

BOARD OF HEALTH MINUTES
May 12, 2014

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

ACCEPTANCE OF MINUTES

Mr. Kane made a motion to accept the Meeting Minutes of March 10, 2014 as presented. Mr. Grady seconded. Three (3) voted in favor, one (1) vote abstained (Robert Reader).

Mr. Kane made a motion to accept the Special Meeting Minutes of April 28, 2014 as presented. Mrs. Giroux seconded. Three (3) voted in favor, one (1) vote abstained (Robert Reader).

Mr. Grady made a motion to accept the Executive Session Minutes of April 28, 2014 as presented. Mr. Kane seconded. Three (3) voted in favor, one (1) vote abstained (Robert Reader).

BOARD OF HEALTH BUSINESS

Health Department Activity Reports

Mr. Reader stated the first item under Board of Health Business is the Health Department Activity Reports.

Copies of the Health Department Activity Reports for the months of March and April are included in the Board's package.

Mr. Reader 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 follow-up/reporting with MAVEN. Christine West and Joanne White participated in the April 12, 2014 Health Fair held at the Billerica Elks. The Board of Health donated a raffle basket. The basket included a Blood Pressure Kit, a First Aid Kit, a Drug Awareness Book, a flashlight, sunscreen and daily household medical supplies. These items were purchased with the Emergency Preparedness Funds. Approximately 800-900 residents came to the Health Fair. On March 12, 2014 Christine attended the Billerica Substance Abuse Prevention Meeting and signed on as an “associate member”. Christine recommended that the book “Sunny’s Story” be incorporated into the school curriculum/library. This book is about drug addiction told through the eyes of the family dog. It is a true story.

Mr. Berube asked the Board Members if they had any questions regarding Christine’s report.

The Board Members did not have any questions.

Mr. Berube stated the next report is from Health Agent, Phavy Pheng.

Mr. Berube explained that the sewer connection at 1 Mitchell Road has finally been completed and the case has been closed.

Mr. Reader asked what the status of 78 Pinedale Avenue is.

Mr. Berube explained that Phavy went to court on Monday May 12, 2014 and the judge gave Mr. Mitchell until June 2, 2014 to fix the failing septic system or connect to town sewer. If the violation is not corrected by June 2, Mr. Mitchell will have to find a new place to live.

Mr. Reader asked about the status of 7 Woodbury Road.

Mr. Berube explained that he spoke with Ms. Jamieson and she requested additional time to finalize the sale of her house. I granted her the additional time. I heard that the house has been sold.

Mr. Berube asked the Board Members if they had any questions regarding Phavy’s report.

Mrs. Giroux asked can we increase the fines for Empire Recycling.

Mr. Berube explained that the fines have been increased. The last fine that we issued was for one (1,000) thousand dollars.

Mr. Kane asked have there been any issues recently.

Mr. Berube explained that Phavy conducts weekly inspections and based on her report the cardboard and paper has been confined under the canopy. We have not heard back from the Department of Environmental Protection (DEP) regarding the outcome of the Enforcement Conference.

Mr. Grady stated that he has driven by Empire Recycling several times and the cardboard and paper are not overflowing. Mr. Grady asked if there is a new trucking company at 31 Sterling Road because he has noticed some construction activity going on.

Mr. Berube explained that the property has been sold. The septic system has been repaired. That property is a mess and the new owner is doing a lot of work. Mr. Berube stated that he does not know what the company will be doing.

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

Mr. Berube stated that this is Gary's report before he went for hip surgery. Gary coordinated the FOG Awareness Training. 94% of the food service establishments in Billerica attended the FOG Training held on April 17, 2014 in the Billerica Town Hall. The training was very informative and helpful for the food establishments.

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

Mr. Grady asked who will conduct the monthly inspections at the Pongal Restaurant and Nana 7 in Gary's absence.

Mr. Berube replied that he would be conducting the inspections.

Nomination of Inspector of Animals

Mr. Reader stated the next item on the agenda is the Nomination of Inspector of Animals.

Mr. Berube explained that the paperwork for the Nomination of Inspector of Animals for fiscal year 2015 has been completed and sent in to the Department of Agriculture. The Board of Health has received the new certificates. I am looking for the Board to ratify the appointment for the full time and part time Inspector of Animals.

Mrs. Giroux made a motion to ratify the appointment of Christine Gualiteri as the full time Inspector of Animals and Maureen Ray as the part time Inspector of Animals in the Town of Billerica.

Mr. Grady seconded. So voted unanimously.

Mosquito Control Update

Mr. Reader stated the next item on the agenda is the Mosquito Control Update.

Mr. Berube explained that the aerial larvacide was done on April 22, 2014 in Billerica. As a result of the aerial larvaciding Billerica had a 95.45% overall reduction in mosquito larval. Central Mass. Mosquito Control Program (CMMCP) has received an "Environmental Merit Award" for 2014

from the Environmental Protection Agency recognizing their efforts for their tire recycling program. Along with bringing tires to the DPW yard, CMMCP will pick up tires that have been dumped on the side of the road and bring them to a recycling facility. Used tires provide the ideal habitat for mosquito breeding. Through this project, CMMCP removes larval habitat from mosquito species that can transmit West Nile Virus. CMMCP has provided the Board of Health with educational brochures and bookmarks to educate the residents on ways to reduce mosquito emergence from their area.

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

The Board Members did not have any questions.

7:15 p.m. Daniel LeClerc – 26 Grove Street – Request a Variance for work within the Flood Plain

Mr. Reader stated the next item on the agenda is Daniel LeClerc, 26 Grove Street requesting a Variance for work within the Flood Plain.

Daniel LeClerc, 15 Sandberg Road, Billerica identified himself. Mr. LeClerc explained that in 2013 he bought the property at 26 Grove Street. The proposal is to raze the existing house and construct a new single family dwelling in accordance with the Board of Health Rules and Regulations. The entire property falls within the flood plain of the Shawsheen River. The existing house is not in compliance with the base flood elevation. The proposed house will be constructed one hundred seven (107) feet from the wetland.

Mr. Reader asked is the existing house occupied.

Mr. LeClerc replied no one is currently living there.

Mr. Reader asked what will be the difference in the footprint of the new house.

Mr. LeClerc replied there will be a three hundred (300) square foot reduction in the overall footprint. With the proposed construction, flood louvers will be installed in the crawl space to provide flood storage.

Mr. Reader asked Mr. Berube for his comments.

Mr. Berube explained that the property is in the flood plain of the Shawsheen River. The new dwelling will be located further away from the river. Construction will comply with the building code requirements for construction in a Flood Zone. The foundation will be a crawl space with flood louvers that will increase flood storage. The proposed dwelling will be an improvement.

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

The Board Members did not have any questions.

Mr. Reader asked if any abutters were present. No abutters were present.

Mr. Grady made a motion to grant a Variance of Billerica Health Regulations, Chapter 5, Section 5.5.005 (1) to raze the existing single family dwelling and construct a new single family dwelling in the flood plain at 26 Grove Street 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 raze an existing single family dwelling located in the Flood Plain in order to construct a new single family dwelling. The existing detached garage shall remain. The proposed dwelling will be serviced by town sewer and water.
- 3) The proposed construction shall comply with the National Flood Insurance Program (NFIP) and the Massachusetts State Building Code requirements for construction in the Flood Plain. In particular, flood vents will be installed in the new structure to allow for the entry and exit of floodwaters. The lowest habitable floor (living space) shall be located above the FEMA base flood elevation of 98.4 (NAVD 1988). There will be an increase in 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 1, 2, 3, 4, 5, 6, 9, 10, 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 Noonan & McDowell, Inc. dated March 10, 2014 and stamped by John L. Noonan, PLS#33000, RPE#36821.
- B) The lowest habitable floor (living space) shall be located above the FEMA base flood elevation of 98.4 (NAVD 1988).
- C) 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.

7:30 p.m. Stephen M. Wallace – 30 Elsie Avenue – Request a Waiver of Regulations

Mr. Reader stated the next item on the agenda is Stephen M. Wallace, 30 Elsie Avenue, requesting a Waiver of Regulations.

Megan W. Wallace, 30 Elsie Avenue, Billerica identified herself. Ms. Wallace stated that her father owns the house at 30 Elsie Avenue however she currently lives there. Ms. Wallace explained that she has a small porch and when she enters the house the snow and rain come right into the kitchen area. The proposed Mud Room would be 3.5 ft. x 9.5 ft. The construction of the Mud Room will prevent snow and rain from entering the kitchen area and reduce energy loss from the entryway. We would also like to relocate the front landing and stairs. The house is very small.

Mr. Berube explained that this property falls entirely within the Flood Plain. The small addition will be constructed on sonatubes so there will be no significant loss of flood storage.

Mr. Reader 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 Regulations of the Board of Health Rules and Regulations, Chapter 5, Section 5.5.005 (1) for construction within the flood plain at 30 Elsie Avenue, Billerica, 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 remove an existing front deck and stairs and construct a mudroom (approximate dimensions 4' x 9') and new front stairway. The site falls within the FEMA and Green Engineering Flood Plains.
- 3) The mudroom and front stairway will be constructed on concrete sonatube footings to allow flood water to flow under the structure.
- 4) The Board of Health determined that the actions proposed by the applicant are adequate measures to protect public health and the environment and complies with the intent of the Board of Health Rules and Regulations. Further, approval of the applicant's request will not have a detrimental impact upon the flood plain.

CONDITIONS

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

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

Mr. Grady seconded. So voted unanimously.

7:40 p.m. Hino Vargas – 1 Lombard Street – Request a Waiver of Regulations

Mr. Reader stated the last item on the agenda is Hino Vargas, 1 Lombard Street, requesting a Waiver of Regulations.

The Board waited until 7:50 p.m. for Mr. Vargas. Mr. Vargas did not show up.

Mrs. Giroux made a motion to continue the hearing for 1 Lombard Street until the June 2014 Board of Health Meeting.

Mr. Kane seconded. So voted unanimously.

Open Microphone

Mr. Reader asked if anyone was present for open microphone.

No one was present for open microphone.

Mrs. Giroux made a motion to adjourn. Mr. Grady seconded.

The Board adjourned at 7:50 p.m.

Respectfully submitted,

Sandra Giroux
Secretary

Joanne M. White
Recording Clerk