



# ***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**

**May 2, 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, Marie O'Rourke, Amit Gandhi, Ph.D., Kristel Bennett, Director and Joanne White, Recording Clerk.

### **OPEN MICROPHONE**

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

Mark LaLumiere, Building Commissioner and Director of Permitting Services identified himself. Mr. LaLumiere complimented Joanne White on her position in the Board of Health Department and the Permitting Services area. Mr. LaLumiere explained that he would like to encourage the Board of Health to include infiltration systems in their Stormwater Regulation for all residential structures including additions and garages. The Building Department has seen a huge uptick in flooding complaints. Smaller residential projects are difficult to get under control they should be addressed as needed. Requiring infiltrators will help to solve some of the drainage problems. We have seen some of the small lots on Nuttings Lake or in Pinehurst that when foundation is constructed the water just flows everywhere creating problems on surrounding neighbor's properties. I have checked with other communities and they have a By-Law in place requiring some type of stormwater infiltrators. I have talked with Kristel and suggested that the Board of Health may want to look into this. I am willing to help with this new stormwater requirement.

Mr. Grady asked are you referring to the roof runoff water that needs to go back into the ground and recharge such as French drains.

Mr. LaLumiere stated that he would like the builders to show a plan before construction. He would like to see an existing and proposed grading plan and a plan for water runoff when submitting a building permit.

Mrs. O'Rourke asked Mr. LaLumiere if he could write up something for the Board to review.

Mr. LaLumiere replied that he has reviewed some of the By-Laws from other communities and he would write something for Kristel and the Board Members to review.

**ACCEPTANCE OF MINUTES**

Mr. Grady stated that the Meeting Minutes of April 4, 2022 are not available.

**BOARD OF HEALTH BUSINESS**

**Board of Health 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 April are included in the Board's package.

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

Dr. Gandhi asked what is the status of 11 Kingston Street, it has been going on for a long time?

Mrs. Bennett replied that Phavy is scheduled to go court May 9<sup>th</sup>. A request has been submitted by the owner's attorney for the amount of money that is owed to the Town of Billerica for the lien. The property is being sold on June 8, 2022. The new owners will address the nuisance violation that is left behind by the current owners.

Mrs. Giroux asked has there been any progress with the livestock at 212 Andover Road.

Mrs. Bennett replied that she has not been able to address any of the items that were discussed at the last meeting.

Mrs. Giroux asked about the progress that is being made at 816 Boston Road.

Mrs. Bennett replied that she has been out and does not know however she will ask Phavy and get back to the Board.

Mrs. Giroux stated asked about status of the junk and debris at 816 Boston Road.

Mrs. Giroux stated that the cockroach problem is still at Middlesex Crossings, 158 Concord Road. Mrs. Giroux recommended that the entire complex be exterminated because this problem seems to be traveling from one unit to another.

Mrs. Giroux asked about the property at 292 Salem Road that is conducting a welding business, is it a licensed business?

Mr. Grady explained that is a business that has been operating for a long time. The previous owner used to sell trailers. The property used to be kept pristine. The new owner is not keeping the property up.

Mr. Reader asked has the bagster been removed from the property at 105 Pond Street.

Mrs. Bennett replied that she would talk to Phavy about it and get back to the Board.

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

Mrs. Giroux asked has the dumpster at Mooyah Burgers been taken care of?

Mrs. Bennett replied that situation has been taken care of.

Mr. Grady asked was that an exterior grease trap or an interior grease barrel?

Mrs. Bennett replied an interior grease barrel.

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

Dr. Gandhi asked for clarification of the ClearPath Program.

Mrs. Bennett replied that program is run by a non-profit agency that helps seniors with cleaning out their houses of clutter.

Mrs. Giroux asked do we get to see the policies that Bethany is working on.

Mrs. Bennett replied yes, the Board will see them before they become public.

Mrs. Giroux asked what hours does Bethany work.

Mrs. Bennett explained that Bethany is parttime and stated her hours.

Mrs. Giroux asked how do the residents know her hours of service?

Mrs. Bennett replied it is posted at the Library and on the Town's website.

Mrs. Giroux asked who is approving the list of resources?

Mrs. Bennett replied we are waiting for the printing company to give us an estimate for printing the pamphlet. The Board will review the pamphlet before it is actually printed.

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

Dr. Gandhi asked what is the function of the Public Health Emergency Preparedness Coalition?

Mrs. Bennett explained that the Town has been involved with Region 3C Coalition. The coordinator helps each community with updated documents and COVID guidelines. Christine attends monthly meetings on deliverables, funding and what information is available for each community.

Mrs. Giroux thanked Christine and Joanne for coordinating the clinic for the Moderna Booster shot. Mrs. Giroux commented on how well the clinic was run. Mrs. Giroux asked is possible to get a wastewater report for Billerica on a monthly basis?

Mrs. Bennett replied that she can provide that report for the Board Members and will include the report in the Boards packet.

**Health Director Update**

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

Mrs. Bennett explained that she has been out for most of April. Her family had the flu and then COVID so she has limited information to share with the Board.

**Next Meeting – June 6, 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 June 6, 2022.

**7:15 p.m. Daniel LaMarca – 5 Morningside Drive – Request for a Variance for work within the Flood Plain**

Mr. Grady stated the first hearing is Daniel LaMarca, 5 Morningside Drive, requesting a Variance for work within the Flood Plain.

Maureen Hearld provided the Board with a large-scale drawing of the proposed project located at 5 Morningside Drive.

Maureen Hearld, Norse Environmental Services, identified herself. Ms. Hearld explained that she is representing the applicant, Daniel LaMarca. The applicant would like to construct a single-family addition with a garage and family room above, a driveway and walkway in the Green Engineering Flood Plain (GEFP). Ms. Hearld pointed to the plans and explained the GEFP and the FEMA Flood Plain areas. Erosion controls will be in place and maintained for the duration of the project. The river associated with this property is Content Brook. The parcel is 23,000 square feet. The house was built in 1968. The plans have been updated to address the Conservation Commission concerns. We will be incorporating an infiltration system. We are proposing to alter between 99 to 100 ft which is 115 ft of compensation. The structure will have flow through vents in case of flooding the water will go through the vents. Ms. Hearld stated she would answer any questions the Board may have.

Mrs. Bennett stated that she has discussed this project with Isabel Tourkantonis, Director of Environmental Affairs and this hearing will be coming before the Conservation Commission on May

11, 2022. I am in support of this project with the flood vents and the infiltration units off the proposed addition for drainage.

Ms. Hearld explained that they have not received any comments from DEP for this project.

Dr. Gandhi asked the applicant does this property flood?

Mr. LaMarca replied that he has lived there for 3 years and has not seen any water. I also checked with my neighbor's and they have not seen any water.

Dr. Gandhi asked will any trees be removed?

Ms. Hearld we are not proposing to do any tree removal. Most of the lot is clear.

Mrs. Giroux stated that she is concerned because flood vents are needed. Nothing should be stored on the garage floor. Any petroleum products should be stored at least two (2) feet above the floor of the garage.

Mr. LaMarca explained that he has a sump pump in his basement.

Mrs. Giroux recommended that a sump pump be installed in the garage. The Board has the condition that in any flood plain area petroleum products be stored above 2 feet.

Mrs. O'Rourke stated that you have a sump pump in the basement and you do not get any water.

Mr. LaMarca explained that he has a sump pump and has never had any water in the basement.

Mrs. O'Rourke asked where does the water come from?

Mr. LaMarca replied it is ground water.

Mr. Reader asked if the cellar floor and the garage floor will be at the same level?

Ms. Hearld replied that the garage floor will be a little higher. The proposed garage floor will be 99 and the existing basement floor is 97.6.

Mr. Reader asked about the easement on the property.

Ms. Hearld replied that she talked to the surveyor and they do not know what it is but they are going to check with engineering.

Mr. Grady asked if any abutters were present. No abutters were present.

Mr. Reader made a motion to grant the Variance to allow the construction of a proposed addition with a garage within the Flood Plain at 5 Morningside Drive. The Order of Conditions

should include the installation of a sump pump in the garage and petroleum products should be stored at least 2 feet above the garage floor based upon the following finding of facts.

**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 to construct a 30.5’ x 36’ addition with a garage and driveway on the northwestern side of the existing dwelling. Stormwater features to capture and infiltrate stormwater runoff from the new addition/garage and driveway includes 2 Stormtech Infiltrator Units. The garage will have flow through flood vents. The project includes compensatory flood storage mitigation.
- 3) The property is partially located within the Green Engineering Flood Plain (GEFP) (Map 121) and FEMA Flood Zone AE. The FEMA Flood plain elevation is depicted at 101.0 feet NAVD88 Datum on the site plan. The dwelling is located within the GEFP and FEMA flood plain, and the designed project will result in approximately 87 cubic feet of FEMA Flood Zone AE filling and 115 cubic feet of flood storage replacement.
- 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# 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, entitled Site Plan 5 Morningside Drive prepared by Cyprus Design Inc. dated March 7, 2022 final revision April 27, 2022, and stamped by Timothy Revellese Registered Professional Engineer # 41569.
- B) A sump pump shall be installed in the garage.
- C) Any petroleum and chemical products in individual containers must be stored on shelves at least two (2) feet above the garage floor.

Dr. Gandhi seconded. So voted unanimously.

**7:25 p.m. FB Billerica Realty Investors, LLC – Shops at Billerica Mall – 480-496 Boston Road – Revised Stormwater Management Permit Re-Submission**

Mr. Grady stated the next hearing is FB Billerica Realty Investors, LLC, Shops at Billerica Mall, 480-496 Boston Road, revised Stormwater Management permit re-submission.

Mrs. Bennett explained that the Board of Health Consulting Engineer, Phil Paradis, BETA Group has not been able to conduct a technical review of the plans so I am requesting that this hearing be rescheduled to the June 6, 2022 Board of Health Meeting. Mr. Paradis contacted COVID and has just returned back to work. Mr. Paradis informed me that the technical review will be completed by May 6, 2022.

Timothy Williams, Allen & Majors Project Engineer identified himself. Mr. Williams stated that is fine with him however he would give the Board a brief summary of the updated changes.

Mr. Grady asked the Board Members if they would like a synopsis of the changes.

The Board Members replied yes.

Mr. Williams explained that some modifications to the original Stormwater Order of Conditions have been changed and the stipulation is that if any modifications were made the applicant needs to come back before the Board. A new architect has been hired and some changes to the components of the infiltration system are being proposed. The changes are to the residential and retail portions of the site. An infiltration system and the removal of catch basins are primarily the same except modifications have been made. We will review the technical report from Phil Paradis and make another submission in response to Mr. Paradis's report.

Mr. Grady asked if any abutters were present and would like to ask any questions.

Mr. Grady explained to the abutters that the Town's Consulting Engineer, Phil Paradis, BETA Group works for the town and is contracted to do all peer reviews of proposed projects. Mr. Paradis has not had the opportunity to review the modifications so the Board will wait for Mr. Paradis's review before a motion would be made to approve the modifications.

Bill Forbes, 22 Tower Farm Road, identified himself. Mr. Forbes asked what do you mean by updates and modernization?

Mr. Williams replied that the existing site was developed in the mid-70's and the closed drainage system is antiquated. The proposed plan will leave some of the existing drainage in place and bring the rest of the system up to the MASSDEP and the Town of Billerica standards.

Agnes Forbes, 22 Tower Farm Road, identified herself. Mrs. Forbes asked will you be looking into the crushed pipe that is out there?

Mr. Williams replied yes, it is in our order of conditions. The proposed plan is to look into the detention pond that drains down into farmers property and ties into that culvert. We need to put a camera into the pipe to see what is going on.

Mary Lemire, 18 Tower Farm identified herself. Will you be fixing the pipe in the culvert?

Mr. Williams explained that the camera would be used to address the pipe issue. There is a meeting with the residents on Friday to discuss the plan that would be used to address the flooding issues in that area. Once the detention pond is cleared of all the vegetation, we should be able to bring in the box truck with the camera to determine how the situation will be resolved.

Brian Lemire, Tewksbury, representing 18 Tower Farm Road, identified himself. Who will be the judge of the condition of this pipe?

Mr. Williams replied the company that has the camera truck will provide a report of the conditions. The applicant will submit it the report to the Engineering Department and the Board of Health for review and approval.

Mrs. Giroux made a motion to continue the hearing to the June 6, 2022 Board of Health meeting.

Mrs. O'Rourke seconded. So voted unanimously.

**7:40 p.m. Danielle Ballou – Continued Hearing for a Request of a Waiver of Regulations for Cosmetic Tattoo and Training Requirements - Apprentice**

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

Danielle Ballou, identified herself. Mrs. Ballou explained that she has provided more data from surrounding towns for the Board to review. I have prepared a spreadsheet of all the information that the Board has requested. I checked with the Town of Wilmington and they do not have a regulation. However, I spoke with Shelley, the Board Inspector and she informed me that with my criteria and certification she would approve a practitioner's permit. Mrs. Ballou reviewed all the comments from the town's she visited.

Mrs. Bennett stated that she supports granting the request of a Waiver of Regulations for Cosmetic Tattoo.

Dr. Gandhi thanked Mrs. Ballou for providing the detailed report for the Board. Dr. Gandhi asked about CPR, First Aid and Blood Pathogens.

Mrs. Ballou replied that she has provided the Board with all the certifications needed in the original packet that she submitted last month.

Mrs. Bennett stated that she has reviewed all the certifications that Mrs. Ballou has provided to be a tattoo practitioner.

Mrs. O'Rourke stated that she did not see a license to use Novocain.

Mrs. Ballou replied it is topical. It is not an injection. I learned at one of my certified courses how to apply it topically and let it sit for 20 minutes before proceeding with the process.

Mrs. Giroux stated that she appreciates all the work that has gone into the report. I have checked with other hairdressers and they all use services similar to the one that Mrs. Ballou is going to use. The only thing missing is paperwork that states if anyone is under 18 years of age the requirement is that a parent needs to be present and if the client is pregnant they cannot have this process done. I would like to see the verbiage that will be used.

Mrs. Ballou replied it is the responsibility of Board of Health to write the regulation.

Mrs. Bennett explained that she will put together the language to amend the Body Art Regulation and have it ready for the Board to review at the next meeting.

Mrs. O'Rourke asked will a public hearing to adopt the amendment to the Body Art Regulation be required.

Mrs. Bennett replied yes, that is a requirement. A public hearing will be scheduled after the Board reviews the amendment.

Mr. Reader made a motion to grant Mrs. Ballou the Waiver of Regulations for Cosmetic Tattooing and Training Requirements for an Apprenticeship based upon the following findings of fact and subject to the following conditions:

### **FINDINGS OF FACT**

1. The applicant proposes to conduct Cosmetic Tattooing/ Permanent Make Up in a licensed Body Art Establishment in Billerica.
2. The proposed Body Art procedure, Cosmetic Tattooing/Permanent Make-Up and the Minimal Training Requirements - Apprenticeship, described in the applicant's request is within an area subject to protection under the Board of Health's Rules and Regulations, Chapter 3, Section 3.
3. The applicant has completed a 100-hour Fundamental Art and Science of Micro pigment Course at Prettyology Academy. As part of this course, the applicant has completed 5 procedures. This course is accredited by the American Academy of Micropigmentation and the Society of Permanent Cosmetic Professionals.
4. The applicant has completed CPR certification – Adult, Child, Infant and AED.
5. The applicant has completed First Aid Training – Pediatric.
6. The applicant has completed an OSHA Bloodborne Pathogens Training
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**

- A. The applicant shall comply with the requirements to obtain a Body Art Practitioner Permit for Cosmetic Tattooing/Permanent Make-Up. The applicant shall operate from a licensed Body Art Establishment.
- B. The applicant shall comply with the Billerica Board of Health Regulation, Chapter 3, Section 3 – Body Art, Body Piercing, Body Tattooing.

- C. 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.
- D. This order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
- E. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this order.
- F. This waiver shall be subject to periodic review by the Board of Health to ensure compliance with applicable rules and regulations.
- G. This waiver cannot be transferred from one person to another person, from one body art establishment to another or from one type of operation to another.

Mrs. O'Rourke seconded. So voted unanimously.

Mrs. O'Rourke made a motion to adjourn.

Mrs. Giroux seconded.

The Board adjourned at 7:55 p.m.

Respectfully submitted,

Sandra Giroux  
Secretary

Joanne M. White  
Recording Clerk