

**BOARD OF HEALTH**  
**TOWN HALL**  
**334 MAIN STREET**  
**MEETING AGENDA**  
**THURSDAY JULY 11, 2013**  
**7:30 P.M.**

**PRESENT: RONALD MAJDALANY, CHAIRMAN – Arrived at 7:55 p.m.**  
**CLAUDIA RYAN – VICE CHAIRMAN**  
**MICHAEL LANOUE**

1. **APPROVAL OF MINUTES:**

A. Minutes of June 6, 2013

**MOTION:** Mike Lanoue to approve.

**SECOND:** Claudia Ryan (stepped down as chairman)

**VOTE:** 2-0

2. **SPECIAL PERMITS:**

A. Special Permit for Martin B. Albert and Anne M. Johnston-Albert to construct an addition comprised of an expansion of the existing first-floor kitchen and a second floor bathroom at 3 Berkshire Heights Road. (Recommendation to the Zoning Board of Appeals). Attorney Catherine Chester was present representing the applicant. It was noted that the property is on town water and town sewer. She advised it is a prior nonconforming structure and that is why it has to go before the Zoning Board.

**MOTION:** Mike to pass on a favorable recommendation to the Zoning Board of Appeals.

**SECOND:** Claudia Ryan (stepped down as Chairman)

**VOTE:** 2-0

B. Barrington Brook Definitive Subdivision application submitted by SK Design (Recommendation to the Planning Board). Mark advised that the applicant is meeting at the same time with the Planning Board at the Great Barrington Fire Station. Mark said he would advise the Town Planner of the decision after the vote. The property is on Town Water and Sewer. Mark advised the units are the same and there has been no change since the last plan review. This was confirmed by the Town Planner.

**MOTION:** Mike to pass on a favorable recommendation to the Planning Board.

**SECOND:** Claudia Ryan (stepped down as Chairman)

**VOTE:** 2-0

C. Special Permit for Aaron and Caroline Becker to change the use from R-3 to Business in order to operate a small hair salon and expand the footprint of a pre-existing non-conforming building at 27 ½ Rosseter Street. They are also seeking exemption for one of four required parking spaces for proposed use. (Recommendation to the Zoning Board of Appeals). Mr. Becker was present to explain the request. He noted it is a nonconforming residential structure that they want to change to business use. It is on Town Water and Sewer.

**MOTION:** Mike to pass on a favorable recommendation to the Zoning Board of Appeals.  
**SECOND:** Claudia Ryan (stepped down as Chairman)  
**VOTE:** 2-0

D. Matthew Dodds to reconstruct and improve a 14 x 22 utility shed/garage at 65 Anderson Street. (Recommendation to the Zoning Board of Appeals). Mr. Dodds was present to explain his request. He advised it is a non-conforming lot and the utility/shed garage is a replacement for the garage that was removed.

**MOTION:** Mike to pass on a favorable recommendation to the Zoning Board of Appeals.  
**SECOND:** Claudia Ryan (stepped down as Chairman)  
**VOTE:** 2-0

3. **PUBLIC HEARING:**

The public hearing was opened at 7:55 p.m. to amend certain provisions of the Great Barrington Well Regulations. Mark advised that the amendment date of July 11, 2013 was added to Section 1.B Authority on Page: 1. The definition of a Public Water Supply was added under Section II, Definitions. Page 2 – underground propane tank distance from a well of 25 feet was added and separated out from petroleum storage tanks. Page 7 – Variance – “at its discretion” was added.

**MOTION:** Ron to close the public hearing at 8:00 p.m.  
**SECOND:** Claudia (stepped down as Chairman)  
**VOTE:** 3-0

**MOTION:** Ron to approve the amendments to the Well Regulations.  
**SECOND:** Claudia (stepped down as Chairman)  
**VOTE:** 3-0

4. **HEALTH AGENT REPORT:**

A. Mark advised that bags of rice were left at the now closed Hong Kong Buffet causing a rodent issue at BCC. Mark said he has ordered the owner to exterminate the building and asked the attorney to keep him updated on the situation.

5. **UNFINISHED BUSINESS:**

A. Green River Update. Mark said he notified the Berkshire Eagle, The Record and posted it on the Town Website that the Green River is closed. He noted that the test is done at the main swim area. The Town is not obligated to test it because it is not owned by the Town of Great Barrington but we continue to test as a public service and have done so for years.

6. **NEW BUSINESS:**

A. Berkshire Grown Harvest Supper Permitting – It was noted that they are a nonprofit organization supporting locally grown food. The harvest supper has been done in Lenox at Eastover for 15 years. They want to move it to Great Barrington at Butternut on September 16<sup>th</sup> from 6:00 p.m. to 8:00 p.m. It was advised that the Tri-Town waived the fees. Mark advised that the organizer should get a permit and each individual food vendor should get a permit also. It was suggested that a \$100.00 fee be charged to cover the vendors for inspections, and administrative time to process, postage, etc.

**MOTION:** Mike to charge a \$100.00 fee to cover the vendor permit fees and inspections.  
**SECOND:** Claudia (stepped down as Chairman)  
**VOTE:** 3-0

B. DEP Public Water Supply/Camp Reporting for 2013 – Mark advised the reports have been filed with the state. The report identifies public water supplies in the camps.

C. Special Permit Review – Mark asked if the Board if they wanted to continue reviewing Special Permits that are just concerned with zoning. He suggested that he could review the permit applications and make a recommendation to the various committees. No decision was made at this time. It will be discussed at the next meeting.

D. Set Next Meeting Date – after discussion it was decided to move the meeting to Thursday, August 8, 2013.

7. **EXECUTIVE SESSION – Selectmen’s Meeting Room**

A. Litigation Strategy (MGL c30, Sec. 219a)

**MOTION:** 8:05 p.m. – Claudia to go into executive session to discuss strategy with respect to litigation, and that the chair declares that an open meeting may have a detrimental effect on the litigating position of the Board of Health, and NOT to reconvene in public session.

Ron – I declare that an open meeting may have a detrimental effect on the litigation strategy of the town in regard to the Hobart/1097 Main Street Housatonic appeal case.

**ROLL CALL VOTE:**

Claudia	Yes
Mike	Yes
Ron	Yes

The regular meeting adjourned at 8:06 P.M.

Respectfully submitted,



Carolyn Wichmann  
Secretary