

**Regular Meeting  
Billerica Conservation Commission  
July 17<sup>th</sup>, 2013  
Town Hall, Room 210  
365 Boston Road, Billerica, MA**

**ATTENDANCE:** Commission Members Paul Hayes (Chair), Stephen Aziz, Peter Martell, JoAnne Giovino, Betsy Gallagher, Jack Bowen 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 – Reorganization of Commission**

Commissioner Giovino nominated Paul Hayes as Chair. No further nominations. All in favor.  
Commissioner Giovino nominated Stephen Aziz as Vice-Chair. No further nominations. All in favor.

Commissioner Giovino nominated Diane DePaso as Secretary. No further nominations. All in favor.

**III. 7:38pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING** – Notice of Intent – 19 Waterview – Gold Star Homes LLC – DEP File No. 109-1216/BBL-1216

**Documents submitted:** Notice of Intent for 19 Waterview Avenue with attached plan titled Site Development Permit Plan prepared by Eastern Land Survey Associates, Inc., dated June 21, 2013, Scale: 1"=20'

Patricia Schuler of Gold Star Homes LLC and wetland scientist Leah Basbanes attended. Ms. Schuler explained they are proposing to remove the existing house and single detached garage, then construct a new single family home.

Commission Members advised Ms. Schuler that edits would have to be made on the plans to include the changes the Board of Health made. The Applicant agreed to bring in revised plans with the Board of Health changes, including a note that the garage will be built with flood vents, and to stake out the house on the property. They plan on removing knotweed then spraying the

area to prevent it from coming back and will obtain permission of the abutters to treat the knotweed.

**MOTION:** TO continue this Hearing to August 14<sup>th</sup>, 2013. Moved by Commissioner Giovino, seconded by Commissioner Gallagher. Carried. All in favor.

**IV. 7:54pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent –**

Continued Public Hearing - Shawsheen Valley Vocational Technical High School –  
100 Cook Street – DEP File No. 109-1214/Billerica File No. BBL-1214

**Documents submitted:** Plans titled Existing Conditions, Site Plan Proposed Conditions, Site Plan and Details Proposed Conditions and Drainage Plan and Details Proposed Conditions for the project Shawsheen Tech Phase II prepared by Bergman & Associates, Inc., signed and stamped by Paul Bergman, dated 5-20-13 revised 7-8-13, Scale: as shown with supplemental information

**- 7-16-13** – Correspondence from Brian Dunn, MBL Land Development & Permitting, Corp to Town of Billerica, Conservation Commission re. Peer Review, Notice of Intent Application, 100 Cook Street, DEP 109-1214/BBL-1214 with attachments

Superintendent Charles Lyons and Paul Bergman of Bergman Associates attended. Superintendent Lyons gave a report on the improvements that had been made. He advised he must make a decision on whether or not to move ahead with the project, and requested the Commission Members hold another meeting in a week in order to facilitate their deadline to start the paving project.

Paul Bergman went over the changes they have made to the plan since the last meeting.

Peer Reviewer Brian Dunn reviewed what the Applicant has to do to comply with the stormwater standards. He said they have made improvements overall but need to do more with Stormwater Standards 2 and 3. He suggested the work be phased over 2 or 3 years because an Order of Conditions is in effect for 3 years. The Applicant would like to research the costs involved with a biofiltration system. Commission Members discussed the availability of members for a meeting the following week. Mr. Dunn agreed to work with the Applicant's engineer in the next few days to address all concerns before the next meeting.

**MOTION:** TO continue this Hearing to July 24<sup>th</sup>, 2013. Moved by Commissioner Giovino, seconded by Commissioner Gallagher. Carried. All in favor.

Selectman George Similaris brought a public notice for sewer connection to the Commission's attention. The notice was from the Middlesex House of Corrections who has requested comments on a proposed new addition which will require sewer connection. Comments must be submitted by July 26<sup>th</sup>, 2013.

**V. 9:13pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING** – Notice of Intent –

Continued Public Hearing - 0 Elsie Avenue – Jonathan Gallant – DEP File No. 109-1211/Billerica File No. BBL-1211

**Documents submitted:** 7-3-13 – Correspondence from Jonathan Gallant to Isabel Tourkantonis re. Continuation Request, 0 Elsie Avenue

**MOTION:** TO continue this Hearing to August 14<sup>th</sup>, 2013. Moved by Commissioner Giovino, seconded by Commissioner Martell. Carried. All in favor.

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

**Minor Plan Change Request** – 4 Minton Road – MA DEP #109-1215/BBL #1215 – In advance of the meeting the Director had provided Members with a copy of a letter from Paul and Michelle Nardella in which they requested relief from the installation of a visual barrier to create a buffer zone. Mr. Nardella was in attendance and advised the Commission creating a buffer zone dramatically reduce the size of his yard. He asked the Commission to grandfather the existing visual barrier that is currently in place. Commission Members took the request under advisement and agreed to do a site inspection of his property.

**11 Swan Lane Update** – MA DEP #109-1163/BBL #1163 – the Director provided an update to the Members. The contractor, Mr. Cooke, has offered to provide 2 workers to try to fix the water problem on the property. The property owner does not want work done until after August 1st. The neighbor has been advised to contact the property owner for additional information.

**Fall Town Meeting** – Potential Warrant Article – The Director reported he has prepared a warrant article for town meeting that would incorporate non criminal ticketing, and would allow the Commission to issue tickets for violations. He provided a draft of the article to the Members and asked for their feedback. **MOTION:** TO submit the warrant article as written. Moved by Commissioner Giovino, seconded by Commissioner Martell. Carried. All in favor.

**Request for Certificate of Compliance:**

Staff reported that both projects for New England Power have been found to be built in compliance with their Orders. As Built Plans have been submitted for both projects, and they recommended issuing a Certificate of Compliance for each project.

- DEP File No. 109-849 – New England Power - **MOTION:** TO issue a Certificate of Compliance. Moved by Commissioner Giovino, seconded by Commissioner Martell. Carried. All in favor.

- DEP File No. 109-398 – New England Power – **MOTION:** TO issue a Certificate of Compliance. Moved by Commissioner Giovino, seconded by Commissioner Martell. Carried. All in favor.

- DEP File No. 109-1201 – Black Cove LLC – 241 Treble Cove Road – the Director reported the Order focused on stormwater management. The project was completed several months ago and everything appears to be constructed according to plan. **MOTION:** TO issue a Certificate of Compliance. Moved by Commissioner Giovino, seconded by Commissioner Martell. Carried. All in favor.

**VII. EXECUTIVE SESSION**

9:32pm Vote to go into Executive Session:

Peter Martell	Yes	JoAnne Giovino	Yes
Jack Bowen	Yes	Steven Aziz	Yes
Betsy Gallagher	Yes	Paul Hayes	Yes

10:15pm Vote to exit Executive Session

Peter Martell	Yes	JoAnne Giovino	Yes
Jack Bowen	Yes	Steven Aziz	Yes
Betsy Gallagher	Yes	Paul Hayes	Yes

**10:20pm MOTION:** TO adjourn. Moved by Commissioner Martell, seconded by Commissioner Gallagher. Carried. All in favor.

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Janine Depper-Nash, Adam Bossi