



Billerica Conservation Commission

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



Regular Meeting
Billerica Conservation Commission
March 11, 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. Staff Members Isabel Tourkantonis, (Director of Environmental Affairs), Mike DeVito, (Conservation Land Use Assistant) and Liz Ells (Senior Clerk). Commissioner Jeff Connell arrived at 6:28 p.m. Absent: Commissioner Betsy Gallagher

(Salute the flag)

- I. 6:00 PM - PUBLIC COMMENT** – no comments.

- II. 6:01 PM - WETLANDS PROTECTION ACT HEARING** - Request for Determination of Applicability – Boston Road (Route 3A) – Applicant: District 4 Highway Division, Massachusetts Department of Transportation

Documents submitted:

2/25/20 Received Request for Determination of Applicability from Mass. DOT Highway Division for Resurfacing and Related Work
3/3/20 Received revised construction plans from Mass. Department of Transportation for Request for Determination

The Director presented the project as the applicant, Massachusetts Department of Transportation, is under Executive Orders not to attend any public meetings due to the Coronavirus pandemic. The Director gave an overview of the project and stated that the curbside line will not be touched, thereby causing less disturbance along the roadway borders. There will be no stockpiling or equipment staging along the project route. The Commission requested that shoulder restoration work be conditioned on the Orders. A pre-construction meeting is required for this project.

MOTION: TO issue a Negative Determination with discussed conditions. Moved by Commissioner Henderson, seconded by Commissioner Bowen. All in Favor. Carried, unanimously.

III. 6:24 PM – WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – 900 Middlesex Turnpike – Applicant: RHINO LLC – DEP File No. 109-xxxx/BBL-xxxx

Documents submitted:

2/24/20 Received Notice of Intent from Whitman and Bingham Associates for 900 Middlesex Turnpike. Site Plan for Bldg. #2 signed and stamped Brian F. Milisci, dated 1/9/2020. Scale: 1”=10’. Construction Notes for Bldg. #2 signed and stamped by Brian F. Milisci, dated 1/9/2020. Scale: None. Construction Details for Bldg. #2 signed and stamped by Brian F. Milisci, dated 1/9/2020. Scale: As noted.

2/27/20 Received Project Narrative and Stormwater Standards from Whitman and Bingham Associates for 900 Middlesex Turnpike, signed and stamped by Mark F. Piermarini, dated 2/27/2020. Received Site Plan for Bldg. #2, 900 Middlesex Turnpike, signed and stamped by Brian F. Milisci, dated 2/27/2020 (DEP 109-xxxx)

Brian Milisci of Bingham & Whitman presented the project and Matt Moreau, PWS performed the delineation. The Commission requested a stormwater peer reviewer for this project and Brian Dunn of MBL Land Development was recommended.

MOTION: TO continue the hearing to April 8, 2020. Moved by Commissioner Giovino, seconded by Commissioner DePaso. All in Favor. Carried, unanimously.

IV. 6:56 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:

2/25/20 Received email from Holly Palmgren requesting a continuance for MBTA Track Rehab. 1000 High St. to 3/11/2020 (DEP 109-1396)

3/6/20 Received Revised Notice of Intent Site Plans for 1000 High St., MBTA Track Rehab. from Jacobs Engineering. Signed and stamped by Jonathan P. Bruneau, dated 3/3/2020. Scale: ? (DEP 109-1396)

3/6/20 Received Revised Notice of Intent Site Plans for 1000 High St., MBTA Track Rehab. from Jacobs Engineering. Signed and stamped by Jonathan P. Bruneau, dated 3/3/2020. Scale: ? (DEP 109-1396)

3/11/20 Received Response to Comments from Kyle Purdy, Jacobs Engineering Group, to BCC and Patrick Gardner, Peer Reviewer, dated 3/11/2020 for MBTA Track Rehab, 1000 High St. (DEP 109-1396)

Holly Palmgren of the Mass. Bay Transportation Authority, and Kyle Purdy of Jacobs Engineering, presented the Commission with project updates. Pat Gardner was requested to attend the next hearing to present his findings.

MOTION: TO continue the hearing to March 25, 2020. Moved by Commissioner Giovino, seconded by Commissioner DePaso. All in Favor. Carried, unanimously.

V. 7:34 PM - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING - Notice of Intent – Continued Public Hearing - 313 Boston Road – Applicant: Rick Soly, 313 Boston Road Realty, LLC – DEP File No. 109-1402/BBL-1402 (Continued to 3-25-2020)

Documents submitted:

2/24/20 Received email from Stephen Dresser requesting a continuance for 313 Boston Rd. to 3/11/20. (DEP 109-1402)

3/2/20 Received NOI Comments memo from Billerica Engineering Dept. for 313 Boston Rd. (DEP 109-1402)

3/6/20 Received email from Stephen Dresser requesting a continuance for 313 Boston Rd. to 3/25/20 (DEP 109-1402)

3/9/20 Received joint Board of Health/Conservation Commission Peer Review letter from Matt Crowley, BETA, for 313 Boston Road. (DEP 109-1402)

MOTION: TO continue the hearing, per the applicant's request, to March 25, 2020. Moved by Commissioner Henderson, seconded by Commissioner Giovino. All in Favor. Carried unanimously.

VI. 7:35 PM - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING - Notice of Intent – Continued Public Hearing – 27-29 Rogers Street, 7-9 Millstone Way & 1-6 Millstone Way – Applicant: 27 Rogers Street, LLC and Millstone Way, LLC – DEP File No. 109-1406/BBL-1406 (Continued to 3-25-2020)

Documents submitted:

2/24/20 Received email from Stephen Dresser requesting a continuance for Millstone Village to 3/11/2020 (DEP 109-1406)

3/5/2020 Received NOI Comments/Plans from Billerica Engineering Dept. for Millstone Village (DEP 109-1406)

3/5/20 Received Board of Health and Conservation stormwater peer review comments from BETA for Millstone Village (DEP 109-1406)

3/6/20 Received email from Stephen Dresser requesting a continuance for Millstone Village/Rogers St. to 3/25/2020 (DEP 109-1406)

MOTION: TO continue the hearing, per the applicant's request, to March 25, 2020. Moved by Commissioner Henderson, seconded by Commissioner Giovino. All in Favor. Carried unanimously.

VII. 7:36 PM – WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING –Notice of Intent – Continued Public Hearing - 279 Boston Road – Applicant: Nick Aalerud, 279 Boston Road, LLC - DEP File No. 109-1404/BBL-1404 (Continued to 3-25-2020)

Documents submitted:

3/6/20 Received email from Stephen Dresser requesting a continuance for 279 Boston Rd. to 3/25/20 (DEP 109-1404)

MOTION: TO continue the hearing, per the applicant’s request, to March 25, 2020. Moved by Commissioner Henderson, seconded by Commissioner Giovino. All in Favor. Carried, unanimously.

VIII. 7:37 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 (Continued to 3-25-2020)

Documents submitted:

2/21/20 Received email from Bob Belanger requesting a continuance for 68R Baldwin Rd. to 3/11/20 (DEP 109-1394)

There was a brief discussion and the Commission requested that the applicant and their representative attend the March 25, 2020 meeting to update them. The Commission also discussed the possibility of issuing a formal Enforcement Order to address existing site conditions.

MOTION: TO continue the hearing, per the applicant’s request, to March 25, 2020. Moved by Commissioner Henderson, seconded by Commissioner Giovino. All in Favor. Carried, unanimously.

IX. 7:44 PM - WETLANDS PROTECTION ACT WETLANDS HEARING – Notice of Intent – Continued Public Hearing - 2 Beaconcrest Court – Applicant: Stacey Sweklo – DEP File No. 109-1389/BBL-1389 (Continued to 3/25/2020)

Documents submitted:

3/9/20 Received email from Kristan Farr, Hancock Associates, requesting a continuance for 2 Beaconcrest Ct. to 3/25/2020. (DEP 109-1389)

3/10/20 Received memo from Mark LaLumiere, Building Commissioner, RE: 2 Beaconcrest Ct. (Re-build) (DEP 109-1389)

MOTION: TO continue the hearing, per the applicant’s request, to March 25, 2020. Moved by Commissioner Henderson, seconded by Commissioner Giovino. All in Favor. Carried, unanimously.

X. 7:48 PM – WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Abbreviated Notice of Resource Area Delineation – Continued Public Hearing - 67 High Street – Applicant Ballston Grid, LLC - DEP File No. 109-1403/BBL-1403 (Continued to 3/25/2020)

Documents submitted:

1/31/20 Received Peer Review Report from Patrick Gardner for ANRAD – 67 High Street – (DEP109-1403)

2/21/20 Received email from Maria Firstenberg of TRC Companies requesting a continuance for 67 High Street to 3/11/2020 (DEP 109-1403)

3/9/20 Received email from Maria Firstenberg, TRC, requesting a continuance for 67 High Street to 3/25/2020. (DEP 109-1403)

MOTION: TO continue the hearing, per the applicant’s request, to March 25, 2020. Moved by Commissioner Giovino, seconded by Commissioner DePaso. All in Favor. Carried, unanimously.

XI. 7:49 ADMINISTRATIVE MATTERS/DIRECTOR’S REPORT

▪ **Miscellaneous Updates**

- DEP File No. 109-1262/BBL-1262 (Sumner Farms, Nashua Road)

The Director explained the developer requested to modify and remove a stretch of the visual barrier/post and rail fence proposed behind a detention basin in the next new phase of the development site. She reviewed the area on the site plan with the Commission. The Commission reiterated that the visual barrier, post and rail fence, be installed as shown on the plan to prevent potential clearing and encroachment of inner riparian and buffer zone associated with Dolly Brook.

- Lantheus Medical Imaging, Inc. – Fence Repair Work (331 Treble Cove Road)

Lantheus is requesting permission to repair the existing chain link security fence, specifically to remove fallen branches and repair sections of the fence that are damaged. Lantheus submitted a detailed memo with photographs for the Commission. There are means of accessing the fence from the existing paths or driveways by foot, fence items will be carried in and out by hand. Only minimal shrub pruning is necessary in some areas to access the fence and these were reviewed and discussed in the field. The Director and Land Use Assistant conducted a lengthy site walk with Lantheus Facilities Manager and other staff along the entire security fence line. The Commission concurred the work qualifies as maintenance of the existing security fence line and that no heavy equipment is necessary within BVW and waterways associated with the Dolly Brook drainage area. Work shall be completed by hand and with use of small equipment.

▪ **Violations/Enforcement Orders**

- Pinehurst Office Park (780 Boston Road)

An Enforcement Order was issued for illegal snow dumping in the river and site disturbance occurred at the property. A guard rail or similar visual barrier will be installed to prevent dumping and serve as a visual barrier going forward.

MOTION: TO ratify the Enforcement Order. Moved by Commissioner Giovino, seconded by Commissioner Bowen. All in Favor. Carried unanimously.

- **Minutes:** 8-15-18, 9-12-18, 12-11-2019, 2-12-2020, 2-26-2020

The Commission concurred to table minutes for the 8-15-2018, 9-12-18 and 12-11-2019 meetings to the March 25, 2020 meeting.

MOTION: TO accept the 2-12-2020 minutes with minor edits. Moved by Commissioner Giovino, seconded by Commissioner DePaso. All in Favor. Carried, unanimously.

MOTION: TO accept the 2-26-2020 minutes. Moved by Commissioner Henderson, seconded by Commissioner Giovino. All in Favor. Carried, unanimously.

XII. 8:10 PM - ADJOURN

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

Respectfully submitted,

Diane DePaso, Secretary

Prepared by: Liz Ells and Isabel Tourkantonis