TOWN OF BURLINGTON, MA
BOARD OF HEALTH
MINUTES
Main Meeting Room, Town Hall

TUESDAY, July 23, 2019

Board Members Present:  David McSweeney, Vice Chairman; Dr. Wayne Saltsman, Ph.D., and Libby Walendziewicz, RN, MSN

Not Present:  Ed Weiner, PhD, Chairman and Maribeth Welch

Staff Members Present:  Susan Lumenello, REHS/RS, CHMM, Director of Public Health; Christine Mathis, Environmental Engineer; Christine Paulik, RN, Supervising Nurse and Marlene Johnson, RS, CPO, Health Agent

Mr. McSweeney called the Board of Health meeting to order at 7:00 PM followed by the Pledge of Allegiance.

Approval of Minutes:  April 9, 2019 and May 28, 2019

MOTION:  Dr. Saltsman moved to approve the Board of Health meeting minutes of April 9, 2019 as submitted. Seconded by Ms. Walendziewicz and unanimously approved. (3-0-0)

Ms. Walendziewicz stated that there is a correction to the May 28, 2019 minutes. The date should be 2019, not 2018.

MOTION:  Dr. Saltsman moved to approve the Board of Health meeting minutes of May 28, 2019 as amended. Seconded by Ms. Walendziewicz. The motion was rescinded.

Ms. Lumenello stated that the Northeast discussion is missing and should be added in.

MOTION:  Dr. Saltsman moved to continue the Board of Health meeting minutes of May 28, 2019 until the next meeting. The motion was seconded by Ms. Walendziewicz and unanimously approved. (3-0-0)

Citizen's Time:  No one spoke.

Chairman's Report:  There was no Chairman’s report.

Subcommittee Reports:  There were no Subcommittee reports.

Applications:

Mr. McSweeney stated that there was a typo in the agenda. Under Discussions “5 Burlington Woods Drive, #107” should be “74 Burlington Mall Road”.

- Application for Definitive Subdivision – 108 Muller Road

Mr. McSweeney stated that the applicant has requested a continuance for 108 Muller Road to our August 27, 2019 Board of Health meeting.
Permits:

- **151 Mill Street, Keeping of Chickens**

Sangam Dash appeared for a Keeping of Chickens permit.

Ms. Lumenello stated that Mr. Dash submitted an application to keep 6 chickens. In 2018, we responded to a complaint at Mr. Dash’s property. An inspection showed he had 4 chickens without a permit. He chose to remove 1 chicken to have only 3. The regulations have changed and now a permit is needed for any number of chickens. Mr. Dash has presented 3 options. Option #3 is to leave it as is, with the chickens being under the deck. Options #1 and #2 move the chickens to an existing shed. Option #1 will put the run in front of the shed and Option #2 will put the run behind the shed. Ms. Lumenello does not recommend Option #3. Options #1 or #2 would be acceptable with the conditions that the shed is renovated into a coop using Best Management Practices by August 23, 2019, an inspection be conducted and that Mr. Dash not be allowed to keep 6 chickens until the coop is approved. Mr. Dash interjected that he only wants to keep 4. Ms. Lumenello stated that failure to complete the tasks then the applicant would have to come back before the Board.

Mr. McSweeney stated that Mr. Dash did not remove the 1 chicken he was supposed to.

Rachel Glynn of 149 Mill Street – Ms. Glynn stated that she does not want Mr. Dash to keep the chickens near her property. The large trees have been cut down that separated the two properties so now there is no protection. She does not have a problem with the chickens she just doesn’t want them on her property line. Mr. Dash has a big yard and the shed he wants to put them is right on the property line. Ms. Lumenello stated that the shed is on the side property line and is less than 15’. Ms. Lumenello stated that the shed can be moved to any other part of the property as long as it is 15’ from the property line.

Mr. McSweeney stated that it is a large yard and the shed could be put elsewhere on the property.

Dr. Saltsman stated that he respects the right to have chickens but the neighbors would be bothered with the proposed location of the coop. He is inclined not to approve Options #1 or #2 because it would need a variance. Ms. Walendziewicz agreed. Dr. Saltsman stated that a solid fence may help with the neighbor.

Mr. Dash stated that he would like to keep the chickens under his deck. If he can’t, he would like to change the existing shed into the coop. He does not want to move the shed because the water and electricity are on that side.

Mr. McSweeney suggested that the applicant should pursue another option for the coop location and come back or we could deny the permit. Mr. McSweeney stated that this matter will be continued to the next Board of Health meeting on August 27, 2019. The applicant should come back with a revised plan.

**MOTION:** Dr. Saltsman moved to continue this matter until August 27, 2019 Board of Health meeting. The motion was seconded by Ms. Walendziewicz and unanimously approved. (3-0-0)
Variances

- **Viet Citron, 47 Middlesex Turnpike, External Grease Interceptor**

Ms. Johnson stated that Viet Citron is applying for a variance to install an external grease interceptor. This site was the former Subway site. Ms. Johnson stated that the application has been reviewed and they see no problem with the variance.

Ngoc Tran appeared for a variance requested at 47 Middlesex Turnpike for an external grease interceptor. Ms. Tran stated that the Planning Board has approved a 30 seat restaurant. This will be a Vietnamese restaurant that serves fresh food in a casual atmosphere. The menu will be limited to 4 entrees with variations of toppings. There will be Chicken Pho, Crispy Roast Pork Belly, Spring Rolls, Egg Rolls and Rice and Vermicelli bowls. The Pho bowls and pans will be the only things that are washed, everything else will be environmentally friendly disposable. They will have one fryer.

Mr. McSweeney asked how grease disposal will be handled. Ms. Tran stated that they will contract with a licensed hauler on a regular basis and all her staff will be trained properly.

Dr. Saltsman stated that he is very excited and asked if Ms. Tran is familiar with monitoring grease logs. Ms. Tran replied yes, she is working at Chipotle to get food experience. Mr. Saltsman stated that Ms. Tran should work with staff to make sure the proper processes are in place.

Ms. Walendziewicz stated that there is a deep fryer being used so how will that grease be disposed of. Ms. Tran stated that she will have her hauler provide a bucket to dispose of the grease. Ms. Walendziewicz stated that it is usually a 55 gallon drum.

**MOTION:** Ms. Walendziewicz moved to approve the requested variance for Viet Citron, 47 Middlesex Turnpike as presented. The motion was seconded by Dr. Saltsman and unanimously approved. (3-0-0)

Discussion:

- **33 Wheatland Street, Plumbing Variance Recommendation**

Daniel Hunt appeared for discussions at 33 Wheatland Street.

Dr. Saltsman stated for the record, he lives at 24 Wheatland Street but does not know Mr. Hunt and has no interest in this proposal. Mr. Hunt has no problem with Dr. Saltsman participating in this discussion.

Ms. Lumenello stated that Mr. Hunt is proposing an addition that will have one and a half bathrooms. He is requesting to use a 3” pipe instead of a 4” pipe. The Plumbing Inspector has no issue with this and she would recommend no objection to the variance.

Mr. Hunt submitted a letter from his plumber for the file.

Mr. McSweeney asked if the basement was finished. Mr. Hunt replied yes.

**MOTION:** Dr. Saltsman moved that there were no objections to the request for applying for a plumbing variance at 33 Wheatland Street as presented. The motion was seconded by Ms. Walendziewicz and unanimously approved. (3-0-0)
74 Burlington Mall Road, Plumbing Variance Recommendation

Robert Traywick appeared for discussions at 74 Burlington Mall Road. Mr. Traywick stated that the plumbing code was revamped in February and it now includes dentist office in with hospitals for the number of fixtures required.

Ms. Lumenello stated that the proposed dentist office at this location would like to have 1 male and 1 female toilet instead of the required 2 male and 2 female toilets. The Plumbing Inspector has no issue with this and she would recommend no objection to the variance.

MOTION: Dr. Saltsman moved that there were no objections to the request for applying for a plumbing variance at 74 Burlington Mall Road as presented. The motion was seconded by Ms. Walendziewicz and unanimously approved. (3-0-0)

Staff Reports

- Environmental Engineer

Ms. Mathis presented her report:

- September 21st will be Household Hazardous Waste Day.
- Mosquitos are abundant this year due to the weather. Burlington is marked as low for West Nile Virus and minimal for IEEE.

Dr. Saltsman asked if there was a sump pump issue on Fox Hill Road. Mr. McSweeney stated that there is a high water table in that area. Ms. Mathis agreed and the problem was that there was a lot of rain in November that carried over.

Mr. McSweeney asked what the status was on the gas station on Cambridge Street. Ms. Mathis stated that they received new tracking number in April and it was closed in June.

MOTION: Dr. Saltsman moved to approve the Environmental Engineer’s report. The motion was seconded by Ms. Walendziewicz and unanimously approved. (3-0-0)

- Health Agent

Ms. Johnson presented her report:

- The shake machine service was suspended at McDonald’s but they are back in compliance.
- Cold Stone Creamery had high counts of coloform found in a hose to clean the machine. The hose has been replaced and they are now in compliance.
- 3 more recreational camps opening in August. Ms. Johnson added that Samantha Hardy is doing a great job inspecting them and should be ready to do them on her own soon.
- There are a lot of new restaurants coming online.

Dr. Saltsman stated that he is glad it was a low risk at Cold Stone Creamery and that is the reason why we require screening.
Dr. Saltsman asked what the status of CBD is. Ms. Johnson stated that the FDA has said that CBD is considered a medical substance and it is not allowed in food. The FDA is going after the manufacturers. We had one establishment making smoothies/drinks with CBD oil and they have been notified. They will work to get the word out.

Mr. McSweeney asked how the food training went. Ms. Johnson stated that they had 111 attendees in the Burlington auditorium and we reviewed the new food code.

Mr. McSweeney stated that there was an issue with one of the pools and asked if our pool operator seminar is mandated to attend. Ms. Johnson replied no, it is not mandatory. The latest issue occurred when the Certified Pool Operator was not onsite. There will be a surprise inspection next week.

Dr. Saltsman stated that we have 205 restaurants in Burlington and there were no food borne illness. He thanked the staff.

**MOTION: Dr. Saltsman moved to approve the Health Agent’s report. The motion was seconded by Ms. Walendziewicz and unanimously approved. (3-0-0)**

- **Supervisory Nurse**

  Ms. Paulik presented her report:
  
  - Narcan training on August 14th at 61 Center Street at 6:00 PM. Anyone wishing to attend should contact the Health office. The public is invited.
  - A presentation was conducted at the Rec Center on sun protection. Dr. Saltsman stated that the presentation was great and should be on the website.

**MOTION: Dr. Saltsman moved to approve the Supervisory Nurse’s report. The motion was seconded by Ms. Walendziewicz and unanimously approved. (3-0-0)**

- **Director of Public Health**

  Ms. Lumenello presented her report:
  
  - The flu vaccine has been delayed. They will need to move the flu clinic to November 2nd. The manufacturer wanted to get one additional strain in the vaccine so that delayed the release.
  - The bleeding control kits have been mounted in all Town buildings and at the Ice Palace also.
  - Celebrate Burlington will be held on August 3rd and the MRC will be recruiting people and will also be manning the First Aid tent from 11:00 AM to 4:00 PM.
  - A Matter of Balance will be in September. There will be 2 trainers from the MRC. There are 12 total spots available and 4 people have already signed up. Call the Board of Health to register.

Dr. Saltsman asked if we should advocate AED and Stop the Bleed kits for sites like the old Building #19 site and 3rd Avenue. These are focused areas and these kits could help first responders. Ms. Lumenello stated that the Burlington Mall has an AED. She is not sure about the legal requirement of requiring them in a public space. Mr. McSweeney stated that perhaps we can tell them it is best practice to have them available. Ms. Lumenello stated that perhaps we can have an outreach project with the property management companies.
Mr. McSweeney asked how the MEMA conference was. Ms. Lumenello stated that it was a 2-day conference they have once a year and this year dealt with issues including the gas explosions in the Merrimack Valley. There was a lot of good material available.

**MOTION:** Ms. Walendziewicz moved to approve the Director of Public Health’s report. The motion was seconded by Dr. Saltsman and unanimously approved. (3-0-0)

Adjourn

**MOTION:** Dr. Saltsman moved to approve to adjourn the Board of Health meeting at 8:05 PM. The motion was seconded by Ms. Walendziewicz and unanimously approved. (3-0-0)

Respectfully Submitted by Dawn Cathcart,
Recording Clerk
DOCUMENTS REVIEWED AT MEETING – TUESDAY, JULY 23, 2019

**Agenda**

**Minutes:**  April 9, 2019 and May 28, 2019

**Subcommittee Reports:**  None

**Applications:**

*Application for Definitive Subdivision, 108 Muller Road:* None

**Permits:**

*151 Mill Street, Keeping of Chickens:* Memo from S. Lumenello w/4 attachments, Application

**Variances:**

*Viet Citron, 47 Middlesex Turnpike, External Grease Interceptor:* Memo from M. Johnson, Application dated 7/15/19, Menu

**Discussion:**

*33 Wheatland Street, Plumbing Variance Recommendation:* Memo, State Plumbing Application, Letter from Applicant’s Plumber

*74 Burlington Mall Road, Plumbing Variance Recommendation:* Memo, State Plumbing Application

**Staff Reports:**  Environmental Engineer’s Report; Health Agent’s Report; Supervisory Nurse’s Report; Director of Public Health’s Report