



# *Billerica Conservation Commission*

TOWN HALL, 365 BOSTON ROAD  
BILLERICA, MASSACHUSETTS 01821  
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## **MEETING AGENDA**

**February 28, 2024**

**6:30 PM**

**Town Hall, Room 210  
365 Boston Road, Billerica MA**

Attendance: Commission Members Joanne Giovino (Vice Chair), Diane DePaso (Secretary), Paul Hayes, Jack Bowen, and Christine Aras. Staff Members Isabel Tourkantonis (Director of Environmental Affairs), Mike DeVito (Land Use Assistant), and Kristina Bernard (Principal Clerk)

**I. 6:30 PM – PUBLIC COMMENT - None**

**II. NEW WETLAND HEARING:**

- **6:31PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Public Hearing – 2 Crest Road – Applicant: Charles Van Kirk – DEP File No. 109-1558/BBL-1558

**Documents Submitted:**

02/15/2024 Received a Notice of Intent from Mitch Maslanka with Goddard Consulting, LLC for 2 Crest Road, stamped and signed by Aleksandr Chongris, dated January 5, 2024, scale as shown on plans (DEP #109-XXXX)  
02/22/2024 Received Comments from Christina Papadopoulos with the DPW Stormwater Engineering Department on 2 Crest Road (DEP #109-1558)

Niamh Duffy and Mitch Maslanka with Goddard Consulting presented the project to demolish the existing single-family home, driveway, and garage, and to construct a new single-family house with an attached garage, associated driveway, porch, and deck. Niamh went over the infiltration system that would consist of 6 Cultec chambers underneath the lawn. There will be a retaining wall added to the northern corner of the property. The applicant is requesting to remove the existing white pine trees due to safety concerns and preserve the large oak tree at the center of the site.

Charles VanKirk, Applicant discussed the well on site and explained that they did not plan on filling it in as part of the project.

Isabel Tourkantonis, Director of Conservation, discussed the project and went over the DPW Stormwater Engineering comments. She discussed wetland flags 3 through 5 appeared low by about 5 to 10 feet and should be re-evaluated in the field. Staff also noticed debris against the wetland boundaries by wetland flags 3 and 5. It was also discussed that a variance would be required for work within the 50-foot No Alteration Zone related to demolition and the restoration plan.

The Commission discussed the delineation date of December 2, 2022, and they requested clarification due to the time of year and whether snow cover was present at that time. Goddard Consulting confirmed there was no snow cover at that time. The Commission would like to see restoration plantings behind the 50-foot No Alteration Zone. There was a brief discussion on the Cultec infiltration system, and they would like an operation and maintenance plan to go along with this as well. It was also confirmed that test pits were completed to verify the best location for proposed stormwater infiltration. There was discussion regarding the proposed deck and that it should remain open and the long-term preservation of the large oak tree. The applicant consulted with an arborist to preserve the tree since it also has sentimental value for the family. Care and caution will be exercised during construction to protect the root structure of this family-planted tree. Snow storage and stockpiling were discussed briefly as well and that it should be shown on the plan. The retaining wall will be a little under 3 feet at its highest, and the material is now interlocking bricks.

The Commission and staff noted the following information is missing and required on the plan and/or NOI file:

- wetland flags 3 through 5 should be re-evaluated in the field,
- clean up debris along wetland flags as well along wetland flags 3 through 5,
- add dimensions to all structures on-site.,
- add who and when the wetland delineation was conducted to the plan,
- show the location of stockpiling and equipment storage and construction entrance.
- add visual barrier with environmental signage along the 50-foot No Alteration Zone,
- clarify the proposed impervious surface area calculations on the plan with maximum increase percentage in the notes section,
- reference to the nearby stream on the plan,
- add buffer zone planting restoration details to plan, and
- add note to plan regarding wetland buffer zones.

As a means of reducing impervious surface area, the Commission discussed a condition to require the patio remain open, not covered.

**Motion:** TO continue to the March 13, 2024 meeting made by Commissioner Diane DePaso, seconded by Jack Bowen. All in Favor. Carried Unanimously.

### **III. CONTINUED PUBLIC HEARINGS:**

- **7:07PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 505 Boston Road – Applicant: McCue Outlet LLC – DEP File No. 109-1548/BBL-1548

#### **Documents Submitted:**

02/22/2024 Received Peer Stormwater Review from Phil Paradis with Beta Group, Inc. for 505 Boston Road (DEP #109-1548)

02/28/2024 Received a Continuance Request from Stephen Dresser with Dresser, Williams, and Way for 505 Boston Road until the March 13, 2024, meeting (DEP #109-1548)

**Motion:** TO continue to the March 13, 2024 meeting per the applicant's request made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **7:08PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 700 Boston Road – Applicant: Valley MB, LLC C/o Demoulas Super Market Inc. – DEP File No. 109-1549/BBL-1549

**Documents Submitted:**

02/21/2024 Received Revised Information on Site Improvements, Stormwater Peer Review, SWPPP, and Site Plans, stamped by Erik Gerade, dated on February 19, 2024, scale as shown on plans (DEP #109-1549)

Eric Gerade, Civil Engineer with VHB, presented the continued project and went over the revisions since the last meeting. He explained that a lot of progress had been made since then, including the initial approval of the Special Permit from the Planning Board in May of 2023 for the first phase of work at the site. The applicant has been working with them to improve the site plans since then. They will be meeting again with the Planning Board on March 11, 2024. It was confirmed that ten (10) test pits had been completed onsite in the locations of proposed stormwater BMPs as reviewed by the peer reviewer and Conservation and DPW staff during the stormwater technical review meeting. He also explained that the site plans had been modified for pedestrian safety and parking lot safety, buffer zone plantings (and there were infiltration trenches also added to the back left of the site as well to allow for additional ground water recharge. Additionally, some CCTV work on the existing drainage was completed to identify any present issues in the drainage system network. The visual barrier and environmental signage were discussed as well.

Bridgette Hilgendorf with VHB briefly discussed the work within the 25-foot No Alteration Zone and stated that there will not be an increase in impervious surface area within the No Alteration Zone.

James Lamp, Representative for Market Basket, discussed the stream from Market Basket to Arcadia Road and noted that there would be an overall reduction in stormwater runoff flow from the site.

Isabel Tourkantonis, Director of Conservation requested clarification on the extent of temporary impacts to bank since the impact noted on the NOI form did not appear to match the site plan. She also confirmed that staff reviewed the proposed planting list.

The Commission discussed the visual barrier with signage and its locations. It was asked that the applicant update the O&M Plan with specific dates and timing for cleanup. The applicant noted there will be a 6-foot fence around the retaining pond area to address comments from the Planning Board. The Commission requested the fence be raised about 6-inches above the ground surface to allow for wildlife passage in accordance with state guidelines.

**Motion:** TO continue to the March 13, 2024, meeting made by Commissioner Diane DePaso, seconded by Commissioner Paul Hayes. All in Favor. Carried Unanimously.

- **7:38PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 3 Morningside Drive – Applicant: Adam Bejtlich – DEP File No. 109-1547/BBL-1547

**Documents Submitted:**

02/13/2024 Received an email Request for Continuance from W. Gordon Rogerson with Hayes Engineering for 3 Morningside Drive to the March 13, 2024, meeting. (DEP #109-1547)

**Motion:** TO continue to the March 13, 2024, meeting per the applicant's request made by Commissioner Jack Bowen, seconded by Commissioner Paul Hayes. All in Favor. Carried Unanimously.

- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – New DPW Facility – 250 Treble Cove Road – Applicant: Town of Billerica – DEP File No. 109-1552/BBL-1552 (***Previously Continued to 03-13-2024***)
- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 315, 317, & 319 Treble Cove Road – Applicant: Dean Atkins, Northbridge Partners, LLC – DEP File No. 109-1557/BBL-1557 (***Previously Continued to 03-27-2024***)

#### **IV. ADMINISTRATIVE MATTERS / DIRECTOR'S REPORT:**

##### **▪ 7:38PM - Miscellaneous Updates**

Isabel Tourkantonis, Director of Conservation, informed the Commission that there was a request for an Emergency Certificate located at 294-296 Concord Road regarding a repair needed on a broken drainpipe and collapsed pavement located along a driveway that accessed an existing parking lot behind 294 Concord Road. They would like to replace the existing 36-inch steel corrugated pipe with a 36-inch ADS HDPE pipe. Staff recommended approving this under an emergency certification due to the existing road safety hazard to pedestrian and vehicular traffic.

She and the Commission discussed the importance of sediment controls near the work zone to protect the nearby potential vernal pool. Sediment controls shall not impede amphibian/wildlife passage during vernal pool breeding season.

The Commission made a condition for sediment control, to be mindful of the vernal pool and amphibian movement, and installation of placards on the guardrails in that area.

**Motion:** TO approve the Emergency Certificate made by Commissioner Diane DePaso, seconded by Commissioner Paul Hayes, All in Favor. Carried Unanimously.

##### **▪ 7:55PM - Minutes: 1-25-2023, 4-26-2023**

**\*\*Tabled until the March 13, 2024, meeting\*\***

#### **V. 7:55PM - ADJOURN**

**Motion:** To adjourn made by Commissioner Jack Bowen, seconded by Commissioner Paul Hayes. All in Favor. Carried Unanimously.

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Kristina Bernard, and Isabel Tourkantonis