

Burlington Board of Health
Minutes – Regular Meeting
Tuesday, February 10, 2009

Board Members Present: Ed Weiner, Ph.D, Vice-Chair (Acting Chair); Jim Dion; 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

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

APPROVAL OF MINUTES:

October 14, 2008

MOTION: To approve the minutes of the regular meeting of October 14, 2008 as submitted (Mr. Dion; second: Dr. Saltsman). **APPROVED: 3-0-1**

January 13, 2009

MOTION: To approve the minutes of the regular meeting of January 13, 2009 as submitted (Dr. Read; second: Dr. Saltsman). **APPROVED: 4-0-0**

CHAIRMAN'S REPORT

Dr. Weiner stated that during Mr. McSweeney's absence, they have been in constant contact and that Mr. McSweeney would be returning very soon.

Dr. Weiner thanked those who had congratulated him upon his receipt of an award for serving meals in Malden to homebound individuals.

PRELIMINARY SUBDIVISION PLAN

▶ ***Northwest Park, 6 Lots Proposed***

Present to address the Board of Health (BOH) were Attorney Robert Buckley, Reimer & Braunstein LLP; Todd Fremont-Smith, Developer, Nordblom Company, and Frank DiPietro, Professional Engineer, Vanasse Hangen Brustlin, Inc.

Mr. Buckley said that the purpose of the subdivision is to preserve zoning on an interim basis in the event of the relocation of tenants.

In describing the subdivision project, Mr. DiPietro explained that a cul se sac off 4th Avenue is being proposed in order to create lots which would allow the existing buildings to meet subdivision zoning and set-back requirements. He added that the proposal does not include any changes to the existing drainage. At present, he said, there are no issues with utilities and no changes are planned for the existing tie in to sewer and water.

Ms. Porter said that although she had submitted comments for the Board, she had not yet seen the site plan. The drainage plan is expected to come at a later date. The following comments on the proposal were read into the record:

1. The proponent shall comply with the BOH comments on the Special Permit application for 174 Middlesex Turnpike;
2. The Board of Health shall have the opportunity to review and provide comments on future redevelopment plans for this Subdivision in advance of application submittal to the Town (as is the requirement under the PDD); and
3. Future development at the Subdivision shall comply with the General Environmental Management Plan prepared for NWP as well as any applicable BOH policies and regulations.

MOTION: to approve the Preliminary Subdivision for Northwest Park (Mr. Dion; second: Dr. Saltsman).
APPROVED: 4-0-0

MINOR ENGINEERING CHANGE APPLICATION

▶ **62 Cambridge St., Herb Chambers Porsche-Audi**

Present were Attorney Mark Vaughan of Reimer & Braunstein LLP, Director of Construction, Sal Sachetta, and Frank DiPietro, Professional Engineer, Vanasse Hangen Brustlin, Inc. Mr. Vaughn reported that work on the main showroom was finished recently. As construction progressed, it became apparent that the conditions on file warranted the following changes:

1. Reorientation of the gasoline dispensing island,
2. Minor adjustment to the site grading ranging from 0 feet to 1 foot change,
3. Creation of a new pervious island,
4. Minor infrastructure alteration, and
5. Demolition of the existing rear “shed” building designated for vehicle preparation and construction of building on same footprint (no net change in floor area).

With respect to demolition of the rear shed building, Mr. Vaughan explained that during an evaluation with the site contractor, it was determined that the shed building was not structurally capable of holding the selected siding or “skin,” and the building was subsequently torn down without the proper permitting process. The planned construction of a new building on the same footprint is planned. Mr. Vaughan agreed that razing the building without pulling the proper permits to allow for inspections was not ideal. He added that it was not intentional, and the owner is apologetic.

Ms. Porter said that during past visits, she had not noted any lights in this building, and there appeared to be limited building materials. All necessary papers have now been received, and at this time they are awaiting confirmation from the receiving company that the materials meet acceptable standards. A demo permit has been issued by the building inspector, Ms. Porter said, and the next step will be a building permit for a new rear shed.

Dr. Weiner asked Mr. Vaughan that future clients be made aware of the town’s regulations. He also asked about the underground fuel storage tank. Mr. Sachetta replied that it was alarmed, doubled walled with a stainless steel liner and fiberglass outer. The dealership will have the same protection as a modern-day gas station, including leak detection.

MOTION: To approve the Minor Engineering Change Application for Herb Chambers Porsche-Audi, 62 Cambridge Street (Dr. Saltsman; second: Dr. Read). **APPROVED: 4-0-0**

PRIVATE WELL PERMIT APPLICATION

▶ **211 Cambridge St., Well for Use in a Closed-Loop Geothermal Heating System**

Damien Morinon was present representing the proponent, Tam Nguyen, who is seeking BOH support for the installation of one closed-loop geothermal heating system. Piping is installed in the well, and water and food grade propylene glycol will circulate, he said, through a continuous buried pipe. Mr. Morinon explained that they would drill in order to define depth and then bury the pipes and then plug the well with grout and sand and other approved materials.

Ms. Porter explained that this closed-loop system uses the natural heat from the ground to both heat in winter and cool in summer from the subsurface is extracted using heat pumps. The well is proposed to be 200-300 feet below ground surface.

This is the first closed-loop system known in Burlington, and a draft Policy on the installation of such wells was prepared by Ms. Porter for the Board's review. At this time, she said, the state is registering these systems under their underground injection control program.

Dr. Weiner asked if flooding could occur if the system failed. Mr. Morinon responded that the pump would shut down if the pressure within the system shuts down from damage to the pipe. This closed loop system, he added, should alleviate flooding issues. The system is warranted for fifty years.

Dr. Weiner asked about the piping material, and Mr. Morinon replied that high density pipe is used and no casing is required. Dr. Weiner asked how the wells are designed, and Mr. Morinon explained that each system is individually designed with special calculations.

Dr. Saltsman asked if there would be any blasting needed, and Mr. Morinon explained there would not be as they would be using an air hammer. Dr. Saltsman asked about venting, and Mr. Morinon said that the system is 100 percent electric and uses fresh air.

Ms. Porter recommended approval of the permit with the condition that full compliance with the proposed Policy and MADEP UIC registration requirements are met.

MOTION: To approve the private well permit application for use in a closed-loop geothermal heating system at 211 Cambridge St. with the condition that there is full compliance with the proposed Town of Burlington Policy on Installation of Wells for Use in closed-Loop Geothermal heating Systems and that MADEP UIC registration requirements are met (Mr. Dion; second: Dr. Saltsman). **APPROVED 4-0-0**

VARIANCE

▶ **1. Sodexo, 3 Burlington Woods – Exterior Grease Trap**

Michael Dimick, District Manager, and Daniel Cathcart, Chef, were present to address the Board to request a variance for an external grease trap. With regard to the exterior grease trap, Ms. Johnson explained that Sodexo is a contract food service provider and is replacing Unidine. Breakfast and lunch will be provided, and no renovations are planned. There is an existing three-compartment sink with an interior grease trap.

Ms. Johnson recommended to deny the variance because the establishment will be preparing foods containing fats, oils, and grease. However, if the Board recommended to grant the variance, she recommended a temporary one year variance with the proponent appearing before the Board in one year at which time a permanent variance would be granted, if the establishment remained in compliance. Ms. Johnson read the conditions for recommendation.

MOTION: To approve the request for a variance from the BOH requirement for an external grease trap at Sodexo, 3 Burlington Woods, with the proponent coming back before the Board in one year for consideration of a permanent variance (Mr. Dion; second: Dr. Saltsman). **APPROVED: 4-0-0**

VARIANCE

▶ 2. Sodexo, 3 Burlington Woods – Time as a Public Health Control

Ms. Johnson next explained that Sodexo would like to use Time as a Public Health Control in order to display sandwiches for no longer than two hours, after which time they would be discarded. She recommended granting the variance and read the conditions for recommendation.

Dr. Weiner requested that they be vigilant with their logs.

MOTION: To approve the request for a variance to use time as a public health control at Sodexo, 3 Burlington Woods (Dr. Read; second: Dr. Saltsman) **APPROVED: 4-0-0**

HEARING

▶ 33 Newbridge Avenue (Outstanding Code Violations)

Anthony Taylor, representative of the landlord, was present to address the Board.

Ms. Mastenbrook reviewed with the Board the many violations found at this location. A tenant lives at the address. Some violations have been corrected.

Mr. Taylor requested an additional ten days to get the remainder of the violations corrected. The BOH agreed to an extension to February 24 to correct all violations, except the smoke detector in the laundry room, which had to be repaired within 24 hours.

Ms. Mastenbrook told Mr. Taylor that a sign off letter would be sent to him when all violations are in compliance and certified.

MOTION: To grant a 24 hour extension to correct the laundry room smoke detector code violation and to grant a 10 day extension for remaining code violations as outlined in the health director's report (Mr. Dion; second: Dr. Saltsman). **APPROVED 4-0-0**

STAFF REPORTS

▶ Environmental Engineer's Report

Household Hazardous Waste: Ms. Porter stated that the next Household Hazardous Waste Collection Day would be held on Saturday, April 25 at the Marshall Simonds Middle School from 8:30 am to 12:00 noon.

Hazardous Registration: She said that the hazardous waste registration forms from businesses are being received, with the deadline being next week.

Lahey Clinic: Ms. Porter reported that there have been no changes to the protocols and agents at Lahey Clinic's rDNA Laboratories. The Board recommended that Lahey postpone coming before them until the completion of the rDNA technology regulation. Ms. Porter recommended that the Board approve, at this time, the two rDNA permits for Lahey Clinic.

MOTION: To approve two rDNA permits for Lahey Clinic, 31 and 41 Mall Road (Dr. Saltsman; second: Mr. Dion)

Dr. Weiner commented that Lahey is to be informed that they must come before the Board when the regulation goes through.

APPROVED: 4-0-0

In conclusion, Ms. Porter explained that the current regulation covers work done with rDNA, but there are other biological agents used, and a new regulation is being written in order to have the proper protocol in place.

MOTION: To accept the Environmental Engineer's report as submitted (Mr. Dion; second: Dr. Read).
APPROVED: 4-0-0

► **Health Agent's Report**

Peanut Butter Recall: Ms. Johnson stated that information on the peanut butter recall has been placed on the department's website. The site includes direct links to the U.S. Food & Drug Administration and brands that were affected.

75 Lexington Street: Ms. Johnson reviewed, upon Dr. Weiner's request, the permit application for this address stating that there will be no roosters, per regulations.

Not Your Average Joes: Outstanding fine has been paid.

MOTION: To accept the Health Agent's report as submitted (Dr. Saltsman; second: Dr. Read).
APPROVED: 4-0-0

► **Board of Health Nursing Report**

Disease Surveillance Program - Maven: Ms. Mastenbrook reported that Ms. Nemoda would be making a presentation at an upcoming BOH meeting on the Maven Disease Surveillance and Outbreak Management program. This program allows reporting, tracking and management of communicable diseases.

MOTION: To accept the Nurse's report as submitted (Mr. Dion; second: Dr. Read).
APPROVED: 4-0-0

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

Flu Clinics: Ms. Mastenbrook announced three upcoming flu clinics and stated that more evening clinics were added this year for the convenience of the public

Rabies Vaccination Clinic: Ms. Mastenbrook stated that she will be unable to attend this clinic being held Saturday, March 28, and that Ms. Johnson would be in attendance.

Burlington Reads: Ms. Mastenbrook commented that her department has material on the community book club program currently taking place called "Burlington Reads! 2009." The program is sponsored by the Burlington Public Library. Ms. Mastenbrook will be making a presentation at the library for this program on March 19: "The Healthy Kitchen".

MOTION: To accept the Director of Public Health's report as submitted (Mr. Dion; second: Dr. Saltsman).
APPROVED: 4-0-0

DISCUSSION

► ***FY10 Budget***

In reviewing the budget, Ms. Mastenbrook explained that the overall budget percent increase being requested is -0.11%. The budget includes software to assist with field inspections in order to move away

from the use of paper during inspection. The system is web based and the company writes software for the inspection forms. A portable printer is also available to use when necessary.

MOTION: To approve the FY10 BOH budget (Dr. Saltsman; second: Dr. Read)
APPROVED: 4-0-0

▶ ***EDS Deployment 2008***

A PowerPoint presentation displaying the 2008 EDS deployment involving Lexington, Winchester, and Burlington with Burlington's MRC was shown. Ms. Mastenbrook was pleased to report that 897 people were served in 3.5 hours. The members thanked the Director for the presentation and also thanked the entire staff for their hard work on this exercise.

▶ ***Policy – Installation of Wells for Use in Closed Loop Geothermal Heating Systems***

As discussed during the closed-loop agenda item, Ms. Porter reviewed with the Board a draft policy on Installation of Wells for Use in Closed-Loop Geothermal Heating Systems. The policy will alert well drillers, businesses and residents as to the expectations of the BOH.

Dr. Weiner stated that he is concerned about leaks in the piping system getting into the town's drinking water supply. Ms. Porter explained that these wells are not allowed in the aquifer district, and that conditions had been added to allow for a shut down in the event of a malfunction.

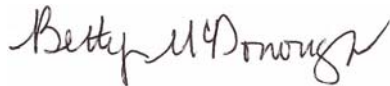
Another condition added was the request for documentation on the ground in and around the piping.

Ms. Porter recommended that permit fees for wells be reviewed at a future date.

The draft policy will be discussed for possible approval at a future scheduled BOH meeting.

MOTION: To adjourn at 8:30 p.m. **APPROVED: 4-0-0**

Respectfully Submitted,



Betty McDonough
Recording Secretary