



# *Billerica Conservation Commission*

TOWN HALL, 365 BOSTON ROAD  
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*Conservation of Natural Resources  
in  
Billerica, Massachusetts*

## **MEETING AGENDA**

**September 23, 2024**

**6:30 PM**

**Room 210**

**365 Boston Road, Billerica MA**

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

**6:30 PM – PUBLIC COMMENT – None**

### **I. NEW WETLAND HEARINGS:**

- **6:32PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Public Hearing – 8 Irene Avenue – Applicant: Cheryl Baker – DEP File No. 109-1583/BBL-1583

### **Documents Submitted:**

09/09/2024 Received a Notice of Intent from Stephen Dresser with Dresser, Williams, and Way for 8 Irene Avenue, stamped and signed by Stephen Dresser, dated on August 28, 2024, scale 1" = 20' (DEP #109-XXXX)

Stephen Dresser with Dresser, Williams, and Way presented the project to construct a garage on the western side of the existing dwelling and expand the driveway within the 100 feet of the Buffer Zone to Bordering Vegetated Wetlands. The project as presented will increase impervious surface area by approximately 466 square feet. A variance request under Section 3.03.C.3.b for restoration activities within the 25' No Alteration was included in the NOI submittal. There was discussion regarding the potential use of unclean fill along the southwest portion of the site due to pieces of asphalt, tire, and plastic observed along the steep slope. The property owners Cheryl and Jim Baker noted that they are not aware of unclean fill being used historically on the site and would take a closer look at the area.

S. Dresser noted that the project does not require infiltration of stormwater runoff or any stormwater management because the project involves less than 500 square feet of new impervious surface area. It was clarified by the Commission and staff that the Wetlands Protection Bylaw requires at least a brief assessment to determine if it is feasible to infiltrate and recharge stormwater runoff. The Commission requested the runoff from the expanded dwelling and driveway be mitigated with simple measures if feasible, such as a stone infiltration trench, particularly due to the sloped nature of the site.

Isabel Tourkantonis, Director of Conservation, discussed the project and noted the delineation is accurate in the field. Given the site conditions she recommended the plan show the limits of the septic system to avoid any damage to the system by heavy machinery during construction and that the steep slope be assessed and stabilized to prevent erosion.

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

- Assess the fill along the steep slope and adequately stabilize the slope since there are existing washout /gully areas that have formed within the Buffer Zone to wetland.
- Remove any miscellaneous debris and trash from the wetland boundary and inner Buffer Zone.
- Restoration of the inner Buffer Zone must include scarification of ground surface to remove gravel and other disturbance in some areas, including the area upgradient of Wetland Flags 5 and 6.

- Add construction sequence.
- Add dimensions of existing structures and the proposed width of expanded paved driveway.
- Provide means of infiltration stormwater runoff from the new roof and driveway.
- Include the correct map and parcel reference for the subject property.
- Add temporary staging and stockpiling area.
- The owner shall cease mowing along the wetland boundary.
- Include a restoration plan with native tree and shrub plants and conservation/wildlife seed mix.
- Show the setback of the septic system to the new structure.
- Remove dumped landscaping debris from the wetland boundary and inner buffer zone.

**Motion:** TO continue to the October 15, 2024, meeting 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 – Public Hearing – 25 Biscayne Drive – Applicant: Stephen Connolly – DEP File No. 109-1582/BBL-1582

**Documents Submitted:**

09/09/2024 Received a Notice of Intent from Ashkar Engineering & Surveying for 25 Biscayne Drive, stamped and signed by George M. Atallah, Professional Engineer, and Michael El-Ashkar, Professional Land Surveyor, dated on September 5, 2024, scale 1" = 20' (DEP #109-XXXX)

Michael El-Ashkar presented the project to construct a garage/addition and a redesigned driveway within 100 feet of the Buffer Zone to the Bordering Vegetated Wetlands. He explained the historic drainage issues associated with the pitch of the driveway and the road. The new project will also help address drainage problems. The design includes a degree of infiltration of stormwater from the new roof area and he noted that the rest of the roof and driveway would run off onto the roadway. There was discussion about the need to infiltrate stormwater runoff from the redesigned driveway and new structure, which is near the wetland and to avoid hazard conditions on the roadway. The Commission clarified that the restoration plan should include planting details, including the species, size, and quantity.

Isabel Tourkantonis, Director of Conservation, discussed the project and confirmed that staff agreed with the delineation. The Commission and staff noted the following information is missing and required on the plan and/or NOI file:

- Add Locus.
- Date of the delineation completed by Norse Environmental.
- Brief construction sequence.
- Add dimensions of existing and proposed structures and clarify limits of the new driveway and area(s) of proposed Buffer Zone restoration.
- Detail of erosion/sedimentation controls.
- Clarify that a portion of the existing vinyl fence will be used as the visual barrier.
- Add variance request 3.03.C.3.b reference.
- Infiltrate stormwater runoff from the driveway, potentially with a stone infiltration trench.
- Prepare an O&M Plan to educate the owner of any maintenance needed for stormwater control measures, such as a stone trench and drywell.
- Add a visual barrier comprised of a post and rail fence and vinyl fence with environmental placards.
- Submit a planting scheme for restoration areas and also include a portion of the inner Buffer Zone at the front corner of the property.
- Remove any miscellaneous debris and trash from the wetland boundary.

The Commission referenced the condition that if the existing vinyl fence is ever to be removed and/or replaced, it will need to be moved out of the 25-foot No Alteration Zone.

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

**II. CONTINUED PUBLIC HEARINGS:**

- **7:26PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 500 High Street – Iron Horse Park – Applicant: Jon Silva, Standex International c/o Spincraft – DEP File No. 109-1580/BBL-1580

**Documents Submitted:**

09/16/2024 Received Supplemental Information from Robert Coluccio for 500 High Street – Ironhorse, Revised WPA Form 3 – Notice of Intent Form, Revised O&M Plan, Updated A-1 Site List, stamped and signed by Robert Coluccio, dated on September 9, 2024, scale 1" = 40' (DEP #109-1580)

Robert Coluccio, PE with Web Engineering Associates, Inc., presented a revised plan for the proposal to install six 1,000-gallon above ground propane tanks. Robert stated that he reviewed the comments from the first hearing with staff and is confident all the items have been addressed, including but not limited adding restoration plantings to disturbed areas of inner buffer zone, a visual barrier, a stone infiltration trench along the edge of the parking lot, a revised Operation and Maintenance Plan was submitted and now includes snow management, and a revised WPA Form 3 – Notice of Intent (Page 3).

Isabel Tourkantonis, Director of Conservation, concluded that based on staff review it appeared all comments had been addressed. There was discussion regarding the size of the proposed restoration plants and the need for signage designating the location of snow stockpiling on the property.

The Commission conditioned two items: 1) restoration of inner buffer zone shall be coordinated with Conservation staff and shall include 6 to 8 native, buffer zone friendly shrubs; shrub shall be 2 to 4 feet in height, and the restoration area shall be seeded with a conservation wildlife mix; and 2) signage should be installed indicating the snow storage areas.

**Motion:** TO approve variance 3.0.3.C.3(B) for the 25-foot No Alteration Zone made by Commissioner JoAnne Giovino, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

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

- **7:41PM – 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 (*Continue to the 10-15-2024 meeting per the applicant's request*)

**Documents Submitted:**

09/18/2024 Received a Request for Continuance to October 15, 2024, meeting from Stephen Dresser with Dresser, Williams, and Way for 505 Boston Road (DEP #109-1548)

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

- **7:42PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 309 Boston Road – Applicant: Joseph Arria, JMA

Properties, LLC – DEP File No. 109-1581/BBL-1581 (*Continue to the 10-15-2024 meeting per the applicant's request*)

**Documents Submitted:**

09/13/2024 Received a Peer Review from Brian Dunn with MBL Land Development for 309 Boston Road (DEP #109-1581)

09/17/2024 Received a Peer Review from Brian Dunn with MBL Land Development for 309 Boston Road (DEP #109-1581)

09/20/2024 Received an email Request for Continuance to October 15, 2024, meeting from Stephen Dresser with Dresser, Williams, and Way for 309 Boston Road (DEP #109-1581)

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

- **7:43PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 223 Boston Road – Applicant: Luke Bouchard, Enterprise Bank & Trust Company – DEP File No. 109-1574/BBL-1574 (*Continue to the 10-15-2024 meeting per the applicant's request*)

**Documents Submitted:**

09/10/2023 Received a Peer review from Brian Dunn with MBL Land Development for 223 Boston Road (DEP #109-1574)

09/13/2024 Received a Peer Review from Brian Dunn with MBL Land Development for 223 Boston Road (DEP #109-1574)

09/14/2024 Received an email Request for Continuance from Kevin Sanders with EBI Consultants for 223 Boston Road to the October 15, 2024, meeting (DEP #109-1574)

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

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

- **7:43PM - Request for Certificate of Compliance (As-Built Review)**
  - DEP File No. 109-1529/BBL-1529 – 1 Hunt Road

**Documents Submitted:**

09/13/2024 Received Updated As-Built Plans from Stephen Dresser with Dresser, Williams, and Way for 1 Hunt Road, stamped and signed by Stephen Dresser, dated on August 19, 2024, scale 1" = 30' (DEP #109-1529)

Mike DeVito, Conservation Land Use Assistant, discussed the Request for Certificate of Compliance submitted to the Commission and reminded them that the project was approved in March 2023 and included construction of a residential addition on an existing single-family dwelling and associated utilities. The project design also included restoration of onsite inner Buffer Zone and a visual barrier (relocation of existing chain link fence with environmental signage) to aid in the preservation and long-term protection of the restored inner Buffer Zone. Staff concluded that all the revised information including the revised as-built plan and documentation required as part of the RCOC review has been addressed.

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

- **7:45PM - Request for Extension**

- DEP File No. 109-1465/BBL1465 – Boston Road (Route 3A) Rehabilitation Project

**Documents Submitted:**

09/16/2024 Received a Request for Extension from Kelly Conway, DPW Town Engineer for Boston Road (Route 3A) Project (DEP #109-1465)

Isabel Tourkantonis, Director of Conservation, discussed the Request for Extension that was submitted by DPW seeking a 3-year extension to the Order of Conditions. The roadway improvement project is extensive and includes temporary work within BVW and the inner Buffer Zone that will need to be restored and monitored. The multi-year project remains under construction by the MassDOT and Town.

**Motion:** TO issue the three-year extension made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **7:46PM - Miscellaneous Updates**

Isabel Tourkantonis, Director of Conservation, provided a brief update on the Katie Durand Memorial Park: all the punch list items have been completed by the contractor. She confirmed that a small dedication ceremony is planned for Katie's parents and family for September 25, 2024 at 11 AM.

- **7:46PM - Minutes:** 1-25-2023, 4-26-2023, 5-8-2024

**Motion:** TO accept the meeting minutes for 05-08-2024 with minor modifications made by Commissioner Diane DePaso, Seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

\*\*\*\*Meeting minutes for 01-25-2023 and 04-26-2023 were tabled to October 15, 2024, meeting\*\*\*\*

**IV. 7:47PM – ADJOURN**

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

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Kristina Bernard and Isabel Tourkantonis