



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

TUESDAY, MAY 10, 2022

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

Board Members Absent: None

Staff Members Present: Susan Lumenello, REHS/RS, CHMM, Director of Public Health; Michael Greene, Associate Health Director; Christine Mathis, Environmental Engineer; 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: 4/12/22 and 4/26/22

MOTION: Mr. McSweeney moved to approve the Board of Health minutes of April 12, 2022 as amended. The motion was seconded by Ms. Welch and voted 5-0-0. On a roll call vote: Mr. McSweeney voted Yes, Ms. Welch voted Yes, Ms. Sheehan voted Yes, Ms. Damore voted Yes, and Dr. Weiner voted Yes.

MOTION: Mr. McSweeney moved to approve the Board of Health minutes of April 26, 2022 as amended. The motion was seconded by Ms. Sheehan and voted 5-0-0. On a roll call vote: Mr. McSweeney voted Yes, Ms. Welch voted Yes, Ms. Sheehan voted Yes, Ms. Damore voted Yes, and Dr. Weiner voted Yes.

III. Citizen's Time:

There were no citizen's coming forward.

IV. Chairman's Report:

Dr. Weiner stated that the Town Meeting that took place the previous evening passed the 2023 budget and that no changes were made to our important revolving account. The Health Fair will take place on the town common on May 21, 2022 from 10 AM to 1 PM where it will be hosting 50 community agencies, health care facilities, and companies.

V. Applications:



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1 Burlington Mall Road, Site Plan and Special Permit, proposed Life Science Building and Life Science Use (Applicant: Lincoln Property Co.)

Attorney Robert Buckley from Riemer & Braunstein; Attorney Paul Alphen from Alphen & Santos; Mark Wixted, Bohler Engineering, attending remotely; and Spiro Cantonis, Pyramid Development, attending remotely, appeared for the application at 1 Burlington Mall Rd.

Mr. Alphen expressed that Lincoln Property Company has experience in the life science industry and has found a great demand for life science in Greater Boston. Currently, future tenant(s) of the proposed building are unknown as are the locations of laboratories, chemical and hazardous waste storage areas, and the specifics regarding the outdoor storage of chemicals. Special permits are sought for life science related manufacturing, hazardous materials storage and use, generation of hazardous waste and fuel storage. They recognize that the tenant may have to come back to the Board of Health if a bio license or permit is required from the Board depending upon who ends up being the tenant and what uses they bring to the property.

Mr. Buckley stated that the Marriott Hotel has been a long-standing fixture in this community both from a commercial standpoint and from a civic standpoint and is very supportive of this proposal because the hotel is an amenity that is going to be able to capitalize in a synergistic way and all the activity that's being developed in and around the site.

Dr. Weiner stated that he is satisfied with the eight proposed conditions. Mr. Buckley replied that the eight conditions were reviewed with the clients. They are in agreement with those conditions understanding that with condition No. 3 the applicant/property owner must appear at a Board of Health meeting to provide details regarding treatment/management of wastewater, chemical/hazardous waste storage/management, outdoor storage of chemicals and site security measures prior to site work and construction. If applicable, the applicant/property owner must adhere to the Town of Burlington Control of Toxic and Hazardous Materials Bylaw (Article XIV, Section 2.14) and prior to operation, submit a Hazardous Material Registration Form (HMRF).

Mr. McSweeney stated that it is important that the Board are approving these types of applications ahead of prospective tenants because it will bring the best from the bio-tech industry into Burlington knowing that they don't have to go through that permitting process.

Mr. McSweeney shared the subcommittee report from May 3rd, 2022. This project will be an improvement to the site because they're putting in a storm water management system which will help treat stormwater runoff before it gets to the wetlands. The applicants came very well prepared and adequately answered and addressed any questions before them. We recommended approval to both special permits before the Board of Health.

MOTION: Mr. McSweeney moved to approve the application for Site Plan and Special Permit at 1 Burlington Mall Rd. with the proposed conditions. The motion was seconded by Ms. Damore and voted 5-0-0. On a roll call vote: Mr. McSweeney voted Yes, Ms. Welch voted Yes, Ms. Sheehan voted Yes, Ms. Damore voted Yes, and Dr. Weiner voted Yes.



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1 Burlington Mall Road, Site Plan and Special Permit, parking alterations (Applicant: Pyramid Hotel Group)

Mr. Buckley described the proposed project as a three-step process. First, two new parking lots will be created when construction is finished. The second lot (which is the lower parking area) is by and large vacant and has been used by other operators in Burlington over the last number of years to handle overflow parking and it has not been necessary for the operations of the Marriott Hotel. Since the frontage for the new lot will be along the front of the property it is considered an ANR (Approval Not Required) plan and not a subdivision. From the public's point of view, nothing will change at the entrance. Mr. Buckley added that Special Permit applications are required for the existing hotel and upper parking lot since the parking ratio will be adjusted, and sidewalks will be added to permit pedestrian access ultimately to other amenities throughout the park as well as Wayside Commons.

Ms. Lumenello stated that since there's no drainage involved with the proposed parking alterations it is not a Board of Health issue.

MOTION: Ms. Welch moved to approve the application for Site Plan and Special Permit at 1 Burlington Mall Rd. with the proposed conditions. The motion was seconded by Ms. Sheehan and voted 5-0-0. On a roll call vote: Mr. McSweeney voted Yes, Ms. Welch voted Yes, Ms. Sheehan voted Yes, Ms. Damore voted Yes, and Dr. Weiner voted Yes.

VI. Variances:

Oh K-Dog, 3 Concord Rd. – external grease interceptor

Dongwoo Cho, Owner of Oh K-Dog, and Arnold C. Seo, General Contractor, appeared for the variance application.

Ms. Johnson stated that Oh K-Dog is a new business coming into H Mart on 3 Concord Rd. that is going to be serving various types of hot dogs. There is an existing external grease interceptor that food court restaurants are tied into but this location is in another area of H Mart and so it is not practical to tie in.

Ms. Johnson recommended to the Board to approve the variance from section 4 part A and allow the new food service establishment to operate without installing an external grease interceptor with the following condition: the food service establishment operator and the property owner both understand that this variance may be subject to revocation, suspension or expiration as determined by the Board of Health. Reasons for revocation, modification, or suspension of a variance include, but are not limited to, a determination that the food service establishment is discharging grease quantities sufficient to cause sanitary sewer line blockages or increased maintenance of sewer lines.



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MOTION: Ms. Welch moved to approve the variance application. The motion was seconded by Ms. Damore and unanimously voted 5-0-0. On a roll call vote: Mr. McSweeney voted Yes, Ms. Welch voted Yes, Ms. Sheehan voted Yes, Ms. Damore voted Yes, and Dr. Weiner voted Yes.

Bombay Chaat, 120 Cambridge St. unit #14 – external grease interceptor

Niteen Khatra, Owner of Bombay Chaat, appeared for the variance application.

Ms. Johnson stated that Mr. Khatra currently has a business within the same plaza he is looking to open a takeout restaurant. Mr. Khatra owns the space but doesn't own the property to dig it up to put in an external grease interceptor.

Ms. Johnson recommended to the Board to approve the variance from section 4 part A and allow the new food service establishment to operate without installing an external grease interceptor with the same condition as the variance application above reads.

MOTION: Ms. Welch moved to approve the variance application. The motion was seconded by Ms. Sheehan and unanimously voted 5-0-0. On a roll call vote: Mr. McSweeney voted Yes, Ms. Welch voted Yes, Ms. Sheehan voted Yes, Ms. Damore voted Yes, and Dr. Weiner voted Yes.

VII. Staff Reports:

Health Agent

Ms. Johnson presented her report.

- Working with the National Environmental Health Association on a guidance document for a “ghost kitchen” coming to Burlington.
- Continuing to work on the Retail Program Standards. Attended presentation in Marlborough, Connecticut that went over all nine of the standards.
- Pre-operation pool inspection will occur in the next couple of weeks.

Ms. Welch inquired about the Potluck Event on the Health Agent's Report. Ms. Johnson replied that one of the churches in Burlington was advertising a dinner. A Potluck in Massachusetts does not require a permit; however, it is required that they notify the attendees that the food nor the facility has been inspected by the Board of Health.

Mr. McSweeney commented that re-inspection of the newly opened restaurants is a good thing because it allows them time to settle in. Ms. Johnson replied that was part of the pre-operation inspection and after a food permit is issued, they go back 30-60 days later so that they can work out any kinks.

MOTION: Ms. Sheehan moved to approve the Health Agent's report. The motion was seconded by Ms. Welch and unanimously voted 5-0-0. On a roll call vote: Mr. McSweeney voted Yes, Ms. Welch voted Yes, Ms. Sheehan voted Yes, Ms. Damore voted Yes, and Dr. Weiner voted Yes.



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Environmental Engineer

Ms. Mathis presented her report.

- Attended Leahy IBC meeting and highlighted that the Broad Institute was moving their genome project to Burlington.
- Received report that the individual at 210 Fox Hill Rd. had paid the fine upon inspection. Town Engineer is hopeful that the whole situation can be corrected and offered a potential solution.

Dr. Weiner asked about Household Hazardous Waste (HHW) invoice. Ms. Mathis replied that the chemical portion, the large component, was at 12,000 and came in under budget for 2022.

MOTION: Mr. McSweeney moved to approve the Environmental Engineer report. The motion was seconded by Ms. Welch and unanimously voted 5-0-0. On a roll call vote: Mr. McSweeney voted Yes, Ms. Welch voted Yes, Ms. Sheehan voted Yes, Ms. Damore voted Yes, and Dr. Weiner voted Yes.

Associate Director of Public Health

Mr. Greene presented his report.

- Stilla Technologies Inc., a diagnostic biotech company, is coming into town at 20 Blanchard Rd. They are a support laboratory so other biotech companies can develop assays specific to what they're working on.
 - Received in writing that they're not doing any work with regulated agents or operating at a BSL3 level so just Hazardous Materials Registration Form (HMRF) registration.

MOTION: Ms. Sheehan moved to approve the Associate Director of Public Health report. The motion was seconded by Ms. Damore and unanimously voted 5-0-0. On a roll call vote: Mr. McSweeney voted Yes, Ms. Welch voted Yes, Ms. Sheehan voted Yes, Ms. Damore voted Yes, and Dr. Weiner voted Yes.

Director of Public Health

Ms. Lumenello presented her report which included the Associate Health Inspector and Supervisory Nurse.

Mr. McSweeney asked whether there was an additional complaint from Lord Baron Apartments on the Associate Health Inspector's Report. Ms. Lumenello replied that it was the same complaint and that they were just contacting them to follow up with the tenant. Mr. McSweeney stated that the Board will be scheduling a subcommittee meeting on this matter.

Ms. Lumenello stated that the Supervisory Nurse gave the rest of our COVID booster vaccine out (18 of the 20 doses) last week and is currently working with the local schools on giving vaccination to the students.

Ms. Lumenello mentioned a public health excellence grant ("Triton Coalition").

- The Massachusetts Health Boards reached out to communities together to apply for this shared services grant.



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- Burlington entered into an agreement with Wilmington and Lexington with Burlington as the lead agency.
- Shared services agreements will be the new way the Department of Public Health (DPH) funnels money to public health, so if a municipality is not in one, then they're not going to have access to those funds in the future.
- The grant money is \$300,000 a year for three years, and part of what it will be used for is hiring specialists (i.e., epidemiologist) in different areas to augment the staff's work.
- A shared services representative will help with the budgeting and scheduling of meetings for the different communities involved. Additionally, they put in for an emergency coordinator who will assist with emergency plans (i.e., a regional shelter).

Ms. Lumenello noted that as the lead agency the Board will receive ten percent of the total award amount (\$45,000) and the Board will decide what they intend to do with that award amount within Burlington.

Ms. Sheehan asked if any of the grant money will be used for salaries. Ms. Lumenello replied that is what they really want the town to use it for so that you can get services back to the community.

Ms. Damore asked whether other collaborations already exist in Massachusetts. Ms. Lumenello replied that there is a colored map that shows which communities have entered into a shared services grant (some include seven communities) and those who have not entered. It will still be \$300,000 no matter how many communities come together.

MOTION: Mr. McSweeney moved to approve the submission of the proposed grant submitted by the Director of Public Health for the Triton Initiative Collaboration. The motion was seconded by Ms. Welch and unanimously voted 5-0-0. On a roll call vote: Mr. McSweeney voted Yes, Ms. Welch voted Yes, Ms. Sheehan voted Yes, Ms. Damore voted Yes, and Dr. Weiner voted Yes.

Ms. Lumenello stated that she has been working with Ms. Mathis and Mr. Greene on a weekly basis and that's probably going to continue because all the regulations are fairly new and they're receiving a lot of biotech applications. A guideline was created by Mr. Greene for applicants to make sure they're on track with certain things that need to be touched upon before they appear at a Board meeting. One of the things that the Board is going to be asking for as part of the application process is a presentation (an example was created).

Mr. McSweeney asked if there's a point where there's too many applicants and whether we need to add more staff. Ms. Lumenello replied that most of the work comes with the initial application and not so much with the renewal because they have the same protocols, and the protocols don't change too often. This new process is more streamlined so that everything is there up front, so we don't have to search for protocols or contact them regarding missing information.



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Dr. Weiner asked about an auction at 15 Wellesley Ave. Ms. Lumenello replied that the house has been condemned and is now property of the town for the unpaid taxes and so the property will be put up for auction.

MOTION: Ms. Sheehan moved to approve the Director of Public Health reports. The motion was seconded by Ms. Damore and unanimously voted 5-0-0. On a roll call vote: Mr. McSweeney voted Yes, Ms. Welch voted Yes, Ms. Sheehan voted Yes, Ms. Damore voted Yes, and Dr. Weiner voted Yes.

VIII. Adjourn:

MOTION: Ms. Sheehan to adjourn the Board of Health regular meeting at 8:20 PM. The motion was seconded by Ms. Welch and unanimously voted 5-0-0. On a roll call vote: Mr. McSweeney voted Yes, Ms. Welch voted Yes, Ms. Sheehan voted Yes, Ms. Damore voted Yes, and Dr. Weiner voted Yes.

*Respectfully Submitted by Eric Bergeron,
Recording Clerk*



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DOCUMENTS REVIEWED AT MEETING – TUESDAY, MAY 10, 2022

- I. Open Meeting/Pledge of Allegiance/Agenda**
- II. Approval of Minutes:** 04/12/2022 and 04/26/2022 Board of Health Minutes
- III. Citizen's Time:** None
- IV. Chairman's Report:** None
- V. Applications:**

1 Burlington Mall Road, Site Plan and Special Permit, proposed Life Science Building and Life Science Use (Applicant: Lincoln Property Co.)

5/10/22 C. Mathis memo with conditions; 5/4/22 C. Mathis memo (Lincoln Property Co.); 4/5/22 Alphen & Santos memo; 4/4/22 Application for Site Plan Approval; 4/4/22 Application for Special Permit; 3/18/22 Site Plan from Bohler Engineering; 3/15/22 Stormwater Report for Lincoln Property Co. from Bohler Engineering; 3/16/22 USGS Figure from Bohler Engineering; 3/16/22 Aerial Figure from Bohler Engineering

1 Burlington Mall Road, Site Plan and Special Permit, parking alterations (Applicant: Pyramid Hotel Group)

5/4/22 C. Mathis memo (Pyramid Hotel Group); 4/6/22 Riemer & Braunstein memo; 4/6/22 Application for Special Permit; 4/6/22 Application for Site Plan Approval

VI. Variances:

Oh K-Dog, 3 Concord Rd. – external grease interceptor

5/13/22 M. Johnson Variance Request; 3/31/22 Variance Application for Grease Interceptor Regulations; Oh K-Dog menu; 4/17/14 Board of Health Grease Interceptor Requirements for Food Establishments

Bombay Chaat, 120 Cambridge St. unit #14 – external grease interceptor

5/13/22 M. Johnson Variance Request; 3/19/22 Variance Application for Grease Interceptor Regulations; Bombay Chaat menu; 4/17/14 Board of Health Grease Interceptor Requirements for Food Establishments

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

VIII. Adjourn: None