

Public Meeting

**February 18, 2010
Grace Gouveia – Room 10
5:00 p.m.**

Members Present: Duane Gregory, Ken Janson, John Livingstone,
and Mark Phillips

Members Absent: Jerry Anathan (excused)

Staff: Brian Carlson Health Inspector
Jane Evans Health Agent

The meeting was called to order at 5:00 p.m.

Public Comments

There were none.

New Business

141 Bradford Street – Bradford Natural Market

Request Waiver to Requirement of External Grease Trap

Duane disclosed that she was a licensed real estate broker as was the owner, Jim Sheehan. There were no objections to her sitting on the case. The market would like a grease trap waiver, since the food preparation will entail very little oils and fats. The property is not hooked into the municipal sewer. Jane recommends a temporary waiver with a conditions statement required to be signed off on by the owner and the chef.

After discussion, the following motion was made:

Motion: To approve a Temporary Waiver to the 310 CMR title 5 Section 15.230 requirement for an external grease trap with the following provisions:

1. Should any menu items change or be added, approval must be obtained from the Health Agent.
2. The Waiver is issued to both Bradford Natural Market owners and Star Chicaderis. In the event that the owners, Rodney Johnson and Jim Sheehan cease to own the Bradford Natural Market or that Star Chicaderis ceases to be the chef then the waiver is null and void and a new waiver must be applied for.
3. Should the existing septic system fail, the owners will be required to install an external grease trap, whether the property is to be connected to the municipal sewer system or a new Title 5 septic system is to be installed.
4. The waiver is attached to the motion.

Motion: Mark Phillips **Seconded:** Ken Janson **Vote:** 4-0-0.

149 Commercial Street – The Monkey Bar

Title 5 Variance for Grease Trap

Duane Gregory recused herself. William Rogers, II, engineer, and J. Lester Murphy, attorney, presented the case for Johnny Pak, owner of the Monkey Bar. In summer of 2009, it came to the attention of the Health Agent that no grease trap was ever installed for this restaurant. He was allowed extension by the Board to operate the rest of the season. At that time it was made clear he would not be allowed to open in the spring of 2010 unless the required grease trap has been installed.

Laurie Ferrari, of Peters Property Management, was in attendance to represent the Sand Bar Village condo owners – located directly behind the Monkey Bar and sharing driveway access to their condos and parking spaces.

After much discussion the following motion was made regarding the variances plan as presented by Mr. Rogers.

Motion: Move that the variance for the grease trap be approved with the following conditions.

1. Mr. Pak must provide written notification 48 hours prior to beginning construction to each abutter at Sandbar Village Condominiums.
2. Mr. Pak must return the excavated site to its original condition within three weeks after having completed the installation of the grease trap.

3. No grease trap installation permit will be issued and no work will begin prior to the Injunction Hearing which has been filed by E. James Veara, Esq. on behalf of his clients who are the owners of the units at Sandbar Village Condominiums.
4. This action by the Board of Health in no way implies a legal determination regarding Mr. Pak's access to the location of the grease trap.

Motion: Mark Phillips Seconded: Ken Janson Vote: 3-0-0.

Discussion

96 Commercial Street – Capt. Lysander Condominium Association

Information and Discussion regarding Order to Correct

One of the trustees, Douglas Beaudoin, and Steve Day, unit owner, came before the BoH to discuss the situation.

Due to a series of events regarding inspections, the condominium hadn't entered into an ACO as it should have quite some time ago. Once discovered by the Health Agent, and Order to Correct was issued and the property is now mandated to enter into an ACO.

The owners were looking for explanations that they could carry back to the affected condo owners. Most of their questions referred to entering into an ACO and how the money that this necessitated was going to be handled. The protocol was explained. Since they are technically in violation of the Order to Correct at this time, the Board made the following motion:

Motion: Move to waive fines for 30 days from today (until March 18, 2010) for violation of the order to correct for 96 Commercial Street. Fines will commence after that date if the ACO is not recorded and the first payment made to the town.

Motion: Duane Gregory Seconded: John Livingstone Vote: 4-0-0.

Approval of Minutes for November 5, 2009 & January 21, 2010

Motion: Move to approve the minutes of the November 5, 2009 meeting.

Motion: Mark Phillips Seconded: John Livingstone Vote: 3-0-1 ab (KJ)

Motion: Move to approve the Executive Session minutes of the November 5, 2009 meeting.

Motion: Mark Phillips Seconded: John Livingstone Vote: 3-0-1 ab (KJ)

Any other business that shall properly come before the Board

There was none.

Health Agent's Report

Jane updated the ACO's and found that, to date, there are 78 properties whose owners have entered into the agreement with 44 still waiting for connections.

Jane said that letters will soon be going out to businesses regarding maintenance of their grease traps. Anyone who is in violation will get an official notice of this. There were 13 businesses that didn't pump at all.

Mark asked about changes of use in commercial buildings, i.e., Joe's coffee. Jane said that there was extra flow available thus the coffee shop will be able to have outdoor seating.

Health Inspector's Report

Brian said that the property owner, John Edwards, of 290 Commercial Street which is a multi-unit building has been given a violation notice due to accumulated trash beside the building. There will be a show cause hearing on March 4, 2010.

Board Members' Statements

Duane Gregory thanked Mark Phillips for all his volunteer work on the BoH regs.

Adjournment happened at 7:00 p.m.

Respectfully submitted,

Evelyn Gaudiano

E. Rogers Gaudiano

Approved by the Board of Health on _____, 2010

Duane Gregory, Chair