

**Regular Meeting
Billerica Conservation Commission
August 14th, 2013
Town Hall, Room 210
365 Boston Road, Billerica, MA**

ATTENDANCE: Commission Members Paul Hayes (Chair), Stephen Aziz (Vice Chair), Diane DePaso (Secretary) (7:03pm), JoAnne Giovino, Peter Martell, Jack Bowen and staff members Adam Bossi (Director of Environmental Affairs) 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 – 41 Glad Valley Drive – Lee Cappucci – DEP File No. 109-1217/Billerica File No. BBL-1217
Documents submitted: NOI for Lee Cappucci, 41 Glad Valley Drive with attached plan titled Notice of Intent Plan, dated 7-15-13, prepared by Acton Survey & Engineering, Inc. signed and stamped by Mark Donohoe, Scale: 1"=20'
- **8-9-13** – Correspondence from Mark Donohoe, Acton Survey & Engineering, Inc. to Billerica Conservation Commission re: 41 Glad Valley Road – Flood Plain, 41 Glad Valley Road – Variance Request, and plan titled Notice of Intent Plan, 41 Glad Valley Drive, dated 7-15-13, revised 8-12-13, prepared by Acton Survey & Engineering, Inc. signed and stamped by Mark Donohoe, Scale: 1"=20'

Mark Donohoe, Acton Survey & Engineering, Inc. attended representing the Applicant. He explained they are proposing to build a 2-car garage addition onto the existing house and described the site. There is a perennial stream that flows under Glad Valley Road and the lot is within riverfront area. No construction will take place on the side or back of the house. The proposed recharge trench will prevent the increase in runoff. They have added plantings and additional pipes in the recharge trench.

Commission Members discussed compliance with riverfront regulations and the preservation of the first 100 feet. They would like to see the garage downsized and moved forward, additional mitigation, the amount of impervious lowered and the size of the driveway reduced. Additional details on the plan, such as the distance to the resource area, should be included.

An abutter in the audience referred to the water body on the property as a stream, not a river, and spoke of how well the owners had maintained the property for years.

MOTION: TO continue this Hearing to September 11th, 2013. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. All in favor.

III. 7:27pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – 31 Glad Valley Drive – Ed O’Mahoney – DEP File No. 109-1218/Billerica File No. BBL-1218

Documents submitted: Notice of Intent for Ed O’Mahoney, 31 Glad Valley Drive prepared by Dresser, Williams & Way, Inc. dated 7-26-13 with attached plan titled Site Plan in Billerica, Mass prepared by Dresser, Williams & Way, Inc., signed and stamped by Stephen Dresser, dated 7-26-13, Scale: 1’=20’

Leo Garneau, of Northeastern Consulting attended with Applicant Ed O’Mahoney. Mr. Garneau explained they are proposing to demolish the existing house and construct a new house. He met with the Director on site to discuss the wetland line. Since that meeting he has sketched wetland flags 4 and 5 on the plans he submitted. He will install drywells, and will submit a new variance request for the 25 foot setback. All debris will be cleaned up.

Commission Members requested a visual barrier along the 50 foot setback, a new variance request, the erosion controls moved to be situated beside the wetland line, and a restoration plan.

MOTION: TO continue this Hearing to September 11th, 2013. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. All in favor.

IV. 7:41pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – 297 Boston Road – Gibbs Oil Company – DEP File No. 109-1219/Billerica File No. BBL-1219

Documents submitted: Notice of Intent for Gibbs Oil Company, LP, 297 Boston Road prepared by Ayoub Engineering with attached plan titled Site Improvement Plans prepared by Ayoub Engineering, signed and stamped by Dennis McManus, dated 4-3-12, Revised 7-30-13, Scale: As Shown

- **8-5-13** – Correspondence from Philip Paradis, BETA Group, Inc. to Richard Berube re. Site Improvement Plans-Gibbs Oil Company, 297 Boston Road, Board of Health and Conservation Commission Peer Review Scope & Fee

- **8-13-13** – Correspondence from Philip Paradis, BETA Group, Inc. to Mr. Adam Bossi and Mr. Richard Berube re. Site Improvement Plans-Gibbs Oil Company, 297 Boston Rd, Conservation Commission and Board of Health Peer Review

Tony Fruchtl, Ayoub Engineering, attended representing the Applicant. He described the site, and said they are proposing to demolish the site then replace with a convenience store, canopied fuel service area, parking lot and underground fuel tanks and stormwater management system. They have received approval from the Board of Appeals. They have requested a variance for minor intrusion into the 50 foot buffer.

Peer Reviewer Phil Paradis, BETA Group Inc. went over the outstanding issues which were primarily details on the plan. The O&M plan also needs to be updated. A fence or some type of block will be installed in the back to stop snow storage.

Member of the audience Bob Carleton, 29 Stoney Drive, asked about soil testing, sewer tie-in and what, if anything, would be done with the road.

MOTION: TO continue this Hearing to September 11th, 2013. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. All in favor.

V. 8:16pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – 2 Nashua Road – William French - DEP File No. 109-1220/Billerica File No. BBL-1220

Documents submitted: Notice of Intent for William French, 2 Nashua Road, prepared by Dresser, Williams & Way, Inc. dated 7-31-13 with attached plan titled Site Plan-Parking Area, Plan and Profile View prepared by Dresser, Williams & Way, Inc., signed and stamped by Stephen Dresser, dated 7-31-13, Scale: 1"=20'

-8-14-13 – Correspondence from Jessica French to Adam Bossi re. Conservation Meeting 8.14.13

MOTION: TO continue this Hearing to September 11th, 2013. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. All in favor.

VI. 8:17pm - 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: 8-4-13 – Correspondence from Douglas Deschenes, Deschenes & Farrell, P.C. to Isabel Tourkantonis, Billerica Conservation Commission re. 0 Elsie Avenue, Revised plan; additional information with wetland report and plan titled Construction and Erosion Control Plan, 0 Elsie Avenue, dated 4-12-13, revised 8-5-13, prepared by LandTech Consultants, signed and stamped by Matthew Waterman, Scale 1"=10'

Douglas Deschenes, of Deschenes & Farrell, P.C. attended with applicant Jonathan Gallant. Mr. Deschenes reported they have obtained a variance from the Board of Health as well as a wetlands report. They have confirmed with the Building Department that they are within the regulatory building guidelines. They marked the footprint of the house and marked the trees that were to be cut, then reviewed the changes to the plan the Commission requested. He reviewed the changes

that were made to the plan that the Board of Appeal requested. Commission Members requested details of the depth to ground water be added to the plan. Adjustment of erosion controls will be made at a preconstruction meeting.

Abutters in the audience asked about trees that would be cut down and submitted a petition consisting of approximately 30 names from the neighborhood opposing the project, voiced their concerns and stated they wanted to preserve the neighborhood.

MOTION: TO close this Hearing, sign and issue an Order of Conditions within 21 days. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. 5 in favor, 1 opposed (Commissioner Aziz)

VII. 9:06pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – Continued Public Hearing - 19 Waterview – Gold Star Homes LLC – DEP File No. 109-1216/BBL-1216

Documents submitted: Plans titled Site Development Permit Plan located in Billerica, Mass., 19 Waterview Ave, prepared by Eastern Land Survey Associates, Inc., signed and stamped by Christopher Mello, dated 6-21-13, revised 7-26-13, Scale: 1"=20'

Attorney James Haroutounian attended representing the Applicant. He reported this is the second meeting on this project and that changes requested by the Commission at the first meeting have been made to the plans. They have added flood vents and increased the flood storage.

Commission Members requested they add a visual barrier along the walkway to the pier; include a condition that should the pier ever be removed the Applicant must contact the Commission; move a portion of the fence to the 50'; and that staff perform a site inspection in the spring to check on removal of invasives.

MOTION: TO grant a variance to S3.03.C3(a). 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 include the conditions as discussed. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. All in favor.

VIII. ADMINISTRATIVE MATTERS/DIRECTOR'S REPORT

COC Request: 109-400 – Sterling Road – The Director explained this Certificate had been issued, never recorded, and a request had been made for an original Certificate for recording purposes.

Discussion: 4 Minton Road – Minor Plan Change Request – Paul Nardella attended. Mr. Nardella again gave his reasons for requesting the Commission to grant relief to the condition of a visual barrier, grandfather the existing visual barrier and accept what was offered as mitigation at a site inspection. The Commission Members discussed his request. A vote was taken which

resulted in 3 in favor of granting relief and 3 opposed to granting relief. The Director agreed to measure the proposed area of mitigation that Mr. Nardella had proposed and will supply that information to the Members for a discussion at a future meeting.

Re-Issue Order for Bylaw BBL-01-006 – Casco Street – The Director reported he needed to do more research on this project and was not ready to re-issue the Order.

Minutes: 7-24-13, 5-22-13 – **MOTION:** TO accept the minutes of 7-24-13. Moved by Commissioner Martell, seconded by Commissioner Aziz. Carried. 4 in favor, 2 abstained (Commissioners Giovino and Hayes). **MOTION:** TO accept the minutes of 5-22-13. Moved by Commissioner Giovino, seconded by Commissioner Aziz. Carried. 5 in favor, 1 abstained. (Commissioner Martell)

Ratify Enforcement Orders – 46 Cook St. – **MOTION:** TO ratify the enforcement order. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. All in favor.

11:05pm 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