

TEWKSBURY Board of Health
Minutes
March 7, 2013

TOWN CLERK
BOARD OF REGISTRARS
TEWKSBURY, MA
13 MAY -6 AM 11:35

Call of Meeting to Order

MOTION - Ms. Brothers made a motion to call the meeting to order at 7:00 PM. The motion was seconded by Ms. Kinnon and unanimously voted 4-0.

The meeting was held at the Town Hall Auditorium. Present at the meeting were, Chairman Phillip French, Vice Chairman Charles Roux, Christine Kinnon, Kathleen Brothers, and Health Director Lou-Ann Clement. Joseph Knight was not present.

Public Hearings

Variance Request from applicant Ameer Patel of Siavir Corporation from the "Tewksbury Board of Health Regulation for the Subsurface Disposal of Sewerage: Section 5.4 System Components Section B" – Subway at 1899 Main Street, Tewksbury, MA 01876

Mr. French read the legal notice for public hearing into record.

MOTION - Ms. Brothers made a motion to open the public hearing. The motion was seconded by Mr. Roux and unanimously voted 4-0.

Ameer Patel and Vido Patel appeared for the request for variance at 1899 Main Street. Ms. Patel stated that she owns two other Subways, which hold variances for grease. We do not cook anything in the store except to bake the bread. The meat is frozen and reheated. There is very little grease that is produced.

Mr. Roux asked if this unit is currently connected to the existing 3,000 gallon grease trap on site. Ms. Patel replied no, only Dominoes and the Chinese Restaurant (Pho N Roll) are connected. Ms. Clement concurred.

Ms. Clement stated that she agrees that there is little cooking and low to no grease output. Ms. Clement stated that the new proposed grease regulations will require that all restaurants be connected to an external grease trap within five years of adoption of the regulations.

Ms. Patel stated that the internal grease trap will be cleaned by a company every three months.

Mr. Roux asked if after five years, the applicant could apply for a variance if they are not producing a lot of grease. Ms. Clement stated that the regulations will require all restaurants be connected to an external grease trap. There is no grandfather clause. Mr. Roux stated that we should clarify that for establishments not producing a lot of grease. Ms. Clement stated that we can look at that during the public hearing for the regulations.

Ms. Kinnon asked if the regulations state that all food establishments be connected, could they connect to the existing grease trap on site. Ms. Clement replied that she believes that the current grease trap is at its maximum capacity.

Mr. French stated that we need to be aware that menus and products change all the time, so if anything changes they need to come back before the Board.

MOTION - Ms. Kinnon made a motion to grant the variance for Subway at 1899 Main Street from Section 5.4 and not require an external grease trap with the condition that if the menu or procedures at the restaurant changes then the applicant would need to come back before the Board. Also, if the proposed grease regulations require connection to an external grease trap within five years, the applicant must come back before the Board. The motion was seconded by Ms. Brothers and unanimously voted 4-0.

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MOTION - Ms. Kinnon made a motion to close the public hearing. The motion was seconded by Ms. Brothers and unanimously voted 4-0.

Approval of Minutes – February 21, 2013

Mr. French stated that on the second page, paragraph two, in the sentence that states “Mr. Roux stated ...” add “if a letter is necessary at this time” to the end of the sentence.

MOTION - Ms. Kinnon made a motion to approve the Board of Health minutes of February 21, 2013 as amended. The motion was seconded by Ms. Brothers and unanimously voted 4-0.

Old Business

Proposed Grease Regulations

Ms. Clement stated that at the last meeting Mr. Roux and Ms. Kinnon had some revisions that have now been incorporated into the draft. There was one outstanding item dealing with plumbing. Ms. Clement stated that she spoke with the Plumbing Inspector, Paul Wild. On page five, Section 9.5.3.4 and 9.5.3.6 there was a conflict with type of material used. Ms. Clement stated that Mr. Wild suggested that Section 9.5.3.6 should read “All external grease traps shall be piped as the State Plumbing Code requires. Section 9.5.3.4 shall remain as is.

Ms. Kinnon asked what does the change in Section 9.4.4.a) reference. Ms. Clement stated that when required, ground water will be taken into consideration on the plan. Ms. Brothers asked if elevations will be needed. Mr. Roux stated that if there is concern of where ground water is, then elevations would be required but not all the time. Ms. Clement stated that it is implied that elevations be shown but she will tighten up the language.

Ms. Brothers stated that on page one, there are two definitions ^{for} ~~so~~ building sewer. Ms. Clement stated that she will remove one. Ms. Brothers stated that in Section 9.17.2.d) Variance, this should agree with Section A on page four. This section says plans must be done by a Registered Sanitarian, Plumber or Professional Engineer but on page four it doesn't say that. Ms. Clement stated that the section on page four addresses an application and if a variance is needed then the plans required would be done by a Registered Sanitarian, Plumber or Professional Engineer.

Mr. French asked what the next steps would be. Ms. Clement stated that she will make those few changes and schedule a public hearing in April. Mr. Roux asked that notice of the public hearing be sent to food establishments. Ms. Clement replied she would send those out and schedule the hearing for the second meeting in April.

MOTION - Ms. Kinnon made a motion to schedule the public hearing for the proposed grease regulations for April 18, 2013. The motion was seconded by Ms. Brothers and unanimously voted 4-0.

TEWKSBURY Board of Health
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JOHN CLERK
TOWN CLERK
TEWKSBURY, MA
13 MAY -6 AM 11:35

Chelsea Green Space and Recreation Committee Letter

Ms. Clement stated that she has investigated what another Board and the State legislation is doing regarding the Global Companies LLC (freight trains that transport ethanol). The study has been extended for three months. Senator Finegold and Senator Warren are watching this very closely. If it is not safe to transport the material then permits will not be issued. If the study comes out favorably for the railroad a letter should be sent out to the Town Manager, Board of Selectmen and legislature asking for regulations to be set to include type of chemicals, amounts of chemicals, etc that will be going through our community.

Board Member Reports

Ms. Kinnon stated that Learn to Cope will be holding support meetings at the Tewksbury High School, Room A209 starting April 12th from 7:00 to 8:30 PM.

Other Business

Ms. Clement stated that last week there was a pet owner's emergency preparedness event held at the Senior Center. There were about 40 people in attendance and they received some good feedback. There was a Veterinarian present and gave tips on what to do with your pet during an emergency situation. Ms. Clement stated that they have a list of hotels who accept pets. There are two more meetings scheduled, March 18th from 6:00 to 7:00 PM at the Chelmsford Senior Center and on March 20th from 6:00 to 7:00 PM at the Blanchard School in Westford.

Announcements

Ms. Clement stated that the public hearing for the zoning article on Medical Marijuana will be held on April 8, 2013 at 7:00 PM. Ms. Clement stated that the Board of Selectmen has tabled sending a letter to the legislature.

Ms. Clement stated that next Thursday, the Town Clerk will be hosting an Educational Forum at the Chelmsford Police Department regarding Ethics and Campaign Laws.

Ms. Clement presented two newspaper articles on the Haverhill pig farm.

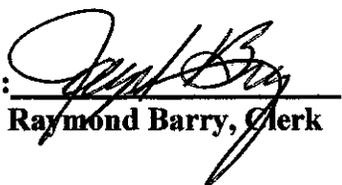
Ms. Clement stated that the detox center will be re-opening at the Tewksbury State Hospital. Mr. French asked when this will open. Ms. Clement replied she believes it will open within the next couple of weeks.

Ms. Clement stated that the Public Health Nurse is retiring. She received the retirement letter and her last day will be May 16th. They are reviewing the job description and will get it posted as soon as possible.

Ms. Clement stated that the Health Fair will be held on May 1st from 3:00 PM to 7:00 PM. The vendors are being asked to park in the grass area across from the Senior Center and they will be looking for additional parking at the Library. Ms. Brothers suggested speaking with the Town Clerk about parking at the Tewksbury State Hospital. Mr. French stated that we should speak with the Blair House and see if they would donate one of their small buses for shuttling people.

MOTION - Ms. Brothers made a motion to close the meeting and adjourn at 7:45 PM. The motion was seconded by Ms. Kinnon and unanimously voted 4-0.

Approved:


Raymond Barry, Clerk

TEWKSBURY BOARD OF HEALTH MEETING
List of Documents for March 7, 2013
Documents can be located at the Board of Health's Office

Meeting Called To Order:

Public Hearing:
Variance request package

Approval of Minutes:
21-Feb-13

Old Business:
Proposed Grease Regulations

Other Business:
Retirement Letter from Virginia Desmond
Public Hearing Notice for Zoning By-Law Amendments

OCPF and Ethics Forum Notice
Newspaper Article regarding Detox Center
Newspaper Article Pig Farm in Haverhill

13 MAY - 6 AM 11:35
TOWN CLERK
BOARD OF REGISTERED
TEWKSBURY, MA

COMMONWEALTH OF MASSACHUSETTS

TEWKSBURY BOARD OF HEALTH
Tewksbury, Massachusetts

NOTICE OF DECISION

TOWN CLERK
BOARD OF REGISTRARS
TEWKSBURY, MA
13 APR -5 PM 12:23

**RE: Public Hearing for Tewksbury Board of Health
Regulations for State Sanitary Code 105 CMR 400.000
Minimum Standard for Sewage Disposal Components**

Located: 1899 Main Street, Unit 2, Tewksbury MA (Subway)

The Tewksbury Board of Health (TBOH) at noticed public hearing voted on March 7, 2013 to approve the requested Variance for the "Tewksbury Board of Health Regulations for Subsurface Disposal of Sewage Section 5.4 System Components subsection 5.4B" located at 1899 Main Street, Unit 2, Tewksbury Massachusetts.

I. History of the Case

On February 19, 2013, the Tewksbury Health Department received a request for a variance from "Tewksbury Board of Health Regulations for Subsurface Disposal of Sewage Section 5.4 System Components subsection 5.4B" for the premises located at 1899 Main Street, Unit 2, Tewksbury, Massachusetts.

II. Summary of Hearing Procedure

At the request of the Chairman, the TBOH of the Town of Tewksbury opened the public variance hearing in the Auditorium of the Town Hall on Thursday, March 7, 2013, and the Legal Notice was read into the record.

On Thursday, March 7, 2013, the TBOH unanimously voted for the Establishment located at 1899 Main Street, Unit 2, to remain as is, and that the exterior grease trap is not necessary at this time. However, the Establishment must comply with the upcoming proposed regulations for Grease Tanks. Also, if the operation changes, approval is required by the TBOH and another variance hearing is required.

A quorum was met throughout the variance hearing and thereafter, where the TBOH unanimously voted 4-0 that the Establishment located at 1899 Main Street, Unit 2, to remain as is, and that the exterior grease trap is not necessary at this time. However, the Establishment must comply with the upcoming proposed regulations for Grease Tanks.

III. Finding of Facts

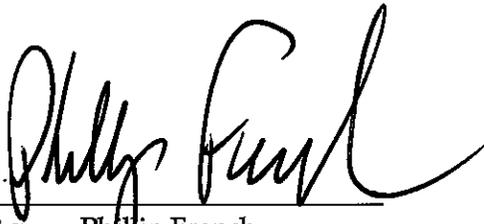
On Thursday, March 7, 2013, the Tewksbury Board of Health decided that the Establishment located at 1899 Main Street, Unit 2, to remain as is, and that the exterior grease trap is not necessary at this time. However, the Establishment must comply with the upcoming proposed regulations for Grease Tanks. Also, if the operation changes, approval is required by the TBOH and another variance hearing is required.

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IV. Decision

The TBOH is, therefore, of the opinion that the Establishment located at 1899 Main Street, Unit 2, is to remain as is, and that the exterior grease trap is not necessary at this time. However, the Establishment must comply with the upcoming proposed regulations for Grease Tanks. Also, if the operation changes, approval is required by the TBOH and another variance hearing is required.

TEWKSBURY BOARD OF HEALTH



By: Philip French,
Chairman