

Billerica Conservation Commission
MEETING AGENDA
March 10, 2021
6:00 PM

The public may call in or use a computer to participate in this meeting

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 and subsequent Orders imposing strict limitation on the number of people that may gather in one place, this meeting of the Billerica Conservation Commission will be conducted via remote participation. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found below. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means.

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

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

<https://us02web.zoom.us/j/82262511203>

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

Webinar/Meeting ID: 822 6251 1203

6:00 PM - REMOTE ATTENDANCE: Commissioner Members: Chair Paul Hayes, JoAnne Giovino (Vice-Chair), Diane DePaso (Secretary), Jack Bowen, and Marlies Henderson. Staff Members Isabel Tourkantonis, (Director of Environmental Affairs), Mike DeVito, (Conservation Land Use Assistant) and Liz Ells (Sr. Clerk). Absent: Commissioners Jeff Connell and Betsy Gallagher.

I. 6:03 PM – PUBLIC COMMENT

Justin Damon, 17 Harnden Road, expressed concern regarding the Jones Brook Bridge and snowmobile tracks. The Director requested he send a formal email with the location to the Department so staff can investigate. He commented about Billerica Conservation trails and Cider Mill and recommended the purchase of 7+ acres and suggested the Billerica Conservation Commission send a letter to the Select Board requesting possible purchase for conservation and open space.

II. 6:06 PM - NEW WETLAND HEARINGS:

- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent** – 121 Lexington Road, Vining School Building – Applicant: Town of Billerica – DEP File No. 109-1438/BBL-1438

Documents submitted:

2/24/2021 Received Notice of Intent from Jonathan Niro, BETA Group, for 121 Lexington Rd. (Vining School Demo & Site Work). Demolition Project Plans: Cover Sheet, Existing Conditions, Work Plan, Parking Lot Plan, Restoration Plan, Floor Plan, Details. Signed and stamped by Philip Paradis, dated 2/23/2021. Scales: as shown. (DEP 109-xxxx)

3/1/2021 Received Letter of Intent from John Curran, Town Manager, for 121 Lexington Road, Vining Elementary School, dated 2/24/2021. (DEP 109-xxxx)

3/10/2021 Received response to staff NOI review comments - Supplemental Information for Demolition & Site Work letter from Jonathan Niro, BETA Group, dated 3/9/2021 for 121 Lexington Road (Vining School). Scanned Certified mailing cards, Stormwater Mgmt. Checklist Narrative dated March 2021, Mass DEP Checklist for Stormwater Report, Construction Period Pollution Prevention & Erosion and Sedimentation Control Plan dated March 2021, Long Term Operation & Maintenance Plan/Stormwater Management Systems, dated March 2021, BMP Inspection & Maintenance Documentation Form (DEP 109-1438)

Craig Ellis, BETA, presented the project and site plan for building demolition, removal of impervious surface areas, removal and relocation of playground structures and a stone parking lot area to allow parking for existing onsite playfields. The department reviewed the supplemental information submitted on March 9, 2021. The Director provided a brief review of staff NOI review comments. There is various debris within the wetland and vegetated buffer zone, including the stream. The Commission clarified during the wetlands hearing that a 50' No Alteration Zone would be applicable to the property for future development projects. BETA clarified that the project could occur over a 4-to-6-month period. The Commission indicated the project requires a substantial amount of land disturbance, and therefore, construction monitoring, sedimentation, and erosion control barriers for stormwater runoff during construction is critical. The Commission requested an independent construction monitor be retained and streamlined with the Board of Health under the Stormwater Management By-Law. There was a brief discussion about tree preservation and a request by members to attempt to preserve the tree near the proposed stone paving area. There was further discussion about the monument and flagpole that are in the front of the building that should be preserved or saved and not disposed of. BETA clarified the contractor will verify the location of drainage pipes near the building and will cut and cap the lines and leave them in place for possible use on a later date. The Commission requested the various special conditions, including construction monitoring of the project site by an independent monitor; hand removal of miscellaneous trash and debris from the wetland and buffer zone; pre- and post-construction inspections of the existing large drainpipe that extends to the headwall to protect the stream and wetland and ensure no damage to the pipe during construction; and environmental signage to be installed along the vegetated buffer zone tree line. The Commission requested a revised narrative and correcting the reference of a "river diversion" in the construction sequence.

MOTION: TO close the hearing and issue and sign the Order of Conditions with special conditions as discussed. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen, and M. Henderson. All in Favor. Carried unanimously.

- **6:46 PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent – 38 Blackwood Avenue – Applicant: Michael and Amanda Fantauzzi – DEP File No. 109-xxxx/BBL-xxxx**

Documents submitted:

2/24/2021 Received Notice of Intent from Stephen Dresser, Dresser, Williams & Way, for 38 Blackwood Avenue. Notice of Intent Site Plan, signed and stamped by Stephen Dresser, dated 2/17/2020. Scale: 1"=20'. (DEP 109-xxxx)
3/9/2021 Received via email letter from BOH that variance is required for 38 Blackwood Ave. for GEFP & FEMA (DEP 109-xxxx)

Stephen Dresser, Dresser, Williams & Way, presented the project for a 3-car garage at 38 Blackwood Avenue, near Nutting Lake. He explained the project triggers a variance under the impervious surface area section of the By-Law. He noted the project includes infiltration of stormwater runoff. Staff provided review notes, which noted an existing wooden dock between WF5A-6A and noted direct abutters should be added to the site plan. Commission members requested reevaluation to reduce the overall scale of the project, particularly the impervious surface area, the size of the garage, opportunity for infiltrating roof runoff given the size of the garage compared to the size of the lot, evaluation of pre-existing erosion conditions on the property. Steve clarified the dock was pre-existing to the current owners and not likely a permitted structure. The Commission requested a review of the dock for compliance. The Commission

requested clarification regarding ownership of the paper road next to the property since site plans for previous wetlands filings on the subject lot referenced the paper road.

MOTION: TO continue the hearing, per the applicant's request, to 4/14/2021. Moved by Commissioner Giovino, seconded by Commissioner Henderson. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen, and M. Henderson. All in Favor. Carried unanimously.

III. CONTINUED WETLAND HEARINGS:

- **7:19 PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent** – Continued Public Hearing – 20 Linnell Circle – Applicant: Ronald Topping – DEP File No. 109-1435/BBL-1435 (*Continued to 3-24-2021*)

Documents submitted:

3/5/2020 Received via email peer review letter dated 3/4/2021 from Brian Dunn for stormwater management for 20 Linnell Circle (DEP 109-1435)

3/10/2021 Received via email from Stephen Dresser, request to continue 20 Linnell Circle to 3/24/2021 (DEP 109-1435)

MOTION: TO continue the hearing, per the applicant's request to 3/24/2021. Moved by Commissioner Henderson, seconded by Commissioner Giovino. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen, and M. Henderson. All in Favor. Carried unanimously.

- **7:20 PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent** – Continued Public Hearing – 19 Kazimer Drive – Applicant: John Travato – DEP File No. 109-xxxx/BBL-xxxx (*Continued to 3-24-2021*)

Documents submitted:

3/10/2021 Received via email from Stephen Dresser, request to continue 19 Kazimer Drive to 3/24/2021 (DEP 109-xxxx)

MOTION: TO continue the hearing, per the applicant's request, to 3/24/2021. Moved by Commissioner Henderson, seconded by Commissioner Giovino. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen, and M. Henderson. All in Favor. Carried unanimously.

- **7:21 PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent** – Continued Public Hearing – 446 Middlesex Turnpike – Applicant: Thomas B. Shea – DEP File No. 109-1423/BBL-1423 (*Continued to 3-24-2021*)

Documents submitted:

3/10/2021 Received via email from Stephen Dresser, request to continue 446 Middlesex Tnpk to 3/24/2021 (DEP 109-1423)

MOTION: TO continue the hearing, per the applicant's request, to 3/24/2021. Moved by Commissioner Henderson, seconded by Commissioner Giovino. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen, and M. Henderson. All in Favor. Carried unanimously.

- **7:23 PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent** – Continued Public Hearing - 0 Pond Street – Applicant: Billerica Pond Street, LLC. – DEP File No. 109-1437/BBL-1437 (*Previously continued to 3-24-2021*)

Documents submitted: No new information has been submitted.

Per the Director, a formal vote to continue was not necessary as the continuance request to 3/24/2021 was accepted and voted at the 2/24/2021 meeting.

- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent** – Continued Public Hearing – 66 Gray Street (Lot 1) – Applicant: Gary Litchfield – DEP File No. 109-1421/BBL-1421 (*Previously continued to 3-24-2021*)

Documents submitted: No new information has been submitted.

Per the Director, a formal vote to continue was not necessary as the continuance request to 3/24/2021 was accepted and voted at the 2/24/2021 meeting.

- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent** – Continued Public Hearing – 68 Gray Street (Lot 2) – Applicant: Gary Litchfield – DEP File No. 109-1420/BBL-1420 (*Previously continued to 3-24-2021*)

Documents submitted: No new information has been submitted.

Per the Director, a formal vote to continue was not necessary as the continuance request to 3/24/2021 was accepted and voted at the 2/24/2021 meeting.

IV. 7:23 PM - ADMINISTRATIVE MATTERS / DIRECTOR'S REPORT:

- **Request for Certificates of Compliance:**

- DEP 109-1183/BBL-1183 (**PARTIAL** - 900 Middlesex Turnpike, Building 2)

It was noted that the DEP number is incorrect; the correct number is DEP 109-1408/BBL-1408. The Director recommended issuing a **PARTIAL** Certificate of Compliance and stated the applicant is working towards the final Certificate of Compliance sometime in May/June 2021 once the site has been completely stabilized and the post and rail fence relocated to protect the onsite vegetated buffer zone.

MOTION: TO issue a **PARTIAL** Certificate of Compliance. Moved by Commissioner Giovino, seconded by Commissioner Henderson. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen, and M. Henderson. All in Favor. Carried unanimously.

- **Katie Durand Memorial Park Subcommittee Update**

The subcommittee presented the three concepts prepared by BETA in consultation with the Engineering Division and Conservation Department. The 3rd concept was presented as the preferred option. The concept includes a one-way access road with a drop off for canoes and kayaks, and side parallel parking. Handicap accessibility and parking are included. The goal is to maintain the natural environment along the river and will feature a memorial area honoring Katie Durand, a few picnic tables, stormwater management, a pollinator garden and interpretative environmental signage educating site users about the river (public water supply, wildlife, various habitats, etc.) and another about the importance of pollinators. The Director informed the Commission that a formal Notice of Intent will be filed by the Engineering Division and BETA Group in the future.

MOTION: TO accept and move forward with Option 3 concept. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen, and M. Henderson. All in Favor. Carried unanimously.

- **Community Preservation Committee (CPC) Update**

The Director reported she attended the CPC meeting to present the CPC application for additional CPA funds associated with the Katie Durand Memorial Park Project. She noted applications for other projects, including the Peggy Hannon Rizzo Complex were also presented. Commission member DePaso noted she also attended the CPC Zoom meeting to represent the KDMP Project and listened to the PHR presentation. She indicated additional information including cost details were presented by the Manager and Project Team, more than what was presented during the last round. Members indicated a presentation was also provided during a Board of Selectmen meeting. Members suggested taking a vote that would represent the Commission's latest position on supporting the project, particularly since members are more aware of the details and costs since last year.

MOTION: TO vote on the Billerica Conservation Commission's support of the Peggy Hannon Rizzo Complex application for CPA funding. Moved by Commissioner Giovino, seconded by Commissioner Bowen. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen. NAY's: Commissioner Henderson. Four in favor, one opposed. Motion passed.

- **Fox Hill Conservation Land – Bay Circuit Trail**

Commissioner Henderson presented slides showing improvements completed at Fox Hill by BC trail group and volunteers.

- **Troop 30 - Eagle Scout Project (Mason Bee Houses)**

The Director noted she forwarded an email from Troop 30 to the Conservation Commissioners about this project. She requested information, particularly maps identifying the locations of proposed Mason Bee houses to be installed, offered guidance and resources available to help with the effort.

- **Miscellaneous News & Updates** – The Director reported several new filings were submitted and staff has been actively offering guidance on many upcoming filings for small to large-scale projects that trigger wetlands review.
- **Minutes:** 2-10-2021

MOTION: TO accept the 2-10-2021 minutes with minor edits as discussed. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen, and M. Henderson. All in Favor. Carried unanimously.

V. 8:10 PM – ADJOURN

MOTION: TO adjourn. Moved by Commissioner Henderson, seconded by Commissioner Bowen. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen, and M. Henderson. All in Favor. Carried unanimously.

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Liz Ells and Isabel Tourkantonis