



BILLERICA PLANNING BOARD

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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
May 13, 2024 @ 7:00 P.M.
Hybrid
Videoed by BATV

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

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

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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) expressed her regret for the recent passing of Sergeant Ian Taylor and stated she hoped the town could find ways to improve the safety for the police while on detail.

Eric McDowell (46 Rogers Street) stated that he was glad that the MBTA Communities articles were withdrawn and reiterated that he hoped the Board would consider alternate locations from what has previously been proposed.

Agenda Item 1 – ANR – APPROVAL NOT REQUIRED – 216 ½ RANGEWAY ROAD (PARCEL ID 38-5-10)

Stephen Nelson (Attorney); Jim Dangora, Jr (Attorney)

Dangora presented on behalf of Nelson. The ANR would split the restaurant property into its own lot from the rest of the golf course. The back lot does not have its own road frontage but is accessed via easement through the restaurant lot and is marked “unbuildable lot” on the ANR Plan.

Henderson asked if the restaurant was open to the public or only people using the golf course; Dangora answered that it was open to the public. The Board had no other questions or comments.

Henderson motioned to endorse the ANR for 216 ½ Rangeway Road; Robertson seconded.

All in favor (6-0), with one member absent (Giroux). Motion to endorse 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)

Henderson introduced the agenda item. Public hearing has been opened and closed. Parker identified that the Board would be taking a final vote this evening, and asked staff for any final comments. Malgieri stated that the Board’s questions from last meeting had been answered: Counsel weighed in on zoning vs. subdivision control law already. BOH clarified what their existing approvals and permits covered. The final Planning Board question was requesting an estimate for a performance guarantee from Engineering/Board of Health – the estimate has been received, at \$133,755.20.

Parker asked Noonan if he would accept the performance guarantee as part of the approval conditions for the B2; Noonan stated that he had already completed the clearing and grubbing line item and requested that the bond amount be reduced by \$16,150. Henderson stated that with the reduction of the \$16,500, the total bond amount would come to \$114,375.23. Parker also asked if Noonan would accept a condition to add two (2) trees per lot for a total of four (4) trees; Noonan agreed.

Henderson stated she thinks the bond amount, though high, will ensure that the stormwater work gets done in a satisfactory manner.

Robertson stated that he could not support the subdivision in its current state because the width of the driveway does not conform to the Subdivision rules’ requirement for driveway width

Cimea stated that he believed that if the B2 proposal were any other lot, the Board would have no problem granting the waiver and he believes that’s how the Board should approach this B2. He stated he was ready to vote.

Parker stated that he agrees with Robertson that the plan does not meet the Subdivision Rules and Regulations.

Sardina stated that she had several issues with approving the lot split at this time, such as no other duplexes being in the area and the width of driveway.

Tribou asked the staff's opinion on the issue regarding width of the driveway; Jerram answered that it's the Board's prerogative to decide what "adequate access" looks like. She further stated that the Board has approved similar lot splits in the past, and that the Fire Department has confirmed that the driveway is wide enough to accommodate fire trucks, but it's up to the Board to determine. Tribou also asked if the staff knew when the last time the Board rejected a B2 – he stated that the only one he could find was Mike Rosa's lot split in 2008, which was appealed, and the Board's determination overturned¹.

Henderson added that if the Board denies this B2, there is a chance that the courts could overturn the decision.

Parker stated that since he has been on the Planning Board, he does not recall seeing a B2 for a flag lot. He stated he does not like flag lot zoning and that he voted against them when he was on the ZBA.

Henderson motioned to approve the B2 Subdivision with a Frontage Waiver conditioned with a \$114,375 performance guarantee; Robertson seconded.

Sardina voted no.

Tribou voted yes. He requested boardmembers who vote no to also state their reasons. Parker said he would call back on Sardina for her reason.

Henderson voted yes.

Robertson voted no – it does not conform to the subdivision rules

Cimea voted yes.

Sardina 1) the driveway and 2) it doesn't conform to subdivision bylaws.

Parker voted no – based on subdivision rules and regulations requiring a certain size access to the property.

Vote was three (3) in favor, three (3) opposed, with one Board member absent (Giroux). Vote for approval failed.

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), Bob Bollinger (Traffic Consultant)

Bob Bollinger presented the Traffic Analysis.

¹ <http://www.masscases.com/cases/land/21/21lcr359.html>

Presentation online:

https://www.town.billerica.ma.us/DocumentCenter/View/12035/20240513_Planning-Board-Presentation---SPSP---2---FINAL

- Sight Distance
 - Minimal trimming with sidewalk on Treble Cove
- Trip Generation
 - Total trips = 2,322
 - Morning peak – 215
 - Afternoon peak – 205
- Capacity
 - Adequate Capacity @ Treble Cove and Route 4.
 - Adequate Capacity @ Treble Cove and Republic Road
 - Adequate Capacity @ Treble Cove and Driveway

Todd Morey then discussed some of the changes made to the site plan:

- Moved the road on the west side of the building that abuts conservation land closer to the building and reduced width from 30' to 24', thereby giving wetlands a larger buffer.
- Reduced total impervious area by 11,500 SF.
- Suggested a condition that the developer commit to creating 10ft wide green strips in the truck bays wherever tenants don't want their truck doors, but they need some flexibility on location without having tenants.
- Stated their intention to provide sidewalk connectivity southward, over the culvert for a brook which leads to Winning Pond. Relayed that Conservation Commission is aware of this plan and supported such sidewalk as long as wetlands impact was mitigated accordingly.
- Suggested that a portion of the proposed parking spaces remain "paper spaces" to increase green space/decrease impervious surfaces (referred to as "land-banking"). The parking areas are part of the approved plan and can be built out if and when necessary but would not be immediately paved until such a need arises.

Parker asked about the sidewalk leading to the Department of Corrections facility; Morey answered that as the sidewalk gets to the DoC there is a slope that would run out of ROW space and retaining walls would need to be installed. Parker asked about the sight distance in this part of the site; Bollinger stated that they've met all the sight distance requirements, and the next iteration of the site plans will have these requirements marked. Parker also asked about a dedicated left/right turn lane on Treble Cove into the site; Bollinger answered that adding these turn lanes often encourages drivers to maintain their prevailing speed in the main travel lanes, while not providing these lanes would act as a traffic calming method. Bollinger also pointed out that widening the road would have environmental impacts to the surrounding wetlands. Parker also stated that he is in favor of the land-banking for parking.

Robertson stated that BETA suggested providing separate turn lanes and thinks the Board will have to investigate this more. He also stated he was in favor of the land-banking for parking.

Sardina stated she agreed with Robertsons concerns and looks forward to the next presentation addressing this question.

Tribou stated he was excited for the site visit and is in favor of the land-banking for parking.

Henderson states she is in favor of the sidewalks but is opposed to providing a dedicated turning lane. Also requested a crosswalk to Vietnam Veterans Park at Pequot Street. She is also in favor of the land-banking for parking.

Cimea stated that he is still concerned about accessible parking space; Morey answered that they do not have specific tenants or front doors yet but could provide more accessible parking spaces along Building A. Cimea also stated that he is in favor of the land-banking for parking.

Henderson motioned to continue the Public Hearing; Cimea seconded.
All in favor (6-0) with one member absent (Giroux). Motion passes.

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)

Henderson motioned to continue the Public Hearing at the request of the applicant; Cimea seconded the motion.

All in favor (6-0) with one member absent (Giroux). Motion passes.

Agenda Item 5 - PLANNED UNIT DEVELOPMENT MINOR AMENDMENT - 480 BOSTON ROAD (PLATE 61, PARCEL 205-1)

Jim Dangora, Jr. (Attorney), Tim Williams (Engineer)

Dangora stated that the developer has secured a bank tenant and is requesting a minor modification to change the flow of drive-thru traffic around the bank and eliminate the drive-up window. Accommodating this will also move a dumpster and transformer and adding striping for turn-around.

Parker asked if there were any changes to the residential part of the development or number of parking spaces; Dangora answered No, that the only changes are what is on the plan submitted to the Board. Parker noted that the previous version of the plan included four (4) handicap parking spaces, but this plan only shows two (2). He requested to add at least one more handicap space. Williams stated that the bank had only needed and requested two (2) handicapped spaces, but he did not see a problem with adding another space.

Tribou had no issues.

Henderson asked if a bike rack was planned; Williams answered that it was being planned for the restaurant side of the pad sites, but would add an additional one at the bank.

Cimea asked why there was a change in the total square feet of the bank; Williams responded that the change in square footage is due to the bank finetuning their building footprint with the plan engineer.

Robertson stated that he did not believe this to be a minor amendment because he does not believe minor amendments exist. He also asked how the extra square footage for the bank will be accommodated; Williams answered that eliminating the drive-thru provided extra space for the increase of the building footprint.

Sardina expressed concern that the parking lot is very busy and asked if the developer had looked into moving the bank building closer to the ingress road. Williams stated that there is a water easement in that part of the lot and they are not allowed to work on this area. Sardina also suggested moving a dumpster to the island in the rear of the site between the two buildings; Dangora answered that was striped, but still available for traffic (entering loading zone) and was not safe.

The Board also had some concerns regarding a mismatch between the numbers on the submitted plan and the graphic created to demonstrate the change in traffic flow. Williams stated that the correct plan was dated April 12, 2024 and that the graphic was created by the developer solely as a visual aid.

Application is not a public hearing. Malgieri noted that a public hand was raised, and Parker invited the resident to speak.

John Burrows (38 Shawsheen Road) stated he was happy to see a tenant going in but criticized management of the job site. Parker answered that safety concerns need to be brought to the Building Commissioner directly.

Henderson motioned to approve the Minor Modification for 480 Boston Road; Tribou seconded. The vote was 5-1, with Robertson voting no and Giroux absent. Motion passes.

Agenda Item 6 – SPSP EXTENSION – 161 CONCORD ROAD (PARCEL ID 69-29-2)

Jim Dangora, Jr. (Attorney)

Dangora stated that the site owner is still looking for a tenant for this biotech GMP facility and requested a one-year extension.

Henderson motioned to extend the SPSP by 1 year; Cimea seconded.

All in favor (6-0) with one member absent (Giroux). Motion passes.

Agenda Item 7 - SPSP EXTENSION – 101 BILLERICA AVE #2 (PARCEL ID 3-2-1)

Robertson stated that he would vote to approve this extension for one year, but he is concerned that construction might not begin until 2028 due to the current tenant's lease. Jerram stated that there's

no harm in granting a 1-year extension and if construction hasn't begun in a year, the Board can re-assess at that time.

Henderson motioned to extend the SPSP for 101 Billerica Ave by 1 year; Robertson seconded.

All in favor (6-0) with one member absent (Giroux). Motion passes.

Minutes

The Board accepted the April 9, 2024 minutes as amended.

Other Business

MBTA Communities Staff Updates:

Parker stated he intends to hold a special public meeting strictly to discuss the MBTA Communities zoning only, sometime in July.

Jerram provided the most recent redlines of the MBTA Communities By-Law draft. The language did not change much from what the Board had previously reviewed, but wording was altered in places to clarify. She awaits any further direction from the Select Board and Planning Board.

The Board found consensus in using the summer for more outreach and to consider if other locations should or should not be included in a plan they recommend to Fall Town Meeting.

Committee Appointments:

Parker stated that he was going to hold off on deciding committee appointments until the June 10th meeting. It was further clarified that with Chair reorganization, CFC appointee (always Chair) immediately switches to Mike Parker while the appointments to Zoning Recodification Committee were the Chair and Vice-Chair at the time of formation (Blake Robertson and Ed Giroux). Those committee members would not change.

Reports from Constituents:

No members had reports from constituents. Parker took a moment to commend a local resident in his neighborhood for including public sidewalk updates in a driveway repaving project.

Reports from Committee Updates:

Henderson mentioned that the CPC's project recommendations (Article 12) passed Spring Town Meeting.

OSRPC is moving along with the 7-year plan update. They won't have a May meeting due to Spring Town Meeting. And they ordered 400 tree seedlings to give away to residents in honor of Arbor Day. Next OSRPC meeting is June 4th.

NMCOG held a routine meeting. Discussion on how communities are dealing with MBTA Communities was given as an example.

Staff Updates

The next Recodification Committee meeting is scheduled for May 16th. A joint Planning Board/Recodification Committee meeting is being rescheduled from the original scheduled date.

The Town has received Phase Two of the Historic Preservation Survey. It is posted on the website.

One Year Permitting Lookback:

- The lot split at 206 Andover has been readdressed to 210R Andover. Construction is in progress.
- Market Basket received Special Permit for an expansion of use at 700 Boston – the expansion is mostly complete, and in the months since, the Board approved the Site Plan/Parking upgrades for this location.
- Talbot Dam Removal presentation was a year ago. Official updates for this project are on the EPA website.

Adjournment

Henderson motioned to adjourn at 9:43PM; Robertson seconded. All in favor (6-0).

Minutes prepared by Jane Merrill.