

**Regular Meeting  
Billerica Conservation Commission  
March 13<sup>th</sup>, 2013  
Town Hall, Room 210  
365 Boston Road, Billerica, MA**

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

**CALL TO ORDER:** 7:00pm

- I. **7:00pm - PUBLIC COMMENT** – no comments
  
- II. **7:01pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING** – Notice of Intent – Waste Management of Massachusetts, Inc. – 72 Salem Road – DEP File No. 109-1205/Billerica File No. BBL-1205

**Documents submitted:** Notice of Intent, including Stormwater Operation and Maintenance Plan and Stormwater Report, dated February, 2013 for RRT Design & Construction, prepared by Metrowest Engineering, Inc. with attached set of plans titled Proposed Erosion Control Plans, Proposed Layout Plans, Proposed Grading Plans, Proposed Utility Plans, Proposed Detail Plans, dated 2-15-13, signed and stamped by Robert Gemma, Scale as shown

The Commission explained the general practice they follow at meetings in reviewing and discussing proposed projects and asked audience members to hold their questions and feedback until the end of the Commission's discussion with the applicant. The Commission also generally explained what their role in the permitting review of the project consisted of, noting their role would focus on wetlands and stormwater related issues and not traffic or zoning issues.

Fred Confalone, Senior Plan Manager of Waste Management of Massachusetts, Inc., introduced the project team that accompanied him: Terrance Bennett, Area Director-Recycling Operations, Peter Richer, Area Manager, and Ben Ross, Project Manager, from Waste Management of Massachusetts, Inc. and from MetroWest Engineering, Inc. Brian Nelson and Robert Gemma.

Mr. Nelson discussed site conditions and the proposed project. The proposed project consisted of interior and exterior building renovations and site work at the former Boston Globe facility to convert the site for use as a proposed recyclable materials processing facility. Proposed improvements include adding truck loading bays to the building, installation truck scales, the addition of approximately 9,542 square feet of new pavement in the westerly parking lot, the addition of stormwater controls, and renovation and relocation of existing underground utilities. Mr. Confalone gave a general overview of the recycling facility's proposed operations.

The Commission and project team discussed the proposed project. Concerns raised by the Commission focused mainly on the proposed project's compliance with the Massachusetts Stormwater Management Standards. Concerns noted included the need to ensure the facility's interior drainage system is not connected to the exterior stormwater system and ensuring the proposed retrofitting of the existing site stormwater system complies with the Stormwater Standards. Commissioners also noted concerns with potential neighborhood impacts from truck traffic that will be associated with the recycling operation. Traffic concerns were discussed with the project team. The Commission requested several revisions be made to the proposed plans and requested the applicant fund a peer review of the NOI by an independent civil engineer to review the proposal's compliance with the Stormwater Standards. The applicant agreed to the peer review.

Members of the audience expressed concerns and asked questions regarding the proposed project:

David Johnson, 113 Gray St, presented and reviewed photos he took around the site with the Commission and discussed concerns with drainage and traffic. Mr. Johnson also expressed concerns with the recycling operation itself and types of materials to be processed. The applicant's team responded to questions and concerns.

JoAnne Marzullo, 118 Salem Road, supported the peer review and expressed concerns regarding potential neighborhood impacts from the operation and truck traffic.

L. Jack, Salem Road, questioned the site selected for the proposed operation and asked if a more suitable location could be found away from residential areas.

Several additional unidentified audience members asked questions of the project team focusing on traffic, general site suitability concerns and zoning concerns. Audience members asked why the proposed project did not require review and permitted by other Town boards. The Commission discussed their role in permitting of the proposed project noting that it was their understanding that no additional review of the proposed project was required by law by other permitting authorities such as the Planning Board or Zoning Board of Appeals. The Commission noted residents who had concerns outside of the Commission's legal focus could contact the Town Manager's Office or Building Department to further discuss such issues. Members of the audience expressed some frustration noting the Commission's hearing were the only public forum for them to have input on the proposed project.

The Commission and applicant discussed peer review logistics and agreed to attempt to have the peer review completed by the Commission's April 10, 2013 public hearing. The Commission noted there was no guarantee the peer review would be finalized by April 10, 2013 but all parties agreed to attempt to work through the process by that date. The Applicant requested to continue the hearing to April 10, 2013 and Commission directed the Director to begin the process of retaining a peer review consultant for the case.

**MOTION:** TO continue this Hearing to April 10<sup>th</sup>, 2013. Moved by Commissioner Giovino, seconded by Commissioner Hayes. Carried. All in favor.

**III. 7:58pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – Continued Public Hearing - Steve Mullane – 24 Marshbrook Road – DEP File No. 109-1202/Billerica File No. BBL-1202**

Documents submitted: **2-22-13** – Correspondence from Douglas Smith to Janine Depper-Nash re. update on 24 Marshbrook

- **3-8-13** – Correspondence from Douglas Smith to Janine Depper-Nash re. Agenda

**MOTION:** TO continue this Hearing to March 27<sup>th</sup>, 2013 at the Applicant's request. Moved by Commissioner Giovino, seconded by Commissioner Aziz. Carried. All in favor.

**IV. ADMINISTRATIVE MATTERS/DIRECTOR'S REPORT**

**Minutes:**

1-9-13 - **MOTION:** TO accept the minutes as drafted. Moved by Commissioner Giovino, seconded by Commission Hayes. Carried. 1 abstained (Commissioner Martell).

12-12-12 – **MOTION:** TO accept the minutes as drafted. Moved by Commissioner Giovino, seconded by Commissioner Hayes. Carried. All in favor.

**Review Draft Enforcement Orders** – The Director distributed 2 draft Enforcement Orders, one for 2 Nashua Road and one for Villages at Pinehurst subdivision to the Commission for review and discussion. Members were asked to review the Villages EO and submit edits and comments next week. The Commission reviewed the final draft EO for 2 Nashua Road and instructed the Director to issue the EO as drafted.

The Director noted that the Commission previously asked if they could require a performance bond be put up by a violator as a requirement of an Enforcement Order. The Director reported that based on his research and discussion on the topic with town legal counsel, the Commission could not require a performance bond as part of an Enforcement Order. The Director clarified that performance bonds can be required as part of an Order of Conditions permitting a proposed project. The Commission and Director discussed these points.

**Emergency Certifications** – The Director reviewed 2 Emergency Certifications that he recently issued on their behalf for DPW to conduct emergency work to abate roadway flooding on Esquire Road (resulting from a clogged culvert) and abate a sewer blockage in the Riverfront Area of the Concord River adjacent to the intersection of Boston Road and Bridge Street. The Director and Commission briefly discussed the work performed to abate the emergency situations.

**Administrative Updates –**

**GIS Internship** - The Director reported the GIS internship position has been posted and applications were being received. A work station is being setup in the Conservation Office for the intern.

**Conservation Land Records Organization** - The Director reported that the senior tax relief volunteer who had been assisting with the organization of these records had completed her allotted time to help out. A significant amount of work remains outstanding and additional assistance from volunteers or interns will be sought in the future.

**Commission Subcommittees** – The Director noted that time would be added to the Commission’s next agenda to discuss the potential formation of two subcommittees – one to focus on updating the Billerica Wetlands Protection Bylaw Regulations and the other to begin working on conservation land management issues.

**MA DEP Regulatory Reforms** – the Director reported the DEP is holding a number of public hearings on proposed changes to 310 CMR 10.00, the Massachusetts Wetlands Protection Act Regulations. Commission members were advised on where copies of the proposed regulation revisions could be reviewed.

**9:00pm MOTION:** TO adjourn. Moved by Commissioner Hayes, seconded by Commissioner Gallagher. Carried. All in favor.

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Janine Depper-Nash, Adam Bossi