

**Meeting Notes from the Regular Meeting of the Peabody Board of Health, May 24, 2018.**

In Attendance: Chairman Bernard Horowitz; Thomas Durkin; Dr. Leigh Ann Mansberger; Health Department Director Sharon Cameron and Recording Secretary Lisa Greene.

The meeting was held at 3:00 p.m. in the lower level conference room, Peabody City Hall, 24 Lowell Street, Peabody.

**Subject:** Approval of Minutes from March 22, 2018 meeting and from April 24, 2018 meeting.

**Discussion:** At 3:00 p.m. BH called meeting to order. BH asked for acceptance of minutes from March 22 hearing. All approved. BH asked for acceptance of April 24 minutes. All approved.

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**Subject:** Hearing regarding application for animal permit submitted for 43 Lynnfield Street.

**Discussion:** Applicant was not present. No action was taken. Hearing to be rescheduled for next meeting.

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**Subject:** Hearing regarding application for animal permit submitted for 18 Glendale Ave.

**Discussion:** BH called Hearing to order at 3:10 and read hearing notice. Applicant Celena Welenc was present. CW explained that her daughter attends Brookwood School where they are raising chickens, so her daughter has experience. Discussion ensued about location and materials of the coop, fencing, preparedness for raising chickens. LM asked if applicant had seen any waterfowl on her property, and warned to keep the chickens separate from them to prevent spread of avian flu. SC warned about rodent complaints in the area and need to maintain strict sanitation and clean up spilled food. CW replied that she would do whatever she had to in order to prevent rodents from coming onto the property. Mr. Tom Wellens asked to speak on behalf of the applicant. He explained that he is the applicant's father in law and said that the family is responsible and keep a very clean house and yard and added that his granddaughter is very excited at the thought of having chickens. He added that he will also be involved and will help to oversee the chickens. Ms. Olive Berkenshaw, neighbor and resident of 55 Fairview Ave., asked to speak about her concerns. She explained that there is a problem with rodents in the area and that one neighbor had killed 50 rats on their property and said that she worries that the chickens will draw even more rodents. SC explained that another neighbor in that area has been feeding wild turkeys on her property, despite warning from the health inspectors that she may be attracting rodents, and that Health Dept will follow up with enforcement as needed. BH explained that they are telling all applicants that the BOH may require exterminators if there are pest issues in the neighborhood. CW replied that she would be horrified if she ever saw a rat and would call an exterminator. OB stated that she wouldn't want CW's daughter to be disappointed, and said that she would be in agreement to their receiving the permit. LM made a motion to approve the permit. All voted in favor. Hearing was adjourned at 3:28 p.m.

**Action:** Permit to be issued

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**Subject:** Hearing regarding a request for variance to allow acidified sushi rice at Zwu's Asian Cuisine, 5 Central Street.

**Discussion:** BH called the hearing to order at 3:30 and read the hearing notice. Applicant and owner of Zwu's Asian Cuisine, Zhixiong Wu, was present. Also present was partner and head chef Zhi Zhang and paralegal from Attorney Chris Coumo's office, Andrea. BH inquired about training of other staff on rice acidification process. ZW stated that ZZ provides training in Mandarin, and that most employees speak Mandarin, but ZW said that he can translate and will train English-speaking staff as well. There will be a second sushi chef trained in this process. Discussion ensued about past

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experience with this process, other restaurant owned by the applicant, and how both restaurants will be overseen. ZW explained that he has run his restaurant in Wakefield for three years and has dependable staff. SC explained that health inspector John Yale was unavailable today but had given his report and had no concerns about approving this waiver. However, he did note that he had not received the plan review application which would have to be submitted before renovations could begin, and also noted that there was a question about whether there would need to be a wok line installed and a plumber would have to be consulted. Applicants scheduled plan review meeting with SC. BH stated that he would move to issue a conditional approval pending completion of plan review process. All agreed. Hearing was adjourned at 3:42 p.m.

**Action:** Applicant will submit information for Plan Review; will meet with SC at BOH next Thursday at 10:00a.m. Waiver approved conditionally.

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**Subject:** Hearing regarding application for permit to perform body tattooing submitted by Jeffrey Riel at Drastic Tattoo.

**Discussion:** BH called hearing to order at 3:43 p.m. and read hearing notice. Applicant Jeffrey Riel was present. BH questioned applicant on his training and prior work experiences. Applicant had trained at Wallace Training Associates and had worked as an apprentice in Salem New Hampshire for 8 years, but cannot provide documentation of that apprenticeship. Owner of Drastic Tattoo, Brad Coleman, was also present and stated that JR had been working for him at the counter and explained that he would oversee his apprenticeship. BH noted that file showed record of TB test, and SC asked JR for documentation of testing/ immunization for Hepatitis. JR explained that he has a new care provider who could not see him until June 18th, but would get it to the BOH as soon as possible after that. BH moved to grant provisional approval for JR to work as an apprentice pending the receipt of proof of Hepatitis testing. All agreed. Meeting was adjourned at 3:51 p.m.

**Action:** Permit provisionally granted to work as an apprentice; applicant must get proof of Hepatitis test/immunization to BOH after receiving documentation from physician.

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**Subject:** Hearing regarding variance from food code at Tony C's, 210 Andover Street.

**Discussion:** BH called meeting to order at 3:55 and read the hearing notice, explaining that the applicant is requesting a variance to allow open air dining at their establishment. Chris Lundsten was present representing Tony C's restaurant. BH asked about how they are handling the possible impact of smoke from outside the restaurant getting into the dining area. CL explained that smoking is not allowed within 100 feet of the building. BH asked the size of the outdoor area. CL replied that the area is about 100 feet long, and said that an air curtain continuously blows air from one end to the other. He explained that they want to open up walls to allow for open air dining. BH asked if they are experiencing any rodent problems. CL replied that he used to run Joes American Bar and Gill and is very aware of these issues, and added that they clean the area by sweeping constantly and by pressure washing each day. TD asked if they have seen drain flies, and CL replied that they apply a foam in the drains to prevent them. LM asked about pest prevention strategies. CL replied that they keep minimal trash inside the restaurant, keep doors closed, wait stations on wheels to allow for cleaning underneath. SC explained that there are some other conditions that are being used in other

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communities that they would like to consider, including adding an air curtain between the restaurant and the kitchen, keeping trash at least 80 feet away from the restaurant, food at bar in covered containers, and weekly exterminator visits. CL replied that they have a closed, not open, kitchen, the food at the bar is in covered containers, said that he believes that trash is kept 80 feet away, and they are planning bi-weekly exterminator visits. BH said that bi-weekly is fine, but asked after a month for the exterminator to send BOH a report assessing levels of pest activity. TD asked if there were corral doors to the kitchen, and CL replied that there were swinging doors which are set up to swing in only one direction to prevent accidents. TD said that he would like to reserve the right to ask for the air curtain for the kitchen later if the need arises. BH asked if their other establishments have open air dining, to which CL replied yes, all of them do. BH made the motion to approve the permit, with language added requiring trash to be kept at least 80 feet from the establishment. All approved. CL asked if they could open the walls that same day and SC replied that he could. The hearing was adjourned at 4:12.

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**Permitting updates:**

**Subject:** Review of list of permits issued in April 2018- Vote anticipate whether to accept list.

**Discussion:** Reviewed and accepted.

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**Environmental updates- no votes anticipated:**

**Subject:** Rodent Complaints

**Discussion:** SC stated that it continues to be a busy year for rodent complaints, consistent with other communities in the region. She reported that she had filmed a segment with Peabody Access Cable on rodents and how to prevent infestation, for example, putting trash at the curb in covered barrels, SC handed out Salem's rodent control ordinance for members to review at their leisure. Discussion ensued about baiting and budgets to cover the expense, SC explained that the Peabody BOH does not have a budget line item for pest control but they use other funds to cover limited costs.

**Actions:** BOH members will review the Salem rodent control ordinance.

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**Subject:** Northeast Nursery- Composting Report

**Discussion:** SC reported that two complaints had been received about odors from NE Nurseries today. Inspector Bill Pasquale had gone to the site and verified that there was a bad odor that could be detected on Larabee Terrace and Danforth Streets. SC explained that NE Nurseries told the inspector that they had not been turning the pile but had just been taking in bags of leaves and clippings. The inspector told them to attend to this issue.

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**Subject:** Request regarding natural gas infrastructure.

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**Discussion:** SC explained that the template letters she had distributed have some interesting information, including the suggestion to require a health impact assessment of natural gas infrastructure before approvals may be granted. SC added that the advocacy group is willing to come and make a presentation to the BOH as well. SC suggested that she could as a first step share a link so that members could view presentations from the recent seminar on this topic that she had attended. All agreed that they would like to view the presentations. LM said that she has read studies on the impacts of natural gas, some related to particulate matter, and would look up those and share with the BOH. BH asked what the group was asking the City to do. SC explained that they want cities and towns to sign on to a letter to the Governor. TD noted that since many cities had already signed onto the letter that there has to be some merit to their argument. BH said that they should watch the videos from the link and speak on this after they have viewed the presentations on the topic.

**Actions:** SC to provide link to conference. Board members to review materials for discussion at future meeting.

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**Subject:** From North Coastal Environmental Regarding Wood Trucking Corp., 25R Farm Ave

**Discussion:** SC stated that Woods Trucking has applied to the state for a permit to do asphalt recycling. She explained that this is DEP approval process and not a BOH one, and added that the health department typically does not get any complaints about these types of operations.

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**Public health nursing updates (no votes anticipated):**

**Subject:** Review of surveillance data.

**Discussion:** Reviewed. SC told that Salem News is doing a news piece on Lyme Disease to educate the public.

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**School Nursing Updates (no votes anticipated):**

**Subject:** Monthly Report

**Discussion:** Reviewed.

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**City Council Responses:**

**Subject:** 598 Lowell St.; 635-637 Lowell St.; 25 Newbury St.; 0 Newbury St.

**Discussion:** Reviewed. SC directed the BOH to the response for the 25 Newbury St. site regarding the approval process for Phytotherapy, Inc. as a medical marijuana dispensary. She pointed out that the Police Chief must approve the security plan but there is not a need for BOH approvals. SC explained that permitting on this is all done by the State. She added that nothing was being grown at the site, just distributed. LM asked about the reference to education to occur at the facility. It was theorized by BOH members that this may mean patients are shown the best techniques to administer

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the products. LM said that they may want to ask the company to define the instances in which this education would happen, and BH added that they should also be asked about ventilation. SC explained that the contract with the state includes a provision where the City would enter into a host agreement with the facility. SC suggested that members could think about ideas for items to be included in the host agreement. SC proposed funding for behavioral health services at middle and high schools and toward the Healthy Peabody Collaborative.

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**Review of Enforcement cases (no votes anticipated):**

**Chapter II:** 2232 Cranebrook Way; 154 Newbury St.

**Discussion:** Reviewed.

**Nuisances:** 135/37 Lowell St.; 88 Endicott St.; 16 Bourbon St., 133 Lowell St.; 90 Endicott St., 4 Newhall Pl., 474 Lowell St.; 38 Goodale St.; 10 Anderson St.

**Discussion:** Reviewed.

**Chapter X:** 136 Newbury St.

**Discussion:** Reviewed.

**Title V:** 480 Lowell St.

**Discussion:** Reviewed. SC explained a septic failure had occurred at this address, and homeowner is now in the process of connecting to City Sewer.

**Tobacco:** 117 Newbury St.

**Discussion:** Reviewed.

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**Regulatory Review**

**Subject:** Review of template “Regulation to Ensure the Sanitary and Safe Operation of Marijuana Establishments and Sale of Marijuana.” Vote may be taken as to whether to finalize draft.

**Discussion:** SC explained that she has made the changes to the draft suggested by the Board, but has not yet checked with Cheryl Sbarra on the question regarding individuals who are under 21 in these establishments, but she will connect with Cheryl and get answers. SC added that after thinking about it, she does not think that we should adopt the same sanctions in this document as are set forth in the Tobacco regulations. She said that she believes they should keep language flexible to allow the BOH to deliver appropriate sanctions for the violations. BH said that he has not had sufficient time to review the document and asked for another month to review these draft regulations. All agreed.

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**Actions:** BOH will revisit Draft regulations next month.

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**Subject:** Correspondence for review (no votes anticipated)- From Keith Morrows Re: Pan Am Railways 2018 Yearly Operational Plan; From Tighe and Bond Re: Peabody Whole Site Landfill; From Office of Attorney General re: Family Estates Cooperative Park Rules and Regulations.

**Discussion:** BH noted the letter regarding Family Estates, pointing out that it stated that they had not fulfilled their reporting requirements to the state, and the AG has received their request but advised that BOH may not renew their license. SC will check on this prior to reissuing license in Dec.

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**Subject: Other Items:** Revising Tobacco Regulations

**Discussion:** SC stated that template regulatory language is available should the BOH decide to consider revising the Tobacco language to include additional items such as pharmacy ban and flavor restrictions. She explained that there are evidence-based ways to have an impact on when a child first uses tobacco, and these studies show that the longer one can delay a child's first use, the less likely that child is to become a chronic user. Discussion also ensued on vaping, and how it is even called vaping to give the impression that it is safe and just water vapors, when it is really aerosolized particles, not just water vapors.

**Actions:** SC to place on agenda for future meeting.

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**Next Meeting:** Monday, June 25th, 2018 at 3:00 p.m.

**Adjournment:** 5:23 p.m.

Filename: 5-24-18 minutes.docx  
Directory: C:\Users\scott.west\Desktop\universal\health  
Template: C:\Users\scott.west\AppData\Roaming\Microsoft\Templates\Normal.d  
otm  
Title:  
Subject:  
Author: Lisa Greene  
Keywords:  
Comments:  
Creation Date: 6/20/2018 12:00:00 PM  
Change Number: 6  
Last Saved On: 6/20/2018 1:13:00 PM  
Last Saved By: Sharon Cameron  
Total Editing Time: 82 Minutes  
Last Printed On: 8/21/2018 10:36:00 AM  
As of Last Complete Printing  
Number of Pages: 6  
Number of Words: 2,342 (approx.)  
Number of Characters: 13,354 (approx.)