



Billerica Board of Health

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TOWN CLERK
BILLERICA

Sandra Giroux, Chair
Chris Ravin, Vice Chair
Amit Gandhi, Ph.D., Secretary
Marie O'Rourke
Robert Reader

Kristel Bennett, Director

BOARD OF HEALTH MEETING MINUTES

Monday, March 3, 2025, 7:00 PM

Town Hall Auditorium

365 Boston Road, Billerica, MA 01821

Members present: Sandra Giroux, Chair; Chris Ravin, Vice Chair; Amit Gandhi, Ph.D., Secretary;
Rober Reader

Staff Present: Kristel Bennett, Director of Public Health and Melissa Paolicelli, Recording Clerk

Call to Order: Ms. Giroux called the meeting to order at 7:00 pm.

Open Microphone:

No one for Open Microphone

1) Minutes:

The Board reviewed the minutes of the December 2, 2024, meeting, Dr. Gandhi made a motion to except the December 2, 2024, minutes. Mr. Ravin 2nd the motion. All in favor 4-0

The Board reviewed the minutes of the February 3, 2025, meeting, Mr. Reader made a motion to accept February 3, 2025, minutes, Dr. Gandhi 2nd the motion. All in favor 4-0.

2) Board of Health Business

a) Health Department Annual Report 2024

The Board reviewed the Annual Report provided. The report will be included with the Town of Billerica's Annual report.

b) Billerica Health Department Monthly Newsletter

Ms. Bennett reported that the Board of Health is hosting an intern, Kristen DiSanzo from Rivier University. She is working on the Board of Health monthly newsletters to get published on the Board of Health website. March & April newsletters are on Tick and Lime Disease and Residential Fats Oils Grease Sewer Maintenance. In April, the BOH will provide information at the Billerica Community Health Fair and talk about Lime Disease and Tick Prevention. The new newsletter has not been posted yet. Ms. DiSanzo, our intern, will be with us till the end of her semester. Mr. Reader said impressive job on the Newsletters.

c) Discussion of Healthy Community Tobacco Control Program Letters

Ms. Bennett reported that Ron Beauregard Regional Tobacco Control Coordinator, Conducted Compliance checks of our permitted Retail Tobacco Establishments on February 11, 2025, and two establishments had sold a tobacco product to a person under the age of 21 years, which is in violation of the Billerica Board of Health Regulation and 105 CMR 665.000. For both establishments it is their second violation within 3 years. Ms. Bennett reported that both the Billerica Board of Health Regulation and the state regulation 105 CMR 665.000 indicate that is the Board of Health may suspend a Tobacco Sales Permit for 1 – 7-day suspension for a second sale within 3 years. Ms. Bennett also noted that the fine associated with the 2nd violation within 3 years is \$2000.00. Mr. Reader, a \$2,000 is exorbitant and a suspension does not seem right. Mr. Ravin, yes, it is exorbitant, but it is easy not to sell to underaged people, I do not understand how it happens. Ms. Giroux is in favor of bringing the establishment in for a hearing to determine if we need to suspend their license. The Board agreed to have the establishment in for a suspension hearing given this is the 2nd sale of tobacco products within 3 years.

d) Next Meeting – April 7, 2025

Michelle Guertin – 18 Wentworth Drive - Variance Request – 310 CMR 15.000

Present: Alek Chongris, Chongris Engineering LLC representing Michelle Guerin

Hearing for consideration of a request for a variance of Massachusetts State Environmental Code: Title 5 310 CMR 15.000 and Billerica Board of Health Rules and Regulation, Chapter 5 Environmental and Miscellaneous Regulations to upgrade a septic system. Mr. Chongris presented the variance request to the Board. Mr. Ravin made a motion grant a variance for local upgrade approval based on the following findings of fact and pursuant to the following conditions:

- 1) The applicant proposes to upgrade a failing septic system for an existing residential single-family dwelling. The design of the proposed upgrade is to serve a 2-bedroom dwelling, 220 gallons per day, a new septic tank, distribution box, and soil absorption system. The applicant has requested the following variances have been requested:
 - 310 CMR 15.405(l)(i) – use of a sieve analysis as a substitute for a perc test. Due to high groundwater not allowing a perc test to be performed.
 - 310 CMR 15.405(l)(j) – reduction of 12-inch separation between inlet and outlet tee and from estimated seasonal high groundwater (ESHG) due to existing plumbing in dwelling cannot be moved.
- 2) The design incorporates a Massachusetts Department of Environmental Protection (MassDEP) Innovative/Alternative Technology, **Advance Enviro-Septic**, by Presby Environmental Inc. (Presby System). Any approval would include the conditions set forth by the MassDEP Standard Conditions for Alternative Soil Absorption Systems with General Use Certification and/or Approved for Remedial Use, modified February 22, 2022 (Standard Conditions).
- 3) The proposed septic system design plan entitled the Septic Plan and Notes for 18 Wenworth Drive prepared by Chongris Engineering, dated January 16, 2025, and revised February 12, 2025, stamped by Aleksander J. Chongris – Registered Professional Engineer # 56795 has been reviewed and approved by the Board of Health.
- 4) A portion of the parcel is located within the Green Engineering Floodplain (GEFP) Map 99 and 112. The septic system design will not adversely affect the GEFP, there will be no change to drainage patterns on the parcel.
- 5) The Board of Health has determined that the actions proposed by the applicant are adequate measures to protect the public health and environment and do comply with the intent of the Board of Health Rules and Regulations. Further, approval of the applicant's request will not be detrimental to the public health and environment.

CONDITIONS

- 1) This approval shall not take effect until it is properly recorded at the Registry of Deeds and a certified copy of this determination is returned to the Board of Health indicating that a marginal reference was made on the original deed.
- 2) All construction must be in accordance with the design plan submitted for review and approval:
 - *Septic Plan and Notes* for 18 Wenworth Drive prepared by Chongris Engineering, dated January 16, 2025, and revised February 12, 2025, stamped by Aleksander J. Chongris – Registered Professional Engineer # 56795.

- 3) Subject to the conditions set forth in the MassDEP Standard Conditions for Alternative Soil Absorption Systems with General Use Certification and/or Approved for Remedial Use, modified February 22, 2022 (Standard Conditions) for **Advance Enviro-Septic**, by Presby Environmental Inc. (Presby System).
- 4) Subject to the local upgrade approval for the following variances:
 - 310 CMR 15.405(l)(i) – use of a sieve analysis as a substitute for a perc test
 - 310 CMR 15.405(l)(j) – reduction of 12-inch separation between inlet and outlet tee and from estimated seasonal high groundwater (ESHG)
- 5) Deed notice in accordance with Remedial Use Conditions.
- 6) Abandon or remove the existing system following connection to the upgraded system in compliance with 310 CMR 15.354.
- 7) A licensed disposal installer shall obtain, from the Board of Health Department, a disposal works construction permit, a copy of the approval plans and arrange for all required inspections at least 48 hours prior to beginning construction.
- 8) The disposal works installer may be required to provide a sieve analysis report, certified by an engineer, for any filling material used in construction of the system. The sieve analysis report can be obtained from where the fill material was procured.
- 9) The design engineer shall provide a certified “as-built” plan of the complete system to this department. Any changes to the design plans shall be reflected on the “as-built” plans. The as-built plans shall be prepared in accordance with 310CMR15.220, Title 5 and the Board of Health Rules and Regulations Chapter 5, Section 5.3.013.
- 10) The disposal works installer shall provide an “as-built” plan of the complete system within 14 days of completion of the installation pursuant to the Board of Health Rules and Regulations Chapter 5, Section 5.3.012.
- 11) There shall be no further encroachment into the Flood Plain as delineated and approved in the plan submitted.
- 12) Issuance of a Certificate of Compliance will be contingent upon receipt of all “as-built” plans.

Mr. Reader seconded the motion. All the members voted yes, 4-0.

Anajakin Inc. dba 29 Bistro – 700 Boston Road - Waiver of Regulations

Present: Vichaipol Chantasirivet, owner of Anajakin Inc. dba 29 Bistro

Hearing for consideration of a request for a waiver of Billerica Board of Health Regulations, Chapter 5, Section 2.2.001 that requires the installation of an exterior grease interceptor in a food establishment. Mr. Chantasirivet purchased the former business, Kitchen Express, and would like

to waiver for the exterior grease interceptor for his proposed food establishment, Anjakin Inc. dba 29 Bistro to be located at 700 Boston Road. Dr. Gandhi made a motion to grant the waiver request for the exterior grease trap based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

1. The Food Service Establishment (FSE) described in the applicant's request is within an area subject to protection under the Board of Health's Rules and Regulations, Chapter 2, Section 2.2.001.
2. The applicant proposes to prepare ready-to-eat food products for take-out and dinner.
3. The establishment has an existing interior grease trap that is connected to the three-bay sink. The applicant proposes to monitor and clean the interior grease trap. Maintenance records will be kept and made available for inspection by the Board of Health. In addition, the applicant agrees to implement the Best Management Practices (BMP's) provided by the Billerica Health Department.
4. The applicant proposes to have the grease trap serviced/cleaned by a licensed hauler with the Town of Billerica to pump and maintain the interior grease trap every two months.
5. The Board of Health has determined that the actions proposed by the applicant are adequate measures to protect the public health and environment and comply 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

1. These conditions, imposed by the Board of Health, cannot be changed without the written approval by the Board of Health and only after a proper public hearing is held.
2. This order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, by-laws, or regulations.
3. This order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
4. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this order.

5. Agents of the Board of Health or their designees shall have access to property covered by these conditions to make inquiries, conduct inspections, or take actions deemed necessary to protect the public health and the environment.
6. The applicant shall keep all interior grease trap pumping and maintenance records and make them available for inspection by the Board of Health.
7. The applicant shall have the grease trap serviced and cleaned by a licensed hauler with the Town of Billerica to pump and maintain the interior grease trap once a month. The Director of Health has the authority to modify this requirement to every other month as determined through inspections during the operation of the FSE.
8. The applicant shall provide a list of food products that are purchased and prepared offsite by a wholesaler and items that are prepared onsite to the Health Department.
9. The FSE shall continue to work with the Board of Health to implement BMP's to prevent or reduce the discharge of Fats, Oil and Grease (FOG) to the building drain and the sewage disposal system. The FSE shall train the staff to ensure that the BMP's are followed. The owner and employees of the FSE shall sign an acknowledgement of BMP's for Food Service Employees and submit the acknowledgements to the Board of Health.
10. This waiver shall be subject to periodic review by the Board of Health to ensure compliance with applicable rules and regulations.
11. The Board of Health in conjunction with the Town of Billerica Department of Public Works Wastewater Division shall periodically monitor the grease discharge from said Food Service Establishment for any violations of the Town of Billerica Sanitary Sewer Rules and Regulations and the Board of Health Rules and Regulations. All costs associated with the monitoring shall be paid for by the applicant.
12. In the event of a grease blockage or other significant violations related to the maintenance of the grease recovery system, this waiver shall be **immediately** revoked. The applicant shall be required to install an exterior grease trap to serve the food establishment. The exterior grease trap shall be designed and constructed in accordance with the State Environmental Code, Title 5.
13. This waiver cannot be transferred from one person to another person, from one food establishment to another or from one type of operation to another.

Mr. Ravin seconded the motion. All the members voted yes, 4-0.

Mimi's Banh Mi – 446 Boston Road - Waiver of Regulations

Present: Bo Kul, owner of Mimi's Bahn Mi

Hearing for consideration of a request for a waiver of Billerica Board of Health Regulations, Chapter 5, Section 2.2.001 that requires the installation of an exterior grease interceptor in a food establishment. Bo Kul is constructing a new food establishment where the former Bella Mia Hair Salon was located at 446 Boston Road, Suite 2 and would like a waiver for the exterior grease interceptor for his proposed food establishment. Mr. Reader made a motion to grant the waiver request for the exterior grease trap based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

1. The Food Service Establishment (FSE) described in the applicant's request is within an area subject to protection under the Board of Health's Rules and Regulations, Chapter 2, Section 2.2.001.
2. The applicant proposes to prepare ready-to-eat food products for take-out.
3. The establishment is to be renovated, the applicant proposes to install an interior grease trap that is connected to a three-compartment sink in accordance with the State Plumbing Code.
4. Once the grease trap is installed and the establishment is operating, the applicant proposes to monitor and clean the interior grease trap. Maintenance records will be kept and made available for inspection by the Board of Health. In addition, the applicant agrees to implement the Best Management Practices (BMP's) provided by the Billerica Health Department.
5. The applicant proposes to have the grease trap serviced/cleaned by a licensed hauler with the Town of Billerica to pump and maintain the interior grease trap every two months.
6. The Board of Health has determined that the actions proposed by the applicant are adequate measures to protect the public health and environment and comply 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

1. These conditions, imposed by the Board of Health, cannot be changed without the written approval by the Board of Health and only after a proper public hearing is held.
2. This order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, by-laws, or regulations,
3. This order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.

4. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this order.
5. Agents of the Board of Health or their designees shall have access to property covered by these conditions to make inquiries, conduct inspections, or take actions deemed necessary to protect the public health and the environment.
6. The applicant shall keep all interior grease trap pumping and maintenance records and make them available for inspection by the Board of Health.
7. The applicant shall have the grease trap serviced and cleaned by a licensed hauler with the Town of Billerica to pump and maintain the interior grease trap once a month. The Director of Health has the authority to modify this requirement to every other month as determined through inspections during the operation of the FSE.
8. The applicant shall provide a list of food products that are purchased and prepared offsite by a wholesaler and items that are prepared onsite to the Health Department.
9. The FSE shall continue to work with the Board of Health to implement BMPs to prevent or reduce the discharge of Fats, Oil and Grease (FOG) to the building drain and the sewage disposal system. The FSE shall train the staff to ensure that the BMP's are followed. The owner and employees of the FSE shall sign an acknowledgement of BMPs for Food Service Employees and submit the acknowledgements to the Board of Health.
10. This waiver shall be subject to periodic review by the Board of Health to ensure compliance with applicable rules and regulations.
11. The Board of Health in conjunction with the Town of Billerica Department of Public Works Wastewater Division shall periodically monitor the grease discharge from said Food Service Establishment for any violations of the Town of Billerica Sanitary Sewer Rules and Regulations and the Board of Health Rules and Regulations. All costs associated with the monitoring shall be paid for by the applicant.
12. In the event of a grease blockage or other significant violations related to the maintenance of the grease recovery system, this waiver shall be **immediately** revoked. The applicant shall be required to install an exterior grease trap to serve the food establishment. The exterior grease trap shall be designed and constructed in accordance with the State Environmental Code, Title 5.
13. This waiver cannot be transferred from one person to another person, from one food establishment to another or from one type of operation to another.

14. Applicants shall complete the Food Establishment Plan Review Application with the Health Department and obtain a Food Establishment Operation Permit

Dr. Gandhi seconded the motion. All the members voted yes, 4-0.

Adjourn

Motion to adjourn made by Mr. Reader and seconded by Mr. Ravin Roll call vote yes, 4-0.

The Board adjourned at 8:05pm.

Respectfully submitted,

Amit Gandhi, Ph.D.
Secretary

Melissa Paolicelli
Board of Health Recording Clerk