



Billerica Conservation Commission

TOWN HALL, 365 BOSTON ROAD
BILLERICA, MASSACHUSETTS 01821
TELEPHONE (978) 671-0966



*Conservation of Natural Resources
in
Billerica, Massachusetts*

MEETING AGENDA

March 27, 2024

6:30 PM

Town Hall, Room 210
365 Boston Road, Billerica MA

Attendance: Commission Members Bill Bulens (Chair), JoAnne Giovino (Vice Chair), Diane DePaso (Secretary), Paul Hayes, Jack Bowen, Jeff Connell, and Christine Aras. Staff Members Isabel Tourkantonis (Director of Environmental Affairs), and Kristina Bernard (Principal Clerk)

I. **6:37 PM – PUBLIC COMMENT** - None

II. NEW WETLAND HEARINGS:

- **6:39PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Public Hearing – 27 Baldwin Road – Applicant: Tony Marques – DEP File No. 109-1560/BBL-1560

Documents Submitted:

03/12/2024 Received an email with a Notice of Intent from Lucas Perkins with Bayside Engineering for 27 Baldwin Road, stamped and signed by Norman Brown, dated on February 28, 2024, scale 1" = 20' (DEP #109-XXXX)

03/12/2024 Received a Notice of Intent from Lucas Perkins with Bayside Engineering for 27 Baldwin Road, stamped and signed by Norman Brown, dated on February 28, 2024, scale 1" = 20' (DEP #109-XXXX)

Lucas Perkins with Bayside Engineering presented the project to construct an attached 40 foot by 30 foot two-car garage with a driveway within the outer Riverfront Area of Jones Brook on the west side of the property. Infiltration of stormwater runoff from the roof via proposed stone infiltration trench and drip edge is proposed. The applicant is also proposing a 4-foot walk that will allow for pedestrian access to get from the driveway to the existing door of the house. Additionally, the applicant proposes to remove all the asphalt from the driveway area on the eastern side of the house to restore the inner riparian and Buffer Zone associated with Jones Brook. Any asphalt within the 25-foot No Alteration Zone would be removed, loamed, and seeded, along with native tree and shrub plantings. He explained that Norse Environmental flagged the site in August and September of 2023 in the area closer to the house, and they returned in December of 2023 to flag the remaining portions of the property. No work is being proposed within the Green Engineering Floodplain. There will be mitigation measures included in the project to offset the proposed impervious areas.

Isabel Tourkantonis, Director of Conservation, spoke on the project and stated that staff had previously met with the homeowner who has been very proactive about overall wetlands protection on the property as the new owner. She explained that the applicant took staff's advice regarding the inner riparian restoration, which overlaps with the 25-foot Buffer Zone set back. She reviewed all the staff review notes and there was discussion regarding restoration and the need for more information. They discussed the impervious calculations as well; she had requested that these calculations be put on the plan. The limit of bank and BVW resource areas and associated flags should be clearly identified on the plan. There was a discussion regarding the need to show other existing conditions and types of

wetland on the plan since a section of the property supported wet meadow. She noted that a variance would be needed for work in the No Alteration Zone.

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

- Dimensions of all existing structures, such as the house, shed, and patio etc.
- Buffer zone restoration details including the proposed species, quantity, sizes, and location(s).
- A 2-foot by 2-foot stone trench along the side of the driveway for stormwater infiltration.
- Show the post and rail fence for a visual barrier along the 25-foot No Alteration Zone boundary where the driveway will be removed, and inner riparian and buffer zone will be restored near Jones Brook.
- Show the posts with environmental placards to also serve as a visual barrier on other portions of the property.
- Add impervious calculations to the plan.
- Label bank and BVW resource areas and show the inner riparian boundary (100').
- Add flow direction of Jones Brook.
- Show approximate location of existing footpaths and the wet meadow on the property.
- Add the locus and reference the variance request.

Motion: TO continue to the April 10, 2024, meeting made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **7:20PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Public Hearing – 33 Ox Road – Applicant: John Ripa — DEP File No. 109-1562/BBL-1562

Documents Submitted:

03/12/2024 Received a Notice of Intent from Stephen Dresser with Dresser, Williams, and Way for 33 Ox Road, stamped and signed by Stephen Dresser, dated on March 6, 2024, scale 1" = 20' (DEP #109-XXXX)

Stephen Dresser with Dresser, Williams, and Way presented the project to demolish the existing dilapidated single-family home, driveway, and garage, and construct a new single-family home with an attached garage, associated driveway, and a deck on the property. Steve handed out a revised plan that showed a "B" series wetland line that had changed the Buffer Zone by about 770 square feet. A variance request has been requested for work within the applicable 50' No Alteration Zone. The plan includes a post and rail fence with signage to serve as a visual barrier and sediment/erosion controls. An infiltration system is proposed to collect and infiltrate stormwater runoff from the roof and a 2'x 2' stone trench with a 4" perforated pipe along the driveway is also proposed. Steve mentioned the existing house and the proposed house will be 71 feet from the wetlands.

Isabel Tourkantonis, Director of Conservation spoke on the project and explained that this is a challenging site give the layout of the property, old structures, invasive species Japanese knotweed (*Fallopia japonica*), historic dumping and significant debris that must be removed. The project is expected to substantially improve Buffer Zone conditions. Staff agreed with the "B" series, however other portions of the delineation needed to be reassessed in the field. She noted staff had requested that the existing concrete headwall and a 30-inch RPC on the adjacent Conservation owned land be shown on the plan. Staff requested wetland flags 5A, 6A, 7A, and 12A, be re-evaluated in the field by Norse Environmental. The historic debris from the site that has spilled onto the Town-owned property should be removed as part of the project and that the applicant has indicated he would address it.

There was a discussion regarding the trees on site and which ones were staying and which ones were going to be removed because of safety issues.

The Commission and staff noted the following information is missing and/or required on the plan as part of the wetlands review process:

- Label Town land on the plan as Conservation owned.,
- All miscellaneous debris will need to be removed from the site and along the Town property boundary.
- Add information of driveway being graded to the stone infiltration trench.
- Correct the map and parcel referenced on the plan.
- Add details of the post and rail fence with environmental placards (visual barrier).
- Label the stream and overlay of Green Engineering Floodplain.
- Add the distance from the visual barrier to the wetland.
- Provide a revised and corrected page 2 of the NOI for review.

Motion: TO continue to the April 10, 2024, meeting made by Commissioner JoAnne Giovino, seconded by Commissioner Diane DePaso. All in Favor. Carried Unanimously.

III. CONTINUED PUBLIC HEARINGS:

- **7:45 - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 70 & 76 Treble Cove Road – Applicant: Molly Pidgeon/Pidgeon and Co. – DEP File No. 109-1559/BBL-1559

Documents Submitted:

03/22/2024 Received a Request for Continuance from Mary Rimmer with Rimmer Environmental Consulting, LLC for 70-76 Treble Cove Road to the April 10, 2024, meeting (DEP #109-1559)

Motion: TO continue to the April 10, 2024, meeting per the applicant’s request made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **7:46PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 129 Concord Road – Applicant: Neil Gillen-Nuvera Fuel Cells, LLC. — DEP File No. 109-1561/BBL-1561

Documents Submitted:

03/20/2024 Received an email with Supplemental Information from Alex Horgan for 129 Concord Road including a Variance Memo, Stormwater O&M Plans, Redevelopment Checklist, Revised Drainage Memo and Project Narrative, Updated Civil Site Plans, stamped and signed by, Zachary Richards, dated on March 20, 2024, scale as shown on plans (DEP #109-1561)

03/21/2024 Received Supplemental Information from Alex Horgan for 129 Concord Road including a Variance Memo, Stormwater O&M Plans, Redevelopment Checklist, Revised Drainage Memo and Project Narrative, Updated Civil Site Plans, stamped and signed by, Zachary Richards, dated on March 20, 2024, scale as shown on plans (DEP #109-1561)

03/26/2024 Received a Request for Continuance from Alex Horgan with Bohler Engineering for 129 Concord Road to the April 10, 2024, meeting (DEP #109-1561)

Motion: TO continue to the April 10, 2024, meeting per the applicant’s request made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **7:46PM - 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:

03/26/2024 Received a Request for Continuance from Stephen Dresser with Dresser, Williams, and Way for 505 Boston Road to the April 10, 2024, meeting (DEP #109-1548)

Motion: TO continue to the April 10, 2024, meeting per the applicant's request made by Commissioner JoAnne Giovino, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

- **7:47PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 2 Crest Road – Applicant: Charles Van Kirk – DEP File No. 109-1558/BBL-1558

Documents Submitted:

03/26/2024 Received a Request for Continuance from Mitch Maslanka with Goddard Consulting, LLC for 2 Crest Road to the April 10, 2024, meeting (DEP #109-1558)

Motion: TO continue to the April 10, 2024, meeting per the applicant's request made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **7:47PM - 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

Documents Submitted:

03/26/2024 Received a Request for Continuance from Matthew Costa with Beals Associates for 315, 317, & 319 Treble Cove Road to the April 10, 2024, meeting (DEP #109-1557)

Motion: TO continue to the April 10, 2024, meeting per the applicant's request made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 296 Concord Road – Applicant: Kambiz Shahbazi (KS Partners)-CRCC Equity Partners, LLC. – DEP File No. 109-XXXX/BBL-XXXX (**Continued to 04-24-2024**)

IV. ADMINISTRATIVE MATTERS / DIRECTOR'S REPORT:

▪ **Request for Certificate of Compliance (As Built Review)**

- 7:48PM - DEP File No. 109-1445/BBL-1445 – (6 Abanaki Drive)

Documents Submitted:

03/21/2024 Received a Request for Certificate of Compliance from Stephen Dresser with Dresser, Williams, and Way for 6 Abanaki Drive, stamped and signed by, Stephen Dresser, dated on March 12, 2024, scale 1" = 30' (DEP #109-1445)

03/27/2024 Received a Notice from William & Mary Roberto from 4 Abanaki Drive giving permission for Robert and Karen Gallagher from 6 Abanaki to keep fence and swing set on their property as long as they both own their property. (DEP #109-1445)

Isabel Tourkantonis, Director of Conservation, discussed the project, which involved the construction of an inground pool. She stated that there were some minor deviations from the approved project, including the amount of inner buffer zone protection was increased and additional plantings were added and the location of the shed. As shown on the as-built plan, a portion of the swing set and fence is on the abutting property identified as 4 Abanaki Drive. During a discussion with the applicant, he noted that he and the neighbors have been friends for years and that the neighbor did not have a problem with the encroachment. Staff requested a notarized letter from the neighbor with their understanding that they were ok with a portion of the swing set fence line on their property prior to the Commission

closing out the Request for Certificate of Compliance. Aside from the neighbors' written approval, the applicant had revised the as-built plan and submitted all the information required for the RCOC.

The Commission requested that the applicant submit a notarized letter signed by the neighbor acknowledging that the neighbor is aware of the encroachment, gives access permission, and that they have a copy of the as-built plan.

Motion: TO neither accept and/or deny the Request for Certificate Compliance, allowing the applicant time to obtain a notarized letter from the neighbor for the record, made by Commissioner Diane DePaso, seconded by Commissioner Jeff Connell. All in Favor. Carried Unanimously.

▪ **7:56PM - Miscellaneous Updates**

Isabel Tourkantonis, Director of Conservation discussed an inquiry from the DPW to repair the existing gravel parking lot at the Vietnams Veterans Park with gravel. She discussed that the parking lot is full of large potholes and low spots, which results in safety hazards for the public, including children who use the soccer fields and vehicles. It was also discussed that the DPW would like to add some light striping to help address pedestrian and child safety. Staff conducted a site visit with the DPW Director, Fred Russell who agreed to install large boulders and posts with environmental signage at the edge of the designated parking lot. This would help prevent vehicles from encroaching on the adjacent wetland and alert site users of adjacent wetland resources.

Motion: TO approve minor repairs administratively made by Commissioner JoAnne Giovino, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

▪ **8:02PM - Minutes:** 1-25-2023, 4-26-2023

Tabled until the April 10, 2024, meeting

V. 8:02PM - ADJOURN

Motion: TO adjourn made by Commissioner Jeff Connell, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Kristina Bernard, and Isabel Tourkantonis