

**Burlington Board of Health
Minutes – Regular Meeting
Tuesday, April 8, 2008**

Board Members Present: Terry McSweeney, Edward Weiner, Ph.D., Jim Dion, Catherine Read, Ph.D., Wayne Saltsman, M.D.

Staff Members Present: Sharon Walker Mastenbrook, Director of Public Health; Heidi Porter, Environmental Engineer

Chairman Weiner called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES:

March 25, 2008

MOTION: To accept the minutes of the regular meeting of March 25, 2008 with minor corrections to spelling and sentence structure (Mr. Dion; second: Mr. McSweeney).

APPROVED: 5-0-0

REORGANIZATION OF THE BOARD OF HEALTH

Chair

MOTION: To nominate Mr. McSweeney as Chair of the Board of Health (Dr. Read; second: Mr. Dion).

Discussion: Mr. McSweeney accepted the nomination.

APPROVED: 5-0-0

Mr. McSweeney thanked Dr. Weiner for doing a fine job as Chair.

Vice Chair

MOTION: To nominate Dr. Weiner as Vice-Chair of the Board of Health (Dr. Read; second by Mr. Dion).

Discussion: Dr. Weiner accepted the nomination.

APPROVED: 5-0-0

CITIZENS TIME

Gregory Smith, 36 College Road, addressed the Board regarding water issues on his street. Ms. Porter relayed that she had inspected the area and that the water pooling in the area was normal runoff. She added that the work of the Board of Health on this issue was complete.

SPECIAL PERMIT

▶ **Three Proposed Office Buildings, 43 & 63 South Avenue**

Attorney Thomas Murphy, Shea, Murphy & Gulde, P.C. was present representing the applicant and stated that this site was rezoned to PDD by Town Meeting. Also present

were Scott Weiss, The Gutierrez Company, Mike Holland, project civil engineer, and Matt Heil, LSP. Mr. Murphy commented that he and the proponents met with the Board's subcommittee and all understood and agreed with concerns and conditions.

Mr. Weiss presented an update on the project. One change is that there will be three buildings constructed versus the two originally proposed. The buildings will be smaller and will not be taking up more land than originally planned. Buildings will be constructed to meet applicable grading and stormwater parameters. The plan calls for a more favorable layout with the site being more environmentally friendly than previous plans.

Mr. Weiss confirmed that clean up efforts will continue by Tyco, and the new owners will ensure that cleanup continues. The construction is not expected to negatively impact these efforts, but their goal is to continue to avoid interference with ground water that is considered to be polluted.

Because of topography, Mr. Holland said, only two of the three buildings could be designed to be oriented for the best solar position. DEP has reviewed the plan and are on board..

Ms. Porter commented that the most recent remediation involved permanganate injections into the groundwater to further breakdown chlorinated solvents.

Mr. Heil explained that testing was done through the slab after the building was razed, and although there were no "hot spots" identified, elevated metal concentrations were found in one area. Comment #5 on the Plan Review Subcommittee's report was amended to reflect these findings. Also deed restrictions will be necessary with respect to what cannot be built in that particular area, such as schools or single-family homes.

Mr. Heil said that site soils, in conjunction with an activity and use limitation, will meet application standards per Massachusetts DEP regulations. Remediation continues on the contaminants in the ground water through applications of sodium permanganate.

Dr. Weiner reminded the proponents that an external grease trap would be required to be installed if a restaurant is constructed.

Mr. Dion asked about parking, and Mr. Murphy replied that the configuration has changed, but the number of parking spaces will not be affected.

Ms. Porter read amended comment #5:

It is understood that the removal of the Site building may allow access to known and potentially impacted soils and groundwater at the Site. While Tyco is responsible for soil and groundwater remediation at the Site, the proponent should relay to them that on-Site soil and/or groundwater contamination should be remediated to concentrations that: 1) allow for achievement of a Permanent Solution and a level of No Significant Risk (as defined by the MA DEP in the Massachusetts Contingency Plan) at the Site; and 2) promote clean-up of the groundwater at the Site and downgradient properties to applicable GW-1 standards.

Dr. Weiner asked if the proponents agreed with and understood the 21 comments and conditions, and Mr. Murphy replied that they understood.

MOTION: To approve a Special Permit at 43 and 63 South Avenue (Mr. Dion; second: Dr. Saltsman).

APPROVED: 5-0-0

MOTION: To take agenda item, Subway Sandwich Shop, Variance Request, out of order (Dr. Weiner; second: Mr. Dion). **APPROVED: 5-0-0**

VARIANCE REQUEST

▶ **Subway Sandwich Shop, 29B Winn St. – External Grease Trap**

Attorney Thomas Murphy, Shea, Murphy & Gulde, P.C. and Ram Parekh, owner of One-Stop Mart were present to request Board of Health approval for a variance requiring an exterior grease trap for the proposed, adjacent Subway Sandwich Shop. All food will arrive at the location already cooked. There will be no frialators on site. An internal passive grease trap will be installed to the ware wash sink, and an interior grease trap maintenance log will be kept.

Ms. Mastenbrook, representing Marlene Johnson, Health Agent, stated that it was Ms. Johnson's recommended to deny the variance because *this food establishment will be preparing foods containing fats, oils and grease*. In the event the Board approved the request, Ms. Johnson included conditions on the April 8, 2008 Variance Request.

Mr. McSweeney commented that when the proponent was before the Board on March 11, 2008, the Health Agent had stated that they had a good record with the Board of Health.

MOTION: To grant a one-year variance for Subway Sandwich Shop, 29B Winn Street. Proponents will appear before the BOH in one year, at which time the Board will discuss the option of granting a permanent variance (Dr. Saltsman; second: Dr. Weiner).

APPROVED: 5-0-0

SITE PLAN

▶ **Beacon Village, 26 Beacon Street – Façade Alterations**

This item was withdrawn from the meeting agenda.

SITE PLAN

▶ **141 Cambridge Street – Construction of 8 Residential Condominiums**

Michael Santullo, owner; Jay Duran, Engineer, Duran Associates were present. The owner is proposing the construction of eight residential condominiums. Mr. Duran described the preliminary plan and said they met with the Board of Health Plan Review

Subcommittee. He described the proposed, underground locations of the four infiltration galleys which will capture rooftop and driveway runoff, as shown on the submitted site plan. There will be a regulation berm for water runoff around the dumpster. The dumpster will be located at the far west end of the property.

Mr. Duran said that they will conduct percolation tests to confirm the current design plan. Mr. McSweeney reminded him that officials from the Board of Health must be present during testing and results submitted to the Board of Health.

Ms. Porter explained the procedure to be followed when collecting soil and/or groundwater samples.

Mr. Dion asked if any changes were made in the driveway. Mr. Duran responded that the egress will be moved southerly from existing opening, and there will be a new curb cut. State regulations, for possible turn restrictions, were briefly discussed. Mr. Duran commented that they understood the comments and conditions on the March 31, 2008 Plan Review Subcommittee report.

MOTION: To accept the Site Plan Application for 141 Cambridge Street (Mr. Dion; second: Dr. Read).

APPROVED: 5-0-0

STAFF REPORTS

› Environmental Engineer's Report

Hazardous Material Inspections: Ms. Porter reported that all 2008 Hazmat Registration Forms were received and inspections are ongoing for these establishments that store specific amounts of toxic or hazardous materials.

Quinn Perkins Sand & Gravel Co.: Ms. Porter said that Quinn Perkins had an inspection recently, and they are in good shape. She described the requirements for this site to have a secondary containment for concrete chemicals and also commented that they must store these chemicals above flood level.

Household Hazardous Waste Day: The event will take place on Saturday, April 26, from 8:30 a.m. to 12:00 noon, at the Marshall Simonds Middle School. Ms. Porter said that medical sharps will also be collected, and medical sharp containers will be available for purchase. Propane tanks, pesticides, acid and mercury bearing batteries will be accepted.

Regional Emergency Preparedness Meeting: Ms. Porter commented that she is a member of the regional group, Battleroad Emergency Preparedness Committee, which meets monthly to discuss emergency preparedness MEMA requirements. This region, she said, is working towards final certification. The certification is currently on hold awaiting an

updated CEMP from Burlington's Emergency Management Director. A recent tabletop exercise was held in Lexington.

MOTION: To accept the Environmental Engineer's report as submitted (Mr. Dion; second: Dr. Saltsman).

APPROVED: 5-0-0

► **Health Agent's Report**

Dr. Saltsman asked about the status of the grease storage containers at the Burlington Mall. Ms. Mastenbrook explained the grease situation, and she stated that an Order to Correct letter had been sent, and they have thirty days to respond to the letter.

MOTION: To accept the Health Agent's report as submitted (Dr. Weiner; second: Mr. Dion)

APPROVED: 5-0-0

► **Board of Health Nursing Report**

Ms. Mastenbrook said that Burlington is part of a six-town Massachusetts Department of Public health tobacco coalition. There is a new Tobacco Control Director who is doing an excellent job.

Ms. Nemoda's report detailed the work she has been doing. Ms. Mastenbrook stated that Ms. Nemoda is presently involved in various training courses.

MOTION: To accept the Nurse's report as submitted (Dr. Read; second: Mr. Dion).

APPROVED: 5-0-0

► **Director of Public Health's Report**

Ms. Mastenbrook asked the Board to review the previously submitted draft protocols for the Board of Health office.

The updated Food Establishment Permit and inspection Program was reviewed.

A BU School of Public Health graduate student will be doing intern work for the Board of Health effective June 9.

Ms. Mastenbrook reported that Burlington will be holding a tri-town emergency preparedness exercise for pandemic flu and seasonal flu clinic in November. Winchester and Lexington will join Burlington.

A PowerPoint presentation of the March 29 Rabies Clinic was shown. Ms. Mastenbrook thanked the doctor and all others who attended.

MOTION: To accept the Director of Public Health's report as submitted (Mr. Dion; second: Dr. Read).

APPROVED: 5-0-0

DISCUSSION

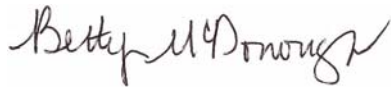
▶ **2008 Summer Schedule**

The Board reviewed the previously approved summer schedule which will be taking effect in June. At this time the dates are: June 24, July 22, and August 26

ADJOURN

MOTION: To adjourn at 8:50 p.m. (Dr. Saltsman; second: Dr. Weiner). **APPROVED: 5-0-0**

Respectfully Submitted,



Betty McDonough
Recording Secretary