36') variance from the edge of a leaching area to a drainage system that discharges into a watercourse. The vote was 5-0-0.

Agenda Item 8 – Bedroom Determination and Variance Request – 102 Skaket Beach Rd.

Mr. Jason Ellis of J. C. Ellis Design Co., Inc. represented the Estate of Barbara Bardwell c/o William Hammatt, owner of the property at 102 Skaket Beach Road. Mr. Ellis explained that the house is for sale. Currently the dwelling has five rooms used as bedrooms and is served by a cesspool; therefore, the septic system must be upgraded prior to sale. The property is close to the marsh and he proposes a five-bedroom septic system that complies with all setbacks and requirements. However, it was determined that four of the five bedrooms do not meet the criteria of a bedroom according to State and Board of Health regulations.

Mr. Canning discussed that this is a bedroom determination and a variance request to Chapter II of the State Housing Code. He passed out photographs of the rooms in question (*Exhibit 8-1*) and outlined that there are five rooms considered bedrooms by the proponent. Bedroom No. 5 is the only one that meets the requirements (light, ventilation, square footage, and ceiling height) to be considered a bedroom. Also on the first floor there is a "Borning Room" (bedroom No. 4) that has only 57 square feet; not meeting the minimum requirement of 70 square feet for a bedroom. The second floor has three rooms and hall area. The floor spaces in the rooms extend beyond a five foot ceiling height but that area cannot be considered during calculation of bedroom square footage. The hall has adequate square footage and ceiling height but is lacking light and ventilation.

Mr. Canning reviewed that the Board might consider this an historic home that is 150 years old, and whether it could be considered a five-bedroom home with a deed restriction recorded at the Registry of Deeds. A deed restriction could explain the variances granted allowing the property to install a five-bedroom septic system when the bedrooms do not meet the criteria in the State Housing Code, Chapter II.

Board members discussed that it would be possible for someone to construct an addition with three more large bedrooms. It was suggested that the house be classified as a three-bedroom home and record it as such. The property has been taxed as a three-bedroom dwelling.

Virginia Pati of 25 Ellis Road stated that she has been required to conform to stringent rules regarding the number of bedrooms and bathrooms in her home. She is concerned that a septic system could be located upgrade from the marsh. Ms. Pati also expressed her concern that a new foundation is to be poured under the front portion of the building which is set back from the road only six feet.

Mr. Ellis explained that there is a Notice of Intent filed with the Conservation Commission to put a full foundation to replace the stone foundation under the front of the house. He also explained, for the abutter, that the new septic system will comply with all requirements of Title 5 and Board of Health setbacks. The new foundation under the front of the house is considered a repair and will not be required to meet current building code standards. However, it will need approval from Conservation Commission and a special zoning permit.

Mr. Ellis suggested that any increase in square footage must be approved by the Board of Health. This condition could prevent a future owner from constructing an addition to the dwelling.

On a motion by Mrs. McKusick in the matter of 102 Skaket Beach Road. Findings are:

1. **This is an historic property on approximately three-quarters of an acre of land currently served by a cesspool.**
2. **It is surrounded by wetlands.**
3. **This historic property has had one modification to increase the number of bedrooms.**
4. **The tax records indicate that it is a three-bedroom home.**
5. **However, with the installation of a new septic system being required, the physical layout of the property was more closely scrutinized; and it was determined that of the rooms that were considered bedrooms, there was only one meeting the legal requirement of the Housing Code of what a bedroom is.**

Therefore, I move variances to the remaining rooms used as bedrooms as indicated on page 4 of Bob Canning's memo dated May 31, 2011.

Conditions I would impose upon this property:

1. A Deed Restriction that this is a five-bedroom home, some of which are non-conforming as bedrooms but have been varied to call them as such.
2. There shall be no increase in usage or square footage to be made to this property unless it comes back to the Board of Health.

After considerable discussion the motion was not seconded, was withdrawn, and a new motion was proposed.

On a motion by Attorney Taylor and seconded by Dr. Schneider, the Board of Health voted in the matter of 102 Skaket Beach Road.

1. This is an historic property on approximately three-quarters of an acre of land currently served by a cesspool.
2. It is surrounded by wetlands.
3. This historic property has had one modification to increase the number of bedrooms.
4. The tax records indicate that it is a three-bedroom home.
5. However, with the installation of a new septic system being required, the physical layout of the property was more closely scrutinized; and it was determined that of the rooms that were considered bedrooms, there was only one meeting the legal requirement of the Housing Code of what a bedroom is.

Therefore, I move for a three-bedroom home with no variance needed for the first floor bedroom. I propose variances on the second floor for Bedroom No. 1 and No. 2 allowing them to be used as legal bedrooms.

Conditions I would impose upon this property:

1. A Deed Restriction that this is a three-bedroom home, some of which are non-conforming as bedrooms but have been varied to call them as such.
2. The property has to have a septic system for three bedrooms.
3. There shall be no change in usage or square footage to be made to this property unless it returns to the Board of Health for approval.

Paul Bryant, a real estate agent with an offer on the property noted that there are many homes in town that are on one-half acre lots with four, five, or six bedrooms. This house, built in 1860, also comes under the Historic and Old Kings Highway Commissions, as well as the Board of Health. Houses were built with small bedrooms in that era. Dr. Schneider reiterated that the issue is the nonconforming size of the rooms; they do not meet the criteria of a habitable bedroom as stated in Chapter II of the Housing Code.

Mr. Canning clarified for Mr. Bryant that according to Title 5, Chapter II, and the Orleans Board of Health regulations the dwelling does not meet the criteria to have five bedrooms. The Board has granted variances to Chapter II of the Housing Code so two rooms can serve as bedrooms and two cannot. It is their responsibility to determine the number of bedrooms in a dwelling before a new septic system can be designed.

The vote was called and was 5-0-0.

Agenda Item 9 – Approval Request – Farmers' Market Vendors

Ms. Gretel Norgeot introduced Mr. Rob Martin (representing his wife, Lori Caron) of Salty Lou's Lobster who was present to discuss her request to include additional "value-added" pre-prepared items at the Farmers' Market. The lobster pies (baked and frozen), lobster salad rolls (prepackaged), lobster corn chowder (cold and prepackaged), and lobster dip would be in separate coolers with thermometers.

Attorney Taylor stated his unease that prepackaged products are not farm products. Prepackaged items are sold at a general market permitted at a greater cost. Allowing sale of prepackaged lobster items at the Farmers' Market is competition to a direct abutter. Ms. Norgeot explained that the State is encouraging that "value added" products be sold at Farmers' Markets.

Mr. Canning reviewed the request to allow value added products at the Farmers' Market. Salty Lou's would be working out of a licensed kitchen where the products will be made, frozen on site, and then transported to the Farmers' Market. He noted that the Orleans Farmers' Market already receives several exemptions from the Federal and State Food Codes for processed foods and a number of other prepackaged items are allowed. Currently the Orleans Farmers' Market is licensed for retail food and food service allowing several vendors to sell breads, muffins, ribs, smoked fish, and other items.

Mr. Canning suggested that the Board of Health might consider a new license for preprocessed food to be sold at the Farmers' Market. He suggested that representatives from the Health Department, Board of Health, Chamber of Commerce and the Orleans Farmers' Market meet to establish guidelines for vendors at the Farmers' Market.

Attorney Taylor requested that Mrs. Suraci head up a group to develop those guidelines. Ms. Norgeot welcomed the idea.

Mr. Martin explained how the proposed products would be transported and maintained cold while at the Farmers' Market. There would be three separate coolers: one for live lobsters, one for the frozen pies, and one for other refrigerated products. He added that most of the vegetables used in preparation are from local farmers.

Ms. Norgeot explained further for Board members the term "value added" product. She used zucchini bread as an example: fresh zucchini made into bread using other ingredients.

On a motion by Mrs. Suraci and seconded by Dr. Davis, the Board of Health voted in the matter of Salty Lou's Lobster. The application for value added products with lobster being the main product and the foods that will be added to make lobster salad rolls, lobster corn chowder, dog treats, and lobster dip, that we approve under the Farmers' Market master license that these products can be retailed at the Orleans Farmers' Market under the certificate presented in the packet. The vote was 4-1-0. Attorney Taylor opposed.

Dr. Schneider inquired whether the dog treats would be labeled as such. Mr. Martin confirmed that they would be labeled for dog consumption. Mrs. Suraci noted that they must be safe for human consumption anyway.

Ms. Katie Reed, president of FarmMaid Foods, Inc. and Ms. Kristin Reed, treasurer of FarmMaid Foods, Inc. were present to discuss their request to include additional prepared items at the Farmers' Market. Ms. Reed explained that they would like to sell raw food prepared items at the Orleans Farmers' Market and described how raw food maintains its nutrients as it is prepared. They operate a farm in Truro where they grow other products to be sold at the Farmers' Market in addition to the raw food prepared items.

Mr. Canning reviewed that FarmMaid Foods, Inc. is requesting a Food Establishment license to use the Hillcrest Pizza kitchen where there are two separate kitchen areas. Because the kale chips would be classified as potentially hazardous food products they would need to be maintained at a cool temperature until they can be reclassified as non-hazardous food products. Until then the kale chips will be labeled as having a shelf life of three days.

On a motion by Mrs. McKusick and seconded by Dr. Schneider, the Board of Health voted to grant a Food Establishment license to FarmMaid Foods, Inc. to work out of the Hillcrest Pizza kitchen. The vote was 5-0-0.

On a motion by Attorney Taylor and seconded by Mrs. McKusick, the Board of Health voted to permit FarmMaid Foods, Inc. to sell their products at the Farmers' Market. The vote was 5-0-0.

Mr. Canning explained that Michelle Koch, a vendor at the Farmers' Market, has requested that she be allowed to sell lemonade and iced tea to shoppers during Market hours. The products would be prepared the day before in

her licensed Residential Kitchen, transported in closed containers and dispensed in plastic glasses. Ms. Koch had also requested permission to sell cookies prepared in her kitchen at the Farmers' Market. She would bring them in a bulk container and package them at the Market depending on how many cookies a purchaser requests.

Attorney Taylor suggested having the products prepackaged and brought to the market. Ms. Norgeot explained that Ms. Koch was trying to eliminate excessive and unnecessary packaging by bringing them in bulk.

On a motion by Mrs. Suraci and seconded by Dr. Schneider, the Board of Health voted to approve that Michelle Koch may provide her cookies in bulk, and using gloves and tongs to individually package on the request of the client. She may also to sell her lemonade and iced tea at the Farmers' Market. The vote was 5-0-0.

Agenda Item 2 – Discussion – Nauset Farms, 199 Main Street

Mr. Justin Gannon of Nauset Farms at 199 Main Street appeared before the Board to discuss completed compliance items to be able to open the food establishment. He discussed that the walk-in freezer needs repair and requested additional time to properly repair the walk-in freezer floor. Mr. Gannon explained that the floor has become detached and will cost \$750 to repair, or much more to replace the floor. However, they need to be allowed to use the walk-in freezer for this season and then will repair it after the store closes at the end of the season. Mr. Gannon explained that once the freezer is started it will maintain a temperature of minus 20°F until it is shut down for the winter when it will be repaired or replaced. The food stored in the freezer will be contained in boxes that are stored on shelves.

Board members suggested some kind of mat for a temporary, easily cleanable surface in the freezer. Mr. Gannon proposed using rubber mats from a commercial supplier that could be changed weekly. He also described that the floor of the freezer is metal but the floor beneath it is plywood that has been damaged by moisture.

It was the consensus of the Board that the recommended rubber mat will suffice until the owner can permanently fix the floor of the freezer.

Agenda Item 10 – Discussion – Geriatric and Lyme Disease Care in Orleans

Mr. Art Rosenzweig discussed that he has experienced problems with walking and imbalance and is deficient in vitamin D. His doctor has suggested he take a vitamin D supplement, thyroid replacement and replacement of testosterone which for aging is an off-label use. Mr. Rosenzweig stated that vitamin deficiency is the largest epidemic in the world and one of the symptoms of vitamin D deficiency is imbalance. He questioned if the vitamin D deficiency issue is less important than the flu shot distribution. Attorney Taylor stated that the flu shot protects everyone, from students to elders.

Mr. Rosenzweig requested a program that would deal with vitamin D deficiency in the senior population, particularly in Orleans. Unfortunately, this issue is not within the purview of the Board of Health.

Mrs. Suraci suggested that Mr. Rosenzweig explore the Orleans Council on Aging Nutrition Program.

Agenda Item 11 – Discussion – Innovative /Alternative Technologies

Mr. Brian Baumgaertel and Susan Rask of the Barnstable County of Health Department were present to discuss with the Board of Health information gathered by BCHD about I/A Technology septic systems throughout the Cape. Mr. Baumgaertel maintains the Carmody system for BCHD and he discussed the performance of those I/A systems. He also showed the data for I/A systems in Orleans and gave Board members a copy of the specific Orleans results.

Mr. Canning reported on the compilation of I/A Technologies systems in Orleans over a two-year period he and Mrs. McKusick had tabulated. He suggested that Board members review his list of Food for Thought in preparation for discussion at a future meeting.

Agenda Item 12 – Approve Minutes

The minutes of the Board of Health meeting held on May 5, 2011 had previously been distributed to Board members for review and approval.

On a motion by Attorney Taylor and seconded by Mrs. McKusick, the Board of Health voted to approve the minutes of the meeting on May 5, 2011. The vote was 4-0-1. Dr. Davis abstained because she was not present at that meeting.

Agenda Item 13 – Review Correspondence / Old and New Business

13 – 1 – A letter from the Orleans Health Department dated May 23, 2011 to Attorney Kristen S. Rufo of LaTanzi, Spaulding & Landreth, P.C. regarding 33 Eli Rogers Road had previously been distributed to Board members for review and discussion. Mr. Canning reported that there is a roll-off trash container on site for disposal and much of the debris has been removed.

13 – 2 – Photographs taken by the Orleans Health Department on May 26, 2011 of the screens at 18B Industry Way had previously been distributed to Board members for review and discussion. Mr. Canning reported that the owner used electrical tape to seal the gap between the screen and window frame. He will send them a notice for a Show Cause Hearing at the next meeting because they have not complied with the order to supply the proper screens.

13 – 3 – Photographs taken by the Orleans Health Department on May 25, 2011 of the approximate location of the distribution box and septic tank at 195 Main Street had previously been distributed to Board members for review and discussion. Mr. Canning reported that the pipe from the septic tank to the distribution box runs directly under a sidewalk around the pool making it difficult to expose the inspection covers. However, the distribution box has been inspected with a camera and found to be operating properly.

On a motion by Mrs. McKusick and seconded by Dr. Schneider, the Board of Health voted in the matter of 195 Main Street to grant a waiver to expose the distribution box and build it up to grade, but notify them in a letter that at the next inspection they will again have to examine it with a camera or expose it at that time. The vote was 5-0-0.

13 – 4 – A letter from Cape Cod Biochemical Company dated May 23, 2011 regarding septic additives had previously been distributed to Board members for review and discussion. Mr. Canning explained that they are requesting a waiver to the requirement to obtain approval from the Board of Health prior to using additives in a septic system. He also noted that the State code requires prior approval by MDEP before using additives in a septic system, which they do have for this particular additive. Orleans regulations prohibit the use of any additives in a septic system unless permission is granted by the Board of Health.

It was a consensus of the Board members to have Cape Cod Biochemical Company make a formal presentation to the Board of Health before they make a decision whether to allow them to use their product in Orleans without specific application to the Board for each situation.

13 – 5 – A Request for Waiver for Difficulty in Locating Components during a septic inspection at 86 Rock Harbor Road had previously been distributed to Board members for review and discussion. Mr. Canning noted that the flow diffuser is built into the cover of the soil absorption system making it difficult to build the cover up to grade.

On a motion by Dr. Schneider and seconded by Mrs. McKusick, the Board of Health voted in the matter of 86 Rock Harbor Road to waive the requirement to build up the soil absorption system cover to grade. The vote was 5-0-0.

13 – 6 – The Annual Water Quality Report of Orleans' water had previously been distributed to Board members for review and discussion.

13 – 7 – The Board of Managers Meeting minutes of April 13, 2011 of the Orleans, Brewster, Eastham Ground-water Protection District had previously been distributed to Board members for review and discussion.

13 – 8 – A letter from Coastal Engineering Company, Inc. dated May 4, 2011 regarding the Orleans Bowling Center/Maytag Laundromat in response to a Notice of Non-Compliance had previously been distributed to Board members for review and discussion. Mr. Canning explained the Return to Compliance is included with the letter.

13 – 9 – A letter from the Mass. Department of Environmental Protection dated May 19, 2011 to the Orleans Water Department regarding Membrane Replacement at the Water Treatment Facility had previously been distributed to Board members for review and discussion.

Agenda Item 14 – Health Agent's Report

Mr. Canning reported on the following:

Temporary Food Permits

Friends of Meetinghouse Pond

The Friends of Meetinghouse Pond, represented by Lynne Eldridge, will hold their annual regatta on July 10, 2011 from 11:00 a.m. to 1:00 p.m. at 12 Tides End Lane. The group states they are nonprofit but have no tax-exempt number; however their letter requested exemption from the fee for a Temporary Food Permit and Variance for cut fruit. This exemption has been allowed in the past. They would serve watermelon and ice cream sandwiches purchased from a licensed market. The watermelon would be washed and cut immediately before service and will be passed on a tray with tongs for service. The ice cream sandwiches will be kept in a freezer until service. Hand washing and restroom facilities will be available at the house. Trash will be collected on site and disposed by the owner.

On a motion by Attorney Taylor and seconded by Dr. Schneider, the Board of Health voted in the matter of the Friends of Meetinghouse Pond Regatta to approve a Temporary Food Permit and a Variance for the cut fruit to be served on July 10, 2011 from 11:00 a.m. to 1:00 p.m. The Friends of Meetinghouse Pond will be exempt from the fee for a Temporary Food Permit and Variance. The vote was 5-0-0.

Pastel Painters Society of Cape Cod

The Pastel Painters Society of Cape Cod, represented by Dale Michaels Wade, will hold two events (Small Works Members Show) at Snow Library on November 12, 2011 and November 26, 2011 from 1:00 p.m. to 3:00 p.m. They propose to serve cheese trays and veggie trays purchased from Stop & Shop as well as popcorn, cookies, apple cider (hot and/or cold), and bottled water. All food items are to be purchased from licensed food establishments. Beverages will be served from multi-serving containers into plastic cups or individual bottles. Tongs or wax paper will be used for cookies, veggies and cheese, etc. A ladle will be used for hot cider being kept hot in a crock pot. Hand washing and restroom facilities will be available on site. Everything will be single use articles.

On a motion by Mrs. McKusick and seconded by Dr. Schneider the Board of Health voted in the matter of Pastel Painters Society of Cape Cod to approve a Temporary Food Permit and Variance for the cheese and veggie trays to be served during two events on November 12, 2011 and November 26, 2011 from 1:00 p.m. to 3:00 p.m. at the Snow Library. The vote was 5-0-0.

Food Handling is a Risky Business

On June 6, 2011 the Orleans Health Department, in cooperation with the Cape Cod Cooperative Extension Service, will be holding a food safety education workshop for food handlers. The training will focus on the following:

- Basic concepts of bacterial growth and contamination
- Ways to prevent food-borne illness through personal hygiene
- Time and temperature control

- Prevention of cross-contamination
- Allergy awareness regulations
- Orleans Board of Health Emergency Action Plan

As part of the program the Orleans Fire Department will hold anti-choke training.

Mr. Canning commended Erika Woods for the excellent job she has done in coordinating this event for the Health Department. Attorney Taylor extended appreciation from the Board of Health for her efforts.

Other Business

Mr. Canning addressed Packet Item 11-1, a listing of I/A Technologies installed at Orleans' properties. He and Mrs. McKusick had reviewed the service history for 2009 and 2010 and evaluated the testing results against the Board of Health requirements for each system. They then compared the testing results to a modified criterion.

Packet Item 11-2, Food for Thought, listed certain criteria for discussion by the Board of Health. He suggested review of this information to determine what deficiencies should be addressed.

Mrs. McKusick suggested that Mr. Canning send to I/A homeowners an educational handout he had previously prepared.


Agenda Item 16 – Adjournment

On a motion by Attorney Taylor and seconded by Dr. Schneider, the Board of Health voted to adjourn this meeting at 5:27 p.m. The vote was 5-0-0.

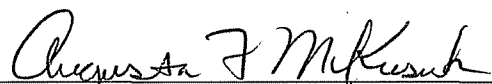
Respectfully submitted,



Lynda M. Burwell, Board Secretary

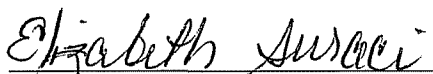
ORLEANS BOARD OF HEALTH



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 June 2, 2011
MEETING OF THE ORLEANS BOARD OF HEALTH**

Agenda Item 2 – Public / Press

2 – 1 – Letter received May 31, 2011 from Nauset Farms

Agenda Item 3 – Variance Request – 99 Route 6A

3 – 1 – Variance Application Form from Bass River Engineering

3 – 2 – Site Plan dated 5-4-11 prepared by Bass River Engineering

Agenda Item 4 – Variance Request – 34 Route 6A

4 – 1 – Variance Application Form from Ryder & Wilcox, Inc.

4 – 2 – Site Plan dated 5-26-11 prepared by Ryder & Wilcox, Inc.

Exhibit 4 – 1 – New site plan prepared by Ryder & Wilcox, Inc. and distributed on June 2, 2011

Exhibit 4 – 2 – GIS Map Print from Town of Orleans website distributed on June 2, 2011

Agenda Item 5 – Approval Request – 27 Nickerson Road

5 – 1 – Letter dated May 25, 2011 from Ryder & Wilcox, Inc.

Exhibit 5 – 1 – Site Plan dated June 2, 2011 prepared by Ryder & Wilcox, Inc. and distributed on June 2, 2011

Agenda Item 6 – Variance Request – 8 Priscilla Road

6 – 1 – Letter and Variance Application dated May 18, 2011 from J.C. Ellis Design Company, Inc.

Agenda Item 7 – Variance Request – 23 Herring Brook Way

7 – 1 – Letter and Variance Request dated May 18, 2011 from J. C. Ellis Design Company, Inc.

Exhibit 7 – 1 – AdvanTex Performance Summary distributed on June 2, 2011

Agenda Item 8 – Bedroom Determination / Variance – 102 Skaket Beach Road

8 – 1 – Letter and Variance Request dated May 13, 2011 from J. C. Ellis Design Company, Inc.

8 – 2 – Assessors Card

8 – 3 – Excerpt of Chapter II – 105 CMR 410.00

8 – 4 – OHD Letter dated May 31, 2011

Exhibit 8 – 1 – 14 photographs of various rooms being used as bedrooms

Agenda Item 9 – Approval Request – Farmers' Market Vendors

9 – 1 – Letter dated May 2, 2011 from Salty Lou's Lobster

9 – 2 – Letter dated June 2, 2011 from FarmMaid Foods, Inc.

9 – 3 – MDPH Food Protection Program Policies, Procedures and Guidelines – Farmers' Markets No. RF-08

Agenda Item 10 – Discussion – Geriatric and Lyme Disease Care in Orleans

10 – 1 – Letter received May 18, 2011 from Art Rosenzweig

Agenda Item 11 – Discussion – Innovative/Alternative Technologies

11 – 1 – I/A Technologies Report for Orleans Properties from 3-28-11

11 – 2 – I/A Technologies Food For Thought prepared by the Health Agent

Agenda Item 12 – Approve Minutes

12 – 1 – OBOH Minutes of May 5, 2011

Agenda Item 13 – Review Correspondence and Old/New Business

13 – 1 – OHD letter dated May 23, 2011 to Attorney Kirsten S. Rufo re: 33 Eli Rogers Road

13 – 2 – 19 photographs taken by OHD May 26, 2011 re: 18B Industry Way

13 – 3 – 4 photographs taken by OHD May 25, 2011 re: 195 Main Street

13 – 4 – Letter dated May 23, 2011 from Cape Cod Biochemical Company

13 – 5 – Request for Waiver in Difficulty in Locating Components dated 5/25/2011 re: 86 Rock Harbor Road

13 – 6 – OWD letter dated May 25, 2011 to OBOH re: Annual Water Quality Report

13 – 7 – Orleans Brewster Eastham Groundwater Protection District Board of Managers Meeting Minutes of April 13, 2011

13 – 8 – Letter dated May 4, 2011 from Coastal Engineering Company, Inc. re: Orleans Bowling Center/Maytag Laundromat

13 – 9 – MDEP Approval for Membrane Replacement at Orleans Water Treatment Facility dated May 19, 2011