



Billerica Conservation Commission

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



MEETING AGENDA
March 22, 2023
6:30 PM
Town Hall, Room 210
365 Boston Road, Billerica MA

Attendance: Commission Members: Bill Bulens (Chair), JoAnne Giovino (Vice Chair), Paul Hayes, Jack Bowen, and Jeff Connell (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 – Continued Public Hearing – Yankee Doodle Bike Path – Applicant: Town of Billerica DPW – DEP File No. 109-1524/BBL-1524 (*Continue to 4-12-2023*)

Documents Submitted:

03/21/2023 Received a Request for a Continuance from Joshua Trearchis, Project Manager with VHB for the Yankee Doodle Bike Path (DEP# 109-1524)

Motion: TO continue to the April 12, 2023, meeting per the applicant's request made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **6:32PM/6:49PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing - 69 Treble Cove Road – Applicant: Corey Lang – DEP File No. 109-1531/BBL-1531

Documents Submitted:

03/13/2023 Received Revised Site Plans from Stephen Dresser with Dresser, Williams, and Way for 69 Treble Cove Road, stamped and signed by Stephen Dresser, dated on March 10, 2023, scale 1" = 30' (DEP #109-1531)

03/22/2023 Received DEP comments for 69 Treble Cove Road to provide wetland delineation data sheets with all BVW delineations (DEP #109-1531)

03/22/2023 Received a Revised Wetland By-Law application, O&M Plan, and a Site Plan, stamped and signed by Stephen Dresser, with Dresser, Williams, and Way for 69 Treble Cove Road, dated on March 21, 2023, scale 1" = 30' (DEP #109-1531)

Motion: To Table until the applicant's representative is present made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

Motion: TO take the tabled project off to allow for the applicant’s representative to speak now that they are present to review the project made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

Stephen Dresser with Dresser, Williams, and Way presented the continued project and went over the revisions requested by the Commission. The revisions included: the revised by-law application, the O&M Plan due to a typo, the addition of a variance request to the plan, and field data plot sheets due to the DEP and staff review comments and the Commission’s request from the last meeting.

Isabel Tourkantonis, Director of Conservation reviewed the DEP comments regarding the field data plots. She said the staff agrees with the delineation as revised in the field and updated on the site plan. The Commission noted the project as revised includes substantial buffer zone restoration and stormwater features to capture and infiltrate stormwater runoff.

Motion: TO approve the Variance Request 3.03.C.2 associated with the increase in impervious surface area made by Commissioner, JoAnne Giovino seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

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

Motion: TO close, sign, and issue the Order of Conditions made by Commissioner JoAnne Giovino, seconded by Commissioner Jeff Connell. All in Favor. Carried Unanimously.

- **6:33PM - 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:

03/17/2023 Received an email with an attached Revised Combined O&M Plan for 331 Treble Cove Road from Jim Jackson (DEP #109-1517)

03/21/2023 Received a Comprehensive Site O&M Plan, Details-4-Permit Set, and a General Plan stamped and signed by James Jackson, Jr., dated on February 17, 2023, scale 1’ = 30” for 331 Treble Cove Road (DEP #109-1517)

Chris Webber, Engineer with the Pare Corporation presented the continued project and went over the requested revisions, including the visual barrier with signage to protect the proposed infiltration swale at the edge of the parking lot. He also noted the O&M Plan was revised to address the whole campus, not just as individual buildings.

Isabel Tourkantonis, Director of Conservation noted that not all the edits and comments provided by the Commission and staff were incorporated in the current version of the O&M Plan. However, the Commission could condition that the minor edits be made, and the revised O&M Plan submitted prior to the issuance of the Order of Conditions, pending the Commission’s approval of the project this evening.

Commission and staff review comments included: Page 2-2A4, 2B7, and 2C5 of the O&M Plan should clarify that snow will not be stored or piled onto vegetated wetlands and the inner buffer zones or BVW also known as the No Alteration Zone or in stormwater facilities. Page 2-2B, Section/Page 8 regarding shrubs as visual barriers: this must be deleted since shrubs are no longer allowed as visual barriers. The environmental signage must be extended along the edge of the parking lot behind Building 150, and two (2) No Snow Storage signs must also be installed in this area.

The Commission made a condition to provide updates to the O&M Plan prior to the OOC being issued and to add signage to the environmental and no snow storage signs behind Building 150.

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

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

- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 298 Concord Road – Applicant: Kombis Shahbazi – DEP File No. 109-1526/BBL-1526 (*Continue to 4-12-2023*)

Documents Submitted:

03/13/2023 Received a Stormwater Peer Review from Philip Paradis with Beta Group for 298 Concord Road (DEP #109-1526)

03/20/2023 Received a Request for Continuance until the April 12, 2023, meeting from Angela Botto for 298 Concord Road (DEP #109-1526)

Motion: TO continue to the April 12, 2023, 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 – 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 4-12-2023*)

IV. ADMINISTRATIVE MATTERS / DIRECTOR'S REPORT:

- **7:04PM - Requests for Certificates of Compliance (As-Built Reviews)**
 - DEP File No. 109-1112/BBL-1112 – (147 Aspen Regency Apartments)

Isabel Tourkantonis, Director of Conservation provided an update from Attorney Deborah Eliason, the Commission's attorney, regarding the RCOC review, particularly the status of recording the Modified/Amended Conservation Restriction. She noted all signatures including those required by the Secretary of EEA, Conservation Commission, Board of Selectmen, and owner were obtained, all the required documents were submitted by the owner/developer and the Amended CR is recorded. Additionally, she reminded the Commission that the stormwater (Woodard & Curran) and wetlands (Patrick Garner) peer reviews and monitors also reviewed the as-built plans and provided reports concurring with overall project compliance, which were completed and discussed previously. The Commission previously concluded and concurred that the project was completed in compliance with the wetlands permit and the Commission is now at a point to issue the Certificate of Compliance for this project.

Motion: TO accept and approve the Certificate of Compliance made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **6:59PM - Miscellaneous Updates**
 - Letter from OARS RE: Talbot Mills Dam

Isabel Tourkantonis, Director of Conservation reviewed the letter submitted by OARS to the Commission on January 31, 2023. In the letter, OARS notified the Commission that it is the project sponsor for the dam removal project and

offered to informally provide an update on the anticipated design and schedule for the project at an upcoming meeting of the Conservation Commission. Based on a recent email exchange with Alison of OARS, OARS is tentatively scheduled to provide an update to the Select Board on April 3, 2023.

The Commission discussed their position for several years on any plans to restore fish species and its continued support of a fishway project to help restore a diadromous fish run. This alternative was presented as the alternative in feasibility studies. Concerns with a dam removal project were discussed at length, including those associated with long-term impacts to wetland resource areas upstream of the dam and impacts to the town's water supply and intake structure located less than 2 miles upstream of the Talbot Mills Dam. The Commission determined that a letter be submitted to the Select Board expressing the Commission's concerns regarding the dam removal project.

- 113 Allen Road

Isabel Tourkantonis, Director of Conservation informed the Commission that staff will be administratively approving a small project at 113 Allen Road, which is located across the street from a wetland system and associated outer Buffer Zone. She reviewed the information submitted by the applicant, including letter and sketches (dated March 16, 2023) depicting a proposed 12x25x8 foot addition that will be located on the southern end of the house and will replace the existing porch/mud room. The Commission concluded the work can be administratively approved and coordinated through the Conservation Department.

- **7:19PM - Minutes:** 11-16-2022, 1-25-2023

Minutes were tabled until the April 12, 2023, meeting.

V. 7:19PM - ADJOURN

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

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Kristina Bernard and Isabel Tourkantonis