

Billerica Conservation Commission
MEETING AGENDA
April 14, 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/86266823307>

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

Webinar/Meeting ID: 862 6682 3307

6:05PM - REMOTE ATTENDANCE: Commissioner Members: Chair Paul Hayes, JoAnne Giovino (Vice-Chair), Diane DePaso (Secretary), and Jack Bowen. Staff Members Isabel Tourkantonis, (Director of Environmental Affairs), Mike DeVito, (Conservation Land Use Assistant) and Liz Ells (Sr. Clerk). Commissioner Connell joined the meeting at 6:28 PM. Absent: Commissioner Betsy Gallagher.

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

II. **NEW WETLAND HEARINGS:**

- **6:08 PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Request for Determination of Applicability** – 16 Bicknell Road – Applicant: Massachusetts Electric Company

Documents submitted:

3/31/2021 Received Request for Determination of Applicability (RDA) from BSC Group for 16 Bicknell Road. Dated 3/30/2021

4/7/2021 Received email from Heidi Graf, BSG Group, updated Environmental Resources Map for RDA for 16 Bicknell Rd.

Heidi Graf of BSC Group presented the project to install overvoltage protection on Transformers 1 and 2 at the Pinehurst Substation which requires the installation of approximately 86 linear feet of underground conduit within the developed and enclosed Pinehurst Substation facility at 16 Bicknell. During the department review, staff had recommended that the Environmental Maps be updated to include the limit of sediment control barriers and designated area for staging and stockpiling for construction. Heidi presented the updated aerial plan on the screen, which included the limit of wetlands and addressed comments by the Conservation Department staff.

MOTION: TO issue a Negative Determination with conditions specified on the plan and RDA narrative. Moved by Commissioner Giovino, seconded by Commissioner Bowen. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, and J. Bowen. All in Favor. Carried unanimously.

- **6:17 PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent – 192R Salem Road – Applicant: Richard Yutkins – DEP File No. 109-1444/BBL-1444**

Documents submitted:

3/31/2021 Received Notice of Intent from Stephen Dresser, Dresser, Williams & Way, for 192R Salem Rd. (Lot 14B), Notice of Intent Site Plan, signed and stamped by Stephen Dresser, dated 3/22/2021. Scale: 1"=20'. Variance request 3.03.C.3 (b)., 25' No Alteration Zone (DEP 109-xxxx)

Stephen Dresser presented the project and referred to a previous file associated for a similar proposed project on the site. He explained the house is proposed on a subdivided lot but this current NOI filing includes a larger house footprint compared to the previous wetland permit that was issued and has since expired. There was discussion about the proposed driveway, Steve clarified that the proposed driveway is designed to accommodate emergency vehicles and yard space for the front house, and that the project design includes stormwater management, BMP's, and O&M Plan. He also noted a variance request is required for a minor portion of the driveway for access purposes. Mitigation beyond the 50' No Alteration Zone is provided on other portions of the lot.

MOTION: TO grant the variance request 3.03.C.3(a), 50' No Alteration Zone, to install a portion of the driveway for access purposes. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen, and J. Connell. All in Favor. Carried unanimously.

MOTION: TO close, sign and issue the Order of Conditions with the special conditions discussed. Moved by Commissioner Giovino, seconded by Commissioner Bowen. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen, and J. Connell. All in Favor. Carried unanimously.

- **6:49 PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent – 31 Baker Street – Applicant: Gary and Christine Wedge – DEP File No. 109-1443/BBL-1443**

Documents submitted:

3/31/2021 Received Notice of Intent from Stephen Dresser, Dresser, Williams & Way, for 31 Baker Street. Notice of Intent Site Plan, signed and stamped by Stephen Dresser, dated 3/22/2021. Scale: 1"=20'. Variance request 3.03.C.2 , Limit on Impervious Surface (DEP 109-xxxx)

4/12/2021 Received letter dated 4/12/2021, to Gary Wedge from Kristel Bennett, BOH, requesting updated plans be submitted for 31 Baker St. Project may require a BOH variance for work within 25' of FEMA & GEFP Flood Plains, or if 100' of both, Administrative Determination of Applicability is required. (DEP 109-1443)

Stephen Dresser presented the project to construct a 40'x36' detached garage to accommodate vehicles and work equipment. He explained the property owner received a previous Order of Conditions in 2004 to demolish the old house and build a new single-family dwelling on the property. Staff noted the delineated wetland boundary is low generally from WF4A to WF9A, the plan should reflect a drain outlet and potential easement along the southern property line, and the presence of landscaping debris in the wetlands and No Alteration Zone. Commission members expressed concern that the residence appears to be a contractor's yard and the proposed garage is oversized for a residential area. The Commission requested a determination from the Building Commissioner to verify the property for commercial storage clarification in a residential area and that the garage size is allowable. The Board of Health will require a variance for work near the GEFP. The Commission stated that the visual barrier should comply with the 25'

No Alteration Zone. There was a brief discussion concerning the wooden bridge and gravel walkway off the property to the rear on Conservation land, the existing fence, and concrete path near the bridge. Further, the wetland delineation should be revised, a restoration plan should be designed, and stream stats analysis should be provided to clarify the intermittent/perennial stream status.

MOTION: TO continue the hearing to May 12, 2021, per the applicant's request. Moved by Commissioner Giovino, seconded by Commissioner Bowen. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen and J. Connell. All in Favor. Carried unanimously.

III. CONTINUED WETLAND HEARINGS:

- **7:12 PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent** – Continued Public Hearing – Roadway Management 2021 – Applicant: Kelley Conway, Billerica DPW – DEP File No. 109-1440/BBL-1440

Documents submitted:

4/1/2021 Received from Heather Chew, DPW Engineering, dated 4/1/2021, Supplemental Information for 2021 Roadway Management - revised figures 7A and 7D and 8A through 8D, Wetland Delineation sketches, and Construction sequence for the Roadway Management 2021. (DEP 109-1440/BBL-1440)

4/8/2021 Received DEP Comments for DPW 2021 Roadway Management –“Insufficient information to condition” (DEP 109-1440)

4/12/2021 Received Letter of Approval dated 4/12/2021 to Kelly Conway, DPW Engineering, from Krystal Bennett, BOH, granting request for Waiver of Regulations for 2021 Roadway Management Program. (DEP 109-1440)

Kelly Conway, Town Engineer, presented supplemental information submitted as part of the 2021 Roadway project, which included additional wetland delineation and flagging in project work areas where more extensive work is proposed beyond paving, such as sidewalk and drainage work. Commission members raised concerns about overlapping, sedimentation controls and boundary in some tight areas and requested careful review at the pre-construction site meeting with the DPW, the contractor, and Conservation staff.

MOTION: TO grant the variance 3.03.C.3(b), 25' No Alteration Zone. Moved by Commissioner Giovino, seconded by Commissioner Bowen. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen and J. Connell. All in Favor. Carried unanimously.

MOTION: TO grant the variance 2.04.B.3, to reduce the abutter's notification from 300' to the minimum requirement of 100' under the MA Wetlands Protection Act. Moved by Commissioner Giovino, seconded by Commissioner Bowen. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen and J. Connell. All in Favor. Carried unanimously.

MOTION: TO close, sign and issue the Order of Conditions with special conditions as discussed. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen and J. Connell. All in Favor. Carried unanimously.

- **7:29 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:

4/5/2021 Received from Stephen Dresser, Dresser, Williams & Way, Inc., Response to stormwater peer review for 20 Linnell Circle. Watershed Plans, signed and stamped by Stephen Dresser, dated 3/31/2021. Existing Watershed scale: 1"=30', Proposed Watershed scale: 1"=30'. Proposed Conditions Plan, signed and stamped by Stephen Dresser, dated 3/31/2021. Scale: 1"=30'. Existing Conditions and Mitigation Plan, signed and stamped by Stephen

Dresser, dated 3/31/2021. Scale: 1"=30'. Site Plan Detail Sheet, signed and stamped by Stephen Dresser, dated 3/31/2021. Scale: 1"=30'. Draft Conservation Restriction document. (DEP 109-1435)

Stephen Dresser reviewed the project and provided an update since the last hearing. The project is currently under peer review. A draft Conservation Restriction was submitted. There was a discussion about the Conservation Restriction limits to include all vegetated wetland and buffer zone, particularly the No Alteration Zone Area up to the designated visual barrier limit. The Commission requested that any drainage easements be added to the site plan, as well as the center line of any streams. Town Counsel is to review the draft CR and the applicant's attorney is to coordinate the state review process. Steve clarified that landscaping vehicles and equipment will be kept inside.

MOTION: TO continue the hearing to May 12, 2021, per the applicant's request, pending peer review comments and CR review by Town Counsel. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen and J. Connell. All in Favor. Carried unanimously.

- **7:44 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:

4/15/2021 Received revised Notice of Intent Site Plan for 446 Middlesex Tnpk, per BCC's comments from Stephen Dresser, signed and stamped by Stephen Dresser, dated 4/14/2021. Scale: 1"=20' (DEP 109-1439)

Steve Dresser presented an update on the revised plan that includes additional plantings in strategic areas where landscaping debris piles will be removed and other areas which will enhance areas of altered inner buffer zone. The homeowner explained the seating area in the wetlands has been removed. The Commission requested that the bridge also be removed from the stream.

MOTION: TO grant the variance 3.03.C.3(b) 25' No Alteration Zone. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen and J. Connell. All in Favor. Carried unanimously.

MOTION: TO close, sign and issue the Order of Conditions with discussed conditions. Moved by Commissioner Giovino, seconded by Commissioner Bowen. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen and J. Connell. All in Favor. Carried unanimously.

- **7:56 PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent** – Continued Public Hearing – 38 Blackwood Avenue – Applicant: Michael and Amanda Fantauzzi – DEP File No. 109-1439/BBL-1439

Documents submitted:

4/15/2021 Received revised Notice of Intent Site Plan for 38 Blackwood Ave., per BCC's comments from Stephen Dresser, signed and stamped by Stephen Dresser, dated 4/14/2021. Scale: 1"=20' (DEP 109-1439)

Steve Dresser reviewed the revised site plan which includes additional stormwater features to help control and infiltrate runoff, as well as from the road. Additional restoration and enhancement plantings were added to the plan. The impervious area was decreased by installing a gravel driveway to one bay. Steve clarified the owner's need for the proposed garage size and stated that the owner is substantially improving the Buffer Zone along Nuttings Lake. The

proposed dock is a small 8'x8' floating dock to be permitted as part of the project and complies with the Commission's current dock policy. The Commission required that no storage of materials and structures shall occur along the bank or restored No Alteration Zone. Further, the Commission is requiring that the dock permitting documents be submitted to the DEP Chapter 91 Waterways and certificate of approval submitted to the Billerica Conservation Commission.

MOTION: TO grant variance 3.03.C.2 allowing the construction of the garage with various means of controlling and infiltrating stormwater runoff from roof and driveway surface areas. . Moved by Commissioner Giovino, seconded by Commissioner DePaso. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen and J. Connell. All in Favor. Carried unanimously.

MOTION: TO grant variance 3.03.C.3(b), 25' No Alteration Zone inner buffer zone on the property with restoration plantings and relocate the existing dock. . Moved by Commissioner Giovino, seconded by Commissioner DePaso. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen and J. Connell. All in Favor. Carried unanimously.

MOTION: TO close, sign and issue the Order of Conditions with conditions as discussed, specifically, that the Chapter 91 application be submitted to the Commission and DEP for the dock. Moved by Commissioner Giovino, seconded by Commissioner Bowen. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen and J. Connell. All in Favor. Carried unanimously.

- **8:15 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:

3/31/2021 Received revised Plan set from Christopher Mello, Eastern Land Survey Assoc., signed and stamped by Christopher R. Mello, dated 3/2/2021, scale: 1"=20', for 66 Gray St. (DEP 109-1421)
4/7/2021 Received cover letter from Gary Litchfield, with Eastern Land Survey Associates, Inc. (Christopher Mello, Engineer) responses to peer review comments for 66 Gray St., dated 4/5/2021. Existing Conditions Plan, Site Development Permit Plan, signed and stamped by Christopher Mello, dated 3/2/2021. Scale: 1"-20' for 66 Gray St. (DEP 109-1421)
4/14/2021 Received email from Patty Schuler, Litchfield Co., requesting a continuance for 66 Gray St. to 4/28/2021 (DEP 109-1421)

MOTION: TO continue the hearing to April 28, 2021, per the applicant's request. Moved by Commissioner Giovino, seconded by Commissioner Bowen. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen and J. Connell. All in Favor. Carried unanimously.

- **8:16 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:

3/31/2021 Received revised Plan set from Christopher Mello, Eastern Land Survey Assoc., signed and stamped by Christopher R. Mello, dated 3/2/2021, scale: 1"=20', for 66 Gray St. (DEP 109-1421)
4/14/2021 Received email from Patty Schuler, Litchfield Co., requesting a continuance for 68 Gray St. to 4/28/2021 (DEP 109-1420)

4/7/2021 Received cover letter from Gary Litchfield, with Eastern Land Survey Associates, Inc. (Christopher Mello, Engineer) responses to peer review comments for 68 Gray St., dated 4/5/2021. Existing Conditions Plan, Site Development Permit Plan, signed and stamped by Christopher Mello, dated 3/2/2021. Scale: 1"-20' for 68 Gray St. (DEP 109-1420)

4/14/2021 Received email from Patty Schuler, Litchfield Co., requesting a continuance for 68 Gray St. to 4/28/2021 (DEP 109-1420)

MOTION: TO continue the hearing to April 28, 2021, per the applicant's request. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen and J. Connell. All in Favor. Carried unanimously.

- **8:18 PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent** – Continued Public Hearing – 49 Heritage Road – Applicant: Joseph Cloghessy – DEP File No. 109-1441/BBL-1441

Documents submitted:

4/7/2021 Received from Stephen Dresser, Dresser, Williams & Way, revised Notice of Intent Site Plan for 49 Heritage Rd. signed and stamped by Stephen Dresser, dated 3/3/21. Scale: 1"=20'. (DEP 109-1441)

4/8/2021 Received from Scott Smyers, Oxbow (via homeowner), Tree Summary Photos of Stumps & Select Trees for 49 Heritage Rd. (DEP 109-1441)

4/12/21 Received from Stephen Dresser, Dresser, Williams & Way, revised Notice of Intent Site Plan for 49 Heritage Rd. per Oxbow's request & supplemental information. Signed and stamped by Stephen Dresser, dated 4/8/2021. Scale: 1"=20' (DEP 109-1441)

4/12/2021 Received from Scott Smyers, Oxbow, revised Variance request 3.03.3C(b) for 49 Heritage Rd, dated 4/13/2021 (DEP 109-1441)

4/15/2021 Received via email from Stephen Dresser, revised Notice of Intent Site Plans with BCC comments for 49 Heritage Rd. Signed and stamped by Stephen Dresser, dated 4/14/2021. Scale: 1"=20' (DEP 109-1441)

Scott Smyers of Oxbow presented revisions to the plan and a detailed review of existing conditions including the condition of recently cut trees with images of rotting trunks and trees to be cut due to safety issues. He clarified that the 2' to 3' size caliper referenced on the site plan is incorrect and should be shown as 2" to 3". He further reviewed additional restoration proposed to revegetate the No Alteration Zone on both sides of the stream. It was clarified that the proposed plantings can be shifted to suitable areas in the field. A revised variance request dated 4/13/2021 was submitted for proposed work in the No Alteration Zone. The Commission requested that the town sewer and drainage lines be shown on the plan and the visual barrier be extended to the property line. A condition will be included instructing that the PVC pipe along the bank is to be cut back instead of digging up the entire PVC pipe. An environmental/wetlands monitor will be required to oversee the restoration and post construction monitoring of the No Alteration Zone for two growing seasons. The existing fence shall be removed from the stream and any new fence line to be installed shall be raised at a minimum of 6" above the ground surface to allow for wildlife passage. Scott Smyers will submit a revised plan.

MOTION: TO grant variance 3.03.C.3(b), 25' No Alteration Zone per the restoration plan and to allow a fence to go from the 25' NAZ back to the property line. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen and J. Connell. All in Favor. Carried unanimously.

MOTION: TO grant variance 3.03.C.2, Limit on Impervious Surface in Buffer Zone. Moved by Commissioner Giovino, seconded by Commissioner Bowen. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen and J. Connell. All in Favor. Carried unanimously.

MOTION: TO close, sign and issue the Order of Conditions including the special conditions discussed pending receipt of the revised plan. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen and J. Connell. All in Favor. Carried unanimously.

- **8:48 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. 109-1442/BBL-1442 (*To be continued to 4-28-2021*)

Documents submitted:

4/13/2021 Received email from Stephen Dresser requesting a continuance for 19 Kazimer Dr. to 4/28/2021 (DEP 109-1442)

MOTION: TO continue the hearing to April 28, 2021, per the applicant's request. Moved by Commissioner Giovino, seconded by Commissioner Bowen. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen and J. Connell. All in Favor. Carried unanimously.

- **8:49 PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent** – Continued Public Hearing - 0 Pond Street – Applicant: Billerica Pond Street, LLC. – DEP File No. 109-1437/BBL-1437 (*Previously continued to 4-28-2021*)

IV. 8:50 PM - ADMINISTRATIVE MATTERS / DIRECTOR'S REPORT:

- **Requests for Certificates of Compliance:**

- DEP 109-1112/BBL-1112 (PARTIAL – 147 Rangeway Road, Aspen Apartments)

Staff recommended that the Commission issue a partial Certificate of Compliance and release the full bond amount. The applicant submitted a small bond to cover the costs associated with the process to modify the current Conservation Restriction, including attorney expenses. Both the wetlands and stormwater management peer reviews were completed and provided to the members. Those reports concluded that the project is in full compliance and ongoing compliance with the permit. The completion and review of the Conservation Restriction by the Commission and state EEA office is ongoing and once completed, a full Certificate of Compliance may be issued by the Commission.

MOTION: TO issue the Partial Certificate of Compliance and release the full bond amount. Moved by Commissioner Giovino, seconded by commissioner Bowen. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen and J. Connell. All in Favor. Carried unanimously.

- DEP 109-1358/BBL-1358 (4 Pershing Street)

The post and rail fence visual barrier that was installed by the contractor is not in the correct location as observed in the field and is generally extended into the approved No Alteration Zone by approximately 4 to 5 feet in some areas. The as-built plan submitted with the Request also shows the visual barrier was not installed in the proper location. The developer and new owner were made aware of that information both in writing and verbally as documented in emails exchanged in the Fall of 2020. The owner's attorney Amanda Timperman was present during the Zoom webinar and explained the owner would like to keep the fence at the current location. The Commission clarified the post and rail fence must be relocated to the proper approved location of along the 15' No Alteration Zone boundary per the Plan of Record. Commission members explained the Commission granted substantial relief under the variance review process

and the final approval was based on restoration of the No Alteration Zone per the wetlands permit. Attorney Amanda Timperman also explained the owner may would replace the post and rail fence with new fence. The Commission indicated the post and rail fence is preferred; however, the owner should submit details and description of the type of fence desired and that a fence would need to be a minimum of 6-inches above the ground-surface. The Commission discussed no formal action to approve or deny the Request for a Certificate of Compliance be taken at this time until the post and rail fence is installed in the proper location, a revised as built plan is submitted, and additional debris observed in the field be removed.

MOTION: TO take no formal action to approve or deny the Request for Certificate of Compliance until all items are revised and corrected and the as built plan is submitted. Moved by Commissioner Giovino, seconded by Commissioner Bowen. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen and J. Connell. All in Favor. Carried unanimously.

- DEP 109-1311/BBL-1311 (192R Salem Road)

Staff recommended to issue the Certificate of Compliance documenting the project was not completed and the Order of Conditions expired.

MOTION: TO grant the Certificate of Compliance as the Order of Conditions work was never performed making it null and void. Moved by Commissioner Giovino, seconded by Commissioner DePaso. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen and J. Connell. All in Favor. Carried unanimously.

- DEP 109-0929/BBL-0929 (31 Baker Street)

It was recommended to take no formal action to approve or deny the Request for Certificate of Compliance at this time. Based on staff observations, there is landscaping debris within the No Alteration Zone and wetland boundary that should be re-assessed before a Certificate is issued. There is also a bridge/stream crossing structure located to the rear of the property on Town land which the BCC clarified should be removed. There is also a new filing currently before the Commission for a proposed detached garage on the property.

MOTION: TO take no formal action to approve or deny the Request for Certificate of Compliance to allow for adjustments to be made in the field (e.g., landscaping debris). Moved by Commissioner Giovino, seconded by Commissioner Bowen. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen and J. Connell. All in Favor. Carried unanimously.

- **Troop 30 - Eagle Scout Project (Mason Bee Houses – Various Conservation Lands)**

The Director presented the project information submitted by David Levenson, Eagle Scout with Troop 30 to install Mason Bee Houses on various town-owned properties, mainly Conservation properties. The Commission requested that some locations be reconsidered for safety concerns, particularly easy access by small children as currently proposed. Locations for mason bee houses should be well off existing playground areas and trails to avoid high foot traffic areas. Staff recommends the Commission allow the Department to approve the project under administrative review. The scout will be advised to prepare a spreadsheet of all locations, GPS the locations, and prepare a Maintenance Plan for proper upkeep and to present an update to the Commission

- **Fox Hill Cemetery & Fox Hill Conservation Land – Bay Circuit Trail (proposed footbridge/trail)**

The Director referred to email information “Fox Hill Cemetery – Potential BCT Water Crossing 2021” submitted by Aaron North and Marlies Henderson. There was discussion regarding the need for additional information, including trail connectivity (where the proposed trail originates and leads to); information pertaining to required easements: a status on coordination and approval from the Board of Selectmen and DPW regarding the use of Fox Hill Cemetery to

be incorporated as part of a regional trail system; alternatives that may have been assessed to avoid a stream crossing; the extent of wetlands, including bank and vegetated wetland where the new trail and increase in foot traffic is proposed. The limit of wetlands should be flagged, and the crossing area staked in the field as part of a future filing. It was mentioned about potentially using Pondover Road, but the Commission needs a full description and view of the proposed connectivity trail and alternatives. The Commission clarified they are generally on board with the trail with proper review information and permitting, and that evidence of coordination and approval by the DPW and Town officials on the location is required, as well as any easements that may be needed.

- **Violations/Enforcement Orders**

The Director reported staff has been following up and investigating a number of violations and enforcements reported. Of substantial importance is 24 Buckingham Drive. A site meeting with the contractor, owner and engineer is scheduled to review 1) the survey plan which shows an updated wetlands delineation and 2) schedule and construction sequence.

- **Miscellaneous Updates – None discussed .**
- **Minutes: 2-24-2021; 3-10-2021**

MOTION: TO accept the 2-24-2021 minutes with minor edits. Moved by Commissioner DePaso, seconded by Commissioner Bowen. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen and J. Connell. All in Favor. Carried unanimously.

MOTION: TO accept the 3-10-2021 minutes with minor edits. Moved by Commissioner DePaso, seconded by Commissioner Bowen. Roll call is as follows: YEA's: Chair Hayes, Vice-Chair Giovino, Secretary DePaso, J. Bowen and J. Connell. All in Favor. Carried unanimously.

V. 9:26 PM - ADJOURN

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

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Liz Ells and Isabel Tourkantonis