



Billerica Board of Health

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

Richard Berube, Director

BOARD OF HEALTH MINUTES April 1, 2019

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, Robert Reader, Richard Berube, Director and Joanne White, Recording Clerk. Dr. Elizabeth Villar was absent.

MOMENT OF SILENCE

Mrs. Giroux requested a Moment of Silence for the passing of Ken Buffum, Director of Veterans Services. Mr. Buffum has done a lot for the Town of Billerica. Mr. Buffum and Mrs. O'Rourke were the founders of the Billerica Food Pantry.

OPEN MICROPHONE

Mrs. Giroux asked if any of the Board Members would like an iPad only for the purpose of receiving the meeting packets electronically.

The Board Members did not want an iPad except for Mrs. Giroux, Chairman of the Board.

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

Christopher Mason, 4 Letchworth Avenue, identified himself. Mr. Mason asked if and what is the criteria for condemning a house and does the Board of Health handle this problem.

Mrs. Giroux replied that at open microphone we cannot respond. We will take your information and refer to the Director, Richard Berube for the answer. Mr. Berube will speak to you after the meeting or you can give him your contact information and he will get back to you.

ACCEPTANCE OF MINUTES

Mrs. O'Rourke made a motion to accept the Meeting Minutes of March 4, 2019. Mr. Reader seconded. So vote unanimously.

BOARD OF HEALTH BUSINESS

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 March 2019 are included in the Board's package.

Mr. Berube explained that the Public Health Nurse, Christine West continues with her routine activities and Communicable Disease Case follow-ups. Christine is looking into the new Shingles vaccine for Billerica residents. Boards of Health may be able to order vaccine and receive reimbursement for residents between the ages of 50-64.

Mr. Grady asked about the status of the Salmonella case.

Mr. Berube explained that this case is still under investigation. The Board of Health is not sure if it came from Pizza Mia or another restaurant in Belmont because the person ate at both restaurants. We had a complaint of under cooked chicken at Pizza Mia. I investigated the complaint and spoke with the owner about the proper temperature for cooking chicken. However, I will contact the owner again and discuss this new complaint with him.

Mrs. Giroux asked what the results were of the mock drill.

Ms. White replied that Christine West the Public Health Nurse and I met with the representatives from the Region 3C Coalition. Ms. West explained how the auditorium would be set up for the event and who would be involved. Everybody acknowledged that they would be present at this event.

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

The Board Members did not have any questions.

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

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

The Board Members did not have any questions. The Board Members commented that Phavy has been handling the court cases and complaints very well.

Nomination of Inspectors of Animals

Mrs. Giroux stated the next item is the Nomination of Inspectors of Animals.

Mr. Berube explained that the paperwork for the Nomination of Inspector of Animals for fiscal year 2020 has been submitted to the Department of Agriculture. Mr. Berube requested that the Board ratify the nomination of Christine Gualtieri and Ashley Chmiel as full time Inspector(s) of Animals and Casey Smith as the part time Inspector of Animals.

Mrs. O'Rourke made a motion to ratify the appointment of Christine Gualtieri and Ashley Chmiel as full time Inspector(s) of Animals and Casey Smith as the part time Inspector of Animals for the Town of Billerica.

Mr. Grady seconded. So voted unanimously.

Aerial Larvicide Program

Mrs. Giroux stated the next item is the Aerial Larvicide Program.

Mr. Berube explained that the Central Mass. Mosquito Control Program began on March 25, 2019. The Aerial Larvicide Application in low-lying swampy areas is scheduled for the third week in April.

Mrs. Giroux expressed her concern with the residual that may remain on the grass where children play.

Mr. Berube explained that what is sprayed is non-harmful to people. The spraying is mainly done in the flood plain and wetland areas.

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

The Board Members did not have any questions.

Eagle Scout Dugout Project – Boutwell Field/Locke Middle School –110 Allen Road

Mrs. Giroux stated the next item is the Eagle Scout Dugout Project for Boutwell Field/Locke Middle School located at 110 Allen Road.

Mr. Berube explained that this is an Eagle Scout project and part of the Locke School Field improvement project. Tom Calzini is proposing to build dugouts at Boutwell Field. The current dugouts where the players sit on the benches are unprotected. The youth are exposed to sun all day. Mr. Calzini's idea is to build dugouts so that the youth will be protected from the sun, from stray foul balls and other elements.

Mrs. O'Rourke asked has Mr. Calzini gone before the Board of Selectman for approval.

Mr. Berube replied he did not know. Mr. Calzini has gone before the Conservation Commission and the Board of Health and received approval.

Mrs. O'Rourke commented that she thinks he needs approval from the Board of Selectman or Tim Piwowar, Superintendent of Schools.

Mr. Berube stated that Kelley Conway, Town Engineer is involved with this project. Ms. Conway is present and maybe she could answer the question.

Ms. Conway replied that she was not sure who he got approval from.

Mrs. Giroux requested that Ms. Conway reach out to Mr. Calzini and ask him if he received approval from the Board of Selectman.

Miscellaneous

Mr. Berube asked the Board Members if they have read the email related to tobacco vaping from Dr. Hartman. Dr. Hartman is going to speak to the school kids in Hanson, MA.

Mrs. Giroux asked about the status of Commons on Boston Road, 499 Boston Road.

Mr. Berube stated that he does not know too much about it. The management company is trying to get the residents moved back into their units. I am not sure if the building is ready for them to move back in. The building needs to dry out because of all the water damage. They also have to make sure that there will not be any mold or air quality issues.

Mrs. Giroux stated that she heard they were trying to get the resident to move back in.

Mrs. O'Rourke asked how many units are involved.

Mrs. Giroux replied 60 units.

Mrs. O'Rourke asked how the new Health Inspector, Shelagh Collins is doing.

Mr. Berube replied she is doing good. Ms. Collins is learning quite a bit.

7:15 p.m. Town of Billerica – 130 Andover Road – Fox Hill Cemetery Phase II Development – Request for a Waiver of Regulations

Mrs. Giroux stated the first Hearing is the Town of Billerica, Fox Hill Cemetery Phase II Development, 130 Andover Road requesting a Waiver of Regulations.

David Crispin provided the Board with a large scale drawing of the Fox Hill Cemetery Phase II Development Plan.

David Crispin Civil Engineer and Land Surveyor with BSC Group, identified himself. Mr. Crispin explained that he has been doing cemetery projects for forty-eight (48) years. I worked on the expansion project for Fox Hill Cemetery in 2000. The reason I am before you tonight is because of the Town By-Law for stormwater management. Fox Hill Cemetery is a fifty (50) acre property. Mr. Crispin pointed to the plans and explained the proposed work to be done. The proposed project will have the capacity for 2,750 interments. The rear portion of the cemetery currently has only one

practical access driveway to it. When the last phase of the master plan was completed in 2000 the development included construction of two storm water detention facilities to control runoff from the site and allow the development of the remainder of the site to occur without additional detention basins. Mr. Crispin pointed to the plans and explained that the new catch basins would consist of deep sump basins with grease hoods. The new drainage will connect to existing piping systems such that there will be no new point source discharges. The cemetery will be 94% green space. It will have eighteen (18) foot wide driveways. None of the work is within one hundred (100) feet of the wetland resource areas. Mr. Crispin stated he would answer any questions that the Board may have.

Mr. Berube explained that the Board of Health and the Conservation Commission met and reviewed this project. What this project is proposing more than mitigates any kind of stormwater impacts. Recommend granting the waiver.

Mrs. Giroux asked how long will this project take.

Mr. Crispin replied the project should be completed by December 31, 2019.

Mrs. Giroux asked will the project disrupt visitors.

Mr. Crispin replied it is written in the contract that if there is any funeral activity, work must stop until it is over.

Mr. Reader asked is there any ledge in that area.

Mr. Crispin replied yes. Over the years a series of test pits have been done and there is about six (6) feet of soil over most of the site. The bottom half is fill.

Mr. Grady made a motion to grant a Waiver of Regulations, for Fox Hill Cemetery, 130 Andover Road to allow Phase II Development for additional grave spaces based upon the following facts 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 6.
- 2) The project includes the creation of new lawns and driveways to provide the capacity for an additional 2,750 internments. Furthermore, there will be several new stormwater management improvements.
- 3) The stormwater impact will not be significant because the last phase of development in 2000 included the construction of the stormwater detention facilities to control runoff from the site and allow future development without additional detention basins. Furthermore, the new driveway will be offset by the removal of 320 feet of existing driveway resulting in a decrease in impervious area.

- 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, 5, 6, 10, 11, 12, 13, 14, 15 and 25.

- A) All construction must be in accordance with plans and information submitted for review and approval, prepared by BSC Group, dated March 12 2019.

Mr. Reader seconded. So voted unanimously.

7:20 p.m. Herc Rentals, Inc. – 257 Boston Road – Request for a Variance for work within the Flood Plain

Mrs. Giroux stated the next hearing is Herc Rentals, Inc. 257 Boston Road requesting a variance for work within the Flood Plain.

Steve Dresser provided the Board with a large scale drawing of the proposed project to be located at 257 Boston Road.

Steve Dresser, Dresser, Williams & Way, Inc. representing Herc Rentals, identified himself. Mr. Dresser explained that the proposed project is to redevelop the Old Iversen Ford building at 257 Boston Road. Herc Rental is a national company that rents heavy duty machinery such as construction equipment, compressors and generators. As a redevelopment project the Stormwater Standards apply to the Maximum Extent Feasible for most Standards. Currently everything drains directly into the stream that flows into the Concord River or flows into an old detention area that was built in 1985. The detention area is not doing the job as far as stormwater treatment is concerned. We are going to increase the stormwater treatment. This criteria will be met with a reduction of pavement and the creation of two (2) constructed wetlands with forebays. As per the redevelopment guidelines of the Massachusetts Stormwater Standards the plan is to retrofit this area as a gravel wetland with a forebay to provide improved water quality mitigation. Mr. Dresser pointed to the plans and explained the proposed project, the Green Engineering and the FEMA Flood Plains. The proposal is to increase flood storage. A side walk will be installed at the Town's request for future expansion. The drainage was reviewed by the Consulting Engineer for the Board of Health Regulations as well as the Conservation Commission. A Notice of Intent has been filed with the Conservation Commission to move forward. All the washing of the equipment will occur inside the building. The wastewater will be recycled. The dirty water will run through an oil-water separator with three (3) baffles. The clean water then goes to the black pressure washer to repeat the process. The gas station next door will be utilized for fuel needs. There will be an environmental monitor on site. A spill prevention control plan is in place and spill kits are on site. The employees have been trained on how to use the spill kits. The applicant is requesting a variance of the Billerica Wetland Protection Bylaw to perform the rehabilitation and construction of Best Management Practice's within 25 feet of the bordering wetlands.

Mrs. O'Rourke stated that area floods when there is a heavy rainstorm. Is this going to make it any worse?

Mr. Dresser replied that it will not make it any worse. However when the Concord River rises it will not stop the flooding. There is also some beaver activity in that area.

Mrs. O'Rourke asked will they be using the building as it currently is.

Mr. Dresser replied the building will just be retrofitted inside.

Mrs. O'Rourke asked about the addition on the right hand side.

Mr. Dresser replied that will remain the same on the outside. They are going to add some bay doors for the purpose of moving the equipment in and out. They are not adding anything.

Mrs. O'Rourke commented that the building will make an improvement in that area.

Mr. Dresser explained that they are going to put a wrought iron fence across the front with some plantings.

Mr. Grady asked was some work done in that area recently.

Mr. Reader replied the water main was replaced.

Mrs. O'Rourke asked is that building connected to town sewer.

Mr. Dresser replied yes.

Mrs. Giroux asked will vehicles be stored outside.

Mr. Dresser replied yes.

Mrs. Giroux asked where the equipment will be stored when the river rises because we know it does.

Mr. Dresser replied that there would be some type of plan in place for when the river crests.

Mrs. Giroux asked if they have equipment in the building where are they going to store the equipment that is outside.

Mr. Dresser pointed to the plans and explained where the equipment would be stored.

Mrs. Giroux stated that her concern is that some oil from the equipment when the river rises might get into the river.

Mr. Dresser stated that he does not think the river rises that often.

Mrs. Giroux and Mrs. O'Rourke disagreed with Mr. Dresser.

Mr. Berube stated that what they are proposing is a vast improvement over what is currently there now. I think the applicant has done a lot to address our environmental concerns. Recommend granting the variance.

Mr. Dresser suggested that the Board include a condition in the approval that if the river rises the equipment has to be moved.

Mrs. Giroux asked if there were any abutters in the audience that would like to ask any questions.

No abutters were present.

Mr. Reader made a motion to grant a variance for work within the Flood Plain at Herc Rentals, 257 Boston Road with an added condition that Herc Rental move the equipment that is outside when the Concord River rises during any flood event 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) (2).
- 2) The Board of Health conducted a public hearing on April 1, 2019 and properly notified abutters in accordance with Billerica Health Regulations, Chapter 1, Section 1.2.007.
- 3) The applicant proposes to redevelop a former auto dealership for use as a construction equipment rental facility. The company also rents heavy machinery, which will be stored and displayed in the existing parking lot. The scope of work includes the reduction of pavement and stormwater improvements consisting of the creation of two (2) constructed wetlands with forebays. The scope of the work includes the expansion of the existing parking area and upgrades to the existing stormwater management improvements.
- 4) The project will improve stormwater management over the current existing conditions. There will be no loss of flood storage as a result of the proposed work.
- 5) The project was reviewed by Brian M. Dunn of MBL Land Development & Permitting, Corp., 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, 24, 25, 26, 27, 28 and 29.

- A) All construction must be in accordance with plans submitted for review and approval, prepared by Dresser, Williams & Way, Inc. dated January 8, 2019 and revised to March 14, 2019 and stamped by Stephen R. Dresser RPE#49202.
- B) Construction equipment stored and displayed in the parking lot shall be moved to areas not prone to flooding during flooding events.

Mr. Grady seconded. So voted unanimously.

7:25 p.m. Former Raytheon Company – 495R Billerica Avenue (Woburn Street) - Request for a Waiver of Regulations

Mrs. Giroux stated the last hearing is the Former Raytheon Company, 495R Billerica Avenue, requesting a Waiver of Regulations.

Sami Fam provided the Board with a large scale drawing of the proposed work to be done at the former Raytheon Company, 495R Billerica Avenue.

Sam Fam, Innovative Engineering Solutions, Inc., on behalf of Raytheon Company identified himself. Raytheon Company is the former owner and operator of the property. Mr. Fam explained that this is a site cleanup project. The work is being done in the flood plain. Ten (10) wells have been installed. Two (2) wells were previously installed in 2016 and eight (8) wells were installed in November 2018 for site remediation. The work that is being proposed will interconnect the wells with trenches that have piping in them. The ten (10) wells will be interconnected and operating for the site remediation. The proposal is for the work to begin this spring. Mr. Fam pointed to the plans and explained the proposed work area. We have cleaned up part of the property where the solvent tanks were. A Notice of Intent has been filed with the Conservation Commission and we will be meeting with them next week. There will be back fill. There will be no change in flood storage. All the work is being done below ground. The excess soil that will be removed will be used outside of the wetlands/buffer zone and flood plain and utilized for landscaping at those locations.

Mr. Berube explained that last fall the Board granted a waiver for some remediation work at this site and this is a continuance of that work. All that work is being done within the flood plain in order to connect those wells.

Mrs. O'Rourke asked is this property all in Billerica.

Mr. Berube replied yes.

Mr. Fam explained that the work being done is in Billerica. The building is predominantly in

Billerica and partially in Tewksbury. Mr. Fam pointed to the plans and explained the location of the work to be done.

Mr. Berube reiterated the property that lies along the Concord River is primarily in Billerica.

Mr. Fam explained that the process being used has cleaned up the main part of the contamination. This is just the residual part.

Mr. Reader asked is the work being monitored.

Mr. Fam explained that there is an LSP program on site monitoring the work.

Mr. Berube explained that all the work is being done in accordance with the Massachusetts Contingency Plan (MCP).

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

The Board Members did not have any questions.

Mr. Grady made a motion to grant a Waiver of Regulations to allow work within the flood plain at 495R Billerica Avenue (aka Woburn Street) based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

- 1) The work described in the applicant's request is within an area subject to protection under the Board of Health's Rules and Regulations, Chapter 5, Section 5.5.005(1).
- 2) This project consists of remediation activities performed in accordance with the Massachusetts Contingency Plan (MCP) based upon environmental investigations related to historical operations at the old Raytheon Company Ordinance Plant.
- 3) The applicant is proposing to interconnect wells that were installed in November 2018 on the western portion of the property between the Concord River and the parking area within the FEMA Flood Plain. The wells are a necessary part of a groundwater remediation system to mitigate concentrations of contaminants above MassDEP standards. This works will not alter the flood plain.
- 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 and 25.

- A) All construction must be in accordance with information and plans submitted for review and approval, prepared by Innovative Engineering Solutions, Inc. (IESI), dated March 2019.

Mrs. O'Rourke seconded. So voted unanimously.

Mrs. O'Rourke made a motion to adjourn. Mr. Reader seconded.

The Board adjourned at 7:45 p.m.

Respectfully submitted,

Mike Grady
Secretary

Joanne M. White
Recording Clerk