



Billerica Conservation Commission

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



MEETING AGENDA
February 8, 2023
6:00 PM
Town Hall, Room 210
365 Boston Road, Billerica MA

Attendance: Commission Members JoAnne Giovino (Vice Chair), Diane DePaso (Secretary), Paul Hayes, and Jack Bowen. Staff Members Mike DeVito (Conservation Land Use Assistant), Kristina Bernard (Senior Clerk)

I. **6:00 PM – PUBLIC COMMENT** - None

II. **NEW WETLAND HEARINGS:**

- **6:03PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – 29 Pinedale Avenue – Applicant: Wenhao and Li Liu – DEP File No. 109-XXXX/BBL-XXXX

Documents Submitted:

1/20/2023 Received a Notice of Intent for 29 Pinedale Avenue from David Guerra with Goldsmith, Prest & Ringwall, Inc., Site Plan, stamped and signed by Nicholas M. Pauling, dated January 18, 2023. Scale 1" =20' (DEP #109-XXXX)

Bruce Ringwell with Goldsmith, Prest, and Ringwell presented the project to demolish the existing dwelling and to construct a new single-family house with associated utilities. He said the existing septic system will be removed and the new house will be tied to municipal sewer. Recharge chambers to collect the stormwater runoff from the roof are included in the proposed design. The applicant is requesting a variance for work within the 25-foot No Alteration Zone to restore the inner buffer zone.

Mike DeVito, Conservation Land Use Assistant informed the Commission that staff conducted a site inspection and agrees with the delineation. Also, at this time there has not been a DEP file number issued. Mike mentioned that wetland flag WF4 was missing in the field and a concrete wall was observed upgradient to WF6 and WF8 that would need to be removed. In addition, other miscellaneous debris needs to be cleaned up.

Review comments from the Commission members and staff included: Revise variance request to address the applicable 50' No Alteration Zone setback for new development and/or demolition/rebuilt project; stake the limit of structures on the lot, rotate the site plan 180 degrees, reference the variance request on the plan, remove miscellaneous debris on the lot and reference on the plan, add native tree and shrub plantings to restore the required 50-foot No Alteration Zone.

The Commission spoke on the project and discussed the 50-foot No Alteration Zone, the restoration plantings, the sewer connection, and the grinder pump. There was further discussion on the chain link fence and whether this was being removed, to which the answer was yes, it would be removed.

Anthony Capaldo, a resident, spoke and is in favor of the project.

Motion: TO continue to the February 22, 2023, meeting made by Commissioner Diane DePaso, seconded by Commissioner Paul Hayes. All in Favor. Carried Unanimously.

- **6:25PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – 298 Concord Road – Applicant: Kombis Shahbazi – DEP File No. 109-1526/BBL-1526

Documents Submitted:

01/26/2023 Received a Notice of Intent from Angela Botto with Bohler, for 298 Concord Road, Drainage Report, stamped and signed by Zachary Richards, dated January 25, 2023, Site Plans, stamped and signed by Zachary Richards, dated on January 25, 2023 (DEP #109-XXXX)

02/01/2023 Received an email with an attached variance request the certified mailing from Angela Botto with Bohler for 298 Concord Road (DEP #109-XXXX)

Zachery Richards, Project Engineer with Bohler Engineering presented the project to redevelop the property associated with 298 Concord Road and referenced the prior project that was reviewed and approved by the Commission for 300 Concord Road (DEP File N. 109-1450/BBL-1450). This project now includes demolition of 298 Concord Road, in addition to the building at 300 Concord Road and a new building facility constructed with associated parking and other site features. There was discussion regarding the prior Order of Conditions issued in 2021 for 300 Concord Road, and why they are not moving forward with that project to-date. It was mentioned that all stormwater management requirements will be met, and they will also be requesting relief of the 50-foot No Alteration Zone. He informed the commission that Lucas Environmental went out and re-delineated the area. Todd Greenfield with KS Partners spoke about his concern for the rip rap where the plows are lifting the curbing along the access drive.

Mike DeVito, Conservation Land Use Assistant informed the commission this project triggers stormwater peer review and that it may be streamlined with the Board of Health local stormwater regulations. There was a discussion concerning the status of the restoration/corrective action work required to stabilize portions of the inner buffer zone along the existing access drive from Concord Road. Areas were required to be stabilized immediately because of active erosion due to stormwater runoff and activities such as snow plowing. Additionally, maintenance of existing stormwater BMPs was lacking at the site and needed to be addressed per the Operation and Maintenance Plan developed for 300 Concord Road. It was discussed that Patrick Garner completed the wetlands peer Review for the project at 300 Concord Road. The applicant noted that the O&M Plan was passed along to the Property Manager and maintenance team onsite, and the stormwater O&M Plan is already in place. The restoration plan to stabilize eroded slopes and other areas of inner buffer zone are in progress.

Comments from the Commission included: portions of the eroded slopes must be stabilized, the Commission requested a chart of the corrective action and maintenance work completed to date and what needs to be completed, update the variance request, update O&M Plan to include specific months and timeline for cleanup, no fertilizer to be used.

The Commission had discussions on the existing and the proposed snow storage, the roadway and the lifted curbing from the snowplows, O&M Plan, the timeframe of the restoration plan from the prior approved project (300 Concord Road). The applicant was asked if they could look for other areas of green space to add within the project.

Motion: TO continue to the March 22, 2023, meeting made by Commissioner Diane DePaso, seconded by Commissioner Paul Hayes. All in Favor. Carried Unanimously.

III. CONTINUED WETLAND HEARINGS:

- **7:08PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing - 4 Allen Road Extension – Applicant: Paul and Lorraine Capone – DEP File No. 109-1519/BBL-1519

Documents Submitted:

02/01/2023 Received Revised Plans from Maureen Herald from Norse Environmental Services, Inc. for 4 Allen Road Extension, stamped and signed by Timothy Revellese, dated on February 1, 2023, scale 1" =20' (DEP #109-1519)

02/07/2023 Received a Revised Page 2 & 3 of the Notice of Intent Application and a Revised Site Plan, from Maureen Herald with Norse Environmental for 4 Allen Road Ext., stamped and signed by Timothy Revellese, dated on February 1, 2023, scale 1" = 20' (DEP #109-1519)

Mike DeVito, Conservation Land Use Assistant discussed the revised plans and noted that the Commission at the last meeting agreed that the applicant's representative would not need to attend the next hearing provided the revised plans addressed all comments and minor revisions. Revisions included: extend the sediment control barrier to enclose the work where the railroad tie is being removed, clarify temporary square footage of disturbance within the BVW to remove the railroad tie wall, clarify the temporary disturbance to be fully restored, revise page 3 of the Notice of Intent. The Commission confirmed the plan was revised accordingly.

Motion: TO approve the variance request 3.03.C.3.b, 25-foot No Alteration Zone made by Commissioner Diane DePaso, seconded by Commissioner Paul Hayes. All in Favor. Carried Unanimously.

Motion: TO close, sign, and issue the Order of Conditions made by Commissioner Diane DePaso, seconded by Commissioner Paul Hayes. All in Favor. Carried Unanimously.

- **7:25PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 25 Champa Road – Applicant: Matthew Braga – DEP File No. 109-1521/BBL-1521

Documents Submitted:

02/01/2023 Received Revised Plans from Maureen Herald from Norse Environmental Services, Inc. for 25 Champa Road, stamped and signed by Douglas Lees, dated on January 31, 2023, scale 1" -20' (DEP #109-1521)

Mike DeVito, Conservation Land Use Assistant noted that at the last meeting the Commission agreed the applicant's representative and the applicant would not need to attend the next hearing provided a revised plan addressing all the comments discussed at the first hearing was submitted well in advance of the next hearing. Staff and the Commission confirmed the plan was revised accordingly.

The Commission requested additional special conditions to restore areas where debris is removed by raking said areas and installing a conservation wildlife seed mix and to add another post with signage near the southwest corner next to the shed.

Motion: TO approve the variance request 3.03.C.3.b, 25-foot No Alteration Zone made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

Motion: TO close, sign, and issue the Order of Conditions made by Commissioner, Diane DePaso, seconded by commissioner, Jack Bowen. All in Favor. Carried Unanimously.

- **7:31PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing - 34 Riveredge Road – Applicant: Melvin Martinez – DEP File No. 109-1507/BBL-1507

Documents Submitted:

01/31/2023 Received an email with attached Plan of Land Plans from Dom Kemmett with Oxbow Associates, Inc., for 34 Riveredge Road, stamped and signed by Susan Carter, dated on January 30, 2023, scale 1" = 20' (DEP #109-1507)

01/31/2023 Received Revised Plan of Land from Dom Kemmett with Oxbow Associates, Inc., for 34 Riveredge Road, stamped and signed by Susan Carter, dated on January 30, 2023, scale 1" = 20' (DEP #109-1507)

02/07/2023 Received Revised Plan of Land from Dom Kemmett with Oxbow Inc., for 34 Riveredge Road, stamped and signed by Susan Carter, dated on February 7, 2023, scale 1" = 20' (DEP #109-1507)

Mike DeVito, Conservation Land Use Assistant reviewed the revised site plan, which was updated to reflect restoration tree and shrub planting sizes, temporary stockpiling area, utilities, revised notes 9c, 9d, and 9j. Mike reminded the commission that at the last meeting it was stated the applicant's representative and the applicant would not be needed at the meeting if all revised plans were met per the Commission's requests from the previous meeting.

The Commission made note to include a condition that the removal of the cement walk be done in the fall or winter months when the ground is frozen and to avoid the spring. Removal of the walk can significantly disturb the ground and cause the area to erode due to the sloped nature of the lot. The applicant should also provide advance notice to the Conservation Department and sediment control is required.

Motion: TO approve the variance request 3.03.C.3.b, 25-foot No Alteration Zone made by Commissioner Diane DePaso, seconded by Commissioner Paul Hayes. All in Favor. Carried Unanimously.

Motion: TO close, sign, and issue the Order of Conditions made by Commissioner Diane DePaso, seconded by commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **7:12PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 2 Edgebaston Street (Lots 449-450 & 455-458)– Applicant: Francis McCarthy Jr. Tr. – DEP File No. 109-1522/BBL-1522

Documents Submitted:

02/01/2023 Received Revised Plans from Stephen Dresser, with Dresser, Williams, and Way for Edgebaston Street, stamped and signed by Stephen Dresser, dated on January 25, 2023, scale 1" = 20' (DEP #109-1522)

Stephen Dresser with Dresser, Williams, and Way reviewed the revised plan including correcting the map and parcel referenced on the site plan and adding additional trees sporadically throughout the restoration area.

The Commission added a condition that the proposed grades on the plan shall remain unaltered and that if any modification of field changes are proposed, those must be reviewed by the Conservation Department and/or Conservation Commission; nothing can be changed without the prior approval of the Commission.

Louis Libby, resident of 1 Edgebaston Street spoke on the project and showed pictures wanted to make sure that everyone knew there is an existing condition of flooding on the paper street. She does not want this project to cause any more flooding. The Commission clarified that although this project is generally exempt from the MA Stormwater Management Standards, the Bylaw requires the applicant to assess opportunities to infiltrate and recharge stormwater runoff as part of the development. The design includes means of infiltrating stormwater from impervious surface areas.

Motion: TO approve the variance request 3.03.C.3.a, 50-foot No Alteration Zone made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

Motion: TO close, sign, and issue the Order of Conditions made by Commissioner Diane DePaso, seconded by Commissioner Paul Hayes. All in Favor. Carried Unanimously.

- **7:22PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – Edgebaston Street (Lots 451-454)– Applicant: Francis McCarthy Jr. Tr. – DEP File No. 109-1523/BBL-1523

Documents Submitted:

02/01/2023 Received Revised Plans from Stephen Dresser, with Dresser, Williams, and Way for Edgebaston Street (Lots 451-454), stamped and signed by Stephen Dresser, dated on January 25, 2023, scale 1" = 20' (DEP #109-1523)

Stephen Dresser with Dresser, Williams, and Way reviewed the revised plan, which was updated to include additional tree plantings within the restored No Alteration Zone and the correct Map and Parcel data.

Like the previous project hearing, the Commission added a condition that the proposed grades on the site plan shall remain unaltered and any modifications to the plan must be reviewed and approved in advance by the Conservation Commission and/or Conservation Commission.

Motion: TO approve the variance request 3.03.C.3.a, 50-foot No Alteration Zone made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

Motion: TO close, sign, and issue the Order of Conditions made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **7:38PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing - 331 Treble Cove Road – Applicant: Richard Maclean, Lantheus Medical Imaging– DEP File No. 109-1517/BBL-1517

Documents Submitted:

01/31/2023 Received a Stormwater Management Report and Revised Plan of Land for 331 Treble Cove Road, stamped and signed by James Jackson, Jr., dated on January 23rd and 25th, 2023 (DEP #109-1517)

02/06/2023 Received a Request for Continuance from Jim Jackson with Pare Corp to February 22, 2023, for 331 Treble Cove Road (DEP #109-1517)

Motion: TO continue to the February 22, 2023, meeting per the applicant’s request made by Commissioner Jack Bowen, seconded by Commissioner Diane DePaso. All in Favor. Carried Unanimously.

IV. PREVIOUSLY CONTINUED HEARINGS:

- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 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 April 12, 2023)
- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent– Continued Public Hearing – 46 Elsie Avenue – Applicant: Semehar Tesfaye– DEP File No. 109-1474/BBL-1474 (Continued to March 8, 2023)

Documents Submitted:

01/27/2022 Received Revised Plans from Semehar Tesfaye, applicant for 46 Elsie Avenue, stamped and signed by Artan Sadiku, dated January 26, 2023, scale ¼” = 1”-0” (DEP #109-1474)

- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** –Notice of Intent – Continued Public Hearing - Yankee Doodle Bike Path – Applicant: Town of Billerica DPW – DEP File No. 109-1524/BBL-1524 (Continued to March 8, 2023)

V. ADMINISTRATIVE MATTERS / DIRECTOR’S REPORT:

- **7:39PM - Request for Certificate of Compliance**
 - DEP File No. 109-1389/BBL-1389 (2 Beaconcrest Court)

Mike DeVito, Conservation Land Use Assistant reminded the Commission that the wetlands permit authorized the demolition and reconstruction of the single-family dwelling and restoration of inner buffer zone abutting Nutting Lake. Staff recommended the Commission take no formal action to accept and/or deny at this time since the applicant needs one more successful growing season to be approved.

Motion: TO take no formal action to approve and or deny the Certificate of Compliance made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **Miscellaneous Updates - None**
- **7:40PM - Minutes:** 09-28-2022, 10-12-2022

Motion: To approve the September 28, 2022, meeting minutes with minor edits made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

Motion: TO postpone the October 12, 2022, meeting minutes to the February 22, 2023 meeting, made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

VI. 7:44PM – ADJOURN

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

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Kristina Bernard and Isabel Tourkantonis