



# ***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 March 6, 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, Kristel Bennett, Director and Joanne White, Recording Clerk.

### **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. O'Rourke made a motion to accept the Meeting Minutes of February 6, 2023.

Dr. Gandhi seconded. Four (4) voted in favor, one (1) vote abstained (Sandra Giroux).

### **BOARD OF HEALTH BUSINESS**

#### **Next Meeting – April 10, 2023**

Mr. Reader stated the next Board of Health Meeting is scheduled for April 10, 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.

The Board Members did not have any questions.

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

Dr. Gandhi asked what is the status of the warning letter that was sent to the owner of 5 Kenmar Drive, Unit #5 regarding the unsanitary and hoarding conditions.

Mrs. Bennett replied that Elder Services (AgeSpan) is communicating with Phavy on the status of the conditions and the owner's well-being.

Dr. Gandhi asked the status of the roach problem at 20 Kenmar Drive and what can be done if an occupant refuses access for pest control services to treat and evaluate their unit.

Mrs. Bennett replied that a notice has to be given to the occupants that a service is being done in their unit and the property manager has the right to go in with pest control services.

Mrs. Giroux asked is the property at 284 Rangeway Road fit for the new owners to reside in the dwelling because of the uninhabitable conditions?

Mrs. Bennett replied that work is being done by the new owners.

Mrs. Giroux asked if the trash containers at 7 and 7A Ben Place have been taken care of? Has the bagster been removed from the curbside at 85 Concord Road?

Mrs. Bennett replied that she would follow up with Phavy regarding both concerns.

Mrs. O'Rourke asked if the overflowing dumpster complaint at 1 Simmons Lane has been resolved?

Mrs. Bennett replied that is a new complaint and she would follow up on it with Phavy.

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

Mrs. O'Rourke asked what are the nine (9) reinspection's for?

Mrs. Bennett explained that when Shelagh conducts a Food Service Establishment routine inspection she could find a minor problem. Shelagh then brings it to the attention of the Person In Charge and gives them time to fix the problem and goes back in a week or so to reinspect.

Mrs. O'Rourke requested that Shelagh provide more details on the reinspection's that she conducts.

Mrs. Giroux asked about the complaint at 113 Boston Road?

Mrs. Bennett replied that this has been an ongoing complaint and Shelagh issued a ticket regarding the overflowing dumpster.

Dr. Gandhi asked under activities, what is FRP.

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Mrs. Bennett explained that FRP is a Fiber Reinforced Paneling that is used for areas that need to be cleaned often.

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.

Dr. Gandhi thanked Bethany for posting information on the Facebook page. Dr. Gandhi asked when can we let residents know that there is an Outreach Manual? Dr. Gandhi asked when will the updated Outreach Manual be available for the Board Members?

Mrs. Bennett replied that she would ask Bethany about the Outreach Manual

Mrs. Giroux asked what is entitled in being officially accepted as a volunteer partner with the Salvation Army?

Mrs. Bennett explained that she can help residents in submitting applications to the Good Neighbor Energy Fund.

Mrs. Giroux asked what is that?

Mrs. Bennett replied it is a resource that provides funding for residents that need help in paying their energy bills.

Mrs. Giroux asked doesn't that come under the assistance for funding Habitat for Humanity critical repairs, applying for SNAP and referrals for housing applications, the Bowers Fund, Fuel Assistance and Northeast Legal Aid or is something separate.

Mrs. Bennett replied it is something different.

Mr. Reader asked shouldn't they be applying through the Veterans Office?

Mrs. O'Rourke replied that Bethany has sent some residents to her and she has helped them.

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.

Dr. Gandhi asked has the new location for the Farmer's Market been finalized?

Mrs. Bennett replied that they are proposing to relocate the Farmer's Market to the old Ditson School area because there is more space.

Mrs. Giroux asked where is the power going to come from for the Farmer's Market.

Mrs. Bennett replied that will be up to the Fred Russell, the Director of Public Works.

Mrs. Giroux asked where will the bathroom facilities be located?

Mrs. Bennett replied that is still under discussion. I have suggested that we get a few Porta Potties and also hand wash stations.

Mrs. Giroux asked what is cultured meat technology?

Mrs. Bennett explained the process of taking a cow and culture them and grow them in a dish. EMD Serono is planning to move from Pharma Programs to cultured meat technology. Mrs. Bennett informed if the Board would like to know more information about the process EMD is going to use it is posted on their website.

Mr. Reader asked if Market Basket at 700 Boston Road has started any work yet?

Mrs. Bennett replied not yet, however plans have been submitted for the proposed work. Currently they are working inside the Bob's Store to make it level with Market Basket.

### **BioBot Report**

Mr. Reader stated the next item under Board of Health Business is the Biobot Report. Mr. Reader commented that the Biobot Report indicates that there has been a significant decrease in the COVID virus in the wastewater.

Dr. Gandhi asked how long will the Town be monitoring Biobot?

Mrs. Bennett explained that she will talk to the Wastewater Treatment Plant.

### **Discussion of DPW's Drinking Water Letter – Fred Russell, Director of Public Works**

Mr. Reader stated the last item under Board of Health Business is the Discussion of DPW's Drinking Water Letter. Fred Russell, Director of Public Works is present to answer any questions that the Board may have.

Fred Russell, Director of Billerica Department of Public Works (DPW) identified himself. Mr. Russell asked the Board if they had any questions. Mr. Russell explained that there was a bromate exceedance in October 2022. We use ozone at the water treatment plant for the treatment of magnesium in the raw water that comes out of the Concord River. During the drought conditions in the Summer and Fall of 2022, we had to adjust our normal treatment techniques to mitigate deterioration of our water. In November 2022 when the drought went away, we cut back on the ozone, however we did not cut back fast enough. Bromate is a mineral in the water that we take out of the Concord River. When the magnesium does not use up the ozone, the extra ozone acts with the bromate. We have increased our testing process. The limits in November were down. There was a small exceedance in December 2022 the reading was twenty-six (26) instead of being in the single digits. The readings are usually under 10. We are monitoring the magnesium levels that we dose the ozone with to get a better handle on the transition from drought conditions to regular conditions. A second letter will be sent out because of the October exceedance because it is a 12 month average. Department of Environmental Protection (DEP) requires a second letter because of the 12 month average.

Mrs. O'Rourke asked when the bromate level was high, did anyone report an illness because of it?

Mr. Russell explained that when talking to toxicologists the level needs to be very high for decades for there to be any exposure to problems. The exceedance was a Tier 2. If it was a Tier 1 exceedance we would have to shut down and revisit the process.

Mrs. Giroux commented that this happened in October why did we find out in November?

Mr. Russell explained that when we knew about the bromate exceedance, we sent samples from the October testing to Indiana for further testing. After they processed the first test and found it to be high, they had to do a second test before they notified us. The test results did not come back until the end of November 2022.

Mrs. Giroux asked why didn't we find out by the end of November?

Mr. Russell explained the process that the Wastewater Department has to follow with the DEP. DEP has to approve the notification letter. We thought the DEP letter was alarming. There was a debate with DEP over the information that should be sent out in the notification letter. The notification letter needed to be done in compliance with the rules and regulations of DEP.

Dr. Gandhi asked shouldn't the Board of Health be notified before the letter was sent out.

Mr. Russell replied we are not required to notify the Board of Health before sending out the letter. We sent the notification out as required by DEP. DEP is primary in Massachusetts. As a courtesy in the future, I can let the Board of Health know when a problem arises. The notification process by DEP is very strict.

Dr. Gandhi asked about the testing process that will be used in the future.

Mr. Russell explained that we are going to start testing the dosing of the ozone every day.

Dr. Gandhi asked has this happened in other communities.

Mr. Russell replied yes it happened in Concord, MA.

Mrs. Giroux stated that the notification letter could have been explained better to the residents.

Mr. Russell replied that DEP has strict rules for sending out the notification. We wrote our own letter and DEP refused to let us send it out.

Mr. Reader asked was the notification sent out as a courtesy?

Mr. Russell replied no, we were notified by DEP that the notification letter had to be sent out.

John Lane, 24 Meadowlark Way, identified himself. Mr. Lane asked about the fluoride, chlorine, iodine and bromide in the water.

Mr. Russell explained that bromide and bromate are different. The exceedance was for bromate. Mr. Russell explained the process that is used at the water treatment plant.

The Board Members thanked Mr. Russell for explaining the process that is used at the Water Treatment Plant.

**7:15 p.m. Matthieu Braga- 25 Champa Road – Request for a Variance for Work within the Flood Plain**

Mr. Reader stated the first hearing is Matthieu Braga, 25 Champa Road, requesting a Variance for work within the flood plain.

Maureen Hearld provided the Board Members with a large-scale drawing of the proposed project to be located at 25 Champa Road.

Maureen Hearld, Norse Environmental Services, identified herself. Ms. Hearld explained that the applicant is requesting a variance to construct a garage addition and expand the driveway within 55 feet of the Green Engineering Flood Plain and 16 feet from the FEMA Flood Plain. An infiltration trench will be provided around the addition and the driveway. The applicant has appeared before the Conservation Commission and the project was approved with an Order of Conditions. Ms. Hearld stated that she would answer any questions or concerns that the Board Members may have.

Mrs. Bennett stated that she supports this project with the infiltration trench around the proposed garage addition and along the driveway.

Dr. Gandhi asked how big is the garage going to be?

Ms. Hearld replied the garage is going to be 26 ft. by 30 ft.

Mrs. Giroux asked will there be rooms above the garage.

Ms. Hearld replied yes.

Mrs. Giroux asked how much square footage will be added.

Ms. Hearld replied 960 square feet as shown on the plans.

Dr. Gandhi asked how long will it take to complete this project and when do you plan on starting?

Matthieu Braga, owner of the property at 25 Champa Road identified himself. Mr. Braga replied as soon as the project has been approved and the contractors are available.

Mr. Reader asked if any abutters would like to comment.

No abutters had any concerns.

Dr. Gandhi made a motion to grant a Variance to construct a garage addition within 100 feet of the Flood Plain at 25 Champa Road, 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 applicant proposes the following construction activities located 16 feet from the FEMA Flood Zone and 55 feet from the Green Engineering Flood Plain (GEFP). There will be no filling in of the floodplains.
  - Construct a 30 foot x 26 foot garage addition on the northern side of the existing dwelling
  - Expand the driveway.
  - Install a 2’ x 2’ stone trench for drainage from the garage and expanded driveway. The stone trench will be located along the proposed garage and expanded driveway.
  
- 3) 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.

- 1) All construction must be in accordance with plans submitted for review and approval, entitled Notice of Intent Plan – 25 Champa Road prepared by Land Engineering & Environmental Services, Inc. dated December 5, 2022 last revised dated February 14, 2023 and stamped by Douglas E. Lees Registered Professional Engineer # 40930.

Mr. Ravin seconded. So voted unanimously.

**7:20 p.m. Town of Billerica -2023 Paving Program & Sidewalk Project – Request for a Waiver of Regulations for Work within the Flood Plain**

Mr. Reader stated the next hearing is the Town of Billerica, 2023 Paving Program & Sidewalk Project requesting a Waiver of Regulations for work within the Flood Plain.

Kelley Conway, Billerica Town Engineer identified herself. Ms. Conway introduced Fred Russell, Department of Public Works, Director. Ms. Conway explained that she is requesting a Waiver for the 2023 Annual Paving Program and Sidewalk Project. The project consists of the annual paving of existing roads and sidewalks. Minor work is included outside the existing paved area for driveway tie-ins and grading at the edges of roads and sidewalks. There will be no change to the existing drainage pattern. Ms. Conway pointed to the plans and explained the road areas that were going to be paved. Milling and overlaying will be done in the Brick Kiln Road area from Chelmsford Road to Alpine Street and from the Chelmsford Road Town line to Boston Road. Sidewalks will be replaced on Chelmsford Road. Ms. Conway pointed to the plans and explained that in the Lexington Farms Way area and Apple Orchard Drive area reclamation will be done on the roads and the sidewalks will be replaced. Reclamation of the roads will be done in the Purcell Drive and Tufts

Road area. Sidewalks will also be replaced. Baldwin Road area, from Allen Road and Putney Circle will be milled and overlay and sidewalks will be replaced. In the Friendship Street area paving will be done on all the accepted roads and milling, overlaying and reclamation in that area will be done depending on the road conditions. There are no existing sidewalks in that area and we are not proposing any new sidewalks in that area. In addition, there are several streets in the Call Street area that need to be completed. In addition to the roads listed above, the sidewalk project will consist of the Treble Cove Road area. We will be paving Treble Cove Road from Biagiotti Way to Bridge Street. There will be new sidewalks constructed on the east side of the street from Biagiotti Way to Meadowglen Road. The existing curbing on both sides of the street will be replaced with granite curbing. There is an existing closed drainage system in the street where we will be installing hoods in existing catch basins to mitigate the increase of impervious area because of the new sidewalks and to treat runoff. This will result in the improvement over the existing conditions. The paving project will include treatments to roadways that do not require repaving in the: Campbell Road area, Concord Road area, Kame Terrace area, Maverick Circle area, Pond Lane Extension area, Rolling Hill Road area, Treble Cove Road area and Catherine Avenue area. The sidewalk project will result in the construction of approximately 3,500 linear feet of new cement concrete sidewalks. Ms. Conway stated that she would answer any questions that the Board may have.

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

Mrs. Bennett replied that she recommends that the Board support the Waiver for this project.

Mrs. O'Rourke asked did the Town take any property by eminent domain?

Ms. Conway replied no because we are not widening any roadways.

Dr. Gandhi asked how long will this project take?

Ms. Conway replied this work should be completed by December 15, 2023.

Dr. Gandhi asked where will the work begin?

Ms. Conway replied that we do not have the schedule from the contractor yet.

Dr. Gandhi asked if the abutters will be notified when the project will begin.

Ms. Conway replied that letters will be provided to all abutters on the roads that will be paved. The letters will explain the project start date and where the contractors would start. We will also put new updates on the website and code red announcements will be sent out periodically.

Mr. Ravin asked what is the cost of this project?

Ms. Conway replied this project will cost approximately 4 million dollars.

Mrs. Giroux asked how many miles of work does this project involve?

Ms. Conway replied she is not sure of the miles.



Mrs. Giroux commented that all the work that has been done on Call Street is an improvement.

Mr. Reader asked about clarification of the Treble Cove Road area.

Ms. Conway pointed to the area on the map and explained the exact location of the work.

Dr. Gandhi made a motion to grant a Waiver of Regulations for the 2023 Paving Program and Sidewalk Project to allow the rehabilitation of several streets in Billerica and sidewalk improvements within the Green Engineering Flood Plain and/or within the FEMA 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 project consists of construction of a sidewalk and paving improvements. The sidewalk project will result in the construction of approximately 3,500 linear feet of new cement concrete sidewalk and will occur along the south side of Treble Cove Road between the intersections of Biagiotti Way and Meadow Glen Road. The paving improvements include the following roads: Campbell Road, Concord Road, Kame Terrace, Maverick Circle, Patrick Avenue, Savage Avenue, Valerie Avenue, Pond Lane, Rolling Hill Road, Treble Cove Road, and Catherine Avenue.
- 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**

Special Conditions#: 2, 3, 4, 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 2023 Roadway Management Project.

Mr. Ravin seconded. So voted unanimously.

**7:25 p.m. Guilherme Domingues – Bella Pizza – 113 Boston Road – Continued Hearing**

Mr. Reader stated the last hearing is Guilherme Domingues, Bella Pizza, 113 Boston Road continued hearing for a Waiver of Regulations for an exterior grease trap.

Mrs. Bennett explained that she included Bella Pizza, 113 Boston Road on the agenda in case Mr. Domingues was available to present the Board with the information they requested at the January 9, 2023 Board of Health Meeting. Mr. Domingues has not gotten in touch with me so I will wait for him to contact me.

Mrs. O'Rourke made a motion to adjourn.

Mr. Ravin seconded.

The Board adjourned at 8:15 p.m.

Respectfully submitted,

Sandra Giroux  
Secretary

Joanne M. White  
Recording Clerk