

**Regular Meeting  
Billerica Conservation Commission  
January 23, 2019  
Town Hall, Room 210  
365 Boston Road, Billerica, MA**

**ATTENDANCE:** Commission Members Paul Hayes (Chair), JoAnne Giovino (Vice-Chair), Diane DePaso (Secretary), Jeff Connell, Betsy Gallagher, Marlies Henderson and staff members Isabel Tourkantonis (Director of Environmental Affairs), Mike DeVito (Land Use Assistant) and Liz Ells (Senior Clerk). Absent: Commissioner Jack Bowen.

**CALL TO ORDER:** 7:01 pm

(Salute the flag)

- I. 7:01 PM - PUBLIC COMMENT** – Glen Card, 107 Dudley Road - expressed concern on the sewer project and indicated residents feel it is unnecessary and too costly to implement the sewer project. He stated the neighborhood presented the Town Manager with a petition opposing new sewer on Dudley Road. Commission Chair Paul Hayes requested the resident hold his comments to the appropriate time of the meeting agenda since the subject of Sewer Contract 38 was listed on the agenda.
  
- II. 7:01 PM – WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING** – Notice of Intent – 257 Boston Road – Herc Rentals, Inc. – DEP File No. 109-1374/Billerica File No. BBL-1374

**Documents Submitted:**

1-9-19: Received Notice of Intent for 257 Boston Road prepared by Dresser, Williams & Way, Inc. , with attached plan titled Site Plan, dated January 8, 2019, signed and stamped by Stephen Dresser, scale 1"=20'. Attached plan(s) titled Proposed Watershed Plan, dated January 8, 2019, signed and stamped by Stephen Dresser, Scale 1"=20'; plan titled Existing Watershed Plan, dated January 8, 2019, signed and stamped by Stephen Dresser, scale 1"=20'. 1-16-19: Received correspondence from Richard Berube, Director, Board of Health, for 257 Boston Road Notice of Intent.

Steve Dresser of Dresser, Williams & Way, Inc., represented the applicant, Herc Rentals, Inc. and provided an overview. He indicated a number of representatives from the Herc Rental Company were in attendance. The applicant is proposing to re-use/lease the former Iverson Ford property. Mr. Dresser indicated it is a redevelopment project and the property is largely located in floodplain. There

was discussion about the wetland delineation and staff confirmed the delineation on the plan was accurate with the exception of a small inundated and vegetated wet pocket that was not flagged in the field. This wet area is hydrologically connected to the stream and a larger wetland system. The Director mentioned staff observed an existing culvert in the field, likely a 12-inch corrugated metal pipe that connects the vegetated wetland to the stream channel.

There was discussion regarding a Certificate of Compliance that was issued in March 1992. An as-built was required and requested as part of that review. The Certificate that was issued by the Commission made reference to a detention area in the back corner of the lot that is “stable and all water is draining to it.”

The Director noted projects requiring drainage calculations and design of stormwater BMPs require stormwater peer review by the Commission to verify compliance with the MA Stormwater Policy. She and the Board of Health Director recommend Brian Dunn to conduct the peer review. The site currently has very little to no management/treatment of stormwater runoff on the site. The project will also likely need to be reviewed by the Department of Public Works to provide input and possibly issue other permits or approvals pertaining to the proposed sidewalk. The applicant received a variance from the Zoning Board of Appeals in June of 2018 and it required the applicant to install a sidewalk, which will likely involve review by the Massachusetts Department of Transportation.

The Commission indicated the Operation and Maintenance plan requires more detail including the management of snow and where snow will be stored onsite, the site plan should show snow storage location(s). Regarding washing of vehicles and equipment, the applicant confirmed drainage from wash water will not enter the town sewer system. Stored equipment will be cleaned and sanitized inside the building using an internal wastewater recycle system. The Commission further stipulated that they want to see stormwater inspections/maintenance reports completed more frequently verses annually. A variance under the bylaw will be required for proposed work within the 25’ buffer setback/No Alteration Zone and all work including plantings, grading, pavement removal, should be shown on the plan. A separate existing conditions plan should be created to document existing grades, limit of pavement and other site features.

**MOTION:** TO continue this hearing to February 27, 2019 to include a revised plan and the peer review. Moved by Commissioner Giovino, seconded by Commissioner Henderson. All in Favor. Carried.

**III. 7:50 PM – WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing - 129 Concord Road – Jumbo Capital Management, LLC – DEP File No. 109-1370/Billerica File No. BBL-1370 (Continued to 2-13-19)

**Documents Submitted:** 1-17-19: Received email from Nathan Mahonen requesting continuance for DEP 109-1370, 129 Concord Road; 1-22-19: Received correspondence from Nathan Mahonen, P.E. from Bohler Engineering, dated January 21, 2019 for DEP File No. 109-1370 in response to Peer Reviews; 1-22-19: Received Supplemental Drainage Report from Bohler Engineering for DEP File No. 109-1370, dated January 21, 2019; 1-22-19: Received from Bohler Engineering plan titled Site

Development Plans signed and stamped by John A. Kucich, dated January 11, 2019, Scale: 1"=1000' for DEP File No. 109-1370.

**MOTION:** To continue this hearing to February 13, 2019, per the applicant's request. Moved by Commissioner Henderson, seconded by Commissioner Giovino. All in Favor. Carried.

**IV. 7:51 PM WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING** - Notice of Intent - Notice of Intent – Continued Public Hearing - 258/260 Nashua Road – Paul Marcus – DEP File No. 109-1373/Billerica File No. BBL-1373 (Continued to 2-13-19)

**Documents Submitted:** 1-9-19: Received email from Mike Seekamp requesting continuance to January 23, 2019, per applicant's request for 258/260 Nashua Road, DEP No. 109-1373; 1-17-19: Received email from Mike Seekamp requesting continuance for DEP 109-1373/BBL-1373 to February 13, 2019.

**MOTION:** TO continue this hearing to February 13, 2019, per the applicant's request. Moved by Commissioner Henderson, seconded by Commissioner Giovino. All in Favor. Carried.

**V. ADMINISTRATIVE MATTERS/DIRECTOR'S REPORT**

**Requests for Certificates of Compliance:**

DEP File No. 109-1239/Billerica File No. BBL-1239 (129 Concord Road) – The Director noted the project was never constructed and the wetlands permit was never recorded. Director Tourkantonis recommended approval and issuance of the Certificate to acknowledge this project was never constructed and to close out the file. **MOTION:** TO issue the Certificate of Compliance to close out this project. Moved by Commissioner Giovino, seconded by Commissioner DePaso. All in Favor. Carried.

DEP File No. 109-228/Billerica File No. BBL-228 (Partial Request - 113 Boston Road, Unit #1) The Director recommended the Commission approve and issue a partial Certificate of Compliance for this project. **MOTION:** TO issue a partial Certificate for this project to cover Unit 1. Moved by Commissioner Giovino, seconded by Commissioner DePaso. All in Favor. Carried.

DEP File No. 109-1340/Billerica File No. BBL-1340 (84 Wyman Road) – The Director and Conservation Assistant recommended that no formal action be taken at this time to allow for further stabilization and vegetation monitoring in the spring and summer of 2019. **MOTION:** TO take no formal action at this time as the site requires further stabilization and vegetation monitoring. Moved by Commissioner Henderson, seconded by Commissioner Giovino. All in Favor. Carried.

DEP File No. 109-301/Billerica File No. BBL-301 (16 Esquire Road) – The Director said since the last discussion that the as-built plan had been satisfactorily revised to capture the stormwater basin and drainage connections to town infrastructure located on Republic Road. Additionally tree lines and other drainage details were added to both as built plans associated with 16 and 18 Esquire Road. She recommended the approval and issuance of the Certificate to properly close out the wetlands permit and Enforcement Order associated with the property. **MOTION:** To issue a Certificate of

Compliance. Moved by Commissioner Henderson, seconded by Commissioner Giovino. All in Favor. Carried.

DEP File No. 109-359/Billerica File No. BBL-359 (18 Esquire Road) – same discussion as 16 Esquire Road above. **MOTION:** TO issue a Certificate of Compliance. Moved by Commissioner Henderson, seconded by Commissioner DePaso. All in Favor. Carried.

### **Request for Extension – Order of Conditions**

DEP File No. 109-1275/BBL-1275 - Sewer Contract No. 36 - The Director reviewed the request by the DPW, Town Engineer to extend the Order of Conditions associated with Sewer Contract No. 36 as construction is ongoing and related restoration and monitoring. She recommended the Commission extend the Order for three years as allowed under the state MA WPA. **MOTION:** TO approve the extension for three years. Moved by Commissioner Giovino, seconded by Commissioner DePaso. All in Favor. Carried.

### **Request for Administrative Review:**

Geotechnical Investigations/Borings within Roadways – Sewer Contract No. 38 - Letter Request 1-23-19 prepared by Woodard & Curran for Administrative review of Geotechnical Investigations/Borings within Roadways for Sewer Contract No. 38.

The Director explained the DPW request is associated with conducting soil investigations needed to plan and design Sewer Contract 38. She reviewed the figures, project areas and boring locations and indicated borings are proposed within the limit of existing paved and/or gravel roadways only. Sediment controls are to be provided at each location. This type of exploratory work may qualify as exemption depending on proximity and type of resource areas near the work. She recommended allowing the work to proceed under administrative department review and approval since the work is generally clean, can be well contained, and oversight will be provided by the Town's consultant and Engineering Division when work is within overlapping resource areas.

Commissioner DePaso is a direct abutter and recused herself from this discussion at 8:02 and returned at 8:12 p.m. A resident, Glen Card, 107 Dudley Road, expressed concern and opposed this project. He stated a neighborhood petition opposing the sewer work in the Dudley Road area was sent to the Town Manager's office. The Director explained the DPW is not seeking approval to complete the sewer work at this time, the request is only to perform borings to assess soil and subsurface conditions within existing roadways. A separate wetlands filing will be required to construct sewer in the Contract 38 project area. For the record, Commissioner Henderson indicated based on her conscience and concerns about potential development in certain areas that would result from sewer extension, recused herself from further discussion. All other members of the Commission authorized Director Tourkantonis, the Conservation Department to approve and monitor the work in coordination with the Town Engineering Department.

### **Miscellaneous Updates:**

Hidden Oaks Conservation Restriction Draft - Moved to discuss at next meeting on February 13, 2019.

8 Carter Avenue Request for Determination of Applicability (RDA) - The DPW Engineering Department in coordination with other department staff from Conservation, Building and Board of

Health is preparing the RDA to demolish the existing house and shed. The target meeting of the Commission is February 13, 2019.

Sheridan Street Parcels, Land Donation – The coordination with the property owner to sign the deed is ongoing and is a coordinated effort with the Town Counsel and Assessor's office.

**8:26 PM MOTION:** TO adjourn the meeting. Moved by Commissioner Gallagher, seconded by Commissioner Connell. All in Favor. Carried.

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Liz Ells, Isabel Tourkantonis