

BOARD OF HEALTH MINUTES
June 6, 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. Reader made a motion to accept the Meeting Minutes of May 2, 2011.
Mr. Grady seconded. So voted unanimously.

CORRESPONDENCE

Mr. Berube explained that included in the Board's package is a copy of the Municipal Client Advisory, dated May 2011 from Murphy, Hesse, Toomey & Lehane, LLP Attorneys at Law regarding the need to include specific details under the Open Meeting Law.

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

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 May have been included in the Boards package.

Mr. Berube stated that he would summarize the Health Activity Reports. Christine West, Public Health Nurse continues to administer all vaccines on a monthly basis and continues all communicable disease reporting. A TB case has been reported in Billerica. The patient works as a nurse and is currently being treated. The State is involved and Christine is closely monitoring the case.

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

Mr. Berube explained that Gary Courtemanche has completed eighty-six (86) total inspections, 6 complaints, 57 routine, 13 re-inspections, 1 pre-opening and 19 grease trap inspections. The pre-opening inspection was for the Pho 'n Roll Restaurant formerly known as the 28 Restaurant located at 258 Salem Road, East Billerica. We submitted a proposal to the Massachusetts Department of Public Health (MDPH) for Billerica to implement a Risk Based Inspection Program. The proposal was approved. We have categorized all the food service establishments from low risk to high risk. The low risk establishments will be inspected a minimum of once a year. The inspections for the high risk establishments will be increased since they are the most problematic establishments. Hopefully this program will help bring the high risk establishments into line. Milano's had a complaint for bare hand contact with ready to eat foods. Gary investigated the complaint and issued the owner a verbal warning. Strombolis left the front and rear doors open exposing the food to possible contamination. Gary spoke to the owner and issued a fine because this was the second offense. A complaint was received regarding the 99 Restaurant at 672 Boston Road, a clothing tag was found in a Rueben sandwich. Manager was notified and upon inspection no violations were observed. Case was closed. The Health Department received an email from a Billerica resident with a link to YouTube regarding employees smoking in Pizza Express. Gary reviewed the video and enough evidence existed so he met with the owner and issued a fine. The Health Department received an anonymous complaint about the cleanliness of Pro-Fitness. An investigation was conducted and the only issue was that the carpeting in front of the saunas in both locker rooms needed to be replaced. Gary spoke to the owner and an order to replace the carpeting was issued.

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

Mrs. Giroux stated that on Item #6 why did the complainant notify the Board of Health about the issue at Macs Two instead of the Police Department.

Mr. Berube replied that the complainant was complaining about the dancers coming in contact with the clients and he thought that was a health issue.

Mr. Berube explained that Phavy Pheng has a total of forty-six (46) active cases of which sixteen (16) are new complaints. 32 Sheridan Street is going through the permitting process. Mr. Young is representing 32 Sheridan Street and is present to explain the process. The complaint at 520 Boston Road has been closed. All the violations have been corrected and the owner is in the process of evicting the tenant. The owner has withdrawn his request for a hearing.

Mrs. O'Rourke asked what is going on at 78 Pinedale Avenue.

Mr. Berube replied that it is still in probate court.

Mrs. O'Rourke asked are they making any progress with the development (Breckenridge Estates Subdivision).

Mr. Berube explained the project has started so hopefully he will be able to tie into town sewer upon completion of that project.

Mrs. O'Rourke asked is he pumping the septic system on a regular basis and turning in the receipts to the Health Department.

Mr. Berube replied yes.

Mr. Berube explained that unauthorized filling in of the flood plain occurred at 10 Elsie Avenue. A Cease and Desist order was issued to the owner and they are removing the fill from the property. A variance was granted many years ago by the Board when the septic system was replaced. They put in a raised system and had to provide some compensation. They are looking to fill in those areas where they removed the material to compensate for the septic system. Currently, they are on town sewer, however there is still a mound of fill in their yard and they cannot remove it because it covers the sewer system. It is a grinder pump system. Illegal dumping is being done again on Saville Street near the Lakeside Mobile Home Park.

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

Billerica Clean-up/Green-Up Day

Mrs. O'Rourke stated the next item is the Billerica Clean-Up/Green-Up Day.

Mr. Berube explained that included in the Board's package is a list of the areas that were cleaned up on April 30, 2011. A couple of the items that are checked off were recommended by Phavy for the clean-up. Those are the areas where people toss out a lot of debris and litter. A lot was accomplished on that day.

Mrs. O'Rourke asked the Board Members if they had any questions regarding Billerica Clean-Up/Green-Up Day. The Board Members did not have any questions.

Mosquito Control Program Update

Mrs. O'Rourke stated the next item is the Mosquito Control Program Update.

Mr. Berube explained that included in the Board's package is a copy of the report regarding the Aerial Larvicide Program. In Billerica the program was very successful; there was a 96% reduction of

mosquito larval. Central Massachusetts Mosquito (CMMCP) personnel will be in Billerica on May 31, June 7, 13, 16, 22 and 28 to investigate resident's complaints about mosquitoes. If residents need localized spraying of their property, they can contact CMMCP at 508-393-3055 between 7:00 a.m. 3:30 p.m. to make arrangements for spraying.

Mr. Reader asked if they are doing aerial spraying.

Mr. Berube replied the aerial spraying was done in April.

Mr. Reader asked about the catch basins.

Mr. Berube replied the catch basins have also been taken care of. 602 acres were treated in April.

Mr. Berube asked if the Board Members had any questions. The Board Members did not have any questions.

Tobacco Control Program

Mrs. O'Rourke stated the next item is the Tobacco Control Program.

Mr. Berube explained that the Massachusetts Department of Public Health (MDPH) has awarded the Healthy Communities Tobacco Control Program a grant. The Town of Billerica just joined this program. In July, Ron Beauregard, the Director of the program will give the Board a presentation on the work plan. This will be a good program because we have not been involved in a tobacco control program in the past few years. Educational training was provided for the retail establishments last year. Compliance checks will be a big part of the tobacco control program. The Health Department received a complaint about the sale of cigarettes to minors.

Water Conservation Committee Update

Mrs. O'Rourke stated the next item is the Water Conservation Committee Update.

Mr. Kane explained that there was no update. The Committee is working on the draft warrant article for Fall Town Meeting.

McFarland Cascade/Eastern Terminals

Mrs. O'Rourke stated the last item under Board of Health Business is McFarland Cascade.

Mr. Berube explained that the Department of Environmental Protection (DEP) met Eastern Terminals and GZA on May 17, 2011 and they have reached an impasse. DEP decided to collect additional soil samples and is currently having them analyzed for pentachlorophenol and dioxins.

When the results are available DEP will issue a letter to Eastern Terminals and the Board of Health. Mr. Berube stated that he would keep the Board informed of any information.

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

Mr. Berube explained that before the first hearing begins he would like to give Mr. Young the opportunity to explain to the Board the plans for 32 Sheridan Street. Mr. Young has filed with the Conservation Commission and he informed him that he had to file with the Board of Health for a variance for work within the flood plain.

Mark Young, identified himself. Mr. Young explained that he represents a group called Home Again Billerica. This is a community project and we are attempting to place this family back in their home. They were flooded out in March of 2010. We came together as a community led by Reverend Catherine Adams of the First Congregational Church Andover Road and several others to help with this project. I am the local contractor. We have filed a Notice of Intent for the Conservation Commission's requirements due to the property being in the flood plain. My surveyor received a certified letter from the Board of Health explaining that we need to file for a variance. Everyone has been very supportive. They have flood insurance. However, the flood insurance company told them that all they would cover would be the replacement of four (4) feet of the drywall and insulation. Janet Wu of Channel 5 covered the story. The family purchased a trailer and was living on the site. There are four (4) children and two (2) adults living in the trailer. The Northern Mass Long Term Recovery Group stepped in and helped them to get housing in a hotel in Woburn along with seventy (70) other flood victims. My wife told me about their situation

Mrs. O'Rourke asked didn't they get money from FEMA.

Mr. Young replied that FEMA only gave them \$2,500.00.

Mrs. O'Rourke stated that Mr. Williams told her that he received \$78,000 from FEMA.

Mr. Young explained that Keith Williams received a settlement from Liberty Mutual Flood Insurance and that was for \$65,000. However that has not been released. Funds will be allotted once the invoices are sent for work that has been completed. We have to present a budget for the project. I have solicited several in town vendors, Spolidoro Plumbing and Heating, Brunnell Brothers and Marty Allen to volunteer. We are eligible for an ICC grant that does not have to be paid back up to \$30,000 as long as we complete and file the paperwork. That will pay for the excavation, demolition, pull back and return of the town sewer, pull back and installation of electricity and 2 sets of stairs. We need to elevate the foundation and place it on a crawl space foundation and install hydrostatic vents for the water to flow through. There will be no utilities in the crawl space. All utilities will be elevated 3 ½ feet and located on the first floor. I have completed a couple of the invoices required for that and Reverend Catherine is working with me to prepare the budget. Bank of America, the mortgage holder of the property has a requirement and a list of information that we need to provide for the grant. All this work has been going

on since April. We presented our resolution to the Northern Mass Long Term Recovery Group and they released this case to us. We filed the Notice of Intent with the Conservation Commission and Markus Pinney, the Director of Environmental Affairs visited the site with me. I specialize in remodeling in town. We gathered a group of volunteers to put this project together. Home Depot in Tewksbury, Harvey Industries and Hughes Lumber has volunteered to give us the materials for vendor cost.

Mrs. O'Rourke asked Mr. Young what are you asking of this Board tonight since you are not on our agenda and we were not informed that you were going to be here.

Mr. Young replied that he would like to request a Waiver of Regulations instead of a Variance.

Mr. Berube explained that the difference between a Variance and a Waiver of Regulations is with the Variance there is a cost for sending out certified mail to the abutters.

Mr. Young explained that we notified the abutters through the Notice of Intent. We are replacing the existing structure. We are going to comply with the flood plain and stormwater management regulations. We have filed with DEP and have a number. The family is living in an apartment and paying a mortgage on a house that they cannot live in.

Mr. Berube asked Mr. Young if he is requesting that the Board of Health fees be waived.

Mr. Young replied that the Building Department has waived all permitting fees because this is a hardship case. We are requesting that the Board of Health and the Conservation Commission do the same. We are trying to reduce our cost because we are on a limited budget.

Mr. Berube explained that Mr. Young will probably be on the agenda in July. Mr. Young is present tonight to request that the fees be waived. He is looking to apply for a Waiver of Regulations instead of a Variance to save the cost of notifying abutters and to waive the fees.

Mrs. O'Rourke stated to the Board Members to remember that what you do tonight you will be setting a precedent for anyone else that comes before this Board. Mrs. O'Rourke asked the Board Members if they had any questions.

Mr. Reader stated that if all the other departments waive their fees I think this Board should also waive the fees.

Mrs. Giroux commented that we would be setting a bad precedent for any other scenarios that come up.

Mr. Reader replied that every case is different and the Board should handle each case on an individual basis.

Mrs. O'Rourke stated that she wanted to mention it so that it does not come back to haunt the Board afterwards. Mrs. O'Rourke asked Mr. Berube for his recommendations.

Mr. Berube replied that this is a hardship case and they will still have to come before this Board to meet the intent of the Board of Health Regulations. It is just a matter of waiving the fees. Everybody else is contributing to help out so I don't think it would be a bad thing for the Board to do their share and waive the fees in this particular case.

Mrs. O'Rourke asked do you want a motion tonight.

Mr. Berube replied yes, a motion and a vote should be taken so that Mr. Young can proceed with the filing.

Mrs. O'Rourke stated then Mr. Young will be put on the agenda in July so that we can address the house itself.

Mr. Berube replied yes.

Mr. Reader stated so the motion is to waive the fees.

Mr. Berube replied that you can make a motion to file for a Waiver of Regulations and also waive the fees.

Mr. Kane asked is the Waiver of Regulation for the notification of abutters.

Mr. Berube replied no, they will be coming before this Board because the property is in the flood plain. The only benefit to filing for a Waiver of Regulations is that they don't have to notify the abutters by certified mail however, they still have to meet our regulations.

Mrs. O'Rourke asked what happens if an abutter wants to express their concern.

Mr. Berube replied that the agenda is posted so if anyone has any comments they can attend the meeting or send their concerns to the Board of Health.

Mrs. Giroux asked can we ask them to send a letter to all the abutters. How many abutters are we talking about?

Mr. Young replied when filing with the Conservation Commission for the Notice of Intent there were thirty-four (34) abutters.

Mrs. Giroux stated if we waive the fees can we ask them to call the thirty-four (34) abutters.

Mr. Berube replied that the Board can make that a part of the motion.

Mrs. Giroux stated that some sort of notification should be communicated.

Mr. Kane stated that the abutters need to be notified of our public hearing regarding this waiver.

Mr. Reader made a motion to waive the fee for the Board of Health Waiver of Regulations and a courtesy call is made to all abutters informing them of the Board of Health public hearing date and time.

Mrs. Giroux seconded. Three voted in favor, one vote opposed (Dan Kane).

Mr. Young thanked the Board Members.

7:15 p.m. David J. Segal – 520 Boston Road – Appeal Hearing for Notice of Violation and Order for Correction

Mrs. O'Rourke stated the next item is David Segal, 520 Boston Road, Appeal Hearing for Notice of Violation and Order for Correction.

Mr. Berube explained that this matter has been resolved and Mr. Segal has withdrawn his request for a hearing.

7:20 p.m. Cross Properties LLC – 16 Hancock Street – Request a Variance for work within the Flood Plain

Mrs. O'Rourke stated the next item is Cross Properties, 16 Hancock Street requesting a variance for work within the Flood Plain.

Mr. Gill provided the Board with a drawing of the property at 16 Hancock Street.

Robert Gill, Registered Civil Engineer and Land Surveyor, identified himself. Mr. Gill explained that this property was presented to the Conservation Commission and the Order of Conditions has been approved for the property at 16 Hancock Street. There have been a lot of past Board of Health problems with this property. Cross Properties has purchased the property at 16 Hancock Street subject to the approval of the Boards. This property is on the Concord River. Mr. Gill pointed to the vegetated wetland flags, 3 buffer zones and the FEMA Flood Plain which is elevation 117 and the adjusted Green Engineering Flood Plain elevation 119. This property has been in disrepair for years. Mr. Gill pointed to the existing house, several wood sheds and concrete retaining wall and garage. There are elevated gardens down in the river front area. The applicant proposes to increase the flood storage to eliminate the raised beds and a volume of fill will be removed. It will be a win-win situation for the property in terms of runoff and flood storage. There will be a temporary alteration of the bordering land subject to flooding which will be 6,000 square feet. 4,250 square feet of impervious material will be removed from the property and that will decrease the runoff into the Concord River. Mr. Gill pointed to where the erosion control methods would be installed. The new construction will be outside both the Green

Engineering Flood Plain and the FEMA Flood Plain lines. There will be a flood storage gain of 6,875 cubic feet. Mr. Berube requested that we have a soil test done. The soil test showed that the estimated seasonal high ground water is 4 feet below the proposed basement floor elevation of 119. The proposed project will meet all the Board of Health Regulations. It will be a vast improvement over what is currently there. Mr. Gill stated that he would answer any questions the Board may have. Jon Metivier, the representative from Cross Properties is present.

Mr. Berube explained that this property is currently on Phavy's activity report. The approval of this project will cleanup this site and will be an improvement to the neighborhood.

Mrs. O'Rourke asked what is the size of this lot.

Mr. Gill replied the site consists of 22,000 square feet.

Mrs. O'Rourke asked is the proposal to construct one (1) house.

Mr. Gill replied the proposal is for one single family home 36 ft x 27 ft. The rest of the land will be left vacant.

Mrs. O'Rourke asked what are they going to put at the edge of the property where it meets the Concord River.

Mr. Gill explained that the previous owner built concrete docks and a canal that allowed him to put his boats in the water. The walls are well constructed. Nothing will be done in that area.

Mrs. O'Rourke asked is the property going to slope down towards the river.

Mr. Gill replied no.

Mrs. Giroux asked if the ramp will remain.

Mr. Gill replied all the concrete walls will remain and there will be some grassy area around the ramp.

Jon Metivier, identified himself. Mr. Metivier explained that the ramp is very narrow. It is only approximately 7 ½ feet wide.

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

Mr. Berube explained that this is one of our active complaints. This project will be a big improvement to the neighborhood therefore I recommend granting the variance.

Mrs. O'Rourke asked if there are any abutters present.

Lisa Moscone, 5 Olde Hillside Avenue, identified herself. Ms. Moscone stated that when all the gardens are removed you explained that the people downstream would not be affected. What effect would that have on the people upstream at the end of Olde Hillside Avenue. That area floods a lot in the spring. Will that cause more flooding in that area?

Mr. Gill explained that there will not be any flooding upstream because the water flows downstream. There will be an increase in storage volume so it will help.

Ms. Moscone stated that she thought that area would get more water.

Mr. Gill replied the water will pass right across that area. It was a water front area that should never have never been filled in and raised up. The applicant wants to take out that fill and remove the concrete blocks.

Mrs. O'Rourke asked if anyone had any other questions.

Mrs. Giroux asked when will the project start.

Mr. Metivier replied that if he gets approval tonight, then he will pass papers in two (2) weeks. I plan on removing some of the trash and debris on Sunday, June 12, 2011.

Mr. Reader made a motion to grant a variance of the Board of Health Rules and Regulations, Chapter 5, Section 5.5.005 (1) (2) to raze the existing single family dwelling and construct a new single family dwelling in the Flood Plain at 16 Hancock 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).
- 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 proposed dwelling will be located outside the FEMA and Green Engineering Flood Plains. In addition, a number of existing structures (i.e. raised garden beds, sheds) will be removed from the flood plain.
- 3) The removal of structures within the flood plain along with site grading will provide 1800 cubic feet of compensatory flood storage. Furthermore, this project will properly address an outstanding Notice of Violation/Order for Correction issued March 18, 2010 concerning the sanitary conditions of the property which shall result in an improvement to the neighborhood.

- 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, 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 Robert M. Gill, Engineering & Surveying dated May 9, 2011 and stamped by Robert M. Gill RPE#24181, RLS#29867.
- B) The basement floor elevation of the proposed dwelling shall be located at or above elevation 119 (NGVD29).

Mrs. Giroux seconded. So voted unanimously.

7:30 p.m. Town of Billerica – Pump Station Elimination Project – Request reissuance of Waiver of Regulations

Mrs. O'Rourke stated the next item is Town of Billerica, Pump Station Elimination Project, requesting reissuance of a Waiver of Regulations.

Kelley Conway, Town Engineer identified herself. Ms. Conway explained that the Waiver of Regulations for the Pump Station Elimination Project was approved in March 2008 and has since expired. At this time, we are requesting an extension. The project has been delayed due to funding. We plan to request funding at Fall Town Meeting.

Mrs. O'Rourke asked where is the pump station located.

Ms. Conway replied at Bertha Circle and Poe Road. The project includes the installation of approximately 4,000 feet of new 10-inch gravity sewer main along Webb Brook from Bertha Circle to Everett Farmer Road and Poe Road. When the project is completed three troublesome sewer pump stations will be demolished and the sewage in the area will flow entirely by gravity.

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

Mrs. Giroux asked how much time would you like to extend this waiver for.

Ms. Conway replied either two (2) or three (3) years because I am not sure that the money will be funded at Fall Town Meeting.

Mrs. O'Rourke asked how much will this project cost.

Ms. Conway replied that this project will cost approximately 1.3 million dollars.

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

Mr. Berube stated that this project will be beneficial to the town. Eliminating the pump station reduces the amount of infrastructure that has to be taken care of and also reduces the cost of maintenance. The amount of time that is needed to complete the project is the only question. Mr. Berube recommended that the Board grant the reissuance of the waiver for five (5) years.

Mr. Kane asked when does this current waiver expire.

Mr. Berube replied that the Waiver of Regulations expired in March, 2010.

Mr. Kane commented so this is not a continuous we are reissuing the waiver.

Mrs. Giroux made a motion to reissue the Waiver of Regulations for the Pump Station Elimination Project #08-005 for five years. This Waiver of Regulations will expire on June 6, 2016. All other conditions of the original waiver will remain in full force and effect.

Mr. Reader seconded. So voted unanimously.

7:35 p.m. Town of Billerica – 2011 Pavement Rehabilitation Program – Request for a Waiver of Regulations

Mrs. O'Rourke stated the last item is Town of Billerica, 2011 Pavement Rehabilitation Program, requesting a Waiver of Regulations.

Kelley Conway showed a large plan of the streets where the proposed work would be done to maintain the roads and fix roadway flooding.

Kelley Conway, Town Engineer explained that in the Board's package is a copy of the list of streets and roadways that will be paved this year. Ms. Conway explained that the proposal includes the leveling and overlay of all the roadways. The leveling is to reshape the roadways to re-establish the crown with the exception of Vine Street and Race Street. Vine Street and Race Street are reclaimed streets because they are in such bad condition. At the intersection of Pond Street and Salem Road the proposal is to lower the intersection by about one (1) foot to improve the sight distance at the intersection. Ms. Conway explained there are three (3) additional locations that are in the vicinity of the flood zone. The proposal is to pave Andover Road. Ms. Conway pointed to the cemetery and Allen Road Extension and explained that there is an intermittent stream that crosses Andover Road. The untreated stormwater runoff from Andover Road flows directly into this stream. The proposed drainage improvements include constructing an infiltration swale with stone check dams to capture the total

suspended solids and provide groundwater recharge.

Mrs. O'Rourke asked Ms. Conway to explain where that location is.

Ms. Conway explained that the location is between Allen Road Extension and the cemetery driveway. The paving is going to continue down Andover Road to Berman's Gas Station. We were proposing an infiltration trench in that area however some test pits were done last week and it was determined that the groundwater is too high for the trench to work. So we are proposing a grass swale with a stone check dam. Ms. Conway explained another area that will be done is from Heritage Road down Salem Road to Pond Street to the bridge at the Rod and Gun Club. Over the years, the buildup of sediment along the edge of the road at the culvert near Everready Circle has created earth berms preventing runoff from flowing off the road and causing flooding so we are proposing grass swales in the vicinity of the culvert on three (3) quadrants to get the water off the roadway. Ms. Conway pointed to the plans and explained that near the businesses on Pond Street the proposal is for a water quality inlet that will outlet directly to the brook. The infiltration trenches will not work in this area because the groundwater is too high. So we are proposing grass swales with stone check dams. An infiltration swale will extend past Sequoia Street. There is a wetland area across from Sumac Street and the proposal is to remove the earth berm and install a sediment control swale off the pavement to capture sediment prior to flowing into the wetland. Ms. Conway asked if anyone had any questions.

Mrs. Giroux asked how many miles of roadway does this pavement project cover.

Ms. Conway replied that she is not sure however she would find out and let the Board know. This project will cost approximately 1.3 million dollars.

Mrs. Giroux asked what is the time frame for this project.

Ms. Conway replied the project should be completed by the end of 2011.

Mrs. Giroux asked how will this project affect the property owners in those areas.

Ms. Conway explained there will be some disturbance to their lawns however the owners have been notified. We will take care of any disturbances that we create such as driveways, front lawns and sprinklers.

Mrs. Giroux asked are you taking any of their property.

Ms. Conway replied we are not taking any of the home owner's property.

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

Mr. Berube explained that originally many of these streets were proposed to be done last year,

however due to permitting issues and funding the project was delayed. This is a better project now because they are making more improvements and they are also improving stormwater management. I recommend 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 rehabilitation of several streets in Billerica and associated drainage system improvements within the flood plain 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, 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 Billerica and provide drainage improvements to roads that flood during storm events. The majority of the proposed work is outside of the flood plain. However, work located on Andover Road and Pond Street is within the proximity of the Green Engineering Flood Plain.
- 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.
- 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 May 12, 2011 and revised June 1, 2011 and stamped by Philip F. Paradis, Jr. RPE# 37845.
- 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. Grady seconded. So voted unanimously.

Open Microphone

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

No one was present for open microphone.

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

The Board adjourned at 8:15 p.m.

Respectfully submitted,

Sandra Giroux
Secretary

Joanne M. White
Recording Clerk