



BILLERICA PLANNING BOARD

Town Hall
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Michael Riley, *Chair*

Matthew Battcock, *Vice Chair*
Chris Tribou
Blake Robertson

Pat Flemming, *Secretary*
Janet Morris
Marlies Henderson

APPROVED CERTIFICATE OF DECISION SITE PLAN SPECIAL PERMIT 300 CONCORD ROAD, BILLERICA, MA

APPLICANT

KS Partners
150 East 58th Street, Suite 2000
New York NY 10155

*Deed
34968/197*

TOWN CLERK
BILLERICA

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PERMIT SOUGHT

The applicant seeks a Site Plan Special Permit from the Billerica Planning Board pursuant to Section 6 of the Zoning By-Laws to construct an approximately 150,000 square foot Good Manufacturing Practice (GMP) lab facility building in the Industrial Zoning District and located at 300 Concord Road, Billerica, MA. This decision applies to the Site Plan entitled "Site Development Plans for KS Partners Proposed GMP Lab Facility, 300 Concord Road, Billerica, Massachusetts" prepared by Bohler, 45 Franklin Street, 5th Floor, Boston, MA 02110, consisting of sheets C-101, C-102, C-301, C-302, C-401, C-501, C-601, C-602, L-101, L-201, L-301, C-901, and C-902; dated May 14, 2021 and revised through September 28, 2021.

PROCEDURE

A virtual public hearing was advertised for June 14, 2021. Advertisements appeared in the Billerica Minuteman on May 27, 2021 and June 3, 2021. A notice of the hearing was posted on the Town website prior to the hearing. Notices were sent to interested parties as specified in General Laws, Chapter 40A, Section 11, in accordance with certification from the Assessor's Office setting forth the names and addresses of such parties. Notices were also sent to the Planning Boards of abutting towns. The hearing was opened on June 14, 2021, was continued to July 19, 2021, August 16, 2021, September 20, 2021 and October 25, 2021. The public hearing was closed on October 25, 2021, 2021

SPSP-300 Concord Road

MATERIALS

1. Form S Special Permit Application and associated materials dated May 14, 2021
2. Site Plan entitled "Site Development Plans for KS Partners Proposed GMP Lab Facility, 300 Concord Road, Billerica, Massachusetts" prepared by Bohler, 45 Franklin Street, 5th Floor, Boston, MA 02110, consisting of sheets C-101, C-102, C-301, C-302, C-401, C-501, C-601, C-602, L-101, L-201, L-301, C-901, and C-902; dated May 14, 2021 and revised through September 28, 2021.
3. Drainage Report prepared by Bohler and dated May 14, 2021
4. Traffic Assessment Report prepared by McMahon Associates and dated May 14, 2021
5. Peer Review Memos prepared by Beta Group Inc. and dated June 11, 2021 and October 5, 2021.
6. Parking Calculation Memorandum prepared by Mark LaLumiere and dated June 14, 2021
7. Zoning Letter prepared by Attorney Mark B. Johnson dated July 12, 2021
8. Zoning Letter prepared by Attorney James Dangora and dated August 10, 2021
9. Parking Summary document prepared by Bohler and dated September 15, 2021
10. DPW Engineering Division Comments dated June 10, 2021

PLANNING BOARD FINDINGS

The Planning Board finds that if the conditions included herein are met, the Site Plan and associated application documents meet the requirements of Section 5 and 6 of the Zoning By-Law for the following reasons:

1. The use is not detrimental to the area in which it is located
2. Vehicular and pedestrian movements and volumes anticipated from the proposed building can be accommodated by the adjacent roads. The increase, in vehicular and pedestrian movements and volumes will not have a detrimental impact on the area. The nearby roads have the capacity to accommodate the additional traffic generated by this project.
3. The plans are adequate to address sewage, refuse, and waste disposal methods as reflected in the various Town department comments.
4. The siting of the facility and its location within an existing industrially developed area helps to prevent incompatibility of uses.

SPSP-300 Concord Road

5. Ingress and egress to and from the site, site circulation and provision for loading and unloading of vehicles are established and adequate.
6. Lighting will be shielded from adjacent properties.
7. The proposed landscaping will act to buffer the site from adjacent uses, and green strips for the site and the proposed building are found to be sufficient by the Board pursuant to Section 7.G.7 of the Zoning ByLaws.
8. The use will not result in any odors, fumes, noise, vibrations, chemical spills, or hazardous wastes
9. The plans do not show that unreasonable demands will be placed on Town services and infrastructure.
10. The proposed use is not located in any known historical area
11. The parking proposed on the site for the proposed use is acceptable. Furthermore, there is sufficient data to support the need for a reduction in parking and should it be necessary to increase the parking on site in the future, the site plan shows that the property contains sufficient open space to accommodate the required parking on site.

VOTE

At their regularly scheduled meeting on November 15, 2021, the Planning Board voted with seven (7) in favor, none (0) opposed, and none (0) absent to approve the site plan special permit (Section 5.B.5) and parking exception special permit (Section 8.D) with conditions as amended.

In addition, the Planning Board voted with seven (7) in favor, none (0) opposed, and none (0) absent to waive the following:

1. Green Strips and Screening (Section 7.G.7): The provisions of this section may be reduced or waived as part of and in conjunction with the Site Plan Special Permit Process described under Section 6. The Planning Board finds that waiving the Green Strips and Screening requirements does not effectively detract from the enhancement of the natural, scenic and aesthetic qualities of the development.

CONDITIONS

1. This Site Plan Special Permit shall not take effect until a copy of this Decision has been recorded at the Registry of Deeds within 90 days of filing of this decision with the Town Clerk. The copy of this decision shall bear the certification of the Town Clerk that 20 days have elapsed after the decision has been filed in the Office of the Town Clerk and no appeal has been filed, or if filed, such appeal has been dismissed or otherwise resolved.
2. Per Section 13 of the Zoning By-Laws this Special Permit shall lapse if a substantial use or construction thereunder has not begun, except for good cause, within two (2) years of the

SPSP-300 Concord Road

filings of this decision with the Town Clerk (plus any time required to pursue or await the determination of an appeal). The Planning Board may, upon request of the applicant citing good cause, grant such extensions of time, each no longer than one (1) year, as it shall deem necessary to carry the use into effect.

3. Per Section 6 of the Zoning By-Laws, this Site Plan Special Permit is not valid until the project complies with all Board of Health Rules and Regulations.
4. The applicant shall arrange for a pre-construction meeting at its own expense with the Town's Fire, Police, Engineering, Planning, Board of Health and Building officials to review permit requirements.
5. Per Section 16(b)(1) of the Zoning By-Laws, all construction and installation shall in all respects conform to the Zoning By-Laws unless otherwise granted relief by the Board of Appeals or by the Planning Board. Failure to comply with all conditions herein shall be deemed cause to revoke or modify this approval. All improvements shall be constructed in accordance with the approved site plan and all conditions herein.
6. Per Section 1.C.16 of the Zoning By-Laws, construction management and site control shall include the following:
 - a. Construction related dust, dirt, and debris shall be controlled on-site. Any off-site impact shall be mitigated fully the day on which it is documented.
 - b. The applicant shall provide the name and phone number of the Facilities Manager to be contacted by the abutters in case of any problems occur during construction.
 - c. No off-site storage of construction materials or staging shall be permitted.
7. Per Section 9 of the Zoning By-Laws, all new lighting shall be glare shielded from adjacent properties and streets.
8. All required landscaping shall be installed and stabilized. Following construction, landscaping shall be subject to field enhancements as reviewed and approved by the Planning Director.
9. Any and all operation that takes place at the site must meet all noise and dust By-Laws in the Town of Billerica.
10. Any new signage to be located on the building must be approved by the Planning Director prior to installation.
11. The applicant shall adhere to the Order of Conditions issued by the Conservation Commission.
12. This Special Permit is not valid until the project complies with all Board of Health Rules and Regulations, including the issuance of a Storm water Permit.

SPSP-300 Concord Road

13. A final elevation of the building shall be submitted to the Planning Director for review and approval prior to the issuance of a building permit.
14. The generator shown on the site plan shall be relocated to the landscape island on the north side of the building. A plan showing final location of the generator, including landscaping improvements shall be submitted and approved by the Planning Director prior to installation.
15. The applicant shall provide a walkway from the parking lot to the existing walkway located to the southwest of the proposed building. A plan showing the location and design of the walkway shall be submitted to the Planning Director for review and approval prior to installation.

Majority of the Planning Board

Matthew Butfield
Michael Riley
Blake Red
Marlin Henderson

Christopher Trilby

Commonwealth of Massachusetts

Middlesex, ss

November 29, 2021
Dated

Then Personally appeared Michael Riley, one of the above-named members of the Town of Billerica Planning Board and acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me.

Elizabeth T. Ells
Notary Public

ELIZABETH T. ELLS
Notary Public
Commonwealth of Massachusetts
My Commission Expires
September 9, 2022

September 9, 2020
My commission expires

I, Marguerite A. Hart, Town Clerk of the Town of Billerica, Massachusetts hereby certify that this Decision by the Billerica Planning Board has been received and recorded at this office and no appeal was received during the twenty days next after such receipt and recording of such notice.

Marguerite A. Hart
Town Clerk

Dec. 22, 2021
Date