

ANDOVER BOARD OF HEALTH
Minutes
May 16, 2016, 6 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 Ms. Pamela Linzer, Vice Chairman, Ms. Carolyn Dymond, Clerk, and Mr. Thomas G. Carbone, Director of Public Health. Dr. Dwarakanath, Chairman, was not present due to a scheduling conflict.

I. Approval of Minutes

- **April 11, 2016**

Motion by Ms. Dymond, seconded by Ms. Linzer to approve the Minutes of the Meeting of April 11, 2016. Unanimous approval.

II. Appointments & Hearings

- **6:00 p.m. – Iverson Guo for Karma Restaurant, 209 North Misn Street – Show Cause Hearing to Restrict, Suspend, or Revoke a Food Service Permit (Continued)** – Mr. Guo was present. Mr. Carbone recommended that the Board close the Hearing with no further action because the two required inspections by their contractor, Food Service Solutions, revealed no critical violations.

Motion by Ms. Linzer, seconded by Ms. Dymond to close the Show Cause Hearing for Karma Restaurant with no further action being taken, and with the caution that future inspections revealing poor food safety practices will result in further action by the Board. Unanimous approval.

- **6:15 p.m. – Anna Forkan for Revitalive – Request to use a Standard Indoor Grease Interceptor in Lieu of an Exterior Grease Interceptor** – Ms. Forkan explained to the Board that they are a vegan shop and do not produce much grease. It is unfeasible for them to connect to an exterior grease interceptor, and the pulp and fiber from the smoothie operations would cause problems with a mechanical interceptor. They use Food Grease Trappers out of Lowell to inspect the interceptor monthly and to clean it out when needed. A log is kept as well. Mr. Carbone explained that the Regulations require an exterior or mechanical grease interceptor. It had been determined years ago that the location does not have room for an exterior interceptor. Mr. Carbone had a conversation with the company that distributes the Big Dipper and Grease Guardian, and determined that the product Revitalive produces is not appropriate for a mechanical interceptor.

Motion by Ms. Linzer, seconded by Ms. Dymond to approve the Variance to use a standard indoor grease interceptor in lieu of an exterior grease interceptor with the following conditions:

1. *The interior grease interceptor shall be cleaned out at least monthly.*

2. *The cleaning of the interceptor shall be documented in writing in a log book, kept on site for use and inspection. The log book must indicate the date of cleaning, the approximate volume (in gallons) removed, the name of the person doing the work, and the signature of the manager on duty that documented that the work had been done.*
3. *All waste removed from the interceptor shall be disposed of in a proper manner, but in no case shall it be disposed of through the building waste lines or into the municipal sewer. Proper disposal includes being removed by a licensed septic waste hauler, or with grease waste from cooking operations and stored in an exterior container.*

Discussion followed the motion. Ms. Forkan asked the Board if they could change the first condition to say that the grease interceptor be inspected once a month and pumped out only when necessary. Mr. Carbone stated that he preferred it to be pumped monthly and stated that one option the Board could consider, which they did for a previous request, was to have the interceptor pumped for a six month period of time, and then be reassessed at that time with an appropriate schedule according to the usage patterns.

Motion by Ms. Linzer, seconded by Ms. Dymond, to amend condition # 1 to state the interior grease interceptor will be pumped monthly for a period of six months, at which time the requirement will be reassessed according to usage patterns. Unanimous approval.

- **6:20 p.m. – Paul LaRosa for LaRosa’s Restaurant, 7 Barnard Street – Request to Endorse Plumbing Code Variance Request to Increase Seating without Increasing Bathroom Fixtures** – Owners Mr. Michael Cammarata and Paul LaRosa, were present. Mr. Carbone explained that the State Plumbing Code lays out the required bathroom fixtures to determine how many men and women facilities are needed. Before going to the Plumbing Board, a variation to the code has to be petitioned to the Board of Health. In this case, there is a seating cap of 60 and the code assumes half will be for men and half will be for women. Right now there are two handicapped bathrooms and they meet full compliance with the code. They want to add twenty-five more seats so that would require another female facility. The code requires that the applicant show an unusual or extraordinary circumstance or an established hardship that warrants special terms or conditions. Mr. LaRosa explained that they recently did an expansion project. The original café was 1100 sq. feet, and they had one restroom at the time. They were able to have 50 seats in total. They just took over an additional 600 sq. feet for a total of 1700 sq. feet and added another handicapped bathroom because of the additional seating. They now have 60 seats and would like to add another 25. On nice days, they have to take seats out of the restaurant to put outside, but in bad weather, the seats from the patio are not used, so they are losing income. They feel that the two handicapped restrooms should be sufficient for 85 seats. Ms. Linzer asked what they considered as their hardship. Mr. LaRosa stated that there is limited square footage and both are unisex bathrooms. There is usually no more than one person waiting. The bathrooms are also not big enough to put in additional stalls. Mr.

LaRosa stated that they have an employee bathroom upstairs, so the bathrooms are for patrons only. If the bathrooms had any plumbing issues, the Old Town Hall has bathrooms available across the street.

Motion by Ms. Linzer, seconded by Ms. Dymond to state that they had no objections to the Plumbing Code Variance request to increase seating without increasing bathroom fixtures. Unanimous approval.

- **6:30 p.m. – YMCA for ANA Synchro Camp – Request to Operate a Recreational Camp for Children at 165 Haverhill Street** – Leah Pinette, Camp Director, was present. Ms. Pinette informed the Board that she planned to host a Summer Camp from 9 a.m. to 5 p.m. for five days in August for synchronized swimming. Mr. Carbone stated that Ms. Pinette has met with staff to start the process to get the plans reviewed.

Motion by Ms. Dymond, seconded by Ms. Linzer, to approve the new ANA Synchro Camp, conditional to final review and approval by the Health Division Staff. Unanimous approval.

- **6:35 p.m. – Sera Manzi for LIV Fit Personal Fitness – Variance Request to Allow a Standard Indoor Grease Interceptor to be Installed in Lieu of an Exterior or Mechanical Interceptor** – Ms. Sera Manzi, owner of LIV Fit Personal Fitness, was present, and wanted to add a juice bar to her new business at 1 Elm Square. Mr. Carbone explained that he saw the site and there are a couple of reasons to recommend approval. The business will be on the corner of High Street and Elm and there is no room to install an outdoor grease interceptor. In this case, this will be a dairy product, so a mechanical grease interceptor would not be appropriate, and can cause odors from the milk product. He recommended the Board approve the Variance, with conditions.

Motion by Ms. Dymond, seconded by Ms. Linzer, to approve the Variance to use a standard indoor grease interceptor in lieu of an exterior grease interceptor with the following conditions:

- 1. The interior grease interceptor shall be cleaned out at least monthly.*
- 2. The cleaning of the interceptor shall be documented in writing in a log book, kept on site for use and inspection. The log book must indicate the date of cleaning, the approximate volume (in gallons) removed, the name of the person doing the work, and the signature of the manager on duty that documented that the work had been done.*
- 3. All waste removed from the interceptor shall be disposed of in a proper manner, but in no case shall it be disposed of through the building waste lines or into the municipal sewer. Proper disposal includes being removed by a licensed septic waste hauler, or with grease waste from cooking operations and stored in an exterior container.*

III. Discussion

- **Approval of Grease Interceptor Variances (not on agenda)** – Mr. Carbone informed the Board that he would like to adjust the procedure to granting grease interceptor variances when the sewer regulations are updated. Mr. Carbone asked the Board to consider granting him administrative authority so that these types of variances do not need to all come before the Board of Health. He would deal with the ones with limited dairy based products and would let the Board know that he has granted the variances. Mr. Carbone would continue to bring before the Board the ones that cannot do it without spending a lot of money or if there is a larger issue that needs to be addressed by the Board.

Motion by Ms. Linzer, seconded by Ms. Dymond, to grant administrative authority to Thomas G. Carbone to approve variances for grease interceptor regulations relating to dairy products. Unanimous approval.

IV. Old Business

- N/A

V. Subdivision Definitive Plans

- **Patriot Drive – Preliminary Subdivision** – Mr. Carbone stated that the Board looked at this plan last month when they had proposed a long cul-de-sac. Now the existing cul-de-sac ends differently using two additional parcels and is now looped. One of Mr. Carbone's issues was with the water main that looped back into itself and we were looking for it to connect to the 125 bypass. They now are proposing to extend the water main from Patriot Drive and loop it back into the Colonial Drive cul-de-sac. The other issue Mr. Carbone had was the lack of sidewalks and walking paths so people can exercise and connect to existing trails. We also need more test hole data for the proposed drainage areas, so there is a little more engineering work to be done.

Motion by Ms. Dymond, seconded by Ms. Linzer to approve the preliminary subdivision plans pending further soil testing for lots 3, 4 and 8 as well as soil testing for the drainage areas. Unanimous approval.

VI. Plan Review

A. D.W.R.P. Variances/Local Upgrade Approval:

- **125 Dascomb Road – LUA to Allow SAS to be 4' Above Ground Water, 5' Required** – Mr. Carbone stated that this is a multi-family home with an in-law suite. The LUA is needed because there are grading issues due to the flatness of the property. If the grade is raised too much, there will be a large mound. A membrane will be put in to make sure there is no effluent breakout along that property line.

Motion by Ms. Dymond, seconded by Ms. Linzer, to allow the SAS at 125 Dascomb Road to be 4' above ground water where 5' is required. Unanimous approval.

- **203 Salem Street – LUA to Allow a Sieve Analysis in Lieu of Percolation Test; Allow SAS to be 3' above Water Table, 4' Required** – Mr. Carbone explained to the Board that the water table is too high and there is some fill that is keeping them from doing the perc test. We know the soil is sandy loam, and the perc rate is good. The second part of the LUA is to allow the leach field to be 1" less than required. This will allow for better grading.

Motion by Ms. Linzer, seconded by Ms. Dymond, to approve the LUA at 203 Salem Street to allow a Sieve Analysis in lieu of Percolation Test and allow the SAS to be 3' above the Water Table, where 4' is required. Unanimous approval.

VII. Staff Reports

A. Director's Report:

- **Important Dates:**
 - June 13, 2016 at 6 p.m. – Board of Health Meeting
 - July 11, 2016 at 6 p.m. - Board of Health Meeting
 - August 15, 2016 at 6 p.m. – Board of Health Meeting

B. Nurses' Report for April, 2016 – The Nurses Reports were for informational purposes only.

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

VIII. Board Member Reports:

- N/A

IX. Adjournment

Motion by Ms. Dymond, seconded by Ms. Linzer, to adjourn at 7:00 p.m. Unanimous approval.