

GREAT BARRINGTON
BOARD OF HEALTH MINUTES
TOWN HALL
334 MAIN STREET, SMALL MEETING ROOM
WEDNESDAY, AUGUST 5, 2015
7:00 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:

A. Minutes of July 2, 2015

MOTION: Michael Lanoue to approve.

SECOND: Peter Stanton

VOTE: 3-0

3. ZONING BOARD OF APPEALS RECOMMENDATION:

A. **Recommendation to the Zoning Board of Appeals on Special Permit #844-15, filed by KSNS Stockbridge Road Realty Trust to add 20 rooms to the existing 58 room Holiday Inn Express Hotel at 415 Stockbridge Road.**

Mike Kulig from Berkshire Engineering was present to explain the project. He noted that the sewer is sufficient to process the additional usage. Claudia inquired how the capacity of the pool and if it is going to be monitored with the addition of rooms and people. It was noted that the owner would have to post a maximum capacity at the pool.

After discussion it was recommended to advise the ZBA to take into consideration the pool capacity and methods to monitor bather load since the facility is expanding.

B. **Recommendation to the Zoning Board of Appeals on Special permit #845-15, filed by John D. Tracy and Linda Hoddy to alter a preexisting nonconforming structure by adding a deck within the front yard setback at 224 North Plain Road.**

Mr. Tracy noted they would like to add a deck in between the house and the existing garage. Mr. Tracy said the building inspector turned the building permit down because this is a nonconforming use and we are not 50' back for the front yard setback. Jayne stated that she wanted to be sure the septic system is protected during construction. The access would need to come up the southerly side of the garage to avoid septic system components. He noted that they are also looking into a fence to cut down some of the noise.

MOTION: Michael Lanoue to forward a favorable recommendation to the ZBA.

SECOND: Peter Stanton

VOTE: 3-0

4. **APPLICATIONS FOR UPGRADE APPROVAL**

- A. **Kenneth Cooper, 522 Egremont Road, Tax Map 31 Lot 100 – Application for a Local Upgrade Approval for the onsite sewage disposal system designed for their existing three-bedroom property at 522 Egremont Road.**

Citing excessive cost, Mr. Cooper is requesting a reduction in separation between the SAS and estimated seasonal high groundwater from 5' to 4'. Mike Parsons was present to explain the application. The state said if a lot percs faster than 2 minutes/inch you have to have 5 feet of separation to the ground water table instead of 4 to add another foot of cleansing to the effluent before it goes into the seasonal high water table in Massachusetts. Jayne noted that she reviewed the plans and they look good. Scott did witness it so the Local Upgrade Approval reduction between the bottom of the septic system and the ESHW is available.

MOTION: Michael Lanoue to grant the application for local upgrade approval.
SECOND: Peter Stanton
VOTE: 3-0

- B. **Carol Emerson, 134 Hurlburt Road, Tax Map 31, Lot 62 – Application for Local Upgrade Approval for the onsite sewage disposal system designed for the property at 134 Hurlburt Road.**

Citing excessive cost, Carol Emerson is requesting a reduction in separation between the SAS and high groundwater from 4' to 3'. There is a bordering vegetative wetland that we have to keep 50' away from and they have gone to the Conservation Commission. The soil and the perc were both good. The seasonal high water table was 24". The original design was chambers and they also submitted a second design with stone. Jayne said there needs to be more inspection ports than what is indicated on the plan.

MOTION: Michael Lanoue to grant the application for Local Upgrade Approval.
SECOND: Peter Stanton
VOTE: 3-0

- C. **Robert F. Melillo, 19 Hemlock Hill Road, Tax Map 32 Block 5, Lot 41 for an application for a Local Upgrade Approval for the onsite sewage disposal system designed for the existing four bedroom home located at 19 Hemlock Hill Road.**

Citing excessive cost, he is requesting a reduction in the separation between the SAS and high groundwater from 4' to 3'. Mike Kulig was present to explain the request. This system is showing pipe and stone because the contractor who is building it will be Wilkinson's. He noted we asked for the Local Upgrade Approval to save the homeowner money on fill and minimize disturbance. The tank is a new 1500 gallon 2 compartment tank, pump chamber, a raised small pump up to a D-Box to a gravity discharge to pipe and stone.

MOTION: Michael Lanoue to grant the application for local upgrade approval.
SECOND: Peter Stanton
VOTE: 3-0

5. **TITLE 5 REQUEST FOR FURTHER EVALUATION**

- A. **Ken and Fran Rubenstein, 225 Long Pond Road, Tax Map 33, Lot 16 – A Title 5 report for 225 Long Pond Road was submitted to the Great Barrington Board of Health (Board) requesting further evaluation after water quality test results indicated the presence of fecal coliform in the well located approximately 95' away from the Sewage Absorption System (SAS).**

Scott McFarland was present to explain. He noted there was some discussion of this system in 2003 when an addition was added to the house that displaced the septic tank so a new 1500 gallon two compartment tank was installed that tied into the existing trenches. As part of that process, Soil Tech wrote a comment letter stating that, based on his agreement in the

field with Sandra Martin, the trenches were likely in high groundwater and that any future Title 5 inspection would result in an automatic failure.

When the owners went to sell earlier this month, Scott said he went out and did a Title 5 with a test pit with the soil evaluation to see if the system was indeed in the seasonal high water. Through the soil evaluation, it was determined that the system was not in ground water and there actually is a foot or so of separation. Also, the actual system was much more substantial than what was presumed and has three 55' pipe and stone lines that are in good condition. Based on this, it was determined in the field that the system does not meet the failure criteria by Title 5 standards.

As part of the Title 5, Scott discovered that the distance between the well and the nearest part of the leach field was 95 feet, meaning the well needed to be sampled for water quality. The results of those tests showed the presence of fecal coliform during two separate tests. The well is a drilled well with a UV unit inside the house because the owners knew that they had bacteria in the well. Scott said he talked to M. T. Cavanaugh and they have chlorinated it in the past as well as installed a new cap on it to keep anything from getting into it. Scott said he didn't think the e-coli was coming from the septic.

The Great Barrington Board of Health considered this request and, after much discussion, the Board decided that they did not have enough information to determine whether the septic system is the source of contamination of the well and "functioning in a manner that protects the public health, safety and environment". In order to issue a Title 5 Certification, more information is needed to rule out the well is not being contaminated by the septic system. They requested that additional data be provided that may include additional water analysis that is able to identify whether the e-coli is from a human source. Other supporting information could include investigation of the well casing or testing of neighboring wells as an indicator of a larger presence of fecal coliform contamination of the water table. While the applicant may choose to drill another well more than 100' from the existing sewage absorption system, the board still wanted to know whether this septic system was contaminating groundwater before determining its Title 5 status. In the interest of time, the Board is willing to schedule a special meeting in order to consider any data submitted by the applicant on this matter.

6. **HEALTH AGENT REPORT**

Jayne noted that Locke did 28 inspections for the month. There is a garbage company that is operating on Hurlburt Road, Division Street and VanDeusenville Road. We have had complaints and witnesses saying that they are backing up and transferring garbage. There is debris that is left behind, juice, garbage, etc. Jayne told him to cease and desist and she would be following up tomorrow. She said she had a letter drafted addressing the fact that they can't be transferring garbage on the public roads. The DEP would approve a transfer site and they were given the contact information for the person at DEP. That will be reviewed by Town Counsel and will be sent out. There is some smoking at the Lake Mansfield Beach area and we are monitoring that. There are quite a few restaurants that don't have their ServSafe, Choke Saver, and Allergen Awareness. In October when we send out the renew applications, we will let people know what we are expecting and give them the tools to get up to speed.

7. **UNFINISHED BUSINESS:**

A. **Policy for recommendations to Selectboard and ZBA.** Jayne said she was given the task to find out whether or not we would be holding up an application if they did not attend a Board of Health meeting. The Board has 30 days to give an opinion and if we don't give our recommendations they just proceed. We should have a policy that if there is a public health concern, the applicant should be encouraged to attend. If they do not attend, a harsher recommendation may be made.

B. Short Term Rental Update – There are approximately 15 pools in Great Barrington on the 3 different web sites. In the city of Boston, if there is a complaint, they seek compliance. The collecting of fees, room and meals tax is outside the purview of the Board of Health. Jayne said she only found one place that provides baked goods. Most places are not providing breakfast. Properties with pools can't fully comply because home pools are built separately from commercial pools. There still needs to be more clarification. Jayne said she would have more information next month.

8. NEW BUSINESS:

A. Vector borne disease prevention efforts (Public Education and Mosquito Control District) Jayne said we are having a spike in Vector borne diseases. She noted she contacted some of the pediatrician's offices and the senior center and provided them with posters on checking yourself for ticks. All the town parks will have signs to remind people to check for ticks. 20 signs have been ordered from the CDC. The person from the Mosquito control project contacted the Town again. The board noted last year the Board decided against spraying for mosquitos because of the excessive expense. Jayne said she spoke to the Berkshire Public Health Alliance and they are interested in starting a campaign in regard to emptying containers around the house etc. It was suggested for a lower cost we could put BT pellets into catch basins.

The meeting adjourned at 8:24 p.m.

Respectfully submitted,



Carolyn Wichmann
Secretary