

Dresser, Williams & Way, Inc.

Professional Engineers & Land Surveyors

572 Boston Road – Suite 5

Billerica, MA 01821

Phone: (978) 663-5410 E-Mail: DWWIncSurvey@gmail.com

**NOTICE OF
INTENT**

Map 31, Parcel 266-1

309 Boston Road

Billerica, MA

Dresser, Williams & Way, Inc.

Professional Engineers & Land Surveyors

572 Boston Road – Suite 5

Billerica, MA 01821

Phone: (978) 663-5410 E-Mail: DWWIncSurvey@gmail.com

PROJECT NARRATIVE 309 BOSTON ROAD BILLERICA, MA

The project site is located at 309 Boston Road in Billerica, MA. The site is subject to protection under the Wetlands Protection Act and the Billerica Wetland By-Law as a result of falling within the buffer zone to an intermittent stream bank.

The applicant, JMA Properties, LLC has applied to reconstruct the parking area and install an oil and grease separator in conjunction with an Auto Repair Shop for which they have been granted a Special Permit by the Zoning Board of Appeals. There will be no exterior changes to the existing building.

The site is the former home of MacKenzie Mobile Electronics. JMA has completed a considerable amount of clean up on the property to date.

The existing site contains 21,400+/-SF of impervious area with the parking lot running essentially to the property lines and the top of slope associated with the stream bank. The applicant intends to remove the pavement on the southerly and westerly edges of the parking lot and install a 2' x 2' stone trench apron along the edge of the parking lot. The removal of pavement and the installation of the trench will provide a 900+/-SF (4.2%) reduction of pavement on the site and a 800+/-SF (5.8%) reduction of pavement within the buffer zone while providing drainage attenuation and groundwater recharge.

The reduction of impervious area allows the application of Standard 7 of the Stormwater Management Standards:

Standard 7: A redevelopment project is required to meet the following Stormwater Management Standards only to the maximum extent practicable: Standard 2, Standard 3, and the pretreatment and structural stormwater best management practice requirements of Standards 4, 5, and 6. Existing stormwater discharges shall comply with Standard 1 only to the maximum extent practicable. A redevelopment project shall also comply with all other requirements of the Stormwater Management Standards and improve existing conditions.

Due to the site being fully developed, the level of design relative to the maximum extent criteria is extremely limited, thus have been met to the maximum extent practicable.

Due to the reduction of impervious area, Standard 2 is met. The stone trench will provide the maximum practicable extent for recharge and water quality as per Standards 3 and 4.

All work will be completed in the interior of the building with no outdoor storage of vehicles. Standard 5 does not apply.

Erosion control will also be provided during construction and an Operation and Maintenance Plan is included in the submittal.

A post and rail fence with signage will be placed as shown on the submitted plan.

A variance to Section 3.03.C.3.b of the Billerica Wetland Bylaw is requested to perform the restoration work for the parking lot and the stone trench within the 25' No Alteration Zone.

Dresser, Williams & Way, Inc.

Professional Engineers & Land Surveyors

572 Boston Road – Suite 5

Billerica, MA 01821

Phone: (978) 663-5410 E-Mail: DWWIncSurvey@gmail.com

July 29, 2024

Billerica Conservation Commission
Town Hall
365 Boston Road
Billerica, MA 01821

Re: **Variance Request**
309 Boston Road
Billerica, MA

Dear Commissioners;

The project site is located at 309 Boston Road in Billerica, MA. The site is subject to protection under the Wetlands Protection Act and the Billerica Wetland By-Law as a result of falling within the buffer zone to an intermittent stream bank.

The applicant, JMA Properties, LLC has applied to reconstruct the parking area and install an oil and grease separator in conjunction with an Auto Repair Shop for which they have been granted a Special Permit by the Zoning Board of Appeals. There will be no exterior changes to the existing building.

The site is the former home of MacKenzie Mobile Electronics. JMA has completed a considerable amount of clean up on the property to date.

The existing site contains 21,400+/-SF of impervious area with the parking lot running essentially to the property lines and the top of slope associated with the stream bank. The applicant intends to remove the pavement on the southerly and westerly edges of the parking lot and install a 2' x 2' stone trench apron along the edge of the parking lot. The removal of pavement and the installation of the trench will provide a 900+/-SF (4.2%) reduction of pavement on the site and a 800+/-SF (5.8%) reduction of pavement within the buffer zone while providing drainage attenuation and groundwater recharge.

The reduction of impervious area allows the application of Standard 7 of the Stormwater Management Standards:

Standard 7: A redevelopment project is required to meet the following Stormwater Management Standards only to the maximum extent practicable: Standard 2, Standard 3, and the pretreatment and structural stormwater best management practice requirements of Standards 4, 5, and 6. Existing stormwater discharges shall comply with Standard 1 only to the maximum extent practicable. A redevelopment project shall also comply with all other requirements of the Stormwater Management Standards and improve existing conditions.

Due to the site being fully developed, the level of design relative to the maximum extent criteria is extremely limited, thus have been met to the maximum extent practicable.

Due to the reduction of impervious area, Standard 2 is met. The stone trench will provide the maximum practicable extent for recharge and water quality as per Standards 3 and 4.

All work will be completed in the interior of the building with no outdoor storage of vehicles. Standard 5 does not apply.

Erosion control will also be provided during construction and an Operation and Maintenance Plan is included in the submittal.

A post and rail fence with signage will be placed as shown on the submitted plan.

Variance Request 4.01

4.01(B) No Variance May Be Granted: Endangered Species: The Commission shall not consider a variance for any activity within an Area Protected under the By-laws that is within an estimated habitat area as designated on the most current map prepared by the Massachusetts Natural Heritage & Endangered Species Program

The site is not located within the Priority Habitat of Rare Species and/or Estimated Habitat of Rare Wildlife.

4.01(C) (2) Content of Written Statement in Support of Variance. The statement of the applicant in support of a variance(s) shall include but is not limited to the following

a. A brief statement of the relief sought;

The applicant will be reducing impervious area, restoring pavement and providing a drainage trench within the 25' No Alteration Zone.

b. A description of all reasonably identifiable alternatives to the applicants proposal that were considered by the applicant, which would avoid or minimize the necessity of the requested relief, along with the reasons why such alternatives were deemed to be inadequate, unworkable, or inadvisable.

The alternative would be to retian the existing parking lot which would not provide the improvement to stormwater management.

c. A statement of all effort that will be undertaken to minimize impact upon the Areas Subject to Protection Under the By-Law arising from the activity proposed:

Mitigation for this project includes:

Erosion control will be provided during construction.

Installation of drainage components to promote ground water recharge.

A post and rail fence will be installed at the completion of the project as shown on the Notice of Intent Plan

d. Detailed plans for the proposed mitigation measures:
Erosion control will be provided during construction.

Installation of drainage components to promote ground water recharge.

A post and rail fence will be installed at the completion of the project as shown on the Notice of Intent Plan

e. Adequate engineering and expert evidence to enable the Commission to evaluate the basis for the applicant's arguments that the Commission should grant a variance

Erosion control will be provided during construction.

Installation of drainage components to promote ground water recharge.

A post and rail fence will be installed at the completion of the project as shown on the Notice of Intent Plan

f. All relevant information that the applicant wishes the Commission to consider in deliberating the request for a variance

Erosion control will be provided during construction.

Installation of drainage components to promote ground water recharge.

A post and rail fence will be installed at the completion of the project as shown on the Notice of Intent Plan

4.02 Variance Decision Criteria

A. Burden of Proof. The Commission may grant a variance upon a showing by the applicant by a preponderance of evidence that:

1. Any proposed work, or its natural and consequential impacts and efforts will not have any significant adverse effect upon any of the wetland values protected in the Wetland By-Law and regulations.

The proposed project will not have significant effects upon any of the wetland values and will minimize the impact on the Buffer Zone by providing additional protection and restoration plantings.

2. There will be no net loss of an Area Subject to Protection under the By-Law; and

There will be no net loss of an Area Subject to Protection under the By-Law.

3. There are no practicable and substantially equivalent economic alternatives to the proposed project with less adverse effects on the protected wetland values.

There are no practicable and substantially equivalent economic alternatives to the proposed project with less adverse effects on the protected wetland values.

If you have any questions or concerns regarding the above-submitted materials please do not hesitate to call.

Very truly yours,
Dresser, Williams & Way, Inc.

Stephen R. Dresser, P.E.

Stephen R. Dresser, P.E.

NOI FORM 3
NOTICE OF INTENT



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number

Document Transaction Number

Billerica

City/Town

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (Note: electronic filers will click on button to locate project site):

309 Boston Rd	Billerica	01821
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	42d 34' 12.8" N	71d 16' 40.9" W
	d. Latitude	e. Longitude
31	266-1	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

Joseph	Arria
a. First Name	b. Last Name
JMA Properties, LLC	
c. Organization	
26 Schoolhouse Lane	
d. Street Address	
Billerica	MA
e. City/Town	f. State
617-594-9738	01821
h. Phone Number	g. Zip Code
	newband0740@yahoo.com
i. Fax Number	j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

a. First Name	b. Last Name
c. Organization	
d. Street Address	
e. City/Town	f. State
	g. Zip Code
h. Phone Number	i. Fax Number
	j. Email address

4. Representative (if any):

a. First Name	b. Last Name
Dresser, Williams & Way, Inc.	
c. Company	
572 Boston Rd - Unit 5	
d. Street Address	
Billerica	MA
e. City/Town	f. State
(978) 663 - 5410	01821
h. Phone Number	g. Zip Code
	DWWinc11@yahoo.com
i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$1050.00	\$512.50	\$537.50
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number

Document Transaction Number

Billerica

City/Town

A. General Information (continued)

6. General Project Description:

Applicant is proposing to repair the existing parking lot on the property and to install a required oil and grease separator within 100' of bordering vegetated wetlands

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input checked="" type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input type="checkbox"/> Other | |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Middlesex

a. County

38520

c. Book

b. Certificate # (if registered land)

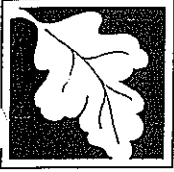
247

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number _____

Document Transaction Number _____

Billerica _____

City/Town _____

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet _____	2. linear feet _____
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet _____	2. square feet _____
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet _____	2. square feet _____
	3. cubic yards dredged _____	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet _____	2. square feet _____
	3. cubic feet of flood storage lost _____	4. cubic feet replaced _____
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____	
	2. cubic feet of flood storage lost _____	3. cubic feet replaced _____
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland _____	
	2. Width of Riverfront Area (check one):	

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 3 – Notice of Intent
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number _____

Document Transaction Number _____

Billerica _____

City/Town _____

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
 Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____	
	2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____

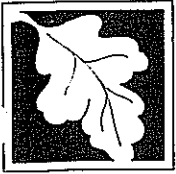
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____	
	2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	

4. Restoration/Enhancement
 If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW _____ b. square feet of Salt Marsh _____

5. Project Involves Stream Crossings

a. number of new stream crossings _____ b. number of replacement stream crossings _____



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number _____

Document Transaction Number _____

Billerica

City/Town

C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. Yes No

If yes, include proof of mailing or hand delivery of NOI to:

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

b. Date of map _____

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area _____ percentage/acreage

(b) outside Resource Area _____ percentage/acreage

2. Assessor's Map or right-of-way plan of site

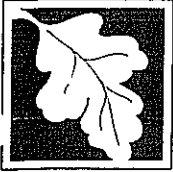
2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) Photographs representative of the site

Some projects not in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number

Document Transaction Number

Billerica

City/Town

C. Other Applicable Standards and Requirements (cont'd)

- (c) MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/ mesa/ mesa_fee_schedule.htm). Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) Vegetation cover type map of site
- (e) Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following
1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/ mesa/ mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
2. Separate MESA review ongoing. _____ a. NHESP Tracking # _____ b. Date submitted to NHESP
3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.
3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

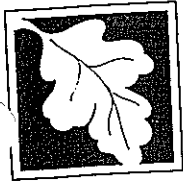
South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 3 – Notice of Intent
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Billerica

City/Town

C. Other Applicable Standards and Requirements (cont'd)

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
2. A portion of the site constitutes redevelopment
3. Proprietary BMPs are included in the Stormwater Management System.
b. No. Check why the project is exempt:
1. Single-family house
2. Emergency road repair
3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

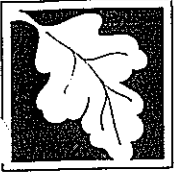
D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

- Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.
1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number

Document Transaction Number

Billerica

City/Town

D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

Notice of Intent Site Plan

a. Plan Title

Dresser, Williams & Way, Inc.

Stephen R. Dresser, PE

b. Prepared By

c. Signed and Stamped by

1" = 40'

d. Final Revision Date

e. Scale

July 25, 2024

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. Attach NOI Wetland Fee Transmittal Form
9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number

3. Check date

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number

Document Transaction Number

Billerica

City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

[Handwritten Signature]

1. Signature of Applicant

7/25/24

2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

7/25/24

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

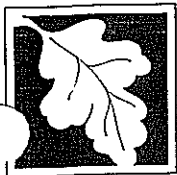
One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

NOI WETLAND FEE
TRANSMITTAL FORM



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Location of Project:

309 Boston Rd Billerica
 a. Street Address b. City/Town

_____ d. Fee amount

c. Check number

2. Applicant Mailing Address:

Joseph Arria
 a. First Name b. Last Name

JMA Properties, LLC
 c. Organization

26 Schoolhouse Lane
 d. Mailing Address

Billerica MA 01821
 e. City/Town f. State g. Zip Code

_____ h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

_____ a. First Name b. Last Name

_____ c. Organization

_____ d. Mailing Address

_____ e. City/Town f. State g. Zip Code

_____ h. Phone Number i. Fax Number j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. *Please see Instructions before filling out worksheet.*

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
2b.) Parking Lot	1	\$500	\$500

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Total Project Fee:	\$500.00
State share of filing Fee:	a. Total Fee from Step 5 \$237.50
City/Town share of filling Fee:	b. 1/2 Total Fee less \$12.50 \$262.50
	c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and a copy of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

3011

JMA PROPERTIES LLC
26 SCHOOL HOUSE LN
BILLERICA, MA 01821-4434

DATE 7/25/24 53-274/113

PAY TO THE ORDER OF Town of Billerica \$ 137.50
One hundred + thirty-seven ~~50/100~~ DOLLARS

Enterprise Bank
Member FDIC

FOR _____

J. Arri

⑈00301⑈ ⑆01302742⑆ 4264240⑈

3010

JMA PROPERTIES LLC
26 SCHOOL HOUSE LN
BILLERICA, MA 01821-4434

DATE 7/25/24 53-274/113

PAY TO THE ORDER OF Town of Billerica \$ 262.50
Two hundred + sixty-two ~~50/100~~ DOLLARS

Enterprise Bank
Member FDIC

FOR _____

J. Arri

⑈003010⑈ ⑆01302742⑆ 4264240⑈

3012

JMA PROPERTIES LLC
26 SCHOOL HOUSE LN
BILLERICA, MA 01821-4434

DATE 7/25/24 53-274/113

PAY TO THE ORDER OF Commonwealth of MASS. \$ 237.50
Two hundred + thirty-seven ~~50/100~~ DOLLARS

Enterprise Bank
Member FDIC

FOR _____

J. Arri

⑈003012⑈ ⑆01302742⑆ 4264240⑈

BYLAW
APPLICATION
FORM

**TOWN OF BILLERICA
 WETLANDS BY-LAW APPLICATION**

Section C – Project Impacts

1. If work is proposed in the Buffer Zone, list how many square feet: 950 Sq. Ft.
2. List the impacts of proposed activities on each wetland resource area (temporary and permanent impacts, prior to restoration and mitigation):

Resource Area	Size of Impact	Temporary/Permanent
Buffer Zone	950	Temporary

Section D – Additional Information

The following information shall be included with this application. Check the first box to indicate that it was included as part of this application (Y). Check the second box to indicate that it was not included as part of this application (N). Check the third box to indicate that it is not applicable to this project (N/A). Please check with the Conservation Commission Director for applicable requirements.

RESOURCE DELINEATION

- | Y | N | N/A | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | General locus map from a USGS topographic map. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Certified list of abutters and proof that they have been notified of the hearing. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Check made payable to the Town of Billerica for the filing fee(s). |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Soil Classification from the U.S. Natural Resources Conservation Service soils maps and soil logs. |

Plan of land showing:

- | | | | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Existing buildings, structures and utilities. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Topography with maximum contour intervals of 2-feet (existing and proposed). |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Resource Areas as defined in MGL Chapter 131 § 40 and any amendments thereof, and the Town of Billerica Wetlands Protection By-Law and any amendments thereof. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | North arrow. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Legend. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Property boundaries. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Drainage divides (pre- and post-construction). |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | F.E.M.A. Flood Plain and Green Engineering Flood Plain (available through the Billerica Conservation Commission office). |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | When a vegetated wetland is present, an analysis of wetland soils including depth, chroma and value, soil horizons, etc. Sample locations shall be shown on plans. |

**TOWN OF BILLERICA
 WETLANDS BY-LAW APPLICATION
 Section D – Additional Information (cont.)**

DETERMINATION OF APPLICABILITY

Y N N/A

- General locus map from a USGS topographic map.
- When a vegetated wetland is present, an analysis of wetland soils including depth, chroma and value, soil horizons, etc. Sample locations shall be shown on plans.
- Certified list of abutters and proof that they have been notified of the hearing.
- Check made payable to the Town of Billerica for the filing fee(s).
- Photographs of the project site, to include resource areas, vegetation communities, and area of proposed construction staking.

Plan of land showing:

- Existing and proposed buildings, structures and utilities.
- Topography with maximum contour intervals of 2-feet (existing and proposed).
- Resource Areas as defined in MGL Chapter 131 § 40 and any amendments thereof, and the Town of Billerica Wetlands Protection By-Law and any amendments thereof.
- North arrow.
- Legend.
- Property boundaries.
- Map and parcel number and name of direct abutters.
- Limits of work line.
- Location of stockpile area, including the temporary storage of equipment, fill, and supplies.
- Drainage divides (pre- and post-construction).
- F.E.M.A. Flood Plain and Green Engineering Flood Plain (available through the Billerica Conservation Commission office).
- Soil Classification from the U.S. Natural Resources Conservation Service soils maps and soil logs.

NOTICE OF INTENT

Y N N/A

- General locus map from a USGS topographic map.
- Photographs of the project site, to include resource areas, vegetation communities, and proposed construction staking.
- Drainage calculations: to include pre- and post-construction, method used, assumptions, and worksheets.
- When a vegetated wetland is present, an analysis of wetland soils including depth, chroma and value, soil horizons, etc. Sample locations shall be shown on plans.
- Check made payable to the Town of Billerica for the filing fee(s).
- Certified list of abutters and proof that they have been notified of the hearing.
- Status of Permits Form (available through the Conservation Commission office).

Plan of land showing:

- Existing and proposed buildings, structures and utilities.
- Topography with maximum contour intervals of 2-feet (existing and proposed).
- Resource Areas as defined in MGL Chapter 131 § 40 and any amendments thereof, and the Town of Billerica Wetlands By-Law and any amendments thereof.
- North arrow.
- Legend.
- Property boundaries.
- Location of erosion control measures.
- Location of snow storage.
- Limits of work line.
- Location of stockpile area, including the temporary storage of equipment, fill, and supplies.

**TOWN OF BILLERICA
 WETLANDS BY-LAW APPLICATION
 Section D – Additional Information (cont.)**

NOTICE OF INTENT (Cont.)

Plan of land showing (cont.):

- | Y | N | N/A | |
|-------------------------------------|--------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Professional Engineer's and/or Registered Land Surveyor's stamp and date. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Location of proposed replication and/or restoration areas, including transition slopes and proposed 25-foot post-construction buffer to these areas. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of soil borings and test pits. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Soil Classification from the U.S. Natural Resources Conservation Service soils maps and soil logs. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Drainage divides (pre- and post-construction). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | F.E.M.A. Flood Plain and Green Engineering Flood Plain contours (available through the Billerica Conservation Commission office) and associated flood compensation. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Storm drainage systems. |

.....
 In addition to the above, the Commission may require the following information:

- | Y | N | N/A | |
|-------------------------------------|-------------------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Certification of compliance with Title 5, Massachusetts Sanitary Code. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Erosion control specifications and details. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Description of how work will comply with 310 CMR 10.00 and any amendments thereof, and Town of Billerica Wetlands Protection Bylaw and any amendments thereof. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Work completion schedule. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Depth to average annual high water table. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Aquifers and groundwater resources in vicinity of site. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Dates when fieldwork was conducted. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Headwall and riprap specifications. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Contours of the water table. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Direction of groundwater flow. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Maintenance plans shown on drawings including: detention and/or retention ponds, replicated resource areas, oil and grease traps, conservation and pedestrian easements of rights of way, and culverts. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Narrative for wetland replication/restoration, including baseline information, proposed soils and vegetation criteria, compliance with performance standards, construction sequence, and monitoring plan. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | When work is proposed in a River Front Area, provide a narrative detailing how this project meets the general performance standard established in 310 CMR 10.58. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 100-scale plan of field-delineated and approved wetland boundaries. |

The Commission may require other supporting information as deemed necessary to reach a determination. Please consult the Conservation Commission Director for guidance on what information should be included with this application.

ABUTTERS
LIST



Received

MAR 20 2024

Board of Assessors
Billerica, MA

Board of Assessors
Town Hall
365 Boston Road
Billerica, Massachusetts 01821

JOHN B. SPEIDEL, *Chairman*
RICHARD J. SCANLON, *Associate*
RICK LADD, *Associate*

Tele: (978) 671-0971
assessors@town.billerica.ma.us

ABUTTERS LIST REQUEST

Name Stephen Dresser Date 3/19/24
Address of Property 309 Boston Road Plate 31
Telephone Number 978-663-5410 Parcels 266-1

I request one copy of the following abutters list and three copies of the labels for the above listed property. The cost of this service shall be \$2.00 per name. The list shall be available five to ten (5-10) working days from the requested date or earlier.

Signature of applicant Stephen R Dresser

Types of Abutters Lists

There are four types of abutters lists which may be required in the Town of Billerica. The board or commission you are seeking approval from and the particular request you are making determines the type of list. You will need to contact the applicable board or commission to determine which of the following will be required in your case.

(Circle one - If no letter is circled a "D" list will be prepared.)

- A. Direct Abutters - Direct Abutters to Parcel and Roadway Being Improved

This list contains direct abutters only. Properties across public right-of-ways or paper streets, which have not been discontinued, are not included. (This list should include direct abutters to the roadway being improved if road construction is involved.)

- B. Abutters Within 100 Feet

This list contains all abutters within 100 feet of the parcel, notwithstanding public or private streets or ways, municipal borders or bodies of water.

- C. Abutter to Abutter Within 300 Feet

This list contains abutters to direct abutters within 300 feet of the parcel. If there is more than one abutter between the subject parcel and the abutting property within 300 feet the owner will not be notified.

- D. ~~All Property Owners Within 300 Feet~~ (Cell Towers - All Property Within 500 Feet) - ~~NOT CELL TOWER~~

This list contains all properties within 300 feet of the subject parcel. Abutters to abutter restrictions do not apply.

Office Use Only			
19	Parcels	1	Applicant
		0	Duplicates
			=
		18	Total

Assessor's
Signature

John B. Speidel

Date

3/20/24

Amount



\$36.00

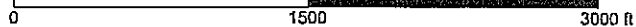
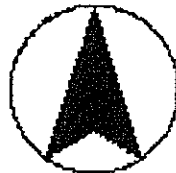


Abutters map for parcel 31-266-1 using all abutters within 300 feet

Printed on 03/20/2024 at 11:03 AM

Legend

-  Parcel Boundary Selection
-  Parcel Boundary




The data shown on this site are revised for informational and zoning purposes only. The user and its consultants are not responsible for the misuse or misinterpretation of this data.

PARCEL ID	LOCATION	OWNER 1	OWNER 2	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIP CODE
41-7-2	FLOYD ST	NELSON JANET M.	NELSON KRISTINE M.	STAR ROUTE 487 WOODLAND RD		WEST ALTON BAY	NH	03810
31-266-1	309 BOSTON RD	MACKENZIE JOHN J., JR., TR.	MACKENZIE REALTY TRUST	309 BOSTON RD		N BILERICA	MA	01862
31-286-1	312 BOSTON RD	WENDY'S PROPERTIES LLC		1 DAVE THOMAS BLVD		DUBLIN	OH	43017
31-287-1	314 BOSTON RD	CHRISTY'S REALTY LTD. PART.	C/O THE SOUTHLAND CORP	P O BOX 711		DALLAS	TX	75221-0711
31-34-1	FLOYD ST	J + C MANAGEMENT LP		10 PARLMONT PARK		N BILERICA	MA	01862
31-36-0	3 FLOYD ST	PERROTTI KRISTINE		3 FLOYD ST		BILERICA	MA	01821-1120
31-37-0	318 BOSTON RD	HELEN L POWERS TESTAMENTARY TR	POWERS JILL A TR	318 BOSTON RD		N BILERICA	MA	01862
31-38-0	316 BOSTON RD	MOREIRA VALDECI F		320 SALEM ST APT 33		MEDFORD	MA	02155-2625
31-76-0	4 PEESHING ST	ANAYA ROBERT A		4 PEESHING ST		BILERICA	MA	01862-2609
31-77-3	305 BOSTON RD	CAR REAL ESTATE LLC		163 BISHOPS FOREST DR		WALTHAM	MA	02452
31-78-1	303 BOSTON RD	303 BOSTON ROAD REALTY TRUST	KINDLAN BRIAN TR	303 BOSTON RD		N BILERICA	MA	01862
31-79-1-1	14-A HADLEY ST	MAURIELLO FAMILY TRUST	MAURIELLO JOHN A TR	23 GOVERNOR FULLER RD		BILERICA	MA	01821
31-79-1-2	14-B HADLEY ST	ROSA MICHAEL S		29 RIVERDALE RD		BILERICA	MA	01821
31-79-1-3	14-C HADLEY ST	14-C HADLEY STREET LLC		14 HADLEY ST UNIT C		N BILERICA	MA	01862
31-79-1-4	14-D HADLEY ST	GREEN ROBERT L		4 FIELDSTONE TER		CHELMSFORD	MA	01824-4383
41-165-0	1 SIMMONS LN	LEONARD SHAWN M	GREEN HEATHER A	1 SIMMONS LANE		N BILERICA	MA	01862-2612
41-3-1	313 BOSTON RD	313 BOSTON ROAD REALTY LLC		313 BOSTON RD		N BILERICA	MA	01862-2621
41-5-0	315 BOSTON RD	315 BOSTON REALTY LLC		45 DERBY ST		CONCORD	MA	01742
41-6-0	324 BOSTON RD	LYNCH ARTHUR J	LYNCH BETH E	324 BOSTON RD		N BILERICA	MA	01862

DISCLAIMER: This list is certified based upon records held in this department as of the date on the abutter's list. It was completed to the best of our ability based upon the information we have available. We do not certify the accuracy of this list per se, only the names and addresses listed on it. In most cases, public disclosure of the hearing pertaining to this list is required and published in the local newspaper. Every effort has been taken to insure proper notification.

The Board of Assessors certifies the accuracy of the names and addresses on this list based upon our current records.


 John B. Speidel
 Chief Assessor
 March 20, 2024

Billerica Conservation Commission

Notification to Abutters Under the Massachusetts Wetlands Protection Act And/or Billerica Wetlands Protection By-Law

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following:

A. The name of the Applicant is JMA Properties, LLC

B. The Applicant has filed a Notice of Intent (**NOI**), Abbreviated Notice of Resource Area Delineation (**ANRAD**), or a Request for Determination of Applicability (**RDA**) with the Billerica Conservation Commission seeking permission to work within the Buffer Zone to Bordering Vegetated Wetlands; or work within the Riverfront Area; or remove, fill, dredge, or alter an Area subject to protection under the Wetland Protection Act (General Laws Chapter 131, Section 40) in order to:

Applicant is proposing to repair the existing parking lot on the property and to install a required oil and grease separator within 100' of bordering vegetated wetlands

C. The address of the lot where the activity is proposed is 309 Boston Road

D. Copies of the **NOI**, or **ANRAD**, or **RDA** may be examined at the **Billerica Conservation Commission at Town Hall** between the hours of **9:00 AM and 3:00 PM Monday to Friday**. For more information call the **Billerica Conservation Commission** at **(978) 671-0966**.

E. Copies of the Notice of Intent may be obtained from the Applicant's representative by calling (978) 663-5410 between the hours of 9:30 AM to 3:00 PM Monday to Friday.

F. Information regarding the date, time, and place of the public hearing may be obtained from the **Billerica Conservation Commission** by calling **(978) 671-0966** between the hours of **9:00 AM and 3:00 PM Monday to Friday**.

NOTE: Notice of the public hearing, including its date, time, and place, will be published at least five (5) days in advance in the Lowell Sun.

NOTE: Notice of the public hearing, including its date, time, and place, will be posted in the Town Hall not less than forty-eight (48) hours in advance.

NOTE: You may also contact your local Conservation Commission or the nearest Department of Environmental Protection (DEP) Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call the Northeast Regional Office at (978) 694-3200.

FORMS

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetland Protection Act and/or
The Billerica Wetlands Protection By-Law

(To be submitted to the Massachusetts Department of Environmental Protection and the
Conservation Commission when filing a Notice of Intent, Request for Determination of
Applicability and/or Abbreviated Notice of Resource Area Delineation)

I, Stephen R. Dresser hereby certify under the pains and penalties of perjury that on
7/29/24 I gave notification to abutters in compliance with the second
paragraph of Massachusetts General Laws Chapter 131, Section 40, the **DEP guide to Abutter
Notification** dated April 8, 1994, as well as Section 7.1A of the Wetlands Protection By-Law
and Section 2.04B of the By-Law Regulations in connection with the following matter:

**A Notice of Intent, or Request for a Determination of Applicability, or Abbreviated Notice
of Resource Area Delineation** (circle one) filed under the Massachusetts Wetlands Protection
Act and/or the Billerica Wetlands Protection By-Law by Dresser, Williams & Way, Inc.
with the Billerica Conservation Commission on _____ for property
located at 309 Boston Road Map 31, Parcel 266-1.
Address Plate / Parcel No.

The form of the notification, and a list of the direct abutters and abutters to abutters within 300
feet of the property line to whom it was given and their addresses, are attached to this Affidavit
of Service.

Name  Date 7/29/24

APPLICANT REPRESENTATIVE FORM

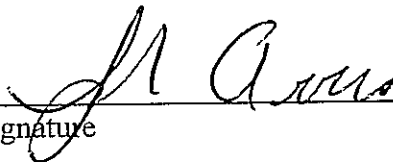
I, the undersigned, give permission for Dresser, Williams & Way, Inc. to represent me at Wetland Hearings before the Billerica Conservation Commission. In my absence, said representative has my permission to continue hearings and otherwise act in my behalf.

Joseph Arria, JMA Properties, LLC LLC
Applicant Name

26 Schoolhouse Lane
Address

Billerica, MA 01821
City / State / Zip

617-594-9738
Phone


Signature

PERMISSION TO ADVERTISE

Date: _____

To: Lowell Sun Newspaper
Legal Notice Department

I hereby authorize the Lowell Sun Newspaper to bill me directly for the legal notice published in the Lowell Sun on _____ for a

Notice of Intent



Signature

Stephen Dresser

Printed Name

572 Boston Road Unit 5

Address

Billerica, MA 01821

City / State / Zip

DWWInc11@yahoo.com

E-Mail

Permission to Inspect Form

To the Conservation Commission:

I, the undersigned landowner, am aware of the project submitted to the Conservation Commission by

Joseph Arria, JMA Properties, LLC

(Land Owner)

at 309 Boston Road Map 31, Parcel 266-1
(Street Address, Plate and Parcel)

Billerica, Massachusetts, 01821.

I also give permission to the Conservation Commission and their agents to perform the necessary inspection of the property for this project.



(Signature of Landowner)

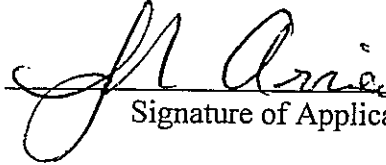
Joseph Arria, JMA Properties, LLC

(Printed Landowner Name)

7/25/24
(Date)

PERMIT STATUS FORM

As Applicant for an Order of Conditions from the Billerica Conservation Commission, I hereby certify that I have obtained or applied for all obtainable permits, variances and approvals required by local by-law with respect to the activity proposed in this Notice of Intent in accordance with MGL Ch. 131, sect 40 and 310 CMR 10.05 (4) (e).



 Signature of Applicant

 Joseph Arria, JMA Properties, LLC
 Printed Name

 7/25/24
 Date

The following is a list of all obtainable permits and their status (Local, State and Federal):

Permit Description	Applied For (date)	Obtained (date)	Denied* (date)
ZBA Special Permit	<input type="checkbox"/> _____	<input type="checkbox"/> 12/20/23	<input type="checkbox"/> _____
_____	<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> _____
_____	<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> _____
_____	<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> _____
_____	<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> _____
_____	<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> _____
_____	<input type="checkbox"/> _____	<input type="checkbox"/> _____	<input type="checkbox"/> _____

* If a permit has been denied by another Agency, Board or Commission, a copy of the denial document shall be submitted to the Conservation Commission for its files.

EXHIBITS, FIGURES, & PLANS

To Be Included in Notice of Intent

FIGURES

- Figure 1 Project Locus USGS Map
- Figure 2 Soil Map
- Figure 3 FEMA Flood Hazard Boundary Map
- Figure 4 Green Engineering Flood Plain Map

EXHIBITS

- Exhibit 1 Wetlands Report
- Exhibit 2 Photos
- Exhibit 3 Operation and Maintenance Plan
- Exhibit 4 Stream Stats

PLANS

- Site Plan Title: Notice of Intent Site Plan
Dated: July 25, 2024
Scale: 1" = 20'
Sheets 1 of 1

Figure 1

Project Locus
USGS Map

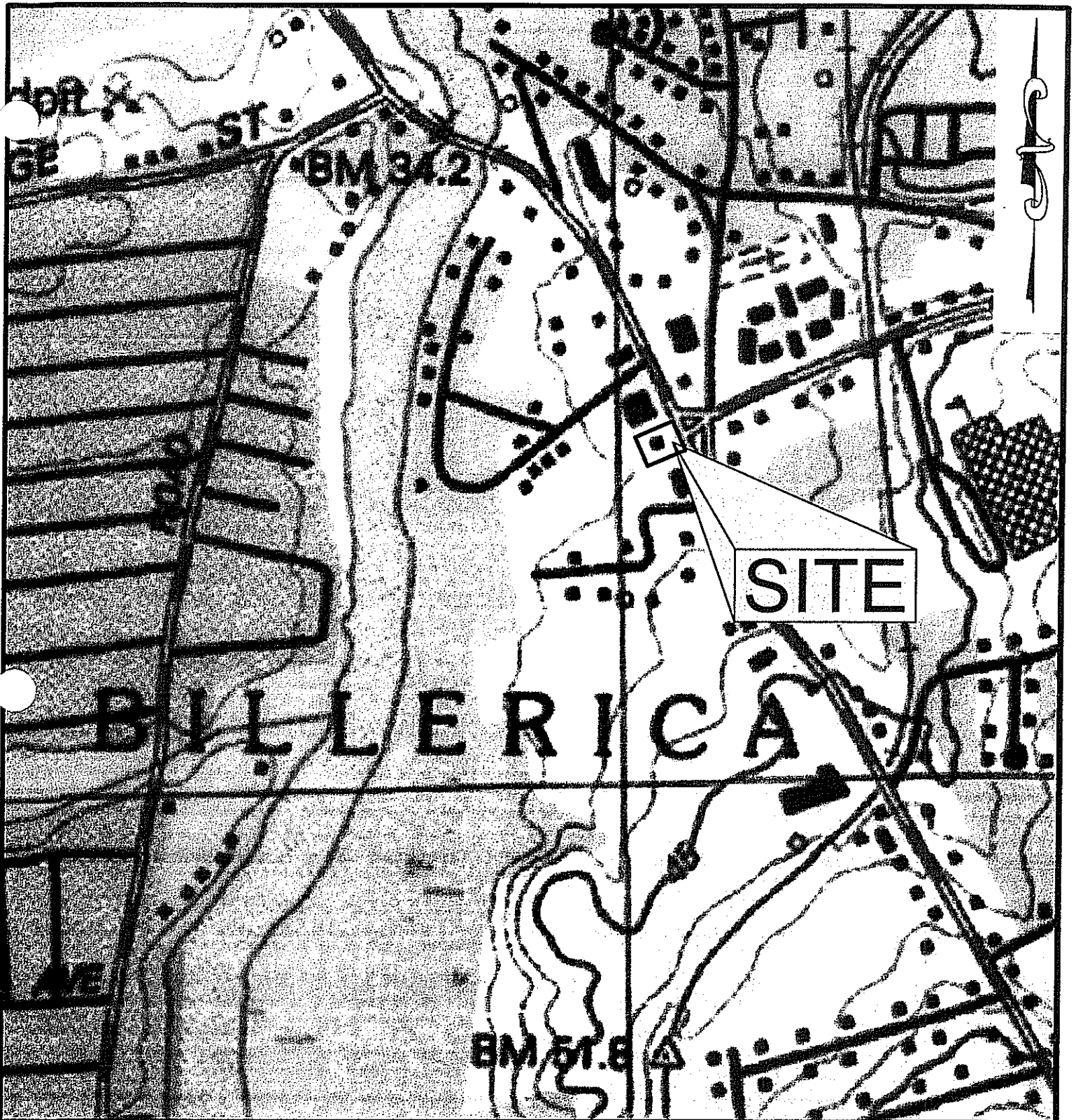


FIGURE 1 - USGS MAP

SCALE: 1" = 1,000'

SOURCE: MASSGIS

Dresser, Williams & Way, Inc.



572 BOSTON RD. - UNIT 5 BILLERICA, MA

TELEPHONE NO. (978) 663-5410

FAX NO. (978) 663-8658

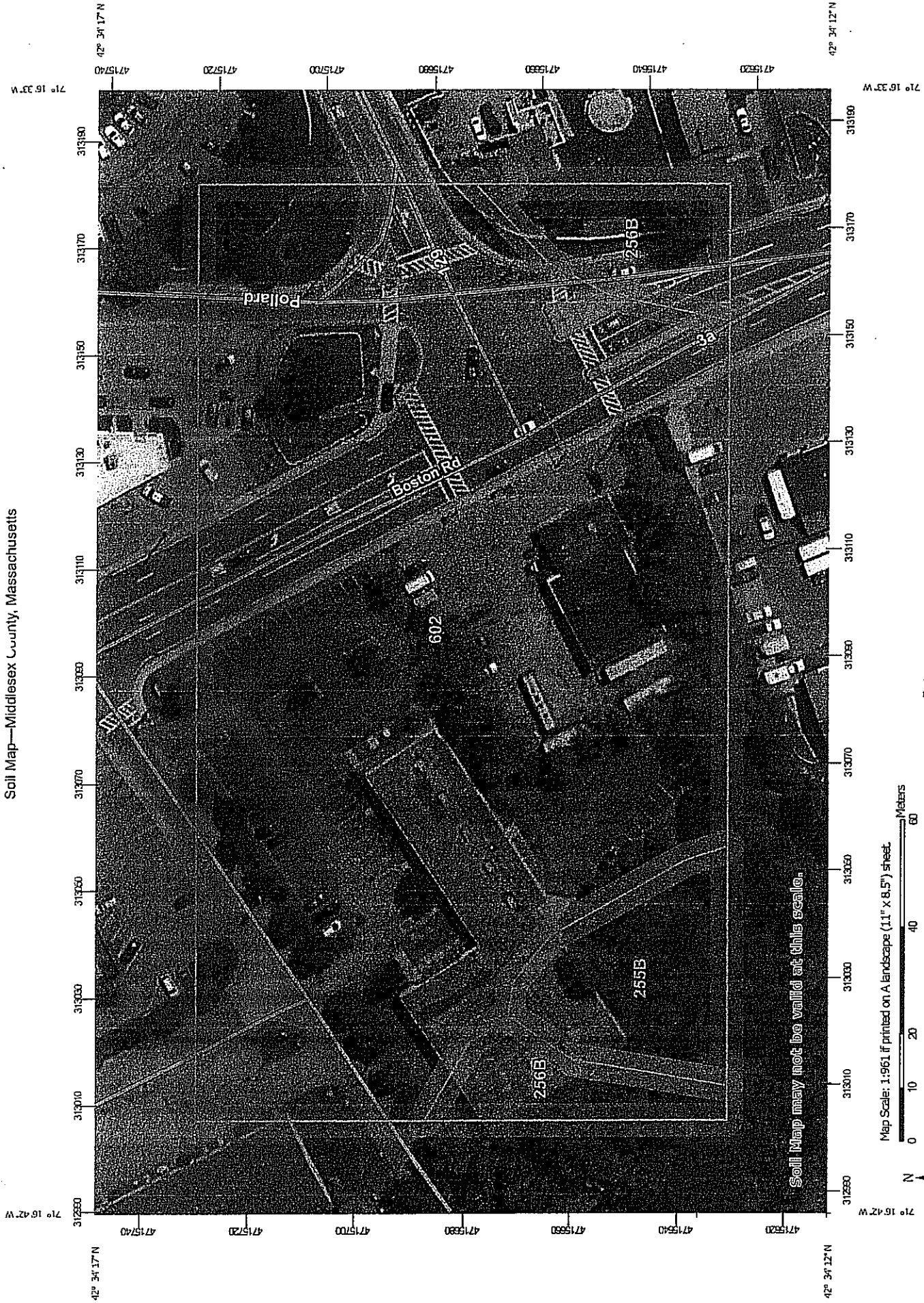
Professional Engineers & Land Surveyors

JOB NO. 4578

Figure 2

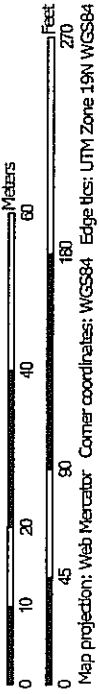
Soils Map

Soil Map—Middlesex County, Massachusetts



Soil Map may not be valid at this scale.

Map Scale: 1:961 if printed on A landscape (11" x 8.5") sheet.



MAP LEGEND

- Area of Interest (AOI)
 - Area of Interest (AOI)
- Soils
 - Soil Map Unit Polygons
 - Soil Map Unit Lines
 - Soil Map Unit Points
- Special Point Features
 - Blowout
 - Borrow Pit
 - Clay Spot
 - Closed Depression
 - Gravel Pit
 - Gravelly Spot
 - Landfill
 - Lava Flow
 - Marsh or swamp
 - Mine or Quarry
 - Miscellaneous Water
 - Perennial Water
 - Rock Outcrop
 - Saline Spot
 - Sandy Spot
 - Severely Eroded Spot
 - Sinkhole
 - Slide or Slip
 - Sodic Spot
- Water Features
 - Streams and Canals
- Transportation
 - Rails
 - Interstate Highways
 - US Routes
 - Major Roads
 - Local Roads
- Background
 - Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Middlesex County, Massachusetts
 Survey Area Data: Version 23, Sep 12, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 22, 2022—Jun 5, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
255B	Windsor loamy sand, 3 to 8 percent slopes	0.3	7.1%
256B	Deerfield loamy fine sand, 3 to 8 percent slopes	0.4	8.4%
602	Urban land	3.6	84.5%
Totals for Area of Interest		4.3	100.0%

Figure 3

FEMA Flood Hazard Boundary Map

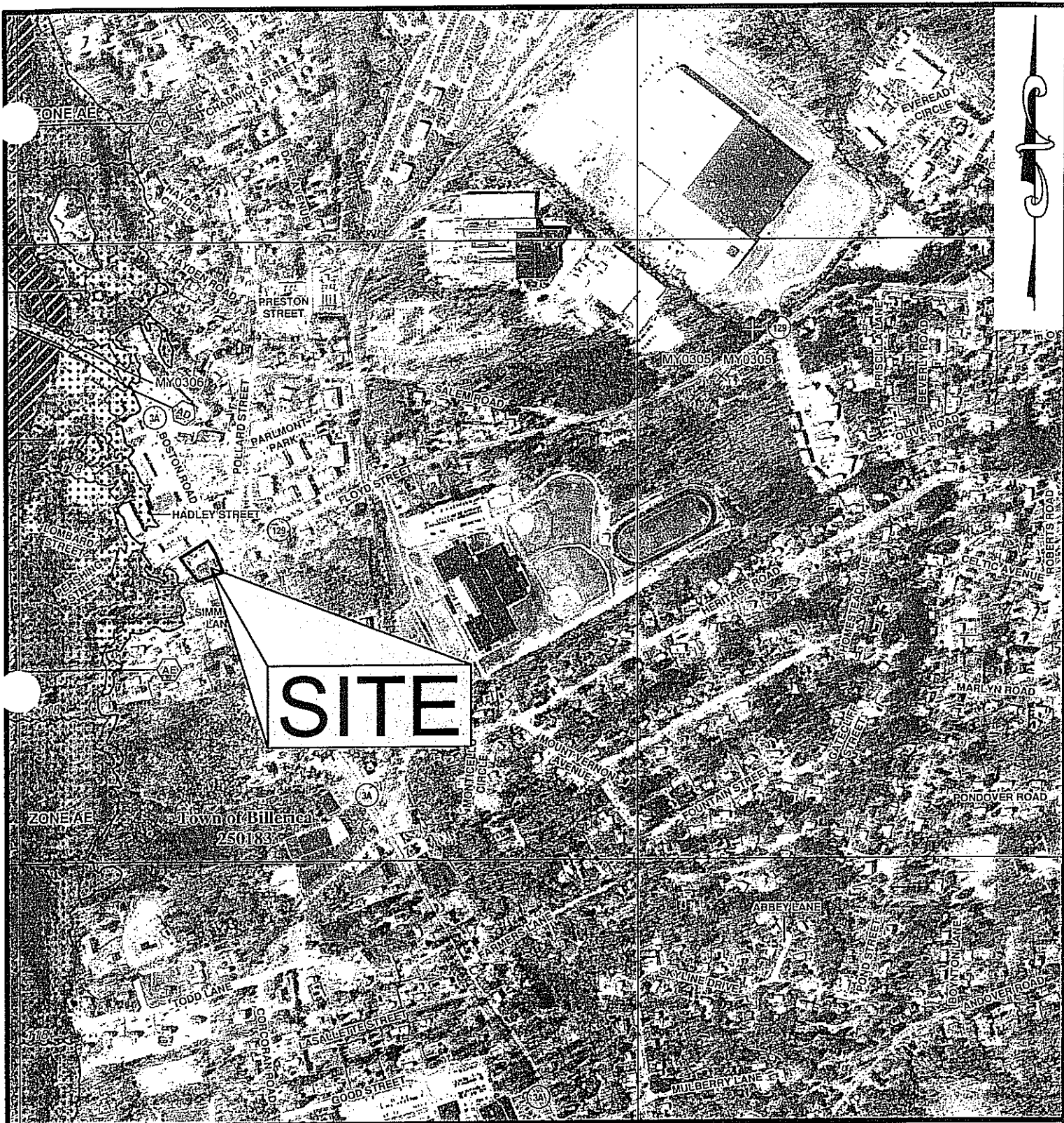


FIGURE 3 - FEMA FLOOD HAZARD BOUNDARY MAP

SCALE: 1" = 500'

SOURCE: FIRM 25017C0259F

Dresser, Williams & Way, Inc.

572 BOSTON RD. - UNIT 5 BILLERICA, MA

TELEPHONE NO. (978) 663-5410

FAX NO. (978) 663-8658

Professional Engineers & Land Surveyors

JOB NO. 4578



Figure 4

Green Engineering Flood Plain Map

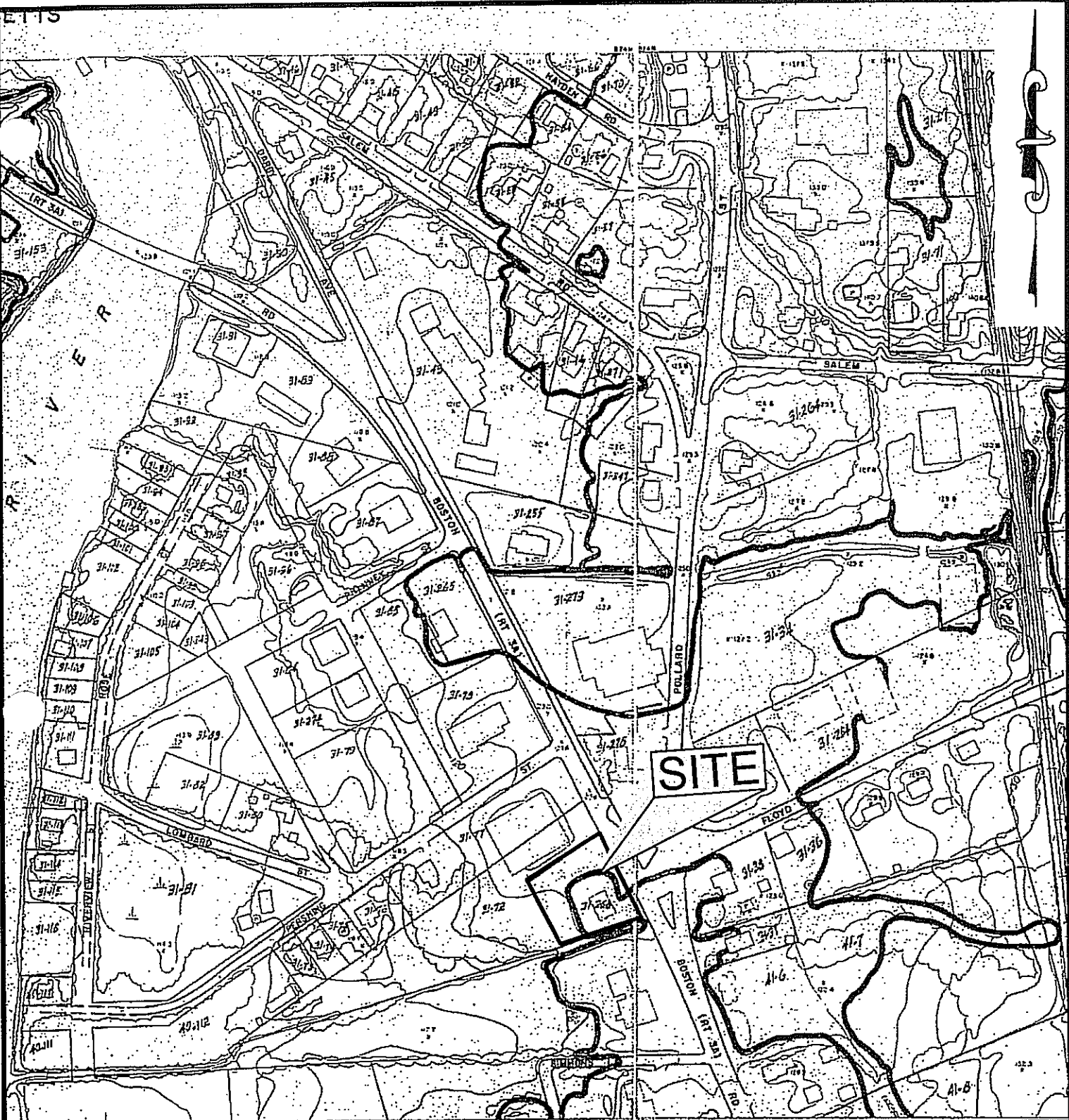


FIGURE 4 - GREEN ENGINEERING FLOOD PLAN MAP

SCALE: 1" = 200'

SOURCE: G.E. MAP 52 & 67

Dresser, Williams & Way, Inc.

572 BOSTON RD. - UNIT 5 BILLERICA, MA

TELEPHONE NO. (978) 663-5410

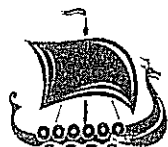
FAX NO. (978) 663-8658

Professional Engineers & Land Surveyors

JOB NO. 4578

Exhibit 1

Wetlands Report



Norse Environmental Services, Inc.
2100 Lakeview Avenue, Unit 3A
Dracont, MA 01826
Ph: (978) 649-9932
Website: www.norseenvironmental.com

July 25, 2024

Mr. Stephen Dresser
Dresser, Williams, & Way
572 Boston Road, Suite 5
Billerica, MA 01821

Re: 309 Boston Road
Billerica, MA 01821

Mr. Dresser,

Norse Environmental Services, Inc. performed a site visit on January 31, 2024, to delineate the resource areas per MGL, Chapter 131 Section 40 Massachusetts Wetlands Protection, 310 CMR 10.00 Massachusetts Wetlands Protection Act Regulations, Billerica Wetlands Protection Bylaw and Regulations.

The property is the former Mackenzie Mobile Electronics building, garage, and parking lot. An intermittent stream, bank and bordering vegetated wetland are located along the southerly property line. The resource areas are flagged in the field with blue ribbon and aluminum tags labeled 1B-7B. The intermittent stream bank is well defined and flagged by the first observable break in slope. The Bank is vegetated with wetland plants including red maple (*Acer rubrum*) and American elm (*Ulmus americana*) in the overstory. The understory consists of silky dogwood (*Cornus amomum*), glossy buckthorn (*Rhamnus frangula*) and Japanese knotweed (*Polygonum cuspidatum*). The herbaceous layer consists of golden rod (*Solidago* sp.) and poison ivy (*Toxicodendron radicans*).

The Web Soil Survey maps the site as Urban Land. Urban Land consists of areas where the soil has been altered or obscured by buildings, industrial areas, paved parking lots, sidewalks, roads, and railroad yards. These structures cover 75 percent or more of the surface area. Slopes range from nearly level to steep.

The USGS Topographic map shows no perennial streams on or near the property. The parcel is not located within the 100-year flood plain or Bordering Land Subject to Flooding. The Billerica Green Engineering Floodplain is shown throughout the property. The property is not located within the NHESP mapping of Estimated and/or Priority Habitat. There are no potential or certified vernal pools located on the property.

Enclosed are the maps of the property. If you have any questions or concerns regarding the above information, please do not hesitate to contact me.

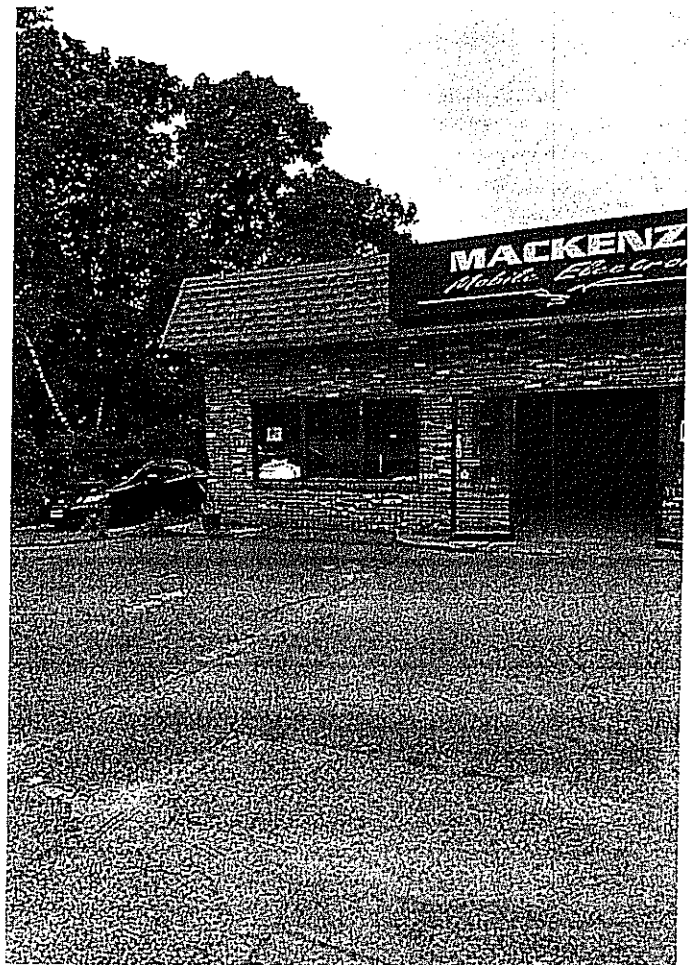
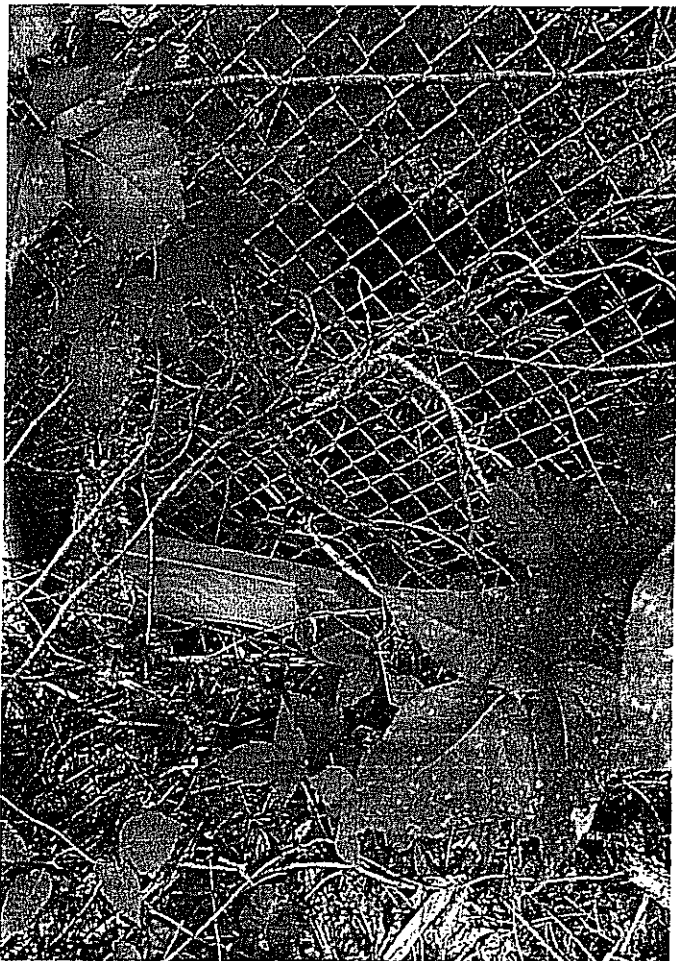
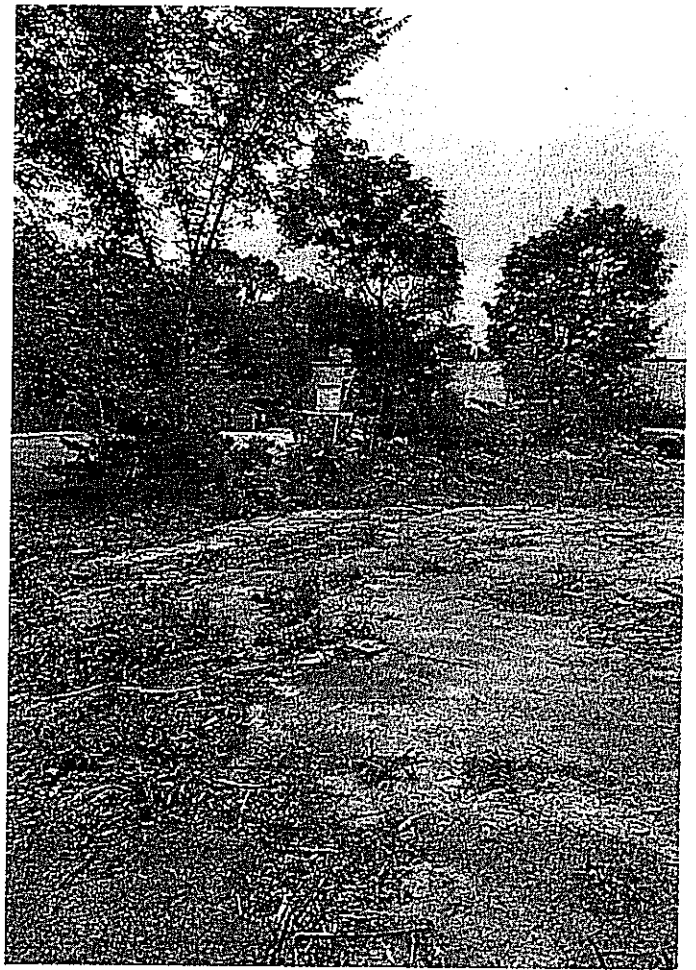
Sincerely,

Maureen Herald

Maureen Herald, PWS, CWS

Exhibit 2

Photos



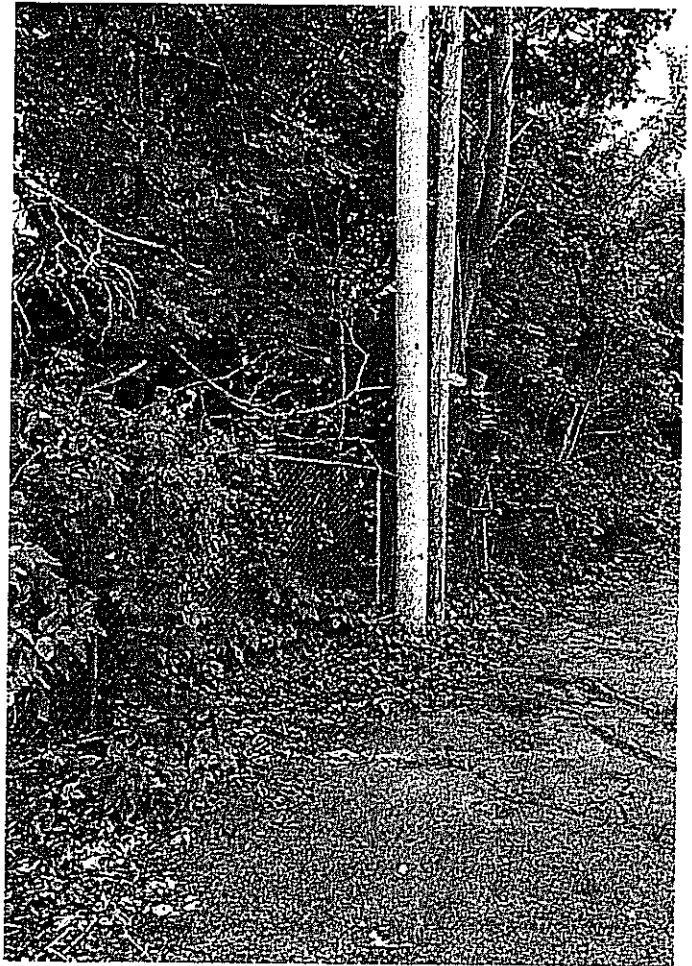


Exhibit 3

Operation and Maintenance Plan

**309 BOSTON ROAD
BILLERICA, MA**

OPERATION AND MAINTENANCE PLAN

DESCRIPTION OF SYSTEM

The project is a commercial building located at 309 Boston Road in Billerica, MA.

The stormwater management system consists of a 2' x 2' stone trench apron located along the southerly and westerly edges of the parking lot.

STORMWATER SYSTEM MANAGEMENT OWNER

JMA Properties, LLC or any subsequent owner of the property, shall be the entity responsible for the operation and maintenance of all drainage structures within the site.

MAINTENANCE PROCEDURES

During Construction

The Contractor shall be responsible for inspection and maintenance during construction.

Erosion control will be placed as shown on the Notice of Intent Site Plan.

An inspection of all erosion control and stormwater management systems shall be conducted by the Contractor at least once a week and during all rain storms until the completion of construction. In case of any noted breach or failure, the Contractor shall immediately make appropriate repairs to any erosion control system and notify the engineer of any problems involving stormwater management systems.

A rain storm shall be defined as all or one of the following:

- Any storm in which rain is predicted to last for twelve consecutive hours or more.
- Any storm for which a flash flood watch or warning is issued.
- Any single storm predicted to have a cumulative rainfall of greater than one-half inch.
- Any storm not meeting the previous three thresholds but which would mark a third consecutive day of measurable rainfall.

The Contractor shall remove the sediment along the straw wattle or other erosion control measure, if and when accumulated sediment occurs.

Post-Construction

Stormwater Management System Owner:

JMA Properties, LLC or any subsequent owner of the property, shall be the owner of the Stormwater Management System

Party Responsible For Operation & Maintenance:

JMA Properties, LLC or any subsequent owner of the property, shall be the entity responsible for the operation and maintenance of all drainage structures within the site.

Inspection & Maintenance Schedule

Stone Trench

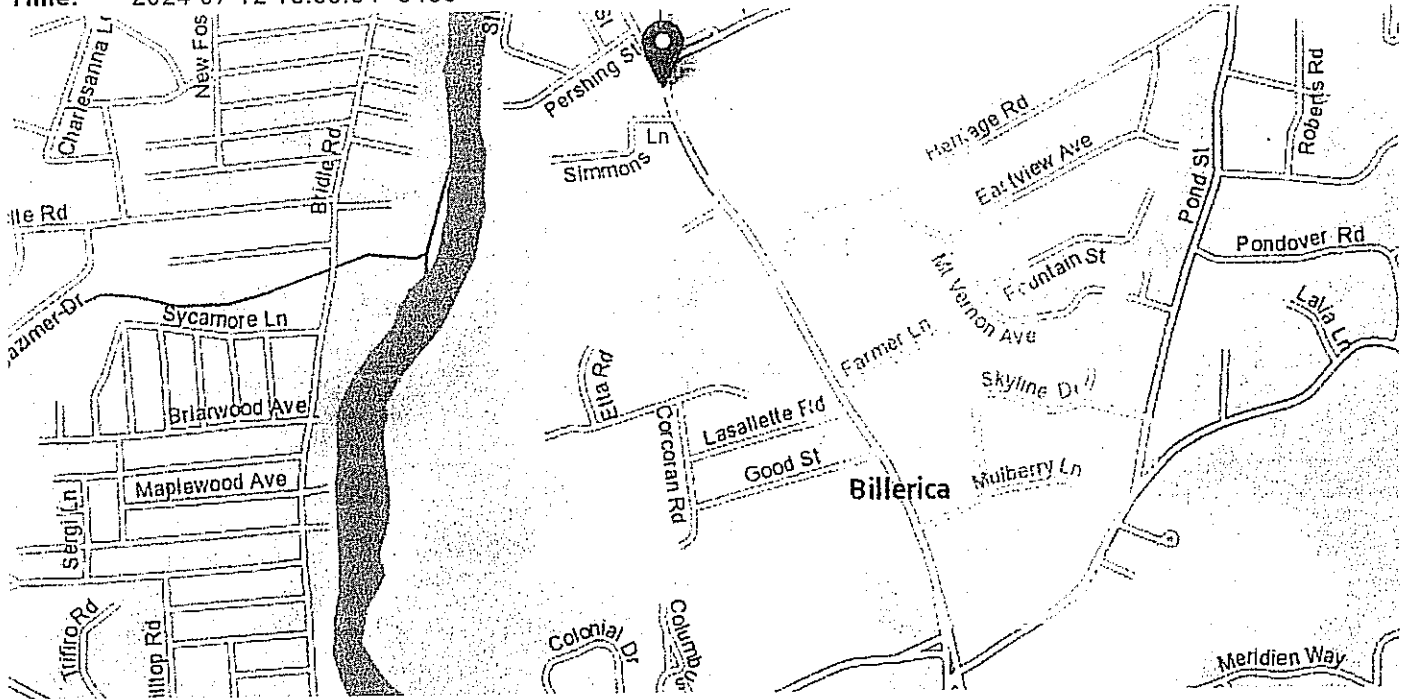
1. After major storms and at least twice each year, early spring and late fall, inspect the stone trench for signs of debris and sedimentation on surface. Remove if necessary.

Exhibit 4

Stream Stats

StreamStats Report

Region ID: MA
 Workspace ID: MA20240712190334241000
 Clicked Point (Latitude, Longitude): 42.57042, -71.27651
 Time: 2024-07-12 15:03:54 -0400



Collapse All

➤ Basin Characteristics

Parameter Code	Parameter Description	Value	Unit
DRNAREA	Area that drains to a point on a stream	0.25	square miles
ELEV	Mean Basin Elevation	191	feet
LC06STOR	Percentage of water bodies and wetlands determined from the NLCD 2006	3.83	percent

➤ Peak-Flow Statistics

Peak-Flow Statistics Parameters [Peak Statewide 2016 5156]

Parameter Code	Parameter Name	Value	Units	Min Limit	Max Limit
DRNAREA	Drainage Area	0.25	square miles	0.16	512

Parameter Code	Parameter Name	Value	Units	Min Limit	Max Limit
ELEV	Mean Basin Elevation	191	feet	80.6	1948
LC06STOR	Percent Storage from NLCD2006	3.83	percent	0	32.3

Peak-Flow Statistics Flow Report [Peak Statewide 2016 5156]

PIL: Lower 90% Prediction Interval, PIU: Upper 90% Prediction Interval, ASEp: Average Standard Error of Prediction, SE: Standard Error, PC: Percent Correct (other -- see report)

Statistic	Value	Unit	PIL	PIU	ASEp
50-percent AEP flood	13.8	ft ³ /s	6.93	27.5	42.3
20-percent AEP flood	23.4	ft ³ /s	11.6	47.3	43.4
10-percent AEP flood	31.2	ft ³ /s	15	64.7	44.7
4-percent AEP flood	42.7	ft ³ /s	19.8	91.9	47.1
2-percent AEP flood	52.3	ft ³ /s	23.5	116	49.4
1-percent AEP flood	62.6	ft ³ /s	27.2	144	51.8
0.5-percent AEP flood	73.9	ft ³ /s	31.1	175	54.1
0.2-percent AEP flood	90.3	ft ³ /s	36.2	225	57.6

Peak-Flow Statistics Citations

Zarriello, P.J., 2017, **Magnitude of flood flows at selected annual exceedance probabilities for streams in Massachusetts: U.S. Geological Survey Scientific Investigations Report 2016-5156**, 99 p. (<https://dx.doi.org/10.3133/sir20165156>)

USGS Data Disclaimer: Unless otherwise stated, all data, metadata and related materials are considered to satisfy the quality standards relative to the purpose for which the data were collected. Although these data and associated metadata have been reviewed for accuracy and completeness and approved for release by the U.S. Geological Survey (USGS), no warranty expressed or implied is made regarding the display or utility of the data for other purposes, nor on all computer systems, nor shall the act of distribution constitute any such warranty.

USGS Software Disclaimer: This software has been approved for release by the U.S. Geological Survey (USGS). Although the software has been subjected to rigorous review, the USGS reserves the right to update the software as needed pursuant to further analysis and review. No warranty, expressed or implied, is made by the USGS or the U.S. Government as to the functionality of the software and related material nor shall the fact of release constitute any such warranty. Furthermore, the software is released on condition that neither the USGS nor the U.S. Government shall be held liable for any damages resulting from its authorized or unauthorized use.

USGS Product Names Disclaimer: Any use of trade, firm, or product names is for descriptive purposes only and does not imply endorsement by the U.S. Government.

Application Version: 4.21.0

StreamStats Services Version: 1.2.22

NSS Services Version: 2.2.1