



Billerica Board of Health

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Robert Reader, Chairman
Sandra Giroux, Vice Chair
Amit Gandhi, Ph.D., Secretary
Marie O'Rourke
Chris Ravin

Kristel Bennett, Director

BOARD OF HEALTH MINUTES April 10, 2023

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

OPEN MICROPHONE

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

No one was present to speak on Open Microphone.

ACCEPTANCE OF MINUTES

Mrs. Giroux made a motion to accept the Meeting Minutes of March 6, 2023 as presented.

Mrs. O'Rourke seconded. So voted unanimously.

BOARD OF HEALTH BUSINESS

Next Meeting – May 1, 2023

Mr. Reader stated the next Board of Health Meeting is scheduled for May 1, 2023.

Health Department Activity Reports

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

Mr. Reader stated the first activity report is from the Public Health Nurse, Christine West. Mr. Reader asked the Board Members if they had any questions.

Dr. Gandhi asked how the information packets regarding summer camps are being distributed.

Mrs. Bennett explained that the Board of Health is responsible for licensing all summer camps including the Boys and Girls Club's summer camp. There is a lot of paperwork associated with licensing the camps. Packets are sent out to all summer camps that registered the previous year. Before the summer camp can operate Public Nurse, Christine West and Health Agent, Phavy Pheng review the paperwork, inspect the camp and its operating procedures.

Mr. Reader stated the next activity report is from Health Agent, Phavy Pheng. Mr. Reader asked the Board Members if they had any questions.

Mrs. O'Rourke asked what is the status of the cockroach problem at Kenmar Drive?

Mrs. Bennett replied that Phavy has requested a more detailed report from the Pest Control services as to what units have been treated and the status of the units.

Mrs. Giroux stated that the Board of Health needs to mandate that the entire facility be treated at the same time. It will save the Health Department a lot of time if management treats the entire facility.

Mrs. Bennett replied that according to the Housing Code, the Board of Health cannot mandate that the entire complex be treated. We can respond and address that the unit be treated and suggest that they treat the surrounding units.

Mrs. O'Rourke asked about the status of the unsanitary conditions at 11 Lawrence Street.

Mrs. Bennett replied that Phavy contacted the Animal Control Officers, and they are handling the situation.

Mrs. Giroux asked what is the status of 54 Connolly Road?

Mrs. Bennett replied that a letter was sent to the court to dismiss the hearing because the new buyer is going to take care of the property and clean it up. Phavy is going to issue the new buyer a letter to clean up the property. A reasonable amount of time will be given to the new owner to address all the violations. A follow-up inspection will be conducted when the new owner notifies the Board of Health that the violations have been addressed.

Mrs. Giroux asked about the status of 232 Pond Street.

Mrs. Bennett replied that Phavy has given the property owner until spring to come up with a plan to address the septic system failure. Phavy will be checking with the owner within the next couple of weeks.

Mrs. Giroux asked if the odor is still there?

Mrs. Bennett replied the odor was there a month ago.

Mrs. Giroux asked has there been any recent complaints.

Mrs. Bennett replied no.

Mrs. Giroux asked is the owner still living at 284 Rangeway Road?

Mrs. Bennett replied that the dwelling is in the process of being renovated.

Mrs. Giroux asked when did the Board of Health receive a plan of correction from 25 Yale Street and has there been any progress on the property?

Mrs. Bennett replied that she will check with Phavy on the status of 25 Yale Street.

Mr. Reader stated the next activity report is from Health Agent, Shelagh Collins. Mr. Reader asked the Board Members if they had any questions.

Dr. Gandhi asked what is the name of the establishment that had a problem with the dogs.

Mrs. Bennett explained that it was Java's Brewin, 95 Boston Road.

Dr. Gandhi asked what is the regulation regarding dogs in a food service establishment (FSE)?

Mrs. Bennett explained the food code for dogs in a Food Service Establishment. There are exceptions for service animals, however dogs are not allowed in the kitchen area. A FSE can get a waiver for dogs being present on a patio.

Dr. Gandhi asked about the situation at Razy's regarding the ceiling and roof leaking.

Mrs. Bennett explained that Razy's was baking at an off-site commissary until the repairs were completed. The building owner has done the repairs and the building inspector has inspected the facility.

Mr. Reader stated the next activity report is from Bethany Slack, Community Services Coordinator. Mr. Reader asked the Board Members if they had any questions.

Mrs. Bennett explained that the document regarding Billerica Community Services in and around town is in draft format. The draft is forty (40) pages. I will email the draft to the Board Members to review. I will also add it to the agenda next month for discussion.

Mrs. Giroux asked Mrs. Bennett to explain the assistance Bethany is using to locate resources to help out families sponsoring Ukrainian families.

Mrs. Bennett replied that Bethany is looking for additional help for these families.

Mrs. Giroux asked what resources Bethany is directing them to for food programs. There seems to be a lot of recreating programs that already exist.

Mrs. Bennett replied that Bethany is trying to create a program to help people.

Mr. Reader stated the last activity report is from Kristel Bennett, Director of Public Health. Mr. Reader asked the Board Members if they had any questions.

The Board Members did not have any questions for Kristel, Director of Public Health.

BioBot Report

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

Mrs. Bennett explained that the case load in wastewater has gone down and reflects that not many people are getting sick with COVID.

Mr. Ravin asked how long the Biobot Report will continue.

Mrs. Bennett replied that she will inquire with the Town Manager's office.

Appointment of Burial Agent – Donna McCoy

Mr. Reader stated the last item under Board of Health Business is the Appointment of Burial Agent, Donna McCoy, Town Clerk.

Mrs. Bennett explained that the Town Clerk's responsibility is to act as the Town's Burial Agent.

Donna McCoy, Town Clerk, identified herself. Mrs. McCoy explained that she has worked for the Town of Billerica for 27 years. For twenty (20) years Mrs. McCoy worked in the Town Clerk's office as the Burial Agent along with Shirley Schult. I worked in the Engineering office for the past seven (7) years. Three (3) years ago I ran opposed to Shirley Schult, however she was not ready to retire. When I heard that Shirley was ready to retire, I ran again in April 2023.

Mrs. O'Rourke made a motion to appoint Donna McCoy, Town Clerk as the Burial Agent for the Town of Billerica.

Mrs. Giroux seconded. So voted unanimously.

The Board Members thanked Donna.

7:15 p.m. Lantheus Medical Imaging- 331 Treble Cove Road – Request for a Stormwater Management Permit and a Variance for Work near the Flood Plain

Mr. Reader stated the first hearing is Lantheus Medical Imaging, 331 Treble Cove Road, requesting a Stormwater Management Permit and a Variance for work near the flood plain.

Jim Jackson provided the Board with a large plan of the proposed project at 331 Treble Cove Road.

Attorney James Dangora, Jr., Shea, Dangora and Nelson representing Lantheus Medical Imaging, identified himself. Attorney Dangora introduced Robert Holmes, Director of Lantheus and Jim Jackson, Civil Engineer for Pare Corporation. Attorney Dangora explained that this project has appeared before the Planning Board, Conservation Commission and has gone through a peer review by Phil Paradis, BETA Group. There will be significant improvements with this project. Attorney Dangora stated that Jim Jackson, Civil Engineer would explain the Stormwater Managements design.

Jim Jackson, Civil Engineer with Pare Corporation identified himself. Mr. Jackson explained that Lantheus is requesting a Stormwater Management Permit for 331 Treble Cove Road. The project has been reviewed by the Planning Board, Conservation Commission and Phil Paradis. Mr. Jackson pointed to the plans and explained the proposed 675 square feet cold storage addition. There will be improvements to the front entrance that will include an overhang and the addition of some amenities for the employees. In the back of the lot 10,000 square feet of pavement will be removed and a grass swale will be installed to help treat some of the runoff. Four (4) rain guardians will be installed in the back lot and one (1) rain guardian will be installed in the front lot. We will collect the runoff from the roof and run it through a Contech Jellyfish filter to remove the phosphorus (pollen) before discharging to the wetlands. The front area will have a retention basin to treat the runoff. There is Green Engineering Flood Plain on the property. It was identified when the building was constructed in the 1970's. We are requesting a Variance to maintain 2.5 feet of cover on the roof drainpipes. Mr. Jackson asked the Board Members if they had any questions.

Dr. Gandhi asked about the parking area that will be removed.

Mr. Jackson explained the elimination of the parking area. The parking area out back is mostly a loading area for trucks.

Mrs. O'Rourke asked if the rain guardians were similar to the project at Medical Pharmacy, 221 Boston Road.

Mr. Jackson replied that the rain guardians are a retention area where there are plantings.

Mrs. Giroux asked what is the cold storage used for?

Mr. Jackson replied that it is used to consolidate multiple areas of the building into one area.

Phil Paradis, BETA Group identified himself. Mr. Paradis explained that the applicant has appeared before the Planning Board and the Conservation Commission and received approval with conditions. The site improvements are small but the Environmental Protection Agency standards require treatment. Currently the site does not have any treatment. The applicant has provided a number of practices and Best Management Practices. They are reducing the pavement and providing treatment of all the impervious surfaces including the roof runoff. They are properly treating roof runoff for phosphorus. They are providing jellyfish technology. The perimeter of the site has high groundwater and wetlands. The applicant has met all the standards for peak runoff. The applicant has provided 80% TSS removal and 50% phosphorus removal. The Variance is needed for work within the Green Engineering Flood Plain, the minimum 2.5 feet of pipe cover and the 50-foot wetland buffer zone.

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

The Board did not have any questions.

Mr. Reader asked if any abutters would like to express their concerns.

No abutters were present.

Mrs. Giroux made a motion to grant a Stormwater Management Permit and a Variance for site improvements and work within 100 feet of the Green Engineering Flood Plain, the minimum 2.5 feet of pipe cover and work within the 50-foot wetland buffer zone at 331 Treble Cove Road, including the additional conditions recommended by Phil Paradis, BETA Group. This motion is based upon the following findings of fact and pursuant 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 Billerica Health's Rules and Regulations, Chapter 5, Section 5.5.005(1) and Chapter 6 inclusive.
- 2) The Board of Health conducted a public hearing on April 10, 2023, for the proposed project and properly notified abutters in accordance with Billerica Health Regulations, Chapter 1, Section 1.2.007.
- 3) The 17.1 +/- acre project site is located at 331 Treble Cove Road. The site is currently developed with buildings, pavement area and utilities. Portions of the parcel are located within a FEMA mapped 100-year Flood Zone and/or the Green Engineering Flood Zone (Map 23). The property is not in proximity to estimated habitats of rare endangered species or stormwater critical areas. NRCS soil maps indicate the presence of Udorthent – Urban land complex with no hydrologic soil group rating (HSGR), Freetown muck with a HSGR of B/D (moderate to very slow infiltration rate), and Hinckley Loamy Sand with HSGR of A (high infiltration rate).
- 4) Site improvements include repaving the existing parking lots to the east and west of Building 110, the access way between Building 110 and Building 150, as well as the paved area directly in front of Building 150. Additional work includes construction of a 675 square foot cold room addition in the northwest corner of Building 110, covered exterior decking and landscaping. The project also includes construction of new stormwater management Best Management Practices (BMPs) to infiltrate and treat stormwater runoff from the roof and paved surface areas.
- 5) The project is subject to the requirements of Chapter 5 and 6 of the Board of Health Regulations. Chapter 5 of the BOH Regulations applies to this project for work within the flood. Per the Stormwater Management By-law, Chapter 6 of the BOH Regulations applies to the project as it will disturb greater than 1 acre of land.
- 6) The building floor elevation of 175ft. 11 inches is 2 feet or more above the estimated seasonal high groundwater, based on ESHGW listed on the plans throughout the Site.
- 7) A portion of the parcel is located with a FEMA mapped 100-year flood plain (Zone A) with no listed based flood elevation. The Green Engineering Flood Plain (GEFP) Map No. 23, indicated a flood elevation which varies from 174 ft. to 175 ft. NGVD. With adjustment to NAVD88 the elevation is approximately at 173.1 ft. to 174.1 ft. Work within the flood plain will include repaving, pavement removal and restoration, pavement striping, grassed channel construction, drainage pipe and outfall installation, the proposed building addition, grading, and erosion controls.

- 8) The stormwater management design proposes to collect stormwater runoff into several different BMP types. Stormwater runoff from the western parking area will be conveyed via overland flow into a new grassed channel. Stormwater runoff from the eastern driveway and paved areas will be conveyed via overland flow or underdrain to a new filtering bioretention area. Portions of the bioretention area's catchment will first be directed into areas of permeable pavement and subsurface stone storage. Stormwater runoff from the new roof areas will be conveyed via roof leader into two new drywells for infiltration. Overflow from these BMPs will be conveyed towards the western or southern wetland resource areas. Additionally, a new roof drain is proposed which will collect stormwater runoff from existing Building 110 for conveyance towards the southern wetland resource area. Areas of the Site located outside the catchment for these BMPs will generally be conveyed west via overland flow towards the western wetland resource area.
- 9) The applicant is requesting the following variance for the Stormwater Management Permit:
- The project includes work within areas identified on the GEFP Map No. 23. All work within the GEFP will consist of repaving and will maintain existing elevations. The applicant is requesting a variance from BOH Regulation 5.5.005(1).
 - Due to site constraints the minimum 2.5 ft of pipe cover cannot be maintained on all pipes. Ductile iron pipe is specified for all pip subject to vehicular traffic with less than 2.5 ft of cover. The applicant is requesting a variance from BOH Regulation 6.7.009(4).
 - Removal of pavement and installation of grassed channel will be within the 50 ft wetland buffer. MA Stormwater Regulations require 50 ft setback. The 50 ft setback is not possible due to existing site conditions and the need to maintain existing access to facility loading docks. The applicant is requesting a variance from the MA Stormwater Handbook V1C1 page 8 rule requiring a 50 ft setback from other surface waters.
- 10) An independent peer review of the proposed project for stormwater management was completed by Philip Paradis of BETA Group the Board of Health's Consulting Engineer. The peer review was streamlined with the Conservation Commission for compliance with Wetland Regulations, Stormwater Management Standards, and Flood Plain Regulations. The following documents were received and reviewed by BETA:
- a. Site Plan and Plans (26 sheets) entitled *Lantheus Medical Imaging Building 110 Improvements*, Parcel ID 58-2-1-3, 331 Treble Cove Road, North Billerica, MA; prepared by: Pare Corporation; signed and stamped by: James A Jackson, Civil No. 42563; Date: December 7, 2022, Final revised date: February 17, 2023.
 - b. Stormwater Management Report; dated: November 10, 2022, revised March 7, 2023; prepared by Pare Corporation.

- 11) The Public Works Engineering Department has reviewed the stormwater project design for compliance with stormwater management standards.
- 12) The Board of Health will impose reasonable conditions to ensure the project is constructed in accordance with approved plans.
- 13) The Board of Health has determined that the actions proposed by the applicant are adequate measures to protect the public health and environment and complies with the intent of Board of Health Rules and Regulations. Further, approval of the applicant's request will not be detrimental to the public health and environment.

CONDITIONS

Special Conditions#: 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 24, 25, 27, 28 and 29

- A. All construction must be in accordance with the plans submitted for review and approval:
 - a. Site Plan and Plans (26 sheets) entitled *Lantheus Medical Imaging Building 110 Improvements*, Parcel ID 58-2-1-3, 331 Treble Cove Road, North Billerica, MA; prepared by: Pare Corporation; signed and stamped by: James A Jackson, Civil No. 42563; Date: December 7, 2022, Final revised date: February 17, 2023.
 - b. Stormwater Management Report; dated: November 10, 2022, revised March 7, 2023; prepared by Pare Corporation.
- B. The applicant shall submit a cash bond or surety to the Board of Health prior to the preconstruction meeting. The amount of the cash bond or surety will be determined by the Director of Public Health. Bonds required for projects shall be equal to ten (10) percent of the estimated projection stormwater construction cost (including excavation and backfilling, structures, and piping). The cash bond shall be deposited in a bank selected by the Board of Health with release signed by the applicant. The bond shall be kept for a minimum period of one (1) year after the date of issuance of a certificate of compliance. Said bond shall be posted and used by the Board of Health correct any violations as determined by the Board of Health, if an applicant refuses to correct a violation or public health nuisance after notice has been provided. The bond shall be posted prior to the approval of permits.
- C. In coordination with the Conservation Department and the Board of Health, the applicant shall retain the services of an independent Consulting Environmental Stormwater Monitor to monitor construction activities and conduct inspections. The Consulting Environmental Stormwater Monitor must be qualified and pre-approved by the Board of Health Director and the Director of Environmental Affairs. The applicant shall pay the cost of the scope of services fee for stormwater monitoring provided by the Consulting Environmental Stormwater Monitor for the duration of the project, said fee shall be paid prior to the preconstruction meeting. The role of the Consulting Environmental Stormwater Monitor shall be to assist the Board of Health in its oversight of construction activities including but not limited to 1) installation of drainage/ stormwater management system; 2) inspect construction activities occurring within the local floodplain; and 3) overall compliance with the conditions listed in this approval. Specific duties include:

- (a) Review the Stormwater Pollution Prevention Plan and make recommendations for proposed changes if necessary.
 - (b) Advise on current erosion and sedimentation control practices and make recommendations for proposed changes, if necessary.
 - (c) Ensure adherence to this approval letter and report any non-compliance to the Board of Health.
 - (d) Attend the pre-construction meeting and conduct periodic inspections during stormwater/drainage construction, test pits to verify subsurface soil conditions and groundwater elevations, buffer zone restoration activities, and dewatering activities; periodically inspect erosion controls; oversee any emergency placements of controls and regular inspection or replacements of erosion and sedimentation control devices.
 - (e) Provide weekly to bi-weekly monitoring reports/memorandums during the period(s) when work is being conducted or as directed by the Director of Public Health. Said memos shall include photographic documentation of on-going work activities and summarize work complete, any problems that arise and corrective measures needed in the field. The Applicant will be supplied with all reports submitted by the Board of Health Consulting Environmental Stormwater Monitor. The Applicant will be expected to make said changes immediately as identified and requested by the Board of Health Consulting Environmental Stormwater Monitor.
 - (f) Conduct review of the as-built plan required as part of the Request for Certificate of Compliance review.
- D) The applicant shall provide operation and maintenance requirements for erosion and sediment control in the final signed Operations and Maintenance (O&M) Plan.
- E) The Board of Health Consulting Stormwater Monitor shall monitor all stormwater activities and conduct inspections to ensure compliance with approved plans and conditions. All inspections shall be conducted in accordance with an inspection schedule approved by the Director of Public Health.
- F) If dewatering is determined to be necessary during work, the applicant shall submit a dewatering plan to the Board of Health for review and approval prior to any dewatering activity occurring.
- G) An as built plan shall identify the new existing conditions of the site as they relate to the as-built conditions, be submitted to the Board of Health before the approval of any occupancy permit, or other documentation to satisfy the intent of the Board of Health's approval of any project. A certification from the design engineer should be shown on the plans identifying that the plan is within substantial conformance with the approved plans. If not, then the design engineer should state the differences on the as-built plan vs. the approved

plans along with a description in writing to the Board of Health about the changes.

- H) The Board of Health Consulting Environmental Stormwater Monitor shall review the as built to ensure compliance with approved plans and conditions. The applicant shall pay the cost of the scope of services fee for the stormwater as built, said fee shall be paid to the Board of Health prior to issuance of an occupancy permit or Certificate of Compliance.
- I) The applicant shall provide soil tests within the footprint of proposed infiltration system prior to installation.
- J) The soil conditions in the area of the proposed infiltration basin are to be observed by an agent of the Town following excavation to subgrade elevation to verify soil conditions.
- K) The applicant shall provide copies of the final signed SWPPP, Notice of Intent, and EPA letter of approval Billerica Board of Health Regulations 6.6.013(1) per NPDES General Permit for Stormwater Water Discharges from Construction Sites including requirements of Billerica Board of Health Regulation 6.6.013 prior to the preconstruction meeting.
- L) The approved and signed Operations and Maintenance Plan Agreement shall be recorded with the Middlesex Northern Registry of Deeds and a recorded copy shall be submitted to the Board of Health prior to the issuance of a Certificate of Compliance with the Board of Health.

Dr. Gandhi seconded. So voted unanimously.

7:25 p.m. Bryan Duby, RE/MAX Triumph Realty -0 Market Street - Request for a Variance for work near the Flood Plain

Mr. Reader stated the next hearing is Bryan Duby, RE/MAX Triumph Realty, 0 Market Street requesting a Variance for work near the Flood Plain.

Mr. Hamor provided the Board with a large plan of the proposed project at 0 Market Street.

Mike Hamor, Landplex Engineering, identified himself. Mr. Hamor explained that he is requesting a Variance for work near the Green Engineering Flood Plain (GEFP) at 0 Market Street. This project has appeared before the Conservation Commission and MassDEP and received approval and an Order of Conditions. The GEFP elevation is at 123 feet. The lot size is 10,000 sq. ft. Compensatory storage is being provided on the lot. All the work will be outside of the wetland buffer zone. Cut and fill calculations have been provided in the report. The dwelling will be a duplex. Erosion and sediment control will be located along the perimeter of the property. Mr. Hamor explained how the dwelling would be constructed. The dwelling will be supported by 6 pilings on the east side of the structure, it will result in a minor alteration of the flood plain. Mr. Hamor stated he would answer any questions the Board may have.

Dr. Gandhi asked how long will this project take to complete?

Mr. Hamor replied it should be completed in the summer of 2024.

Dr. Gandhi stated the application was submitted in 2021, why has it taken so long to come before the Board of Health.

Mr. Hamor replied the Conservation Commission had some questions with the existing conditions on the property. I was not involved at that time. It took the Conservation Commission about one (1) year to request a superseding order on the conditions from MassDEP. Mr. Hamor explained that a copy of the Order of Conditions is included in the Boards packet.

Mrs. O'Rourke asked where on Market Street is the proposed dwelling going to be located?

Mr. Hamor replied all the way down the end of Market Street.

Mrs. O'Rourke asked why is the house being built on a slab.

Mr. Hamor explained that it is typical of a dwelling that is being built in a flood plain. It is a frost wall.

Mrs. Giroux stated the application says it is going to be a single-family house but the plans indicate that the dwelling is a duplex.

Mr. Hamor replied it is a duplex. That is a typo error on my part. This is the same plan that was approved by the Conservation Commission. The plan has not changed. This plan is the same plan that is referenced in the Order of Conditions.

Mr. Reader asked is the garage detached.

Mr. Hamor explained it is not detached it is underneath the house.

Mr. Reader asked will the house be connected to town sewer.

Mr. Hamor replied yes.

Mr. Reader asked if any abutters would like to express their concerns.

No abutters were present.

Mr. Reader asked Mrs. Bennett if she had any comments.

Mrs. Bennett replied that Mr. Hamor has complied with all the standard conditions.

Dr. Gandhi made a motion to grant a Variance for 0 Market Street in order to construct a duplex dwelling within the Green Engineering Flood Plain. All hazardous products in the garage must be elevated above the floor. This motion is based upon the following findings of fact and pursuant 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 Billerica Health's Rules and Regulations, Chapter 5, Section 5.5.005 (1).
- 2) The project consists of the construction of a duplex dwelling with associated driveway and utilities on an undeveloped property located at 0 Market Street (identified as Map 33, Parcel 13-0). The project includes stormwater infiltration features to infiltrate stormwater runoff from roof and paved surface areas and compensatory flood storage to mitigate impacts to the flood plain. The project includes construction of a 30' x 50' duplex with a garage and associated driveway. The west side of the duplex, driveway, and garage will be located outside of the floodplain. The east side of the structure will be raised above the flood plain on six pilings, it will result in a minor alteration of the flood plain. Grading has been designed to encourage flood waters to spread out, reducing velocity as the flood water rises and falls.
- 3) The property is partially located within the Green Engineering Flood Plain (Map 80). The floodplain elevation is depicted at elevation 123 ft (NGVD29) on the site plan.
- 4) The Board of Health has determined that the actions proposed by the applicant are adequate measures to protect the public health and environment and complies with the intent of Board of Health Rules and Regulations. Further, approval of the applicant's request will not be detrimental to the public health and environment.

CONDITIONS

Special Conditions#: 1, 2, 3, 4, 5, 6, 9, 10, 13, 14, 15, 24 and 25

- A. All construction must be in accordance with plans submitted for review and approval, entitled:
 - i. *Notice of Intent 0 Market Street (Map 33, Parcel 13-0)*, prepared by Goddard Consulting, LLC.; dated January 29, 2021.
 - ii. *Plan of Record: Proposed Plot Plan, 0 Market Street (Map 33, Parcel 13-0)*, prepared by LandPlex; signed and stamped by Nicolas Reitzel III, PE Civil No. 42694, date January 25, 2020, final date October 17, 2022.
 - iii. *Plan of Record: Existing Conditions Plan, 0 Market Street (Map 33, Parcel 13-0)*, prepared by LandPlex, signed and stamped by Nicolas Reitzel II, PE Civil No. 42694, date January 25, 2020, final date October 17, 2022.
- B. The compensatory flood storage shall be constructed per the Plan of Record. Compensatory flood storage areas shall be graded as depicted and properly stabilized.
- C. Drywells, stone trenches and/or similar infiltration devices shall be installed per the Plan of Record to capture and infiltrate stormwater runoff from roof and driveway surfaces. These devices are to be regularly maintained (inspected and cleaned) by the property owner in perpetuity.
- D. All storage of petroleum and chemical products shall be stored on shelves elevated from the floor of the garage.

Mrs. O'Rourke seconded. So voted unanimously.

7:35 p.m. Michael Liu, Kayleigh's Ice Cream – 295 Boston Road – Request for a Waiver of Regulations for an Exterior Grease Trap

Mr. Reader stated the next hearing is Michael Liu, Kayleigh's Ice Cream, 295 Boston Road, requesting a Waiver of Regulations for an exterior grease trap.

Michael Liu, owner of Kayleigh's Ice Cream, 295 Boston Road, identified himself. Mr. Liu is requesting a Waiver of Regulations for an exterior grease trap. The plan is to use a commercial ice cream maker to produce the ice cream. There will be a 3-bay sink with an internal grease interceptor for the leftover products to drain into. We will not be producing a lot of Fats Oil Grease (FOG). We will use disposable paper products. All ice cream utensils will be washed and go through the internal grease trap.

Mrs. O'Rourke asked will you only be selling ice cream, not hot dogs or anything else.

Mr. Liu replied that only ice cream will be sold. No soft serve will be made.

Dr. Gandhi asked will you be open throughout the year or only in the summer?

Mr. Liu replied that we are going to see if we generate enough business to be opened all year.

Dr. Gandhi asked how often the interior grease trap is going to be cleaned.

Mr. Liu replied that the grease trap will be maintained and cleaned on a monthly basis.

Dr. Gandhi stated the application says you are in the FEMA Flood Plain do you need to do anything else.

Mrs. Bennett replied the building is not in the FEMA Flood Plain it is located near the flood plain and it was a typographical error on the application.

Mrs. O'Rourke asked what will the seating capacity be?

Mr. Liu replied 12 seats. It is not going to be a restaurant. There will be a couple of tables if someone wants to sit down and eat an ice cream.

Mr. Reader asked are you demolishing the entire building?

Mr. Liu replied no. We are only renovating the right half for the ice cream place.

Mrs. Giroux asked do you own the entire building.

Mr. Liu replied yes, however there are no other tenants in the building.

Mr. Reader asked Mrs. Bennett if she had any additional comments.

Mrs. Bennett explained that dairy products do produce FOG. The internal grease trap is being installed to address any FOG. The staff will be trained in following Best Management Practices for FOG. The internal grease trap will be cleaned and monitored monthly. I support this waiver.

Mrs. Giroux made a motion to grant a Waiver of Regulations that requires the installation of an exterior grease trap to serve the proposed food establishment Kayleigh's Ice Cream, to be located at 295 Boston Road, with the understanding that if the grease becomes a problem, Mr. Liu will be required to install an exterior grease trap **immediately**. This motion is based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

1. The Food Service Establishment (FSE) described in the applicant's request is within an area subject to protection under the Board of Health's Rules and Regulations, Chapter 2, Section 2.2.001.
2. The applicant proposes to construct a Food Service Establishment (FSE), to prepare and serve ice cream.
3. The applicant proposes to install an interior grease interceptor at the FSE. The interior grease interceptor will be monitored and cleaned every month. Maintenance records will be kept and made available for inspection by the Board of Health. In addition, the applicant agrees to implement the Best Management Practices (BMP's) provided by the Billerica Health Department.
4. The applicant proposes to have the grease trap serviced/cleaned by a licensed hauler with the Town of Billerica to pump and maintain the interior grease trap.
5. The Board of Health has determined that the actions proposed by the applicant are adequate measures to protect the public health and environment and complies with the intent of Board of Health Rules and Regulations. Further, approval of the applicant's request will not be detrimental to the public health and environment.

CONDITIONS

Special Conditions#: 10, 14, 15, 24 and 25.

- A. These conditions, imposed by the Board of Health, cannot be changed without the written approval by the Board of Health and only after a proper public hearing is held.
- B. The applicant shall keep all interior grease trap pumping and maintenance records and make them available for inspection by the Board of Health.
- C. The FSE shall continue to work with the Board of Health to implement BMP's to prevent or reduce the discharge of Fats, Oil and Grease (FOG) to the building drain and the sewage

- D. disposal system. The FSE shall train the staff to ensure that the BMP's are followed. The owner and employees of the FSE shall sign an acknowledgement of BMP's for Food Service Employees and submit the acknowledgements to the Board of Health.
- E. This waiver shall be subject to periodic review by the Board of Health to ensure compliance with applicable rules and regulations.
- F. The Board of Health in conjunction with the Town of Billerica Department of Public Works Wastewater Division shall periodically monitor the grease discharge from said Food Service Establishment for any violations of the Town of Billerica Sanitary Sewer Rules and Regulations and the Board of Health Rules and Regulations. All costs associated with the monitoring shall be paid for by the applicant.
- G. In the event of a grease blockage or other significant violations relative to the maintenance of the grease recovery system, this waiver shall be **immediately** revoked. The applicant shall be required to install an exterior grease trap to serve the food establishment. The exterior grease trap shall be designed and constructed in accordance with the State Environmental Code, Title 5.
- H. This waiver cannot be transferred from one person to another person, from one food establishment to another or from one type of operation to another.

Mrs. O'Rourke seconded. So voted unanimously.

7:45 p.m. Middlesex House of Correction, Amanda Munsie – 269 Treble Cove Road – Request for a Waiver of Regulations for Keeping of Hens

Mr. Reader stated the last hearing is the Middlesex House of Correction, Amanda Munsie, 269 Treble Cove Road requesting a Waiver of Regulations for Keeping of Hens.

Amanda Munsie, Garden Director at the Middlesex House of Correction, 269 Treble Cove Road identified herself. Ms. Munsie explained that she is requesting a Waiver of Regulations to house greater than 12 hens on the site. The Sheriff has a program called Project Earth. The program is education through restoration of horticulture. It's a woman's work release program. There are seven (7) women on the site. My job is to teach them everything from seed to harvest to egg production. The Sherriff's vision is to have vegetables and egg production for use on site. This year we are going to focus on producing crops and chickens.

Mr. Ravin asked will you have roosters.

Ms. Munsie replied no roosters.

Mrs. O'Rourke asked what are you going to do with the eggs?

Ms. Munsie replied the women will feed the chickens and will eat the eggs. The rest of the eggs will be taken to the main campus to be used in the culinary program.

Mrs. Giroux asked why is it only a woman's program.

Ms. Munsie explained that the right now the woman on the work release can come out to the garden. Right now the men are separated from the woman and cannot mingle on the facility. We are looking to change the program. It is not exclusively for women.

Mrs. Giroux asked do you have enough women interested in horticulture.

Ms. Munsie replied currently five (5) women are interested and I have an assistance. Ms. Munsie explained that approximately thirty (30) years ago the Middlesex House of Correction was a working farm with cows and a piggery. There was also a cannery where they grew vegetables and canned them.

Mrs. Giroux asked currently what number of hens is allowed.

Mrs. Bennett replied 12 hens. Mrs. Bennett explained that Ms. Munsie met with the Building Commissioner, Mark LaLumiere, regarding the zoning requirements. He has no reservations concerning this program. The Middlesex House of Correction is exempt.

Dr. Gandhi asked about the trees that were going to be removed.

Ms. Munsie explained that the pine trees are over one hundred (100) years old and are blocking the sun. We are working on a landscaping idea to add apple trees and a walkway. The coops are going to be permanent structures.

Mr. Reader asked where they are going to be located.

Ms. Munsie explained the location next to the greenhouses. The coops are going to be fully enclosed. The residents will clean the coops along with myself and my assistant.

Mrs. O'Rourke made a motion to grant a Waiver of Regulations for the Middlesex House of Correction, 269 Treble Cove Road to allow keeping greater than 12 hens on site to provide education to the woman residents. This motion is based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

1. The Middlesex House of Corrections woman's residential program will be running a program for keeping hens. This program will provide education to the woman residents for keeping hens.
2. The applicant proposes to keep 30 hens on site but may increase the size as the program moves forward. The applicant will keep hens only, no roosters.
3. The applicant proposes to construct two (2) coops and have two (2) runs attached to the coops. The coops will be built from Best Chicken Coops for Sale/OverEZ Chicken Coop. The coops will sit off the ground. The coops will be approximately 98"L x 60"W x 72.5"H and the runs will be approximately 6'6"W x 15'L x 6'3"H.

4. For the manure management plan, the applicant proposes to have the coops cleaned out weekly. The nest boxes will be cleaned out daily and refreshed with wood shavings as needed. The coop cleaning will involve removing droppings, wood shavings, and broken eggs; and will be put into paper yard refuse bags and placed into dumpster. Diatomaceous earth will be shaken on the floor and in the nest boxes then fresh wood shavings will be filled to a 6-inch depth. A compost area will be built, and the applicant proposes to use the 3 bin cycle for compost and follow the same cleaning schedule.
5. For the pest control plan, the applicant proposes that each coop will have rodent catch boxes along the outside perimeter of the coop. and fly bags hung in the runs. Feed will be stored in galvanized trash cans with clips inside the shed next to the coops. The chicken feeders will be filled once daily in the morning and removed at dusk. Waterers will always be available and cleaned and filled daily in the morning with fresh water. They will be kept off the ground.
6. The Board of Health approved a waiver from the requirements of *Billerica Board of Health Regulations Chapter 5, Section 12.004* of keeping a maximum of twelve (12) hens on site.
7. The Board of Health has determined that the actions proposed by the applicant are adequate measures to protect the public health and environment and complies with the intent of Board of Health Rules and Regulations. Further, approval of the applicant's request will not be detrimental to the public health and environment.

CONDITIONS

Special Conditions#: 6, 10, 14, 15 and 25.

- A. The applicant shall maintain an annual Keeping of Hens Permit with the Board of Health.
- B. The applicant shall comply with the *Billerica Board of Health Regulations Chapter 5, Section 12 Regulations Regarding the Keeping of Hens* by maintaining standards to protect the public health, safety and the environment and to promote the responsible care and welfare of poultry.
- C. This waiver shall be subject to periodic review by the Board of Health to ensure compliance with applicable rules and regulations. This waiver cannot be transferred from one person to another person. If any of the above conditions are not met, the Board of Health may revoke, modify, or suspend the waiver only after the applicant has been notified in writing and has been given an opportunity to be heard.

Mrs. Giroux seconded. So voted unanimously.

Mrs. O'Rourke made a motion to adjourn.

Mr. Ravin seconded.

The Board adjourned at 8:25 p.m.

Respectfully submitted,

Sandra Giroux
Secretary

Joanne M. White
Recording Clerk