



Billerica Conservation Commission

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



Conservation of Natural Resources
Billerica, Massachusetts

MEETING AGENDA

August 11, 2025

6:30 PM

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

Public Participation Available

Please click the link below to join the Zoom webinar:

<https://zoom.us/j/92677252985> <https://us02web.zoom.us/j/84779821041> or Telephone 1-646-558-8656

Attendance: Commission Members – JoAnne Giovino (Vice Chair), Diane DePaso (Secretary), Jack Bowen, and Tom Nellson. 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. NEW WETLAND HEARINGS:

- 6:31PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING —Notice of Intent – Public Hearing – 12 Ironwood Street – Applicant: Sonja Angel – DEP File No. 109-1605/BBL-1605

Documents Submitted:

07/28/2025 Received a Notice of Intent from Jeffrey Hannaford with Norse Design Services, Inc. for 12 Ironwood Street, stamped and signed by Michael Bovio, dated July 28, 2025, scale 1" = 20' (DEP #109-XXXX)

Jeffrey Hannaford with Norse Design Services, Inc., provided a history of the project, referencing the original Notice of Intent filed in 2007 for an addition and septic system repairs. He explained the need to close out the previous Order of Conditions before new improvements can be made. The dwelling is currently connected to Town sewer, and the existing leach field is abandoned. Proposed improvements include replacing a shed and extending a patio, with mitigation measures for stormwater runoff.

Isabel confirmed staff conducted a site visit and agree with the wetland delineation. She emphasized the need for a formal closure of the previous Order of Conditions, which required inner Buffer Zone restoration and a visual barrier. The homeowner understands, is cooperating and will complete this work in advance of the current proposal. The Commission discussed the importance of ensuring all previous conditions are met and expressed the desire for a clear comparison between past and proposed work.

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

- Add date and who delineated the wetlands on the plan.
- Add variance request to the plan.
- Add a brief construction sequence to the plan.
- Add impervious chart and calculations to the plan.
- Add direct abutters to the plan.
- Add North Arrow to the plan.
- Show gate on fence in rear of yard.
- Remove bridge crossing and make a note on the plan.

- Add posts with signage along the 25' No Alteration Zone toward the front of the house.
- Commission requires a visual barrier and restoration of the No Alteration Zone. Some areas of the No Alteration Zone are being mowed up to the wetland boundary.
- Staging and stockpiling area need to be added to the plan.
- Correction of scale on the plan.
- Add planting list on the plan with specifics and 24" minimum size.
- Use pervious sand in between impervious pavers.
- Relocate pool discharge area farther from the wetland resource areas (intermittent stream)/
- Remove landscaping debris piles near the wetland boundary at the rear of the property.
- Make a narrative/comparison from the 2007 OOC to the current OOC to show what is already completed (and when) versus what is left to be completed.
- Provide an alternatives analysis.
- If any trees need to be taken down, indicate their location on the plan.
- Datum of the Green Engineering and if any elevation of the floodplain to be indicated
- Reference the DEP File Number on the plan.

Motion: TO continue to the September 8, 2025, meeting made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in favor. Carried unanimously.

- **7:10PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** —Abbreviated Notice of Resource Area Delineation – Public Hearing – 14 Sterling Road – Applicant: Jon Shattuck, W.L. French Excavating Corporation – DEP File No. 109-1603/BBL-1603

Documents Submitted:

07/23/2025 Received an Abbreviated Notice of Resource Area Delineation from Kyle Hampton with Civil & Environmental Consultants, Inc. for 14 Sterling Road (W.L. French Excavating Corporation), stamped and signed by Kyle Hampton, dated on July 21, 2025, scale 1' = 60" (DEP #109-1603)

Kyle Hampton with Civil & Environmental Consultants, Inc., presented the project to seek confirmation of the wetland resource area boundaries. He also discussed the previous Order of Resource Area Delineation from 2016 (completed by Tighe and Bond), which was approved by the Commission in November 2016.

Isabel Tourkantonis, Director of Conservation, noted that there is a large discrepancy in the current delineation compared to the prior wetland delineation completed by Tighe & Bond in Year?, and approved by the Commission as part of the development of the site. Staff reviewed the upland/wetland boundary using vegetation and topography and generally agreed with the 2016 delineation approved under the ORAD and OOC noted above. In general, the soils are difficult to assess due to the presence of large rocks, boulders, and pit and mound characteristics of the forested area, and that wetland /upland plots should be submitted to document the current delineation. The original Order of Conditions included the conditions for the construction of the headquarters building, various structures, large septic/leach field system, stormwater management (including stormwater basins), and parking areas. A Certificate of Compliance was issued in January 2025, noting various conditions that remain in perpetuity.

The Commission discussed the discrepancy and stated a plan that showed the old and the new delineation on one plan in different colors would be helpful. They also mentioned that a third-party peer review would be required.

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

- Add the 2016 overlay to the existing plans with two different colors, so that the Commission can see the discrepancies on the two delineations.

- The requested Resource Area Delineation needs Third Party Wetlands Peer Review, given the significant discrepancies from the 2016 delineation and to assess if the site development impacted drainage patterns affecting the adjacent wetland system. The location of ONE data plot that was submitted should be shown on the site plan.
- Additional data plots will be needed to support the new delineation.

Motion: TO continue to the October 14, 2025, meeting made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in favor. Carried Unanimously.

- **7:29PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** —Request for Determination of Applicability – Public Hearing – 1 Federal Street – Applicant: REXPAR Property LLC

Documents Submitted:

07/28/2025 Received a Request for Determination for Applicability from Doug Dillion with Goddard Consulting for 1 Federal Street, stamped and signed by Joseph A. Coutu, dated February 7, 2006, scale 1" = 40'

Doug Dillion with Goddard Consulting presented the application to confirm the presence of any jurisdictional wetland areas or Buffer Zone associate with the property.

Isabel Tourkantonis, Director of Conservation, stated that staff reviewed the site and verified there are no wetlands or Buffer Zone associated with the property.

Motion: TO Issue a Negative Determination made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in favor. Carried Unanimously.

- **7:34PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** —Request for Determination of Applicability – Public Hearing – 2 Federal Street – Applicant: REXPAR Property LLC

Documents Submitted:

07/28/2025 Received a Request for Determination for Applicability from Doug Dillion with Goddard Consulting for 2 Federal Street, stamped and signed by Joseph A. Coutu, dated April 10, 2006, scale 1" = 60'

Doug Dillion with Goddard Consulting presented an application to confirm that the existing stormwater retention area on the property is a jurisdictional wetland resource area.

Isabel Tourkantonis, Director of Conservation, stated that staff conducted a site inspection and the basin exhibits characteristics of a natural wetland – it supports the prevalence of wetland vegetation and hydric soils from prolonged saturation. She also noted that a different consultant delineated the area as part of a project proposed across Concord Road, with the wetland flagging still present in the field. The basin does not appear to have been maintained and appears jurisdictional under the MA WPA.

It was also noted that the Director received a phone call with concerns regarding flooding from a resident who resided at 401 Middlesex Turnpike and is an abutter to the subject property.

There was discussion by the Commission, who acknowledged the area was jurisdictional under the State and the Town By-Law Wetland Protection Act.

Motion: TO issue a Positive determination made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- 7:51PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING —Notice of Intent – Public Hearing – 6 McHugh Avenue – Applicant: D.H. Realty Trust – DEP File No. 109-1606/BBL-1606

Documents Submitted:

07/28/2025 Received a Notice of Intent from Stephen Dresser with Dresser Williams and Way for 6 McHugh Avenue, stamped and signed by Stephen Dresser, dated July 25, 2025, scale 1" – 20' (DEP #109-1606)

Stephen Dresser with Dresser, Williams, and Way presented the project to demolish the existing home and to construct a new single-family dwelling within the 100-foot Buffer Zone. He also discussed that the applicant had requested an amendment to the Green Engineering Floodplain map elevation due to the significant changes in the drainage infrastructure – primarily the increase in size of the nearby culvert from a 24-inch to a 48-inch and related drainage studies completed. The project includes significant removal of debris from Inner Buffer Zone and stormwater management measures to help collect and infiltrate runoff from the new roof and driveway.

Isabel Tourkantonis, Director of Conservation, discussed the project and noted that staff conducted a site visit and generally agree with the delineation. The lot is currently vacant, with an existing house in disrepair. The proposed project includes substantial removal of junk and debris from the inner buffer zone and throughout the property. She reiterated that the property lies within the mapped Green Engineering Floodplain and that the project engineer submitted information documenting the GEFP elevation is modified for this property. According to the applicant's engineer, a map amendment has been requested from the Board of Health. The design plan reflects an updated limit of floodplain that is generally coincident with the location of the intermittent stream at the rear of the property. It was also noted that the project will require approval from the Board of Health.

The Commission discussed that all junk and debris should be removed from the stream and Buffer Zone prior to construction of the new house. The project includes significant improvements to the inner buffer zone with debris removal and restoration plantings. The wetlands permit will include a condition to obtain final review and approval from the Board of Health.

Motion: TO approve variance 3.03.C(A) the 50-Foot No Alteration Zone made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in favor. Carried Unanimously.

Motion: TO close, sign and issue the Order of Conditions made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in favor. Carried Unanimously.

III. CONTINUED PUBLIC HEARINGS:

- 8:03PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Request for Determination of Applicability – Continued Public Hearing – 5-Year Renewal Vegetation Management Plan, MBTA/Keolis Commuter Rail Line – Applicant: Ana Rita Pascoal, Keolis Commuter Services

Documents Submitted: (No New Information Submitted)

Matt Donovan with Bensch presented the project and confirmed that the 5-year plan is accurate. He discussed the policies in place for the sensitive area restrictions listed under CMR 11.4 as well as Section 8 of the Vegetation Management Plan. He also confirmed that an environmental specialist is always on-site during work.

Isabel Tourkantonis, Director of Conservation, noted that the applicant revised the maps to include local Green Engineering flood limits and drainage infrastructure, especially culverts showing drainage connections in areas that were not identified as supporting wetlands. The Commission discussed what types of chemicals would be used and talked about herbicides. The Commission noted that the Richardson Pond area should be labeled as a No Spray Zone.

Motion: TO make a Positive 2a Determination for boundary limits made by Commissioner Diane DePaso, seconded by Commissioner Tom Nellson. All in Favor. Carried Unanimously.

Motion: TO make a Negative 5 Determination made by Commissioner Diane DePaso, seconded by Commissioner Tom Nellson. All in Favor. Carried Unanimously.

- **8:23PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** —Notice of Intent – Continued Public Hearing – 36 Rogers Street – Applicant: John and Melissa Conway – DEP File No. 109-1602/BBL-1602

Documents Submitted:

08/04/2025 Received Supplemental Information from Stephen Dresser with Dresser, Williams, and Way for 36 Rogers Street, Isolated Vegetated Wetland & Buffer Zone Restoration Plan, Revised Plans, dated August 1, 2025, stamped and signed by Stephen Dresser, dated August 1, 2025, scale 1" = 30' (DEP #109-1602)

Stephen Dresser with Dresser, Williams, and Way presented the continued project and went over the revisions as requested by the Commission:

- Provided a Restoration Report from Norse Environmental.
- Revised wetland lines to Bank 9A-25A.
- Added note to remove fence near WF19A.
- Revised fence location behind the barn.
- Located stumps and added them to the plan, Extended erosion controls to accommodate stump removal.

Isabel Tourkantonis, Director of Conservation, noted that the revised plan appeared to address any missing information and clarifications requested during the last meeting. A reduced buffer to provide adequate access to the existing barn was discussed at the prior hearing. The Commission discussed the removal of all debris, and that encroachment of the wetland boundary be discussed during the pre-construction meeting and debris removal completed before a demolition permit is issued for the new dwelling foundation.

Motion: TO approve the variance 3.03.C(A) for the 50-foot No Alteration Zone made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

Motion: TO close, sign, and issue the Order of Conditions with all of the special conditions discussed throughout the meeting made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **8:32PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** —Notice of Intent – Continued Public Hearing – 189 Pond Street – Applicant: Michael Masino – DEP File No. 109-1600/BBL-1600

Documents Submitted:

08/04/2025 Received Supplemental Information from Stephen Dresser with Dresser, Williams, and Way for 189 Pond Street, Variance Request for 25-foot No Alteration Zone, Revised Plans, stamped and signed by Stephen Dresser, dated August 1, 2025, scale 1" = 20' (DEP #109-1600)

Stephen Dresser with Dresser, Williams, and Way presented the continued project and went over the revisions as requested by the Commission.

- Add FEMA and Green Flood Plains.
- Add Datum.
- Placed additional posts near shed.
- Added notes to remove debris within the No Alteration Zone and restore areas.

- Submitted Variance Request for the shed.
- Corrected pool size.

The Commission noted that the wetland permit should include conditions related to pool management and discharges.

Motion: TO approve 3.03.C(B) Work within the 25-foot No Alteration Zone made by Commissioner Diane DePaso, seconded by Commissioner Tom Nellson. All in Favor. Carried Unanimously.

Motion: TO close, sign, and issue the Order of Conditions to include all special conditions, including if the shed is ever to be removed and or replaced it is to be removed out of the 25-foot No Alteration Zone made by Commissioner Diane DePaso, seconded by Commissioner Tom Nellson. All in Favor. Carried Unanimously.

- **8:35PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** —Notice of Intent – Continued Public Hearing – 10 Shawsheen Road – Applicant: George Allen & Son Construction, Inc. – DEP File No. 109-1599/BBL-1599

Documents Submitted:

08/04/2025 Received Supplemental Information from Stephen Dresser with Dresser, Williams, and Way for 12 Shawsheen Street, Variance Request, Revised Plans, stamped and signed by Stephen Dresser, dated August 1, 2025, scale 1" = 20' (DEP #109-1599)

Stephen Dresser with Dresser, Williams, and Way presented the continued project and discussed the revised plan, including the drainage pipe in question and the coordination DPW staff on the current design. He also discussed how FEMA updated their maps on July 8, 2025, and now they will need to go before the Board of Health as well. He also summarized the revisions made to the plan based on review comments from the Commission and DPW.

Isabel Tourkantonis, Director of Conservation, confirmed that the DPW submitted an email confirming DPW generally agrees and accepts the revised design addressing stormwater infrastructure.

Motion: TO approve 3.03.6 Land in Floodplain made by Commissioner Diane DePaso, seconded by Commissioner Tom Nellson. All in Favor. Carried Unanimously.

Motion: TO approve 3.03.C(A) work within 50-Foot No Alteration Zone made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

Motion: TO close, sign, and issue the Order of Conditions made by Commissioner Diane DePaso, seconded by Jack Bowen. All in Favor. Carried Unanimously.

- **8:45PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** —Notice of Intent – Continued Public Hearing – 290 Boston Road – Applicant: GOLFO, LLC – DEP File No. 109- 1587/BBL-1587 (*Continue to the 09-08-2025, Meeting*)

Documents Submitted:

08/11/2025 Received a Request for Continuance from Stephen Dresser for 290 Boston Road to the September 8, 2025, meeting (DEP #109-1587)

Motion: TO continue to the September 8, 2025, meeting per the applicant's request made by Commissioner Jack Bowen, seconded by Commissioner Diane DePaso. All in Favor. Carried Unanimously.

- **8:46PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Abbreviated Notice of Resource Area Delineation – Continued Public Hearing – Linnell Circle –

Applicant: The Gutierrez Company, Israel Lopez – DEP File No. 109-1594/BBL-1594 (*Applicant Request to Withdraw Application*)

Documents Submitted:

07/8/2025 Received a letter from Israel Lopez from The Gutierrez Company for withdrawal of the Linnell Circle (97-120-1-1), dated July 8, 2025 (DEP #109-1594)

Isabel Tourkantonis, Director of Conservation, reminded the Commission of the email request from the applicant to withdraw the wetland application from its review, but they had to wait until this meeting since the applicant had already continued to this meeting date previously.

Motion: TO withdraw the project per the applicant's request made by Commissioner Jack Bowen. Seconded by Commissioner Diane DePaso. All in Favor. Carried Unanimously.

IV. REVIOUSLY CONTINUED PUBLIC HEARINGS:

- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – Faulkner Street (Talbot Mills Dam) – Applicant: Robert Martin, CRT Development Realty, LLC – DEP File No. 109-1585/BBL-1585 (*Continued to the 09-22-2025 Meeting*)

V. ADMINISTRATIVE MATTERS / DIRECTOR'S REPORT:

- Request for Certificate of Compliance (As-Built Review)
 - 8:47PM - DEP File No. 109-1378/BBL1378 – 20 Purcell Drive

Documents Submitted:

07/29/2025 Received a Request Certificate of Compliance from Stephen Dresser with Dresser, Williams, and Way for 20 Purcell Drive, stamped and signed by Stephen Dresser, dated July 28, 2025, scale 1" = 20' (DEP #109-1378)

Isabel Tourkantonis, Director of Conservation, discussed the Order of Conditions that was issued in April of 2019 for the construction of an addition, sunroom, and deck on Sona tubes. The project design also included a visual barrier (post and rail fence with environmental signage) to aid in the preservation and long-term protection of the inner Buffer Zone. In October 2024, the department reviewed the as-built plan, and the post and rail fence was not in the approved location and minor adjustments needed to be made in the field and on the as-built plan. Staff concluded that all the revised information including a revised as-built plan and documentation required as part of the Request for Certificate of Compliance review has been addressed.

Motion: TO close, sign, and issue the Certificate of Compliance made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- Request for Emergency Certification
 - 8:48PM - DEP File No. 109-1595/BBL-1595 – DPW 2025 Roadway Management

Documents Submitted:

08/05/2025 Received an Email from the DPW with a Request for an Emergency Certificate on a Partial Culvert Replacement located at 424 Middlesex Turnpike associated with DEP #109-1595

Isabel Tourkantonis, Director of Conservation, discussed a request submitted by the DPW to replace a portion of the existing culvert located nearest to 424 Middlesex Turnpike due to concerns for public health and safety since there are utilities within the roadway and the pipe is severely eroded. The culvert is comprised of different materials – concrete and metal pipes with bends. In the process of repaving the road, the DPW discovered that a portion of the culvert is eroded. They propose to replace a section of the culvert with a 36" HDPE pipe as part of the overall roadway management work.

A manhole will be installed at the bend where the existing concrete pipe ends, and the HDPE pipe begins. Erosion control measures will be placed at the edge of pavement where the new manhole is to be installed. The comprehensive memorandum was submitted to the Commission addressing compliance with the MA Stream Crossing Standards, construction methods, sediment controls, restoration, and stabilization.

Motion: TO certify the Emergency Request made by Commissioner Diane DePaso, seconded by Commissioner Tom Nellson. All in Favor. Carried Unanimously.

▪ 8:51PM - Miscellaneous Updates

Isabel Tourkantonis, Director of Conservation, discussed the new Town of Billerica Fire Station located at 176 Boston Road and went over the project. She stated that the old Mac IIs building was demolished a few months ago, and the wetland across the street was delineated. The associated Buffer Zone primarily includes the steep vegetated slope and Boston Road. The 100-foot buffer zone boundary straddles the property frontage across the street, with proposed work generally limited to within Buffer Zone. The utilities are already in the roadway and project will connect to the existing stubs within the roadway right of way. Therefore, consistent with other cases, Isabel asked for the Commission's support to allow the staff to review and approve the project under an administrative review. The administrative review would still require a preconstruction meeting with the Conservation Staff to inspect the construction access area.

It was also noted that a comprehensive stormwater report was submitted to the Planning Board and to the DPW, and that it is under an independent peer review that staff had been involved with. Staff had requested that the Town's design engineer prepare an easy-to-follow Operation and Maintenance Plan for the property – Christina Papadopoulos , DPW stormwater engineer is on board and is vetting the plan. The O&M Plan will be recorded with the deed as part of the Planning Board and /DPW stormwater approvals.

Motion: TO approve the administration to review the Fire Station Project administratively made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

▪ 8:54PM - Violations/Enforcements

Isabel Tourkantonis, Director of Conservation, filled in the Commission on some enforcement violations and stated that staff will be following up on them.

▪ 8:55PM - Minutes: 06/09/2025, 06/23/2025

Motion: TO accept the minutes for June 23, 2025, with minor edits made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in favor. Carried Unanimously.

VI. 8:55PM - AJOURN

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

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Kristina Bernard and Isabel Tourkantonis