

Minutes October 4, 2001

Members Present: Mark Baker, Duane Gregory, Kay Halle, and Ken Janson

Member Absent: None

Health Agent: George Heufelder

Health Inspector: Patricia Pajaron

The meeting was called to order at 6:30 p.m.

Public Comments

Both comments regarded a tree growing at 202A Bradford Street and in danger due to a Title 5 installation. Roger Dias, for the Board's consideration, submitted photos of the 80 ft. high tree. He pled for saving the tree if at all possible. Barbara Rushmore, who identified herself as a friend of trees, knew the original owner of the property as well as the abutters at 202 and 204 Bradford. She urged preservation of trees. Trees can be taken down if necessary, but this tree could survive with a variance. "Please grant a sideline variance and ask the owner to make the necessary changes in the plans in order to save the tree," she said. A notice had been received from David Atkinson giving the same "save the tree if possible" plea.

Old Business

25 Winthrop Street - Title 5 Variances (continued from 9-20-01)

The owners requested a postponement until the October 18th meeting.

By consensus of the Board, the postponement was granted.

Motion: Ken Janson made a motion to move 99-101 Commercial Street out of order and take it as the first item under new business. Kay Halle seconded the motion and it passed unanimously.

New Business

99-101 Commercial Street - Appeal of Escrow Amount

Jack and Lora Papetsas presented the case on their own behalf. They requested to have the escrow amount for their property reduced because they found it difficult to pay and believed that their property had "unique" characteristics that should be considered. One hour was spent having them plead their case. George Heufelder said the only way now available to reduce the amount was to limit the seats in the restaurant. Since they said that all the seats were completely used infrequently (indoor restaurant seating is too hot in the summer and outdoor seating is too cold during cool or inclement weather) it seemed like a plausible solution.

Mark Baker noted that the license for their restaurant (Sal's place) was for 130 seats and there was an additional 6 bedrooms, thus the flow calculation is 5,210. There was no contention of these figures.

Kay Halle commented that it was not within the Board's purview to make any decision. George H. commented that any action would start with a recommendation from the Board. Kay Halle said she was the only person on the Board who sat through this discussion before and said the Board went through a long process to set these rates. Kay further said that she felt there should be relief for property like Sal's and realistically, there is nothing the Board can do.

Keith Bergman, the Town Manager, had steered the Papetsas family to the BoH. Their next step would be going to the BoS – then back to the public process to address the issue.

Motion: Mark Baker moved to not recommend a decrease in Sal's escrow. There was no second to the motion; therefore, the motion died.

Motion: Kay Halle made a motion to have the Board of Health support the Papetsas family right to seek relief from their escrow payment and support them proceeding through some, as of yet undetermined, public process which would take whatever steps are necessary to continue their appeal. Ken Janson seconded the motion and it was approved 3-1 (MB).

It was agreed that Kay would draft a letter that Mark, as Chair, would finalize and have sent to the Selectmen, Town Manager and Town Council – a copy would be sent to the Papetsases.

202A Bradford Street - Title 5 Variance

Daniel Sullivan from Schofield Brothers represented the owners and had copies of the revised septic plan. Duane Gregory disclosed that she had sold the property two years ago - there was no objection to having her sit on the case.

Mr. Sullivan, after listening to the previous public statements regarding saving the tree, said, “We’re not ignoring the tree, but we designed the system to maximize the Title 5 system with the minimum of variances. Trees are not our main concern and to accommodate the tree we would want more setback relief.”

George Heufelder recommended giving the Health Agent the latitude to approve a 25% reduction in the leaching field (allowed under local upgrade approval) contingent upon receiving approval of the plan by any other Board it comes before, but didn’t recommend making a decision based on the tree.

Motion: Kay Halle made a motion that the Board of Health give the Health Agent the right to approve the plan with a 25% reduction in the leaching field in order to attempt saving the tree. Mark Baker also reinforced this by saying it was the expressed desire of the Board of Health to do everything in the owner’s power to save the tree. Ken Janson seconded the motion.

The motion was further refined to read: The Board of Health makes a motion to approve plan #09850 from Schofield Brothers as presented, but gives the Health Agent the latitude to approve the plan with a 25% reduction in the leaching field. This motion was approved by all.

18 Brewster Street - Title 5 Variance

Alan Cabral presented the plan for Felco. The owner is a person named Keough. The property has undergone extensive renovation necessitating a Title 5 upgrade.

Motion: Kay Halle made a motion to approve the plan with the variances requested. Ken Janson seconded the motion adding one condition: A deed restriction for two bedrooms. Kay approved the amendment to the motion. The motion passed 4-0.

32 Pleasant Street - Title 5 Variance

Alan Cabral presented the plan. The property recently changed hands and underwent some renovations. The renovations triggered a need for an upgraded septic. The owners wanted an effort made to save a lilac bush and this effort necessitated a lot line variance.

Motion: Ken Janson made a motion to approve job #01141 with variances. Kay Halle seconded the motion and it was unanimously approved.

Motion: Kay Halle made a motion to take “Other Business” out of order. Ken Janson seconded the motion and it was approved unanimously.

Other Business

Discussion on Henna Tattoos

Sara Thompson, who was one of the first people who had a street license for henna tattoos, attended as well as (Laurence) Douglas Freeman, the owner of the West End Salon. They were the only Temporary Tattoo Artists in attendance.

Mark Baker told them that the reason all licensed Temporary Tattoo Artists were asked to the meeting was that the Board of Health was anticipating writing new regulations for the art and sought the input of people in the business.

Douglas gave a mini-history of the ancient art form and said it had been started thousands of years ago. He also told the group that the three ways to become wealthy are through education, marriage, and/or lawsuits. The last method is the reason why he is not only insured, but also very careful about the manner in which he runs his salon. He gave much guidance to the BoH in the form of suggestions for the proposed regulation – many of which his salon currently practices.

Sarah told the Board that the only adverse reaction she's ever heard of from people getting henna tattoos relates to people adding PPD (a petroleum derivative) to the henna product, and would suggest a prohibition against using products that contain PPD.

Mark Baker said the new regulations would most likely have categories of requirements – e.g., insurance, training, and education prerequisites, similar to the BoH's requirements for Licensed Massage Therapists.

Both Doug and Sarah said they'd be happy to go over the regulations when they have been formulated and they gave their phone numbers to the Board (Sara-4522 and Doug-1872). The BoH thanked them both for their enlightening input.

Discussion/Review of the LCPIC Matrix

Postponed by consensus until the October 18th meeting.

Approval of Minutes

Motion: Ken Janson made a motion to approve the minutes of the September 20th meeting. Duane Gregory seconded the motion and it was approved: 3-0-1 abstention (KH).

Motion: Ken Janson made a motion to approve the minutes of the September 6th meeting. Kay Halle seconded the motion and it was approved: 3-0-1 abstention (DG).

Health Agent's and Health Inspector's Reports

George Heufelder (speaking on the occasion of his fiftieth birthday!) said the final wastewater district map has been made and completed. This week, he said, he will start mapping the wastewater management district and elaborate further on it. He said otherwise, it was just routine business he was dealing with.

Patricia Pajaron is continuing with restaurant inspections. She will soon become "Serv-safe" certified and for those businesses that apply for relief from the 14-hour course, there will be a solution. As soon as Ms. Parjaron is certified she will be able to give an abbreviated course on Serv-safe with the intention being that any business that is allowed by the BoH to take this course and passes it, will be granted a variance from the BoH. Her syllabus will be given to the Board at the next meeting for approval. One month from now her course will be completed, mini-courses will be available, and variances can then be issued at the BoH's discretion.

Board Members' Statements

There were none.

The meeting adjourned at 8:45 p.m.

The next meeting will take place on October 18th at 6:30 p.m.

Respectfully submitted,
Evelyn Rogers Gaudiano

Approved by

_____ on October 15, 2001
Mark Baker, Chair date