

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

January 19, 2023

The Orleans Board of Health (BOH) convened this meeting in the Nauset Room of the Orleans Town Hall on Thursday, January 19, 2023. This was a hybrid meeting.

The Board of Health members present were: Chairman Joseph Hartung, Vice Chairman Mr. John Smith, and Mr. John Kanaga. Board Clerk Mr. Sims McGrath and Mr. Luke Chapman were unable to attend.

Also present were: Health Agent Alex Fitch; Sean Riley, Coastal Engineering representing 56 Nauset Road; Kimberly Bruemmer, Trustee for the Dona L. Pike Trust representing 29 Cove Road, and Select Board liaison Kevin Galligan.

Chairman Joseph Hartung called this meeting of the Orleans Board of Health (BOH) to order at 2:00 p.m. and explained how the public can participate in the meeting remotely or through real-time public access provided by Orleans Channel 18 on the Town website and local cable television.

Agenda Item 1 - Public and Press.

No one was present representing public or press.

Agenda Item 2 – Variance Request – 56 Nauset Road.

Sean Riley of Coastal Engineering represented 56 Nauset Road, requesting variances to both Title 5 and the Orleans Subsurface Sewage Disposal Regulations (OSSDRs) for a new septic system on the property.

310 CMR 15.211(1) Minimum Setback Distances states in part that all systems must conform to the minimum setback distance, and where more than one setback applies, all setback requirements shall be satisfied.

The following variances to Title 5 were requested:

- Distance of Septic Tank (ST) to cellar wall, with 10 feet required and 2 feet provided, an 8 foot variance was requested;
- Distance of Soil Absorption System (SAS) to cellar wall, with 20 feet required and 5 feet provided, a 15 foot variance was requested;
- Distance of SAS to property line, with 10 feet required and 5 feet provided, a 5 foot variance was requested.

185-17.3(D) Setbacks states in part that in addition to the requirements set forth in Title 5 no sewage disposal facility shall be closer than the distances stated to the components listed.

The following variances to the OSSDRs were requested:

- Distance of ST to cellar wall, with 10 feet required and 2 feet provided, an 8 foot variance was requested;
- Distance of SAS to cellar wall, with 20 feet required and 5 feet provided, a 15 foot variance was requested;
- Distance of SAS to property line, with 10 feet required and 5 feet provided, a 5 foot variance was requested.

The Standard of Review stated in the OSSDRs is as follows: 1) Variances to the provisions of 310 *CMR 15.000* and the Orleans Board of Health Regulations for Subsurface Sewage Disposal shall be granted only when in the opinion of the Orleans Board of Health:

- a) The person requesting a variance has established that a level of environmental protection which is at least equivalent to that provided under *310 CMR 15.000* and these regulations can be achieved without strict application of the provisions from which the variance is being sought.
- b) The person requesting the variance has established that the enforcement there of would do manifest injustice; provided that the decision of the Board of Health shall not conflict with the intent of these regulations.

Mr. Riley stated that with the limitations set by conservation, the house will have to be built up against the property line, so there is no way to eliminate need for variances. In response to a question from Mr. Smith he also stated that the system will be under a driveway, but assured the Board that there will be H-20 (heavy duty components).

There were no abutters present.

On a motion by Mr. Kanaga and seconded by Mr. Hartung, in the matter of 56 Nauset Road, the BOH voted to approve the variances as requested from *310 CMR 15.211(1)*:

- **Distance of ST to cellar wall, with 10 feet required and 2 feet is provided, an 8 foot variance is requested;**
- **Distance of SAS to cellar wall, with 20 feet required and 5 feet provided, a 15 foot variance is requested;**
- **Distance SAS to property line, with 10 feet required and 5 feet provided, a 5 foot variance is requested;**

and from *185-17.3(D)*:

- **ST to cellar wall, with 10 feet required and 2 feet is provided, an 8 foot variance is requested;**
- **SAS to cellar wall, with 20 feet required and 5 feet provided, a 15 foot variance is requested.**

- **Distance of SAS to property line, with 10 feet required and 5 feet provided, a 5 foot variance is requested.**

There being no further discussion, the roll call vote was 3-0-0.

Agenda Item 3 Hearing Request – 29 Cove Road.

The Health Department (HD) received a Title 5 inspection report for 29 Cove Road which indicated that the existing septic system is a single cesspool. A cesspool is an automatic failure, so in a letter dated December 30, 2022 the owner received an order to repair the septic system within 60 days of receipt of the order letter.

Based on the fact that the property is included in Phase 1 of the sewer system project, and that the cesspool has been deemed in working order, Trustee Kimberly Bruemmer, was present seeking an extension to the order to replace the current septic system. She has already been in contact with an engineering firm to do the sewer installation work.

Ms. Fitch verified that this property is included in Phase 1 of the sewer system project and will be required to hook up within one year of order letters going out. The inspector did indicate that the system is in working order, with no signs of back up, and that it has a depth to groundwater of at least ten feet. (Ms. Fitch further stated that the Board has heard similar requests leading up to the sewer system becoming available.)

Mr. Galligan indicated that the anticipated start dates for the sewer work is on target and estimated that the order letters will go out in March 2023. Mr. Kanaga summarized the logistics of the hook up requirements, i.e. upon receipt of the order letter, owners will have 90 days to obtain an engineering plan and then another 90 days to connect.

On a motion by Mr. Kanaga and seconded by Mr. Smith, in the matter of 29 Cove Road, the BOH voted to grant an extension to the order of December 30, 2022 sufficient in length to reach a date 90 days after the Board of Health's Notice To Hook-up letters have been mailed. The applicant is strongly encouraged to pursue the engineering work for the connection to the sewer system with all reasonable haste. There being no further discussion, the roll call vote was 3-0-0.

Agenda Item 4 – Approve Minutes.

- **December 1, 2022.**

On a motion by Mr. Kanaga and seconded by Mr. Hartung, the Board of Health voted to approve the Meeting Minutes dated December 1, 2022. With no further discussion, the roll call vote was 3-0-0.

- December 15, 2022.

On a motion by Mr. Smith and seconded by Mr. Kanaga, the Board of Health voted to approve the Meeting Minutes dated December 15, 2022. With no further discussion, the roll call vote was 3-0-0.

Agenda Item 5 - Discussion with Wastewater Management Advisory Committee Members John Smith and Kevin Galligan.

The goal of the Committee remains, as in the past, to reach out to boards and property owners in order to get feedback as the planning process proceeds. They are currently proposing a Phase 3 plan, focusing on the need that we have to look at nutrient management reductions beyond the Meetinghouse Pond area. Phase 1 (downtown and Meetinghouse Pond) will have a two-year construction period. Phase 3 will tie into the pump, but focus on the SAS around Crystal Lake, Pilgrim Lake, and Arey's. Nutrient Management driven, the Committee is trying to identify which properties meet the problem. The target date is probably 10 years out, since the same process as for the other phases will be followed, i.e. seeking approval, funding, etc.

It will be important to point out that we are planning this phase in order to adhere to our agreements with the Pleasant Bay Alliance, and to work in conjunction with Brewster regarding Baker's Pond, and with Eastham regarding Town Cove and Rock Harbor. There will be some relevant articles in the next town meeting, and the town will be seeking easements on certain properties to allow for construction of pump station number 5 and also one on Route 6.

The Board will be updated as this evolves.

Agenda Item 6 – Administrative.

- Disposal Works Installer Permit Approval
Scantic Valley Excavating

Scantic Valley Excavating applied for a septic installer license. They are currently licensed in Chatham and Harwich, and three additional towns off Cape. The owner has already been through a successful interview with the Health Department.

On a motion by Mr. Kanaga and seconded by Mr. Smith, in the matter of Scantic Valley Excavating septic installer license, the Board of Health moved approval. With no further discussion, the roll call vote was 3-0-0.

- Title 5 Inspection Waiver Approval
35 Old Duck Hole Road

The HD received a Title 5 Inspection for 35 Old Duck Hole Road and the inspector has requested a waiver. He needed to use a camera to inspect the leach pit because the cover is under a stone wall. He certifies that the leach pit is in good working order.

On a motion by Mr. Kanaga and seconded by Mr. Smith, in the matter for 35 Duck Hole Road Title 5 Inspection Waiver, the Board of Health voted to move approval. With no further discussion, the roll call vote was 3-0-0.

Agenda Item 7 – Health Agent’s Report.

- Sewer Connection Letters

In order to avoid any confusion, at Mr. Kanaga’s suggestion, Ms. Fitch agreed to provide the Board with a list of properties whose owners have not yet indicated they are in touch with an engineering firm. She will also draft another sewer hook up reminder letter and make the list and letter available to the Board at its February 2, 2023 meeting.

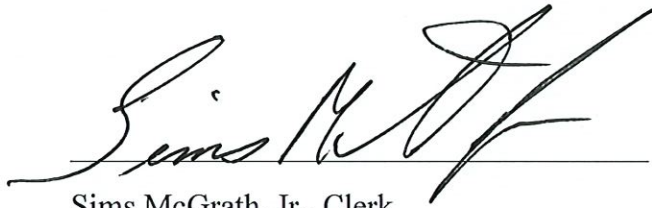
Agenda Item 8 – Adjournment.

On a motion by Mr. Hartung and seconded by Mr. Kanaga, the Board of Health voted to adjourn this meeting of the Orleans Board of Health at 2:31 p.m. Without further discussion, the roll call vote was 3-0-0.

Respectfully submitted,



Valerie Petersen, Board Secretary



Sims McGrath, Jr., Clerk

February 16, 2023

Date Approved/Accepted

