

TOWN OF ORLEANS – BOARD OF HEALTH
MINUTES OF MEETING

ORLEANS TOWN CLERK

10/2/11 ASST

'11 SEP 2 9:30AM

August 4, 2011

The Board of Health convened its meeting at 2:00 p.m. on Thursday, August 4, 2011 in the Skaket Meeting Room of the Orleans Town Hall.

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

Excused: Robin Davis, Ph.D.

Agenda Item 1 – Public or Press

There was no one present for Public or Press.

Agenda Item 2 – Variance Request Continuation – 8 Priscilla Road

Mr. Canning distributed a letter dated August 4, 2011 from J.C. Ellis Design Company (*Exhibit 2-1*) requesting a continuance of this variance request hearing until the next meeting in September.

On a motion by Attorney Taylor and seconded by Mrs. McKusick, the Board of Health voted in the matter of 8 Priscilla Road to continue this hearing until September 1, 2011 at 2:00 p.m. The vote was 4-0-0.

Agenda Item 3 – Variance Request – 18 Countryside Drive

Mr. Dan A. Speakman of Dan A. Speakman Construction represented Carol Flynn, owner of the property at 18 Countryside Drive. Mr. Speakman explained his request to locate the soil absorption system five feet from the property line as opposed to the required ten feet. He noted that this request is a result of an inspection for the sale of the property resulting in the failed septic system because of the existing cesspools. The house was originally built in 1984 with three bedrooms. During a walk-through it was determined that there is a room that meets the criteria of a bedroom, but is not listed as a bedroom. As a result, the new septic system had to be designed for a larger, four-bedroom dwelling, causing the soil absorption system to be located nearer the property line while maintaining the 100 foot buffer to the bordering vegetated wetlands.

Mr. Canning noted that the plan had been revised and Mr. Speakman distributed a revised plan dated July 27, 2011. (*Exhibit 3-1*) Mr. Canning further explained the variance required for distance to the property line. This would be classified as a repair to the septic system for a four-bedroom dwelling with a five-foot setback to a property line.

Board members discussed that there had always been four bedrooms with a three-bedroom septic system. It was noted that a brick walkway is located over the septic tank. Mr. Speakman explained that he does have access to the tank covers by temporarily removing some of the bricks.

There were no abutters present

On a motion by Mrs. Suraci and seconded by Dr. Schneider, the Board of Health voted that the Variance request of Carol Flynn of 18 Countryside Drive, Orleans be approved and that Variance involves relief from the ten-foot required for the SAS to the property line. So the Variance request of

relief of five feet (5') shall be granted subject to an approval and inspection by the Health Department. The vote was 4-0-0.

Agenda Item 4 – Variance Request – 53 Towhee Lane

Ms. Judy Bersin of Ryder & Wilcox, Inc. represented Justine S. Kirkwood and Kirkwood-Pye Irrevocable Trust (Thomas S. Pye, Trustee), owners of the property at 53 Towhee Lane. She described that this 82,000 s.f. parcel has a four-bedroom dwelling and a two-bedroom cottage. The property is currently for sale, prompting an inspection. The septic system for the main house was installed in 1995 and was approved for 660 gallons per day. In addition to replacing a leaking distribution box, it is proposed to install a pump chamber to pump septage from the cottage to a new septic tank, therefore eliminating the cesspools that currently serve the cottage. Ms. Bersin explained that the proposal does not increase the flow to the septic system but alters it, thereby improving the septic system by removing septage to a location 180 feet away from Pleasant Bay. Variances requested were as follows:

1. Under Local Upgrade Approval, the pump chamber shall be less than twenty-five feet from a Coastal Bank. A twenty-five foot variance.
2. Under the Orleans Board of Health Regulations, Section IV.D. Setbacks, the pump chamber shall be less than fifty feet from a Coastal Bank. A fifty-foot variance.
3. Board of Health approval to alter a 1978 Code septic system.
4. MDEP approval to pump sewage prior to a septic tank. (Verbal approval has been received.)

Ms. Bersin reported that the Conservation Commission approved this plan on July 19, 2011.

Attorney Taylor spoke of the significant elevation of the tide over last 18 months and inquired how the pump chamber would be protected from flood invasion. Ms. Bersin explained that the groundwater elevation had been adjusted to allow for the tide. In response to an inquiry Ms. Bersin explained that to maintain water tightness of the pump chamber it would be wrapped to seal it and a cast-in-place rubber boot installed at the inlet.

Mr. Canning explained that this is a modification to 1978 Code septic system. The existing tank does not have 48 hours of holding capacity; however a two-compartment or two tanks in series will meet that criterion. He described the capacity of the original septic components and also the requirements for installation of the pump chamber within a Coastal Bank.

Board members discussed that the leaking distribution box will be replaced and that the capacity of the pump in the pump chamber and septic tank might allow for expansion of the number of bedrooms on the parcel.

The owner, Justine Kirkwood, stepped forward and it was explained to her that if two more bedrooms are added to the property they would not be allowed to add the bedrooms to the cottage near the water.

There were no abutters present.

On a motion by Mrs. McKusick and seconded by Attorney Taylor, the Board of Health voted in the matter of 53 Towhee Lane and the plans that are dated 6/27/2011. I move that the following be granted:

1. **The pump chamber shall be less than twenty-five feet (25') to the Coastal Bank; we are granting a twenty-five foot (25') Variance because the cottage has a poured basement and it is totally not going to be possible to do anything other than install a pump chamber actually within the Coastal Bank.**
2. **The pump chamber shall be less than fifty feet (50') to the Coastal Bank. This is a SSD Board of Health Regulations requirement that again is a fifty-foot (50') Variance.**
3. **The Mass. DEP approval be included in writing.**

Findings are that the Subsurface Disposal System higher on the property is sufficient to have the sewage pumped there; and the plans have indicated that all reasonable efforts have been made so as it will not leak with surface water or a flood.

I condition this approval that the pump chamber shall never exceed more than pumping sewage from a two-bedroom cottage; and that the two-bedroom cottage shall not be expanded to have any more than two bedrooms.

Mr. Canning explained that presumptive approval happens where MDEP does not respond in writing. Therefore, after a certain period of time, MDEP approval would be granted, but not in writing.

Mrs. McKusick amended her motion to note that MDEP approval has been granted.

The vote was 4-0-0.

Agenda Item 5 – Variance Request – 5 Countryside Drive

Ms. Judy Bersin of Ryder & Wilcox, Inc. represented the Prendergast Qualified Residence Trust (Mary Prendergast, Trustee), owner of the property at 5 Countryside Drive. Ms. Bersin explained that the current three-bedroom house was built in 1971 and they propose an addition to the house to make it a four-bedroom dwelling. The property now has a leaching pit and cesspools which are to be replaced with a new Title 5 septic system utilizing an I/A Advantex AX20 septic system. She noted that the nitrogen loading will be less for this four-bedroom home than a three-bedroom house with a standard Title 5 septic system. Ms. Bersin requested a variance to allow four bedrooms on a lot with less than 40,000 square feet by using a septic system with I/A technology.

Board members discussed the testing requirements for I/A technology, noting that I/A systems are actually mini treatment plants that must be monitored on a quarterly basis.

Mr. Canning discussed that the standard testing required for I/A technology systems in Orleans includes BOD, TSS, and Total Nitrogen on a quarterly basis in addition to the monitoring required by MDEP. The Board of Health has amended those requirements if the property is used seasonally.

On a motion by Dr. Schneider and seconded by Mrs. McKusick, the Board of Health voted in the matter of 5 Countryside Drive. The issue at stake is a current three-bedroom house on 38,670 square feet, namely a lot just less than 40,000 square feet. The proposed plan is that a fourth bedroom be added. The current building was erected in 1971 and the system is a cesspool with a leaching field which will be entirely replaced with a new system. Because the lot is just less than 40,000 square feet, the proposal is that the new system will be an I/A system designed to reduce the nitrogen. With that nitrogen reduction it will certainly be better than it would have been if it had been on a two-acre lot. I move that we approve this, recognizing that the testing requirements that the town has in place, and that the new owners understand the need to have a maintenance contract and such testing as a condition of this approval. The vote was 4-0-0.

Agenda Item 6 – Waiver Request – 47 Woodsneck Road

Mr. David Quinn of Ryder & Wilcox, Inc. represented David and Phyllis Jackson, owners of the property at 47 Woodsneck Road. Mr. Quinn explained that the electric line runs directly over the distribution box which had been allowed in a 2007 inspection. He described the single-pit system. The sketch indicates the location of the septic tank just off the driveway and under a stone walk, as well as the leaching pit located under the stone driveway. In 1997 an underground electric line was installed without consideration for the septic components. He stated that there is no question of the integrity of the distribution box.

Mr. Canning discussed that in 2007 the Board of Health reviewed and granted a similar waiver to have the distribution box exposed and inspected. At that time the Board granted the waiver with the condition that the distribution box would be exposed and inspected for all future inspections.

Board members discussed the fact that people install irrigation and nursery products over and near septic components. The unintended consequences are not considered during any subsequent construction. Mr. Quinn noted that eventually the entire septic system would need to be replaced utilizing a pump chamber to send effluent to a higher level.

On a motion by Mrs. McKusick and seconded by Dr. Schneider, the Board of Health voted in the matter of 47 Woodsneck Road. Just to prove that we are open-minded and can change our minds, I move that we grant the waiver because the distribution box could not be inspected, and also note that this is a single leach pit with a single distribution box distributing one hundred percent into that leach pit and it has been demonstrated that that's where it is going. The vote was 4-0-0.

Agenda Item 8 – Approve Minutes

The minutes of the Board of Health meeting held on July 7, 2011 had previously been distributed to Board members for review and approval.

On a motion by Dr. Schneider and seconded by Mrs. Suraci, the Board of Health voted to approve the minutes of the meeting on July 7, 2011 as presented. The vote was 4-0-0.

During a short recess, Dr. Schneider proposed that because of the inordinate amount of time expended and inspections conducted by the health agents on complex and negligent housing violations, the Board of Health should be able to charge property owners for not bringing their property into compliance with the regulations. He noted that the Board is allowed to fine people for noncompliance at the transfer station, and that this is a similar situation. Attorney Taylor suggested presenting a motion with specific language for approval at the next Town Meeting.

Agenda Item 9 – Review Correspondence / Old and New Business

9 – 1 – A Request for Waiver because of Difficulty Locating Components at 40 Cedar Land Road had previously been distributed to Board members for review and discussion. Mr. Canning reported that there is no indication of problems with the distribution box that cannot be inspected.

On a motion by Mrs. McKusick and seconded by Dr. Schneider, the Board of Health voted to grant a waiver for 40 Cedar Land Road. The distribution box cannot be inspected due to plantings. It is a single pit system and the inspector indicated no interrupted flow. The vote was 4-0-0.

9 – 2 – A Request for Waiver because of Difficulty Locating Components at 27 Harbor View Lane had previously been distributed to Board members for review and discussion. Mr. Canning reported that Mr. David Quinn had also conducted this inspection and found that an electric line runs directly over one of two leach pits. It appears that all of the effluent flows to only one leach pit indicating that the flow deflectors needed adjustment. The flow was being sent to the one leach pit that could be inspected. Mr. Quinn explained where the leach pit cover is located in relationship to the electric line. He also noted that this is a seasonal home and the septic system has had very little use.

On a motion by Dr. Schneider and seconded by Attorney Taylor, the Board of Health voted in the matter of 27 Harbor View Lane to allow this exemption because of inaccessibility of the system for logistical reasons. The vote was 4-0-0.

9 – 3 – A Request for Waiver because of Difficulty Locating Components at 4 Little Marsh Lane had previously been distributed to Board members for review and discussion. Mr. Canning reported that the outlet of the septic tank is three feet under a brick walkway and that the inspector used a video camera from the distribution box to inspect the septic tank noting that the system is in good condition. Mr. Paul Lothrop has requested a waiver to the requirement to build up the septic tank cover to within six inches of grade.

Board members discussed that by not enforcing the regulation now, a new owner would be forced to comply with it at a later date. The argument is that the septic tank can be inspected by a video camera. The new

owner could still find the cover under the walk, and there is reason to believe there is enough evidence utilizing a video camera.

On a motion by Attorney Taylor and seconded by Dr. Schneider, the Board of Health voted to not allow a waiver because I think it, as Mrs. McKusick said, if we do we are handing the problem to the new owner. It hasn't been sold yet and the new owner should be made aware of the problem they have; and that's the reason I don't want to grant the waiver. The vote was 1-3-0. The motion failed.

On a motion by Mrs. McKusick and seconded by Mrs. Suraci, the Board of Health voted in the matter of 4 Little Marsh Lane. Inspection upon sale of the property indicated that the outlet of the septic tank was three feet (3') below a brick walk, and it is unknown whether that is a cemented-in brick walk or not. However, a video camera was employed to look at the inlet to the distribution box and it indicated that the system was in good condition. I move we accept the video camera findings and declare this inspection visually can be waived. The vote was 3-0-1. Dr. Schneider abstained because he had seconded the previous motion to deny the waiver.

9 – 4a – A synopsis of Material Totals at Daniels Recycling Company, Inc. from March through July had previously been distributed to Board members for review and discussion. Attorney Taylor noted a great deal of improvement but still the amount of stored material is not in compliance with the Site Assignment. He would like to see 100 percent compliance by DRCI by next May.

Mr. Canning noted that the level of stored materials was down but not in full compliance. He expects to meet with DRCI management in September or October regarding use of the misters throughout the winter months. He also noted that the grounds had been greatly improved over the past three months.

Dr. Schneider asked Mr. Steve Daniels to discuss his perception of the storage situation at DRCI. Mr. Daniels responded that it has been a challenge but they are making good progress. He hopes to have the misting system on line but they are waiting for manufacturers' specifications outlining the operating temperature ranges. Material is moving well but they are still struggling to find places to take the disposal material after processing. Many of the outlets are now being closely regulated for the amount of material they can accept.

9 – 4b – A letter to Daniels Recycling Company, Inc. and inspection report dated July 19, 2011 had previously been distributed to Board members for review and discussion.

Agenda Item 7 – Hearing – 7 Prence Lane – 3:00 p.m.

Mr. Steve Daniels of Daniels Recycling Company, Inc. represented Lee and Barbara Ragsdale, owners of the property at 7 Prence Lane.

Attorney Taylor asked Mr. Daniels to clarify the situation with this property. He noted that the Health Department had issued an order to repair the septic system in September 2010 because sewage was observed on the ground. The owner had requested a hearing regarding that order; however they did appear at the hearing.

Mr. Daniels explained that Daniels had been hired sporadically since 2000 to pump the septic tank. In 2009 Daniels was hired to design a septic plan and submitted that plan and a contract to the owner for a new system. At that time the owner notified Daniels that they were financially unable to move forward. Recently, Daniels was again contacted by the owner to represent them and to move forward. They have hired DRCI to maintain the system from backing up or overflowing; and they have requested lenience in upgrading the system until they are able to obtain sufficient financing. Mr. Daniels suggested monthly pumping of the septic tank to safely maintain the system for six months to allow the Ragsdales more time to obtain financing.

Attorney Taylor discussed whether the septic upgrade contract has been signed to which Mr. Daniels responded that the contract has not yet been signed because of lack of a deposit. However, he does have a

signed a work authorization (without deposit) for routine pumping. Mr. Daniels explained that the property had been vacant since October 2010, but is now occupied with summer rentals.

Mr. Canning distributed and read into the record the 7 Prence Lane Summary of Activity dated August 3, 2011. (*Exhibit 7-1*)

Mr. Canning reported that the Health Department conducted a site inspection on August 1, 2011 and did not observe any sewage on top of the ground. Regarding that the Ragsdales did not qualify for the Barnstable County funds, he noted that the qualifications for a loan are quite lenient. Mr. Daniels responded that the reason they were denied was because they are out-of-state residents. Mr. Canning will investigate whether the Ragsdales are eligible for that financing.

Board members discussed that the dwelling is again occupied while the septic system is still in failure. It seems that a substantial amount of money was spent to make the apartment suitable for rental again after it had been damaged, but the septic system was not repaired. Mr. Daniels noted that nothing has been done to the septic system since 2009. He discussed that the house is a duplex and the downstairs apartment is rented and the upstairs is for family use. Board members agreed that the septic system must be repaired. Mr. Daniels explained further that the upstairs unit is rarely used and the downstairs apartment had a long-term tenant who moved out in October. The house has been vacant until the current summer rentals. It was noted that the owner had been aware of the problem a year before the current Repair Order was issued on September 17, 2010; and they chose not to consider the situation urgent.

Mrs. McKusick recommended that the owner have a new septic system installed before December 31, 2011 because the septic system has been in failure for so long; and if they don't comply with this Order within six months, the water supply should be shut off.

On a motion by Attorney Taylor and seconded by Mrs. McKusick, the Board of Health voted with respect to 7 Prence Lane, the Ragsdale property, that the septic system be replaced within six months from today, by February 4, 2012; and between now and February 4, 2012, it be inspected monthly and pumped if necessary. The vote was 4-0-0.

Mr. Canning requested that those inspection and pumping reports be filed with the Health Department within fifteen days. Mr. Daniels agreed to that request.

Agenda Item 9 – Review Correspondence / Old and New Business (Cont'd.)

9 – 5 – A letter dated July 25, 2011 to Trudy Nordhausen, owner of the property at 18 Industry Way, Unit B had previously been distributed to Board members for review and discussion. Mr. Canning reported that the Health Department reinspected the premises on July 7, 2011 after being notified that the screens had been repaired. However, they observed that several of the screens continued to have gaps between the screen frame and the window frame. Another inspection is scheduled for August 5, 2011.

Dr. Schneider requested that Mr. Canning discuss Item 9 – 15 – A memo dated July 22, 2011 from the Health Agent to the Board of Health regarding 18 Industry Way which had previously been distributed to Board members for review and discussion. Considering the additional information in that memo, Mrs. McKusick inquired whether the Board of Health could charge a property owner for excessive inspections requiring two people each time. Mr. Canning will consult with Town Counsel with regard to charging or issuing criminal citations for excessive housing inspections where timely compliance has frivolously been delayed.

Attorney Taylor again discussed the cost and expenditure of time in inspecting for the same issues and that it might require authorization at Town Meeting for the Board of Health to issue fines. Dr. Schneider again discussed that the Board of Health has the power to fine and issue citations to people that do not comply with the Transfer Station Regulations; and this is a similar situation.

9 – 6 – A letter dated May 24, 2011 from Mass. Department of Environmental Protection regarding the Approval of Hydrogeologic Evaluation Scope of Work for Tonset Woods and John Avellar Circle had previously been distributed to Board members for review and discussion. The town will be installing a new septic system requiring a Groundwater Discharge Permit from MDEP.

9 – 7 – A flyer regarding Flu Shots had previously been distributed to Board members for review and discussion. Mr. Canning reported that the flu clinic is scheduled for September 23, 2011 and he will meet with the VNA and Barnstable County Health Department to review the on-line registration process to include insurance information. He expects to have 500 doses available.

9 – 8 – A letter from the Building Commissioner dated July 6, 2011 regarding the Universal Lodge had previously been distributed to Board members for review and discussion.

9 – 9 – The Board of Managers Meeting minutes of June 7, 2011 of the Orleans, Brewster, Eastham Groundwater Protection District had previously been distributed to Board members for review and discussion.

9 – 10 – A letter dated July 14, 2011 from Mass. Department of Environmental Protection regarding 34 Route 6A had previously been distributed to Board members for review and discussion. Mr. Canning reviewed that on June 2, 2011, the Board of Health approved a variance for the construction of a new septic system to serve a proposed ice cream parlor. The variances approved included the following:

1. A one-foot (1') variance to allow the leaching area to be located nine feet (9') from a property line.
2. A six inch (6") variance to allow the leaching area to be located three and one-half feet (3.5') below the surface of the ground.
3. A variance to the provisions that a reserve area be provided.

At the June meeting the Board of Health discussed whether the septic system would require a variance from the storm water drainage system on Route 6A. If the drainage system were to discharge into a watercourse a fifty-foot (50') setback would be required where thirty-five feet (35') is provided.

After discussing the matter the Board Health had the following findings:

- 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.

At the July 20, 2011 Site Plan Review Committee meeting, the storm water drainage system was discussed. Apparently the drainage pipe which runs in front of 34 Rte 6A discharges into a storm water treatment system on the Windmill property. Once this system reaches its capacity, the storm water flows into Jeremiah's gutter and eventually discharges into Town Cove. This information does not match the information available to the Board of Health on June 2, 2011. Storm water does eventually discharge into Town Cove necessitating an amended variance. This variance request will be heard at the September 1, 2011 meeting.

9 – 11 – A letter dated June 30, 2011 from Mass. Department of Environmental Protection regarding the Tri-Town Septage Treatment Facility had previously been distributed to Board members for review and discussion.

9 – 12 – A letter dated July 21, 2011 from Mass. Division of Local Mandates regarding Bathing Beaches had previously been distributed to Board members for review and discussion.

9 – 13 – A letter dated July 12, 2011 from the Orleans Historical Society had previously been distributed to Board members for review and discussion. Attorney Taylor opined that there could be better use of the excess capacity of the Town Hall's septic system. Mrs. McKusick noted that the strength of effluent is a problem, and it would be more advantageous to connect residential properties to the septic system for a better use of excess capacity.

9 – 14 – A memo dated July 1, 2009 from the Health Agent to the Town Administrator regarding the appointment of Robert Rich to the Board of Water and Sewer Commissioners had previously been distributed to Board members for review and discussion. Mr. Rich's appointment expires on June 30, 2012.

Agenda Item 10 – Health Agent's Report

Mr. Canning reported on the following:

Temporary Food Permits

Silhouette

Wallace and Michelle Adams, new owners of the Silhouette hair salon had applied for a Temporary Food Permit and Variances needed for their menu and the requirement for a Certified Food Protection Manager for their grand opening on July 23, 2011 from 4:00 p.m. to 7:00 p.m. at their new location at 57 Route 6A. There was no CFPM (One is listed but the Health Department did not receive a certificate.) They served prepared meat and cheese trays, crackers, and bottled water. There was no hair cutting or styling during the event. Trays were purchased from local establishments and were picked up immediately before the event. One tray was purchased, placed out for display and when that was getting low the other tray was picked up and displayed to reduce display time. Tooth picks, tongs and forks were available for food service. Paper plates, cups, etc. were used for consumer items. Restrooms and hand washing facilities were available onsite.

Orleans Methodist Church

Mary Ann Danforth applied for a Variance for the menu and cooking outdoors at an event already held (to be ratified) and for the chicken BBQ to be held on August 18, 2011 from 5:00 p.m. to 7:00 p.m. at the church. The menu includes BBQ chicken, coleslaw, potato salad, pre-wrapped cookies and brownies, lemonade, and iced tea. The BBQ chicken will be cooked on grills outdoors and held in sanitized, insulated units to be kept at 140°F or greater for service. Items will be held at proper temperatures in the church kitchen until needed for service. Items will be served indoors out of the church kitchen. The food will be obtained from licensed sources. Tongs and gloves will be used to prevent bare-hand contact. Everything will be single use articles. Restrooms and hand washing facilities are available inside the church.

On a motion by Mrs. McKusick and seconded by Dr. Schneider, the Board of Health voted to ratify the two events, one for the Silhouette Hair Salon on July 23, 2011 and the other for the Orleans Methodist Church at their July cookout for their Variances . The vote was 4-0-0.

On a motion by Mrs. McKusick and seconded by Mrs. Suraci, the Board of Health voted to grant a Variance and a Temporary Food Permit for the Orleans Methodist Church event on August 18, 2011 from 5:00 p.m. to 7:00 p.m. The vote was 4-0-0.

Snow Library

Mary Reuland applied for Temporary Food Permits for five Artists' Receptions to be held at Snow Library on August 6, September 3, October 8, November 12, and December 10, all in 2011. Store-bought cookies, breads and pre-portioned packaged cheeses, bottled beverages, and punch will be served. Beverages will be served from multi-serving containers into plastic cups. Tongs or wax paper will be used to serve the cookies, breads, and cheese. Hand washing and restroom facilities are available at the Library. Everything will be single use articles.

On a motion by Mrs. Suraci and seconded by Mrs. McKusick, the Board of Health voted to approve Temporary Food Permits on five separate occasions at Snow Library. The vote was 4-0-0.

Orleans Chamber of Commerce

Mary Corr of the Orleans Chamber of Commerce had applied for a Temporary Food Permit for the Pops in the Park to be held at Eldredge Field on Saturday, August 27, 2011 with a rain-date of August 28th from 5:00 p.m. to 9:00 p.m. Pre-packaged brownies, cookies, coffee, bottled water, and canned soda will be available. Everything will be pre-packaged and single use articles. Restrooms and Porta-potties will be available onsite. Hand washing will be available at the public restrooms, and hand sanitizer will be available.

On a motion by Mrs. Suraci and seconded by Dr. Schneider , the Board of Health voted to approve a Temporary Food Permit for the Orleans Chamber of Commerce event as described. The vote was 4-0-0.

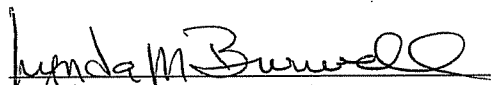
Beach Closures

On August 4, 2011 the Health Department received a call from the Barnstable County Laboratory informing them that three of the Orleans beaches exceeded the Bacteriological Quality Limits for bathing beaches. These beaches included Pleasant Bay at Route 28, Rock Harbor, and Town Cove. The Health Department posted the areas as being closed to swimming and new samples were collected on August 4, 2011 for retesting. It is important that people understand that this contamination is caused by heavy rain. Mr. Canning noted that most parents of children on the beach were very grateful for the action taken by the Health Department.

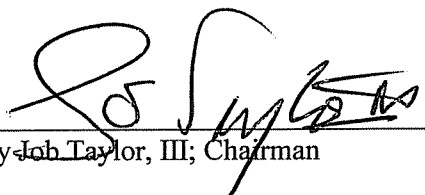
Agenda Item 11 – Adjournment

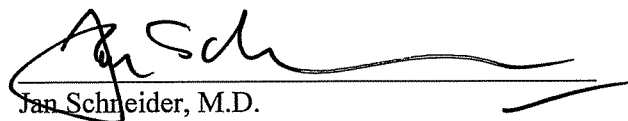
On a motion by Attorney Taylor and seconded by Dr. Schneider, the Board of Health voted to adjourn this meeting at 3:47 p.m. The vote was 4-0-0.

Respectfully submitted,


Lynda M. Burwell, Board Secretary

ORLEANS BOARD OF HEALTH

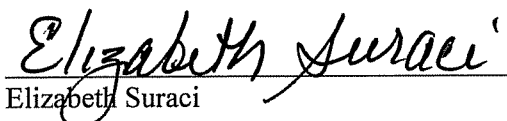

Attorney John Taylor, III; Chairman

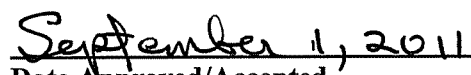

Jan Schneider, M.D.

Augusta F. McKusick, Vice Chairman

Excused

Robin K. Davis, Ph.D.


Elizabeth Suraci


Date Approved/Accepted

**DOCUMENTS PROVIDED FOR THE August 4, 2011
MEETING OF THE ORLEANS BOARD OF HEALTH**

Agenda Item 2 – Variance Request – 8 Priscilla Road

2 – 1 – Packet information from June 2, 2011 packet

Exhibit 2 – 1 - Letter dated August 4, 2011 from J.C. Ellis Design Company, Inc.

Agenda Item 3 – Variance Request – 18 Countryside Drive

3 – 1 – Variance Application Form from Dan A. Speakman Construction

3 – 2 – Site Plan of Proposed Construction dated 7/07/11 prepared by Dan A. Speakman Construction

Exhibit 3 – 1 – Site Plan of Proposed Construction dated 7/27/11 prepared by Dan A. Speakman Construction

Agenda Item 4 – Variance Request – 53 Towhee Lane

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

4 – 2 – Proposed Sewage Disposal System Alteration dated June 27, 2011

Agenda Item 5 – Variance Request – 5 Countryside Drive

5 – 1 – Variance Application Form from Ryder & Wilcox, Inc.

5 – 2 – Floor Plans of Prendergast Renovations

5 – 3 – Proposed On-Site Sewage Treatment and Disposal System dated 7/13/11 prepared by Ryder & Wilcox, Inc.

5 – 3 – Excerpt of OBOH Nutrient Management Regulations

Agenda Item 6 – Waiver Request – 47 Woodsneck Road

6 – 1 – Request for Waiver – Difficulty in Locating Components from David Quinn

6 – 2 – OHD Letter dated 5/21/07

6 – 3 – Title 5 Inspection Form dated 5/25/11

Agenda Item 7 – Show Cause Hearing – 7 Prence Lane

7 – 1 – OHD Letter dated 7/8/11

7 – 2 – No Item - misnumbered

7 – 3 – Ragsdale Letter dated 7/24/11

7 – 4 – OHD Letter 9/20/10

7 – 5 – Ragsdale Letter 11/22/10

Exhibit 7 – 1 – OHD Summary of Activity dated 8/3/11 and Ragsdale Letter 11/22/10

Agenda Item 8 – Approve Minutes

8 – 1 – OBOH Minutes of July 7, 2011

Agenda Item 9 – Review Correspondence and Old/New Business

9 – 1 – Request for Waiver – Difficulty in Locating Components – 40 Cedar Land Road

9 – 2 – Request for Waiver – Difficulty in Locating Components – 27 Harbor View Lane

9 – 3 – Request for Waiver – Difficulty in Locating Components – 4 Little Marsh Lane

9 – 4a – DRCI Material Totals – March thru July

9 – 4b – OHD Letter dated 7/22/11 and Inspection Report dated 7/19/11

9 – 5 – OHD Letter dated 7/25/11 to Nordhausen – 18 B Industry Way

9 – 6 – MDEP Letter dated 5/24/11 Tonset Woods and John Avellar Circle, Hydrogeologic Eval. Scope of Work

9 – 7 – Flyer announcing Flu Shots Coming Soon

9 – 8 – OBD Letter dated July 6, 2011 – Universal Lodge

9 – 9 – Orleans, Brewster, Eastham Groundwater Protection District Minutes of 6/7/11

9 – 10 – MDEP Letter dated 7/14/11 (corrected copy) – 34 Route 6A

9 – 11 – MDEP Letter dated 6/30/11 – Tri-Town Septage Treatment Facility – Return to Compliance Plan

9 – 12 – Mass. Division of Local Mandates Letter dated 7/21/11 – Bathing Beaches

9 – 13 – OHS Letter dated 7/12/11 – Town Hall I/A System

9 – 14 – OHD Memo dated 7/1/09 – Appointment of Robert Rich

9 – 15 – Health Agent Memo dated 7/22/11 – 18 Industry Way