

**Billerica Conservation Commission  
MEETING AGENDA  
January 27, 2021  
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/82995224716>

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

**Webinar/Meeting ID: 829 9522 4716**

**6:10 PM - REMOTE ATTENDANCE:** Commissioner Members: Chair Paul Hayes, JoAnne Giovino (Vice-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 (Sr. Clerk). Absent: Commissioner Jeff Connell and Commissioner Betsy Gallagher.

**I. 6:14 PM – PUBLIC COMMENT**

The Chair, pending any technical difficulties, has instructed the Vice-Chair, JoAnne Giovino, to conduct the meeting.

**CONTINUED WETLAND HEARINGS:**

- **6:15 PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Abbreviated Notice of Resource Area Delineation – Continued Public Hearing –** 0 Pond Street – Applicant: Steven Goodman, Billerica Pond St, LLC – DEP No. 109-1430/BBL-1430

Documents submitted:

1/20/2021 Received revised Resource Area Restoration Plan for 0 Pond St ANRAD, Review #2, dated 1/20/2021 from LEC Environmental (DEP 109-1430)

1/22/2021 Received revised Resource Area Delineation Plan from Eugene T. Sullivan, Inc., for 0 Pond St. ANRAD, signed and stamped by Eugene T. Sullivan, dated 1/20/2021. Scale: 1"=50' (DEP 109-1430)

Gene Sullivan noted the project was before the Commission on 12/16/2020 and noted that since then soil test pits were completed by LEC with Patrick Garner overseeing the work. The soil investigation was required to verify disturbed/filled wetlands and to determine the upland and wetland soil boundary. Gene noted the restoration plan and the ANRAD plan were revised and updated to address peer review and Commission comments. Patrick Garner, wetlands peer reviewer, verified that peer comments had been addressed. There was discussion regarding the overall

purpose of tonight's hearing is to review and approve the wetlands delineation associated with 0 Pond Street. Although there are overlapping violations and an active Enforcement Order associated with the property, the Commission clarified at this time it is only voting to approve the delineation of wetland resources, as modified during the ANRAD review process. They further clarified that full restoration of the 50' inner buffer zone is a requirement of the Enforcement Order and that a hard visual barrier, such as a wooden guardrail or post and rail fence with environmental signage, is required along the 50' buffer No Alteration Zone boundary under the Enforcement Order. The Commission also noted that a future project proposal on the undeveloped property would be subject to the 50' No Alteration Zone section of the Buffer Zone performance standards established under the Billerica Wetlands Protection Bylaw.

**MOTION: TO** close the hearing, sign and issue the Order of Resource Area Delineation based on the revised plan with notes. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Roll call is as follows: YEA's: Chair Hayes, Co-Chair Giovino, Secretary DePaso, M. Henderson, J. Bowen. All in Favor. Carried unanimously.

- **6:35 PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent** – Continued Public Hearing – 19 Kazimer Drive – Applicant: John Travato – DEP File No. 109-xxxx/BBL-xxxx

Documents submitted:

1/19/2021 Received email from Jackie McGovern (Travato) requesting the Commission reconsider closing original permit (DEP 109-1316) minus the willow tree plantings. Specifically, to roll over the willow tree plantings to the new OOC. (DEP 109-xxxx). Note: DEP has not issued a DEP File number for this project due to outstanding state/town fees.

1/25/2021 Received email from Stephen Dresser requesting a continuance for 19 Kazimer Drive to 3/10/2021 (DEP 109-xxxx)

**MOTION: TO** continue the hearing to 3/10/2021 per the representative's request. Moved by Commissioner Giovino, seconded by Commissioner Henderson. Roll call is as follows: YEA's: Chair Hayes, Co-Chair Giovino, Secretary DePaso, M. Henderson, J. Bowen. All in Favor. Carried unanimously.

- **6:36 PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent** – Continued Public Hearing – 446 Middlesex Turnpike – Applicant: Thomas B. Shea – DEP File No. 109-1423/BBL-1423

Documents submitted:

1/25/2021 Received email from Stephen Dresser requesting a continuance for 446 Middlesex Tnpk. to 2/10/2021 (DEP 109-1423)

**MOTION: TO** continue the hearing to 2/10/2021 per the applicant's request. Moved by Commissioner Henderson, seconded by Commissioner Giovino. Roll call is as follows: YEA's: Chair Hayes, Co-Chair Giovino, Secretary DePaso, M. Henderson, J. Bowen. All in Favor. Carried unanimously.

- **6:37 PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent** – Continued Public Hearing – 66 Gray Street (Lot 1) – Applicant: Gary Litchfield – DEP File No. 109-1421/BBL-1421

Documents submitted:

1/22/2021 Received email from James Dangora, Jr. requesting a continuance for 66 Gray St. to 2/10/2021 (DEP 109-1421)

**MOTION: TO** continue the hearing to 2/10/2021 per the applicant's request. Moved by Commissioner Henderson, seconded by Commissioner Giovino. Roll call is as follows: YEA's: Chair Hayes, Co-Chair Giovino, Secretary DePaso, M. Henderson, J. Bowen. All in Favor. Carried unanimously.

- **6:38 PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent** – Continued Public Hearing – 68 Gray Street (Lot 2) – Applicant: Gary Litchfield – DEP File No. 109-1420/BBL-1420

Documents submitted:

1/22/2021 Received email from James Dangora, Jr. requesting a continuance for 68 Gray St. to 2/10/2021 (DEP 109-1420)

**MOTION: TO** continue the hearing to 2/10/2021 per the applicant's request. Moved by Commissioner Henderson, seconded by Commissioner Giovino. Roll call is as follows: YEA's: Chair Hayes, Co-Chair Giovino, Secretary DePaso, M. Henderson, J. Bowen. All in Favor. Carried unanimously.

- **6:39 - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent** – Continued Public Hearing – 20 Linnell Circle – Applicant: Ronald Topping - DEP File No. 109-1435/BBL-1435

Documents submitted:

1/21/2021 Received for conservation department comments from the Planning Board: Form S-3, Special Permit for 20 Linnell Circle prepared by James T. Dangora, Jr., Esq. (DEP 109-1435)

**MOTION: TO** continue the hearing to 2/10/2021 per the applicant's request. Moved by Commissioner Henderson, seconded by Commissioner Giovino. Roll call is as follows: YEA's: Chair Hayes, Co-Chair Giovino, Secretary DePaso, M. Henderson, J. Bowen. All in Favor. Carried unanimously.

- **6:40 PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent** – Continued Public Hearing – 9 Allen Road – Applicant: Todd Brunner – DEP File No. 109-1431/BBL-1431

Documents submitted:

1/19/2021 Received revised Site plan for 9 Allen Road from Landplex. Signed and stamped by Robert Gill. (DEP 109-1431/BBL-1431)

**MOTION: TO** continue the hearing to 2/10/2021 per the applicant's request. Moved by Commissioner Henderson, seconded by Commissioner Giovino. Roll call is as follows: YEA's: Chair Hayes, Co-Chair Giovino, Secretary DePaso, M. Henderson, J. Bowen. All in Favor. Carried unanimously.

## II. 6:41 PM - ADMINISTRATIVE MATTERS / DIRECTOR'S REPORT:

- **Requests for Certificates of Compliance:**

- DEP 109-603 (9 Myers Lane)

The Director recommended to approve and issue the Certificate of Compliance.

**MOTION: TO** approve and issue the Certificate of Compliance. Moved by Commissioner DePaso, seconded by Commissioner Henderson. Roll call is as follows: YEA's: Chair Hayes, Co-Chair Giovino, Secretary DePaso, M. Henderson, J. Bowen. All in Favor. Carried unanimously.

- DEP 109-1183/BBL-1183 (100 Massachusetts Avenue)

The Director noted edits were made to the as-built plan submitted with the Request and recommended to approve and issue the Certificate of Compliance.

**MOTION: TO** approve and issue the Certificate of Compliance. Moved by Commissioner Giovino, seconded by Commissioner Henderson. Roll call is as follows: YEA's: Chair Hayes, Co-Chair Giovino, Secretary DePaso, M. Henderson, J. Bowen. All in Favor. Carried unanimously.

- **Violations/Enforcement Orders** - The Director briefly noted the department continues to follow up on various complaints and tips. No other specifics were discussed.
- **Minutes:** 11-18-2020, 12-16-2020

**MOTION: TO** accept the 11-18-2020 minutes with discussed edits. Moved by Commissioner DePaso, seconded by Commissioner Henderson. Roll call is as follows: YEA's: Chair Hayes, Co-Chair Giovino, Secretary DePaso, M. Henderson, J. Bowen. All in Favor. Carried unanimously.

**MOTION: TO** accept the 12-16-2020 minutes with discussed edits. Moved by Commissioner Henderson, seconded by Commissioner DePaso. Roll call is as follows: YEA's: Chair Hayes, Co-Chair Giovino, Secretary DePaso, M. Henderson, J. Bowen. All in Favor. Carried unanimously.

- **Miscellaneous Updates:**

The Director presented the email from the SRWA regarding the naming of a canoe launch proposed at the end of Sheridan Street on conservation land and the existing canoe put-in at Akesson Park. There was discussion about consistency and review criteria associated with the naming of conservation property and said areas. The Commission also briefly discussed the need for signage standards. The Director indicated she would follow up with Brian Henderson to clarify points in the email, sign naming of land versus just the canoe launch area.

Paul Hayes, as Chair of the Conservation Commission noted was requested by the Board of Selectmen to serve as a member of the Capital Assessment Committee. The CAC held their first meeting and some of their future meetings may overlap with Commission meetings. If/when that is the case, he noted Vice-Chair Joanne Giovino would serve as acting Chair of the Conservation meeting until he arrived.

III. 7:29 PM – ADJOURN

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

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Liz Ells and Isabel Tourkantonis