

**Burlington Board of Health  
Minutes – Regular & Executive Session Meetings  
Tuesday, November 10, 2009**

**Board Members Present:** Terry McSweeney, Chair; Ed Weiner, Ph.D, Vice-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

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

**EXECUTIVE SESSION**

A motion was made by the Chair to enter into executive session at 7:00 p.m. for the purpose of discussing disciplinary action for an employee of that department. Motion carried by a unanimous roll call vote of all members.

**RE-CONVENE REGULAR MEETING**

**APPROVAL OF MINUTES – October 13, 2009**

**Motion:** To approve the minutes of October 13, 2009 as submitted (Mr. Dion; second: Dr. Read).  
**Approved: 4-0-1**

**VARIANCE**

▶ ***Unidine – Café 30, 30 Corporate Drive – External Grease Trap***

Lynette Silva, Manager, was present representing Unidine. Ms. Johnson explained that Unidine is a contract food service provider retained by the management company of 30 Corporate Drive, located in an office park off Cambridge St. This establishment replaced Corporate Chefs. Unidine is seeking Board of Health (BOH) approval for a variance from regulations requiring an external grease trap. There is an existing three-compartment sink with an internal grease trap at the location. Ms. Johnson stated that her standard recommendation is to deny the request because this food establishment will be preparing foods containing fats, oils and grease.

The BOH reviewed the menu and agreed to approve a temporary, one-year variance.

**Motion:** To grant a temporary, one year variance to Unidine – Café 30, 30 Corporate Drive with the standard conditions. The proponent must appear before the BOH in one year to discuss the possible granting of a permanent variance (Dr. Weiner; second: Mr. Dion).

*Discussion: The manager was reminded to keep a clean-out log.*

**Approved: 5-0-0**

## VARIANCE

### ▶ ***Fine Chokolader – 42 Beaverbrook Road - External Grease Trap***

Dr. Jane McIninch, Ph.D., owner, was present to request approval for a variance from regulations requiring an external grease trap. Dr. McIninch will be preparing chocolates for retail sale. She is working with the MA Dept. of Public Health, Food Protection Program, to obtain a state wholesale residential license to sell chocolates via the internet to retail food stores. A plan review was conducted by Ms. Mastenbrook, and Dr. McIninch will be installing an internal grease trap to the ware wash sink.

Ms. Johnson stated that her standard recommendation is to deny the request because this food establishment will be preparing foods containing fats, oils and grease.

The BOH reviewed the items to be made and sold and reminded the proponent about keeping logs of when grease trap is inspected and emptied.

Ms. Mastenbrook reminded the owner that there shall be no other uses in the area of the basement where the chocolates are made.

**Motion:** To grant a temporary, one year variance to Fine Chokolader, 43 Beaverbrook Road, with the standard conditions. The proponent must appear before the BOH in one year to discuss the possible granting of a permanent variance (Dr. Weiner; second: Dr. Read).

*Discussion: Mr. McSweeney stated that if it is discovered that clients are visiting the site to purchase chocolates, then the BOH could consider removal of the permit.*

**Approved: 5-0-0**

## DRAINAGE PERMIT

### ▶ ***111 Cambridge Street – Contaminated Soil Excavation***

Bruce Ross, Kleinfelder (LSP of record for property), and Rich Bell, Cyn Environmental Services, were present. Ms. Porter stated that the residential property at 111 Cambridge Street was recently demolished. The soil and groundwater at the site had been contaminated from the upgradient, former Exxon gasoline station at 118 Cambridge Street.

Mr. Ross stated that they were present to request a drainage permit with respect to potential soil erosion during the extensive remediation process that will be taking place in the fall to remove residual contamination from the property. To help control erosion on slopes during the winter months, hay bales will be placed around the perimeter of the property and hay will be spread across the surface.

Provisions will be made for police detail in the event large trucks impede the traffic on Cambridge Street, and a secured fence has been installed around the area where the work will take place.

Ms. Porter said she spoke with the Town Administrator because occasionally permits are issued when a large volume of soil is being excavated. She also spoke with the Conservation Commission about the erosion and sediment control concerns, and because of environmental issues, they

recommended that the BOH consider issuing a drainage permit. If approved, the Environmental Engineer's prepared comments for the Drainage Permit would become part of the conditions for the drainage permit.

Mr. Ross explained that they would be digging and cleaning the overburden and stockpiling it on site. Individual sections would be dug using a trench box and each section would be individually filled with gravel stone above the water table. Ms. Porter added that soil samples will be collected after the removal of the contaminated soil.

Test pitting proved that the focus will be in the area of Cambridge Street and the foundation of the home.

Dr. Weiner asked if there would be an odor during the earth moving process, and Mr. Ross replied that the odor of petroleum may be noticed pedestrians in the area.

**Motion:** To approve drainage permit for contaminated soil excavation, 111 Cambridge Street with provided by the Environmental Engineer (Mr. Dion; second: Dr. Weiner). **Approved: 5-0-0**

### **DRAINAGE PERMIT**

#### ▶ **6 Laurie Lane – Construction of a residential Garage**

Ann McDevitt, homeowner, was present. Ms. Porter said than an anonymous call was received regarding a large amount of soil being delivered to 6 Laurie Lane. Upon inspection it was observed that a foundation was in place. A permit had been received from the Building Department for a garage.

It was evident, she said, that the area was moderately extended at the rear of the home but appeared less steep. The owners agreed to submit an erosion control plan and a statement of vegetation.

Ms. McDevitt said the land had sloped at an angle and she asked the contractors to correct the slope, and the soil was delivered to fill the foundation for a garage. She added that she was not aware of any drainage issues in this area. Ms. Porter added that there is extensive land in the back to allow infiltration. The owner added that a berm will be installed on the driveway to help keep rainwater on their property.

**Motion:** To approve drainage permit for 6 Laurie Lane (Dr. Saltsman; second: Mr. Dion).

*Discussion: The homeowners were reminded of the conditions in place on the drainage permit. In addition, if there are any issues with drainage of water in the future, the BOH would revisit the site and the permit.*

**Approved: 5-0-0**

### **HEARING**

#### ▶ **Candlewood Suites, 130 Middlesex Turnpike – Failure to Renew Food Permit Before November 1, 2009**

Ms. Johnson stated that all food establishments had been sent a reminder that their Food Permit would expire November 1, 2009, and Candlewood Suites was late in renewing their food permit.

Douglas Soule, who was present representing Candlewood Suites, explained that the permit renewal information had been mailed to the corporate offices making the expedition of the check slow, and he apologized for it arriving late. Ms. Johnson said that it had been paid.

Ms. Johnson and the BOH reviewed the late fee policy currently in place noting that a constable was hired to deliver a letter to the establishment. The BOH recommended that the standard fine of \$50.00 be paid.

**Motion:** To issue a flat \$50.00 fine for late renewal of food permit (Dr. Weiner; second: Mr. Dion).  
**Approved: 5-0-0**

## **HEARING**

- ▶ ***Crate & Barrel, 75 Middlesex Turnpike – Failure to Renew Food Permit Before November 1, 2009***

Tammy Dunsizer, manager, was present representing Crate & Barrel. When asked by the BOH if she had received the reminder letter, she replied that she had not. Ms. Johnson stated that a fax had been sent on October 26 and it was necessary to hire the constable to deliver a letter.

Also, she said, the fee has been paid, but this is the second year in a row that the permit fee has been late.

The BOH recommended that the standard fine of \$50.00 be paid.

The original letter, Ms. Dunsizer said, had been delivered to the corporate office, but she is now aware of the regulation to renew the food permit.

**Motion:** To issue a flat \$50.00 fine for late renewal of food permit (Dr. Saltsman; second: Dr. Read).  
**Approved: 5-0-0**

## **HEARING**

- ▶ ***Sears, 1100 Middlesex Turnpike – Failure to Renew Food Permit Before November 1, 2009***

Kevin Lizotte was present representing Sears. Ms. Johnson stated that they have a three-year history of paying their permit fee late. Mr. Lizotte apologized and explained that he has only been with Sears for six months. He added that he has already made preparations to avoid being late again next year. Ms. Johnson stated that the permit fee has been paid.

The BOH recommended that the standard fine of \$50.00 be paid.

**Motion:** To issue a flat \$50.00 fine for late renewal of food permit (Dr. Saltsman; second: Mr. Dion). **Approved: 5-0-0**

## **STAFF REPORTS**

### **► Environmental Engineer's Report**

Mr. McSweeney reported that Environmental Engineer, Heidi Porter, had accepted a position as Public Health Director with the City of Everett. The members congratulated and thanked Ms. Porter for her fine work and dedicated service to the Town of Burlington.

High School Turf Field: Ms. Porter said she met with the Town Engineer about the new, synthetic turf field being installed at the high school. Because there is still contamination present under the field's surface, the BOH will be involved with discussions, development and construction phases for the field. There is no risk, she said to individuals using the fields, however, full groundwater assessment of all the wells in the area of the field will be required. ATC is the environmental consultant for the town, and they submitted a proposal to support replacement of the existing football field.

**Motion:** To accept the proposal from ATC Associates Inc. for environmental services with respect to replacement of existing high school football field with synthetic turf (Dr. Weiner; second: Mr. Dion)  
**Approved: 5-0-0**

Sears: A past access agreement between the town, Sears and Tyco Property Management has expired. The original agreement allowed the town to access critical monitoring wells behind Sears in order to acquire analytical data to monitor environmental contamination. A new five-year access agreement has been prepared and is being reviewed by the town council.

Wildwood Site: Upon approval of grant funding as well as approval for funding from Town Meeting, the Recreation Department will be submitting a Site Plan for redevelopment of the Wildwood school site into athletic fields and recreational areas. When the plan is received, comments and conditions have been prepared relative to the redevelopment of the site.

**Motion:** To accept the Environmental Engineer's report as submitted (Dr. Weiner; second: Dr. Saltsman). **Approved: 5-0-0**

### **► Health Agent's Report**

Flu Clinic: Ms. Johnson said that she has been involved in the preparation and planning meetings for the EDS Drill/Flu Clinic.

**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 stated that Principal Clerk, Cathy Piccolo, had reported the statistical data for Nursing Report dated October 2009.

**Motion:** To accept the Nurse's report as submitted (Mr. Dion; second: Dr. Saltsman). **Approved: 5-0-0**

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

Ms. Mastenbrook reminded the public of the seasonal flu and H1Ni flu clinic taking place on November 14 at Burlington High School. The target group for this clinic is 6 months to 24 years old and pregnant woman are encouraged to receive the H1N1 vaccine. The MRC volunteers have been well trained, and the staff is well prepared for the EDS clinic, and police detail will be on site. At this time, there were 1,000 state purchased seasonal vaccines and 500 federally supplied H1N1 vaccines, and anyone can come to the clinic.

The October 30 clinic for children ages 2-9 went well with 97 doses of nasal spray being administered. Vaccine availability information can be found on the DPH and CDC websites.

**Motion:** To accept the Director of Public Health's report (Mr. Dion; Second: Dr. Saltsman).  
**Approved: 5-0-0**

**Motion:** To adjourn at 8:40 p.m. **Approved: 5-0-0**

Respectfully Submitted,



Betty McDonough, Recording Secretary