

**Regular Meeting**  
**Billerica Conservation Commission**  
**February 14<sup>th</sup>, 2018**  
**Town Hall, Room 210**  
**365 Boston Road, Billerica, MA**

**ATTENDANCE:** Commission Members JoAnne Giovino (Acting Chair), Diane DePaso (Secretary), Jack Bowen, Betsy Gallagher, Marlies Henderson. Staff Members Isabel Tourkantonis (Director of Environmental Affairs) and Janine Depper-Nash (Senior Clerk) Absent Commission Members Paul Hayes and Jeff Connell.

**CALL TO ORDER:** 6:00pm

Acting Chair, Commissioner Giovino, paid a tribute to Katie Durand, Land Use Assistant who passed away on February 2<sup>nd</sup>, 2018:

*This is a very difficult and sad time for the Conservation Department. Our colleague, Katherine Durand (Katie), lost her brave battle with cancer on February 2nd. Four years ago Katie was hired to fill the position as the Conservation Land Use Assistant. She came to Billerica as a young woman ready to start a new chapter in her life, and pursue a career in Environmental Science. In speaking with her parents, they told us that Katie was proud to work for the Town of Billerica and that she loved her job and that showed. She was eager to learn, especially under the tutelage of such an accomplished professional, our Director Isabel Tourkantonis, and was always willing to take on a task for a new project. With gained knowledge and experience, Katie was a competent, conscientious assistant and a dedicated and impassioned advocate for the Conservation Commission and the work we do. Whether dealing with the public, doing site inspections, or attending an outside event, she represented the Department well. Katie was a valued and integral member of the team. But I think Katie will be remembered most for being Katie. She was a smart, bright, outgoing young woman, always ready to assist or lend a hand. She was upbeat, funny, with a quirky sense of humor that fit right in with this crew, especially working every day with Janine and Isabel. Katie certainly made the meetings more enjoyable and she was always happy when Betsy brought some homemade goodies to share. When I think of Katie, I think of joy, she was a joy to know and a joy to be around. I know that I speak for all of us when I say it truly is our honor and privilege to have been part of Katie's life, even for so short a time. She was a very special person. She is missed and will always be missed. But I know when we think of Katie, and we will, we'll have a smile on our face because of all the warm and wonderful memories*

*we carry in our hearts. So I ask that we all stand and observe a moment of silence to honor her. (a moment of silence was observed) Thank you very much.*

**I. 6:05pm - PUBLIC COMMENT** – no comments

**II. 6:05pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING** – Notice of Intent – 44 Nashua Road – Hawthorn Development LLC – DEP File No. 109-xxxx/Billerica File No. BBL-xxxx

**Documents submitted:** Notice of Intent for 44 Nashua Road dated January 2018, prepared by Sebago Technics Inc. with attached plan titled Billerica Retirement Residence, revised through 1-16-18, signed & stamped by Robert McSorley, Scale: As shown

Rob McSorley, Sebago Technics Inc., attended. He began by saying they are proposing an assisted living facility where the driving range currently exists. The project will be within the wetland buffer zone. The site is approximately 12.62 acres in size. As part of the project, they will reestablish the 50' buffer zone along the wetland and to both sides of the main building. They will impact the corner of the 50' buffer in the lower corner of the property with an easement and pump station, which was negotiated with the Town and will be included in the Town's master sewer plan. No DEP file number has been assigned to the project yet. They have submitted an application for a special site use permit to the Board of Health.

The Director reported BETA has been retained for a joint peer review with the Board of Health who initiated the review. BETA has submitted initial comments, which she has not reviewed yet. She has met with the Applicant a couple of times as part of preconstruction meetings. The wetland delineation was approved as part of an ORAD, which is still valid. A variance request is necessary for the pump station, which the Town required as mitigation. A separate Notice of Intent should be submitted for the sewer work and Woodard & Curran will be the peer reviewers for that project.

Commission Members reminded the Applicant to include the restoration of the Buffer Zone in the variance request. They asked that one outlet, which is located next to the wetland be pulled further away from the wetland and asked that BETA review that. They requested BETA review the watershed plans.

**MOTION:** TO continue this Hearing to March 14<sup>th</sup>, 2018. Moved by Commissioner DePaso, seconded by Commissioner Bowen. Carried. All in favor.

**III. 6:23pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING** – Notice of Intent – 20 Pequot Street – Michael and Kerry Farrington – DEP File No. 109-xxxx/Billerica File No. BBL-xxxx

**Documents submitted:** Notice of Intent for 20 Pequot Road with attached plan titled Certified Plot Plan prepared by AC Nelson Cartography, signed & stamped by Alan Nelson, dated 12-6-17, Scale: As Shown

**-1-3-18** – Correspondence from Richard Berube to Ms. Mary Trudeau re. Notice of Intent, Plot Plan, 20 Pequot Street, Billerica, MA

**-1-30-18** – Correspondence from Richard Berube to Ms. Mary Trudeau re. Notice of Intent, 20 Pequot Street, Billerica MA, Assessor's Map 67, Parcel 107

**-1-31-18** – Correspondence from Mary Trudeau to Joanne White re. 20 Pequot Street

-Certified Plot Plan, Proposed Building, 20 Pequot Road, prepared by A.C. Nelson Cartography, signed & stamped by Alan Nelson, dated 1-30-18, Scale: As Shown

**-2-14-18** - Certified Plot Plan, Proposed Building, 20 Pequot Road, prepared by A.C. Nelson Cartography, signed & stamped by Alan Nelson, dated 2-2'-18, Scale: As Shown

Mary Trudeau attended with Applicant Mike Farrington. Mary explained the project involves the construction of an addition to the existing single-family house, which is located on the south side of Winning Pond. The addition will abut the house and will be set on a portion of the existing driveway. They have determined the existing masonry retaining wall located between the edge of the lawn and the pond is the limit of the Vegetated Wetland. There is a large amount of debris on the property that has washed up from the pond. The location of the addition was made by both the family and zoning setbacks. They have made minor changes to the plans that were requested by the Board of Health, and distributed copies of the revised plans. Both the FEMA and Green Engineering Floodplains are now shown on the plan. They are proposing a roof runoff infiltration system as mitigation.

The Director requested clarification on the plan: The 100' Buffer Zone isn't well defined; the type of wetland by the retaining wall needs to be clarified and labeled; and the stone retaining wall needs to be identified and labeled on the plan. Trash and debris should be removed by hand and the mounds of grass clippings as well. Winnings Pond should be mentioned on the main plan.

Commission Members requested the 25' No Alteration Zone boundary be added to the plan. The existing chain link fence should be shown on the plan and labeled as the visual barrier. The name of the street is Pequot Street, which should be labeled correctly. The mounds of grass clippings should be shown on the plan, and the area shown as being diversified with various plantings. They advised the Applicant a variance request for relief from providing the 25' No Alteration Zone is required and suggested the Applicant research forms of mitigation they could provide. A variance request for the manhole cover needed to be submitted, or the cover needs to be pulled out of the 25' No Alteration Zone. They discussed a condition that the access to the pond not be enlarged and the access should be shown on the plan. The Members asked the Applicant to review the calculations for the impervious amounts.

**MOTION:** TO continue this Hearing to February 28<sup>th</sup>, 2018. Moved by Commissioner DePaso, seconded by Commissioner Bowen. Carried. All in favor.

**IV. 6:58pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING** – Notice of Intent – 38 Concord Road – George Allen & Son – DEP File No. 109-xxxx/Billerica File No. BBL-xxxx

**Documents submitted:** Notice of Intent for 38 Concord Road prepared by Dresser, Williams & Way, Inc. with attached plan titled Notice of Intent Site Plan prepared by Dresser, Williams & Way, Inc., signed & stamped by Stephen Dresser, dated 1-2-18, Scale: 1"=20'  
-Plan titled Notice of Intent Site Plan prepared by Dresser, Williams & Way, Inc., signed & stamped by Stephen Dresser, dated 1-2-18, revised 2-7-18, Scale: 1"=20'

Applicant George Allen attended. He explained they are working with Dave Lavoie, splitting the land into 2 parcels and building 2 houses, one on each lot. They have been before the Board of Appeals and need to deal with land court now. They have to go to the Historic Commission for approval for the design of the house, but do have approval to demolish it. They plan to leave the existing barn and to rehabilitate it, but before they begin that work will have a structural engineer come out to ensure it is structurally sound.

The Director has inspected the wetland boundary and has no comments other than there are signs of historic disturbance and Japanese Knotweed. She recommended the Japanese Knotweed stay in place but to hand remove miscellaneous items of debris. The plan does show this is a new lot with an existing structure on it. They are offering a greater setback than the required 50'. A corner of the existing barn falls within that setback.

Commission Members asked Mr. Allen to test the soil in the barn for contaminates, and to remove debris. They requested drywells be added for the house and the renovated barn, and said they will include a condition that if the barn comes down, the 50' No Alteration Zone will be restored. They advised him a variance request is required.

Members of the audience spoke:

George and Virginia Bibler, 6 Pages Court: George advised the Commission they feel a sense of loss for the house which will be torn down, but are unhappy that they will have to continue to look at this barn, if it's left, and do want the barn torn down because it is an eyesore. The site was used as a storage site for all types of equipment and old cars. Any work done on the site will disturb wetlands because of the items that have been stored there. Virginia said she supports everything her husband said and that she also wants the barn taken down.

Shirley Schult said the barn is an eyesore and requested copies of the plans submitted to Conservation and to the Historic Commission.

**MOTION:** TO continue this Hearing to March 14<sup>th</sup>, 2018 with the permission of the Applicant. Moved by Commissioner DePaso, seconded by Commissioner Bowen. Carried. All in favor.

**V. 7:24pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING** – Notice of Intent – 331 Treble Cove Road – Lantheus Medical Imaging – DEP File No. 109-1338/Billerica File No. BBL-1338

**Documents submitted:** Notice of Intent for Lantheus Medical Imaging dated 1-31-18, Stormwater Management Report dated 1-25-18 and plan titled Lantheus Medical Imaging Shared Driveway in Billerica, Massachusetts, prepared by Beals and Thomas Inc, signed & stamped by Jeffrey Murphy & Kenneth Conte, dated 1-26-18, Scale: As Shown

Robert Weidknecht, Beals & Thomas, Inc. attended. He explained they are proposing to eliminate the parking areas and install a shared driveway off Treble Cove Road that will serve the north campus and a proposed warehouse building on the north side. The proposed warehouse will be coming forth in the coming months. There is an existing ball field and they will be removing the gravel driveway to Treble Cove and 2 parking areas for the ball field. The property has Dolly Brook running through it. This project will be on the eastern side of the property and the proposed project will be within the 200' Riverfront Area. They are proposing a fence on the west side of the rain garden which will connect to the existing fence and this will act as the visual barrier. They are proposing to install a water quality inlet on the high point of the driveway, remove the existing catch basin then described the detention system which drains into the rain garden. They have created an area of mitigation for the proposed increase in impervious surface, increasing flood storage, and feel they are improving the conditions on the site.

The Director reported the Board of Health has received an application and has moved forward in hiring BETA to do the peer review. She asked the Members if they were interested in BETA doing the review for Conservation as well, and they were in agreement.

Commission Members requested the maintenance of the area be included in the O&M Plan and that a copy of the Plan be submitted. The 100', 50' and 25' No Alteration Zones should be shown on the plan. They would like BETA to research an alternative to the rain garden. They asked them to submit a variance request for work within the 25'; to show the distance of the visual barrier to the resource area at various points on the plan; to use a wetland conservation wildlife seed mix and add plantings for mitigation in the area where the gravel driveway is removed and the area that will be restored behind the chain link fence, and to add the planting scheme on the plan.

**MOTION:** TO continue to March 14<sup>th</sup>, 2018 with the permission of the Applicant. Moved by Commissioner DePaso, seconded by Commissioner Henderson. Carried. All in favor.

**VI. 8:05pm - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing - Nashua Road – Michael Gray – DEP File No. 109- 1332 /Billerica File No. BBL- 1332

**Documents submitted:** Correspondence from Stephen Dresser to Isabel Tourkantonis re. Stormwater Peer Review-Gray's Plumbing/Nashua Rd NOI (DEP File No. 109-1332/BBL-1332) Request to Continue

**2-8-18** – Correspondence from Stephen Dresser to Isabel Tourkantonis re. Stormwater Peer Review-Gray's Plumbing

**MOTION:** TO continue this Hearing to March 14<sup>th</sup>, 2018 per the Applicant's request. Moved by Commissioner DePaso, seconded by Commissioner Gallagher. Carried. All in favor.

## **VII. ADMINISTRATIVE MATTERS/DIRECTOR'S REPORT**

**OARS – Water Chestnut (*Trapa natans*) Management:** Alison Field-Juma, Executive Director of OARS, appeared before the Commission and provided a short presentation on water chestnut management. They have been mapping it on 3 rivers and said she has a maintenance plan. The question arises on how to permit the work of pulling the water chestnut and they've been working with the DEP on that. They are appreciative of volunteers and contributions and asked the Commission to consider making a donation. She provided a brochure on water chestnut management.

8:35pm **MOTION:** TO adjourn. Moved by Commissioner Bowen, seconded by Commissioner Henderson. Carried. All in favor.

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Janine Depper-Nash, Isabel Tourkantonis