

**GREAT BARRINGTON
BOARD OF HEALTH MINUTES
TOWN HALL
334 MAIN STREET, SELECTBOARD'S MEETING ROOM
THURSDAY, SEPTEMBER 3, 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 August 5, 2015

MOTION: Michael Lanoue to approve.
SECOND: Peter Stanton
VOTE: 3-0 (Claudia Stepped down as Chair)

3. SPECIAL PERMIT APPLICATION TO SELECT BOARD (RECOMMENDATION)

A. Recommendation to the Select Board on the Special Permit Application of Scott and Cherri Sannes to operate a restaurant at 2 Elm Street, in a B-2 Zone and to obtain a parking waiver.

Jayne noted she met Cherri at 2 Elm Street in regard to having a tea house at the site. The kitchen is very basic. They were advised if they were going to serve pastries that they would have to use a commercial kitchen and transport them back to the property. The applicants noted that they contacted Hevreh and they were willing to let them use their kitchen. Currently the only thing that will be served is tea. There will be a cooler for milk and a dishwasher for the cups and utensils. No three-compartment sink is required at this time because tea is non-potentially hazardous.

MOTION: Michael Lanoue to forward a favorable recommendation to the Select Board.
SECOND: Claudia Ryan (Stepped down as Chair)
VOTE: 3-0-1 (Peter recused himself)

B. Recommendation to the Select Board on the Special Permit Application of John Tracy and Linda Hoddy for work in the 300 –foot Stream and Lake Protection Zone of the Williams River at 224 North Plain Road, in accordance with Sections 9.2.9, .2.14 and 10.4 of the Great Barrington Zoning Bylaw.

Jayne advised that this is the same application that the Board acted on previously. The permit application is just for a deck connecting the nonconforming garage and house. The only reason they are returning is that a special permit is required for work within 300' of the river.

MOTION: Michael Lanoue to forward a favorable recommendation to the Select Board.
SECOND: Peter Stanton
VOTE: 3-0 (Claudia stepped down as chair)

4. TITLE 5

**A. Johanna Janssen, 43 Hurlburt Road, Tax Map 31, Lot 15
Application for a Local Upgrade Approval, requesting a reduction in separation between the SAS and est. seasonal high groundwater (ESHGW) from 4' to 3' for the onsite sewage**

disposal system designed for her existing four bedroom property at 43 Hurlburt Road.

REQUEST WITHDRAWN

Berkshire Engineering was present to explain that the request had been withdrawn because, while there currently is only a three (3) bedroom house, the design is for a five (5) bedroom house and not eligible for a local upgrade approval. The system was overdesigned even though there is no additional construction. The infiltrator chambers are standard and no alternate technology is being used. Berkshire Engineering said they came before the board as a courtesy.

B. Ken and Fran Rubenstein, 225 Long Pond Road, Tax Map 33, Lot 16

Request for further evaluation by Local Approving Authority to determine status of a Title 5 report where a private well, located 95' away from the septic field, has tested positive for e-coli. (Continued from 8/5/15) Attorney Edward McCormick was present representing the Rubenstein's. Three engineers were hired to determine where the e-coli were coming from but they could not make a determination. ETS was hired to do a camera video and determined that the casing was contaminated and it came from the surface water into the well. There was a casing with a 30' gap. A new casing sleeve was put down inside the well almost 100' and it was sealed and should be fixed. They chlorinated it and a water sample was taken but the results have will not be available till September 8, 2015. If the water test does not come back good, it will be sanitized and tested again.

MOTION: Michael Lanoue that we make tentative approval of the Title 5 based on a passing Title 5 water test.

SECOND: Peter Stanton

VOTE: 3-0 (Claudia stepped down as Chair)

Jayne noted that she would like to send a letter to realtors, lawyers and banks noting the requirement for a water test at the time of sale.

5. HEALTH AGENT REPORT

A. CHRONIC DAMPNESS: Jayne noted that she was contacted early on that there was mold on at the Housing complex on Bernard Gibbons Drive which is run by the Great Barrington Housing Authority. The apartment was inspected and there was dampness on the ground, and there was mold between the refrigerator and wall. The tenant was concerned about black mold. The inspections were at Apts. 11 and 13. A correction letter was issued to the Housing Authority notifying them of the chronic dampness. They have since re-graded the lawn so water goes away from the building. An underground drain was installed. The vegetation was removed from around the building that was trapping the moisture. The buildings were built on a slab and they settled so they had negative drainage and the gutters were coming out and they didn't have adequate force to go out. There was a soffit that was pulled away and chipped siding. The fans inside were not pulling out a lot of air. They have done everything they have been asked to do. A call was received from the tenant in Unit 15 which is the other half of the duplex (11-13). The tenant's son has gone to a doctor and the physician feels it is mold in the apartment is negatively impacting the health of her son. Jayne said she also received a call from a family coordinator from CHP. Jayne advised she is going to return to Unit 15. Michael suggested that the mold issue could be inside the walls. Jayne said she would contact the state to see if the local Board of Health has the authority to tell the Housing Authority to open the walls to take samples to see if there is mold inside. Jayne said she would like direction from the Board to do samples in 11, 13 and 15, if it is allowed by the regulations.

MOTION: Michael Lanoue to direct Jayne requests the Housing Authority to cut into the walls to investigate to see how deep and extensive the mold is in Units 11, 13 and 15.

SECOND: Peter Stanton

VOTE: 3-0 (Claudia stepped down as chair)

- B. **GREEN RIVER** – Jayne noted it is not technically open as it isn't a public beach. We test it as a precaution. It was noted people also swim in Old Maids in Housatonic which is a Town park. The area is mowed and there was a life guard in previous years. Jayne said she investigated "no swimming signs" but kids like to fish there, etc. The Commonwealth suggested that we post a sign that says "this water is not tested or monitored" and maybe that would be the direction to go. The same thing goes with the Green River. People assume that because we are monitoring it and we post it occasionally that it is a Town beach. There is potential liability for the town in both situations. We can discuss in the future if we just want to have it tested after heavy rains or in addition to it being tested weekly. It was agreed that a sign should be put up at the Green River saying the water is not tested or monitored and it isn't town property. Jayne said she would draft up a sign with wording and we could ask Mr. Beebe if we could put it up.
- C. **HONG KONG BUFFET** – A correction order was sent to Mr. Greenwald on August 28, 2015. He was advised that he had three days of receipt of the order to hire appropriate contractors. It was noted that he is going to hire Orkin. He is also going to hire a cleaning company to clean up the former restaurant. The building that is adjacent to it has rodent activity and there is a dental clinic there. The dental clinic has seen an increase in rodent activity and we can't use a lot of chemicals because of danger of the business. There has been baiting, but rodents die in the walls so they are trying to use a systemic approach in removing their food sources and sealing the building.
- D. An enforcement order will be issued for a property on Monument Valley Road because their septic is failing.
- E. Jayne advised the Board of Health had a very busy month. Locke inspected most of the Bed and Breakfasts. We did have a situation on Stockbridge Road where there was a sewage backup. They were very responsive and went above what we requested they do.
- F. Jayne noted she will be starting her soil evaluator class beginning the 8th and 10th of September. She asked if there were any questions, to please e-mail her. The classes are a total of 8 days in September and October.

6. **UNFINISHED BUSINESS**

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

Jayne said she went through Air B&B website and identified 8 properties that have pools. One had a disclaimer that the pool was right off the back kitchen – basically saying it is hazardous for young children because there is no barrier to prevent someone going from going from the kitchen to the pool. Jayne said her plan is to locate where they are and inform them about being licensed. If a property isn't fully able to comply with the pool regulations, what does that mean for that property? The state has ruled that temporary rental properties need to come up to standards. People should at least fence in their pools and if they have a pool maintenance company the pool should be checked prior and after use of the property and their chemicals should be kept locked.

As there was no further business, the meeting adjourned at 8:13 p.m.

Respectfully submitted,



Carolyn Wichmann
Secretary