

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

May 4, 2023

The Orleans Board of Health (BOH) convened this meeting in the Nauset Room of the Orleans Town Hall on Thursday, May 4, 2023. This was a hybrid meeting.

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

Also present were: Health Agent Alexandra Fitch; Rob Burk, owner of 12 High Street; Martin Reilly, owner of 57 Locust Road, and Orleans Planning and Community Development Director George Meservey.

Vice Chairman John Smith called this meeting of the Orleans Board of Health 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 – Hearing Request – 12 High Street.

Mr. Burk purchased 12 High Street in 2018 and was present to request that the fines issued regarding a single walled oil tank be revoked.

Per Town records the dwelling had a single walled above ground fuel tank installed in 1987. When the previous owner converted to natural gas they never pulled a permit to remove the tank, so Town records were incomplete. The property owner was sent reminder letters in 2022. On January 3, 2023 the Health Department sent a certified letter reminding Mr. Burk of the March 1 compliance date. That certified letter was unclaimed after three delivery attempts.

12 High Street was issued fines on March 3, March 10 and March 20. The first communication from the property owner came on March 21 when a letter arrived that included the tickets issued, which Mr. Burk was sending back. I called Mr. Burk and walked him through the process to address Town records and the outstanding fines. Mr. Burk included with his hearing request an inspection report verifying that no single walled oil tanks exists on the property. That inspection was done by Fire Inspector Baker and took place on April 20. The Board of Health (BOH) does have the power to revoke the fines if it so chooses.

There were no abutters present.

On a motion by Mr. Chapman and seconded by Mr. McGrath, in the matter of 12 High Street, the BOH voted to revoke the fines. There being no further discussion, the roll call vote was 4-0-0.

Agenda Item 3 –Hearing Request – 57 Locust Road.

Mr. Reilly, the new owner of 57 Locust Road (Seaside Court Condominiums LLC), was present to update the Board on the status of his project and to ask that the order for sewer hookup be extended while he seeks final approval from the Zoning Board of Appeals.

This property was sold in 2022 and is currently under order from the BOH to connect to the sewer within 30 days of availability. (In preparation for sale, the previous owner had a Title 5 inspection done and the existing system includes cesspool components, which is an automatic failure and caused the Health Department (HD) to issue an order to upgrade.) Mr. Reilly came to the BOH on May 5, 2022 and requested an extension to the order due to the imminent sewer availability. At that time he explained that he is not utilizing the single family dwelling, and instead is constructing several condominiums, making it impossible to hook up to the sewer within 30 days.

Mr. McGrath explained that the BOH would feel most comfortable, based on some past experience, if Mr. Reilly agreed to have the water meter on the property capped and removed. Mr. Reilly readily agreed to do so and reiterated that no one is living in the house, which will be demolished as soon as construction is approved and begins.

There were no abutters present. There being no public comments or further discussion, Mr. Smith closed the hearing.

On a motion by Mr. Kanaga and seconded by Mr. Chapman, in the matter of 87 Locust Road, the BOH voted to extend the existing order for one year with the condition that the water meter be removed within three days and that no one will live in the existing dwelling. There being no further discussion, the roll call vote was 4-0-0.

Agenda Item 4 – Discussion on the Planning Board Memos RE: Orleans Comprehensive Plan (OCP).

George Meservey, Orleans Planning and Community Development Director, presented an overview of the Orleans Comprehensive Plan which will undergo a 2-year process to update. Town Boards and Committees received a memo on March 28 which identified the sections of the Plan relevant to their work and requested a written response by May 31, 2023.

The Boards have been tasked with reviewing the relevant sections and identifying goals and objectives that:

- have been thoroughly met;
- have not been fully met but are relevant and valued for continued work;
- are not relevant, unattainable or are outdated that should be set aside;
- are new goals and objectives that, through their focused involvement in the goal area, warrant consideration for inclusion in a new OCP.

Mr. Meservey identified the goals for BOH to consider (Section 4.1 and 4.4 of the OCP) and asked for feedback.

Section 4.1

1. To only permit growth and development that is consistent with the carrying capacity of Orleans' natural environment in order to maintain the quality of life in our Town.

Mr. Chapman felt that there needs to be clear definition of "carrying capacity", and that in the wording of the goal, emphasis should be placed on the fact that the land is for the townspeople to use for the enhancement of their quality of life, while at the same time taking into consideration what is "safe" for the environment.

Mr. McGrath noted that specificity and use of current terms may be warranted, and that the term "redevelopment" should be included as well as "development."

2. To encourage the preservation and creation of village centers and downtown areas that provide a pleasant environment for living, working and shopping for residents and visitors.
3. To preserve and enhance agricultural uses that are environmentally compatible with Orleans' natural resources in order to maintain opportunities to enjoy the traditional occupations, economic diversity, and scenic resources associated with agricultural lands.

Section 4.4

4. To protect and improve the quality of life of all Orleans residents by supporting and encouraging a comprehensive range of health and human services which will be accessible to all.

Mr. Meservey pointed out that the addition of an urgent care center is an example of this. He also pointed out that he will be back in touch over the next few months regarding the OCP.

Mr. Chapman encouraged the town to look at the use of the senior center as more of a community center open to all populations. (Mr. Meservey replied that the town is actively looking at community life issues that involve all populations.)

Mr. Smith asked that this section include an emergency response plan so that there would be concrete procedures in place to follow in future health emergencies (i.e. COVID).

Agenda Item 5 – Administrative.

- Motel Permit

A Little Inn on Pleasant Bay has been sold and purchased. The new owner is applying for a motel permit. There are no proposed changes to the business and the permit is the same type

of permit that it was operating under before. (Per Ms. Fitch, “motel” permits, under state regulations, apply to motels, hotels, air B&Bs, etc.).

On a motion by Mr. Kanaga and seconded by Mr. McGrath, in the matter of Little Inn on Pleasant Bay, the BOH voted to approve the motel permit with the understanding that there may be some pending paperwork. There being no further discussion, the roll call vote was 4-0-0.

- Food Service (FSE) Permit

The same business is applying for a Food Service Permit. Historically, A Little Inn has had a food service permit, serving a limited breakfast. The new owner has proposed to continue doing the same. If the Board approves, Ms. Fitch asked that they do so conditioned on final inspection by the Health Department.

On a motion by Mr. McGrath and seconded by Mr. Kanaga, in the matter of Little Inn on Pleasant Bay, the BOH voted to approve the food permit pending satisfaction of the administrative requirements of the Health Department (HD). There being no further discussion, the roll call vote was 4-0-0.

Agenda Item 6 – Health Agent’s Report.

Beach stickers went on sale on Monday April 30 and as Ms. Fitch stated to the Board a few weeks ago, the list of 43 properties with outstanding Above Ground Fuel Storage Tanks (AGFST) fines will not be able to purchase stickers until they address the fines.

The Health Department has had a few conversations with property owners who were surprised that they could not purchase stickers. There have been situations similar to 12 High Street, where a new property owner purchased the house with a double walled tank or that had already been converted to an alternate fuel source, and therefore didn’t think anything of the letters they received. One goal of these regulations included cleaning up existing Town records.

Ms. Fitch spoke to Town Counsel on Tuesday May 1 regarding the outstanding fines and the most efficient way for the BOH to handle the requests for revoking tickets moving forward. The BOH can adopt a policy to give the Health Agent authority to report to the Board and make a recommendation, but the decision would then be subject to a vote. This would eliminate the hearing request if the Health Agent feels it is appropriate while still giving the BOH the power to vote on each case. The other option would be to have each property owner request a hearing to discuss their situation.

The Board will have a discussion and vote on this issue at their next meeting (May 18), and asked that the Health Agent prepare a document as a framework for the discussion.

Agenda Item 7 – Signatures.

Agenda Item 10– Adjournment.

On a motion by Mr. McGrath and seconded by Mr. Chapman, the Board of Health voted to adjourn this meeting at 2:49 p.m. Without further discussion, the roll call vote was 4-0-0.

Respectfully submitted,

Handwritten signatures of Valerie Petersen and Sims McGrath, Jr. in black ink, written over a horizontal line.

Valerie Petersen, Board Secretary

Sims McGrath, Jr., Clerk

November 2, 2023

Date Approved/Accepted

