

BOARD OF HEALTH MINUTES
November 4, 2013

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

ACCEPTANCE OF MINUTES

Mr. Grady made a motion to accept the Meeting Minutes of October 7, 2013. Mr. Kane seconded. So voted unanimously.

BOARD OF HEALTH BUSINESS

Health Department Activity Reports

Mrs. Giroux 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 October are included in the Boards package.

Mrs. Giroux stated the first report is from the Public Health Nurse, Christine West.

Mr. Berube explained that Christine West, Public Health Nurse continues to do all routine activity along with Communicable Disease reporting and follow-up on line with MAVEN (Massachusetts Virtual Epidemiologic Network). The Flu Clinic held at the Council On Aging had a very good turnout. However the clinic held for residents 18 and older had a lower turnout than in previous years. Christine will continue to give flu shots by appointment until the vaccine runs out. The AED/CPR recertification classes for town hall employees have been completed. Christine is in the process of filing the necessary paperwork for flu reimbursement. Mr. Berube asked the Board Members if they had any questions regarding Christine's report.

The Board Members did not have any questions regarding Christine West's report.

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Mr. Berube stated that the next report is from Health Agent, Phavy Pheng. Mr. Berube asked the Board Members if they had any questions regarding Phavy's report.

Mr. Kane asked about the junk and debris, nuisance and noise reporting incidents at Empire Recycling.

Mr. Berube explained that the noise complaints have been verified by Phavy Pheng. The side bay door was open and a front end loader was operating at the time of the complaint. A one hundred (100) dollar fine was issued. A large amount of cardboard and solid waste was dumped beyond the canopy at the front of the building. The complaint was investigated with a representative from the Department of Environmental Protection (DEP) and the Building Department was also notified. An order for correction and a fine was issued. A proposed Standard Operational Manual from Empire Recycling was submitted to the Board of Health for review. Phavy Pheng, Gary Courtemanche and I met with Empire Recycling and have been working closely with them to help improve their operation.

Mrs. Giroux asked how much have they paid in fines.

Mr. Berube replied between one and two thousand dollars.

Mrs. Giroux stated the last report is from Health Agent, Gary Courtemanche.

Mr. Berube explained that Gary, Phavy and myself attended a Municipal Stormwater Management Seminar in Andover.

Mr. Berube stated that Gary and I conducted a pre-operational site inspection at the Charles George Recycling Plant located at 7 Republic Road.

Mr. Berube explained that there were two (2) incidents of oil spills that closed down Boston Road. Both were the results of accidents involving trucks that had ruptured fuel tanks. DEP was involved with both incidents.

Mr. Berube explained that a CO2 alarm at McDonalds, 718 Boston Road went off. The establishment cleaned the hood system and the plumbing inspector certified that the equipment was working properly. The establishment was allowed to reopen the next morning.

Mr. Berube explained that an employee accidentally knocked over a fire extinguisher at Dunkin Donuts, 181 Boston Road which released all its contents and activated a fire alarm call. All the exposed food and paper products had been properly discarded and the establishment was allowed to reopen at 7:30 a.m.

Mr. Berube explained that the Health Department is working with the Department of Public Works (DPW) to schedule a FOG (fats, oil, grease) class in the spring of 2014 to educate all food service operators methods to eliminate the discharge of FOG into the town sewer system.

Mrs. Giroux asked if there were any critical violations at the Pongal Restaurant.

Mr. Berube explained that no critical violations were noted. They continue to make improvements with their operation.

Mr. Berube asked the Board Members if they had any questions regarding Gary's report.

The Board Members did not have any questions.

Introduction of the New Animal Control Officer/Nomination of Inspector of Animals

Mrs. Giroux stated that the next item is the introduction and nomination of the new Inspector of Animals.

Mr. Berube introduced Christine Gualtieri as the new Inspector of Animals and Maureen Ray as the part time Inspector of Animals.

Mr. Kane made a motion to nominate Christine Gualtieri as the Inspector of Animals for the Town of Billerica.

Mr. Grady seconded. So voted unanimously.

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

Christine Gualtieri thanked the Board Members for nominating her.

Mrs. Gualtieri asked if she has to inspect the new pet store that is going into the 700 Boston Road Plaza.

Mr. Berube replied that is the state's responsibility.

Miscellaneous

Mr. Berube explained that in the Board's package is an article regarding the increasing popularity of E-Cigs. Billerica is one of the few communities in the State that regulates the sale of E-Cigs.

Mrs. Giroux asked if the Medical Marijuana Moratorium expires in June 2014.

Mr. Berube replied that the Planning Board submitted articles for Town Meeting but they were withdrawn because the Planning Board Members did not support the articles. The regulations that were submitted by the Department of Public Health are the most stringent in the country. The only concern that I have is with the home cultivation regulation, I think that regulation is too weak. The regulations do not encourage home cultivation. We may want to adopt our own regulation for home cultivation

because of air quality issues. We have a lot of housing issues and rental properties and air quality could be a problem.

Mrs. Giroux asked do we need to submit an article to town meeting to extend the Medical Marijuana Moratorium for another year.

Mr. Berube replied we can have the regulations in place by June 2014.

Mrs. Giroux asked the Board Members if they had any questions.

Mr. Kane commented that the Planning Board needs to look at the State's regulations. Since we have some authority as well as the State, we can review the State's regulations and decide if they are adequate. We may want to make some recommendations to add to the State's regulations.

Mr. Berube explained that the State's regulations do not pre-empt the local Boards of Health from doing their own thing. It looks like the State wants to handle the whole thing.

7:15 p.m. Lee M. Cappucci – 41 Glad Valley Drive – Request a Variance for work within 25 feet of the Flood Plain

Mrs. Giroux stated the last item on the agenda is Lee M. Cappucci, 41 Glad Valley Drive, requesting a Variance for work within 25 feet of the Flood Plain.

Dan Turcotte, 37 Glad Valley Drive, representing Jim and Lee Cappucci, identified himself. Mr. Turcotte explained that the applicant is requesting a variance to construct a garage and breezeway on the left hand side of the existing dwelling that is relatively close to a perennial stream located along the east side of the property. We have appeared before the Conservation Commission and the construction will cause minimal impact to the brook. We have looked at locating the addition on the other side of the house but this is the area that will create the least amount of impact. It will be a two (2) car garage with storage above and a breezeway to enter into the back of the house.

Mr. Berube explained that in the Board's package is a letter explaining why they have chosen this location for the addition. The stream used to be an old irrigation channel when this area was farm land. Mr. Berube explained that he has visited this site on several occasions because this is one of the beaver problem sites. Water level control devices are located upstream that will prevent any type of flooding on this property. I don't see a problem with granting this variance because no work will be occurring within the Green Engineering Flood Plain.

Mrs. Giroux asked the Board Members if they had any questions.

Mr. Kane asked about the Green Engineering Flood Plain elevation of 188.

Mr. Berube explained that there is a culvert in the roadway that restricts the flow as well as the water level control devices that controls the flow upstream of the property.

Mr. Kane asked will there be any impact downstream.

Mr. Berube replied that downstream consists of open fields. The fields would have to be flooded before you would see any water backup into this area.

Mrs. Giroux asked if any abutters were present.

Catherine Luttrell, 44 Glad Valley Drive, identified herself. Ms. Luttrell stated that she does not have a problem with the garage and breezeway addition.

Mr. Grady made a motion to grant a Variance of Board of Health Rules and Regulations, Chapter 5, Section 5.5.005 (1) in order to construct a garage and breezeway addition to the existing single family dwelling at 41 Glad Valley Drive within twenty-five (25) feet of the Flood Plain based on the following findings of fact and pursuant to the following conditions:

FINDINGS OF FACT

- 1) The work described in the applicant's request is within an area subject to protection under the Billerica Health's Rules and Regulations, Chapter 5, Section 5.5.005 (1).
- 2) The applicant proposes to construct a garage addition to the existing dwelling within approximately ten (10) feet of the Green Engineering Flood Plain (GEFP). The site does not fall within the FEMA Flood Plain.
- 3) The GEFP has been altered by the installation of drainage/stormwater infrastructure and beaver water level control devices upstream of the subject property. There will be no work within the GEFP.
- 4) The Board of Health has determined that the actions proposed by the applicant are adequate measures to protect the public health and environment and complies with the intent of Board of Health Rules and Regulations. Further, approval of the applicant's request will not be detrimental to the public health and environment.

CONDITIONS

Standard conditions number 1, 2, 3, 4, 5, 6, 9, 10, 11, 13, 14, 15, 24 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 Acton Survey & Engineering, Inc. dated July 15, 2013 and revised to September 27, 2013 (by owner) and stamped by Mark Donohoe, RPE#27143.

Mr. Kane seconded. So voted unanimously.

Open Microphone

Mrs. Giroux asked if anyone was present for open microphone.

No one was present for open microphone.

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

The Board adjourned at 7:25 p.m.

Respectfully submitted,

Sandra Giroux
Secretary

Joanne M. White
Recording Clerk