

GREAT BARRINGTON BOARD OF HEALTH MEETING MINUTES
GREAT BARRINGTON TOWN HALL
SELECT BOARD'S MEETING ROOM
334 MAIN STREET, GREAT BARRINGTON, MA
WEDNESDAY, AUGUST 3, 2016
6:30 P.M.

PRESENT:

CLAUDIA RYAN, CHAIR
MICHAEL LANOUE, VICE CHAIR
PETER STANTON, MEMBER
JAYNE SMITH – HEALTH AGENT

1. CALL TO ORDER

**2. APPROVAL OF MINUTES:
Minutes of June 2, 2016**

MOTION: Michael Lanoue to approve the June 2, 2016 Minutes.

SECOND: Peter Stanton

VOTE: 3-0 (Claudia Stepped down as Chair) PASSED

3. VARIANCE REQUEST

A. Variance request from Gene and Pat Salvi, 93 Alford Road, to reduce the setback between the driveway and well from 20 feet to 6 feet.

It was noted the existing well is a shallow well installed in 1963. They generally know where it is, but it is covered so they do not know the exact location. There is a lot of sediment in the well and they are trying to be proactive and drill a new well before the current one fails. They had a proposed well location from several years ago, done by Mike Parson, but the proposed location of the well is in an area that is used for snow storage from the driveway and is very close to a buried electrical line.

The proposed location meets setbacks from property lines and the right of way but does not meet the 20' setback from the gravel driveway. They would like to get a variance for the driveway setback by reducing it from 20' to 6 or 8 feet.

After discussion, it was decided that the constraints of snow storage and the electrical line are valid and that the Board was willing to reduce the setback from 20 feet to 10 feet.

MOTION: Michael Lanoue to approve the reduction of the setback between the well and the driveway from 20 feet to 10 feet.

SECOND: Peter Stanton

VOTE: 3-0 (Claudia Stepped down as Chair) PASSED

4. SPECIAL PERMIT RECOMMENDATIONS TO SELECTBOARD

- A. Special Permit Application #856-16:** Application of Hapman Holdings, LLC for work in a floodplain to install a 144 KW Photovoltaic (PV) Array on the parcel located at 0 Stockbridge Road in the Town of Great Barrington (Map 36, Lot 30C). The location of this project is within the 9.1 Flood Plain Overlay District (FPOD) and pursuant to Section 10.4 of the Great Barrington Zoning Bylaws. It was noted that this is a conservation issue. It is in the flood plain by Crissey Farm.

After discussion and review, the Board of Health voted to pass on the permit with no recommendation.

- B. **Special Permit Application #857-16:** Application of Diamond Family, LLC, Jeffrey A. Diamond, Manager to legalize the existing nonconforming six unit multifamily residential use at 59-61 Taconic Avenue, Great Barrington, MA in accordance with Sections 3.1.4, 8.3 and 10.4 of the Great Barrington Zoning Bylaw.

Attorney Nick Arienti was present to explain the request. This is requested under the newly revised zoning bylaw 8.3.3 which allows for multi families with 3 to 8 units to become legal, either new or existing. It was noted that it will not change and has been a multifamily for decades. The property is on town water and sewer. It was noted that the bylaw change is so a building permit may be applied for and the property be brought up to code.

Discussion ensued as to what the Board's role is to ensure that these buildings meet basic life and safety requirements. It was decided that the fire/building inspections will adequately address these issues.

MOTION: Michael Lanoue to pass on a favorable recommendation to the Select Board.

SECOND: Peter Stanton

VOTE: 3-0 (Claudia Stepped down as Chair) PASSED

5. **NEW BUSINESS**

6. **OLD BUSINESS**

A. **Feedback from Town Council on the Tobacco Regulations.**

Re-signing needed. Town Council did not like the definition of characterizing flavor. Jayne had the copy that incorporates all of the changes that the board needs to sign. Jayne said she would submit a copy to the newspapers and Jim Wilusz will start working with establishments to let them know of what they need to change and give them support. Between September and January it will be education and working with establishments and they probably will be no enforcement action during the phase in part.

7. **CITIZEN SPEAK TIME**

- A. **Nan Wile, from the "Green Tea Party"** wanted the Board to consider issues addressed in the letter from Sharon Gregory dated August 1, 2016 regarding 100 Bridge Street (which had been included in the Board Member's packet).

Jayne noted after the bio-remediation was stopped by DEP, it was decided that the course of action was to cap the site. In the original 100 Bridge Street proposal the site was going to be developed all at once and so the capping would all take place on the same timeline. Subsequently, they decided to do the project in phasing and new proposal only proposes capping in the area near the sewage treatment plant that will host affordable housing units. DEP has jurisdiction of over the issues on water, contaminants, as well as air quality.

It was asked if the local Board of Health would want to address any of these issues.

Jayne said she met with Claudia and they both agreed that DEP has complete jurisdiction. The ZBA has closed their public comment hearing and their final decision will be on the 15th. The ZBA will sign off on the site plan and then it will be submitted to DEP. Jayne had found information on a Public Input Process (PIP) and gave it to Nan Wile. By petitioning to start the PIP process, the project would need to address concerns.. The Board of Health then also be part of that process at that time.

8. **HEALTH AGENT REPORT**

Jayne presented her agent reports for June and July. The June report is based on FY16. Food inspections total 470 and general inspections total 190. There was an eviction, general housing complaints and mold complaints. The resident with the mold complaint moved out and the issue has been remediated. July had very few permits going out in July but had many complaints. There were also two dog bite situations. Jennifer Tabakin had a meeting to form a group to discuss strategies to have more affordable housing in Great Barrington. There has been no word on moving the Board of Health and Building Dept. out of the Fire Station. By the September meeting there may be more clarity on that. Also Housatonic Water did not pass the 90% Lead/Copper Rule. The FDA says that for water systems 90% of the visits that you test have to pass the amount of lead and copper when they are sampled. Housatonic Water has 20 sites that get sampled (pre-selected by DEP). They had 4 failures. It is though that the lead/copper may come from the aging homes. Housatonic Water has to notify all of their customers and retest.

9. **BOARD OF HEALTH SPEAK TIME**

There may be a possible vacancy on the board in October as Claudia is in the process of selling her Inn. The Board of Health would send the Select Board a letter within 60 days of the vacancy and a joint commission would be formed. They would advertise it and then they would appoint someone in the interim until the election cycle.

The next meeting of the Board of Health will be September 1, 2016 @ 6:30 p.m.

Respectfully submitted,



Carolyn Wichmann
Secretary