



Billerica Conservation Commission

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



MEETING AGENDA

April 24, 2024

6:30 PM

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

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

I. 6:30 PM – PUBLIC COMMENT - None

II. NEW WETLAND HEARINGS:

- **6:33PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Public Hearing – 129-222 Rangeway Road – Applicant: Town of Billerica, DPW – DEP File No. 109-1567/BBL-1567

Documents Submitted:

04/10/2024 Received a Notice of Intent from Epsilon Associates, Inc. for the Town of Billerica DPW, Rangeway Road Project stamped and signed by Daniel Scott, dated on April 9, 2024, scale as shown on plans (DEP #109-XXXX)

04/24/2024 Received by email Revised Site Plans from dan Scott with Woodard and Curran for Rangeway Road DPW Project - Sewer Line and Pump Station (DEP #109-1567)

Greg Hockman, Epsilon Engineering presented the project to construct sewer improvements along Rangeway Road, between approximately 122 and 222 Rangeway Road. Work includes 3,100 linear feet of new gravity/low pressure sewer and force main sewer services; a below grade pump station at 144 -148 Rangeway Road, and replacement of three drainage (stormwater) culverts within the Rangeway Road project corridor. A request for a variance to conduct work within the 25-foot No Alteration Zone was submitted as part of the NOI. This project is a betterment project, meaning the residents who will be able to connect to the sewer line are paying for the project, not the Town.

Dan Scott, Project Manager with Woodard and Curran who designed the sewer system presented an overview of the project, including the location of the proposed pump station.

Isabel Tourkantonis, Director of Conservation, discussed the project and went over an inquiry that was received regarding the culvert to be replaced near Charter Way. She concurred the drainage culverts are all limited to stormwater runoff from the road with the exception of one. There is an associated stream to this culvert near the Charter Way which provides a connection to the wetland across the street. This culvert conveys both stormwater runoff captured on the road and connection between wetlands. Staff inspected the area and confirmed that there is a stream along the roadside near the American Auto Auction (former Lynnway Auto) property at 36 Sterling Road, and the culvert associated with this stream appears to have a direct connection with the wetland across the street. The replacement pipe should be embedded to prevent drops at pipe ends, and to allow a degree of wildlife passage/amphibian and small wildlife from one wetland system to another in both directions underneath Rangeway Road. A more thorough description of compliance with the MA Stream Crossing Standards should be submitted with the NOI review. She asked if there was information on the existing conditions of the culvert/pipe. It was confirmed that two variances were requested, one for unavoidable work within the 25-

foot No Alteration Zone due to the layout of the road and wetland locations, and a second variance to reduce the mailing requirements from 300-feet to 100-feet of the abutters to the proposed project, since this is a linear project.

The Commission discussed the culvert replacements and inquired about the possibility of creating a natural bottom inside the culvert near Charter Way for the passage of amphibians and wildlife and to comply with the stream crossings standards. The applicant's representative clarified the headwalls will remain in place and/or repaired in kind if it is damaged when the old pipe is removed.

There was discussion concerning the following: remove the 50-foot No Alteration Zone, since only the 25-foot No Alteration Zone is applicable, add delineation by whom and when it was completed to the plan, submit photos of each outlet/culverts, remove any miscellaneous trash and debris from wetlands and buffer zone within project corridor areas, revise and clearly show the limit of work around the Rangeway for the culvert, any temporary staging and stockpiling areas, and add seed to the edge of work areas and roadway shoulders.

The Commission discussed the condition that no staging of materials and equipment or stockpiling will be allowed in the vegetated buffer zones and said areas are to be reviewed by the Conservation Department.

Motion: TO continue to the May 8, 2024, meeting made by Commissioner Diane DePaso, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

III. CONTINUED PUBLIC HEARINGS:

- **7:31PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 27 Baldwin Road – Applicant: Tony Marques – DEP File No. 109-1560/BBL-1560

Documents Submitted:

04/17/2024 Received an email with Supplemental Information from Lucas Perkins with Bayside Engineering for 27 Baldwin Road, Revised NOI Package including Cover Letter, Revised Plan, stamped and signed by Norman Brown, dated on April 16, 2024, scale 1" = 20' (DEP #109-1560)

04/17/2024 Received Supplemental Information from Lucas Perkins with Bayside Engineering for 27 Baldwin Road, Revised NOI Package including Cover Letter, Revised Plan, stamped and signed by Norman Brown, dated on April 16, 2024, scale 1" = 20' (DEP #109-1560)

04/24/2024 Received an email with Supplemental Information from Lucas Perkins with Bayside Engineering for 27 Baldwin Road, Revised Project Description, Revised Plans, stamped and signed by XXXX, dated on April 24, 2024, scale as shown on plans (DEP #109-1560)

Lucas Perkins with Bayside Engineering presented the continued project and went over the revisions and the technical comments issued by the DEP regarding compliance with performance standards for Riverfront Area. He started by addressing the Commission's comments and plan revisions including: corrected plan scale; added the flow direction of Jones Brooks; added shading to the plan to indicate where the existing driveway would be removed and restored and other restoration areas around the pond; location of proposed wooden posts with environmental placards to help define areas of No Alteration Zones on the property; and added the stone stormwater infiltration trench.

Isabel Tourkantonis, Director of Conservation, discussed the changes to the project and revisions to the plan. She also mentioned that the natural footpath between the pond and Jones Brook shows tracks of various wildlife. The property supports vegetated corridors and wildlife passages between the wet meadow, pond, other upland, and wetland areas on the property and Jones Brook. She confirmed that all the required documentation regarding compliance with the Riverfront Area performance standards had been submitted to the Commission and MassDEP.

Motion: TO approve variance 3.03.C.3(B) 25-foot No Alteration Zone made by Commissioner Diane DePaso, seconded by Commissioner Paul Hayes. All in Favor. Carried Unanimously.

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

- **7:49PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 2 Crest Road – Applicant: Charles Van Kirk – DEP File No. 109-1558/BBL-1558

Documents Submitted:

04/11/2024 Received an email with Supplemental Information from Niamh Duffy with Goddard Consulting for 2 Crest Road, A Variance Request for 50-foot No Alteration Zone, Response to DPW Comments, Revised Site Plans, stamped and signed by Aleksandr Chongris, dated on April 4, 2024, scale as shown on plan (DEP #109-1558)

04/18/2024 Received Supplemental Information from Mitch Maslanka with Goddard Consulting for 2 Crest Road, A Variance Request for the 50-foot No Alteration Zone, Responses to DPW Comments, Revised Site Plans, stamped and signed by Aleksandr Chongris, dated on April 4, 2024, scale as shown on plans (DEP #109-1558)

04/22/2024 Received an email with Revised O&M Plan, and Revised Site Plans from Mitch Maslanka with Goddard Consulting for 2 Crest Road, stamped and signed by Aleksandr Chongris, dated April 22, 2024, scale as shown on plan (Dep #109-1558)

Niamh Duffy and Mitch Maslanka with Goddard Consulting presented the continued project and went over the revisions to the O&M Plan.

Isabel Tourkantonis, Director of Conservation, discussed the submitted O&M Plan showing the homeowner how to maintain the stormwater infiltration system. In addition, the applicant's representative submitted a short description about how to protect restored buffer zone area on the property identified as the No Alteration Zone, in perpetuity. She confirmed that the revised plan shows a greater amount of detail in restoring the southeast corner of the lot. The revised plan includes planting information and conservation/wildlife seed-mix to be used, and the required visual barrier (post and rail fence) at the 50-foot No Alteration Zone boundary.

The Commission discussed the proposed retaining wall along the north and northeast lot lines and received confirmation that the design would remain as shown on the plan. The Commission included a condition that the required visual barrier could be either boulders or a post and rail fence with signage.

Motion: TO approve variance 3.03.C.3(A) 50-foot No Alteration Zone made by Commissioner Diane DePaso, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

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

- **7:58PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 5 Colleen Circle – Applicant: Ryan Conlon, Home Sweet Home Builders, LLC – DEP File No. 109-1564/BBL-1564

Documents Submitted:

04/17/2024 Received Revised Plans from Maureen Herald with Norse Environmental Services, Inc. for 5 Colleen Circle, stamped and signed by Stephen Melesciuc, dated on April 17, 2024, scale 1" = 30' (DEP #109-1564)

04/23/2024 Received by email Supplemental Information from Maureen Herald with Norse Environmental for 5 Colleen Circle, Revised Plan Letter, Revised Plans, stamped and signed by Stephen Melesciuc, dated on April 24, 2024, scale 1" = 30' (DEP #109-1564)

Maureen Herald with Norse Environmental presented the continued project and went over the revisions made to the plan including: add the locus to the plan; clearly define the impacts to floodplain and added 7.25 cubic square feet of floodplain being altered; note that the structure itself will be on heliacal piers; note identifying Norse performed a site visit on March 4, 2024 to verify that there are no other resource areas other than the floodplain located on property; proposed patio will

be pervious and remain so in the future; water and sewer line were added; a dripline stone infiltration trench is shown around the closet pump out and addition; a construction sequence was added to the plan; temporary staging / stockpile area shown on the existing driveway, the removal of 9 trees identified; and the proposal to install 4 trees and 8 shrubs is shown on the plan. Lastly, DEP sent comments to request a profile of the proposed addition and the closet, and the information was added to the site plan. to document no net loss of flood storage capacity or adverse to FEMA floodplain.

Isabel Tourkantonis, Director of Conservation, discussed the mitigation plantings required to replace onsite trees deemed a safety and hazard issue, and that the project as proposed appears to comply with the performance standards for work within floodplain, which is regulated as Bordering Land Subject to Flooding under the MA WPA and Bylaw. The applicant's representative also addressed DEP's comments. She coordinated with the Board of Health regarding the project as proposed within floodplain and relayed that the BOH is on board with the revised plan.

The Commission included the condition to keep the deck uncovered and it shall remain pervious.

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

- **8:04PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 70 & 76 Treble Cove Road – Applicant: Molly Pidgeon/Pidgeon and Co. – DEP File No. 109-1559/BBL-1559

Documents Submitted:

04/17/2024 Received Supplemental Information from Mary Rimmer with Rimmer Environmental Consulting, LLC. for 70-76 Treble Cove Road, revised O&M Plan, Revised plans, stamped and signed by Frank Holmes, dated on March 5, 2024, scale 1" = 20' (DEP #109-1559)

04/23/2024 Received by email Supplemental Information from Mary Rimmer with Rimmer Environmental Consulting, LLC., for 70-76 Treble Cove Road, Revised O&M Plan, Revised Utility Plan, stamped and signed by Frank Holmes, dated on March 5, 2024, scale 1" – 20', (DEP #109-1559)

Mary Rimmer with Rimmer Environmental Consulting presented the continued project and described the revisions to the project, including: add a note about the restoration plantings to the plan; add a note regarding the variance required under the 25-foot No Alteration Zone section of the Bylaw; revised the O&M Plan with a BMP Plan addressing site management for the entire property; and to extend the guardrail as a visual barrier.

Motion: TO approve variance 3.03.C.3(B) 25-foot No Alteration Zone made by Commissioner Diane DePaso, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

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

- **8:14PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 55 Richardson Street – Applicant: Steve Clery – DEP File No. 109-1565/BBL-1565

Documents Submitted:

04/17/2024 Received Revised Plans from Stephen Dresser with Dresser, Williams, and Way for 55 Richardson Street, stamped and signed by Stephen Dresser, dated on April 11, 2024, scale 1" = 20' (DEP #109-1565)

04/23/2024 Received by email a Revised Project Narrative from Stephen Dresser with Dresser, Williams, and Way for 55 Richardson Street (DEP #109-1565)

Stephen Dresser, Dresser, Williams, and Way presented the continued project to construct a single-family home and described the revisions, including install permanent markers along the property line adjacent to the Town-owned forested property in the rear; add a temporary staging/stockpiling area, add sewer and water to plan, correct the project narrative.

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

- **8:17PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 8 Bover Lane – Applicant: Fran McCarthy, Kasher Corporation – DEP File No. 109-1566/BBL-1566

Documents Submitted:

04/17/2024 Received Supplemental Information from Stephen Dresser with Dresser, Williams, and Way for 8 Bover Lane, Revised Narrative, Revised Notice of Intent, page 3, Revised Proposed Conditions Plans, stamped and signed by Stephen Dresser, dated on April 17, 2024, scale 1" = 20' (DEP #109-XXXX)

Stephen Dresser with Dresser, Williams, and Way presented the continued project. He reminded the Commission that that work is proposed within the 200' Riverfront Area but outside of the 50-foot No Alteration Zone, and that a variance was not required. He addressed the DEP comments as well. He went over the revisions, including: revise the Riverfront Area, including bank to be somewhat consistent with the plans submitted for a prior project at 161 Bridle Road under MassDEP File No. 109-1199/BBL-1199; correct the limit/boundary of Riverfront Area; submit a Riverfront Area narrative and address compliance with the performance standards under the MA WPA; shift and move the house 15 feet farther from bank and toward the outer Riverfront Area boundary; and add mitigation plantings to restore Riverfront Area to be protected by a visual barrier.

Isabel Tourkantonis, Director of Conservation, confirmed that the DEP comments appeared to have been addressed as well as staff and Commission comments. She noted per the MA WPA, the Commission must condition that the restoration area and mitigation plantings are monitored for two full growing seasons and prior to the issuance of a Certificate of Compliance by the Commission.

Francis McCarthy, applicant, discussed the plantings and addressed all questions and concerns.

The Commission made special condition to use a minimum of 6-foot-tall trees and 24-inch-tall shrubs.

Motion: TO close, sign, and issue the Order of Conditions with the special condition made by Commissioner Diane DePaso, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

- **8:32PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 296 Concord Road – Applicant: Kambiz Shahbazi (KS Partners)-CRCC Equity Partners, LLC. – DEP File No. 109-1563/BBL-1563 (Continue to 05-08-2024)

Documents Submitted:

04/24/2024 Received a Status Letter by email from Tom Clark with KS Partners LLC., for 296 Concord Road on the Emergency Culvert Repairs (DEP #109-1563)

04/20/2024 Received by email a Continuance Request from Zachery Richards with Bohler for 296 Concord Road to the May 8, 2024, meeting (DEP #109-1563)

Isabel Tourkantonis, Director of Conservation, provided an update on the failed culvert prior to the motion on the continuance that was requested by K&S Partners.

Motion: TO continue to the May 8, 2024, meeting per the applicant's request made by Commissioner Diane DePaso, seconded by Commissioner Paul Hayes. All in Favor. Carried Unanimously.

- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 315, 317, & 319 Treble Cove Road – Applicant: Dean Atkins, Northbridge Partners, LLC – DEP File No. 109-1557/BBL-1557 (*Continued to 05-08-2024*)
- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 505 Boston Road – Applicant: McCue Outlet LLC – DEP File No. 109-1548/BBL-1548 (*Continued to 05-22-2024*)

IV. ADMINISTRATIVE MATTERS / DIRECTOR'S REPORT:

- **Request for Certificate of Compliance (As Built Review)**

- 8:36PM - DEP File No. 109-1448/BBL-1448 - (221 Boston Road)

Isabel Tourkantonis, Director of Conservation, discussed the project that included, as approved, substantial restoration of degraded inner Buffer Zone and stormwater management features that will significantly improve existing conditions. The project design also includes long-term measures, including environmental signage and other measures such as a wooden guard rail at edge of the parking lot to protect restored inner Buffer Zone and a new Operation and Maintenance Plan addressing maintenance of new stormwater management features, proper snow management, and overall good housekeeping practices to be implemented by the new property owner. The Request for Certificate of Compliance, specifically the as-built plan is under review by BETA, peer review to verify construction compliance with the stormwater management design. Staff recommended taking no formal action to either approve or deny now.

Motion: TO neither approve nor deny the Certificate of Compliance made by Commissioner Diane DePaso, seconded by commissioner Jack Bowen. All in Favor. Carried Unanimously.

- 8:38PM - DEP File No. 109-1445/BBL-1445 – (6 Abanaki Drive)

Isabel Tourkantonis, Director of Conservation, discussed the project from March 27, 2024, meeting agenda and that the homeowner needed to provide the Commission with a notarized letter with signatures from the abutting neighbor concerning encroachment of the existing fence and play set. She confirmed the notarized letter was provided for the record and all information including revised as-built plan was completed.

Motion: TO approve the Certificate of Compliance made by Commissioner Diane DePaso, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

- **Request to Extend Order of Conditions**

- 8:40PM - DEP File No. 109-1493/BBL-1493 (8 Federal Street)

Isabel Tourkantonis, Director of Conservation, discussed the project that was issued on October 5, 2022, and included a 7,900 square foot addition to the northside of the existing building within the paved area on property. The permit is valid through October 5, 2025. The Commission discussed the submittal is premature given the permit remains valid for more than a year. It was discussed that the applicant should reassess the status and submit a request 2-3 months prior to the expiration date.

Motion: TO deny the Request for Extension with a condition that they can re-submit within 2 to 3 months of the permit expiration date, made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- 8:44PM - DEP File No. 109-1489/BBL-1489 (161 Concord Road)

Isabel Tourkantonis, Director of Conservation, discussed the project that was issued and Order of Conditions on August 31, 2022, and included the construction of a 203,165± square foot Current Good Manufacturing Practice (cGMP) lab facility

building with associated parking areas, roadways, utilities, and stormwater management system on undeveloped land located at 0 & 161 Concord Road. The permit is valid through August 31, 2025. The Commission discussed the submittal is premature given the permit remains valid for more than a year. It was discussed that the applicant should reassess the status and submit a request 2-3 months prior to the expiration date.

Motion: TO deny the Request for Extension with a condition that they can re-submit closer to the end of the order made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- 8:46PM - DEP File No. 109-1005/BBL-1005 (70 Treble Cove Road – Alibrandi Pond)

Isabel Tourkantonis, Director of Conservation, discussed the project that was issued in 2006 and has been extended since then. The BCC should consider issuing a 3-year extension instead of the requested one year since it is limited maintenance and routine management the retention pond.

The Commission made a condition that should any state or local regulations change, they would need to re-apply.

Motion: TO approve a one (1) year Extension with the Special Condition made by Commissioner Diane DePaso, seconded by Commissioner Paul Hayes. All in Favor Carried Unanimously.

- **8:50PM - Miscellaneous Updates**

- Public Lands Preservation Act (PLPA), Article 97 - PHR Facility

Isabel Tourkantonis, Director of Conservation, briefly discussed the PLPA and updated that the Select Board determined the new Recreation Facility should be constructed at the old Vining School site and not the PHR site. As a result, was advised by the Town Manager's Office, this discussion item is no longer required

- Engineering/DPW Grant Applications - Letter of Support

Isabel Tourkantonis, Director of Conservation, discussed the memorandum from Christina Papadopoulos, Stormwater Engineer with the DPW seeking two different grants. The two grants for which she is seeking support from the Commission are: one grant to support the pursuit of funding to assess the capacity of the culverts around town, and the second grant request is to further pursue the funding of the drinking water supplies resilience in climate change.

Motion: TO approve staff to write letters in support of both grant opportunities made by Commissioner Diane DePaso, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

- **Minutes:** 1-25-2023, 4-26-2023

****Tabled to May 8, 2024, meeting****

V. 8:55PM - ADJOURN

Motion: TO adjourn made by Commissioner Christine Aras, seconded by Commissioner Paul Hayes. All in Favor. Carried Unanimously.

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Kristina Bernard, and Isabel Tourkantonis