

Billerica Conservation Commission
MEETING AGENDA
February 10, 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/81530970938>

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

Webinar/Meeting ID: 815 3097 0938

6:04 PM - REMOTE ATTENDANCE: Commissioner Members: Chair Paul Hayes, JoAnne Giovino (Vice-Chair), Diane DePaso (Secretary), Jack Bowen, Jeff Connell and Marlies Henderson. Staff Members Isabel Tourkantonis, (Director of Environmental Affairs), Mike DeVito, (Conservation Land Use Assistant) and Liz Ells (Sr. Clerk). Absent: Commissioner Betsy Gallagher.

I. 6:07 PM – PUBLIC COMMENT – No comments.

II. CONTINUED WETLAND HEARINGS:

- **6:08 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 Notice of Intent plan for 9 Allen Road from Matt Hamor of Landplex. Signed and stamped by Robert Gill, dated 1/23/2021. Scale: 1"=20'. (DEP 109-1431/BBL-1431)

1/25/2021 Received letter from Matt Hamor of Landplex, dated 1/22/2021, outlining revised materials to address the Commissions comments for 9 Allen Road. (DEP 109-1431/BBL-1431)

1/25/2021 Received proposed plantings for the 25" NAZ for 9 Allen Road from Steve Erickson, Norse Environmental Services, Inc. dated 1/21/2021. (DEP 109-1431/BBL-1431)

Matthew Hamor presented a revised plan dated 1/23/2021 and noted restoration plantings among other requests that were added to the plan. The Director noted staff provided review notes recommending items previously raised by the Commission, including a construction sequence, planting scheme, tree distance and post and rail fence with signage. The Commission required an increase in the density of plantings, stagger the plantings, and a planting scheme, as well as a revised variance request for work within the 25' No Alteration Zone. The Commission clarified that they had requested much of this information in past hearings.

MOTION: TO continue the hearing to 2/24/2021. Moved by Commissioner Giovino, seconded by Commissioner Henderson. Roll call is as follows: YEA's: Chair Hayes, Co-Chair Giovino, Secretary DePaso, J. Bowen, J. Connell, and M. Henderson. All in Favor. Carried unanimously.

- **6:27 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:

2/3/2021 Received response letter from Christopher Mello, Eastern Land Survey Associates, Inc. dated 1/20/2021 to Brian Dunn's peer review letter (dated 12/29/2020) for 66-68 Gray Street. Variance request(s) 3.03.c.3(a) 50' No Alteration Zone. Buffer Restoration and Enhancement Plan, from Basbanes Wetland Consulting, dated 1/26/2021. Revised Existing Conditions Plan signed and stamped by Christopher Mello, dated 1/19/2021. Scale: 1"=20'. (DEP 109-1420 – 66 Gray St.)

2/5/2021 Received revised Brian Dunn peer review letter dated 2/2/2021 for 66 and 68 Gray St. (DEP 109-1420 and DEP 109-1421)

2/9/2021 Received request from James Dangora, Jr., to continue 66 and 68 Gray St. to 2/24/2021. (DEP 109-1420 & DEP 109-1421)

2/10/2021 Received via email from Leah Basbanes, soil data information sheets for wetland flags A7N and A9N from Fall 2020 for 66-68 Gray Street (DEP 109-1420 & DEP 109-1421)

MOTION: TO continue the hearing per the applicant's request to 2/24/2021. Moved by Commissioner Henderson, seconded by Commissioner Bowen. Roll call is as follows: YEA's: Chair Hayes, Co-Chair Giovino, Secretary DePaso, J. Bowen, J. Connell, and M. Henderson. All in Favor. Carried unanimously.

- **6:28 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:

2/3/2021 Received response letter from Christopher Mello, Eastern Land Survey Associates, Inc. dated 1/20/2021 to Brian Dunn's peer review letter (dated 12/29/2020) for 66-68 Gray Street. Variance request(s) 3.03.c.3(a) 50' No Alteration Zone. Buffer Restoration & Enhancement Plan from Basbanes Wetland Consulting, dated 1/27/2021. Revised Existing Conditions Plan signed and stamped by Christopher Mello, dated 1/19/2021. Scale: 1"=20'. (DEP 109-1421 – 68 Gray St.)

2/5/2021 Received revised Brian Dunn peer review letter dated 2/2/2021 for 66 and 68 Gray St. (DEP 109-1420 and DEP 109-1421)

2/9/2021 Received request from James Dangora, Jr., to continue 66 and 68 Gray St. to 2/24/2021. (DEP 109-1420 & DEP 109-1421)

2/10/2021 Received via email from Leah Basbanes, soil data information sheets for wetland flags A7N and A9N from Fall 2020 for 66-68 Gray Street (DEP 109-1420 & DEP 109-1421)

MOTION: TO continue the hearing per the applicant's request to 2/24/2021. Moved by Commissioner DePaso, seconded by Commissioner Henderson. Roll call is as follows: YEA's: Chair Hayes, Co-Chair Giovino, Secretary DePaso, J. Bowen, J. Connell, and M. Henderson. All in Favor. Carried unanimously.

- **6:30 PM - 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:

2/10/2021 Received email from Stephen Dresser requesting a continuance for 20 Linnell Circle to 2/24/2021 (DEP 109-1435)

MOTION: TO continue the hearing per the applicant's request to 2/24/2021. Moved by Commissioner Giovino, seconded by Commissioner Henderson. Roll call is as follows: YEA's: Chair Hayes, Co-Chair Giovino, Secretary DePaso, J. Bowen, J. Connell, and M. Henderson. All in Favor. Carried unanimously.

- **6:31 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:

2/10/2021 Received email from Stephen Dresser requesting a continuance for 446 Middlesex Turnpike to 2/24/2021 (DEP 109-1423)

MOTION: TO continue the hearing per the applicant's request to 2/24/2021. Moved by Commissioner Giovino, seconded by Commissioner Henderson. Roll call is as follows: YEA's: Chair Hayes, Co-Chair Giovino, Secretary DePaso, J. Bowen, J. Connell, and M. Henderson. All in Favor. Carried unanimously.

- **6:32 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:

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

Per the Director, a formal vote to continue was not necessary as the continuance request to 3/10/2021 was accepted and voted at the 1/27/2021 meeting.

III. 6:32 PM - ADMINISTRATIVE MATTERS / DIRECTOR'S REPORT:

- **Requests for Certificates of Compliance:**

- DEP File No. 109-1112/BBL-1112 (147 Rangeway Road – Aspen Apts. CR Modification Review)

This item was tabled to 2/24/2021 for discussion per the applicant's request, pending peer reviewer comments.

- **Minutes:** 1-13-2021, 1-27-2021

MOTION: TO accept the 1-13-2021 minutes with discussed edits. Moved by Commissioner Giovino, seconded by Commissioner Henderson. Roll call is as follows: YEA's: Chair Hayes, Co-Chair Giovino, Secretary DePaso, J. Bowen, J. Connell, and M. Henderson. All in Favor. Carried unanimously.

MOTION: TO accept the 1-27-2021 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, J. Bowen, J. Connell, and M. Henderson. All in Favor. Carried unanimously.

- **Miscellaneous Updates**

There was a brief discussion on signage for various conservation lands designating areas such as carry in/carry out, land names, protected areas, etc. The Director noted she requested the assistance of Commissioner Henderson to develop a sign needs list for high priority areas.

The Director informed the Commission that Boy Scout Troup 55 will be camping in Dudley Park and had submitted the appropriate notification form to the Conservation Department and Fire and Police Departments.

- **Violations/Enforcement Orders**

The Director reported the department continues to follow up on several violation and enforcement matters.

IV. 6:47 PM - ADJOURN

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

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Liz Ells and Isabel Tourkantonis