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**TOWN OF ORLEANS – BOARD OF HEALTH**  
**MINUTES OF MEETING**

**January 5, 2012**

The Board of Health convened its meeting at 2:03 p.m. on Thursday, January 5, 2012 in the Skaket Meeting Room of the Orleans Town Hall.

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

**Agenda Item 1 – Public or Press**

There was no one present for Public or Press.

**Agenda Item 2 – Discussion/Determination – 19 Nauset Farms Way**

Mr. David Lajoie of FELCO, Inc. represented Robert Morley (also present), owner of the property at 19 Nauset Farms Way. Mr. Lajoie explained that Mr. Morley would like to add a bedroom to the existing three-bedroom house on a 22,000 s.f. lot. He suggested using the adjacent property not in common ownership to allow the required square footage necessary to allow the fourth bedroom according to the Orleans Nutrient Management Regulations and noted that the owner is prepared to deed restrict the adjacent property reflecting this arrangement.

Mr. Morley explained that his wife, Marilyn, owns the lot with the dwelling, while he owns the adjacent lot. They do not own either lot jointly, nor do they intend to change the ownership.

Mr. Canning reported that the owners have proposed renovation of an existing three-bedroom dwelling including the addition of a fourth bedroom. The dwelling is located at 19 Nauset Farms Way which is a 22,342 s.f. lot located in the town's residential district. Per the Orleans Assessors records, 19 Nauset Farms Way is owned by Marilyn Morley.

The Orleans Board of Health Nutrient Management Regulation limits the number of gallons of sewage generated on a property to a ratio of 110 gpd/10,000 s.f. of land. The 22,342 s.f. lot is not large enough to accommodate an increase in sewage flow.

15 Nauset Farm Way is a 40,000 s.f.± lot which directly abuts #19. The property is owned by Robert Morley. The owners request that the Board of Health accept a deed restriction on #15 stating that it is being used for additional square footage to allow a fourth bedroom at #19 Nauset Farms Way.

In 2010, the Orleans Board of Health met to discuss a similar proposal. At that meeting the Board of Health determined that the total land area of two abutting parcels, if held in common ownership, could be considered a single lot for the purposes of the Nutrient Management Regulations under the following condition:

- A deed restriction on both lots must be recorded at the Registry of Deeds stating that both lots will remain in common ownership. A copy of these restrictions must be submitted to the Orleans Health Department.

Board members discussed requiring deed restrictions to join the two lots in common ownership for a maximum of four bedrooms on the property.

**Mrs. McKusick proposed a motion in the matter of 19 Nauset Farms Way. There exists a home on #19 Nauset Farms Way (lot #7) that has three bedrooms on 22,000 square feet. A family member owns it and another family member related by marriage owns #15 Nauset Farms Way. This is lot #8. We**

**grant the owner of lot #7 the ability to have a four-bedroom house, and it shall never be any more than a four-bedroom house on this property. Lot #8 shall be used in calculating the Orleans Nutrient Management Regulations square footage; and an easement shall be granted for that. This motion was not seconded.**

Dr. Davis suggested amending the motion to include recording two deed restrictions: that there be no more than four bedrooms on the combined parcel, and that the two parcels will always be dealt with as a single unit. Mrs. Suraci clarified that an easement, although in perpetuity, will always go with the lot if it is sold, it does not prevent lot #8 from being sold separate from lot #7. Dr. Schneider emphasized that the motion should be clear that the two lots must stay together with or without easements.

**On a motion by Attorney Taylor and seconded by Dr. Schneider, the Board of Health voted in the matter of 19 Nauset Farms Way that the two lots are linked together, with or without easements. The two lots together, combined, can only have four bedrooms in the dwelling. And that there will be a restriction filed with the proper authorities in town saying that it is a four-bedroom dwelling. The vote was 5-0-0.**

### **Agenda Item 3 – Bedroom Determination – 21 Great Oak Road**

Mr. Stephen Hobday, owner of the property at 21 Great Oak Road, was present for this hearing. David Lajoie of FELCO, Inc. joined Mr. Hobday for this hearing.

Mr. Canning explained that the owner wishes to amend the floor plan to call the front room a dining room and the current dining room would be used as an office. It would be necessary to walk through the office to get to the dining room; therefore the office would not be an isolated room.

Board members discussed whether the window space in the front room qualified the room as a sunroom, which it does not. They also discussed the size of the framed opening entering the office area as being greater than six feet. Mr. Hobday thought it might be at least ten feet wide.

**On a motion by Mrs. McKusick and seconded by Dr. Schneider, the Board of Health voted in the matter of 21 Great Oak Road. I move that the septic system on this property will serve four bedrooms. The reconfiguration of the rooms as indicated on a sketch dated November 18, 2011, indicates three bedrooms upstairs and one on the main floor. The area originally called a dining room shall be called an office that has a greater than six foot opening, and the room marked sunroom shall hence forth be called a dining room. The vote was 5-0-0.**

Mr. Canning requested a new sketch showing the changes to go with the septic plan and Dr. Schneider requested that the room dimensions also be shown on the sketch.

### **Agenda Item 4 – Approve Minutes**

The minutes of the Board of Health meeting held on December 15, 2011 had previously been distributed to Board members for review and discussion.

**On a motion by Dr. Schneider and seconded by Mrs. McKusick, the Board of Health voted to approve as presented the minutes of the meeting held on December 15, 2011. The vote was 5-0-0.**

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

5 – 1 – A letter from Attorney Benjamin E. Zehnder dated December 19, 2011 regarding the property at 20 Snow Way had previously been distributed to Board members for review and discussion. Mr. Canning discussed that upon sale of the property the septic system is considered failed because of the presence of cess-pools. The owner has proposed to not occupy the dwelling until septic system is repaired, and is requesting an extension.

**On a motion by Attorney Taylor and seconded by Dr. Schneider, the Board of Health voted in the matter of 20 Snow Way to grant an extension for one year from today's date as long as the property is not occupied and the water is turned off. The vote was 5-0-0.**

5 – 2 – A memo from George Meservey to John Kelly dated December 22, 2011 regarding Industrial District impacts on residential neighborhoods had previously been distributed to Board members for review and discussion. Mr. Canning discussed the noise and dust from the industrial area. The Health Department has dealt with dust issues in the past and has required that they keep the dust down. This issue may result in a noise and dust by-law that may involve the Board of Health. Board members inquired when that area was declared an industrial area and when the houses were built. There were some houses there before the industrial area was established as Mr. Canning understood.

Mrs. Christie noted that the kennel was in existence in 1966, and perhaps earlier. A Board member noted that a fence would be extremely expensive and noise would be heard right over a fence.

Mr. Canning explained that the Health Department has responded in the past to dust and noise complaints under the DEP Pollution Guidelines, and that most business people are sympathetic and cooperative.

5 – 3 – A letter from MDEP regarding 8 Priscilla Road dated December 9, 2011 had previously been distributed to Board members for review and discussion.

5 – 4 – A letter from MDEP regarding the septic systems at the John Alvellar Circle Family Development and the Tonset Woods Elderly Development dated December 20, 2011 had previously been distributed to Board members for review and discussion. Mr. Canning reported that this will require a Groundwater Discharge Permit.

5 – 5 – A report of the MDPH Inspection of the Orleans Police Department's Lockup Facility dated December 15, 2011 had previously been distributed to Board members for review and discussion. Mr. Canning reported there were no violations found but it was observed that the ventilation grills could provide an anchor for someone to commit suicide.

5 – 6 – A letter from MDEP regarding an Update of Cancer Incidence in Massachusetts from 2005-2008 dated December 28, 2011 had previously been distributed to Board members for review and discussion.

5 – 7 – A copy of the new Orleans Board of Health Nutrient Management Regulations Established Flow Policy adopted December 15, 2011 had previously been distributed to Board members for review and discussion.

### **Agenda Item 6 – Health Agent's Report**

6 – 1a – An email from Jonathan Cody, owner of the property at 36 Collins Lane, dated December 23, 2011 had previously been distributed to Board members for review and discussion.

6 – 1b – A letter from the Orleans Health Department to Jonathan and Ida Cody dated October 25, 2011 had previously been distributed to Board members for review and discussion.

Mr. Canning explained the circumstances of the purchase of this property and that the owner has requested an extension to the order to have the septic system inspected upon the sale of the property. He also noted that Title 5 allows an extension of 6 months for weather-related delays.

**On a motion by Attorney Taylor and seconded by Dr. Schneider, the Board of Health voted in the matter of 36 Collins Lane to allow the owner until April 20, 2012 to have a septic system inspection conducted. The vote was 5-0-0.**

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

6 – 2 – A letter from Daniels Recycling Company, Inc. dated November 15, 2011 describing their contingency plan and conveying their Operations and Maintenance Plan had previously been distributed to Board members for review and discussion. Mr. Canning noted that the submittal does not meet the requirements of a contingency plan and he will discuss it further with the owners.

6 – 3 – A letter from the Orleans Health Department to Daniels Recycling Company, Inc. reporting on an inspection conducted on December 16, 2011 had previously been distributed to Board members for review and discussion. Mr. Canning reported on some of the specific violations.

Mr. Canning reported on the following:

#### **Permits:**

##### **Temporary Food Service**

Christin Marshall, representing Americorps Cape Cod had applied for a Temporary Food Permit. Americorps Cape Cod is a non-profit organization; therefore, no Certified Food Protection Manager is required for a function. The event is a Martin Luther King Day of Service on January 16, 2012 from 9:00 a.m. to 2:00 p.m. to be held indoors at the Orleans Elementary School. Coffee, tea, hot chocolate, fruit tray, muffins, pastry, bagels, donuts, water, soda, juice, granola bars, crackers, candy, and condiments will be available. All items will be purchased or donated from local, licensed food establishments. Fruit, cream cheese and any perishable products will be held on ice. Restrooms and hand washing facilities are available onsite. Plastic utensils, wax paper and tongs will be available for food service. Paper plates, cups, etc. will be used for consumer items.

**On a motion by Dr. Schneider and seconded by Attorney Taylor, the Board of Health voted in the matter of the request by Christin Marshall representing Americorps Cape Cod to grant a Temporary Food Permit for an event to be held at the Orleans Elementary School on January 16, 2012 from 9:00 a.m. to 2:00 p.m. The vote was 5-0-0.**

##### **Public Health Nursing Grant**

The Barnstable County Department of Health and the Environment is submitting a grant request on behalf of the towns on Cape Cod regarding a regional public health nursing initiative related to the foundation Health Measures of Health People 2020. The grant is offered through the Community Innovate Challenge Grant program.

The goal of the project is to rebuild the capability of communities to address disease prevention in a cost-effective manner by providing shared public health nursing services that incorporate town-specific needs. Through the grant the County is proposing to hire a Public Health Nurse, identify the area of needs in the participating towns, purchase supplies to be used during screening events, and conduct the screenings.

The town's responsibility would involve meeting with the Public Health Nurse and attending occasional regional meetings.

The grant application is due by January 12, 2012, making the time frame for decision tight. With the Board's approval, Mr. Canning would like to explore participation in this grant which he will have to discuss the matter with John Kelly to be sure that Orleans can participate without an inter-municipal agreement. If one is needed Orleans would not be able to meet the application deadline.

Board members expressed their pleasure that this program might be endorsed.

**On a motion by Attorney Taylor and seconded by Dr. Schneider the Board of Health voted to have the Health Agent pursue this issue. The vote was 5-0-0.**


**Agenda Item 7 – Adjournment**

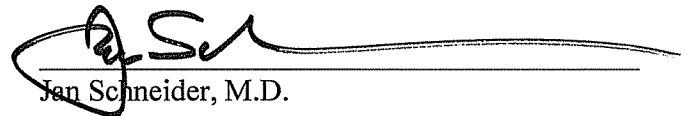
**On a motion by Mrs. Suraci and seconded by Mrs. McKusick, the Board of Health voted to adjourn this meeting at 2:41 p.m. The vote was 5-0-0.**

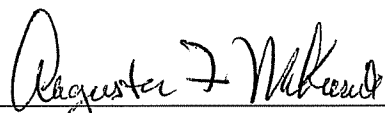
Respectfully submitted,

  
Lynda M. Burwell, Board Secretary

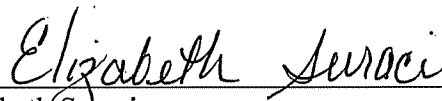
**ORLEANS BOARD OF HEALTH**

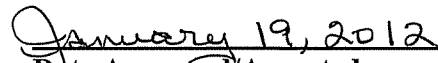
  
Attorney Job Taylor, III; Chairman

  
Jan Schneider, M.D.

  
Augusta F. McKusick, Vice Chairman

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Robin K. Davis, Ph.D.

  
Elizabeth Suraci

  
Date Approved/Accepted

**DOCUMENTS PROVIDED FOR THE JANUARY 5, 2012  
MEETING OF THE ORLEANS BOARD OF HEALTH**

**Agenda Item 2 – Discussion/Determination – 19 Nauset Farms Way**

- 2 – 1 – FELCO, Inc. letter/request dated 12/22/11
- 2 – 2 – FELCO, Inc. letter dated 12/20/11
- 2 – 3 – Site & Sewage Plan prepared by FELCO, Inc. dated 12/23/11

**Agenda Item 3 – Bedroom Determination**

- 3 – 1 – Stephen Hobday letter received 12/16/11
- 3 – 2 – Sketch of 1<sup>st</sup> and 2<sup>nd</sup> floors dated 11/18/11
- 3 – 3 – Site & Sewage Plan prepared by FELCO, Inc. dated 11/10/11
- 3 – 4 – OHD letter dated 8/18/11 to Hobday

**Agenda Item 4 – Approve Minutes**

- 4 – 1 – Orleans Board of Health Minutes of 12/15/11

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

- 5 – 1 – Benjamin E. Zehnder LLC letter dated 12/19/11 re: 20 Snow Way
- 5 – 2 – G. Meservey Memo to J. Kelly dated 12/22/11 re: Industrial District Impacts on Residential Neighborhood
- 5 – 3 – MDEP letter dated 12/9/11 re: Approval of 8 Priscilla Road plan.
- 5 – 4 – MDEP letter dated 12/20/11 re: OHA Approval of Hydrogeologic Evaluation Report
- 5 – 5 – MDPH letter dated 12/15/11 re: Orleans Police Department Lockup Facility Inspection
- 5 – 6 – MDPH letter dated 12/28/11 re: Mass. Cancer Registry Report
- 5 – 7 – OBOH Nutrient Management Regulations new Established Flow Policy

**Agenda Item 6 – Health Agent's Report**

- 6 – 1a – J. Cody email dated 12/23/11 re: 36 Collins Lane
- 6 – 1b – OHD letter dated 10/25/11 to Cody re: 36 Collins Lane
- 6 – 2 – DRCI proposed Contingency Plan
- 6 – 3 – OHD letter dated 12/21/11 to DRCI re: 12/16/11 Inspection Report