

**Regular Meeting
Billerica Conservation Commission
November 13th, 2013
Town Hall, Room 210
365 Boston Road, Billerica, MA**

ATTENDANCE: Commission Members Paul Hayes (Chair), Steve Aziz (Vice-Chair), Diane DePaso (Secretary), Jeff Connell, JoAnne Giovino, Betsy Gallagher, Jack Bowen and staff members Isabel Tourkantonis (Director of Environmental Affairs) and Janine Depper-Nash (Senior Clerk)

CALL TO ORDER: 7:00pm

- I. **7:00pm - PUBLIC COMMENT** – no comments. The Chair announced Margaret Ingraham, teacher and historian, passed away.

- II. **7:01pm - 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: 11-8-13 – Correspondence from Jon Metivier to Isabel Tourkantonis re. 98 Billerica Ave.

10-30-13 – Correspondence from Department of Environmental Protection re. Notification of Wetlands Protection Act File Number for 98 Billerica Avenue

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

- III. **7:09pm - 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: 11-4-13 – Correspondence from Dresser, Williams & Way, Inc. to Billerica Conservation Commission re. Consultant Review-2 Nashua Road, Billerica, MA with

attached plan titled Site Plan-Parking Area, Plan and Profile View, 2 Nashua Road prepared by Dresser, Williams & Way, Inc., signed and stamped by Stephen Dresser, dated 7-31-13, revised 11-6-13, Scale 1"=20'

10-24-13, Revised 11-13-13 – Correspondence from Brian Dunn, MBL Land Development & Permitting, Corp. to Conservation Commission re. Peer Review Notice of Intent Application, 2 Nashua Road, Billerica, MA

Steve Dresser, Dresser, Williams & Way, Inc. and consultant Brian Dunn of MBL Land Development and Permitting Corporation attended. Mr. Dresser reviewed the project which is the installation of a parking lot. They are requesting a variance to increase the impervious surface in order to make it a paved lot rather than gravel. They have worked with consultant Brian Dunn and now comply with the stormwater regulations.

Mr. Dunn gave a summary of the meetings with Mr. Dresser and reviewed the 10 stormwater regulations. He advised that it was easier to have the lot paved and recommended the Commission grant a variance to allow it. He recommended the project be approved with conditions: this parking lot be designated for employees only; water quality structures be maintained; and test the water in the catch basins periodically.

Commission Members requested additional mitigation, that the slope be stabilized, loamed and seeded and to include signage reading employee only; that the snow storage shown on the plan be used solely for this parking lot; and that the jersey barriers be extended to along the back of the lot.

MOTION: TO grant a variance to S3.03.C.2. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. 6 in favor, 1 abstained (Commissioner Connell)

MOTION: TO close this Hearing, sign and issue an Order of Conditions within 21 days. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. 6 in favor, 1 abstained (Commissioner Connell)

IV. 8:09pm - 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

Stan Dillis, Ducharme & Dillis, attended. He stated they have addressed all issues from previous meetings with Conservation and the Board of Health and reviewed the changes that were made.

Commission Members discussed possible conditions: that the 25' buffer zone as shown on the plan be restored; the visual barrier be extended to the gate; signage be included; and that an additional area in the back be used for mitigation. They requested a planting plan and a revised plan be submitted for the file.

MOTION: TO grant a variance to the 25' No Alteration Zone. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. 6 in favor, 1 abstained (Commissioner Connell)

MOTION: TO close this Hearing, sign and issue an Order of Conditions within 21 days. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. 6 in favor, 1 abstained (Commissioner Connell)

V. 8:31pm - 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: 11-13-13 – Correspondence from Steven Eriksen, Norse Environmental Services, Inc. to Billerica Conservation Commission re. Market Street/Broadleaf Street

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

VI. ADMINISTRATIVE MATTERS/DIRECTOR'S REPORT

Certificate of Compliance Request – 8 Thoreau – DEP File No. 109-1191/BBL-1191 – The Director reported she performed a site visit and found the old barn on the paper road had been removed and a new shed constructed. The project had been built according to the plan with minor variances and for the most part the lot is sufficiently grass covered. She 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.

Certificate of Compliance Request – 11 Swan Lane-DEP File No. 109-1163/BBL-1163 – the Director reported the site had stabilized, and based on site inspections and previous reports from Adam Bossi, staff recommended issuing a Certificate of Compliance. **MOTION:** TO issue a Certificate of Compliance. Moved by Commissioner Giovino, seconded by Commissioner Aziz. Carried. All in favor.

Request for Extension Permit – BBL 01-006-Casco Street – Documents submitted: **11-5-13** – Correspondence from Dean Jenkins, Jagco LLC to Billerica Conservation Commission re. Request for 2 years extension of Bylaw Order of Conditions, BBL-01-006 - **MOTION:** TO extend the permit for 2 years, to expire December 13th, 2015. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. All in favor.

Update: Villages at Pinehurst Enforcement Order – Staff reported significant progress has been made with this enforcement order. Pat Garner, who has been hired to monitor the replication work has submitted his first report. He will conduct a site inspection after the first growing season and again after the second growing season, then submit a 2nd report with his findings. Staff will follow up on 2 small piles of debris. Members agreed they would not address a request for a full Certificate of Compliance because of outstanding issues such as the retaining wall, but would entertain partial requests on a case by case basis.

Update: 46 Cook Street Enforcement Order – Documents submitted: **10-31-13** – Correspondence from Leo Garneau to Billerica Conservation Commission re. Restoration Plan for 46 Cook Street- Leo Garneau and Scott Griffiths were in attendance. Staff reported they have submitted a restoration plan and that the true wetland boundary has been determined. They plan on installing a visual barrier establishing a No Alteration Zone once the restoration is complete. Mr. Garneau advised the Commission that they will need to remove some pine trees in order to transfer material. **MOTION:** THAT staff continue to work with Mr. Garneau and move forward with the restoration plan as discussed. Moved by Commissioner DePaso, seconded by Commissioner Aziz. Carried. All in favor.

Update: 16 Esquire Road Enforcement – Staff reported that the work has been completed by the DPW and has been inspected by staff and by staff from the Board of Health. The attorney representing 16 Esquire has said they would like to move forward now with their enforcement matter, restore the spillway plus backfill the ditch that was excavated. **MOTION:** TO direct Isabel Tourkantonis to continue working with the attorney who is the representative for 16 Esquire and work towards a resolution of the enforcement matter. Moved by Commissioner DePaso, seconded by Commissioner Giovino. Carried. All in favor.

Regulations – The Committee reviewing the regulations will meet next week. Members please submit suggestions to the Committee.

9:10pm 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