



Billerica Conservation Commission

TOWN HALL, 365 BOSTON ROAD
BILLERICA, MASSACHUSETTS 01821
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Conservation of Natural Resources
Billerica, Massachusetts

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

Attendance: Commissioner Members Paul Hayes, (Chair), JoAnne Giovino (Vice-Chair), Diane DePaso (Secretary), and Jack Bowen, Staff Members Mike DeVito, (Conservation Land Use Assistant), Liz Ells (Clerk), and Kristina Bernard (Senior Clerk) participated via phone.

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 – Continued Public Hearing – 8 Carter Ave (Katie Durand Memorial Park) – Applicant: Town of Billerica – DEP File No. 109-1475/BBL-1475

Documents submitted:

02/08/2022 Received an email from Emma Lord, Natural Resource Specialist with the National Park Service with attached letter stating support for the Katie Durand Memorial Park – Carter Ave Project.(DEP #109-1475)

02/16/2022 Received email from Kelley Conway, Billerica Town Engineer verifying a request to continue the hearing to the 3/9/2022 meeting. (DEP #109-1475)

Motion: TO continue the hearing to the March 9, 2022 meeting per the applicant’s request, moved by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen, All in Favor, Carried unanimously

- **6:32PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 225 Nashua Road – Applicant: Kim Bloomfield & Douglas Baumgartner – DEP No. 109-1477/BBL-1477

Documents submitted:

02/09/2022 Received a Revised Notice of Intent from Stephen Dresser from Dresser, Williams, and Way for 225 Nashua Road, stamped and signed by Stephen Dresser dated on 02/09/2022, scale 1” = 20’ (DEP #109-1477)

02/11/2022 Received a Variance Request to install the post and rail fence as close to 18’+/- from the wetlands from Stephen Dresser from Dresser, Williams, and Way for 225 Nashua Road, Revisions to Plan and comments as per the public hearing and Conservation staff review, revised Notice of Intent Site Plan, stamped and signed by Stephen Dresser on 2/10/2022, scale 1” = 20’ (DEP # 109-1477)

Stephen Dresser from Dresser, Williams, and Way Inc., spoke via phone participation to represent his applicant, Kim Bloomfield. Steve presented the revised plan and mentioned that his applicants' surgery is next week, and she would like to move forward as quickly as possible with the installation of the therapy pool that will be needed as part of her recovery. He noted the plan edits requested by the Commission have been addressed, including a review of the proposed plantings ensuring they are suitable for the designated buffer zone restoration area, adding the 100-foot buffer zone boundary the Green Floodplain that was variable in elevation, the addition of a stair pad and pavers around the therapy pool. Additionally, the chain link fence was relocated and shifted as discussed during the previous public hearing to remove it from the wetland while still offering an enclosure and protection for the dogs on the property.

Regarding the existing chain link fence along the northern property line, the Commission noted it cannot provide permission to conduct work on direct abutting properties and that work to relocate the fence should be coordinated directly with the abutter. The Commission conditioned that any wetland and inner buffer zone temporarily disturbed as part of the fence work be raked to apply a wetland or conservation wildlife seed and a revised plan submitted addressing minor comments. Members of the Commission reminded the applicant to call Dig Safe/Town before digging for her own protection with the water lines.

Motion: TO grant a variance under Section 3.03.C.3.b 25-foot No Alteration Zone, moved by Commissioner JoAnne Giovino, seconded by Commissioner Diane DePaso, All in Favor, Carried Unanimously.

Motion: TO grant a variance under Section 3.0.3.C.2 Limit on Impervious Surface Area, moved by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen, All in Favor, Carried Unanimously.

Motion: TO close the hearing and sign and issue an Order of Conditions after receipt of a revised plan addressing final comments; moved by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen, All in Favor, Carried Unanimously.

- **6:42PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 29 Argonne Road – Applicant: Ann Marie Miles – DEP File No. 109-1478/BBL-1478

Documents submitted:

02/11/2022 Received a Variance Request for 29 Argonne Road to install a post and rail fence as close as 12+/- from the wetlands and provide restoration of inner buffer zone, Revisions to Plan and comments as per the public hearing and conservation staff review, revised Notice of Intent Site Plan, stamped and signed by Stephen Dresser on February 10, 2022, scale 1" = 20' (DEP # 109-1478)

Stephen Dresser from Dresser, Williams, and Way Inc., spoke via phone participation to represent the applicant, Ann Miles. He informed the Commission of his revised plans and how he added the sewer manhole, sewer easement, Flood Plain, dimensions to the buildings, and added a note to remove wire fence and variance request for the buffer zone restoration in the back yard. Steve also noted that the gravel driveway will be paved and made to pitched to a proposed stone trench to infiltrate stormwater runoff. Steve said the applicant would like to do less than the 25-foot No Alteration Zone so she can put a fence straight across the back. What is proposed on the plan is about 3,000 square feet, which is equal to about 21-feet on average to the wetlands.

The Commission spoke regarding the 25-foot No Alteration Zone variance request and that it is required. Members noted they understand the applicant's position. There was discussion about the importance of natural, vegetated buffer zones. There was a lengthy discussion between the project engineer, homeowner, and the Commission about

moving the No Alteration Zone boundary to the Tennessee Gas easement to restore and provide a protected 25' buffer setback to the BVW. The property owner claimed a financial hardship and requested the use of the existing wire fence. She noted it could be relocated to the easement line and environmental placards added to serve as the visual barrier.

After much discussion, the Commission agreed that the applicant could use the existing wire fence as the visual barrier in her backyard provided it was in suitable condition and environmental placards placed on the fence. It was agreed the NAZ buffer setback shall be extended to the Tennessee Gas line Easement line, generally upgradient of WF 5A to WF8A. The Commission requested a revised plan to show the revised No Alteration Zone and the disbursement of restoration plantings in the NAZ. The Commission conditioned a conservation wildlife seed mix be raked throughout the No Alteration Zone to restore the area.

Motion: TO grant a variance under Section 3.03.C.3.b 25-foot No Alteration Zone, moved Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen, All in Favor, Carried Unanimously.

Motion: TO close the hearing, and sign and issue an Order of Condition after receipt of a revised plan addressing final comments; moved Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen, All in Favor, Carried Unanimously.

- **7:16PM - 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:

02/17/2022 Received and email from Jared Walsh, Sr. Design Engineer with Bohler to confirm that they are requesting a continuance to the March 9, 2022, meeting with 600 Technology Park Drive. (DEP# 109-1473)

Motion: TO continue the hearing to the March 3, 2022 meeting, per the applicant's request, moved 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 – Continued Public Hearing – 92 Billerica Avenue – Applicant: Jon Metivier – DEP File No. 109-1467/BBL-1467 (*Continued to 3-9-2022*)
- **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 3-9-2022*)
- **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. 7:18PM - ADMINISTRATIVE MATTERS / DIRECTOR'S REPORT:

- **Request for Certificate of Compliance**
 - DEP File No. 109-1374/BBL1374 – 257 Boston Road (Herc Rentals)

Documents submitted:

1/21/2022 Received letter from Brian Dunn, MBL Land Development & Permitting, Corp.; RE: Review of the as-built plan for property located at HERC Rentals at 257 Boston Rd, Billerica MA (DEP File No. 109-1374, BBL-1374); dated 1/21/2022

1/19/2022 Received Site Inspection Report prepared by MBL Land Development & Permitting Corp. for 257 Boston Road, Billerica MA (MADEP File #109-1374/BBL-1374

02/15/2022 Received email from Stephen Dresser from Dresser, Williams, and Way, Incl with an attached As-Built Plans with requested revisions for a Request for Certificate of Compliance for 257 Boston Road (Herc Rentals), stamped and signed by Stephen Dresser dated on 02/15/2022, scale 1" = 20', (DEP #109-1374)

Mike DeVito, Conservation Assistant, provided a brief update regarding the request for Certificate of Compliance. He noted that Brian Dunn from MBL Land Development & Permitting submitted an updated as-built review letter concluding his review of the site and the stormwater management system, which was provided to the Commission. A revised As Built Plan addressing staff and the peer reviewer's comments was also submitted for the record since the request was first presented to the Commission. Per MBL's peer review and as noted in various emails between the applicant and Conservation staff, maintenance of stormwater BMPs is required this Spring 2022, including hand pulling vegetation growing on the riprap spillway(s), removal of any windblown trash from the stream and restored areas, and removal of any accumulated sediment from basin bottom. It was recommended the Commission close the wetland permits and issue the Certificate of Compliance.

Motion: TO close and issue a Certificate of Compliance made by Commissioner JoAnne Giovino, seconded by Commissioner Diane DePaso, All in Favor, Carried Unanimously

- **7:19PM - Minutes:** 12-15-2021, 1-12-2022

Motion: TO accept the meeting minutes for 12-15-2021, with corrections made by Commissioner Diane DePaso, seconded by Commissioner Jack Bowen, All in Favor, Carried Unanimously.

Motion: TO accept the meeting minutes for 1-12-2022 with corrections, made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen, All in Favor, Carried Unanimously (*Commissioner Diane DePaso abstained since she was not at this meeting*).

V. 7:21PM - ADJOURN

Motion: TO adjourn made by Commissioner JoAnne Giovino, seconded by Commissioner Diane DePaso, All in Favor, Carried Unanimously.

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Kristina Bernard and Isabel Tourkantonis