

**Burlington Board of Health  
Minutes – Regular Meeting  
Tuesday, April 22, 2008**

**Board Members Present:** Terry McSweeney, Chair; Edward Weiner, Ph.D., Vice-Chair; Jim Dion; Catherine Read, Ph.D.; Wayne Saltsman, M.D.

**Staff Members Present:** Sharon Walker Mastenbrook, Director of Public Health; Heidi Porter, Environmental Engineer; Andria Nemoda, Supervising Nurse

Mr. McSweeney called the meeting to order at 7:00 p.m.

**APPROVAL OF MINUTES:**

**April 8, 2008**

**MOTION:** To post pone review of the minutes of the regular meeting of April 8, 2008. (Mr. Dion; second: Dr. Weiner).

**APPROVED: 5-0-0**

**CHAIRMAN'S REPORT**

Mr. McSweeney said that the second round of interviews was scheduled for the next day for the principal clerk position.

**HEARING – (Housing Code Violations): Request for an Extension of Time**

▶ ***Arborpoint Apartments/National Development***

Attorney Robert Buckley of Reimer and Braunstein was present for this hearing representing Arborpoint Apartments/National Development Management at Seven Springs Road in order to request an extension of time to reach compliance to correct violations at the Arborpoint Apartments. Also present was John Ingeme, 11 Seven Springs Lane, who brought the issue forward to the Board of Health.

Ms. Mastenbrook said that she conducted an inspection and corresponded with MDPH for guidance on this issue. Inspections revealed that electricity charges are being billed to tenant for a locked mechanical closet and water charges to tenant are not documented on a form provided by the MDPH and filed with the Board of Health.

Water and sewer submetering certification forms have been stamped by the Board of Health Office for each unit and they were returned to Arborpoint. These forms will be sent to each tenant by certified mail, along with a key to the utility closet and a copy of the order letter dated March 28, 2008. The Board of Health would be advised when proof that all letters to the tenants had been delivered after which time Ms. Mastenbrook would do a follow up inspection to confirm their receipt. Mr. Buckley also stated that confirmation would be submitted to the Board of Health with respect to the water meters being appropriately calibrated by a plumbing contractor.

Mr. Ingeme thanked the Board for their assistance. He suggested that each tenant be reimbursed for various reasons, and the Board explained that that issue does not fall under their jurisdiction.

Mr. McSweeney suggested thirty days for the extension, and Mr. Buckley agreed, and the hearing was closed.

**MOTION:** To grant an extension of the date of compliance for the March 28, 2008 Notice of Violation to May 22, 2008 (from April 28, 2008), as requested by the owner of Arborpoint at Burlington LLC, National Development. Stipulations of the extension are that each tenant of each unit will receive a Massachusetts Department of Public Health water and sewer submetering certification form, a key to the utility closet, and a copy of the order letter dated March 28, 2008. Owner will provide proof of service (for all items) to the Board of Health (Dr. Weiner; second: Mr. Dion).

**APPROVED: 5-0-0**

## **SITE PLAN**

### ▶ ***Beacon Village, 26 Beacon Street - Façade Alterations***

Attorney Robert Buckley of Reimer and Braunstein was present representing the proponents of 26 Beacon Street. Also present were John Paulson, Atlantic Engineering as well as Charles Mihok of Brickpoint Properties. Mr. Buckley explained that the property owner is proposing façade alterations to the existing multi-unit residential buildings at this address.

Mr. Mihok explained that the windows and all siding at the 35 unit structure were being replaced. The siding will be fiber board and is resistant to rot and termite damage. The open stairwells at the back of the buildings will be enclosed and brought up to code. The actual profile of building won't change.

Modifications will be made, as necessary, to the grading of the foundation at front and back doors to correct existing drainage. Areas of infiltration and existing catch basins will be studied in an attempt to correct poor existing drainage. The Board commented that a plan needs to be in place.

Dr. Weiner asked if they expect to encounter asbestos, and Mr. Mihok replied that they do not expect to find any since environmental tests in the past did not reveal any asbestos on the site. Ms. Porter stated that pre-demolition policy requires an asbestos survey. Dr. Weiner asked that this be included in the conditions.

Dr. Weiner asked for more information on drainage. Mr. Paulson replied that they are making changes to assist with water runoff. He did comment on the need for swales in some areas in order for the water to drain down to a pond area. He said that the water table in this area is high, and they do have issues with infiltration between buildings, but because of the amount of utilities underground, it is difficult to construct a solid plan. Various means of drainage control may be necessary throughout the complex.

The Board and staff were concerned that at this time there was no infiltration plan in place and no calculations in place. The parking area also makes it difficult to create a solid plan for water runoff to the catch basins.

Mr. Buckley explained that it appears each section of the complex will have to be addressed separately. He asked that a condition be allowed stating that they may address each section at intervals.

Ms. Porter recommended that, provided everything else is in compliance, approval of the drainage issues could be done in phases by requiring the proponent to apply for a Board of Health Drainage Permit for each phase of renovation. The Board agreed with this recommendation.

Ms. Mastenbrook asked about lead paint, and the Mr. Mihok replied that they will look into the possibility of lead paint.

The Board asked that a condition be added in with respect to the policy on noise control.

Ms. Porter reminded the proponents of the requirement to clean out the catchbasins on a quarterly basis.

**MOTION:** To approve the Site Plan Application for 26 Beacon Street with the addition of the following conditions: 1. compliance with pre-demotion asbestos survey, 2. noise, dust, and odor control, 3. drainage permit applications may be done during phases of redevelopment (Dr. Weiner; second: Mr. Dion).

**APPROVED: 5-0-0**

## **DEFINITIVE SUBDIVISION**

### ▶ ***Sheighla Drive (Access through 13 Maryvale Road)***

Phyllis Etsell and Michael Murray, Jr. of Burlwood Realty Trust were present to address the Board as well as David Romero of Commonwealth Engineering. The revised Definitive Subdivision Application memorandum dated April 22, 2008 was distributed to the proponents.

Mr. McSweeney recused himself from the proceedings as he is acquainted with the proponent. The meeting was turned over to Dr. Weiner, Vice-Chair.

Ms. Etsell stated that the subdivision is located off 13 Maryvale Road. They are proposing to request a waiver from the Planning Board for a 20' wide pavement versus 26' wide.

Ms. Porter reviewed the draft conditions which required amending to reflect the Board's position that Operation and Maintenance requirements be met for this project (quarterly street sweeping and drainage structure inspection and cleanout). Dr. Weiner explained that an amendment was required to reflect Board's requirement for the Operation and Maintenance requirements.

Mr. Romero said that the cul de sac is short and there would be two catch basins. There will be a water quality treatment device for water discharging to the infiltration system. They are proposing to add fill in the back of two lots. The Board of Health would be provided with all the information.

Dr. Weiner asked about a fire hydrant, and Mr. Romero replied there is one on the cul de sac.

Mr. Porter stated that there have been underground oil tanks in this area of Burlington that have not been removed before the installation of above ground tanks. She recommended adding an

additional condition requesting that during construction the current tank area be assessed for the possible presence of an underground tank.

Dr. Weiner asked what type of cover would be on the underground infiltrators and where the overflow would go. Mr. Romero replied that there would be natural grass and the infiltrator is designed to accommodate water from a 100-year storm with an overflow to proximal wetlands.

**MOTION:** To approve the Definitive Subdivision Application with conditions as stated on the Environmental Engineer's memorandum dated April 22, 2008 with the inclusion of an additional comment with respect to the investigation of possible underground oil tanks (Mr. Dion; second: Dr. Read).

**APPROVED: 4-0-0**

Mr. McSweeney resumed his position as Chair.

## **STAFF REPORTS**

### **› Environmental Engineer's Report**

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

90 Cambridge Street Update: Regarding the drums found at this location, the drums were removed and soil sample results showed that they contained a hazardous substance. This address will now go into the DEP system and the property owner will be required to present the state with a clean up plan in a 120 day time period. Since they were located on an area of wetlands, the issue will go before the Conservation Commission.

Regional Emergency Preparedness: Ms. Porter commented that she attended a regional meeting, and they continue to work on a comprehensive emergency plan for the region. She said that she is still awaiting the much need plan for Burlington, which was requested from Burlington's Emergency Management Director. She will contact the Town Administrator for suggestions or assistance in this endeavor.

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

**APPROVED: 5-0-0**

### **› Health Agent's Report**

Burlington Mall – Grease Update: Ms. Mastenbrook, reporting for the Health Agent, stated that a compliance letter had been sent to the Burlington Mall for the grease violation.

Tickets: Chick-Fil-A paid their outstanding ticket fine, but D'Angelos had not yet paid theirs. A follow up letter was sent on April 4, 2008.

Pool Seminar: Seventeen swimming pool operators attended the seminar. This was a very good turnout, Ms. Mastenbrook said.

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

**APPROVED: 5-0-0**

► **Board of Health Nursing Report**

The84.org: Ms. Nemoda reported that she attended the first of two state-wide events for the84.org, Massachusetts youth who do not smoke, and she is working on plans for the second event. The students and teachers had many interesting questions about the84.org.

Public Health Course: She reported that she has started an introduction course on public health, and is learning a lot. Ms. Mastenbrook added that the course gives an excellent overview on public health and community nursing.

Archives: Ms. Nemoda spoke with Burlington's archivist, Daniel McCormick with respect to the reorganization of the file system. She is making much progress.

Clinics: The blood pressure clinics are going well. She is assisting the residents to be more attuned to their normal range.

Dr. Weiner asked Ms. Nemoda to do a statement at a future meeting regarding sunscreen at a future meeting. He also suggested that the department look into the possibility of holding a cancer skin screening, as was done in the past.

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

**APPROVED: 5-0-0**

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

Food Inspection Policy: Ms. Mastenbrook stated that a Food Inspection Policy has been added to the back of the Board's books to use as a guideline.

Rabies Clinic: Next year's Rabies Vaccination Clinic is scheduled to take place on Saturday, March 29, 2009. The flyer for the event has been prepared.

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

**APPROVED: 5-0-0**

## DISCUSSION

Guidance Policy for Staff and Board of Health Zoning Bylaw Reports and Decisions: The Board reviewed the guidance policy for the departmental staff which Mastenbrook said had been recommended by Dr. Weiner. This policy will define the threshold of decisions covered by the staff and by the Board of Health. She said that she is expecting further comments from the Environmental Engineer. This policy is also recommended by the Town's attorney.

Posting: Mr. McSweeney commented that all future subcommittee meetings will now be posted.

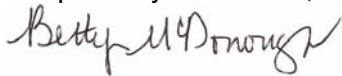
Principal Clerk: Mr. McSweeney stated that five candidates would be coming back for a second interview.

Ticks: Dr. Saltsman reminded the public to be aware that the tick season has started and to take the necessary precautions.

Senior Citizens: Dr. Saltsman reminded the public to ensure that seniors are kept hydrated and that fans and air conditioners are in good working order.

**MOTION:** To adjourn at time 8:20 p.m. (Mr. Dion; second: Dr. Saltsman). **APPROVED: 5-0-0**

Respectfully Submitted,



Betty McDonough  
Recording Secretary