



Billerica Conservation Commission

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



**Billerica Conservation Commission
MEETING AGENDA
May 13, 2020
6:00 PM**

****The public may call in or use a computer to participate in this meeting****

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 and subsequent Orders imposing strict limitation on the number of people that may gather in one place, this meeting of the Billerica Conservation Commission will be conducted via remote participation. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found below. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means.

The Conservation Commission meeting will be held remotely via a Zoom Meeting (Internet)

Please click the link below to join the Zoom Meeting/Webinar:

<https://us02web.zoom.us/j/88925003143>

To call in dial: 1-929-205-6099

Meeting ID: 889 2500 3143

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

I. **6:02 PM – PUBLIC COMMENT** – No comments.

II. **NEW WETLAND HEARINGS:**

6:08 PM - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent – 495R Billerica Avenue – Applicant: EIP 495 Woburn Street, LLC – DEP File No. 109-xxxx/BBL-xxxx

Documents submitted:

5-4-20 Received Notice of Intent for 495 Billerica Avenue from VHB on behalf of the applicant EIP 495 Woburn Street LLC for Demo and Electrical Line Installation. Notice of Intent Site Plan signed and stamped by Conor P. Nagle civil No. 46302, dated 4-16-20. Scale: 1"=40'. (DEP 109-xxxx/BBL-xxxx).

5-4-20 Notice of Intent Site Plan signed and stamped by Conor P. Nagle civil No. 46302 for Demo and Electrical Line Installation, dated 4-16-20. Scale: 1"=40'. (DEP 109-xxxx/BBL-xxxx) small set of plans.

Upon opening this hearing, discussions were delayed due to technical difficulties experienced with ZOOM screen sharing. Conor Nagle of VHB requested that both hearings for 495R Billerica Ave. be opened as they are interconnected by the demolition and redevelopment of the site. The 2nd hearing for this project, under a separate DEP number, was opened at 6:13 PM. Discussions ensued for both projects.

Conor Nagle of VHB presented the project which generally includes demolition of the existing building and installing a permanent electrical distribution line to support future redevelopment of the site and ongoing groundwater remediation activities at 495R Billerica Avenue in Billerica. The property is part of a three parcel "project site," which extends across the Billerica town line into Tewksbury and Lowell and contains a vacant warehouse facility and parking lots formerly owned by the Raytheon Company. A separate Notice of Intent was filed for future redevelopment (new development and construction activities) of the site and is the subject of the next hearing listed on the agenda. There was a general discussion of the wetlands and the redevelopment of the lot. Conor confirmed that stockpiling associated with building demolition will be kept on the paved areas away from the wetlands. Conor clarified the project only included building demolition and that the existing pavement would remain intact and would be removed as part of the redevelopment of the site. The location of electrical lines and poles adjacent to the wetlands and close to the parcel boundary were also discussed by the Commission.

The Director reported staff conducted a site visit and noted the Bordering Vegetated Wetland delineation should be revised to include a wet meadow previously delineated and documented as part of a Notice of Intent review for groundwater remediation activities. Additionally, the bank delineation appeared to be based on USGS mapping and was not based on actual bankful conditions observed in the field. The Commission requested a colored aerial plan be revised to show all the monitoring/groundwater remediation wells and stations as, showing the limits of work on the plan. Members of the Commission requested bank be formally delineated since extensive work would be completed within the associated 200' Riverfront Area.

Conor clarified that no tree cutting will be done as part of the electrical conduit work. He further clarified the limit of work on the site for the new proposal versus the existing groundwater remediation limits are where the perimeter fence is to be located. A discussion regarding visual barriers followed. Conor clarified that the retaining wall is 15' tall. There was a discussion regarding snow storage and the O&M Plan should be more specific to the time of year versus vague semi-annually. The shed near the river will be removed as part of the project.

The Commission requested that the limit of work on the demo plan for C.2 site be clarified, as well as adding the electrical conduit and resource area in color to the plan. Sediment controls are to be shown on the plan and the groundwater wells, the wet meadow and the riverbank need clarification.

MOTION: TO continue this hearing to May 27, 2020 pending plan updates and issuance of DEP File No. Moved by Commissioner Giovino, seconded by Commissioner Gallagher. Roll call is as follows: YEA's: Chairman Hayes, Co-Chair Giovino, Secretary DePaso, M. Henderson, J. Bowen and J. Connell. All in Favor. Carried unanimously.

6:13 PM - WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent – 495R Billerica Avenue – Applicant: Adam Goldberg, Seerfried Properties – DEP File No. 109-xxxx/BBL-xxxx

Documents submitted:

4-7-20 Received Notice of Intent for 495 Billerica Avenue from VHB on behalf of the applicant Seerfried Properties for Redevelopment of property. Notice of Intent Site Plan signed and stamped by Conor P. Nagle civil No. 46302 dated 4-3-20 Scale: 1"=40'. (DEP 109-xxxx/BBL-xxxx)

4-7-20 Received Stormwater report for 495 Billerica Avenue from VHB on behalf of the applicant Seefriend Properties for Redevelopment of property dated March 2020

4-7-20 Received Stormwater Operations and Maintenance for 495 Billerica Avenue from VHB on behalf of the applicant Seefriend Properties for Redevelopment of property dated April 2020

Conor Nagle and Kelan Koncewics of VHB presented the redevelopment project also proposed at the 495R Billerica Avenue site. Conor indicated he had coordinated with the Conservation Department and Board of Health regarding stormwater review and that BETA was provided with the stormwater report. Additionally, a detailed restoration plan was submitted to Patrick Garner for his wetland peer review. Conor indicated FEMA calculations for that area show no fill and that additional compensatory floodplain will result from the project. Conor clarified the limit of work on the site for the new proposal versus the existing groundwater remediation limits and the location of the perimeter fence. Visual barriers were discussed.

As a next step in the process, a large plan with all the features in color with more detail will be provided. The Commission requested a status sheet plan with the other department's status (Board of Health, Planning, Tewksbury Conservation Commission and approval by the Tewksbury Planning Board). Additionally, the Commission required the applicant to check in with the Tewksbury Conservation Commission regarding a guardrail along the road.

There are three (3) outfalls in the back of the property and there was concern regarding the headwall needing to be either be rebuilt or repaired and should be noted on the plan. One of the outfalls is completely blocked as observed in the field. Conor clarified that the proposed retaining wall is 15' tall. The Commission indicated the existing chain link fence is to be removed to open the wildlife corridor along the riverbank, jersey barriers within the inner buffer zone are to be removed along with various debris and trash. A visual barrier with environmental signage is required. Restoration and enhancement of the 50' Buffer Zone is required. The Commission requested an assessment to have the three outfalls pulled back since the entire drainage system was to be reconstructed. The applicant should clarify the amount of filling and wetland replication and submit a revised Notice of Intent Form and breakdown of impacts to various wetland resource areas. The Operations and Maintenance Plan should include information on salting, deicing materials, snow storage, as well as, more specific timeframe of the year versus vague semi-annually.

Laura Laich left the meeting at 7:02 p.m. to join the Tewksbury Conservation Commission regarding the same subject.

MOTION: TO continue this hearing to May 27, 2020 pending plan updates. Moved by Commissioner Giovino, seconded by Commissioner Henderson. Roll call is as follows: YEA's: Chairman Hayes, Co-Chair Giovino, Secretary DePaso, M. Henderson, J. Bowen and J. Connell. All in Favor. Carried unanimously.

8:11 PM – The Director stated that there was no need to open and continue already continued hearing to May 27, 2020.

III. 8:11 PM - CONTINUED WETLAND HEARINGS: (Previously Continued, No Testimony to be Taken)

- **WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW 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 (Previously Continued to May 27, 2020)
- **WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW 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 (Previously Continued to May 27, 2020)

- **WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW 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 (Previously Continued to May 27, 2020)
- **WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING - Notice of Intent** – Continued Public Hearing - 68R Baldwin Road – Applicant: Robert Belanger – DEP File No. 109-1394/BBL-1394 (Previously Continued to May 27, 2020)
- **WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING - Notice of Intent** – Continued Public Hearing - 2 Beaconcrest Court – Applicant: Stacey Sweklo – DEP File No. 109-1389/BBL-1389 (Previously Continued to May 27, 2020)
- **WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent** – Continued Public Hearing - 900 Middlesex Turnpike – Applicant: RHINO LLC – DEP File No. 109-1408/BBL-1408 (Previously Continued to May 27, 2020)

IV. 8:12 PM - ADMINISTRATIVE MATTERS/DIRECTOR'S REPORT

- **Request for Certificate of Compliance:**

- DEP File No. 109-1182/BBL-1182 (11 Blades Circle and Enforcement Order)

There is still orange construction fencing on the property, however the property is stabilized and extensive buffer zone restoration completed on the property. There is a partial Wetlands Bond for buffer zone restoration that remains as part of the project constructed under the Order. The subject of this release/Certificate shall be for the release of the original Enforcement Order and the remaining portion of the Bond.

MOTION: TO take no formal action at this time until minor issues are addressed. Moved by Commissioner Giovino, seconded by Commissioner Henderson. Roll call is as follows: YEA's: Chairman Hayes, Co-Chair Giovino, Secretary DePaso, M. Henderson, J. Bowen and B. Gallagher. All in Favor. Carried unanimously.

- **National Park Service – Challenge Cost Share Application Due May 22, 2020**

Commissioner Henderson discussed the National Park Service (NPS) grant funding potentially available for dock related design and work at 8 Carter Avenue. Emma Lord from National Park Service and John Morin from FWM Docks attended the Zoom call. Commissioner Henderson is interested in applying for the grant for installation of dock and boardwalk at 8 Carter Ave. to provide river access and a canoe launching area. Emma Lord explained the timeline for grant application and indicated the submittal deadline didn't appear to work with the overall schedule and suggested potentially applying in another year.

- **Request for Re-appointment to Community Preservation Committee**

Commissioner Henderson submitted her request for reappointment to the Community Preservation Committee. It was stated that there is a Liaison Policy to keep the Commission informed and seek input prior to voting on a particular matter of the Community Preservation Committee; said votes are to represent the majority input of the Conservation Commission. Commissioner Henderson will sign and return the policy agreement.

MOTION: TO reappoint Commissioner Henderson to the Community Preservation Committee. Moved by Commissioner Hayes, seconded by Commissioner Gallagher. Roll call is as follows: YEAs: Chairman Hayes, Co-Chair Giovino, Secretary DePaso, M. Henderson, J. Bowen and J. Connell and B. Gallagher. All in Favor. Carried unanimously.

- **Fox Hill Conservation Land – Proposed Bay Circuit Trail Improvements Project**

Masuzyo Mhango of the Appalachian Mountain Club introduced himself and provided an overview of the proposed trail improvements on Fox Hill Conservation Land. He referred to the memorandum submitted to the Commission dated March 20, 2020. Said memo (from the Bay Circuit/Appalachian Mountain Club, Christine Viola, Masuzyo Mhango and Marlies Henderson) briefly described trail improvements comprised of check steps, removal of bitter sweet vines, and conservation seed mix in strategic locations to address pedestrian safety and erosion. A site visit to inspect the trail improvements with Conservation Department staff as well as Commission members will be scheduled at a later date.

- **Miscellaneous Updates** – None discussed
- **Violations/Enforcement Orders** -

The Director briefly informed the Commission that the department is inundated with calls and inquiries about tree hazards, particularly after heavy rain and wind storm events. Staff is currently following up on over 10+ cases.

Additionally the department received a tip regarding tree clearing work at 143 Pollard Street. Staff conducted a site visit, issued a verbal Cease and Desist Order to the tree contractor and required the completion of a wetlands delineation on the property immediately. The Department was contacted by homeowner's representative Steve Dresser of Dresser, Williams, & Way Inc. and attorney John McKenna indicating a wetlands application would be filed to address the matter. The Director reiterated the need to address how many trees were cut and removed from the buffer zone and restoration, all of which would need to be shown on a plan for the Commission's review as part of the unauthorized clearing within the inner Buffer Zone to Bordering Vegetated Wetland

- **Minutes: 3-25-2020** – postponed to 5/27/2020.

V. 9:12 PM - ADJOURN

MOTION: TO adjourn the meeting. Moved by Commissioner Connell, seconded by Commissioner Bowen. Roll call is as follows: YEA's: Chairman Hayes, Co-Chair Giovino, Secretary DePaso, M. Henderson, J. Bowen and J. Connell and B. Gallagher. All in Favor. Carried unanimously.

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Liz Ells and Isabel Tourkantonis