

BOARD OF HEALTH MINUTES
April 9, 2012

Marie O'Rourke, Chair, called the meeting to order at 7:00 p.m. Also in attendance were Robert Reader, Vice Chair, Daniel Kane, Mike Grady, Richard Berube, Director and Joanne White, Recording Clerk. Sandra Giroux, Secretary was absent.

ACCEPTANCE OF MINUTES

Mr. Kane made a motion to accept the Meeting Minutes of March 5, 2012.
Mr. Grady seconded. Three (3) voted in favor. One vote abstained (Robert Reader).

CORRESPONDENCE

Marc T. Lombardo

Mr. Berube explained that included in the Board's package is a copy of a letter from Marc Lombardo thanking the Public Health Nurse, Christine West for helping Ian Abrahamson, a college student that lives in Billerica. Christine provided Ian with a required immunization that could have made the difference in allowing him to continue his college education.

Rose Hill Manor Invitation

Mr. Berube explained that the Board of Health Staff and Members have been invited to the Dedication of Rose Hill Manor at 2:00 p.m. on Tuesday, April 17, 2012 at 476 Boston Road, Billerica. Mr. Berube stated if anyone is interested in attending the dedication let the office know so that we can R.S.V.P.

BOARD OF HEALTH BUSINESS

Health Department Activity Reports

Mrs. O'Rourke stated the first item under Board of Health Business is the Health Department Activity Reports.

Copies of the Health Department Activity Reports for the month of March have been included in the Boards package.

Mrs. O'Rourke stated the first report is from the Public Health Nurse, Christine West. Mrs. O'Rourke asked the Board Members if they had any questions or comments.

Mr. Berube explained that Christine continues with her routine activities and has begun planning for the 2012-2013 Influenza Season.

Mrs. O'Rourke stated the next activity report is from Health Agent, Phavy Pheng.

Mr. Berube explained that the owner of 78 Pinedale Avenue has engaged the services of Dresser, Williams & Way to design either a sewer connection or a new septic system. Some progress is being made.

Mrs. O'Rourke asked why would they design a new septic system and not connect to town sewer.

Mr. Berube stated that connecting to town sewer is the best way to go however it may come down to the cost. There would be less regulatory issues with a sewer connection. Mr. Mitchell has spoken to a few contractors and the cost of connecting to town sewer may be very expensive but worth in the long run.

Mr. Berube explained that the owner of 1 Grandview Road has withdrawn her request for a hearing. The owner has complied with the order. They have installed a perimeter drain around their property and tied into the catch basin on Grandview Road.

Mr. Berube asked if the Board Members had any questions.

Mrs. O'Rourke asked about the eleven (11) new complaints at Empire Recycling, 36 Sterling Road.

Mr. Berube explained that the majority of the complaints are from the same two residents. We go several days without getting a complaint and then we get a couple of complaints. The noise is not as constant as it was before. Empire Recycling hired a night supervisor and provided the phone number to the residents of Swanson Meadows but because of the ongoing litigation their attorney has advised them to not have any contact with Empire Recycling.

Mrs. O'Rourke asked how long are residents allowed to have bagsters on their property.

Mr. Berube explained that the Health Department handles each case on an individual basis.

Mrs. O'Rourke explained the location of a bagster near the Marshall Middle School that has been there for a long time.

Mr. Grady commented that another bagster located on Andover Road by Salem Road has also been there for a long time.

A discussion was held on the length of time that a bagster could remain on the resident's property.

It was agreed that thirty (30) days was a reasonable length of time.

Mr. Berube stated that when the Board reviews the regulations we should add a section about bagster removal because they are becoming a problem. They do not have a cover and when the wind blows all the debris goes all over the street.

Mr. Grady suggested that O'Connor's Hardware give the people a handout when they purchase a bagster explaining how long they can keep the bagster on their property.

Mr. Berube suggested that he could draft a policy and ask O'Connor's Hardware to post a sign near the bagsters making the residents aware of the time frame.

Mrs. O'Rourke stated that she did not want to do something that the Board of Health could not enforce.

Mr. Grady asked how much does it cost to have a bagster picked up.

Mr. Berube replied approximately two hundred (200) dollars. That is why they are making sure that the bagsters are as full as they can be.

Mrs. O'Rourke stated the last report is from Health Agent, Gary Courtemanche. Mrs. O'Rourke commented that she was pleased to see that Sichuan Gourmet's grease trap has been completed.

Mr. Berube explained that an Enforcement Conference was held with BP Gas Station, 581 Boston Road. The Health Department has been working with the Billerica Police Department because there have been some tobacco control issues so we called in the owner for an enforcement conference. They have been selling cigarettes to minors and also selling "loosies" (out of package sales) known as loose cigarettes. A fine was issued for two hundred (200) dollars. I also informed them that the next time a sale is made to a minor or the sale of "loosies" is made there will be an immediate seven (7) day suspension and further enforcement action will be taken. The owner will have to appear before the Board for a Show Cause Hearing for the revocation of their Tobacco Permit.

Mr. Kane asked have they responded yet.

Mr. Berube replied we had the conference and issued the order. We will monitor their activities along with the Billerica Police Department. Healthy Communities Tobacco Control Program will also do some additional compliance checks.

Mr. Grady asked was their compliance check done by Healthy Communities Tobacco Control or is it going to be done by the Food and Drug Administration.

Mr. Berube replied Healthy Communities Tobacco Control conducted the compliance check at the BP Gas Station.

Mr. Berube explained that Gary has been involved with the Salmonella food investigation at Nana 7 Japanese Steakhouse. It was on the news that there have been ninety (90) cases nationwide about the salmonella outbreak related to spicy tuna rolls. Gary conducted a HACCP Risk Assessment of those items. The Health Department has been working with the State and we have not heard the outcome from the tests.

Mrs. O'Rourke asked the Board Members if they had any questions.

The Board Members did not have any other questions.

Nomination of Inspector of Animals

Mrs. O'Rourke stated the next item is the Nomination of Inspector of Animals. Mrs. O'Rourke asked if there were any other applicants.

Mr. Berube replied no. Mr. Berube explained that each city or town is required to nominate an Inspector of Animal by April 1, 2012. The completed paperwork has been sent to the Commonwealth of Massachusetts, Division of Animal Health. I am looking for the Board to ratify the appointment.

Mr. Reader made a motion to ratify the appointment of Diane Allen Murphy as the full time Inspector of Animals in the Town of Billerica.

Mr. Kane seconded. So voted unanimously.

Aerial Larvicide Program

Mrs. O'Rourke stated the next item is the Aerial Larvicide Program.

Mr. Berube explained that the Aerial Larvicide Mosquito Program will be done around the third or fourth week in April. Approximately 600 acres of wetlands in Billerica will be sprayed. As you have read in the 2011 Central Mass Mosquito Control Report the spraying was 96% effective. This year the spraying will have a big impact on the mosquito population because of the dry conditions.

Mrs. O'Rourke asked the Board Members if they had any questions regarding the aerial larvicide spraying.

The Board Members did not have any questions.

Unwanted Medication Disposal Kiosk

Mrs. O'Rourke stated the next item is the Unwanted Medication Disposal Kiosk located at the Billerica Police Station.

Mr. Berube explained that the kiosk is located in the lobby of the Billerica Police Department. The kiosk was acquired through a grant that the Lowell Health Department received for the Upper Merrimack Valley Public Health Coalition. The kiosk was at no cost to the Town. Anyone looking to dispose of expired, unused and unwanted medication can bring the drugs to the Billerica Police Department at any time.

Mrs. O'Rourke asked if the Board Members had any questions about the kiosk.

The Board Members did not have any questions.

Proposed Water Conservation By-Law

Mrs. O'Rourke stated the last item under Board of Health Business is the Proposed Water Conservation By-Law.

Mr. Berube stated that he thinks that the definition under Section 6.9 Special Restrictions, Section B. Swimming Pools is not broad enough. There are a lot of inflatable swimming pools in Billerica and he suggests that section needs to include more information.

Mr. Kane explained that he did not write that section. That section came from the Town of Billerica Swimming Pools Zoning By-Laws. However I will bring that up at the next meeting.

Mr. Berube explained that the inflatable pools do not require a building permit. This section may need to include more information because they do hold a substantial amount of water.

Mr. Kane replied that he would follow up on that. Mr. Kane explained that the only thing that was discussed at the last meeting was the days of the week that watering would be allowed. Those two (2) days will be chosen and coordinated by the Director of the Department Public Works as opposed to the Board of Selectmen.

Mrs. O'Rourke asked the Board Members if they had any questions.

The Board Members did not have any questions.

Mr. Berube asked if the Board was prepared to make a motion to support the Water Conservation By-Law.

Mr. Kane explained that he wanted the Board to be aware and support this proposal because the Board of Health has a seat on the committee.

Mr. Grady made a motion to support the Draft Proposal Amended by the Water Conservation Oversight Committee dated April 25, 2011.

Mr. Reader seconded. So voted unanimously.

7:15 p.m. Town of Billerica – 2012 Roadway Management Project – Request a Waiver of Regulations for work within the Flood Plain

Mrs. O'Rourke stated next item on the agenda is the Town of Billerica, 2012 Roadway Management Project, requesting a Waiver of Regulations for work within the Flood Plain.

Kelly Conway presented a large board showing the areas to be paved and the location of the water main replacement.

Kelly Conway, Billerica Town Engineer, identified herself. Ms. Conway stated that she was present to explain the roads that will be paved in 2012 and the water main replacement. Bicknell Road will be paved from the intersection of Cook Street to the Burlington town line. Paving will be done on Munroe Way and Allard Way from the intersection of Bicknell Road to Maverick Circle. Ms. Conway pointed to the plans and explained where the work would be done in the Green Engineering Flood Plain and its buffer zone. This is a paving project so the work will be limited to the existing roadway. At the intersection of Allard Way there is an existing catch basin that is not tied into anything and creates a pooling of water that causes a safety issue when it freezes. So the existing catch basin located at Bicknell Road/Allard Way will be connected to the existing catch basin located at Bicknell Road/Munroe Way by installing a perforated plastic pipe.

Mrs. O'Rourke asked if all the residents on Maverick Circle were connected to town sewer.

Ms. Conway replied Bicknell Road does not have town sewer. I don't know about Maverick Circle.

Mrs. O'Rourke asked if Ms. Conway could check to see if everyone on those roads are connected to town sewer.

Ms. Conway replied that she would check. Ms. Conway explained that they were also paving Riverhurst Road from Fahey Way to Morgan Road. At this location the work is outside of the Green Engineering Flood Plain and the FEMA buffer zones. Shedd Road will be paved from Treble Cove Road to the dead end. At the end of the roadway, work will be done within the Green Engineering Flood Plain and its buffer zone. Shedd Road goes downhill and at the end of the road the water collects and is untreated. So we are proposing a drainage improvement at the end of Shedd Road. The proposal is to install an infiltration swale at the end of the road to slow down the flow of water and collect total suspended solids and prevent erosion.

Mrs. O'Rourke asked how many houses are there on Shedd Road.

Ms. Conway replied approximately ten (10) houses. There is no town water or town sewer on Shedd Road.

Mr. Berube explained the reason why Shedd Road was never sewered. Shedd Road was supposed to be sewered under Contract 33 but some of the residents of Shedd Road demanded that the town provide water. The town would not provide water because of the cost so the residents refused the easement for the town to sewer the road. At that time there was no money to bring in town water. Shedd Road is the only street in the River Pines area that does not have town sewer.

Ms. Conway explained that we are also doing a water main replacement project on Letchworth Avenue. About a year ago we came before the Board with a project to provide fire flow to the Wastewater Treatment facility. At that time we were going to tie in the Wastewater Treatment Plant to Billerica Avenue under the railroad tracks. We had issues with the railroad company and that alternative became cost prohibitive. Our second alternative, which is now preferred is to increase the size of the water main on Letchworth Avenue, 3,200 feet starting at Faulkner Street all the way to the Wastewater Treatment Plant. The water main replacement includes replacing the existing 6 inch water main with a new 12 inch water main from the intersection of Letchworth Avenue to the Wastewater Treatment Plant. We are going to tear out the existing water main and replace it with the new water main in the same location and then pave the roadway.

Mrs. O'Rourke asked the Board Members if they had any questions.

The Board Members did not have any questions.

Mr. Berube stated that this project is repaving some of the roads that need to be repaired and some minor drainage improvements are being made. I think this is a good project.

Mr. Kane made a motion to grant a Waiver of Billerica Health Regulations, Chapter 5, Section 5.5.005 (1) (2) to allow the rehabilitation of several streets in Billerica and associated drainage system improvements within the flood plain and the water main replacement on Letchworth Avenue 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 purpose of the project is to rehabilitate the deteriorating pavement of several streets in Billerica and provide drainage improvements to roads that flood during storm events. The majority of the proposed work is outside of the flood plain. However, work located on Bicknell Road and Shedd Road is within the proximity of the Green Engineering Flood Plain. In addition,

the proposed replacement of the existing water main on Letchworth Avenue is necessary to meet the demand requirements of the Wastewater Treatment Plant fire suppression system.

- 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

Standard conditions number 2, 4, 5, 6, 10, 11, 12, 13, 14, 15 and 25 in accordance with the Board of Health regulations and Special Conditions:

- A) All construction must be in accordance with plans submitted for review and approval, prepared by the Town Engineer.
- B) Erosion and sediment control measures shall be implemented and maintained in all areas disturbed by construction activity including but not limited to construction and waste material storage areas. Erosion and sediment control structures shall be installed prior to beginning construction.

Mr. Grady seconded. So voted unanimously.

7:20 p.m. E Ink Corporation – 1000/1200 Technology Park Drive – Petition the Board of Health for a Variance from the State Plumbing Code

Mrs. O'Rourke stated the next item is E Ink Corporation, 1000/1200 Technology Park Drive petition the Board of Health for a Variance from the State Plumbing Code.

Ken Jones provided the Board Members with a package of the drawings and information about the details of the project.

Ken Jones, Corporate EHS Manager, representing E Ink Corporation introduced himself. Mr. Jones introduced Kevin Kozachuk, Facility Manager for E Ink, the engineering team, James M. Wolahan, P.E. Industrial Facilities Design, Inc., Rand J. Refrigeri, PE, Chief Fire Protection Engineer, and Ryan LaFalam, Fire Protection Engineer from RDK Engineers. Mr. Jones gave the Board Members a sample of E Ink's micro capsule. E Ink has been in business since 1997 and is a spin-off from the MIT Lab. The operation has always been located in Cambridge, MA. We have been working on perfecting

the capsule. When we started out the capsule was blue. It is now black and white. We make the micro capsule display that goes into the Amazon Kindle, the Barnes and Noble Nook and various eleven (11) other e books that are on the market and are not LCD. This display is based on the micro capsule which is a gelatin capsule that has a solvent inside it. The solvent has a black and white pigment. E Ink has perfected a coating for the black and white pigment to give them a negative and positive charge. We separate the capsules to get them down to 40 microns. We take the 40 micron size capsule and make a slurry and coat them on sheets of plastic that have electrodes on it. The electrodes will charge the capsule. Since the Kindle and the Barnes and Noble Nook came out we cannot keep up with the demand. We recently completed a manufacturing facility in South Hadley, MA. We have recently leased property located at 1000/1200 Technology Park Drive to build a new corporate headquarters and research laboratory to perfect and change the capsule and make it a color capsule. We are looking at different methods to use in many applications. We have grown out of our space in Cambridge, MA and need a new location to perfect it. Our engineers will provide the Board with an overview of the project. I am the Environmental, Health and Safety Manager and my job is to make sure that our operations do not negatively impact the people working for E Ink or the environment around E Ink. Our goal is to be a good neighbor in the Town of Billerica and share any information that we may have. We train our employees to work under a Chemical Hygiene Plan so that there is not going to be any materials thrown down the drain or improperly disposed of or otherwise mismanaged. We will screen all the chemicals coming into the building and do a risk assessment to ensure that they are going to be handled safely. This will be a well-engineered safe location to handle materials. As we look at different materials and expand our operation we will continue the risk assessment process. We plan what we do and we check what we do. We would like to employ the same plumbing technology in Billerica that we use at our Cambridge and South Hadley operation. The micro capsule has a gelatin lining. The gelatin is made of gum similar to chewing gum. It makes more sense to move this material through lift stations and pumps and then gravity feed it to where we need to treat it. It makes more sense to move it rather than letting the residue build up in a pipe. We have the ability if there is a power outage in the area with emergency generators to move this material where it needs to go.

Rand J. Refrigeri, RDK Engineers introduced himself. Mr. Refrigeri introduced Ryan LaFalam and James M. Wolahan from the engineering team. Mr. Refrigeri explained that Ryan and he are from the Mechanical and Electrical engineers from RDK Engineers Andover, MA. Mr. Refrigeri presented the Board with a large drawing of the plans and explained what the wastewater system would look like through the facility. The plumbing inspector has a concern with the waste streams being pumped. The concern is based on the plumbing code which states that run by gravity where you can and only if there is a specific need you can provide pump stations. Mr. Refrigeri pointed and explained the process areas and the waste streams in the proposed facility. The waste streams have been perfected and managed so that they can have the pump stations where the waste is lifted and runs out to the waste treatment facility. We have submitted the variance application to the State Plumbing Board. We have the support of the Billerica Plumbing Inspector. We spoke to some of the state plumbing inspectors and they do not seem to have a problem with this process. Mr. Refrigeri explained that the way the building is configured it is impossible to get to town sewer without a pump system. We have pumps on the system getting up into the waste treatment facilities. If there are any leaks in the pipe they are managed right away or if the processed is changed they have access to handle it. This system has been tried and used in Cambridge

and South Hadley. RDK Engineers is requesting a variance from the State Plumbing Board to pump industrial waste through forced process overhead mains in a facility equipped with an existing underground sanitary waste service. We are appearing before the State Plumbing Board on April 25, 2012. We are requesting a letter from the Board of Health stating that the system is in non-compliance due to an issue in the plumbing code and because of a process reason, we are seeking a variance. Mr. Refrigeri asked the Board Members if they had any questions.

Mrs. O'Rourke stated this type of hearing has never come before the Board so I am requesting that Mr. Berube direct and guide the Board on this decision.

Mr. Berube explained this hearing is something that we have never seen before. This is the not the first time that a request has been made seeking support for a variance from the State Plumbing Code. As you may recall Middlesex School, 20 Riveredge Road came before us requesting support for a variance from the State Plumbing Board. We supported that request, however that was a very simple request. I have reviewed the plans in detail with E Ink Corporation. The Health Department has some concerns. What happens if there is a leak? All the overhead pipes are going to be in a laboratory setting not an office setting. We are not exposing people to hazardous waste if a leak should develop. The pipes are not highly pressurized so with the pumps creating velocity in the waste stream it will help prevent residue buildup inside the pipes. This is the best way to handle it to prevent problems from occurring in the laboratory. What they are proposing makes sense. It is the best way to resolve their issues. I contacted the operation in South Hadley and they do not have any problems with this system. I recommend that the Board provide E Ink with a letter of support.

Mrs. O'Rourke asked if the operation is going to be in one building.

Mr. Jones replied yes. The majority of the employees are Ph.D Scientists who understand the chemistry they are working with. Most of the stations will have ph sensors so that if a scientist makes a mistake it will be caught before it becomes a downstream problem. We will also have holding tanks for material that we do not want to use. We have taken a number of steps to ensure that we have redundancy and it is backed up and will not harm the people or get into the sewer system.

Mrs. O'Rourke asked how many people will be working in that building.

Mr. Jones replied that initially there will be approximately two hundred (200) people. It will be built with the capacity to employ four hundred (400) people. There will be seventy (70) scientists.

Mr. Kozachuk, Facility Manager at E Ink explained that in Cambridge we have a twenty-four/seven American Alarm Corporation monitoring system that watches over the PH stations.

Mrs. O'Rourke asked when the building is shut down and there is a problem is there a monitoring system in case of an emergency.

Mr. Kozachuk replied yes.

Mr. Jones explained that the facility will also have two security (2) guards monitoring the area around the clock that will be trained to respond to different process alarms as well as the general security system.

Mr. Kozachuk pointed to the plan and explained how the waste system would work.

Mrs. O'Rourke asked the Board Members if they had any questions.

Mr. Kane stated that there is a letter from the Billerica Plumbing Inspector supporting the request. Is there any other information that the Plumbing Inspector would like to share?

Mr. Berube replied that he spoke with the Plumbing Inspector and he is aware that there is a meeting tonight with E Ink. I invited him to attend the meeting and he stated that he does not have any major concerns and will abide by and enforce the Board of Health's decision.

Mr. Jones asked Mr. Berube if he knew how the process for the variance is handled.

Mr. Berube replied that is up to the State Plumbing Board.

Mrs. O'Rourke stated that E Ink is seeking a petition of the Board of Health in order to apply for a variance from the State Plumbing Board.

Mr. Berube replied yes.

Mr. Kane commented that the State Plumbing Board has the authority however they will not grant a variance without the support of the local Board of Health.

Mrs. O'Rourke asked if there is a problem who takes care of it the Plumbing Inspector or the Board of Health.

Mr. Berube replied if there is a release of hazardous materials the Board of Health would be notified along with the Department of Environmental Protection and the Fire Department.

Mrs. O'Rourke asked what authority does the Plumbing Inspector have.

Mr. Berube replied because of the way they are pumping the waste, it falls under the State Plumbing Code and that is the reason why they have to go before the State Plumbing Board for a variance.

Mr. Jones explained that 99% of the time de-ionized water will be running through these lines that is the water that will have all the minerals stripped out and will be cleaner than the incoming town water. We need the variance because it falls in a category called special waste system even though the waste is de-ionized water. The gelatin will be collected in drums.

Mr. Kozachuk explained how the glass vessels would be cleaned in the laboratory.

Mrs. O'Rourke asked the Board Members if they had any questions.

The Board members did not have any questions.

Mr. Kane made a motion to support E Ink Corporation's application for a variance from the State Plumbing Code.

Mr. Reader seconded. So voted unanimously.

7:30 p.m. Brian Boucher – 6 Bernard Street – Request a Waiver of Regulations for work within the Flood Plain

Mr. Boucher provided the Board Members with a copy of the proposed house.

Brian Boucher, Boucher & Son Remodeling, LLC, 10 Palmetto Avenue, Tyngsborough, MA identified himself. Mr. Boucher thanked the Board for seeing him on such short notice. Mr. Boucher explained that he is representing the home owners at 6 Bernard Street. Cheryl Schwabe and her daughter are present tonight. I am proposing to raze 90% of the existing house and rebuild it on the existing foundation. Due to code issues it is not feasible to rebuild what is currently there. The Building Department granted me a permit to explore the interior of the building after the demo was completed and it was not feasible to bring it up to code that is why I am proposing to build a single family dwelling on the existing foundation. The family has been living in a trailer on their lot since the fire that destroyed their home in November 2011. I am going before the Conservation Commission on Wednesday, April 11, 2012. The proposed house will be on the same footprint.

Mrs. O'Rourke asked do you get a lot of water in the basement.

Ms. Schwabe replied we only got water once two (2) years ago when everyone got water.

Mrs. O'Rourke asked how close are you to the river.

Mr. Berube replied that the main living floor is well above the flood elevation.

Mr. Boucher replied it is approximately 115 feet from the Concord River. The entire property is within the two hundred (200) foot river front area.

Mr. Berube gave the Board Members a copy of the flood plain map showing 6 Bernard Street. Mr. Berube explained that he visited the site with Mr. Boucher and it does not appear that they have any water in the basement. I did not see any signs of water damage or staining in the basement.

Mrs. O'Rourke asked if they are going to install louvers.

Mr. Berube explained that it was not necessary because the basement floor is at ground level.

Mrs. O'Rourke asked the Board Members if they had any questions.

Mr. Grady asked will it be on town sewer or septic.

Mr. Boucher replied it is on septic.

Mr. Kane asked will you be using the existing foundation or pouring a new foundation.

Mr. Boucher replied the existing foundation will be used.

Mrs. O'Rourke asked what is the foundation made of.

Mr. Boucher replied cinder blocks.

Mr. Berube stated that he did not see any issues with granting a Waiver of Regulations.

Mr. Reader made a motion to grant a waiver of Billerica Health Regulations, Chapter 5, Section 5.5.005 (1) to allow the reconstruction of a single family dwelling located at 6 Bernard Street within the FEMA Flood Plain and the Green Engineering Flood Plain based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

- 1) The work described in the applicant's request is within an area subject to protection under the Board of Health's Rules and Regulations, Chapter 5, Section 5.5.005 (1).
- 2) The applicant proposes to reconstruct a single family dwelling located in the Flood Plain that was damaged by fire. The new construction shall utilize the existing foundation.
- 3) The Board of Health has determined that the actions proposed by the applicant are adequate measures to protect public health and the 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 the environment.

CONDITIONS

Standard conditions number 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15 and 25 in accordance with the Board of Health regulations and Special Conditions:

- A) All construction must be in accordance with plans submitted for review and approval.

- B) The applicant must provide final approved plans for any project covered by the conditions. Final plans are considered plans approved by all town departments.
- C) The basement area shall not be used as living or bedroom space.
- D) All utilities shall be located as high as possible in order to prevent loss from potential flooding.

Mr. Kane seconded. So voted unanimously.

Open Microphone

Mrs. O'Rourke asked if anyone was present for open microphone.

No one was present in the audience for open microphone.

Mr. Reader made a motion to adjourn. Mr. Kane seconded.

The Board adjourned at 8:00 p.m.

Respectfully submitted,

Sandra Giroux
Secretary

Joanne M. White
Recording Clerk