

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

**February 2, 2023**

The Orleans Board of Health (BOH) convened this meeting in the Nauset Room of the Orleans Town Hall on Thursday, February 2, 2023. This was a hybrid meeting.

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

Also present were: Health Agent Alex Fitch; Andy Grover from Ryder & Wilcox, representing 15 Lucy's Lane owners John & Cheryl Hiden; 27 Lucy's Lane abutter Scott Laird (via ZOOM), 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 – 15 Lucy's Lane.**

Andy Grover from Ryder & Wilcox, Inc. was present representing 15 Lucy's Lane owners John & Cheryl Hiden, who have requested a variance to Orleans Code Chapter 147. They have proposed installing a swimming pool fence that will be 27 feet from the apron of the pool at its farthest point and therefore need a 7-foot variance.

As stated in his January 23, 2023 letter to the BOH, Mr. Grover specified that:

- The pool fence will be four feet high, firmly secured at the ground level;
- All gates will be self-closing and equipped with self-closing safety latches;
- The fence will be highly visible from the dwelling;
- All gates in the pool fence will be alarmed, and
- All doorways opening into the pool area from the dwelling will be alarmed.

Chapter 147 of the Code of Orleans regulates the fencing around residential, outdoor swimming pools. The bylaw states that

“every residential, outdoor swimming pool shall be totally enclosed by a fence or solid structure four (4) feet in height, firmly secured at ground level, with no opening, holes or spaces larger than four (4) inches in any direction. Such fence or structure, including gates therein, shall not be less than four (4) feet above finished grade, and any gate shall be made self-closing and be equipped with a self-closing safety latch placed at a minimum height of four (4) feet from ground level on the inside of the gate or otherwise made inaccessible from the outside of the gate. For the purpose of this paragraph, an exterior door of a dwelling

house can be used in lieu of a gate when such dwelling house is used to satisfy, in whole or in part, the enclosure requirements of this bylaw. Each swimming pool fence enclosure, as defined above, shall be placed at a distance no greater than twenty (20) feet from the apron of the pool.”

The Board of Health is empowered to grant variances to this provision after a public hearing and a determination by the Board that the public health and safety can be protected without strict adherence to the provisions of the bylaw.

In response to Board questions, Mr. Grover stated that there will be no motion sensor but there will be a retractable pool cover. He also stated that there is no door from the garage area into the pool area.

Mr. Scott Laird, an abutter, had a question regarding the property line and Mr. Ryder stated that the proposed fence will be along the property line. His question answered, Mr. Laird had no further questions and had no objections to the variance request.

**On a motion by Mr. McGrath and seconded by Mr. Smith , in the matter of 15 Lucy’s Lane and the variance applied for regarding the distance of the fence from the pool apron, finding that all gates will be alarmed, all doors from the house into the pool area will be alarmed, and that there will be a retractable pool cover, the BOH voted to approve the variance of 7 feet, with 27 feet provided and 20 feet is required, finding that mitigating efforts provide the same level of safety and security. There being no further discussion, the roll call vote was 4-0-0.**

**Agenda Item 3 – Administrative.**

- **Temporary Food Establishment Permit Application Approvals**

- Snow Library

As they’ve done in years past, Snow Library submitted an application for temporary food permits to cover all of their events planned for the upcoming year. In 2023 they are hoping to host three events per month, for a total of 36 temporary food events throughout the year. All events will be held in the Marion Crane Gallery at Snow Library. Cookies and juice or ginger ale are purchased from local grocery stores and served. Anyone responsible for serving to attendees will wear gloves.

**On a motion by Mr. Kanaga, and seconded by Mr. Hartung, in the matter of temporary food permits for Snow Library, the Board of Health voted to approve for all dates in 2023. With no further discussion, the roll call vote was 4-0-0.**

- Orleans Cultural Council

The Orleans Cultural Council submitted an application for a Temporary Food Event that will be held at Orleans Town Hall on March 10 from 3-7PM. It will be an art reception for local schools where they plan to offer cookies, crackers, cheese, fruit and soft beverages. Everything will be purchased from local grocery stores and served to attendees by individuals wearing gloves. All utensils etc. will be single use.

**On a motion by Mr. Kanaga and seconded by Mr. Hartung, in the matter of a temporary food permit for the Orleans Cultural Council for March 10, 2023, the Board of Health voted to approve. With no further discussion, the roll call vote was 4-0-0.**

- Septic Installer License Approval
  - Capstone Design Build, Inc.

The Health Department received an application for a septic installer license from Capstone Design Build, Inc. Health Department (HD) staff met with the installer for an interview and he proved to be very knowledgeable about Title 5 and Orleans Subsurface Sewage Disposal Regulations (OSSDRs), and has been in the business off Cape for many years. The Health Department saw no issues with approval of this application.

Mr. Smith asked if septic installers are licensed to also decommission systems. Ms. Fitch replied that in general they are, but not in this particular case. Capstone is applying to install in one instance. However, it was noted that the increase in sewer installer applications recently has been because the installers want to be able to decommission the septic systems as sewers are installed.

Ms. Fitch indicated that the hookup to sewers will not be covered under a septic installer license; those companies interested in connecting properties to the sewer must seek a license with the Dept. of Public Works (DPW) and Board of Water and Sewer Commissioners to be a licensed drain layer.

**On a motion by Mr. McGrath and seconded by Mr. Smith, in the matter of Capstone Design Build Inc., the Board or Health voted to approve the septic installer license. With no further discussion, the roll call vote was 4-0-0.**

- Sewer Connection Letters.

Resulting from a request from the last Board meeting, Ms. Fitch provided the Board with a draft reminder letters for properties in Phase 1 of the Sewer Service Area.

The three draft letters were provided for BOH discussion were:

1. Order Reminder Letter for Alternate Connection Properties (to be mailed second week of February);
2. Sewer Connection Order Letter (to be mailed week of March 9); and
3. Sewer Connection Order Letter for Alternate Connection Date (to be mailed week of March 9).

Ms. Fitch stated that the draft sewer connection order letters will be presented to Town Counsel one more time. Mr. Galligan informed the Board that the Board of Water and Sewer Commissioners (BWSC) will meet on Feb 15 to give final approval and the BOH should then vote on the letter at their March 2<sup>nd</sup> meeting, with the HD mailing letters out the week of March 9.

The key Board comments were:

- The reminder letter of alternate connection conditions (#1 above) should clearly include what the conditions for approval of the exception were so that the owners know exactly what was expected at the time of the exception and what is expected now.
- The Health Department (HD) and the Dept. of Public Works (DPW) should establish a clear channel of communication so that both departments know exactly who the contact point is as issues arise.

**On a motion by Mr. McGrath, and seconded by Mr. Kanaga, in the matter of the draft sewer connection letters, the Board of Health voted to approve the three letters as drafts to include the levels of specificity discussed and knowing that time is of the essence. With no further discussion, the roll call vote was 4-0-0.**

#### Agenda Item 4 - Health Agent's Report

- The Health Department and Fire Department are preparing to send out Above Ground Fuel Storage Tanks (AGFST) reminder letters to the second set of properties due to upgrade their single walled tanks by January 1, 2024. Ms. Fitch will provide more information in the coming weeks.
- The Orleans Emergency Management Team sent out communication to citizens on February 1st regarding the extremely cold temperatures expected on February 3<sup>rd</sup> and 4<sup>th</sup>. The town recommend keeping water dripping from faucets and to leave sink cabinet doors open to keep pipes above freezing. Also recommended was checking on friends and neighbors and keeping pets indoors. The communication also reminded residents to call 911 in an emergency.
- As a side note, Ms. Fitch stated that the Town is able to send emergency alerts via text message, email, pager, or voice mail (in extreme cases), based on personal preference. The system is intended to be used for emergency alerts, as well as non-emergency incidents that may have significant impacts to residents. For anyone not already signed into the system, the Town of Orleans website provides information regarding signing up by following the prompts in the "how do I ..." section.

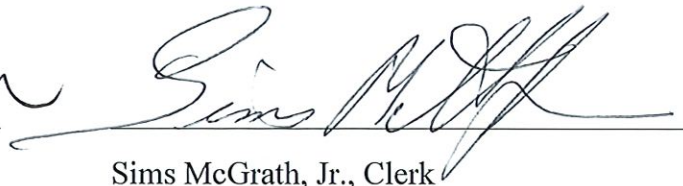
**Agenda Item 5 – Adjournment.**

**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 2:27 p.m. Without further discussion, the roll call vote was 4-0-0.**

Respectfully submitted,



Valerie Petersen, Board Secretary



Sims McGrath, Jr., Clerk

march 2, 2023

Date Approved/Accepted

