

**BOARD OF HEALTH MINUTES**  
**August 6, 2012**

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

**ACCEPTANCE OF MINUTES**

The Meeting Minutes of July 2, 2012 were not available.

**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 July have been included in the Boards package.

Mrs. O'Rourke stated the first report is from the Public Health Nurse, Christine West.

Mr. Berube explained that Christine continues with her routine activities and communicable disease reporting. Christine ordered one hundred (100) doses of flu vaccine to have on hand for the 2012-2013 flu season. Christine has been on vacation so there has not been much new activity in the month of July.

Mrs. O'Rourke asked if the Board Members had any questions regarding Christine West's report.

The Board Members did not have any questions.

Mr. Berube stated that the next activity report is from Health Agent, Phavy Pheng and he would explain a few of the ongoing complaints.

Mr. Berube explained that the owner of the property at 36 Sylvan Road has cleaned up the property and the case has been closed.

Mr. Berube explained that 60 Bridle Road is scheduled for a public auction on October 3, 2012. The property was up for auction last year and the house never sold.

Mr. Berube explained that the owner of 1 Mitchell Road has received permission from the Plaza Place Condominium Board of Trustees to connect to their sewer system. The owner has hired a contractor to do the work after he receives the approval in writing.

Mr. Berube explained that the dwelling at 50 Morgan Road is going to be razed and a new dwelling is going to be constructed.

Mrs. O'Rourke asked how does the Board of Health hear about hoarding cases.

Mr. Berube explained that the Health Department usually receives a complaint from a neighbor or a report from the Police Department or the Fire Department.

Mr. Berube explained that Pan Am Railways has cleaned up the area of the train tracks on Rogers Street where rails and ties were being dumped. This complaint was raised at one of the neighborhood meetings.

Mr. Berube explained there have been three (3) new complaints regarding the noise at Empire Recycling, 36 Sterling Road. We investigate each one of these complaints and verify what has happened. Empire Recycling is making a good effort to address these issues. Swanson Meadows does not contact Empire Recycling regarding these complaints. The Health Department has been forwarding the complaints to Empire. There are surveillance cameras in place at Empire Recycling. We have gone down and checked the tapes to see if the complaint is valid. If something is wrong Empire does step up and do something about it. They have a driver that was unloading material early in the morning when he was not supposed to. Mr. Motzkin disciplined the driver and told him that if it happens again he would be fired. They are making an effort to correct any incidents that may occur.

Mr. Kane commented that the complaints are valid.

Mrs. Giroux asked are the complaints from the same source.

Mr. Berube replied a couple of different people, but they are the same ones that have been making the complaints.

Mr. Berube explained that the asbestos complaint on 11 Esquire Road has been resolved. The Department of Environmental Protection has completed their investigation and taken enforcement action against the company. The company has complied with the order.

Mr. Berube explained that 14 and 23 Grove Streets are complaints that were raised at one of the neighborhood meetings. These two complaints are close to being resolved. At 14 Grove Street they have stopped operating the scrap metal business. The owner of 23 Grove Street has made progress in cleaning up the junk and debris.

Mr. Reader asked is there something that be done with the bagsters that remain on residents property for an extended periods of time. Some of the bagsters had been seen on properties for months.

Mr. Berube agreed. Mr. Berube stated that maybe he could talk to O'Connor's Hardware and ask them to post a sign stating how long a bagster can remain on their property.

Mr. Berube asked if the Board Members had any other questions regarding Phavy Pheng's report.

The Board Members did not have any questions.

Mr. Berube explained that the residents at 47 Treble Cove Road are close to finishing their renovations and will be moving back into the house within a couple of weeks.

Mrs. O'Rourke asked about the bed bug situation at 218A Nashua Road.

Mr. Berube explained that Health Agent, Phavy Pheng has forwarded that complaint to Section 8 Housing and the housing authority.

Mr. Berube stated the last report is from Health Agent, Gary Courtemanche.

Mr. Berube explained that Gary has been busy conducting inspections at Homewood Suites. The sprinkler system burst and one wing of the hotel has a lot of water damage. Gary has been conducting inspections as soon as they are ready so that some of the rooms can be released after the repairs have been made.

Mrs. O'Rourke asked how is the kitchen at the new Parker School.

Mr. Berube replied that they have the newest state of the art equipment.

Mr. Reader requested that the Board of Health have a tour of the school.

Mr. Berube replied that he would look into making those arrangements.

Mr. Reader asked is the building going to be demolished before school begins in September.

Mr. Berube explained that for the most part it will be completed. They were supposed to start demolition on Monday, August 6, 2012. The reason for the delay is because the electricity and gas were not shut off.

Mrs. Giroux commented that she thought that was why River Street was closed.

Mr. Berube replied that Kelley Conway can explain why River Street is closed.

Ms. Conway explained that the reason River Street is closed is so that work can be done for water and sewer services.

Mrs. O'Rourke asked if Gary was going to conduct a re-inspection at Jim's Quick Stop.

Mr. Berube explained that all Garelick Farm products were removed from the shelf and the distributor was notified. The Department of Public Health Food Protection Division was notified of this situation.

Mrs. O'Rourke asked about the transformer at the proposed cemetery project on Rangeway Road.

Mr. Berube explained that a large transformer was found near an old slab foundation that needed to be removed. I met with the Department of Environmental Protection at the site. The transformer was covered with a green tarp and a lot of greenery was grown around it. It is full of PCB's however there did not appear to be any kind of a release. Clean Harbors is involved. They will probably drain it before they remove it. It is holding up the progress of the cemetery project.

Mrs. O'Rourke asked the Board Members if they had any questions regarding Gary's report.

The Board Members did not have any questions.

#### **Water Conservation Committee Update**

Mrs. O'Rourke stated the next item is an update from the Water Conservation Committee.

Mr. Kane explained that included in the Board's package is the most recent version of the draft Water Conservation By-Law that will be submitted to the Fall Town Warrant. There are no significant changes except to be renumbered to be in compliance with Article 6 which is will replace of the current by-laws. The goal is for it to be on the 2013 Fall Town Warrant so that it will be in place for the summer of 2013.

Mr. Berube stated the definition of swimming pools has been added.

Mr. Kane explained that the definition of swimming pools has been in the by-laws, however, we have clarified it to make sure it is in compliance.

Mr. Reader asked what the definition of a swimming pool is.

Mr. Kane replied it is by size and depth.

Mrs. O'Rourke asked where is the by-law is the definition of swimming pools.

Mr. Kane replied Section 6.9.2.1. Mr. Kane explained that the definition of a swimming pool is a permanent in-ground or above ground pool with a minimum size of four (4) feet deep and fifteen (15) feet in diameter.

Mrs. O'Rourke asked the Board Members if they had any questions regarding the Water Conservation By-Law that will be submitted to the 2013 Fall Town Meeting.

The Board Members did not have any questions.

### **Beaver Control Report**

Mrs. O'Rourke stated the next item is the Beaver Control Report.

Mr. Berube explained that included in the Board's package is a copy of the Beaver Solutions Report. As you can see a lot of trapping has been done in the "No Tolerance Zones". In the past several months the beaver control activity has been stable.

Mrs. O'Rourke asked is the Boston Road culvert that was installed in 2009 next to the old Iverson Ford. How come one side has water and the other side is dry?

Mr. Berube replied the Boston Road culvert that you are referring to is down by Lowell Street and the North Billerica Post Office. That is part of the old Middlesex Canal.

Mrs. O'Rourke asked where does the water come from in the area next to Iverson Ford.

Mr. Berube replied that the culverts in that area are supposed to be maintained by Mass Highway. Mass Highway went before the Conservation Commission and received approval to clean out the culverts in that section of Boston Road.

Mrs. O'Rourke asked why is Republic Road at risk.

Mr. Berube explained that is where Roberto Loam used to operate. The beavers have taken residence and blocked the culvert and the wetlands have expanded. We are working with the Department of Environmental Protection to get approval to take care of that area. After the culverts are cleaned we will put devices in to monitor the culvert.

Mrs. O'Rourke asked does the Health Department ever receive complaints from the residents about the beavers causing a problem.

Mr. Berube replied yes before we started monitoring the sites. Since we have been managing those sites we have not received any complaints.

Mrs. O'Rourke asked the Board Members if they had any questions regarding the Beaver Control Report.

The Board Members did not have any questions.

**Mosquito Control Project Update**

Mrs. O'Rourke stated the next item is an update regarding the Mosquito Control Project.

Mr. Berube explained that included in the Board's package are copies of the weekly Arbovirus Surveillance Report for the month of July. There are a number of positive pools of West Nile Virus (WNV) and EEE throughout the state. Fortunately, there have not been any confirmed cases in Billerica. Chelmsford, Westford and Tewksbury have confirmed cases and additional spraying will be done in those areas this week. If there are any confirmed cases in Billerica additional spraying will be done. Central Mass Mosquito Control will be in Billerica to investigate resident's complaints and spray the areas that are requested by the residents. Complaints about mosquitos may be made to the CMMCP office at 508-393-3055 between the hours of 7:00 a.m. to 3:30 pm. Monday through Friday. The Health Department posts on the Town of Billerica website every month when Central Mass Mosquito Control personnel will be in the community to investigate resident's complaints.

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

The Board Members did not have any questions.

**7:15 p.m. Town of Billerica – 2012 Roadway Management Program – Request for Waiver of Regulations**

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

Kelley Conway provided the Board Members with a large scale drawing of the proposed area where the 2012 Roadway Management work would be done.

Kelley Conway, Town Engineer for the Town of Billerica, identified herself. Ms. Conway stated that she was present tonight to explain Phase II of the 2012 Roadway Management Program. In March 2012 I came before the Board and presented the first group of roadways that were going to be paved. That project is completed. Tonight I am requesting a Waiver of Regulations for the Bridle Road neighborhood. The Phase II project consists of paving Magnolia Avenue, Holly Street, Parkway Avenue, Freedom Way, Atherton Avenue, Bernard Street, Kameha Drive and Hancock Street. Ms. Conway pointed to the plans and explained that the roadways that have gravel will also be regraded and paved. This work will be done

within the wetlands subject to flooding at the end of Atherton Avenue. We will be working in the Green Engineering Flood Plain along the four (4) gravel roads directly adjacent to the river. Work in those areas will be limited to the existing roadway width. Some Stormwater Best Management Practice (BMP's) will be installed to considerably improve existing conditions. Minor grading is proposed along the edges of the roadway to provide a smooth transition to the newly paved roadway. Throughout the neighborhood we are proposing a number of drainage improvements such as stormwater BMP's. We are also proposing to install infiltration swales and a number of leaching catch basins to resolve some drainage problems that are in this area. Ms. Conway explained the storm events and flooding that occur in the Freedom Way area. When a storm event occurs in that neighborhood, the water will flow directly to Freedom Way. Freedom Way will act as a channel for the neighborhood. We are proposing to extend the drainage from those catch basins down Freedom Way with several leaching catch basins and a sub drain pipe to promote infiltration throughout the pipe line. I am requesting a Waiver of Regulations for work within the Green Engineering Flood Plain in the Bridle Road area.

Mrs. O'Rourke asked Mr. Berube for his comments.

Mr. Berube replied that this is not just a simple paving project. There will also be a number of drainage improvements to the neighborhood.

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

The Board Members did not have any questions.

Mrs. O'Rourke asked when you repave this area do you use the machine that recycles the old material and then reuse it or do we use fresh hot top.

Ms. Conway explained that in some cases we do use the recycle paving for existing curbing or grade issues with an existing driveway. But in this case we do not use recycle material or millings.

Mrs. Giroux 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 the Phase II 2012 Roadway Management Project of the Bridle Road area and associated drainage system improvements within the 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 purpose of the project is to rehabilitate the deteriorating pavement of several streets in the Bridle Road area and provide drainage improvements to roads that flood during storm events. The project includes the paving of several gravel roadways (Parkway Avenue, Atherton Avenue,

Bernard Street, Kameha Drive and Hancock Street). The majority of the proposed work is outside of the flood plain. However, work located on Atherton Avenue, Bernard Street, Kameha Drive and Hancock Street is within the proximity of the Flood Plain (FEMA and Green Engineering Flood Plains).

- 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 to prevent erosion.
- 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 BETA Group, Inc. dated June 29, 2012.
- 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. Kane seconded. So voted unanimously.

### **7:25 p.m. Richard Burttt – 8 Thoreau Street – Requesting Variance for work within the Flood Plain**

Mrs. O'Rourke stated the last hearing is Richard Burttt, 8 Thoreau Street, requesting a Variance for work within the Flood Plain.

Richard Burttt, 26 Pelham Street, Billerica, identified himself. Mr. Burttt explained that he would like to raze the existing house at 8 Thoreau Street and construct a new single family dwelling with an attached garage. The proposal is to move the new single family dwelling forward and install a crusher run gravel driveway to limit the impervious area. We decided to move the proposed dwelling forward so that a portion of the dwelling would be out of the flood plain. A section of the proposed attached garage will be in the flood plain at elevation 118. I am requesting approval for a variance from the Board of Health then I can move forward to the Conservation Commission for their approval.



Mr. Berube explained that the proposal is to tear down the existing house and construct a new single family dwelling with an attached garage. The attached garage will have flood vents installed so that flood waters can flow through. There won't be any greater loss of flood storage than what is currently there. The applicant will also be doing some regrading to provide some additional flood storage. The basement of the new house will be at the FEMA Flood Plain elevation of 119.

Mrs. O'Rourke asked will flood vents be installed in the foundation of the new house.

Mr. Berube replied no, just the garage. The existing house does not have any flood vents. The footprint is going to be similar.

Mrs. O'Rourke asked what type of a house is being torn down.

Mr. Burtt replied the existing house is a cottage.

Mrs. O'Rourke asked what kind of a house are you going to construct.

Mr. Burtt replied a pre-fab house.

Mrs. O'Rourke asked will the proposed dwelling have a full basement.

Mr. Burtt replied yes.

Mrs. O'Rourke asked will it be a slab or will there be a full foundation.

Mr. Burtt replied the foundation will be at elevation 119.

Mrs. O'Rourke asked are you going to be able to walk down into the basement.

Mr. Burtt replied the proposed house will be at whatever the height requirements are needed to have a basement.

Mrs. O'Rourke asked does the existing house have a full basement.

Mr. Burtt replied the existing house does not have a basement it was built on cinder blocks.

Mr. Kane asked will the new house have a basement or crawl space.

Mr. Burtt replied it will have a basement but not dug into the ground it will be above the ground. It will be a foundation above grade at elevation 119.

Mr. Reader commented so a little of the foundation may be in the ground but most of it will be above ground.

Mr. Burtt replied that he has lived there for thirty (30) years and has not seen any water inside the house except if water comes down from the hill or rain water.

Mr. Reader asked how close is 8 Thoreau Street to where you live on Pelham Street.

Mr. Burtt replied he lives next door to 8 Thoreau Street.

Mrs. O'Rourke stated that she is concerned because the garage will have flood vents but the house will not.

Mr. Burtt replied that the garage will be at elevation 118 that is why flood vents will installed. The garage will have a thicker floor. The house will be higher at elevation 119. I own three lots from this house right down to the river.

Mr. Berube explained that with the new proposed house there will be less of a loss of flood storage.

Mr. Kane stated the existing house is on pillars and there are footings and cinder blocks, how could there be less flood storage if the proposed house will have a basement.

Mr. Burtt replied the existing house was constructed on footings and cinder blocks.

Mr. Kane stated that he did not understand how the flood storage would be less if you are pouring a foundation.

Mr. Berube explained that if you look at the existing dwelling the sill is 119.86 that is higher than the flood elevation so there is a loss of flood storage.

Mr. Kane stated the sill of my house is above flood level and it is sitting on pillars and I am building a new one that is going to be .86 inches lower than the foundation. I don't see how there is going to be a gain in flood storage by digging a hole and pouring concrete in it.

Mrs. O'Rourke and Mrs. Giroux agreed.

Mr. Reader asked what is the elevation of the existing dwelling.

Mr. Burtt replied 119.

Mr. Kane stated that is at the sill.

Mr. Berube explained that the sill comes up to elevation 119.86 so it creates a loss of flood storage because the water is not going under the building it comes up and goes around.

Mr. Reader commented that there is no flood vents in the existing house.

Mrs. Giroux stated currently the water flows under the house so if you pour a foundation the water cannot flow through.

Mrs. O'Rourke stated if the water cannot flow through the foundation where will it go.

Mr. Kane stated the basement floor is going to be at 119 so the bottom of the basement floor will be below 119.

Mrs. Giroux stated we don't know if there is going to be a basement.

Mr. Kane replied it is either going to be a solid slab or a slab and walls and a crawl space. The proposed house is not going to be built on stilts.

Mr. Burttt replied there is going to be a foundation.

Mr. Berube stated that the Board can mandate that Mr. Burttt install flood vents in the dwelling portion of the house as well as the garage.

Mrs. O'Rourke stated that is why she asked if flood vents were going to be installed in the proposed house.

Mr. Grady asked where the utilities are going to be located.

Mr. Burttt replied on the first floor. Mr. Burttt explained that to the left of the house there is a culvert that is owned by the Town of Billerica. The Town is going to repair that culvert because when town sewer was installed they found the culvert had collapsed. The culvert has not been working for years. That should alleviate the water on that side of the house.

Mr. Reader asked does the culvert go down to the river.

Mr. Burttt replied that the culvert ends in the wetland area. The town has come down and marked the street for the repair.

Mrs. Giroux asked are you going to use the same footprint for the new house as the existing house.

Mr. Burttt replied I am using the same footprint but the house will be moved forward out of the flood zone.

Mrs. Giroux stated but the square footage is different.

Mr. Berube replied that if you look at the flood storage computation the existing house is 968 square feet and the proposed house is 868 square feet.

Mrs. Giroux commented that the proposed garage is 317 square feet so you are adding 217 square feet.

Mr. Berube reiterated that if the Board would like they can require that flood vents be installed in the dwelling as well as the garage.

Mr. Reader asked Mr. Burtt if he has seen the house flood.

Mr. Burtt replied that he lives next door and the water has come up to the road but does not reach the house.

Mrs. Giroux asked if the house does not flood, why are you moving it away from the river.

Mr. Burtt replied that he wants to be out of the flood plain. I do not want to have that section in the flood plain because it would be more restrictive

Mr. Berube explained that the other reason that he wants to move it away from the river is because the Conservation Commission has concerns.

Mr. Burtt explained that Oxbow Associates, Inc. prepared the Notice of Intent. They did all the calculations and their suggestion is to move the proposed dwelling closer to the road.

Mrs. O'Rourke asked if any abutters would like to comment.

Lenore Gerossie, 18 Thoreau Street, Billerica identified herself. Ms. Gerossie stated that every year the river floods up to that house. The water comes up from the river. I have seen ducks in the front yard.

Jane Garrity, 10 Thoreau Street, Billerica identified herself. Ms. Garrity explained that last winter it was not that bad. However the winter before it flooded and we pumped water out of our basement from November to July.

Mrs. O'Rourke asked the abutters where they live in conjunction with 8 Thoreau Street.

Ms. Garrity replied that she lives at number 10 Thoreau Street right next door.

Ms. Gerossie replied that she lives across the street at 18 Thoreau Street.

Ms. Garrity stated that she is concerned about the flooding. My house is right next door and the water flows through both properties. If the culvert is not fixed I will get a lot of water in my basement. That is my only concern. Other than that I do not have a problem with this project.

Mr. Burtt replied that Ms. Garrity is concerned with the water coming down the hill. It has nothing to do with the river. Her house is ten (10) feet above the level of 8 Thoreau Street. She has an in ground cellar and her cellar floods from the water coming down the hill. It has nothing to do with the river.

Ms. Garrity stated that she can show pictures of when the area flooded.

Mr. Reader asked does the water come from the river.

Ms. Garrity replied the water comes from both it flows down through the culvert at the tree line and also comes up from the river. The river comes into my back yard up to my bulkhead.

Mrs. O'Rourke stated if your house is higher and you are getting water then Mr. Burtt must get water because his house is lower. Mrs. O'Rourke asked Mr. Berube for his comments.

Mr. Berube stated that the best way to address the concerns of the Board is to require that flood vents be installed in the dwelling as well as the garage because there is a potential for flooding and it is best to be more conservative and safe.

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

Mr. Grady asked is this house on sewer or septic.

Mr. Burtt replied it is on town sewer.

Mr. Kane stated the Board of Health Regulations requires that the basement floor be two (2) feet above the water table. Do we know what the water table is?

Mr. Berube replied that it is a high water table. The lowest level of the dwelling is at flood elevation and will be above ground.

Mr. Kane stated that the basement floor needs to be two (2) feet above the water table and we don't know what the water table is. I am leery on granting a variance for a project that we don't know what the water table is.

Mr. Berube explained that in order for the flood vents to work they have to be at the flood elevation. You can't build up the dwelling any higher than what is proposed without creating a problem.

Mr. Reader stated that the flood vents will be at elevation 119.

Mr. Berube stated the flood vents have to be at the base of the structure. The water table is irrelevant for this particular matter. The flood vents are going to be on top of the ground. The primary concern is the flood elevation.

Mr. Kane stated so we would waive the two (2) foot requirement to maximize flood storage and minimize impact on potential storage. This dwelling should be on stilts like any other project.

Mr. Berube stated that a deep hole test has not been done to establish the water table. It is probably a high water table. The water table could be two (2) or three (3) feet down. The flood elevation is the governing issue.

Mr. Reader commented that if it floods the vents will be there to allow the water to pass through.

Mrs. Giroux stated the house was built on stilts once why are you putting the proposed house on a foundation.

Mr. Burttt replied because a foundation is more sturdy. Mr. Burttt explained that the current foundation is built on cinder blocks. The existing dwelling is an old cottage.

Mrs. Giroux stated that the existing house is built on cinder blocks. Mrs. Giroux stated that she is leery.

Mrs. O'Rourke asked that a motion be made.

Mr. Reader made a motion to grant a Variance for work within the flood plain at 8 Thoreau Street with flood vents being installed in the proposed single family dwelling.

Mrs. O'Rourke asked for a second.

Mrs. Giroux stated if she seconds the motion can she still vote against it and offer an alternative.

Mr. Berube replied that you can offer the alternative at this time.

Mrs. Giroux stated that she would like to get more information about the existing foundation versus the proposed foundation. Mrs. Giroux stated that she does not feel comfortable voting yes for this project because there are too many unanswered questions. I vote that the Board denies the project or Mr. Burttt comes back before the Board with more information.

Mr. Berube explained that since there is an existing house on this property the Board cannot deny Mr. Burttt the opportunity to construct a new dwelling.

Mrs. Giroux replied that he can construct a new dwelling on the same footprint but he is changing the footprint and shifting the dwelling.

Mr. Berube explained that what Mr. Burt is doing by moving the dwelling away from the river and closer to the street will be beneficial. He is moving the house away from the resource area and out of the flood plain. By adding flood vents to the garage it makes any impact to the flood plain negligible.

Mr. Burt asked if the Board Members have read the alternatives.

Mrs. Giroux stated that the alternatives have been included in the Board's package and we have read them.

Mr. Burt explained that the reason why we moved the proposed dwelling was to have less of an impact on the river. The Conservation Commission wants us to move the house closer to the road to have less impact on the river. That is why I am putting in a crusher run driveway instead of a hot top driveway.

Mr. Berube suggested that the Board could continue this matter and allow Mr. Burt the opportunity to file with the Conservation Commission. Mr. Berube stated that he would discuss this matter with Adam Bossi, the Director of Environmental Affairs.

Mrs. Giroux made a motion to continue the hearing until Richard Berube, Director of Public Health has had the opportunity to discuss this matter with Adam Bossi, the Director of Environment Affairs and Mr. Burt has provided Mr. Berube and the Board additional information about this project.

Mr. Kane seconded.

**Open Microphone**

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

No one was present for open microphone.

Mrs. Giroux asked what is going on with 581 Boston Road and the loss of his tobacco license.

Mr. Berube explained that Town Counsel, Patrick Costello has filed an Administrative Record with the court. It is in the hands of the court to review and decide if this matter is going further.

Mr. Kane asked what is the status of the pending litigation from Empire Recycling, 36 Sterling Road.

Mr. Berube explained that he has not received any update. Empire Recycling had a meeting with Swanson Meadows and Swanson Meadows was going to inform me of what transpired at the meeting.

However, I have not heard from Swanson Meadows or Empire Recycling.

Mr. Kane requested that Mr. Berube contact Town Counsel and find out what is going on and report back to the Board Members at the next meeting.

Mrs. Giroux 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