

**Burlington Board of Health
Minutes – Regular Meeting
Tuesday, October 13, 2009**

Board Members Present: Terry McSweeney, Chair; Jim Dion; Cathy Read, Ph.D, RN;
Wayne Saltsman, M.D., Ph.D

Staff Members Present: Heidi Porter, Environmental Engineer; Marlene Johnson, Health Agent

The meeting was called to order at 7:00 p.m.

APPROVAL OF MINUTES – September 22, 2009

Motion: To approve the minutes of September 22, 2009 as submitted (Dr. Saltsman; second: Dr. Read). **Approved: 3-0-1**

CITIZEN'S TIME

Elaine Smith, 14 Birchcrest St., was present with concerns about a letter she received regarding total coliform bacteria throughout the water distribution system in town. The resident was advised by the BOH that testing did not show any evidence of e-coli and that there should be no problem with the water.

VARIANCE

▶ ***Subway, 258 Cambridge Street – External Grease Trap***

Members agreed to take this variance out of order.

Attorney Murphy of Shea, Murphy & Gulde, P.C. and Subway owner, Iqbal Salewala, were present to request Board of Health (BOH) approval for a variance from the BOH Regulations requiring the installation of an external grease trap. Ms. Johnson stated that an internal passive grease trap will be installed to the ware wash sink. The trap will be emptied as needed, inspected monthly, and logs will be kept as required.

Ms. Johnson stated that her standard recommendation is to deny the variance, but if the BOH granted a variance, she recommended a one year variance with the stipulation that the proponent appear before the BOH in one year to discuss the possibility of a permanent variance.

MOTION: To grant a temporary, one year variance to Subway, 258 Cambridge Street, with the standard conditions. The proponent must appear before the BOH in one year to discuss the granting of a permanent variance (Dr. Saltsman; second: Mr. Dion)
APPROVED: 4-0-0.

DRAINAGE PERMIT

▶ **2 Stony Brook Road – New Residence**

Environmental Engineer, James Decoulos was present. Mr. Porter stated that the previous residential home was demolished per proper procedures. Plans have been submitted for a new two-story house in the rear portion of the lot. Extensive drainage is planned. There are wetlands on the site, and the owner has followed proper procedures of the Conservation Commission. There is an extensive driveway alongside of which a catch basin with a high capacity infiltrator chamber will be installed. Roof drainage will run into a dry well on the property.

Mr. McSweeney requested that the catch basin be cleaned once a year.

Motion: To approve Drainage Permit Application with plan as submitted with condition that catch basin be cleaned once a year (Mr. Dion; second: Dr. Read). **Approved 4-0-0**

VARIANCE

▶ **Unidine – The Burlington Center, 25 Corporate Drive, External Grease Trap**

Lynette Silvas was present to address the BOH. Unidine would like to receive BOH approval for a variance from the regulations requiring an external grease trap.

Ms. Johnson explained that Unidine is the contract food service provider retained by the management company of the office park at 25 Corporate Drive. The establishment will provide breakfast and lunch to the occupants of the office building. No renovations are planned. There is an existing three compartment sink with an internal grease trap, and the trap will be inspected monthly, emptied as needed and logged as required.

Ms. Johnson presented her standard recommendation which is to deny the variance because the establishment would be preparing foods containing fats, oils and grease, but if the BOH granted a variance, she recommended a one year variance with the stipulation that the proponent appear before the Board in one year to discuss a possible permanent variance.

MOTION: To grant a temporary, one year variance for Unidine, The Burlington Center, 25 Corporate Dr., with the proponent appearing before the BOH in one year (Dr. Saltsman; second: Dr. Read). **Approved: 4-0-0**

HEARING

▶ **35 Mountain Road, Keeping of Horses**

Neighbors of this address have complained of odors in the area and horse manure on the street. Ms. Mastenbrook visited the area and noted that the homeowner was in possession of one or more horses. On September 9, 2009, she sent a letter to the homeowners about the complaint along with a permit application. Ms. Porter stated that the proponent had sent a letter indicating that they would not be attending the meeting.

At this time they are not in compliance and do not believe they need to apply for a permit. The department will facilitate dialog with the Animal Control Officer.

Motion: To table this issue until the next regular meeting (Mr. Dion; second: Dr. Saltsman).
Approved: 4-0-0

HEARING

▶ ***Gourmet India, 75 Middlesex Turnpike, Food Code Violation Progress Report***

Yogesh Sood, owner, was present as requested by the BOH at their August 25, 2009 meeting. At that meeting Mr. Sood had been instructed that management and employees re-trained on how to properly cool potentially hazardous foods. Ms. Johnson said that all conditions of the decision letter had been met, and she recommended that the BOH vote in favor of allowing Gourmet India to continue operating a food service establishment.

Mr. McSweeney reminded Mr. Sood to ensure that all new employees are properly trained

Motion: To allow Gourmet India to continue operating a food service establishment (Mr. Dion; second: Dr. Saltsman). **Approved: 4-0-0**

STAFF REPORTS

▶ **Environmental Engineer's Report**

111 and 118 Cambridge St.: Ms. Porter reviewed a Release Abatement Measure Report for proposed work at these sites and stated that she had done a pre-demo walk though and approved the submitted pre-demolition paperwork for #111. After the removal of the foundation, there will be access to impacted soil. Mobil is making good efforts, and they are required to submit plans for remediation.

Van De Graaff Dr., Former HVEC/Bellofram: Ms. Porter reported that since the installation of a new, expanded remediation system, the contamination trends are moving in the downward direction. Remediation, is being overseen by the BOH.

Household Hazardous Waste Day, September 26: 433 households participated. A good deal of materials with mercury were turned in.

Universal Waste Collection Event, September 28: 16 businesses participated, in addition to town offices and the school department.

Vine Brook Water Treatment Facility: Employees at the plant were retrained on bacterial sampling procedures.

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

▶ Health Agent's Report

Super H Mart: Ms. Johnson stated that as a result of a complaint about Super H Mart, she conducted an inspection. This inspection revealed many other violations in need of correction. Representatives from H Mart will soon be coming before the BOH to request variance for selling live finfish and shellfish. They are working with a food consultant.

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

▶ Board of Health Nursing Report

Motion: To postpone review of the Nurse's report until the next meeting. (Dr. Saltsman; Second: Mr. Dion). **Approved: 4-0-0**

▶ Director of Public Health's Report

In her absence, Ms. Porter reviewed Ms. Mastenbrook's report.

Flu Clinic: A town-wide flu clinic will take place on November 14 from 11:00 a.m. to 2:00 p.m. for seasonal and H1N1 vaccine distribution. The Burlington BOH has been nominated to be an early H1N1 clinic, which is a compliment to the town and the MRC volunteers.

H1N1: Mr. McSweeney gave a report about H1N1 and stated that Burlington is working hard to protect the public and schools. Dr. Saltsman reminded the public to remember to wash hands to help stop the spread of germs.

Motion: To accept the Director of Public Health's report (Dr. Saltsman; Second: Mr. Dion). **Approved: 4-0-0**

DISCUSSION

▶ ***Amendments to Board of Health Policy on Installation of Wells for Use in Closed-Loop Geothermal Heating Systems and Private Well Regulations***

Ms. Porter stated that in the recent past, the first application for a closed loop well for a private property had been received and approved by the BOH. At that time the BOH established a closed-loop well policy. She added that because it is going into the ground, it must be considered a well, and a permitting and review fee should be established. A recommendation is now being made to move the fee out of the policy and to incorporate it into the regulation.

Motion: that the BOH amend Section IV (F) of the *Private Well Regulations* by adding the words "Closed-Loop Heating System Well - \$100.00" and to recommend that the words "the fee for installation of a well for use in a closed-loop geothermal heating system is \$100 be deleted from the policy on *Installation of Wells for Use in Closed-Loop Geothermal Heating systems* (Dr. Saltsman; second: Mr. Dion). **Approved: 4-0-0**

DISCUSSION

- ▶ ***Styrofoam Cups at High School Fence on Cambridge Street – Citizens Complaint (Environmental Impact)***


The Board of Health received a citizens' complaint, as did the Board of Selectmen, the Town Administrator, the School Committee and DPW regarding the insertion of Styrofoam cups at the High School in the effort to display messages.

After reviewing the letter, the BOH agreed that the Board would take no action as this could be handled by the School Committee.

Motion: That the BOH take no action on this issue and refer it to the School Committee (Dr. Saltsman; second: Dr. Read). **Approved: 4-0-0**

Motion: To adjourn at 7:45 p.m. **Approved: 4-0-0**

Respectfully Submitted,



Betty McDonough
Recording Secretary