



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

TUESDAY, MAY 11, 2021

Board Members Present: Ed Weiner, PhD, Chairman; David McSweeney, Vice Chairman; and Dr. Wayne Saltsman, MD, PhD; Maribeth Welch and Andrea Sheehan

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. Welch 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. Residents can also leave questions on the BCAT Facebook page or they can call the Board of Health office.

Approval of Minutes: April 13, 2021 and April 27, 2021

MOTION: Ms. Welch made a motion to approve the Board of Health minutes of April 13, 2021 as presented. The motion was seconded by Mr. McSweeney. On a roll call vote, Mr. McSweeney voted in favor, Dr. Saltsman abstained from voting, Ms. Welch voted in favor, Ms. Sheehan voted in favor and Dr. Weiner voted in favor. (4-0-1)

MOTION: Dr. Saltsman made a motion to approve the Board of Health minutes of April 27, 2021 as presented. The motion was seconded by Mr. McSweeney. On a roll call vote, Mr. McSweeney voted in favor, Dr. Saltsman voted in favor, Ms. Welch abstained from voting, Ms. Sheehan 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 over a year since we started remote meetings and preparing and chairing remote meetings is not easy and we are all in this together. We have had an excellent two weeks, COVID numbers are going down, the Pfizer vaccine has been approved for kids 12-15 years old, the reopening of the



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State has begun, the FY2022 Board of Health budget was approved at Town Meeting and they held the largest Household Hazardous Waste Day.

Variance:

Bliss Confection Company, 392 Cambridge Street – External Grease Interceptor

Ms. Johnson stated that this project is for a bakery. The food is pre-cooked, frozen and reheated onsite. They are requesting a variance from Section 4, Part A to not install an external grease interceptor. She recommends approval with one condition.

Mr. McSweeney stated that the menu looks delicious and is not a big FOG (fats, oils, grease) generator.

Dr. Weiner warned the applicants to keep the logs up to date.

MOTION: Dr. Saltsman made a motion to approve the variance request for Bliss Confection Company, 392 Cambridge Street for an External Grease Interceptor with the one condition. The motion was seconded by Ms. Welch and unanimously approved. On a roll call vote, Mr. McSweeney, Dr. Saltsman, Ms. Welch, Ms. Sheehan and Dr. Weiner voted in favor. (5-0-0)

Delia Mooney and Christine Leonard appeared for the variance request. Ms. Leonard stated that it has been their dream to open a bakery with allergy free options and during COVID they were operating out of their home so now their business has expanded so much they need a storefront.

Discussion:

● ***Reorganization of the Board of Health***

Dr. Saltsman stated that he would like to nominate Dr. Weiner as Chairman. His reputation as an advocate for Burlington is bar none and his work done during this pandemic is beyond exceptional.

MOTION: Dr. Saltsman made a motion to nominate Dr. Ed Weiner as Chairman of the Board of Health. The motion was seconded by Ms. Welch and unanimously approved. On a roll call vote, Mr. McSweeney, Dr. Saltsman, Ms. Welch, Ms. Sheehan and Dr. Weiner voted in favor. (5-0-0)

Ms. Welch stated that she would like to nominate Mr. McSweeney for all the same reasons as Dr. Saltsman said about Dr. Weiner.

MOTION: Ms. Welch made a motion to nominate David McSweeney as Vice Chairman of the Board of Health. The motion was seconded by Ms. Sheehan and unanimously approved. On a roll call vote, Mr. McSweeney, Dr. Saltsman, Ms. Welch, Ms. Sheehan and Dr. Weiner voted in favor. (5-0-0)

● ***Planning Board Presentation - Proposed IH Rezoning***

Planning Director Kristin Kassner appeared before the Board to discuss the proposed zoning articles for Town Meeting. Ms. Kassner wanted to thank the Board of Health for all their help and support over the years to get biotech into Burlington. Ms. Kassner stated that they are looking to change 3 clusters to IH zoning to allow for Life Sciences and structured parking.



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Dr. Weiner stated that he has been getting phone calls in regards to the Board of Health involvement with Life Sciences. We are involved due to our regulations regardless of zoning. Ms. Mathis stated that Bio Safety regulations are required regardless of zoning. Ms. Lumenello stated that the Board of Health changed the Biosafety regulations because before the change in our regulations, zoning mattered if a permit is required. Now, a permit is required regardless of Planning Board action or the zoning district. They are independent of Special Permits.

Mr. McSweeney stated that the new Associate Director's position will be involved with Life Sciences. Mr. McSweeney asked why these three areas and have the property owners been notified. Ms. Kassner stated that they are looking to reposition for vacancies in Burlington and there is linkage to Northeastern with two of the clusters. They are also hoping to get grants for funding infrastructure improvements along Blanchard Street and if they can show the State that they are improving that area by expanding the zoning, that could help. All property owners have been notified and are in favor of the zoning change.

Ernie Covino, Planning Board Member – Mr. Covino thanked the Board of Health for alleviating the fears of the residents. Even though Life Science would be a by-right use they would still require Board of Health permits and oversight.

David Webb, Town Meeting Member Precinct #7 – Mr. Webb stated that the concerns with residents in this precinct were traffic and chemicals from Life Science getting out into the ground. He is glad to hear the Board of Health has oversight and he is also a member of Land Use and they support the zoning change because Life Science has less traffic.

Dr. Weiner stated that the Town of Burlington has a long history of contamination but that was from 50-70 years ago. These are not those types of labs. Life Science has a highly regulated process with oversight from Federal, State and Local agencies and these companies deal with nanotechnologies.

Dr. Saltsman stated that we pledge transparency and want to keep everyone informed. Mr. McSweeney stated that we are residents also and we updated our regulations to ensure the safety standards are followed.

Ms. Lumenello stated that the Toxic and Hazardous Material Bylaw covers all industries dealing with Life Science/Biotech.

Ms. Mathis stated that our Toxic and Hazardous Material Bylaw captures everyone that stores or uses hazardous material from Millipore to an auto body shop and anyone in between.

Patricia O'Brien, Town Meeting Member Precinct #2 – Ms. O'Brien asked if there is a way to improve health with these zoning changes. Dr. Weiner stated that improving infrastructure is an important way to help people get healthy by providing walking paths and bike paths. Dr. Saltsman welcomed any Town Meeting member that has ideas to promote healthy living to come and meet with him. Mr. McSweeney stated that when projects come in we always look at protections for the public including fencing, walkways, making sure there is no standing water, etc. That is what we advocate for.

Frank DiPietro – Mr. DiPietro stated that he works for developers but grew up in Burlington and is invested in Burlington. He has been involved in three office projects that were approved through the Planning Board but they are not moving forward. The typical office building is not getting occupied. Life Sciences produce



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less people and less traffic. There are also options of creating public and private partnerships to get the best projects possible for the Town of Burlington.

Staff Reports

Health Agent

Ms. Johnson presented her report.

- There was a virtual pool operator seminar and they had 29 people attend representing 19 properties.

Ms. Welch asked what a cottage kitchen was. Ms. Johnson replied that it is a residential kitchen that produces baked goods, candy and bread.

MOTION: Dr. Saltsman 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, Dr. Saltsman, Ms. Welch, Ms. Sheehan and Dr. Weiner voted in favor. (5-0-0)

Environmental Engineer

Ms. Mathis presented her report.

- The Household Hazardous Waste Day was record breaking. They had over 585 cars come through. Ms. Mathis thanked staff, the Director and volunteers who helped.

Dr. Weiner stated that this was his 61st Household Hazardous Waste Day. Dr. Weiner asked if BioTranslate will have two Bio Safety Permits. Ms. Mathis replied yes, they have one at 99 South Bedford Street, but they are also going into 60 Blanchard Road at Azzur and our regulations require each tenant to have a permit with us. Dr. Weiner asked about the status of the Terry Ave/Cambridge Street area. Ms. Mathis stated that there have been several discussions with DEP regarding the legacy ground water contamination. They are beginning treatment protocols.

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

Director of Public Health

Dr. Weiner stated that the Director's report will include the Supervisory Nurse and Associate Health Inspector's report.

Dr. Saltsman stated that the flu season is over and asked if we have a final number of flu shots being returned. Ms. Lumenello stated that they do have a little more than the 20% reimbursement that is being returned. Dr. Saltsman stated that next year's flu vaccine will be very important.



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Ms. Lumenello presented her report:

- There was a Senior Night under the stars scheduled on May 15th at the High School. They were never told about it until the information was sent to the student/parents. This raises concerns on how this would meet DESE and DPH COVID standards. The School Administration agreed to remove the food trucks but she reached out to DESE and this did not fall under their guidelines. DPH reached out and said there will be fewer restrictions after May 29th but under the current regulations it would be difficult to hold this event. They couldn't adhere to the current standards so the event was cancelled.

Dr. Saltsman stated that he is disappointed after this past year that the School Administration did not notify the Board of Health before the notice went out especially since it says pending approval of the Board of Health. Ms. Lumenello stated that the Board of Health doesn't make standards; we have to adhere to the State requirements. Dr. Saltsman asked if there will be a Health Fair in the fall. Ms. Lumenello replied that they hope to have one.

Mr. McSweeney stated that he read the legal opinion on Northeastern and he would like clarification if we have the right to require a permit from us if any part of the building is in Burlington, not just where the lab space is. Ms. Lumenello replied that is not how she reads it but will get clarification.

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

Dr. Saltsman reminded residents to remain diligent and wash their hands, wear their masks and social distance.

Adjourn

MOTION: Mr. McSweeney moved to adjourn the Board of Health meeting at 8:38 PM. The motion was seconded by Dr. Saltsman unanimously approved. On a roll call vote, Mr. McSweeney, Dr. Saltsman, Ms. Welch, Ms. Sheehan and Dr. Weiner voted in favor. (5-0-0)

*Respectfully Submitted by Dawn Cathcart,
Recording Clerk*



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DOCUMENTS REVIEWED AT MEETING – TUESDAY, MAY 11, 2021

Agenda

Approval of Minutes: April 13, 2021 & April 27, 2021

Citizen's Time: None

Chairman's Report: None

Variance:

- *Bliss Confection Company, 392 Cambridge Street, External Grease Interceptor* – 5/11/21 Memo from M. Johnson, Menu, Variance Application dated 4/28/21

Discussion:

- *Reorganization of the Board of Health* – None
- *Planning Board Presentation – Proposed IH Rezoning* – Zoning Amendment & Rezoning Presentation dated 5/3/21, Planning Board Meeting Preview dated 5/6/21

Staff Reports: Environmental Engineer's Report, Health Agent's Report and Director of Public Health's Report (Includes Supervisory Nurse and Associate Health Inspector's reports)