



# Billerica Conservation Commission

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



Conservation of Natural Resources  
in  
Billerica, Massachusetts

## MEETING AGENDA

November 13, 2024

6:30 PM

Room 210

365 Boston Road, Billerica MA

Attendance: Commission Members – Bill Bulens (Chair), Jack Bowen, 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. **CONTINUED PUBLIC HEARINGS:**

- **6:31PM - 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 (*Continue to the 12-11-2024, meeting per the applicant's request*)

**Documents Submitted:**

11/12/2024 Received a Request for Continuance from Stephen Dresser for 309 Boston Road until the December 11, 2024, meeting. (DEP #109-1581)

**Motion:** TO continue to the December 11, 2024, meeting per the applicant's request made by Commissioner Jack Bowen, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

III. **PREVIOUSLY CONTINUED PUBLIC HEARINGS:**

- **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 (*Continued to the 12-11-2024*)
- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – Pace Industries, LLC. – 67 Faulkner Street – Applicant: Will Donovan – DEP File No. 109-1585/BBL-1585 (*Continued to the 12-11-2024 meeting*)

**Documents Submitted:**

10/11/2024 Received a Notice of Intent from Gomez and Sullivan Engineers, DPC. for 67 Faulkner Street (Pace Industries, LLC – Dam Removal), stamped and signed by Jill W. Griffiths, dated on October 11, 2024, scale as shown on plans (DEP # 109-XXXX)

10/16/2024 Received by email a Letter of Intent from Jill Griffiths with Gomez and Sullivan Engineers, DPC. by Robert Martin with CRT Development Realty, LLC for Mark LaLumiere, Building Commissioner; Followed by an email response by the Commissioner on October 16, 2024, stating he was formally notified and had no issues at the time, and to accept the email as a written acknowledgement. For 67 Faulkner Street (Pace Industries, LLC – Dam Removal) (DEP #109-XXXX)

#### **IV. ADMINISTRATIVE MATTERS / DIRECTOR'S REPORT:**

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

- 7:01PM - DEP File No. 109-1455/BBL-1455 – 3 Glad Valley Drive

Isabel Tourkantonis, Director of Conservation, discussed the RCOC previously submitted for the project to construct a garage addition with a sunroom. It was stated that the applicant had addressed all outstanding items, including the revised As-Built Plan and the restoration plantings in the No Alteration Zone.

**Motion:** TO approve the Certificate of Compliance made by Commissioner Jack Bowen, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

- 7:03PM - DEP File No. 109-1422/BBL-1422 – 133 Pollard Street

**Documents Submitted:**

11/07/2024 Received Revised Information for a Certificate of Compliance Request from Rajesh Rupaimoole with 133 Pollard Street, Cover Letter, Revised Plans, Stamped and Signed by Stephen Dresser, dated on June 27, 2020, scale 1" = 30' (DEP #109-1422)

Isabel Tourkantonis, Director of Conservation, discussed the wetlands permit to build a dock on the Concord River and address corrective action and enforcement related to the previous property owner. It was stated that the new owner does not want to install a dock for accessing the Concord River and that he has addressed all corrective measures on site, including the inner riparian and buffer zone plantings and a required visual barrier (post and rail fence), a revised plan and compliance letter. All outstanding matters under the RCOC review have been completed.

**Motion:** TO approve the Certificate of Compliance made by Commissioner Jack Bowen, seconded by Commissioner Tom Nellson. All in Favor. Carried Unanimously.

- 7:05PM - DEP File No. 109-1202/BBL-1202 – 24 Marshbrook Road

Isabel Tourkantonis, Director of Conservation, discussed the project to upgrade a septic system. It was stated that the applicant had addressed all outstanding issues, including a revised as-built plan, seeded an area in the No Alteration Zone that needed to be re-seeded, and fixed a portion of the required visual barrier (post and rail fence) that was broken. All outstanding matters under the RCOC review have been completed.

**Motion:** TO approve the Certificate of Compliance made by Commissioner Jack Bowen, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

- **Request to Extend Order of Conditions**

- 6:33PM- DEP File No. 109-1450/BBL-1450 – 300 Concord Road

**Documents Submitted:**

11/05/2024 Received an email with a Request for a three-year Extension from Todd Greenfield with KS Partners for 300 Concord Road (DEP #109-1450)

Isabel Tourkantonis, Director of Conservation, discussed request to extend the Order of Conditions related to the permit issued to construct a GMP Lab. She clarified that no construction had commenced to-date and recommended the BCC consider a 3-year extension allowed under the MA Wetlands Protection Act. Todd Greenfield, KS Partners was in attendance and explained that the real estate market and demand for GMP Lab facilities has slowed down.

**Motion:** TO approve the Request for Extension for 3 years made by Commissioner Jack Bowen, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

- **Miscellaneous Updates**

- 6:36PM - Request for Re-Appointment to the River Stewardship Council (RSC)

Marlise Henderson spoke and stated why she would like to be re-appointed to the 3-year seat to the River Stewardship Council. She briefly discussed her years at the Council and explained how it raises awareness and how they file for grants, etc. She also went over her qualifications on why she felt she was the person for the seat.

The Commission referenced the Appointee Policy, noting that the purpose is for appointees and liaisons to keep the BCC informed on matters, particularly formal votes on committee or council actions, such as the RSC on critical matters. There was discussion regarding the policy. The Director explained that the policy was written in coordination with former Town Counsel KP Law in 2017 and that other appointees and liaisons acknowledged receipt and signed the policy over the years including for the subject position. The Commission clarified the intent of the policy is for appointees/liaisons to keep the Commission and the Town informed of the committee or council work at least twice a year or quarterly and that it could be done via email correspondence to make it easy. The policy reads that appointees must also solicit input from the Commission on important matters, particularly if a formal vote is planned. Marlise noted that she had recused herself on the RSC vote pertaining to the removal of the Talbot Mill Dam since she was aware the Commission has historically supported the alternative to install a fish ladder as a means to help restore a diadromous fish run. She acknowledged she would keep the Commission informed as the RSC appointee of the Town. The Commission thanked Marlise for her volunteering efforts.

**Motion:** To re-appoint Marlise Henderson to the 3-year term onto the River Stewardship Council made by Commissioner Jack Bowen, seconded by Commissioner Tom Nellson. All in Favor. Carried Unanimously.

- 7:06PM - Request for Administrative Review & Approval – 1 Eastwood Avenue

**Documents Submitted:**

11/12/2024 Received a Letter and a marked-up Plot Plan from David and Diane Stanley from 1 Eastwood, requesting administrative review to rebuild three stone retaining walls on the property.

Isabel Tourkantonis, Director of Conservation, discussed the request by the property owners of 1 Eastwood Avenue to potentially review and approve the re-construction of three stone retaining walls under an administrative approval. The property supports various wetland resource areas along the Concord River, which are regulated by the MA Wetlands Protection Act including bank, Bordering Vegetated Wetland, floodplain and the 200' Riverfront Area. A copy of the homeowner's letter with a project description and marked up plot plan was included in member meeting packets.

There was discussion regarding the degree of disturbance that would be required to reconstruct the walls, the use of heavy equipment and the location. The closest wall is about 15- to 20-feet from the Concord River and vegetated wetland or bank. It was concluded that the work does not meet the criteria of an exempt minor activity under the MA Wetlands Protection Act and its regulations due to how close the work is to the river, the degree of disturbance and the need for heavy equipment, steep slope to the river, and that the stone retaining walls must be completely rebuilt to address drainage issues.

**Motion:** TO confirm a wetlands permit is required to rebuild the stone retaining walls near the Concord River, made by Commissioner Jack Bowen, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

- **7:15PM - Minutes:** 01-25-2023, 02-22-2023, 05-10-2023, 05-24-2023, 06-14-2023, 6-28-2023, 07-19-2023, 08-16-2023, 09-13-2023, 10-11-2023, 11-15-2023, 12-13-2023, 01-10-2024, 01-24-2024, 02-14-2024, 04-10-2024, 04-24-2024, 06-12-2024, 06-24-2024, 07-15-2024, 09-09-2024, 09-23-2024

**Motion:** TO approve minutes 01/25/2023, 02/22/2023, 05/10/2023, 05/24/2023, 06/14/2023, 06/28/2023, and 07/19/2023 with minor edits made by Commissioner Jack Bowen, seconded by Tom Nellson. All in Favor. Carried Unanimously.

**Motion:** TO approve minutes 08/16/2023, 09/13/2023, 10/11,2023, 11/15/2023, 12/13/2023, 01/10/2024, and 02/14/2024 with minor edits made by Commissioner Jack Bowen, seconded by Commissioner Christine Aras. All in Favor. Carried Unanimously.

**Motion:** TO approve minutes 04/10/2024, 04/24/2024/ and 06/12/2024, 06/24/2024, 07/15/2024, 09/09/2024, and 09/23/2024 with minor edits made by Commissioner Jack Bowen, seconded by Commissioner Tom Nellson All in Favor Carried Unanimously.

**V. 7:20PM - ADJOURN**

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

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Kristina Bernard, and Isabel Tourkantonis