



Billerica Conservation Commission

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



*Conservation of Natural Resources
in
Billerica, Massachusetts*

MEETING AGENDA

May 8, 2024

6:30 PM

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

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

I. 6:30 PM – PUBLIC COMMENT - None

II. NEW WETLAND HEARINGS:

- 6:31PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Public Hearing 8 Albion Road – Applicant: Nicholas Farmer – DEP File No. 109-1568/BBL-1568

Documents Submitted:

04/24/2024 Received a Notice of Intent from Stephen Dresser with Dresser, Williams, and Way for 8 Albion Road, stamped and signed by Stephen Dresser, dated on April 17, 2024, scale 1" = 20' (DEP #109-XXXX)

Stephen Dresser with Dresser, Williams, and Way presented the project to construct an in-ground pool, patio, and cooking area within the 100-foot Buffer Zone to the Bordering Vegetated Wetland. He stated that they will remove some portions of the existing gravel areas and replace it with lawn in the amount of two thousand three hundred and thirty-five (2,335) square feet. A 500-gallon leaching pit with stone surrounding it will be added to take flow from the gutter system, as well as the pool overflow. There will be a post and rail fence with signage and additional plantings added along the 25-foot No Alteration Zone. A 4-foot opening will be left open within the fence to demarcate a path that goes to an existing bench that the applicant already has. The delineation had been completed three years ago, but the engineer needed to replace a few flags for this project. A stone trench will be added to the back of the patio and an impervious area will be added so that the runoff can be infiltrated. A variance under Section 3.03.C.2 has been requested to exceed the allowable impervious area, as well as to restore the buffer zone area within the 25 foot No Alteration Zone (Section 3.03.C.3.b).

Isabel Tourkantonis, Director of Conservation brief discussed the project and noted staff had previously inspected the site in spring 2020 during COVID timeframe as part of a building application to construct an addition/garage on the property. At that time, the applicant was required to complete a wetland delineation to determine the extent of wetland and associated Buffer Zone on the property. The applicants were also provided with education regarding the importance of Buffer Zone protection. As part of that Building application review, the applicants agreed to restore disturbed sections of inner Buffer Zone with native plantings. It was concluded that the project was proposed outside the Buffer Zone and did not trigger review under the MA Wetlands Protection

Act and Bylaw. Regarding the revised plan presented by S. Dresser for the current project, she confirmed that the revised plan included required edits and information including a datum, dimensions and the DEP File No. The project narrative was also updated to include the variance requests.

The Commission thought the plan was very thought out but would like the dirt bike path to be stabilized and pulled back out of the 25-foot No Alteration Zone. They also said the minimum size of the trees to be planted as part of this project should be 4 to 8 feet. The Commission included conditions to stabilize the bike path when the son outgrows the course but in the meantime to provide slight earthen berm at the edge to protect the inner Buffer Zone and if/when the shed is to be replaced that it be relocated outside of the No Alteration Zone and to restore said shed area with loam and conservation/wildlife seed mix and adjust the visual barrier to the 25' buffer setback.

Motion: TO approve variance to Section 3.03.C.2 Impervious Surface made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

Motion: TO approve variance to Section 3.03.C.3(b) 25-foot No Alteration Zone made by Commissioner JoAnne Giovino, seconded by Commissioner Paul Hayes. All in Favor. Carried Unanimously.

Motion: TO close, sign, and issue the Order of Condition and include special conditions discussed, made by Commissioner JoAnne Giovino, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

III. CONTINUED PUBLIC HEARINGS:

- **6:48PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 129-222 Rangeway Road – Applicant: Town of Billerica, DPW – DEP File No. 109-1567/BBL-1567 (*Continue to 05-22-2024*)

Documents Submitted:

05/02/2024 Received a Continuance Request from Dan Scott with Woodard and Curran for the DPW Sewer and Pump Project on Rangeway Road to the May 22, 2024, meeting (DEP #109-1567)

05/08/2024 Received Supplemental Information from Dan Scott with Woodard and Curran for Rangeway Sewer Project, Comments to Commission Responses, Revised Plans, stamped and signed by Daniel Scott, dated on May 2, 2024, scale as shown on plans (DEP #109-1567)

Motion: TO continue to the May 22, 2024, meeting per the applicant's request made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **6:49PM - 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. 109-1563/BBL-1563 (*Continue to 05-22-2024*)

Documents Submitted:

05/07/2024 Received a Continuance Request from Angela Botta with Bohler Engineering for 296 Concord Road to the May 22, 2024, meeting (DEP #109-1563)

Motion: TO continue to the May 22, 2024, meeting per the applicant's request made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **6:50PM - 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: - None

Matthew Costa with Beals Associates, Inc. presented the continued hearing to give an update since the last meeting on February 14, 2024. He discussed the ORAD from December of 2023 and went over the Peer Review, which was received on March 1, 2024, and stated that they will be addressing the comments. They provided revised information pertaining to Riverfront Area impacts and wetland replication area since the project involves filling in two isolated vegetated wetland areas. The replication design provides a 2:1 wetland replication to alteration ratio and will replicate Bordering Vegetated Wetland. Matthew also discussed that the Planning Board had requested they construct a new sidewalk along Treble Cove Road, and he asked if the Commission would be okay with this idea. Additional information concerning reduced parking and green space was briefly provided by Todd Morey of Beals Associates, Inc.

Isabel Tourkantonis, Director of Conservation discussed the project and reminded everyone that at the first meeting the Commission requested the applicant provide an alternative analysis addressing options to minimize parking and related impervious surface area and edits to the Operation and Maintenance Plan. The Commission understands the Planning Boards request for the new sidewalk along Treble Cove Road which would provide pedestrian access and safety and advised the applicant that all proposed work within local and state wetland jurisdictional areas needs to be added to the site plan. The applicant must quantify any temporary or permanent impacts to applicable wetland resource areas such as bank, BVW and Riverfront Area and provide any restoration and mitigation necessary.

The Commission commented on the applicant trying to reduce the scale of the project including buildings and parking areas. They also advised the applicant to coordinate with Engineering/DPW to discuss the design details of a new sidewalk.

Motion: TO continue to the June 12, 2024, meeting made by Commissioner JoAnne Giovino, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

- **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 (*Continued to 05-22-2024*)

IV. ADMINISTRATIVE MATTERS / DIRECTOR'S REPORT:

- **7:22PM - Request for Emergency Certificate**
 - 3 Wildcrest Avenue

Isabel Tourkantonis, Director of Conservation discussed the Request for Emergency Certificate to fix the foundation to the right of the house. If this is not corrected immediately then this can cause additional damage to the existing dwelling. The applicant will need to dig a trench 10 to 15 feet in length and no deeper than the bucket, then will be backfilled and seeded on the same day. The work needs to be rectified as soon as possible. Staff recommended approving the Emergency Certificate with erosion control (Straw Wattle).

Motion: TO approve the Emergency Certificate made by Commissioner JoAnne Giovino, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

▪ **7:27PM - Miscellaneous Updates**

Isabel Tourkantonis, Director of Conservation discussed some slides that will be shown at the Town Meeting on May 9, 2024, regarding the By-Law and the Wetland Protection Act to go with the Article 41 that was being proposed to remove the Towns Conservation By-Law. She discussed the importance of why it is needed and why it will need to be discussed.

The Commission also discussed some of their concerns on why they felt it was important to make sure this was shown as well.

▪ **7:33PM - Minutes:** 1-25-2023, 4-26-2023

Tabled until the May 22, 2024, meeting

V. 7:33PM - ADJOURN

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

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Kristina Bernard, and Isabel Tourkantonis