



Billerica Conservation Commission

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



MEETING AGENDA

May 22, 2024

6:30 PM

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

Attendance: Commission Members - Bill Bulens (Chair), Jo Anne Giovino (Vice Chair), Diane DePaso (Secretary), Paul Hayes, Jack Bowen, Christine Aras, and Jeff Connell (6:31PM). 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. CONTINUED PUBLIC HEARINGS:

- **6:32PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 129-222 Rangeway Road – Applicant: Town of Billerica, DPW – DEP File No. 109-1567/BBL-1567

Documents Submitted:

05/08/2024 Received Supplemental Information from Dan Scott with Woodard and Curran for Rangeway Sewer Project, Comments to Commission Responses, Revised Plans, stamped and signed by Daniel Scott, dated on May 2, 2024, scale as shown on plans (DEP #109-1567)

05/22/2024 Received Supplemental Information from Dan Scott from Woodard and Curran for Rangeway Road Sewer Project, Updated NOI Form page 2 and 3, Revised Plans, stamped and signed by Dan Scott, dated on May 20, 2024, scale as shown on plan (DEP #109-1567)

Isabel Tourkantonis, Director of Conservation presented the continued project to the Commission because revised information had been provided via email and to the office, and the Commission discussed at the last meeting that attendance would not be required by the Town Engineer and the consultant if all requirements had been met. She had mentioned that Woodard and Curran did specify that for any temporary disturbance associated with the culvert replacement(s) on Rangeway Road, they extended erosion controls. To account for this, they added the estimate of Inner Buffer Zone impact and the BVW impact, totaling 80 square feet of BVW (temporary impact); this impacted area will be restored. The Inner Buffer Zone was also estimated, and the disturbed areas were noted on the plans, with notes that those areas will be stabilized, raked smoothly, and a wetland conservation seed mix or a wetland conservation wildlife seed mix will be applied. A new WPA Form 3 was submitted on the Notice of Intent with the revised information addressing the new BVW impacts, along with the local Notice of Intent form to show the impacts to the Inner Buffer Zone. The changes to the plan were addressed in a cover letter as well.

Conditions discussed between the Commission include:

- Miscellaneous trash and debris shall be removed from roadway shoulders along the project corridor, particularly where this is floodplain, Buffer Zone, Riverfront, and BVW boundary resource areas.
- Roadway shoulders along the project corridor shall be raked smooth and hydroseeded – this includes shoulders within floodplain, Riverfront, BVW edges, Buffer Zone that are currently disturbed (exposed soil/tire ruts), or where new areas will be disturbed.

- If dewatering is necessary, the contractor shall review with the Engineering and Conservation Departments the means and methods that will be used to filter and remove sediment from water before it is released into the environment.

Motion: TO approve the variance 3.03.C.3(b) - 25-foot No Alteration Zone made by Commissioner Jo Anne Giovino, seconded by Commissioner Paul Hayes. All in Favor. Carried Unanimously.

Motion: TO close, sign, and issue the Order of Condition made by Commissioner Jo Anne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **6:39PM - 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 06-12-2024*)

Documents Submitted:

05/21/2024 Received a Continuance Request from Angela Botta with Bohler Engineering for 296 Concord Road (DEP #109-1563)

Motion: TO continue to the June 12, 2024 meeting per request of the applicant made by Commissioner Jo Anne Giovino, seconded by Commissioner Jeff Connell. All in Favor. Carried Unanimously.

- **6:40PM - 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 (*Continue to June 12, 2024*)

Documents Submitted:

05/22/2024 Received a Continuance Request from Stephen Dresser with Dresser, Williams, and Way for 505 Boston Road (DEP #109-1548)

Motion: TO continue to the June 12, 2024 meeting per request of the applicant made by Commissioner Jo Anne Giovino, seconded by Commissioner Christine Aras. 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 (*Previously continued to 06-12-2024*)

III. ADMINISTRATIVE MATTERS / DIRECTOR'S REPORT:

- **Request for Certificate of Compliance**
 - 6:41PM - DEP File No. 109-1502/BBL-1502 (44 Dunham Road)

Documents Submitted:

05/09/2024 Received a Certificate of Compliance Request from John Perry with Langan for 44 Dunham Road, stamped and signed by Ian Wisuri, dated on March 19, 2024, scale 1" = 30' (DEP #109-1502)

Isabel Tourkantonis, Director of Conservation discussed the request and reminded the Commission that the project involved parking lot revisions and new and upgraded stormwater management. She had mentioned that the original request had been received in February of 2024 and staff along with the Beta Group had sent review notes to the applicant's representatives that needed attention. On May 8, 2024, the department received an updated As-Built and O&M Plan; The Commission discussed the need for snow storage signs and to stabilize areas upgradient to the detention pond. The Commission voted to neither approve and or deny the Request for Certificate of Compliance and allow time for the application to address the minor comments.

Motion: TO neither approve and or deny the Request for Certificate of Compliance made by Commissioner Jo Anne Giovino, seconded by Commissioner Diane DePaso. All in Favor. Carried unanimously.

- **Request for Extension**

- 6:45PM - DEP File No. 109-1362/BBL1362 (2 Old Elm – Middlesex Canal Association)

Documents Submitted:

05/22/2024 Received a Request for Extension from Matthew Hamor with LandPlex, LLC for 2 Old Elm Street (DEP #109-1362)

Isabel Tourkantonis, Director of Conservation discussed the request for extension and confirmed the Commission that Brian Dunn with MBL Land and Development LLC, is still monitoring construction activities as the environmental monitor and that the company Parterre been involved in the management of invasive species and will complete restoration plantings. Matt Hamor submitted a plan depicting activities completed to-date for the project and work that will be completed throughout 2024. Staff recommends approving the 1-year extension.

Motion: TO approve the 1-year extension made by Commissioner Jo Anne Giovino, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

- **Miscellaneous Updates**

- 6:47PM - Informal Presentation Only - Vietnam Veteran's Park, Disc Golf Course

Documents Submitted:

05/22/2024 Received a Letter from Laura Mattei, Director of Conservation, Sudbury Valley Trustees on the Proposed Expansion of the Disc Golf Cours at Vietnam Veterans Memorial Park.

An informal presentation was made by Brian King and Richard Doherty. The presentation included an overview of the existing golf course and related encroachment and disturbance of resource areas that needs to be addressed onsite, and a brief discussion of the proposed 9 to 12-hole expansion project. The members provided general input that the Commission concurred with the comments and concerns provided by the Director of Conservation and Sudbury Valley Trustees. Some noted that they were part of the BCC when the land was acquired by the Town from the Middlesex County House of Corrections with the general understanding that portions of the land that were previously altered, developed or disturbed would be allocated for active recreation uses, and that the undisturbed forested upland and wetland portions of the property would be preserved as high value/intact forested land along the Concord River and limited to passive use, such as natural walking trails and nature observation/bird watching. Reference was made to the Conservation & Recreation Brochure for Vietnam Veterans Park (attached) and the narrative provided on the brochure as follows:

The Town of Billerica and the Sudbury Valley Trustees (SVT) collaboratively manage the Vietnam Veterans Park and Ralph Hill Conservation Land. This is a 240-acre park which includes 150 acres of conservation land. Here you can find some of Billerica's most ecologically diverse natural environments containing oak pine woodlands, wetlands, beaver ponds, and river shoreline. Vietnam Veterans Park was the first park in the United States dedicated to Vietnam Veterans. The Commonwealth of Massachusetts transferred the park's 200 acres to the Town in 1994. The Middlesex House of Corrections formerly used the property as a working farm, providing dairy products and vegetables for the prison. There was an active cranberry bog in the location of the current beaver pond. Dr. Charles Stern donated the 34 acres named the Ralph Hill Wood Lot property to the Sudbury Valley Trustees in 1989. This property originally belonged to Ralph Hill, one of the original landowners in Billerica, who purchased the property in 1658 for use as a woodlot.

A few members shared information they had briefly researched about disc golf courses in eastern MA. It was mentioned disc golf involves active not passive use, many courses are constructed within or abutting previously disturbed or developed land areas and mostly limited to 9-hole disc golf courses. Examples of towns and cities with courses were briefly referenced. Alternative sites such as the Manning State Forest and Old Vining School property or other sites were

briefly mentioned as potential areas to explore. Overall, the Commission collectively suggested an alternative site be assessed for a new or expanded course for various reasons, one being this proposed section of the property is the only remaining large tract of forested upland and wetland in Billerica along the Concord River. The forested land supports onsite and nearby vernal pools and various habitats, including Lady Slippers, which are a plant of concern in MA, and abuts the nationally designated Wild & Scenic portion of the river.

There was discussion about the existing 9-hole disc golf course that was completed in Vietnam Veterans Park near the pond and other wetland resources without the proper wetland permit required under the MA Wetlands Protection Act, state wetlands protection laws and regulations, and Town of Billerica Wetlands By-law. That project involved the unauthorized cutting, alteration, and disturbance of vegetated and ground cover within and adjacent to BVW for new fairways and access trails through Buffer Zone and wetland areas. The existing course also includes unpermitted pad structures constructed within the inner Buffer Zone. Also, it was noted that there is a UDisc website, which currently references a plan showing an 18-hole disc golf course associated with the property. The soccer fields were briefly discussed as well, and it was noted the fields were completed without the proper wetlands permit and resulted in inadequate drainage management and an Enforcement Order.

The Commission recognized the work performed was not a blatant disregard of the necessary permits, but rather a misunderstanding. The Commission has not issued a formal Enforcement Order addressing the existing disc golf course with the understanding that the encroachment areas will be remedied by the Recreation Department with oversight and guidance from the Conservation Department. The existing course is an enforceable matter under wetlands protection laws with MassDEP and the Commission, but the disc golf course may remain in place, and the BCC will not require an after-the-fact wetlands application. However, collectively the Commission recommended alternative sites be explored for additional disc golf course expansion because of the high value of the intact forest along the Concord River. Working collaboratively with the Recreation Department, the remedial actions addressing the existing disc golf course are to be addressed over the summer and to be completed by September 2024.

- **7:42PM - Minutes:** 1-25-2023, 4-26-2023

****Tabled until the June 12, 2024, meeting****

IV. 7:43PM - ADJOURN

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

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Kristina Bernard and Isabel Tourkantonis