



TOWN OF BURLINGTON, MA
BOARD OF HEALTH
MINUTES
Virtual Meeting - Cisco WebEx

TUESDAY, MARCH 09, 2021

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

Board Members Absent: None

Staff Members Present: Susan Lumenello, REHS/RS, CHMM, Director of Public Health; Christine Mathis, Environmental Engineer; Marlene Johnson, Health Agent; 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 meetings 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: February 23, 2021

MOTION: Mr. McSweeney moved to approve the Board of Health minutes of February 23, 2021 with the change of vote for the approval of the Environmental Engineering from (5-0-0) to (3-0-0). The motion was seconded by Mr. Walendziewicz. On a roll call vote, Mr. McSweeney voted in favor, Ms. Walendziewicz voted in favor, Dr. Saltsman abstained from voting, Ms. Welch abstained from voting and Dr. Weiner voted in favor. (3-0-2)

Citizen's Time: No one called in.

Chairman's Report:

Dr. Weiner stated that it has been a year since we started remote meetings and preparing and chairing remote meetings is not easy. We have faced all the challenges of the last year head on and have utilized plans that were developed long ago. We have done 12 COVID-19 vaccine clinics and then the State shut down all Town clinics. Our State Representatives were also shut down by the Governor. Congressman Seth Moulton held a virtual meeting to discuss the vaccine procedures. We have done everything we could do to represent the best interest of our citizens.



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Dr. Weiner stated that he spoke with the Town Clerk regarding the Associate Director's position. He and Mr. McSweeney will review the applications and resumes. Once they have narrowed down the applicants, the entire board will screen the candidate panel. This process is not subject to the Open Meeting Law and then we can meet in Executive Session to discuss the candidates. The process will then move to a public forum to vote to offer the position. We are not going to rush this process because we are looking for an outstanding candidate.

Subcommittee Reports:

Dr. Weiner stated that the Subcommittee information will be discussed during the public hearing.

Dr. Weiner asked if Dr. Saltsman or Ms. Welch have been in contact with the School Committee subcommittee. Ms. Welch replied she has not heard from them but will reach out to Ms. Simon.

Applications:

● ***Application for Approval of a Special Permit – 174 Middlesex Turnpike, Nordblom Company***

Attorney Robert Buckley from Riemer & Braunstein LLP, Todd Fremont-Smith and Todd Nordblom from Nordblom Company, Frank DiPietro from BSC Group, Stephen Logan and Jim Ash, LSP appeared for the Special Permits for 174 Middlesex Turnpike.

Ms. Mathis stated that this lot is vacant except for some paved areas. This is adjacent to Life Time Fitness. Buildings 28 and 37 have been a contaminated site for over 20 years. They have installed a groundwater extraction system and a pump and treatment system that will continue. With this project, they are proposing stormwater upgrades to include catch basins and water quality units that will be piped to an underground detention tank with a controlled release to the storm sewer system. They met with the subcommittee and a draft permit with conditions has been submitted.

Mr. Fremont-Smith stated that they received approval for an office development about 10 years ago but they had no luck with a tenant. They are now proposing a housing development with affordable senior housing units as well as market rate units with an underground parking structure. They have partnered with Life Time Fitness and this will be a Life Time Living development.

Mr. Ash stated that they have been monitoring and remediating contamination in this area for 20 years. The contamination was caused by an electronics company located at Buildings 28 & 37 using chlorinated solvents. There are extraction wells near both buildings that clean/treat and then release the water. The contamination is mostly in the groundwater in the bedrock which is more than 50' below the surface. The samples are monitored and they have been successful in remediating 95%-99% reduction in the source area and a steady decline in the down gradient plume. They will continue to sample and they are proposing incorporating a sampling function as a way to prove that the proposed construction has negligible effect on the plume. This was reviewed by the DEP when LifeTime Fitness was constructed and the thresholds were developed with DEP. The monitoring well labeled RW204 will remain in operation during construction. Mr. Ash stated that vapor intrusion was discussed at the subcommittee meeting. A vapor barrier is not needed due to the fact that the contamination is so deep and there will be ground level parking so any vapors cannot get into occupied space. There will be vapor barriers added when there is a slab foundation.



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Mr. Logan stated that this will be constructed under the General Environmental Management (GEM) plan with Burlington. Ms. Lumenello asked why the levels of one-four dioxin has doubled and asked if this was an exception in reporting to DEP. Mr. Ash stated that this is not excluded from DEP reporting. Ms. Mathis stated that the notification levels are higher than during the Life Time Fitness project. Mr. Ash stated that he will have to investigate this and get back to you. The thresholds were set to show anomalies. The updated values are actual measured concentrations over the last 2 years. Even if they have doubled, it's parts per billion which is not that much. Mr. Ash stated that one-four dioxin is soluble in water and is not volatile.

Dr. Weiner asked if the underground parking was open. Mr. Ash replied yes. Dr. Weiner asked if remediation will continue during construction and after construction. Mr. Ash replied yes. Dr. Weiner asked who the historical LSP for this project is. Mr. Ash replied that he is one of the original LSPs. He took over for Margaret Hanley. Dr. Weiner asked if in your professional opinion will there be a danger to the residents at the beginning or long term due to the contamination under this building. Mr. Ash replied no. Dr. Weiner asked if Nordblom still owns the property that Life Time Fitness is built on. Mr. Fremont-Smith replied no.

Mr. DiPietro stated that as far as the engineering for the project. There will be two drainage areas. One is at the top west of the property that will contain deep sump hooded catch basins and water quality units that will discharge into the drainage system. The second is located closer to Middlesex Turnpike and will be a subsurface detention system with deep sump hooded catch basins and water quality units. This system will capture the runoff from the building, roof and site. The TSS and Stormwater requirements will be met. Mr. DiPietro stated that the new Stormwater regulations require phosphates removal. This will be accomplished by installing 2 bioretention tree wells near Middlesex Turnpike and 1 bioretention tree well in the common area. The subcommittee had concerns with standing water during a 100-year storm so they have added a depression around the tree wells with grates. They have added the maintenance of these structures to the Operation and Maintenance Plan.

Mr. McSweeney stated that the drainage calculations have been recalculated that there is no standing during a 25 year storm but there may be a couple of inches during a 100 year storm but the water will drain within a few hours. Mr. DiPietro replied that was correct. Mr. McSweeney asked how deep the depressions will be. Mr. DiPietro replied they will be 1" below the adjacent pavement with a 6" vertical granite curb so it will be a total of 7". Mr. McSweeney stated that he is still concerned with standing water near a residential development. Dr. Weiner stated that the standing water will be below the grates. Mr. DiPietro replied that was correct. Dr. Weiner asked if this project will meet the Burlington Stormwater regulations. Mr. DiPietro replied it would.

Mr. McSweeney stated that most of the issues raised by the subcommittee have been discussed tonight. The main issue was standing water in the 100 year vs. 25 year storm. They both voted in favor as long as the issues were addressed.

MOTION: Dr. Saltsman made a motion to approve the Special Permit for 174 Middlesex Turnpike, Nordblom Company with the approved conditions. 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)

Permits:



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● ***Biological Safety Permit – 99 South Bedford Street, AMRI***

Attorney Robert Buckley from Riemer & Braunstein LLP, Matt Ressler, Eric Francis and Alex Tschumakow from AMRI appeared for the Biological Safety Permit for 99 South Bedford Street. Attorney Buckley thanked Ms. Mathis for all her hard work on reviewing this permit. Mr. Ressler stated that they have over 60,000 SF of production, warehouse and office space. They have partnered with TranslateBio for support of their projects. Mr. Francis presented the Environmental Health and Safety program presentation. Mr. Tschumakow stated that the approved protocols were reviewed and approved at the IBC meeting on February 25, 2021.

Ms. Mathis stated that she spent a lot of time going through the protocols as well as the IBC and is satisfied with the approval of their permit.

Dr. Saltsman asked if there is any other level besides BSL-1 at their facility. Mr. Francis stated that they are allowed up to a BSL-2 but currently they only have BSL-1 activity.

Dr. Weiner asked if there will be human trials of their COVID-19 vaccines. Mr. Tschumakow replied they hope to go to human trials within several weeks. Dr. Weiner thanked Attorney Buckley for his leadership role with businesses in Burlington.

There were no questions from the audience.

MOTION: Ms. Welch moved to approve the Biological Safety Permit for AMRI at 99 South Bedford Street. 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)

Variance:

● ***Eddie V's, 50 South Avenue – Reduced Oxygen***

David Greekwood, Managing Partner at Eddie V's appeared for a variance request at 50 South Avenue.

Ms. Johnson stated that they are requesting a variance for the cook-chill process. This process allows the restaurant to cook the product, bag it hot, then it is chilled and stored in the refrigerator. This process will be for 8 different sauces. The HACCP Plan was submitted and she would recommend approval with the 5 proposed conditions.

Mr. Greekwood stated that their sister restaurant, Yard House was approved for the same variance and it is going well. They will be trained in the Yard House kitchen and follow the same procedures. Mr. McSweeney asked if there have been any issues with the Yard House site. Ms. Johnson replied that there have been no issues with Yard House and their logs are all in order.

MOTION: Ms. Walendziewicz moved to approve the Biological Safety Permit for AMRI at 99 South Bedford Street. 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)

Staff Reports



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Health Agent Report

Ms. Johnson presented her report.

- Provided a USDA memo updated in February 2021 showing no evidence of food packaging or food handling transmits COVID-19.
- The mobile truck permit renewal process has started.
- Construction has started up back at the Burlington Mall.
- They are finishing up the routine food establishment inspections.

Ms. Welch asked what a shared kitchen was. Ms. Johnson stated that we do not have any shared kitchens in Burlington but that is when two restaurants share facilities.

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)

Environmental Engineer

Ms. Mathis presented her report.

- The last two hearings had taken a lot of her time.
- The planning is continuing for a COVID safe Household Hazardous Waste Day. The proposed day is May 1st.
- There has been follow up with employers for reporting positive employees as well as following up on COVID complaints and investigations.

Mr. McSweeney asked for a status update on the old Burlington Auto site and Wendy's parking lot. Ms. Mathis stated that the Burlington Auto site just received final DOT approval for the design to mitigate the water issue. The Planning Board is also involved with this site. They did keep up with the icing issue over the winter. The Wendy's site, 101 Middlesex Turnpike was scheduled to start their project on March 8th.

Ms. Welch asked what the EPA training entails. Ms. Mathis stated that she was assisting the schools over the summer with their HVAC reports and this training is just to keep up with her education.

Dr. Weiner asked if we were involved with the helideck at Lahey Hospital. Ms. Mathis stated that there was just a modest change near the ER with limited excavation for supports. There is no fuel storage proposed. Dr. Weiner asked what is being sampled at 179 Middlesex Turnpike for the sub-slab. Ms. Mathis stated that this is the Papa Gino's site. It previously was a dry cleaner business and there is contamination onsite. They have had extensive groundwater sampling and indoor air testing. There were some elevated levels in the soil vapor outside the footprint so they are now testing below the building. Dr. Weiner asked if there is an update on the Winnview Height II project. Ms. Mathis stated that they have still not submitted a full application. Dr. Weiner stated that it is amazing that 40% occupancy for Wegman's is 1088 people.



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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)

Director of Public Health

Ms. Lumenello presented her report:

- They are working with Convenient MD on Wednesday to have a 2nd dose COVID-19 vaccine clinic for our seniors.
- They have partnered with the Housing Authority and they received 100 doses from the State for our seniors. There will be a clinic on Thursday and they were told by the State that the second dose would be shipped automatically.

Mr. McSweeney asked if we have been involved with the School for the reopening on April 5th. Ms. Lumenello stated that they need to follow the guidance of DESE. The School Administration is working on a plan that they will adhere to. They will continue to work closely with the administration and parents do have the option to keep their children fully remote for the remainder of this school year. Dr. Weiner stated that he has been in contact with Superintendent Conti and he is eager to get the teacher's vaccinated but our hands are tied. Dr. Weiner stated that he suggested that the school administration need to put pressure on the Governor's office because the Board of Health could vaccinate the teachers in one day.

Dr. Weiner stated that the MRC budget was submitted to the Cambridge Health Alliance with a modification. Ms. Lumenello stated that the Cambridge Health Alliance approved the MRC budget and this year they are requesting IPADs for Prep Mod to assist in vaccination clinics this was a modification. They are not asking for money for training.

MOTION: Dr. Saltsman moved to approve the Director of Public Health'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)

Dr. Saltsman stated that only 7 in 1,000,000 people are hospitalized for the Flu this year. This is because of all the precautions we are taking for COVID such as wearing masks, hand washing and social distancing. We need to keep up with this.

Dr. Weiner stated that Andrea Sheehan has been on this meeting. She will be replacing Ms. Walendziewicz at the end of her term. Ms. Sheehan stated that she is very excited to join the board and looks forward to working with everyone.

Adjourn

MOTION: Dr. Saltsman moved to adjourn the Board of Health meeting at 9:02 PM. 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)



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*Respectfully Submitted by Dawn Cathcart,
Recording Clerk*



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DOCUMENTS REVIEWED AT MEETING – TUESDAY, MARCH 09, 2021

Agenda

Approval of Minutes: 02/23/21

Citizen's Time: None

Chairman's Report: None

Subcommittee Reports: None

Applications:

- ***Application for Approval of a Special Permit – 174 Middlesex Turnpike, Nordblom Company:*** Memo from C. Mathis dated 3/9/21, Memo from GEI50 dated 12/2/20, Memo from Riemer & Braunstein LLP dated 11/24/20 with Special Permit Application

Permits:

- ***Biological Safety Permit – 99 South Bedford Street, AMRI:*** 2021 AMRI Burlington Biological Safety Permit dated 3/9/21, Biological Safety Permit Application dated 2/26/21

Variance:

- ***Eddie V's, 50 South Avenue – Reduced Oxygen Packaging (ROP):*** Memo from M. Johnson dated 3/9/21

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