

**Regular Meeting  
Billerica Conservation Commission  
December 11<sup>th</sup>, 2013  
Town Hall, Room 210  
365 Boston Road, Billerica, MA**

**ATTENDANCE:** Commission Members Paul Hayes (Chair), Diane DePaso (Secretary), Betsy Gallagher, JoAnne Giovino, Jack Bowen, Jeff Connell 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 Isabel Tourkantonis had been promoted and was now the Director of Environmental Affairs.

**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: 12-2-13** – Drainage Study-Gravel Parking Area, Lot A Billerica Avenue with attached plan titled Notice of Intent Gravel Parking Lot, Billerica Avenue, prepared by ASB Design Group, LLC, signed and stamped by Thad Berry, dated 7-26-13, revised 12-2-13, Scale: 1"=20'

Scott Smyers, Oxbow Associates, Thad Berry of ASB Design Group, LLC and Applicant Jon Metivier attended. The Director gave Members an update on what the Applicant has done to comply with stormwater standards. The Applicant explained they made changes after discussing the project with the DEP, then reviewed the changes that had been made. Mr. Berry reviewed the changes in more detail.

Commission Members discussed possible conditions. The DEP suggested a condition that spill containment be kept on site. Another condition that the Applicant will need to submit illicit discharge statements will be included in the Order.

**MOTION:** To close this Hearing, sign and issue an Order of Conditions within 21 days.  
Moved by Commissioner DePaso, seconded by Commissioner Bowen. Carried. All in favor.

**III. 7:25pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING** – Request to Amend An Order of Conditions – 4 Minton Road – Gibraltar Pools – DEP File No. 109-1215/Billerica File No. BBL-1215

**Documents submitted:** Request to Amend an Order of Conditions, DEP File No. 109-1215/BBL-1215 dated 11-13-13 with attached plan titled Plan of Land, prepared by Dresser, Williams & Way, Inc., signed and stamped by Stephen Dresser, dated 5-29-13, revised 11-7-13, Scale 1"=40'

Peter J. de Bernardo of Gibraltar Pools attended. The Director provided an update to the Commission.

The Commission discussed the Request and mitigation. Members asked that the plantings be 8' apart; mowing be discontinued in an area offsite from wetland flags 17A through to 21A and that there will be a new visual barrier along that side of the property line; that there will be 10 plants placed along the lot line and that there be no further mowing behind that line; there will be 3 new plantings along wetland flags 11A and 13A; a visual barrier of plantings be continued along the eastern edge of the property following wetland flags 1A through 3A and that area be seeded with a wetland conservation seed mix; and that debris be cleaned up.

**MOTION:** TO grant the modification to the Order of Conditions with the special conditions.  
Moved by Commissioner Giovino, seconded by Commissioner DePaso. Carried. 4 in favor, 2 opposed (Commissioners Giovino and DePaso)

**IV. 8:11pm - 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:** On-site Soil Investigations, Market Street, from Peter Fletcher dated November 2013

**12-10-13** – Correspondence from Norse Environmental Services, Inc. to Billerica Conservation Commission re. Market Street/Broadleaf Street

**MOTION:** TO continue this Hearing to January 22, 2014. Moved by Commissioner DePaso, seconded by Commissioner Bowen. Carried. All in favor.

**V. 8:12pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING** – Notice of Intent – Sullivan Road – Lynnway Auto Auction – DEP File No. 109-1229/Billerica File No. BBL-1229

**Documents submitted:** Notice of Intent dated 11-25-13 for Lynnway Auto Auction, Sullivan Road, prepared by Dresser, Williams & Way, Inc. with attached plan titled Site Plan, Existing Conditions-Exterior, prepared by Dresser, Williams & Way, Inc., signed and stamped by Stephen Dresser, dated 11-22-13, Scale: As Shown.

Commissioner Connell recused himself.

Stephen Dresser of Dresser, Williams & Way, Inc. and Jim Lamb of Lynnway Auto Auction attended. Mr. Lamb thanked the Commission. Mr. Dresser provided the background and described the project. They are expanding and plan to construct 3 paved parking lots and a paved access road. They expect to go through peer review for stormwater management.

There was some discussion on whether the delineation from 2005 was still valid, as shown in the ORAD that was issued at that time. Members agreed to allow the delineation to stand and requested a field verification. There was also discussion on whether or not this project should be classified as a LUHPPL, and whether or not this was a limited project.

The Director reviewed the notes that were made by herself and by the BOH for revised plans. The Applicant was asked to add labeling to the plans before sending them out to the Commission's consultant. The Director will begin the process to hire a peer reviewer.

**MOTION:** TO continue this Hearing to January 22<sup>nd</sup>, 2014. Moved by Commissioner DePaso, seconded by Commissioner Bowen. Carried. All in favor.

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

**Request for Certificate of Compliance** - 109-1210/BBL-1210-Ravine Rd-George Allen – the Director recommended no action because of the lack of sufficient ground cover. She will issue a status letter. **MOTION:** That a status letter be issued. Moved by Commissioner DePaso, seconded by Commissioner Giovino. Carried. All in favor.

**Discussion on Regulations** – The Chair updated the Commission on the meeting of the committee formed to review the regulations.

**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