

Scituate Board of Health Meeting
August 29, 2016
Scituate Town Hall – Selectman’s Hearing Room
6:00pm

MEMBERS PRESENT: Mr. Steven Pansey, Chairman
Mr. Douglas Whyte, BOH Member

OTHERS PRESENT: Ms. Jennifer Keefe, Director, Public Health
Ms. Susan Tice, Health Department

Mr. Pansey opened the meeting at 6:03 PM

Acceptance of the Agenda

**Mr. Whyte made a motion to accept the agenda for August 29, 2016. All in favor.
Unanimous vote (2-0)**

Scheduled Items:

Discuss/Vote: Title 5 Variance Request, 362-366 Gannett Road continued from August 15, 2016 BOH Meeting

Mr. Harvey Gates, Owner
Resident, 28 Longmeadow Road

Mr. Gates began by asking the Board members if they would write a letter to the Board of Selectman requesting that sewer installation be made a priority in North Scituate. He explained that as a result of mitigation for the MBTA returning they installed a sewer pipe from the station along the railroad tracks with a gravity driven system to Beaver Dam Road and ultimately to the waste water treatment plant. Mr. Gates stated he was hopeful North Scituate could be connected next and that the DPW was supportive of this. Mr. Pansey explained that although he agreed, it would be the responsibility of the residents and business owners of North Scituate to make that request. Mr. Gates stated that since 1994 there have been about 40 businesses in North Scituate that have changed. He said about half of them would have been affected by the requirement of a Title 5 inspection for change of use. He indicated that none of those businesses were required to conduct an inspection and felt it was unfair that he be required to do one with flow being decreased. Ms. Keefe told Mr. Gates that she had concerns because of the apartments located above the businesses as, although flow may decrease for the business, the apartment flow could increase with future change in tenancy. Mr. Pansey agreed that the sanitary health of the tenants was a particular concern. Mr. Gates said the antique store opposite him on Gannett Road occupied that building a little over 2 years ago, which also included apartments above, and they were not required to have a Title 5 inspection. The insurance agency that was located there left and the antique store took occupancy, and painted the walls, and moved in. He believed that because they did not need a building permit, it did not come to the Board of Health’s attention. Mr. Gates said that went from an office to a retail location. Ms. Keefe explained that the Board

of Health does not search for these situations, however, when identified, the department must do everything to ensure the codes, laws, or regulations are met. Mr. Pansey said that when the Board members vote tonight, they will be setting a precedent for the rest of the businesses in Scituate. Ms. Keefe said that since she has been the Health Agent in Scituate, she has tried to contact the property owners whenever she becomes aware of a turnover to explain they will have to conduct a Title 5 inspection. Mr. Gates indicated that regardless of the way the Board voted, they would be setting precedence. Ms. Keefe reiterated her concern that granting a variance in this case, based on the indication from Mr. Gates that the system would fail, would not equally or better protect public health or the environment than if one were not granted. Mr. Whyte expressed his concern about setting a precedent. Mr. Pansey suggested they take a vote.

Mr. Whyte made a motion to deny the variance requested for relief from the required Title 5 inspection upon change in the type of establishment. It was the opinion of the Board of Health that the applicant had not satisfied the requirements of 310 CMR 15.410. Thus, a Title 5 inspection is required in accordance with 310 CMR 15.301.

All in favor, unanimous (2-0)

New Business:

Discussion: Dana Farber Mammography Van

Ms. Keefe updated the Board members on the status of the Dana Farber Mammography Van. It will be in Scituate at Central Park on Thursday, September 8, 2016 from 8:00 am to 3:30 pm. As of late last week there were 13 appointments filled. She stated that there are still many appointments available. Mr. Whyte asked if residents of other towns were welcome and Ms. Keefe confirmed. She said if anyone would like to make an appointment, they may contact Dana Farber Mammography Van at 617-632-1974.

Motion to adjourn 6:40

All in favor, unanimous (2-0)

List of Documents for August 29, 2016 Board of Health Meeting:

- Agenda
- Mr. Gates Request for Variance
- Septic Repair Plan, Morse Engineering
- Notice to Abutters
- List of Abutters
- Copy of Certified Mail Receipts
- Q3 Scituate Water Bill for 362-366 Gannett Road
- Executive Action Requests
- Correspondence from Ms. Keefe notifying Mr. Gates about his requested presence at the August 15, 2016 BOH Meeting
- Press Release regarding the Dana Farber Mammography Van