

**BOARD OF HEALTH
TOWN HALL
334 MAIN STREET
THURSDAY, MARCH 5, 2015
7:30 P.M.**

PRESENT:

RONALD MAJDALANY, CHAIRMAN

CLAUDIA RYAN

MICHAEL LANOUE

JAYNE SMITH – HEALTH AGENT

The Meeting was called to order at 7:30 p.m.

1. **APPROVAL OF MINUTES:**

A. **Regular Meeting Minutes**

February 5, 2015

B. **Executive Session Minutes**

July 11, 2013

October 3, 2013

January 6, 2015

MOTION: Claudia Ryan to approve

SECOND: Michael Lanoue

VOTE: 3-0

2. **APPLICATION TO THE ZONING BOARD OF APPEALS:**

A. Special Permit application # 837-15 for 89 Castle Hill Avenue to build a 22'x14' screen porch that encroaches on required zoning setback. Since no representative or the applicant was present, the board took no action.

3. **SPECIAL PERMIT APPLICATION**

A. Special Permit application #838-15 by GB Historic Preservation, LLC for 198 Main Street, Great Barrington, for exterior alterations and substantial structural changes in the Village Overlay District, a restaurant, and deviation from parking requirements in accordance with Sections 3.1.4 C(22), 9.6.3, 9.6.4, and 10.4 of the Great Barrington Zoning Bylaw. (Recommendation to the Select Board) Attorney Kate McCormick and Paul Jaffee were present to explain the Special Permit request. She explained that it is the former Methodist Church at 198 Main Street. It is in the village overlay district and the project is to readapt the use of the former church and demolition of the existing parsonage. The church will become a restaurant with 3 retail stores on the lower level and professional offices and one apartment on the second floor. There will be a small kiosk space that is close to Main Street with a small café space which will not have indoor seating but will have a public restroom and open during normal business hours. The property will be serviced by town sewer and water. The area where the current parsonage is located will become a parking area. A grease trap will be installed in the parking area. Jayne said she didn't see an area in the plans that were specific for employees to store their belongings. Mr. Jaffee said he would remedy that. There will be a garbage area, fenced in, in the back per Attorney Kate McCormick.

MOTION: Claudia to pass on a favorable recommendation to the Select Board with the condition that there be an area to store employee's personal belongings.

SECOND: Michael Lanoue

VOTE: 3-0 – (Ron stepped down as chairman)

4. **HEALTH AGENT REPORT:**

The board reviewed the Health Agent Report for the month of February 2015. Jayne noted that the issue on Hart Street has been taken care of, the issue at Main Street is ongoing and Jayne noted she will continue to work with the resident. The issues on Manville and North Plain Road have also been taken care of. Jayne advised the indoor pool inspections will be started next week and we are on schedule as far as the two inspections a year for the restaurants.

5. **NEW BUSINESS:**

A. North Plain Road, Cattle – Sean Stanton, 25 Hart Street, Housatonic. Sean noted he would like to ask for a variance on the Board of Health Keeping of Animals Regulations. He advised he had a letter from his veterinarian, Dr. Wayne Hassinger, II, in regard to his cattle located on North Plain Road, who was there today. The letter noted that all the cattle appear healthy and well cared for and in good body condition for normal weight and fat. Feed and water was available and the cattle have been receiving enough caloric intake to maintain normal body weight thus far through the winter. The letter stated that natural wind barriers are present as well as tree shade in the warmer season. It also stated that the conditions are adequate for the needs of the individuals in this herd. Sean noted this has been ongoing for two years. The ASPCA has been there a number of times and Jayne has been out, Mark was out and Olivia was out. He advised there is research from different organizations and universities throughout the country about cattle being out wintered and the appropriateness and the caution and the care to be sure they have enough food. He noted that he has heard that only one person has complained so far. Sean advised that he pays the people, who live next to the field, for the water and electricity he uses. They watch out for the animals and call him if there appears to be a problem.

Ron advised that there appears to be no problem with the food but that animals need three things, food, water and shelter and they have no shelter. Ron noted that they need shelter from the wind and there is no place for them to go.

Sean noted that there are trees on the north, a hedge row and trees on the west side, they have a 20 acre field where they can go down in the hollow. Ron said after this person called, he went out and took a look on a real windy wintery day and they were huddled up against the tree line on the north side and there was no way they could get out of the wind. Ron said Sean needs to build some kind of a shed so they can get out of the wind.

Sean advised he doesn't own the land but has permission to use the land and the owner is not interested in having a building there. He noted he doesn't have the financial means to build a shed for them or the desire to build a shed and you end up with other problems when you build a structure for animals of that nature. Sean said if that is what you want to have happen and you are not interested in a variance, then we will have to go a different route. Sean advised that based on information from his vet the animals are fine.

Ron said his feeling is that they need some kind of shelter. Jayne said she did research to see what other towns in Massachusetts were requiring. In Section 3.1 of the regulations it says the minimum requirement for housing should be an open shed offering maximum protection with a weatherproof room and three sides, enough headroom for the animal to be housed and floored with any material that can be kept clean and dry, with proper drainage provided. Jayne said she spoke with Mark and the ambiguity is that it was written for all livestock and it doesn't differentiate between beef cattle from milking cows, sheep, lamas or ostriches. Jayne said she did research on wind breaks and there are natural wind breaks that you can plant to protect against northern winds. She advised that the board may want to consider some clarification on this. Ron insisted that they need shelter and Sean should provide the board with a plan.

B. 2014 Pool/Camp Renewals – Jayne said they are being sent out and as far as the pool inspections she is already. Jayne noted she is putting together pool kits, septic and restaurant kits for inspections.

C. Proposed Demolition Form – the Ely block was demolished this week. The Board of Health's role is to insure that all hazardous wastes are removed from the site and to make sure there is no active rodent population and that is achieved by baiting. The property was inspected twice and it was determined there was no more rodent activity and she was able to sign off on that. CET helped with the chemical removal. The Board of Health has a policy of what needs to be done for demolition. Jayne advised that she copied the Pre-Demolition/Pre-Renovation Inspection Checklist from the Town of Burlington, MA for the removal of hazardous waste. A comprehensive form needs to be developed that would work for the Building dept., Planning Department and Board of Health. Jayne noted she would like to do more research on the baiting procedures for homeowners and businesses as noted in item #8 of the Great Barrington Building Demolition Guidelines.

D. Discussion of use of Berkshire Public Health Alliance – Jayne presented a list of the current use of the Berkshire Public Health Alliance since Mark left. She noted that two perc tests were done today. Jayne noted that she can do soil evaluations for new construction or for a repair that the owner is not requesting a variance from the board for a one (1) foot reduction in ground water. The rest need to go through the Alliance. Her soil certification will be done at the end of June and she will be a licensed soil evaluator.

Respectfully submitted,



Carolyn Wichmann
Secretary