



# Billerica Conservation Commission

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



**MEETING AGENDA**  
**March 9, 2022**  
**6:30 PM**  
**Town Hall, Room 210**  
**365 Boston Road, Billerica MA**

**6:31PM - ATTENDANCE:** Commissioner Members Paul Hayes (Chair), JoAnne Giovino (Vice Chair), Diane DePaso (Secretary), Jack Bowen and Jeff Connell (*arrived at 6:40PM*). Staff Members: Isabel Tourkantonis (Director of Environmental Affairs), Mike DeVito (Land Use Assistant), and Kristina Bernard (Senior Clerk)

**6:30 PM – PUBLIC COMMENT - None**

**I. 6:32PM - NEW WETLAND HEARINGS:**

- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – 250 Boston Road (Concord River Boat Launch)– Applicant: Anthony Stella, MA Office of Fishing & Boating Access – DEP File No.109-XXXX/BBL-XXXX

**Documents Submitted:**

02/22/2022 Received a Notice of Intent for the proposed Concord River Boat Launch (Project #PA-347) located at 250 Boston Road from Anthony Stella, P.E. from the Office of Fishing and Boating Access, Site Plan (5 pages), stamped and signed by Anthony Stella dated on December 29, 2021, scale 1" = 20', 21 Day Waiver was also signed by Anthony Stella (DEP# 109-XXXX)

Danielle Goudreau with Collins Engineering, Inc. presented the project on behalf of the applicant, Department of Fish and Game, Office of Fishing and Boating Access, who is proposing to construct a Concord River Boat Launch Facility. The project encompasses a new concrete boat launch with a floating dock system, associated parking lot for 21 vehicles/trailer spaces and 10 standard auto spaces, and stormwater management at the existing Town of Billerica DPW facility located at 250 Boston Road. She mentioned that there is an existing concrete/paved boat ramp on site that they are proposing to remove and use the area to replicate wetlands. Ms. Goudreau noted that there is an existing water intake about 100-feet from the current boat ramp that supplies the Town of Billerica municipal water treatment facility. This new ramp is proposed to be installed 145-feet downstream from the Town's only water intake. The applicant reviewed the plan and general construction, including proposed erosion control such as silt fence and silt boom within the Concord River. She noted that work is within the river and project impacts will occur to Land Under Water, Bank and Bordering Vegetated Wetland resource areas.

Ms. Goudreau explained that the boat ramp is also within FEMA Floodplain area, but the parking lot is outside of the floodplain. In addition to the parking area, there is also a retention basin being proposed to address stormwater runoff. The ramp is proposed about 50-feet into the river and will be about 15-feet wide, made of concrete with attached floating docks. She noted that the proposed concrete boat ramp is proposed in an area that is sparsely vegetated and primarily

supports invasive species. Danielle explained guardrails and a chain link fence are proposed to protect the Town's water intake.

Tony Stella with the Office of Fishing and Boating Access reiterated that the guardrails and fence are proposed to help guide the public and site users around the proposed driveway bend to the proposed boat ramp, so vehicles do not accidentally enter the water intake building and/or the river. He said he spoke to the Town, and they wanted to make sure that no one entered the water intake area, so a 10-foot fence will be placed there for this reason.

The Director noted Conservation Department staff conducted a site visit and most of the wetland flags appear to remain in the field. Of note, there is scrap metal debris that needs to be removed by WF8. The Director discussed that the overlapping inner riparian, floodplain, and buffer zone where the concrete ramp is proposed supports a degree of tree canopy and vegetation understory. She provided a summary of staff review notes, which included: provide clarification on existing conditions - currently the existing conditions plan is difficult to read and understand what and where existing site features and utilities exist; clarify where the existing 10-inch concrete flared end section (FES) is connected to on the site plan. Clarification regarding wetland flag numbers WF35 AND WF46 (start vs end) is needed on the site and site plan. The Director noted that prior to the filing, the applicant was informed that the Commission requires a wetlands Peer Review for projects involving direct work within wetland resource areas, particularly projects proposing fill in BVW, Land Under Water floodplain, and bank. The Commission clarified a wetlands peer review is required to complete a thorough review of the wetland delineation and any required mitigation, particularly wetland replication plans and restoration of overlapping resource areas on this site.

The applicant was informed that the current WPA Form 3 is missing information and that the applicant must resubmit the Notice of Intent WPA Form 3, specifically page 3, which must show all impact quantities addressing impacts to bank, LUW, BLSF, and Riverfront Area; the NOI is missing the required wetland replication plan (using 1' contour grades) and a cross-section to be submitted in accordance with the MA Inland wetland Replication Guide. The plan set should include a separate Existing Conditions Plan because the current plan is difficult to review the limit of wetland resource areas and buffer zone, underground utilities, including utilities in front of the water intake building, and the existing stormwater BMPs and drainpipes below and adjacent to proposed activities. Members of the Commission pointed out the NOI narrative currently states that no work is proposed within the 25' Riverfront Area; however, it must be corrected to reflect work is proposed within the inner riparian area and bank to install the boat ramp. There was discussion regarding missing information that is required in order for the Commission to conduct a proper wetlands review including: a restoration plan/planting scheme to restore disturbed portions of the riparian and buffer zone, a signed operation and maintenance plan for the facility that addresses maintenance of stormwater BMPs, trash, access, snow management, etc.; reference the plan datum on the site plan; label all existing stormwater BMP's, including drainage pipes on all plans and drainage; show existing tree lines associated with site. Currently, it unclear how many trees and vegetation will be removed as part of the overall project, the Commission requires an estimate of how many trees by species are to be cut from the inner Riverfront area for replacement and restoration purposes; include a note on the existing conditions plan indicating when and by whom the wetland delineation was completed; a wetland replication planting scheme and planting table should be provided for the proposed wetland replication area; plans should include plan notes specifying floodplain information, including applicable Firmette details; show limit of floodplain elevation and flood velocity information; clearly identify the limit of BVW and the bank and quantify impacts to each resource area on the plan, include LUW; show proposed staging and stockpiling area(s) on site plan; clarify which section of the boat launch will be a floating structure. Members of the Commission requested clarification about what sections of the dock are to be removed before winter freeze and re-installed in the spring; the edge of the wetland replication area appears to overlap with the new asphalt pavement road or existing stormwater BMP and should be re-evaluated. Details such as proposed grades, cross-section and planting plan are required as part of a wetland replication area and mitigation plan. Plan notes must include a construction sequence and should specify that work must be performed during low-flow conditions. Straw wattles or compost tubes are required in combination with the silt fence and the Commission clarified haybales are not permitted. Dewatering information should be provided, along with details and details of silt boom should be added to the detail sheet. An alternatives analysis is required for fill proposed within Bordering Vegetated Wetlands (BVW) and work within the Riverfront Area. There was

reference to the existing Bedford Boat Ramp available in the Town of Bedford less than 10 miles away from this proposed site that already provides boat access to the Concord River.

The project triggers compliance with the MA Stormwater Management Standard, and the Commission clarified a stormwater peer review by a qualified stormwater engineer is required as part of the wetlands review. The Director noted the BOH Director, Kristel Bennett, submitted comments via an email dated March 9, 2022, to the Conservation Department regarding various NOIs before the Commission. Comments included the 250 Boston Road NOI and stated a variance from the BOH is required for work proposed within floodplain, a stormwater peer review is required, and concern regarding the water intake facility located near the boat launch facility. The BOH also submitted a letter dated March 9, 2022, to the applicant.

Members of the Commission voiced concerns about the project and felt the location of the boat launch was not appropriate for several reasons. First, the ramp's proximity to the Town's sole water supply intake and related access and safety concerns. Second, this stretch of the river channel is well known as supporting large rocks and boulders that can cause damage to boaters' propellers and motors, and cause oil and/or gas spillage near the water intake. Members noted even people who navigate the area in canoes and kayaks and know the river well have issues with the boulders. Third, the boat clearance needed to pass under a number of bridges upstream may not be adequate, should be investigated, and documented. The Commission noted signage should be proposed to be installed on the bridges and downstream near the waterfall to warn any boaters of clearance heights and downstream dam. The Commission asked if any studies had been done on the depth of the river and requested that information be submitted. The Commission noted mitigation plantings to restore and enhance inner riparian and buffer zone should be presented on the plan beyond what is proposed. There was discussion regarding the need for a gate to be opened for allowed access and closed when access is not permitted. Anthony Stella said he could work with DCR to inquire about the depth of the water, rocks, and boulders in this area and on the signage.

The Commission requested that the applicant submit photographs of the type and size of boats that will be allowed to use this ramp and that the proposed ramp area be staked in the field for inspection by the Commission. The Commission noted that it is their job to make sure this is the best location environmentally for such a project. There was a brief discussion regarding a boat wash area, and the applicant clarified that a wash area is not proposed. Members of the Commission noted that it would be unfortunate if after all the time, effort and cost put into the design and the related disturbance to wetland resource areas that the public may not be able to use the boat launch because of boating issues related to pre-existing conditions, such as boulders and water depth. Members stressed that these issues need to be fully addressed in advance of the permitting process.

Ed Reiner, 1 Pinewood Avenue resident, reviewed the letter he submitted to the Commission documenting his concerns. He is located about 1.2 miles upstream from the proposed boat launch. Mr. Reiner does not agree with the boat launch being so close to the Town's sole water supply in-take and noted his familiarity with this area and the issues with boulders and other obstructions. He indicated the NOI did not include an alternatives analysis and feels that alternative locations should be considered which would provide safer public access. He mentioned the potential for erosion of the banks due to boat wakes. The NOI must quantify resource area impacts. Ed referenced an old project for which the Town received funding to restore the floodplain and wetlands at 250 Boston Road. Ed stated he is against this project moving forward.

Marlies Henderson, a concerned resident, also spoke on the project with many of the same concerns as the Commission and Ed Reiner. These include pre-existing conditions, such as the rocks, boulders, water depths, and the location of the ramp proposed near the Town's sole water intake. Marlies referenced the project location and read a quote from Ron McAdow's book *The Concord, Sudbury and Assabet Rivers*: "Right at this area on Route 3A and 129 the rocks and bridges of this part of the Concord don't lend themselves to motorboats but they are no problems to canoeist." She also referenced the 2014 Brandywine SEP environmental project that Ed Reiner mentioned earlier and that funds of about \$200,000 were previously set aside as part of enforcement and mitigation to restore floodplain and the wetlands on this particular property. She is wondering why this project, which includes a large, paved parking lot, is proposed on property designated for mitigation. She also noted that in December of 2021, Ronald Amidan, Commissioner of Department of Fish

and Game, applauded the Baker/Polito team for the proposed ecological restoration associated with the removal of the Talbot Dam and how the removal of the dam would impact a motorized boat ramp at this location. Marlies stated she is against the location of this project.

**MOTION: TO** continue the hearing to the April 27, 2022, meeting, moved by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

**8:10PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS**

**HEARING** – Notice of Intent – 0 Shedd Road – Applicant: Paul Litchfield, Merrimack Valley Builders, Inc. – DEP File No. 109-XXXX/BBL-XXXX

**Documents Submitted:**

02/17/2022 Received a Notice of Intent from Leah Basbanes with Basbanes Wetlands Consulting for 0 Shedd Road. Site Development Plan, stamped and signed by Christopher Mello, dated on December 9, 2022, scale 1' = 20" (Dep # 109-XXXX)

03/02/2022 Received comments on 0 Shedd Road from the DEP Database, "waiting on fees an additional \$10 State Fee for calculation errors. (DEP #109-XXXX)

03/04/2022 Received by US mail the Certified Mail Receipts from Leah Basbanes with Basbanes Wetlands Consulting for 0 Shedd Road. (DEP #109-XXXX)

Chris Mello from Eastern Land Survey presented the project on behalf of the applicant Paul Litchfield from Merrimack Valley Builders, Inc., which includes constructing a single-family house on a forested parcel located at the corner of Blades Circle and Shedd Road. The design includes a driveway, septic system, and water well. A variance is required for work within the 50-foot No-Alteration zone to install the well and waterline for the new dwelling, since there is no municipal water services available in this area. The project requires the clearing of trees in Buffer Zone, grading around the house and a retaining wall.

The Director noted that the delineation of overlapping resource areas associated with the property was recently reviewed and approved by the Commission in November of 2021 under an Abbreviated Notice of Resource Area (ANRAD). The modifications and corrections to the plan were approved and an Order of Resource Area Delineation (ORAD) was finalized on December 9, 2021, DEP #109-1470. This wetland ORAD permit is valid for three years. Regarding the current NOI filing, the DEP commented that they are still waiting for a required fee before a DEP number will be assigned. Staff noted that miscellaneous tires and small debris were observed in the Buffer Zone and Riverfront area during the site inspection, and that it should be removed by hand. A Variance Request under Section 3.03.C.3.a No Alteration Zone as submitted and included in the packet. The Director briefly reviewed comments submitted by the BOH Director Kristel Bennett to the Conservation Department via an email dated March 9, 2022, before the meeting. Comments included that the BOH would need to review the proposed septic system and drinking water well. The BOH also submitted a letter dated March 9, 2022\_to the applicant.

The Commission requested that the plan be revised to include the following information: note addressing when and by whom the delineation was performed, the ORAD approval and date (DEP File No.109-1470/BBL-1470); construction sequence, variance reference; define the limit of clearing; clarify if the driveway will be paved or not; restoration of the 50-foot No Alteration Zone and proposed plantings; proposed staging and stockpiling area(s); clarify the location of the post and rail fence, which will be moved upgradient to protect a greater degree of overlapping Buffer Zone and Riverfront Area associated with the site. There was a brief discussion regarding the post and rail fence and plantings at the front of the property.

Richard Cross, a resident, was concerned where the project would be located with respect to his property and the degree of tree clearing. The applicant's representative and Director reviewed the project location and aerials of the site to clarify.

**MOTION: TO** continue to the hearing to March 23, 2022, meeting moved by Commissioner JoAnne Giovino, seconded by Commissioner Diane DePaso. All in Favor. Carried Unanimously.

- **8:36PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – 6 Heather Circle – Applicant: Marty Allen, MJA Realty Trust – DEP File No. 109-XXXX/BBL-XXXX

**Documents Submitted:**

02/23/2022 Received a Notice of Intent from Stephen Dresser from Dresser, Williams, and Way for 6 Heather Circle on behalf of the applicant MJA Realty Trust, Notice of Intent Site Plan stamped and signed by Stephen Dresser on January 24, 2022, scale 1" = 20' (DEP #109-XXXX)

Stephen Dresser from Dresser, Williams, and Way presented the project to construct a new single-family house with driveway and associated utilities on behalf of the applicant Marty Allen with MJA Realty Trust. There are wetlands and an intermittent stream at the rear of the lot. The applicant is proposing a stone trench along the driveway and a drywell to infiltrate stormwater from the roof and driveway. He noted all activities are proposed outside of the 50-foot No Alteration. A post and rail fence is proposed to protect the No Alteration Zone. Stephen Dresser clarified that the applicant received a variance from the ZBA for roadway setback to protect the inner Buffer Zone.

The Director summarized staff project review notes. The Mass DEP has not issued a DEP file number and that staff completed a site inspection on March 7, 2022, and concur with the wetland delineation in the field. However, the wetland resource areas of bank and BVW must be clarified on the site plan. The BOH submitted a letter dated March 9, 2022\_ to the applicant addressing the need for stormwater infiltration features. The Commission requested the location of the house staked in the field to facilitate the field review; revise the plan to show the tree line and portions of the Buffer Zone currently mowed by an abutter and increase restoration plantings. There was discussion regarding the existing drainage easement and the 12' drainpipe outlet that is crushed. The Commission requested that the applicant coordinate with the DPW to address any concerns or repairs associated with the drainpipe and noted that the debris must be removed from the Buffer Zone by hand.

Andrew Deslaurier, resident of 32 Mt. Pleasant Street, requested clarification on the location of the new house on the property. He was shown the plan and was satisfied with the response.

**MOTION: TO** continue to the March 23, 2022, meeting made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

**II. CONTINUED WETLAND HEARINGS:**

- **9:04PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 8 Carter Ave (Katie Durand Memorial Park) – Applicant: Town of Billerica – DEP File No. 109-1475/BBL-1475

**Documents Submitted:**

03/02/2022 Received an email from Jonathan Niro with Beta Inc., with an attached cover letter, comment responses to the MBL Peer review letter, a revised stormwater report, and a revised plan set for 0 Carter Avenue the Katie Durand Memorial Park (DEP #109-1475)

03/02/2022 Received Peer Review Comments from Matthew J. Crowley, PE, Senior Project Manager with Beta Group, for 0 Carter Avenue, Katie Durand Memorial Park, Stormwater Management Report, Permit Set with Existing Conditions & Site Preparation Plan, Layout & Material Plans, Grading, Drainage Plan & Road Profile, Resource Area Impacts, Erosion Control Plan, Planting Plan, Construction Details, stamped and signed by Matthew J. Crowley dated on February 28, 2022 (DEP #109-1475)

03/06/2022 Received an email from Brian Dunn, President/Project Manager with MBL Land Development & Permitting, Corp. with Peer Review Comments for 0 Carter Avenue (109-1475)

Matt Crowley, Professional Engineer with Beta Group introduced Jonathan Niro, Environmental Scientist with the Beta Group, and Kelley Conway, Town Engineer. He provided a brief update and noted revisions to the plan were made to address the stormwater peer review and comments from the Commission.

The Director noted the stormwater peer review was completed and information was included in member meeting packets. She then introduced Brian Dunn of MBL Land Development & Permitting, who summarized the project compliance with the MA Stormwater Management Standards. He noted the applicant had addressed the comments. Brian also reviewed the recommendations for special conditions to be included in the wetlands permit pending the Commission's review. Recommendations included, but are not limited to, having soils inspected by the town's agent during construction where stormwater BMPs are proposed, and the applicant should submit a signed illicit discharge statement. He noted that the stormwater peer review was streamlined with the BOH requirements for stormwater and drainage, and that a variance per the BOH may be required per rules and regulations under Sections 5 and 6.

There was brief discussion regarding the pollinator garden and interpretive signage at the park to educate the public about pollinators and the Concord River, including fauna and flora and water supply information. Members of the Commission concluded the hearing by noting they are all happy with this project and how quickly and efficiently this work has been being done between the Engineering and Conservation Departments.

Kelley Conway, Town Engineer noted she is planning to go before the BOH next month for review and approval.

Andrew Deslaurier, resident, voiced his support of the project and noted this is really a great project.

**MOTION: TO** close and issue Order of Condition with final revised plans made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

**MOTION: TO** reopen the hearing made by Commissioner JoAnne Giovino, seconded by Commissioner Diane DePaso. All in Favor. Carried Unanimously.

**MOTION: TO** issue a variance 3.03.3.CA, 50-foot No Alteration Zone made by Commissioner JoAnne Giovino, seconded by Commissioner Diane DePaso. All in Favor. Carried Unanimously.

**MOTION: TO** close made by Commissioner JoAnne Giovino, seconded by Commissioner Diane DePaso. All in Favor. Carried Unanimously.

- **9:17PM – 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:**

02/24/2022 Received an email from Jared Walsh, Senior Design Engineer from Bohler Engineering with attached documents for the Supplemental Submission Package, proposed GMP Lab Building Addition for 600 Technology Park Drive (DEP #109-1437)

03/02/2022 Received a Supplemental Package for the proposed GMP Lab Building Addition from Jared Walsh, E.I.T. and Zachary Richards with Bohler for 600 Technology Park Drive, Proposed Site Plan Documents revised on February 17, 2022, General Notes Sheets, Overall, Site Plan (scale 1" = 50'), Site Layout Plan (scale 1" = 20'), Grading and Drainage Plan (scale 1" = 20'), Utility Plan (scale 1" = 2'), Sanitary Profiles (1" = 30'), Soil Erosion & Sediment Control Plan (scale 1" = 20'), Erosion & Sediment Control Notes and Details, Landscape Plan (scale 1" = 20'), Lighting Plan (scale 1" = 20'),

stamped and signed by Zachary Richards dated on February 17, 2022, Landscape Notes and Details, Detail Sheets C901-C903, Boundary, Partial Topography & Utility Survey by others (pages 1-4) (DEP #109-1437)

03/04/2022 Received an email from Philip Paradis, Jr., PE, LEED AP, CPSWQ from Beta Group, Inc., with an attached Peer Review Letter for 600 Technology Park Drive (DEP #109-1473)

03/08/2022 Received an email from Jarod Walsh and Zachary Richards with Bohler for Stormwater response to comments #2, proposed site plans documents, signed by Zachary Richards for 600 Technology Park Drive (DEP #109-1437)

Zachary Richards, Professional Engineer and Jarod Walsh, Senior Design Engineer with Bohler Engineering provided an update regarding the revisions made to the plan and stormwater peer review. The project includes a 64,000 square foot addition with lab/mixed use. They increased green space, which includes outdoor amenity space, revised the parking areas, and addressed the comments related to stormwater design. It was noted that although the project qualifies as a redevelopment project, the design meets all the stormwater standards of the MA Stormwater Management Standards.

There was a brief discussion regarding the condition of one of the stormwater basins, which contained murky water with potential algae problem dating back to 2002 potentially and the need to have that basin inspected in the field and maintained as needed. The Director suggested that the Commission include further inspection and evaluation of said basin as part of a special condition in the wetland permit. Members of the Commission noted that there should be a reduction in the use of pesticides, herbicides, or the number of applications might help alleviate the issues. The Commission requested "No Dumping" signs near the remote parking lot at the rear, since this appears to be an area used for dumping of debris. The Director introduced Matt Crowley from the Beta Group to discuss the stormwater peer review completed as part of the project review.

Matt Crowley summarized project compliance with the MA Stormwater Management Standards and noted referenced the last peer review letter issued on March 2, 2022. He concluded that the applicant had addressed all the comments and clarified the SW5 Comment regarding monitoring wells and the draw down device for the infiltration basins. He reviewed the recommendations by BETA to be included as special conditions in the wetland permit, pending the commission's approval. The special conditions include that soil conditions in the proposed stormwater BMP areas are to be observed by an agent of the town during construction, and the contractor is to provide copies of the SWPPP and associated Notice of Intent with the EPA prior to construction. He also concurred with the Commission and Director to include a condition to further inspect and evaluate the condition of an existing stormwater basin at the site as previously discussed.

**MOTION: TO** grant the variance to section 3.03CB the 25-foot No Alteration Zone made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

**MOTION: TO** close, sign, and issue an Order of Conditions, adding conditions as discussed, updating snow storage with a revised plan and new signage made by Commissioner JoAnne Giovino, seconded by Commissioner Jeff Connell. All in Favor. Carried Unanimously.

- **9:47PM - 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:**

02/22/2022 Received an email from Stephen Dresser from Dresser, Williams, and Way for 92 Billerica Avenue with an attached Drainage BMP Map, stamped and signed by Stephen Dresser, dated on February 22, 2022, scale 1" = 20' (DEP #109-1476)

02/28/2022 Received an email response from Kelley Conway, Town of Engineer with the Town of Billerica for 92 Billerica Avenue regarding the sewer availability (DEP #109-1467)

03/01/2022 Received an email from Jon Metivier regarding the Sewer Connection with 92 Billerica Avenue, he would like to proceed with the designed onsite septic system. (DEP #109-1467)

03/06/2022 Received an email from Brian Dunn, President/Project Manager with MBL Land Development & Permitting, Corp. with Peer Review Comments for the third time for 92 Billerica Avenue (109-1467)

03/08/2022 Received an email from Stephen Dresser from Dresser, Williams, and Way with an attached LUHPPL letter for 92 Billerica Avenue (DEP #109-1467)

03/09/2022 Received an email from Stephen Dresser with Dresser, Williams, and Way informing the Commission that he sent the response to the first review to DEP for 92 Billerica Avenue (DEP #109-1467)

Stephen Dresser with Dresser, Williams, & Way, Inc. spoke on the continued project and noted that there were only two outstanding issues based on the peer review completed for the project. One being the request for an easement, which is a Board of Health issue. The more pressing issue is whether the site should be considered a Land Use with Higher Potential Pollutant Loading (LUHPPL) or not. He made reference to Chapter 1, Volume 1, which summarizes information about the various site uses that trigger a LUHPPL. He argued the proposed contractor's yard does not trigger the need for a higher degree of treatment to stormwater runoff under the site use.

The Director noted a technical review meeting was held with Steve, Brian, and additional coordination with BOH and Engineering staff on the LUHPPL matter. She noted the Town collectively viewed the site as a LUHPPL and required the applicant address and comply with Standard 5 LUHPPL under the MA Stormwater Management Standards. She noted that Brian Dunn, stormwater peer reviewer was in the audience and would discuss his review. The Director noted that the BOH Director Kristel Bennett submitted comments regarding the project, which requested information on the proposed site use, proposed septic system and feasibility to connect to existing sewer, and that a variance for work near floodplain is required. She noted the DPW /Town Engineer submitted a memo to explain what would be required to connect to sewer, since there is no sewer stub available. DPW noted that a review and analysis to connect to the private pump station is required and potential upgrades would be the responsibility of the applicant. Stephen Dresser clarified that the applicant is proposing a septic system and that the DPW is aware of this.

Brian Dunn of MBL summarized the peer review completed to-date and concurred that there were two outstanding issues associated with the easement and the applicability of LUHPPL for the proposed site use. He noted that the NOI at first was missing a degree of information pertaining to the proposed project, and that it was later clarified by the engineer that the site use is for a contractor's yard. Brian referenced information from the Stormwater Handbook Policy pertaining to LUHPPL applicability, which was included in the stormwater peer review letter and noted that it was his professional opinion that the project qualified as a LUHPPL site. The Commission inquired about potential solutions to address compliance and Brian noted that a simplified water quality structure, not a vortex or a stormceptor, but perhaps a glorified septic tank installed right after the catch basin and prior to the forebay could resolve the design issue. This would help achieve 44% TSS removal prior to the infiltration.

There was brief discussion regarding that the Certificate of Compliance needed to close out the wetlands permit associated with the existing gravel parking lot at the site. The Director recommended the Commission hold off on issuing the CoC, since the current site conditions do not comply with the Plan of Record under OOC DEP File No. 109-1225/BBL-1225. To approve and close out the wetland permit the proposed stone check dam should be installed in the vegetated stormwater swale. Steve noted the current site plan was revised to show the vegetated swale and proposed stone check dams.

There was additional back and forth discussion regarding the applicability of LUHPPL. The Commission concluded the proposed project and site use required compliance with Standard 5 addressing LUHPPL.

**MOTION: TO** continue to the hearing to April 13, 2022, meeting, made by Commissioner JoAnne Giovino, seconded by Commissioner Diane DePaso. All in Favor. Carried Unanimously.



- **10:14PM - 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 (*Continued to 4-13-2022*)

**Documents Submitted:**

03/09/2022 Received an email from Stephen Dresser with Dresser, Williams, and Way to request a continuance for 581 Boston Road until the April 13, 2022, meeting (DEP #109-1466)

**MOTION: TO** continue the hearing to the April 13, 2022, meeting per the applicant's request made by Commissioner Jack Bowen, seconded by Commissioner JoAnne Giovino. 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 – 0 Market Street – Applicant: Bryan Duby –  
DEP File No. 109-1436/BBL-1436 (*Continued to 4-13-2022*)

**IV. ADMINISTRATIVE MATTERS / DIRECTOR'S REPORT:**

- **10:15PM - Miscellaneous Updates**

- DEP File No. 109-1477/BBL-1477 (225 Nashua Road – DEP Comments Issued)

**Documents Submitted:**

03/02/2022 Received comments on 225 Nashua Road from the DEP Database. Discussion will take place on the March 9, 2022, meeting. (DEP #109-1477)

03/02/2022 Received an email from Stephen Dresser with Dresser, Williams, and Way regarding the DEP comments on 225 Nashua Road (DEP #109-1477)

03/03/2022 Received a revised Notice of Intent Site Plan for 225 Nashua Road from Stephen Dresser with Dresser, Williams, and Way, Inc., Stamped and signed by Stephen Dresser dated on February 23, 2022, scale 1" = 20", (DEP #109-1477)

The Director noted that the MassDEP issued comments on the NOI after the project was approved by the Commission. There was a brief discussion noting that the project as approved by the Commission was for the expansion of the house and the Commission required mitigation to restore and enhance inner Buffer Zone behind the house. The project as proposed did not involve any bridge repair work. Further, the project plans were revised during the NOI review process to show the entire wetland system at the rear of the property and related buffer zone, which addressed some of the DEP comments.

- 31 & 33 Nashua Road Building Application Review

The Director noted that there is proposed utility maintenance at 31 Nashua Road, which is needed to replace a gas line. The department planned to administratively approve the work as part of the Building Application review process. The property owner was required to submit a marked-up plot plan to show the limit of work, erosion control, and staging and stockpiling areas. Any other work on the property, such as demolition, expansion, or grading, will require a wetlands permit.

- **10:20PM - Minutes: 10-27-21**

**MOTION: TO** accept the meeting minutes with corrections made by Commissioner Diane DePaso, seconded by Commissioner JoAnne Giovino. All in Favor. Carried Unanimously.

(Paul Hayes abstained on this vote because he had left early at this meeting.)

V. **10:21PM – ADJOURN**

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

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Kristina Bernard and Isabel Tourkantonis