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

TUESDAY, OCTOBER, 9, 2018  

Board Members Present:  Wayne Saltsman, MD, PhD; Ed Weiner, PhD, Vice Chairman;  David McSweeney Libby Walendziewicz, RN, MSN; Maribeth Welch  
Not Present:  Maribeth Welch  

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

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

Approval of Minutes  

- July 24, 2018  Regular Meeting  
  Motion:  Ms. Walendziewicz moved to approve the regular meeting minutes of July 24, 2018 meeting as submitted. Seconded by Dr. Weiner and approved. (3-0-1)  

- August 28, 2018 Regular Meeting  
  Motion:  Ms. Walendziewicz moved to approve the regular meeting minutes of August 28 8, 2018 meeting as submitted. Seconded by Dr. Weiner and approved. (3-0-1)  

Citizen's Time:  None  

Chairman's Report:  None  

Subcommittee Reports:  Ms. Walendziewicz updated the board with Verizon Wireless Sub committee Article and Discussion. The Burlington Board of Selectmen is holding a special meeting and a subcommittee meeting on a proposed project by Verizon Wireless to install small cell wireless devices on seven telephone poles in town. However, 2 days prior to the Town’s approval ,FCC published an updated article that requires significant changes to what would have been approved. Comments on the proposed changes are due this week and will be reviewed on 17th October. It was noted that there is no study that is conclusive about the cell being harmful for the health.
August 2nd-Sub committee meeting was held for Cafe Escadrille grease trap variance and sewer lines along Ray Avenue. On August 2nd, two camera events were recorded. Members of Cafe Escadrille and Protein Matrix were present and it was agreed upon that DPW will continue to clean the lines. A future date will be set to discuss FOG issue with Cafe Escadrille and may include another restaurant -Bickfords as this restaurant may also be impacting the sewer lines. Dr. Weiner spoke to Mr. Sanchez of DPW and was informed that are no major issues with the sewer lines.

I. Applications

- **Applications for Site Plan Approval and Special Permit; Applicant - 64 Cambridge Street, Herb Chambers Cambridge Street, LLC**

Mark Vaughan, Attorney & Chris Sparages, PE and John Welch, Director of Constructions for Herb Chambers were present.

Herb Chambers presently operates Audi Burlington and Porsche of Burlington dealerships at 62 Cambridge Street and would like to have the two dealerships to have their own separate buildings, Audi Burlington at 62 and Porsche Dealership at 64 Cambridge Street This proposal will move some of the current outdoor inventory parking to a proposed garage beneath the new Porsche building. Approximately, 85 vehicle spots will be within building. The drainage design will be similar to what was designed 3 years ago which is 1.5 acres that slopes five feet across the site. The property is almost pavement with the exception of a gravel area and landscaping. The stormwater currently is collected, treated and infiltrated. There will be minor changes to the drainage system. The area marked as Zone 2 on the map will meet additional requirement of the town of Woburn as Zone 2 resides in Woburn MA. Ms. Mathis stated that Herb Chambers acquired the property in 2014 and improvements made included demolishing the existing buildings and paving of the site. A Phase II site assessment was conducted in 2014 which was reviewed Another site assessment was conducted after the demolition with additional samples taken and found to be not contaminated. Mr. McSweeney asked about the increment of impervious surface of 64 Cambridge Street, Mr. Welch stated that the yellow rectangle area on the map depicts the increase in footprint which is small. No other water was being funneled from 64 Cambridge Street and if any damage is done to the Cultec Chamber, it will be replaced by the owner.

**Motion:** Dr. Weiner moved to approve Applications for Site Plan Approval and Special Permit; Applicant -64 Cambridge Street, Herb Chambers Cambridge Street, LLC. Seconded by Ms. Walendziewicz and approved. (4-0-0)
II. Variances

- **Gong Cha, 90 Middlesex Tpk. – External Grease Interceptor**

Dave Chen, Co-Owner was present.

Ms. Johnson stated that this special tea establishment will be operated in the Burlington Mall. The Co-Owner is here before the board to ask for a variance for an external grease interceptor and no beverages will be served at this location, hence no FOG. Ms. Johnson recommends to approve the Variance.

Dr. Weiner reminded the Co-Owner that he will need to maintain a log for the internal interceptor and must update the log and clean regularly. Dave Chen ensured the grease trap will be cleaned quarterly and will be logged.

**Motion:** Mr. McSweeney moved to approve Variance for Gong Cha, 90 Middlesex Tpk. – External Grease Interceptor. Seconded by Ms. Walendziewicz and approved. (4-0-0)

- **Compass Group/Eurest for Sales Force, 5 Wall St, 2nd FL Cafe - External Grease Interceptor**

Moira Murphy - Food Services Director is present

Ms. Johnson stated that Compass Group, a new food service establishment is here before the board to ask for a variance for an external grease interceptor. This will be a private establishment serving only beverages for the company Salesforce, hence, no FOG. The property owner has an internal grease traps and they will be responsible for maintaining and cleaning the grease trap. The Variance can be revoked if the grease trap is not cleaned regularly.

**Motion:** Dr. Weiner moved to approve Variance for Compass Group, 5 Wall Street – external grease interceptor. Seconded by Mr. McSweeney and approved. (4-0-0)

III. Hearings

- **Burlington Citgo, 161 Bedford St. – 2nd violation: sold tobacco product to person under the age of 21**

Mr. Nizar Abdallah, owner was present.

Ms. Johnson stated that a compliance check was conducted on September 26, 2018 and a person under the age of 21 was able to purchase a Juul and no ID was required. This is a second violation for this gas station within 36 month period and as per the regulations, the penalty includes no sale of tobacco for 7 consecutive days and a penalty of USD 300 is imposed for second violation, Ms. Johnson has made recommendations to impose the ban starting October 15, 2018 till the close of
October 21. Owner is able to sell as of October 22, 2018. Mr. Abdul stated that he has installed an ID scanner and has trained his employees to use the scanner.

**Motion:** Mr. McSweeney moved to approve the recommendations made by the Health Agent for the suspension and penalty applied to Burlington Citgo, 161 Bedford St. – 2nd violation: sold tobacco product to person under the age of 21. Seconded by Ms. Walendziewicz and approved. (4-0-0)

- Town Pantry, 85 Wilmington Rd. – 3rd violation: sold tobacco product to person under the age of 21 Sandeep Patel, Owner was present.

Ms. Johnson stated 3rd violation was revealed on September 27, 2018 noting that within the last 2 months compliance inspections were conducted, first in May and second in June of 2018. Mr. Patel has installed a new scanner and ID Checker, plus multiple signs of “Tobacco sign” within the store has been posted. Ms. Johnson made recommendations to impose the ban starting October 15, 2018 till the close of November 13, 2018. Owner is able to sell as of November 14, 2018 and a penalty of USD 300 is imposed.

**Motion:** Mr. McSweeney moved to approve the recommendations made by the Health Agent for the suspension of the tobacco license and $300 fine - Town Pantry, 85 Wilmington Rd. – 3rd violation: sold tobacco product to person under the age of 21. Seconded by Ms. Walendziewicz and approved. (4-0-0)

**Staff Reports**

- **Environmental Engineer**

Hazardous Waste event was held on September 22, 2018 and had 422 cars show up. The Town of Burlington has had a record year of West Nile Virus and 38 cases were reported throughout the state. Last year, only 6 cases were reported statewide. The increase can be attributed to the weather patterns. The Town of Burlington continues to be in the moderate risk category. Dr. Weiner asked if additional spraying was carried out in Burlington and Ms. Mathis confirmed that it was.

Ms. Mathis noted that the former Sears Auto Center building had been demolished. Sampling of soil at the former elevator pit and the former oil water separator among others were clean.

**Motion:** Dr. Weiner moved to approve the Environmental Engineer’s report. Seconded by Ms. Walendziewicz and approved. (4-0-0)
- **Health Agent**
  Ms. Marlene stated the Tobacco Retailer compliance check was conducted on 24 retailers and 22 of them passed. She added that the ID scanner is not full proof as staff behind the counter are able to scan their own IDs. Dr. Weiner inquired about Mad Dragon at the mall and Ms. Johnson stated that they are well in compliance.

**Motion:** Dr. Weiner moved to approve the Health Agent’s report. Seconded by Mr. McSweeney and approved. (4-0-0)

- **Director of Public Health**
  Ms. Lumenello stated that Flu Clinic starts October 20th at noon till 3pm at the Marshall Simonds Middle School and volunteers will start at 9am. The primary location for emergency dispensing is at Burlington High School and the secondary is Marshall Simonds Middle School but currently we are working with 4AB emergency planners to do a site visit with the facility department to look at the logistics for MSMS to be the primary location. Dr. Saltsman inquired about the town’s emergency shelter and Ms. Lumenello stated that the shelter is at 61 Center Street Building as it is required for the whole building to have emergency generator that can power the entire building. Dr. Weiner asked about different programs such as the Municipal Vulnerability Preparedness Program. Ms. Lumenello stated that it is to identify the vulnerability areas of the town. such as areas of flooding. Dr. Saltsman reviewed the director’s report on Vaping product, and stated that in 2018 almost 75% of the retail share performance was for Juuls. The Samaritans are presenting a conference on October 24, 2018 for identifying those who are at risk for Suicide from 7-9pm at Grand View Farm and is open to everyone. Dr. Weiner advocated for flu shots as there were significant number of people who died without the shots. Please quarantine yourself and wash your hands.

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

**Adjourn**

**Motion:** Mr. McSweeney moved to adjourn at 8:10. Seconded by Dr. Weiner and approved. (4-0-0)

Respectfully Submitted,
DOCUMENTS REVIEWED AT MEETING – TUESDAY, OCTOBER 9, 2018

➢ Agenda
➢ Approval of Minutes
  o May 8, 2018 Regular Meeting
➢ Subcommittee Discussion
  o Café Escadrille Grease Trap Variance & Sewer Lines Along Ray Avenue
  o Article - Special Meetings to Discuss Proposed 'Small Cell' Wireless Boosters to be Held
➢ Applications for 64 Cambridge Street Site Plan Approval and a Special Permit
  o Memorandum to BOH
  o Planning Board Applications/62 and 64 Cambridge Street
  o APPLICATION FOR APPROVAL OF A SPECIAL PERMIT
  o APPLICATION FOR SITE PLAN APPROVAL
➢ Variance Request Gong Cha, 90 Middlesex Tpk. – External Grease Interceptor
  o Variance Application for Grease Interceptor Regulations for Food Service Establishments
➢ Compass Group/Eurest for Sales Force, 5 Wall St, 2nd FL Cafe - External Grease Interceptor
  o Variance Application for Grease Interceptor Regulations for Food Service Establishments
➢ Hearing: Burlington Citgo, 161 Bedford St.
  o First Violation Notice - June 6, 2018
  o Second Violation Notice - September 27, 2018
➢ Hearing: Town Pantry, 85 Wilmington Rd.
  o First Violation Notice - May 10, 2016
  o Second Violation Notice - June 7, 2018
  o Third Violation Notice - September 27, 2018
➢ Staff Reports
  o Environmental Engineer
  o Director of Public Health
  o Health Agent
  o Associate Health Inspector