

**BOARD OF HEALTH MINUTES  
JUNE 28, 2010**

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, Fred Kenyon, and Richard Berube, Director. Dan Kane and Joanne White, Recording Clerk were absent.

**Billerica Public Schools – 52 River Street – Continued Hearing for Variance Request and Project Approval for construction of the New Parker School**

Mrs. O'Rourke explained the meeting tonight is to address the Board of Health and residents concerns regarding the New Parker Elementary School.

Symmes Maini & McKee presented a Powerpoint Presentation of the New Parker Elementary School Project to the Board Members and the general public.

Jamie Warren, Civil Engineer, with Symmes Maini and McKee Associates (SMMA) representing the applicant, Billerica Public Schools identified himself. Mr. Warren showed a slide summarizing the filings that have taken place. We filed late April early May 2010. The 1<sup>st</sup> peer review was completed on May 24, 2010. SMMA responded to the first memo from the peer review. Before the first meeting we had a technical review meeting with the Town's peer review, the Board of Health and representatives of the Department of Public Works (DPW). We also replied to the DPW memo. On June 7, 2010 we had our first hearing with comments from (DPW) regarding the peer review. We have since received the second peer review comments from Woodard & Curran along with some of their sub-consultants. Tonight is the second public hearing. The scope of this review is for the drainage associated with the project as well as the two (2) variances. The first variance is Chapter 5, Section 5.2.004 for the basement floor slab elevation and the second variance is Chapter 5, Section 5.5.005 for any work or alteration within twenty-five (25) feet of the Green Engineering Flood Plain. We also extended the peer review scope to include traffic, exterior lighting and noise associated primarily with the mechanical rooftop equipment. Mr. Warren pointed and explained the proposed location of the new

building on the slide. Mr. Warren explained the location of the proposed parking area, access to the area and bus drop off locations. At the last meeting we discussed the drainage concerns. We worked with the Town's Peer Review Consultant, Woodard & Curran and had a technical review meeting. We are confident that we have addressed all the technical elements of the drainage design. Mr. Warren gave a summary of the drainage system that consisted of a dry detention basin. He pointed to the location of the dry detention basin on the slide. There will also be a sub-surface infiltration system located off the corner of the building. Through the use of those systems we are mitigating the stormwater impacts for the project and we will also limit the amount of surface runoff to the direct abutters. Present with us tonight are some of our engineers to discuss noise and exterior lighting concerns. The first peer review for traffic stated that the traffic report and analysis was appropriate. There would be some signage on River Street as well as the trimming back of this area. One of the comments from the peer review was to provide some onsite directional signage on River Street for people to know where they should be going. Mr. Warren stated that he would turn the meeting over to Jeff Stearns, from Woodard & Curran for his comments and then we can open the meeting up for any technical questions.

Jeff Stearns, Woodard & Curran identified himself. Mr. Stearns explained that he reviewed the drainage of the on-site system. I submitted a peer review letter to the Board dated June 24, 2010. The review letter is from my traffic engineer and noise consultant and myself. The letter includes our recommendations on the two variances that have been requested by the applicant as well as my review of the stormwater management systems and its compliance with the Stormwater Management Standards & Handbook. We have reviewed the lighting as well and we only have one minor comment in regards to the lighting. As for traffic, we recommend that Bryant coordinate with SMMA and the Parker Elementary School to determine the appropriate on-site signage and the best route for parents to utilize during the p.m. pickup. The applicant has demonstrated why he needs those two variances. I recommend approval for the two variances. In regards to the noise it meets the MassDEP Noise Policy Guideline of 10-dBA allowable increase over background sound levels and meets the Town By-Law of 50-dBA. My recommendation is that the project is in conformance with the drainage and traffic as well as noise. There is a small spill over of exterior lighting from the foot-candles of the church. I recommend that the applicant get a letter from the pastor of the church allowing them to move the light.

Mr. Warren replied that they met with Pastor Wilkes of the New Colony Baptist Church last week.

Melissa Gagnon, Project Manager, Joslin, Lesser & Associates, Inc. identified herself. Ms. Gagnon explained that they met with Pastor Wilkes and went over the proposed lighting and landscape plan and the buffer planting. The design was acceptable by Pastor Wilkes. At the ten (10) foot setback from the property line there will be a very small amount of spill over light.

Mrs. O'Rourke asked do we have that in writing.

Ms. Gagnon replied that we do not have that in writing however she will get that in writing.

Mr. Stearns explained that he also has a list of recommended conditions from the noise engineer, traffic engineer and himself.

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

Mr. Kenyon stated that he watched the Planning Board meeting and a lot of his questions were answered at that meeting.

Mr. Reader asked about the lighting at the church.

Mr. Warren explained and pointed to the minor spill over of light. We met with the pastor and explained the situation and the pastor verbally agreed with our plan.

Mr. Berube explained that a technical review meeting was held on June 16, 2010 and at that meeting we went over a lot of concerns that were raised at the June 7, 2010 meeting. A lot of those issues have been addressed. Kelley Conway, Billerica's Town Engineer has gone to the site with her department to inspect the drainage. She found that everything was structurally sound. The only thing she found was that one manhole cover needed to be replaced or repaired. The only thing they did not look at was the pipe behind the houses on River Street because it is on private property and she needs permission to enter the properties.

Kelley Conway, Town Engineer, identified herself. Ms. Conway explained that two of her staff went out to the site and looked at the drainage on River Street from the school entrance down to the outlet near the bridge. We looked at the drainage on Parker Street to River Street. Everything seems to be functioning properly. We did not look at the line behind the houses.

Mrs. O'Rourke asked are you going to.

Ms. Conway stated if we are directed to. The Town Manager had mentioned that he was interested in another project.

Mrs. O'Rourke stated that she was going to open up the questioning to the audience. When you are called on please clearly state your name and address.

Robert Doherty, 40 River Street, identified himself. Mr. Doherty stated that the brook is on our land now and in 1952 it wasn't on our land. They built up the hill and pushed the brook back. It is a brook. It is not a culvert. We are meeting with the Environmental Protection Agency (EPA) on June 29, 2010 to review the entire area down to the river. Mr. Doherty stated that he has not been able to get a map of this area from the town. EPA stated that they have given maps to the Town of Billerica for over fifty (50) years.

Mrs. O'Rourke asked who told you that.

Mr. Doherty replied the Department of Environmental Control. Mr. Doherty stated the town moved the stream. It is a no name stream.

Steve Glennon, 15 Pages Court, identified himself. Mr. Glennon stated if it is a stream it will be under the Army Corps of Engineers.

Mr. Doherty stated the Department of Environmental Control recognizes the stream and it is called a no name stream and it is accepted by the State. I was there when the town moved the stream. The pipe that the stream runs through is broken and is caving in.

Mrs. O'Rourke stated so they redirected the stream.

Mr. Doherty explained that the culvert was installed and the Town put in a pipe. Why would the Town install a pipe for something that is on my land?

Mrs. O'Rourke replied that she did not know.

Charles Adams, 50 River Street, identified himself. Mr. Adams stated the water that goes into that culvert pipe and runs through my backyard the pipe is caving in. Does the water go down the side of the driveway into River Street then into the culvert pipe?

Mr. Warren explained that there is a series of drainage connections from off-site sources that dump into this area. We walked the site with the Conservation Commission prior to the start of this project. It was determined that it was not a regulatory wetland. A determination was made before we started the design process. The Green Engineering Flood Plain map accepts off-site runoff and passes under the driveway and continues down and connects into the Parker Street system. Our project is not relying on that for any drainage connections. Whatever water flows through the pipe today will continue to flow through after the development of the project.

Mr. Adams asked does the water come down from the left side of the Parker School driveway and flow into that pipe.

Mr. Warren replied no.

Mr. Curran, Town Manager replied that today it does but not after the project is completed.

Mr. Warren explained that there is a raised sidewalk so any water that comes down that driveway will continue through.

Mr. Doherty stated that water runs down on the opposite side and into my driveway. I put a drain in the driveway so it would not go into my basement or my neighbor's basement.

Mr. Warren pointed to the slide and explained that there is an existing slope and the flow of water goes down through those homes and the Parker School. He also explained about the catch basins that will be installed and how they will be piped underneath the ground and brought through to the dry

detention basin. He explained that the surface runoff contribution will be reducing the area of land that is flowing to those homes.

Mr. Adams asked does the water flow down and then through the culvert pipe that goes through the yards.

Mr. Warren replied yes.

Mr. Adams gave Kelley Conway permission to enter his property at 50 River Street.

Mr. Curran explained that the Town is responsible for that pipe. At a meeting on June 16, 2010 the Town discussed this problem and the Town is going to take care of this situation as a separate project. Woodard & Curran will be doing an assessment of the area. The pipe is corroded and collapsing. It will be done concurrently with the Parker School project. It will probably happen in Phase II of the construction. Mr. Curran stated that he was going to need cooperation from the neighbors to enter their property because of the easements on their properties. Mr. Curran explained that by law the Town cannot use the bond money because the runoff is not really coming from the Parker School it is not associated with the school project. So the Town will have to fund this project through a different source.

Mr. Adams stated that he has sinkholes that are covered with plywood in his backyard. Mr. Adams asked what he should do about the sinkholes. The pipe has been rotted for a couple of years. I am concerned with the safety of my grandchildren that play in the yard and the neighborhood kids that cut through my backyard.

Mr. Curran stated that he would address the safety issue with Kelley Conway and Abdul Alkhatib, the Director of the Department of Public Works.

Robert Casey, 15 Blanchard Avenue, identified himself. Mr. Casey stated that the abutters in that area should have some guarantee that the culvert work will be completed by the time the New Parker School is ready for occupancy. I heard Kelley Conway state that the system on Parker Street is working properly. I hope that is true. There are some drainage issues in that area. I hope the Board will issue a condition that states the Town will address the water situation as Mr. Curran explained. Mr. Casey asked is the lighting plan complete.

Mr. Warren replied yes.

Mr. Casey asked are we to assume that there will be no other area in that entire site that will have any spill over.

Mr. Warren pointed to the slide and replied that based on the calculations that were submitted this area is the only area where the light trespasses through.

Mr. Casey stated that he has a concern regarding the noise issue. It seems as if the noise level as calculated will be very close to the maximum allowable under MassDEP and the Town's By-Law which would be about a 20% increase in the existing conditions.

Ben Markham, Acoustic Consultant from Acentech identified himself. Mr. Markham explained that on the eastern side of the property during the daytime based on the equipment an increase at the quietest time would be 9-dBA. That would be 39-dBA at around 9 or 10 in the morning and 48-dBA in the evening.

Mr. Kenyon asked does it meet the by-law.

Mr. Markham explained that MassDEP allows a 10-dBA increase and Billerica's By-Law allows 60-dBA during the day. That is 1-dBA above what MassDEP allows and 11-dBA below what the Billerica By-Law allows.

Mr. Casey requested that the Board consider asking the applicant to mitigate the sound before the project is completed and be proactive rather than wait to find out that the sound levels are above the allowable limits and the neighbors are having a hard time living with the sound levels. It would be cheaper to do this now and mitigate the sound now.

Richard Silva, 23 Pages Court, identified himself. Mr. Silva asked what is the acoustic barrier screen that is going to be in my backyard.

Mr. Markham explained that it is a wall on the roof of this building. The screen will be made out of metal and will be four (4) inches thick and will have sound absorbing material on the mechanical equipment side of the screen. It will be about thirteen (13) feet high.

Joel Seeley, Symmes Maini & McKee, identified himself. Mr. Seeley explained the location of the mechanical equipment and the location of the acoustic wall screen.

Mr. Silva asked about the ambient sound reading locations. One is in my backyard and one is at the opposite end of the lot.

Alicia Wagner, Acentech, identified herself. Ms. Wagner pointed to the slide and explained the location of the three ambient sound locations.

Mr. Warren pointed to two of the locations and explained that they are the worst-case scenario.

Mr. Doherty stated that he was in the Blanchard Avenue area and there were markings on some trees. Are those trees going to be removed on the back side of the school?

Mr. Warren explained that a survey was done of the existing trees as part of the overall development of the landscaping plan and some of the flags might have been left.

Mr. Doherty asked will those trees be removed.

Mr. Warren explained that there was a presentation and as part of the landscaping plan five (5) of the mature trees will be taken down. The rest is the shrubs.

Peter Lukacic, Senior Associate, Symmes Maini & McKee identified himself. Mr. Lukacic explained that he conducted a site walk and had a conversation with the neighbors. We need to regrade the area and in doing so we would remove five (5) plus or minus trees. Approximately one hundred (100) trees will remain. We will try to maintain as much vegetation as we can.

Mr. Doherty stated that he is concerned because at the last meeting Mr. Warren stated that 85% of the people traveling on River Street are speeding. How will that problem be approached?

Mr. Markham explained the results of the traffic study indicated that 85% is built into the existing ambient levels. Whether people continue to speed or not cannot be predicted.

Mr. Doherty stated that when the building is completed the air conditioning equipment will be on the roof.

Mr. Warren replied yes. There will be a combination of mechanical equipment and a chiller. There will be protectors in place to minimize the noise.

Mr. Markham explained that there is going to be an increase over the existing noise level. That noise is audible. There will be protection in place including sound attenuators and barriers to minimize the noise within the restrictions of the Billerica By-Laws and Mass DEP response.

David Kinsella, 28 Andover Road, identified himself. Mr. Kinsella asked what do you plan to do to isolate the equipment vibration.

Mr. Markham explained that the equipment is on vibration isolators so it is on a steel structure that supports the weight of the equipment and have been specifically engineered for this particular type of equipment.

Mr. Kinsella asked are the chillers the worst item that has to be taken care of.

Mr. Markham replied yes. Mr. Markham explained the location of the barriers and what affect the barriers would have.

Mr. Kinsella stated looking at the grading plans it appears that the building is being dropped two (2) feet and the entire perimeter between the houses is being regraded. Are you concerned with the root base of these trees that you are saving? You are removing a significant amount of material in order to drop the base of the building.

Mr. Lukacic explained the canapés would reflect the roots and the roots would be condensed. As I walked through and surveyed the area I have taken that into account. We will be removing five (5) plus or minus trees. When you remove the root zone the canapé should not cause that kind of damage.

Mr. Kinsella stated you are not going to be there daily. The contractors will rip the roots out to drop the grade down and then the trees are going to fail because the root base is not being protected.

Mr. Markham replied at the beginning of the project the contractor is responsible for marking the edge of the work. I have reviewed the extent of the work that needs to be done with the contractor and I also examined what damage may or may not occur. At that point it is controlled with construction fences. I will be the Clerk of the Works on a daily basis representing the Town. There is a procedure for the removal of the trees.

Mr. Kinsella stated so you will be the Clerk of the Works.

Mr. Markham replied he would be a full time Clerk of the Works.

Mr. Kinsella asked how much will the traffic increase on River Street. To me the response it is acceptable for the use is an unacceptable response. The residents need to know how many more cars, trucks and buses will be going to the site.

Mr. Warren replied the projections were applied to the increase of the population as well as the increase in the staff. What they use is a baseline for the school. There is a specific projected increase.

Mr. Kinsella stated that the residents should know what that increase is.

Mr. Warren replied the specific amount is in the traffic report.

Mrs. O'Rourke asked Mr. Whiteway if his concerns have been addressed.

Grant Whiteway Sr., 17 Parker Street, identified himself. Mr. Whiteway replied not totally. Mr. Whiteway stated he is concerned with the health and welfare of the children. They are taking away a lot of the field.

Mr. Lukacic replied the field that is demonstrated represents a U 11 Soccer field. That field is appropriate for the elementary school age children.

Anthony Serio, Superintendent of Billerica Public School, identified himself. Dr. Serio replied that the field is appropriate for the New Parker Elementary School. That field is not for the women's LaCrosse Team. It is appropriate for the elementary school.

Mr. Silva asked what is the new area on the plan going to be.

Mr. Lukacic replied the rubber surface is a play area.

Mr. Silva stated that area is too close to my house. You have a six (6) acre school going into a five (5) acre lot. I am retired and the kids will be bouncing their balls in my back yard. I don't want to hear that noise. You are taking one of the practice fields away. Shouldn't you be centering the school on this lot?

Dr. Serio explained currently this field is limited to how many people practice on it. There might be two (2) teams that use this field on a regular basis. This is strictly a practice field. It will not infringe on the sports programs. We have a kindergarten play area just outside of the kindergarten classrooms. There is only a small amount of space but you do have to provide outdoor activity for the kids. The equipment in the kindergarten area will be specific for children in that age group.

Mr. Casey stated that the open space recreation playground for this school will be in the lower third of the schools in the Commonwealth. There will be limitations on the amount of recreational space that is available. The Town will need to take some steps to make sure the noise during construction periods is monitored. This will be a 2 ½ year project. What can the abutters expect from the Town to ensure that the noise is controlled?

Mrs. O'Rourke asked are you referring to the noise during the working hours of the construction team.

Mr. Casey replied that the noise should be addressed at the site plan meeting. The Town should have regular meetings with the development team and communicate with the abutters on what is going on with the project. What communication provisions have been made for the abutters and has anything been put in writing?

Mr. Kinsella stated that Mr. Casey is referring to the noise mitigation and the environmental control during construction. Will dust mitigation measures like fences and screening be put up for safety precautions during the construction phase? Nothing is in writing.

Mrs. O'Rourke stated that at the last meeting the safety precautions were addressed and they were also addressed at the meeting held on June 16, 2010.

Mr. Warren reiterated that it was discussed.

Mr. Kinsella replied that it is not written down. What will happen if the plan is not followed? I think that having it in writing is a reasonable request for the abutters.

Mr. Doherty asked is someone going to come forward and set a date for the Town to look into the culvert situation or will that be forgotten about.

Mr. Berube stated that the Town Manager has made a commitment to look at the culvert and if this does not take place the Board can take action and order the Town to address the situation. This situation will not be forgotten.

Mrs. O'Rourke asked Reno if he had any concerns regarding the parking or traffic.

Rino Moriconi, 53 River Street, identified himself. Mr. Moriconi stated that the Town promised things and then never did what they said. Once this project starts the developer is going to do what ever they want.

Mrs. O'Rourke asked when the construction begins, where are the workers going to park.

Mr. Seeley showed an aerial view of the parking area. Mr. Seeley explained that the project consists of two phases. Mr. Seeley pointed to the slide and explained the parking areas. A series of parking spaces will be constructed temporarily so that the existing building will remain the same during the first phase of construction.

Mrs. O'Rourke asked will the teachers park in one area and the workers in another area.

Mr. Seeley replied yes. Mr. Seeley pointed to the area where the contractors would park along the site. The buses and parents will still come in off of River Street during Phase I. Mr. Seeley pointed to the Staff parking area. During Phase I when the school is operating the parent drop off and bus drop off will be the same as it is today. Mr. Seeley pointed to the area where the construction fence would be set up along the property line. Mr. Seeley pointed to the area where the contractor for Phase I will utilize. They will come in Pages Court and the contractor's trailers will be there. They will park along the southerly end towards the northerly end of the site. So when we go to Phase II the new building will be constructed. The contractor will construct the parking lot and the fields and demolish the existing building in the summer of 2012 through November 2012. During Phase I the construction vehicles delivery will come in from Treble Cove Road down to River Street onto the site, then they will exit the site through the Billerica Housing Authority Parking Lot and the Public Library to Concord Road and back to Route 3.

Mrs. O'Rourke stated so they will not be going around the center of Town.

Mr. Seeley replied that the center of Town is prohibited. The contractor and employees will access through Pages Court and park on the site.

Mr. Kinsella stated there will be more than one (1) trailer on the site.

Mrs. O'Rourke asked how many trailers will there be on the site.

Mr. Warren replied there will be a minimum of two (2) trailers. One (1) trailer will be for the contractor and one (1) trailer will be for the project manager who will be there throughout the project.

Mr. Seeley replied there will also be associated trailers on the site. There will be 4-5 trailers depending on the phase of the construction.

Mr. Kinsella talked about the trailers that would be on the construction site. Mr. Kinsella stated the Town is underestimating the nuisance from this construction.

Mrs. O'Rourke explained that with building a school of this magnitude there is going to be disruption. There is going to be noise disruptions and traffic disruptions. The school is going to be built.

Mr. Kinsella stated that the parking plan needs to be looked at carefully and the issues need to be addressed. Mr. Kinsella stated that he is not saying that the school should not be built all he is saying is that these issues need to be addressed before the construction begins.

Mr. Kenyon stated that a lot of these issues are going to happen and we are going to have to address them as they occur. There will be no problems as long as the right person is in charge to address these issues and make the right decision to correct them.

Mr. Kinsella stated that he thinks there is a hole in the plan and the plans have not been adequately addressed and need a little more thought. We do not have enough parking for the vans, pickup trucks and sedans that will be on this site.

Mrs. O'Rourke asked Mr. Seeley if he could address Mr. Kinsella's concerns.

Mr. Seeley explained that there will be on site presences throughout the construction duration with the owner's project manager that the Town hired. The over site and presences monitoring the traffic will be there every day. We will be working with the owner's project manager and the contractor to ensure that the construction vehicles will not be parking on the neighborhood streets. That has been built into the contract. Mr. Seeley explained that from day one the entire site is not going to be filled up with builders and construction material and there will not be a hundred cars on the site. It will be a gradual approach. It will be a gradual buildup of building material and men. We have written into the specifications and the contract that all construction workers must car pool and must abide by the parking and traffic requirements that are built into the specifications. There are stipulations within the construction contract that they will have to abide by.

Mr. Kinsella suggested that a solid layout plan of the site, showing the physical location of the trailers, bull dozers, loaders and excavators and where they are going to park be prepared before they start enforcing the plan.

Mr. Warren explained that they have had multiple meetings with the direct abutters, the New Colony Baptist Church, the Billerica Housing Authority, the Public Library, the traffic commission, the Police Department, the Fire Department and the Town Boards to develop this plan. This plan has been developed through all the meetings that we have had and has been revised multiple times.

Mr. Kenyon explained that many meetings have been held at the Library and the Senior Center and everyone is aware that there will be traffic and parking problems.

Mr. Berube explained that one of the Board's standard conditions is that there will be pre-construction meetings. That is one of Woodard & Curran's recommendations. The meeting will involve all Town Departments and at that meeting all the details will be reviewed. We can have subsequent meetings during the Phase I and Phase II construction to keep track as well. They will also be required to file periodic reports with us.

Mr. Doherty asked Mr. Warren if the temporary parking for the workers would be hot topped.

Mr. Warren replied no it will be crushed stone parking.

Mr. Doherty explained his concern because at the circle the water runs down. I think that will create more of a water problem.

Mr. Warren explained that they would be tipping and grading the parking area. It will not be

Mr. Moriconi stated that all these people have done their homework. We need an onsite person that can correct a problem immediately.

Ms. Gagnon explained that there will be an onsite person present daily from 7 a.m.– 4 p.m. We will keep the abutters informed of the construction progress by e-mail or a website.

Mrs. O'Rourke stated that the Board has never reviewed a project of this magnitude. I think that everyone has been working together and the project team has reviewed and addressed all the Board of Health and abutters concerns.

Mr. Berube clarified that the Board reviewed the new Ditson School project and that project had some issues as well.

Mrs. O'Rourke asked that a motion be made.

Mr. Reader made a motion to grant a variance relative to the basement floor/slab elevation and work within twenty-five (25) feet of the Flood Plain in order to construct an elementary school and site improvements with the standard conditions and the recommendations from Woodard & Curran and the letter from the New Colony Baptist Church and to include some noise and dust control during construction based upon 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 Board of Health's Rules and Regulations, Chapter 5, Sections 5.2.004, 5.2.011 and 5.5.005 (1).

2. The Board of Health conducted a public hearing on June 7, 2010 and properly notified abutters in accordance with Billerica Health Regulations, Chapter 1, Section 1.2.007.
3. The proposed project was reviewed by Jeffery Stearns, P.E. of Woodard & Curran, Inc. the Board of Health's Consulting Engineer, for potential impacts to the Flood Plain as well as compliance with applicable drainage and other environmental regulations.
4. The Board of Health will impose reasonable conditions to ensure the project is constructed in accordance with approved plans.
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 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.

**STANDARD CONDITIONS**

1. All construction must be in accordance with plans submitted for review and approval, prepared by Symmes Maini & McKee Associates, dated April 30, 2010 and revised to June 21, 2010 and stamped by Jennifer A. Howe, RPE#41524
2. Any changes in the plan submitted and approved shall require immediate notification to the Board of Health by the Design Engineer and applicant. Further review and approval may be required at that time.
3. An as built plan shall be submitted to the Board of Health before the approval of any occupancy permit, or other documentation to satisfy the intent of the Board of Health's approval of any project.
4. There shall be no encroachment into the Flood Plain as delineated and approved on the plan submitted. This restriction shall be deemed a deed restriction and extend to all future owners of the property.
5. There shall be no stump dump or dumping of any solid waste or liquid waste on site. Such activity shall constitute a violation of Massachusetts General Laws Chapter 111, Section 150A.
6. 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.
7. All drainage and stormwater management structures shall be installed and functioning in accordance with design standards prior to the approval of an occupancy permit. A status letter may be submitted as proof of compliance with this condition, to satisfy the intent of the Board of Health.

8. Upon completion of the work described herein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed.
9. 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.
10. The work authorized by these conditions shall be completed within three years from the date of this order, unless the time for completion has been extended to a specific date more than two years from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this order.
11. This order may be extended by the issuing authority upon application to the issuing authority at least 30 days prior to the expiration date of this order.
12. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
13. 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.
14. 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.
15. The applicant and his construction supervisor/contractor and project engineer shall request and attend a preconstruction meeting with the Director of Public Health, the Board of Health's Consulting Engineer and any other interested parties prior to beginning any construction in order to review the construction sequence for the project, establish an inspection schedule and address any other concerns. The meeting request and written Notice of Construction Commencement shall be submitted to the Board of Health at least fourteen (14) days prior to beginning construction.
16. The applicant, or his agent, shall notify the Board at least forty-eight (48) hours in advance of scheduled inspections, or completion of construction operations requiring inspection, and prior to starting work on the succeeding construction operation.
17. Proof that a NPDES (National Pollutant Discharge Elimination System) Notice of Intent has been filed with the EPA (Environmental Protection Agency) shall be provided to the Board of Health prior to the approval of any permits. The applicant must provide a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Board of Health.
18. A proper Operation and Maintenance Plan for the stormwater drainage system must be approved by the Board of Health and the Board's Consulting Engineer/Consultant prior to the approval of any occupancy permits. Annual reports shall be submitted by a Registered Professional Engineer

documenting compliance of the approved Operations and Maintenance Plan.

19. The stormwater drainage and infiltration systems shall not be back filled until an inspection has been conducted by Board of Health's Consulting Engineer/Consultant or a representative of the Board of Health and permission has been granted to backfill.
20. A preliminary as-built plan for the stormwater drainage and infiltration system shall be submitted to the Board of Health and the Board's Consulting Engineer/Consultant for review and approval prior to the laying of any pavement.
21. 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.
22. Agents of the Board of Health or its designee's, such as the Board of Health Consulting Engineer, or others so designated, 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.
23. The applicant must provide final approved plans for any project covered by the conditions. Final plans are considered plans approved by all town departments.
24. Any approval, variance or waiver granted by the Board will not become effective until all outstanding invoices from the Consulting Engineer/Consultant have been paid by the applicant.
25. ACOC will not be issued until all outstanding invoices from the Board of Health Consulting Engineer/Consultant for inspections or other services rendered during construction have been paid by the applicant.
26. The applicant shall coordinate the schedule for the required inspections to be performed by the Department of Public Works and the Board of Health prior to the start of construction.
27. The applicant shall submit correspondence from the New Colony Baptist Church acknowledging that the proposed lighting may spill over the property line onto the church property.
28. Field observations of the exterior site improvements and demolition of the existing building shall be forwarded to the Board of Health.
29. The Department of Public Works and Board of Health should be invited to scheduled site visits to review construction progress at set times agreed upon by all parties prior to the start of construction.

30. Contract Specifications shall include provisions that the contractor must comply with the Construction Noise Standards of the Billerica General Bylaws and that the development of construction noise containment plans to meet the construction noise standards will be the responsibility of the Contractor. The noise specifications and containment plans shall be forward to the Board of Health prior to commencement of construction.
31. Applicant shall provide the results of the comprehensive hazardous material survey performed by CDW Consultants, Inc., in December 2009 as well as the Contract Specifications for demolition to the Board of Health for review.
32. Applicant shall notify the Board of Health prior to the placement of the basement slab and the installation of porous pavement.
33. Final design and equipment specifications shall be provided to the Board of Health to verify that sound levels for rooftop equipment and sound level reductions for sound absorption materials and panel walls are consistent with those used in Acentech's sound studies.
34. The applicant shall perform a post-construction sound test to ensure that the operation of the ERUs and chiller with the recommended metal panel barriers and exterior wall treatments would not cause a violation of the MassDEP Noise Policy. Results shall be forwarded to the Board of Health.
35. Construction noise monitoring at the nearest site property boundaries to determine compliance with the maximum allowable construction sound levels presented in the Noise By-Law shall be performed by the Applicant. Results shall be forwarded to the Board of Health.

Mrs. Giroux seconded. So voted unanimously.

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

The Board adjourned at 8:30 p.m.

Respectfully submitted,

Sandra Giroux  
Secretary

Joanne M. White  
Recording Clerk