



Billerica Board of Health

Town Hall
365 Boston Road
Billerica, MA 01821
Phone: 978-671-0931
Fax 978-671-0919
Web Site www.town.billerica.ma.us

Sandra Giroux, Chair
Marie O'Rourke, Vice Chair
Mike Grady, Secretary
Robert Reader
Elizabeth Villar, Ph.D.

Richard Berube, Director

BOARD OF HEALTH MINUTES July 2, 2018

Sandra Giroux, Chair called the meeting to order at 7:00 p.m. Also in attendance were Marie O'Rourke, Vice Chair, Mike Grady, Secretary, Dr. Elizabeth Villar, Richard Berube, Director and Joanne White, Recording Clerk. Robert Reader joined the meeting at 7:10 p.m.

OPEN MICROPHONE

Mrs. Giroux asked if anyone was present for open microphone.

No one was present for open microphone.

ACCEPTANCE OF MINUTES

Mr. Grady made a motion to accept the Meeting Minutes of June 11, 2018 with a correction. Mrs. O'Rourke seconded. Three (3) voted in favor, one (1) vote abstained, Dr. Elizabeth Villar.

BOARD OF HEALTH BUSINESS

Reorganization

Mrs. Giroux stated the next item under Board of Health Business is Reorganization.

Mr. Grady made a motion to nominate Sandra Giroux as Chair.

Mrs. O'Rourke seconded. So voted unanimously.

Mr. Grady made a motion to nominate Marie O'Rourke as Vice Chair.

Dr. Villar seconded. So voted unanimously.

Mrs. O'Rourke made a motion to nominate Mike Grady as Secretary.

Dr. Villar seconded. So voted unanimously.

Health Department Activity Reports

Mrs. Giroux stated the first item under Board of Health Business is the Health Department Activity Reports.

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

Mr. Berube explained that Christine West, Public Health Nurse continues with her routine activities (i.e. blood pressure and blood sugar checks, lead testing for children, communicable disease reporting/follow ups and weekly visits to the Council On Aging for blood pressure checks) and the inspection of Recreational Camps with Health Agent, Phavy Pheng. Mr. Berube explained that Christine has been working on two (2) E.Coli cases in Billerica. The 1st case is a multi-state outbreak possibly romaine lettuce from Chipotle in Burlington, MA. The 2nd case is a Teen that has eaten out at various restaurants in Bedford and Billerica and has been hospitalized with a severe case of kidney malfunction. Health Agent, Gary Courtemanche investigated the two (2) establishments in Billerica and no violations were found. Christine will continue to follow-up on the two (2) cases.

Mrs. Giroux asked the Board Members if they had any questions regarding Christine's report.

The Board Members did not have any questions.

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

Mr. Grady asked about the status of the hearings that Phavy was going to court for last month.

Mr. Berube replied that a couple of the cases requested additional time and the Clerk Magistrate granted them additional time.

Mrs. Giroux stated there was a case that was supposed to pay a fine by the end of June, was the fine paid?

Mr. Berube replied the fine has not been paid. The woman called and explained that her husband was in the hospital and she needed more time to pay the fine.

Mr. Berube explained that the work on the septic system at 21 Coach Road will commence this month and should be completed by the next meeting.

Mrs. Giroux asked the Board Members if they had any questions regarding Phavy's report.

The Board Members did not have any questions.

Mrs. Giroux stated that the last report is from Health Agent, Gary Courtemanche.

Mr. Berube explained a few of Gary's inspections. A pipe burst in the Parker School. The ladies room at Chung King was out of order. There was a complaint about an illegal apartment above Richdale's Convenient Store in Pinehurst. Java's Brewin will be closed for several weeks for renovations. The Purple Bamboo is closed until September. The owner's father is ill and the family is going to China. The grease trap at Panera Bread has been installed. The construction of the building is moving right along.

Mrs. Giroux asked the Board Members if they had any questions regarding Gary's report.

The Board Members did not have any questions.

Mosquito Control Update

Mrs. Giroux stated the next item is Mosquito Control Update.

Mr. Berube stated that a list of dates for the month of July's mosquito spraying has been posted on the Town's website and on the CMMCP's website at www.cmmcp.org. The spraying dates are July 2, 11, 17, 23 and 26. All dates are subject to change due to weather conditions, mosquito population and mosquito virus activity and/or special event spraying. According to the Massachusetts Department of Public Health Arbovirus Surveillance Report there have been no Human cases of WNV or EEE in Middlesex County. Billerica remains in a low risk category.

Mrs. Giroux asked the Board Members if they had any questions regarding Mosquito Control.

The Board Members did not have any questions.

Appointment of a Second Board of Health Representative to the Substance Abuse Prevention Committee

Mrs. Giroux stated the next item is the Appointment of a Second Board of Health Representative to the Substance Abuse Prevention Committee.

Mr. Berube explained that Mike Higgins recommended Dina Favreau as the second representative for the Board of Health Substance Abuse Prevention Committee. Ms. Favreau is present tonight to explain why she is interested in representing the Board of Health.

Dina Favreau, 41 Boston Road, Unit #353, identified herself. Ms. Favreau explained that she has been advocating for solutions on all social issues our town is facing with respect to Substance Use Disorder from 2005 through 2014. I had been working with the Substance Abuse Committee until 2016. At that time three (3) relatives passed away from drug overdose so I decided to step back for a while. Then I found out there was an opening on the Billerica Substance Abuse Prevention Committee and I decided to volunteer. The work that I do gives me direct access to the Office of National Drug Control, the Department of Public Health in Boston, the Bureau of Substance Addiction Services and a wide array of grass roots organizations across the State. I believe that I would bring a lot of resources and skills to the Billerica Substance Abuse Prevention Committee.

Mrs. Giroux asked the Board Members if they had any questions for Dina.

The Board Members did not have any questions.

Mrs. O'Rourke made a motion to appoint Dina Favreau as the 2nd Board of Health Representative to the Substance Abuse Prevention Committee.

Mr. Grady seconded. So voted unanimously.

The Board Members thanked Ms. Favreau for her interest in being the second Board of Health representative for the Substance Abuse Prevention Committee.

7:15 p.m. Billerica Retirement Residence – 44 Nashua Road – Request for a Variance and Stormwater Management Approval

Mrs. Giroux stated the first hearing is Billerica Retirement Residence, 44 Nashua Road, requesting a Variance and Stormwater Management Approval.

Robert McSorley, Sebago Technics provided the Board with several large scale drawings of the proposed Billerica Retirement Residence to be located at 44 Nashua Road.

Robert McSorley, Site Civil Engineer for Sebago Technics representing the applicant identified himself. Mr. McSorley explained that the proposed retirement residence will consist of a 3 story elderly care facility with 151 suites on 12.6 acres. The project site will be located on the north side of Rangeway Road. There are 3.2 acres of impervious area and 6.4 acres of wetlands. Mr. McSorley pointed to the plans and explained the impervious and wetland areas. Originally the site was a golf driving range, a miniature golf course, two (2) buildings, paved parking areas and associated utilities. The plan is to re-establish the buffer on the north and south side which will include 5,500 square feet of restoration. We submitted the plan to the Conservation Commission. There will be 2.9 acres of grass around the building and common areas. The proposal is for two (2) infiltration basins with sediment forebays. We had hoped to use an existing pond that is on the lower corner of the building however when we did the soil testing it did not have the separation from the water table that was necessary. There will be four (4) points of entry to the basins. The basins have been designed to meet 80% TSS removal. We meet the criteria for being over two (2) feet of the water table. We are providing over 50% more recharge because of the stormwater management system. Originally we did three (3) test pits on the site and were going to request a waiver however we were advised that we should do more test pits. There is ledge on the site. Mr. McSorley explained the soil that was tested for the infiltration rate. When we designed the infiltration basins we designed them to have no infiltration during the design storm event. Mr. McSorley explained how the design of the infiltration basins would work. This is a great project. Mr. McSorley pointed to the plans and explained the Green Engineering Flood Plain. Mr. McSorley stated that he would answer any questions that the Board may have.

Phil Paradis, Project Engineer for BETA Group identified himself. Mr. Paradis explained that BETA Group has reviewed this project four (4) times with the Planning Board, Conservation Commission and the Board of Health. On June 29, 2018 an updated memo including BETA's findings, comments and recommendations were provided to the Board of Health. This is a big project and has some challenges relative to ground water, soils and stormwater management.

About 1/3 of the site is wetlands. The soils are Paxton fine sandy loam which is rated as C soil. The soil test data indicate that the soil is mostly C soils. The large basins are acting as detention basins to control peak rate of runoff. They are not providing any new untreated outfalls. They are controlling peak rate of runoff at or below the predevelopment rate. They are providing groundwater recharge at the maximum for C soils. The infiltration basins are providing 80% TSS removal. They are using catch basin to catch basin configuration, which is something we discourage. TSS removal is being provided in the infiltration basins. We have been working with them to comply with the Best Management Practices (BMP's) for roof runoff. The applicant has made that change. We asked them to revise the design to reroute roof runoff directly to the infiltration basins bypassing the sediment forebays. We asked them to provide an Operation and Maintenance Plan for the annual maintenance of the forebays. We also asked them to provide an Illicit Discharge Statement. They have met all the standards. They are removing some structures in the flood plain. BETA is recommending that the conditions on page 15 of the June 29, 2018 report be included in the Board of Health's Order of Conditions. Mr. Paradis read the recommended conditions. Mr. Paradis stated that he would answer any questions that the Board may have.

Mrs. Giroux asked if any abutters were present that would like to ask any questions.

Donald MacDonald, 268 Rangeway Road, identified himself. Mr. MacDonald stated that it sounds like a thorough review has been done. However what is going to happen with the natural runoff from the culvert. You stated that they have met all the standards and have zero runoff to the detention pond.

Mr. Paradis explained that the standard for site design is that an analysis of the site is done to determine where the water is going and you develop peak rates of runoff for 100 year storm events. Then an analysis is done after it is designed and what happens when you put in 3 ½ acres of impervious surface and how are you going to mitigate that. The peak rates have to be at or lower than the existing rates. If there is an issue with the runoff now it is not going to necessarily change. It may be slightly lower.

Mr. MacDonald stated that at Rangeway Road there is an old culvert that water goes through and creates a backup. At the other end of the road there is another culvert that drains on the other side of Route 4 into Carlisle and goes behind all those homes. Who is going to maintain the upgraded culvert after the water leaves the Retirement property? How will they address the water coming from the culvert?

Mr. Berube asked Mr. MacDonald to point to plans and show where the stream is.

Mr. MacDonald pointed to the area on the plans and explained where the stream runs across and enters the land and goes out to Route 4. There are some pockets of silt built up. The flow of the water is important. I am glad that they know the difficulty they are facing and I know that Mr. Berube will make sure the work is done right.

Kenneth McCuish, 256 Rangeway Road, identified himself. Mr. McCuish stated that all the area is wetlands. There is water that goes through this area. What is going to happen with the hill area?

Mr. Paradis replied that hill is going to be excavated.

Mr. McCuish asked how do they plan on excavating the hill. I do not see that happening. Mr. McCuish pointed to the plans and explained where and how the water flows.

Mr. Berube explained that the runoff will be collected and will infiltrate into the ground. Where it is higher there needs to be some separation from the bottom of the infiltration basin and the water table. That is why that area was selected.

Mrs. Giroux asked if anyone else would like to comment.

Mr. Berube explained that this project has been through a lengthy review. You may recall in May of 2018 there was correspondence from the proponent of this project expressing their displeasure with the review process. Mr. Paradis commented in one of his memos that this project was not up to the design and standards of some other projects. However they do meet the regulations. We have been able to reach a compromise with the proponent. This is a very good project now. I recommend the Board support this project with the conditions that BETA Group has included in their June 29, 2018 updated memo.

Mr. Grady asked is there another project in that area.

Mr. Berube replied not at this time. If the Board recalls right next door is Gray's Plumbing.

Mr. Reader asked if the culverts will be checked to make sure they are working properly.

Mr. Berube replied absolutely.

Mrs. Giroux asked will they be checked annually.

Mr. Berube explained that they are town culverts, so we will check them out during the development of this site to make sure we are not going to encounter any problems.

Mrs. Giroux asked are we setting a new trend with the design of the system not being configured in accordance with accepted engineering practices.

Mr. Berube replied no. This is going to be something that will be addressed with the new Stormwater Management Regulations and Permitting process.

Mr. Grady made a motion to grant a Variance and Stormwater Management Permit for The Billerica Retirement Residence to be located at 44 Nashua Road and also include the recommended conditions by BETA Group 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, Section 5.5.005 (1) and Chapter 6 inclusive.

- 2) The Board of Health conducted a public hearing on July 2, 2018. Abutters were properly notified in accordance with Billerica Health Regulations, Chapter 1, Section 1.2.007.
- 3) The applicant seeks to redevelop a site located on the north side of Rangeway between Nashua Road and Sullivan Road. The project site currently contains a golf driving range, a miniature golf course, two (2) buildings, paved parking areas and associated utilities. The applicant proposes to construct a 151 suite, 3 story elderly care residential facility with associated parking, site improvements, utilities and a stormwater management system. The stormwater management system includes the installation of deep sump catchbasins and the construction of two (2) infiltration basins with sediment forebays.
- 4) The project site does not fall within a FEMA Special Flood Hazard Area. However, portions of the site fall within the Green Engineering Flood Plain (GEFP) as delineated on GEFP Map #'s 3 and 9. Work proposed in the GEFP consists of the removal of existing structures and wetlands replication.
- 5) The proposed project was reviewed by Phil Paradis of BETA Group, the Board of Health's Consulting Engineer, for potential impacts to the Flood Plain as well as compliance with applicable drainage regulations.
- 6) The Board of Health will impose reasonable conditions to ensure the project is constructed in accordance with approved plans.
- 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

Standard Conditions # 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29.

- A) All construction must be in accordance with plans submitted for review and approval, prepared by Sebago Technics, Inc. dated January 16, 2018 and revised to June 22, 2018 and stamped by Robert A. McSorley, RPE#47454.
- B) Provide revised plans showing that the roof runoff will be routed directly to the infiltration basins bypassing the sediment forebays.
- C) An Agent of the Board of Health or its designees shall observe the subsurface soil conditions in the area of excavation for the subsurface stormwater infiltration systems. The system shall not be constructed until the subsurface soils have been deemed suitable for infiltration.
- D) Provide a signed copy of the approved Operations and Maintenance Plan to the Board of Health.

- E) The signed Operations and Maintenance Plan must be properly recorded at the Registry of Deeds and a certified copy of the plan must be returned to the Board of Health as proof of compliance prior to the Board of Health approval of an occupancy permit, certificate of compliance, etc.
- F) Inspection reports prepared by a professional civil engineer shall be submitted annually to the Board of Health for the stormwater management system. The contents of the inspection report shall include at a minimum the items specified in Board of Health Rules and Regulations, Chapter 6, Section 6.13.002 (4).
- G) Plans for the proposed food service to be located within the facility shall be subject to review and approval by the Board of Health prior to the approval of a building permit.
- H) An exterior industrial grease trap shall be required for the proposed food service operation. Plans for the exterior grease trap must be submitted to the Board of Health for review and approval.

Mr. Reader seconded. So voted unanimously.

7:20 p.m. Lynnway Auto Auction – 400 Charter Way – Request for an Extension of a Variance and Stormwater Management Approval

Mrs. Giroux stated the next hearing is Lynnway Auto Auction, 400 Charter Way, requesting an extension of a Variance and Stormwater Management Approval.

Jocelyn Mayer, Senior Project Engineer for vhb on behalf of Lynnway Auto Auction, identified herself. Ms. Mayer explained that we have been working diligently with the Army Corps and MassDEP to obtain the required water quality certification. In April 2018, MassDEP requested that we provide additional ground water data. We installed monitoring wells in the replication areas and recorded the data. On June 21, 2018 the last sampling was taken and submitted to MassDEP. The applicant anticipates that the permit from MassDEP will be issued this fall. The Variance and Stormwater Management Permit that we have with the Board of Health is valid until October 3, 2018. Due to potential winter conditions we are requesting an extension to allow for construction to resume in the Spring of 2019 and be completed by October 3, 2019.

Mrs. Giroux asked Mr. Berube for his comments.

Mr. Berube explained that what Ms. Mayer is really talking about is related to the Conservation Commissions' decision. I do not have a problem with granting an extension. I recommend granting an extension for two (2) years because you do not know if any complications will come up.

Mrs. Giroux asked can we grant them an extension for more time that what they have requested.

Mr. Berube replied yes, the Board can grant additional time for an extension. I recommend that the Board grant them a two (2) year extension to allow them plenty of time in case something unexpected happens.

Mrs. Giroux asked the Board Members if they had any questions.

The Board Members did not have any questions.

Mrs. O'Rourke made a motion to grant Lynnway Auto Auction, 400 Charter Way a two (2) year extension until October 3, 2020 for Variance and Stormwater Management Permit #16-28-4-6-021.

Dr. Villar seconded. So voted unanimously.

7:20 p.m. Town of Billerica – 2018 Roadway Management Program – Request for a Waiver of Regulations

Mrs. Giroux stated the last hearing is the Town of Billerica, 2018 Roadway Management Program requesting a Waiver of Regulations.

Kelly Conway, Billerica Town Engineer identified herself. Ms. Conway explained that she is present tonight to explain the 2018 Roadway Management Annual Paving Program. The program consists of paving and/or sidewalk improvements on several roads and school properties. The work is limited to existing paved surfaces with some minor work outside of these areas for driveway tie-ins or minor grading of roadways. The first area we will be working on is Angela Lane, Francesca Way and Parsons Lane. The work on Francesca Way and Parsons Lane will be within the buffer zone of the Green Engineering Flood Plain (GEFP) and limited to the existing paved roadway. On Bridge Street the work will be within the buffer zone of the GEFP. The work on Lombard Street, Pershing Street and Stoney Drive will be within the GEFP and FEMA Flood Plain and the work is limited to the existing paved roadway. The driveway to the Ditson School is within the GEFP and that will be paved. The entrance to the Locke School will be paved. The driveway to the Water Treatment Plant (WTP) is within the FEMA and GEFP. The paving will be limited to the existing paved roadway. Work will be done on Baldwin Road within the buffer zone of the GEFP. There is a missing section of sidewalk on Baldwin Road from Westminster Road to Biscayne Drive. We are working with four (4) residents to obtain an easement from them to do the sidewalk work. There is not enough funding to finish all the work on Baldwin Road so we will only be putting on the first layer of pavement. The plan is to present this before Fall Town Meeting and get the funding necessary to do the top coat and the sidewalk. On Rogers Street the work will be done within the FEMA and GEFP. The sidewalk on Rogers Street will be redone. We intend to eliminate the island at the intersection of High Street. There isn't enough funding to complete the work on Rogers Street so we will put the first layer of asphalt down and finish the job next year.

Mr. Reader asked are they using granite curbing on the sidewalks.

Ms. Conway replied yes, we will be using granite curbing.

Mr. Berube explained that the work is necessary to improve safety for motor vehicles and pedestrian traffic as well as upgrade stormwater management. I recommend granting the waiver.

Mrs. Giroux asked the Board Members if they had any questions.

The Board Members did not have any questions.

Mr. Reader made a motion to grant a Waiver of Regulations to the Town of Billerica for the 2018 Roadway Management Program 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, 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 project consists of paving and/or sidewalk improvements to the following roads and school properties: Angela Lane, Baldwin Road, Bridge Street, Francesca Way, Lombard Street, Parsons Lane, Pershing Street, Rogers Street, Stoney Drive, the access road to the Water Treatment Plant (WTP), the Locke Middle School driveway and Ditson Elementary School driveway. The majority of the proposed work is outside of the flood plain. However, work located on portions of Baldwin Road, Francesca Way, Lombard Street, Pershing Street, Rogers Street, Stoney Drive, the WTP access road and the Ditson Elementary School driveway are within or in proximity to the Green Engineering Flood Plain and or FEMA Flood Plain.
- 3) 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.
- 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

Standard 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 2018 Roadway Management Project.

Mr. Grady seconded. So voted unanimously.

Mr. Reader made a motion to adjourn. Mr. Grady seconded.

The Board adjourned at 7:55 p.m.

Respectfully submitted,

Mike Grady
Secretary

Joanne M. White
Recording Clerk