



**NORTHERN  
MIDDLESEX  
COUNCIL OF  
GOVERNMENTS**  
SERVING THE REGION SINCE 1963

**Jennifer Raitt**  
Executive Director  
NMCOG

**Stephen Themelis**  
Chair  
NMCOG Council

December 19, 2025

**VIA EMAIL AND CERTIFIED MAIL**

David Gagliardi, Chair  
Billerica Historic Districts Commission  
365 Boston Road, Room 105  
Billerica, MA 01821  
planning@town.billerica.ma.us

**Re:** Appeal of Denial of Application for Certificate of Hardship  
Talbot Mills Dam Removal/ Concord River Ecological Restoration Project

**Property Location:** Talbot Mills Dam, Concord River, Billerica, Mass.

**HDC Case Ref.:** Application filed December 11, 2024; official denial filed June 13, 2025

Dear Parties:

Pursuant to the provisions of Massachusetts General Laws Chapter 40C, §12, and the Request for Review filed by the Applicant CRT Development Realty, LLC (CRT) on July 2, 2025, the Northern Middlesex Council of Governments (NMCOG) has reviewed the June 13, 2025 Determination of the Billerica Historic Districts Commission (BHDC) and hereby issues the following decision.

**I. PROCEDURAL BACKGROUND**

The Applicant seeks a Certificate of Appropriateness/Hardship for the removal of the Talbot Mills Dam on the Concord River. The BHDC voted on June 4, 2025 to deny the application and thereafter filed its written decision on June 13, 2025. A hearing on the Request for Review was held before this agency on December 1, 2025.

**II. STANDARD OF REVIEW**

Under M.G.L. c. 40C, §12, NMCOG is tasked with determining whether the BHDC's decision to deny the application was justified based on local historic district laws and regulations and whether it was arbitrary, capricious, or exceeded its jurisdiction. This assessment is made based on the administrative record compiled by the BHDC.

project forward or mitigating adverse effects. The federal Section 106 process involving NOAA and the Massachusetts Historical Commission may also serve as an appropriate forum for devising mitigation plans and alternative scenarios.

- **Engineering Assessment Review:** The BHDC is encouraged to thoroughly review the assessment submitted by the Applicant as part of its revised findings of fact.

#### IV. CONCLUSION AND ORDER

NMCOG hereby determines that the Billerica Historic Districts Commission's June 13, 2025 determination fails to state the reasons for such determination.

The BHDC's determination is hereby VACATED, and the case is REMANDED back to the Billerica Historic Districts Commission with instructions to issue a comprehensive, detailed written decision with specific findings of fact that conform to the requirements of M.G.L. c. 40C and the applicable bylaw, to be filed with the Town Clerk within sixty (60) days of this determination.

#### V. APPEAL RIGHTS

Any person aggrieved by this determination may appeal to the Superior Court in accordance with the provisions of M.G.L. c. 40C, §12A, provided that such appeal is filed in said Court within twenty (20) days after the date of the filing of this Determination.

Sincerely,



Jennifer M. Raitt  
Executive Director  
Northern Middlesex Council of Governments

cc:

Town Clerk, Town of Billerica  
CRT Development Realty, LLC