

**BOARD OF HEALTH MINUTES  
MARCH 9, 2009**

Robert Reader, Vice Chair called the meeting to order at 7:30 p.m. Also in attendance were Sandra Giroux, Secretary, Fred Kenyon, Daniel Kane, Richard Berube, Director, and Joanne White, Recording Clerk. Marie O'Rourke Chair was absent.

**ACCEPTANCE OF MINUTES**

Mrs. Giroux made a motion to accept the Meeting Minutes of January 12, 2009. Mr. Kenyon seconded. Three (3) voted in favor. One (1) vote abstained (Mr. Reader).

**CORRESPONDENCE**

**Billerica Energy Center (BEC)**

Mr. Reader stated the first item under correspondence is the Billerica Energy Center (BEC).

Mr. Berube explained that included in the Board's package is a copy of the letter from Attorney Stephen Lentine stating that the applicant for the proposed power plant would take no further action at this time. Once the written decisions from both the State Energy Facilities Siting Board and Department of Environmental Protection (DEP) are received, Attorney Lentine would forward copies to the Board. They are probably going to wait a period of time in case the Billerica Watchers Group appeals the decision.

Mr. Reader asked how soon do you thing the hearing will take place.

Mr. Berube replied he did not think it would take place soon. The letter indicates that the hearing before the Board, will likely be delayed until this summer or early fall.

Mr. Kenyon asked would the Board's consultant be presenting information to the Board again.

Mr. Berube replied that the Board's consultant, Woodard & Curran would first review the report and then provide a written report to the Board before a hearing would be scheduled. As you can see from this letter the applicant has not made any arrangements to pay the consultants retainer fee as requested by Woodard & Curran. Once Attorney Lentine receives the report he will contact Woodard & Curran and discuss the report and payment.

Mr. Reader asked do you think the Billerica Watchers Group would appeal the decision. How long do you think the appeal process would take?

Mr. Berube replied that he thought the Billerica Watchers Group would appeal the decision. I do not know how long the process would take or what is involved. I will try to get more information regarding the process and advise the Board. There is additional correspondence relative to the Billerica Energy Center. In the packet is an e-mail regarding new research regarding air pollution. There is also a copy of a letter from the Town of Tewksbury Board of Health stating that they unanimously voted to remain in opposition to the proposed power plant. There is an e-mail from Paige Impink. She attached a package of information on the Benefits of Upgrading the Northeast Electrical Grid. The article explains how it would be better if the grid was upgraded instead of building all these power plants.

Mr. Reader asked how many power plants are being proposed.

Mr. Berube replied the article from Paige Impink indicates that fourteen (14) power plants are being proposed.

Mr. Kenyon mentioned that he read an article in a magazine that stated this proposed power plant is an ideal location for a power plant because of the natural gas availability, the electrical power line availability, the transformers grid and water availability. Everything that is needed is available in that location.

Mr. Berube replied that is the reason they chose this area. A nationwide study was conducted and this area met their criteria.

Mr. Reader stated that he heard that they might not take water from the Concord River for the power plant.

Mr. Berube stated he has not heard anything definite but they are taking a second look at their original plan to use wastewater.

Mrs. Giroux asked don't you think it is strange that we have not received any type of correspondence from Lowell. Do you think there may be an alternate site in Lowell that is being considered?

Mr. Berube replied Lowell already has two (2) small plants. I do not know if they would

be considering another plant in Lowell.

Mr. Kenyon stated that someone mentioned to him that Lowell is waiting on the sidelines for Billerica to turn down the project. Lowell would then approve the power plant and locate it approximately three (3) miles away from the boundary of Billerica.

Mr. Berube stated that is possible.

Mr. Kenyon stated Lowell will get the financial benefit and Billerica would still have the effects of air pollution.

Mr. Berube stated that also included in the Board's package is a copy of the Billerica Watchers Group's Response to the Tentative Decision of the proposed power plant. I am sure more material will be provided in the near future.

**Board of Selectmen – Central Fire Station Re-Use Committee**

Mr. Reader stated the next item under correspondence is a notice from the Board of Selectmen regarding the Central Fire Station Re-Use Committee.

Mr. Berube explained the Board of Selectmen is seeking two (2) residents to become members of the Central Fire Station Re-Use Committee. If anyone is interested or if you know of anybody that is interested, they can submit an application to the Board of Selectmen, Town Hall on or before Tuesday, March 10, 2009.

**Policy on Cell Phones and Electronic Devices in Meetings**

Mr. Berube explained that William Williams, the Town Manager sent a memo to all Boards and Commissions regarding a revised policy adopted by the Board of Selectmen on cell phone use, text messaging and emailing during Public Meetings. He has provided a copy of the policy to all the Boards and Commissions and suggested that the policy be adopted.

Mr. Reader stated all electronic devices should be put on vibrate when attending a meeting. If anyone receives an urgent message they can excuse themselves and leave the meeting to make a call.

Mrs. Giroux asked does the Board think it is necessary to adopt this policy.

The Board discussed the policy and felt that it was not necessary to adopt this policy.

**BOARD OF HEALTH BUSINESS**

**FY08 Annual Report**

Mr. Reader stated the first item under Board of Health Business is the FY08 Annual Report.

Mr. Berube explained that attached is a copy of the FY2008 Annual Report. Mr. Berube asked the Board Members if they had any questions regarding the report.

Mr. Reader asked if the amount of services the Board of Health provides has changed since 2007 because of the economy.

Mr. Berube replied most of the activities are consistent with the previous years.

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

The Board Members did not have any questions.

#### **Warrant Articles**

Mr. Reader stated the next item is Warrant Articles.

Mr. Berube asked if any of the Board Members has a Warrant Article they would like to submit for Spring Town Meeting. The article needs to be submitted by Monday, March 16, 2009 before 4:00 pm.

Mr. Reader asked the Board Members if they had any articles or proposals they would like to submit.

The Board Members did not have any articles or proposals that they would like to submit.

#### **Water Conservation Committee Update**

Mr. Reader stated the next item under Board of Health Business is the Water Conservation Committee Update. Mr. Reader asked Mr. Kenyon if he would update the Board.

Mr. Kenyon stated that John McGovern, Water Superintendent explained the recent water use history in Billerica. The Department of Environmental Protection (DEP) goal for water usage is sixty-five (65) gallons of water per day. Mr. McGovern explained that Billerica's usage is sixty-two (62) gallons per day. Mr. McGovern talked about the cost of cleaning out the water system. Half the system is cleaned out one year and the rest of the system is cleaned out the following year. Mr. Kenyon explained that Ed Mallet has written an article on Methods of Conservation. The article has been published in the local newspaper. I also distributed copies of the article to the offices in the Town Hall. The Water Conservation Committee is concerned with getting the message out to the general public. Rain barrels and water conservation kits will be available at the Health Fair on Saturday, April 11, 2009. There are some concerns with the new developments in town and water usage. Just because the Concord River is high it does not mean there is plenty of water available. The water usage is allocated by DEP.

Mr. Reader asked would the same water restrictions apply as last year.

Mr. Kenyon replied yes, however we are not going to start off with a voluntary water ban. The water ban is going to be mandatory. The most important concern is the residents that are using lawn sprinkler systems. If we need to cut back it may be that residents will not be able to use their sprinkler systems. 1960 to 1969 we had a severe drought. If we have a drought problem again we will have to use major water conservation efforts. The Committee is going to suggest that the Selectmen increase the water rate two (2) percent every year or every other year to help keep up with the increasing cost of the chemicals.

Mr. Reader asked is there a plan in place to install new water meters.

Mr. Kenyon replied older meters are very slow and a lot of water is being wasted however there isn't any money available at this time to replace the meters.

Mr. Berube stated it appears that we are moving towards mandates for water conservation especially with the strain on our water supply.

Mr. Kenyon replied definitely. If the water usage increases the residents will have to conserve more.

Mr. Reader asked is the Town at the maximum water usage of what is allowed to be taken out of the Concord River.

Mr. Kenyon replied we are close to the maximum.

Mr. Reader asked what the Town would do if more water was needed.

Mr. Kenyon replied the Town would have to go to DEP and request that the water permit usage be increased. DEP would then look at what the Town has done to conserve water before they would increase the permit. The Town of Billerica has a by-law in place for water conservation so that would help. A lot of towns do not have a by-law in place.

Mr. Reader asked did the Town use less water last year because of the water conservation methods that are in place.

Mr. Kenyon replied that he had the figures and there was not much of a decrease in usage.

Mrs. Giroux asked has it been taken into consideration that individual people do use less water however the population of Billerica has increased because of the new projects and buildings so therefore the usage has not decreased by that much.

Mr. Kenyon replied yes.

Mr. Berube commented so the conservation efforts have not really offset the demand.

Mr. Kane stated even though we are not using .9 million gallons per day of our allotment, we are still using 99% of our capacity.

Mr. Kenyon explained John talked about replacing the filters on the input system every eighteen (18) months or two (2) years instead of once a year. The filters screen the debris out of the water from the river. Changing the filters less often was suggested as a way to save money. The filters are very expensive. They cost approximately one hundred thousand (100,000) dollars each and there are six (6) filters.

Mr. Reader asked is preventive maintenance part of the plan.

Mr. Kenyon replied replacing the filters is part of the preventive maintenance plan. The committee suggested it would not be a good idea to change the filters every eighteen (18) months or two (2) years.

Mr. Reader asked the Board Members if they have any questions. The Board Members did not have any questions. Mr. Reader thanked Mr. Kenyon for the update.

### **Tobacco Control Program**

Mr. Reader stated the next item is the Tobacco Control Program.

Mr. Berube explained that included in the Boards package is a copy of the Tobacco Community Fact Sheet for the Town of Billerica. The data is very interesting. The data includes information on cigarette smokers that live in Billerica, health effects of smoking in Billerica, illegal tobacco sales to minors in Billerica and hotline information on the Quitworks program. Currently compliance checks are being conducted at all the tobacco establishments in town. Mr. Berube explained that he would inform the Board of the results of the compliance checks as soon as he receives the report.

A discussion was held on smoking in private clubs.

Mr. Berube explained the Board of Selectmen has the authority to establish rules for private clubs.

### **Peanut Butter Recall**

Mr. Reader stated the next item is the Peanut Butter Recall.

Mr. Berube explained as you have read in the newspaper and seen on television peanut butter has caused an Outbreak of Salmonella. A brief history of what transpired is included in the Board's package. The State requested that all communities conduct Recall Effectiveness Checks (REC). As you can see from the Department of Public Health's report Billerica is one of the few communities that has

conducted the REC. Health Agent, Angela Braun has submitted a report on the results of her checks. At present there are over five hundred (500) different brands of products that contain this peanut butter that has been recalled. It does not affect peanut butter that is bought in a jar. For the latest information on the various products that have been recalled visit the FDA website. Some of this peanut butter is in pet food as well.

Mrs. Giroux asked has anyone in Billerica been affected by this outbreak.

Mr. Berube replied we have not received any calls or reports stating that anyone in Billerica has become sick with Salmonella that is linked to peanut butter.

Mr. Reader asked is this outbreak near the end.

Mr. Berube replied it appears to be coming to an end.

### **Sharps Disposal Trial Program**

Mr. Reader stated the next item is the Sharps Disposal Trial Program.

Mr. Berube explained that he has been working with Christine West, the Public Health Nurse on implementing the sharps disposal program. Starting next year sharps cannot be thrown in the trash. People that are diabetics or have some kind of problem and need to use needles would have no way of disposing of them. The Health Department has negotiated a contract with our current medical waste company. We decided to start a trial program to collect sharps from our residents. Our current contract states that the waste company will pickup nine (9) boxes of sharps in Fiscal Year 2010. Currently the Health Department fills two (2) boxes a year. This trial program will be free of charge for the community.

Mrs. Giroux asked where would the residents bring the sharps.

Mr. Berube replied to the Board of Health office.

Mr. Reader asked how big are the boxes.

Mr. Berube replied approximately two (2) feet by three (3) feet. Mr. Berube explained the conditions that would be established for dropping off the needles. The sharps would have to be placed in an acceptable container and the containers would have to be full. The residents can use the red sharp containers that are used in a doctor's office or a laundry detergent bottle. Sharps must be placed in rigid puncture resistant containers. If the response is so overwhelming that we exceed our contract then we will have to rethink the process and charge the residents because we will be charged extra from the company.

Mrs. Giroux asked when do you plan on starting this trial program.

Mr. Berube replied in May 2009.

Mrs. Giroux asked what if a resident only has to use sharps for a short period of time and the container is not full. Will you accept the container?

Mr. Berube replied we would have to look at it on a case-by-case situation. Mr. Berube explained that included in the Board's package is a pamphlet with questions and answers about the ban on sharps in household trash. The program starts in July 2010. We thought we would start the trial program early to see if this type of program works for us. We do not want residents to put the sharps in the trash, dispose of them on the side of the road or throw them down the toilet.

Mr. Reader asked who would pick up the boxes.

Mr. Berube replied the Health Department uses Stericycle to pickup the medical waste boxes.

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

### **Local Public Health Cuts**

Mr. Reader stated the next item is Local Public Health Cuts.

Mr. Berube explained in the Board's package are copies of the articles from Amesbury regarding public health cuts and a letter from the commissioner of public health. There is also some information on the local public health cuts and the budget crisis. Mr. Berube explained that he wanted to make the Board aware of what is happening in other communities. We need to be prepared and aware of what is happening in case something happens in Billerica.

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

Mr. Kenyon asked do other communities have volunteer boards like the Town of Billerica.

Mr. Berube replied boards are usually appointed or elected.

Mr. Reader commented that the boards do not receive any money.

Mr. Berube explained in the western part of the state some communities do not have any Health Department staff. The communities are small and they cannot afford it.

Mr. Reader asked in that case who takes care of the health issues.

Mr. Berube replied there have been some regionalization efforts in the western part of the state. The Department of Public Health or Department of Environmental Protection steps in and helps out. The



boards in the western part of the state can delegate authority to other municipal officials. They do not need a health department. This information is interesting and we should be aware of what is going on in other communities. We need to keep our minds open about what we can do to ensure that the public health in Billerica is maintained to protect the residents.

**McFarland Cascade Monthly Reports**

Mr. Reader stated the last item under Board of Health Business is McFarland Cascade Monthly Reports.

Mr. Berube explained the Board has received two monthly reports from McFarland Cascade regarding their activities. Does the Board have any questions or concerns that they would like me to ask them before the April 6, 2009 meeting?

Mr. Reader commented the reports indicate that they are trying to correct the problem.

Mr. Berube stated that he found it interesting in the latest report the amount of sulfur content used in diesel for treating the poles. The sulfur content could be contributing to the odor problems. I have contacted the Boards of Health in Westfield and Raynham where they also store poles and contrary to what the report states they have received odor complaints in those communities. In both cases they relocated the poles and that seemed to resolve the problem. In Westfield they only store about a two (2) dozen poles so they moved the poles two thousand (2,000) feet away from the nearest residents and that seemed to resolve the problem. In Raynham, it is located on the dog track and that site contains hundreds of acres. It was easy to move the poles from one location to another on that site. In Billerica that would not work because there is no place to move the poles in Iron Horse Park.

Mr. Kane asked has the Health Department received any more complaints.

Mr. Berube replied yes, we have received a few more complaints since January. Generally we receive the complaints when the weather is mild or a rail shipment is received.

Mrs. Giroux asked could McFarland Cascade provide us with a schedule of their deliveries. That way we could track the deliveries and weather conditions to the time and date of the complaints and see what is consistent.

Mr. Berube replied he would ask them for a schedule. It would be worthwhile to look into and track the information.

Mr. Reader asked has anyone from the Health Department visited the site and confirmed the odor.

Mr. Berube replied yes.

Mr. Reader asked it is a sulfur or a rotten egg smell.

Mr. Berube replied every one has a different description of the smell. It is definitely a chemical smell. Some say the smell is sweet.

Mrs. Giroux stated that someone described it as a polyurethane smell.

Mr. Reader asked the Board Members if they had any questions or comments. The Board Members did not have any questions.

### **Stormwater Regulations and Board of Health Rules and Regulations Update**

Mr. Berube explained that there is one last item under Board of Health Business that is not listed on the agenda. As you may recall the Board of Health has been working on new stormwater regulations. The draft for the stormwater regulations has been finalized. We will also be proposing updates to other regulations as well. The packages will be ready as soon as the all regulations have been reviewed and finalized. I will either schedule a special meeting in April or we can review the new stormwater regulations and the proposed updates of the Board of Health Regulations at the May Board of Health meeting.

Mr. Reader asked is there a lot of changes.

Mr. Berube replied yes.

### **7:45 p.m. Alan Melkonian – Tradesman Industrial Park, Billerica Avenue – Request Reissuance of Variance and Project Approval**

Mr. Reader stated the first item on the agenda is Tradesman Industrial Park requesting a reissuance of the variance and project approval.

Richard Kirby, LEC Environmental Consultants, identified himself. Mr. Kirby explained that he was present tonight to renew a variance that was issued by the Board of Health October 2, 2006 for a development on Billerica Avenue, North Billerica known as Tradesman Industrial Park. Mr. Kirby pointed to the plans and explained the location of the industrial park, the driveway, the parking area, some wetlands and the Green Engineering Flood Plain (GEFP), which is depicted on the plans as well. Around the time we submitted the variance request to the Board of Health we were also going through the permitting process with the Conservation Commission. We reviewed the wetland line and talked about the flood plain. The flood plain according to the GEFP occurs at elevation 126. Mr. Kirby pointed to the plans and explained where some minor grading would be done along the edge and also the construction of the building in the flood plain elevation. However, at the time that we filed, the flood plain was not representative of the actual site conditions. The nearest flood plain on the FEMA Map is associated with the Concord River at elevation 107. The GEFP is at elevation 120. There is a 13-foot difference in elevation. The Conservation Commission stated that does not seem right. We filed a Notice of Intent with compensatory storage proposed. Conservation Commission stated that they did not want us to alter the forest to create the compensatory storage we would rather you preserve the pine

grove that is there now. Mr. Kirby pointed to the pine grove area and the area that is going to be to donated for conservation.

Mr. Kenyon asked Mr. Kirby to show the location of Billerica Avenue on the plans.

Mr. Kirby pointed to the area.

Mr. Reader asked is this building near D. J. Reardon.

Mr. Kirby pointed to D. J. Reardon.

Mr. Reader asked are some of the buildings already constructed.

Mr. Kirby replied none of the buildings have been constructed yet. Mr. Kirby explained Conservation approved the project and Board of Health approved the variance. We were going to connect to town sewer but we needed to get approval from the adjacent landowner, however that never worked out. So a new septic system was designed. The Board of Health approved the septic system in the summer of 2008. The Board of Health issued a variance two (2) years ago. The variance referenced a plan that was an interim plan with Conservation. That plan was before Conservation told us that we were not required to provide compensatory storage. The plan that Conservation approved is different from the plan that was approved in Board of Health variance, dated October 2, 2006. So part of the reason we are here tonight in addition to renewing the variance is to have the variance reference the plan that Conservation approved dated October 6, 2006. Mr. Kirby asked Attorney Dangora if he would like to explain the second item.

Attorney Dangora, Jr. explained that the Order of Conditions from Conservation was approved in early 2007. The Green Engineering Flood Plain is one of the resource areas and three (3) reviews are required for flood plain issues Planning Board review, Conservation review and the Board of Health review. In the Conservation's Order of Conditions Condition #7 reads as follows "the Conservation Commission has determined that the north end of the proposed development which is in the area of Unit #15 does not fall within an area of bordering land subject to flooding as shown on the local Green Engineering Flood Plain map based on the existing hydrological conditions of this area and based on the elevated topography of this location." The Conservation Commission has determined through their analysis that in this instance the Green Engineering Flood Plain is wrong in the corner of Unit #15. Therefore, the applicant is not required to provide compensatory flood storage within the forested area north of Unit #15 (the pine grove) as shown on the original plan but shall follow the grading shown on the final revised plan. This will prevent unnecessary clearing and regrading within the forest community, which was important to the Conservation Commission for wild life habitat to be preserved and perpetuity. The Conservation's Order of Conditions was recorded at the Registry of Deeds. We reviewed the Board of Health variance that was granted October 2, 2006 but Condition #5 states "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." On one

hand the Board of Health variance grants permission to construct within the flood plain and on the other hand it takes away the permission that was granted.

Mr. Berube stated that he would clarify that issue. Once the Board approves a set of plans whatever was approved on that plan as the Flood Plain would now become the governing Flood Plain. In Condition #28 of the Board of Health variance it references the Conservation Commissions desire to maintain that wooded area. The Board approved the Conservation Commissions request.

Attorney Dangora read Condition #28 of the Board of Health variance, dated October 2, 2006 and agreed that it clarified the issue regarding the proposed compensatory flood storage area.

Mr. Berube stated essentially the variance was granted in 2006 and is good for a period of two (2) years. The variance has expired and the applicant failed to request an extension. The applicant is present to request a reissuance of the variance. Nothing has changed on the site that would require another review. The sewage disposal plans have been approved. It is just a matter of the plans being finalized. There are also a few remaining comments from the Board's Consultant, Jeff Rider, Cuoco & Cormier. Mr. Berube stated that he did not have a problem with reissuing the variance.

Mrs. Giroux asked would the variance reissuance date start from when the original variance expired or would the reissuance date start tonight, March 9, 2009.

Mr. Berube replied the variance reissuance date would be begin March 9, 2009.

Mr. Reader asked would the variance be for two (2) years.

Mr. Berube replied yes.

Attorney Dangora explained the land started as a thirteen (13) acre parcel. Seven (7) acres of that land has been donated to the Town of Billerica for conservation purposes.

Mr. Kenyon stated he thought this project was not going to take place because there is a For Sale sign on the property on Billerica Avenue.

Attorney Dangora explained that a number of things happened that played into the fact of why no activity has taken place. We could not connect to town sewer so Mr. Melkonian had a septic system designed. Part of the land is under a sale agreement. The economy and the septic system issue have played a key part in why no activity has taken place.

Mr. Melkonian explained if the market was strong I would have proceeded and pulled all the permits. I have a buyer that wants to buy the property for construction of a project and keep it as a long-range investment. He is in the contracting business and does not care how long it will take for the market to turn around. The rental market is better than the purchasers market. He wants to buy the

property, rent out the units and keep it as a positive cash flow. My intent was to build and sell the units as garage condominiums. For me it would just be an exercise to break even.

Mr. Kenyon asked about the land across the street on Town Farm Lane. The corner has been cleared out and I noticed a For Sale sign on it.

Mr. Melkonian explained that originally I purchased the property I bought three (3) lots from the Rotande family in Stoneham. One is the lot that Mr. Kenyon is referring to. One lot is across the street and is under agreement with potential buyers. The potential buyer was going to purchase the third lot and build garages for contractors to rent or store their equipment. Once he found out how much it was going to cost to build the project he backed out.

Mr. Reader asked how many lots do you currently own.

Mr. Melkonian replied I currently own two (2) lots. The lot where Jack's Junk Yard sign is and the other lot we talked about.

Mr. Kirby asked Mr. Berube if he would like a set of plans dated October 6, 2006.

Mr. Berube replied yes.

Mr. Kenyon made a motion to grant the reissuance of the variance dated October 2, 2006 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) Previously, the Board of Health conducted a public hearing on October 2, 2006 and voted to grant a variance relative to flood plain regulations. However, the work never commenced and the applicant failed to request an extension for the order of conditions. Therefore, the prior variance expired.
- 3) The proposed project was reviewed by Jeff Rider, the Board of Health's Consulting Engineer, for potential impacts to the Flood Plain as well as compliance with applicable drainage 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.

**CONDITIONS**

Standard conditions number 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 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 Benchmark Survey, dated May 19, 2006 and revised to October 6, 2006 and stamped by Thad D. Barry RPE#41258.
- B) In the event, the project cannot be serviced by the municipal sewer system, then the applicant must develop plans for an on-site sewage disposal system. Sewage disposal system plans shall be designed in accordance with the provisions of 310CMR15.000 the State Environmental Code, Title 5 and the Board of Health Rules and Regulations and submitted to the Board of Health for review and approval prior to the issuance of approvals for any building permits by the Health Department.
- C) Final approval of comprehensive plans must be obtained from Jeff Rider, the Board's Consulting Engineer and the Director of Public Health prior to the approval of any permits.
- D) 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. Furthermore, the applicant or his contractor shall submit copies of the NPDES Inspection Reports to the Board of Health and the Board's Consulting Engineer.
- E) 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 prior to the approval of any occupancy permits.
- F) The applicant must submit condominium/homeowners association documents to the Board of Health for review and approval prior to the approval of any occupancy permits. Said documents must reference all conditions of the Board of Health and must include language covering the association's responsibility for maintaining the drainage system and sewage disposal system (if necessary) in accordance with the approved Operation and Maintenance Plans.
- G) Upon completion of the stormwater drainage system, a preliminary "as-built" plan shall be submitted the Board of Health the Board's Consulting Engineer for review prior to the approval of any occupancy permits. The "as-built" plan must include volume calculations.
- H) The applicant shall not be required to provide the proposed 2, 960 cubic foot compensatory flood storage area on the north end of the site adjacent to Unit 15, if the area is maintained in its original state in accordance with the request of the Conservation Commission.

Mrs. Giroux seconded. So voted unanimously.

**7:55 p.m. RWE Schott Solar – 4 Suburban Park Drive – Complaint of Continuous Annoying Noise**

Mr. Reader stated the last item on the agenda is RWE Schott Solar, 4 Suburban Park Drive complaint of continuous annoying noise.

Mr. Berube explained that included in the Board's package is a copy of the report that was provided to Mike Kinney, Building Commissioner from David Rowell, Schott Solar Director of Operations. Schott Solar has been conducting noise studies since 2004. The latest report was performed in January 2009. Schott Solar has taken steps to construct exhaust silencers on the dust collectors. The exhaust silencers seemed to have resolved the problem. The person that requested the hearing could not be present tonight. He is supposed to contact me and I will reschedule the hearing.

Mr. Reader asked who is complaining.

Mr. Berube replied one of the residents who resides at 4 Hearthstone Circle.

Mr. Reader asked is he still complaining since Schott Solar constructed the exhaust silencers on the dust collectors.

Mr. Berube stated yes, that is why he has requested the hearing. He seems to feel that the continuous noise is still a problem. Included in the Boards package is a Petition that was submitted to the Board of Selectmen December 4, 2006.

Mr. Reader asked who was unable to attend this meeting.

Mr. Berube replied the resident from Hearthstone Circle who wanted to talk about the continuous annoying noise. With the recent action Schott Solar has taken he may have decided to withdraw. As of this time I have not heard from him. Therefore the hearing has been postponed.

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

The Board adjourned at 8: 30 p.m.

Respectfully submitted,

Sandra Giroux  
Secretary

Joanne M. White  
Recording Clerk