

**Regular Meeting
Billerica Conservation Commission
October 23rd, 2013
Town Hall, Room 210
365 Boston Road, Billerica, MA**

ATTENDANCE: Commission Members Paul Hayes (Chair), Steve Aziz (Vice-Chair), Diane DePaso (Secretary), JoAnne Giovino, Betsy Gallagher, Jack Bowen and staff members Isabel Tourkantonis (Acting 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** – Request to Amend an Order of Conditions – 4 Minton Road – DEP File No. 109-1215/Billerica File No. BBL-1215

Peter de Bernardo, Gibraltar Pools Corp., attended. He explained the purpose of the pool, which is being installed to provide therapy for the Applicant's spouse who has multiple sclerosis and asked for compassion from the Board Members. He is requesting to keep the existing visual barrier on the wetland line, and is willing to provide mitigation.

Commission Members discussed the proposed mitigation and request.

MOTION: TO issue an amended Order of Conditions. Moved by Commissioner Giovino, seconded by Commissioner Aziz. All opposed.

- III. 7:22pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING** – Notice of Intent –Continued Public Hearing - 98 Billerica Avenue – Three Billerica Avenue Realty Trust – DEP File No. 109-1225/Billerica File No. BBL-1225

Documents submitted: 10-21-13 – Correspondence from Scott Smyers, Oxbow Associates, to Janine Depper-Nash re. 10-23-13

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

IV. 7:23pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – Continued Public Hearing - 92 Bridle Road – David & Mary Jean Murphy – DEP File No. 109-1227/Billerica File No. BBL-1227

The Applicant's nephew Tim Scalley, attended. He reviewed the project then reviewed what has been done since the last hearing. He has provided a new wetland report and started cleaning up debris. They are proposing a drainage pit and plantings along the wetland line.

Members discussed possible conditions: the Applicant will submit a mitigation plan to staff for review; when the fence is replaced it be moved closer to the 25' buffer; that miscellaneous landscaping debris be removed; that plantings be added along the slope to enhance the buffer zone and stabilize the slope; and that knotweed be controlled.

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

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

V. 7:47pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – Continued Public Hearing - 2 Nashua Road – William French - DEP File No. 109-1220/Billerica File No. BBL-1220

Documents submitted: 10-8-13 – Supplemental Information for Notice of Intent, 2 Nashua Road

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

VI. 7:48pm - 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: 10-13-13 – Correspondence from Stan Dillis to Isabel Tourkantonis re. Request to Continue

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

VII. 7:49pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – 29 Ironwood St – Larry L’Heureux – DEP File No. 109-1228/Billerica File No BBL-1228

Documents submitted: Notice of Intent for 29 Ironwood Street with attached plan titled Compilation Plan for the Wetlands Examination at the L’Heureux Home, prepared by Express Surveying, signed and stamped by Curtis Johnson, dated 4-13-13, revised 10-11-13, Scale 1”=30’

-10-15-13 – Revised Narrative for Notice of Intent, 29 Ironwood St

Leah Basbanes, Basbanes Wetland Consulting, attended representing the Applicant. She explained they are proposing to build an addition consisting of an in-law apartment and install a new septic system. They will install a visual barrier along the 25’ No Disturb Line using markers, and will do restoration work for any disturbance within the 25’ No Disturb area.

Commission Members requested a condition that the area around the pool remain pervious and a condition that rocks or shrubs be used as a visual barrier along the edge of the lawn.

MOTION: TO grant a variance to S3.03.C, No Alteration Zone. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. All in favor.

MOTION: TO grant a variance to S3.03.C to do restoration work within the 25’ No Alteration Zone. 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. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. All in favor.

VIII. ADMINISTRATIVE MATTERS/DIRECTOR’S REPORT

Request for Certificate of Compliance:

109-786/BBL-786-12 Juniper St – The Director reported that a Certificate of Compliance request had been submitted for both #12 & #14 Juniper Street in 2005, but was not acted upon. Since then an addition was constructed on #14 Juniper and signed off by Commission staff in 2011. An updated As Built Plan showing addition was requested by the office. A site inspection has been done and the Director found the project complied with the Order, with minor changes, and recommended issuing a Certificate of Compliance. **MOTION:** TO issue a Certificate of Compliance. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. All in favor.

109-787/BBL-787-14 Juniper St – A potential purchaser of the property was in attendance.

MOTION: TO issue a Certificate of Compliance. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. All in favor.

Discussion: 72 Salem Road-Minor Plan Changes – Documents submitted: **10-9-13** –

Correspondence from Brian Nelson, Metrowest Engineering Inc. to Town of Billerica Conservation Commission re. 72 Salem Road, Billerica, Response to Preliminary Comments by MBL Land Development & permitting Corp. for Proposed Pavement near Northwest Building Corner with attached plan titled Layout Plan, dated 2-15-13, revised 10-8-13, prepared by Metrowest Engineering, signed and stamped by Robert Gemma, Scale: 1”=20’

The Director provided an update to the Commission. The Applicant has requested to make changes to the approved Plan. Peer Reviewer Brian Dunn has reviewed the requested changes and suggested the O&M Plan be updated to reflect the changes and that additional sweepings for glass debris be added. **MOTION:** That the Commission has determined the changes to the Plan, adding a small parking area, be considered minor and handled administratively. A revised O&M Plan will be submitted which will include the sweepings of glass debris and a plan showing the fence will be submitted. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. All in favor.

8:34pm MOTION: TO adjourn. Moved by Commissioner Bowen, seconded by Commissioner Aziz. Carried. All in favor.

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Janine Depper-Nash, Isabel Tourkantonis