

Regular Meeting
Billerica Conservation Commission
April 24th, 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, 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 – 7 March St – Gold Star Homes – DEP File No. 109-1206/Billerica File No. BBL-1206

Documents submitted: Notice of Intent for 7 March Street, with attached plan titled Site Development Permit Plan, Located in Billerica, Mass., 7 March Street, dated February 11, 2013, prepared by Eastern Land Survey Associates, Inc., signed and stamped by Christopher Mello, Scale: 1"=20', prepared by Eastern Land Survey Associates, Inc., signed and stamped by Christopher Mello, Scale: 1"=20'; Notice of Intent Narrative; Impervious Surface Calculations, Existing & Proposed; Deep Hole Observation Reports, TP 1 & TP 2
- 4-11-13 – Correspondence from Patricia Schuler, Gold Star Homes, LLC to Town of Billerica, Conservation Commission, re. 7 March Street, Billerica, DEP File No. NE 109-1206, with enclosed: Revised Site Development Permit Plan, dated 4-11-13, Revised 4-11-13

Attorney James Haroutunian attended, representing the Applicant. He outlined the proposed project to raze the existing house and construct a new single family dwelling and is requesting a variance to the 50' No Alteration Zone. They are proposing to install stormwater best management practices to help eliminate and reduce the runoff, remove invasive vegetation, restore the buffer zone with native shrub plantings, and install a visual barrier consisting of a stockade fence to show the 25' No Alteration Zone. They are planning on abandoning the present septic system per Title 5 requirements and install a new connection to the municipal sewer system. The sewer connection requires extending the existing sewer main down the

roadway to the new house which will allow for other homes on the street to connect to the sewer service in the future. The Commission and applicant discussed the proposed project.

The Commission discussed the location of the proposed house and requested it be located further from the wetlands. The applicant noted possible zoning concerns in regards to relocating the structure and agreed to discuss the Commission's request with the Building Commission to determine if relocation would be possible while maintaining compliance with the zoning requirements.

The Commission requested the NOI and plan be updated to include additional information on the "alternatives analysis", impervious surface calculations, the location of the existing septic system to be abandoned and determination if there are additional wetlands along the roadway where the sewer main is proposed to be expanded. The Commission also noted that the No Alteration Buffer Zone be expanded and enhanced as much as practicable.

Member of the audience Debbie Brady, 19 Callahan, voiced her concern about runoff and tree removal.

The Applicant requested to continue to the meeting of May 8th, noting the additional information requested would be provided for the Commission to review.

MOTION: TO continue this Hearing to May 8th, 2013. Moved by Commissioner Giovino, seconded by Commissioner Hayes. Carried. All in favor.

III. 7:39pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – Continued Public Hearing - Waste Management of Massachusetts, Inc. – 72 Salem Road – DEP File No. 109-1205/Billerica File No. BBL-1205

Documents submitted: 11-19-12 – Correspondence from Mark LaLumier, Building Commissioner to Terrance Bennett, Waste Management of Massachusetts, Inc. re. 72 Salem Road

- **4-11-13** - Stormwater Operation and Maintenance Plan 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, revised 4-11-13, signed and stamped by Robert Gemma, Scale as shown

- **4-24-13** – Stormwater Operation and Maintenance Plan Budget Cost Estimate, 72 Salem Road, Billerica, MA, prepared by Metrowest Engineering

- Correspondence from Brian Dunn, MBL Land Development & Permitting, Corp. to Town of Billerica, Conservation Commission re. Peer Review Notice of Intent Application, 72 Salem Rd, Billerica, MA, dated 3-29-13, revised 4-24-13

Fred Confalone of Waste Management of Massachusetts, Inc., appeared before the Commission and introduced the team that accompanied him: Peter Richer, Area Manager, from MetroWest

Engineering, Inc. and Robert Gemma, President, as well as Counsel for Waste Management, Martin Healy, Goodwin Procter, LLP.

Mr. Gemma reviewed the outstanding items from the last meeting and how they have been addressed. Mr. Gemma distributed and discussed a revised Stormwater O&M Plan and an estimated budget for annual stormwater system maintenance. Waste Management noted they were planning an Open House at the facility for May 18, 2013 and invited Commissioners and audience members to attend.

Peer Review Engineer Brian Dunn discussed his findings and recommendations based on his review of the updated NOI materials. Mr. Dunn and the Commission discussed possible draft special conditions to include in an Order of Conditions focusing on stormwater management.

Members of the audience spoke:

David Johnson, 113 Gray Street, asked about the use of the railway spur, zoning issues, trailer storage and interior drainage concerns. Members of the Waste Management team and Commission responded to questions. The Commission noted that any future work proposed to enhance the rail spur would require additional review and approval by the Commission.

Michael Parker, 67 Salem Road, raised the issue of sound barriers. The Waste Management team noted no sound barriers were proposed for installation and noted materials processing would all be done inside of the existing building.

A resident of 81 Salem Road voiced concern about materials going into groundwater.

The Commission recapped their discussion on the case and discussed potential conditions to include in an Order of Conditions. The Commission instructed the Director to prepare a draft Order of Conditions for their review at their next hearing on May 8, 2013.

The applicant requested to close the public hearing.

MOTION: TO close and issue an Order of Conditions within 21 days. A draft Order will be sent to Members to discuss on May 8th. Moved by Commissioner Giovino, seconded by Commissioner Aziz. Carried. All in favor.

IV. ADMINISTRATIVE MATTERS/DIRECTOR'S REPORT

Minutes: 3-13-13, 4-10-13

3-13-13 – **MOTION:** TO accept the minutes with corrections. Moved by Commissioner Giovino, seconded by Commissioner Hayes. Carried. 6 in favor, 1 abstained (Commissioner DePaso)

4-10-13 – **MOTION:** TO accept the minutes with corrections. Moved by Commissioner DePaso, seconded by Commissioner Hayes. Carried. 6 in favor, 1 abstained (Commissioner Giovino)

Certificate of Compliance Request – 91 Pinehurst, Lot 36, Villages at Pinehurst – The Director gave the background of the request, advising the Commissioners this was a Request for a partial Certificate of Compliance. The Commission discussed the matter and decided to take no action on the Request until progress has been made to address the larger outstanding issues at the site that are subject to an Enforcement Order.

Clean Up/Green Up – The Director gave an update. The date is May 4th. He has met with Peggy Hannon-Rizza and has been told no one has volunteered to work on the projects submitted by Conservation.

Intern – The Director reported an intern has been hired and anticipated a start date of May 13, 2013.

312 Concord Road Enforcement Order Update – The Director reported that Town Counsel has advised him that Mr. Gianacopolis did not show up at court despite being summonsed. Counsel was requested by the Court to have a second summons served and that is in process.

Land Donation – Bellflower Road – the Director reported the paperwork has been completed for this donation by Town Counsel. The title report came back clean and Assessor confirmed no back taxes are owed. The Director reminded the Commission that he inspected the site and found no apparent liability issues. The Director outlined the remainder of the process the Commission will follow to finalize acceptance of the land donation.

9:28pm MOTION: TO adjourn. Moved by Commissioner Hayes, seconded by Commissioner Aziz. Carried. All in favor.

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Janine Depper-Nash, Adam Bossi