

**Regular Meeting
Billerica Conservation Commission
October 9th, 2013
Town Hall, Room 210
365 Boston Road, Billerica, MA**

ATTENDANCE: Commission Members Paul Hayes (Chair), Steven Aziz (Vice Chair), Diane DePaso (Secretary), Betsy Gallagher, Jack Bowen and staff members Adam Bossi (Director of Environmental Affairs) and Janine Depper-Nash (Senior Clerk)

CALL TO ORDER: 7:00pm

7:00pm - PUBLIC COMMENT – no comments

7:01pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING - REQUEST FOR DETERMINATION OF APPLICABILITY – Continued Public Hearing - MassDOT-Highway Division – Rte. 3 Mainline

Andrea Norton, MassDOT, Highway Division, attended. She explained this is a basic maintenance project and that they are only working on the mainline. They do not have a date yet that the maintenance will begin. A brief discussion followed in which she answered questions from the Commission Members

MOTION: TO issue a negative determination. Moved by Commissioner DePaso, seconded by Commissioner Gallagher. Carried. All in favor.

7:06pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – Continued Public Hearing - 9 Eubar Circle – Marc Lombardo – DEP File No. 109-1226/Billerica File No. BBL-1226

Documents submitted: 10-2-13 – Correspondence from Scott Smyers, Oxbow Associates, Inc. to Billerica Conservation Commission re. Request for Variance, Notice of Intent, 9 Eubar Circle

with attached plan titled Residential Site Plan prepared by Bruce Saluk & Assoc., Inc., signed and stamped by Bruce Saluk, dated 8-27-13, revised 10-2-13, Scale: 1"=20'

Scott Smyers, Oxbow Associates, attended with Applicant Marc Lombardo. Mr. Smyers reviewed the changes that they were asked to make at the previous meeting. The 4-car garage has been reduced to a 3-car garage. The driveway will now be comprised of crushed gravel. The proposed planting area has been increased. By making these changes, they have lowered the increase in impervious area 48%. There was some discussion on the size of the driveway. Members asked for a condition that there be some type of physical block at the edge of the driveway to prevent gravel from being spread. A draft Order was discussed.

MOTION: TO grant a variance to S3.03.C.2. Moved by Commissioner DePaso, seconded by Commissioner Bowen. Carried. All in favor.

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

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

7:25pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – Continued Public Hearing - 9 Brick Kiln Road – Swaminarayan World Organization – DEP File No. 109-1221/Billerica File No. BBL-1221

Documents submitted: 9-17-13 – Correspondence from Stanley Dillis, Ducharme & Dillis Civil Design Group, Inc. to Billerica Conservation Commission re. variance request, with attached plan titled Notice of Intent Plan, 9 Brick Kiln Road, prepared by Ducharme & Dillis, Civil Design Group, Inc., signed and stamped by Gregory Roy, dated 3-29-13, revised 9-17-13, Scale: 1"=20'

-10-9-13 – Correspondence from Stanley Dillis, Ducharme & Dillis, to Billerica Conservation Commission re. Request to Continue

MOTION: TO continue this Hearing to October 23rd, 2013. Moved by Commissioner DePaso, seconded by Commissioner Bowen. Carried. All in favor.

7:26pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – Continued Public Hearing - 41 Glad Valley Drive – Lee Cappucci – DEP File No. 109-1217/Billerica File No. BBL-1217

Documents submitted: 9-30-13 – Correspondence from Lee Cappucci to Billerica Conservation Commission re. variance request and plan titled Notice of Intent Plan, 41 Glad

Valley Drive prepared by Acton Survey & Engineering, Inc., signed and stamped by Mark Donohoe, dated 7-15-13, revised 9-27-13, Scale 1"=20'

Dan Turcotte attended. He reviewed the changes that had been made since the previous hearing and reviewed the alternative analysis. He offered to include additional plantings including the area of the bank on the opposite side of the river and the bank on the east side of the river as mitigation.

MOTION: TO grant a variance to S 3.03.C.2. Moved by Commissioner DePaso, seconded by Commissioner Bowen. Carried. All in favor.

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

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

7:54pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – Continued Public Hearing - Market Street/Broadleaf Street – Steven McGarry – DEP File No. 109-1223/Billerica File No. BBL-1223

Documents submitted: 10-7-13 – Correspondence from Steven Eriksen, Norse Environmental Services, Inc. to Billerica Conservation Commission re. Market Street/Broadleaf Street

MOTION: TO continue this Hearing to November 13th, 2013. Moved by Commissioner Aziz, seconded by Commissioner DePaso. Carried. All in favor.

7:55pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – 92 Bridle Road – David & Mary Jean Murphy – DEP File No. 109-1227/Billerica File No. BBL-1227

Documents submitted: Notice of Intent for 92 Bridle Road with attached plan titled Notice of Intent Plan of Land, prepared by Dana F. Perkins, Inc., signed and stamped by Gregory Corcoran, dated 10-1-13, Scale: 1"=20'

Tim Scalley attended on behalf of the Applicant. He explained they are proposing to build a two-car garage with an in-law apartment, with a breezeway attached. No file number has been issued by the DEP yet. He asked what the Commission would further require.

The Director advised the DEP had not issued a file number for the project yet. He gave a background on the property, stating the Commission had previously issued an Order for a larger project which was never completed.

Commission Members requested a current wetland report. They requested a condition that the stockade fence be moved closer to the 25' buffer if it is ever replaced. They agreed to incorporate staff's recommendations for mitigation and that there will be plantings along the slope, and advised the Applicant that the debris would have to be removed.

MOTION: TO continue this Hearing to October 23rd, 2013. Moved by Commissioner DePaso, seconded by Commissioner Bowen. Carried. All in favor.

ADMINISTRATIVE MATTERS/DIRECTOR'S REPORT

Enforcement Updates – Documents submitted: 9-19-13 – Correspondence from Adam Bossi to Conservation Commission re. Enforcement Order Update, 300/312 Concord Road

46 Cook Street– Staff provided an update. They are awaiting a replication plan that will be implemented in the spring.

300/312 Concord Road - Heidi Davis is now the wetlands person in the DEP office. Outstanding items are the removal of debris and to let the area stabilize. Abutters want to erect a chain link fence which is not an issue providing the fence does not impede the movement of wildlife.

16 Esquire/Republic Road – The Director gave the background to this issue. The State issued a Consent Order against Roberto Loam Company. When the Town inherited this there was one outstanding issue. A trench had been dug to drain a basin because existing pipes were not functioning properly which impacted the direct abutters. The DPW has been working with the DEP. There is some minor wetland repair work to be done. The final remaining item is to fill in the trench that had been dug and stabilize the area.

Town Meeting Updates – The Director reported that Article 39 has been dismissed and that Article 46, submitted by the Recreation Department, is pending at town meeting.

Duplicate Order-By-Law 01-006 – the Director explained this order was never issued. He asked the Commission to sign new signature pages so that the Order could be issued. The Applicant will request an amendment and an extension.

Announcement – The Director announced his resignation and that his final day will be October 18th. Isabel Tourkantonis will assume the position of Acting Director in the interim and the position will be posted.

Pamphlets – The Director distributed copies of 14 pamphlets that had recently been completed by Carolyn Talmadge, the intern hired for the summer. The 14 pamphlets include the area, a bit of history, walking trails, parking areas and many other details on 14 different properties in Billerica. The Commission directed the Director to send a letter of commendation to Carolyn.

Bylaw – The Chair asked the Director to explain the process for making changes to the regulations.

8:49pm **MOTION:** TO adjourn. Moved by Commissioner Bowen, seconded by Commissioner Gallagher. Carried. All in favor.

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Janine Depper-Nash, Isabel Tourkantonis