



# *Billerica Conservation Commission*

TOWN HALL, 365 BOSTON ROAD  
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## **MEETING AGENDA**

**June 24, 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, and Christina 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 – 764 Boston Road – Applicant: Deborah Roy, Roy Bros - File No. 109-XXXX/BBL-XXXX

**Documents Submitted:**

06/11/2024 Received a Notice of Intent from Stefan Sokol with Groundwater & Environmental Services Inc. (GES) for 764 Boston Road, stamped and signed by John Bremser, dated on October 10, 2024, scale as shown on plan (DEP #109-XXXX)

06/18/2024 Received Missing Information for the Notice of Intent from Stefan Sokol from Groundwater & Environmental Services, Inc. for 764 Boston Road, Abutter's List and Certified Mailing Receipts, Wetland By-Law Application and Fee (Check 518094), Permit Status Form, and O&M Plan (DEP #109-XXXX)

Stefen Sokol with Groundwater & Environmental Services, Inc., presented the project to excavate and remove shallow impacted soil from areas that were wastewater infiltration lagoons (former eastern lagoons) associated with previous facility operations located at the Roy Bros., Inc. property at 764 Boston Road. will in those area as well. The work is part of ongoing environmental site investigations conducted in accordance with the Massachusetts Contingency Plan (MCP) site clean-up regulations (310 CMR 40.00). The project includes tasks under property listed MassDEP Site No. 3-2036 including: soil boring and monitoring well installation for general site assessment and monitoring; remedial excavation in previously identified areas AOC-3A (northern area) and AOC-4 (southern area) at locations of former wastewater infiltration basins that were historically backfilled around the 1980's. The intent is to excavate up to 8 feet below grade in area AOC-3A and 6 feet below grade in area AOC-4 to remove phthalate and petroleum impacted soil. Areas will be restored to pre-existing grades. Some work will be performed along the Bordering Vegetated Wetland boundary, inner Buffer Zone (25' inner buffer setback/No Alteration Zone), Bordering Land Subject Floodplain and the 100' Buffer Zone; and post-excavation monitoring wells and pilot test wells installation within the AOC -3A and AOC-4 areas.

Isabel Tourkantonis, Director of Environmental Affairs discussed the ongoing work at this site and reminded the Commission that this site is being monitored under the Massachusetts Contingency Plan (MCP). As a result, this work is constantly being reviewed by the Mass DEP. As part of this current filing, she discussed the test pits for soil and well water monitoring and that the project work is limited to areas already in use for parking and site access. She requested clarification on the degree of excavation work that may occur along the Bordering Vegetated Wetland. Since the extent of excavation appeared questionable she recommended the NOI include an approximate temporary impact to BVW in the event some of the work needed to extend into the wetland boundary. There was discussion on the restoration of BVW and

inner Buffer Zone including stabilization of the slope that would be required. Staging and stockpiling of contaminated soil was discussed and how it would be best managed during construction. The area to be used for temporary stockpiling and staging equipment must be shown on the site plan.

The temporary stockpiling of contaminated soil was discussed and how it would be best managed during construction. The Commission requested that the area to be used for temporary stockpiling and staging of equipment be shown on the site plan. The existing monitoring wells should also be clearly marked in the field with construction cones on top of them or similar means. The fleet of tank trailers stored within the inner Buffer Zone and the day-to-day operation on the property was discussed. The Commission noted that an Operation and Maintenance Plan must be implemented routinely given the location of the property near the Shawsheen River. The Commission requested that snow management and areas where snow may be stored and stockpiled be added to the plan. It clarified snow should not be plowed in the direction of the wetland. The Commission wanted to make sure the snow would not be pushed down into the wetlands. A visual barrier with signage along the 25-foot No Alteration Zone or along the tree line, whichever is farther from the resource areas. The applicant needs to clarify the wetland delineation date because the NOI and the wetland report reference two different dates. There was discussion about where the contaminated soils will be transported and how long the contaminated soils remain onsite before they are removed from the site. According to the applicant's representative, they have up to 120 days before contaminated soil needs to be removed from the site.

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

- show proposed snow storage areas to the plan,
- revise the Operation and Maintenance Plan
- show estimated temporary BVW impacts near proposed excavation areas
- submit a revised page 2 of WPA 3 NOI Form with BVW impacts and replacement BVW
- reference stabilization and restoration plan for temporarily impacted inner buffer zone and slope
- correct the wetland delineation date, add a construction sequence to the plan, and add a required visual barrier with signage along the 25-foot No Alteration Zone.

**Motion:** TO continue to the July 15, 2024, meeting made by Commissioner JoAnne Giovino, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

- **7:40PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Public Hearing – 10 Callahan Street – Applicant: Derek Allgaier, DH Realty Trust – DEP File No. 109-1571/BBL-1571

**Documents Submitted:**

06/12/2024 Received a Notice of Intent from Stephen Dresser with Dresser, Williams, and Way for 10 Callahan Street, stamped and signed by Stephen Dresser, dated on June 6, 2024, scale 1" = 20' (DEP #109-XXXX)

Stephen Dresser with Dresser, Williams, and Way, Inc. presented the project to demolish a single-family home and reconstruct a new single-family home with a garage and an infiltration system, proposed entirely outside of the 50-foot No Alteration Zone. The project includes the removal of a shed and old horseshoe pit from the inner Buffer Zone and restoration native tree and shrub plants. There will be erosion controls and a post and rail fence with signage to serve as the required visual barrier.

Isabel Tourkantonis, Director of Environmental Affairs confirmed staff agreed with the wetland delineation which is entirely off the property and discussed how the degree of restoration will be significant on this site. The NOI did not include a Stream Stats analysis verifying the intermittent status of the stream.

The Commission discussed the Stream Stats analysis and confirmed one must be provided with the wetlands filing. They also discussed the need to provide greater inner Buffer Zone to the wetland boundary upgradient of WF 2A and WF 3A, along the proposed 126' contour line. The debris including old piles of timber, horseshoe pit and other materials in the backyard was discussed and stated it must all be removed from the inner Buffer Zone. There was also discussion about the possibility of a land donation to the Conservation Commission, specifically the parcels supporting vegetated wetland and floodplain located northeast of the property and which are also owned by the same applicant/developer.

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

- add a North Arrow to the plan,
- submit a Stream Stats as part of the wetland delineation report.
- Remove debris from the property, Buffer Zone.
- clean up debris and add a construction sequence.

Gary Allen, resident to the left of 10 Callahan Street, discussed the grading changes proposed and expressed concern about a potential increase in stormwater runoff from the project site. Steve Dresser noted stormwater runoff from the new roof and driveway would be infiltrated with a proposed Stormtech infiltration unit behind the house and a stone infiltration trench with a perforated pipe along the driveway. He also explained they will bring the property to grade and there will most likely be a small swale to capture stormwater runoff as well.

**Motion:** TO continue to the July 15, 2024, made by Commissioner JoAnne Giovino, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

- **8:00PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Public Hearing – 55A Richardson Street – Applicant: Steve Clery – DEP File No. 109-1572/BBL-1572

**Documents Submitted:**

06/12/2024 Received a Notice of Intent from Stephen Dresser with Dresser, Williams, and Way for 55A Richardson Street, stamped and signed by Stephen Dresser, dated on June 7, 2024, scale 1" = 20' (DEP #109-XXXX)

Stephen Dresser with Dresser, Williams, and Way, Inc. presented the project to construct a single-family home with associated utilities, along with an infiltration system. He noted the property is owned by Cabot Corporation who purchased the property in October 1998 and razed the single-family home shortly after the purchase. He referenced the aerial photos included in the NOI which show the prior home and current conditions of the property. Due the layout of the lot, the applicant is seeking a variance from the 50' No Alteration Zone, Section 3.03.C.3.a. The applicant who is purchasing the property is proposing to mitigate the variance request by protecting additional forested land well outside the 50' No Alteration Zone to the rear of the house. The forested Buffer Zone to be protected totals approximately 4,000 square feet and abuts town-owned forested land.

Isabel Tourkantonis, Director of Environmental Affairs reminded the Commission that they just recently approved a project to construct a new house on the adjacent lot next identified as 55 Richardson Street. She reviewed the request by the applicant seeking a variance under the Bylaw and presented records she obtained from the assessor's office.

The Commission discussed that the project on the subject lot is a special case, and that it would consider issuing a Variance from the 50' No Alteration Zone because of the historic use and the previous structure/dwelling that existed is documented on Assessor's records. There was discussion about the need to provide higher and greater mitigation as warranted under the Variance review process since site conditions have changed over time. The possibility of donating the fully vegetated land at the back of the property was discussed. The Commission noted the variance request must be corrected to reflect the right address and map/lot information.

The Commission and staff noted the following information is missing and required on the project plan and/or NOI record: update the construction sequence to show the post and rail fence with signage to serve as the required visual barrier; include permanent markers along the northern and western property boundaries adjacent to the town-owned land; add a note to show the pitch of the driveway to the proposed stone infiltration trench; provide impervious calculations; add the correct address on the variance request.

Steve Clery, applicant, stated that he had no issues with the donation but would need to discuss it with Cabot Corporation first.

**Motion:** TO continue to the July 15, 2024, meeting made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

### III. CONTINUED PUBLIC HEARINGS:

- **8:15PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Abbreviated Notice of Resource Area Delineation – Continued Public Hearing – 56 Dudley Road – Applicant: Francis McCarthy, Kasher Corporation – DEP File No. 109-1569/BBL-1569

#### Documents Submitted:

06/18/2024 Received Supplemental Information from Stephen Dresser with Dresser, Williams, and Way for 56 Dudley Road, Stream Stat Reports, Response to Comments, Revised Plans, stamped and signed by Stephen Dresser, dated on June 17, 2024, scale 1' = 40' (DEP #109-1569)

Maureen Herald with Norse Environmental presented the continued project and went over the revisions presented on a cover letter that had been submitted with the revised plan.

Isabel Tourkantonis, Director of Environmental Affairs, noted based on staff review, it appeared all of the review comments by the Commission and staff had been addressed since the last hearing. The Commission noted it was satisfied with all the revisions.

Volker Nahrman, resident of 319 Nashua Road, was concerned about where the plot lines are and the setbacks. It was explained that the purpose of this hearing was to confirm the location of local and state jurisdictional wetland resource areas and not for a specific project or development at this time. The ANRAD was submitted for the 56 Dudley Road property as a whole.

Stephen Dresser with Dresser, Williams, and Way spoke on the resident's question and explained that they would be back with a different filing when they were ready to proposed residential development.

**Motion:** TO close, sign, and issue the Order of Conditions made by Commissioner JoAnne Giovino, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

- **8:21PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 11 Kingston Street – Applicant: Eric Nash, NPH Real Estate LLC - File No. 109-1570/BBL-1570

#### Documents Submitted:

06/20/2024 Received Supplemental Information from Robert Crowell with Crowell Engineering for 11 Kingston Street, Revised Wetland By-Law Application Form, Revised Sewage Disposal System Repair, stamped and signed by Robert Crowell, dated on June 18, 2024, scale 1" – 20' (DEP #109-1569)

Robert Crowell with Crowell Engineering presented the continued project and went over the requested revisions to add a silt fence, add a driveway trench drain to the plan, add the plantings and seed-mix to the plans required to restore inner Buffer Zone,

Isabel Tourkantonis, Director of Environmental Affairs, spoke on the project and felt most of the required information had been provided, but reminded them that the Commission requested that the area outside of the 25-foot No Alteration Zone be loamed, seeded and stabilized and that should be reflected on the site plan.

The Commission stated that they would need an updated By-Law form for the NOI. They also discussed a few of the additional concerns they had with the driveway, and whether they were going to be repairing it or not because this would be the time to include it in the project proposal. The size of the trees and shrubs were discussed, and the Commission clarified tree plantings should be 6-feet on center and 4-6-feet tall.

Eric Nash, applicant confirmed that they will patch the driveway and will add a 2' x 2' stone trench on the downgradient side.

David Rivera, Partner to the applicant spoke on his concerns regarding the number of shrubs, trees, and their sizes in length. It was explained that his Wetland Scientist is the one that created the plan and submitted it as is, not the Commission. There was discussion about reducing the quantity of trees and shrubs needed to restore BVW and the inner Buffer Zone. Given the land area, the Commission agreed a revised plan could be submitted showing a reasonable decrease in plants for review.

**Motion:** TO continue to the July 15, 2024, meeting made by Commissioner JoAnne Giovino, seconded by Commissioner Paul Hayes. All in Favor. Carried Unanimously.

- **8:48PM - 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 (Requested to be continued to July 15, 2024, by the applicant)

**Documents Submitted:**

06/20/2024 Received a Request for Continuance to July 15, 2024, meeting from Stephen Dresser with Dresser, Williams, and Way for 505 Boston Road (DEP #109-1548)

**Motion:** TO continue to the July 15, 2024, meeting per the applicant's request made by Commissioner Paul Hayes, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **8:48PM - 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

**Documents Submitted:**

06/18/2024 Received Supplemental Informational from Angela Botto for 296 Concord Road, Response to Comments, Revised TSS and Phosphorus Removal Calculations, and Revised Site Plans, stamped and signed by Zachary Richards, dated on June 17, 2024, scale as shown on plans (DEP #109-1563)

06/19/2024 Received and Updated Peer Review from Phil Paradis with Beta Group for 296 Concord Road (DEP #109-1563)

Zachary Richards, Senior Project Manager with Bohler and Todd Greenfield with KS Partners presented the continued project and reminded the Commission that they have been working with the Planning Board for permitting, and the Board of Health as well to get a Stormwater permit and to request a waiver due to high ground water. They are seeking a relief of 1-foot separation to groundwater. Zach provided updates on the Peer Review with Beta and noted they addressed all the peer review comments. He discussed some of the swales that go around the parking area and that they flow to the wetland to the south of the project location. There was discussion concerning the vegetated swale that is also defined as floodplain and an intermittent stream on Green Engineering Floodplain maps. Based on the Commission's review, this is an intermittent stream which conveys both surface and stormwater flow from a wetland area to the north (also mapped as Green Engineering Floodplain) and drainage infrastructure under the driveway between 294 and 296 to a larger wetland system south of the project site. He also went over some other Commission's concerns and stated that they pulled back the pedestrian walkway to the west, addressed the visual barrier (wooden guardrail) upgradient of the wetland, and he discussed the conservation seed-mix that would be used to restore area. He discussed the dumping at 600 Technology Park Drive and noted they will add signage and possibly a camera to monitor the area. Lastly, he discussed the emergency culvert repair to the west. He had Lucas Environmental examine the culvert. They have submitted a temporary repair solution with hopes of doing a full repair as soon as possible when they get a new tenant in the building.

Isabel Tourkantonis, Director of Environmental Affairs, discussed the drainage swales and the BVW at the end of the swale and agrees that there are grass swales around the parking lot which are part of a complex drainage system. However, she concurred with the Commission that there is an intermittent stream also mapped locally as Green Engineering Floodplain that connects a wetland system north of the site to a larger wetland system to the south. This intermittent stream is conveyed under the driveway between 294 and 296 Concorde Road and the culvert must be repaired as soon as possible for pedestrian and vehicular safety reasons and to convey proper stream flow.

The Commission discussed the emergency culvert repair. They also stated that they applicant must submit the scope and schedule of work as part of the emergency certificate review. There was discussion about the O&M Plan which must specify the times of cleaning, such as November/Fall and April/Spring, etc. The Commission will need a scope and budget on the culvert repair before any work is permitted.

Motion: TO continue to the July 15, 2024, meeting made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried unanimously.

- **9:44PM - 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 (Requested to be continued to July 15, 2024, by the applicant)

**Documents Submitted:**

06/19/2024 Received and Updated Peer Review from Phil Paradis with Beta Group for 315, 317, 319 Treble Cove Road (DEP #109-1557)

06/24/2024 Received a Request for Continuance to July 15, 2024, meeting, from Matthew Costa with Beals Associates for 315, 317, & 319 Treble Cove Road (DEP #109-1557)

Motion: TO continue to the July 15, 2024, meeting per the applicant's request made by Commissioner Jack Bowen, seconded by Commissioner Paul Hayes. All in Favor. Carried Unanimously.

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

- **9:44PM - Miscellaneous Updates**

Isabel Tourkantonis, Director of Environmental Affairs, discussed wetlands permit associated with 2 Billerica Avenue (DEP File No. 109-1503). This project included the replacement of the back end of the house with a small addition due to fire damage. The work is complete; however, the applicant/homeowner is seeking a hardship restriction on the type of visual barrier due to funding issues and would like to install boulders and wooden posts with signs in lieu of a post and rail fence. The Director also discussed the location of the swing set. .

**Motion:** TO allow administrative approval for the swing set to remain in its current location and the use of boulders with wooden posts and signage to serve as the required visual barrier, made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **9:49PM - Minutes:** 1-25-2023, 4-26-2023

\*\*\*\*Tabled to the July 15, 2024, meeting\*\*\*\*

**V. 9:52PM - ADJOURN**

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

Respectfully submitted,

Diane DePaso, Secretary