



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

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2024 OCT 30 P 12: 37

TOWN CLERK
BILLERICA

Planning Board Meeting
Minutes
July 8, 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	Y
Evens Cimea	Y

Staff

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

Open Mic

Dina Favreau (41 Boston Road) requested that the Board hold off on releasing the partial bond for Sumner Farms until all relevant departments (Building, Conservation, Engineering, and DPW) have reviewed and approved the bond release. She indicated that in the past the developer has not completed projects in a satisfactory manner, and she does not want a repeat of past problems.

John LaFauci (4 Catherine Ave) stated that the crosswalk on Cook St that was negotiated with a developer of 24 Cook Street has still not been installed.

John Burrows (Shawsheen Rd) agreed with LaFauci and stated that if the Town isn't going to enforce the conditions agreed upon with the developer, it is doing a disservice to the residents.

Agenda Item 1 – 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),

Morey stated that he saw the draft conditions with sidewalk options pre-drafted. They feel comfortable building the sidewalk to the south (turning right) and across the culvert with the intention of connecting to Lantheus. He added that placing the sidewalk in this direction will improve safety and encourage utilization by more people.

Parker and Henderson stated hopes for more neighborhood connections, such as crosswalks but understood the constraints that they were working with. Sardina and Robertson stated hopes for northern connections, and whether the Sidewalk Fund should be reinstated.

Morey stated that if DPW decides to build crosswalks, their sidewalk will be ready to connect.

Henderson motioned to close the Public Hearing; Giroux Seconded. All in favor (7-0).

Parker asked how the sidewalk conditions would be written into the decision; Jerram answered that the sidewalks would need to be constructed prior to issuing an occupancy permit.

Henderson motioned to approve the SPSP for 315-317-319 Treble Cove with the draft conditions and two waivers for slopes and green strips; Sardina seconded. All in favor (7-0).

Agenda Item 2 – SPSP – SITE PLAN SPECIAL PERMIT – 296 CONCORD ROAD (PARCEL ID 86-108-5)

Liam Feeney (Consultant), Zach Richard (Consultant), Todd Greenfield (Applicant)

Feeney presented the most recent plan updates to the Board. They have agreed with DPW to build a sidewalk that will eventually be connected to sidewalks added by DPW. Feeney also stated that they are working with DPW and BOH to repair existing culverts as well as protect the local beaver population, which will also improve water retention. He added that the Narrow Gauge RR has been marked on the plans as requested by the Board. The chair then solicited public comment.

John Burrows (Shawsheen Road) asked if there were any plans to turn this development into a residential area; Feeney answered that they are looking to develop 298 Concord into a full non-residential campus.

Henderson motioned to close the Public Hearing on 296 Concord Road; Sardina seconded. All in favor (7-0)

Robertson stated that he was excited that this project is moving forward.

Henderson motioned to approve the SPSP for 296 Concord Road with all draft conditions and a waiver for the building perimeter green-strips; Sardina seconded. All in favor (7-0)

Agenda Item 3 – BOND RELEASE – SUMNER FARMS

This item was added to the agenda within 48 hours. Staff described that the request for release had been submitted several weeks ago, but that clearance from DPW only just came the previous work day. Discussion of Board to postpone to the next agenda in order to seek additional department reviews.

Henderson motioned to postpone discussion on the Bond Release until the August meeting. Tribou seconded. All in favor (7-0).

Agenda Item 4 – MBTA COMMUNITIES DRAFT BY-LAW REDLINES

During the June 10th Planning Board meeting, Parker had requested Board members read through the most recent redlines of the draft by-laws for MBTA Communities and provide their comments to staff prior to the July 8th meeting. At the start of the discussion, Parker reaffirmed that the purpose was to discuss the written by-law and not discuss the locations of the districts. Jerram introduced the staff's memo describing the current state of the redlined document, a spreadsheet with the received comments from Board members along with staff recommendations, and a new copy of the redlined document. Parker opened the discussion to the rest of the Board.

The first topic discussed, highlighted by Robertson, was the Purposes sections of the by-law. He proposed reducing the purpose section to only state “compliance with the state mandate” as the purpose of the by-law. Parker asked staff for comment; Jerram stated that the Purposes reflect the Planning Board's stated purposes and that a robust list of the purposes of a zoning by-law provides guidance when evaluating a project proposal. Malgieri added that if compliance is the only stated purpose, it limits the Planning Board's discretion when waivers are appropriate. Parker suggested moving the compliance purpose to the top of the list as a compromise and then gave the floor to Sardina.

Sardina asked about finalizing the document before the district locations are determined. It was determined that the Board will continue to discuss the redlines of the draft by-law – other than the sections dependent on districts. Sardina also asked how the town's Mixed-Use Zoning Overlay District standards might conflict with the MBTA Communities Multifamily Overlay District standards. It was answered that any development has the right to follow standards of the district(s) that it is in. The MUZOD in one area does not impact the MCMOD in another area. Any properties that might have both overlays would provide a choice to the owner on which one to develop under. Parker returned the floor to Robertson.

Robertson stated he believed his main charge was to control and protect the town from certain types of developments, therefore he proposes increased distances between structures and frontage to roads.

Sardina asked if within zones that allow for mixed use development, would residential and commercial share parking spaces? Jerram responded that a development would still have to provide enough parking for both residential and commercial uses per the parking requirement table, but that the “shared parking” clause allows the developer to apply to the Planning Board for a waiver to reduce their parking requirements when appropriate.

Cimea stated he has no issue with moving “Compliance” to the top of the Purposes list, but he doesn’t think the change is necessary.

Robertson suggested adding language to require materials and view lines to be complimentary and consistent to the existing neighborhood. Jerram expressed difficulty in drawing that line as a regulation and suggested that the Board consider Design Standards. Robertson also asked that Staff begin providing to the Planning Board regarding the EOHLIC’s Subsidized Housing Inventory list. Sardina asked about addressing affordability more, such as lowering the affordability AMI from 80% to 60% or raising the affordability requirements. Jerram answered that a town-wide discussion about affordability is necessary, not just within one zoning district.

Parker opened the floor to public comment.

Diana Saunders asked if the MBTA Communities overlay was supposed to require the presence of parking spaces; Jerram answered that the parking minimums are lower than typical single-family homes, but towns are still allowed to require some parking in these zones. Saunders also stated that she thought it would be too rushed to get this warrant article to Fall Town Meeting; Parker stated that the Town Manager and the Select Board have discussed holding this back until after Fall Town Meeting and convening a special Town Meeting in December. Saunders also asked if the new Town Counsel believed the law was constitutional; Board Members answered that the Town is not actively litigating, just watching the existing court cases.

Dina Favreau asked staff about the progress on the Fiscal Impact Analysis and whether the Zoning By-Law needs to be submitted to the state by December 31st or reviewed by the state to maintain compliance. Jerram answered that if the Town submits something to the state after 12/31/2024 it would be non-compliant until the state approves the Town’s submittal. However, if the Town submits a by-law before 12/31/2024, the Town is considered in compliance until the state tells us otherwise. Jerram also stated that she has talked to NMCOG about the fiscal impact analysis but that at this point, she didn’t think it would provide the information people are looking for.

John Burrows stated that he didn’t want to put all the units in North Billerica and that he is concerned about where the money will come from for streets, sewers, and school busses. He stated that if people want to buy a house they can go out to Winchendon or if they want an inexpensive apartment they can go to Lunenburg.

No further public comments.

Jerram requested that the Board commit to accepting some of the redlines – while there are still disagreements about some of the content, many of the redlines are punctuation or spelling corrections that don’t need to be relitigated.

Henderson motioned to accept the MBTA Communities by-law redlines as presented. Giroux stated that he thought it was premature to accept all the redlines and amended the motion to allow the Planning Director to accept scrivener's errors and punctuation corrections in the document. Robertson stated concern and wanted the Board to do all approvals.

Tribou seconded Giroux's motion to accept scrivener's errors and formatting only in the document. Vote was 5-2 in favor (Robertson and Sardina opposed). Motion passes.

Parker read some questions from resident Grace Tucci into the record. The questions were:

- 1) Is there a list of all the grants that could be held if the Town does not comply with the MBTA Communities law? Parker answered that this is posted in the MBTA FAQs section of the Planning Department's page.
- 2) How much has Billerica received from these grants since 2019? Parker answered that this is posted in the MBTA FAQs section of the Planning Department's page.
- 3) Would Billerica receive more funding if other towns are not compliant? Parker answered that it would be arbitrary because funding decisions for towns is based on the specifics of an application.
- 4) If Billerica does not comply, can the state come in and decide where the zoning will be placed? Parker answered that while the state would not immediately appoint a special master to create compliant zoning if the Town fails to comply by December 31st, they likely would if it's apparent that the town does not intend to comply.

Other Business

Minutes

Robertson asked who the new name on the minutes was; Jerram answered that Renee Giordano assisted with writing the minutes.

Henderson motioned to approve the June 10, 2024 Minutes as amended; Giroux seconded. Motion passed 7-0.

Committee Updates

CPC: Henderson has resigned her appointment to CPC due to her recent NMCOG appointment. Sardina is new appointee. The Town's Recreation Department is applying for CPC funding for the PHR Skate Park in the fall.

NMCOG: NMCOG's Strategic Plan Update and its By-laws will be drafted and open to public review in October.

OSRPC: The Committee will be voting to approve the new Open Space plan at their next meeting and sending it out for review to applicable boards and departments. Parker also stated that the Planning Board will be reviewing this plan.

Zoning Recodification: The May meeting focused on simplifying the use table. It is still being worked on.

Staff Updates

Jerram stated that Malgieri did a fantastic job providing an update for our Municipal Vulnerability Plan on time by June 30th.

Sardina and Parker asked about the possibility for a survey for the MBTA zoning. One request was that if a survey is sent out to the residents, it should only take about 5-10 minutes to complete and there should be a limited number of questions being asked. Giroux requested that the survey be IP restricted to ensure the same person doesn't fill it out multiple times.

Adjournment

Henderson motioned to adjourn; Giroux seconded. All in favor.