



# ***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**

**July 11, 2022**

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

### **OPEN MICROPHONE**

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

No one was present for open microphone.

### **ACCEPTANCE OF MINUTES**

Mrs. Giroux made a motion to accept the Meeting Minutes of June 6, 2022.

Dr. Gandhi seconded. Four (4) voted in favor, one (1) vote abstained, Marie O'Rourke.

### **BOARD OF HEALTH BUSINESS**

#### **Reorganization of Board**

Mr. Grady stated the next item under Board of Health Business is the Reorganization of the Board. Mr. Grady explained to the Board that as of July 27<sup>th</sup> he will no longer be residing in Billerica. Mr. Grady suggested that the Board reorganize after a new member is appointed. Mr. Grady explained that he met with the Town Manager, John Curran and submitted his resignation from the Board of Health. Mr. Grady thanked the Board Members and stated that it has been an honor to serve on this board for the past 13 years.

Mrs. O'Rourke made a motion to wait until a new Board member is appointed to reorganize.

Mr. Reader seconded. So voted anonymously.

The Board Members wished Mr. Grady the best of luck.

**Nomination of Animal Inspectors**

Mr. Grady stated the next item under Board of Health Business is the Nomination of Animal Inspectors.

The Board Members requested that paperwork from the Department of Agriculture be included in the Boards packet in order for them to Nominate the Animal Inspectors for the Town of Billerica. Nomination will be continued until the September 12, 2022 Board of Health meeting,

**Health Department Activity Reports**

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

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

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

The Board Members did not have any questions regarding, the Public Health Nurse's activity report.

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

Mrs. Bennett stated that Phavy is doing an excellent job collecting the beach samples and taking it to the lab for testing and also inspecting and testing the hotel swimming pools.

Dr. Gandhi asked about the regulations regarding abandoned properties in Billerica.

Mrs. Bennett explained that the Board of Health has to follow the procedures and regulations for abandoned properties.

Mrs. O'Rourke asked does the Building Inspector get involved?

Mrs. Bennett replied that the Building Inspector inspects the building to see if it is structurally sound and fit for living conditions. The Board of Health does not inspect blighted properties. That is the Building Commissioners responsibility.

Mrs. Giroux asked about the status of the sale of 11 Kingston Road.

Mrs. Bennett replied that the current owner is looking for a deal so that he does not have to pay the Town of Billerica the money that is owed for the septic system that was installed by the town.

Mrs. Giroux asked about the exterior condition of the property at 30 Tower Farm Road and if it has been cleaned up.

Mrs. Bennett replied that the property has been cleaned up.

Mrs. Giroux asked about the cockroach issue at Karen Circle and if the Board of Health has received extermination reports. What is the status of the cockroach problem at 4 Riverhurst Road, Building 5?

Mrs. Bennett replied yes, Phavy has received the reports from the pest control services that was hired to do the extermination at Karen Circle. The cockroach problem at 4 Riverhurst Road is a new case and is still under investigation.

Mrs. Giroux asked about the bed bug infestation at Homewood Suites?

Mrs. Bennett replied that Phavy was on vacation and will be looking into that complaint.

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

Mrs. Bennett explained that Shelagh has been busy with putting new expiration dates on the free test kits and distributing them to locations in town.

Dr. Gandhi asked how long is the expiration date good for?

Ms. White replied 3 months. The kits that we received expire the end of October.

Mr. Grady asked when did Java's Brewin reopen. Has Shelagh done an inspection since we issued them a permit to operate?

Mrs. Bennett replied yes. Shelagh is periodically doing unexpected inspections due to the problems Java's Brewin had when they first opened.

Mr. Grady stated the next activity report is from the Community Services Coordinator, Bethany Slack.

Dr. Gandhi asked what information did Bethany provide for the grant proposal by the Greater Lowell Health Alliance? What opportunities are available for volunteers? Does the Board of Health provide an opportunity for high school students to volunteer?

Mrs. Bennett replied Bethany provided information regarding what services the community is providing and how she is working with the Council On Aging to identify resources for pro-bono immigration/refugee legal services for residents. I have discussed with Bethany, the types of services that could be provided by volunteers. That still needs to be determined. At this time we are not offering the opportunity to high school volunteers.

Mrs. Giroux asked how many hours a week does Bethany work?

Mrs. Bennett replied 19 hours.

Mrs. Giroux asked what are her qualifications?

Mrs. Bennett replied Bethany has a Masters in Public Health.

Mrs. O'Rourke stated doesn't she overlap with some of the work that the COA does?

Mrs. Bennett replied some of her work does overlap.

Mrs. Giroux asked what is the status of the brochure?

Mrs. Bennett replied that she does not have an update.

Mrs. Giroux asked does Bethany have the knowledge to recommend a person that is qualified to volunteer.

Mrs. Bennett replied that Bethany attended the SNAP program to learn more about opportunities to conduct outreach and enrollment for Billerica residents.

Mrs. Giroux asked how is the money for the projects being funded?

Mrs. Bennett replied through grants.

#### **Health Director Update**

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

Mrs. Bennett explained that she included the most recent Biobot Report, dated July 4<sup>th</sup>, 2022. The numbers have gone up. There is a new variant around.

Mrs. Giroux commented that the spike in the wastewater is because residents are not reporting their home tests.

Mrs. Bennett explained that she has attended scheduled Neighborhood Meetings. Also attended Pre-Construction meetings for 480 Boston Road regarding the stormwater components. When residents call about rats in the area, Pest Control treatments are being taken care by the mall project management. Market Basket is being demolished. Currently the Market Basket area is being cleared so that a camera can be put in the pipe.

#### **Next Meeting – September 12, 2022**

Mr. Grady 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 September 12, 2022.

#### **7:15 p.m. Town of Billerica – Department of Public Works – 2022 Paving Program- Request for a Waiver of Regulations**

Mr. Grady stated the first hearing is the Town of Billerica, Department of Public Works, 2022 Paving Program requesting a Waiver of Regulations.

Kelley Conway, Town Engineer for Billerica, identified herself. Ms. Conway introduced Matt Crowley, Senior Project Manager with BETA Group. Ms. Conway explained that BETA Group helped prepare the environmental permitting documents for a request of a Waiver of Regulations for the 2022 Paving Program and Municipal Projects. This year's work is broken down into three (3) parts. The first part is the paving project which is paving existing roadways and sidewalks. Ms. Conway pointed to the plans and showed the areas that were included in the project. Erosion controls will be installed. The plan shows the Green Engineering Flood Plain (GEFP) and the FEMA Flood Plain areas. Ms. Conway pointed to the areas that would be paved and where sidewalks would be installed on French Street. The Department of Public Works (DPW) will be proposing to undertake the Culvert Project which will replace two (2) existing culverts along French Street that are showing signs of deterioration. Also included in the submittal is the installation of new headwalls and guardrails on French Street. The 2<sup>nd</sup> part is new sidewalks. The construction of three (3) segments of sidewalks along Pollard Street, Call Street and Clermore Road to establish links between existing sidewalks and facilitate safe pedestrian travel. There are several areas that hooded deep sump catch basins will be installed. Some mitigation will be provided for impervious areas. The Culvert Project will occur at two (2) locations along on French Street. One is a 24-inch corrugated metal pipe near 36 French Street and the other is a twin 48-inch corrugated pipe located near 32 French Street. Both pipes will be replaced with plastic pipes on French Street between Glad Valley Drive and Clermore Road. Ms. Conway stated that Matt Crowley will expand on this project and answer any questions the Board may have.

Matt Crowley, Professional Engineer with BETA Group identified himself. Mr. Crowley stated that he would explain why the Town is requesting a Waiver of Regulations. Mr. Crowley pointed to the plans and explained the streets that are associated with the GEFP and FEMA Flood Plain areas. Six (6) of the roadway areas are within the flood plain areas and propose no fill. This project primarily consists of pavement resurfacing and rehabilitation with no change in grade or increases in impervious areas. The Operation and Maintenance Plan will include regular maintenance of new and existing catch basins and street sweeping that will be conducted by DPW. The Erosion and Sedimentation Controls are proposed upgradient of all wetland resource areas and surface waters where work will result in the disturbance of soils. The Conservation Commission has approved and is going to issue an Order of Conditions. The proposal is to install several new deep sump catch basins to improve water quality and appropriately manage additional runoff in accordance with Massachusetts Stormwater Management Standards. This project improves conditions and complies with the Massachusetts Stormwater Management Standards and the NPDES Small MS4 permit for Massachusetts. Mr. Crowley stated that he would answer any questions that the Board may have.

Dr. Gandhi asked how long will this project take to be completed? Dr. Gandhi stated that the detail of the presentation and report were very informative.

Ms. Conway replied that the top coat of pavement should be completed by October 15, 2022 and the rest of the work will be completed by November 15, 2022, if the weather cooperates.

Mrs. O'Rourke asked does the back end of French Street connect to the Boys and Girls Club.

Ms. Conway replied that there is a back gate that comes out on French Street. We are doing the sidewalks between Glad Valley and Middlesex Turnpike.

Mrs. Giroux asked when is the Call Street area scheduled to begin? Mrs. Giroux stated she is concerned because school will be starting and there is a lot of children that walk to school in that area.

Ms. Conway stated that she has informed the contractor regarding her concern for the school children and he stated that area would be completed before school starts. However, the project is starting on Gilman Road.

Mr. Reader asked about paving Baldwin Road.

Ms. Conway replied a top coat will be put on Baldwin Road.

Mr. Reader asked will all the curbing be granite.

Ms. Conway replied that Call Street is granite and asphalt, Pollard Street is granite and concrete.

Mrs. Giroux asked can the work be moved up because of the buses coming and going at the Marshall Middle School.

Ms. Conway replied that she would talk to the contractor and remind him that school will be in session.

Mr. Reader asked what is fog sealing?

Ms. Conway explained that fog sealing is a spray similar to what is used in seal coating driveways.

Mr. Grady asked if any abutters were present.

Dana Cardi, 20 Tower Farm Road, identified himself. Mr. Cardi asked how come the sidewalks are not being done on Tower Farm Road? We only have sidewalks on one side of the street and they are cracked and broken.

Ms. Conway replied that area is not on the list for sidewalk replacement or repairs.

Lillian Forbes, 22 Tower Farmer Road, identified herself. Ms. Forbes asked about the underground pipe and the water that drains near 20 Tower Farm Road.

Ms. Conway explained the plan is to take care of that problem.

Mrs. Forbes stated that water collects at the lowest point in front of 20 Tower Farm Road. Can a drain be installed in front of 20 Tower Farm Road? I have heard that money was put aside for issues like this.

Ms. Conway replied that the highway department has a maintenance budget for work like that. However, this project does not include any plans for work on Tower Farm Road. Ms. Conway suggested that Ms. Forbes contact the Highway Department.

Mrs. Forbes asked about the status of the drain pipe behind the mall.

Mr. Grady explained that Mrs. Forbes is referring to another project. This hearing is for the 2022 Paving Project. The mall project has nothing to do with the Paving Project.

Mrs. Forbes explained that the sidewalks are very bumpy and cracked.

Mr. Forbes asked how do we get on the list to have this taken care of.

Ms. Conway explained that we are aware that your section of Tower Farm Road is not in great condition. We are keeping our eyes on it. We want to do it sometime soon. We will not do any work on Tower Farm Road until the Mall Project is completed. It does not make sense to do any work on Tower Farm Road until that project is completed. It will probably be several years before the paving program will be on Tower Farm Road. Ms. Conway explained that when we pave roads we also upgrade the sidewalks.

Mr. Grady thanked Kelley Conway and Matt Crowley for their detailed presentation.

Mr. Reader made a motion to grant a Waiver of Regulations to the Department of Public Works for the 2022 Roadway Management Project to allow the rehabilitation of several streets in Billerica, sidewalk improvements and replace 2 culverts within the Green Engineering Flood Plain 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, and as per plan submitted by the Billerica Department of Public Works, is within an area subject to protection under the Board of Health's Rules and Regulations, Chapter 5, Section 5.5.005(1)(2).
- 2) The paving project consists of paving improvements to the following roads: Call Street, Pollard Street, Myrtle Street, Glendale Street, McDonough Way, Wedgemere Street, Salem Road, Gilman Road, Woodside Road, Queensland Road, James Road, Morgan Road, Osceola Lane, Clermore Road, French Street, Heritage Road, Mount Vernon Avenue, Eastview Avenue, Fountain Street, Homestead Lane, Monticello Circle, and Baldwin Road. The majority of the proposed work is outside of the flood plain.
- 3) The sidewalk project consists of construction of new sidewalks within three areas: the entire length of Call Street, along Pollard Street from Call Street to Treble Cove Road, and along Clermore Road from French Street to Wheeler Road.
- 4) The culvert project consists of two (2) culverts at the following locations along French Street. Replacement of a 24-inch corrugated metal pipe near 36 French Street, and a twin 48-inch corrugated metal pipe near 32 French Street.
- 5) The project will improve safety for motor vehicle and pedestrian traffic as well as upgrade stormwater management. The proposed work will not adversely impact the flood plain. Alterations caused by the paving operations will be temporary and all disturbed areas will be restored to preconstruction grades to the extent practicable and stabilized.

- 6) 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# 2, 4, 5, 6, 10, 11, 12, 13, 14, 15, 24 and 25.

- A) All construction must be in accordance with plans and information submitted for review and approval, prepared by the Town Engineer.
- B) Submit a final detailed report on the work completed for the 2022 Roadway Management Project.

Mrs. O'Rourke seconded. So voted unanimously.

**7:25 p.m. Jon Metivier – 92 Billerica Avenue – Request for Stormwater Management Approval**

Mr. Grady stated the next hearing is Jon Metivier, 92 Billerica Avenue requesting Stormwater Management Approval.

Jon Metivier, Trustee for Three Billerica Avenue Realty Trust, identified himself. Mr. Metivier explained that the proposal is to take the existing gravel yard and construct a two-bay garage with a 16 ft. x 16 ft. attached office area. The garage will have floor drains that will feed to a tight tank. This project was reviewed by Brian Dunn, MBL Land Development & Permitting Corp for the Board of Health and the Conservation Commission. In the middle of the property is wetlands. The Conservation Commission has issued an Order of Conditions. This building is being designed to accommodate a high pollutant load. I have owned the property for 13 years and it is time to develop it.

Mrs. Bennett stated that the building will be on town water and have a septic system.

Mr. Metivier explained that he already has a permit for the septic system. Town sewer is in the area however, I cannot tie in because of the capacity of the pumping station.

Mrs. Bennett explained that Brian Dunn, MBL has completed a review of this project and a report has been provided for the Board Members to review. This project complies with the Massachusetts Stormwater Management Standards.

Mr. Metivier explained that an Operation and Maintenance Plan has been included in the Order of Conditions.

Mrs. O'Rourke asked is this project going to create a problem with the 3 culverts that discharge under the railroad tracks?



Mr. Metivier replied no. Mr. Metivier explained the stormwater will not dump directly into the wetlands. When I developed the property next door I did a watershed study and those culverts are well oversized to capture the water.

Dr. Gandhi asked what is the timeline for this project?

Mr. Metivier explained that he has the erosion control set up. I would like to schedule a construction meeting so that I can complete this project by the end of 2022.

Mrs. Giroux asked where is the property located. Will you be storing trucks on the property?

Mr. Metivier explained the location of the property. I will have a fenced in area to store my front-end loader.

Mrs. O'Rourke asked what will the building be used for.

Mr. Metivier explained that one side of the building will be for my personal use and I will try to rent out the other side.

Mrs. O'Rourke made a motion to grant Stormwater Management Approval and the Director of Public Health approved an Administrative Determination of Applicability pursuant to the Board of Health Rules and Regulations, Chapter 5 and 6 for the redevelopment of the property located at 92 Billerica Avenue based on 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 & 6.
- 2) The Board of Health conducted a public hearing on July 11, 2022 and properly notified abutters in accordance with Billerica Health Regulations, Chapter 1, Section 1.2.007.
- 3) The applicant proposes to construct a contractor's yard with a building (36' x 54' square foot garage with 16' x 16' square foot office spaces), associated parking lot, septic system, stormwater management system and utilities on property located at 92 Billerica Avenue. The stormwater structures include installation of a 1,500 gallon two compartment pre-treatment tank, sediment forebay and infiltration basin.
- 4) The property was subdivided from the property identified as 98 Billerica Avenue and an Administrative Determination of Applicability (ADOA) No.14-3-3-1-007 was associated with the subject project site. That ADOA permitted the construction of a gravel parking lot within one hundred (100) feet of the flood plain.
- 5) The project site does not fall within the FEMA Flood Plain, however the site does fall with the Green Engineering Flood Plain (GEFP) as delineated on the plan prepared by Dresser, Williams & Way, Inc. dated September 7, 2021. The GEFP is located more than twenty-five (25) feet away from the proposed project. Work within this area consists of a building approximately forty-eight (48) feet from the GEFP, construction of a parking lot

approximately forty (40) feet from the GEFP, installation of stormwater structures over twenty-five (25) feet from the GEFP these structures include a 1,500 gallon pre-treatment tank, sediment forebay, and infiltration basin. The work will not have a detrimental impact to the GEFP. There will be no filing in or work within the flood plain.

- 6) An independent peer view of the proposed stormwater management system was completed by Brian Dunn of MBL Land Development & Permitting, Corp. The peer review was streamlined with the Conservation Commission to assess project compliance with wetlands regulations. Brian Dunn assessed project compliance with Board of Health Regulations Chapter 5 – Drainage Requirements and Flood Plain Requirements, Chapter 6 – Stormwater Requirements, and the Billerica Stormwater Bylaw. The peer review concluded, and it was determined that the project complies with the Massachusetts Stormwater Management Standards including Standard No. 5 Land Used with Higher Potential Pollutant Loads (LUPPL).
- 7) The Board of Health will impose reasonable conditions to ensure the project is constructed in accordance with approved plans.
- 8) The Board of Health and the Director of Public Health have 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, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26 and 27.

- A. All construction must be in accordance with the following plans submitted to the Board of Health for review and approval:
  - **Plan Set (7 sheets) entitled Notice of Intent Site Plans 92 Billerica Avenue Billerica, MA** dated September 7, 2021, final revision date April 29, 2022, prepared by Dresser, Williams & Way, Inc. Signed and stamped by Stephen Dresser RPE# 49202.
    - Sheet 1 – Cover
    - Sheet 2 – Existing Conditions
    - Sheet 3 – Erosion Control
    - Sheet 4 – Landscape & Site Layout
    - Sheet 5 – Grading and Drainage
    - Sheet 6 – Utilities
    - Sheet 7 – Details
  - **Stormwater Management Maintenance Manual**, dated August 16, 2021, final revision date May 2, 2022.
- B. The applicant shall pay the cost of the scope of services fee for stormwater monitoring provided by the Board of Health’s Consulting Engineer/Consultant for the duration of the

project, said fee shall be paid to the Board of Health prior to the preconstruction meeting.

- C. 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.
- D. An as built plan shall identify the new existing conditions of the site as they relate to the as-built conditions and 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.
- E. The Board of Health Consulting Engineer/Consultant 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.
- F. A Certificate of Compliance will not be issued until all outstanding invoices from the Board of Health Consulting Engineer/Consultant for inspections or other services rendered during construction have been paid by the applicant.
- G. The applicant shall provide to the Board of Health the signed Operations and Maintenance Plan and Maintenance Agreement that has been recorded with the Middlesex Northern Registry of Deeds prior to the issuance of a Certificate of Compliance with the Board of Health.
- H. The applicant shall provide the approximate annual maintenance budget in the final O&M Plan.
- I. The owner shall provide the maintenance agreement for the Stormwater Management Permit to the Board of Health. Maintenance records shall be maintained in accordance with approved plans and provide them to the Board of Health upon request.

Mr. Reader seconded. So voted unanimously.

**7:35 p.m. Public Hearing - Draft Chapter 3, Section 3 – Regulations Regarding Body Art for Cosmetic Tattooing**

Mr. Grady stated the next hearing is a Public Hearing for the adoption of Chapter 3, Section 3, Regulations Regarding Body Art for Cosmetic Tattooing.

Mrs. Giroux thanked Mrs. Bennett for all the work that went into the revision of the Regulations regarding Body Art for Cosmetic Tattooing.

Mr. Grady asked if anyone in the audience had any questions regarding the Chapter 3, Section 3 Regulation regarding Body Art for Cosmetic Tattooing.

There was no one in attendance for the public hearing.

Mrs. Giroux made a motion to adopt the amended regulations regarding Body Art for Cosmetic Tattooing after the public hearing.

Mrs. O'Rourke seconded. So voted unanimously.

**7:45 p.m. Public Hearing - Draft Chapter 5, Section 12 – Regulations Regarding the Keeping of Chickens**

Mr. Grady stated the last hearing is a Public Hearing for the adoption of Chapter 5, Section 12, Regulations Regarding the Keeping of Chickens.

Mrs. O'Rourke asked when the chicken owners clean up the coops what do they do with the full containers.

Mrs. Bennett replied the covered containers can be put in the trash.

Mr. Reader asked what are the changes in the regulation?

Mrs. Bennett explained the changes that were made to the Keeping of Chickens regulation.

Mr. Grady asked if anyone in the audience had any questions regarding the Chapter 3, Section 3 Regulation regarding the Keeping of Chickens.

There were no one in attendance for the public hearing.

Mrs. O'Rourke made a motion to adopt the Keeping of Chickens Regulation with the proposed changes after the public hearing.

Dr. Gandhi seconded. So voted unanimously.

Mrs. O'Rourke made a motion to adjourn.

Mr. Reader seconded.

The Board adjourned at 8:25 p.m.

Respectfully submitted,

Sandra Giroux  
Secretary

Joanne M. White  
Recording Clerk