

**Regular Meeting
Billerica Conservation Commission
January 23rd, 2013
Town Hall, Room 210
365 Boston Road, Billerica, MA**

ATTENDANCE: Commission Members Jon Metivier (Chair), Paul Hayes (Vice-Chair), Diane DePaso (Secretary), Betsy Gallagher, JoAnne Giovino, Peter Martell and staff members Adam Bossi (Director of Environmental Affairs), Isabel Tourkantonis (Land Use Assistant) and Janine Depper-Nash (Senior Clerk)

CALL TO ORDER: 7:02pm

- I. **7:02pm - PUBLIC COMMENT** – no comments

- II. **7:02pm – WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING** – Notice of Intent – Abdul Alkhatib, DPW – Townwide – DEP File No. 109-xxxx/Billerica File No. BBL-xxxx

Documents submitted: 1-23-13-Correspondence from Kelley Conway to Adam Bossi, Isabel Tourkantonis, Janine Depper-Nash re. DPW Generic Permit

The Director reported that the MA DEP had not issued a file number for the NOI as they have concerns regarding town-wide maintenance permits. The Director noted he was in the processes of seeking additional guidance and clarification from MA DEP and he had advised the DPW to request to continue the hearing. The Commission requested to see samples of other Orders of Conditions issued for DPW maintenance work.

MOTION: TO continue this Hearing to February 13, 2013 at the Applicant's request. Moved by Commissioner Giovino, seconded by Commissioner Hayes. Carried. All in favor.

III. 7:15pm – WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – NOTICE OF INTENT –
Continued Public Hearing - Nashua Road – Scott Green – DEP File No. 109-1200/Billerica File No. BBL-1200

Documents submitted: 1-23-13 – Correspondence from Doug Lees, Land Engineering & Environmental Services, Inc. to Billerica Conservation Commission re. 153 Nashua Road, DEP File #109-1200

MOTION: TO continue this Hearing to February 13th, 2013 at the Applicant’s request. Moved by Commissioner Giovino, seconded by Commissioner Hayes. Carried. All in favor.

IV. 7:26pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Abbreviated Notice of Resource Area Delineation – Waste Management of Massachusetts – 72 Salem Road – DEP File No. 109-1203/Billerica File No. BBL-1203

Documents submitted: ANRAD for 72 Salem Road dated December, 2012 prepared by Metrowest Engineering Inc. with attached plan titled Locus Plan in Billerica, Mass, dated 11-27-12, prepared by Metrowest Engineering, Inc., signed and stamped by Robert Gemma, Scale: 1”=100’

- plan titled Locus Plan in Billerica, Mass, dated 11-27-12, revised 1-14-13, prepared by Metrowest Engineering, Inc., signed and stamped by Robert Gemma, Scale: 1”=100’

1-13-13 – 6 page document on Hydric Soil Interpretation, submitted at public hearing

Brian Nelson and Cory Van Wyhe of Metrowest Engineering, Inc., attended. Mr. Nelson gave a description of the site and reviewed all the wetland resource areas on the property. A total of 7 wetland lines were flagged in the field, Series A through Series G. The Director met with Cory Van Wyhe onsite and felt the only area that needed adjustment was the area in the B series. Mr. Nelson presented revised plans that included that change. The Commission, Director and applicant’s team discussed the delineation and Commission agreed with the delineation as presented and flagged in the field.

MOTION: TO close the Hearing, sign and issue an ORAD within 21 days. Moved by Commissioner Giovino, seconded by Commissioner Hayes. Carried. All in favor.

V. 7:54pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – Steve Mullane – 24 Marshbrook Road – DEP File No. 109-1202/Billerica File No. BBL-1202

Documents submitted: Notice of Intent for 24 Marshbrook Road submitted by Soilsmith Designs with attached plan titled Notice of Intent, Steve Mullane, Marshbrook Road, Billerica, dated January 3rd, 2013, prepared by Soilsmith Designs, signed and stamped by Douglas Smith,

Scale: 1"=20' and Sewage Disposal Plan for Steve Mullane, Marshbrook Road, Billerica, dated January 2nd, 2013, prepared by Soilsmith Designs, signed and stamped by Douglas Smith, Scale: 1"=20'

- **1-11-13** – Correspondence re. 24 Marshbrook Road

- **1-12-13** – Correspondence from Doug Smith, Soilsmith Designs to Billerica Conservation Commission re. 24 Marshbrook Road

- **1-11-13** – Correspondence from Richard Berube, Director of Board of Health to Douglas Smith re. Subsurface Sewage Disposal System Plan Review-24 Marshbrook Road

Doug Smith of Soilsmith Designs attended. He explained the proposed project is to replace the existing septic system that failed a Title 5 inspection. Mr. Smith described the existing site conditions and reviewed the proposed project plans. Mr. Smith noted that site is entirely surrounded by wetlands and is totally within the floodplain. Mr. Smith explained the proposed septic system design and how the design and location were developed per the direction of the Board of Health. Mr. Smith and the Commission discussed the proposed project and mitigation measures.

The Commission requested changes be made to the proposed plan including: adding of a visual barrier (not a vegetated barrier) on the 25' buffer and illustrating the Riverfront Area on the plan. Mr. Smith agreed to revise the plans and address Commission comments. Mr. Smith also noted that Board of Health review/permitting remains outstanding for the proposed work. The Commission explained to Mr. Smith that the Commission will not close and issue an Order of Conditions until the Board of Health has closed its hearing and issued conditions. In addition, the Commission must have a letter from the Board of Health approving the septic design and location.

MOTION: TO continue this Hearing to February 13th, 2013. Moved by Commissioner Giovino, seconded by Commissioner Hayes. Carried. All in favor.

VI. ADMINISTRATIVE MATTERS/DIRECTOR'S REPORT

Billerica Clean Up / Green Up – The Director reported the event is scheduled for May and asked Commissioners if they had any projects in mind to propose for the event. The Director noted he would also follow up with some project ideas.

Requests for Certificates of Compliance

– **5 Winthrop St** – DEP File #109-1170/BBL-1170 – The Conservation Assistant reported the site has not stabilized at this time and recommended the Commission not issue a Certificate of Compliance

- **Swan Lane**-DEP File #109-1163/BBL-1163 The Conservation Assistant reported this site was not stable at this time and recommended the Commission not issue a Certificate of Compliance. Some follow up will need to be done in terms of planting

- **Mass Electric Company** – DEP File #109-398 – The Conservation Assistant reported this site is covered in snow. The Order called for replication which she is unable to inspect and recommended the Commission not issue a Certificate of Compliance.
- **Mass Electric Company** – DEP File #109-849 – The Conservation Assistant reported this site is covered in snow. She was not able to inspect the site and recommended the Commission not issue a Certificate of Compliance.
- **11 Driftwood Lane** – DEP File #109-1136/BBL-1136 – The Conservation Assistant reported the site has been stabilized and project appeared to have been completed in substantial compliance with the Order of Conditions. The issuance of a Certificate of Compliance we recommended. **MOTION:** TO issue a Certificate of Compliance. All in favor. Motion Carried.

Discussion on Administrative Review Process – the Director and Commission reviewed new/revised administrative documents the Department plans on using in their review of NOI filings. The Commission and staff noted a few minor changes that should be made to the forms prior to use.

Discussion – formation of Bylaw and Land Management Subcommittees

GIS Internship Development – the Director provided a brief update on the development of an internship. The Director and Commission discussed the possible formation of two Commission subcommittees; one to work on land management planning and one to work on reviewing and proposing potential updates to the local wetlands protection bylaw and regulations.

9:27pm – **MOTION:** TO adjourn. Moved by Commissioner DePaso, seconded by Commissioner Gallagher. Carried. All in favor.

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Janine Depper-Nash, Adam Bossi