



TOWN OF BURLINGTON, MA  
BOARD OF HEALTH  
MINUTES  
TOWN HALL MAIN MEETING ROOM

TUESDAY, AUGUST 22, 2023

**Board Members Present:** Ed Weiner, PhD, Chairman; David McSweeney, Vice Chairman; Maribeth Welch; and Gayle Damore

**Board Members Absent:** Andrea Sheehan

**Staff Members Present:** Susan Lumenello, REHS/RS, CHMM, Director of Public Health; Michael Greene, Associate Health Director, Christine Mathis, Environmental Engineer, and Marlene Johnson, Health Agent

**I. Open Meeting/Pledge of Allegiance**

Dr. Weiner called the Board of Health meeting to order at 7:00 PM.

The Pledge of Allegiance was recited.

**II. Approval of Minutes:**

**MOTION:** Mr. McSweeney made a motion to postpone the Board of Health minutes from March 28, 2023. The motion was seconded by Ms. Damore and voted 4-0-0.

**MOTION:** Ms. Welch made a motion to approve the Board of Health minutes from April 11, 2023. The motion was seconded by Mr. McSweeney and voted 4-0-0.

**III. Citizen's Time:**

There were no citizen's coming forward.

**IV. Chairman's Report:**

Dr. Weiner stated that to protect yourself from mosquitoes the CDC recommends that you apply sunscreen first, wait for at least 10 minutes, and then apply insect repellent.

**MOTION:** Ms. Welch made a motion to take out of order Introduction to Shared Services Staff for discussion purposes. The motion was seconded by Mr. McSweeney and voted 4-0-0.

Dr. Weiner stated that this board, in association with the towns of Lexington and Wilmington, has received the Massachusetts Department of Public Health Shared Services Grant. Tonight, I would like to introduce



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three new Board of Health professionals: Katy Doughty, Jackie Messina & Tahycha Soto.

Katy Doughty introduced herself as the new epidemiologist with the shared services agreement. The core of my work focuses on data analysis.

Jackie Messina introduced herself as the new public health specialist with the shared services agreement. My responsibilities include providing residents with health-related resources and facilitating public health programs.

Tahycha Soto introduced herself as the new health inspector with the shared services agreement. I am excited to contribute my knowledge and gain insight from my fellow colleagues to collectively join in the mission to promote health and well-being within the local communities.

**V. Applications:**

***Application for a Minor Engineering Change - 23 Fourth Avenue, Nordblom Co.***

Todd Freemont-Smith and Brian Timm appeared before the Board.

Ms. Mathis stated that Nordblom Co. has applied for a Minor Engineering Change (MEC) for the construction of pickleball courts at an existing park. The site is at the intersection of Third Avenue and Fourth Avenue and is currently vacant except for some seating areas in the park. It is downgradient from the Buildings 28 and 37 MCP site which has three active groundwater extraction wells and a treatment plant near the site.

Mr. Freemont-Smith provided an update on Northwest Park, then stated that our intent is to add two pickleball courts at the intersection of Third Avenue and Fourth Avenue.

Ms. Welch asked if the courts are lit for night use. Mr. Freemont-Smith replied yes. Ms. Welch then asked if it is gated. Mr. Freemont-Smith replied it is not gated and open to the public for use.

Mr. McSweeney asked Ms. Mathis if there were any concerns. Ms. Mathis replied no.

Dr. Weiner asked if the three active groundwater extraction wells will remain in place. Ms. Mathis replied yes, the water continues to be treated.

**MOTION:** Ms. Welch made a motion to approve the Application for a Minor Engineering Change - 23 Fourth Avenue, Nordblom Co. The motion was seconded by Ms. Damore and voted 4-0-0.

**VI. Variances:**

***Lahey Hospital & Medical Center, 29 Mall Rd – unattended food establishment***



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Timothy Sheehan appeared before the Board.

Ms. Johnson stated that an unattended food establishment is an operation typically located in office buildings or restricted break areas where access by the general public is somewhat restricted. The applicant would like to receive Board of Health approval for a variance from 105 CMR 590.003/Food Code 2-101.11, which requires a PIC be present at the food establishment during all hours of operation. The Massachusetts Department of Public Health, Food Protection Program provides a “Guidance Document for Unattended Food Establishments” prepared by the Conference for Food Protection (CFP).

Mr. Sheehan stated that 29 Mall Road is separate from the hospital. We used to have a cafeteria on site. This will go in the dining room of that specific training facility. It will be monitored by security cameras, have remote temperature monitoring systems, and automatic locking doors.

**MOTION:** Mr. McSweeney made a motion to approve the variance at Lahey Hospital & Medical Center, 29 Mall Rd – unattended food establishment. The motion was seconded by Ms. Welch and voted 4-0-0.

***Eggholic, 10 Wall St. – external grease interceptor***

Hetul Patel appeared before the Board.

Ms. Johnson stated the applicant is seeking a variance from grease interceptor regulations: Section 4, part A, installation of an external grease interceptor. The landlord has been notified of the variance.

Dr. Weiner urged the applicant to keep the grease trap log up to date.

**MOTION:** Ms. Damore made a motion to approve the variance for Eggholic, 10 Wall St. – external grease interceptor. The motion was seconded by Ms. Welch and voted 4-0-0.

**VII. Hearing:**

***111 Middlesex Turnpike, Status Report on Nuisance Condition (M.G.L. 111 § 122)***

**MOTION:** Mr. McSweeney made a motion to open the hearing for 111 Middlesex Turnpike, Status Report on Nuisance Condition (M.G.L. 111 § 122). The motion was seconded by Ms. Welch and voted 4-0-0.

Mark Vaughn, Brian Dundon, Marc Newman (remote) and Mary Hollebeke appeared before the Board.

Mr. Vaughn stated that there are two separate permits that we needed to get from Mass Natural Heritage. One is a five-year permit which expired back in December 2022. We had to apply and renew that permit for another five-year period. The second was the fish relocation permit. By the time we got those permits, it was



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late into April, which wasn't going to work in terms of the May 1 breeding season. Cleaning has been lined up for September 11. We intend to keep the jersey barriers up during the winter season as we did last year. Ms. Hollebeke has engaged folks to go out and do mosquito spraying and trash pickup on a routine basis.

Mr. McSweeney asked what is going to happen on September 11. Mr. Dundon stated that the cleaning process will consist of a temporary pump dewatering the existing basin. It will discharge out to Vine Brook. The pump will stay active until it drains down to the bottom of the basin and then they will have a vac truck come in and loosen up the sediment that is trapped. Once that is done, they will go to the catch basins on the site and clean the pipes. We expect this to be a 5-day process.

Mr. McSweeney then asked if the process is effective, is the intent still to keep the jersey barriers through the winter. Mr. Dundon replied yes, because the soil is saturated.

Dr. Weiner asked whether they feel that this will work. Mr. Vaughn replied that Brixmor is evaluating other options should this not be resolved.

Mr. McSweeney asked to make sure that the fish relocation permit is issued for next year. Mr. Vaughn replied yes.

Mr. Newman stated that this is a serious, complicated problem and we're studying it. It's not an easy situation. We're doing our best to come up with what we think will be a concrete solution that will serve the property in the long term. Cleaning it continually going forward when there's rising water levels in the Vine Brook isn't going to work and we understand that. However, that is what we must do right now in order to mitigate the situation. We would ask that you allow us until the spring to give us a chance to have that work and hopefully, we'll be presenting other plans for the property.

**MOTION:** Mr. McSweeney made a motion to continue the hearing for 111 Middlesex Turnpike, Status Report on Nuisance Condition (M.G.L. 111 § 122) to the Board of Health meeting in April 2024. The motion was seconded by Ms. Damore and voted 4-0-0.

**MOTION:** Mr. McSweeney made a motion to close the hearing for 11 Middlesex Turnpike, Status Report on Nuisance Condition (M.G.L. 111 § 122). The motion was seconded by Ms. Damore and voted 4-0-0.

***Codification of Board of Health Regulations***

**MOTION:** Ms. Welch made a motion to open the hearing for Codification of Board of Health Regulations. The motion was seconded by Ms. Damore and voted 4-0-0.

Ms. Lumenello stated that the Codification of Regulations is putting all the Board of Health regulations together in one document and involves changing the citation numbers. It's going to take a lot more time to work on, and so this will be postponed until a later date.



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**MOTION:** Ms. Welch made a motion to postpone the Codification of the Board of Health Regulations until the staff has enough time to complete it. The motion was Ms. Damore and voted 4-0-0.

**MOTION:** Mr. McSweeney made a motion to close the hearing for Codification of Board of Health Regulations. The motion was seconded by Ms. Welch and voted 4-0-0.

**VIII. Discussion:**

***Café Escadrille, 26 Cambridge St. – risk control plan***

Michael Murray and Hector Escobar appeared before the Board.

Ms. Johnson stated that Café Escadrille has been requested to appear before the Board of Health to discuss and inform the Board of their risk control plan and how active managerial control will be achieved. During her routine inspection, Ms. Hardy found a violation with the mechanical dishwasher. Six months later, she went back for the next routine inspection and found the same violation.

Mr. Murray stated that the machines do break from time to time. There were separate problems with different inspections. It's not an excuse, but we have a better plan now as our dishwasher has the ability to be switched to chemical sanitation.

Ms. Johnson stated that they will provide myself with a weekly report of their log sheet until November 1, 2023.

**IX. Staff Reports:**

***Environmental Engineer***

Ms. Mathis presented her report.

- Household Hazardous Waste Day is scheduled for September 23
- Mosquito Risk for Burlington: Moderate for West Nile Virus (WNV) and Remote for Eastern Equine Encephalitis (EEE)

Dr. Weiner asked about the inspection with Eversource. Ms. Mathis replied that Eversource installed a portable transformer at the station on Middlesex Turnpike which is an addition to the two large stationary transformers. They had totes of dielectric mineral oil. I contacted their environmental manager to remove them from the site.

**MOTION:** Ms. Welch made a motion to approve the Environmental Engineer's report. The motion was seconded by Ms. Damore and voted 4-0-0.



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***Health Agent***

Ms. Johnson presented her report.

Dr. Weiner asked about the situation with Stone Cold Creamery. Ms. Johnson replied that we had issued a temporary suspension of the food permit to take place tomorrow if they did not correct the violations. Ms. Hardy verified that they were corrected.

**MOTION**: Mr. McSweeney made a motion to approve the Health Agent's report. The motion was seconded by Ms. Welch and voted 4-0-0.

***Associate Director of Public Health***

Mr. Greene presented his report.

- Collaborated with Deb Sullivan regarding CarFit, Stop the Bleed, and Matter of Balance training.

Ms. Welch asked about the Color Training/Refresher. Mr. Greene replied that's our vaccine database.

**MOTION**: Ms. Welch made a motion to approve the Associate Director of Public Health's report. The motion was seconded by Ms. Damore and voted 4-0-0.

***Director of Public Health***

Ms. Lumenello presented her report.

Ms. Lumenello stated that the Board of Health issues 10-day emergency permits for body gripping traps to hunt beavers, but for only a public health emergency (i.e., flooding a roadway).

Mr. McSweeney asked for an update on the situation at 4 Ledgewood Drive. Ms. Lumenello replied that the owner's management company has attempted to go out and make the repairs that are required, but the occupant is not allowing access. There's no further action that can be taken by the Board of Health because they're not complying.

**MOTION**: Mr. McSweeney made a motion to approve the Director of Public Health's report. The motion was seconded by Ms. Welch and voted 4-0-0.

**X. Adjourn:**

**MOTION**: Ms. Welch made a motion to adjourn the Board of Health meeting at 8:38 PM. The motion was seconded by Ms. Damore and voted 4-0-0.



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*Respectfully Submitted by Eric Bergeron,  
Recording Clerk*