

# BOARD OF HEALTH

June 7, 2001

6:30 p.m.

**Members Present:** Mark Baker, Michele Couture, Chairman; Duane Gregory; and Ken Janson

**Members Absent:** Laura Davis, and Kay Halle (excused absences)

**Health Agents:** George Heufelder and Jackie Silver

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

## **Public Hearing:**

A letter dated June 5<sup>th</sup> and sent by Dieter M. Groll was read into the minutes. The letter basically objected to the lack of sufficient notice prior to the public hearing scheduled for the June 7<sup>th</sup> meeting. It is attached. Based on the letter the following motion was made:

**Motion: Michele Couture made a motion to postpone the public hearing until the July 19<sup>th</sup> meeting. Mark Baker seconded the motion and it passed unanimously.**

**Public Statements:** There were none.

## **7 Conwell Street, Alan Roth and Michael Rodgers**

Attorney Nancy Correia represented the owner, Mr. Roth, and his partner, Mr. Rodgers. (Duane Gregory offered to recuse herself from the case due to a possible conflict but no-one had any objections to her sitting in.) The property was purchased recently with the idea that they would use part of it for a massage business. Atty Correia requested, since it was a change of use, that the Board grant a license to them on the condition that a Title 5 be installed prior to the granting of a renewal license for 2002.

**Motion: Mark Baker made a motion to grant the license for this year with the following condition:**

1. There will be no signoff on the license for 2002 unless there is a plan for a Title 5 presented by September 30<sup>th</sup> with an installation by October 30<sup>th</sup>, 2001.

**The motion was seconded by Ken Janson and was approved unanimously.**

## **47 Commercial Street, David Martin and Joseph Bruno**

This case did not appear on the agenda but the two people had been promised that they would be heard. After a recess with DRM, BoH Chair, and health inspector the following happened:

**Motion: Michele Couture made a motion to sign off on the Camps, Cabins, and Motel license contingent upon everyone signing off on the proper paper work. Mark Baker seconded the motion and it was approved unanimously.**

## **Gary Osgood, massage therapist license**

This case, too, did not appear on the agenda. The choice, according to the Chair, was to either grant him a license with the condition that the Health Agent approve of his paper work OR hold a special meeting just for him. Based on the options available, the ensuing motion was spawned:

**Motion: Mark Baker made a motion to conditionally approve the massage therapist's license pending the following:**

1. Verification of a title 5
2. A home inspection by the health inspector
3. A signoff by Warren Alexander.

**Ken Janson seconded the motion and it was unanimously approved.**

## **17 Nelson Avenue, Jose Passos**

Rex McKenzie, a co-worker of Mr. Passos, presented the case for him. Mr. Passos owns a four bedroom home and

would like to legitimize an illegal basement apartment under the legal umbrella of making it an “affordable housing” rental. This would mean it would become a five bedroom home. Jose Passos in planning for the future purchased a six foot piece of land from the property abutting his own with the intention of eventually putting in a larger title 5 when the current one fails.

George Heufelder and Michele Couture both agreed that without a definite plan and installation for a new title 5 they would have to deny the request due to the current inadequate design flow.

**Motion: Michele Couture made a motion to deny the application. Ken Janson seconded the motion and it was unanimously approved.**

### **5 Fritz’s Way, Title 5 variance**

Don Dickerson, an officer of Habitat for Humanity, and William Rogers, II made the presentation to the Board. Mr. Rogers presented the title 5 plan which proposed a pressure dose system and required two variances.

Tom Edwards, an abutter, spoke against the proposal. He has already experienced a damp basement at his home but Mr. Rogers pointed out that it was probably due to the Town stopping up a street drain in that area. Mr. Guertin, DPW head, was going to see to rectifying this particular issue.

George Heufelder gave his opinion. He reminded the Board that their decision should be based on their own rule, i.e., “no variances for new construction” and he also disagreed with Mr. Rogers regarding the leaching bed.

**Motion: A motion was made to allow the application for 5 Fritz’s Way to be withdrawn without prejudice.**

### **Massage therapist’s license, Bryan Green**

A motion was made to hear this applicant.

**Motion: Michele Couture made a motion to grant his license application, Mark Baker seconded it and it won unanimous approval.**

### **Whaler’s Wharf, Paul DeRuyter**

Mr. DeRuyter presented the Board with a memo detailing activities he would like to have take place in his rotunda, i.e., flower markets, ongoing exhibits, portrait artists, art auctions, and entertainment for which he felt he was already licensed. It was decided after much give and take discussion that the rotunda had been originally figured in as open space and to allow any commercial (or any other kind of use) use in it would constitute an increase in use. The Board also decided that having pictures hanging on the walls of the rotunda would be the only allowable use on a regular basis. It was also suggested that the artists have some kind of contractual tie-in with artists who are already tenants thus allowing purchase of art at tenants’ shops. Mr. DeRuyters’ final question was, “Could the Board allow Christmas carolers?” That was agreed to! The entire topic came under the heading of “discussion.”

### **202B Bradford Street, Michael Donovan**

Because Mr. Donovan has chosen – after much one-way correspondence to him – to ignore the Board’s requests and notifications, it was decided to act in the following manner. Mr. Donovan’s system has failed, thus:

**Motion: Michele Couture made a motion to require that Mr. Donovan upgrade his system to an approved title 5 with a plan due to the Board by July 7<sup>th</sup>, 2001 and installation of the septic by October 7<sup>th</sup>, 2001. Ken Janson seconded the motion and it was unanimously approved.**

### **Health Agent’s and Health Inspector’s Reports:**

**George Heufelder** passed out sets of regulations for wastewater. He also updated the Board on the vacuum pumps. The sewer plans are continuing despite the pending suit regarding the siting of the plant.

**Jackie Silver** said all inspections are ongoing. She will be relying on her assistant to do surprise inspections. Wednesday is the day for beach water testing.

### **Board Members’ Statements:**

**Ken Janson** had no statement.

**Michele Couture** asked for updates on the following:

1. 75 Franklin Street – was on an agenda then disappeared – how come?

2. Walter Richter – 3 Upper Miller Road – garbage & rubbish violation – follow-up???
3. Oil spill in wharf area over the past week-end. Jackie looked into it and, after talking with the Harbormaster’s office determined that the Town has no established protocol or equipment for dealing with oil spills?!
4. Update on Szechuan’s tossing of garbage on beach? Jackie promised, once again, to look into it.

Michele further stated her unhappiness with the incomplete agenda and accompanying paperwork. She said it wasn’t fair to the Board to unleash people who had been promised a hearing without any follow-up. Michele does not want it to happen again.

**Mark Baker** wondered about George Porgie and his persistent non-use of gloves for food preparation. Complaints have been received that he goes from making sandwiches to handling money and then back to sandwiches again without any gloves to protect his food preparation. Michele suggested bringing him in to the next Board meeting since he has been cited three times for the same infractions. It was agreed to put him on the next agenda.

**The meeting adjourned at 8:20 p.m.**

**The next meeting will take place on June 21<sup>st</sup> at 6:30 p.m.**

Respectfully submitted,

*Evelyn Rogers Gaudiano*

Approved by

\_\_\_\_\_ on \_\_\_\_\_  
Michele Couture, Chairman date

**Received, Town Clerk, SJN/gwd/ July 27, 2001 3:30pm**