



Billerica Conservation Commission

TOWN HALL, 365 BOSTON ROAD
BILLERICA, MASSACHUSETTS 01821
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Regular Meeting
Billerica Conservation Commission
January 22, 2020
Town Hall, Room 210
365 Boston Road, Billerica MA

ATTENDANCE: Commissioner Members Paul Hayes (Chairman), JoAnne Giovino (Co-Chair), Diane DePaso (Secretary), Jack Bowen and Marlies Henderson. Commissioner Jeff Connell arrived at 6:02 PM. Staff Members Isabel Tourkantonis, (Director of Environmental Affairs), Mike DeVito, (Conservation Land Use Assistant) and Liz Ells (Senior Clerk). Absent: Commissioner Betsy Gallagher.

(Salute the flag)

I. 6:00 PM - PUBLIC COMMENT – No comments.

II. 6:02 PM – WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – 313 Boston Road – Applicant Rick Soly, 313 Boston Road Realty, LLC – DEP File No. 109-1402/BBL-1402

Documents submitted:

1-7-2020 Received email from Board of Health Director RE: preliminary review letter and variance application for 45R Nolte Rd. (DEP 109-1401)

1-8-2020 Received email from Stephen Dresser requesting to continue 313 Boston Rd. to 1-22-2020 (DEP 109-1402). Received 21 Day Waiver form from Stephen Dresser dated 1-8-2020.

Stephen Dresser of Dresser, Williams & Way, represented the applicant, Rick Soly, who is proposing to construct a 48'x80' Morton style garage behind the existing building at the edge of the existing parking lot. This property currently supports an automotive repair shop and gas station. The project was presented as a redevelopment project with improved stormwater runoff on the site and BMP's. The Board of Health issued a review letter noting that the project requires a variance for the proposed construction within proximity to Green Engineering Flood Plain and a Stormwater Management Permit.

Staff conducted a site inspection and walked the entire property to the rear within floodplain and riverfront associated with the Concord River. The Director reported the segment of the stream abutting the parking lot and the proposed work was delineated in the field and identified on the

plan. The current site does not appear to include any stormwater management, and a substantial portion of stormwater runoff currently flows to a stream where sand and the upper slope of the bank is severely eroded. The design plan shows a proposed drainage swale with stone in this general location. Miscellaneous debris was observed within the buffer zone and there is a chain link fence down along the bank on the other side of the stream which extends into the water and creates damming problems (trapped leaves, twigs, etc.).

There was a lengthy discussion about stormwater management and the Commission has requested that more information be added to the plan: wetlands within 100' of proposed work should be delineated (including the existing stream and show culverts); staging and stockpiling areas; designated long-term snow storage area(s); tire storage, and impervious surface area calculations within the buffer zone. The Commission requested the site plan reference the Buffer Zone boundary associated with the intermittent stream and BVW fringe along the stream. The Commission clarified the need for stormwater peer review; the Director indicated BETA will be retained to conduct a joint review for the Conservation Commission and the Board of Health.

An abutter, Linda Wick of 2A Simmonds Lane, expressed her concern over the flooding and stormwater runoff in the area. She stated that historically, the property runoff/snow melt/rain storms floods the neighborhood and asked that the footprint of Simmonds Lane be included in the plan and the flooding issue be addressed. The project engineer clarified that work is beyond the scope of the project. The Director indicated she would communicate those concerns to the DPW.

MOTION: TO continue the hearing to February 26, 2020. Moved by Commissioner Giovino, seconded by Commissioner DePaso. All in Favor. Carried unanimously.

III. 6:40 PM – WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – 27-29 Rogers Street, 7-9 Millstone Way & 1-6 Millstone Way – Applicant 27 Rogers Street, LLC and Millstone Way, LLC – DEP File No. 109-xxxx/BBL-xxxx

Documents submitted:

12-18-19 Received Notice of Intent for Millstone Village – Rogers Street from Stephen Dresser, Dresser, Williams & Way. Notice of Intent Site Plan signed and stamped by Stephen Dresser, dated 12-17-19. Scale: 1"=20'. Predevelopment Subcatchments Plan, signed and stamped by Stephen Dresser, dated 12-17-19. Scale: 1"=20'. Signed 21 Day Waiver from Stephen Dresser, dated 12-18-19. (DEP 109-xxxx)

12-20-19 Email from Mike DeVito to Stephen Dresser RE: Millstone Village Project, DEP phone inquiry: RE: Riverfront area and incorrect state filing fees (DEP 109-xxxx/BBL-xxxx)

1-3-2020 Email from Isabel Tourkantonis to Stephen Dresser RE: DEP Comments Posted on DEP NOI Filings Site addressing the Millstone Village NOI Filing (DEP 109-xxxx/BBL-xxxx)

1-8-2020 Received email from Stephen Dresser requesting to continue 27-29 Rogers St., 7-9 Millstone Way and 106 Millstone Way to 1-22-2020 (DEP 109-xxxx). Signed 21 Day Waiver from Stephen Dresser, dated 12-18-19. (DEP 109-xxxx). Signed 21 Day Waiver from Stephen Dresser, dated 1-8-2020. (DEP 109-xxxx)

1-10-2020 Received Board of Health review letter for Millstone Village, Rogers Street Notice of Intent (DEP 109-xxxx)

1-16-2020 Received filing fee explanation and project description memo's from Stephen Dresser, Dresser, Williams & Way, for Millstone Village, LLC/Rogers Street, LLC. Millstone Village Landscaping & Restoration Plan, signed and stamped by Stephen Dresser, dated 12-17-19. Scale: 1"=20'.

Stephen Dresser of Dresser, Williams & Way represented the applicant, Bob Holland. This project is proposed as a redevelopment project within Riverfront area and Buffer Zone. The project includes demolishing 11 units and constructing 11 new homes: 5 duplexes and 1 single family home, all of which will be rental units. The project is located on three abutting properties along the Concord River. The Board of Health issued a review letter noting that the project may require a variance for the proposed construction within proximity to Green Engineering Flood Plain and a Stormwater Management Permit.

Staff conducted a site inspection and observed some wetland flags were missing in the field, substantial miscellaneous debris and trash were scattered throughout the site and along the riverbank, some of which is blowing in the direction of the river. Staff recommended that immediate containment of the trash and debris susceptible to wind be addressed. It was further noted that there are dead and hollow trees on the property which will be removed as well as two dilapidated docks that should be removed. The Commission requested the site plan be revised to show staging and stockpiling areas, as well as designated snow storage.

There was a lengthy discussion regarding stormwater as this property has little to no stormwater management currently, and BETA was recommended for peer review. The Commission requested that both an O&M plan and a restoration plan to replace the trees and shrubs be submitted. It was noted that the Middlesex Canal Association owns the property along the bank of the pond and therefore, written permission will be needed to cross the boundary to reach the pond's edge.

MOTION: TO continue the hearing to February 26, 2020. Moved by Commissioner Giovino, seconded by Commissioner DePaso. All in Favor. Carried unanimously.

IV. 7:18 PM – WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – 279 Boston Road – Applicant Nick Aalerud, 279 Boston Road, LLC - DEP File No. 109-xxxx/BBL-xxxx

Documents submitted:

1-8-2020 Received Notice of Intent from Dresser, Williams & Way for 279 Boston Rd. Variance request 3.03.C.3 (b) No Alteration Zone. Notice of Intent Site Plan, signed and stamped by Stephen Dresser, dated 1-3-2020. Scale: 1"=20'. Predevelopment Subcatchment Plan, signed and stamped by Stephen Dresser, dated 12-23-2019. Scale: 1"=20'

1-22-2020 Received MADEP Stormwater Standards Comparison for Pre and Post Development from Stephen Dresser for 279 Boston Rd. (DEP 109-1404)

Stephen Dresser of Dresser, Williams & Way, represented the applicant, Nick Aalerud. This is a redevelopment project and the applicant is proposing to demolish the existing commercial building and construct a multi-use building in its place. This property site is along the Concord River with little to no stormwater management/treatment runoff. This project received approval from the Zoning Board of Appeals and also requires a stormwater review under the Board of Health regulations. The Director recommends a streamlined stormwater review with the Board of Health; BETA was recommended as the Peer Reviewer. The Commission requested that a visual barrier be placed along the parking lot perimeter to protect the riverfront, as well as erosion controls. They also requested the applicant submit an O&M Plan with estimated costs, as well as a Riverfront Restoration plan documenting improved conditions. A bond deposit for river restoration is also being considered as a special condition. There were lengthy discussions regarding snow storage and removal, landscaping, dumpsters and trash removal, grease trap, visual barrier, plantings for site lines and a Home Owners Association with a budget for maintenance.

Audience members expressed the following concerns:

Joe Silva – 155 Bridle Road – questioned the abutter’s notification process and expressed concern about visual barriers on the riverside to protect our water supply, (referenced dog waste near the river)

Kelley Sardina - 95 Grey Street – expressed concern over snow storage/removal and parking

Martha Spindler – 14 Salem Street – expressed concern about floodplain

Lance Kelly – 28 Stoney Drive – expressed concern about car repairs in parking lot/abutters notice

Wayne Smith – 6 Chatham Street – expressed concern over drinking water and wants stormwater 100% contained to avoid polluting water supply

Patricia Payne – 345 Concord Road – expressed concern about floodplain

Anthony Ventresca – 31 Sheridan Street – expressed concern dealing with the slope, grading, fill near the floodplain

Michael Parker – 11 Gov. Endicott Road – expressed concern over space needed onsite for the electrical transformer and on-site generator, as well as, dumpster size and placement.

MOTION: TO continue the hearing to March 11, 2020. Moved by Commissioner Giovino, seconded by Commissioner DePaso. All in Favor. Carried unanimously.

V. 9:03 PM – WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent –Continued Public Hearing – 45R Nolte Road – Applicant Derek Allgaeir, D.H Realty Trust – DEP File No. 109-1401/BBL-1401

Documents submitted:

12-19-19 Received email from Stephen Dresser requesting continuance for 45R Nolte Rd. to 1-22-2020 (DEP 109-1401)

1-7-2020 Received email from Board of Health Director RE: preliminary review letter and variance application for 45R Nolte Rd. (DEP 109-1401)

1-15-2020 Received plan revisions list from Stephen Dresser, Dresser, Williams & Way for 45R Nolte Rd. Notice of Intent Site Plan signed and stamped by Stephen Dresser, dated 1-14-2020. Scale: 1"=30'. Operations and Maintenance Plan. (DEP 109-1401)

Stephen Dresser of Dresser, Williams & Way represented the applicant, Derek Allgaeir, and updated the Commission on their requested revisions to the plan. He added a dry well for the pool drain, added the percentage of buffer zone impervious surface area, added a stone trench along the entry driveway and provided an O&M plan for the infiltration system.

MOTION: TO close the hearing, sign and issue the Order of Conditions with special conditions within 21 days. Moved by Commissioner Giovino, seconded by Commissioner DePaso. All in Favor. Carried unanimously.

VI. 9:12 PM - WETLANDS PROTECTION ACT WETLANDS HEARING – Notice of Intent – Continued Public Hearing – 1000 High Street – Applicant Massachusetts Bay Transportation Authority (MBTA) - DEP File No. 109-1396

Documents submitted:

12-18-19 Received email from Holly Palmgren requesting a continuance for 1000 High Street to 2-12-2020 (DEP 109-1396)

MOTION: TO continue the hearing to February 12, 2020, per the applicant's request. Moved by Commissioner Bowen, seconded by Commissioner DePaso. All in Favor. Carried unanimously.

VII. 9:13 PM - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – Continued Public Hearing - 68R Baldwin Road – Applicant Robert Belanger – DEP File No. 109-1394/BBL-1394

Documents submitted:

1-6-2020 Received email from Karon Skinner requesting continuance for 68R Baldwin Rd. to 1-22-2020 (DEP 109-1394)

1-10-2020 Received email from Bob Belanger requesting to continue 68R Baldwin Rd to 2-26-2020. (DEP 109-1394)

MOTION: TO continue the hearing to February 26, 2020, per the applicant's request. Moved by Commissioner Giovino, seconded by Commissioner Bowen. All in Favor. Carried unanimously.

VIII. 9:15 PM - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – Continued Public Hearing – 2 Beaconcrest Court – Applicant Stacey Sweklo – DEP File No. 109-1389/BBL-1389

Documents submitted:

1-6-2020 Received email from Ann McMenemy of Hancock Associates requesting a continuance for 2 Beaconcrest Court to 1-22-2020 (DEP 109-1389)

1-17-2020 Received email from Ann McMenemy requesting a continuance for 2 Beaconcrest Court to 2-12-2020. (DEP 109-1389)

MOTION: TO continue the hearing to February 12, 2020, per the applicant's request. Moved by Commissioner Henderson, seconded by Commissioner Giovino. All in Favor. Carried unanimously.

IX. 9:16 PM - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING - Notice of Intent – Continued Public Hearing - 258/260 Nashua Road – Applicant Paul Marcus – DEP File No. 109-1373/BBL-1373

Documents submitted:

12-27-19 Received revised plans from Al Gala, GSA Engineering for 258/260 Nashua Rd, signed and stamped by Albert Gala, dated 10-8-19. Scale: As Shown. Engineering Drainage Calculations with revised date of 10-16-19. (DEP 109-1373)

12-30-19 Received 4 more sets of revised plans from Al Gala, GSA Engineering for 258/260 Nashua Rd, signed and stamped by Albert Gala, dated 10-8-19. Scale: As Shown. (DEP 109-1373)

1-2-2020 Received 5 more sets of revised plans from Al Gala, GSA Engineering for 258/260 Nashua Rd., signed and stamped by Albert Gala, dated 10-8-19. Scale: As Shown. (DEP 109-1373)

1-7-2020 Received cover letter from Albert Gala, P.E. from GSA, Inc. for 258/260 Nashua Rd. Variance request 4.01.C.2 (revised 1/3/2020). Site Plan - Alternative Grading Plan. Scale: 1"=20'. (DEP 109-1373)

Attorney John McKenna presented a project update as the project had not been before the Commission since January 23, 2020. This project was presented to the Zoning Board of Appeals seeking relief so it can comply with the 50' buffer setback/No Alteration Zone and was granted the Zoning Board of Appeals variance. The project engineer, Al Gala, discussed the plan changes and presented the Commission with drainage calculations, a revised variance request and an Alternative Grading Plan. The Commission requested a restoration plan for the No Alteration Zone, an O&M Plan with spring and fall inspection reference and a post and rail fence with signage as the visual barrier onsite and near the road.

MOTION: TO continue the hearing to February 12, 2020, pending submission of a revised plan. Moved by Commissioner Henderson, seconded by Commissioner Giovino. All in Favor. Carried unanimously.

X. 9:58 PM - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Abbreviated Notice of Resource Area Delineation - 67 High Street – Ballston Grid, LLC- DEP File No. 109-1403/BBL-1403

Documents submitted:

1-16-2020 Received email from Maria Firstenberg requesting a continuance for 67 High Street to 2-26-2020. (DEP 109-1403)

MOTION: TO continue the hearing to February 26, 2020, per the applicant's request. Moved by Commissioner Henderson, seconded by Commissioner Bowen. All in Favor. Carried unanimously.

XI. 9:59 PM - ADMINISTRATIVE MATTERS/DIRECTOR'S REPORT

▪ **Request for Certificate of Compliance:**

DEP File No. 109-1298/BBL-1298 (21 Coach Road)

This project included a single family septic system installation and the site is fully stabilized. The debris has been removed and the visual barrier is installed. It is recommended to approve and issue the Certificate of Compliance.

MOTION: TO approve and issue the Certificate of Compliance. Moved by Commissioner Giovino, seconded by Commissioner Henderson. Chairman Hayes recused himself from the vote. All in Favor. Carried. In Favor: 5, 1 abstained.

▪ **Miscellaneous Updates:**

- Carter Avenue & Sheridan Street CPA Applications Submitted

The Director stated that the applications were submitted by the stated deadline, and there was further discussion around other funding avenues for the Carter Street river access. There was also debate around vehicle movement and small parking area with signage at the end of Sheridan Street. The Director stated the CPA application seek funds to survey the property, assess limit of resource areas, site the parking area, etc.

Audience members expressed the following concerns:

Al Chin – 28 Sheridan Street – notorious floodzone – expressed concerns about his basement flooding and pumping, and site debris. Traffic would have to be mitigated as well.

Brian Henderson – 31 Sprague Street - SRWA representative – noted SRWA supports the project. The Director stated that a wetland application would be required for any project on the Carter Avenue site and Sheridan Street sites.

Anthony Ventresca – 31 Sheridan Street – expressed concern over traffic and noted he would like to review the CPA application for Sheridan Street.

- 2020 Yearly Operational Plan (YOP) Public Notice for National Grid (New England Power Company and/or MA Electric Company) – the Director provided a copy.

The Director provided a copy MassDOT Automatic Train Control (ATC) Project – Exempt Work Notification – the Director provided a copy.

The DEP acknowledged the project is exempt. The Director also provided the DEP comments provided to the Mass DOT.

- **Violations/Enforcement Orders** – None discussed.
- **Minutes:** 3-28-2018, 4-11-2018, 5-9-2018, 6-13-2018, 6-27-2018, 7-18-2018, 11-14-2018, 4-10-2019, 9-11-2019

MOTION: TO accept the March 28, 2018 minutes with wording corrected to: The Commission discussed the use of Social Media. Moved by Commissioner DePaso, seconded by Commissioner Bowen. Moved to accept minutes by Commissioner Giovino, seconded by Commissioner DePaso. All in Favor. Carried unanimously.

MOTION: TO accept the April 11, 2018 minutes with minor corrections as discussed. Moved by Commissioner Henderson, seconded by Commissioner Bowen. All in Favor. Carried unanimously.

MOTION: TO accept the May 9, 2018 minutes with minor corrections as discussed. Moved by Commissioner Henderson, seconded by Commissioner Bowen. All in Favor. Carried unanimously.

MOTION: TO accept the June 13, 2018 minutes with minor corrections as discussed. Moved by Commissioner Henderson, seconded by Commissioner Bowen. All in Favor. Carried unanimously.

MOTION: TO accept the June 27, 2018 minutes with minor corrections as discussed. Moved by Commissioner Giovino, seconded by Commissioner Bowen. All in Favor. Carried unanimously.

MOTION: TO accept the July 18, 2018 minutes with minor corrections as discussed. Moved by Commissioner Giovino, seconded by Commissioner Henderson. All in Favor. Carried unanimously.

MOTION: TO accept the November 14, 2018 minutes with minor corrections as discussed. Moved by Commissioner Henderson, seconded by Commissioner DePaso. All in Favor. Carried unanimously.

MOTION: TO accept the April 10, 2019 minutes with minor corrections as discussed. Moved by Commissioner Giovino, seconded by Commissioner Henderson. All in Favor. Carried unanimously.

MOTION: TO accept the September 11, 2019 minutes with minor corrections as discussed. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Commissioner Henderson abstained from the vote. In Favor – 5, 1 abstained.

XII. 10:45 PM - ADJOURN

MOTION: TO adjourn. Moved by Commissioner Bowen, seconded by Commissioner Connell. All in Favor. Carried unanimously.

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Liz Ells and Isabel Tourkantonis