



Billerica Conservation Commission

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



MEETING AGENDA

January 13, 2025

6:30 PM

Room 210, Town Hall - 365 Boston Road, Billerica MA

Remote Public Participation Available

Please click the link below to join the Zoom webinar:

<https://zoom.us/j/94680326399> or Telephone: 1-646-558-8656

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

I. **6:30 PM – PUBLIC COMMENT** – None

II. **NEW WETLAND HEARING:**

- **6:33 PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Public Hearing – 4 West Running Brook Road – Applicant: Leo and Elizabeth Lang – DEP File No. 109-1588/BBL-1588 (*Continue to the January 27, 2025, Meeting per the Applicant's Request*)

Documents Submitted:

12/30/2024 Received a Notice of Intent from Stephen Dresser with Dresser, Williams, and Way for 4 West Running Brook Road, stamped and signed by Stephen Dresser, dated December 23, 2024, scale 1" = 20' (DEP #109-XXXX)
01/13/2025 Received aa Continuance Request from Stephen Dresser with Dresser, Williams, and Way for 4 West Running Brook Road (DEP #109-1588), 45 Alpine Street (DEP#109-1589), and 49 Folger Street (DEP #109-1590) to the January 27, 2025, meeting

Motion: TO continue hearing to the January 27, 2025 meeting, per the applicant's request made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **6:34PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Public Hearing – 45 Alpine Street – Applicant: John Razzino – DEP File No. 109-1589/BBL-1589 (*Continue to the January 27, 2025, Meeting per the Applicant's Request*)

Documents Submitted:

12/27/2024 Received a Notice of Intent from Stephen Dresser with Dresser, Williams, and Way for 45 Alpine Street, stamped and signed by Stephen Dresser, dated December 11, 2024, scale 1" = 20' (DEP #109-XXXX)
01/13/2025 Received aa Continuance Request from Stephen Dresser with Dresser, Williams, and Way for 4 West Running Brook Road (DEP #109-1588), 45 Alpine Street (DEP#109-1589), and 49 Folger Street (DEP #109-1590) to the January 27, 2025, meeting

Motion: TO continue hearing to the January 27, 2025 meeting, per the applicant's request made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **6:35PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Public Hearing – 49 Folger Street – Applicant: Eric Fitzgerald – DEP File No. 109-1590/BBL-1590 (*Continue to the January 27, 2025, Meeting per the Applicant's Request*)

Documents Submitted:

12/27/2024 Received a Notice of Intent from Stephen Dresser with Dresser, Williams, and Way for 49 Folger Street, stamped and signed by Stephen Dresser, dated December 20, 2024, scale 1" = 30' (DEP #109-XXXX)

01/13/2025 Received a Continuance Request from Stephen Dresser with Dresser, Williams, and Way for 4 West Running Brook Road (DEP #109-1588), 45 Alpine Street (DEP#109-1589), and 49 Folger Street (DEP #109-1590) to the January 27, 2025, meeting

Motion: TO continue until the January 27, 2025, meeting per the applicant's request made by Commissioner JoAnne Giovino, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

- **6:35PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Public Hearing – 290 Boston Road – Applicant: GOLFO, LLC – DEP File No. 109-1587/BBL-1587 (*Continue to 01-27-2025 Meeting per Applicant's Request*)

Documents Submitted:

12/09/2024 Received a Notice of Intent from Stephen Dresser with Dresser, Williams, and Way for 290 Boston Road, stamped and signed by Stephen Dresser, dated on December 9, 2024, scale 1" = 20' (DEP #109-XXXX)

01/03/2025 Received a Request for Continuance to January 27, 2025, Meeting from Stephen Dresser with Dresser, Williams, and Way for 290 Boston Road (DEP #109-1587)

Motion: TO continue hearing to the January 27, 2025 meeting, per the applicant's request made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

III. CONTINUED PUBLIC HEARINGS:

- **6: 36PM - 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 (*Continue to the February 10, 2025, Meeting per the Applicant's Request*)

Documents Submitted:

12/16/2024 Received Supplemental Information from Kevin Sanders with EBI Consulting for 223 Boston Road, Revised Site Plans, stamped and signed by Anthony E. Farmland, dated December 16, 2024, Response to Comments to the Conservation Commission, dated December 16, 2024, Revised Stormwater Management Report, dated December 16, 2024 (DEP #109-1581)

01/07/2025 Received a Second Peer Review from Brian Dunn with MBL Land Development and Permitting, Corp. for 223 Boston Road (DEP #109-1574)

01/09/2025 Received a Continuance Request from Kevin Sanders with EBI Consultants to the February 10, 2025, meeting for 223 Boston Road (DEP# 109-1574)

Motion: TO continue hearing to the February 10, 2025 meeting, per the applicant's request made by Commissioner JoAnne Giovino, seconded by Commissioner Tom Nellson. All in Favor. Carried Unanimously.

6:36PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING – Notice of Intent – Continued Public Hearing – Faulkner Street (Talbot Mills Dam) – Applicant: Robert Martin, CRT Development Realty, LLC – DEP File No. 109-1585/BBL-1585 (*Continue to 01-27-2025 Meeting per Applicant's Request*)

Documents Submitted:

01/02/2025 Received a Continuance Request from Jill Griffith with Gomez and Sullivan for 67 Faulkner Street (Talbot Mills Dam Removal) to the January 27, 2025, meeting (DEP #109-1585)
01/07/2025 Received an email from the Billerica Board of Selectmen regarding the Talbot Mills Dam Removal/Concord River Restoration Project located at Faulkner Mills. (DEP #109-1585)
01/07/2025 Received a Peer Review from Brian Dunn with MBL Land Development and Permitting, Corp. for Talbot Mills Dam Removal/Concord River Restoration Project located at Faulkner Mills. (DEP #109-1585)
01/07/2025 Received a Peer Review from Patrick Garner with Patrick C. Garner Company Inc. for Talbot Mills Dam Removal/Concord River Restoration Project located at Faulkner Mills. (DEP #109-1585)

Motion: TO continue hearing to the January 27, 2025 meeting, per the applicant's request made by Commissioner JoAnne Giovino, seconded by Commissioner Jeff Connell. All in Favor. Carried Unanimously.

PREVIOUSLY CONTINUED PUBLIC HEARING:

- **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 01-27-2025 Meeting per Applicant's Request*)

Documents Submitted:

01/08/2025 Received Supplemental Information from Stephen Dresser with Dresser, Williams, and Way for 309 Boston Road, Stormwater Peer Review-Response to Comments, Revised WPA Form 3 – NOI, Revised By-Law Application Form, Stormwater Management Report, Revised Site Plans, stamped and signed by Stephen Dresser, dated January 7, 2025, scale 1" = 20' (DEP #109-1581)

IV. ADMINISTRATIVE MATTERS / DIRECTOR'S REPORT:

- **Requests for Certificates of Compliance (As-Built Reviews)**
 - 6:38PM - DEP File No. 109-1317/BBL-1317 – 20 Campbell Road – Peggy Hannon-Rizza Complex

Documents Submitted:

12/20/2024 Received Revised Information from Sandra Brock with Nitsch Engineering, Inc. for 1 Ed Hayes Way (20 Campbell Road), stamped and signed by Vernon LeBlanc, dated on August 16, 2024, scale 1" – 40' (DEP #109-1462 & 109-1317)
01/02/2025 Received Request for Certificate from Brian Creamer, AICP, SITES AP with Nitsch Engineering for 1 Ed Hayes Way (Peggy Hannon Rizza Recreation Area), stamped and signed by Vernon LeBlanc, dated August 16, 2024, scale 1" = 40' (DEP #109-1462 & 109-1317)
01/02/2025 Received Revised Supplemental Information from Sandra Brock, PE, LEED AP BD+C with Nitsch Engineering, Inc. for 1 Ed Hayes Way (Peggy Hannon Rizza Recreation Area), Response to Comments, dated January 2, 2025, scale as shown on plans (DEP #109-1462 & 109-1317)

Isabel Tourkantonis, Director of Conservation, discussed the Request for Certificate of Compliance submitted to the Commission and reminded them that this project was associated with the PHR Complex. The work approved under this permit included various site improvements including but not limited to lighting, handicap accessibility, enhancement to the existing perimeter walking trail, three bump out vista areas and small, raised boardwalk with a fishing dock. There was a condition to install interpretative signs which remained outstanding for the project. However, those signs were completed and installed as part of the larger PHR Complex Facility project permitted under DEP 109-1462/BBL-1462.

Staff concluded that all the information including a revised As-Built Plan and documentation required as part of the RCOC review has been submitted and addressed.

Motion: To close, sign, and issue the Request for Certificate of Compliance made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- 6:39PM - DEP File No. 109-1462/BBL-1462 – 20 Campbell Road – Peggy Hannon-Rizza Complex

Documents Submitted:

12/20/2024 Received Revised Information from Sandra Brock with Nitsch Engineering, Inc. for 1 Ed Hayes Way (20 Campbell Road), stamped and signed by Vernon LeBlanc, dated on August 16, 2024, scale 1" = 40' (DEP #109-1462 & 109-1317)

01/02/2025 Received Request for Certificate from Brian Creamer, AICP, SITES AP with Nitsch Engineering for 1 Ed Hayes Way (Peggy Hannon Rizza Recreation Area), stamped and signed by Vernon LeBlanc, dated August 16, 2024, scale 1" = 40' (DEP #109-1462 & 109-1317)

01/02/2025 Received Revised Supplemental Information from Sandra Brock, PE, LEED AP BD+C with Nitsch Engineering, Inc. for 1 Ed Hayes Way (Peggy Hannon Rizza Recreation Area), Response to Comments, dated January 2, 2025, scale as shown on plans (DEP #109-1462 & 109-1317)

Isabel Tourkantonis, Director of Conservation, discussed the Request for Certificate of Compliance and noted wetlands permit authorized construction of the new multi-purpose recreation Peggy Hannon-Rizza complex. Construction involved monitoring by an independent environmental/stormwater monitor Brian Dunn with MBL Land and Development LLC. The initial RCOC and as-built plans were reviewed by Brian Dunn and peer review and staff comments issued. Staff concluded that all additional information and clarification required, including revised As-Built Plans and the as-built stormwater basin volumes were submitted to complete the RCOC review process.

Motion: To close, sign, and issue the Request for Certificate of Compliance made by Commissioner JoAnne Giovino, seconded by Commissioner Tom Nellson. All in Favor. Carried Unanimously.

- 6:42PM - DEP File No. 109-1412/BBL-1412 – 9 Summit Road

Documents Submitted:

12/27/2024 Received a Request for Certificate of Compliance from Stephen Dresser with Dresser, Williams, and Way for 9 Summit Road (49 Folger Street), stamped and signed by Stephen Dresser, dated December 26, 2024, scale 1" = 20' (DEP #109-XXXX)

Isabel Tourkantonis, Director of Conservation, discussed the Request for Certificate of Compliance and noted the wetlands permit authorized the construction of a detached garage and inner Buffer Zone restoration. This project site is also associated with the recent Notice of Intent filing for 49 Folger Street (DEP File No. 109-1590/BBL-1590). She said detached garage constructed within the permitted footprint but that the applicant submitted a new NOI application to convert the garage into a single-family home and install the required sewer and water connections. This RCOC remains under review because the As-Built Plan requires corrections, additional information, and notes concerning inner buffer zone restoration and onsite restoration. Restoration of the inner Buffer Zone (No Alteration Zone) is now being proposed as part of the new NOI (DEP File No. 109-1590/BBL-1590), after the sewer is installed due to the location of the proposed access pits needed to construct the new sewer via directional drilling. A revised as-built plan and buffer zone restoration must be completed before the Commission can issue a Certificate of Compliance.

Motion: To neither approve nor deny at the time made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- 6:44PM - DEP File No. 109-1514/BBL-1514 – 25 Fourth Avenue

Documents Submitted:

12/03/2024 Received a Request for Certificate of Compliance from Stephen Dresser with Dresser, Williams, and Way for 25 Fourth Avenue, stamped and signed by Stephen Dresser, dated on December 2, 2024, scale 1" = 20' (DEP #109-1514)

01/03/2025 Received Revised As-Built from Stephen Dresser with Dresser, Williams, and Way for 25 Fourth Avenue, stamped and signed by Stephen Dresser, dated on December 31, 2024, scale 1" = 20' (DEP #109-1514)

Isabel Tourkantonis, Director of Conservation, discussed the Request for Certificate of Compliance submitted to the Commission and noted the wetland permit authorized the construction of a new single-family home. Staff concluded that all the revised information, including a revised As-Built Plan and other documentation required as part of the RCOC had been addressed.

Motion: To close, sign, and issue the Request for Certificate of Compliance made by Commissioner JoAnne Giovino, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

- 6:45PM - DEP File No. 109-1545/BBL-1545 – 4 Riveredge Road

Documents Submitted:

12/09/2024 Received a Request for Certificate of Compliance from Stephen Dresser with Dresser, Williams, and Way for 4 Riveredge Road, stamped and signed by Stephen Dresser, dated on December 6, 2024, scale 1" = 20' (DEP #109-1545)

Isabel Tourkantonis, Director of Conservation, discussed the Request for Certificate of Compliance and noted the wetland permit authorized the demolition of a single-family home and construction of a tradesman shop within the outer riparian zone. Staff stated the RCOC remains under review and the site must be fully stabilized. The applicant was informed that that site was not adequately stabilized since it was recently hydroseeded and seed needed to germinate. Therefore, staff would need to re-inspect the site in the Spring.

Motion: To neither approve nor deny at the time made by Commissioner JoAnne Giovino, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

▪ **6:46PM - Miscellaneous Updates**

Isabel Tourkantonis, Director of Conservation, discussed her attendance at a meeting with the Metrowest Conservation Alliance (MCA) Sub-regional North Group on January 6th from 2-3:30PM at the Chelmsford Public Library. The sub-regional group (North) consists of Lowell, Tewksbury, Westford, Chelmsford, Bedford, and Billerica. The MCA is coordinated by Sudbury Valley Trustees, MCA Coordinator Mike Perrin. *Members of the MCA work collaboratively on land management (stewardship) and land protection to achieve regional conservation success.* The MCA includes 36 towns within the Sudbury, Assabet, and Concord River watershed. She updated the Commission that the MCA is working on drafting a 5-year MCA Action Plan to help revise SuAsCo priority issues. As part of that effort, sub-regional meetings are being held with the objective to understand land management and protection challenges communities face and to identify ways the MCA could support communities in addressing those challenges.

▪ **6:50PM - Minutes: 12-11-2024**

Motion: To accept the minutes for December 11, 2024, with minor edits made by Commissioner Diane DePaso, seconded by Commissioner JoAnne Giovino. All in Favor. Carried Unanimously.

V. 6:50PM - ADJOURN

Motion: TO adjourn made by Commissioner Jack Bowen, seconded by Commissioner Bill Bulens. All in Favor. Carried Unanimously.

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Kristina Bernard, and Isabel Tourkantonis