

Dresser, Williams & Way, Inc.

Professional Engineers & Land Surveyors

572 Boston Road -- Suite 5

Billerica, MA 01821

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

NOTICE OF
INTENT

Map 99, Parcel 476-1

49 Folger Street

Billerica, MA

Dresser, Williams & Way, Inc.

Professional Engineers & Land Surveyors

572 Boston Road – Unit 5

Billerica, MA 01821

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

PROJECT NARRATIVE

49 FOLGER STREET BILLERICA, MA

The project site is located at 49 Folger Street 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 a bordering vegetated wetland (BVW).

The current site includes a garage that was permitted under a Notice of Intent issued by the Commission in March 2021, DEP File No. 109-1412 to Thomas and Sharon Fitzgerald. The applicant, Eric Fitzgerald, Tom and Sharon's son, is converting the garage to a single-family home. In order to complete this project, a Certificate of Compliance (COC) will need to be issued for the original Notice. The COC has been applied for.

The conversion of the garage will require connection to the Town sewer system via directional drilling to March Street. The applicant has obtained appropriate easement from the abutter at 35 Broad Street and will submit the sewer extension for review to the Billerica DPW. The applicant has also agreed to provide a fire hydrant on Folger Street.

As part of the filing for the single-family conversion, the applicant has agreed to remove a shed from the property that was proposed to be relocated, relocate the post and rail fence further from the wetlands than permitted under the prior Notice and install an infiltration system for roof runoff in place of a stone apron. The shed has been removed and the fence has been relocated. The infiltration system will be installed at the completion of the project, to prevent damage from the equipment used in the proposed sewer installation. The proposed plantings will also be installed at the end of the project, again to prevent damage during the construction phase of the site.

There is no additional impervious area proposed as part of the conversion to single-family home. The structure will remain 35+/-' from the wetlands.

Whereas directional drilling will be used to install the sewer by drilling under the wetlands, staging areas for the input and output for the sewer main will be required. These areas, as well as some portions of the sewer installation will fall within the 25' No Alteration Zone, requiring a variance from the Billerica Wetland Bylaw. Please note that additional flags were hung on April 30, 2024 to define the areas along the proposed sewer installation.

A variance request letter is included with this submittal.

Dresser, Williams & Way, Inc.

Professional Engineers & Land Surveyors

36 Webb Brook Road – Suite 3

Billerica, MA 01821

Phone: (978) 663-5410 Fax: (978) 663-8658 E-Mail: DWWInc11@yahoo.com

December 26, 2024

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

Re: **Variance Request**
49 Folger Street
Billerica, MA

Dear Commissioners;

The project site is located at 49 Folger Street 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 a bordering vegetated wetland (BVW).

The current site includes a garage that was permitted under a Notice of Intent issued by the Commission in March 2021, DEP File No. 109-1412 to Thomas and Sharon Fitzgerald. The applicant, Eric Fitzgerald, Tom and Sharon's son, is converting the garage to a single-family home. In order to complete this project, a Certificate of Compliance (COC) will need to be issued for the original Notice. The COC has been applied for.

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variance from the Billerica Wetland Bylaw . Please note that additional flags were hung on April 30, 2024 to define the areas along the proposed sewer installation.

As such, a variance to Section 3.03.C.3.b of the Billerica Wetland Bylaw is requested to perform the restoration work.

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 is installing sewer using directional drilling. The input and output areas, as well as some of the sewer installation is located 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 applicant is connecting to the Town sewer system at the nearest and least obtrusive area using directional drilling to prevent any disturbance to the wetlands. A standard installation would have required disturbance of the wetlands with restoration. Existing regulations will not allow the installation of a septic system.

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.

The applicant removed an existing shed from the property.

The applicant agreed to move his post and rail fence providing more buffer zone protection.

The applicant will install an infiltration system in lieu of a stone apron

d. Detailed plans for the proposed mitigation measures:

Erosion control will be provided during construction.

The applicant removed an existing shed from the property.

The applicant agreed to move his post and rail fence providing more buffer zone protection.

The applicant will install an infiltration system in lieu of a stone apron

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.

The applicant removed an existing shed from the property.

The applicant agreed to move his post and rail fence providing more buffer zone protection.

The applicant will install an infiltration system in lieu of a stone apron

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.

The applicant removed an existing shed from the property.

The applicant agreed to move his post and rail fence providing more buffer zone protection.

The applicant will install an infiltration system in lieu of a stone apron

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.

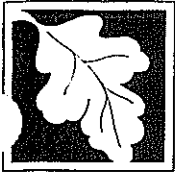
If you have any questions or concerns regarding the above-submitted materials please do not hesitate to call.

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

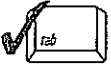
MassDEP File Number

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):

<u>49 Folger Street</u>	<u>Billerica</u>	<u>01821</u>
a. Street Address	b. City/Town	c. Zip Code
<u>Latitude and Longitude:</u>	<u>42d 31' 43.068" N</u>	<u>71d 13' 11.316" W</u>
	d. Latitude	e. Longitude
<u>99</u>	<u>Part of 476-1</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Eric</u>	<u>Fitzgerald</u>	
a. First Name	b. Last Name	
<u>c. Organization</u>		
<u>9 Summit Rd</u>		
d. Street Address		
<u>Billerica</u>	<u>MA</u>	<u>01821</u>
e. City/Town	f. State	g. Zip Code
<u>h. Phone Number</u>	<u>i. Fax Number</u>	<u>j. Email Address</u>

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

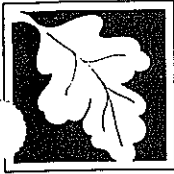
<u>a. First Name</u>	<u>b. Last Name</u>	
<u>c. Organization</u>		
<u>d. Street Address</u>		
<u>e. City/Town</u>	<u>f. State</u>	<u>g. Zip Code</u>
<u>h. Phone Number</u>	<u>i. Fax Number</u>	<u>j. Email address</u>

4. Representative (if any):

<u>a. First Name</u>	<u>b. Last Name</u>	
<u>Dresser, Williams & Way, Inc.</u>		
c. Company		
<u>572 Boston Rd - Unit 5</u>		
d. Street Address		
<u>Billerica</u>	<u>MA</u>	<u>01821</u>
e. City/Town	f. State	g. Zip Code
<u>978-663-5410</u>	<u>DWWInc11@yahoo.com</u>	
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$500.00</u>	<u>\$262.50</u>	<u>\$237.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Project involves converting a garage to a single-family home and installing a sewer main, via directional drilling within 100' of the Bordering Vegetated Wetlands

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

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input 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

38312

c. Book

b. Certificate # (if registered land)

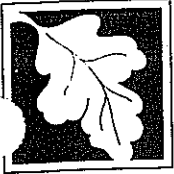
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d. Page Number

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

1. 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.
2. 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.



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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 _____ 3. cubic yards dredged _____	2. square feet _____

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet _____ 3. cubic feet of flood storage lost _____	2. square feet _____ 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:

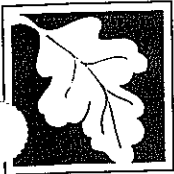
a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

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.



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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. <input type="checkbox"/> 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. <input type="checkbox"/> Project Involves Stream Crossings		
	a. number of new stream crossings _____	b. number of replacement stream crossings _____



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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

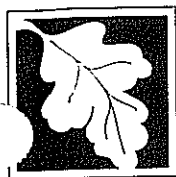
2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(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.



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

- (c) MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhosp/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/nhosp/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
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694
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.



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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.


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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.

b. Prepared By

Stephen R. Dresser, PE

c. Signed and Stamped by

1"=30'

d. Final Revision Date

e. Scale

12/20/24

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

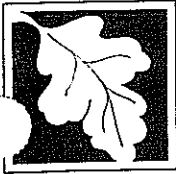
 3. Check date

 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

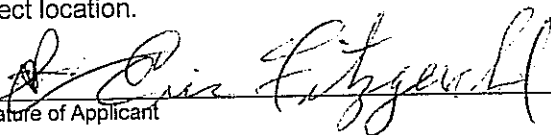

Billerica

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.

1. Signature of Applicant	2. Date
	12/23/21
3. Signature of Property Owner (if different)	4. Date
	12/23/24
5. Signature of Representative (if any)	6. Date

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:

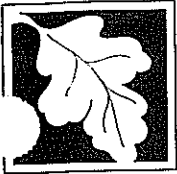
One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

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:

49 Folger Street Billerica
 a. Street Address b. City/Town
 \$500.00
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Eric Fitzgerald
 a. First Name b. Last Name
 c. Organization
 9 Summit Rd
 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

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

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.

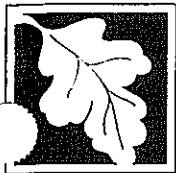
Step 2/Number of Activities: Identify the number of each type of activity.

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.



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
2a) Construction of a single-family home	1	\$500.00	\$500.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Step 5/Total Project Fee: \$500.00

Step 6/Fee Payments:

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

ERIC FITZGERALD
9 SUMMIT RD.
BILLERICA, MA 01821

53-274/113

114

DATE Dec 23, 2024

SPECIALTY BLUE INK SECURITY

PAY TO THE ORDER OF Comm. of Mass. \$ 237.50
Two Hundred + Thirty Seven + 50/100 DOLLARS

Heat Reactive Ink

MEMO 49 Folger St Billerica Eric Fitzgerald

⑆011302742⑆ 4240303⑆0114

LOOK FOR FRAUD-DETECTING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT-REACTIVE INK. DETAILS ON BACK.

ERIC FITZGERALD
9 SUMMIT RD.
BILLERICA, MA 01821

53-274/113

115

DATE Dec 23, 2024

SPECIALTY BLUE INK SECURITY

PAY TO THE ORDER OF Town of Billerica \$ 137.50
One Hundred + Thirty Seven + 50/100 DOLLARS

Heat Reactive Ink

MEMO 49 Folger St Eric Fitzgerald

⑆011302742⑆ 4240303⑆0115

LOOK FOR FRAUD-DETECTING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT-REACTIVE INK. DETAILS ON BACK.

ERIC FITZGERALD
9 SUMMIT RD.
BILLERICA, MA 01821

53-274/113

116

DATE Dec 23, 2024

SPECIALTY BLUE INK SECURITY

PAY TO THE ORDER OF Town of Billerica \$ 262.50
Two Hundred + Sixty Two + 50/100 DOLLARS

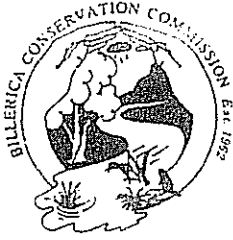
Heat Reactive Ink

MEMO 49 Folger St Eric Fitzgerald

⑆011302742⑆ 4240303⑆0116

LOOK FOR FRAUD-DETECTING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT-REACTIVE INK. DETAILS ON BACK.

BYLAW
APPLICATION
FORM



Conservation of Natural Resources
in
Billerica, Massachusetts

Billerica File Number: _____
Provided by the Town

TOWN OF BILLERICA
WETLANDS BY-LAW APPLICATION
WETLANDS PROTECTION BY-LAW
Town of Billerica General By-Laws, Article XXII

Application for: Resource Delineation Determination of Applicability
 Notice of Intent

Please type or print the following information:

Section A – General Information

APPLICANT: Eric Fitzgerald
Address: 9 Summit Rd
Billerica, MA 01821
Phone: () -

**BY-LAW
FILING FEE**

\$ 137.50

REPRESENTATIVE: Dresser, Williams and
Way, Inc.
Address: 572 Boston Road - Unit
5
Billerica, MA 01821
Phone: (978) 663 - 5410

PROPERTY OWNER: _____
Address: _____
Phone: () -

Section B – Project Information

1. Project Location

Street Address: 49 Folger Street
Assessor's Map/Plat Number: 99 Parcel/Lot Number: Part of 476-1

2. Project Narrative: (Proposed activity, project impacts, proposed mitigation, etc. Attach additional paper as necessary.)

Project involves converting a garage to a single-family home and installing a sewer main, via directional drilling within 100' of the Bordering Vegetated Wetlands

**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: 1,000 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	1,000 Square Feet	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"/>
<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"/>

- General locus map from a USGS topographic map.
- 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).
- 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"/>
<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"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- Existing 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.
- Drainage divides (pre- and post-construction).
- F.E.M.A. Flood Plain and Green Engineering Flood Plain (available through the Billerica Conservation Commission office).
- 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 checked="" 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 type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Dates when fieldwork was conducted. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 checked="" 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



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

Received
JUN 03 2024
Board of Assessors
Billerica, MA

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 6/3/24
Address of Property 9 Summit Road Plate 99
Telephone Number 978-663-5410 Parcels 476-~~2~~ 2

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) - ~~NO CELL TOWER~~

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

Office Use Only

3A Parcels 2 Applicant 6 Duplicates = 26 Total

Assessor's
Signature

John B. Speidel

Date

6/5/24

Amount

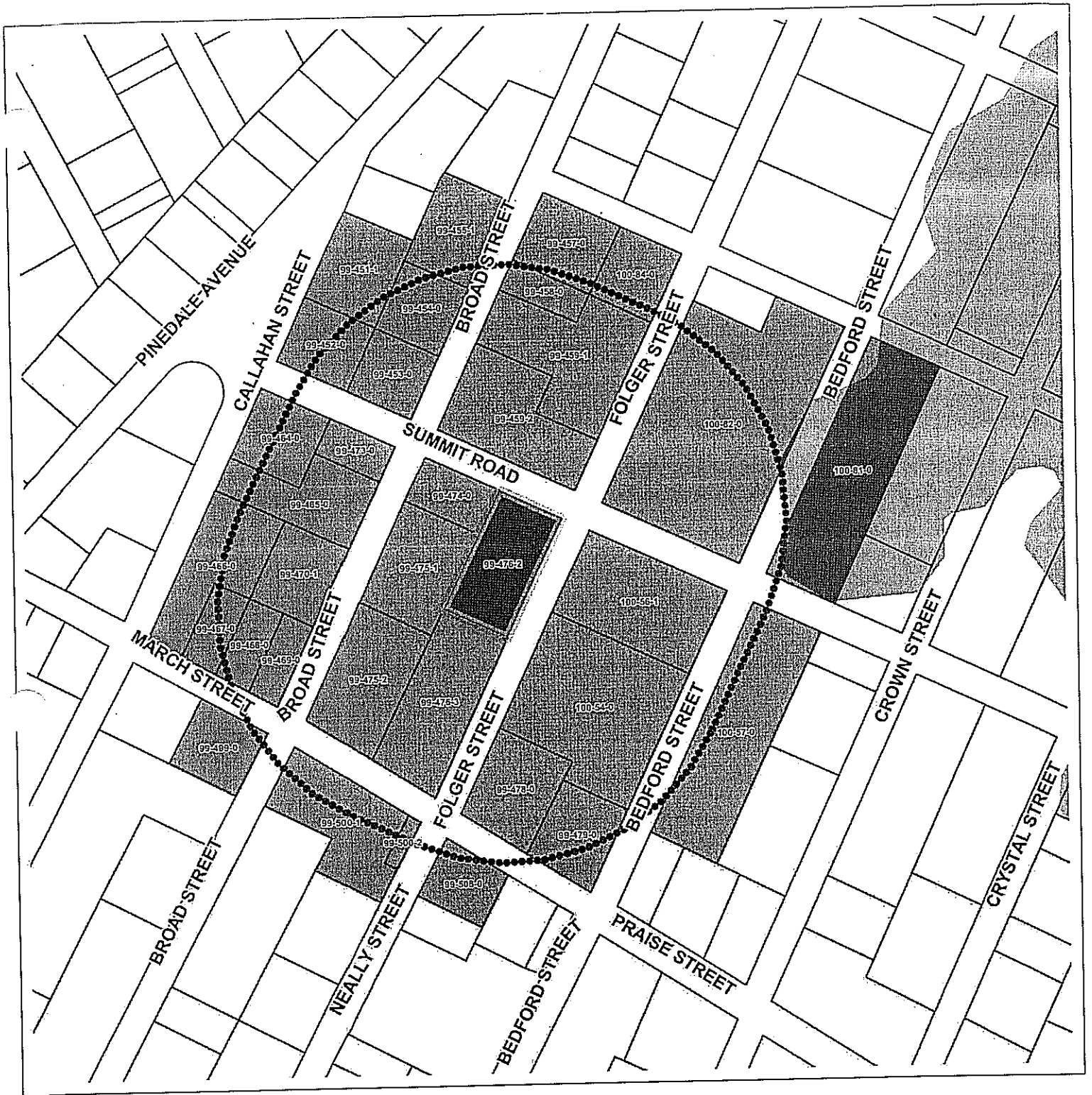
\$52.00

PARCEL ID	LOCATION	OWNER 1	OWNER 2	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIP CODE
99-451-1	35 CALLAHAN ST	KEELEY RYAN	VALERIANI MICHELLE	35 CALLAHAN ST		BILLERICA	MA	01821-6312
99-452-0	2 SUMMIT RD	WARD DIANA	WARD PETER	2 SUMMIT ROAD		BILLERICA	MA	01821
99-453-0	4 SUMMIT RD	DOHERTY THOMAS	DOHERTY TAMARA	4 SUMMIT ROAD		BILLERICA	MA	01821
99-454-0	40 BROAD ST	ROBERTSON SUSAN		40 BROAD ST		BILLERICA	MA	01821-6342
99-455-1	44 BROAD ST	CLOUTIER LISA M		44 BROAD ST		BILLERICA	MA	01821-6340
99-457-0	45 BROAD ST	SAVINON RAFAEL	SAVINON KARINA	45 BROAD ST		BILLERICA	MA	01821
99-458-0	43 BROAD ST	DONNA + DOUGLAS SKANE REVOCABL	SKANE DOUGLAS M TR	43 BROAD ST		BILLERICA	MA	01821-6340
99-459-1	41 BROAD ST	MLYNARSKI SCOTT	LEE HYELEE	41 BROAD ST		BILLERICA	MA	01821
99-464-0	3 SUMMIT RD	SANTIAGO RICHARD	SANTIAGO NADIA	3 SUMMIT RD		BILLERICA	MA	01821-6343
99-465-0	34 BROAD ST	GHARIOS ELIAS A	KILCOMMONS ASHLEY E	34 BROAD ST		BILLERICA	MA	01821
99-466-0	27 CALLAHAN ST	CHANDRAN NAMBAR SHRUTI	ASHREE DEEPAK OAK BHAGY	27 CALLAHAN ST		BILLERICA	MA	01866
99-467-0	8 MARCH ST	CARMICHAEL PAUL	CARMICHAEL SUECI DAWN	PO BOX 205		PINEHURST	MA	01821-6310
99-468-0	10 MARCH ST	MOSHER DIANE E	RABION COREY	10 MARCH ST		BILLERICA	MA	01821
99-469-0	12 MARCH ST	BUNKER KENNETH C.	MCCARTIN DIANNE	12 MARCH ST		BILLERICA	MA	01821
99-470-1	32 BROAD ST	FILIPPONE DAVID J.	FILIPPONE KAREN J.	32 BROAD ST		BILLERICA	MA	01821-6343
99-473-0	36 BROAD ST	CUTLER TRACEY H		36 BROAD ST		BILLERICA	MA	01821-6302
99-474-0	7 SUMMIT RD	NANDA SOUMENDRA	TORRES CINDY	7 SUMMIT RD		BILLERICA	MA	01821
99-475-1	35 BROAD STREET EX	SHINKLE FAMILY 2023 LIVING TRUST	SHINKLE RICHARD A.	35 BROAD STREET EX		BILLERICA	MA	01821
99-475-2	BROAD ST	TOWN OF BILLERICA		365 BOSTON RD		BILLERICA	MA	01821
99-478-0	FOLGER ST	TOWN OF BILLERICA		365 BOSTON RD		BILLERICA	MA	01821
99-479-0	MARCH ST	TOWN OF BILLERICA		365 BOSTON RD		BILLERICA	MA	01821
99-499-0	MARCH ST	TOWN OF BILLERICA		451 MIDDLESEX TP		BILLERICA	MA	01803
99-500-1	MARCH ST	MURRAY ROBERT W.	C/O RALPH MCKENNA	27 CAMBRIDGE ST		BURLINGTON	MA	01821
99-500-2	MARCH ST	MURRAY ROBERT W.		365 BOSTON RD		BILLERICA	MA	01803
99-508-0	MARCH ST	GULLA ANDREA F		27 CAMBRIDGE ST		BURLINGTON	MA	01821-6340
99-459-2	9 SUMMIT RD	T K FITZGERALD REALTY TR	GULLA MICHELLE E	39 BROAD ST		BILLERICA	MA	01821-6302
99-476-2	49 FOLGER ST	FITZGERALD ERIC	FITZGERALD SHARON L	9 SUMMIT RD		BILLERICA	MA	01821-6302
100-54-0	48 FOLGER ST	LLOYD JOSEPH J., II	LLOYD JENNIFER L.	48 FOLGER ST		BILLERICA	MA	01821
100-56-1	46 FOLGER ST	PATEL AMI A	PATEL AMITKUMAR	46 FOLGER ST		BILLERICA	MA	01821-6336
100-57-0	BEDFORD ST	TOWN OF BILLERICA		365 BOSTON RD		BILLERICA	MA	01821
100-81-0	BEDFORD ST	TOWN OF BILLERICA		365 BOSTON RD		BILLERICA	MA	01821
100-82-0	32 FOLGER ST	BRANDARIZ RAMON M	BRANDARIZ ANNA M	32 FOLGER ST		BILLERICA	MA	01821
100-84-0	27 FOLGER ST	JARVIE JAMES S., III	JARVIE JAYNE M.	27 FOLGER ST.		BILLERICA	MA	01821

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
 John B Speidel
 Chief Assessor
 June 5, 2024

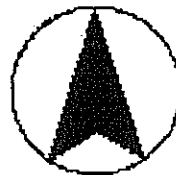


Abutters map for parcel 99-476-2 using all property owners within 300 feet

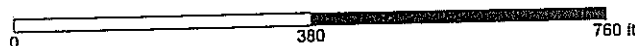
Printed on 06/05/2024 at 09:00 AM

Legend

-  Parcel Boundary Selection
-  Parcel Boundary



The data shown on this site are provided for informational and mapping purposes only. The town and its consultants are not responsible for the accuracy or completeness of the information.



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 Eric Fitzgerald

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:

Project involves converting a garage to a single-family home and installing a sewer main, via directional drilling within 100' of the Bordering Vegetated Wetlands.

C. The address of the lot where the activity is proposed is 9 Summit Rd

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

Permission to Inspect Form

To the Conservation Commission:

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

Eric Fitzgerald

(Land Owner)

at 49 Folger Street Map 99. Parcel 476-1

(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)

Eric Fitzgerald

(Printed Landowner Name)

(Date)

APPLICANT REPRESENTATIVE FORM

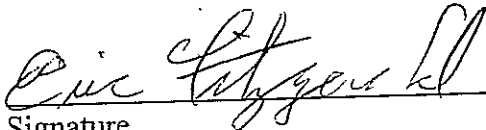
I, the undersigned, give permission for Dresser, Williams & Way, Inc. to represent me at Wetland Hearings before the Billerica Conservation Commission. In my absence, said representative has my permission to continue hearings and otherwise act in my behalf.

Eric Fitzgerald
Applicant Name

9 Summit Rd
Address

Billerica, MA 01821
City / State / Zip

Phone


Signature

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
_____ 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:

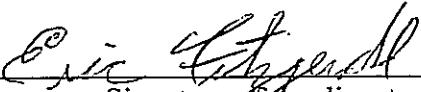
**A Notice of Intent, or Request for a Determination of Applicability, or Abbreviated Notice
of Resource Area Delineation** (circle one) filed under the Massachusetts Wetlands Protection
Act and/or the Billerica Wetlands Protection By-Law by Dresser, Williams & Way, Inc.
with the Billerica Conservation Commission on _____ for property
located at 49 Folger Street Map 99, Part of Parcel 476-1.
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 _____

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

Eric Fitzgerald
Printed Name

12-23-24
Date

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

<u>Permit Description</u>	<u>Applied For (date)</u>	<u>Obtained (date)</u>	<u>Denied* (date)</u>
<u>Sewer Connection</u>	<input type="checkbox"/> <u>12/30/24</u>	<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.

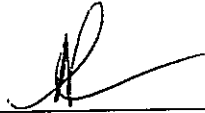
PERMISSION TO ADVERTISE

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

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 Miantenance Plan
-

PLANS

- Site Plan Title: Notice of Intent Site Plan
Dated: December 20, 2024
Scale: 1" = 30'
Sheets 1 of 1

Figure 1

Project Locus
USGS Map

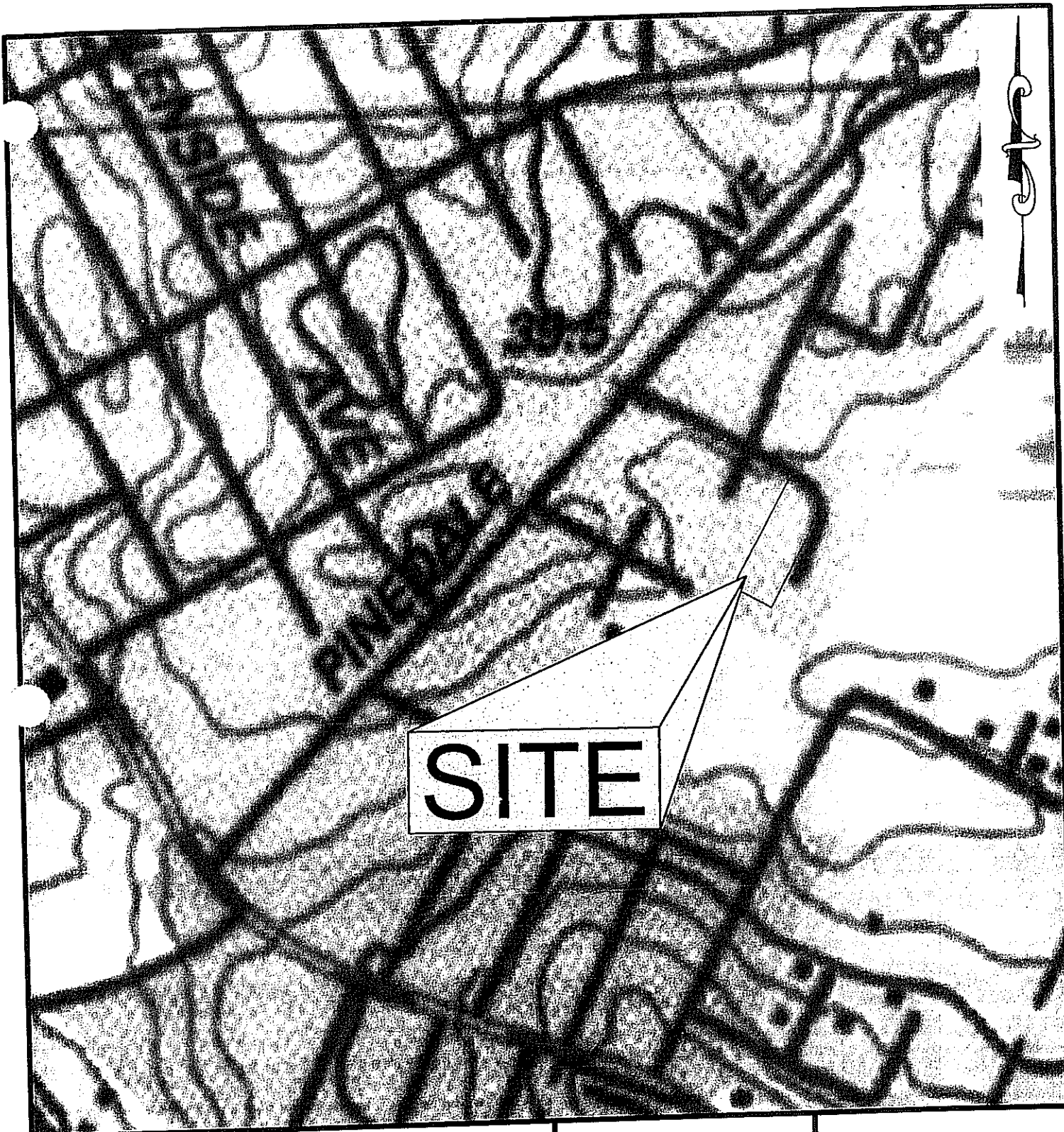


FIGURE 1 - USGS MAP

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

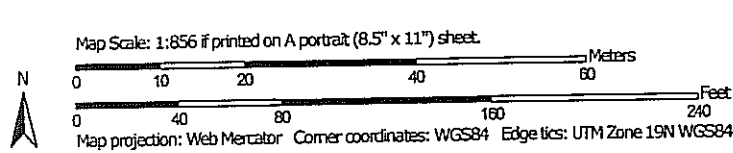
Figure 2

Soils Map

Hydrologic Soil Group—Middlesex County, Massachusetts



































Soil Map may not be valid at this scale.



Hydrologic Soil Group—Middlesex County, Massachusetts

MAP LEGEND

- Area of Interest (AOI)**
 Area of Interest (AOI)
- Soils**
- Soil Rating Polygons**
-  A
 -  A/D
 -  B
 -  B/D
 -  C
 -  C/D
 -  D
 -  Not rated or not available
- Soil Rating Lines**
-  A
 -  A/D
 -  B
 -  B/D
 -  C
 -  C/D
 -  D
 -  Not rated or not available
- Soil Rating Points**
-  A
 -  A/D
 -  B
 -  B/D
- Water Features**
-  Streams and Canals
- Transportation**
-  Rails
 -  Interstate Highways
 -  US Routes
 -  Major Roads
 -  Local Roads
- Background**
-  Aerial Photography
- C**
 C
 C/D
 D
 Not rated or not available

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:25,000.

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 19, Sep 12, 2019

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

Date(s) aerial images were photographed: Sep 13, 2019—Oct 5, 2019

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.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
51A	Swansea muck, 0 to 1 percent slopes	B/D	0.2	12.5%
311B	Woodbridge fine sandy loam, 0 to 8 percent slopes, very stony	C/D	1.2	87.5%
Totals for Area of Interest			1.4	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Figure 3

FEMA Flood Hazard Boundary Map

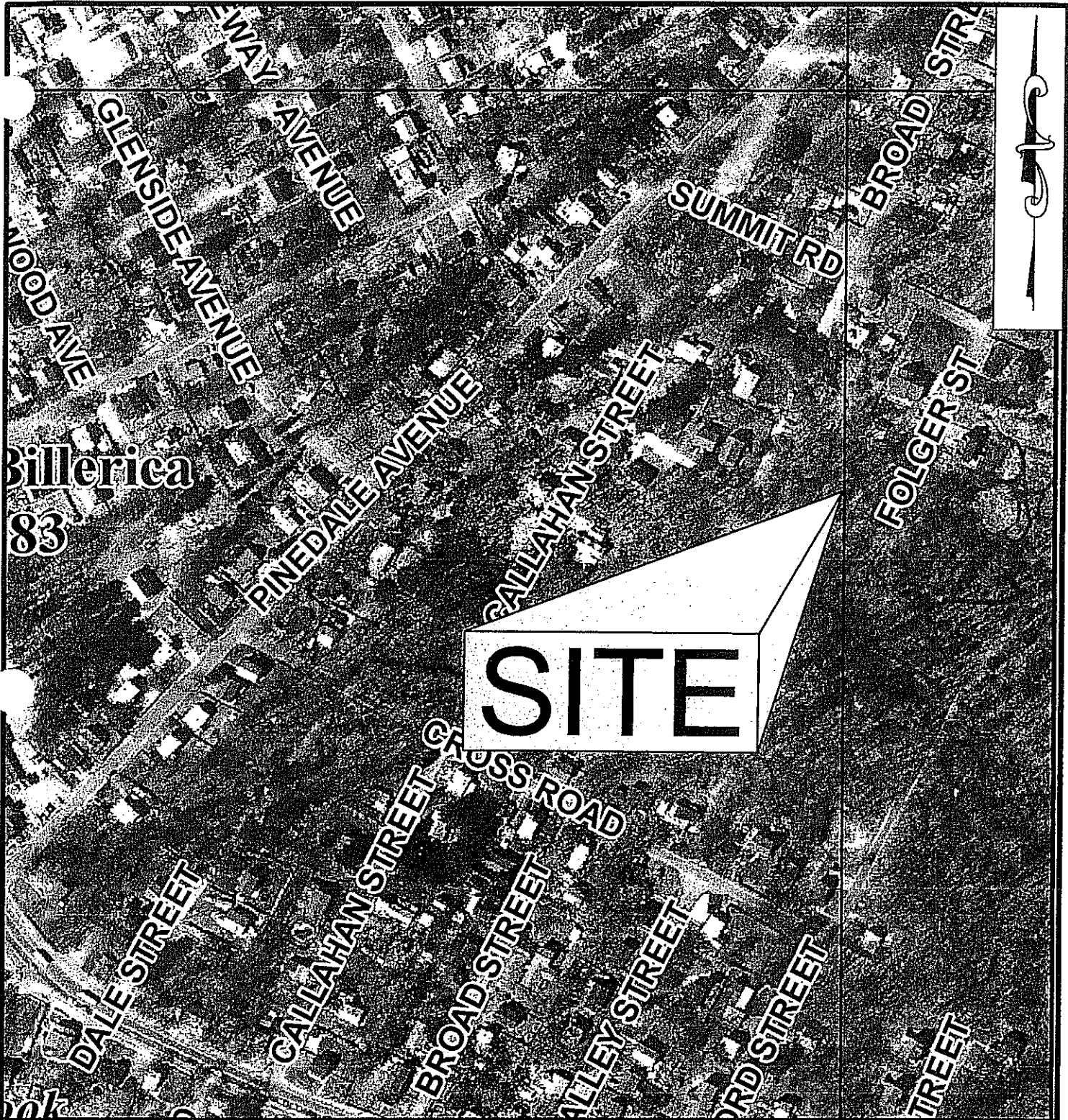


FIGURE 3 - FEMA FLOOD HAZARD BOUNDARY MAP

SCALE: 1" = 500'

SOURCE: FIRM 25017C0288F

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

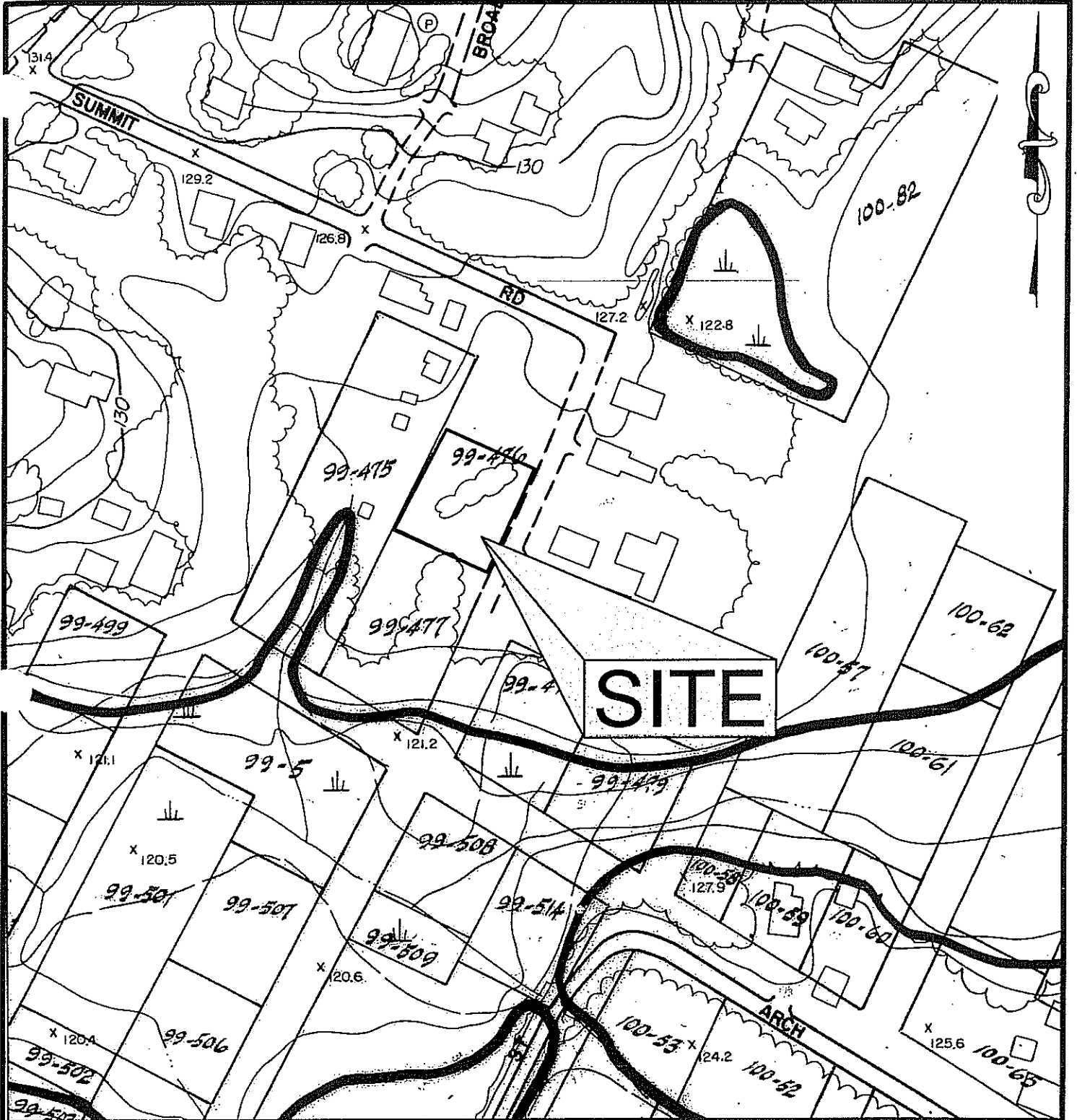


FIGURE 4 - GREEN ENGINEERING FLOOD PLAIN MAP

SCALE: 1" = 200'

SOURCE: G.E. MAP 143

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
Dracut, MA 01826
Ph: (978) 649-9932
Website: www.norseenvironmental.com

May 15, 2024

Mr. Stephen Dresser
Dresser, Williams, and Way
572 Boston Road, Unit 5
Billerica, MA 01821

Re: 9 Summit Road
Billerica, MA 01821

Mr. Dresser,

Norse Environmental Services, Inc., performed a site visit April 30, 2024, to extend the offsite wetland flagging for the project located at 9 Summit Road. The resource areas were delineated 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 B-series flagging was extended in the field with blue ribbon and aluminum tags labeled 8B-16B. The B-series wetland is a red maple swamp consisting of red maple (*Acer rubrum*) and black cherry (*Prunus serotina*) in the overstory. The understory consists of black cherry (*Prunus serotina*) and multiflora rose (*Rosa multiflora*). The herbaceous layer consists of skunk cabbage (*Symplocarpus foetidus*) and jewelweed (*Impatiens capensis*).

The intermittent stream banks, between the A & B series wetland, are flagged in the field with blue ribbon and aluminum tags labeled 1E-6E and 1F-6F. The banks are well fined and flagged by the first observable break in slope.

The Web Soil Survey maps the area as Woodbridge and Swansea Soil. The Woodbridge series consists of nearly level to steep, deep (5+ ft.), moderately, well drained soils on drumlins. They formed in compact glacial till. Woodbridge soils have friable fine sandy loam or sandy loam surface soil and subsoil with moderate permeability over a firm, fine sandy loam, or sandy loam substratum at 15 to 38 inches which has slow or very slow permeability. Woodbridge soils have a very stony or extremely stony surface, except where stones have been removed, and have stones below the surface. They have a perched, seasonal high-water table at 18 to 24 inches. Major limitations are related to wetness, slow permeability in the substratum, stoniness, and slope.

The Swansea series consists of nearly level, deep (5+ ft.), very poorly drained organic soils in depression and low flat areas of uplands and glacial outwash plains and terraces. They formed in

16 to 51 inches of black, highly decomposed organic material (muck) with moderate or moderately rapid permeability, over sandy mineral material with very rapid permeability. They have a water table that is at or near the surface most of the year. Major limitations are related to wetness and low strength.

The USGS Topographic map shows no perennial streams on or near the property. The wetland has an associated Billerica Green Engineering Floodplain. The resource areas are not located within Bordering Land Subject to Flooding or the 100-year flood plain. The site is not located within the NHESP mapping of Estimated/Priority Habitat and there are no potential or certified vernal pools located within the resource area.

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.

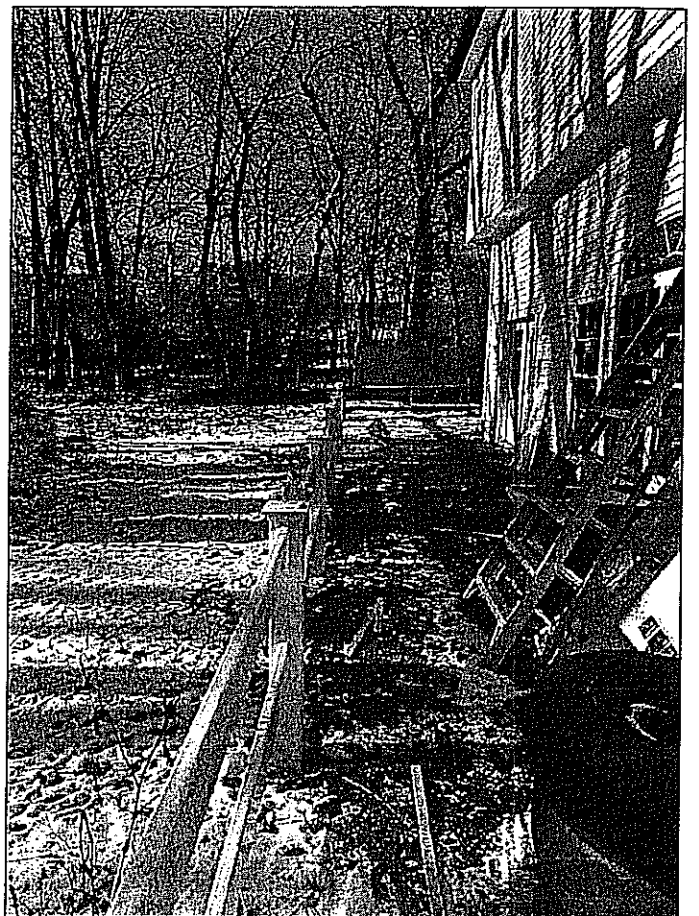
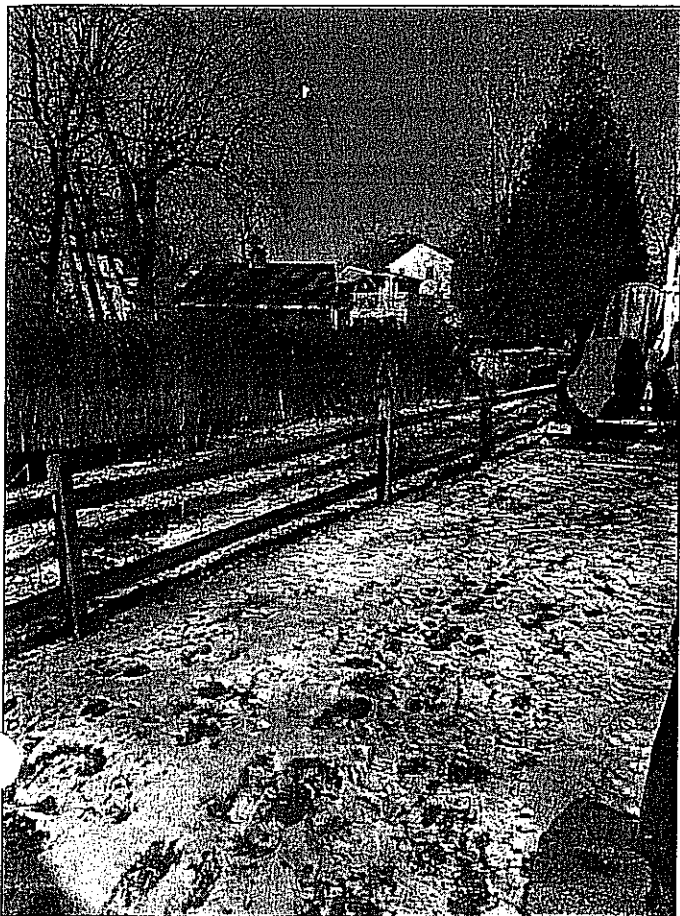
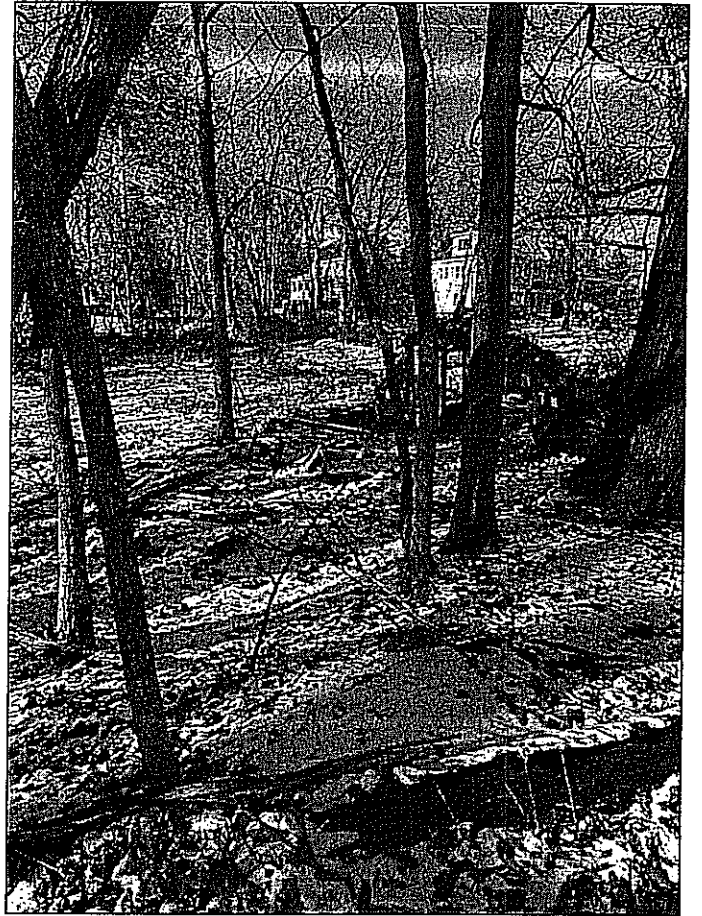
Sincerely,

Maureen Herald

Maureen Herald, PWS, CWS

Exhibit 2

Photos



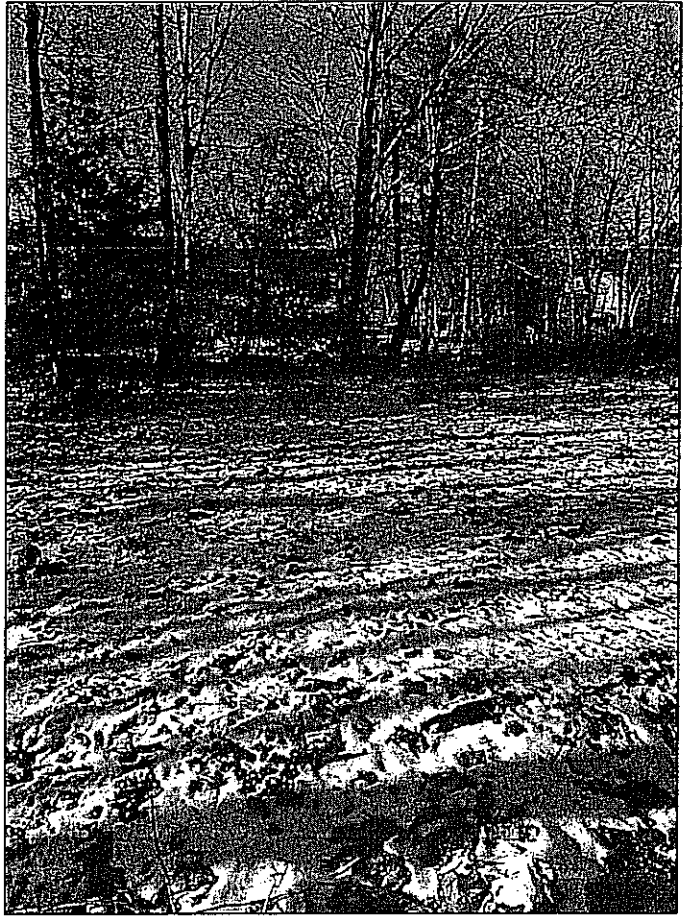
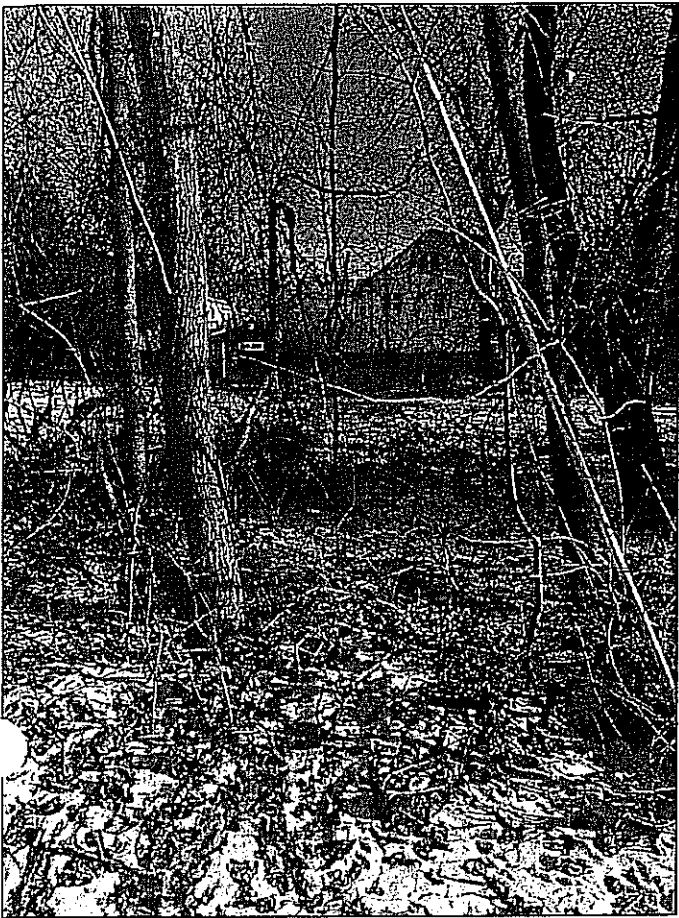
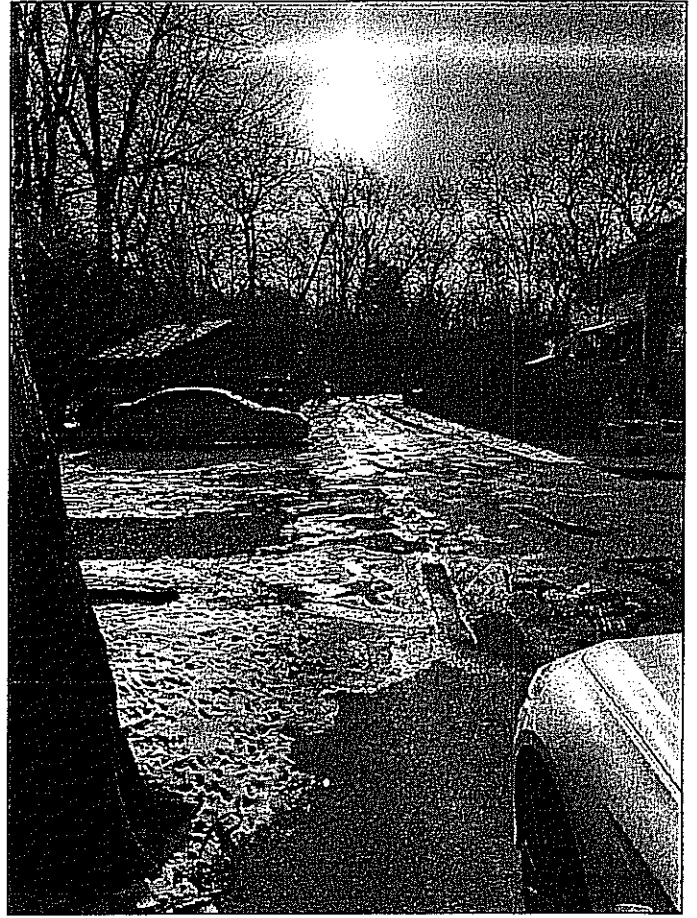
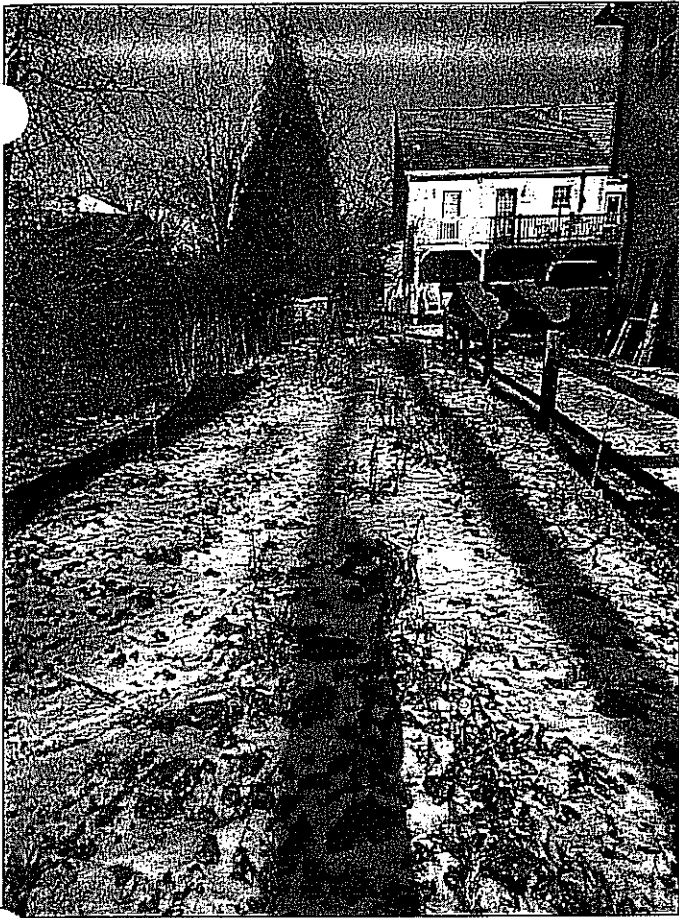


Exhibit 3

Operation and Maintenance Plan

**49 Folger Street
BILLERICA, MA**

OPERATION AND MAINTENANCE PLAN

DESCRIPTION OF SYSTEM

The project is a single-family home located at 49 Folger Street in Billerica, MA.

The stormwater management system consists of a roof/gutter system that drains to infiltration units.

STORMWATER SYSTEM MANAGEMENT OWNER

Eric Fitzgerald 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:

Eric Fitzgerald or any subsequent owner of the property, shall be the owner of the Stormwater Management System

Party Responsible For Operation & Maintenance:

Eric Fitzgerald 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

Gutters/Infiltration Unit

1. After major storms, the first two months after installation and at least twice each year, early spring and late fall, open inspection port to insure that stormwater percolates into ground.
2. Measure the water depth at the inspection port 24 hours and 48 hours after major storm to insure stormwater is infiltrating and unit is functioning.
3. Clear gutters of debris annually.