



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 April 4, 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, Amit Gandhi, Ph.D., Kristel Bennett, Director and Joanne White, Recording Clerk. Marie O'Rourke was absent.

OPEN MICROPHONE

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

No one was present for Open Microphone.

ACCEPTANCE OF MINUTES

Mr. Reader made a motion to accept the Meeting Minutes of March 7, 2022.

Mrs. Giroux seconded. Three (3) voted in favor, one (1) vote abstained, Mike Grady.

BOARD OF HEALTH BUSINESS

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 March are included in the Board's package.

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

Mrs. Bennett stated that she had no additional comments.

Dr. Gandhi asked what is the status of the COVID cases at the Council On Aging now.

Mrs. Bennett explained that Jean Bushnell Patel, Director of the Council sent out a notice because there were a couple of employees that tested positive for COVID-19. It was suggested that anyone that would like to be tested Joe Devlin, Head Paramedic would provide the Rapid Antigen COVID-19 test.

Mrs. Giroux asked how do we know the true numbers because a lot of residents are doing home testing?

Ms. White replied that the State does not record home tests. The numbers the Board of Health receives are only from the State PCR testing program.

Mrs. Bennett replied that home testing indicates the amount of germs in your system that will infect someone else. Mrs. Bennett stated that the Health Department has been monitoring the Biobot COVID 19 Report that measures the virus in the wastewater. Mrs. Bennett explained the report to the Board Members. COVID is still present in the community but at a much lower rate. The wastewater indicates what is really going on. The State changed reporting protocol and COVID is just a reportable disease and does not require follow-up like contact tracing.

Mrs. Giroux asked how often is the BioBot report published?

Mrs. Bennett replied that the BioBot report is sent out weekly.

Mr. Grady stated that he heard that the State is recommending a fourth dose to people over 50 or anyone that is comprised. Has the State indicated if they are going to send some vaccine to the Town of Billerica?

Ms. White replied that we have already received some vaccine and it will be given out the end of April. Anyone wishing to receive the vaccine should contact the Board of Health office to schedule an appointment.

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

Mrs. Bennett stated that she had no additional comments.

Dr. Gandhi asked about the status of the livestock and roosters on the property at 212 Andover Road.

Mrs. Bennett replied that this property is in Probate Court and is trying to be resolved. We were not allowed on the property to view the conditions of the livestock.

Mrs. Giroux asked is there any complaints from the neighbors.

Mrs. Bennett replied there was an initial complaint.

Mrs. Giroux asked was there a complaint about the roosters.

Mrs. Bennett replied that Phavy would go there and ask to have the roosters removed.

Mrs. Giroux asked what is the status of 40 Broad Street? It states that the woman is no longer living in her car. Is the woman living back in her house?

Mrs. Bennett replied that Phavy checked on her and she is living in the house.

Mrs. Giroux asked is there anything that can be done with the situation at 21 Canterbury Street.

Mrs. Bennett stated that she has talked to the Town Manager, John Curran and protocol has to be followed in order to demo that property.

Mrs. Giroux asked if the Board of Health has checked on the property at 284 Rangeway Road and is anyone living there?

Mrs. Bennett replied that Phavy has checked on that property and no one is living there.

Mrs. Giroux asked if the other units at 4 Riverhurst Road been treated for the cockroach infestation.

Mrs. Bennett replied that Phavy has made sure that the infestation has been taken care of by a pest control service. A report has been submitted to the Health Department.

Mr. Grady complimented that Phavy has done a great job in closing out twelve (12) cases.

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

Mrs. Bennett replied no additional comments.

Dr. Gandhi asked if it would be possible for the Board Members to listen to the webinars provided by the Department of Public Health.

Mrs. Bennett replied that she would forward the website to the Board Members.

Mrs. Giroux asked if the webinars are recorded. Can we log in anytime?

Mrs. Bennett stated she would look into it and report back to the Board Members.

Mrs. Grady stated if Shelagh is attending the Title 5 Seminar will she be able to take over the work that Richard Berube is doing so that we can minimize the use of him.

Mrs. Bennett stated she will be able to do the participate in Soil Testing after she takes the test. Currently I am taking the Soil Evaluator class.

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

Mrs. Bennett replied no additional comments.

Dr. Gandhi asked what is the status of the brochure we reviewed at the last meeting.

Mrs. Bennett replied that we are looking into the cost of having the brochure printed.

Mrs. Giroux stated that she looked into the website and some information for the Community Pantry may need to be modified. I will verify the information and let you know. Mrs. Giroux asked if the Board will see the Emergency Housing Protocol before it is publicized?

Mrs. Bennett replied yes, Bethany is still working on the protocol for hoarding and housing crisis.

Mr. Reader asked if the Board of Health removes someone for hoarding or another crisis is the town responsible for providing living accommodations.

Mrs. Bennett replied yes, the community is responsible to pay for their accommodations and transportation as needed. So if the Health Department condemns a house and the people do not have family or friends that they can live with, the town is liable to provide living accommodations.

Health Director Update

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

Mrs. Bennett asked if the Board Members had any questions regarding her report.

Mrs. Giroux asked how the Finance Committee voted regarding the FY23 Budget.

Mrs. Bennett replied that 2 members opposed. They questioned the fee paid to the doctor for well child clinics and the signing of the standing orders for vaccine for the Board of Health. The Town Manager thanked the Board Members and the Health Department Staff for everything they have done. A question was asked about the mask violations and if we have adequate staffing.

Mr. Grady asked the Board Members if they had any questions.

The Board Members did not have any questions.

Next Meeting – May 2, 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 May 2, 2022.

7:15 p.m. Town of Billerica – 8 Carter Avenue – Katie Durand Memorial Park – Request for a Variance for Work within the Flood Plain

Mr. Grady stated the first hearing is the Town of Billerica, 8 Carter Avenue, Katie Durand Memorial Park, requesting a Variance for work within the Flood Plain.

Matt Crowley provided a large-scale drawing of the Katie Durand Memorial Park to be located at 8 Carter Avenue.

Matt Crowley, Senior Project Manager for BETA Group, representing the Town of Billerica, Department of Public Works Engineering Division identified himself. The project is located at the end of Carter Avenue, it is a former residential lot. The scope of the work includes the construction of a park with associated landscaping areas, amenities and walkways. The entire project is located within the FEMA and Green Engineering Flood Plain (GEFP). The scope of the project is less than one acre. Mr. Crowley pointed to the plans and explained the flood plain areas, where three (3) infiltration basins, (2) grassed channels and swales and pea-stone gravel diaphragms are proposed for stormwater management. A cut and fill analysis was previously completed demonstrating that there will be a net increase in flood storage. This property has gone before the Conservation Commission and approval has been granted along with an Order of Conditions. The reason this project is before the Board of Health because of the flood plain. Based on the implementation of infiltrations BMP's constructed using well-draining soil this project is not anticipated to have any flooding impacts to abutters. Mr. Crowley stated that he would answer any questions that the Board may have.

Brian Dunn, MBL Land Development & Permitting Corporation identified himself. Mr. Dunn explained that he has done an extensive review of the plans and came up with some recommendations to BETA Group. The recommendations include the areas of the basins for storage for the flood plain. BETA Group implemented most of our recommendations. It is a good use of the property. It will be beneficial to water recharge where there isn't a lot of water recharge on the site today.

Mrs. Bennett stated that she supports the project. It is a good use of the property for the Katie Durand Memorial.

Mr. Grady asked the Board Members if they had any comments.

Dr. Gandhi asked is there a lot of trees on the property now? Will 5 new trees be enough?

Mr. Crowley replied that he can not confirm how many trees will be planted.

Mrs. Giroux stated that she is happy with this project.

Mr. Reader asked is this the only property on Carter Avenue

Mr. Crowley replied there is only one other resident on the street and the house is at the end of a long driveway.

Mr. Grady asked if any abutters were present that would like to express concerns regarding this project.

No abutters were present.

Mrs. Giroux made to a motion to grant a Variance for work within the Flood Plain at 8 Carter Avenue for the Katie Durand Memorial Park project to allow the construction of a park, driveway and stormwater management features. The Order of Conditions should include recommendations made by Brian Dunn, MBL. The variance is based upon the following findings of fact and subject to the following standard 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 construction of a river access park – the Katie Durand Memorial Park, on the property located at 8 Carter Avenue. The applicant proposes a small park with design features including a circular drive at the terminus of Carter Avenue to allow vehicles with a canoe/kayak trailer to easily negotiate the site and park around the perimeter, stormwater management features, picnic tables, a memorial area with benches, pollinator garden and native tree and shrub plantings to restore and enhance the floodplain areas.
- 3) The FEMA Flood Plain elevation associated with 8 Carter Avenue is depicted at 118.8 feet NAVD88, the entire site is below the base flood elevation, and it supports Green Engineering Flood Plain. The proposed work within the flood plains is associated with minor grading, construction of berms around proposed stormwater BMPs will result in minor fill, the grading of swales and other topographic features will result in a net increase in flood storage. A cut and fill analysis using foot-by-foot increments was prepared by BETA Group, Inc. and reviewed by the peer reviewer. The peer reviewer concluded that the project as designed will yield an improvement in the capacity of BLSF to provide flood control, storm water damage prevention and pollution prevention.
- 4) An independent peer review of the proposed stormwater management system design was completed by MBL Development & Permitting Corp for compliance with Board of Health Regulation Chapter 5 for drainage and potential impacts to the floodplain. The peer review was streamlined with the Conservation Commission for compliance with wetland regulations.
- 5) The Board of Health has determined that the actions proposed by the applicant are adequate measures to protect the public health and environment and complies with the intent of Board of Health Rules and Regulations. Further, approval of the applicant’s request will not be detrimental to the public health and environment.

CONDITIONS

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

- A) All construction must be in accordance with plans submitted for review and approval, entitles “Town of Billerica, Department of Public Works – Katie Durand Memorial Park, Carter Avenue, Billerica, Massachusetts;” prepared by BETA Group and stamped by Matthew Crowley, PE Civil No. 51325; dated December 2021, final revised date March 1, 2022.
- B) In coordination with the Conservation Department and the Board of Health, the applicant shall retain the services of an independent Consulting Environmental Monitor to monitor construction activities and conduct inspections. The Consulting Environmental Monitor must be qualified and pre-approved by the Board of Health Director and the Director of Environmental Affairs. The applicant shall pay the cost of the scope of services fee for stormwater monitoring provided by the Consulting Environmental Monitor for the duration of the project, said fee shall be paid prior to the preconstruction meeting. The role of the Consulting Environmental Monitor shall be to assist the Board of Health in its oversight of construction activities including but not limited to 1) installation of drainage/ stormwater management system; 2) inspect construction activities occurring within the local floodplain; and 3) overall compliance with the conditions listed in this approval. Specific duties include:
- a) Review the Stormwater Pollution Prevention Plan and make recommendations for proposed changes if necessary.
 - b) Advise on current erosion and sedimentation control practices and make recommendations for proposed changes, if necessary.
 - c) Ensure adherence to this approval letter and report any non-compliance to the Board of Health.
 - d) Attend the pre-construction meeting and conduct periodic inspections during stormwater/drainage construction, test pits to verify subsurface soil conditions and groundwater elevations, buffer zone restoration activities, and dewatering activities; periodically inspect erosion controls; oversee any emergency placements of controls and regular inspection or replacements of erosion and sedimentation control devices.
 - e) Provide weekly to bi-weekly monitoring reports/memorandums during the period(s) when work is being conducted or as directed by the Director of Public Health. Said memos shall include photographic documentation of on-going work activities and summarize work complete, any problems that arise and corrective measures needed in the field. The Applicant will be supplied with all reports submitted by the Board of Health Consulting Environmental Stormwater Monitor. The Applicant will be expected to make said changes immediately as identified and requested by the Board of Health Consulting Environmental Stormwater Monitor.
 - f) Conduct review of the as-built plan required as part of the Request for Certificate of Compliance review.

- C) The applicant shall coordinate with the Board of Health’s Consulting Environmental Monitor to witness soil testing during the construction of the project.
- D) The erosion controls and the infiltration basins be constructed first and that they be cleaned out and any siltation be removed at the end of the project.
- E) The plans are only stamped on the cover sheet and not the entirety of the plans. The plan set also has notes on them that state “not for construction” and/or “for review only”. The applicant shall have this information removed from the set plans and have the PE and PLS stamp and sign the entire set of plans. Revise the plans that MBL has reviewed the plans and not Lighthouse Land Surveying LLC.
- F) The applicant shall sign the Illicit Discharge Statement and submitted to the Board of H

Dr. Gandhi seconded. So voted unanimously.

7:25 p.m. Town of Billerica – Boston Road Rehabilitation Project – Request for a Waiver of Regulations for work within the Flood Plain

Mr. Grady stated the next hearing is Town of Billerica, Boston Road Rehabilitation Project, requesting a Waiver of Regulations for work within the Flood Plain.

Matt Crowley provided a large-scale drawing of the Boston Road Rehabilitation Project.

Matt Crowley, Senior Project Manager for BETA Group, representing the Town of Billerica, Department of Public Works Engineering Division, identified himself. This project is on Boston Road starting at Danforth Village and going down to Good Street and Simmons Lane. The water flows in a south to north direction with six (6) different discharge points. This is a redevelopment project. The site is constrained by poor soils. The main objective of this project is to upgrade the capacity of the stormwater system, get the water off the roadway and also provide improvements. The area of main concern is at the crossing of Heritage Road because of the elevation. There will be no alterations to the roadway cross section at Boston Road and Simmons Lane. Associated grading work will be done in the area of Farmers Lane and proposes a net cut. Mr. Crowley pointed to the plans and explained the flood plain areas and the area where sidewalks will be reconstructed. This project has been approved by the Conservation Commission with an Order of Conditions. Brian Dunn, MBL has reviewed this project and has provided his comments. Mr. Crowley stated that he would answer any questions that the Board may have.

Brian Dunn, MBL Land Development & Permitting Corporation identified himself. Mr. Dunn explained that he has done an extensive review of this project. This is a maintenance and redevelopment project. Our concerns were to provide more drainage areas and water quality. Mr. Dunn explained that he has provided the types of drainage that should be used. In addition, the forebays and drainage areas should be increased. This will be an improvement over the existing conditions.

Dr. Gandhi asked how long will it take for this project. Who is going to be responsible for the maintenance of this project and for how long?

Mr. Crowley replied this project will take approximately two (2) years. The maintenance will continue for at least 20 plus years.

Mrs. Giroux asked will there be a disruption to the neighbors in that area?

Mr. Crowley replied there will be some noise associated as with any construction project.

Mrs. Giroux asked if the neighbors have been notified that this project is coming? I want to make sure the neighbors are being notified of this project.

Mr. Crowley replied Mass DOT is funding this project.

Mrs. Giroux asked Mr. Dunn if all of the Conservation concerns have been addressed.

Mr. Dunn replied Conservation Commission is handling all of my concerns in their Order of Conditions. Mr. Dunn explained that the same type of maintenance for stormwater controls for this project is just like any other project. The maintenance will be handled on a quarterly basis and will be reported back to the Conservation Commission and the Board of Health.

Mr. Reader asked when will the project start?

Mr. Crowley replied that he is not sure when the project will start. He does not know if the project has gone out for bid.

Mr. Grady commented that this is a Mass DOT project and not a town project.

Mr. Grady asked if any abutters were present.

No abutters were present.

Dr. Gandhi made a motion to grant a Waiver of Regulations for the Boston Road Rehabilitation Project to allow the rehabilitation of several streets and sidewalk improvements within the Green Engineering Flood Plain and/or within the FEMA Flood Plain. The Order of Conditions should also include recommendations by Brian Dunn, MBL Land Development & Permitting Corporation. This order is based upon the following findings of fact and subject to the following standard 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, sidewalk improvements, and stormwater improvements to Boston Road from Simmons Lane to Danforth Village. The majority of the proposed work is outside of the 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

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

- A. All construction must be in accordance with plans submitted for review and approval, entitled *Massachusetts Department of Transportation Highway Division Boston Road* prepared by BETA Group dated September 1, 2021.
- B. Submit a final detailed report on the work completed for the 2021 Roadway Management Project.

Mrs. Giroux seconded. So voted unanimously.

7:35 p.m. KS Partners – 600 Technology Park Drive – Request a Stormwater Management Permit and a Variance for work within the Flood Plain

Mr. Grady stated the next hearing is KS Partners, 600 Technology Park, requesting a Stormwater Management Permit and a Variance for work within the Flood Plain.

Alex Horgan provided a large-scale drawing of the project to be located at 600 Technology Park Drive.

Alex Horgan, Design Engineer, Bohler Engineering representing KS Partners identified herself. Ms. Horgan explained that this proposed project is a Good Manufacturing Practice (GMP) Lab Building Addition. The applicant is requesting a Stormwater Management Permit and a Variance for work within the Flood Plain. Ms. Horgan pointed to the plans and explained the location of the proposed GMP Lab Building Addition and associated site improvements. Ms. Horgan pointed to the existing office building and the location of the 64,000 square foot addition for the GMP lab Building. It is now a large parking lot. The applicant has met all the MASSDEP Standards for Stormwater. The applicant is requesting relief from groundwater separation. Ms. Horgan pointed to the plans and explained that the Green Engineering Flood Plain may no longer exist. The applicant is hoping that lab space will bring in new tenants. We have filed with the Planning Board and Conservation Commission and have received approval with an Order of Conditions. BETA Group has reviewed this project. This will be an improvement to the existing site. Ms. Horgan stated that she would answer any questions that the Board may have.

Mrs. Bennett explained that Phil Paradis, BETA Group could not be present this evening. Mr. Paradis conducted the peer review. Mr. Paradis agrees with the reduction of 3 feet to 1 foot for the basin. Mrs. Bennett reviewed the conditions that Mr. Paradis recommended that the Board include in their Order of Conditions. As for the GEFP, a lot of redevelopment has been done since the last study in 1971. The GEFP finger may no longer exist. I have suggested to the Town Engineer, Kelly Conway that maybe another GEFP study should be done.

Dr. Gandhi asked what kind of lab is being proposed? What kind of trees are going to be planted?

Ms. Horgan replied it is office space now and the proposal is for GMP. Ms. Horgan replied that she has been talking with the Planning Board and the Conservation Commission regarding the proposed landscaping along the building and adding more green space.

Mrs. Giroux asked can you revamp the existing office space or do you need the additional building.

Zachary Richards, Bohler Engineering identified himself. Mr. Richards replied that to renovate the existing space would cost more than constructing a new building. This building will supplement the office space.

Mr. Grady asked if any abutters were present that had questions or concerns.

No abutters were present.

Mr. Reader made a motion to grant the Stormwater Management Permit and a Variance for work within the Green Engineering Flood Plain for KS Partners, 600 Technology Park Drive. The Order of Conditions should include recommendations made by Phil Paradis, BETA Group and based upon the following findings of fact and subject to the following standard conditions:

FINDINGS OF FACT

- 1) The work described in the applicant's request is within an area subject to protection under the Billerica Health's Rules and Regulations, Chapter 5, Section 5.5.005(1) and Chapter 6 inclusive.
- 2) The Board of Health conducted a public hearing on April 4, 2022 for the proposed project and properly notified abutters in accordance with Billerica Health Regulations, Chapter 1, Section 1.2.007.
- 3) The 22-acre parcel containing the 3 acre project site is located at 600 Technology Park Drive in Billerica, MA. The site is currently developed with two existing buildings, paved parking areas, utilities, and landscaping amenities. The applicant proposes to construct a 64,400 sq. ft. Good Manufacturing Practice (GMP) lab addition on the east side of the existing building with modifications to the existing parking area and utilities, additional landscaping, and installation of new stormwater management features. Stormwater is proposed to be captured in catch basins, water quality inlets, and roof drains and piped to

- 4) underground infiltration systems (three systems within the site). Infiltration systems will be routed to existing outfalls located on the east side and west side of the property.
- 5) The facility is serviced by existing (public) water and sewer service.
- 6) A FEMA mapped 100-year flood Zone A with an unspecified elevation is adjacent to the project area, no work is proposed within it. Work is proposed within the limits of Green Engineering Flood Plain Map# 59). The GEFP Maps were developed prior to the existing development and shows a finger (swale) of the flood plain at elevation 197 +/- down to 188+/- extending into the existing parking area and is not likely to be valid for the current raised and paved conditions. Work in this area included building construction, paving, construction of an infiltration basin, and loam/seed. The existing and proposed drainage for this area is similar to existing and therefore will be little impact to flooding in this area. The applicant has requested a variance for proposed work within 25 feet of the establishment flood plain.
- 7) The proposed building flood elevations of 199.5' are 2 foot or more higher than the estimated seasonal high groundwater, based on test pits completed throughout the Site.
- 8) The project is subject to the requirements of Chapter 6 of the Board of Health Regulations as the project proposes to disturb land in excess of one acre. The proposed stormwater management design proposes to capture stormwater runoff in three subsurface infiltration systems and one infiltration basin. Conveyance to the subsurface systems is provided via catch basins and roof drains, while conveyance to the infiltration basin is accomplished via a Pretx curb inlet pretreatment unit. Water quality units are proposed in two drainage structures for pretreatment. Overflow from the two western subsurface systems will be directed into an existing detention basin to the west via piped flow. Overflow from the eastern subsurface system will be directed to an existing outfall which discharges to the wetland buffer zone. Overflow from the infiltration basin will be directed over a riprap spillway onto the adjacent driveway to be subsequently capture by existing catch basins and discharged through an existing outfall to the wetland buffer zone.
- 9) An independent peer review of the proposed project for stormwater management design and work proposed in the local floodplain (Green Engineering Flood Plain) was completed by Philip Paradis of BETA Group, Inc., the Board of Health's Consulting Engineer. The peer review was streamlined with the Conservation Commission for compliance with Wetland Regulations, Stormwater Management Standards, and Flood Plain Regulations.
- 10) The following documents were received and reviewed by BETA Group:
 - a) ***Site Plan Special Permit Package for Proposed GMP Lab Building Addition, 600 Technology Park Drive Billerica, Massachusetts***, including the following attachments:
 - Cover Letter
 - Project Narrative & Required Findings Statement
 - Form S Application for Site Plan Special Permit
 - Proof of Ownership
 - Site Aerial (1 sheet)
 - Certified Abutters List
 - Parking Summary Tables

- b) **600 Technology Park Drive Copies of Variance and/or Special Permits** dated October 6, 2021.
- c) Site Plan (18 sheets) **entitled Proposed Site Plan Documents for KS Partners Proposed GMP Lab Building Addition**, dated November 29, 2021, revised February 27, 2022 and March 8, 2022, prepared by Bohler Engineering, Boston, MA,
- d) **Drainage Report for KS Partners Proposed GMP Lab Building Addition 600 Technology Park Drive Billerica, Massachusetts Middlesex County**, dated November 29, 2021, prepared by Bohler Engineering, Boston, MA, including:
 - Updated HydroCAD calculations dated February 18, 2022.
 - Stormwater Operation and Maintenance Plan
- e) **Traffic Assessment Memorandum** dated November 19, 2021, prepared by McMahon Associates, Boston, MA
- f) **Stormwater Pollution Prevention Plan (Draft)**, dated February 9, 2022, prepared by Bohler Engineering, Boston MA.
- g) **Notice of Intent and Billerica Wetlands By-Law Application** dated November 29, 2021, prepared by Bohler Engineering including the following attachments:
 - WPA Form3 – Notice of Intent
 - Billerica Wetlands By-Law Application
 - Copies of Checks
 - Abutters Information
 - Project Narrative
 - Locus Plan
 - Maps
 - Wetland Summary Letter
 - Wetland Delineation Field Data Forms
 - Site Photos
 - Misc Forms
- h) **Supplemental Submission Package**, including the following attachments:
 - Cover Letter
 - Response to Comments – MassDEP NOI Portal Comments
 - Response to DPW Comments
 - Response to BOH Comments
 - Building Addition Elevations
 - Fire Truck Turning Exhibit & Flow Test Results
 - Existing building Floorplans
 - Parking Calculations

11) The Board of Health will impose reasonable conditions to ensure the project is constructed in accordance with approved plans.

12) The Board of Health has determined that the actions proposed by the applicant are adequate measures to protect the public health and environment and complies with the intent of Board of Health Rules and Regulations. Further, approval of the applicant's request will not be detrimental to the public health and environment.

CONDITIONS

Special Conditions# 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 24, 25, 26, 27, 28 and 25.

A. All construction must be in accordance with the plans submitted for review and approval: Site Plan (18 sheets) entitled *Proposed Site Plan Documents for KS Partners Proposed*

GMP Lab Building Addition; prepared by: Bohler Engineering; Signed and stamped by Zachary L. Richards Registered Professional Engineer No. 51848; dated November 29, 2021, final revised dated March 8, 2022.

- B. The applicant shall submit a cash bond to the Board of Health prior to the preconstruction meeting. The amount of the cash bond will be determined by the Director of Public Health. Bonds required for projects shall be equal to ten (10) percent of the estimated projection stormwater construction cost (including excavation and backfilling, structures, and piping). The cash bond shall be deposit in a bank selected by the Board of Health with release signed by the applicant. The bond shall be kept for a minimum period of one (1) year after the date of issuance of a certificate of compliance. Said bond shall be posted and used by the Board of Health correct any violations as determined by the Board of Health, if an applicant refuses to correct a violation or public health nuisance after notice has been provided. The bond shall be posted prior to the approval of permits.

- C. In coordination with the Conservation Department and the Board of Health, the applicant shall retain the services of an independent Consulting Environmental Stormwater Monitor to monitor construction activities and conduct inspections. The Consulting Environmental Stormwater Monitor must be qualified and pre-approved by the Board of Health Director and the Director of Environmental Affairs. The applicant shall pay the cost of the scope of services fee for stormwater monitoring provided by the Consulting Environmental Stormwater Monitor for the duration of the project, said fee shall be paid prior to the preconstruction meeting. The role of the Consulting Environmental Stormwater Monitor shall be to assist the Board of Health in its oversight of construction activities including but not limited to 1) installation of drainage/ stormwater management system; 2) inspect construction activities occurring within the local floodplain; and 3) overall compliance with the conditions listed in this approval. Specific duties include:
 - g) Review the Stormwater Pollution Prevention Plan and make recommendations for proposed changes if necessary.
 - h) Advise on current erosion and sedimentation control practices and make recommendations for proposed changes, if necessary.
 - i) Ensure adherence to this approval letter and report any non-compliance to the Board of Health.
 - j) Attend the pre-construction meeting and conduct periodic inspections during stormwater/drainage construction, test pits to verify subsurface soil conditions and groundwater elevations, buffer zone restoration activities, and dewatering activities; periodically inspect erosion controls; oversee any emergency placements of controls and regular inspection or replacements of erosion and sedimentation control devices.
 - k) Provide weekly to bi-weekly monitoring reports/memorandums during the period(s) when work is being conducted or as directed by the Director of Public Health. Said memos shall include photographic documentation of on-going work

activities and summarize work complete, any problems that arise and corrective measures needed in the field. The Applicant will be supplied with all reports submitted by the Board of Health Consulting Environmental Stormwater Monitor. The Applicant will be expected to make said changes immediately as identified and requested by the Board of Health Consulting Environmental Stormwater Monitor.

- l) Conduct review of the as-built plan required as part of the Request for Certificate of Compliance review.
- D. The Board of Health Consulting Stormwater Monitor shall monitor all stormwater activities and conduct inspections to ensure compliance with approved plans and conditions. All inspections shall be conducted in accordance with an inspection schedule approved by the Director of Public Health.
- E. 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.
- F. An as built plan shall identify the new existing conditions of the site as they relate to the as-built conditions, be submitted to the Board of Health before the approval of any occupancy permit, or other documentation to satisfy the intent of the Board of Health's approval of any project. A certification from the design engineer should be shown on the plans identifying that the plan is within substantial conformance with the approved plans. If not, then the design engineer should state the differences on the as-built plan vs. the approved plans along with a description in writing to the Board of Health about the changes.
- G. The Board of Health Consulting Environmental Stormwater Monitor shall review the as built to ensure compliance with approved plans and conditions. The applicant shall pay the cost of the scope of services fee for the stormwater as built, said fee shall be paid to the Board of Health prior to issuance of an occupancy permit or Certificate of Compliance.
- H. The applicant shall coordinate with the Board of Health's Consulting Environmental Stormwater Monitor to observe soil conditions in the area of the proposed infiltration basin. The soil conditions shall be observed by an agent of the Board of Health following excavation to subgrade elevation to verify soil conditions.
- I. The applicant shall provide copies of the final signed SWPPP, Notice of Intent, and EPA letter of approval Billerica Board of Health Regulations 6.6.013(1) per NPDES General Permit for Stormwater Water Discharges from Construction Sites including requirements of Billerica Board of Health Regulation 6.6.013 prior to the preconstruction meeting.
- J. The approved and signed Operations and Maintenance Plan Agreement shall be recorded with the Middlesex Northern Registry of Deeds and a recorded copy shall be submitted to the Board of Health prior to the issuance of a Certificate of Compliance with the Board of Health.

Mrs. Giroux seconded.

7:45 p.m. Bang Na Thai Kitchen – 95 Boston Road – Request for a Waiver of Regulations for an Exterior Grease Interceptor

Mr. Grady stated the next hearing is Bang Na Thai Kitchen, 95 Boston Road, requesting a Waiver of Regulations for an exterior grease interceptor.

Alias Patoucheas, owner of the Plaza at 95 Boston Road identified himself. Mr. Patoucheas explained he is representing his new tenant, Saovaluck Lieu. This location has been an Asian Restaurant since 1998. This will be the third tenant operating as an Asian Restaurant. We have been working together since November 2021. The applicant has received approval from the Zoning Board of Appeals. The applicant is requesting a Waiver of Regulations for an exterior grease trap. I have owned the Plaza since 1998. There are three (3) other restaurants in the Plaza that have interior grease traps. Installing an exterior grease trap would be cost prohibited for all my tenants.

Mrs. Bennett explained that the new owner have done an excellent job in cleaning up the establishment and replacing the equipment. Bakers Commodities will be emptying and hauling the grease interceptor on a regular basis. I have provided a Billerica Fats, Oil and Grease (FOG) manual to them and explained that they have to comply. I support waiving the regulation. There is one pest control company that services all the units.

Mrs. Giroux explained that if there is a problem with the grease trap, the license will be revoked immediately and an exterior grease trap will be required.

Mrs. Bennett explained that if there is a grease blockage then all the restaurants in the Plaza will have to install an exterior grease trap.

Mr. Reader made a motion to grant a Waiver of Regulations for Bang Na Thai Kitchen, 95 Boston Road, exterior grease trap based upon the following findings of fact and subject to the following standard conditions:

FINDINGS OF FACT

1. The Food Service Establishment (FSE) described in the applicant's request is within an area subject to protection under the Board of Health's Rules and Regulations, Chapter 2, Section 2.2.001.
2. The applicant proposes to change an existing Food Service Establishment (FSE), Golden Crown for preparation and service of Chinese food cuisine, to TSP Group Inc./ Bang Na Thai Kitchen for preparation and service of Thai food cuisine. There will be minor changes to the existing FSE.
3. There is an existing interior grease interceptor at the FSE. The interior grease interceptor will be monitored and cleaned every month. Maintenance records will be kept and made available for inspection by the Board of Health. In addition, the applicant agrees to implement the Best Management Practices (BMP's) provided by the Billerica Health Department.

4. The applicant proposes to have the grease trap serviced/cleaned by a licensed hauler with the Town of Billerica to pump and maintain the interior grease trap.
5. The Board of Health approved a waiver from the requirements of an installation of an exterior grease interceptor for the previous establishment Golden Crown.
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#6, 10, 14, 15 and 25.

- A. The applicant shall keep all interior grease trap pumping and maintenance records and make them available for inspection by the Board of Health.
- B. The FSE shall continue to work with the Board of Health to implement BMP's to prevent or reduce the discharge of Fats, Oil and Grease (FOG) to the building drain and the sewage disposal system. The FSE shall train the staff to ensure that the BMP's are followed. The owner and employees of the FSE shall sign an acknowledgement of BMP's for Food Service Employees and submit the acknowledgements to the Board of Health.
- C. This waiver shall be subject to periodic review by the Board of Health to ensure compliance with applicable rules and regulations.
- D. Wastewater Division shall periodically monitor the grease discharge from said Food Service Establishment for any violations of the Town of Billerica Sanitary Sewer Rules and Regulations and the Board of Health Rules and Regulations. All costs associated with the monitoring shall be paid for by the applicant.
- E. In the event of a grease blockage or other significant violations relative to the maintenance of the grease recovery system, this waiver shall be **immediately** revoked. The applicant shall be required to install an exterior grease trap to serve the food establishment. The exterior grease trap shall be designed and constructed in accordance with the State Environmental Code, Title 5.
- F. This waiver cannot be transferred from one person to another person, from one food establishment to another or from one type of operation to another.

Dr. Gandhi seconded. So voted unanimously.

7:55 p.m. Danielle Ballou – Request for a Waiver of Regulations for Cosmetic Tattoo and Training Requirements - Apprentice

Mr. Grady stated the last hearing is Danielle Ballou, requesting a Waiver of Regulations for Cosmetic Tattoo and training requirements for an apprentice.

Danielle Ballou, 4 Lalia Lane identified herself. Mrs. Ballou explained that she has lived in Billerica all her life and is an active member in the community. Mrs. Ballou also stated that she had done a lot of volunteering in the community and would like to perform cosmetic tattooing in our community. It would be an added service to the residents in Billerica. Mrs. Ballou invited several members that have had cosmetic tattooing to attend the meeting. Mrs. Ballou introduced several of the women and asked them to comment on their experience. Mrs. Ballou explained that she put together an informative packet for the Board Members to review.

Mr. Grady asked is it harder to get a Microblading license or a Cosmetic Tattoo license. What are the training requirements?

Mrs. Ballou stated that they are both the same. With Microblading you are using a razor and with Cosmetic Tattoo you are using a needle.

Mrs. Bennett explained what is involved with Microblading versus Cosmetic Tattoo. Different training is required. I met with Danielle and have reviewed all her records and training that she has taken. Mrs. Ballou has attended a 100-hour fundamental course provided by the American Academy of Micropigmentation and society of Permanent Cosmetic Professionals. Mrs. Ballou has received the Fundamental Training Certificate from Prettyology Academy.

Mr. Grady asked do you have to be certified with the State.

Mrs. Ballou replied no. Cosmetic tattooing is the responsibility of the town.

Mrs. Bennett explained it is up to the individual Board of Health. It is different training than tattooing. The Board of Health does not have a regulation for Cosmetic Tattooing.

Dr. Gandhi stated that he was very impressed with the package that Mrs. Ballou has provided the Board with.

Mrs. Bennett explained that Mrs. Ballou is requesting to waive the apprenticeship because she already has the training that is required.

The women in the audience stated they have had it done and would like to continue having it done in Billerica.

Mrs. Giroux stated that she is skeptic. She was skeptic with microblading and tattooing. I would like to see what other towns are doing. I would prefer to see other towns and their safety records. Mrs. Giroux asked Mrs. Ballou if she would be willing to come back to the next Board of Health meeting and provide more information.

Mrs. Ballou stated that she would come back.

A discussion was held on how the procedure is done.

Mr. Grady asked the Board Members if they had any other questions.

Mrs. Bennett explained that the Board of Health will have to come up with a new set of regulations. Mrs. Ballou has put together a very thorough package.

Mrs. Ballou asked what are you looking for?

Mrs. Giroux replied that she wants to see information from surrounding towns that allow cosmetic tattooing, their regulations and safety records.

Mr. Grady asked Mrs. Bennett for her opinion.

Mrs. Bennett replied that she is in favor of granting the waiver. In Watertown cosmetic tattooing was allowed. Mrs. Bennett stated that she is in support of more information being provided.

Mrs. Giroux asked did Watertown waive the apprenticeship?

Mrs. Bennett replied

Dr. Gandhi made a motion to continue the hearing until the May 2, 2022 Board of Health Meeting.

Mrs. Giroux seconded. Three (3) voted in favor and one (1) vote opposed (Robert Reader).

Mrs. Giroux made a motion to adjourn.

Dr. Gandhi seconded.

The Board adjourned at 8:50 p.m.

Respectfully submitted,

Sandra Giroux
Secretary

Joanne M. White
Recording Clerk