

**Regular Meeting
Billerica Conservation Commission
June 26th, 2013
Town Hall, Room 210
365 Boston Road, Billerica, MA**

ATTENDANCE: Commission Members Paul Hayes (Chair), Diane DePaso (Secretary), JoAnne Giovino, Peter Martell, Jack Bowen (new member) and staff members Adam Bossi (Director of Environmental Affairs) and Isabel Tourkantonis (Land Use Assistant)

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 – Request for Determination of Applicability – New Locust Realty Trust – 84 Pond St

Documents submitted: Request for Determination of Applicability for Map 32, Parcel 99, 84 Pond Street, dated 6-7-13, prepared by Dresser, Williams & Way, Inc. with attached plan titled Plot Plan of Land dated 6-15-13, prepared by Dresser, Williams & Way, Inc., signed and stamped by Stephen Dresser, Scale: 1"=40'

Applicant John Ripa attended. He explained that he was instructed to submit an RDA and a plan for the project which involves demolishing the existing house and constructing a new house, after Conservation staff discovered an intermittent stream that abuts the property.

Commission Members requested a permanent visual barrier along the 50' No Alteration Zone; they requested drywells be installed for roof recharge; and they requested this Determination be recorded.

MOTION: TO issue a negative determination with a cover letter that includes the conditions as discussed. Moved by Commissioner DePaso, seconded by Commissioner Giovino. Carried. All in favor.

III. 7:05pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Request for Determination of Applicability – James Frawley – 13 Hearthstone Circle

Documents submitted: Request for Determination of Applicability for James Frawley, 13 Hearthstone Circle prepared by Robert Douglas with attached plan titled Mortgage Loan Plot Plan dated 9-12-03, prepared by Cabco Consult, signed and stamped by CA Budnick

Bob Douglas attended with the Applicant, Mr. Frawley. Mr. Douglas explained the Applicant is proposing to install an auxiliary building, a pool house, and described the site.

Commission Members discussed the astro turf on the property and having it replaced with natural vegetation if it is replaced in the future, and the establishment of a small buffer zone.

MOTION: TO issue a negative determination with a cover letter stipulating that in the future if the astro turf needs to be replaced or repaired, that the corner closest to the wetland be cut back and plantings put in to provide a buffer, and that the proposed roof runoff for the pool house be included in the cover letter. Moved by Commissioner DePaso, seconded by Commissioner Giovino. Carried. All in favor.

IV. ADMINISTRATIVE MATTERS/DIRECTOR'S REPORT

Discussion: 11 Swan Lane – MA DEP #109-1163/BBL#1163 – Mr. Abrams and Bill Cooke attended. The Director reported at the last meeting the Commissioners agreed to do a site inspection to view the area that is not in compliance with Condition #32 of the Order. The Commission now has to make a decision on how to move forward with this matter. After some discussion, Mr. Cooke agreed to offer 2 workers to work 3 hours regrading the area on Swan Lane by hand. The Director will coordinate a construction meeting for July 2nd, @ 3:30pm, at which time delineate the area to be regraded.

Administrative/Enforcement Updates – The Director updated the Commission on their appointment of Marlies Henderson to the Bike Path Committee. The letter has gone out advising her of the appointment.

Empire Recycling has been compliant with the enforcement order issued to them, and the Director updated the Members on work that had been done to date. After some discussion the Director agreed to check to see if there was a mechanism in place for reporting.

312 Concord Road, Mr. Gianacopolis – the Director reported he has been out on the site with Mr. Gianacopolis. They reviewed the remedial activities that needed to be done. The Director will be contacting the abutter and hopefully do a site visit, then come up with an acceptable timeframe to do the remedial work. He has directed Mr. Gianacopolis to move his machinery.

Villages at Pinehurst – The Director reported that Pat Garner has been retained and they are waiting for funding from Fran McCarthy.

Reappointments - The Chair congratulated Peter Martell and Diane DePaso on their reappointment to the Commission and introduced the new member, Jack Bowen.

Appointment to Open Space Committee – The Director advised the Commission they needed to appoint someone to the Open Space Committee and he provided a brief description of the role of the Open Space Committee. **MOTION:** TO appoint Peter Martell to the Open Space Committee. Moved by Commissioner DePaso, seconded by Commissioner Giovino. Carried. All in favor.

8:15pm MOTION: TO adjourn. Moved by Commissioner DePaso, seconded by Commissioner Giovino. Carried. All in favor.

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Janine Depper-Nash, Adam Bossi