



Billerica Conservation Commission

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



Conservation of Natural Resources
in
Billerica, Massachusetts

MEETING AGENDA

July 14, 2025

6:30 PM

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

Public Participation Available

Please click the link below to join the Zoom webinar:

<https://zoom.us/j/94514291163> or Telephone: 1-646-558-8656

Attendance: Commission Members – Bill Bulens (Chair), JoAnne Giovino (Vice Chair), Diane DePaso (Secretary), Jack Bowen, Christine Aras, Tom Nellson, and Jeff Connell (arrived at 6:37PM). 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. 6:32PM - REORGANIZATION OF COMMISSION

Motion: to nominate Bill Bulens as Chair of the Billerica Conservation Commission made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously. (All "Ayes")

Motion: to nominate JoAnne Giovino as Vice Chair of the Billerica Conservation Commission made by Commissioner Diane DePaso, seconded by Commissioner Tom Nellson. All in Favor. Carried Unanimously. (All "Ayes")

Motion: to nominate Diane DePaso as Secretary of the Billerica Conservation Commission made by Commissioner Jack Bowen, seconded by Commissioner Tom Nellson. All in Favor. Carried Unanimously. (All "Ayes")

III. NEW WETLAND HEARINGS:

- **6:34PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** —Notice of Intent – Public Hearing – 189 Pond Street – Applicant: Michael Masino – DEP File No. 109-1600/BBL-1600

Documents Submitted:

06/05/2025 Received a Notice of Intent from Stephen Dresser with Dresser, Williams, and Way for 189 Pond Street, stamped and signed by Stephen Dresser, dated June 2, 2025, scale 1" = 20' (DEP #109-XXXX)

Stephen Dresser, with Dresser, Williams, and Way presented the project to construct an addition and a two-car garage within the 100-foot Buffer Zone. He mentioned that there would be an 18.5% increase in the impervious area. Steve discussed the infiltration system for roof run-off, along with the erosion controls to be used, and the post with signage along the 25-foot No Alteration Zone to provide permanent protection of inner buffer zone. There was discussion on the shed in the No Alteration area, and that if this ever needs to be removed in the future, then it will be removed from the No Alteration Zone.

Isabel Tourkantonis, Director of Conservation, stated that staff had conducted a review of the site, and agreed with the delineation. She also noted the project will need review from the Board of Health due to work being conducted close to FEMA and Green Engineering floodplains.

The Commission discussed the post with signage and stated that it must be moved further from the resource area, and two more posts must be added. The Commission also indicated that the pool discharge must be moved away from the wetlands.

Michael Masino, applicant, stated that one tree along the roadway will be removed.

The Commission and staff noted the following information is missing and required on the plan and/or the NOI file as part of the wetlands review:

- Add two more posts with signage behind shed and relocate the proposed stake further from the resource area.
- Pick up debris.
- Use correct sand for pool.
- Add variance request for the shed, tree, and posts with signage.
- Show tree line towards the rear of the property.
- Add FEMA and Green Engineering Floodplains located on the property to plan, along with datum.
- Add DEP File Number to the plan.
- Include a Condition that if the shed is ever removed, that it is removed out of the No Alteration Zone.

Motion: TO continue to the August 11, 2025, meeting made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- **6:46PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** —Notice of Intent – Public Hearing – 10 Shawsheen Road – Applicant: George Allen & Son Construction, Inc. – DEP File No. 109-1599/BBL-1599

Documents Submitted:

06/05/2025 Received a Notice of Intent from Stephen Dresser with Dresser, Williams, and Way for 10 Shawsheen Road, stamped and signed by Stephen Dresser, dated June 2, 2025, scale 1" = 20' (DEP #109-XXXX)

Stephen Dresser with Dresser, Williams, and Way presented the project to construct a single-family dwelling on a subdivided lot within the 100-foot Buffer Zone. The house is proposed to be located outside of the 50-foot Buffer Zone. Steve discussed the infiltration for run-off, along with the restoration of the 50-foot No Alteration Zone, for which a variance under Section 3.03.3.C.a has been requested. There was further discussion regarding an underground drainage pipe that extends from the street through the property. The plan note references that the surveyor was unable to locate the entire pipe and the outlet.

Isabel Tourkantonis, Director of Conservation, stated that staff agreed with the delineation. She stated that there was a 12-foot drainage pipe, the one that Steve discussed which was not clear on the plan and should be further investigated, coordinated with DPW, and depicted on the plan. She also read a memo from the DPW with some comments and a new address for the property, which would need to be added to the plan as well. She also discussed that the project will need review from the Board of Health due to work being conducted close to FEMA and Green Engineering floodplains.

The Commission discussed the post and rail fence and requested clarification on where and how the drainage from the street catch basin would be addressed, since the existing drain line traverses the property.

The Commission and staff noted the following information is missing and required on the plan and/or the NOI file as part of the wetlands review:

- Clarify when and who located a portion of the drainpipe shown on the plan.
- Add DEP File Number.
- Work with the DPW for drainage easement and revisions per DPW memo.

Motion: TO continue to the August 11, 2025, made by Commissioner JoAnne Giovino, seconded by Commissioner Jeff Connell. All in Favor. Carried Unanimously.

- **7:02PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** —Notice of Intent – Public Hearing – 36 Rogers Street – Applicant: John and Melissa Conway – DEP File No. 109-1602/BBL-1602

Documents Submitted:

06/26/2025 Received a Notice of Intent from Stephen Dresser with Dresser, Williams, and Way for 36 Rogers Street, stamped and signed by Stephen Dresser, dated June 25, 2025, scale 1" – 30' (DEP #109-XXXX)

07/7/2025 Received a Revised Notice of Intent Plan for 36 Rogers Street from Stephen Dresser with Dresser, Williams, and Way, stamped and signed by Stephen Dresser, dated July 7, 2025, scale 1" – 30' (DEP #109-XXXX)

07/7/2025 Received an ANR Plan for 36 Rogers Street from Stephen Dresser with Dresser, Williams, and Way, stamped and signed by Stephen Dresser, dated May 22, 2025, scale 1" – 30' (DEP #109-XXXX)

Stephen Dresser with Dresser, Williams, and Way presented the project to demolish an existing dwelling and construct a new single-family dwelling on a subdivided lot within the 100-foot Buffer Zone near the Middlesex Canal. Steve had stated that since the initial NOI filing and plan the plan was revised, they moved the corner of house 36 feet further from the resource area, and that a basement had been added to the plan. Steve stated the applicant would also like to remove some stumps in the rear of the property. They will be using a gutter and an infiltration system along with a stone trench to manage stormwater runoff.

Isabel Tourkantonis, Director of Conservation, stated that staff conducted a site visit and a review of the wetlands. Most of the Bank flags are under water. There is wetland encroachment due of historic landscaping debris piles located between flags WF6D and WF4D; between flags WF10E and WF11E concrete debris, red brick and other landscape debris were observed. The department had received a complaint tip regarding unauthorized tree cutting that had potentially occurred within the outer Buffer Zone. She verified a few trees were recently cut with the stumps in place. According to the owner and as observed in the tree stumps, the trees were dead and/or hollow. She noted there was an opportunity to remove historic debris from the wetland boundary and inner buffer and restore portions of previously altered 50-foot buffer setback, including 1:1 tree replacement. The owner was cooperative. An old wire fence was observed by WF20D to WF12B. She also discussed that the project that will need review from the Board of Health due to work being conducted close to FEMA and Green Engineering floodplains.

The Commission discussed the project and had a few questions about the restoration plan, requested that the wetland scientist reassess certain sections of the wetland flag line that appeared to be too low in the field.

The Commission and staff noted the following information is missing and required on the plan and/or the NOI file as part of the wetlands review:

- Revise the restoration plan and include restoration plantings between WF4D and 6D and sediment controls.
- Review the wetland line.
- Add note to the plan to remove wire fence in rear of the property.
- Remove historic debris observed along the wetland boundary and Buffer Zone
- Add DEP File Number to the plan.

Motion: TO continue to the August 11, 2025, meeting made by Commissioner JoAnne Giovino, seconded by Commissioner Diane DePaso. All in Favor. Carried Unanimously.

IV. CONTINUED PUBLIC HEARINGS:

- **7:30PM - MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Notice of Intent – Continued Public Hearing – 290 Boston Road – Applicant: GOLFO, LLC – DEP File No. 109- 1587/BBL-1587

Documents Submitted:

07/7/2025 Received a Revised Notice of Intent Plan for 279-290 Boston Road from Stephen Dresser with Dresser, Williams, and Way, stamped and signed by Stephen Dresser, dated July 2, 2025, scale 1" – 20' (DEP #109-1587)

Stephen Dresser with Dresser, Williams, and Way went over the continued project and gave a brief status update regarding his ongoing coordination with DPW on the sewer design. He reviewed how the DPW and his applicants are working diligently to get this resolved so that they can move forward and close out this project.

Steve noted that one or two trees will need removal. However, these trees are not healthy, and the overhead wire/utility corridor is currently maintained by utility companies, with vegetation constantly altered and cut to a certain height within the proposed sewer easement. Tree replacement is proposed by the applicant, and the location will be coordinated with the Conservation staff.

The Commission and staff noted the following information is missing and required on the plan and/or the NOI file as part of the wetlands review:

- Add reference note concerning the project at 279 Boston Road "Project Under Construction" to plan.
- Add DEP File Number to the plan.
- Clarify the revision made to the wetland and bank delineation and place and "X" on delineation flags GCA6 and GCA7.

Motion: TO continue to the August 11, 2025 meeting, per request of the Applicant, made by Commissioner JoAnne Giovino, seconded by Commissioner Tom Nellson. All in Favor. Carried Unanimously.

- **7:43PM - MA WETLANDS PROTECTION ACT – Request for Determination of Applicability – Continued Public Hearing – 5-Year Renewal Vegetation Management Plan, MBTA/Keolis Commuter Rail Line – Applicant: Ana Rita Pascoal, Keolis Commuter Services (*Continue to August 11, 2025, Meeting*)**

Documents Submitted:

07/14/2025 Received a Request for Continuance from Matt Donovan, EIT with Benesch for MBTA/Keolis Commuter Rail Line (5 Year Renewal Vegetation Management Plan) to the August 11, 2025, meeting.

Motion: TO continue to the August 11, 2025 meeting, per request of the applicant, made by Commissioner JoAnne Giovino, seconded by Jack Bowen. All in Favor. Carried Unanimously.

- **7:44PM - 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 the 09-22-2025 Meeting*)**

Documents Submitted:

07/11/2025 Received a Request for Continuance from Jill Griffeth with Sullivan and Gomez for the Talbot Mills Dam Removal to the September 22, 2025, Meeting (DEP #109-1585)

Motion: TO continue to the September 22, 2025 meeting, per request of the applicant, made by Commissioner JoAnne Giovino, seconded by Jack Bowen. All in Favor. Carried Unanimously.

V. REVIOUSLY CONTINUED PUBLIC HEARINGS:

- **MA WETLANDS PROTECTION ACT & BILLERICA WETLANDS PROTECTION BYLAW WETLANDS HEARING** – Abbreviated Notice of Resource Area Delineation – Continued Public Hearing – Linnell Circle – Applicant: The Gutierrez Company, Israel Lopez – DEP File No. 109-1594/BBL-1594 (*Previously continued to the 08-11-2025 Meeting*)

VI. ADMINISTRATIVE MATTERS / DIRECTOR'S REPORT:

- Requests for Certificates of Compliance (As-Built Reviews)
 - 7:45PM - DEP File No. 109-1548/BBL-1548 – 505 Boston Road (McCue Garden Center)

Documents Submitted:

07/08/2025 Received a Request for Certificate of Compliance from Meghan McCue with McCue Outlets LLC.

Isabel Tourkantonis, Director of Conservation, discussed the Request for Certificate of Compliance and explained that the wetland permit was issued on November 18, 2024, for the after-the-fact approval of a 25.3'x 90' square foot greenhouse constructed and proposed work at the McCue Garden Center, 505 Boston Road. The greenhouse structure was constructed within the 100' Buffer Zone to Bordering Vegetated Wetland without prior review and approval under the Massachusetts Wetlands Protection Act and Town of Billerica Wetland Protection Bylaw.

She explained the initial scope of work presented in the Notice of Intent application addressed the greenhouse that had been constructed within the Buffer Zone, as well as the proposed demolition of the existing retail building, followed by construction of a new retail building in the same location and outside the 100-foot Buffer Zone. Parking lot and drainage improvements were originally proposed, some of which were located within the Buffer Zone. However, during the wetlands review process, the parking lot improvements were revised to be less extensive due to cost.

A visual barrier (post and rail fence with environmental signage) was installed to aid in the preservation and long-term protection of the restored inner Buffer Zone. Staff concluded that all the revised information including a revised as-built plan and documentation required as part of the Certificate of Compliance review had been addressed.

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

- 7:48PM - DEP File No. 109-1467/BBL-1467 – 92 Billerica Avenue

Documents Submitted:

06/20/2025 Received a Revised As-Built Plan for 92 Billerica Avenue by email from Stephen Dresser with Dresser, Williams, and Way, stamped and signed by Stephen Dresser, dated June 20, 2025, scale 1" – 30' (DEP #109-1467)

06/23/2025 Received a Revised As-Built Plan for 92 Billerica Avenue from Stephen Dresser with Dresser, Williams, and Way, stamped and signed by Stephen Dresser, dated June 20, 2025, scale 1" – 30' (DEP #109-1467)

Isabel Tourkantonis, Director of Conservation, discussed the Request for Certificate of Compliance and explained that the permit was issued on June 1, 2022, for construction of a contractor's yard with a building (36' x 54 square foot garage with a 16' x 16 square foot office space) and associated parking lot, septic system, stormwater management system and utilities. All items have been addressed, including initial peer review during the occupancy requested. All documentation has been provided including the stormwater management reviews, active implementation of the Operation and Maintenance Plan, and a post and rail fence that serves as the permanent visual barrier on the site. Staff concluded that all the revised information including a revised as-built plan and documentation required as part of the Certificate of Compliance review had been addressed.

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

- 7:49PM - DEP File No. 109-1463/BBL-1463 – 3 Connolly Road

Documents Submitted:

7/22/2025 Received a Revised As-Built Plan from Land Engineering & Environmental Services, Inc for 3 Connolly Road, stamped and signed by Douglas E. Lee, dated June 25, 2025, scale 1" - 20' (DEP #109-1463/BBL-1463)

Isabel Tourkantonis, Director of Conservation, discussed the Request for Certificate of Compliance and explained that the permit was issued on November 17, 2021, for construction of an addition with a post and rail fence and restoration of an inner buffer zone. The RCCOC was placed on December 13, 2023, agenda at that time the BCC requested that two additional posts with signage be added in the field to make the visual barrier extend to the tree line. Staff concluded that all the revised information including a revised as-built plan and documentation required as part of the Certificate of Compliance review had been addressed.

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

- 7:50PM - DEP File No. 109-295 – Federal Street (associated with 8 Federal Street)

Documents Submitted:

07/9/2025 Received a Request for Certificate of Compliance from Pam Brown with Brown & Brown, P.C for Federal Street (DEP #109-295)

Isabel Tourkantonis, Director of Conservation, discussed the Request for Certificate of Compliance and explained that the permit was issued in June of 1986 for a parking lot by Building 6 on Federal Street. This parking lot was never constructed. Documentation was provided and staff confirms the parking lot was never constructed. Staff concluded that all the revised information including a revised as-built plan and documentation required as part of the Certificate of Compliance review had been addressed.

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

- 7:51PM - DEP File No. 109-1497/BBL-1497 – 45 Connolly Road (Partial Request)

Documents Submitted:

01/21/25 Received a Request for Certificate of Compliance from Peter McKenna for 45 Connolly Road, stamped and signed by Stephen Dresser, dated January 20, 2025, scale 1" = 20' (DEP #109-1497)

Isabel Tourkantonis, Director of Conservation, discussed the Request for Certificate of Compliance and explained that this permit was issued on August 29, 2022, for construction of a new single-family dwelling with associated utilities and driveway. The project also includes stormwater management features to capture and infiltrate stormwater runoff from the dwelling and driveway. A visual barrier (post and rail fence with environmental signage) was placed in the field to aid in the preservation and long-term protection of the restored inner Buffer Zone. At this time, the contractor has fulfilled his portion of the project and provided all documentation. However, portions of the No Alteration Zone were mowed and will need to be planted and reseeded with a Conservation wildlife seed mix in order to comply with a restored inner buffer zone. The homeowner is aware and is actively addressing the matter.

Motion: TO neither approve and or deny the Request for the Certificate of Compliance until all wildlife seed mix and plantings are placed in the No Alteration Zone and has had two growing seasons made by Commissioner JoAnne Giovino, seconded by Commissioner Tom Nellson. All in Favor. Carried Unanimously.

- Request for Emergency Certification
 - 7:53PM - 12 Mixon Brook Road – Septic System (Board of Health)

Documents Submitted:

07/08/2025 Received a memorandum from the Board of Health describing the failed Septic System

Isabel Tourkantonis, Director of Conservation, discussed the failed septic system and how it needed to be fixed to the Commission. She read a memo written by the Board of Health Director, Kristel Bennett describing the hazard of the leakage. Staff along with the Board of Health Director conducted a site walk and confirmed that there was a stream, wetlands, and BVW, but that work is proposed beyond the 100' Buffer Zone. Staff reviewed the sediment controls measure required and the proposed staging and stockpile area that would need to be used to conduct the repairs and protect vegetated Buffer Zone. They also went over the procedures that would need to be done to fix the septic issue.

Motion: TO approve the Emergency Certificate made by Commissioner JoAnne Giovino, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

- 8:06PM - Miscellaneous Updates

Isabel Tourkantonis, Director of Conservation, informed the Commission that the Rangeway Road Land Donation that was previously discussed and approved at a prior meeting was going before the Select Board tonight for final land acceptance and signatures needed to finalize the donation.

- 8:06PM - Violations/Enforcements

Isabel Tourkantonis, Director of Conservation, informed the Commission that staff was still working with the Irish American Club located at 616 Middlesex Turnpike on a dumping issue on site within the wetlands. Alongside the Board of Health and their Inspectional Services staff, Phavy Pheng. They were reminded that the owner is cooperating and working with them to remove various debris and install measures to prevent unauthorized access with physical barriers such as boulders and environmental signage.

- 8:07PM - Minutes: 04-18-2025, 05-12-2025

Motion: Made by Commissioner Diane DePaso to accept the minutes for April 18, 2025, with minor corrections, seconded by Commissioner Jack Bowen. All in Favor. Carried Unanimously.

Motion: Made by Commissioner Diane DePaso to accept the minutes for May 12, 2025, with minor corrections, seconded by Commissioner Jeff Connell. All in Favor. Carried Unanimously.

VII. 8:08PM - AJOURN

Motion: TO adjourn made by Commissioner Jeff Connell, seconded by Commissioner Tom Nellson. All in Favor. Carried Unanimously.

Respectfully submitted,

Diane DePaso, Secretary

Prepared by Kristina Bernard and Isabel Tourkantonis