



BILLERICA PLANNING BOARD
Town Hall
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Michael Parker, *Chair*

Kelley Sardina, *Vice Chair*
Christopher Tribou
Edward Giroux

Marlies Henderson, *Secretary*
Blake Robertson
Evens Cimea

Planning Board Meeting
Minutes
April 9, 2024 @ 7:00 P.M.
Hybrid
Videoed by BATV

Can be Viewed: <https://billerica.cablecast.tv/CablecastPublicSite/?channel=3>

Members	Present
Blake Robertson, Chair	Y
Ed Giroux, Vice-Chair	Y
Marlies Henderson, Secretary	Y
Michael Parker	Y
Chris Tribou	Y
Kelley Sardina	Y
Evens Cimea	Y

RECEIVED
2024 MAY 20 A 9:29
TOWN CLERK
BILLERICA

Staff

Erika Oliver Jerram-Director of Planning & Community Development
Katherine Malgieri-Senior Planner
Jane Merrill-Associate Planner

Open Mic

Chris Musker (12 Fawn Lane) stated that she hopes the Planning Board will make decisions based on what's best for the town.

Board Reorganization

Giroux nominated Henderson for Chair; Tribou seconded. Sardina nominated Parker for Chair; Cimea seconded.

Vote for Henderson: Three (3) in favor (Tribou, Giroux, and Henderson) and four (4) opposed (Robertson, Sardina, Cimea, and Parker). Nomination does not prevail.

Vote for Parker: Six (6) in favor (Sardina, Giroux, Cimea, Parker, Henderson, and Robertson) and one (1) opposed (Tribou). Nomination prevails – Parker is the new Chair of the Planning Board.

Robertson nominated Sardina for Vice Chair; Cimea seconded. Henderson nominated Giroux for Vice Chair; Giroux seconded.

Vote for Sardina: Four (4) in favor (Robertson, Cimea, Sardina, and Parker) and three (3) opposed (Henderson, Tribou, Giroux) – Nomination prevails – Sardina is the new Vice Chair of the Planning Board.

Giroux nominated Henderson for Secretary; Henderson seconded. Sardina nominated Robertson for Secretary; Robertson seconded.

Vote for Henderson: Five (5) in favor (Giroux, Cimea, Tribou, Henderson, and Parker) and two (2) opposed (Robertson and Sardina) Nomination prevails – Henderson is reelected as Secretary of the Planning Board.

Agenda Item 1 – SPR – SITE PLAN REVIEW – 195 CONCORD RD (PARCEL ID 68-9-1)
(Public hearing was opened on October 23, 2023 and was closed on February 12, 2024).
Dean Jenkins (applicant), Stephen Dresser (engineer), Doug Deschenes (attorney)

Henderson thanked Jenkins for the work he has done to create an important resource for veterans and that the Board has received many letters of support from Billerica's veteran community.

Parker added that the public hearing was closed in February, the project was not approved at the March meeting, but a vote was taken by the Board to continue this agenda item until April pending the Applicant answering a few outstanding questions from Board members.

Cimea stated his questions have been answered.

Robertson stated that this project was shoehorning veterans housing into the neighborhood under the guise of the Dover Amendment's allowance for educational facilities. He stated he does not believe that the project is a fit for the neighborhood, allows too much housing, and has an unreasonable ratio of education to housing space.

Sardina stated she still has concerns about three-sided access to the building for fire safety, to which Giroux read aloud the Fire Department's memo which stated the truck turn plans meet all necessary fire safety requirements in line with both state law and Billerica fire safety policy.

Parker stated that he believes this project provides much needed resources for Billerica's residents and he is in favor of the project.

Tribou motioned to vote to approve the Site Plan Review for 195 Concord Road including with the conditions that have been set forth; Henderson seconded.

Vote was five (5) in favor (Tribou, Giroux, Henderson, Cimea, and Parker), one (1) opposed (Robertson), and one (1) abstained (Sardina). Motion to approve passes.

Agenda Item 2 - B2 – SUBDIVISION- 305 CONCORD ROAD (PARCEL ID 86-13-1)

(Public Hearing was closed on March 11, 2024.)

John Noonan (Applicant)

Tribou asked if the applicant is willing to make any changes to improve the situation for the abutters. Noonan stated that there is no need to make any changes.

Sardina asked the applicant/staff about the 2020 application being withdrawn in December 2020 despite a November 2020 vote to disapprove the project. Jerram answered that the Planning Board's decision on this application must be based on the current application. Tribou also answered that Counsel had approved the withdrawal as legal because the disapproval of the application was due to the litigation around the ZBA decision. Sardina clarified that she was not clear on how the applicant got building and stormwater permits in 2018. Malgieri answered that these permits were issued for construction of one principal building on the one lot, which is lawful for any lot even without a subdivision.

Robertson requested staff follow up with Counsel to find out if "infectious invalidity" was relevant to this situation. He also stated that he would continue to vote no on this subdivision. Malgieri answered that legal counsel's response had stated that that zoning (such as infectious invalidity) is the purview of the Zoning Board decision while the purview of the Planning Board is upholding the purposes of the subdivision control law.

Giroux stated that the only issue the Board can really examine is the request for a waiver of frontage and that he has not heard anybody offer objections to the requested frontage. He asked if the Planning Board has any jurisdiction over stormwater; Malgieri stated that the Board of Health has jurisdiction over stormwater and they have approved the current plan, though the applicant would need to submit a new stormwater plan for a building permit on the proposed subdivided lot. Giroux then asked if the applicant could still build the single structure which he has received a building permit for without any action from the Board; Malgieri answered yes.

Cimea asked why the applicant received a building permit prior to approval of the lot split. Malgieri answered that these permits were issued for construction of one principal building on the one lot, which is lawful for any lot even without a subdivision.

Henderson stated that her intention was to find a compromise between the applicant and the neighbors so this project can move forward to allow for the stormwater issues to be addressed. She asked about what vegetation had been clearcut; the applicant stated that he removed scrub brush but did not touch the mature growth in the rear of the parcel. Henderson next asked if the applicant would be amenable to placing a bond to ensure that the stormwater issues the neighborhood is

experiencing are resolved. The applicant did not rule out accepting a bond, but he argued that it was unnecessary. Henderson requested staff investigate whether the Board can require a bond on this project.

Parker asked Noonan if he would accept a bond as a condition to a potential approval; Noonan answered that he was not enthusiastic about accepting this condition. Jerram added that the bond is not for maintenance, it is to ensure the conditions of approval are followed through on.

Parker asked why an extension was required from the Board of Health but not the ZBA. The applicant answered that it was because there was an appeal to the ZBA decision, which put the approval on hold pending litigation, and the variance only became active after the end of litigation in January 2024.

Henderson motioned to continue until May 13; Tribou seconded. Giroux also requested that Counsel respond regarding the potential bond. Vote for motion was six (6) in favor (Tribou, Sardina, Cimea, Giroux, Parker, and Henderson) and one (1) opposed (Robertson). Motion to continue until May 13 passes.

Agenda Item 3 – SPSP – SITE PLAN SPECIAL PERMIT - 315/317/319 Treble Cove Road (PARCEL ID 58-2-1-3-2)

Todd Morey (Consultant), Matthew Costa (Consultant), Jeff Sullivan (Applicant)

(Presentation online:

https://www.town.billerica.ma.us/DocumentCenter/View/11925/20240409_Planning-Board-Presentation---SPSP---1---FINAL)

Henderson motioned to open the Public Hearing on 315-317-319 Treble Cove Road; Giroux seconded. All in favor (7-0).

Morey presented the proposed development at 315-317-319 Treble Cove Road. The property is currently owned by Lantheus and is situated between the main Lantheus campus to the southwest and the Middlesex House of Corrections to the east. The site is in the Industrial Zoning district. Site Plan Summary:

- Conservation Commission hearings to manage wetland resource area
- 213,900 GSF for GMP/R&D/Biomedical research.
- The traffic consultant will attend the May 13 meeting to discuss the traffic analysis (pg 18 of the presentation)
- Waiver request for Slopes in excess of 2:1 (Section 7.0(G))
- Waiver request for Green Strips less than 75% (Section 7.0(I)).

Parker stated that the Board has heard various parts of this project in the past, so some of the comments may be familiar to the applicant.

Giroux asked if Lantheus would be occupying the proposed buildings; Morey answered that they were not. And that they'll be searching for tenants.

Sardina had no comments.

Cimea had no questions but stated he would be interested in conducting a site visit sometime.

Tribou had no questions.

Robertson stated he was excited about this project and requested the applicant extend the sidewalk to the House of Corrections; Morey stated they would investigate the possibility of extending the sidewalk. He also requested slightly reducing the total parking to allow for more green space; Morey stated that they are making some minor adjustments to the parking numbers.

Henderson asked what "Monument Sign" meant; Morey answered that it was a road sign to advertise the property. She also asked if the applicant could add more trees to the plan; Morey said they would examine where more trees could be added.

Parker also requested increased connectivity to nearby sidewalks; Morey stated they will further examine how they can increase the connectivity as requested.

Cimea asked if there would be ADA parking spaces near all the proposed buildings; Morey answered in the affirmative.

Henderson motioned to continue the Public Hearing until May 13, 2024; Giroux seconded. All in favor (7-0).

Agenda Item 4 – SPSP – SITE PLAN SPECIAL PERMIT – 296 CONCORD ROAD (PARCEL ID 86-108-5)

Will Granbery (Engineer), Liam Feeney (Engineer), Todd Greenfield (Applicant)

Presentation link: <https://www.town.billerica.ma.us/DocumentCenter/View/11921/296-Concord--PB-Presentation>

Henderson motioned to open the Public Hearing for a Site Plan Special Permit at 296 Concord Road; Giroux seconded. All in favor (6-0, with one (Sardina) momentarily absent).

Feeney presented the proposed development at 296 Concord Road. The proposal is for a 77,690 sqft GMP facility building as part of the build out associated with 300 Concord Road and 298 Concord Road. They are requesting one waiver for the building perimeter green strip.

Henderson asked for a condition that the Site Plan indicates that the sewer line is where the Narrow-Gauge rail once was, and that it will someday be part of the Yankee Doodle Bike Path.

Robertson stated he is really excited about this project; he has no other questions.

Giroux had no questions.

Tribou had no questions.

Sardina had no questions.

Cimea had no questions.

Parker mentioned that there is a blocked culvert near Concord Road that he would like the Applicant and the Town's Engineering to investigate.

Robertson motioned to continue the public hearing until May 13, 2024; Henderson seconded. All in favor (7-0).

Minutes

The Board accepted the February 12, 2024 minutes.

The Board accepted the March 11, 2024 minutes.

Other Business

MBTA Communities Staff Updates: Jerram stated that all Board members had confirmed May 1st as a day for the Public Hearing and that staff was starting to prep the legal ads and agenda as necessary. She also stated that the MBTA Communities FAQs have been updated to include infrastructure questions. She stated that she was working on a redline/annotation of the proposed by-laws with comments. Discussion followed whether those redlines were for the official draft between the Board and staff (yes) or for the petitioners of #38 and #39 (available for their use if they so choose). The changes are based on clarity of word choices, legal review, etc.

Committee Updates – Henderson stated that the CPC has voted on town meeting recommendations. Henderson also stated that the OSRP Committee is reviewing the draft of the 7-year action plan. Robertson stated that the CFC had voted to recommend funding the COA renovation and the Rec Department facility. Giroux stated that the Recodification Committee had reviewed the “crosswalk” document, which reorganized the Zoning By-Laws into a more cohesive order, and the consultants are working on the first draft of the recodification.

Adjournment

Robertson motioned to adjourn at 9:57pm; Henderson seconded. All in favor (7-0).

Minutes prepared by Jane Merrill.