

## **BOARD OF HEALTH MINUTES**

**April 4, 2011**

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**

Mr. Kane made a motion to accept the Meeting Minutes of February 7, 2011. Mr. Grady seconded. So voted unanimously.

### **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 Report.

Mr. Berube explained that he would begin with Health Agent, Phavy Pheng's report. In the past two (2) months, seventeen (17) trash related cases have been closed. There are twenty (20) new complaints. Fourteen (14) of the complaints are for trash and debris, four (4) complaints are for water being pumped into the street and two (2) are food complaints. As you are aware it is prohibited to pump water into the street (during the winter) because it creates icy roads. Phavy and I investigated the two (2) food complaints because it was before Gary joined our staff. The first food complaint was about Chung King, a customer saw a mouse in the restaurant. Upon investigation we found out that there was a function in the backroom and someone left the back door open. That is probably how the mouse got into the restaurant. Pest control came in and took care of the situation. The other complaint was about Mamma Maria's in East Billerica. A customer complained that there was poison in his sandwich. The person stated that he got violently ill after he ate the sandwich and went to the hospital. The complainant could not provide us with any documentation from the hospital.

Mrs. O'Rourke suggested that a copy of the Health Department Activity Reports be included in the Board's packets and if they have any questions Mr. Berube can answer them at the meeting.

Mr. Berube replied that a copy of the Health Department Activity Reports will be included in the Boards packets from now on. Mr. Berube explained that Phavy Pheng also inspected five (5) Suntanning Establishments and three (3) Health Club Establishments. There are still a few court cases pending. The court case at 78 Pinedale Avenue has been converted to a civil matter and Town Counsel is involved. Breckenridge Estates should be in the construction phase soon.

Mrs. O'Rourke asked if Mr. Berube has heard anything about Sheridan Street.

Mr. Berube replied no. The family is living in an apartment and I have not heard anything about what is going to happen.

Mr. Berube explained that since Health Agent, Gary Courtemanche has joined the Health Department staff (on February 22<sup>nd</sup>) he has completed one hundred and one (101) inspections. Seventy (70) routine inspections, twenty-three (23) re-inspections, five (5) complaints and three (3) pre-openings. The pre-opening inspections were Jimbo's Roast Beef, 240 Nashua Road, Golden Jade, 113 Boston Road and Swanson Meadows. Swanson Meadows is looking to re-open under the original owner. The first complaint was from a resident that the Belly Buster was dumping grease behind the building on the access road. The establishment was fined one hundred (100) dollars and the mess was cleaned up. The second complaint was at Strombolis, a customer complained that birds were being kept in cages in the manager's office. The complaint was valid. The owner explained that his house was being painted and he brought the birds to his office. Upon re-inspection the birds were removed. The third complaint was from a resident that oil was leaking from the dumpster area behind Joy Luck Bistro. The investigation found two (2) barrels owned by Envirotech used to collect cooking oil, were overflowing. Envirotech put fresh barrels with new secure lids and Joy Luck cleaned up the area. A customer complained that at the Market Basket in Pinehurst, an employee working behind the Deli counter had conjunctivitis because his eyes were red. Mr. Courtemanche met with the store manager and the employee. The employee wears contact lens, which makes his eyes appear red. There were no symptoms of conjunctivitis. The last complaint was regarding the trash and debris blowing around the area behind the 7-11 in Pinehurst. An order was issued to clean up the area, secure the gate to the dumpster and replace the fence around the dumpster area. The only item that has not been completed is the replacement of the fence, which will be done within the next two weeks. The resident that complained, called the office to thank us for addressing their complaint.

Mr. Berube explained that the Public Health Nurse, Christine West continues with communicable disease reporting and giving all vaccines on a monthly basis. The reimbursement money from the Medicare Flu shots has been received and will be deposited directly to a Board of Health Account to be used for future clinics. The Massachusetts Department of Public Health has informed all agencies that there is going to be a reduction in the state-supplied flu vaccine for adults. So we may need to use that

money to purchase more vaccine. Christine will be at the Billerica Health and Wellness Fair on Saturday, April 9, 2011. Christine will be offering the Tdap shots for adults. At the end of April, Christine will be working with Carole Butze administering the Tdap vaccine for adolescents age 12 in the Locke and Marshall Middle Schools.

**Lynnway Auto Auction**

Mr. Berube explained that there have been some issues of non-compliance with the Order of Conditions that the Board has issued to Lynnway Auto Auction. So we have been working closely with the construction company that is doing the work. One of the issues is that they are going beyond the limits of work that were shown on the approved plans. There is also a question about the fill material that they are using. We are currently reviewing those issues. There is a possibility that I may need to bring them back before the Board regarding the project.

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

Mr. Kane asked if Dolly's Donuts, 240 Nashua Road is closed.

Mr. Berube explained that the person that Mr. Filosi had hired ran the place for short while and then quit. Mr. Filosi just hired a new person, so the place will be re-opening soon.

**Health and Wellness Fair**

Mr. Berube stated that the Billerica Health and Wellness Fair will be held on Saturday, April 9, 2011 from 10 a.m. to 2 p.m. at the Billerica Elks Club. The Health Department will be giving out green grocery bags filled with information regarding emergency preparedness and other health information. Joanne White and myself will also be present to help out. This event provides a lot of complimentary samples and good information to the residents of Billerica.

**Substance Abuse Prevention Committee Report by Helen Devlin**

Mrs. O'Rourke explained that Helen Devlin could not be present tonight because an emergency situation came up at the last minute.

Mr. Berube explained that he had met with Helen Devlin last month regarding Substance Abuse Prevention and she expressed an interest in coming to the Board of Health meeting to explain what the Substance Abuse Prevention Committee is all about. I will reschedule Helen for the May 2, 2011 Board of Health meeting.

**Updated Emergency Call List**

Mrs. O'Rourke stated the next item is the Updated Emergency Call List.

Mr. Berube stated that the emergency call list has been updated. Mr. Berube asked if the Board Members had any questions. The Board Members did not have any questions.

**Nomination of Inspector of Animals**

Mrs. O'Rourke stated the next item is the Nomination of Inspector of Animals.

Mr. Berube explained that each year the Health Department is required in accordance with the Massachusetts General Laws, Chapter 129, Sections 15 and 16, to nominate one or more Inspector of Animals by April 1, 2011.

Mrs. O'Rourke asked is this position posted.

Mr. Berube replied no.

Mrs. O'Rourke asked why.

Mr. Berube explained that the same person has been nominated because we do not have the funding to hire an Inspector of Animals and an Animal Control Officer.

Mrs. O'Rourke explained that someone asked why the dog officers position was never posted.

Mr. Berube replied it is not a posted position.

Mrs. O'Rourke stated that Diane is appointed every year.

Mr. Berube explained that she is the animal control officer, which goes hand in hand with the inspector of animals. In Billerica, the Animal Control Officer fills both positions.

Mrs. O'Rourke commented that Diane Murphy does a great job.

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

Mrs. Giroux seconded. So voted unanimously.

**Spring Town Meeting Warrant Article 46 – Keeping of Hens**

Mrs. O'Rourke stated the next item is Spring Town Meeting Warrant Article 46, Keeping of Hens.

Mr. Berube explained that before the 2010 Fall Town Meeting there were two proposed articles for the keeping of hens, however those articles did not come before Town Meeting. Ms. Croce came

before the Board in September 2010 and gave a presentation. Ms. Croce is bringing it before the 2011 Spring Town Meeting to see if Town Meeting will make a change in the Zoning By-Laws to allow the keeping of hens. The Planning Board will hold a Public Hearing on Monday, April 11, 2011 at 7:15 p.m. in Room 210 to amend section 5 of the Zoning By-Laws relating to use regulations. Mr. Berube asked the Board Members if they would like him to submit a memo to the Planning Board regarding the health risks associated with the raising of hens. Mr. Berube explained that he has contacted the Bureau of Animal Health and they have expressed some concerns.

Mrs. O'Rourke commented that there are residents in Billerica that have chickens.

Mr. Berube replied that they are not supposed to have chickens.

Mrs. O'Rourke stated some residents have had the chickens for years and no one has ever bothered them. How come there is a problem all of a sudden?

Mr. Berube replied because the zoning regulations have not been enforced.

Mr. Reader asked what do the zoning regulations state.

Mr. Berube explained that the zoning regulations state that you cannot raise livestock.

Mrs. O'Rourke stated we have horses in Billerica.

Mr. Berube replied that horses are exempt.

Mr. Reader asked are cows exempt.

Mr. Berube explained no. The keeping of hens is a concern because if the Zoning By-Law change allows the use of chickens, the Board of Health will have to come up with a set of regulations and that will also put an extra burden on the Animal Control Officer. It will be very difficult for the Animal Control Officer to determine if the chickens are healthy because chickens can carry salmonella and other diseases that you would not know about. If the Board recalls several years ago, the bird flu was transmitted through chickens. This is a serious matter. I don't feel comfortable with chickens in Billerica. Billerica used to be all farms but now it is densely populated. The Health Department gets complaints about horses, can you imagine all the complaints we would get about chickens.

Mrs. O'Rourke asked if the zoning by-law allows the use of chickens in Billerica what will happen to the people that already have chickens. Who is going to enforce the law?

Mr. Berube replied that the Building Department will have to enforce the zoning regulations and the Board of Health will have to come up with rules and regulations regarding the keeping of hens. There will be extra work for the Health Department and the Animal Control Officer.

Mr. Reader asked have there ever been complaints about chickens.

Mr. Berube explained we have had complaints about chickens and we refer them to the Building Department because it is more of a zoning issue.

Mr. Reader asked if this article does not pass what happens.

Mr. Berube replied it is a non-issue.

Mr. Reader asked what happens to the people that have chickens.

Mr. Berube replied the Building Department will have to enforce the zoning regulations. If they choose not to enforce the zoning regulations I do not know what will happen. Mr. Berube asked the Board if they would like him to submit a memo to the Planning Board regarding the Board of Health's concerns.

Mrs. O'Rourke replied yes. Mrs. O'Rourke stated that she would attend the Planning Board hearing on Monday, April 11, 2011.

#### **Aerial Larvicide Program**

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

Mr. Berube explained that the Aerial Larvicide Program is a part of the mosquito control program that will be taking place sometime during the last two (2) weeks in April. When the date has been finalized a notice will be published in the Billerica Minuteman, the Lowell Sun and on the Town of Billerica website.

#### **McFarland Cascade**

Mrs. O'Rourke stated the next item is McFarland Cascade.

Mr. Berube explained that a copy of the Notice of Audit Findings (NAF) from the Department of Environmental Protection (DEP) was included in the Board's package in February 2011. DEP reviewed what actions McFarland Cascade has taken to date. DEP noted some violations. DEP felt that McFarland Cascade did not adequately determine the extent of the contamination of the site and further assessment is required. McFarland Cascade did not characterize the long-term risk. The Notice of Activity and Use Limitation requires revision as well. DEP gave McFarland Cascade until June 1, 2011 to comply with their order. The Health Department received a letter from the attorney at Goodwin/Proctor stating that they have reached an agreement with Eastern Terminals, Inc. to terminate their lease, whereby Eastern Terminals accepts responsibility for compliance with the NAF/NON and any orders of the Billerica Board of Health. Included in the Board's packet is a copy of the letter that I sent to Eastern Terminals, Inc. I asked them to provide a letter regarding their intentions to comply with the outstanding Board of Health order. I also asked them if they plan to retain the services of GZA GeoEnvironmental,

Inc. as the LSP. As of this time I have not received any response from Eastern Terminals. Eastern Terminals, Inc. filed an application for an Approval Not Required Plan with the Planning Board. Included in the Board's packet is a copy of the memo that I sent to the Planning Board expressing my concerns regarding Eastern Terminals, Inc. Request for Endorsement. Eastern Terminals, Inc. is seeking endorsement of an Approval Not Required Plan (ANR Plan). They are looking to subdivide the property and sell the front of the property. In my memo to the Planning Board I expressed my concerns about the proposed boundaries of Lot 2 and the extent of the contamination on the property. McFarland Cascade has not fully complied with the Massachusetts Contingency Plan (MCP). The MCP process should be completed before they subdivide the property.

Mr. Reader asked for clarification of how they were going to subdivide the property.

Mr. Berube explained the section where the poles were located will be created as one lot. The front section where the lumberyard is will be another lot. The lumberyard lot is the lot they are going to sell. My concern is that they are going to sell the lot, everyone is going to walk away and we would be chasing people to cleanup the site.

Mr. Reader asked who would want to buy the front piece of property.

Mr. Berube replied anybody that buys that property would have the potential of being a responsible party for the cleanup. Mr. Berube explained that he read Mr. Snider's comments in the Lowell Sun. Mr. Snider stated that he does not think the site is contaminated. I think the cleanup should be finished before subdividing the lot and selling it. Mr. Berube explained that the Planning Board denied their application. Mr. Snider is appealing the Planning Board's decision.

Mrs. O'Rourke asked why did the Planning Board deny their request.

Mr. Berube replied that he thought because of the Board of Health concerns that were raised. I believe that was the prime reason.

Mr. Kane stated that he watched the Planning Board meeting and some of the residents had similar concerns and spoke at that meeting. Mr. Sampson was present at the meeting and expressed his concerns.

Mr. Berube stated that he does not know what is going to happen. Mr. Berube stated that he is going to follow-up with DEP to find out what their position is. I will also contact Town Counsel because we may need to take some legal action to ensure that they are going to comply with our order. DEP gave them until June 1, 2011 to cleanup the site. After they cleanup the site they can file with DEP and then they can go forward with subdividing the property. I have not received a response from Mr. Snider.

Mrs. O'Rourke asked Mr. Berube if he has visited the site lately.

Mr. Berube replied no.

Mr. Reader asked if the Board of Health would be notified when they decided to clean up the property.

Mr. Berube replied as a courtesy they should notify us that they are beginning the cleanup effort. McFarland Cascade has passed this on to Eastern Terminals however that does not absolve them of their responsibility. DEP can still take McFarland Cascade to court.

Mrs. O'Rourke stated that she was led to believe that McFarland Cascade was going to cleanup the property but now it seems like they are trying to pass it off on Eastern Terminals.

Mr. Berube explained that he intends to follow-up with Town Counsel because the Planning Board is going to meet at the end of the month regarding the appeal hearing. If we need to initiate legal action I will inform the Board Members.

Mrs. O'Rourke asked the Board Members if they had any questions regarding McFarland Cascade. The Board Members did not have any questions.

**7:15 p.m. Christine Granata – 7 Allendale Avenue – Request Waiver of Regulations for the installation of an above ground pool within the Flood Plain**

Mrs. O'Rourke stated the next item is Christine Granata, 7 Allendale Avenue, requesting a Waiver of Regulations for the installation of an above ground pool within the Flood Plain.

Mr. Granata provided the Board with a copy of the Plot Plan from 7 Allendale Avenue showing the proposed location of the above ground pool.

Joseph Granata, 7 Allendale Avenue identified himself. Mr. Granata explained that he would like to install an above ground pool in his backyard for his wife and children. I am requesting a waiver of regulations because we are in a flood zone.

Mr. Berube explained that their property falls completely within the Green Engineering Flood Plain, however they are not in the FEMA Flood Plain. In 2006, the Board granted Mr. Granata a waiver of regulations to construct a deck.

Mrs. O'Rourke asked Mr. Granata if he was on town sewer.

Mr. Granata replied yes.

Mr. Berube stated that he did not see any problem with granting the waiver of regulations for the above ground pool because if the pool creates a flooding problem it can be taken down.



Mrs. O'Rourke asked have there been any problems with the deck.

Mr. Granata replied no.

Mrs. O'Rourke asked have you purchased the pool.

Mr. Granata replied yes, it is an eighteen (18) foot round above ground pool.

Mrs. O'Rourke asked the Board Members if they had any questions. The Board Members did not have any questions.

Mrs. Giroux made a motion to grant a waiver of the Billerica Regulations Chapter 5, Section 5.5.005(1) to allow the installation of an above ground pool in the flood plain located at 7 Allendale Avenue 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 property located at 7 Allendale Avenue and further described as Assessor's Plate 90, Parcel 168-1 falls within the Green Engineering Flood Plain as identified on the Green Engineering Flood Plain Map #129. The site does not fall within the FEMA Flood Zone.
- 3) The applicant proposes to install an above ground pool. The proposed structure can be removed if it creates a flooding issue.
- 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, 5, 6, 10, 11, 12, 15, and 25 in accordance with the Board of Health regulations and Special Conditions:

- A) The above ground pool shall be located as shown on the plan submitted and approved by the Board of Health.
- B) In the event, the pool creates a nuisance or flooding problem the pool shall be removed immediately upon notification by the Board of Health.

Mr. Kane seconded. So voted unanimously.

**7:25 p.m. Town of Billerica – Wastewater Treatment Facility Water Main Extension – Request a Waiver of Regulations for work within the Flood Plain**

Mrs. O'Rourke stated the last item on the agenda is the Town of Billerica, Wastewater Treatment Facility Water Main Extension requesting a Waiver of Regulations for work within the Flood Plain.

Mr. Pescatore provided the Board Members with a large copy of the plans showing the location of the proposed water main extension.

Jim Pescatore, Camp Dresser & McKee, identified himself. Mr. Pescatore explained that he was the consultant representing the Department of Public Works. An expansion of the Wastewater Treatment Plan on Letchworth Avenue was completed approximately one (1) year ago. The fire protection at that plant is inadequate. The pipe on Letchworth Avenue is approximately 3,900 feet long and is an old 6-inch pipe that does not deliver enough water for the fire protection needs. We were asked to investigate alternatives on how to increase the water pressure and delivery at the site. We came up with a plan that was the most cost effective and practical. The plan consists of installing a new 12-inch diameter ductile iron (DI) water main and four (4) 2-inch HDPE sanitary low-pressure force mains between the Town's wastewater treatment facility (WWTF) on Letchworth Avenue and Billerica Avenue. The pipe on Billerica Avenue will be installed beneath the railroad tracks with a continuously jacked 42-inch steel casing pipe for the entire limit of the railroad property. Mr. Pescatore pointed to the plans and explained the location of the work and the proposed pipe. Approximately three hundred (300) feet of water main will be installed including a jack underneath the railroad tracks to get to Letchworth Avenue. Mr. Pescatore explained that on the wastewater treatment plant site there is a sludge handling building and a parking area and roadway that sweeps around and that is part of the Green Engineering Flood Plain area. The plan is to install this water main across the one hundred (100) foot boundary from the flood plain. The jacking will go into the actual flood plain and the twenty-five (25) foot distance from the flood plain on the Letchworth Avenue side. We are requesting a waiver of Chapter 5, Section 5.5.005 (1) for work within the flood plain. There will be an 80 square feet of excavation, which will be backfilled and will be restored to preconstruction grades. Mr. Pescatore pointed to the parking area that would be repaved and the area where the landscaping would be done. There will be no long-term adverse impact effects on the flood plain or loss of flood storage volume. Mr. Pescatore pointed to the area where a manhole with a sealed cover would be installed. That manhole will be a terminal manhole for one of the other pipes. There will also be a sleeve that has four (4) small diameter 2-inch low-pressure force mains for future sewer use for residents on the other side of Billerica Avenue. The manholes are associated with the terminal points for the short piece of sewer sleeve and force mains.

Mrs. O'Rourke asked why is this work being done now.

Mr. Pescatore explained that when the wastewater treatment plant expansion project was completed they built some new facilities, which required over one thousand (1,000) gallons per minute of water at 65 pounds of pressure to adequately run the sprinkler systems and protect the buildings. The pipe in Letchworth Avenue is a dead end pipe. It comes all the way up Letchworth Avenue and stops at

the wastewater plant. It is 3,900 feet long and can only deliver about 220 gallons per minute of water at 20 pounds of pressure, which is not enough to fight a fire at that the site.

Mrs. O'Rourke asked why didn't they do the upgrade when the original project was done.

Mr. Pescatore replied this will be part of the wastewater treatment plant upgrade project. We have received the order of conditions from the Conservation Commission, we have a permit with the railroad about crossing their tracks and now we are requesting the waiver from the Board of Health. This project will be added to the wastewater treatment plant project from last year which is still open awaiting the final occupancy permit because of the lack of the fire protection.

Mrs. O'Rourke stated so from the time that this project started until now the facility is in danger.

Mr. Pescatore replied yes.

Mrs. Giroux asked why they didn't do this first.

Mr. Kane asked why they didn't do this as an area of need back when they did the original construction.

Mr. Pescatore explained that he did not know, he was not the consultant for the wastewater project. My understanding is that they did some field tests to determine what could be delivered at the site and determined this deficiency however it showed up late in the construction of the wastewater treatment plant upgrade.

Mrs. O'Rourke asked when do they intend to do the work.

Mr. Pescatore replied the work would begin as soon as the railroad permit is issued. We are seeking an easement across the tracks. It has been filed but it could be late July or August before the paperwork comes in. We will try to do this work this summer or fall.

Mrs. O'Rourke commented so all this time this plant will still be in jeopardy.

Mr. Pescatore replied yes. If the fire trucks have to come up to the wastewater plant they would have to rely on the small amount of water that they could obtain from the hydrants on site.

Mr. Reader asked is this being done just for the fire protection reason

Mr. Pescatore explained this fire protection is being driven by the wastewater treatment plant requirement. It will also benefit the houses on Letchworth Avenue who also have fairly low fire protection requirements. The residents don't have as high a requirement as the wastewater treatment plant.

Mr. Reader asked will this system be tapped into the main that is on Letchworth Avenue now.

Mr. Pescatore explained it would be creating a loop. Mr. Pescatore explained how the system would operate. The fire protection would also improve for the residents on Letchworth Avenue.

Mrs. Giroux asked this doesn't fall under one of those conditions where they have just paved the road and they are not allowed to tear up the road.

Mr. Pescatore explained that Letchworth Avenue is actually on the wastewater treatment site. Mr. Pescatore pointed to the plans and explained the intersection and where the work would be done.

Mrs. Giroux explained that there have been cases before where the Board of Health approved the work but the work could not be done because the road could not be torn up.

Mr. Kane asked did you work with Fire Prevention to make sure that this system is going to provide an adequate amount of water and appropriate pressure so that five (5) years from now the standard of one thousand (1,000) gallons per minute will not be enough.

Mr. Pescatore replied most sprinkler systems are segmented so that any one sprinkler system can handle the demand. Abdul Alkhatib, Director of Public Works and Lorraine Sanders, Superintendent of the Wastewater Treatment Facility worked with the Fire Department regarding this plan. Mr. Pescatore stated that he has requested a waiver but not administrative approval for work within twenty-five (25) and one hundred (100) feet on this side of the tracks beyond the flood plain. Do we need to request administrative approval also?

Mr. Berube replied that this waiver would be for the entire project.

Mrs. O'Rourke asked the Board Members if they had any questions. The Board Members did not have any questions. Mrs. O'Rourke asked Mr. Berube for his comments.

Mr. Berube explained that the work is necessary and any impacts to the flood plain will be temporary so I do not have any issues with granting the waiver.

Mr. Kane made a motion to grant a Waiver of Billerica Health Regulations, Chapter 5, Section 5.5.005 (1) (2) to allow the installation of pipelines for a fire suppression system between the Town's Wastewater Treatment Facility (WWTF) on Letchworth Avenue and Billerica Avenue, located in and within one hundred (100) feet of 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 Camp Dresser & McKee for 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 applicant proposes to install a new 12-inch diameter ductile iron (DI) water main and four (4) 2-inch diameter HDPE sanitary low pressure force mains between the Town's WWTF on Letchworth Avenue and Billerica Avenue. The project will occur in and within one hundred (100) feet of the Green Engineering Flood Plain (GEFP) as delineated on the GEFP Map #47.
- 3) The WWTF Water Main Extension Project is critical to meet the demand requirements of the WWTF fire suppression system. There will be no permanent loss of flood storage as a result of the proposed work.
- 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 Camp, Dresser & McKee, dated August 2010 and stamped by James J. Pescatore, RPE#30389.
- 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. Reader seconded. So voted unanimously.

### **Open Microphone**

Mrs. O'Rourke asked is there anyone here for open microphone tonight.

Richard Karamanian, 4 Ashdale Road, identified himself. Mr. Karamanian thanked the Billerica Board of Health and prior member Fred Kenyon for their work in regards to McFarland Cascade and the Iron Horse Park facility. Mr. Karamanian explained that at the Planning Board meeting Mr. Snider wanted to execute the process for subdividing the lot so that he could sell a portion of his property. Mr. Snider was adamant and denied that there was any contamination or health concerns even though there was overwhelming evidence of the contamination at the facility. The Department of Environmental Protection had confirmed it. A lot of Billerica residents and I are grateful to Mr. Berube for submitting

that letter to the Planning Board. It was very pivotal. Unfortunately, comments were made that representation from the Board of Health should have been at that meeting. Mr. Berube did go far beyond what was necessary. That letter was a last minute thing and it did help out the situation. Unfortunately, not all the Planning Board Members felt that it was a situation that would affect the residents of Billerica and that the Town of Billerica would possibly be left with a bill to clean up that site. There is a developer who is willing to purchase the property even though there are three acres (3) that contain contaminants. There is lead in the front lot that is part of the proposed sale. Mr. Karamanian stated that Mr. Davis from Goodwin/Proctor stated that it could take up to five (5) years to clean up the site but they expected that it would only take up to one (1) year. We do not want a situation where the Billerica residents/taxpayers are held responsible for other people. Mr. Karamanian thanked the Board of Health again.

Mrs. O'Rourke asked if anyone else was present for open microphone tonight. No one else was present for open microphone.

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