



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

TUESDAY, JUNE 28, 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

**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 moved to approve the Board of Health minutes of May 10, 2022 as amended. The motion was seconded by Ms. Welch and voted 5-0-0.

**III. Chairman's Report:**

Dr. Weiner stated that the formal meetings for the Board of Health in June, July, and August will only meet on the fourth Tuesday. There will be new and specific rules for remote attendance that will require special requests and/or circumstances. Please contact the Director of Public Health for details.

Ms. Sheehan stated that a subcommittee was created to review details of housing complaints. These were the findings from the meeting on June 8, 2022:

- In FY20, there were approximately 18 complaints (only 3 of them required violations)
- In FY21, there were a total of 16 complaints (no violations found)
- In FY22, there have been 22 complaints (7 violations found)

All tenants, landlords, and property managers were properly notified, and each complaint was properly addressed and closed. They agreed to do this review annually just to keep an eye on things.

**IV. Citizen's Time:**

There were no citizen's coming forward.



TOWN OF BURLINGTON  
BOARD OF HEALTH MINUTES  
JUNE 28, 2022

**MOTION:** Mr. McSweeney made a motion to make an agenda change this evening by discussing the Kennel License Recommendations ahead of the Hearing. The motion was seconded by Ms. Sheehan and voted 5-0-0.

**V. Discussion:**

***Kennel License Recommendation, 16 Keans Road***

Maureen Gainley of 16 Keans Road (attending remotely) appeared for the recommendation.

Ms. Lumenello stated that Ms. Gainley will be applying to the Town Clerk's office for a kennel license for the keeping of four (4) dogs. The dogs residing in the home are one medium to large dog and three small dogs. On June 15, Ms. Lumenello inspected the property with the Animal Control Officer and didn't see any issues with the dogs or keeping the dogs outside/inside the area.

Mr. McSweeney asked if there were any abutters. Ms. Lumenello replied that they haven't received any complaints.

Ms. Lumenello recommended to the Board to vote to provide a favorable recommendation to the Town Clerk for the issuance of a kennel license for 16 Keans Road.

**MOTION:** Ms. Welch moved to approve the Kennel License Recommendation from the Board of Health for 16 Keans Road. The motion was seconded by Ms. Damore and voted 5-0-0.

***Kennel License Recommendation, 2 Westwood Street***

Emily Cayon of 2 Westwood Street did not appear for the recommendation. The Board decided to move forward with the recommendation.

Ms. Lumenello stated that Ms. Cayon will be applying to the Town Clerk's office for a kennel license for the keeping of four (4) medium-sized dogs. On June 24, Ms. Hardy, the Associate Health Inspector, inspected the property. There were no issues because the dogs are put out in a fenced-in yard and the owners collect the waste and place it in a trash barrel which is disposed of.

Ms. Lumenello stated that Ms. Hardy's recommendation is for the Board to vote to provide a favorable recommendation to the Town Clerk for the issuance of a kennel license for 2 Westwood Street.

**MOTION:** Mr. McSweeney moved to approve the Kennel License Recommendation from the Board of Health for 2 Westwood Street. The motion was seconded by Ms. Welch and voted 5-0-0.

**VI. Hearing:**

***111 Middlesex Turnpike, Nuisance Violation***

Attorney Mark Vaughn from Reimer & Braunstein; Brian Dundon of RJ O'Connell & Associates; and Mary Hollebeke, Director of Property Management North appeared for the hearing at 111 Middlesex Turnpike. Also in attendance: John Sanchez, Director of Department of Public Works; John Keeley, Director of the



TOWN OF BURLINGTON  
BOARD OF HEALTH MINUTES  
JUNE 28, 2022

Conservation Commission; Larry Cohen, Chairman of the Conservation Commission; and Tom Hayes, Town Engineer.

Ms. Lumenello stated that the Site Plan was approved by the Planning Board in 1991, and in 2004 the Certificate of Compliance/Order of Conditions was issued by the Conservation Commission. There were two areas of that Order of Conditions that Ms. Lumenello wanted to highlight before the Board:

- The applicant shall inspect and clean, not less than once a year the drainage structures and detention basins on the site
- The property owner of the land described in the Notice of Intent shall have appurtenant structures of the proposed storm water drainage system inspected at least once a year

Ms. Lumenello continued by stating that in 2010 a Site Investigation Report was prepared by Lucas Environmental detailing the cleaning of detention basins and the drainage pipes. In 2019, the Board of Health received the complaint and issued an order letter to the property owner in response to that complaint. In 2017, Brixmor began the process of approvals for cleaning the basin because there is an endangered species in that basin. According to that correspondence, they were anxious to resolve the issue of their parking lot, but with the rise in the water levels of the Vine Brook, it prohibited them from performing the maintenance of the stormwater basin. In November 2019, there was discussion onsite regarding the height of Vine Brook and the flow of stormwater. At the meeting, it was agreed that Mr. Dundon would complete a field work survey (completed in 2020). In March 2021, the detention basins were cleaned, and another report was produced by Lucas Environmental. That report documents the cleaning of the basins, however, it does not mention the inspection of other drainage structures onsite. Parking lot flooding issues persisted in April and May of 2021. Ms. Lumenello stated that she reached out to the Conservation Department in August 2021 because there was a requirement in the Order of Conditions regarding the inspection and/or cleaning of the drainage structures (i.e., catch basins and associated piping). The Conservation Department reached out to Brixmor requesting that it hadn't been completed.

Dr. Weiner stated that he visited the site the day before the meeting. There was nothing going into the catch basins because they were completely submerged, and the water was flowing down a spillway into Vine Brook.

Ms. Lumenello mentioned that this parking lot was built in the floodplain, and it is possible in the event of a storm that this tributary would overflow.

Ms. Welch asked who's responsible for debris in the parking lot. Ms. Lumenello replied that's the responsibility of the property owner.

Mr. Vaughn stated that our interests are very much aligned, and we're at a point now where we don't quite know what more we can do to prevent the parking lot flooding from happening respectfully.

Mr. Dundon stated that the biggest change we've seen since I first got involved with the property back in September of 2010 is, for some reason, the water elevation in Vine Brook and the associated detention basin / sediment basin (located on the Brixmor property) is about a foot higher than the intended design grades and



TOWN OF BURLINGTON  
BOARD OF HEALTH MINUTES  
JUNE 28, 2022

that's where the crux of the problem is. As Ms. Lumenello alluded to, we are located in a floodplain, so we're restricted on altering grades. I believe we're in a situation where, unfortunately, that corner of the parking lot is going to have some standing water in it during heavy rainfall events.

Mr. Sanchez asked for clarification on a statement made by Mr. Dundon that the water is coming up Vine Brook, thus making the parking lot overflow, since the video taken by Mr. Sanchez on June 6th is showing the opposite (the Vine Brook is lower, and the parking lot is overflowing at a higher elevation). Mr. Dundon replied that the water level in Vine Brook is approximately at the same elevation as the parking lot's rim of the catch basin. The elevation of the parking lot's rim (where the water level is at) is at 124 and the design grades are at 123. When the Vine Brook elevation is rising (i.e., in the event of a storm), the water is surcharging back into the system and pushing out into the parking lot. Mr. Sanchez stated that the spillway from your detention basin is about 2-3 feet wide, however, it was supposed to be 20 feet wide according to the original plans. Mr. Sanchez then asked if the elevation of the spillway was confirmed during your survey. Mr. Dundon replied that when we performed the survey back in December 2020, we could not locate the various components of the stormwater system. My attention at that point was to try to get the water elevation and compare it to the design grades. When the basin was cleaned in March 2021, the spillway was cleared of any sand, sediment, and debris at which point we saw all the components.

Mr. Keeley asked if they compared the elevation of the parking lot to the original elevation when the site was approved. Mr. Dundon replied yes. The rim grades surveyed were in line with the SP5 drawing (a blow-up of the drainage basin). Mr. Keeley also mentioned that the adjacent site that had Newbury Comics and Duluth Trading Co. came to the Conservation Commission 10-12 years ago because they had flooding issues as well. They documented that their parking lot had subsided and that was the problem. The Conservation Commission gave them a permit to raise the parking lot's elevation to the originally approved elevation. If that's the case here, it's certainly something worth investigating.

Mr. Cohen stated that they need to hire a company that does a competent analysis, and that this situation is begging for an engineered solution before you start throwing more money at it.

Mr. McSweeney stated that it's somewhat disheartening to hear that after five years there is no solution. It is an eyesore and potential health hazard because every time I drive through there's geese, insects, and garbage/debris floating in there. Mr. McSweeney suggested the need for another water management system.

Dr. Weiner stated that if there is no solution before the end of the summer, then we might have to close off that portion of the parking lot because it might turn into a potentially dangerous situation come the winter months for shoppers. Dr. Weiner and Mr. McSweeney then asked for them to appear before the Board of Health on August 23 with an update. Mr. Vaughn replied that they don't want the situation to continue and that they will explore options to remedy the problem in the meantime.

**MOTION:** Ms. Sheehan moved to continue this matter to the Board of Health Meeting on August 23, 2022. The motion was seconded by Ms. Welch and voted 5-0-0.



TOWN OF BURLINGTON  
BOARD OF HEALTH MINUTES  
JUNE 28, 2022

**VII. Staff Reports:**

***Environmental Engineer***

Ms. Mathis presented her report.

- Release Abatement Measure (RAM) Plan for the proposed PFAS building at Mill Pond Water Treatment Plant
  - During exploratory soil sampling they found an isolated area of arsenic
  - Approximately 500 cubic yards of the arsenic impacted soils will be exported from the site for disposal at a landfill

Mr. McSweeney asked if the arsenic could potentially contaminate the reservoir. Ms. Mathis replied that there's no mechanism for the arsenic to travel that way. They also did groundwater sampling and didn't find any arsenic at levels of concern (the groundwater flows away from the reservoir).

Dr. Weiner asked if there was any follow up with mosquito spraying and the chemical exposure sensitivity situation. Ms. Mathis replied that she inquired with the Mosquito Control Program about what is required for private companies that will be doing the spraying. They are required to use licensed pesticide applicators.

**MOTION:** Ms. Sheehan moved to approve the Environmental Engineer report. The motion was seconded by Ms. Damore and unanimously voted 5-0-0.

***Associate Director of Public Health***

Mr. Greene presented his report.

- Started a new process for MRC Work Plan Submissions for their BP-4 with Ms. Lumenello
  - Paper submissions changed to an online survey

Ms. Welch asked Mr. Greene to provide a review of the Health Fair survey. Mr. Greene replied that they did three separate surveys: (1) MRC volunteers, (2) vendors, and (3) those individuals who attended. Approximately 30% responded from those who attended, but overall, the feedback was positive.

**MOTION:** Ms. Sheehan moved to approve the Associate Director of Public Health report. The motion was seconded by Ms. Welch and unanimously voted 5-0-0.

***Director of Public Health***

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

- Received minimal amount of resumes for the Supervisory Nurse position. Plan is to move forward with those candidates and get a subcommittee together for interviewing.
- Received our state supply of COVID test kits (n=5,000).



TOWN OF BURLINGTON  
BOARD OF HEALTH MINUTES  
JUNE 28, 2022

- Each kit needed to have a sticker on the front with a QR code so than people can scan to get more information about the expiration date, instructions if they test positive, etc.
- If any residents want kits, they can stop at the Board of Health office (two kits / family)

Ms. Sheehan asked if a citizen in Burlington seeking a test kit needs to provide any information or their license. Ms. Lumenello replied that they will not be asking for proof of identification. We're targeting Burlington groups where Burlington residents are going to see it.

Ms. Welch and Dr. Weiner inquired about the frequency of re-inspections. Ms. Lumenello replied that now that we're coming out of the COVID pandemic, food establishments, for example, are starting to get back on a regular routine and they're starting to notice more things. Over time, the number of re-inspections will go down.

Dr. Weiner asked about grease in the sewer line at Shaw's. Ms. Lumenello replied that Ms. Johnson followed up with them, and they don't expect that there's going to be any more grease in the line. When the DPW notifies the Board of Health staff, we go out to the establishment and go over with them best management practices (i.e., cleaning off pans) to avoid getting grease into the line.

Dr. Weiner also asked about the request for funding from Emergency Preparedness Region 4AB. Ms. Lumenello replied that's the MRC budget and it's roughly \$7,000 dollars. Certain funds in the budget were earmarked (mainly trainings: first aid, blood borne pathogens, etc.). Psychological emergencies are going to be paid for through the Rise Grant. Ms. Lumenello mentioned that we've been approved for the Rise Grant for \$25,000, but they're behind. As part of that grant, you have to identify three focus areas. So far, we have identified increased training and a focus on diversity.

**MOTION:** Ms. Welch moved to approve the Director of Public Health reports. The motion was seconded by Mr. McSweeney and unanimously voted 5-0-0.

### **VIII. Adjourn:**

**MOTION:** Mr. McSweeney to adjourn the Board of Health regular meeting at 8:33 PM. The motion was seconded by Ms. Sheehan and unanimously voted 5-0-0.

*Respectfully Submitted by Eric Bergeron,  
Recording Clerk*



TOWN OF BURLINGTON  
BOARD OF HEALTH MINUTES  
JUNE 28, 2022

**DOCUMENTS REVIEWED AT MEETING – TUESDAY, JUNE 28, 2022**

- I. Open Meeting/Pledge of Allegiance/Agenda:**
- II. Approval of Minutes: 5/10/2022 Board of Health Minutes**
- III. Citizen's Time: None**
- IV. Chairman's Report: None**
- V. Discussion:**

***Kennel License Recommendation, 16 Keans Road***

6/28/22 S. Lumenello Kennel License Recommendation

***Kennel License Recommendation, 2 Westwood Street***

6/28/22 S. Hardy Kennel License Recommendation

**VI. Hearing:**

***111 Middlesex Turnpike, Nuisance Violation***

111-112 Middlesex Turnpike: The Shops at Mall Road Presentation, S. Lumenello; Timeline of Events, S. Lumenello and C. Mathis; 6/29/1990 WPA Form 8B – Certificate of Compliance; 11/2/10 Site Investigation Report prepared by Lucas Environmental, LLC; 7/26/19 S. Lumenello memo with violation(s); 11/4/19 Riemer & Braunstein email; 11/26/19 RJ O'Connell & Associates email; 2/6/20 RJ O'Connell & Associates memo; 1/6/20 Riemer & Braunstein email; 10/10/19 S. Lumenello email; 10/12/20 Riemer & Braunstein email; 10/8/20 C. Mathis email; 9/16/20 T. Hayes email with 11/1/19 and 11/25/19 water elevations; 3/29/21 Report prepared by Lucas Environmental, LLC; 5/14/21 Brixmor Property Group memo; 7/30/21 Brixmor Property Group memo; 11/2/21 Brixmor Property Group email; 9/9/21 J. Keeley memo; 10/30/21 Brixmor Property Group memo; 5/19/22 S. Lumenello appearance letter; AQUALIS Stormwater Inspection & Maintenance Report; 2/20/91 Grading and Utilities Plan from Symmes, Maini, & McKee Associates, Inc.; 12/3/90 Profiles from Symmes, Maini, & McKee Associates, Inc.

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

**VIII. Adjourn: None**