

Regular Meeting
Billerica Conservation Commission
May 8th, 2013
Town Hall, Room 210
365 Boston Road, Billerica, MA

ATTENDANCE: Commission Members Jon Metivier (Chair), Paul Hayes (Vice Chair)(exited meeting 8:00pm), Diane DePaso (Secretary), JoAnne Giovino, Betsy Gallagher, Peter Martell, Stephen Aziz and staff members Adam Bossi (Director of Environmental Affairs), Isabel Toukantonis (Land Use Assistant) and Janine Depper-Nash (Senior Clerk)

CALL TO ORDER: 7:01pm

- I. 7:01pm - PUBLIC COMMENT** – Member of the audience David Johnson, Gray Street, thanked the Commission Members and said he was grateful for the amount of work the Commission did on the Waste Management Project

- II. 7:03pm – DISCUSSION:** Kelley Conway, Town Engineer – DEP File No. 109-1088-Revised Planting Specifications

Documents submitted: 4-18-13 – Correspondence from ECR to Conservation Department re. Revised Planting Specifications, Town of Billerica Sewer Extension Project

Kelley Conway attended. She explained the sewer project is now under construction. In reflagging the project site they found multiple wetlands. They hired an environmental monitor, Brad Holmes, and they have replaced the trees to be planted that were shown on the original planting plan, with shrubs, and distributed a sheet showing the original planting plan and the revised plan.

Commission Members were in favor of the change.

MOTION: TO consider this an administrative change and to attach the new planting scheme to the Order of Conditions. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. 6 in favor, one abstained (Commissioner Aziz)

III. 7:19pm Review and Issue Order of Conditions – 72 Salem Road - MA DEP #109 -1205/BBL-1205 – The Director had distributed copies of the draft Order of Conditions to Members and distributed copies of Brian Dunn’s comments. The Commission requested the following changes to the draft Order:

#19. Add some language that sufficient budget exists to maintain stormwater maintenance.

#20. Clarify the language about the number of vehicle trips per day exceeding 1000 and change the word “may” to “shall”. Add language that the Applicant shall submit annual counts of vehicle trips per year.

#22. Agreeing with the consultant’s suggestion.

#23. The vacuum sweeper will be kept on site in the building.

#24. Add some language concerning no overnight parking.

#25. The Commission ‘shall’ require a filing.

Add a condition that documentation *shall* be submitted showing the existing condition of the stormwater features and detention basins and that an engineer shall certify that detention basins are in good working order.

Add a condition that all stormwater structures must be installed according to plan.

Add a condition that all mitigation plantings shall be planted according to plan.

Add a condition that the existing chain link fence serves as a visual barrier and add a finding to that effect as well.

#41. This will be a preconstruction condition that a refueling area and storage area outside the buffer zone will be identified at the preconstruction meeting.

#45. Delete the 2nd line, and delete the 2nd last sentence.

MOTION: TO sign the Order of Conditions and issue the Order on May 15th, 2013. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. All in favor.

IV. 7:50pm - 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: - Plans titled Sewage Disposal Plan for Steve Mullane, Marshbrook Road Billerica, prepared by Soilsmith Designs, signed and stamped by Douglas Smith, dated January 2, 2013, revised 4-03-13, Scale: 1”=20’

Doug Smith of Soilsmith Designs attended. He reviewed the changes that were made to the plan to satisfy both the Board of Health and the Conservation Commission. They have received a variance from the Board of Health.

Commission Members requested a condition that the fence, being used as a visual barrier, be pulled out a bit farther from the wetlands in the A7-A9 area.

MOTION: TO grant a variance to S3.03.C.3. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. All in favor.

MOTION: TO close this Hearing, sign and issue an Order of Conditions within 21 days and to include the condition as discussed. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. All in favor.

V. 8:06pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – Continued Public Hearing - 7 March St – Gold Star Homes – DEP File No. 109-1206/Billerica File No. BBL-1206

Documents submitted: - **5-1-13** – 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

Attorney James Haroutunian attended. They have revised plans after having addressed issues from the last meeting. They have moved the house forward and are basically building on the same location as the old house. They provided impervious surface calculations, show the 50' No Disturb line, the existing septic system is now noted on the plan, the visual barrier is shown at the 25' which consists of a 3' tall post and rail fence, and advised the Commission that they are still waiting for Board of Health approval.

Their proposed mitigation is the installation of sewer along the roadway and they are willing to provide additional mitigation consisting of plantings and provide a planting plan. They are willing to move the visual barrier to the 30' line from the Bordering Vegetated Wetland. They also offered to move debris.

MOTION: TO grant a variance to S3.03.C.3. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. All in favor.

MOTION: TO close, sign and issue an Order of Conditions within 21 days, and to include special conditions for a requirement of a mitigation planting plan, a demolition and construction sequencing plan, and that the post and rail fence be placed at the 30' line from Bordering Vegetated Wetlands. Moved by Commissioner Giovino, seconded by Commissioner Aziz. Carried. All in favor.

VI. 8:27pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – 0 Elsie Avenue – Jonathan Gallant – DEP File No. 109-xxxx/Billerica File No. BBL-xxxx

Documents submitted: Notice of Intent for 0 Elsie Avenue, Billerica, MA, dated April 12, 2013, prepared by LandTech Consultants, Inc. with attached plan titled Construction and Erosion Control Plan, dated April 12, 2013, prepared by LandTech Consultants, signed and stamped by Matthew Waterman, Scale: 1"=10'

Jonathan Gallant attended. The Chair explained that no DEP file number had been issued for this project because additional fees were owed to the State and to the Town. The decision was made to continue this Hearing to the next meeting with the permission of the Applicant.

MOTION: TO continue this Hearing to May 22nd, 2013. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. All in favor.

VII. 8:32pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Request to Amend An Order of Conditions – Westwood Avenue – DEP File No. 109-1181/Billerica File No. BBL-1181

Documents submitted: Request to amend an Order of Conditions for Westwood Avenue, prepared by Dresser, Williams & Way, Inc. with attached plan titled Amended Site Plan, prepared by Dresser, Williams & Way, Inc., signed and stamped by Stephen Dresser, dated May 12th, 2012, Scale: 1"=20'

Stephen Dresser of Dresser, Williams & Way, Inc. attended. He explained that since the Order was issued a year ago, the Applicant has decided to build an in-law apartment. The limit of work does not change and they are still well within the amount of impervious allowed. They have added an infiltrator.

MOTION: TO grant the amendment to the Order of Conditions. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. All in favor.

VIII. 8:41pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – 16 Ravine Road – George Allen and Sons Construction – DEP File No. 109-1210/Billerica File No. BBL-1210

Documents submitted: Notice of Intent for 16 Ravine Road, prepared by Dresser, Williams & Way, Inc., dated April 23, 2013 with attached plan titled Notice of Intent Site Plan, Ravine Road, prepared by Dresser, Williams and Way, Inc., signed and stamped by Stephen Dresser, dated April 17, 2013, Scale: as shown

Commissioner Metivier recused himself.

Stephen Dresser of Dresser, Williams & Way, Inc. attended. He explained this is currently one lot and are going before the Board of Appeals in a week to have the lot split in two. Once they receive the approval to split the lot into two, they plan on constructing a house on each lot.

Member of the audience Jim O'Donnell, 4 Ravine Road, made the Members aware that there was no town water for this property, only well water.

Commission Members agreed this Hearing should be continued to allow time for the Applicant to appear before the Board of Appeals.

MOTION: TO continue this Hearing to May 22nd, 2013. Moved by Commissioner Giovino, seconded by Commissioner Martell. Carried. All in favor.

Commissioner Metivier joined the meeting.

IX. Enforcement Order Discussion – Villages at Pinehurst, MA DE P#109-911/BBL-911
Documents submitted: - Replication Plan, Pinehurst Village, DEP File No. 109-911, dated 4-24-13 prepared by Dresser, Williams & Way, Inc.

Steven Eriksen of Norse Environmental Services attended. He distributed plans and explained they are submitting plans for 6900 square feet of wetland replication adjacent to the existing wetland. He also submitted a wetland replication report and went over it with the Members.

The Director gave the background. Thus far they are complying with the enforcement order and have submitted the replication plan by the deadline that was specified in the order. They met out on the site and he concurs that the area selected for the replication makes the most sense and is, in his opinion, the best location for the replication. He reviewed the requirement of an environmental monitor selected by the Commission with Fran McCarthy. The Director will compile the scope of services which will include 3 inspections and send it out for proposals.

Commission Members agreed to move forward with the planting plan.

Stanley Davis, 91 Pinehurst, asked when he would be able to apply for a partial Certificate of Compliance and was advised the final approval couldn't be given for two years because of the stipulation of a 2 year growing season, however a status letter could be issued.

X. EXECUTIVE SESSION to discuss ongoing litigation

9:20pm Vote to go into Executive Session:

Commissioner Metivier	yes	Commissioner Martell	yes
Commissioner Gallagher	yes	Commissioner Giovino	yes
Commissioner DePaso	yes	Commissioner Hayes	yes
Commissioner Aziz	yes		

9:28pm Vote to exit Executive Session:

Commissioner Metivier	yes	Commissioner Martell	yes
Commissioner Gallagher	yes	Commissioner Giovino	yes
Commissioner DePaso	yes	Commissioner Hayes	yes
Commissioner Aziz	yes		

ADMINISTRATIVE MATTERS/DIRECTOR'S REPORT

Bellflower Road Land Donation Acceptance – the Director gave the Members a description of the lot and had the Deed which needed to be signed by the Members. **MOTION:** TO accept the land donation. Moved by Commissioner Giovino, seconded by Commissioner Martell. Carried. All in favor. The Director has spoken to the Selectmen's office and may ask if this land donation can be on the next agenda of the Selectmen to vote on.

Review Meeting Minutes – 3/27/2013 – **MOTION:** TO accept the minutes as written. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. 6 in favor, 1 abstained (Commissioner Martell)

Request for Certificate of Compliance

5 Winthrop St – DEP File #109-1170/BBL-1170 – the Director described the project. He has inspected the site and has found the work was done in compliance with the Order. Rich Berube, Board of Health Director has inspected it as well and is working on the paperwork. He recommended a Certificate be issued. **MOTION:** TO issue a Certificate of Compliance. Moved by Commissioner Giovino, seconded by Commissioner Aziz. Carried. All in favor.

18 Corthell Rd – Eric Santolucito – DEP File #109-1010 – the Director reported this project was an addition to a single family house. He has done a site inspection and found everything was done in compliance with the Order, the replication area is well established, and recommended a Certificate be issued. **MOTION:** TO issue a Certificate of Compliance. Moved by Commissioner Giovino, seconded by Commissioner Aziz. Carried. All in favor.

9:38pm MOTION: TO adjourn. Moved by Commissioner Aziz, seconded by Commissioner Giovino. Carried. All in favor.

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Janine Depper-Nash, Adam Bossi