



Billerica Conservation Commission

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



MEETING AGENDA

October 15, 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, Tom Nellson, and Jeff Connell (arrived at 6:39PM). Staff Members - Isabel Tourkantonis (Director of Environmental Affairs), Mike DeVito (Conservation Land Use Assistant), and Kristina Bernard (Head Administrative Clerk)

I. 6:30 PM – PUBLIC COMMENT - None

II. 6:31PM - NEW WETLAND HEARING:

- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Public Hearing – 123 Andover Road – Applicant: DH Realty Trust – DEP File No. 109-1584/BBL-1584

Documents Submitted:

09/30/2024 Received a Notice of Intent from Stephen Dresser with Dresser, Williams, and Way for 123 Andover Road, stamped and signed by Stephen Dresser, dated on September 26, 2024, scale 1" = 20' (DEP #109-XXXX)

Stephen Dresser with Dresser, Williams, and Way presented the project to demolish the existing house and construct a new single-family dwelling with associated driveway and utilities within the 100-foot Buffer Zone to Bordering Vegetated Wetlands. The applicant asked permission to remove a large white Maple that is touching the neighbor's roof. The project will not encroach into the vegetated 50 foot No Alteration Zone and includes an infiltration system in the back of the dwelling and a stone trench along the driveway to infiltrate stormwater runoff.

Isabel Tourkantonis, Director of Environmental Affairs, discussed the project and noted that staff have visited the site and confirmed that the Bordering Vegetated Wetland is located offsite, west of the proposed project and that work is limited to the outer Buffer Zone.

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

- Add the date of delineation.
- O&M Plan currently referenced 6 Shawsheen Road and must be corrected.
- Add the required visual barrier (post and rail fence) with signage detail to the plan.
- Correct the proposed dimensions of the dwelling.
- Remove the chain link fence.
- Add the date of the wetland delineation and who performed the delineation.
- Revise the construction sequence to include debris removal from the site.
- Add utilities, including water and sewer lines to the plan,
- Add proposed temporary staging/stockpiling area to the plan.

Motion: TO continue to the October 28, 2024, meeting made by Commissioner JoAnne Giovino, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

III. 6:43PM - CONTINUED PUBLIC HEARINGS:

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

Documents Submitted:

10/07/2024 Received Supplemental Information from Stephen Dresser, with Dresser, Williams, and Way for 8 Irene Way, Revised Plans, stamped and signed by Stephen Dresser, dated on October 7, 2024, scale 1" = 20' (DEP #109-1583)

Stephen Dresser with Dresser, Williams, and Way presented the continued hearing for the project to construct a garage and reviewed revisions made to the plan, including: added a note referencing the approximate location of the existing septic system, added a stone infiltration trench with associated drain gutter, , added the stone trench to the driveway, a note to remove miscellaneous debris from the inner Buffer Zone and wetland boundary ,corrected the map and parcel, dimensions on structures and driveway, and added a second line of proposed staked straw wattle upgradient of the BVW boundary.

Isabel Tourkantonis, Director of Environmental Affairs and the Commission reviewed the notes concerning restoration of the inner buffer zone, including scarifying the ground surface to remove gravel, loaming and seeding the area with a conservation wildlife seed mix, and installing native trees and shrubs. The work will restore altered inner buffer zone. Additionally, the slope extending to the inner buffer zone contains partially buried rubber/tire and asphalt pieces. This slope appears to be related to previous fill required for the septic system, is eroding, and must be graded and stabilized with clean fill., loam and seed.

The Commission reviewed the condition to have the Director of Conservation review the scope of work with the contractor as part of the pre-construction meeting, including debris to be removed by hand and level work required to adequately restore the inner buffer zone/No Alteration Zone. .

Motion: TO approve Variance 3.03.C.3(B) 25-foot No Alteration Zone made by Commissioner JoAnne Giovino, seconded by Commissioner Tom Nellson. All in favor. Carried Unanimously.

Motion: TO close, sign, and issue the Order of Conditions with the special condition made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **6:54PM - 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:

10/02/2024 Supplemental Information received from Stephen Dresser with Dresser, Williams, and Way for 505 Boston Road, Stormwater Review, dated on September 24, 2024, O&M Plan, dated on September 30, 2024, BMP Map, dated on September 30, 2024, scale 1" – 40', Plan View, dated on October 2, 2024, scale 1" = 20' (DEP # 109-1548)

Stephen Dresser with Dresser, Williams, and Way presented the continued project and stated the applicant would like to forgo all previous plans associated with drainage site work and has reduced the scope to work to only include demolition of the existing retail building, followed by construction of a larger retail building in same location. He also discussed that the greenhouse that was built without a wetland permit and is now the primary subject of the NOI filing since the existing retail building and proposed new on is outside the 100' Buffer Zone. He discussed a post and rail fence with signage to serve as the required visual barrier even further outside of the 25-foot No Alteration Zone in some areas at additional mitigation. The drainage with catch basins to alleviate the flooding was also discussed. A new O&M Plan and BMP Plan were submitted for the new project.

Isabel Tourkantonis, Director of Environmental Affairs, discussed the after-the-fact filing for the greenhouse that was already constructed without a wetland permit. She noted that DPW received a copy of the updated and revised plans filing but have not issued comments. She suggested the opportunity for DPW, MassDOT, and BETA to review the revisions

since this site directly abuts the proposed Town/state Boston Road improvements project including new sidewalk along the property frontage. She stated that the new building would be out of the 100-foot Buffer Zone.

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

- Note to remove old piles of soil, brick, gravel, and broken concrete from the inner Buffer Zone.
- Clarify on the plan and NOI write up that the application also addresses the fact filing for the greenhouse that was installed without a wetland permit
- Add dimensions to the greenhouse on to the plan.
- Leave variance on plan in case debris needs to be cleaned and add the 25-foot No Alteration Zone variance request.
- Project engineer to coordinate further with DPW to review the updated plan and confirm the size of catch basin proposed along the property frontage .

The Commission discussed the condition to install the visual barrier which is a post and rail fence with signage, remove old debris including soil piles, bricks, and concrete/cinder blocks from the inner Buffer Zone prior to construction and Occupancy approval.

Motion: TO continue to the October 28, 2024, meeting made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **7:21PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 25 Biscayne Drive – Applicant: Stephen Connolly – DEP File No. 109-1582/BBL-1582

Documents Submitted:

10/07/2024 Received Supplemental Information from Michael El-Ashkar with Ashkar Engineering for 25 Biscayne Drive, O&M Plan, dated on October 4, 2024, Revised Site Plans, stamped and signed by George M. Attallah, Professional Engineer, and Michael El-Ashkar, Professional Land Surveyor, dated on October 4, 2024, scale 1" = 20' (DEP #109-1582)

Micheal El-Ashkar with Ashkar Engineering presented the continued project and went over the revisions to the plan: to add the dimensions of the deck, infiltration along the driveway, fence to be scaled back, highlighted the restored lawn in the 25-foot No Alteration Zone, added the planting scheme for restoration, added the required visual barrier comprised of a post and rail fence with signage along the 25-foot No Alteration Zone.

Isabel Tourkantonis, Director of Environmental Affairs, discussed the project and noted that comments issued by the Commission and staff have been addressed.

The Commission discussed three conditions: add two posts with signage to extend the visual barrier to the front of the property; if the existing vinyl fence is replaced it shall be relocated outside the 25' No Alteration Zone; and no pesticides shall be utilized within the inner Buffer Zone.

Motion: TO approve 3.03.C.3(B) 25-foot No Alteration Zone made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

Motion: TO close, sign, and issue the Order of Conditions with the special conditions made by JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **7:33PM - 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 10-28-2024, meeting per the applicant's request*)

Documents Submitted:

10/15/2024 Received a Request for Continuance from Stephen Dresser with Dresser, Williams, and Way for 309 Boston Road to the October 28, 2024, meeting (DEP #109-1581)

Motion: TO continue to the October 28, 2024, meeting per the applicant's request made by Commissioner Jack Bowen, seconded by Commissioner Jeff Connell. All in Favor. Carried Unanimously.

- **7:34PM - 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 12-9-2024 meeting per the applicant's request*)

Documents Submitted:

10/10/2024 Received a Request for Continuance from Kevin Sanders with EBI Consulting for 223 Boston Road to the December 9, 2024, meeting (DEP #109-1574)

Motion: TO continue to the December 9, 2024, meeting per the applicant's request made by Commissioner Jack Bowen, seconded by Commissioner Tom Nellson. All in Favor. Carried Unanimously.

Motion: TO move forward the Clara Sexton Project made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in Favor Carried Unanimously.

IV. ADMINISTRATIVE MATTERS / DIRECTOR'S REPORT:

- **Requests for Certificates of Compliance (As-Built Reviews)**

- 7:51PM - DEP File No. 109-1537/BBL-1537 – 78 Dudley Road

Documents Submitted:

09/30/2024 Received a Certificate of Compliance from Stephen Dresser with Dresser, Williams, and Way for 78 Dudley Road, stamped and signed by Stephen Dresser, dated on September 26, 2024, scale 1" = 30' (DEP #109-1537)

10/09/2024 Received Revised Certificate of Compliance Information from Stephen Dresser with Williams, Dresser, and Way for 78 Dudley Road, Revised WPA Form 8A, As-Built Plan, stamped and signed by Stephen Dresser, dated on October 8, 2024, scale 1" = 30' (DEP #109-1537)

****Tom Nellson immediately recused himself from this review discussion.****

Isabel Tourkantonis, Director of Environmental Affairs, discussed the project to construct a residential garage with a breezeway on an existing single-family dwelling. The project also included restoration of onsite inner Buffer Zone and a post and rail fence with environmental signage serving as a visual barrier to aid in the preservation and long-term protection of restored inner Buffer Zone. The Director reported that all the review comments and information required as part of the RCOC review process including a revised as-built plan and an updated WPA Form 8A – RCOC have been addressed.

Motion: To approve the Certificate of Compliance made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- 7:53PM - DEP File No. 109-1460/BBL-1460 – 27 Callahan Road

Documents Submitted:

10/02/2024 Received Supplemental Information from Stephen Dresser with Dresser, Williams, and Way for 27 Callahan Street, Buyers Acknowledgement Form, dated on March 25, 2023, Revised As-Built Plan, stamped and signed by Stephen Dresser, dated on September 23, 2024, scale 1" = 20' (DEP #109-1460)

Isabel Tourkantonis, Director of Environmental Affairs, discussed the project involving the demolition of a vacant house and construction of a new single-family dwelling. Permitted work also included a new low-pressure sewer line on the

property to connect house no. 32 Broad Street to Town sewer and substantial restoration of degraded inner Buffer Zone. The Director reported all the review comments, visual barrier, and information required as part of the RCOC review including a revised as-built plan have been addressed.

Motion: To approve the Certificate of Compliance made by Commissioner JoAnne Giovino, seconded by Commissioner Jeff Connell. All in Favor. Carried Unanimously.

- 7:54PM - DEP File No. 109-1512/BBL-1512 – 6 Carriage Road

Documents Submitted:

09/24/2024 Received a Request for Certificate of Compliance from Cheryl Porzio with 6 Carriage Road, Buffer Zone Reclamation from Northeastern Consulting Forestry Services with Kevin and Lou Garneau, Wetland Scientist. Existing Conditions Plan, stamped and signed by Edward J. Farrell, dated on September 10, 2024, scale 1" = 20' (DEP #109-1512)

10/10/2024 Received revised an As-Built from Edward J. Farrell with Professional Land Surveyor for 6 Carriage Road, dated October 7, 2024, Scale: 1" = 20' (DEP File. 109-1512)

Isabel Tourkantonis, Director of Environmental Affairs, discussed the project to construct an addition on the west side of the existing dwelling. The project also included restoration of onsite inner Buffer Zone and a post with environmental signage to aid in the preservation and long-term protection of the restored inner Buffer Zone. The Director reported that all the review comments, visual barrier, and information required as part of the RCOC review including a revised as-built plan have been addressed.

Motion: To approve the Certificate of Compliance made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

▪ **Miscellaneous Updates**

- 7:55PM - 2024 Roadway Paving Program, Minor Mod - Allen Road Update (DEP File No. 109-1556/BBL-1556)

Documents Submitted:

10/11/2024 Received an Updated Memo from Brandon Gentile, Billerica DPW RE: Update – 2024 Roadway Paving Program – Minor Modification, Allen Road Improvements (DEP File No. 109-1556/BBL-1556) for additional work to replace a deteriorated stormwater drainage outlet at the corner of Whittier Road/Allen Road under Order of Conditions DEP File No. 109-1556

Isabel Tourkantonis, Director of Environmental Affairs, discussed the memorandum submitted by the DPW notifying the Commission of the need to replace a deteriorated stormwater outlet discovered during the current roadway improvements work along Allen Road. The outlet is located at the intersection of Whittier Road and Allen Road and discharges stormwater runoff from the Whittier Road, Porter Street and Allen Road area. The Director inspected the area with DPW Engineer Brandon Gentile. The corrugated metal pipe is severely eroded and will be replaced with a plastic pipe. The same size pipe and elevation is proposed and qualifies as needed maintenance work of existing drainage infrastructure. Access is easily achieved with a narrow path and work will take place within 1-to-2-day period. Proper sediment controls are proposed, and restoration of the slope will be seeded and stabilized with jute matting or similar.

Motion: TO approve the work to replace the drain outlet as maintenance work and as minor modification work under the wetland permit with erosion controls and stabilization of the slope to be monitored by staff, made by Commissioner JoAnne Giovino, seconded by Christine Aras. All in Favor. Carried Unanimously.

- 8:02PM - Tree Safety Concern - Thomas Ditson Elementary School – 45 Cook Street

Documents Submitted:

09/23/2024 Received Memorandum with photos from Sean Bartlett - Facilities Director, Grounds, Custodial and Rink Manager, Maintenance Department, Billerica Public Schools Maintenance Department; RE: Removal of Two Trees on school property abutting 45 Cook Street.

Isabel Tourkantonis, Director of Environmental Affairs, discussed the memorandum submitted by Sean Bartlett, Facilities Director, Billerica Schools to cut and remove two trees from the school property that overhang the property and dwelling located at 45 Cook Street. Staff conducted a site visit and confirmed that the trees on Town owned property overhang the abutting property and pose a safety hazard. The Director reviewed standard conditions of the Commission included in administrative approval letters, including: cutting the trees low to the ground and leaving the stumps and root systems intact; heavy equipment including crane shall operate from the existing roadway and existing paved driveway; no heavy equipment shall enter vegetated wetland and Buffer Zone, etc.

Motion: TO approve the removal of two trees from the Ditson Elementary School property near the 45 Cook Street property line, made by Commissioner Diane DePaso, seconded by Commissioner Jeff Connell. All in Favor. Carried Unanimously.

- 8:05PM - Tree Safety Concern – 51 Bridle Road (DEP File No.109-1550/BBL-1550)

Documents Submitted:

10/09/2024 Received Email with photos from Tara Patel, 51 Bridle Street owner; RE: Tree Leaning over dwelling.

Isabel Tourkantonis, Director of Environmental Affairs, discussed the request by the property owner to remove a large pin oak leaning over the new dwelling at 51 Bridle Road. Staff conducted a site visit and verified the tree is substantially hanging over the dwelling roof and poses a safety hazard. Other nearby trees near the house may also be trimmed. She discussed similar conditions reviewed under the previous agenda item.

Motion: TO approve the tree removal and trimming at the location of 51 Bridle Street with conditions, made by Commissioner Joanne Giovino, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

- 7:35PM - Minor Exterior Improvements to Clara Sexton House – 36 Concord Road

Documents Submitted:

10/11/2024 Received Proposal/Scope of Work with a marked-up Plot Plan of Plan (dated 8/5/2024); submitted by Thomas Fitzgerald, Everlasting Landscapes on behalf of Richard Hawes Billerica Historical Society; RE: Minor Safety and Landscaping Improvements at the Clara Sexton House property, 36 Concord Road.

Isabel Tourkantonis, Director of Environmental Affairs, discussed the request to conduct minor site safety and landscaping improvements. The improvements will address safe and adequate access to the barn. In addition, they would like to add a small pervious paver patio pitched to a 1-foot by 1-foot stone trench on the upper level of the property adjacent to the house. The work is proposed within the mid to outer Buffer Zone. Conservation staff met with Richard Hawes and Thomas Fitzgerald with Everlasting Landscapes, onsite to review the scope of work and the location of sediment controls that would be required as part of the work. Mr. Richard Hawes of the Billerica Historical Society was present and also discussed the work and confirmed that they would also install wooden posts with environmental signage behind the house to prevent encroachment of the existing vegetated inner Buffer Zone. They also retained the services of Parterre Garden Services to help manage Japanese knotweed at the rear of the property to restore the Buffer Zone with native shrubs and wildflowers.

Motion: TO allow the Conservation Department to approve the proposed work under an administrative approval letter with conditions discussed, made by Commissioner JoAnne Giovino, seconded by Jack Bowen. All in Favor. Carried Unanimously.

- **8:08PM - Minutes:** 1-25-2023, 4-26-2023

****Tabled until October 28, 2024, meeting****

V. 8:08PM - ADJOURN

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

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Kristina Bernard, and Isabel Tourkantonis