

Public Meeting Minutes

Thursday March 11, 2004

6:00 pm

Members Present: Mark Baker, Duane Gregory, and Ken Janson, and David McLean

Members Absent: Cynthia Gast (excused)

Health Agent: Jane Evans Raasch

Health Inspector: Patricia Pajaron

The meeting was called to order at 6:00 pm

AGENDA

Public Comments

None

Old Business

None

New Business

Board of Health Alternate Appointment Position – Dan Brown

Duane Gregory encouraged Dan Brown to apply; she described him as a man of integrity and intelligence. He has experience with a neighborhood Clean and Green Committee in Washington D.C. He has mostly out of town customers for his web design business, which leaves him with few conflicts of interest with residents.

Motion: Duane Gregory moved to nominate Dan Brown as an alternate to the Board of Health, for a term ending December 31, 2006. David McLean seconded the motion and it passed 4/0/0.

182 Commercial – Dot Designation Change

Wayne Perry represented the property and described the situation to the board. The property is to hook up to the sewer on March 29, 2004, while reviewing the site plan he saw that the property is labeled as a green dot (allotment for Title 5) in the Water & Sewer file, but this label is incorrect because the property is too small to accommodate a Title 5 system. There is not currently any conflict, he just wanted to bring the issue to the board as a housekeeping matter to align the property with the correct dot designation as it appears in the Health Department's files.

Motion: Duane Gregory moved to re-designate 182 Commercial St, map and parcel 7-2-143 as a “Blue Dot” mandatory sewer hook up property. Ken Janson seconded the motion and it passed 4/0/0.

24 Bradford Street – Plan Review

John Souza and owner James Patrick presented renovation plans for the property. The building is currently a ranch style house with 4 adults and one child living there. They want to add a 2nd floor to be a large open family room space with view windows; they propose no change to the 1st floor.

Jane Evans Raasch described the property as currently having 3 bedrooms with a septic design Title 5 code 7-bedroom system. If the Board considers the second floor a master bedroom, she suggested it may be a growth management issue and recommended going to the Zoning Enforcement Officer before approval.

The Board agreed the second floor could be converted into one or two bedrooms, but as Duane Gregory mentioned she had trouble interpreting the growth management bylaw because the current septic *design* flow was for 7 bedrooms, large enough to accommodate the addition of an additional bedroom. The board discussed past examples and past ruling authority given to the Health Agent.

Tommy Thompson and John Souza queried the Board about placing a deed restriction of 3 bedrooms on the property now, and if in the future the second floor addition were to be turned into bedrooms, then the property owner would have to go through Growth Management at that time to increase the deed restriction.

Motion: Ken Janson moved to approve the plan proposed for 24 Bradford Street and to allow the Health Agent to sign off on the building permit for the submitted plans for an existing 3-bedroom house with a 2nd floor addition. The Board notes that the addition could be viewed as a possible addition of 1-2 bedrooms, but is still within the capacity of the property's current septic system. David McLean seconded the motion and it passed 4/0/0.

2A George's Path – Plan Review

Harry Palmer of Sea Level Builders and owner Eleanor Pannesi presented the plans to the Board. They plan to finish

off the basement in the condominium, for which they have condo members' approval. They want the area for kids to play, as a recreation room, storage and bathroom. They will insulate the walls, and build wall divisions around the utility room area. The only access to the basement is through an exterior basement door.

Jane Evans Raasch saw a problem that the finished basement would have only one means of egress, and that it could, if finished, be seen as a bedroom which would need a 2nd means of egress to comply with building codes. If the area has potential use as a bedroom, the owners need to go to Growth Management. She recommended a deed restriction to ensure the basement is never used as a bedroom space, and she recommended not approving the proposal, based on the conflict with building codes.

Duane Gregory mentioned the examples of the Condos on Captain Bertie's Way and Harry Kemp Way where they have finished basements with one means of egress to the interior upstairs. She noted that those properties passed building codes, however they had no additional bathroom in the basement.

Motion: David McLean moved to approve the plans for 2A George's Path with two conditions: 1) Seek approval of the Zoning Enforcement Officer concerning the need for a second means of egress, and 2) Deed restrict the property to 2 bedrooms with the notation that the finished basement is not allowed to be used for sleeping accommodations. Duane Gregory seconded the motion and it passed 4/0/0.

293 Commercial Street - Steve Boggess Request for Fast Food Designation Flow

Steve Boggess presented the following facts to the board: 1) Since his last appearance his food services have changed licenses to fast food with ZBA approval. 2) His sewer hook up was completed. 3) He has documented evidence of usage for his units, only using 17% of licensed availability of gallons per day, even during the busiest time of the season, he was still under 50% water use capacity. He requested to reduce his gallons per day flow from 35 gpd per seat to 20 gpd per seat as is allowed in Title 5 for a fast food establishment.

Jane Evans Raasch said that since the Board of Health has no regulation requiring all seats to be rated at 35 gpd (Title 5's restaurant flow designation) and that the ZBA has designated Subway and Twisted Sister as Fast Food Restaurants (that have a Title 5 flow of 20 gpd per seat); then the Board should now assign flow for these two establishments in accordance with their current use of Fast Food. Also, Jane noted that the change would allow the current seating allotment to increase. She suggests approval.

After a brief discussion from the Board concerning what Mr. Boggess might do with the extra flow if the change was granted, Mark Baker noted that what Mr. Boggess may or may not do with the extra flow is of no concern to the Board. If the property gains additional flow, Mr. Boggess will have to apply to the Department of Regulatory Management and/or the Licensing Department for extra seats, and those departments would determine if the additional seats would trigger the need for an additional bathroom.

Motion: David McLean moved to re-designate flow at 293 Commercial Street from 35 gpd per seat to the Fast Food allotment of 20 gpd per seat for Subway and Twisted Sister. Ken Janson seconded the motion and it passed 4/0/0.

DISCUSSION

SSIMOD

The board discussed the March 10th revisions to and signatures for the February 25th document. Although the language about accepting sewage at the sewer plant was removed, the Board still wants sewage treatment to be an issue at Town Meeting. There are currently different views around town about the sewer plant's capacity to accept both property sewer hook-ups and sewage treatment.

Conservation Commission Workshop

A reminder to the board that Saturday March 27th at 9am, upstairs at Napi's Restaurant. There will be a discussion with Gordon Peabody on overlaps of Conservation Commission, Board of Health and Planning Board issues.

Amendment to Nuisance Regulations

After reviewing citizen complaints, Pat Pajaron saw the need to update the Board of Health regulations. She formed the Nuisance section to be a catch-all for cases that did not fall under other codes or sections. The Board discussed some of the amendments for clarification and saw them as a good step to solving some miscellaneous cases.

ANY OTHER BUSINESS THAT SHALL PROPERLY COME BEFORE THE BOARD

None

APPROVAL OF MINUTES

Meeting Minutes from 02/12/2004

The Board proposed to change the title of the document to Public Meeting Minutes for clarification.

Motion : Duane Gregory moved to approve the meeting minutes of February 12th, 2004, with the discussed title change. Ken Janson seconded the motion and it passed 3/0/1 (DM).

HEALTH AGENT'S AND HEALTH INSPECTOR'S REPORTS

Health Agent

300 Commercial Street – Mayflower Restaurant

This property is on the agenda for the next meeting to approve a variance for an undersized grease trap. The Mayflower had no place to put their tank but on town property under the sidewalk. Ms. Evans Raasch is allowing the variance with the condition it is to have a monitoring devise. She explained the proposed fines for not having monitoring systems on any grease trap will be very high. Notices of new and amended sewer regulations will be sent out to all property owners with food service establishments inviting all restaurant owners and managers to a workshop with the Sewer Team to educate them about the importance of properly maintaining grease traps to avoid damage to the municipal sewer system.

Health Inspector

Pat Pajaron and Jane Evans Raasch have recently taken over all secretarial tasks related to the Board of Health (for example, meeting preparation and permit applications).

The Department of Community Development, including the Health Department, have recently been ordered to report directly to Keith Bergman on all matters.

The next Board meeting will be to review the Annual and Special Town Meeting Warrants, and will start at 5:30pm.

Update on 467 Commercial Street:

Pat wrote to the DEP for assistance with the accumulation of junk in behind the fence at 467 Commercial Street. Allan Hemberger, the field inspector for the DEP, called and said the case did not fit under DEP regulations. The next step will be to go to Town Council for legal assistance.

BOARD MEMBER’S STATEMENTS

Ken Janson – none

Mark Baker – none

Duane Gregory – none

David McLean - none

Motion: Ken Janson moved to adjourn the Board of Health meeting at 7:20 pm. Duane Gregory seconded the motion and it passed 4/0/0.

The meeting was adjourned at 7:20pm.

Respectfully Submitted,

Alison Boutin

Approved by _____ on _____, 2004

Mark W. Baker, Chair