

ANDOVER BOARD OF HEALTH
MINUTES
MONDAY, MAY 18, 2015, 6:00 P.M.
FIRST FLOOR CONFERENCE ROOM
36 BARTLET STREET

The Board of Health Meeting was called to order at 6:03 p.m. Present were Chairman, Gopala K. Dwarakanath, M.D., Ms. Pamela Linzer, Vice Chairman, and Mr. Thomas G. Carbone, Director of Public Health. Previous Board of Health Member, Ms. Candace Martin, as well as Ms. Carolyn Dymond, who will be starting in June, 2015 as a new Board Member, were also in attendance.

I. Approval of Minutes

• **April 13, 2015**

Motion by Ms. Martin, seconded by Ms. Linzer, to approve the Minutes of April 13, 2015 with the following correction:

- *On page 2, eighth sentence under • **Mosquito Control Plans – (Sent in Separate File) – Budget Submittal**, change “Mosquitoes that transmit WNV love containers...” to “Mosquitoes that transmit WNV **thrive in** containers.”*

Unanimous approval.

Motion by Dr. Dwarakanath, seconded by Ms. Linzer, to amend the approval of the Minutes of April 13, 2015 because Ms. Martin is no longer a Board of Health Member. Unanimous approval.

II. Appointments & Hearings

- **6 p.m. – Latchkey Enrichment After School Program – Request to Operate a Recreational Camp for Children at 57 River Road** – Present was Maria Gonzalez Mola, to represent the Latchkey Enrichment After School Program. The program will be run at Greater Lawrence Technical School. They have run this camp for the last thirty years at the Rolling Ridge Retreat grounds in North Andover, but were ready for a change in venue. Their intention is to use the fields in the back of the school. Each group will consist of 15 children, ages 6 to 12. They will use one classroom for the independent art activities, the pool for swimming and will also play tennis. The program runs from June 29 to August 21. They will have field trips on Fridays and a boating club as well. The children will come from the schools and be bused to the site. Dr. Dwarakanath asked if they will continue to use this location in the future, and Ms. Mola replied that that is their plan. Mr. Carbone informed the Board that any camp that is new to Andover has to appear at a Public Hearing as required by state law. He further explained that Health staff handles making sure CORI and SORI

checks are done, and that all safety issues are addressed. Ms. Joanne Martel, Assistant Director of Public Health, explained that Health staff checks the licensing for the pool, as well as the ratio of lifeguards to students. Mr. Carbone recommended the Board approve the camp pending a satisfactory staff review.

Motion by Dr. Dwarakanath, seconded by Ms. Linzer, to approve the Latchkey Enrichment After School Program, subject to final review and approval of all required documents by the Health Division Staff. Unanimous approval.

- **6:05 p.m. – Jim McSurdy, Water Treatment Plant – Drinking Water Fluoridation** – Mr. McSurdy, Water Treatment Plant Superintendent, was present. Mr. McSurdy stated that there has been an ongoing study of fluoridation for the past four years by the federal government and all parties have come to the conclusion that the lower level of 0.7 parts per million (ppm) would be sufficient. The fluoride content has been in the 0.7 ppm to the 1.2 ppm range since the early 60's, with the optimum level being 1.0 ppm. Mr. Carbone stated that originally Dr. Dunbar, Vice-Chairman of the Board of Health at the time, pushed to fluoridate the water, and from March of 1969 to the present, the level has been 1.0 ppm. The Board had considered lowering the levels five years ago when Dr. Miller was on the Board, but the federal agencies had not yet settled on a final level. Dr. Dwarakanath questioned that if everyone uses town water, would there even be a need for extra fluoride in the drinking water. Ms. Martel pointed out that a lot of people drink bottled water which is not fluoridated, so we would not want to get rid of the fluoride entirely.

Motion by Dr. Dwarakanath, seconded by Ms. Linzer, to amend the Board of Health decision of March 24, 1969, to fluoridate the Andover water supply at an optimum level of 1 part per million, and lower that optimum level to 0.7 parts per million as recommended by the U.S. Public Health Service.

Discussion: Ms. Linzer asked Mr. McSurdy how soon the change could be made. Mr. McSurdy stated that he can make the change tomorrow and it would take a week or so to go through the system.

Vote taken: Dr. Dwarakanath, Aye, Ms. Linzer, Aye. Unanimous approval.

III. Discussion

- **Casco Crossing – Status Update** – Mr. Carbone informed the Board that he had a conversation on Thursday with the soon to be new owner of Casco Crossings, who was to pass papers on Friday. The one outstanding item the Board has is the deterioration problem with the sidewalks and curbing, which are not safe. Grading work is needed and that requirement is being handled by the Architectural Access Board (AAB). The previous owners had been delaying doing the work, and when Mr. Carbone talked to the new owner last week, he was pushing them not to do the work

because he wanted to have control over it. The deadline of completing the work by June 15, 2015 would be difficult to meet, so he was hoping it could be completed by mid July. Dr. Dwarakanath asked if the Board should get something in writing from the new owners. Mr. Carbone explained that this issue was technically not before the Board for action because it came to the Board when they appealed a different part of the Order, which has since been corrected. This item has been kept on the agenda so we could keep an eye on what was being done. Therefore, Mr. Carbone stated that he recommended continuing to the June 15, 2015 Board of Health Meeting for a status update. Mr. Carbone saw a letter from Tom Hawkins at the AAB to Mr. Christopher Clemente, Inspector of Buildings, and it says the AAB will hold the previous owners responsible for getting the sidewalks and curbing into compliance.

Motion by Dr. Dwarakanath, seconded by Ms. Linzer, to continue this to the next Board of Health Meeting of June 15, 2015, with a status update of the Casco Crossing sidewalks from the new owner. Unanimous approval.

- **FY2016 Budget** – Mr. Carbone stated there was no support from the Board of Selectmen and the Town Meeting for the replacement of a full-time position for a Health Inspector, or front counter help. We have been allowed \$25,000.00 to hire a contractor to do food inspections. Mr. Carbone is working to get that together; he will get the bidding out and hire someone this summer. He plans to meet with Joanne Martel, Assistant Director of Public Health, to talk about how to leverage the resources we have the best we can. Ms. Martin asked if staff has been taking this on as a challenge. Mr. Carbone stated that morale is down in Health and the CD&P Department as well, and it is frustrating because it is difficult to be more customer friendly when we do not have the resources or time to commit to that. Selectman Salafia is our liaison, and speaks with Mr. Carbone periodically, but Mr. Carbone may request he visit with us. Selectman Salafia also gets a copy of the Agenda so he can see what staff is doing.
- **Set Summer Meeting Dates** – The Board decided on the following Board of Health Meeting dates for the remainder of 2015: Monday, June 15; Monday July 13; Monday, August 17; Monday September 14; Monday, October 19; Monday, November 9; and Monday, December 14. (All dates are subject to change if unforeseen circumstances arise.)
- **Farmer's Market (not on Agenda)** – Mr. Carbone informed the Board that he has been approached by the Manager of the Farmer's Market to change the fee structure. Because of the cost in Andover, she stated that she is losing people to other markets. Right now we have a Temporary Food Permit that we charge \$50.00 for, and it is good from one to three days. The Food Code allows us to issue them up to fourteen days. So when someone comes in to try out participating in the Farmer's Market, we charge \$50.00. If someone does the twenty Saturdays, then they pay the full year rate. The Temporary Food Permit can only be used up to fourteen days in that calendar year, or it is no longer considered temporary. Ms. Martel explained that originally the Farmer's Market only sold flowers and vegetables, but now there is more food, such

as honey, breads, and meats. Some of the vendors have production licenses in other towns, bake things there, sell here, and get a retail license here for \$125.00, which allows them to sell their products for a year. Mr. Carbone would like to extend the amount of days a Temporary Permit can be issued to fourteen days. If someone wants to try it out and then come back to pay an extra \$125.00, we may want to put that money towards a Retail Permit and charge the difference. If the Board is agreeable to that, Mr. Carbone will bring the change in fee to the Board at the next Board of Health Meeting for a vote. Then if we do that change to fourteen days, we can let the vendors know they will have a credit if they want to stay for the whole season.

IV. Old Business

- **Salt Shed Update (not on Agenda)** – Ms. Martin asked if the salt shed has been decommissioned. Mr. Carbone explained to the Board that the salt shed was put up at the intersection of Rte. 495 and Rte. 93. That location was too close to our watershed, so our sodium levels in Haggetts Pond rose. Everett Penney, Jr., former Director of Public Health, put together the Fish Brook Initiative Task Force to push Mass Highway (now DOT) to move the salt shed out of that location. The salt shed is now dismantled and moved off of River Road outside of the watershed. It will take some time before the sodium levels decrease, but we should see a change in those levels in time.
- **Kings Subs Update (not on Agenda)** – Ms. Martin asked if there are new owners at Kings Subs yet, and Mr. Carbone replied that there has been no change in ownership as of this time.

V. Subdivision Definitive Plans

- **Preliminary Subdivision – Loosigian Circle, 254 Lowell Street** - Mr. Carbone explained that this is the old farm on Lowell Street that was originally going to be assisted living housing, but that project is not going forward at this time. They are looking for guidance from the Planning Board and Board of Health with this preliminary plan. They have the option to bring three separate water systems into the lots. Mr. Carbone recommended the Board disapprove the Preliminary Subdivision.

Motion by Dr. Dwarakanath, seconded by Ms. Linzer to disapprove the Preliminary Subdivision for Loosigian Circle at 254 Lowell Street because of the following issues:

1. *There is a drainage ditch that runs through the proposed cul-de-sac; drainage that would be disrupted here must be addressed.*
2. *The plan does not show water service to Lot 2; the water main to this lot would be required to be looped to avoid a dead-end main.*
3. *Drainage and sewer details are lacking.*

Unanimous approval.

- **Definitive Subdivision – 139-143 Elm Street & 26 Pine Street** – Mr. Carbone stated that last month the Board of Health (BOH) approved this plan with conditions as a preliminary plan and it is now a definitive subdivision. The sediment trap to catch sand that washes into the drainage system and the drainage issues have been corrected. It has been verified that the drainage is 2’ above the water table so there is room for cleansing. If this gets built, a new roadway will be made to accommodate the subdivision. Mr. Carbone stated that there were problems with sewer capacity in the past, but that issue has been rectified. Mr. Carbone recommended approval.

Motion by Ms. Linzer, seconded by Dr. Dwarakanath, to approve the Definitive Subdivision for 139-143 Elm Street & 26 Pine Street. Unanimous approval.

VI. Plan Review

- **DWRP – Variances/Local Upgrade Approval**
 - **12 Sagamore Drive – LUA Request to allow a Sieve Analysis in Lieu of a Percolation Test** – Mr. Carbone explained to the Board that a requirement for a septic installation is Percolation (Perc) and Deep Hole (DOH) testing. The DOH test tells us what the soil conditions are and how high the water table is. The Perc test tells how big system has to be. If the water absorbs slowly, the system has to be larger than if the water absorbs quickly. On this site, we couldn’t run the Perc test because of the water table. A Sieve Analysis tells what % is sand or clay and that can determine the size of the system. Sieve analysis is actually better science, but Massachusetts uses the Perc test. Mr. Carbone recommended approval of the LUA.

Motion by Dr. Dwarakanath, seconded by Ms. Linzer, to approve the LUA Request to allow a Sieve Analysis in Lieu of a Percolation Test at 12 Sagamore Drive. Unanimous approval.

- **11 Samos Lane – LUA Request to allow a Sieve Analysis in Lieu of a Percolation Test; allow SAS to be 3’ above the Water Table (4’ required); and allow SAS to be 16’ from Foundation (20’ Required)** – Mr. Carbone explained to the Board that the three LUA’s were needed for this septic system. To save on grading, the request is to allow the SAS to be 3’ above the water table. The third request to be 16’ from the foundation is because the 20’ setback requirement cannot be met. Mr. Carbone recommended approval of the LUA’s.

Motion by Dr. Dwarakanath, seconded by Ms. Linzer to approve the LUA Request to allow a Sieve Analysis in Lieu of a Percolation Test; allow SAS to be 3’ above the Water Table (4’ required); and allow SAS to be 16’ from the foundation (20’ Required) at 11 Samos Lane. Unanimous approval.

- **11 Oak Street – LUA Request to allow SAS to be 10’ from Foundation (20’ required); and allow SAS to be 6’ from the Property Line (10’ Required) –**

Mr. Carbone explained to the Board that this lot is a ½ acre of land, but cannot meet full compliance because of the wetland out in the back of the property. Therefore the system is confined to the front left corner. Sometimes we recommend the use of an impervious barrier, but there is no room for even that. Mr. Carbone spoke with the Engineer and he felt that the sandy conditions would severely limit the lateral leaching of the wastewater. Mr. Carbone recommended approval of the LUA's.

Motion by Ms. Linzer, seconded by Dr. Dwarakanath to approve the LUA request to allow the SAS to be 10' from Foundation (20' required); and allow SAS to be 6' from the Property Line (10' Required) at 11 Oak Street. Unanimous approval.

- **96 Gould Road – LUA Request to allow the SAS to be 8' from the Property Line (10' Required)** – Mr. Carbone stated that the LUA will allow the septic system to be closer to the front property line in order to keep outside of the wetland area so they do not have to file with the Conservation Commission. There is a tree line that would have to be taken down in order to lengthen the leach field which would add more expense for the homeowner. Mr. Carbone recommended approval of the LUA.

Motion by Dr. Dwarakanath, seconded by Ms. Linzer, to approve the LUA request to allow the SAS to be 8' from the Property Line (10' Required) at 96 Gould Road. Unanimous approval.

VII. Staff Reports

A. Director's Reports:

- **Important Dates:**

- June 15, 2015 at 6 p.m. – Board of Health Meeting

B. Nurses' Report for April, 2015 – The Nurses' Report for April, 2015, was for informational purposes only.

C. Inspectors' Reports for April, 2015 – The Inspectors' Reports for April, 2015, were for informational purposes only.

VIII. Board Members Reports:

- **Tobacco Letter from Retailers (not on Agenda)** – Ms. Linzer referenced a letter from a group of retailers who were trying to encourage the Board of Health to amend the Tobacco Regulations and make it illegal for a minor to possess tobacco products.¹ Mr. Carbone stated that that would be very hard for us to enforce. He spoke with Ron Beauregard, Director of the Health Communities Tobacco Control Program, and he will meet with the participating Health Agents to discuss this issue.
- **Administrative Hearing Questions (not on Agenda)** – Ms. Linzer asked when an Administrative Hearing is required. Mr. Carbone explained that usually happens when a food establishment has several critical violations or repeat violations over a period of time. When critical violations are reported after an inspection, Mr. Carbone checks on their history to see if these types of things keep happening and then will make a decision if an Administrative Hearing is necessary. Mr. Carbone will make a decision if the establishment issues can be handled at the staff level, or if the establishment needs to appear before the Board of Health.
- **Candace Martin Acknowledgement** – Mr. Carbone acknowledged Ms. Martin as a good guide and very supportive to the Health staff over her years serving on the Board of Health. After the BOH Meeting adjourns, the Board Members will attend the Board of Selectmen Meeting so she can be acknowledged by its Members for her service to Andover.

IX. Adjournment :

Motion by Dr. Dwarakanath, seconded by Ms. Linzer, to adjourn at 7:25 p.m.

¹ A copy of the letter from the Coalition for Responsible Retailing has been inserted into the Agenda Packet after page 54.