

BRAINTREE BOARD OF HEALTH

MINUTES

December 15, 2011

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

ALSO PRESENT: Marybeth McGrath, Director of ML & I

CALL TO ORDER: Mrs. Dowd called the meeting to order at 7:00pm.

APPROVAL OF MINUTES:

Motion By: Dr. Nedelman to approve the meeting minutes of
October 27, 2011.

Second By: Mrs. Hubbard

NEW BUSINESS:

**1. Request for Variance from State Plumbing Code: Braintree High School, 128
Town Street- Roof drains**

Present: Russell Forsberg, Inspector of Buildings
Dr. Peter Kurzberg, Superintendent of Braintree Public Schools
Peter Kress, Business Manager-Braintree Public Schools

Mr. Forsberg advised the Board that he is here this evening on behalf of the school department, and is accompanied by Dr. Kurzberg and Mr. Kress.

Mr. Forsberg advised the Board that the Braintree High School was built in 1972 and is a concrete structure, both precast and cast in place. The project in question involves a renovation to the gymnasium portion of the roof of the high school. Over the years the high school roof has been reclaimed in terms of outer sheathing material on a number of occasions. During this last process, it was determined that a more in-depth investigation of the substructure, namely the roof drains, parapet and the like had to be evaluated due to the age of the building.

When the school department decided to do something about the roof itself, they contracted with Habeeb and Associates to do a more thorough evaluation and investigation of the roof. It was determined that more than just a re-roof was required. The parapet, the roof drains and the leaders from the roof drains needed to be looked at

and considered. At that time and because they could not do any destructive investigations, it was believed that the roof drains could be easily replaced.

Mr. Forsberg provided the Board with a cross-section diagram of the school roof, as well as a 3-dimensional diagram of the roof drain equipment, including the drain bowl.

The drain bowl is independent from the roof itself. When the roof was constructed, it was poured concrete. The drain bowl is a ceramic bowl that fits into the depression. It then affixed with an adhesive and other materials to bond to the concrete. The problem that was experienced when the Town was looking at removing the bowls and replacing them with like for like material, was that there had been an adhesion between the two materials that would not allow for their extraction. The only way to remove them would be to chip back into the concrete deck in order to allow for the bowl to be physically removed, which would in turn cause damage to the leaders and pipes. So, for the sake of the continuity of the roof and structural integrity, it was determined that the best course of action at this time would be to insert a rubber drain insert. The rubber drain insert is comprised of almost the same material as a rubber roof. It is a bowl like structure and it would go into the ceramic bowl and allow for the continuity between the rubber membrane and the bowl, so there would be no leakage to the roof.

Mr. Forsberg further advised that the material that was used for the rubber membrane roof is a Firestone product. The insert proposed is also a Firestone product. The continuity of the two products would allow the town to enjoy a much greater warranty against product defect in possible leakage in the future. The problem that has occurred in the utilization of the rubber bowl insert is that it needs to be an approved product under the state plumbing board. The plumbing board, at present, has no rubber membrane bowl inserts that are approved. There were inserts approved at one point, but they have since taken those off of their list. The reason for that is that the use of these rubber membrane bowl inserts reduces the net effect of the pipe causing the roof drains to not function as intended, under normal conditions. The difference in this case with the use of these rubber membrane bowl inserts is that when they designed the roof, and more specifically the roof drains, they installed more roof drains. So, consequently there is no detrimental impact to the school roof in utilizing these inserts. They do reduce the pipe from 4" to 3 1/2", but due to the excessive amount of roof drains, there is no ill-effect to the roof. This was the only concern that the state plumbing board raised. In order for the Town to be allowed to maintain this particular product, we will need to get a variance from the state plumbing board. So, they are seeking a favorable recommendation to continue to utilize the roof drain inserts.

Ms. McGrath advised the Board that the requirement per the plumbing regarding this application is that in order for the applicant to go forward they need to either have an endorsement or not of the request to seek the variance. Thereafter, a letter must be attached to the application from the Board of Health indicating what the determination is.

Ms. McGrath advised that after having worked with Mr. Forsberg, Andy Lyne, the Plumbing Inspector and the school department on this matter, she recommends endorsing the request to maintain the installation of the inserts conditional that a licensed plumber will verify the installation of the inserts, which are already in place.

Motion By: Dr. Nedelman to endorse the variance request with the stipulation that a licensed plumber verify the installation.
Second By: Mrs. Hubbard
Unanimously Voted

2. Request for Variance of 105 CMR 590.003 (A)(5): Brian's Fine Desserts, 8 Elm Street- Certified Food Manager

Present: Andrea Plluska, owner

Ms. McGrath advised the Board that Mr. Plluska is before them this evening to request approval of a variance request for the food manager certification. Mr. Plluska has operated Brian's Fine Desserts for eleven years and he had been certified as the certified food manager. The certification is only good for five years, so after five years recertification must be obtained. Mr. Plluska has applied for and taken the test twice most recently, and unfortunately was unsuccessful in passing. The concern in passing was not his knowledge of the code, but rather it would be easier to take an exam in his native language which is Albanian. There is no exam offered in Albanian at this time. So, in order for Mr. Plluska to seek certification, he can now come before the Board of Health and request a variance based on knowledge and his inspectional history, which he has satisfied. Additionally, this establishment is somewhat unique in that it is licensed locally by the Board of Health as a retail operator, and he is licensed by the state health department as a wholesale operator. At the local level, Ms. McGrath advised that she has no concern in recommending approval of the variance.

Dr. Nedelman asked if the Board approved the request is there a time limit on the variance.

Ms. McGrath suggested that the variance should be offered for no more than five years, as is the current expiration time for the food manager certification, and by then there may be a written exam in the Albanian language.

Mrs. Hubbard inquired about the requirements and contents of the training for certification, of which Ms. McGrath provided details on the training.

Mr. Plluska provided a brief summary of his experience in the bakery business and his satisfactory inspectional history.

Motion By: Mrs. Hubbard to approve the variance request with the stipulation that it have a five year expiration limit.
Second By: Dr. Nedelman
Unanimously Voted

3. Public Hearing (7:30pm): Blue Hill Cemetery, Inc.-Request to dedicate assessor's parcel 2050-5 (28.3 acres of land) located on the southerly side of West Street (692-700 West Street), Braintree, MA, for use as a cemetery

pursuant to M.G.L. Chapter 114, Section 34: including for the purpose of using said parcel of land as a crematory pursuant to M.G.L. Chapter 114, Section 43D.

Present: Carolyn Murray, Town Solicitor for the Town of Braintree
Christine Stickney, Director of Planning & Community Development for the
Town of Braintree
Attorney Michael Modestino representing Blue Hill Cemetery, Inc.
Gerry Ridge, Jr.-President of Blue Hill Cemetery, Inc.
David Crispin, Civil Engineer, Land Surveyor with BSC Group and 40 year
Part-time employee of Blue Hill Cemetery.

Mr. Modestino advised the Board that this is a request filed by Blue Hill Cemetery, Inc. regarding the property located on the southerly side of West Street (692-700 West Street) in Braintree, MA as shown on Assessor's Plan No. 2050, Plot 5 and contains 28.3 acres of land. The property owner seeks to dedicate the said 28.3 acres of land owned and operated by Blue Hill Cemetery, Inc. as a cemetery pursuant to M.G.L. Chapter 114, Section 34; including for the purpose of using said parcel of land as a crematory pursuant to M.G.L. Chapter 114, Section 43D.

According to M. G. L. Chapter 114, Section 34: "Except in the case of the erection or use of a tomb on private land for the exclusive use of the family of the owner, no land, other than that already so used or appropriated, shall be used for burial, unless by permission of the town or of the mayor and aldermen of the city in which the same lies; but no such permission shall be given until the location of the lands intended for such use has been approved in writing by the board of health of the town where the lands are situated after notice to all persons interested and a hearing; and the board of health, upon approval of the use of any lands either for new cemeteries or for the extension of existing cemeteries, shall include in the records of the said board a description of such lands sufficient for their identification..."

In addition, M.G.L. Chapter 114, Section 37 states: "No land other than that so used and appropriated on April tenth, nineteen hundred and eight, shall be used for the purpose of burial if it be so situated that surface water or ground drainage therefrom may enter any stream, pond, reservoir, well, filter gallery or other water used as a source of public water supply, or any tributary of a source so used, or any aqueduct of other works used in connection therewith, until a plan and description of the lands proposed for such use have been submitted to, and approved in writing by the department of environmental protection."

As grounds for the request, Attorney Modestino, along with Mr. Crispin explained that the property located on the southerly side of West Street has been used since the late 1800's for purposes that support the cemetery located on the northerly side of West Street. The home of the Drolett Family, who owned the cemetery for many years, was located on this parcel. The property was deeded to Albert Drolett in 1889. According to the applicant, the first burial is documented as having occurred on the north side of West Street in 1893. Mr. Drolett was the cemetery Superintendent according to the records of the corporation, going as far back as 1899. The house that is presently the

caretaker's house, located on the southerly side of West Street, was constructed according to assessor's records around 1900 and used as the office, until the present office was constructed in 1956 and located at 700 West Street. Attorney Modestino explained that there is no question that the property on the south side has been used for cemetery purposes, but there was never a formal dedication of this property by the Board of Health under Chapter 114. Attorney Modestino further explained that there is a real public demand to have a crematory in the town of Braintree. Presently, the closest crematory is located in Jamaica Plain at Forest Hills Cemetery. Others crematories are located in Duxbury at the Mayflower Cemetery and in Plymouth. At this time, the town of Braintree does not have a crematory to accommodate the needs of the citizens.

According to data provided by the applicant, in Massachusetts, 35% of all deaths result in cremation, and nationally, there are 2.4 million deaths per year, of which 800,078 are cremations. Attorney Modestino stated that cremations are projected to rise to 59% in ten years. Thus, he explained that there is a need to have a crematory in the area.

Attorney Modestino explained that Blue Hills Cemetery is working with the Conservation Commission regarding wetland issues on this property, and will be in compliance with their Order of Conditions. The crematory building will be constructed above the FEMA floodplain elevation, and nothing will be built in the wetland area. Blue Hills Cemetery, Inc. also has an air quality permit issued by the Massachusetts Department of Environmental Protection for a crematory.

Christine Stickney, Director of Planning and Community Development, explained that the proposed crematory is subject to four special permits under the Town's Zoning By-laws. The applicant has applied for the necessary special permits, but that process is dependent upon the Town's approval of this parcel for cemetery purposes. Pointing to the site plan provided by the applicant, Ms. Stickney noted that much of this parcel is within the floodplain or wetlands and would not be suitable for any use.

Marybeth McGrath, Director of Municipal Licenses and Inspections, echoed Ms. Stickney's comments about much of the southern parcel being wetlands and further expressed concern that this site not be used for full casket burials. Ms. McGrath advised the Board that she had spoken with the Chief of Staff, Peter Morin, on this subject, who conveyed that he and the Mayor shared her concern that this parcel not be used for full casket burials.

No one else spoke in favor of or opposition to the request.

Motion By: Dr. Nedelman to approve the request by Blue Hill Cemetery to dedicate 28.3 acres of land owned by Blue Hill Cemetery on the southerly side of West Street, said parcel being assessor's parcel 2050-5, for cemetery purposes pursuant to M.G.L. Chapter 114, Section 34 with the condition that no land shall be used for the purpose of burial if it be so situated that surface water or ground drainage therefrom may enter any stream, pond, reservoir, well, filter gallery or other water used as a source of public water

supply, or any tributary of a source so used, or any aqueduct of other works used in connection therewith, until a plan and description of the lands proposed for such use have been submitted to, and approved in writing by the department of environmental protection.

Said parcel is more particularly described as the remaining land of Blue Hill Cemetery on a plan of land dated June 21, 2004, entitled "Approval Not Required Plan of Land Creating Parcel "A" 710 West Street, Braintree, Massachusetts (Norfolk County)" by David Crispin, PLS of BSC Group, Inc. and as recorded at the Norfolk County Registry of Deeds at Book 528, Page 86 and as set forth in the following metes and bounds description:

The parcel described in Norfolk Registry of Deeds book 2419 page 136 is shown as the remaining land of Blue Hill Cemetery on a plan of land dated June 21, 2004 entitled "Approval Not Required Plan of Land Creating Parcel "A" 710 West Street Braintree Massachusetts (Norfolk County)" by the BSC Group Inc. and recorded at the Norfolk Registry of Deeds in Plan book 528 page 86.

The parcel is described in the general manner as follows:

Beginning on the southerly side of West Street at the northwesterly corner that the common boundary with land of the Braintree sewer department and

Running in an easterly direction by West Street by four courses a total of 518.71 feet to a point, thence turning and,

Running in a southerly direction 191.88 feet to a point, then turning and,

Running in a south-easterly direction 153.78 feet to a point then turning and,

Running in a north-easterly direction 278.21 feet to a point then turning and,

Running in a north-westerly direction by two courses totaling 134.00 feet to a point then turning and

Running in a north-easterly direction 150 feet to a point then turning and

Running in a south-easterly direction by four courses approximate 1080 feet to the center of the Farm River thence turning and

Running westerly by the thread of the Farm River 3,700 +/- feet to a point then turning and

Running north-east and north-west by four courses 732.02 feet to the point of beginning.

That said parcel, according to the Braintree Assessors, containing 30.5 ± acres.

Second By: Mrs. Hubbard
Unanimously Voted

OTHER BUSINESS:

4) Future Board of Health meeting dates (January-June 2012)-Informational

Motion By: Dr. Nedelman to adjourn the meeting at 8:00pm.
Second By: Mrs. Hubbard