

**Regular Meeting
Billerica Conservation Commission
February 12, 2020
Town Hall, Room 210
365 Boston Road, Billerica MA**

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

(Salute the flag)

I. 7:02 PM - PUBLIC COMMENT

II. 7:03 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:

2/6/20 Received Supplemental Information to the Notice of Intent for MBTA Track Rehab Project at 1000 High St. from Jacobs Engineering (109-1396)

2/7/20 Received Supplemental Information to the Notice of Intent Application for the MBTA Track Rehab Project 1000 High Street, Notice of Intent Plan, signed and stamped by Jonathan Bruneau, dated 2/5/2020. Not to Scale. (4 half scale and 9 full scale plans). (109-1396).

Received explanation letter for supplemental information from Kyle Purdy of Jacobs Engineering.

2/7/20 Received Supplemental Information to the Notice of Intent Application for the MBTA Track Rehab Project 1000 High Street, Notice of Intent Plan, signed and stamped by Jonathan Bruneau, dated 2/5/2020. Not to Scale. (4 half scale and 9 full scale plans). Received explanation letter for supplemental information from Kyle Purdy of Jacobs Engineering. (109-1396).

2/10/20 Received email from Holly Palmgren requesting a continuance for MBTA Track Rehab 1000 High Street to 2/26/2020. (109-1396)

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.

III. 7:05 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 (Continued to 3-11-2020)

Documents submitted:

2/10/20 Received email from Ann McMenemy requesting a continuance for 2 Beaconcrest Court to 3/11/2020. (109-1389)

MOTION: TO continue the hearing to March 11, 2020, per the applicant’s request. Moved by Commissioner DePaso, seconded by Commissioner Henderson. All in Favor. Carried.

IV. 7:10 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:

2/5/20 Received revised Notice of Intent for 258/260 Nashua Road from Michael Seekamp of Seekamp Environmental Consulting, Inc. Revised Existing Conditions Plan signed and stamped by Albert Gala, dated 1/23/2020. Scale: As Shown. Revised Mitigation Plan, dated 2/3/2020. Revised Engineering Drainage Calculations, signed and stamped by Albert Gala, dated 2/27/2020

2/12/20 Received construction sequence from Al Gala, Gala Simon Associates, Inc. for 258/260 Nashua Rd. (109-1373)

John McKenna, Esq., and Al Gala gave the Commission an update on the latest revisions to the site plan. There was discussion regarding future ownership of the development whether it would remain under a Home Owner’s Association or a management company. The applicant indicated that will be determined at a later date, however sale papers will include an Operation Maintenance Plan addressing maintenance of the infiltration system and maintenance budget. The Commission clarified an Ownership Agreement must be in place prior to the occupancy permit sign off. A post and rail fence with signage will be used as the visual barrier and a revised plan will be submitted reflecting the infiltration trench on the downgradient side of the driveway, additional signage along the total frontage property line and corrected impervious calculations.

MOTION: TO grant the variance 3.03.C.3 (a) 50’ No Alteration Zone with mitigation discussed. Moved by Commissioner DePaso, seconded by Commissioner Bowen. All in Favor. Carried.

MOTION: TO close, sign and issue an Order of Conditions within 21 days with discussed conditions. Moved by Commissioner DePaso, seconded by Commissioner Bowen. All in Favor. Carried.

V. 7:45 ADMINISTRATIVE MATTERS/DIRECTOR'S REPORT

▪ Request for Certificate of Compliance:

- DEP File No. 109-931/BBL-931 (53 Baldwin Road)

The Director informed the Commission Steve Dresser and the Conservation Department have been working with the Home Owners Association to implement a revised and more up-to-date Operation and Maintenance Plan addressing maintenance of the stormwater management system, not only for Phase I but also the Phase II portion of the development, which was not subject to the Commission's review. The O & M Plan that was submitted with the RCOC earlier this year. Paper work documenting recent maintenance activities was submitted to the department along with related costs. Staff recommends approval and issuance of the Certificate of Compliance for the entire project.

MOTION: TO issue the full Certificate of Compliance. Moved by Commissioner Henderson, seconded by Commissioner DePaso. All in Favor. Carried.

▪ Miscellaneous Updates:

- DEP File No. 109-1282/BBL-1282 - Lot 9 (Sullivan Road), American Auto Auction

The Director introduced Attorney Dangora and Richard Delfino, who were present. Draft copies of the deed were previously presented to the Commission. The Director provided a brief history of the project, which required local, state and federal wetland permits. The land is being donated to the Conservation Commission for preservation purposes to meet the requirements of the federal wetlands permit issued by the Army Corps of Engineers and the variance under the wetlands permit/ Order of Conditions (DEP File No. 109-1282/BBL-1282). The Director explained it is a great opportunity for the Town to help protect and preserve mapped "Critical Natural Landscape featuring Wetland Core Buffer" by the state's Natural and Endangered Species Program (NHESP) on its BioMap2. Core habitat and critical natural landscape areas have been determined by the NHESP to be key areas that are critical for the long-term persistence of natural communities, rare species and other species of Conservation Concern. These areas provide habitat for wide-ranging native species and maintain connectivity among habitats. Much of the forested wetland and upland area remain intact and serve as protective buffers around sensitive wetland ecosystems associated with the headwaters of Dolly Brook.

MOTION: TO accept and sign the deed under custody and care of the Billerica Conservation Commission for conservation and preservation purposes. Moved by Commissioner DePaso, seconded by Commissioner Henderson. All in Favor. Carried.

- Tree Removal Request - 9 Ravine Road

The Director noted the property owner submitted a formal written request with site photos to the Commission. Staff previously conducted a site inspection and verified that some of the trees in question are dead and some of the pines appear to pose a safety concern given the proximity to the house. The Commission required that the trees to be removed be replaced with 5'-7' trees

plus native shrubs. The new plantings are required for spring 2020 with 2 growing seasons of monitoring. The Commission approved the Director/Conservation Department to administratively authorize and condition the tree removal work and focus on restoring canopy within the inner buffer and riparian zone.

MOTION: TO approve and allow the Director to administratively handle the removal of the trees requested. Moved by Commissioner Bowen, seconded by Commissioner Henderson. All in Favor. Carried.

- **Violations/Enforcement Orders** – No discussion.
- **Minutes:** 8-15-18, 9-12-18, 12-11-2019 - to table the meeting minutes to allow for additional editing

VI. 8:07 PM – ADJOURN

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

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Liz Ells and Isabel Tourkantonis.