

MEETING AGENDA
March 23, 2022
6:30 PM
Town Hall, Room 210
365 Boston Road, Billerica MA

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

I. **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 – 6 Heather Circle – Applicant: Marty Allen, MJA Realty Trust – DEP File No. 109-1480/BBL-1480

Documents Submitted:

03/16/2021 Received revisions to plan and comments per the Commission request from Stephen Dresser with Dresser, Williams, and Way for 6 Heather Circle, Variance Request 3.03.C.3 to perform restoration work, Notice of Intent Site Plan, stamped and signed by Stephen Dresser, revised, and dated on March 15, 2022, scale 1" = 20' (DEP #109-1480)

03/23/2022 Received an email from the Engineering Department in Billerica with NOI review comments for 6 Heather Circle's NOI (DEP #109-1480)

Stephen Dresser from Dresser, Williams, and Way spoke on the revised plans on behalf of his applicant Marty Allen with MJA Realty Trust. Steve noted the project is a single-family home, which is outside of the 50-foot buffer zone. They will have a drainage system, gutter system in the back with an infiltrator, and drainage trench alongside the driveway. He updated the tree line, restoration work within the 50-foot No Alteration zone, labeled the bank, and added sewer and water services. Steve had also submitted a variance request. He also discussed the memo that he received from the DPW that referenced the crushed HDPE corrugated pipe daylighting in the easement and the discovery of two outlet pipes (a CMP pipe and a HDPE pipe) in the associated catch basin on the street. The DPW requires the existing crushed HDPE pipe be visually inspected by camera, the crushed section repaired, and a flared end be installed along with a rip rap stone at the end of the replaced pipe. Also required is that the CMP pipe in the catch basin be properly abandoned. It was mentioned that a street opening permit will be required for this work on the drainage within the easement. Mr. Marty Alan agreed to fix this issue.

Isabel Tourkantonis, Conservation Director, noted that the Commission could address the DPW concerns with special conditions in the Order of Conditions, since all the other comments from the Commission appeared to be addressed on the revised plan. The applicant is also proposing to do plantings further towards the house than the 50-foot No Alteration zone, including protection greater than the 50-foot No Alteration Zone area. The Commission thanked the applicant and expressed how pleased they were with the revised plan.

Motion: TO grant a variance to Section 3.03.C.3.a for work within the 50-foot No Alteration Zone for restoration work. Motion made by Commissioner JoAnne Giovino, seconded by Commissioner Diane DePaso. All in Favor. Carried Unanimously.

Motion: TO close, sign, and issue Order of Conditions with a special condition to address the DPW memo and required work along the drainage easement in the beginning stage of the project, Motion made by Commissioner JoAnne 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 – 0 Shedd Road – Applicant: Paul Litchfield, Merrimack Valley Builders, Inc. - DEP File No.109-XXXX/BBL-XXXX (*Continued to 4-13-2022*)

Documents Submitted:

03/11/2022 Received an email from Leah Basbanes with Basbanes Consulting with an attached abbreviated Variance Request and Buffer/Outer Riparian Restoration. Also, to inform us they are working on the revisions for the plans for 0 Shedd Road (DEP #109-XXXX)

03/16/2022 Received an email from Paul Litchfield with the requested revisions and stormwater calculations attached as requested by the Commission for 0 Shedd Road (DEP #109-XXXX)

03/17/2022 Received stormwater management calculations, variance request 3.03.c.3.a, and revised site plans from Paul Litchfield for 0 Shedd Road, revised site plans, stamped and signed by Christopher Mello, dated March 15, 2022, scale 1" = 20' (DEP #109-XXXX)

03/22/2022 Received an email from Paul Litchfield with Merrimack Valley Builders, Inc. to continue the hearing for 0 Shedd Road until the April 13, 2022, meeting since they have not yet received a DEP # (DEP #109-XXXX)

Motion: TO continue to the April 13, 2022 meeting per the applicant's request made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

III. PREVIOUSLY CONTINUED HEARINGS:

- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – 250 Boston Road (Concord River Boat Launch Facility) – Applicant: Anthony Stella, MA Office of Fishing & Boating Access – DEP File No.109-XXXX/BBL-XXXX (*Continued to 4-27-2022*)

Documents Submitted:

03/16/2022 Received an email from Phil Paradis with Beta Inc., with their scope and fees for the Boat Launch Project at 250 Boston Road, in which it was stated to facilitate the review that the applicant should submit a copy of the hydrologic model and flood area fill and compensation calculations prior to BETA starting the review. Test pits in the bioretention facility will also be required.

- **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 (*Continued to 4-13-2022*)
- **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 (*Continued to 4-13-2022*)

Documents Submitted:

03/16/2022 Received response to the review and associated documents for 581 Boston Road from Stephen Dresser with Dresser, Williams, and Way, Stormwater Peer Review, Septic Leachfields and Subsurface Stormwater Management, TSS removal calculation worksheet, Illicit Discharge Compliance Statement, Stormwater Management Maintenance Manual, routing diagram for proposed drainage, routing diagram for existing drainage, drainage BMP map, stamped and signed by Stephen Dresser (revised per Beta comments), dated on January 31, 2022, scale 1" = 20'-, Notice of Intent Site Plan, Existing Conditions, Erosion Control and Demolition, site layout, grading and drainage, utilities, details, stamped and signed by Stephen Dresser, dated on January 28, 2022, scale 1" = 20' (DEP #109-1466)

- **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. 6:40PM - ADMINISTRATIVE MATTERS / DIRECTOR'S REPORT:

- Requests for Certificates of Compliance

- DEP File No. 109-1417/BBL-1417 (New England Power Fly-Over Switch)

Documents Submitted:

01/28/2022 Received a Request for Certificate of Compliance from Paul Martin, Sr. Project Manager from BSC Group for New England Power Fly-Over Switch Installation Project, Foundation Drawing issued for construction on January 15, 2021, Staking Diagram M139 Fly – Over Switch Project Structure 21A, stamped and signed by Jessica T. Farrell on February 2, 2021, scale 1" = 30'-0", Staking Diagram M139 Fly – Over Project Structure 52A, stamped and signed by Jessica T. Farrell on February 2, 2021, scale 1" = 30'-0", M139/N140 Fly – Over Switch Installations, Environmental Resources Map, scale 1" = 40' (DEP #109-1417)

Mike DeVito, Conservation Land Use Assistant discussed how he visited the site with BSC for both Glengarriff Circle and Bicknell Road. There were some minor issues, such as removing a DEP sign, and scrap metal needed to be removed at the Glengarriff site. Also, at this location there needs to be some minor modifications to the plan to update the pedestal. At Bicknell Road, the stakes needed to be removed. He said a final wetlands report still needs to be submitted as well. The Commission discussed taking no formal action to approve or deny the Certificate to allow the applicant to submit the final wetlands report, remove the miscellaneous debris, and scrap metal from both project areas.

The Commission reminded the staff that they also requested that a lock key to the gate should be given to the Fire Department.

Motion: TO take no formal action made by Commissioner JoAnne Giovino, seconded by Commissioner Diane DePaso. All in Favor. Carried Unanimously.

- DEP File No. 109-1385/BBL-1385 (72 Forest Park)

Documents Submitted:

03/16/2022 Received a Conservation As-Built from Stephen Dresser with Dresser, Williams, and Way for 72 Forest Park Avenue, stamped and signed by Stephen Dresser, revised on March 16, 2022, scale 1" = 20' (DEP

#109-1835)

Isabel Tourkantonis, Conservation Director reminded the Commission that the project involved demolition and removal of an old, vacant house and various site features, such as a small in ground pool. Various debris was removed from the site and the cutting and removal of woody vines, particularly greenbrier that were choking existing trees were managed. Overall, the project resulted in substantial improvement to inner buffer zone. Mike DeVito noted that he had been out to the site recently and there is minor encroachment associated with mowing about 5 feet past the post and rail fence. The Commission discussed the matter and requested staff contact the new homeowner to review the OOC and long-term conditions associated with inner buffer zone protection. The Commission discussed taking no formal action to approve or deny to allow staff time to communicate with the property owner.

Motion: TO take no formal action until the homeowner can be reached to be aware of the importance of the No Alteration Zone and cease from mowing in that area. Motion made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

▪ **6:48PM - Miscellaneous Updates**

- DEP File No. 109-1202/BBL1202 (24 Marshbrook Road)

Documents Submitted:

02/14/2022 Received a letter to the Commission from Maureen Herald from Norse Environmental describing the OOC that was never closed out with the Conservation Department from the Spring of 2014 and non-compliance issues with Existing Conditions Plan stamped and signed by Douglas Lee Civil dated on 12/21/2021, scale 1" = 20', Recorded Order of Conditions dated 05/20/2013, Sewage Disposal stamped and signed by Douglas J. Smith dated on 01/02/2013, scale 1" = 20', Certificate of Compliance from the Board of Health dated on 03/11/2014 for 24 Marshbrook Road (DEP #109-1202)

Isabel Tourkantonis, Conservation Director spoke on the project and reminded the Commission that there was a brief discussion regarding noncompliance with the original permit back in January. The letter submitted by Norse describing the non-compliance issues and proposed corrective action was reviewed. The Commission reiterated the need to remove all unauthorized structures from the No Alteration Zone. The post and rail fence must be installed per the Plan of Record under the OOC. The visual barrier location should be field surveyed and staked in the field to avoid any issues with the location at the future time of the as-built review for the Certificate of Compliance. The Commission also requested a review and verification of the compensatory flood storage area required under the OOC and that all restoration plantings be installed to revegetate the No Alteration Zone. The Director noted two items remain outstanding and clarification is required by the Commission. A deck at the rear of the house was added to the dwelling without a building permit or review by the Conservation Department and the existing driveway was expanded with a gravel drive. The Director noted the deck does not appear to encroach into to the required No Alteration Zone based on the follow up from Norse and the existing conditions plan. Furthermore, the expanded gravel driveway is at grade and does not appear to have resulted in the filing of floodplain. The Commission requested that staff notify the Building Department of the unpermitted deck. After a brief discussion, the Commission determined the deck and gravel driveway must be shown on the as-built plan and addressed as a deviation from the OOC on the Request for Certificate of Compliance.

The Commission noted that as part of the upcoming review of a RCOC that the deck and the expanded gravel driveway will be conditioned to remain open (no roof) and remain pervious.

- Bartletts Landing Interpretive Sign Review

Documents Submitted:

03/03/2022 Received an email from Marlies Henderson with an advanced proof for Bartlett's Landing Interpretive Panel for the Commissions review.

Isabel Tourkantonis, Conservation Director reminded the Commission of recent emails from Marlies Henderson, regarding the interpretative sign for Bartlett's Landing. Marlies serves as the Commission's liaison with the River Steward Council and the sign is being funded with RSC grant money. The educational signage provides a brief history of the Concord River and Bartlett's Landing location. Review comments provided by the Commission included: add the Conservation Town Logo with reference that the property was purchased by the Town/Conservation Commission for the purposes of preserving land along the river corridor and to create river access. Secretary Diane DePaso provided the text that the Commission would like to have added on the sign. There were other minor edits provided by the Commission. such" The Director noted that Marlies continues to coordinate with direct abutters and efforts with volunteers and the Highway Department to clean and revamp the existing parking area. Marlies was also requested to let the Commission know where the signage might be placed and how the area will need to be cleaned up again.

Marlies attended during the Trail Maintenance and Signage Coordination discussion at 7:14 PM. The Director and the Commission explained the review comments with Marlies. Members of the Commission thanked Marlies for her efforts and confirmed that they are on board with the required maintenance of the parking area. They requested an opportunity to review the final proof before the sign is printed.

- Trail Maintenance & Signage Coordination

Isabel Tourkantonis Director of Conservation spoke about the money in the budget for educational materials and signage for Conservation lands. Examples included signs addressing rules and regulations, carry in and carry out, no ATV use, and/or trail markers. She explained how many people are using the trails, particularly since COVID. Many conservation lands with active trails such as Fox Hill are in need of signs and/or markers. There are many types of signs used throughout open space areas such as those made by the Scouts, SVT, state DFW, and Conservation Commissions. The Director recognized the Commission has discussed the need to have a degree of consistency in signs, including colors and sign types for its conservation lands. Isabel noted the trail markers that need to be ordered are consistent with universal trail markers and that new signs would include a forest green and white lettering similar to other signs, such as the small placards and larger wetlands protection signs created by the Conservation Department with the Commission's input.

- Troop 55

Documents Submitted:

3/23/2022 Email from Carol Walsh on behalf of BSA Troop seeking administrative review and approval of a boardwalk along an existing trail at Vietnam Veterans Park to address safety concerns and the dumping of materials by the public to create a foot bridge for access across the wetland; Addressed to: Isabel Tourkantonis, Conservation Department, CC David Grubb (trail photos attached)

The Director reviewed a request submitted by Troop 55 to remove a debris pile used as a crossing/boardwalk and build a wooden boardwalk to allow residents to cross a wetland section of the trail near the disc golf area safely. As proposed, the boardwalk will be 3 feet wide by 20 feet long and built in 8 sections. The boardwalk will

be raised using wood or cinder blocks. The current trail crossing consists of a miscellaneous board, wood debris and cinder blocks installed by the public to cross the muddy section of the trail. There is a well-defined trail utilized by the public to access the first section of the disc golf area behind the Vietnam Veteran's Park. The trail is also heavily used by dog walkers. Staff inspected the site and concurred that a short stretch of boardwalk along the existing trail would prevent future dumping and address the safety issues. The Troop proposed to remove the various debris observed in the field as part of the project.

There was brief discussion by the Commission regarding the use of pressure treated wood, but after some discussion the Commission concurred it may be utilized if necessary since it may be more durable. The Director clarified no cutting of vegetation from the wetland and buffer zone will be required as part of the work and the project would result in the removal of debris from the wetland, and overall improve existing conditions. The Commission agreed with the project and requested that a canvas or tarp be used to cut any wood and keep any debris out of the wetland.

7:46PM - Minutes: 1-26-2022, 2-9-2022, 2-23-2022

Motion: TO table the meeting minutes for 01-26-2022 and 02-09-2022 and approve the 02-23-2022 meeting minutes with minor edits made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

New Commissioner member William "Bill" Bulen introduced himself to the Commission and staff.

V. 7:52PM – ADJOURN

Motion: TO Adjourn made by Commissioner Bill Bulen, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.