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

**Approval of Minutes: February 26, 2019, May 28, 2019, June 25, 2019 and July 23, 2019**

Dr. Saltsman stated that there is a correction to the February 26, 2019 minutes. He was Chairman during that meeting.

**MOTION:** Mr. McSweeney moved to approve the Board of Health meeting minutes of February 26, 2019 as amended. The motion was seconded by Ms. Welch and unanimously approved. (4-0-0)

Dr. Saltsman stated that there is a correction to the May 28, 2019 minutes. He is an MD as well as a PhD.

**MOTION:** Mr. McSweeney moved to approve the Board of Health meeting minutes of May 28, 2019 as amended. The motion was seconded by Dr. Saltsman and unanimously approved. (3-0-1 – Ms. Welch abstained)

Dr. Saltsman stated that there is a correction to the June 25, 2019 minutes. He is an MD as well as a PhD.

**MOTION:** Ms. Welch moved to approve the Board of Health meeting minutes of June 25, 2019 as amended. The motion was seconded by Dr. Saltsman and unanimously approved. (3-0-1 – Mr. McSweeney abstained)

Dr. Saltsman stated that there is a correction to the July 23, 2019 minutes. He is an MD as well as a PhD. Mr. McSweeney stated that these minutes need to be continued so a quorum of the Board that was here for the meeting can vote.

**Citizen's Time:** No one spoke.

**Chairman's Report:**

Dr. Weiner thanked Mr. McSweeney for chairing that last Board of Health meeting while he was on vacation and for working so hard on the sub-committees.

Dr. Weiner stated that there is a draft Remote Participation Policy that was approved by the Board of Selectmen. There will be a training and presentation that we should attend and if we decide to adopt this policy, we will come up with criteria. Dr. Weiner and Ms. Welch will be on the subcommittee for this item.
Dr. Weiner thanked Ms. Johnson for a great job on the presentation on BCAT last Friday.

**Subcommittee Reports:** These will be discussed within the Application discussions.

**Applications:**

- **Application for Site Plan and Special Permits – 1-3 Great Meadow Road**

Ms. Mathis stated that in her recommendations, Condition #7D should be removed and a new condition “The soil in the area designated as a “hot spot”, represented by soil boring and monitoring well location SB-105/MW-4, as sampled on 8/12/19, shall be excavated and removed from the site for proper disposal. The horizontal and vertical extent of the contamination at this location shall be determined by obtaining and analyzing soil samples for Extractable Petroleum Hydrocarbons (EPH), and SVOCs (Method 8270).”

1The “hot spot” area is further defined in the letter report entitled: “Supplemental Site Investigation Soil Testing Results, Burlington DPW Project, 1-3 Great Meadow Road”, dated August 23, 2019 by Weston & Sampson.

Tom Hayes, Town Engineer; Jeff Alberti and Anthony Wespiser of Weston and Sampson appeared for the Site Plan and Special Permit Application for 1-3 Great Meadow Road. Mr. Hayes stated that they have been before the Planning Board and Conservation Commission and both are in favor of these two projects and we hope to have approvals at their next meetings.

Mr. Alberti stated that this location will house the new DPW facility. There will be benefits to the Town with removing the old buildings and asphalt and providing a state of the art facility with stormwater management structures. There have been test borings done and they did identify a hot spot as Ms. Mathis has indicated. This facility will consist of offices, vehicle storage and workshops. There will be an indoor collection system for the vehicles that will flow into the sewer. There will be deep sump catch basins and hydrodynamic separators that flow into underground chambers. There will be no infiltration on the site due to the history.

Ms. Mathis stated that all concerns from the subcommittee have been addressed. The “hot spot” has been found in samples taken in August. Only 1 out of the 8 samples came back over the PH and TPH levels.

Mr. McSweeney asked if there is an issue with the vapor barrier. Mr. Alberti replied no. Mr. McSweeney stated that the engineers have done a great job and the concerns brought by the subcommittee have been addressed especially the testing after the building is demolished.

Dr. Saltsman stated that the Town has evolved and the DPW needs a new facility

**MOTION:** Dr. Saltsman made a motion to approve the Applications for Site Plan and Special Permits for 1-3 Great Meadow Road as amended. The motion was seconded by Ms. Welch and unanimously approved. (4-0-0)

- **Application for Site Plan and Special Permits – 10 Great Meadow Road**

Ms. Mathis stated that in her recommendations, Condition #1D should be removed. Ms. Mathis stated that maintenance of all DPW vehicles will be done on this site.
Tom Hayes, Town Engineer; Jeff Alberti and Anthony Wespiser of Weston and Sampson appeared for the Site Plan and Special Permit Application for 10 Great Meadow Road. Mr. Alberti stated that there are no environmental issues on this site. The proposal is to demo the existing structures and remove the pavement. They will then construct a new facility that will house the Parks and Recreation and DPW Maintenance Facility. The building will consist of offices, shops, vehicle maintenance, wash bays and vehicle/equipment storage. There will be an indoor collection system for the vehicles that will flow into the sewer. There will be deep sump catch basins and hydrodynamic separators that flow into underground chambers. There will be infiltration chambers on this site because there is no contamination.

Mr. McSweeney stated that the subcommittee was less concerned on this site since there has been no history of contamination.

Dr. Weiner asked what the budget for these projects is. Mr. Alberti replied about $32 Million.

**MOTION:** Dr. Saltsman made a motion to approve the Applications for Site Plan and Special Permits for 10 Great Meadow Road as amended. The motion was seconded by Ms. Welch and unanimously approved. (4-0-0)

- **Application for Site Plan and Special Permits – 118 Cambridge Street**

  Attorney Thomas Murphy; Randolph Kazazian, Kevin McAndrews, and Bill Mitchell, LSP appeared for the Site Plan and Special Permits for 118 Cambridge Street. Attorney Murphy stated that this is the former site of Harrington gas station and Steven’s Auto Repair. They are proposing to demo the existing structure and construct a new Valvoline facility. A productive subcommittee meeting was held.

  Mr. McSweeney stated that the subcommittee agreed that this site will be drastically clean up and they have addressed the comments and questions. The subcommittee voted 2-0 to approve.

  Mr. Kazazian stated that the proposal is to remove the existing structure and build a new Valvoline station with a basement. You will enter in off Cambridge Street and exit on Edwards Street. The facility will have 3 bays. The customers will drive in and there will be a hole in the floor. There will be a technician in the hole and one above. The customer will stay in the car. There will be a tank room in the basement. The floor will be treated with epoxy and there will be no floor drains. A fuel truck will deliver new oil to the tank room. The technicians will have drip pans that will be piped into the waste tank. The reclaimed oil will be recycled. They estimate about 50 cars a day will use the facility. The site will be landscaped and a storm water receptor will be installed to capture the water that sheet flows across the parking lot.

  Mr. Mitchell stated that the site has a temporary solution. DEP allows 5 years to clean up a site and if it isn’t done within 5 years a temporary solution is added. Residual material has been removed and significant contaminants have been removed. There is still one well that is contaminated. The plan is to dewater and excavate the site and they will try to grab the rest of the contaminated soil and do onsite treatment. They have an EPA discharge permit and the release abatement plan will be submitted.

  Dr. Weiner asked if there will be continued treatment after development. Mr. Mitchell replied no. Ms. Mathis stated that treatment will continue across the street from this site. Mr. Mitchell added that Mobil may contribute to the excavation of this site. Dr. Weiner asked how much material will be removed. Mr. Mitchell replied about 800 tons of soil and thousands of gallons of water. Ms. Mathis stated that the existing facility has hydraulic lifts and that will need to be sampled.
Mr. McSweeney asked what is being done to protect the employees. Mr. Kazazian stated that the basement will be a slab and sprayed with a special sealer than a layer of epoxy that will prohibit vapor from coming up through the ground. They also will have an air exchange system in the basement.

Attorney Murphy asked if in Conditions #4 and #5 the words “in any way” be stricken. This is too broad. Ms. Lumenello stated that #4 should say “will not affect” and strike “in any way” and in #5 strike “in any way”.

Dr. Weiner asked when the planned opening is. Mr. Kazazian stated that they hope to break ground in October and open in April 2020.

**MOTION:** Mr. McSweeney moved to continue to approve the Site Plan and Special Permits for 118 Cambridge Street as amended. The motion was seconded by Dr. Saltsman and unanimously approved. (4-0-0)

**Permits:**

- **151 Mill Street, Keeping of Chickens – 4 Chickens**

  Sangan Dash appeared for a Keeping of Chickens permit.

  Ms. Lumenello stated at the last hearing, Mr. Dash was using an existing shed to house his chickens. The shed was too close to the property line and a neighbor was present. On July 30th, a site visit was conducted and an alternate plan was proposed. A wooden coop will be built next to the deck. It will be mobile and can be moved if necessary. It will be 16’ from the property line and have an auto feeder and watering system and will have roost and nesting boxes. Mr. Dash stated that coop is complete, he is just finishing the run.

  Dr. Weiner stated that it must be sturdy construction and in compliance with the Best Management Practices. Ms. Lumenello stated that it will be inspected in a month or when complete if sooner.

  **MOTION:** Mr. McSweeney moved to approve keeping of 4 chickens at 151 Mill Street. The motion was seconded by Ms. Welch and unanimously approved. (4-0-0)

- **5 Spruce Hill Road, Keeping of Chickens – 5 Chickens**

  Frajojkham Pathan appeared for a Keeping of Chickens permit. Mr. Pathan stated that he did not know that he needed a permit. His 3-year old son left the door unlatched so that is how the chickens got out.

  Ms. Lumenello stated that they received emails from two abutters and they are not opposed to the chickens they just don’t want them roaming the neighborhood. Ms. Lumenello added that the coop is small for the 5 chickens so it must be expanded and they will do an inspection by September 27th or when the coop is finished if sooner.

  **MOTION:** Dr. Saltsman moved to approve the keeping of 5 chickens at 5 Spruce Hill Road. The motion was seconded by Mr. McSweeney and unanimously approved. (4-0-0)
Variances

- **Karma Restaurant, 75 Middlesex Turnpike – Acidification of Sushi Rice**

Zhen Guo, applicant and Arnold Price, food consultant appeared for a variance request for acidification of sushi rice.

Ms. Johnson stated that the applicant is opening Karma Restaurant in the Burlington Mall. They are proposing using vinegar as an acidification of sushi rice that bypasses the temperature requirement. She recommends approval with the conditions #1-9 as noted.

Mr. Guo stated that this will be his fourth location and he tries to make each restaurant better. He has experience with logging the time of every batch of rice. His sushi chefs are well trained and they use test strips on the rice.

Dr. Saltsman asked if the fish is frozen. Mr. Guo stated that all fish is fresh from the pier and is farm raised except for Tuna which is wild caught. The fish is frozen at the distributor which is certified.

**MOTION:** Dr. Saltsman moved to approve the requested variance for Karma Restaurant, 75 Middlesex Turnpike for acidification of sushi rice as presented. The motion was seconded by Mr. McSweeney and unanimously approved. (4-0-0)

**Discussion:**

- **104 Winn Street, Plumbing Variance Recommendation**

Dr. Paul Lombardo and Robert Tomkins appeared for a plumbing variance recommendation for 104 Winn Street.

Mr. McSweeney stated that for the record Dr. Lombardo has been his dentist for over 20 years but he does not believe this is a conflict and has no financial interest in this matter.

Dr. Lombardo stated that 3 dentist chairs were installed in 2012. They are renovating the space and he would like to move one of the chairs into another room. The Plumbing Inspector has said that the chair is not on the approved State list and he needs a variance.

Ms. Lumenello stated that she spoke with the Plumbing Inspector and since it is not on the approved list he can’t be sure there isn’t lead in the faucet or if there is a backflow. Dr. Lombardo stated that he found the specifications on the chair and there are 15 distributors of dentist chairs and there is only 1 on the State approved list.

Dr. Saltsman stated that we do not approve the variance; we can only allow you to move forward.

**MOTION:** Dr. Saltsman moved that there were no objections to the request for applying for a plumbing variance at 104 Winn Street as presented. The motion was seconded by Ms. Welch and unanimously approved. (4-0-0)
Policy on Stormwater and Run-Off Discharge

Ms. Lumenello stated that she has been working with Mr. McSweeney to create this policy to be consistent with all Stormwater issues. All revisions have been included in the copy provided.

Dr. Weiner asked what the next step would be. Ms. Lumenello stated that if this is approved, they will institute the policy.

Ms. Welch asked if there has been a lot more discharges this year. Ms. Lumenello stated that 2010 was the biggest year for complaints due to the weather pattern.

**MOTION:** Dr. Saltsman moved to adopt the Stormwater and Run-off Discharge policy as presented. The motion was seconded by Ms. Welch and unanimously approved. (4-0-0)

Staff Reports

- **Environmental Engineer**

  Ms. Mathis presented her report:
  
  - September 21st will be Household Hazardous Waste Day from 8:30 AM to Noon.
  - There have been 4 cases of EEE in 4 different counties. The State will be doing 2 rounds of aerial spraying. People should use a repellant with DEET, wear long sleeves and pants, remove standing water and avoid outdoor activities between dusk and dawn. There have been no cases in Burlington.
  - There is a lab facility going into 43 Second Avenue that will need a permit for storage of hazardous material.

  **MOTION:** Dr. Saltsman moved to approve the Environmental Engineer’s report. The motion was seconded by Ms. Welch and unanimously approved. (4-0-0)

- **Health Agent**

  Ms. Johnson presented her report:
  
  - The shake machine service was suspended at McDonald’s twice, once in July and August. There is no issue now.
  - Lifetime Athletics had a few violations during their inspection with missing testing information. They now have one log for the facility.
  - Microsoft store in the Mall was offering a camp. It was investigated and it did not meet the criteria of a camp. They removed all references to camp from the website and marquis.

  Mr. McSweeney stated that Wendy’s had a fire suppression release. It seems that it has been the second or third. Ms. Johnson stated that it was a pressure issue and it was repaired. Mr. McSweeney asked what the issue was for Sweet Ginger. There was a suspect food illness and violation. Ms. Johnson stated that a lot of the issues were administrative and are related to the new food code. Dr. Saltsman asked how we find the cause of food illness. Ms. Johnson stated that it is hard to find the “smoking gun”. We can look at the process and see if there are issues.
Dr. Weiner stated that if there are further violations at Lifetime Athletics, they should be brought before the Board because we gave them a lot of leeway. Ms. Johnson stated that was conveyed and a large fine was issued.

**MOTION:** Mr. McSweeney moved to approve the Health Agent’s report. The motion was seconded by Dr. Saltsman and unanimously approved. (4-0-0)

- **Supervisory Nurse**

Dr. Weiner thanked Ms. Paulik on a great job with the NARCAN training.

Ms. Paulik presented her report:

- Matter of Balance starts September 10th.
- Stop the Bleed training is ongoing.
- There has been 8 cases of Lyme Disease.
- The Flu Clinic will be Saturday, November 2nd. They are not sure how many high doses or kid’s doses they will get.

Ms. Lumenello stated that they hope to get 100 doses in September including 40 high doses and once they get them, they will be giving them out to seniors as soon as possible. Dr. Weiner asked that the community be kept informed.

**MOTION:** Ms. Welch moved to approve the Supervisory Nurse’s report. The motion was seconded by Mr. McSweeney and unanimously approved. (4-0-0)

- **Director of Public Health**

Ms. Lumenello presented her report:

- 111 Middlesex Turnpike had a compliant with a large puddle. It was investigated and it is over 3” deep. A nuisance letter was written. All the runoff goes into a basin and overflows into the parking lot. They have engineers looking at the problem but it will not be a quick fix. They have 30 days to start working on the problem and if it is not moving along they will be brought before the Board.
- There will be interns from Northeastern that will be working with Ms. Paulik.

Dr. Weiner stated that he met with the Town Manager to discuss a working collaborative with other Town Departments.

Mr. McSweeney asked when Burlington Auto will be coming. Ms. Lumenello replied next meeting.

**MOTION:** Mr. McSweeney moved to approve the Director of Public Health’s report. The motion was seconded by Ms. Welch and unanimously approved. (4-0-0)

Dr. Saltsman reminded residents to wash their hands.
Adjourn

**MOTION:** Mr. McSweeney moved to approve to adjourn the Board of Health meeting at 8:50 PM. The motion was seconded by Ms. Welch and unanimously approved. (4-0-0)

Respectfully Submitted by Dawn Cathcart,
Recording Clerk
DOCUMENTS REVIEWED AT MEETING – TUESDAY, AUGUST 27, 2019

Agenda

Minutes:  February 26, 2019, May 28, 2019, June 25, 2019 and July 23, 2019

Chairman’s Report:  Draft Remote Participation Policy

Subcommittee Reports:  None

Applications:

Application for Site Plan and Special Permits – 1-3 Great Meadow Road – Memo from C. Mathis dated 8/23/19, Application, Subcommittee Minutes dated 8/20/19, Supplemental Site Test Report from Weston & Sampson dated 8/22/19, Hot Spot Condition

Application for Site Plan and Special Permits – 10 Great Meadow Road – Memo from C. Mathis dated 8/23/19, Application, Subcommittee Minutes dated 8/20/19

Application for Site Plan and Special Permits – 118 Cambridge Street – Memo from C. Mathis dated 8/23/19, Application, Subcommittee Minutes dated 8/20/19

Permits:

151 Mill Street, Keeping of Animals – 4 Chickens: Memo from S. Lumenello w/3 attachments, Application

5 Spruce Hill Road, Keeping of Animals – 5 Chickens: Memo from S. Lumenello w/3 attachments, Application

Variance:

Karma Restaurant, 75 Middlesex Turnpike: Memo from M. Johnson, Application, Memo from Arnold Price dated 8/1/19

Discussion:

104 Winn Street, Plumbing Variance Recommendation: Memo, State Plumbing Application

Policy on Stormwater and Run-off Discharges: Draft policy

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