



Billerica Conservation Commission

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



Billerica Conservation Commission MEETING AGENDA

May 26, 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/81402256158>

To call-in dial: 1-929-205-6099
Webinar/Meeting ID: 814 0225 6158

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

I. **6:01 PM – PUBLIC COMMENT – No comment.**

II. **NEW WETLAND HEARINGS:**

- **6:02 pm - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent – 24 Pelham Street – Applicant: Mei Huang – DEP 109-xxxx/BBL-xxxx**

Documents submitted:

5/11/2021 Received Notice of Intent from Hooshmand Afshar, Taj Engineering for 24 Pelham St., Notice of Intent Site Plan, signed and stamped by Hooshmand Afshar, dated 5/10/2021. Scale: 1"=20'. (DEP 109-xxxx)

Hooshmand Afshar presented the project for construction of a driveway to provide adequate access to the site. The Director provided a review of staff notes. A previous wetland file exists for this property (DEP 109-1027/BBL-1027). An

Order of Conditions was issued in May 2007 for the construction of a 2-car garage with a breezeway and other site work. That Order was revoked in March 2010. The Commission requested the applicant provide an Alternatives Analysis for the proposed driveway as designed to avoid such a steep and narrow driveway. The Commission also requested that the driveway be paved to avoid long term erosion within and adjacent to wetland resource areas along the river, given the degree of slope. In addition, the Commission requested some means of capturing and infiltrating stormwater runoff from the driveway. It was noted that there was debris on the property, as well as stockpiled materials. The Commission requested that the rear property line be staked in the field to clarify boundary limits between the property and adjacent Town property. There was discussion about the unpermitted dock that had been installed by the previous owner, which was conditioned to be removed as part of the previous Order issued for work on the property. A hard visual barrier, such as a post and rail fence, will be required along the rear property line and mowing to the river's edge on Town property shall cease to allow the riverbank, inner riparian, and buffer zone to revegetate along the river's edge. Details for a retaining wall used as part of a new driveway should be provided on the site plan. There was a brief discussion regarding an iron pipe observed hanging off the side of the house with a rope and chain. It was suggested that a vehicle turnaround area be added to the proposed project. The new property owner, Mei Huang, clarified there are two legal kitchens associated with the house, which was recently sold as a two-family house.

MOTION: TO continue the hearing to June 23, 2021, per the applicant's request. Moved by Commissioner Giovino, seconded by Commissioner Gallagher. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen, J. Connell and B. Gallagher. All in Favor. Carried unanimously.

III. CONTINUED WETLAND HEARINGS:

- **6:44 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. 109-1442/BBL-1442

Documents submitted:

5/17/2021 Received revised Notice of Intent Site Plan from Stephen Dresser for 19 Kazimer Drive, signed and stamped by Stephen Dresser, dated 5/12/2021. Scale: 1"=20' (DEP 109-1442)

Stephen Dresser presented revisions to the site plan, which includes an increase in the No Alteration Zone, location of sediment controls and stormwater infiltration features. A follow up site visit was conducted by staff and noted the restoration of bank and slope required under a wetlands violation is adequately stabilized. The plantings appear in good, healthy condition. There was discussion about the Commission's ability as part of a wetlands application review to consider the cumulative adverse effects of loss and/or degradation of protected wetland resource areas, including the Buffer Zone, resulting from past activities. It was clarified by the Commission that any future proposal involving the addition of impervious surface area on the property shall be calculated and based off the original wetlands filing (DEP File No. 109-1316-/BBL-1316) with regard to properly calculating the increase in impervious area within Buffer Zone for any future project

MOTION: TO grant the variance 3.03.C.2, Limit on Impervious Surface. Moved by Commissioner Giovino, seconded by Commissioner Gallagher. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen, J. Connell and B. Gallagher. All in Favor. Carried unanimously.

MOTION: TO grant the variance 3.03.C.3(b), 25' No Alteration Zone. Moved by Commissioner Giovino, seconded by Commissioner Bowen. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen, J. Connell and B. Gallagher. All in Favor. Carried unanimously.

MOTION: TO close, sign and issue the Order of Conditions. Moved by Commissioner Giovino, seconded by Commissioner Connell. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen, J. Connell and B. Gallagher. All in Favor. Carried unanimously.

- **7:12 PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent** – Continued Public Hearing –31 Baker Street – Applicant: Gary and Christine Wedge – DEP File No. 109-1443/BBL-1443

Documents submitted:

5/19/2021 Received Plan revision list from Stephen Dresser for 31 Baker St. Revised Notice of Intent Site Plan, signed and stamped by Stephen Dresser, dated 5/18/2021. Scale: 1"=20'. (DEP 109-1443)

Stephen Dresser presented revisions to the site plan with increased plantings and the garage size reduced. There was discussion about the wooden bridge that was installed by the property owner off property and on Town-owned property. The property owner clarified the bridge is used by the property owner to access the Town property to the rear. The bridge, which was constructed over a stream and bank, was never permitted under state and local wetlands regulations. Commission members requested that the bridge, the downed chain link fence and debris be removed as part of the project, and a plan addressing the restoration and stabilization of bank for the removal of the bridge be submitted for review. The Commission requested stream stats and an Alternative Analysis be provided. The proposed driveway should be a porous driveway to decrease the amount of impervious surface area, and the garage should be designed to include infiltration of roof runoff. There was discussion about the Commissions ability as part of a wetlands application review to consider the cumulative adverse effects of loss and/or degradation of protected wetland resource areas, including the Buffer Zone, resulting from past activities. It was clarified by the Commission that any future proposal involving the addition of impervious surface area on the property shall be calculated and based off the original 2004 wetlands filing (DEP File No. 109-929/BBL-929) with regard to properly calculating the increase in impervious area within Buffer Zone for any future project.

MOTION: TO continue the hearing to June 9, 2021, per the applicant's request. Moved by Commissioner Giovino, seconded by Commissioner Bowen. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen, J. Connell and B. Gallagher. All in Favor. Carried unanimously.

- **7:58 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

Documents submitted:

5/25/2021 Received request from Gene Sullivan to continue 0/140 Pond St. to 6/9/2021 (DEP 109-1437)

MOTION: TO continue the hearing to June 9, 2021, per the applicant's request. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen, J. Connell and B. Gallagher. All in Favor. Carried unanimously.

- **7:59 PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent** – Continued Public Hearing –13 Sterling Road – Applicant: JMS Realty, LLC – DEP 109-1447/BBL-1447

Documents submitted:

5/25/2021 Received Stormwater Management Peer Review letter dated 5/25/2021 from Brian Dunn for 13 Sterling Road (DEP 109-1447)

5/26/2021 Received request from Joseph Peznola, Hancock Associates, to continue 13 Sterling Road to 6/9/2021 (DEP 109-1447)

MOTION: TO continue the hearing to June 9, 2021, per the applicant's request. Moved by Commissioner Giovino, seconded by Commissioner Bowen. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen, J. Connell and B. Gallagher. All in Favor. Carried unanimously.

- **8:00 PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent** – Continued Public Hearing – 9 Eubar Circle – Applicant: Marc & Mellisa Lombardo – DEP 109-1446/BBL-1446

Documents submitted:

5/24/2021 Received request from Stephen Dresser to continue 9 Eubar Circle to 6/9/2021 (DEP 109-1446)

MOTION: TO continue the hearing to June 9, 2021, per the applicant's request. Moved by Commissioner Giovino, seconded by Commissioner Bowen. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen, J. Connell and B. Gallagher. All in Favor. Carried unanimously.

- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent** – Continued Public Hearing –221 Boston Road – Applicant: Gregory Lombardi Design Inc.– DEP File No. 109-1448/BBL-1448 (*Previously Continued to 6-23-2021 per applicant's request*)
- **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 6-23-2021 per applicant's request*)

IV. 8:03 PM - ADMINISTRATIVE MATTERS / DIRECTOR'S REPORT:

- **Requests for Certificates of Compliance:**
 - DEP File No. 109-441 (56 Basswood Avenue)

The project approved the construction of a single family dwelling with associated utilities. The Order of Conditions was issued on January 10, 1991. A partial Certificate was issued in April 1994. A full COC was not issued because an earthen berm that was initially proposed to protect the wetland resource area from the neighbor's horse barn and related horse droppings was never constructed. As part of the Request, the engineer verified in writing the neighbor no longer maintains horses on the property and has not for years. The engineer concluded the berm is no longer required or applicable. Staff recommended issuance of the Certificate of Compliance to close out the old Order.

MOTION: TO close and issue the Certificate of Compliance with the condition that environmental placards are placed along the buffer zone to the wetlands. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen, J. Connell and B. Gallagher. All in Favor. Carried unanimously.

- DEP File No. 109-1316/BBL-1316 (19 Kazimer Drive)

The bank and slope are stabilized and support adequate growth and restoration plantings based on an additional site inspection completed by staff on May 25, 2021. Staff recommended issuance of the Certificate of Compliance.

MOTION: TO close and issue the Certificate of Compliance. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen, J. Connell and B. Gallagher. All in Favor. Carried unanimously.

- **Minutes:** 4-14-2021, 4-28-2021

The Commission tabled the minutes to the June 9, 2021 meeting.

- **Miscellaneous Updates**

The Town Hall is currently without air conditioning and upper management is working to resolve the issue.

V. 8:07 PM - ADJOURN

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

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Liz Ells and Isabel Tourkantonis