



Billerica Conservation Commission

TOWN HALL, 365 BOSTON ROAD
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*Conservation of Natural Resources
in
Billerica, Massachusetts*

MEETING AGENDA

June 12, 2024

6:30 PM

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

Attendance: Commission Members - Bill Bulens (Chair), JoAnne Giovino (Vice Chair), Diane DePaso (Secretary), Paul Hayes, Jack Bowen, Christine Aras, and Jeff Bowen (6:34PM), Staff - 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. 6:32PM - NEW WETLAND HEARINGS:

- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Public Hearing – 11 Kingston Street – Applicant: Eric Nash, NPH Real Estate LLC - File No. 109-1570/BBL-1570

Documents Submitted:

05/29/2024 Received a Notice of Intent from Robert Crowell with Crowell Engineering for 11 Kingston Street, stamped and signed by Robert Crowell, dated on May 20, 2024, scale 1" = 20' (DEP #109-XXXX)

06/12/2024 Received an email with a Review by Kristel Bennett, Director of the Board of Health for 11 Kingston Street (DEP #109-1570)

Robert Crowell, Project Engineer, presented the project to replace and upgrade the septic system and perform other site grading within the Buffer Zone. The house is currently vacant and being renovated to sell. He discussed erosion controls that would be added to the site due to some work being requested within the wetlands. The restoration plantings were still being worked on. There was discussion on a visual barrier with signage as well.

Isabel Tourkantonis, Director of Conservation, discussed the project and reminded the Commission of multiple issues and violations by the previous owner with the Board of Health and Conservation Department involving dumping, debris and storage of appliances and other materials throughout the property. She also mentioned she had discussed the project with Krystal Bennett, Board of Health Director, who stated that the applicant will also need a variance under BOH regulations. The Director noted a variance under the Commission's review is required for work including the removal of extensive debris, re-grading, and restoration and stabilization along the wetland boundary and within the 25-foot No Alteration Zone.

The Commission asked why the applicant wanted the yard to be graded as shown on the plan since it was creating a steeper slope. It was stated the applicant would like to make the yard space more usable for future owners. They also discussed the existing driveway and improvements and that a 2-foot x 2-foot stone trench would need to be added on the downgradient side to infiltrate stormwater run-off. The confirmed the 25-foot No Alteration Zone must be restored after all the debris has been removed and that it would involve scarifying the ground surface to remove gravel and other dumped material. There was discussion on the current dilapidated fence and how it will need to be removed by

hand due to the location through wetland. The Commission discussed the variance request and clarified a visual barrier in the form of a post and rail fence with signage is required to prevent future encroachment of restored wetland and inner Buffer Zone. It was discussed to take wetland flags 8 and 10 and connect them to wetland flag 6 to correct the delineation.

Eric Nash, applicant provided clarification regarding proposed grading, driveway and septic system.

The Commission and staff noted the following information is missing and required on the NOI plan and/or NOI material:: add the Green Engineering Floodplain to the Plan, remove debris from the wetland boundary, Green Engineering Floodplain and Buffer Zone; add a variance request to the plan; add dimensions of all structures to the plan; add construction sequence to the plan; add silt fence with silt sock; add abutters to the plan; and add list of shrubs and trees to the plan.

Motion: TO continue to the June 24, 2024, meeting made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **7:15PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Abbreviated Notice of Resource Area Delineation – Public Hearing – 56 Dudley Road – Applicant: Francis McCarthy, Kasher Corporation – DEP File No. 109-1569/BBL-1569

Documents Submitted:

05/29/2024 Received an Abbreviated Notice of Resource Area Delineation from Maureen Herald with Norse Environmental for 56 Dudley Road, stamped and signed by Stephen Dresser, dated on May 28, 2024, scale 1" = 40' (DEP #109-XXXX)

05/29/2024 Received a Revised Plan from Stephen Dresser with Dresser, Williams, and Way for 56 Dudley Road, stamped and signed by Stephen Dresser, dated May 29, 2024 (DEP #109-XXXX)

Maureen Herald with Norse Environmental presented the project to confirm the wetland resource area boundaries. There is an old single-family home, driveway, and shed with Bordering Vegetated Wetlands marked as "A" and "B" series, and an intermittent stream is shown as the "C" series on the submitted plans.

Isabel Tourkantonis, Director of Conservation, discussed the wetland delineation and confirmed that this wetlands review is to only confirm the wetland resource areas are on the site and their boundaries. There is no specific project proposed at this time as part of the Commission's review. She mentioned that staff could not locate a few wetland flags on site, which were 3A, 4A, 7A, and 8A. These flags will need to be back surveyed, so all flags are visible and approved as part of the ANRAD review process. It was also mentioned that the property supports floodplain regulated as a Green Engineering Flood Plain.

The Commission discussed the series "C" and asked why it fell off the plan, and Maureen stated it happened because it went into a bunch of cattail marsh, and she could not follow it any further since it was off the subject property.

The Commission and staff noted the following information is missing and required on the ANRAD plan and/or ANRAD material: show location of wetland data plots, data plots should include a reference to the location, clarify extent of bank, add tree line to plan, add 50 and 100-foot buffer zones to the plan, add culvert on Dudley Road to the plan, stream stats analysis is needed, direction of flow and the section should be shown on the plan, and clean up debris in the back of the property.

Kimberly Hamilton, resident of 65 Dudley Road, had concerns about the culvert that needed to be repaired since it has not worked properly since 1971 and flooding.

Judy Foley, resident of 63 Dudley Road, stated that she had spoken to DPW concerning the culvert and she was told it would be replaced.

Mary Callahan, resident of 61 Dudley Road, was concerned about the culvert that was being repaired, and if new construction would cause the culvert to back up and cause flooding.

Haans Boker, resident of 315 Nashua Road, inquired about the delineation and also noted the need for DPW to look at the culvert.

The Director noted she would be discussing the culvert matter with DPW staff,

Motion: TO continue to the June 24, 2024, meeting made by Commissioner JoAnne Giovino, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

III. 7:35PM - CONTINUED PUBLIC HEARINGS:

- **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 (Request to continue by applicant to 06-24-2024)

Documents Submitted:

06/03/2024 Received Supplemental Information from Stephen Dresser with Dresser, Williams, and Way for 505 Boston Road, Stormwater Review, Stormwater Drainage Report, Revised Plans, Stamped and signed by Stephen Dresser, dated on May 30, 2024, scale 1" = 20' (DEP #109-1548)

06/12/2024 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 24, 2024, meeting per the applicant's request made by Commissioner JoAnne Giovino, seconded by Commissioner Paul Hayes. All in Favor. Carried Unanimously.

- **7:36PM - 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 (Request to continue by applicant to 06-24-2024)

Documents Submitted:

06/10/2024 Received a Peer Review from Patrick Garner with Patrick Garner, Inc. for 315, 317, 319 Treble Cove Road (DEP #109-1557)

06/11/2024 Received a Request for Continuance from Matthew Costa with Beals Associates, Inc. to the June 26, 2024, meeting for 315, 317, and 319 Treble Cove (Dep #109-1557)

Motion: TO continue to the June 24, 2024, meeting per the applicant's request made by Commissioner JoAnne Giovino, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

- **7:37PM - 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 (Request to continue by applicant to 06-24-2024)

Documents Submitted:

05/30/2024 Received Supplemental Information from Angela Botto and Zachary Richards with Bohler Engineering for 296 Concord Road, Responses to Peer review Comments, Culvert Repair Status Letter, TSS Removal Calculations, Infiltration System Detail Sheets, O&M Plan, stamped and signed by Zachary Richards, dated on May 23, 2024, scale as shown on plans (DEP #109-XXXX)

06/07/2024 Received a Memorandum from Christina Papadopoulos, P.E. with the Town's DPW Department regarding the failing culvert located at 296 Concord Road (DEP #109-1563)

06/10/2024 Received a Request for Continuance from Liam Feeney with Bohler to the June 26, 2024, meeting for 296 Concord Road (DEP #109-1563)

06/11/2024 Received a Response to the Culvert Repair from Christopher Lucas with Lucas Engineering for 296 Concord Road (DEP #109-1563)

Motion: TO continue to the June 24, 2024, meeting per the applicant's request made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

IV. ADMINISTRATIVE MATTERS / DIRECTOR'S REPORT:

- **Emergency Certificate**

- 7:37PM - DPW – Water Break (Riverdale Street Area)

Isabel Tourkantonis, Director of Conservation, informed the Commission that there was a large water main break on Riverdale Street that disconnected a neighborhood from the Town water service. She met Todd Melanson, DPW Water Supervisor, onsite to review the problem and the scope of work required near wetlands to remediate the problem and restore water to residents. DPW needs to install two gate valves at the edge of the road and adjacent to the BVW boundary for water bypass and to restore water to residents. Access, staging and the limit of work zones were reviewed, and she concluded the work at the edge of the road and wetland boundary is minor and temporary. The wetland boundary currently supports Japanese knotweed area along this section of the road. She confirmed sediment controls will be used and areas stabilized upon completion of work. There is no need for dewatering at this time. She recommended the Commission approve the Emergency Certificate to perform this work.

Motion: TO approve and sign the Emergency Certificate made by Commissioner JoAnne Giovino, seconded by Commissioner Paul Hayes. All in Favor. Carried Unanimously.

- **Enforcement Orders**

- 7:41PM - 9 Vincent Street

Isabel Tourkantonis, Director of Conservation, informed the Commission of a complaint the Department received regarding a resident bringing in fill to their property which has wetlands. The property owner is being very cooperative and will remove all the fill and encroachment to the BVW, and re-establish a 25-foot No Alteration Zone seeded with conservation wildlife seed mix and some plantings. A visual barrier with signage will be installed along the 25 No Alteration Zone.

Motion: TO approve the enforcement order made by Commissioner JoAnne Giovino, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

- 7:43PM - 24 Buckingham Road - Follow Up

Isabel Tourkantonis, Director of Conservation reminded the Commission of the Enforcement Order, and that the resident need to have the property lines re-surveyed and staked in the field and update the As-Built Plan documenting fill had been removed from floodplain with spot grades, and plan must be stamped and signed by an Engineer. Pat Garner had been monitoring this site as well. She stated this is an update only, there is no need for any formal action at this time from the Commission.

▪ **7:48PM - Miscellaneous Updates**

Isabel Tourkantonis, Director of Conservation, went over the new Town Hall Pilot Hours and the review of Commission meeting dates to Mondays. The Commission concurred with meeting dates shifted to Mondays.

She also discussed the email she sent regarding the updated 2024 Open Space Recreation Plan and stated that if anyone had comments to please send them to the Department prior to the upcoming Friday.

7:50PM - Minutes: 1-25-2023, 4-26-2023

****Tabled until June 24, 2024, meeting****

V. 7:51PM - ADJOURN

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

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Kristina Bernard and Isabel Tourkantonis