

BRAINTREE BOARD OF HEALTH

MINUTES

October 21, 2010

IN ATTENDANCE: Dr. Philip Nedelman, 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.

APPROVAL OF MINUTES:

Motion By: Mrs. Hubbard to approve the minutes of August 19, 2010.
Second By: Dr. Nedelman

NEW BUSINESS:

1. Request for Variance of Well Regulation (Property Line and Roadway Setbacks)-15 Grove Circle

Present: Kevin Sweeney, Property Owner

Ms. McGrath advised the Board that Mr. Sweeney is requesting the installation of an irrigation well on his property located at 15 Grove Circle. He meets all of the setback requirements with the exception of two, one of the property lines he is only able to meet 10' instead of 25'. Also, he is only able to meet the roadway setback of 49.8', instead of the 100'. Department staff have gone out to do a site inspection, and reviewed all of the setbacks proposed by Mr. Sweeney. Mr. Sweeney could move the well closer to the house and further from the property line. The proposed setback between the house and well would be 10'. Ms. McGrath would discourage moving the proposed well closer to the house because she would not want there to be any problems with compromising the house foundation, so she would suggest that it stay 10' from the dwelling.

The distance from the proposed well to the property line is 10' and it is 17' from the property line to the neighboring house for a total of 27' from the proposed well to the neighboring house. The abutters have received the notifications and the department has proof of that. With regard to the roadway setback, the department inspector does not foresee a problem, as the roadway setback only measures from the where the road is in

front of the house to the proposed well. It does not measure across the road, which provides a greater distance. Therefore, staff recommends approval of the well.

Motion By: Mrs. Hubbard to approve the variance request.
Second By: Dr. Nedelman

2. Request for Variance of Lifeguard Provision-Hampton Inn Braintree

Ms. McGrath advised the Board that this is a request for renewal of the lifeguard variance for the Hampton Inn. They have an indoor built-in swimming pool within the hotel enclosure. They have requested a lifeguard variance for at least four years because of the low bather load. They submit documentation to us routinely to support their very low bather load. The pool is only used by guests, and guests with a key card for access into the pool enclosure. The key card for the room is the same card that would be used to gain access to the pool.

There is a required telephone in the pool enclosure for emergency communication, and the front desk is right around the corner from the pool facility.

Ms. McGrath advised that their variance runs from January 1-December 31 each year. The establishment is very good about submitting the request early, so this request would be for 2011.

Motion By: Mrs. Hubbard to approve the variance request.
Second By: Dr. Nedelman

3. Request for Variance of 105 CMR 590.003 (A5)- Food Protection Manager Certification for Dari Murphy of Meeting House Montessori School located at 25 Brow Avenue.

Ms. McGrath advised the Board that this type of variance has only been requested by the Board once before for the manager of PJ's Pizzeria.

Meeting House Montessori School was the former Monatiquot School on Brow Avenue. The school rents the space, and all of the food is prepared by the Braintree High School. Ms. Murphy is the food service manager at the Montessori School. She picks the food up daily from the high school, brings it back to the Montessori School and serves it. She is not preparing food. However, the requirements of the food code are that she must be a certified food manager. The documentation before the Board demonstrates that Ms. Murphy has attempted to take the test twice and has not successfully passed. Her score for each test was 73%, and the passing score is 75%.

The department spoke with the instructor from Eastern Food Safety, where Ms. Murphy took the second test. The instructor indicated that she had spoken with Ms. Murphy and reviewed food handling practices with her and advised that Ms. Murphy did appear to understand the knowledge portion of the test and knew the material.

Ms. Murphy indicated that she was not comfortable test taking.

Ms. McGrath advised that the code allows for the ability of an applicant to request a variance before the local board of health, if one has taken the test twice and failed to pass it to allow for them to continue to be the food manager, but without the certification.

Department staff routinely inspects the kitchen at least three times per year, or more often if necessary, based on the risk category. The food is prepared at the Braintree High School and transported by Ms. Murphy to the Meeting House Montessori School. Ms. Murphy only serves the food and cleans up the trays and equipment after the meal is finished.

Ms. McGrath advised that she felt comfortable with the request. She further advised that when a person is certified as a food manager, the certification is good for five years. It expires after five years. She recommends that a limit be set on this variance request of no longer than five years.

Motion By: Mrs. Hubbard to approve the variance request, with the condition that it will expire five years from this approval date.

Second By: Dr. Nedelman

4. Request for Variance of Well Regulation (Property Line Setback)-60 Messina Woods Drive.

Ms. McGrath advised the Board that the property owners are requesting to install an irrigation well on their property. They meet all of the required setbacks, with the except of a property line setback. They can only meet a 10' setback to the side property line, instead of 25'.

Additionally, they are also proposing a second location for the well on the property because if for some reason when drilling, the first location is not successful. The second location shows a 20' setback to the property line. They are not drilling two wells on this property, but wanted to propose the two locations in case the first drilling is not successful.

Ms. McGrath advised that the department is still waiting on two proof of notification to two abutters. She further advised that the department received a letter today from Messina Enterprises, as an abutter to the property. The letter indicates that they are not discouraging the approval of the well, but would like a notation that if any damage occurs to, for example, the sidewalk that the property owner and well driller take necessary corrective action.

Dr. Nedelman advised that well drillers must go over a sidewalk to get onto the property where a well is to be drilled.

Ms. McGrath advised that she is not aware of any sidewalks having been damaged from well drilling equipment when wells have previously been installed in Braintree.

Mrs. Hubbard advised that she believes that the letter indicates that they are looking at their rights to future wells and the loss of control. So, if they own this property and wanted to install a well, would it be a concern if there were only 10' from the property lines.

Ms. McGrath advised that they would have to apply to the Board of Health for a variance and meet the same requirements as any other applicant. She thinks they were just trying to put safeguards in if their property were damaged.

Dr. Nedelman advised that when a well is installed it is a legally binding obligation on the part of the well owner to address damages that may be sustained as part of the installation.

Ms. McGrath also advised that well drillers are required to have insurance, as well. Additionally, she advised that the well drilling equipment enters the property where the well is to be drilled through the driveway, they do not go onto someone else's property to access the property where the well is to be drilled.

Motion By: Mrs. Hubbard to approve the variance request, conditional upon receipt of notification of all of the abutters.
Second By: Dr. Nedelman

5. Request for Variance of Well Regulation (Property Line Setback)-70 Messina Woods Drive.

Ms. McGrath advised the Board that the property owners of 70 Messina Woods Drive would like to install an irrigation well on their property. They meet all of the required setbacks, with the exception of a property line setback. As outlined in their proposed plot plan submittal, they can meet a 20' setback to the side property line, instead of 25'.

Ms. McGrath advised that Ms. Carey, a department inspector conducted a site visit and the distance she measured from the proposed well to the property line is actually 17' and not 20'. She advised that it can be required that it be moved to meet the 20' as requested in the variance, or the Board can approve the 17' measured setback.

Dr. Nedelman advised that he had no objection to the 17' setback.

The Board reviewed the abutter listing and area plan.

Ms. McGrath advised that the department is still waiting on two proof of notification to two abutters.

Motion By: Mrs. Hubbard to approve the variance request, conditional

upon receipt of notification of all of the abutters.
Second By: Dr. Nedelman

6. Correspondence-New Open Meeting Law Regulations

Ms. McGrath advised the Board of the new open meeting law regulation updates, including the requirement of twenty-four hour public access to meeting postings.

OTHER BUSINESS:

Ms. McGrath advised the Board that the department is very slowly receiving vaccine. Ms. Mulready, the public health nurse has completed flu clinics at all of the senior housing complexes with the flu vaccine that the department purchased. A flu clinic was held at the Council on Aging/Department of Elder Affairs on October 21, 2010.

A general public flu clinic has been scheduled for Sunday November 21, 2010 from 1:00pm to 4:00pm in the Town Hall Auditorium. We feel comfortable that by that date we will have received all of our state-supplied vaccine or a good portion of it to go into this clinic.

The department is also working with Mrs. Dowd and the School Department to resume our vaccination program as we did last year regarding flu clinics for students in the middle schools and high school, and hope to start those clinics in early December. The delay is because of Mrs. Dowd's absence on medical leave and the required documentation that needs to be sent to the parents. We will help Mrs. Dowd in any way we can with this process.

Ms. McGrath reviewed the balance and status of the immunization revolving fund, as well as additional emergency response grant funding from the state to help with immunization clinics.

Ms. McGrath advised the Board that the next meeting is scheduled on November 4, 2010. Mrs. Dowd has advised that she has a personal family commitment on that evening. So, a quorum will be necessary for that meeting to proceed. Ms. McGrath advised that at this time she has no agenda items, but will keep the Board posted on this matter.

Motion By: Dr. Nedelman to adjourn the meeting at 7:35 pm.
Second By: Mrs. Hubbard