



TOWN OF BURLINGTON, MA
BOARD OF HEALTH
MINUTES
Main Meeting Room, Town Hall

TUESDAY, JULY 28, 2020

Board Members Present: Ed Weiner, PhD, Chairman; David McSweeney, Vice Chairman; Dr. Wayne Saltsman, MD, PhD; Libby Walendziewicz, RN, MSN; and Maribeth Welch

Staff Members Present: Susan Lumenello, REHS/RS, CHMM, Director of Public Health; Christine Mathis, Environmental Engineer, Marlene Johnson, Health Agent; Samantha Hardy, Associate Health Inspector; and Sarah Courtemanche, Board of Health Admin

Dr. Weiner called the Board of Health meeting to order at 7:00 PM. This will be a remote meeting of the Burlington Board of Health. All votes will be taken by a roll call vote.

Ms. Walendziewicz recited the Pledge of Allegiance.

Mr. McSweeney read a statement that due to the current State of Emergency for the COVID-19 virus the Governor has issued an Executive Order on March 12, 2020 authorizing remote meeting under M.G.L c. 30A, Section 20. This meeting is being held via Cisco WebEx as a virtual/electronic meeting. Residents can join the meeting via the WebEx meeting number or by the phone number published on the Town of Burlington website. Residences can also leave questions on the BCAT Facebook page or they can call the Board of Health office.

Approval of Minutes: June 23, 2020

MOTION: Dr. Saltsman moved to approve the Board of Health minutes of June 23, 2020 as submitted. The motion was seconded by Mr. McSweeney and unanimously approved. On a roll call vote, Mr. McSweeney, Ms. Walendziewicz, Dr. Saltsman and Dr. Weiner voted in favor and Ms. Welch abstained from voting. (4-0-1)

Chairman's Report:

Dr. Weiner stated that we are continuing to improve with COVID-19. The numbers are stable and hopefully will start declining. The Board continues to work independently as well with the Commonwealth to meet all challenges head on. Dr. Weiner thanked Staff, volunteers and fellow Board members for their hard work during this time.

Dr. Weiner stated that he would like to change the order of some of the agenda items.

Subcommittee Reports:



TOWN OF BURLINGTON
BOARD OF HEALTH MINUTES
JULY 28, 2020

Dr. Weiner stated that the Subcommittee Reports will be discussed during the agenda items.

MOTION: Dr. Saltsman moved to move the Permits for Keeping of Animals for 75 Peach Orchard Road and 130 Pearl Street up on the agenda. The motion was seconded by Ms. Welch and unanimously approved. On a roll call vote, Mr. McSweeney, Ms. Walendziewicz, Dr. Saltsman, Ms. Welch and Dr. Weiner voted in favor. (5-0-0)

Permits:

● ***Keeping of Animals – 75 Peach Orchard Road, 6 Chickens***

Paul Cioffi appeared for the permit to keep 6 chickens on his property at 75 Peach Orchard Road.

Ms. Hardy stated that she conducted the inspection and the coop was fine for 4 chickens but would have to be expanded for the requested 6 chickens. The setbacks were met and there is a fenced area for the chickens. She would recommend approval.

Dr. Weiner asked if the ACO has approved this yet. Ms. Hardy replied not yet.

There were no questions from the audience.

MOTION: Dr. Saltsman moved to approve the Keeping of Animals for 75 Peach Orchard Road, 6 chickens. The motion was seconded by Ms. Walendziewicz and unanimously approved. On a roll call vote, Mr. McSweeney, Ms. Walendziewicz, Dr. Saltsman, Ms. Welch and Dr. Weiner voted in favor. (5-0-0)

● ***Keeping of Animals – 130 Pearl Street, 15 Chickens***

The applicant, Carlos Sandoval, did not appear for the hearing.

Ms. Welch asked if the coop could handle 15 chickens. Ms. Hardy replied yes. Ms. Welch asked if these were new chickens. Ms. Hardy replied no, the applicant had chickens and didn't realize he needed a permit. Ms. Lumenello added that he will also need a Special Permit from the Planning Board because he has over 6 chickens.

Mr. McSweeney stated that he has some questions and this should be continued.

MOTION: Mr. McSweeney moved that the hearing for Keeping of Animals for 130 Pearl Street be continued until the next meeting and that the applicant be contacted to attend. The motion was seconded by Dr. Saltsman and unanimously approved. On a roll call vote, Mr. McSweeney, Ms. Walendziewicz, Dr. Saltsman, Ms. Welch and Dr. Weiner voted in favor. (5-0-0)

Discussion:

● ***School Committee Board of Health Subcommittee***

Carl Foss and Martha Simon appeared on behalf of the School Committee. Ms. Simon stated that they are a subcommittee of the School Committee to be liaisons to the Board of Health. Ms. Simon thanked Ms. Lumenello for all her work with the School Committee and Mass DPH. They are glad that they can work in



TOWN OF BURLINGTON
BOARD OF HEALTH MINUTES
JULY 28, 2020

conjunction with the Board of Health for procedures to reopen schools and racial injustice. The School Committee took a vote at their last meeting on an anti-racist resolution.

Mr. Foss stated that he is looking forward to working with the Board of Health to keep the children and staff safe.

Dr. Weiner stated that he will nominate 1 to 2 members of the Board of Health to be on this subcommittee and will send the names out by the end of the week.

Dr. Saltsman stated that he is very pleased that the School Committee is having this subcommittee but he would like to broaden the racism aspect to level discrepancies over all social aspects.

Citizen's Time: No one called in.

Applications:

- *Application for a Preliminary Subdivision, 200,400,600 Summit Drive*
- *Application for a Definitive Subdivision, 200,400,600 Summit Drive*

Attorney Robert Buckley from Riemer & Braunstein and Scott Weisse appeared for the preliminary and definitive subdivision for 200, 400 and 600 Summit Drive. Attorney Buckley stated that this property has been rezoned to IH. The purpose of the subdivision is a minor modification to the layout of the cul-de-sac and there will be no construction. This will add 2,100 SF for frontage. When a new tenant comes in, they will come back before the Board of Health and Planning Board for Life Sciences. All this application is for is changing the layout of the frontage.

Dr. Weiner asked if the abutters on North Ave will be impacted. Attorney Buckley replied no, the setbacks will remain the same. Dr. Weiner proposed the following revision to the first two conditions: “#1. *The proposal will require a reconfiguration of lot lines and an eventual modification of the existing roadway layout (Summit Drive) to create frontage for the new Lot 300 and #2. Any future construction on any lot and roadway modifications would be subject to Site Plan approval including a review of site contamination history and storm water management among other site considerations.*” Attorney Buckley agreed to that.

MOTION: Mr. McSweeney moved to approve the Preliminary Subdivision for 200,400,600 Summit Drive with the amended conditions. The motion was seconded by Dr. Saltsman and unanimously approved. On a roll call vote, Mr. McSweeney, Ms. Walendziewicz, Dr. Saltsman, Ms. Welch and Dr. Weiner voted in favor. (5-0-0)

MOTION: Dr. Saltsman moved to approve the Definitive Subdivision for 200,400, 600 Summit Drive with the amended conditions. The motion was seconded by Ms. Welch and unanimously approved. On a roll call vote, Mr. McSweeney, Ms. Walendziewicz, Dr. Saltsman, Ms. Welch and Dr. Weiner voted in favor. (5-0-0)

- *Application for a Definitive Subdivision, 0 Chandler Road (Mill Pond Lane)*

Greg Hickox from GTH Homes and Steven Dresser from Dresser Williams and Way appeared for the Definitive Subdivision at 0 Chandler Road. Mr. Dresser stated that this is a proposed 3 lot subdivision.



TOWN OF BURLINGTON
BOARD OF HEALTH MINUTES
JULY 28, 2020

Originally they appeared for an Approval Not Required, but they revised it to a 3 lot subdivision with a cul-de-sac. The drainage will run to the westerly side and will flow into an infiltration system. The soil is loamy sand. The gutters will tie into a stone trench system for each lot that will collect the roof and driveway run off.

Ms. Mathis stated that she has reviewed the plans and she would recommend approval with the 11 conditions presented.

Mr. McSweeney stated that the subcommittee met to review the plans. The first option had an above ground detention that would have standing water. This did not meet the requirements. The plan has been redesigned and the drainage system will now be below ground.

Dr. Weiner asked what the status of Lot #4 is. Mr. Dresser stated that it is not the intent to develop this lot and to donate it to the Town.

Mr. McSweeney asked if the Staff had received any comments from the abutters. Ms. Lumenello stated that they don't advertise for the hearing, the Planning Board does, but they have not received any comments.

MOTION: Dr. Saltsman moved to approve the Definitive Subdivision for 0 Chandler Road with the proposed conditions. The motion was seconded by Ms. Welch and unanimously approved. On a roll call vote, Mr. McSweeney, Ms. Walendziewicz, Dr. Saltsman, Ms. Welch and Dr. Weiner voted in favor. (5-0-0)

Permits:

● ***Sarepta, 55 Network Drive – Biological Safety Permit Application***

Jay Carima, Dr. Maroof Alam, Dana Buckley and Brooke Sapia appeared for the Biological Safety Permit for 55 Network Drive. Mr. Carima stated that they have been operating in Burlington for about a year and half. Mr. Carima presented a slide show presentation showing the safety measures in place and including the 3 protocols to come out of the IBC Meeting held in January 2020.

Ms. Mathis stated that she would recommend approval of the Biological Safety Permit.

Dr. Saltsman stated that Sarepta is on the fast track to work with gene work on Muscular Dystrophy and asked if they could educate Burlington youth on Rare Lessons. Dr. Alam stated that Sarepta hosts awareness programs and they could talk about giving a presentation to Burlington.

MOTION: Dr. Saltsman moved to approve the Biological Safety Permit for Sarepta at 55 Network Drive. The motion was seconded by Ms. Walendziewicz and unanimously approved. On a roll call vote, Mr. McSweeney, Ms. Walendziewicz, Dr. Saltsman, Ms. Welch and Dr. Weiner voted in favor. (5-0-0)

Dr. Weiner stated that they are very proud to have a company like Sarepta in Burlington.

Variance:

● ***Yard House, 108 Middlesex Turnpike – ROP: Cook-Chill***



TOWN OF BURLINGTON
BOARD OF HEALTH MINUTES
JULY 28, 2020

Paul Leszcynski, Manager and David Reyda of Yard House appeared for a variance request for the Yard House.

Ms. Johnson stated that this is a new variance. The cook-chill process is to rapidly chill cooked food to be heated later. This is for a large volume of sauces and the shelf life is about 7 days when kept at 41° F. She recommends approval with the 5 conditions.

Dr. Saltsman asked who is assigned the daily task to review the product for expiration. Mr. Leszcynski replied there is a cooling log that is filled out daily. The product is labeled and dated. There are 2 line checks done daily by the Manager so it will be the Manager's responsibility. Dr. Saltsman asked if this would modify the inspection procedure. Ms. Johnson stated that they will specifically look for the dates and logs.

Mr. McSweeney asked if the cook-chill process is used in other locations. Mr. Reyda replied it will be once we get approval from the local Board of Health. Mr. McSweeney asked what the benefit is. Mr. Leszcynski replied that there is less waste, fewer pans to wash, less exposure of the food to air. Mr. McSweeney stated that he would want this monitored closely since it is a new procedure.

Dr. Weiner asked how we can know that they won't get botulism. Ms. Johnson stated that the cooking, cooling and reheating all have to be at a certain temperature. Mr. Leszcynski stated that the sauces will be kept for a shorter shelf life and the time and temperature will be checked.

MOTION: Mr. McSweeney moved to approve the variance for Cook-Chill methodology for the Yard House, 108 Middlesex Turnpike with the proposed conditions. The motion was seconded by Ms. Walendziewicz and unanimously approved. On a roll call vote, Mr. McSweeney, Ms. Walendziewicz, Dr. Saltsman, Ms. Welch and Dr. Weiner voted in favor. (5-0-0)

Staff Reports

Environmental Engineer

Ms. Mathis presented her report.

- Burlington's risk rating for West Nile Virus is Low and EEE is Remote. The closest West Nile Virus mosquito was found in Belmont and Arlington and EEE was Worcester or Plymouth.
- Household Hazardous Waste Day is scheduled for September 12th at the Francis Wyman School. They are working on the safety protocols.
- There were a few issues with proper spacing with reopening fitness centers but they have been resolved and Ms. Hardy has done the inspection.

MOTION: Dr. Saltsman moved to approve the Environmental Engineer's report. The motion was seconded by Mr. McSweeney and unanimously approved. On a roll call vote, Mr. McSweeney, Ms. Walendziewicz, Dr. Saltsman, Ms. Welch and Dr. Weiner voted in favor. (5-0-0)

Health Agent



TOWN OF BURLINGTON
BOARD OF HEALTH MINUTES
JULY 28, 2020

Ms. Johnson presented her report.

- Most of the 151 restaurants have been inspected. They started in mid-June and focused on outdoor seating and COVID-19 guidance and food safety. There are 40 restaurants still not opened; including 25 corporate cafes, 3 that have gone out of business and 12 that have been slower to reopen.
- Grocery stores will be done this week and starting August 1st they will be back to the regular schedule for routine inspections.
- The pools have been inspected. 2 condo complexes did not open their pools this summer and hot tubs are not allowed to open until Phase 4.
- There have been very few food trucks to inspect.
- They have been following up on complaints including indoor seating as part of Phase 3, Step 1. Eating in food courts or grocery stores is still not allowed. Face coverings are required for indoor restaurants unless you are seated at your table.

Mr. McSweeney asked about the fire at the Yard House. Ms. Johnson replied that it was a little flame in a small area but the ancil system released. They cleaned it up very quickly. Mr. McSweeney stated that he wanted to commend staff on an amazing job during this time.

MOTION: Mr. McSweeney moved to approve the Health Agent's report. The motion was seconded by Ms. Welch and unanimously approved. On a roll call vote, Mr. McSweeney, Ms. Walendziewicz, Dr. Saltsman, Ms. Welch and Dr. Weiner voted in favor. (5-0-0)

Associate Health Inspector

Ms. Hardy presented her report.

- Tobacco compliance checks were done in June and July to make sure that all flavored tobacco have been removed.
- Food inspections and inspections of the 3 summer camps are ongoing.

MOTION: Ms. Welch moved to approve the Associate Health Inspector's report. The motion was seconded by Dr. Saltsman and unanimously approved. On a roll call vote, Mr. McSweeney, Ms. Walendziewicz, Dr. Saltsman, Ms. Welch and Dr. Weiner voted in favor. (5-0-0)

Director of Public Health

Ms. Lumenello presented her report:

- We are in Phase 3, Step 1 and we are helping with COVID-19 compliance for businesses, sports leagues, camps and restaurants. They are also responding to complaints in conjunction with DPH and the Attorney General's office.
- A list has been provided of all the volunteers who have helped out during COVID-19 and the MRC volunteers alone have added up to 605 man hours which total over \$27,000.
- There is a MRC meeting tonight dealing with radiation training in everyday life.



TOWN OF BURLINGTON
BOARD OF HEALTH MINUTES
JULY 28, 2020

Ms. Welch wanted to thank everyone who has helped during the pandemic including Staff, volunteers and Board members. She also wanted to thank the Staff who listens to the residents' concerns and complaints.

Dr. Weiner asked with everything that is being added to the Staff, do we need to set priorities. Ms. Lumenello stated that we do that every day. The Staff is excellent and handles everything that comes up. Dr. Weiner stated that on August 1st, the local Board of Health's are being asked to enforce the travel regulations. Ms. Lumenello stated that there is going to be a visitor log in portal that will have a database and the Staff would log in and see if people are adhering to the regulations. There is a fine of up to \$500 fine per day for violating the policy. Mr. McSweeney stated that this is not logical for the local Boards to enforce this. Ms. Lumenello stated that the Contact Tracing will reach out with texts to the people so it will be a joint effort with the State. Mr. McSweeney stated that this is a huge effort and once the regulations are set we may need to discuss it further. Ms. Lumenello is concerned with schools opening and what could happen if the cases increase.

MOTION: Ms. Walendziewicz moved to approve the Director of Public Health's report. The motion was seconded by Mr. McSweeney and unanimously approved. On a roll call vote, Mr. McSweeney, Ms. Walendziewicz, Dr. Saltsman, Ms. Welch and Dr. Weiner voted in favor. (5-0-0)

Dr. Weiner thanked James Harrison for representing the Town on the Biological Safety Boards.

Dr. Weiner stated that he and Dr. Saltsman will act on behalf of the Board of Health on the School Committee Subcommittee.

Adjourn

MOTION: Mr. McSweeney moved to adjourn the Board of Health meeting at 9:01 PM. The motion was seconded by Dr. Saltsman unanimously approved. On a roll call vote, Mr. McSweeney, Ms. Walendziewicz, Dr. Saltsman, Ms. Welch, and Dr. Weiner voted in favor. (5-0-0)

*Respectfully Submitted by Dawn Cathcart,
Recording Clerk*



TOWN OF BURLINGTON
BOARD OF HEALTH MINUTES
JULY 28, 2020

DOCUMENTS REVIEWED AT MEETING – TUESDAY, JULY 28, 2020

Agenda

Approval of Minutes: June 23, 2020 Minutes

Citizen's Time: None

Chairman's Report: None

Subcommittee Reports: None

Discussion:

- *School Committee Board of Health Subcommittee:* None

Applications:

- *Application for a Preliminary Subdivision, 200, 400, 600 Summit Drive:* C. Mathis memo dated July 28, 2020; SMMA Subdivision Plans July 6, 2020; Memo Riemer & Braunstein dated July 6, 2020 with a Form B application
- *Application for a Definitive Subdivision, 200, 400, 600 Summit Drive:* C. Mathis memo dated July 28, 2020; SMMA Subdivision Plans July 6, 2020; Memo Riemer & Braunstein dated July 8, 2020 with a Form C application
- *Application for a Definitive Subdivision, 0 Chandler Road (Mill Pond Lane):* C. Mathis memo dated July 28, 2020; Dresser, Williams & Way Subdivision Plans dated May 14, 2020, Subcommittee Minutes dated June 8, 2020, Form C Application dated May 16, 2020

Permits:

- **Sarepta, 55 Network Drive – Biological Safety Permit Application:** Powerpoint Presentation, Meeting Information – Institutional Biosafety Committee w/attachments
- **Keeping of Animals – 75 Peach Orchard Road, 6 Chickens:** S. Hardy memo dated July 1, 2020; Application w/pictures and plot plan
- **Keeping of Animals – 130 Pearl Street, 15 Chickens:** S. Hardy memo dated July 27, 2020; Application w/pictures and drawing

Variance:

- **Yard House, 108 Middlesex Turnpike – ROP: Cook-Chill:** Application, M. Johnson memo dated July 28, 2020

Staff Reports: Environmental Engineer's Report; Health Agent's Report; Associate Health Inspector's Report; Director of Public Health's Report