



Billerica Conservation Commission

TOWN HALL, 365 BOSTON ROAD
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*Conservation of Natural Resources
in
Billerica, Massachusetts*

MEETING AGENDA

September 9, 2024

6:30 PM

Room 210

365 Boston Road, Billerica MA

Attendance: Commission Members - Bill Bulens (Chair), JoAnne Giovino (Vice Chair), Diane DePaso (Secretary), Jack Bowen, Christine Aras, and Tom Nellson. Staff Members – Isabel Tourkantonis (Director of Environmental Affairs), Mike DeVito (Conservation Land Use Assistant), and Kristina Bernard (Principal Clerk).

- I. **6:30 PM – PUBLIC COMMENT** – Summary: The Chair opened public comment and reminded the audience that this section of the meeting is open to comments that do not pertain to project reviews or other matters listed on the agenda. Audience members raised their hands and stated they were present to speak on the matter of the Request for Certificate of Compliance (RCOC) for 423 Middlesex Turnpike. The Director of Environmental Affairs noted that the RCOC matter is listed at the end of the agenda and that the Commission was advised by Town Counsel to refrain from speaking on matters pertaining to the active litigation involving 421 Middlesex Turnpike, 423 Middlesex Turnpike, and the Town. The Vice Chair acknowledged that a large portion of the audience was in attendance to specifically discuss that RCOC, and as a courtesy and out of transparency suggested that the subject matter be moved up in the agenda to clarify the status of the Commission's review. This would prevent audience members from having to wait until the end of the meeting, particularly since the Director's report was going to be brief and indicate for the file record that the RCOC was submitted and remains under review.

The Director noted that the RCOC was submitted on August 22, 2024 and clarified that the matter was posted on the agenda to formally acknowledge receipt of the RCOC within a certain time period; this is consistent with the regulations and other RCOC reviews. The Director and Commission confirmed that the RCOC remains under review and the Commission would be taking no formal action at this meeting to approve or deny the RCOC.

There were comments from audience members regarding access to Commission members' personal email addresses so that they could email their concerns regarding the 423 and/or 421 Middlesex Turnpike matter to individual Conservation Commission members. The Director noted that the means of submitting comments and concerns to the Commission for review is to submit them directly to the Conservation Department via her email and/or other Department staff emails, which are available on the Town/Commission website. She noted that the Conservation Department staff is responsible for ensuring that any public comments are distributed to Commission members and are properly documented as part of any project review and meeting record.

The following audience members spoke:

- Carol Reardon, resident of 18 Pinedale Avenue, spoke on a project at 423 Middlesex Turnpike. She referenced an email that she had sent shortly before the meeting to the Conservation Department.
- Brendan Cooke, Attorney with Berluti McLaughlin & Kutchin LLP, for the DeOliveira Family of 421 Middlesex Turnpike noted that he had submitted a letter to the Commission regarding the RCOC matter and asked if there would be a Public Hearing on the RCOC for 423 Middlesex Turnpike. It was stated that the RCOC is not subject to a public hearing, that the RCOC remains under review and that the Commission would be voting

later in tonight's meeting to take no formal action to approve or deny the Certificate as it remains under review.

- Amy Gerard, resident of 35 Champa Road asked when there would be an opportunity to speak on the RCOG associated with 423 Middlesex Turnpike since it impacts the community, particularly the direct abutter. It was noted that the Commission would not be discussing the matter under litigation and that Ms. Gerard could submit any comments and concerns to the Conservation Department staff for distribution to the Conservation members and for the record.
- Micheala Michaud, resident of 7 Ichabod Lane, spoke on the matter as well. It was noted that the Commission would not be discussing the matter under litigation and that comments and concerns should be sent to the Conservation Department for distribution to the Conservation members and for the record.
- Christina O'Shea, resident of 5 Columbia Road, spoke on the matter. It was noted that the Commission would not be discussing a matter under litigation and that audience members could submit comments and concerns to the Conservation Department for distribution to Commission members and for the record.
- Mary Murray, resident of 396 Boston Road, wanted confirmation that no vote was going to be made this evening on the matter of 423 Middlesex Turnpike. The Commission noted that no formal decision to approve or the RCOG would occur today.
- Shannon DeOliveira, resident of 421 Middlesex Turnpike stated it has been nine years since the Order of Conditions was issued. The Director noted that many wetlands permits unfortunately remain open for extended periods of time for various reasons. Unfortunately, many applicants do not close out the wetlands permit for years until the permit encumbrance is discovered on a property title/deed during a sale or refinancing, for example. Mrs. DeOliveira referred to an upcoming court date associated with ongoing litigation to which the Commission and staff were unaware of.

Motion: TO move the Request for Certificate of Compliance for 423 Middlesex Turnpike up in the agenda so that audience members would not have to sit through the entire meeting, made by Commissioner, JoAnne Giovino, seconded by Commissioner, Diane DePaso. All in Favor. Carried Unanimously.

II. NEW WETLAND HEARING:

- **6:45PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Public Hearing – 500 High Street – Iron Horse Park – Applicant: Jon Silva, Standex International c/o Spincraft – DEP File No. 109-1580/BBL-1580

Documents Submitted:

08/22/2024 Received a Notice of Intent from Robert Coluccio from Web Engineering Associates, Inc for 500 High Street – Iron Horse Park, stamped and signed by Robert Coluccio, dated on May 2, 2024, scale 1" – 40' (DEP #109-XXXX)

Robert Coluccio, with Web Engineering Associates, presented the project to install six (6) 1,000 gallon above-ground propane vessels within the Buffer Zone. The propane vessels will be placed on the pavement currently used for parking. A post and rail fence with signage was proposed for a visual barrier, and a stone drainage trench for infiltration was also proposed. An area that had some erosion caused by snow management would also be improved as well. He confirmed that the wetlands on the plan were accurately displayed. A variance for work in the 25-foot No Alteration Zone under Section 3.03.C.3.b was also requested.

Jim Mott, with Spincraft explained that the area used by the tractor trailers for backing in and out of the loading area will have pervious pavers. It was stated that they need to access this area with trucks to fill the oxygen tank. Siera MacLeod, also representing the applicant confirmed with the Commission where they would like the fence to be located near the shed, and it was stated that there is a water quality unit behind the shed that requires access for inspection. Posts with signage were suggested in this area. She also confirmed that they could add a planting scheme to the plans as requested, including shrubs and conservation seed mix.

Isabel Tourkantonis, Director of Conservation, spoke on the project and went over the recent RDA indicating that more information was warranted as part of the wetland review, and that this is why the applicant was back in front of the Commission. The Commission requested clarification on the extent of work proposed within the inner buffer zone. It was confirmed that the concrete pad will be removed because the piping for the propane vessels needs to go underground.

The concrete will be replaced with asphalt. She also discussed the area where the trucks need to turn, which would be pervious pavers. The placement of the post and rail fence for the visual barrier was confirmed. Staff completed a site visit, and they agree with the wetlands delineation. The O&M Plan was discussed and how it applied to the whole site. The Director stated that the applicant needs to update the time of cleanings, for example, Fall and Spring.

There was discussion regarding the proposed paver access to existing equipment. It was requested that the applicant re-configure the pavers to protect more of the 25-foot NAZ. The stone infiltration should be located at the edge of the paved parking area, added to the operation and maintenance plan, and the post and rail fence should not be located within the trench. The planting scheme was also discussed. There was some concern on the location of the closest fire hydrants due to the safety of the project.

The Commission and staff noted the following information is missing and required on the plan and/or NOI file: correct the 25-foot NAZ; add construction sequence; re-assess the proposed paver area; add maintenance of 2 foot x 2 foot stone trench to the O&M Plan; add time of year for sweeping to O&M Plan; add the 25-foot No Alteration Zone; define the location of the stone infiltration trench; identify closest fire hydrant on plan; install environmental signage on wooden posts near the existing shed and water quality unit to protect inner buffer zone, add the date of wetland delineation on the first plan, and add planting scheme to plan.

Motion: TO continue to the September 23, 2024, meeting made by Commissioner, JoAnne Giovino, seconded by Commissioner, Diane DePaso. All in Favor, Carried Unanimously.

CONTINUED PUBLIC HEARINGS:

- **7:26PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 48 Buckingham Drive – Applicant: Kevin Kennedy & Sarah Allgier – DEP File No. 109-1579/BBL-1579

Documents Submitted:

08/27/2024 Received Supplemental Information from Stephen Dresser, with Dresser, Williams, and Way for 48 Buckingham Drive, A Variance Request for 3.03.C.3.B 25-Foot No Alteration Zone, Updated Notice of Intent Page 3 from Form 3, Notice of Intent Plan, stamped and signed by Stephen Dresser, dated on August 23, 2024, scale 1" = 20' (DEP #109-1579)

Stephen Dresser with Dresser, Williams, and Way presented the continued project to update the failed septic due to a failed Title 5 certification. Steve revised the Form 3A to include floodplain disturbance. He briefly reviewed the revisions that were made to the plan, including: added clarification that final grades will match pre-existing grades and there will be no impact or fill of FEMA floodplain proposed; a path defined by posts with environmental signage for river access, plan notes to remove wire fencing and debris, restoration shrubs, a stockpiling area, and provide reference to the variance request.

Isabel Tourkantonis, Director of Conservation, went over the project and stated that she and Kristel Bennett, the Board of Health Director discussed the project. The BOH Director noted the septic design and overall site plan remains under review but indicated that she is in agreement with the project.

Motion: TO approve the variance 3.03.c.3(b) 25-foot No Alteration Zone made by Commissioner, JoAnne Giovino, seconded by Commissioner, Christine Aras. All in Favor. Carried Unanimously.

Motion: TO close, sign, and issue the Order of Conditions made by Commissioner JoAnne Giovino, seconded by Commissioner, Tom Nellson. All in Favor. Carried Unanimously.

- **7:30PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 56 Dudley Road, Lot 2 – Applicant: Fran McCarthy, Kasher Corporation – DEP File No. 109-1578/BBL-1578

Documents Submitted:

08/28/2024 Received Supplemental Information Stephen Dresser with Dresser, Williams, and Way for Dudley Road – Lot 2, Abbreviated Notice of Resource Area Delineation Report, Permit Status Form, A Variance Request for 3.03.C.3.A 50-Foot No Alteration Zone, ANR Subdivision Plan of Land, stamped and signed by Francis J. McDonald, dated May 9, 2024, scale 1" = 30', Updated Notice of Intent Plan, stamped and signed by Stephen Dresser, dated on August 28, 2024, scale 1" = 20' (DEP #109-1578)

Stephen Dresser with Dresser, Williams, and Way Inc. presented the continued project for a proposed single-family dwelling with a septic system within the Buffer Zone on Lot 2 associated with the 56 Dudley Road property. He briefly reviewed the revisions and information added to the NOI project plan since the first hearing, including: Buffer Zone restoration, variance request, reference location and size of the existing culvert on Dudley Road, add the property address to plan, title block, stockpile, and staging area. He also submitted the required wetland reports and ORAD of this project and a copy of the Approval Not Required (ANR) plan signed and reviewed by the Planning Board.

Isabel Tourkantonis, Director of Conservation, noted it appeared the comments from the first hearing were address and that she had no additional comments.

The Commission reviewed the revisions to the proposed project, but did ask if the stone wall along the property would be maintained and the applicant Fran McCarthy indicated yes it would be maintained.

Motion: TO approve the variance Section 3.03.C.3(a) 50-foot No Alteration Zone made by Commissioner, JoAnne Giovino, seconded by Commissioner, Christine Aras. All in Favor. Carried Unanimously.

Motion: TO close, sign and issue the Order of Conditions made by Commissioner, JoAnne Giovino, seconded by Commissioner, Jack Bowen. All in Favor. Carried Unanimously.

- **7:35PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 56 Dudley Road, Lot 3 – Applicant: Fran McCarthy, Kasher Corporation – DEP File No. 109-1577/BBL-1577

Documents Submitted:

08/27/2024 Received Supplemental Information Stephen Dresser with Dresser, Williams, and Way for Dudley Road – Lot 3, Abbreviated Notice of Resource Area Delineation Report, Permit Status Form, Recorded Order of Resource Area Delineation (DEP #109-1569), ANR Subdivision Plan of Land, stamped and signed by Francis J. McDonald, dated May 9, 2024, scale 1" = 30', Updated Notice of Intent Plan, stamped and signed by Stephen Dresser, dated on August 25, 2024, scale 1" = 20' (DEP #109-1577)

Stephen Dresser with Dresser, Williams, and Way presented the continued project for a proposed single home with a septic system. He discussed the revisions similar to those noted under previous NOI review for 56 Dudley Road Lot 2.

Isabel Tourkantonis, Director of Conservation, noted the required information had been submitted and the Commission and staff review comments appeared to be addressed.

Motion: TO close, sign, and issue an Order of Conditions made by Commissioner, JoAnne Giovino, seconded by Commissioner, Christine Aras. All in Favor. Carried Unanimously.

- **7:38PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 223 Boston Road – Applicant: Luke Bouchard, Enterprise Bank & Trust Company – DEP File No. 109-1574/BBL-1574

Documents Submitted:

09/09/2024 Received a Continuance Request from Kevin Sanders with EBI Consulting 223 Boston Road (DEP #109-1574)

Motion: TO continue to the September 23, 2024, meeting per the applicant's request, made by Commissioner, JoAnne Giovino, seconded by Commissioner, Jack Bowen. All in Favor. Carried Unanimously.

- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 309 Boston Road – Applicant: Joseph Arria, JMA Properties, LLC – DEP File No. 109-1581/BBL-1581 (*Previously Continued to 9-23-2024*)
- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 505 Boston Road – Applicant: McCue Outlet LLC – DEP File No. 109-1548/BBL-1548 (*Previously Continued to 9-23-2024*)

III. ADMINISTRATIVE MATTERS / DIRECTOR'S REPORT:

▪ Requests for Minor Modifications

- 7:39PM - DEP File No. 109-1556/BBL1556 – 2024 Roadway Management Program (Allen Road)

Documents Submitted:

09/05/2024 Received a Minor Modification Request from Brandon Gentile, EIT, Project Manager Engineer for the 2024 Roadway Paving Program & Sidewalk Project accompanied with plan sets (DEP #109-1556)

Isabel Tourkantonis, Director of Conservation, discussed the Request for Minor Modification to the 2024 Roadway Paving Project. The modification is for roadway and sidewalk replacement along Allen Road, generally from 58 Allen Road to Webster Lane near the Locke Middle School area. This added work area is time sensitive because the DPW has remaining funds from the roadway paving program to include this area last minute, and doing so will help address pedestrian safety near the Locke Middle School. She indicated a few deteriorated drainage pipes within the existing roadway would also be replaced. The Director walked the entire stretch of the proposed Allen Road project area with Brandon Gentile, DPW Engineer. A few low-lying areas, some mapped as Green Engineering Flood Plain, and any BVW near the road were identified and are shown on field marked up GIS aerial maps and plans. She noted that a few wetland areas along the project route had been previously flagged by BETA Group, Inc. as part of other planned work and are shown on the plan as well. The roadway paving project and overall project limits are well defined in the field and the work proposed within the ROW only. There is no proposed encroachment of wetland resource areas. DPW proposes to install staked straw wattles at the edge of the roadway near GEFP and low-lying and wetland areas identified by BETA and the Conservation staff. Based on the scope of work, staff recommended to the Commission approve the work as a minor modification to the existing Order of Conditions, with the same conditions applying to this added work area, including catch basin/inlet protection and sediment controls.

Motion: TO approve the Minor Modification under the existing Order of Conditions and allow the work to proceed under the Department's administrative approval, made by Commissioner, JoAnne Giovino, seconded by Commissioner, Jack Bowen. All in Favor. Carried Unanimously.

- 7:45PM - DEP File No. 109-1510/BBL1510 – 36 Sachem Street

Documents Submitted:

09/03/2024 Received a Minor Modification Request for 36 Sachem Street from Francois Sicard and Julie Stephenson (DEP #109-1510)

Isabel Tourkantonis, Director of Conservation, discussed the Request for Minor Modification and reminded the Commission that it permitted the demolition of the existing house and garage and residential redevelopment on the property adjacent to the Shawsheen River. The permitted project also included substantial restoration of the inner Buffer Zone and inner riparian/ Riverfront Area. The work had been completed and the RCOC was submitted, however the permit remains open because the restoration area continues to be monitored by Norse Environmental. Two full growing seasons of post construction monitoring are required under the wetlands permit, particularly for restoration of the Riverfront Area in

accordance with the regulations. A final site visit/monitoring report is expected to be completed by Norse Environmental in Fall 2024. The proposed minor modification is for a pervious paver patio in the backyard off of the back slider door. The owner would also like to create a granite block protection around the propane gas tank and around the central a/c unit. Additionally, the applicant would like to construct a sunroom on helical pilings and expand the existing deck. All of the work is well within the previously approved Limit of Work Area and would not impact the location of the visual barrier or impact the No Alteration Zone.

The Commission made a condition that the owner construct the small patio as pervious and prohibited the use of polymetric sand.

Motion: TO approve the proposed work as a Minor Modification with conditions discussed, and under the administrative review and approval of the Conservation Department, with the conditions discussed made by Commissioner, JoAnne Giovino, seconded by Commissioner, Christine Aras. All in Favor. Carried Unanimously.

- 7:53PM - DEP File No. 109-1549/BBL-1549 – 700 Boston Road

Isabel Tourkantonis, Director of Conservation briefly discussed a field change that is under review by the design engineer VHB and DPW and Conservation staff. The applicant will submit a request for minor modification to slightly shift the proposed stormwater basin and constructed wetland behind the building due to the existing sewer line that was not correctly shown on a record plan. The applicant's engineer is working with the DPW staff to ensure the project design, particularly the location of the proposed grading and drainage overflow structures, do not impact the sewer pipe or associated manholes during construction or after construction. She noted that the design change remains under review by the DPW and the stormwater monitor, Brian Dunn with MBL Land Development, and recommended the reviews be completed before the Commission takes any action.

The Commission agreed they need the reviews completed and additional information before determining if the change(s) could be approved as a minor modification under the existing wetlands permit or if the Order would need to be amended.

- **Requests for Certificates of Compliance (As-Built Review)**

- 7:55PM - DEP File No. 109-938/BBL-938 – 21 Woodside Road

Documents Submitted:

08/28/2024 Received an As-Built Plan from Ludwig Survey Solutions, LLC. for 21 Woodside Road, stamped and signed by Scott T. Ludwig, dated on August 9, 2024, scale 1" = 20' (DEP #109-0938)

Mike DeVito, Conservation Land Use Assistant discussed the project to construct a garage and associated utilities. The project design also included a visual barrier (post and rail fence with environmental signage) to aid in the preservation and long-term protection of the Inner Buffer Zone. He explained that staff had an As-Built plan, and that the post and rail fence with signage serving as the visual barrier is installed. However, the lawn cover is not sufficient, and the site is not fully stabilized. Staff recommended the Commission neither approve or deny to allow time for full site stabilization.

Motion: TO neither approve or deny the Certificate of Compliance at this time made by Commissioner, JoAnne Giovino. Seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

- 6:44PM - DEP File No. 109-1264/BBL-1264 – 423 Middlesex Turnpike

Documents Submitted:

08/23/2024 Received a Request for Certificate of Compliance from Stephen Dresser with Dresser, Williams, and Way for 423 Middlesex Turnpike, stamped and signed by Stephen Dresser, dated on July 31, 2024, scale 1' = 20' (DEP #109-1264)

09/09/2024 Received Two Court Affidavits from Stephen Nelson with Shea, Dangora, and Nelson for 423 Middlesex Turnpike (DEP #109-1264)

Isabel Tourkantonis, Director of Conservation, noted that the project included a proposed addition with garage, and long-term protection of vegetated, inner Buffer Zone with a visual barrier. The RCOC with the As-Built plan and Cover Letter were submitted on August 22, 2024 and is under review.

Motion: TO neither approve and or deny the Certificate of Compliance made by Commissioner, JoAnne Giovino, seconded by Commissioner, Jack Bowen. All in Favor. Carried Unanimously.

- 7:57PM - DEP File No. 109-1422/BBL-1422 – 133 Pollard Street

Documents Submitted:

09/04/2024 Received a Request for Certificate of Compliance from Rajesha Rupaimoole for 133 Pollard Street, stamped and signed by Stephen Dresser, dated on October 23, 2020, scale 1" – 30' (DEP #109-1422)

Isabel Tourkantonis, Director of Conservation, discussed the project to install a dock along the Concord River and that the previous owner had secured the wetlands permit for the dock. This wetlands permit also acknowledged corrective action that was required to address the unauthorized clearing of vegetation from the inner riparian and buffer zone by the previous owner. The planting restoration work was completed by the new owner and a visual barrier (post and rail fence with environmental signs) is installed. However, the new owner does not want to install the dock. He would like to close out the wetland permit and remove the permit encumbrance from the property title/deed.

Mike DeVito, Conservation Land Use Assistant, spoke about a section behind the post and rail fence that was being mowed. The new owner was educated about the importance of a protecting vegetated inner riparian and inner buffer zones and that per the wetlands permit, he needed to discontinue mowing that area and allow it to naturalize. Additionally, a section of the post and rail fence (visual barrier) was broken and needed to be replaced. The owner plans to re-seed the area with a conservation/wildlife seed mix and repair the fence.

Motion: TO neither approve or deny the Request for Certificate of Compliance at this time to allow the owner to address the outstanding items, made by Commissioner, JoAnne Giovino, seconded by Commissioner, Tom Nellson. All in Favor. Carried Unanimously.

- 8:03PM - DEP File No. 109-1498/BBL-1498 – 4 Sunset Road

Documents Submitted:

08/15/2024 Received a Request for Certificate of Compliance from Stephen Dresser with Dresser, Williams, and Way for 4 Sunset Road, stamped and signed by Stephen Dresser, dated August 12, 2024, scale 1' = 30' (DEP #109-1498)

Isabel Tourkantonis, Director of Conservation discussed the project to construct a new single-family dwelling and associated utilities. The project design also included restoration of onsite Inner Buffer Zone and a visual barrier (post and rail fence with environmental signage) to aid in the preservation and long-term protection of the restored Inner Buffer Zone. Staff had conducted a few site visits, and the As-Built plan was revised to accurately depict the requirements of the Order of Conditions. There are no outstanding items.

Motion: TO Approve the Request for Certificate of Compliance made by Commissioner, JoAnne Giovino, seconded by Commissioner, Jack Bowen. All in Favor. Carried Unanimously.

- 8:03PM - DEP File No. 109-1500/BBL-1500 – 80 Keystone Lane

Isabel Tourkantonis, Director of Conservation discussed the project to construct a new single-family dwelling and associated utilities. The project design also includes a visual barrier (post and rail fence with environmental signage) to aid in the preservation and long-term protection of the Inner Riparian Zone. The RCOC was submitted in November 2023 and staff conducted various site visits. She reported the As-Built Plan was revised to address review comments and the site is fully stabilized now. There are no outstanding items.

Motion: TO Approve the Request for Certificate of Compliance made by Commissioner, JoAnne Giovino, seconded by Commissioner, Jack Bowen. All in Favor. Carried Unanimously.

- **Enforcement/Violations**

- 8:05PM - 143 Pollard Street

Isabel Tourkantonis, Director of Conservation, discussed request to extend the deadline to install tree plantings due to family hardship and comply with the enforcement order. The area is stabilized, and ground and shrub vegetation are re-established. Staff reviewed the requirements of the Enforcement Order, which also included that no new wetlands applications for development on the property be submitted to the Commission until the full compliance has been achieved with the Enforcement Order. The Enforcement Order required a restoration plan showing the type and location of a certain diameter of trees on site to mitigate the trees that were removed without prior approval or wetland permit.

There was a brief discussion regarding the number of extensions granted by the Commission and that this was the 3rd extension. The Commission made a condition to have the work done as soon as possible by Spring of 2025 and that this would be the final extension.

Motion: TO issue a one-year extension with special conditions made by Commissioner, JoAnne Giovino, seconded by Commissioner, Diane DePaso. All in Favor. Carried Unanimously.

- 8:09PM - 9 Holt Street

Isabel Tourkantonis, Director of Conservation, discussed a tip regarding unauthorized clearing within Buffer Zone and potentially along the wetland boundary. Staff investigated and issued verbal cease and desist. There is a meeting scheduled for next week with staff, homeowner, and contractor to review the extent of alteration, site conditions, restoration, and visual barrier. The Commission confirmed that a visual barrier is required at this site to prevent future encroachment. The Director noted this is just a brief update at this time and follow up is required.

- **Miscellaneous Updates**

- 8:10PM - 2024 Open Space Recreation Plan

Isabel Tourkantonis, Director of Conservation, discussed the update of the Open Space and Recreation Plan. She explained that as part of the update to the OSRP and to help finalize the process, the Conservation Commission and other entities must formally endorse or support the plan by submitting a letter to the state. The Open Space Recreation Committee/Planning Department have been coordinating the effort and requested the Commission submit a letter in support of the plan. She reminded the Commission that it is important for a Town to have a state approved Open Space Recreation Plan in order to be eligible for grants and certain funding in the future.

There was brief discussion regarding the wording of certain goals noted in the plan, particularly the goal associated with the *implementation of a boat launch facility at 250 Boston Road*, the current DPW site. The Commission had previously recommended this goal be clarified to indicate that to date no formal plan had been reviewed or approved by the Commission and other regulatory agencies as needed under various wetland laws and regulations.

The Commission acknowledged they appreciate all the effort involved and support the 2024 OSRP. They will continue to work on many of the goals and look forward to working with others as well. The Commission discussed drafting a letter to endorse the plan but also to make a recommendation to revise the text associated with the goal to implement the plan for

the boat launch. It should be noted that no formal plan has been approved and that the Notice of Intent for a boat launch at that location was withdrawn.”

Motion: TO allow Isabel Tourkantonis, Director of Conservation to draft the letter on behalf of the Conservation Commission made by Commissioner, JoAnne Giovino, seconded by Commissioner, Tom Nellson. All in Favor. Carried Unanimously.

- 8:16PM - Minor Exterior Improvements to Clara Sexton House – 36 Concord Road

Documents Submitted:

09/08/2024 Received an email with a Receipt from Everlasting Landscape and Masonry to show what the project would entail, for the proposal on side stairs, patio, and landscaping from Tom Fitzgerald with Everlasting Landscapes for 36 Concord Road (Clara Sexton House)

Isabel Tourkantonis, Director of Conservation, discussed the proposal to construct a small patio, install steps/ramp to access the barn door and other landscaping improvements at the site. She reminded the Commission that in March of 2023, the BCC approved minor safety improvements at the site under an administrative approval letter issued by the Conservation Department. The applicant is now seeking guidance from the Department and Commission to determine if this additional work requires a formal wetland permit or can be considered minor work that can be approved under an administrative approval letter. She noted that the applicant has a recent plot/survey plan dated 8-5-2024 that was prepared by Stephen Dresser with Dresser, Williams, & Way, Inc., but that the plan only refers to Green Engineering Floodplain layer and does not show topography or the limit of Bordering Vegetated Wetland and stream channel on the property. She explained that there is a well-defined slope to the BVW in some areas.

The Commission requested additional information regarding the work, more detailed description and whether heavy equipment is required. They also discussed the location of resource areas and potential need for a wetland delineation and a visual barrier with signage. The Commission noted that more information is required to determine if an RDA is required, and the type of conditions that may be needed. The Director indicated staff will coordinate with the applicant and contractor to submit additional information.

- **8:25PM - Minutes:** 1-25-2023, 4-26-2023, 5-8-2-2024

****Tabled until the September 23, 2024, meeting****

IV. 8:25PM - ADJOURN

Motion: TO Adjourn made by Commissioner, Tom Nellson, seconded by Commissioner, Jack Bowen. All in Favor. Carried Unanimously.

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Kristina Bernard, and Isabel Tourkantonis