



Billerica Board of Health

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Mike Grady, Chairman
Robert Reader, Vice Chairman
Sandra Giroux, Secretary
Marie O'Rourke

Kristel Bennett, Director

BOARD OF HEALTH MINUTES

April 5, 2021

Due to required Social Distancing as a result of the COVID-19 Pandemic the Billerica Board of Health held a Virtual Meeting on a Zoom Platform.

Mike Grady, Chairman called the meeting to order at 5:00 p.m. Also in zoom attendance were Robert Reader, Vice Chairman, Sandra Giroux, Secretary, Marie O'Rourke, Kristel Bennett, Director and Joanne White, Recording Clerk.

OPEN MICROPHONE

Mr. Grady asked if anyone has joined the Virtual Meeting and would like to comment on Open Microphone.

No one joined online to comment on Open Microphone.

ACCEPTANCE OF MINUTES

Mrs. O'Rourke made a motion to accept the Meeting Minutes of January 11, 2021 as presented.

Mr. Reader seconded.

Mike Grady, yes, Robert Reader, yes, Sandra Giroux, yes and Marie O'Rourke, yes.

BOARD OF HEALTH BUSINESS

Board of Health Activity Reports

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

Copies of the Health Department Activity Reports for January, February and 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 explained that Christine West has been very busy with the COVID vaccinations and contact tracing.

Mrs. Giroux thanked Christine West for working with the Council On Aging to set up transportation for seniors to receive their shot. Mrs. Giroux also thanked Christine and Joanne for coordinating and setting up the clinics.

Mr. Reader commented that he received his vaccination at the Town Hall and it was well organized. Great job Christine West and Joanne White. Mr. Reader also thanked everyone that volunteered.

Mr. Grady asked is there a chance that the Town of Billerica will get more vaccine because of the release of the Johnson and Johnson vaccine.

Mrs. Bennett replied we are not getting anymore vaccine. We were only allotted 1200 doses.

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

Mrs. Bennett explained that the courts are still closed. Health Agent, Phavy Pheng has been helping with contact tracing when she is not responding to nuisance complaints.

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

The Board Members did not have any comments.

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

Mrs. Bennett explained that Shelagh is preparing to go on maternity leave soon. She is putting together the status of the Food Service Establishments that have been inspected.

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

The Board Members did not have any comments.

Health Director Update

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

Mrs. Bennett complemented the staff on a great job they have been doing with all the COVID activity. There have been 3,582 positive confirmed cases and 35 deaths in Billerica since March 2020. Currently there is 175 positive cases. We have had ten (10) clinics. There is two (2) more clinics that will be done this week. A total of 1200 doses will be administered. While Shelagh

is on maternity leave, we are looking into hiring a food consultant to conduct the inspections that have not been done because of COVID. We have been talking to Gary about spending a couple of days a week to help out with those inspections. I have been working on the Marijuana Regulations, which we will review at this meeting. Schools will be going back in session. I have been helping the school department with ventilation concerns. I have been very busy.

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

The Board Members did not have any questions.

Review Draft Marijuana Regulations

Mr. Grady stated the next item under Board of Health Business is the Review of the Draft Marijuana Regulations.

Mrs. Bennett explained that this is based off of the draft that the Board was provided in November, 2019. Since then the State has updated the Marijuana Regulation. The changes to the regulation are reflected in this draft. The Stormwater Management Permit has been approved for the proposed marijuana establishment and they also want to do repackaging on site. Mrs. Bennett explained in detail the changes to the Marijuana Regulation to the Board Members.

A discussion was held on the regulations.

FY22 Budget

Mr. Grady stated the next item under Board of Health Business is the FY22 Budget.

Mrs. Bennett explained that included in the Boards packet is the budget that I submitted to the Finance Committee. I requested that the Community Services Coordinator be increased to a full time position. Mr. Curran stated that we should keep it at part time for this year. I requested an Assistant Director of Public Health to provide help with the environmental health operations within the department. Mr. Curran stated that he wanted to wait until the next fiscal year. I also requested that the Board of Health Clerk be promoted to the next step as Head Clerk. At this time Mr. Curran was not in favor.

Mrs. Giroux stated that she was disappointed in Mr. Curran that he would not approve giving Joanne an upgrade.

The Board Members agreed.

Nomination of Inspector of Animals

Mr. Grady stated the next item is the Nomination of Inspector (s) of Animals.

Mrs. Bennett explained that the paperwork for the Nomination of Inspector of Animals for fiscal year 2021 has been submitted to the Department of Agriculture.

Mr. Grady 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. Reader seconded.

Mike Grady, yes, Robert Reader, yes, Sandra Giroux, yes and Marie O'Rourke, yes.

Plastic Bag Ban Update

Mr. Grady stated the next item is the Plastic Bag Ban Update.

Mrs. Bennett explained that in January 2021 the Board voted to implement the Plastic Bag Ban in April 2021. However because of COVID the Board held off. I made a decision to notify all the establishments that the Plastic Bag Ban would be implemented as of June 1, 2021.

Next Meeting – May 3, 2021

Mr. Grady stated the last item under Board of Health Business is the schedule for the next meeting. The next Board of Health Zoom Meeting is scheduled for May 3, 2021 at 5:00 p.m.

5:15 p.m. Doug Drozodowski – 306 Boston Road, Polish Prince Periogi's – Request for a Waiver of Regulations, 2.2.001

Mr. Grady stated the first virtual hearing is Doug Drozodowski, 306 Boston Road, Polish Prince Periogi's requesting a Waiver of Regulations.

Doug Drozodowski, owner and operator of Polish Prince Periogi's identified himself. Mr. Drozodowski explained that he is requesting a Wavier of Regulations for an exterior grease trap. My business will be producing minimal fats, oil and grease (FOG). The interior grease trap is a Thermaco Big Dipper which is an Innovative and Alternative Technology that was developed to replace exterior grease traps which was allowed in Billerica. The interior grease trap has been inspected and cleaned by Rooter-Man. I signed a contract with Rooter-Man to clean, inspect the system and haul away the grease every three (3) months. The cost of installing an exterior grease trap will put a huge burden on my small business. I worked with Jack Morris, Environmental Health Consulting to provide some additional information for the Board. I will answer any questions that the Board may have.

Mr. Grady asked Ms. Bennett for her comments.

Mrs. Bennett stated that she is in favor of granting the waiver. However, if the business grows and becomes a larger operation and more FOG is generated, at that time I will review the maintenance records and determine if an exterior grease trap is needed.

Mrs. O'Rourke asked does the Belly Buster have an exterior grease trap.

Mrs. Bennett replied that she does not know.

Mrs. O'Rourke asked are the periogi's being deep fried.

Mr. Drozodowski replied they are boiled.

Mrs. Giroux stated that she has no problem with granting the waiver. If the business grows we will revisit the maintenance records to make sure the system is still an adequate solution.

Ms. Canario informed the Chairman that a hand was raised. It is Jack Morris.

Mr. Morris was trying to speak but had trouble connecting to the meeting.

Mrs. Giroux made a motion to grant a Waiver of Regulation 2.2.001 that requires the installation of an exterior grease trap to serve the food service establishment located at 306 Boston Road, however if the business grows and there is a problem with the grease recovery system, the waiver will be immediately revoked 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 2.2.001.
2. The applicant proposes to convert an existing bakery into a Polish bakery specializing in pierogis. There will be no seating and all food products will be available for take-out service only.
3. There is an existing interior grease interceptor, a Thermaco Big Dipper. The interior grease interceptor will be monitored and cleaned every month. A 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 has provided a copy of a maintenance agreement with Rooter Man, a qualified service company to pump and maintain the interior grease trap.
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, 10, 14, 15 and 25.

- A. These conditions, imposed by the Board of Health, cannot be changed without the written approval by the Board of Health and only after a proper public hearing is held.

- B. The applicant shall keep all interior grease trap pumping and maintenance records and make them available for inspection by the Board of Health.
- C. The food service establishment (FSE) shall continue to work with the Board of Health to implement Best Management Practices (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.
- D. This waiver shall be subject to periodic review by the Board of Health to ensure compliance with applicable rules and regulations.
- E. The Board of Health in conjunction with the Town of Billerica Department of Public Works 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.
- F. 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.
- G. 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.

Mr. Reader seconded.

Mike Grady, yes, Robert Reader, yes, Sandra Giroux, yes and Marie O'Rourke, yes.

5:25 p.m. Allen & Major Associates – 480 Boston Road – Request a Stormwater Management Permit

Mr. Grady stated the next virtual hearing is Allen & Major Associates, 480 Boston Road, requesting a Stormwater Management Permit.

Attorney James Dangora, Jr. Shea, Dangora & Nelson representing the petitioner, identified himself. Attorney Dangora explained that present tonight is Tim Williams, Engineer from Allen & Majors Associates and James Sobia. The petitioner is requesting a Stormwater Management Permit for the redevelopment of the Mall at 480 Boston Road. This project has been re-engineered for two (2) years. Phil Paradis, BETA Group has reviewed the proposed plans. The K-Mart space is going to be reduced from approximately 84,000 square feet to approximately 42,000 square feet. Part of the building that is coming down will be for parking spaces with associated landscaping and drainage features. The plans call for 18,000 square feet for a retail building by the water tower. The plans call for the removal of the Market Basket site. In its place will be the residential building, a dog park, a couple of landscaped courtyards and a swimming pool. 10% of the units will be affordable for seniors and people with disabilities. Tim Williams has designed an improvement for

stormwater management. The impervious surface will be reduced by 2.3 acres. The open space will increase by just under 80,000 square feet. Mr. Williams plan calls for the infiltration of approximately 21,000 cubic feet of stormwater where no infiltration currently exists. The significant improvements will be the reduction of stormwater runoff and stormwater quality. Mr. Williams will explain the stormwater management system.

Tim Williams, Allen & Majors Associates, identified himself. Mr. Williams explained the demolition of Market Basket and the reduction of the former K-Mart space. The construction of 200 residential units and the incorporation of 6,300 square feet of restaurant and 12,000 square feet of outdoor retail space. Mr. Williams explained that the five (5) stormwater sites were analyzed in the March 15, 2021 report. The rate of runoff has been significantly reduced to each of the five (5) study points in the proposed condition. We have incorporated the reconstruction and enlargement of the existing detention pond, the incorporation of five (5) water quality treatment devices, the construction of two (2) underground infiltration systems and the upgrade of the existing closed drainage system with over thirty (30) deep sump hooded catch basins behind Market Basket and Dollar Tree sites. This site was built in 1975 and there was no stormwater management control in place. The icy conditions that exist on Tower Farm Road will be eliminated. Mr. Williams pointed to the plans and explained in detail what the site would look like and the stormwater management system that would be on the site. The overall improvements to this site will be a 30% increase in total open space, 85% increase in the total parking lot landscaping, reduce the impervious surface, reduce the quantity of stormwater runoff and improve the quality of stormwater runoff generated from the site.

Mr. Grady asked Mr. Paradis for his comments.

Phil Paradis, BETA Group identified himself. Mr. Paradis stated as Mr. Williams mentioned the mall is significantly lacking stormwater management features. There is an excess of 20 acres of impervious surfaces. The majority of runoff goes to a detention basin in the rear of the site that is not maintained and significantly undersized. The systems will be upgraded. About 12% of the property will be converted from impervious surfaces to landscape areas that should provide infiltration. Two (2) infiltration systems are proposed to provide low flow outlets to assure systems will empty between storm events. BETA has identified and recommended that eight (8) conditions in the report dated April 1, 2021 be added to the Order of Conditions. Mr. Paradis reviewed the recommended conditions.

Mrs. O'Rourke asked Mr. Williams if he could clarify what the outdoor retail space would be.

Mr. Williams explained that it will be a stand-alone building.

Mrs. O'Rourke asked will the hill where the water tower is located be removed.

Mr. Williams replied the hill will remain.

Mrs. O'Rourke asked if any work will be done where the bank is located.

Mr. Williams pointed to the plans and explained the new curb cut for the bank area.

Mrs. Giroux asked what are you planning to do to help the neighbors while construction is on going so that they do not have drainage issues?

Mr. Williams replied that he is in the process of working on construction phasing plans. We will be working with the town planner on issuing those construction plans. It will be a challenge to work in those areas because of the different phases. The plan is to manage the stormwater on site during construction. We are still working on those plans.

Mrs. Giroux asked have you met with the neighbors to discuss their drainage concerns.

Mr. Williams stated that representatives of the development team have met with the neighbors. We are putting together plans. Their major concern is the stormwater that runs down Tower Farm Road.

Mrs. Giroux asked what is the plan for the undersized detention pond in the rear of the building?

Mr. Williams stated that the detention pond will be addressed first.

Mr. Reader stated he agrees with Mrs. Giroux that Tower Farm Road during construction could be a bad situation if not taken care of in the beginning. I think it needs to be addressed so that nothing happens.

Mrs. Bennett explained that some of the issues will be resolved as long as a plan is in place before construction begins.

Mr. Grady asked if any abutters were present.

Ms. Canario stated that Susan Lynch has raised her hand.

Ms. Lynch could not respond.

Sheri Cargnel identified herself as a resident of Tower Farm Road. Every abutter has a water problem in that area. I am not in favor of this project. We all know and agree that something has to be done. The proposed stand-alone building will be running over four (4) pipes from the water tower. The other problem is the runoff. Once you start digging into that hill, we will definitely have a landslide. Also, how are you going to stop the water runoff from the back of the Mall?

Mr. Grady asked if any other abutters were present?

No other abutters were present.

Mr. Reader made a motion to grant the Stormwater Management Permit to located at 480, Boston Road. The Stormwater Management Permit will include the Board of Health standard conditions, plus the additional conditions (C1-C8 as written in the April 1, 2021 report) recommended by BETA Group. An amendment was made to the motion to include a written construction plan to address the road runoff concerns from the neighbors before construction begins 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 6.
- 2) The Board of Health conducted a public hearing on April 5, 2021 and properly notified abutters in accordance with Billerica Health Regulations, Chapter 1, Section 1.2.007.
- 3) The applicant proposes a redevelopment project for the Shops at Billerica. The applicant proposes to demolish approximately 42,000 square foot of the Market Basket building, demolish a portion 40,455 square feet of the vacant K-Mart building, construct a 200-unit residential development, construct 6,3000 square feet of restaurant space and 12,200 square feet of retail space. In addition, proposed stormwater management for the project site includes installation of catch basins, a water quality unit, a subsurface detention system, and expansion of the existing surface detention basin. The proposed design will render approximately 21.0 acres of the 29.8 acres as impervious surfaces. This includes a proposed 2.3 acres reduction in impervious area (10%).
- 4) The project site does not fall within the FEMA Flood Plain and the Green Engineering Flood Plain (GEFP). Work within this area consists of earthwork and the installation of utilities. The work will not have a detrimental impact to the GEFP.
- 5) The project was reviewed by Philip Paradis of BETA Group, Inc., the Board of Health's Consulting Engineer, for 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

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

- A. All construction must be in accordance with the following plans submitted for review and approval:
 - Site Plan entitled ***Proposed Redevelopment Shops at Billerica, 480 Boston Road, Billerica, MA*** dated May 8, 2020 and revised March 15, 2021 prepared by Allen & Major Associates, Inc. and stamped by Timothy Williams RPE# 43119.
- B. The applicant shall provide to the Board of Health two (2) sets of complete approved plans and an electronic PDF copy of any approved plans for any project covered by these conditions. Final plans are considered plans approved by all town departments.

- C. 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. The cash bond is 10% of the total stormwater costs for labor and equipment. 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.
- D. The applicant shall pay the cost of the scope of services fee for stormwater monitoring provided by the Board of Health's Consulting Engineer/Consultant for the duration of the project, said fee shall be paid to the Board of Health prior to the preconstruction meeting.
- E. Notice of Construction Commencement shall be submitted to the Board of Health at least fourteen (14) days prior to beginning construction.
- F. The applicant shall provide the signed Illicit Discharge Compliance Statement to the Board of Health prior to the start of construction.
- G. 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;
- H. 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.
- I. The Board of Health Consulting Engineer/Consultant shall review the as built to ensure compliance with approved plans and conditions. The applicant shall pay the cost of the scope of services fee for the stormwater as built, said fee shall be paid to the Board of Health prior to issuance of an occupancy permit or Certificate of Compliance.
- J. The applicant shall provide operation and maintenance requirements for erosion and sediment control in the final Operations and Maintenance (O&M) Plan.
- K. The applicant shall provide the approximate annual maintenance budget in the final O&M Plan.
- L. The owner shall provide the maintenance agreement for the Stormwater Management Permit to the Board of Health. Maintenance records shall be maintained in accordance with approved plans and provide them to the Board of Health upon request.
- M. The applicant shall provide a description of possible pollutant sources and pollutant control measures in the final Stormwater Pollution Prevention Plan (SWPPP) and provide a copy to the

- N. Board of Health for review and approval at least fourteen (14) days prior to beginning construction.
- O. An Agent of the Board of Health or its designees shall observe the subsurface soil condition in the area of excavation for the subsurface stormwater infiltration systems. The system shall not be constructed until the subsurface soils have been deemed suitable for infiltration.
- P. The final plan is to include low flow outlets to infiltration systems to assure systems will empty between storm events.
- Q. Final plans to include detail of spillway that will adequately control water and prevent erosion of soils downgradient of the site.
- R. Provide a copy of soil test logs within the existing detention basin and infiltration system to verify design assumption.
- S. Final plans to include water quality unit to treat runoff from north and northwest portions of the site.
- T. Soil conditions in the area of the proposed surface and subsurface stormwater basins are to be observed by an agent of the Town following exaction to subgrade elevation to verify soil conditions.
- U. Provide final signed copies of the SWPPP, Notice of Intent, and EPA letter of approval (§6.6.013(1)) per NPEDES General Permit for Storm Water Discharges from Construction Sites including all requirements of (§6.6.013).
- V. Signed Operations and Maintenance Plan and Maintenance Agreement shall be recorded with the Middlesex Northern Registry of Deeds prior to the issuance of a Certificate of Compliance with the Board of Health.
- W. Provide signed illicit discharge statement prior to occupancy.
- X. Provide construction phasing plans to ensure that during construction measures will be taken to ensure stormwater remains onsite.

Mrs. O'Rourke seconded.

Mike Grady, yes, Robert Reader, yes, Sandra Giroux, yes and Marie O'Rourke, yes.

5:35 p.m. Town of Billerica – 121 Lexington Road, Old Vining School – Request for a Stormwater Management Permit

Mr. Grady stated the next virtual hearing is Town of Billerica, 121 Lexington Road, Old Vining School, requesting a Stormwater Management Permit.

Phil Paradis, BETA Group, Inc. representing the Town of Billerica identified himself. Mr. Paradis explained that the proposed plan is to demolish the Old Vining School, remove all the

pavement and the area will be loam and seeded. Mr. Paradis pointed to the plans and explained where the playground area would be relocated to provide additional parking for the ball field and playground. The proposal is to regrade the area and install 12,000 square feet of crushed stone for temporary parking. There are wetlands on the back side of this parcel. Before the construction begins a security fence will be installed around the perimeter of the field. Erosion control will be installed during construction as necessary. The town will monitor to make sure the erosion controls are functioning. All pavement will be removed therefore the runoff will be reduced and treatment of the runoff will be provided.

Mrs. Bennett explained this is a reverse stormwater management by taking away all the impervious surface and loam and seed the fields. During construction a Board of Health Environmental Consultant will monitor the site to make sure all the erosion controls are in place.

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

Mrs. Giroux asked about the security fence and would there be access to the fields during construction. How long will this project take?

Mr. Paradis explained the location of the security fence around the perimeter for safety. Mr. Paradis stated that the project would take approximately three (3) months to complete.

Ken Glasser identified himself. Mr. Glasser explained that he lives in the Vining School area. How will the asbestos that is in the school be removed?

Mr. Paradis replied if there is asbestos in the school it will be fully vented and handled according to the regulations.

Mr. Grady asked if anyone else has their hand raised.

Ms. Canario replied there are no other hand raised.

Mr. Reader made a motion to grant approval to the Town of Billerica for a Stormwater Management Permit for the Old Vining School located at 121 Lexington Road 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 6.
- 2) The Board of Health conducted a public hearing on April 5, 2021 for the proposed project.
- 3) The applicant proposes to demolish buildings, remove pavement, and one (1) tree. Additionally, a 12,000 square-foot crushed stone parking area will be constructed. Approximately 41,000 square feet of roof and 52,000 square feet of pavement will be removed and converted to grass surfaces.
- 4) The Board of Health will impose reasonable conditions to ensure the project is constructed in

accordance with approved plans.

- 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, 7, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 24, 25, 27, 28 and 29.

- A) All construction must be in accordance with the following plans submitted for review and approval:
- a) Site Plan entitled ***The Old Vining School Demolition Project 121 Lexington Road, Billerica, MA*** dated February 23, 2021 prepared by BETA and stamped by Philip Paradis Jr. RPE# 37845.
- B) In coordination with the Conservation Department and the Board of Health, the applicant shall pay for independent Stormwater/Environmental Monitor, the Applicant shall pay for independent monitoring of construction activities. The Board of Health Stormwater/Environmental Monitor shall perform the following:
- (a) Attend the pre-construction meeting.
 - (b) Review the Stormwater Pollution Prevention Plan and make recommendations for proposed changes if necessary.
 - (c) Inspect BMP's required to manage stormwater runoff during construction.
 - (d) Advise on current erosion and sedimentation control practices and make recommendations for proposed changes, if necessary.
 - (e) Ensure adherence to this approval letter and report any non-compliance to the Board of Health.
 - (f) 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's Stormwater/Environmental Monitor Engineer. The Applicant will be expected to make said changes immediately as identified and requested by the Board of Health's Stormwater/Environmental Monitor Engineer.
 - (g) Conduct review of the as-built plan required as part of the Request for Certificate of Compliance review.
- C) The applicant shall provide operation and maintenance requirements for erosion and sediment control in the final signed Operations and Maintenance (O&M) Plan.
- D) The applicant shall pay the cost of the scope of services fee for stormwater monitoring provided by the Board of Health's Consulting Engineer/Consultant for the duration of the project, said fee shall be paid to the Board of Health prior to the preconstruction meeting.
- E) The Board of Health's Stormwater/Environmental Monitor Engineer 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.

- F) 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.
- G) 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.
- H) The Board of Health's Stormwater/Environmental Monitor Engineer 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.
- I) The approved Operations and Maintenance Plan 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
- J) The applicant shall provide to the Board of Health two (2) sets of complete approved plans and an electronic PDF copy of any approved plans for any project covered by these conditions. Final plans are considered plans approved by all town departments.
- K) The applicant shall provide final Stormwater Pollution Prevention Plan (SWPPP) prior to the preconstruction meeting.

Mrs. O'Rourke seconded

Mike Grady, yes, Robert Reader, yes, Sandra Giroux, yes and Marie O'Rourke, yes.

5:45 p.m. Town of Billerica – 739 Boston Road, Old Ditson School – Request for a Stormwater Management Permit

Mr. Grady stated the next virtual hearing is Town of Billerica, 739 Boston Road, Old Ditson School, requesting a Stormwater Management Permit.

Phil Paradis, BETA Group, Inc. representing the Town of Billerica identified himself. Mr. Paradis explained that this project is similar to the Vining School project. The Ditson School will be demolished and all impervious surfaces will be removed from the parcel. Security fencing and erosion controls will be installed. This project does not include a parking area. Once the site has been regraded it will be loamed and seeded.

Mrs. Bennett explained that the comments are the same. During construction a Board of Health Environmental Consultant representative will monitor the site to make sure all the erosion controls are in place.

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

Mr. Reader asked will the basketball courts that are out front still be available for the kids to use.

Mr. Paradis replied that area will remain.

Mr. Grady asked if anyone else has their hand raised.

Ms. Canario replied there are no other hand raised.

Mr. Reader made a motion to grant approval to the Town of Billerica for a Stormwater Management Permit for the Old Ditson School located at 739 Boston Road 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 6.
2. The Board of Health conducted a public hearing on April 5, 2021 for the proposed project.
3. The applicant proposes to demolish buildings and remove pavement. Approximately 22,700 square feet of roof and 35,000 square feet of pavement will be removed and converted to grass surfaces.
4. The Board of Health will impose reasonable conditions to ensure the project is constructed in accordance with approved plans.
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, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 24, 25, 27, 28 and 29.

- A. All construction must be in accordance with the following plans submitted for review and approval:
 - a) Site Plan entitled *The Old Ditson School Demolition Project 793 Boston Road, Billerica, MA* dated April 13, 2021 prepared by BETA and stamped by Philip Paradis Jr. RPE# 37845.
- B. The applicant shall pay for independent Stormwater/Environmental Monitor, the Applicant shall pay for independent monitoring of construction activities. The Board of Health Stormwater/Environmental Monitor shall perform the following:
 - (a) Attend the pre-construction meeting.
 - (b) Review the Stormwater Pollution Prevention Plan and make recommendations for proposed changes if necessary.

- (c) Inspect BMP's required to manage stormwater runoff during construction.
- (d) Advise on current erosion and sedimentation control practices and make recommendations for proposed changes, if necessary.
- (e) Ensure adherence to this approval letter and report any non-compliance to the Board of Health.
- (f) 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's Stormwater/Environmental Monitor Engineer. The Applicant will be expected to make said changes immediately as identified and requested by the Board of Health's Stormwater/Environmental Monitor Engineer.
- (g) Conduct review of the as-built plan required as part of the Request for Certificate of Compliance review.

- C. The Board of Health's Stormwater/Environmental Monitor Engineer shall 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.
- D. The applicant shall provide operation and maintenance requirements for erosion and sediment control in the final signed Operations and Maintenance (O&M) Plan.
- E. The applicant shall pay the cost of the scope of services fee for stormwater monitoring provided by the Board of Health's Consulting Engineer/Consultant for the duration of the project, said fee shall be paid to the Board of Health prior to the preconstruction meeting.
- F. The Board of Health's Stormwater/Environmental Monitor Engineer 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.
- G. 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.
- H. 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.
- I. The Board of Health's Stormwater/Environmental Monitor Engineer 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.

- J. The approved Operations and Maintenance Plan 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
- K. The applicant shall provide to the Board of Health two (2) sets of complete approved plans and an electronic PDF copy of any approved plans for any project covered by these conditions. Final plans are considered plans approved by all town departments.
- L. The applicant shall provide final Stormwater Pollution Prevention Plan (SWPPP) prior to the preconstruction meeting.

Mrs. O'Rourke seconded.

Mike Grady, yes, Robert Reader, yes, Sandra Giroux, yes and Marie O'Rourke, yes

5:55 p.m. Town of Billerica – 2021 Roadway Management – Request for a Waiver of Regulations

Mr. Grady stated the next virtual hearing is Town of Billerica, 2021 Roadway Management, requesting a Waiver of Regulations.

Kelley Conway, Billerica Town Engineer, identified herself. Ms. Conway explained that she is requesting a Waiver of Regulations for the 2021 Annual Paving Program. The work will consist of paving existing roadways and/or sidewalk improvements on several roads and drainage work in or within the Green Engineering Flood Plain (GEFP). Ms. Conway explained in detail the areas and what work would be done in those areas. Salem Road from Pollard Street to Floyd Street, Middlesex Corporate Park area includes Dunham Road and Plank Street work will include some deteriorated drainage. Boston Road from Alpine Street to Forest Park Avenue. At the intersection of Lowell Street and Franklin Street a crosswalk and two (2) wheelchair ramps will be installed in the GEFP. Marshall Street area will be re-paved from Middlesex Turnpike to Eliot Street. At Eliot Street to the bridge a new sidewalk will be installed from Middlesex Turnpike and Cherry Road. There is GEFP in that area. The last section of the road work is in the Glad Valley area. Campbell Road and Ed Hayes Way will be repaved and new sidewalks will be added up to the limits of Peggy Hanna-Rizza Project. The plan is to repave Glad Valley from French Street to Concord Road. Sidewalks will be added on Glad Valley and Middlesex Turnpike. The entire section of Fardon Street will be repaved. Fardon Street is very wide so we are going to narrow the roadway and eliminate a portion of the sidewalk on Fardon Street. This year's annual paving project will result in no adverse impacts and any areas disturbed by construction will be stabilized upon completion of the project. Ms. Conway stated that she would answer any questions that the Board may have.

Mrs. Giroux asked is Marshall Street being made wider. Marshall Street is very narrow where are you going to install a sidewalk?

Ms. Conway pointed to the plans and explained where the sidewalk was going to be installed. Ms. Conway explained that it is going to be a tight fit, however the neighborhood will benefit from this. A study was done several years ago and it is very difficult so we decided to do whatever we could do.

Mr. Reader asked if Marshall Street is going to be the same width. Mr. Reader commented on the Dunham Road area.

Ms. Conway replied yes it will remain the same. Dunham Road is a betterment project that was approved by Town Meeting. The cost of this project is being paid for by Middlesex Corporate Park.

Mrs. Bennett stated that she did not have any comments.

Mrs. O'Rourke asked are the fire engines going to be able to go down those streets.

Ms. Conway replied we are not going to change the width of the roads.

Mrs. Giroux made a motion to allow the 2021 Roadway Management project for the rehabilitation of several streets and/or sidewalk improvements in Billerica within the Green Engineering Flood Plain and/or within the FEMA Flood Plain 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 5, Section 5.5.005(1)(2).
- 2) The project consists of paving and/or sidewalk improvements to the following roads: Boston Road, Campbell Road, Dunham Road, Ed Hayes Way, Elliot Street, Fardon Street, French Street, Glad Valley Drive, Marshall Street, Plank Street, and Salem Road. The majority of the proposed work is outside of the flood plain. However, work located on portions of Boston Road, Nashua Road, and Tercentennial Drive are within or in proximity to the Green Engineering Flood Plain and/or FEMA Flood Plain.
- 3) The project will improve safety for motor vehicle and pedestrian traffic as well as upgrade stormwater management. The proposed work will not adversely impact the flood plain. Alterations caused by the paving operations will be temporary and all disturbed areas will be restored to preconstruction grades to the extent practicable and stabilized.
- 4) The Board of Health has determined that the actions proposed by the applicant are adequate measures to protect the public health and environment and complies with the intent of Board of Health Rules and Regulations. Further, approval of the applicant's request will not be detrimental to the public health and environment.

CONDITIONS

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

- A) All construction must be in accordance with plans and information submitted for review and approval, prepared by the Town Engineer.

- B) Agents of the Board of Health or their designee's, such as the Board of Health Consulting Engineer or others so designated shall have access to property covered by these conditions to make inquiries, conduct inspections, or take actions deemed necessary to protect the public health and the environment.
- C) Submit a final detailed report on the work completed for the 2021 Roadway Management Project.

Mr. Reader seconded.

Mike Grady, yes, Robert Reader, yes, Sandra Giroux, yes and Marie O'Rourke, yes

6:00 p.m. MJA Realty – 79-81 Andover Road – Request for a Stormwater Management Permit

Mr. Grady stated the last virtual hearing is MJA Realty, 79-81 Andover Road, requesting a Stormwater Management Permit.

Mrs. Bennett explained that a peer review has not been done for this project. I suggested that the peer review be done by BETA Group, Inc. I thought the peer review may have been done before the meeting however the application has not been completed yet. This project is the redevelopment of a site where two lots have been cleared. That is over one (1) acre and meets the Billerica By-Law requirements for a Stormwater Management Permit. Does the Board want to table this hearing until the May 3, 2021 hearing?

Stephen Dresser, Dresser, Williams and Way, representing MJA Realty, identified himself. Mr. Dresser explained that he was not aware that a peer review was needed. Mr. Allen is proposing to build two (2) homes on this property including his personal home. The property does exceed the one (1) acre that is required by the stormwater management standards. Billerica Stormwater Management By-Law refers back to the Massachusetts Stormwater Standards that we are exempt from. We had a conversation with the Kristel Bennett, Director of Public Health and we understand the intent is to make sure there is no excess runoff to the neighbors. My understanding is that full compliance with the standards is not required if needed at all. A Stormwater Analysis was performed. Mr. Dresser pointed to the plans and explained about the infiltration system that would be installed. Mr. Dresser was not sure which layer of stormwater management was required for this project. Mr. Dresser was not aware that a project this size would need a peer review.

Mrs. Bennett stated that what Mr. Dresser is referencing is the Massachusetts Stormwater Handbook however Billerica's By-Law is stricter and that is what we go by. Most communities have stricter stormwater by-laws. I contacted Town Counsel about Mr. Dresser's interpretation of what should be done. I want to ensure that everything is being addressed. I want to make sure the minimum standard is being met. The Board can consider removing the requirement for a peer review. However, I feel it is necessary. I want to make sure we are treating each applicant the same.

Mr. Grady explained that this project is similar to the project on Concord Road.

Mr. Dresser asked what perimeters we should be using.

Mrs. Bennett stated that this project came before the Board of Appeal in January 2021. I commented on what should be done for this project and never heard back from them. At that time I told Mr. Allen that this project would require a stormwater management permit.

Mr. Dresser asked what design criteria should I use.

Mr. Grady stated that he thinks the hearing should be tabled and Mr. Dresser should meet with Mrs. Bennett and see what requirements are necessary.

Mrs. O'Rourke made a motion to table the hearing for 79-81 Andover Road until the next Board of Health Meeting.

Mrs. Giroux seconded.

Mike Grady, yes, Robert Reader, yes, Sandra Giroux, yes and Marie O'Rourke, yes

Mrs. O'Rourke made a motion to adjourn.

Mrs. Giroux seconded.

Mike Grady, yes, Robert Reader, yes, Sandra Giroux, yes and Marie O'Rourke, yes.

The Board adjourned at 7:45 p.m.

Respectfully submitted,

Sandra Giroux
Secretary

Joanne M. White
Recording clerk