

ANDOVER BOARD OF HEALTH
Minutes
February 22, 2016, 6:00 P.M.
CD&P First Floor Conference Room
36 Bartlet Street

The Board of Health Meeting was called to order at 6:00 p.m. Present were Gopala K. Dwarakanath, M.D, Chairman, Ms. Pamela Linzer, Vice Chairman, Ms. Carolyn Dymond, Clerk, and Mr. Thomas G. Carbone, Director of Public Health.

I. Approval of Minutes

- **January 11, 2016**

Motion by Ms. Dymond, seconded by Dr. Dwarakanath, to approve the Minutes of January 11, 2016. Ms. Linzer abstained. Unanimous approval.

II. Appointments & Hearings

- **6:00 p.m. – Iverson Guo for Karma Restaurant, 209 North Main Street – Show Cause Hearing to Restrict, Suspend, or Revoke a Food Service Permit - Continued** – Present were Mr. Iverson Guo, Jason Xu, and Amanda Nicolosi. Mr. Carbone stated that in August the Board of Health required that Mr. Guo hire a private consultant to conduct monthly inspections over the next six months. During that time, there were still critical violations reported. Mr. Carbone noted that improper food cooling and holding temperatures were recurring issues, but there was improvement in other areas. Mr. Carbone conducted a full inspection on February 17, 2016 and found one critical violation- the rice was held overnight and was at a lower temperature than it should have been. Mr. Guo explained that he wants to be able to holdover rice so that he can use it the next day as fried rice. Mr. Carbone stated that that would be a discussion for another time, and that he would work administratively to deal with this request.

Dr. Dwarakanath stated that although Mr. Guo was improving, he was disappointed that this was a new restaurant and was having so many critical violations. Mr. Guo stated that after the meeting in August, he saw how important it was to work with his private inspector. He has had more of his staff become ServSafe Certified and both Ms. Nicolosi and Mr. Xu now hold that certification. Ms. Nicolosi informed the Board that she controls a checklist that she started using it every day for a while to make sure everything is getting done. This helps her to keep the kitchen staff doing what should be done. She now only needs to use it twice a week because the staff performance has gotten so much better. Mr. Xu helps with the language barrier to relay the information to the staff.

Ms. Linzer stated that when the Board held the hearing in August, it expected to see the last three months inspection reports with no critical violations, but Mr. Guo did

not meet that goal. She was concerned because the critical violations happened while a consultant was working with them. Therefore, Ms. Linzer felt that the Board should require a little more time with the consultant before closing the Show Cause Hearing.

Motion by Ms. Linzer, seconded by Ms. Dymond, to continue the Show Cause Hearing for three months to the May, 2016 Board of Health Meeting for a status review, with the requirement that two more inspections be conducted by their consultant in March and May. Vote taken: Dr. Dwarakanath, Aye; Ms. Linzer, Aye; Ms. Dymond, Aye. Unanimous approval.

- **6:15 p.m. – Pulte Homes for Andover Woods Development, 459 River Road – Sewer Pump Special Permit Hearing** – Present were Mr. Mark Mastroianni and Mr. Reid Blute of Pulte Homes of New England, and Mr. Daniel Coughlin of Coughlin Environmental Services, LLC (CES). Mr. Carbone explained to the Board that this is a senior residential development for persons 62 years of age and older that will be built on the property where the Franciscan Center is on River Road. The sewer wastewater will be pushed into the Tewksbury sewer line if an Inter-municipal Agreement (IMA) can be reached with Tewksbury. The Sewer Regulations have a requirement that when there is a major lift station being proposed, a special permit must be issued by the Board that allows the Board to put some special conditions on the approval. The plans have been sent to our Plumbing and Gas Inspector, Conservation Commission, Town Engineer, as well as the Engineer in the Town of Tewksbury.

Mr. Coughlin explained that this property is very close to the Town line and there is no sewer available in Andover for this property. The wastewater will flow by gravity to the on-site pumping station. Then the force main brings it to the point where the existing gravity sewer is on River Road. That in turn conveys the flow down to Tewksbury into their system and ultimately to the Lowell Wastewater Treatment Plant. They will be tapping that sewer by constructing a manhole which will allow that flow to enter the gravity sewer.

Mr. Coughlin explained that there are four large garden style buildings; three that would have 50 units and one smaller one with 36 units. There is a clubhouse and 14 individual three-bedroom condo units. The garden style buildings will have 73 single bedroom units, and 113 two-bedroom units. The flow characteristics they are using are following Title V regulations which is what is accepted by the Town of Tewksbury.

Mr. Coughlin explained that the pumping station has a wet well, a submersible wastewater pumping station, and will be using grinder pumps before the flow goes through the force main. The grinder pumps are durable pumps and they will grind up the wastewater solids and they will have two running at all times. There will be a standby generator as well to keep things running in case of loss of power and a fence surrounding the facility. They will be subject to an operation and maintenance agreement. A contract operator will be hired to maintain the facility and respond to alarm calls.

Mr. Carbone asked Mr. Mastroianni to brief the Board on the phasing plan and how the buildings will be built. Mr. Mastroianni stated that first there will be site work and demolition. They will set up erosion control, tree clearing and earthwork. In the first phase, they will build one building, bring in the road and then complete the utilities. The sewer pump station and septic system will be constructed concurrently. The clubhouse will be started also. In the second phase, they will build the second building, bring in the road, and complete the utilities. Each phase shall continue moving in the same sequence. When the last building is in, they will complete the secondary loop to River Road. The Townhouses will be built in the last phase. The pumping station will be built, tested and operational prior to the foundation and the construction of the buildings. It should take nine months or more for the construction of the first building and the pumping station.

Mr. Carbone explained that they have been through a few versions of the recommendations sent to the Board and thinks every condition has been agreed upon except the statement in condition # 3. His recommendation had been that “prior to the issuance of a foundation permit” the sewer infrastructure needs to be in place. They are asking that be changed to “prior to the issuance of the Certificate of Occupancy”. Mr. Carbone explained that there was one thing he did not have in his list of conditions, which is the recognition that Title V flows would be used instead of the local sewer flow requirements. Mr. Carbone recommended to the Board that it make that an additional condition to the list.

Dr. Dwarakanath asked why the Town Engineer had an issue with condition #3 being changed. Mr. Carbone explained that with a traditional subdivision the Town always requires that the infrastructure is put in the street; such as water mains and the sewer line. The street needs to support the traffic during construction, such as fire trucks and construction traffic. We always require getting the utilities off the street and onto the lot, so as the lots are developed, they are able to make those connections. Mr. Blute stated that the sewer is on the lot already and is available to some of the buildings. Mr. Coughlin stated that on a typical subdivision, the streets would be turned over to the Town as public roads, but these would be private roads and would be maintained and operated by Pulte Homes. It is not the typical scenario where the utilities are put in first. You also still have all your controls in place before a Certificate of Occupancy can be issued. Mr. Carbone also explained that the developer would have to deal with any delays or failed testing, not the Town.

Motion by Dr. Dwarakanath, seconded by Ms. Linzer, to approve the Sewer Pump Special Permit for Pulte Homes to serve the Andover Woods Development, subject to the following conditions which will include changing condition #3 to state “Prior to the issuance of any Certificate of Occupancy...”, and to add a 13th condition stating “ For the purpose of the design flow, Title V flows will be used”:

1. *The Special Permit to allow for a common sewer lift station and force main is granted subject to the following conditions, and based on the following documents:*
 - a. *Draft Wastewater Pump Station Operations & Maintenance Manual dated January, 2016.*

13. For the purpose of the design flow, Title V flows will be used.

Unanimous approval.

- **Appoint Alfred Scoglio as Contract Inspector** – Mr. Carbone explained that the Board has to appoint Mr. Scoglio as an Agent so he can enforce the Food Code. He has a good background and worked for the State of Massachusetts for many years performing food inspections. Mr. Carbone provided the Board with a copy of his resume.¹

Motion by Ms. Dymond, seconded by Dr. Dwarakanath, to appoint Alfred Scoglio as Contract Inspector for the Town of Andover. Unanimous approval.

III. Discussion

Training – Site Plan/Subdivision Review – Mr. Carbone explained to the Board that when reviewing a site plan or subdivision review, he looks to see the profile of the road, the existing grade, water supply and drainage for road runoff. He wants to make sure the runoff doesn't hit the wetland, so there needs to be space to address the drainage. Sometimes there are hazardous materials such as sewerage, old tires, or trash that can contaminate the wetlands. We require that the water main be looped because dead end mains cause water to get stagnant and can cause sickness. If there is to be a septic system, test holes need to be conducted to make sure there is enough space. Mr. Carbone stated that he does sometimes walk the site and has found issues like a spring that doesn't show up on the plan. Mr. Carbone explained that issues involving wells have to be dealt with as far as the pumping capacity to meet the requirements of the subdivision. The plans need to be checked to see if any easements are needed.

IV. Old Business

- N/A –

V. Subdivision Definitive Plans

- **180-182 Jenkins Road – Preliminary Subdivision** - Mr. Carbone recommended disapproval of the Subdivision Definitive Plans for 180-182 Jenkins Road, based on his Memo of February 17, 2016 which addresses missing drinking water data, no details for a shared subsurface disposal area for wastewater, no details for storm water management, issues with the well water supply setbacks, location on a undersized lot with existing LUA's, undersized lot issues, and wetland identification missing on the plans.

¹ A copy of Mr. Scoglio's Resume was inserted into the packet after page 73.

Motion by Ms. Linzer, seconded by Dr. Dwarakanath to disapprove the Preliminary Subdivision for 180-182 Jenkins Road for the reasons listed on the Memo of February 17, 2016 that is included in the Agenda Packet. Unanimous approval.

Dr. Dwarakanath left the Board of Health Meeting at 6:56 p.m.

VI. Plan Review

- N/A

VII. Staff Reports

A. Director's Reports:

- **Important Dates:**

- February 27, 2016 – Budget Hearing with Selectmen and Finance Committee
- March 13, 2016 at 6 p.m. – Board of Health Meeting
- April 11, 2016 at 6 p.m. – Board of Health Meeting
- April 15 through 24, Director's Vacation

B. Nurses' Report for January, 2016 – The Nurses' Report for January, 2016, was for informational purposes only.

C. Inspectors' Reports for January, 2016 – The Inspectors' Reports for January, 2016, were for informational purposes only.

VIII. Board Member Reports

- N/A

IX. Adjournment

Motion by Ms. Linzer, seconded by Ms. Dymond, to adjourn at 7:15 p.m. Unanimous approval.