

**Burlington Board of Health
Minutes – Regular Meeting
Tuesday, September 9, 2008**

Board Members Present: Terry McSweeney, Chair; Ed Weiner, Ph.D, Vice-Chair; Cathy Read, Ph.D, RN; Wayne Saltsman, M.D., Ph.D

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

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

APPROVAL OF MINUTES:

July 22, 2008

MOTION: To approve the minutes of the regular meeting of July 22, 2008 to reflect that Mr. McSweeney was “appointed” to the Landlocked Parcel Study Committee to represent the Board of Health (Heidi Porter, Board of Health Alternate) under Chairman’s Report on page one. (Dr. Saltsman; second: Dr. Read).

APPROVED: 4-0-0

HEARING

▶ ***Bugaboo Creek, 43 Middlesex Turnpike***

Representatives present to request the BOH to allow the renewal of their food permit for 2008-2009 were David Roberge, Regional Manager; Michael Church, General Manager; Michelle Dionne, new Kitchen Manager .

Ms. Johnson, Health Agent, explained that this hearing was a follow up to the March 25, 2008 show-cause hearing before the Board of Health (BOH) after a routine inspection revealed health code violations of 105 CMR 590.000, Minimum Sanitation Standards for Food Establishments. Based on the past history and testimony of representatives, the BOH voted that:

- Bugaboo Creek would be closed for one day on March 26, 2007;
- An inspection would be conducted by the health Agent on March 26, 2008 to ensure there were no critical violations and report back to the BOH;
- The restaurant would submit to the BOH five monthly sanitation reports (April-August) from an independent food consultant at permit holder’s expense.

Ms. Johnson reported that Allen Gromko, Food Consultant from ARG Associates gave extensive food safety training to the service staff and cooks. He conducted five monthly inspections and Ms. Johnson conducted three additional, routine health inspections. The condition of the kitchen is much improved since they hired a part-time, week-day dishwasher, and the dishes are much cleaner after the replacement of the hose spray on the dishwasher. There have been no complaints from the public since Mr. Church was assigned as the General Manager.

All the BOH’s conditions had been met, and Ms. Johnson recommended that the BOH vote in favor of allowing Bagaboo Creek to renew their food permit for 2008-2009.

MOTION: To allow Bugaboo Creek to renew their food permit for 2008-2009 (Dr. Weiner; second: Dr. Read).

Discussion: The Board congratulated Mr. Church on the efforts made by him and the staff at the restaurant and thanked Ms. Johnson for her work on this issue.

APPROVED: 4-0-0

SITE PLAN

▶ ***Residential Town Houses, 129 Cambridge Street***

At the proponent's request, this agenda item was withdrawn until a future meeting.

SITE PLAN, SPECIAL PERMIT AND MINOR ENGINEERING CHANGE

▶ ***Commercial Properties, 76, 78 and 80 Blanchard Road***

Mark Vaughn, Attorney, Reimer and Braunstein was present to represent the proponent. Also present was David Biancavilla.

A description of the three properties on the proposal was given. The site is proposed to have a campus influence with circulation points for pedestrians. An existing L-shaped building at 78 Blanchard Road is proposed to be demolished with design improvements proposed for numbers 76 and 80 to mirror the new building. A Stormceptor currently exists at number 78 and new Stormceptors will be installed at 76 and 80. They are also replacing two catch basins in the parking lot of the southern building to bring it up to code.

Ms. Porter stated that the plan has been filed with the Conservation Commission as the property is located within a conservation resource area. A major concern is the status of existing contamination at the site, plus the site has down-gradient status from the High Voltage site. Ms. Porter said that the LSP does not believe recharge infiltration is practical considering the down-gradient status. Ms. Porter requested that monitoring wells be labeled on the plan.

Ms. Porter stated that comment number 1., which addressed infiltration, would be eliminated as the storm water will be cleaned via on-site Stormceptors and controlled with the town system. She added that Bellofram Corp. will assess and monitor site conditions as a Downgradient Property Status Opinion has been filed for all site addresses which implicates Bellofram/High Voltage as the responsible party for on-site contamination in groundwater.

Mr. McSweeney said he discussed the BOH's recommendations with Larry Cohen, Chairman of the Conservation Commission, and Mr. Cohen agreed with the recommendations. Dr. Weiner asked about water draining into the storm drains, and it was explained that all collected water would go to a 30" culvert under Blanchard Road.

MOTION: To accept conditions 2 – 16 on the Site Plan, Special Permit with minor engineering change for 76, 78, and 80 Blanchard Road. Condition 1 to be eliminated (Dr. Read; second: Dr. Saltsman).

APPROVED: 4-0-0

DRAINAGE PERMIT

▶ ***Gary and Elisa Reynolds, 1 Demone Drive***

Gary and Elisa Reynolds were present to address the Board. Also present were abutters, Todd and Karen Bowden, 3 Demone Drive.

Ms. Porter said that a complaint was received from the Bowdens that they were having water runoff issues at their property following the installation of a pool at 1 Demone Drive. The grade had been raised 2-3 feet which has likely caused the runoff and flooding.

Ms. Mastenbrook stated that an inspection was conducted, and she had discussions with both parties. The Reynolds had made attempts to control the runoff by hydroseeding, but the heavy rains washed it away. A subsequent proposal, she said, was to add stones or mulch to the area to accommodate runoff and protect slope.

Mr. Reynolds stated that he was not aware that a permit was required from the BOH for the change in grade. The department is making attempts to have better communication with the Building Department to prevent this type of event from occurring.

Mr. McSweeney recommended that Mr. and Mrs. Reynolds contact a professional, such as a landscaper, to determine the proper drainage system for this property and to submit the plan to the BOH office for review.

Ms. Porter suggested it be ready for the Board's September 23, 2008 meeting. The Board and owners agreed.

MOTION: To postpone drainage discussion until the Board of Health's September 23, 2008 meeting (Dr. Weiner; second: Dr. Read).

APPROVED: 4-0-0

WELL PERMIT REVOCATION – IRRIGATION WELL

▶ ***Arborpoint at Seven Springs, 1 Seven Springs Lane (aka Wheeler Road)***

Ms. Porter reported that recent testing done on the irrigation well on the apartment side of Arborpoint at Seven Springs revealed that well contains volatile organic compounds (VOCs). She recommended that the BOH order this well be decommissioned. Arborpoint is currently filing paperwork with DEP for a Release Notification and Downgradient Property Status.

Past water collection samples taken from the irrigation well on the condo side of Arborpoint at Seven Springs had also revealed VOCs, and that well was also ordered to be decommissioned by the BOH.

BOH members reviewed and approved the draft "Board of Health Order to Decommission Irrigation Well at Arborpoint at Seven Springs Apartments."

MOTION: To approve the draft copy of the Board of Health Order to Decommission Irrigation Well at Arborpoint at Seven Springs Apartments and to send the Order Letter to National Development (Dr. Read; second: Dr. Weiner).

APPROVED: 4-0-0

STAFF REPORTS

▶ **Environmental Engineer's Report**

Household Hazardous Waste Day: Ms. Porter reported that the event was very successful. Ms. Mastenbrook asked if commercial properties were eligible to bring sharps, and Ms. Porter replied that they cannot at this time.

Wildwood School: The school is now gone. Ms. Porter was present for the removal and crushing of the septic tank.

Harrington's: Ms. Porter and Dr. Weiner attended a Public Involvement Plan meeting on August 28, 2008. A significant amount of soil has been removed from this property and the property next door. Contamination still exists under Cambridge Street and at down gradient properties, and monitoring continues for residents across the street.

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

APPROVED: 4-0-0

▶ **Health Agent's Report**

Certification: Both Ms. Johnson and Ms. Porter received certification for soil evaluation.

Burlington Mall Restaurants: Letters were sent to Cheesecake Factory, Legal Seafood, Nordstrom's, Rainforest, and Uno's reminding each of these establishments that the responsibility of the exterior grease trap lies with the food permit holder. Reminder also included with regard to maintenance and logs.

Recreation Camps: All recreation camps were inspected and no issues were found.

Restaurant Training: Ms. Johnson conducted training at Burlington Cold Cuts on the proper method of cooling foods.

MOTION: To approve the Health Agent's August 26 and September 9 reports as submitted (Dr. Weiner; second: Dr. Read)

APPROVED: 4-0-0

DISCUSSION

▶ ***Exterior Grease Trap Variances for Mall Food Court***

It was discovered that an exterior grease trap exists at the mall which services all the food court food establishments. A letter was sent to the Burlington Mall requesting written confirmation that this grease trap exists.

Four restaurants in the food court have applied for and received variances for an exterior grease trap. Ms. Johnson recommended revoking the following exterior grease trap variances as they are not necessary: Appleseed, Shrimp Market, Ruby Thai Kitchen, and Quizno's Subs.

MOTION: To revoke four exterior grease trap variances in the Burlington Mall Food Court as they are unnecessary since these restaurants are tied into existing exterior grease trap that serves the Food Court (Appleseed, Shrimp Market, Ruby Thai Kitchen, and Quizno's Subs) (Dr. Weiner; second: Dr. Saltsman).

Discussion: The Mall management is responsible for care and maintenance of the exterior grease trap for the food court restaurants.

APPROVED: 4-0-0

▶ **Board of Health Nursing Report**

Ms. Mastenbrook reported that both Andria Nemoda and Paula Manzo, Principal Clerk, had passed the knowledge and capability requirement testing

The results of the typhoid fever testing were all negative.

Mr. McSweeney asked about the two Hep A Clinics with Not Your Average Joe's. Ms. Mastenbrook explained that it is ordered by the BOH office and paid for by NYAJ.

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

APPROVED: 4-0-0

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

Ms. Mastenbrook updated the Board on the Executive Board for the Coalition Region 4A which was set up by DPH for the purpose of receiving and distributing funds for all types of hazards and emergencies. There are fifteen regions in the state, and they vote how to use funding. Ms. Porter has also joined a committee of Region 4A. Ms. Mastenbrook stated that the coalition funds Emergency Reserve Corps, and Burlington's corps is very active, and the Board was invited to attend their celebration gathering on September 18.

Summer Intern: The intern did a very good job, and she will be attending a BOH meeting in November to discuss her work with the staff of the department.

Medical Sharp Regulation: The Revisions to 105 CMR 480.000 with respect to medical waste and medical sharps, was placed in each member's book under Reference.

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

APPROVED: 4-0-0

DISCUSSION

- ***Exterior Grease Trap Variances for Mall Food Court discussed above under health agent report***

This item was discussed under the Health Agent's portion of the agenda.

- ***Decisions Made by BOH staff***

Dr. Weiner commented that he and Ms. Mastenbrook and put together a policy whereby the staff may take care of certain items that are not currently part of their jurisdiction. If the Board is satisfied, the policy will be submitted to Kopelman and Paige for review and recommendation.

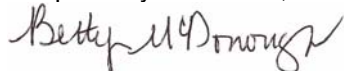
Mr. McSweeney commented that the policy could be reviewed when necessary, such as when there is a new Board member. Dr. Read commented that policies are not always a good idea.

Ms. Mastenbrook suggested this item be readdressed when all Board members are present.

MOTION: To adjourn at 8:15 p.m. (Dr. Saltsman; second: Dr. Weiner).

APPROVED: 4-0-0

Respectfully Submitted,



Betty McDonough
Recording Secretary