



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

June 6, 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.

No one was present for open microphone.

ACCEPTANCE OF MINUTES

Mrs. Giroux made a motion to accept the Meeting Minutes of April 4, 2022.

Dr. Gandhi seconded. Four (4) voted in favor, one (1) vote abstained, Marie O'Rourke.

Mrs. Giroux made a motion to accept the Meeting Minutes of May 2, 2022.

Mrs. O'Rourke seconded. So voted unanimously.

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 May are included in the Board's package.

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

Dr. Gandhi asked how many unregistered vehicles are they allowed to have at 183 River Street?

Mrs. Bennett replied that a resident is allowed to have 2 unregistered vehicles on their property.

Mrs. O'Rourke asked has the warning letter and fine been issued for the overflowing bagster at 105 Pond Street?

Mrs. Bennett replied that the warning letter and ticket was issued on June 1, 2022.

Mrs. O'Rourke asked what is the status of the livestock at 212 Andover Road?

Mrs. Bennett replied that Animal Control has verified that the animals are healthy and the living conditions are good. This is a zoning issue that the Building Dept. will be following up on. The property is in probate court.

Mrs. Giroux asked what is the impact to the neighbors? It is not zoned for a farm. Animals are running around and there must be a smell from the animal feces.

Mrs. Bennett replied this situation has been going on for a very long time.

Mr. Grady asked what kind of animals do they have?

Mrs. Bennett replied chickens, sheep and pigs.

Mrs. O'Rourke asked about the property at 30 Rio Vista Street. I know the owner personally and she is in assisted living. I do not think she is going to be able to go back to her home. I know she has a pool that her neighbors are complaining about. What can Phavy do about it?

Mrs. Bennett explained that she received an email from Town Counsel about the procedures for receivership. The town will have to go to court and pursue receivership. Receivership can take over the property and cleanup the nuisance and sanitary conditions and put a lien on the property. When the property is sold the receivership will get their money back.

Mrs. O'Rourke asked can the town do that if all the bills are paid?

Mrs. Bennett explained that the court can appoint a receiver to do that but we have to go through the proper procedures.

Mrs. O'Rourke explained that she has a man that is supposed to take care of the property.

Mrs. Bennett explained that Phavy sent an Order for Correction. The Board of Health has not received a response to the order so it can go to the court system.

Mrs. O'Rourke asked even though all the bills from the town are up to date.

Mr. Grady explained that if a property is marked a nuisance property, you are allowed to go in and take it over. A lot of cities and towns are doing that with troubled properties.

Mrs. Bennett replied that through the Mass Housing Court and the Attorney General's office a program was started a few years ago where abandoned or blighted properties can go into receivership.

Mrs. O'Rourke asked if the roosters have been removed from 16 Eastwood Avenue.

Mrs. Bennett replied that she will check with Phavy regarding the roosters being removed.

Mrs. Giroux asked about the status of 11 Kingston Road. Is that sale going through?

Mrs. Bennett replied that we have not heard anything yet.

Mrs. Giroux stated asked about the cockroach problem at 158 Concord Road.

Mrs. Bennett explained that all the buildings are being treated as needed. The Manager has hired a pest control company and the Board of Health receives the reports from the pest control company stating the status of the area.

Mrs. Giroux asked what is going on with 292 Salem Road and the oil odors and oil migrating to the neighbor's yard.

Mrs. Bennett explained that MassDEP is responsible for taking care of the oil spills. As soon as the job is completed MassDEP will provide us with a report.

Mrs. Giroux asked about the property at 9 Mt. Vernon Avenue that has been abandoned for years.

Mrs. Bennett explained that no one is living there. Phavy has visited the site and the property is secured. This may be another property that may be going into receivership.

Mrs. Giroux asked is the property being taken care of or is it just secured.

Mrs. Bennett replied that she is not sure and will check with Phavy.

Mr. Reader stated the location of several drop boxes need to be addressed because the items that people are leaving are all over the area. Can we have the boxes removed?

Mrs. Bennett replied no, they are operated by non-profit organizations.

Mr. Reader stated they are disgusting looking. There are all kinds of items outside the boxes.

Mrs. Bennett stated that we can contact the owners of the plaza and have them address the issues. I will ask Phavy to talk to the owners of the plaza.

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

Dr. Gandhi asked about the Tobacco Law Conference that Shelagh attended.

Mrs. Bennett explained that was a conference provided by MHOA on the changes to the Tobacco Laws.

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

Dr. Gandhi asked about the status of the brochure on Community Services in and around Billerica.

Mrs. Bennett replied that the brochure is still being updated. The Board will see the brochure before it gets printed and posted on the website.

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 was out for a week in May with COVID. I have finalized the documentation for Food Code Pro Inspectional Software that Shelagh will be using when she conducts her food inspections. Phavy will be able to use the software as well. I am currently reviewing Notice of Intent Applications with the Conservation Commission, Building Permit Applications and Planning Board Applications for flood plain and drainage concerns. I also drafted language for the Body Art Regulation to include Cosmetic Tattooing. The Board of Health will be incorporating the original Keeping of Chickens Regulation back into Chapter 5. Richard Berube created the original regulation and then it was deleted. I started the Soil Evaluator training but will finish the training in the fall.

Mrs. O'Rourke asked about the new restaurant, Maggie's Other Kitchen.

Mrs. Bennett replied that it is a new restaurant to be located at 15 Middlesex Turnpike.

Mrs. Bennett explained that she included the Biobot Community Report in the Boards packet.

Mrs. Giroux asked Mrs. Bennett to explain the reason for the sharp decline in the virus concentration level.

Mrs. Bennett replied that more people are staying home while they are sick so it is not spreading as much.

Mrs. O'Rourke stated that she liked the printout regarding Inter-agency COVID-19 Local Boards of Health Webinar. The printout provides answers and guidance to Health Departments and Boards of Health public health issues as well as COVID-19 guidance.

Mrs. Bennett explained that the webinars are not recorded. So I will provide this brochure to the Board Members every month so that they can have the information from the webinars.

Next Meeting – July 11, 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 July 11, 2022.

7:15 p.m. Robert Catherwood – 48 Little John Drive – Request for a Variance for work within the Flood Plain

Mr. Grady stated the first hearing is Robert Catherwood, 48 Little John Drive, requesting a Variance for work within the Flood Plain.

Robert Catherwood, 48 Little John Drive, identified himself. Mr. Catherwood explained that he would like to construct a garage addition to his single-family home.

Mrs. Bennett explained that the applicant has filed a Notice of Intent with the Conservation Commission and received approval. Mr. Catherwood has also filed with the Zoning Board of Appeals and received approval for a Variance to locate the garage 18.5 feet from Eldora Road. The proposed project will include infiltration for roof runoff. There will be a stone trench for the driveway.

Mr. Catherwood explained that he will be redirecting the driveway farther away from the Conservation area. The water would be redirected and there would be an increase in impervious area.

Dr. Gandhi asked about the 2 ft. x 2 ft. stone trench that would be used for infiltration.

Mrs. Bennett explained that there would be gutters off the garage that would drain into the stone trench. The water would infiltrate into the ground to prevent water from running down the driveway and potentially causing flooding or going into the wetlands.

Mr. Reader asked about the drainage easement on the property.

Mr. Catherwood stated that easement belongs to the Town.

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 garage addition within twenty-five (25) feet of the Green Engineering Flood Plain at 48 Little John Drive based upon the following findings of fact and pursuant to the following conditions:

FINDINGS OF FACT

- 1) The work described in the applicant's request is within an area subject to protection under the Billerica Health's Rules and Regulations, Chapter 5, Section 5.5.005 (1).
- 2) The applicant proposes to construct a 30' x 30' addition with a garage and driveway on the northwestern side of the existing dwelling. Drainage features to capture and infiltrate runoff from the new garage and driveway includes two stone trenches. One trench on the northern side of the proposed garage and one trench on the southern side of the proposed driveway.

- 3) The property is partially located within the Green Engineering Flood Plain (Map 134). The proposed garage is located approximately 18' from the GEFP.
- 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, *Notice of Intent Site Plan 48 Little John Drive* prepared by Dresser, Williams & Way, Inc. dated March 21, 2022, and stamped by Stephen Dresser Registered Professional Engineer # 49202.

Mrs. O'Rourke seconded. So voted unanimously.

7:25 p.m. FB Billerica Realty Investors, LLC – Shops at Billerica Mall – 480-496 Boston Road
– Amendment to the Stormwater Management Permit

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. Mr. Grady explained that this hearing is a continuation from the last Board of Health meeting.

Timothy Williams, Project Engineer for Allen & Majors identified himself. Mr. Williams provided the Board with large scale drawings of the proposed project at 480-496 Boston Road.

Mr. Williams pointed to the previous plan (April 2021) and explained the Green Engineering Flood Plain (GEFP), the existing drainage, the new drainage plan and the infiltration systems. A new architecture was hired. The new architecture revised the residential proposal for the Shops at Billerica Mall. The architecture has modified the plan and relocated the infiltration system to the front parking lot of the proposed residential building. The drainage system is primarily the same. The plans include the elimination of one proposed drive thru, the elimination of a bypass lane and the incorporation of storefront parking. The revised plans also reflect modifications to the closed drainage system. The primary change includes the relocation and enlargement of infiltration system number 2 between the residential structure and the retail building to the parking lot in front of the proposed residential structure. Mr. Williams pointed to the plans and explained that the detention basin was modified incorporating a sediment forebay which will allow the removal of the water quality treatment devices previously proposed. Mr. Williams pointed to and explained the closed drainage system modifications. The infiltrations systems have been substantially increased over what was previously proposed. The detention pond will remain the same. There will be (9) water quality devices. The rate of runoff generated from the site has been substantially decreased over the existing conditions. A lot of this plan has the same components as originally approved. It is just the reconfiguration of the residential portion of the site.

Phil Paradis, BETA Group identified himself. Mr. Paradis explained that because of the traffic volume in this area the plan has been reconfigured including the water quality devices for the proposed residential building. The proposed plan will be a substantial improvement. The detention basin will require less maintenance.

Mr. Williams explained that the contractor is looking to start the detention basin in July. Geo tech will participate and use the camera for the outfall pipe.

Mr. Paradis recommended two (2) conditions that the Board should include in their decision. Soil testing and that the final Operational 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.

Dr. Gandhi asked how long will it take to complete this project?

Mr. Williams replied 18 months to 2 years. Currently they are focusing on the K-Mart building. The plans are being finalized for the residential building.

Mrs. Giroux stated that there is a rumor that Amazon Fresh has backed out of going into the mall?

Mr. Williams replied that he has not heard that.

Mrs. Giroux asked what is the plan to prevent runoff for the neighbors while this project is being constructed.

Mr. Williams replied that the applicant has put together a Stormwater Pollution Prevention Plan (SWPPP) and an Erosion Control Plan for this project. BETA Group will be out there during construction to monitor the project. It is BETA Group's responsibility to monitor it during construction.

Mrs. Giroux asked will the residents have someone to contact during construction.

Mr. Williams replied we are currently working with the abutters.

Mr. Reader asked how overgrown is the detention basin.

Mr. Williams replied it is very overgrown. We are going to make it bigger. That will be part of the operational and maintenance plan to maintain the detention basin. The soil in the detention pond was tested and it is not contaminated.

Mr. Reader asked have they added any land to this project.

Mr. Williams replied that land is owned by Phil Farmer. The applicant was trying to negotiate with him but he has since passed away.

Mr. Reader asked what stores are going to remain in the mall.

Mr. Williams explained that all the stores from Dollar Tree to Ma's Cleaners will remain.

Mr. Grady asked if any abutters were present.

Bill Forbes, 22 Tower Farm Road, identified himself. Mr. Forbes asked is the pipe any good?

Mr. Williams replied that we still have to put the camera down into the pipe. I went down there and popped open all the manhole covers and I looked inside the pipe and the water is running. The pipes appear to be in good shape.

Mr. Forbes stated the water is only trickling inside the pipe.

Mr. Williams replied there was no water in the detention pond when I went down there. I know this is big a concern for the abutters and it is in the order of conditions that we will put the camera down there. We just need to get access. Once the land is cleared we can proceed. There is a series of manholes that we need to address. The piping was looked at in 2012 and everything was fine.

Mr. Forbes commented that in 2012 that is probably the time when it should have been addressed when the area was cleared. Mr. Forbes stated that when the homes were built around the same time as the mall they used corrugated steel piping. The piping is probably corroded and rotted out.

Mr. Williams explained that if the pipes are broken or corroded the applicant is committed to fix the pipes. We want the system to function properly.

Dana Ciardi, 22 Tower Farm Road identified himself. Mr. Ciardi asked who will be responsible to maintain the pipes?

Mr. Williams explained that the area where these residents live was originally filled in because it was a stream bed for Webb Brook. They moved the culvert over and the homes were built. Originally Tower Farm Road was a dead end. I just want to make sure the detention ponds are built properly.

Mr. Grady asked will they be recreating the steep slope from the water tower down Tower Farm Road.

Mr. Williams replied yes, there will be somewhat less of a pitch.

Mr. Grady asked where will the snow be stored?

Mr. Williams replied there will be areas on site for the snow to be stored. If there is no accommodations for the snow it will be removed from the site.

Mr. Forbes asked about the ongoing maintenance program. If any issues arise who should the abutters contact? Who will follow-up on the inspections?

Mrs. Bennett replied that a regulation was adopted to include annual inspections once the project is completed. We are still working out all the details.

Mr. Williams explained that we have a checklist for the Operation & Maintenance report. The developer on site will submit the report to the Board of Health on a regular basis. The checklist will include the inspections of the manholes, water quality devices and catch basins.

Mr. Forbes asked who is going to check out the area on a regular basis for the dumping that has occurred in that area?

Mr. Williams explained that it will be the backyard of the residents in that new building and they will not want to look at items been dumped in that area.

Mr. Grady asked if any other abutters were present and had any other questions.

No other abutters were present.

Mrs. O'Rourke made a motion to grant FB Realty Investors, LLC for the Shops at Billerica Mall, 480-496 Boston Road an Amendment to the Stormwater Management Approval Permit and also include the two (2) conditions that were recommended by BETA Group and 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 June 6, 2022 and properly notified abutters in accordance with Billerica Health Regulations, Chapter 1, Section 1.2.007.
- 3) The 29.8 +/- acre project site, 480 Boston Road, is located on the eastern side of Boston Road and on the north side of Tower Farm Road. The site is currently developed as a shopping mall, with the majority of the site consisting of impervious surfaces (pavement and an existing commercial building). The applicant proposes a redevelopment project for the Shops at Billerica. The applicant proposes to demolish approximately 42,000 square feet of the Market Basket building, demolish a portion 40,455 square feet of the vacant K-Mart building, construct a residential development, construct a restaurant and retail space.
- 4) The applicant has amended the plan to reconfigure the proposed residential building including eliminating subsurface parking and adjusting the site plan to accommodate these changes. It also includes rerouting of the entrance area to the north system, relocating the subsurface detention system and eliminating water quality units.
- 5) The project proposes to disturb land in excess of one acre within the Town of Billerica and is therefore subject to the Stormwater Management Regulations and is required to obtain a Stormwater Management Approval Permit from the Board of Health (Stormwater Management Bylaw §1 Subpart 1.1.B). The proposed stormwater management for the project site has been designed to improve environmental impacts from previous

development at the site. The design includes the installation of catch basins, 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 surface. This includes a proposed 2.3-acre reduction in impervious area (10%).

- 6) 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.
- 7) The project was reviewed by Philip Paradis of BETA Group, Inc., the Board of Health's Consulting Engineer, for compliance with applicable drainage regulations.
 - Response to comments letter to the Director of Public Health dated May 20, 2022 from Allen & Major Associates, Inc.
 - Select Site Plans (6 sheets) entitled **Site Development Plans for Proposed Redevelopment Shops at Billerica 480 Boston Road Billerica, MA 01821** dated March 6, 2020, final revision date May 20, 2022, prepared by Allen & Major Associates, Inc. Woburn, MA
 - **Drainage Report Shops at Billerica 480 Boston Road Billerica MA** dated May 20, 2020, final revision date February 18, 2022, prepared by Allen & Major Associates, Inc. Woburn, MA.
 - **Stormwater Pollution Prevention Plan (SWPPP)** dated February 22, 2020, final revision date February 18, 2022, prepared by Allen & Major Associates, Inc. Woburn, MA.
- 8) The Board of Health will impose reasonable conditions to ensure the project is constructed in accordance with approved plans.
- 9) 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, 16, 17, 18, 19, 22, 23, 24, 25, 26 and 27.

- A. All construction must be in accordance with the following plans submitted to the Board of Health for review and approval:
 - Select Site Plans (6 sheets) entitled **Site Development Plans for Proposed Redevelopment Shops at Billerica 480 Boston Road Billerica, MA 01821** dated March 6, 2020, final revision date May 20, 2022, prepared by Allen & Major Associates, Inc. Woburn, MA and stamped by Timothy Williams RPE# 43119.
 - **Drainage Report Shops at Billerica 480 Boston Road Billerica MA** dated May 20, 2020, final revision date February 18, 2022, prepared by Allen & Major Associates, Inc. Woburn, MA.
 - **Stormwater Pollution Prevention Plan (SWPPP)** dated February 22, 2020, final revision date February 18, 2022, prepared by Allen & Major Associates, Inc. Woburn, MA.

- B. 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.
- C. 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.
- D. An as built plan shall identify the new existing conditions of the site as they relate to the as-built conditions and 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.
- E. 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.
- F. A Certificate of Compliance will not be issued until all outstanding invoices from the Board of Health Consulting Engineer/Consultant for inspections or other services rendered during construction have been paid by the applicant.
- G. The applicant shall provide to the Board of Health the signed Operations and Maintenance Plan and Maintenance Agreement that has been recorded with the Middlesex Northern Registry of Deeds prior to the issuance of a Certificate of Compliance with the Board of Health.
- H. The applicant shall provide the approximate annual maintenance budget in the final O&M Plan.
- I. 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.
- J. An Agent of the Board of Health or its designees shall observe the subsurface soil conditions 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.
- K. Soil testing was performed on site by Geosight in October 2020 for both the retail and the residential developments which was previously submitted to the Board of Health. Deep holes were performed for Infiltration System #2 and in the vicinity of Infiltration System #1 as currently proposed. Soil testing in the existing detention pond is hampered by existing vegetation and access issues. It is recommended that once access to the

detention pond is established, soil testing is undertaken at that time. If soils are found to be unfavorable the system will be re-designed. And submitted to the Board of Health and the Department of Public Works for approval.

- L. Soil conditions in the area of the proposed surface and subsurface stormwater basins are to be observed by an agent of the Town following excavation to subgrade elevation to verify soil conditions.

Mrs. Giroux seconded. So voted unanimously.

7:35 p.m. Review Draft Chapter 3, Section 3 – Regulations Regarding Body Art for Cosmetic Tattooing

Mr. Grady stated the next hearing is a review of the draft for Chapter 3, Section 3, Regulations Regarding Body Art for Cosmetic Tattooing.

Mrs. Bennett explained that all the new additions to the regulation regarding Body Art for Cosmetic Tattooing are in red. Anything that is crossed out is what was originally prohibited.

Dr. Gandhi asked about the schooling requirements.

Mrs. Bennett explained that she reviewed regulations from several other communities and applied them to our regulation. Some communities did not have schooling requirements.

Mr. Giroux stated that she is appalled at some of the services allowed. Can these services be done at a craft fair?

Mrs. Bennett replied that this is language that is already existing in the regulation.

A discussion was held on the additions to the regulations.

Mrs. Giroux stated that she had a concern with several practitioners using the same work-stations.

Mrs. Bennett explained that the work-stations only allow one practitioner to use the station at a time. The practitioner usually has their own work-station. The practitioner follows the strict sanitation rules for each work station.

Mrs. O'Rourke stated if a practitioner is not following the regulation, then the permit can be revoked.

Mrs. Bennett stated if they are doing something that is prohibited then we can also take them to court.

Mrs. Bennett explained if the Board approves the draft, then we will schedule a public hearing.

Mr. Reader made a motion to approve the draft for Chapter 3, Section 3 regarding Body Art for Body Tattooing and schedule a public hearing.

Mrs. Giroux seconded. So voted unanimously.

7:45 p.m. Review Draft Chapter 5, Section 12 – Regulations Regarding the Keeping of Chickens

Mr. Grady stated the last hearing is a review of the draft for Chapter 5, Section 12, Regulations Regarding the Keeping of Chickens.

Mrs. Bennett explained that the Keeping of Chickens regulation is the one that was originally submitted by the previous director. Mrs. Bennett stated that she is going to check the Zoning By-Laws to make sure the Board of Health Regulation is in compliance.

Mrs. Giroux stated that she reviewed the Zoning By-Law. A couple of the regulations need to be updated. Under the General Requirements. Number 1 needs to be changed. A person is allowed to keep a maximum of six (6) hens that needs to be changed to a maximum of twelve (12) hens. The next is Number 4 all chicken coops shall have a minimum of thirty-six (36) square feet of floor space for all chickens and it should be two (2) square feet of floor space per chicken. There should be a requirement including the setback for a septic system. That was not in the original regulation. The requirements for a track shelter should be included so that the manure can be used as lawn fertilizer. Number 9 reads Obtain Hens from a Reputable Source, that should read All chickens must be obtained from a Salmonella pullorum tested flock versus reputable source.

Mr. Grady asked is the Board of Health doing all this work and the resident is not being charged for a permit?

Ms. White stated the Board of Health is not going to inspect the chicken coops. Animal Control will be inspecting the chicken coops.

Dr. Gandhi asked do we have a list of hen owners?

Ms. White replied we do not know everybody that has chickens however, Animal Control provides the Board of Health with inspection sheets. The only way we find out who has chickens is if a nuisance complaint is filed.

Mrs. Bennett replied that O'Connor's Hardware provides the Animal Control Officer with a list of residents that purchase chickens.

Dr. Gandhi stated that hen owners should contact the Board of Health and let them know that they have chickens.

Mrs. Giroux explained that the owners should contact the Board of Health and let them know they have purchased chickens. Mrs. Giroux suggested that O'Connor's Hardware give out the regulation when a customer purchases chickens.

Mrs. Giroux made a motion to amend the original Keeping of Hens Regulation with the proposed changes and then schedule a public hearing.

Mr. Reader seconded. So voted unanimously.

Mrs. O'Rourke made a motion to adjourn.

Mr. Reader seconded.

The Board adjourned at 8:30 p.m.

Respectfully submitted,

Sandra Giroux
Secretary

Joanne M. White
Recording Clerk