

BRAINTREE BOARD OF HEALTH

MINUTES

August 19, 2010

IN ATTENDANCE: Dr. Philip Nedelman, Chairman
Paula Dowd, Vice Chairman
Karen Hubbard, Clerk

ALSO PRESENT: Marybeth McGrath, Director of ML & I

CALL TO ORDER: Dr. Nedelman called the meeting to order at 7:00pm.

INTRODUCTION of Newly Appointed Board Member, Mrs. Karen Hubbard

Dr. Nedelman welcomed Mrs. Hubbard to the Board of Health.

ELECTION of Clerk to Fill Position Vacancy on the Board of Health

Motion By: Mrs. Dowd to hold the position of Clerk on the Board
Second By: Dr. Nedelman

APPROVAL OF MINUTES:

Motion By: Mrs. Dowd approve the minutes of June 24, 2010.
Second By: Dr. Nedelman

NEW BUSINESS:

1. Definitive Subdivision-Elmlawn Road Extension

Ms. McGrath advised the Board that the plans are before the Board this evening. This proposed subdivision is located on the Quincy/Braintree line at the end of Elmlawn Road off of Elm Street. At the end of Elmlawn it intersects with Roberts Street and Conrad Street.

This proposed definitive subdivision is before the Board because as part of the subdivision regulation through the Town of Braintree Planning Department whenever an applicant is seeking approval for a subdivision, the Board of Health has to either endorse

the project or not or offer recommendations to the Planning Board, so that those comments can be made part of the record for the approval of the subdivision.

This subdivision has already been approved by the Planning Board because the Board of Health did not have a meeting in July. Ms. McGrath advised that she did not feel that it would be an issue because there were no health related problems. When reviewing a proposed subdivision, the Board normally looks for the method of sewage disposal, which in this case is public sewer system; and the method of potable water, which in this case is public town water. There are no private wells or septic systems. The Board also looks at drainage. Additionally, the Board always submits a standard comment to the Planning Board that the project and drainage system will not be conducive to mosquitoes or puddling water, or adversely affect abutting properties.

Ms. McGrath reviewed the comments submitted by the department to the Planning Department, which she advised were all conditions put into the requirements for approval of the project. The Board's endorsement tonight is a formality for the record.

Mrs. Hubbard asked about the drainage basin buffer as indicated on the paperwork.

Ms. McGrath advised that the department needs to make sure that the drainage system that is approved and installed does not adversely affect abutting properties because often times when construction, digging and trenching, etc. occurs it could adversely affect the topography of an abutting neighboring property. This is why the department always requests that the Planning Board place this comment in the conditions of the approval, so if in the future there is a problem with drainage from the newly constructed property that is affecting an abutter it shall be corrected.

Mrs. Hubbard inquired about the proposed sloped granite curbing that is noted on the project paperwork to be installed instead of the required vertical granite. As this location is a dead end street where there may be a lot of children, with sloped curbing there is a potential for more people to park on the sidewalk which cause a safety concern.

Ms. McGrath advised that this is not a health related matter, but will certainly forward Mrs. Hubbard's concern onto the Planning Department.

Motion By: Mrs. Dowd to endorse the Definitive Subdivision application
Second By: Mrs. Hubbard
Unanimously Voted

2. Request for Variance-Aveda at South Shore Plaza for a Two-Compartment Sink

Ms. McGrath advised the Board that food establishments are required to have a three compartment sink for washing, rinsing and sanitizing of wares. Aveda at the South Shore Plaza in addition to selling tea is now offering samples of teas for the customers to taste, and must install sink equipment to properly clean the tea carafe equipment.

The establishment was considering installing a small three compartment sink, but has limited space for the installation of this ware washing equipment.

Ms. McGrath advised that after a review, she recommended the establishment consider seeking a variance to install a two compartment sink, which the Food Code allows if there is limited non-potentially hazardous food preparation. As tea samples are the only food item prepared, Aveda would meet this allowance to seek a variance before the Board.

Therefore, Aveda is requesting a variance to install a two compartment sink to be placed in the store sales area.

If the Board approves the variance for use of the two compartment sink, it comes with specific code requirements for the establishment to properly utilize a detergent sanitizer solution for the compartments.

Mrs. Dowd asked if Aveda is serving the tea samples now.

Ms. McGrath advised that they have been ordered to stop serving the tea samples until the ware washing equipment for cleaning is installed.

Ms. McGrath advised the Board that this variance request would meet the code requirements of limited non-potentially hazardous food preparation and recommends approval.

Motion By: Mrs. Dowd to approve the variance request

Second By: Mrs. Hubbard

Unanimously Voted

3. Request for Variance of Lifeguard Provision-Jonathan's Landing, Mahar Highway

Present: Mark Mastroianni, Pulte Homes representing the trustees; and the following residents of Jonathan's Landing: Bruce Luchner, Joan Kane, Tom Kane, Marie Swanson, James Swanson, John Ebrecht, Michelle Chan.

Mr. Mastroianni advised the Board that 11 of the 24 condominium units in the one building on the property have been sold.

Ms. McGrath advised the Board that Jonathan's Landing constructed an outdoor in-ground semi-public swimming pool and spa which has been on the property for about two years. This is the first season that the pool has been operational under the ownership of Pulte Homes.

This is the first year that the pool has been permitted and inspected by the department, and operational for use. Jonathan's Landing has had a lifeguard on the premises for this entire pool season.

The lifeguard that is presently on duty at the pool will be going back to college within the next few weeks. Therefore, Jonathan's Landing is requesting a variance of the lifeguard provision to allow for the operation of the pool without a lifeguard from the time the current lifeguard returns to college through September and/or October, weather permitting until the pool is closed for the season.

Daily usage log sheets for a period of July and August of this summer have been provided which demonstrate very minimal bather usage by the residents.

Ms. McGrath advised that access to the pool facility is only through the clubhouse and residents have a key entry.

Mr. Mastroianni advised the Board that they would like the opportunity for the homeowners to continue to enjoy the pool until it closes for the season.

Mrs. Hubbard inquired of the following: if all of the required safety equipment is available within the pool enclosure as outlined in the regulations, and if the variance request is approved by the Board what is the liability to the Town.

Ms. McGrath advised that all required safety equipment per the regulation is already in place. The safety equipment, as outlined in the regulations is required regardless of a variance request. Further, if the Board approves the variance being requested, then the establishment is responsible for posting very specific warning signage indicating there are no lifeguards on duty. The regulation is very specific as to the language required on said signage.

Ms. McGrath also advised that with any lifeguard variance being requested, if the Board chooses to approve the variance, she always suggests that the establishment contact their insurance carrier to advise them of the status of the lifeguard. Once the signage is posted, for liability purposes, it is the establishment's responsibility to make certain that the signage is in place. The department verifies that the signage is in place.

Mr. Mastioanni advised the Board that they will comply with all signage requirements and follow the standard operating procedures set forth by the Board if the variance is approved.

Motion By: Mrs. Dowd to approve the variance request, as outlined.
Second By: Mrs. Hubbard
Unanimously Voted

OTHER BUSINESS:

4. Correspondence-Legislative Changes to Open Meeting Law effective 7/1/2010

Ms. McGrath advised the Board of the slight format changes to the Board meeting agenda as a result of the new law. Also, she advised that anything that is discussed at a Board meeting in which a vote is taken must be on the agenda.

5. Beach Testing Update

Ms. McGrath reviewed this season's beach test results with the Board, which have been satisfactory to date.

6. West Nile Virus/Eastern Equine Encephalitis Update

Ms. McGrath reviewed the current MDPH data available for the state regarding West Nile Virus/Eastern Equine Encephalitis. There have been no reports this year of any positive mosquitoes or human cases in Braintree.

Ms. McGrath reviewed the weekly ground spraying schedule conducted by the Norfolk County Mosquito Control Project for Braintree. She also reviewed the recommendation letters sent by the Board to all youth programs in Braintree in May to consider curtailing recreational activities after dusk and before dawn when mosquito activity is at its highest.

7. Matters By the Board

Dr. Nedelman inquired about the outcome of the grease trap variance being requested by California Pizza Kitchen to the State Board of Examiners of Plumbers and Gasfitters that came before the Board for review in May 2010 before being forwarded to the state.

Ms. McGrath provided the Board a reviewed of the proposed variance that was requested by California Pizza Kitchen with the state. The outcome with the state was that they would not approve the installation of the proposed trapzilla external grease trap until all possibilities were exhausted inside the establishment to install an internal grease trap within the establishment, and that the establishment would work with the local plumbing inspector, Andy Lyne to make this determination. The latest information was that California Pizza Kitchen would be installing a low boy internal grease trap in the kitchen.

Mrs. Hubbard asked if the next Board meeting could be moved from September 16, 2010 to September 23, 2010, as it is Back-To-School Night at the high school on September 16, 2010. The Board had no objection to the change, and Ms. McGrath will inquire if a meeting room is available and respond back to the Board.

Motion By: Mrs. Dowd to adjourn the meeting at 7:45pm.
Second By: Mrs. Hubbard