

Regular Meeting
Billerica Conservation Commission
March 13, 2019
Town Hall, Room 210
365 Boston Road, Billerica, MA

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

CALL TO ORDER: 7:02 PM

(Salute the flag and moment of silence for Bubba Goodwin)

I. 7:03 PM – PUBLIC COMMENT – no comments.

II. 7:03 PM – WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – Continued Public Hearing - 26 Pines Road – Sawyer Contracting, Inc. – DEP File No. 109-1377/Billerica File No. BBL-1377

Documents Submitted: 3/6/2019 - Received updated site plan on 3/6/2019 from Stephen Dresser, Dresser, Williams & Way, Inc. revised on 3/5/2019 for 26 Pines Road (DEP # 109-1377/BBL-1377) scale 1"=20

Stephen Dresser (Dresser, Williams & Way) represented Sawyer Contracting and summarized the revisions to the site plan since the last hearing. The Director advised that the project requires a variance from the 50 ft. No Alteration Zone section of the Bylaw to allow for demolition activities including the house and shed, invasive species management, miscellaneous debris removal and restoration activities. She recommended that a special condition be considered for native buffer zone planting in the area where Japanese knotweed will be removed, and indicated the restoration and invasive plant management will be discussed during the preconstruction meeting. There was discussion between the Commission and Dresser about the existing retaining wall on the northwestern property line (abutter #24) that appears to be unstable and falling. A conversation between the applicant and the owner of that property shall occur and follow up will be discussed at the pre-construction meeting. A special condition will be added that if the retaining wall needs to be replaced or modified, then they do not need to come back to the Commission as the retaining wall falls within the approved limit of work area.

MOTION: TO grant a variance to Section 3.03.C (a) 50 ft. No Alteration Zone. Moved by Commissioner Giovino, seconded by Commissioner DePaso. All in Favor. Motion carried.

MOTION: TO close this hearing, sign and issue an Order of Conditions within 21 days with Conditions as discussed. Moved by Commissioner Giovino, seconded by Commissioner DePaso. All in Favor. Motion Carried.

III. 7:14 PM – WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLANDS HEARING – Notice of Intent – Continued Public Hearing – 257 Boston Road – Herc Rentals, Inc. – DEP File No., 109-1374/Billerica File No. BBL-1374

Documents Submitted: 3/6/2019 - Received response letter from Steve Dresser of Dresser, Williams & Way, Inc. addressing peer review by Brian Dunn of MBL Land Development. Dated 3/6/2019Herc Rentals, Inc. (DEP # 109-1374/BBL-1374). Received an Operation and Maintenance Map for Herc Rentals, Inc. on 3/6/2019(DEP # 109-1374/BBL-1374) from Steve Dresser, Dresser, Williams & Way, Inc. Scale “=30’. Dated 3/6/2019. Received existing watershed plan from Steve Dresser, Dresser, Williams & Way, Inc. revised 2/25/2019 on 3/6/2019 for Herc Rentals Inc. (DEP # 109-1374/BBL-1374) Scale 1”=20’. Received proposed watershed plan from Steve Dresser, Dresser, Williams & Way, Inc. on 3/6/2019 for Herc Rentals Inc. (DEP # 109-1374/BBL-1374) scale 1”=20’. Received updated site plan of Herc Rentals Inc. (DEP # 109-1374/BBL-1374) from Steve Dresser, Dresser, Williams & Way, Inc. revised on 3/6/2019 scale 1”=30” on 3/6/2019, 3/13/19 - Email correspondence from Stormwater Peer Reviewer/Brian Dunn, MBL Land Development & Permitting, Corp. RE: 257 Boston Rd - Testholes, 2 Herc Rentals, Mass DEP No. 109-1374/BBL-1374.

Steven Dresser of Dresser, Williams & Way, Inc. presented revisions and updates made to the site plan since the last hearing. Steve explained there was a technical meeting held with Conservation and BOH staff, the peer reviewer Brian Dunn to discuss peer review comments and challenges, and that overall the revised site plan is much better than what is presently on site from a stormwater management standpoint. Brian Dunn of MBL Land Development performed the stormwater peer review for the project, which is filed as a redevelopment project under the MA Stormwater Management Standards. Brian Dunn was present and reviewed the existing stormwater site conditions and proposed improvements to the site to help collect and provide some level of treatment to stormwater runoff. An updated O&M Plan has been submitted, although, there will need to be revisions based on some comments from the Commission at the current hearing. The Conservation Director explained that the Board of Health was onsite to inspect soil testing performed to address comments from the peer review and per the stormwater management standards. The Director noted that planting list for the reconfigured/ reconstructed basin proposed in the former compensatory flood storage area that was completed under previous wetlands permit from the 1980’s, should be modified to include species that can tolerate longer periods of saturated conditions. The Director noted changes made to the O&M Plan. Jason Lowery of Herc Rentals explained that employee training and spill containment kits are kept throughout their existing facilities, and that this will be done at this Billerica facility as well. There was a discussion about needed access to maintain the sediment forebay and that a portion of the existing chain link fence will be removed and relocated to construct the vegetated swale and basin within the forebay. It is understood that if the original portion of the chain link fence that runs along the rear portion of the property should ever need to be replaced, a 6-

inch gap between the ground surface and fence shall be maintained to allow for the wildlife passage. There was discussion among the Commission and Director about the property line and 259 Boston Road, and the need to have both property owners remove miscellaneous trash and debris from the inner buffer zone. An independent environmental monitor and/or a stormwater construction monitor is a general requirement of the wetlands permit on a project such as this, and will be included as a special condition. The local contact name shall be provided on an updated O&M Plan. The Commission requested a condition to include environmental protection signage in the planting areas to identify environmentally sensitive areas within restored portions of the No Alteration Zone, particularly along the small stream. There was also some discussion about inspection and maintenance timeframes being more specific on the O&M Plan as well as the proper disposal of materials. It was also discussed to have the reporting and notification process explained on the O&M Plan, if there were ever a chemical spill. The Commission requested designated snow storage area signs be installed and included as a special condition. The Commission stressed the importance of adhering to the O&M plan because if the gravel wetlands fill up with sediment for lack of cleaning, the system will clog up over time and will not be effective. Therefore, it was suggested to have a condition for no sand use for snow and ice, but rather environmentally-friendly deicing agents.

MOTION: TO grant a variance to Section 3.03.C.3 (b), 50' No Alteration Zone. Moved by Commissioner Giovino, seconded by Commissioner DePaso. All in Favor. Carried.

MOTION: TO close this hearing, sign and issue an Order of Conditions within 21 days of receipt of revised O&M Plan and to include conditions as discussed. Moved by Commissioner Giovino, seconded by Commissioner DePaso. All in Favor. Carried.

IV. 8:13 PM – WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BY-LAW WETLAND HEARING – Notice of Intent – Continued Public Hearing – 0 Rear Tower Farm Road – Phillip Farmer – DEP File No. 109-1372/Billerica File No. BBL-1372 (Continued to 4-10-19)

Documents submitted: 3/11/19 – Received email from Scott Smyers requesting the project hearing for 0 Tower Farm Road be continued to April 10, 2019 (DEP No. 109-1372).

MOTION: To continue this hearing to April 10, 2019 per the applicant's request. Moved by Commissioner Henderson, seconded by Commissioner Giovino. All in Favor. Carried.

V. ADMINISTRATIVE MATTERS / DIRECTOR'S REPORT

- Massachusetts Environmental Policy Act (MEPA) Review - Environmental Notification Form EEA No. 15988 – 2385 Line Extension Project in Lowell, Tewksbury and Billerica.

The Director indicated the project includes work in Lowell, Tewksbury, and Billerica. Based on her review of the ENF document, the work proposed in Billerica appears to include the replacement of 55+ utility poles, installation of two new distribution poles and approximately 600[±] linear feet of new distribution line. Utility work is proposed from the Mt. Pleasant Street area next to the train station, along the entire length of Billerica Avenue and on Woburn Street, which extends into

Tewksbury. As presented in the ENF, the work in Billerica is limited to roadway right-of-ways and generally limited to Buffer Zone, some overlapping Riverfront Area, and floodplain that extends onto existing roads. There will be no direct impacts to vegetated wetlands. The Director submitted joint comments prepared by the Conservation Department and DPW-Engineering Division to MEPA during the public comment period. A wetlands filing addressing the work in Buffer Zone is expected in the future. The ENF document is available in the department if anyone is interested in reviewing it.

- Billerica Clean Up Green Up Day Update

Mike DeVito provided an update to the Commission on the Town's Clean Up Green Up event, which is scheduled for May 4, 2019. Mike asked the Commission for suggestions on public areas that could be targeted for clean-up. The next Clean Up Green Up meeting is scheduled for April.

VI. 8:20 ADJOURN

MOTION: TO adjourn meeting. Moved by Commissioner Gallagher, seconded by Commissioner DePaso. All in Favor. Carried.

Respectfully Submitted,

Diane DePaso
Secretary

Prepared by Mary Ann Schafer, Isabel Tourkantonis and Mike DeVito.