

GREAT BARRINGTON  
BOARD OF HEALTH MINUTES  
TOWN HALL  
334 MAIN STREET  
THURSDAY, JULY 2, 2015  
7:00 P.M.

**PRESENT:**

CLAUDIA RYAN, VICE CHAIR  
MICHAEL LANOUE, MEMBER  
PETER STANTON

JAYNE SMITH – HEALTH AGENT

1. **CALL TO ORDER**

2. **APPROVAL OF MINUTES:**

A. Minutes of June 4, 2015

**MOTION:** Peter Stanton to approve.  
**SECOND:** Claudia Ryan (Stepped down as Chairman)  
**VOTE:** 2-0

3. **SPECIAL PERMIT APPLICATION TO SELET BOARD (Recommendation)**

A. **Special Permit # 841-15 - Ventas Realty, Limited Partnership Kindred Nursing and Rehab, 148 Maple Avenue, M21 Lot 38** – Recommendation to the Select board on the Special Permit to operate a SB-Nursing or Convalescent Home in an R-2 District and Special Permit to deviate from parking requirements. Peter Puciloski was present to explain the request. He advised they are a nursing home in a residential district and they should have gotten a Special Permit 50 years ago. There is nothing proposed to be done.

**MOTION:** Peter Stanton to recommend approval.  
**SECOND:** Claudia Ryan (Stepped down as Chairman)  
**VOTE:** 2-0

4. **ZONING BOARD OF APPEALS (Recommendation)**

A. **Special Permit # 842-15 ZBA - Zachary Culbreth, 170 Taconic Avenue, Map 18 Lot 51** –Recommendation to the Zoning Board of Appeals on the Special Permit to demolish and rebuild a pre-existing non-conforming accessory structure (garage) in a new location on the property. Zachary noted his application is to demolish a garage and rebuild it approximately 8 feet to the east. The parcel is on Town Sewer and Water.

**MOTION:** Michael Lanoue to recommend approval.  
**SECOND:** Peter Stanton  
**VOTE:** 3-0

B. **Special Permit # 843-15 –ZBA - Construct, State Road Affordable Housing Development, 316 State Road, Map 16, Lot 20** – Recommendation to the Zoning Board of Appeals on the Comprehensive Permit Application (MGL Ch. 40B) of Construct, Inc. for 11 new affordable housing units at 316 State Road, Great Barrington. The property currently has a large red house and construct has done some moderate rehab and is renting it at this point. The property has been subdivided it into a one acre lot with the existing house on it. It is proposed to put 11 new units on the larger piece of land. The buildings will be on Private Water and Town Sewer. Jayne noted she had no concerns health wise. The Board of Health will eventually sign off on the building permit.

**MOTION:** Michael Lanoue to recommend approval.  
**SECOND:** Peter Stanton  
**VOTE:** 3-0

C. **Special Permit # 840-15 ZBA - Claudia J. Shapiro, 70 Egremont Plain Road, Map 31 Lot 67** – Recommendation to the Zoning Board of Appeals on the Appeal of the Great Barrington Building Commissioner’s refusal to undertake zoning enforcement regarding the request for repeal of the Board of Selectmen’s issuance of an entertainment license for a Fly-in at the Great Barrington Airport. This is an issue of allowing an airport to have special events.

**MOTION:** Michael Lanoue to pass this on without comment.  
**SECOND:** Peter Stanton  
**VOTE:** 3-0

Jayne noted that there was a misunderstanding on the applicant’s part about attending a meeting. A letter was sent clarifying that.

Claudia noted in the future, that if a permit application has no effect on the Health Board then it shouldn’t be a requirement for people to have to attend the meeting. If there are questions about the project, then they should be required to attend. If they do not attend, if asked, then there will be no action taken. Michael asked if it is necessary to copy the application if there is nothing pertinent for the Board of Health. Jayne said it is her understanding that we would still need to list it on the agenda. Jayne said she would clarify whether or not they can go on to the next board if the issuing authority doesn’t receive a recommendation from the Board of Health.

## 5. HEALTH AGENT REPORT

Jayne noted there were not a lot of complaints during the month. She noted there was a rodent issue at an apartment. The unit was inspected for entry points and those areas were eliminated. There was one food borne illness complaint. The establishment was re-inspected and we are working with them to prevent that from happening again. The Title 5’s have increased. A well test came back high in nitrates. It was noted the last time the property sold the well test also came back high in nitrates. At that time it was decided it was from agricultural activity. Jayne said she reissued the letter that was written in 2011 stating the same so a “conditional approval” changed to an “approval” with that letter. Another call was received about a well with e-coli contamination which is indicative of impact either from septic or it could even be a mouse nest. The people decided not to come before us this month because they are going to investigate and retest to see where the positive e-coli reading is coming from. It wasn’t very high but it was there.

6. UNFINISHED BUSINESS:

7. NEW BUSINESS:

- A. Discussion of unlicensed establishments that advertise rooming, pools or food within Great Barrington and Housatonic.

Claudia noted that last weekend some people stayed at her Inn after discovering the Air B&B rental they reserved in Egremont was disgusting. She noted that the towns are responsible for the health of places that advertise. This winter, the former health agent was going to begin with food establishments and places that have pools. Jayne said she met with Jeff Kennedy from Williamstown and they have a situation where they regulate all short term rentals. The state came out last year and said that anybody that advertises on Air B&B has to meet the town requirements for lodging and food service. If they are serving breakfast, their kitchen needs to be inspected and if they have a pool then that needs to be inspected as well. Jayne said that for full compliance, we would need an additional person to inspect. According to Jeff Kennedy, it is a zoning issue and fire issue as well as health. Air B&B states on their website that people who advertise rentals are supposed to comply with town rules and regulations. Jayne suggested that the Board attempt to contact Air B&B to find out if they would accept regulations. Jayne said she would be happy to research other towns in Massachusetts and other states dealing with Air B&B. In Williamstown their perspective is that you have to regulate all of the rentals in your whole town or you have to by complaint. We have the authority to inspect when a complaint is received for an apartment or rental. It was noted that the places that are serving cooked food and have a pool should be focused on first. Jayne advised that this is a busy time of the year so something like this would need to be done in the fall. Claudia noted that the properties with pools should be addressed first. In the future the Board of Health could have a work meeting just to focus on Air B&B's.

Jayne noted in Locke's absence, she may contact the Public Health Alliance to assist in food inspections because each establishment has to be inspected twice a year. Jayne also noted she could hire someone part time who is Serve Safe Certified and she could train them.

8. CITIZEN SPEAKS TIME:

The meeting adjourned at 7:48 p.m.

Respectfully submitted,



Carolyn Wichmann  
Secretary