



Billerica Board of Health

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Mike Grady, Chairman
Robert Reader, Vice Chairman
Sandra Giroux, Secretary
Marie O'Rourke
Amit Gandhi, Ph.D.

Kristel Bennett, Director

BOARD OF HEALTH MINUTES

March 7, 2022

Robert Reader, Vice Chairman called the meeting to order at 7:00 p.m. Also in attendance were Sandra Giroux, Secretary, Marie O'Rourke, Amit Gandhi, Ph.D., Kristel Bennett, Director and Joanne White, Recording Clerk. Mike Grady, Chairman was absent.

OPEN MICROPHONE

Mr. Reader asked if anyone would like to comment on Open Microphone.

No one was present for Open Microphone.

ACCEPTANCE OF MINUTES

Mrs. O'Rourke made a motion to accept the Meeting Minutes of February 7, 2022.

Mrs. Giroux seconded. So voted unanimously.

BOARD OF HEALTH BUSINESS

Appointment of Tobacco Control Compliance Agent for the Board:Laura Vlasuk

Mr. Reader stated the first item under Board of Health Business is the Appointment of Laura Vlasuk the Tobacco Control Compliance Agent.

Mrs. Bennett explained that Ron Beauregard, Healthy Community Tobacco Control Coordinator contacted her and would like the Board to appoint Laura Vlasuk as the Tobacco Control Compliance Agent for Billerica. Mr. Beauregard hired Ms. Vlasuk to work in Billerica and also other communities as the Tobacco Control Compliance Agent. Mrs. Bennett asked the Board Members if they wanted to appoint Laura Vlasuk as the Tobacco Control Compliance Agent for Billerica. I informed Mr. Beauregard that the Board would probably like to meet her first. Mr. Beauregard stated that he would attend the next meeting with Ms. Vlasuk and explain what her job would involve.

Mrs. Giroux expressed an interest in meeting Ms. Vlasuk first.

The rest of the Board Members agreed.

Mrs. Bennett stated that Mr. Beauregard and Ms. Vlasuk would be attending the April 4th 2022 Board of Health Meeting.

Board of Health Activity Reports

Mr. Reader stated the next item under Board of Health Business is the Health Department Activity Reports.

Dr. Gandhi requested that the information to order the COVID-19 test kits be on posted on the Town of Billerica website.

Copies of the Health Department Activity Reports for February are included in the Board's package.

Mr. Reader stated the first activity report is from the Public Health Nurse, Christine West.

Mrs. Bennett stated that she had no additional comments.

Mrs. Giroux explained that she has heard a lot of rumors regarding chicken disease.

Mrs. Bennett explained that she is trying to work with Christine Gualtieri, the Animal Control Officer regarding the disease. We are also trying to find out who is raising chickens in Billerica. The Animal Control Officer performs an annual inspection of all known households that have chicken's but Ms. Gualtieri is sure that there are a lot of households that have chickens that she does not know about.

Dr. Gandhi asked how many chickens can a household have.

Ms. White replied the maximum number of chickens a household can have is 12.

Mr. Reader stated the next activity report is from Health Agent, Phavy Pheng.

Mrs. Bennett explained that Phavy was on vacation for 2 weeks and did not have time to put a report together.

Mr. Reader stated the next activity report is from Health Agent, Shelagh Collins.

Mrs. Bennett replied no additional comments.

Mrs. O'Rourke asked Mrs. Bennett to explain what Mrs. Collins does at the webinars.

Mrs. Bennett stated that she also listens to the same webinars. The purpose is to get all the COVID-19 updates and any other updates that the town departments should know about. Then I make sure all the updates are sent to the appropriate town departments. Mrs. Collins listens to the updates

so that she is informed. The webinars are once a week for an hour.

Mrs. O'Rourke stated that she would like Mrs. Collins report to have more details.

Dr. Gandhi asked what is the Food Code Pro webinar that Mrs. Collins attended.

Mrs. Bennett explained that the Food Code Pro is an inspection software that was approved and designed for Massachusetts communities. The software has the capability to produce PDF's of the inspection report as electronic records that can be emailed and stored electronically.

Mr. Reader stated the last activity report is from the Community Services Coordinator, Bethany Slack.

Mrs. Bennett replied no additional comments.

Mrs. Giroux stated that she likes the format that Ms. Slack is using for her report. Mrs. Giroux asked what is AgeSpan?

Mrs. Bennett explained that she is not sure and would find out. Ms. Slack and I attended a kick-off meeting regarding mental health issues with Roy Frost, Jeanne Teehan, Jean Patel Bushnell and CK Knowles the Co-Response Clinician through Front Line Initiative with Billerica Police

Dr. Gandhi asked will the brochure be shared with all Billerica residents.

Mrs. Bennett replied the plan is to have the brochures printed up and made available in the Town Hall.

Mrs. Giroux stated that the brochure will have to be updated if phone numbers or there is a change in agencies. Mrs. Giroux stated that she wants to make sure the brochure is not being duplicated. Mrs. Giroux suggested that the information be grouped according to age. Mrs. Giroux stated this brochure is a great start.

FY2021 Annual Report

Mr. Reader stated the next item under Board of Health Business is the FY2021 Annual Report.

Mrs. Bennett explained that a lot of the information from the Annual Report is also included in the budget.

Mr. Reader asked the Board Members if they had any questions.

Dr. Gandhi asked why hasn't there been any Wellness Programs for Town Employees?

Mrs. Giroux explained that the Town has been dealing with COVID-19 contact tracing and does not have any time to deal with anything else.

Health Director Update

Mr. Reader stated the next item under Board of Health Business is the Health Director's Update.

Mrs. Bennett explained that the grant funding for the Northeast Public Health Alliance (NEPHA) Group is going to purchase the Food Code Pro software for all communities. Mrs. Collins and Ms. Pheng will use the software for inspections and download the reports electronically. The State approved and supports the software. Mrs. Bennett also explained the other meetings and ongoing activities that she is currently involved in.

Mr. Reader asked the Board Members if they had any questions.

The Board Members did not have any questions.

DPH Updated COVID-19 Mask Guidance

Mr. Reader stated the next item is an update from DPH regarding the COVID-19 Mask Guidance.

Mrs. Bennett explained that the Massachusetts Department of Public Health and the Department of Elementary and Secondary Education have updated their mask guidance. Masks are no longer required. Any individual who wishes to continue wearing a mask may do so. They are no longer required in schools unless the school district is requiring masks for a longer period of time. Mrs. Bennett explained that she has included the guidance regarding the use of face coverings.

Mr. Reader asked are the cases going down

Mrs. Giroux asked if the cases have gone down because less people are being tested or because more people are using the home tests.

Mrs. Bennett replied we do not know. However, the latest COVID-19 Waste Water Report shows that the Town of Billerica's concentration level is very low.

Mrs. Bennett explained that included in the Board's packet is a memo in response to the Board of Health follow-up questions from Ms. Pheng's report of February 7, 2022 meeting. Mrs. Bennett asked the Board Members if they had any further questions.

Mrs. Giroux asked for clarification on the progress made at 133 Salem Road.

Mrs. Bennett explained that Phavy has been working with the resident on cleaning up the property.

Next Meeting – April 4, 2022

Mr. Reader stated the last item under Board of Health Business is the schedule for the next meeting. The next Board of Health Meeting is scheduled for March 7, 2022.

7:15 p.m. Mark Gualtieri – 8 Ichabod Lane – Waiver of Regulations

Mr. Reader stated the first hearing is Mark Gualtieri, 8 Ichabod Lane, requesting a Waiver of Regulations.

Stephen Dresser, Dresser, Williams & Way identified himself. Mr. Dresser explained that he is representing the applicant, Mark Gualtieri who is proposing to construct an in-law apartment on the side of his house that appears to be in the Green Engineering Flood Plain. Mr. Dresser explained that Green Engineering Affiliates, Inc. (Green) completed a Drainage Improvement Study using aerial photography in 1971 and performed the study to determine the adequacy of the Town's drainage system and make recommendations for improvement. In 1979, the Town adopted the limits of the stormwater backup as what has become known as the Green Engineering Flood Plain (GEFP). All improvements since 1971 effect the limits of stormwater backup. In May 1971 approval for drainage improvements including drain piping and easement along the northeastern portion of the lot. The subdivision was constructed shortly thereafter and Mr. Gualtieri's home was constructed in 1974. The lot does not fall within the FEMA Flood Plain. The GEFP has been altered and is no longer located on the lot at 8 Ichabod Lane. FEMA has provided maps that show there is no 100-year flood plain on the lot. The applicant is requesting a Waiver of Regulations.

Mrs. Bennett explained that she supports this waiver request. Mrs. Bennett explained that she has visited the property. Conservation has granted approval with an order of conditions.

Mrs. O'Rourke asked is the culvert still operating.

Mr. Dresser replied that he walked the site and the culvert is operating fine.

Mrs. Giroux asked does that area get water now.

Mr. Dresser replied that area gets water in the GEFP area, not where the construction will take place. The applicant is going to install a 2 ft. x 2 ft. stone trench to capture roof runoff. The applicant will also install an infiltration system for the gutters and connect it to the existing downspouts.

Mrs. Giroux asked how far away is the brook.

Mr. Dresser pointed to the map and explained the location of the brook and the proposed project.

Mrs. Giroux made to a motion to grant a Waiver of Regulations to allow the construction of an addition to the existing dwelling within the Green Engineering Flood Plain at 8 Ichabod Lane based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

1. The work described in the applicant's request is within an area subject to protection under the Board of Health's Rules and Regulations, Chapter 5, Section 5.5.005(1).

2. The applicant proposes to develop a portion of the lot located at 8 Ichabod Lane. A portion of the lot falls within Green Engineering Flood Plain (GEFP) as delineated in GEFP Map #97. The site does not fall within the FEMA Flood Plain.
3. Dresser, Williams & Way has investigated the Green Engineering Drainage Study and Flood Plain and has determined that the GEFP has been altered and is no longer located on the lot at 8 Ichabod Lane. The Green Engineering Affiliates, Inc. conducted the drainage study in 1971, the floodplain maps were adopted in 1979 by the Board of Health, and the dwelling was constructed in 1974.
4. The applicant proposes to construct an in-law apartment, a 40' x 25' addition to the existing dwelling on the western side of the dwelling. The applicant will install a 2' x 2' stone trench on the western and eastern side of the proposed addition to capture roof drainage. The applicant will install an infiltration unit and connect existing downspouts to the unit.
5. The Board of Health determined that the actions proposed by the applicant are adequate measures to protect public health and the environment and complies with the intent of the Board of Health Rules and Regulations.

CONDITIONS

Special Conditions# 4, 6, 9, 10, 11, 12, 14, 15 and 25.

- A. All construction must be in accordance with plans submitted to the Board of Health for review and approval, prepared by Dresser, Williams & Way, Inc. entitled "DEP File No. 109-1464 BBL 1464 Notice of Intent Site Plan, dated August 18, 2021 revised October 26, 2021 and stamped by Stephen Dresser RPE #49202.

Mrs. O'Rourke seconded. So voted unanimously.

7:25 p.m. George Leimonitis – 5 Franklin Street – Waiver of Regulations

Mr. Reader stated the last hearing is George Leimonitis, 5 Franklin Street requesting a Waiver of Regulations.

George Leimonitis, 5 Franklin Street identified himself. Mr. Leimonitis explained that he would like to construct a shed to store his motorcycle and tools. The 12 ft. x 16 ft. shed will be constructed next to my garage for easy access.

Dr. Gandhi asked will you be storing a snow blower in the shed.

Mr. Leimonitis replied yes.

Mrs. Bennett explained that the property is within the Green Engineering Flood Plain.

Dr. Gandhi asked will there be a foundation.

Mr. Leimonitis replied yes.

Mrs. Giroux asked will the shed be built on the grass or the hot top.

Mr. Leimonitis replied the shed will be constructed on a bed of crushed stone.

Mrs. Giroux stated that she would like to remind the applicant that all petroleum products must be stored on shelves 3 feet above the floor of the structure.

Dr. Gandhi made a motion to grant a Waiver of Regulations, to allow the construction of a shed within the flood plain at 5 Franklin Street based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

1. The work described in the applicant's request is within an area subject to protection under the Board of Health's Rules and Regulations, Chapter 5, Section 5.5.005(1).
2. The applicant proposes to construct a shed on the northern side of the yard located at 5 Franklin Street. The site falls within the Green Engineering Flood Plain (GEFP) as delineated in GEFP Map #33. The site does not fall within the FEMA Flood Plain.
3. The shed will be constructed on crushed stone which will allow flood water to flow under the shed.
4. The applicant is aware that any petroleum and chemical products must be stored on shelves and mitigation measures must be employed during a flood to avoid any contamination of flood waters.
5. The Board of Health determined that the actions proposed by the applicant are adequate measures to protect public health and the environment and complies with the intent of the Board of Health Rules and Regulations.

CONDITIONS

Special Conditions# 4, 6, 10, 11, 12, 14, 15 and 25.

- A. All construction must be in accordance with plans submitted to the Board of Health for review and approval.
- B. Any petroleum and chemical products in individual containers must be stored on shelves at least three (3) feet above the floor of the structure or **at least six (6) inches above the floor of the structure if stored inside a bulk plastic container suitable for containing spills.**

Mrs. Giroux seconded. So voted unanimously.

Mrs. O'Rourke made a motion to adjourn.

Mrs. Giroux seconded.

The Board adjourned at 7:45 p.m.

Respectfully submitted,

Sandra Giroux
Secretary

Joanne M. White
Recording Clerk