

Billerica Conservation Commission
MEETING AGENDA
January 26, 2022
6:30 PM

ZOOM MEETING

This Public meeting will be held virtually pursuant to Senate Bill No. 2475, Suspending Certain Provisions of the Open Meeting Law. Specific information for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting is provided below.

The Conservation Commission meeting will be held remotely via a Zoom Meeting

Please click the link below to join the Zoom Meeting/Webinar:

<https://us02web.zoom.us/j/88920831738>

To call-in dial: 1-929-205-6099

Webinar/Meeting ID: 889 2083 1738

6:30 PM -ATTENDANCE: Commissioner Members Paul Hayes (Chair), JoAnne Giovino (Vice Chair), Diane DePaso (Secretary), Jack Bowen and Jeff Connell, Staff Members Isabel Tourkantonis (Director of Environmental Affairs), Mike DeVito (Conservation Land Use Assistant) and Kristina Bernard (Senior Clerk). Absent: Commissioner Betsy Gallagher.

I. 6:31PM - 6:30 PM – PUBLIC COMMENT - None

II. CONTINUED WETLAND HEARINGS:

- **6:31PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 113B Bridle Road – Applicant: Betsy Casella – DEP File No. 109-1476/BBL-1476

Documents Submitted:

01/20/2022 Received a revised Notice of Intent Site Plan from Stephen Dresser from Dresser, Williams and Way, Inc. for 113B Bridle Road, stamped and signed by Stephen Dresser on November 30, 2020

01/20/2022 Received an email from Isabel Tourkantonis the Director of the Billerica Conservation Commission following up with Stephen Dresser from Dresser, Williams, and Way regarding the DEP comments on 113B Bridle Road (DEP #109-1476)

01/20/2022 Received an email from Stephen Dresser from Dresser, Williams, and Way with a response to the email from Isabel Tourkantonis the Director of Conservation, which he also addresses it to the proper reviewer with the DEP regarding 113B Bridle Road (DEP #109-1476)

01/20/2022 Received an email response from Danielle Mucciarone from the MassDEP in which she stated she received the materials and had no further questions regarding 113B Bridle Road (DEP 109-1476)

01/26/2022 Received an email from Stephen Dresser from Dresser, Williams, and Way with a revised Notice of Intent Site Plan for 113B Bridle Road, signed and stamped by Stephen Dresser on January 26, 2022, scale 1" = 30' (DEP #109-1476)

Stephen Dresser from Dresser, Williams, and Way presented revisions to the updated plan on behalf of the applicant Betsy Casella. The project includes tearing down a house and removing a gravel driveway from

Riverfront Area. A small dog kennel area will also be relocated. The revised site plan also includes a natural footpath through overlapping wetland resource areas for river access. The mowed land areas on both sides of the delineated footpath will be restored with native tree and shrub plantings and conservation/wildlife seed mix as part of the project. Steve explained that he responded to MassDEP comments regarding the delineation of bank and activities proposed within Riverfront Area.

Isabel Tourkantonis, Director of Conservation, noted that she was included in email exchanges between the project engineer and MassDEP NOI reviewer, and that clarification by Steve was provided with no further comments from the MassDEP. There was discussion concerning the wetland delineation completed on the property and that only the bank using the top of slope was used by the project engineer, not a wetland professional, to delineate part of the wetland resource areas on the property. The delineation was missing information addressing if BVW may exist on the property. Conservation staff inspected the site and confirmed that there was no BVW upgradient of the bank identified on the plan. Based on the location, scope and scale of the project and substantial improvements to Riverfront Area, the Director noted that the information provided to-date was adequate for this case only. The project includes removal of a house and other structures from outer riparian zone with restoration of said areas plus additional restoration plantings to restore shrub and tree canopy within overlapping BLSF, bank, inner riparian and buffer zone along the Concord River. The Commission noted that it would not make any formal approval of the wetlands delineation. The Commission concurred that a portion of the work qualified as exempt activity under the MA Wetlands Protection Act and the project would result in substantial improvement to Riverfront conditions.

Motion: TO grant a Variance under Section 3.03.C.a (50-foot No Alteration Zone) to install restoration plantings within overlapping buffer, floodplain, and inner riparian zone along the Concord River. Motion moved by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

Motion: To close, sign, and issue an Order of Conditions, moved by Commissioner, JoAnne Giovino, seconded by Commissioner, Jack Bowen. This motion did not include a determination of the BVW by the Commission. All in Favor. Carried Unanimously.

- **6:48PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 600 Technology Park Drive – Applicant: TPD 600 Equity Partners, LLC c/o KS Partners, LLC – DEP File No. 109-1473/BBL-1473

Documents Submitted:

01/18/2022 Received an email from Isabel Tourkantonis the Director of the Billerica Conservation Department with the attached Peer Review (Stormwater) letter from the Beta Group, Inc. dated January 14, 2022, for 600 Technology Park Drive (DEP # 109-1473)

01/20/2022 Received an email from Jarrod Walsh, Senior Design Engineer with Bohler Engineering, Inc. to inform the commission that their project team is electing to continue from the upcoming meeting on Wednesday, January 26, 2022, regarding 600 Technology Park Drive because they are in the process of reviewing the peer review comment letters (DEP #109-1473)

01/24/2022 Received an email from Jared Walsh, Sr. Design Engineer from Bohler requesting a continuance to the February 23, 2022, meeting to allow for a response to comments and secondary review on Beta's behalf regarding 600 Technology Park Drive (DEP #109-1473)

Motion: To continue to the 02/23/2022, meeting, per the applicant's request moved by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **6:49PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 92 Billerica Avenue – Applicant: Jon Metivier – DEP File No. 109-1467/BBL-1467

Documents Submitted:

01/12/2022 Received from Stephen Dresser with Dresser, Williams & Way, Inc. documents relative to Peer Review for 92 Billerica Avenue, Notice of Intent Site Plan, stamped and dated by Stephen Dresser on September 7, 2021, scale 1" = 20', Existing Watershed Plan, stamped and signed by Stephen Dresser on September 8, 2021, scale 1" = 20", Drainage BMP Map stamped and signed by Stephen Dresser on January 3, 2022, scale 1" = 20' (DEP #109-1467)

01/20/2022 Received an email from Stephen Dresser from Dresser, Williams and Way with revised plans stamped and signed by Stephen Dresser on September 7, 2021, revised recharge and drawdown calculations, revised pipe calculations and revised WQV Calculations for 92 Billerica Avenue (DEP #109-1467)

01/26/2022 Received an email from Stephen Dresser from Dresser, Williams, and Way to request a continuance on 92 Billerica Avenue until the February 9, 2022, meeting.

Motion: TO continue to the 02/9/2022, meeting, per the applicant's request, moved by Commissioner, JoAnne Giovino, seconded by Commissioner, Jeff Connell. All in Favor. Carried Unanimously.

III. PREVIOUSLY CONTINUED HEARINGS:

- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – Katie Durand Memorial Park – 8 Carter Ave – Applicant: Town of Billerica – DEP File No. 109-1475/BBL-1475 (*Previously Continued to 2-9-2022*)
- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 581 Boston Road – Applicant: Jeff O'Rourke – DEP File No. 109-1466/BBL-1466 (*Previously Continued to 2-9-2022*)
- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 0 Market Street – Applicant: Bryan Duby – DEP File No. 109-1436/BBL-1436 (*Previously Continued to 2-9-2022*)

IV. ADMINISTRATIVE MATTERS / DIRECTOR'S REPORT:

- **6:50PM - Miscellaneous Updates**

- DEP File No. 109-1303/BBL-1303 – 27 Champa Road

Documents Submitted:

01/12/2022 Received an email from Katie and Brian Kelley with an attached letter dated 12/28/2021 regarding 27 Champa Road (DEP #109-1303)

Isabel Tourkantonis, Director of Conservation, spoke about the preliminary as-built review completed by Steve Dresser - Dresser, Williams & Way, Inc. The project approved under the wetlands permit included levelling the backyard and installing a retaining wall. The Director explained that the preliminary as-built shows the retaining wall was not constructed per the Plan of Record and should have been constructed upgradient of the 25' No Alteration Zone Boundary, and that the wall would serve as the approved visual barrier per the permit. The property owner was advised by the Department to bring the site into compliance and to submit a compliance and restoration plan to the BCC for approval so that a Certificate could be issued in the future, particularly since the owners have subsequently sold the property. The Commission noted the plan should include a post and rail fence throughout the property as the new visual barrier before the Commission would issue a Certificate of Compliance.

The Commission noted the applicant must restore areas maintained as lawn with buffer zone plantings and conservation/wildlife seed mix, particularly along the southern corner of the lot and between the retaining wall and post and rail fence at the rear of the house.

- DEP File No. 109-1202/BBL-1202 – 24 Marshbrook Road

Isabel Tourkantonis, Director of Conservation provided an update to the Commission and referenced email exchanges that she had forwarded to the Commission between the department and the property owner and/or Norse Environmental regarding non-compliance conditions at 24 Marshbrook Rd. The original Order approved the replacement of a septic system and renovations to the dwelling. The entire the site falls within FEMA floodplain and supports FEMA Floodplain, Bordering Vegetated Wetland and Riverfront Area associated with Webb Brook. The original site plan was prepared by Doug Smith and a subsequent partial as built plan was also submitted by Doug Smith as part of the record review for the raised septic system by the BOH. During the BOH review of the completed septic system, the Conservation Department also verified the installation of the post and rail fence and restoration plantings. The contractor and owner were advised to close out the wetlands permit. After the As Built review of the septic system, the post and rail fence was removed, and two sheds and a swing set installed within the No Alteration Zone. Plantings were either cut or removed and lawn re-established in areas of the No Alteration Zone conditioned to be restored and protected in perpetuity. That homeowner is selling the house and is seeking a Certificate of Compliance. She was advised by the department to return the site into compliance with the Plan of Record as the Commission would not approve a Certificate of Compliance. She explained the owner retained Norse Environmental to assist with site compliance and the Request for a Certificate of Compliance. The Commission noted an Enforcement Order should be issued, but the Director indicated the owner is aware of the requirements and is working to return the site into full compliance with the wetlands permit. The Commission noted the work must be completed by mid-May, Spring 2022, to avoid an issuance of an Enforcement Order. The BCC clarified non-compliance with the deadline would result in an Enforcement Order issued on the previous owner and new owner.

The Commission reiterated that it is requiring full compliance with the wetland permit and Plan of Record, including removing all unauthorized structures from the No Alteration Zone, installing the post and rail fence that was removed, and restoring all areas of the No Alteration Zone with a conservation wildlife seed and native tree and shrub plantings.

- **Violations/Enforcement Orders** – The Director explained that she and Mike are following up on several reported violations that need to be addressed this Spring.
- **Minutes:** 9-22-2021

Motion: TO accept the meeting minutes for 9/22/2021 with corrections, moved by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- 10-13-2021

Motion: TO accept the minutes for 10/13/2021 with edits, moved by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

JoAnne abstained since she was not at this meeting.

V. 7:04PM – ADJOURN

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