Board Members Present: Wayne Saltsman, MD, PhD; Ed Weiner, PhD, Vice Chairman; Libby Walendziewicz, RN, MSN; Maribeth Welch

Not Present: David McSweeney

Staff Members Present: Susan Lumenello, REHS/RS, CHMM, Director of Public Health; Christine Mathis, Environmental Engineer; Marlene Johnson, RS, Health Agent; Samantha Hardy, Associate Health Inspector

Dr. Wayne Saltsman called the Board of Health meeting to order at 7:00 pm followed by the Pledge of Allegiance.

Approval of Minutes

- **May 8, 2018 Regular Meeting**

Motion: Ms. Walendziewicz moved to approve the regular meeting minutes of May 8, 2018 meeting as submitted. Seconded by Dr. Weiner and approved. (3-0-1)

Citizen's Time: Dan Corbett, Maintenance Manager of Avalon Burlington, MA.

Daniel Corbett was present to raise his concerns regarding the water ban posed on the town. He inquired about the irrigation policy as he stated that a lot of preparation is done during Spring to ensure lawns are watered in Summer. Dr. Saltsman suggested they can hand water the plants and Mr. Corbett can also take this issue to the Board of Selectmen. Dr. Saltsman explained that the entire town of Burlington utilizes water from a single aquifer, hence the ban. He stated the water is safe for residents to consume.

Chairman's Report: None

Subcommittee Reports: None

I. Applications

- **Applications for Approval of a Special Permit and Application for Approval of a Site Plan: Yard House USA, Inc., 98-108 Middlesex Turnpike**
Bill Proia and James Decoulos, LSP, were present on behalf of the applicant.

The applicants would like to raze an existing site building (formerly Chili’s) located on 98 Middlesex Turnpike and build a brand new restaurant. The applicant also stated the key features from the redevelopment included adding roof top infiltration and repavement of the compound, confirming the parking area will remain the same. The applicant will use the existing drainage system and repave the area. There was a geotechnical investigation in 2017. The groundwater is quite deep and flowing cross-gradient and stormwater is expected to infiltrate into the overburden and migrate into the same direction as groundwater. The infiltration is expected to saturate the overburden area to the bedrock surface and is not expected to impact the pre-existing deep bedrock contamination from the upgradient former MA-COM site.

Dr. Weiner expressed his concerns about this being a major risk to the aquifer. Mr. Decoulous stated that he has provided a detailed report to Ms. Mathis.

Ms. Mathis stated that test pits must be performed on the proposed rooftop infiltration area and witnessed by the Board of Health prior to installation. Mr. Decoulous stated that the infiltration is optional, however, the risk is minimal and Ms. Mathis agreed with his suggestion. Ms. Mathis recommended approval with 21 conditions which were reviewed and accepted by the applicant.

Motion: Ms. Welch moved to approve a Special Permit and Application for Approval of a Site Plan for Yard House USA, Inc., 98-108 Middlesex Turnpike with 21 conditions and with the following condition “In the areas of proposed rooftop infiltration, test bits must be performed and witnessed by the BOH”. Seconded by Ms. Walendziewicz and approved. (4-0-0)

- Application for Approval of a Special Permit, Tiffany and Company, 1 North Avenue

  Christopher Dennig, Director, Additive Technology and Christopher Lepore, Operations Manager, Manufacturing were present on behalf of the applicant.

Christine stated that Tiffany & Company is proposing to rent a small facility at 1 North Avenue to conduct research and development specifically with precious metals. The applicants stated that they will divide the facility into two sections, 1) the manufacturing side used for R & D; and, 2) the operation side where the printers will be housed. The chemicals used to form the printed products are plastics, polymers and metal powders. The powder form will be housed, stored and utilized on the operations side once it is out of the shipping container. Tiffany & Co has a robust environmental safety team and this would be a safe operation.
Dr. Saltsman inquired about the ventilation system and their safety mechanism and about silver waste and other waste materials. The applicant stated the filtration of the powder is encapsulated inside of the processing equipment and the movement of the equipment does not create clouds of dust. Air quality is checked and the space is under negative pressure, filtered, and the equipment is wiped down. Basically, there are standard protocols for cleaning equipment. Dr. Saltsman inquired about the residue on the product. Once the printing happens, the product is solidified so there is no residue. Materials that are not solidified will require secondary steps which requires a vacuum system.

Silver is recycled and reused. The environmental policies are to capture and maintain control on silver dust. It is recycled in an environmentally responsible way. Tiffany & Company works with specific vendors and to recycle and dispose of such hazardous waste.

Dr. Weiner asked Ms. Mathis if the hazardous material will fall under the town hazardous material by-law. Tiffany & Co will be inspected by the Environmental Engineer in their new facility every year. Ms. Mathis was comfortable with the program that will be conducted on site as she has witnessed the process. The final approval will depend on a site specific Health, Safety, and Security Plan that will be submitted, reviewed, and approved by the Board of Health.

**Motion:** Dr. Weiner moved to approve the application for a special permit with 6 conditions. Seconded by Ms. Welch and approved. (4-0-0)

- **Permits**

  - *Lifetime Athletics, 186 Middlesex Turnpike – Pool Permits*

Ben Dupen, Senior General Manager and Al Fisher, Regional Manager were present on behalf of the applicant.

Life Time Athletics applied and received a license to serve alcoholic beverages in their restaurants and on the pool deck in designated areas. The Board of Health would like to discuss the addition of conditions to the swimming pool permit since alcohol will be served poolside.

Marlene Johnson, Health Agent described the 5 proposed conditions. Bill Proia and LTF management agreed to conditions of 1, 4 & 5 and requested that the BOH elaborate on condition 2 and condition 3. Dr. Saltsman stated the Selectmen rules are put forth where it is served, it is consumed.
Ms. Welch asked Ms. Johnson if there is precedent set for pools but there are none.

Dr. Saltsman augmented the 3rd condition, 2nd sentence - All food and **alcoholic** beverages shall remain at the designated seating areas. Ms. Johnson recommended the 2nd sentence to be - All alcoholic beverages shall remain at the seating areas.

Dr. Weiner changed the 3rd condition to be the following “No food or drink shall be allowed in the swimming pools or in the special purpose pools. All alcoholic beverages shall remain at the seating areas.”

Applicants suggested to add “barrier” to condition no. 2 especially when the pool is closed. Ms. Johnson asked about the type of barriers that would be installed. Barriers must be approved by Health Agent.

Condition 2 will be revised to: “No members shall be allowed on outdoor pool decks without a lifeguard on duty or a Board of Health approved barrier around the outdoor pools when pools are not open. No children (under 18 years of age) shall be allowed on the outdoor pool deck when the outdoor pools are closed.”

**Motion:** Dr. Weiner moved to approve the special permits with 5 conditions with changes to condition 2 & 3. Seconded by Ms. Walendziewicz and approved. (4-0-0)

**II. Variances**

- **Nothing Bundt Cakes, 6 Wayside Rd. – external grease interceptor**

Mr. and Mrs. Nguyen and Ms. Dong were present.
Ms. Johnson stated that Mr. and Mrs. Nguyen and Ms. Dong are partners and will open a bakery. The applicants would not require an installation of an external grease interceptor with the conditions noted in the Variance Request. The applicants have provided a specification of an internal grease interceptor. Dr. Weiner ensured that the applicant understands what is needed in order to set up an interior grease interceptors. Applicant said that they will follow the guidelines and have regular check ups

**Motion:** Ms. Walendziewicz moved to approve the Variance Nothing Bundt Cakes, 6 Wayside Rd. – external grease interceptor. Seconded by Ms. Welch and approved. (5-0-0)
III. Hearings

- 0 Hearthstone Drive, Housing

Mr. Danielson, resident at 0 Hearthstone Drive was present. Ms. Lumenello stated that Mr. Danielson would like to request an extension to comply with the violations of the Housing Code. Mr. Danielson agreed to enter into the Board of Health’s Case Management Program to work toward compliance.

**Motion:** Ms. Welch moved to grant an extension of additional 6 months. Seconded by Dr. Weiner and approved. (4-0-0)

IV. Staff Reports

- Environmental Engineer

Ms. Mathis stated that BOH recently sent a letter on the water ban to all private irrigation and drinking water well owners. Dr. Saltsman advised residents to review the selectmen’s website for FAQs on the water ban.

Dr. Weiner asked about West Nile Virus (WNV) and Eastern Equine Encephalitis (EEE). Ms. Mathis stated that the MA Department of Public Health risk level for WNV in Burlington is low and remote for EEE.

**Motion:** Ms. Welch moved to approve the Environmental Engineer’s report. Seconded by Dr. Weiner and approved. (4-0-0)

- Health Agent

Ms. Johnson stated that her report includes a list of tobacco permit holders that have passed tobacco compliance checks. Food safety information for cookouts has been posted on the BOH website. The BOH received a complaint from the Burlington Water and Sewer Department about fats, oils and grease from 184 Cambridge St and upon inspection, the restaurant at this location changed the frequency of cleaning their grease trap. The restaurant has followed the recommendations from the town and are in compliance.
**Motion:** Ms. Walendziewicz moved to approve the Health Agent’s report. Seconded by Ms. Welch and approved. (4-0-0)

- **Associate Health Inspector**

  Samantha has been working on Animal inspections, recreational camp inspections, and food inspections. She will also be conducting inspections at Celebrate Burlington.

  **Motion:** Ms. Walendziewicz moved to approve the Associate Health Inspector. Seconded by Dr. Weiner and approved. (4-0-0)

- **Director of Public Health**

  Ms. Lumenello reported that BOH office will be relocating to 61 Center Street on August 13th. She provided an update on the Ray Ave Sewer line. A camera inspections was done on July 13th. Also on this day, grease was discovered towards the end of the line and the DPW conducted a heavy cleaning of the line. There is a BOH Subcommittee meeting scheduled on August 2nd to discuss.

  **Motion:** Dr. Weiner moved to approve the Director of Public Health’s report. Seconded by Ms. Welch and approved. (4-0-0)

**Adjourn**

**Motion:** MS. Welch moved to adjourn at 8:55. Seconded by Dr. Weiner and approved. (4-0-0)

Respectfully Submitted,

Manisha Parwani
Recording Clerk
BURLINGTON, MA BOARD OF HEALTH
DOCUMENTS REVIEWED AT MEETING – TUESDAY, JULY 24, 2018

➢ Agenda
➢ Applications: • Applications for Approval of a Special Permit and Application for Approval of a Site Plan: Yard House USA, Inc., 98- 108 Middlesex Turnpike •
➢ Application for Approval of a Special Permit: Tiffany and Company, 1 North Avenue
➢ Permits: • Lifetime Athletics, 186 Middlesex Turnpike – Pool
➢ Permits Variances • Nothing Bundt Cakes, 6 Wayside Rd. – external grease interceptor
➢ Hearings • 0 Hearthstone Drive, Housing
➢ Staff Reports
  o Environmental Engineer
  o Director of Public Health
  o Health Agent
  o Associate Health Inspector