

Town of Concord
Board of Health

Minutes from the Meeting
Tuesday, May 18, 2010

PRESENT: David J. Burgess, Chairman
Ann M. Snow
Deborah R. Farnsworth
Jack Bergman

Brent L. Reagor, Public Health Director
Karen M. Byrne, Administrative Assistant

OTHERS: Judith Quanrud, 36 Rollingwood Lane (FinCom); Dr. Alan
Woodward, 379 Garfield Road; Kerry Diskin, 385 Cambridge
Turnpike

1. Post Town Meeting Discussion

The Public Health Director advised the Board that the amendments to “The Sale of Tobacco to Minors Bylaw” and the “Smoke Free Workplace Local Bylaw” (formerly known as “Smoking in Food Establishments Local Bylaw”) were unanimously approved on the consent calendar at Town Meeting. From this point, the new wording is sent to the Attorney General’s Office for review. However, he noted that it was his understanding that once Town Meeting had approved the bylaw, staff could act as if the regulations were already in effect pending the Attorney General’s comments.

The new wording will be incorporated into the regulations and updated on the website within the next month or two.

2. Reports

Chang An

The Board reviewed the most recent Food Inspection Report submitted by Samuel Wong, Food Safety Consultant for Chang An. Mr. Wong conducted an unannounced inspection during a peak busy time (5:00-6:15 pm) and only found 1 critical violation. Mr. Reagor noted that this was a significant move in the right direction considering the cultural component in this particular instance. In the Chinese food community, the staff defers to the Head Chef for direction in all areas; he was not present during this surprise visit and they were still nearly in full compliance.

3. Reorganization of the Board

Following Town Meeting, the Board nominates a new chairperson for the upcoming year. Historically, each Board member has the opportunity to serve (2) years as a chairman during his/her 2-term tenure; however, because of the unexpected vacancies, this rotation has been altered. Karen Byrne noted that since it was not the norm to nominate a new member as a chairman, the only member available for the position for this coming year was Ann Snow due to the expiring terms of Deborah Farnsworth and Dr. Bedell.

Deborah Farnsworth nominated Ann Snow as chairman for the upcoming year. David Burgess seconded it. All VOTED in favor.

Brent Reagor introduced the newest appointed member to the Board of Health, Jack Bergman. At this time, he suggested that each staff member and Board member introduce themselves to Mr. Bergman and provide a brief synopsis of their role and background/interests in public health, etc. Following this discussion, Mr. Bergman said he was pleased to accept his appointment to the Board of Health. He is a behavioral pharmacologist and currently employed as the Director of the Preclinical Pharmacology Program at McLean Hospital, as well as an Associate Professor at Harvard Medical School. Mr. Bergman said he was looking forward to working with the Board.

Dr. Alan Woodward was an audience member again this month. He noted that he had completed all of the appropriate paperwork through the Town Manager's office and had been verbally advised that he would be likely be appointed as an official member for next month's meeting. Pending that approval, the Board thanked him for his interest and follow through.

Kerry Diskin, a Concord resident, and former 2229 Main Street Committee member introduced herself from the audience and advised the Board that she also had completed a "green card" with the Selectmen's office indicating her interest in possibly serving as a Board of Health member. Ms. Diskin noted that she has a background in Environmental Health and is a consultant specializing in risk assessment and toxicology. She also worked with the Department of Public Health in the Tobacco Control Program for a period of time. Board members encouraged her to follow up with the Town Manager's Office.

At this time, David Burgess advised the Board that he and his wife were moving out of Concord pending the sale of their home. He was not giving his official resignation to the Board, but wanted it to be aware of his future plans.

The Public Health Director also announced that he was getting married this fall and would likely be relocating out of state in the next few months. Although an official departure date had not been made he had advised the Director of Planning and Land Management of his expected plans.

4. Pete & Jen's Backyard Birds – Mobile Processing Unit

At 7:45 pm, the Public Health Director said it was apparent that Jennifer Hashley and Peter Lowy, owners of Pete & Jen's Backyard Birds had forgotten that they were scheduled to meet with the Board. Mr. Reagor provided the Board with a brief update on this year's proposed schedule for the Mobile Poultry Processing Unit.

Background

He briefly explained that this program was developed as a pilot project by the Department of Public Health and the New England Small Farm Institute for a mobile chicken slaughtering operation to serve a small number of organic poultry farmers around the state but has become so successful, it is expanding throughout the state.

Mr. Reagor explained that one of the requirements for permitting by the Department of Public Health Food Protection Program is that the owner of the business (occupant) where the unit is located receives written approval from the local Board of Health in accordance with MGL, Ch. 111, Section 115. Mr. Reagor noted there were no complaints filed with the Board of Health Office during any of the scheduled events last year.

In previous years, the Board has approved the Mobile Poultry Processing Unit with the following conditions:¹

- 1) The unit, to be provided by the New England Small Farm Institute, is to be set up at a site to be approved by the Concord Health Division.
- 2) After the unit is set up for the first processing event, but prior to commencement of operation, the Concord Health Division shall inspect the unit.
- 3) The unit shall only process chickens raised and owned by Peter and Jen's Backyard Birds, 159 Wheeler Road, Concord.
- 4) The sale of all chickens processed shall be in full compliance with all applicable local, state, and federal regulations.
- 5) At any time, should the Massachusetts Department of Public Health revoke or not issue a meat and poultry license to Pete & Jen's Backyard Birds, this approval shall be null and void.
- 6) The kitchen facilities used to package the processed chickens shall be inspected by the Concord Health Division.

¹ Original Approval Letter Dated 6/18/2008

The Public Health Director said he would contact Ms. Hashley to reschedule her formal presentation and update to the Board, but in the mean time, asked the Board if it would consider granting a temporary approval through June 16 (the day after the next Board meeting) in the event that the unit would be needed at Verrill Farm prior to the next meeting.

Deborah Farnsworth moved that the Board grant the temporary approval with the above noted conditions through June 16, 2010. Jack Bergman seconded it. All VOTED in favor of the Temporary Approval.

5. PUBLIC HEARING – ONSITE SEWAGE DISPOSAL SYSTEM

310 Lexington Road – Local Variance Board of Health Regulation

The Board heard a request from Richard Harrington, PE, Stamski & McNary, Inc., for his client Chico, Sajovic, C&T Realty Trust to replace the onsite sewage disposal system serving the property at 310 Lexington Road. Mr. Harrington asked the Board to grant a variance from CBHR 3.06(A) as follows:

Local Variance

- To construct a leaching field 50 feet from a wetland, instead of 75 feet as required by CBHR 3.06(A).

Mr. Harrington explained that the originally flagged wetland line had been adjusted following a site visit by the Natural Resources Division in early May bringing the line much closer to the proposed leaching field. With this new delineation, he said it would not be feasible to maintain the 75 foot local requirement, but the system could be designed to meet the 50 foot buffer to a wetland in the state regulation (Title 5). He noted that the proposed design of the new house and the buffer zone line severely limits the citing of the system.

The Public Health Director noted that staff had reviewed the proposed plans and found that despite the fact that this project met the conditions for the definition of new construction, it also met the standard of maximum feasible compliance and the criteria set in Title 5 for a 50 foot buffer from the wetlands at the rear of the property. (The structure will also physically buffer the system from the wetlands). He recommended that the Board grant the variance as submitted.

Following a brief discussion, Deborah Farnsworth moved that the Board GRANT the Local Variance from CBHR 3.06(A) to construct a leaching field 50 feet from a designated wetland instead of 75 feet as required by the Local Concord Board of Health Regulation 3.00. David Burgess seconded it. All VOTED in favor.

The meeting adjourned at approximately 8:15 p.m.

Board of Health
Signature Page
Tuesday, May 18, 2010

Respectfully submitted by,

Karen M. Byrne, Administrative Assistant
Concord Board of Health

David J. Burgess, Chairman

Ann M. Snow

Jack Bergman

Deborah R. Farnsworth