



BILLERICA PLANNING BOARD

Town Hall

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Matthew K. Battcock, *Chair*
Gary DaSilva, *Vice Chair*
Patricia Flemming, *Secretary*

Kevin Heffernan
Dean Santoro
Christopher Tribou
Michael Riley

A meeting of the Billerica Planning Board was held on March 11, 2019 at 7:00 P.M. at Town Hall Room 210, 365 Boston Rd., Billerica, MA. Present were Matthew Battcock (Chairman), Gary DaSilva (Vice Chairman), Patricia Flemming (Secretary), Christopher Tribou, Michael Riley, and Kevin Heffernan. Dean Santoro was absent. Christopher Reilly, Director of Planning was also present.

Matthew Battcock began the meeting with the Pledge of Allegiance.

7:00 P.M. OPEN MICROPHONE

None

7:01 P.M. ANR

None

7:02 P.M. Director's Report

Mr. Reilly reviewed recent activities in the Planning Office and current events in the planning field. The Annual Report was in the Board's packets and covers the activity of the Planning Board over the past calendar year. The annual Citizens Planning and Training Collaborative training for planning boards will be conducted on March 16. There are extensive workshops for planning board members that might be of interest. If any Board member would like to attend Mr. Reilly will get reimbursement for the nominal registration fee.

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The Planning budget process has begun and we expect nothing to really change.

There may be initiatives such as a zoning audit that the Board could consider recommending for funding through a request for appropriation by Town Meeting.

Chris Tribou asked Board members what they thought of funding a zoning audit. Mr. Reilly said it was usually a multi-year process and could cost up to \$75,000, but it is usually initiated by a first installment and \$15,000 would be his recommendation.

Mr. Reilly concluded his report by explaining the B2 submission process for plans previously submitted as ANRs. These applications have received relief from the ZBA and as such should not be considered as ANR plans, but as subdivision plans that the Board waives strict compliance on in terms of the application content.

Also seeking departmental comments on these applications as we would with normal B2 submissions would be problematic because the statute restricts the input of other boards through this process. For example allowing conservation input on ANRs or plans submitted as partial B2s, as has been suggested, would exceed the authority of the Planning Board and subject it to litigation.

7:10 P.M. PUBLIC HEARING: B2 MINOR SUBDIVISION - 25 DEVONSHIRE RD.

Mr. Battcock entertained a motion to open the public hearing and dispense with the reading of the legal notice. Gary DaSilva made the motion, Mike Riley seconded.

Approved 6-0-0.

Mr. Dangora represented the applicant.

Before discussion or deliberation on the application Mr. Reilly informed the Board that a delay in notice to the abutters as required under the B2 application requirements meant that the hearing had to be continued so that proper notification could take place.

Mr. Dangora agreed.

Mr. Battcock entertained a motion to continue the hearing to April 29. Gary DaSilva made the motion, Mike Riley seconded.

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Approved 6-0-0.

7:20 P.M. SUBDIVISION SECURITY RELEASE: B2 MINOR SUBDIVISION - TURNER RD.

Richard Anese, the petitioner, was present to explain the request. The subdivision is almost complete and most of the inspections have been done. Mr. Reilly explained that the request is for release of the remaining bond less the required contingency for the drainage and funds required for the preparation of an as-built plan sufficient for Town Meeting approval as an accepted street.

Mr. Battcock entertained a motion to release the bond with a remaining retainer as recommended by the DPW of \$31,207.82. Mr. DaSilva made the motion, Mr. Heffernan seconded. Approved 6-0-0.

7:25 P.M. Discussion: Review of March 6 Zoning Workshop Summary of input received on PUD amendments for Spring 2019 Town Meeting.

Mr. Reilly summarized the proceedings of the March 6 zoning workshop staff had conducted to get feedback on the proposed zoning articles for Spring Town Meeting.

Presentations were made by Mr. Reilly and Rob Anderson, the Community Development Director, about the proposed Technology Park PUD zoning. The attendees then had the option of asking questions and providing feedback for the Board about the process for permitting under the proposed zoning, or the elements of the zoning itself and what had been changed from the Fall Town Meeting when similar zoning had failed. The educational presentations began at around 7:03, and completed close to 7:30.

There was a mix of opinions at the educational zoning workshop. The questions and answer sessions at the breakout sessions began immediately afterwards and the last person left at 10pm.

There were 47 people who signed up, although some number was probably closer to 60 attendees. Of the people that signed up, 3 residents who were abutters within 300 feet of the Technology Park PUD-IP district showed up. Although it should be noted, that 4 residents from residential neighborhood (Eliot/Marshall) across Route 3 attended.

Most discussion focused on the Technology Park PUD-IP District Overlay.

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Permitting process feedback:

- **The meeting format was not what the Planning Board agreed to at the February 11 meeting, i.e. there were no Planning Board members available to hear and discuss attendee concerns.**
- **The presentation on the zoning was another lobbying effort and contained untrue info once again. An example it we were told the park is under one ownership. Based on ownership it is actually 12 separate parks in one area.**
- **The presentation on the zoning was misleading in that the matters of the PUD zoning language and the zoning map change are two separate items that have been combined in these presentations.**
- **There is already plenty of housing in this area-if other office parks have much lower vacancy rates then there is something wrong with this park that has nothing to do with housing and zoning.**
- **Why are we subsidizing the property owner and solving their problems - they should be marketing their vacancies better.**
- **We have had a lot of zoning changes in the past few years and were told that projects would come. But we have little to show for it. Where are the results?**
- **Our economic development program seems scattered and should utilize more tools than just zoning.**
- **In the past when overlay districts were approved they were for specific properties, with specific plans. The PUD overlays being proposed are too large and undefined.**
- **What is the definition of an Industrial Park? There needs to be a definition.**
- **The Mac 2's PUD will not change the ability of someone to operate a strip club in that district-it is a protected right.**
- **If housing was a needed business amenity, then EMD Serono and Clear Motion would find developers themselves to propose housing projects. Why is the Town doing this for them?**

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- **The cap on 250 housing units at Technology Park needs to be much more definitive-the way it is worded could allow 250 units on each of the 12 parcels in the park.**

Zoning Content Feedback:

- **Some complained that each parcel in the district could have 250 housing units. That is not the case and was mentioned multiple times to various people (some for and some against) during the night.**
- **There were some residents who came up that did not want to see the overlay, and did not want to see any development in the industrial park at all.**
- **One resident, Cathleen Mansfield, wanted to know why we were pursuing new development while the vacancy was too high.**
- **Darlene Torre, who lives at the Villas at Old Concord, was worried that the additional luxury housing would inspire the owners at her complex to enhance their apartments in order to be competitive, and that would make affordability more difficult for residents.**
- **The majority of visitors to the zoning article table had questions about traffic: Karen Tranni who lives in the neighborhood across Route 3 via Eliot Street was worried that anything done to the park would increase traffic from the park through to Middlesex Turnpike via Marshall Street. Glenn Card from 107 Dudley Road was worried about traffic the other direction out Orchard to Concord Road. Patricia Payne from 345 Concord Road**
- **Dave Gagliardi from 2 Whiting Street off Concord Road expressed an interest in attracting new construction and businesses to the Park. He felt that creativity, and an informed Planning Board, could bring the right projects to Billerica.**
- **While there were positions in favor and opposed voiced, there was one suggestion from a resident, Craig Beckerleg from 20 Cottage Street. Craig's concern was on the building heights and the possibility of lowering the number from 65 feet to 50 feet.**

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Katie Mahoney, the Economic Development Coordinator, received input on proposed PUD overlay expansion for 172 Boston Road. No report was submitted for that feedback.

7:30 P.M. PUBLIC HEARING: PROPOSED ZONING TEXT AND MAP AMENDMENTS FOR TECHNOLOGY PARK AND 172 BOSTON ROAD •

Mr. Battcock entertained a motion to open the public hearing and dispense with the reading of the legal notice. Gary DaSilva made the motion, Pat Flemming seconded. Approved 6-0-0.

Mr. Battcock discussed the proper format for the hearing.

There was a short presentation on the zoning by Rob Anderson, who discussed the intended benefits of the proposed zoning and changes that have been incorporated into the zoning:

- the reduction of the housing density cap for the whole overlay at technology park down to 250 units,**
- an increase in building setback requirements to reduce shadows and congestion**
- the addition of an affordability component for ownership units**
- an enhanced definition of open space**
- the reduction of the height requirement and ability for the Planning Board to waive to a higher limit if a public benefit can be identified by the Town, as a result of the zoning workshop feedback.**

Mr. Battcock asked if there was public comment.

Mike Rosa, 29 Riverdale Rd., stated that the Board should not recommend this zoning to Town Meeting. He talked about how his analysis had shown that that were many housing units nearby and other office parks in town without that level of density nearby were doing fine. He added that several PUD overlays

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have already been passed by Town Meeting. This zoning allowed a substantial floor to area ratio and may result in excessive housing coming forward at any time. He stated that the PUD zoning will not necessarily help in the area of tax revenue if only housing is built.

The problem seems to be how the property managers are marketing vacancies, not the lack of zoning for amenities.

He then outlined a number of amendments to the proposed zoning that he was submitting to the record with the understanding that the Board could make minor adjustments to the zoning in advance of Town Meeting.

The amendments can be summarized as follows:

- Lower cap on housing density down to 50 units
- Greater setbacks to 75 feet between structures
- Increase open space requirement to 40%
- Change parking from 1.25 required spaces to 2
- Lower height to 3.5 stories
- Greater affordability
- Clarify definitions (Industrial Park, etc.)
- Require filling of industrial space before residential is allowed
- Requirements for a traffic study

Bill Green, 27 Nashua Road, talked about how the zoning shouldn't be coming back within 2 years after being defeated in the fall. He was concerned there will be no studies, e.g. fiscal and traffic impacts, before Town Meeting approval or review.

Dan Burns, 12 Noulte Road and Town Meeting member, thought this zoning was just recycled from the last time it was defeated by Town Meeting.

He mentioned the abundance of housing already nearby and the responsibility of the property owners to do more about the vacancies in their properties. Other communities are successful in their economic development efforts, and we aren't. What are we missing? He spoke of the need for a more effective

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economic development plan and less reliance on zoning proposals that haven't produced results.

Mr. Burns thought that the zoning needed a lot of work and there wasn't enough time to address its deficiencies before Town Meeting. It should therefore be tabled until such time as major issues needing refinement can be resolved and the Town economic development program can get adjusted to get results.

Craig Beckerleg, 20 Cottage St, Precinct 7, felt Marshall and Elliot streets would receive a lot of traffic from the development allowed by this zoning. They are already over subscribed. The Town has previously made promises to improve the traffic in this area and hasn't done anything. Their credibility is suspect.

Blake Robertson, 383 Treble Cove Road, explained that we don't need this zoning. The owners need to make more effort and the zoning will not improve tax revenue.

Justin Damon, 17 Harnden Road, noted there are other mixed use developments in places like Littleton that have no housing. We have four times the population so it's ridiculous to say we need more housing to get the uses we want. This is not redevelopment and we shouldn't be told that. This is new development.

Janet Morris, 74 Tercentennial Drive, has concern about the 250 unit cap. That's a lot of housing and developers will ask for it. If we really want less density then we should require that. Is there an Option B? Why is this the only choice? We should have more options.

Wayne Smith, 6 Chadick Street, wants to know why we need 250 units. Why are we allowing only what the developers want? We need to work on attracting more industrial uses. There are lots of condos in the area. We don't need more of this housing, which isn't affordable.

Kim Conway, 41 Buckingham Drive, Town Meeting member, said I support this zoning. There have been untrue statements that the Town has addressed. The affordability has been added, the density has been capped. There is a housing shortage that even the Governor has warned about. The Planning Board is not voting for a project, just recommending the zoning to Town Meeting. It's not true to say that this zoning won't be good for tax revenue, it will support commercial which will provide more revenue.

Surrounding communities have a lot of housing to support mixed use. I trust the Planning Board to permit what we want.

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William Quagliozi, 370 Concord Road, asked if you vote against the zoning will it kill it?

Mr. Battcock referred to Mr. Reilly, who said it would go to Town Meeting no matter what because it is substantially different zoning from what was defeated in the fall.

Mr. Quagliozi, felt the traffic would not be manageable on Elliott and Marshall streets because of this zoning.

John Gagliardi, 2 Whiting Street, Town Meeting member. He supports this zoning and hopes the Planning Board will. Zoning like this is working in Saugus, Lynnfield, Maynard and other places to revitalize distressed areas. Companies we have and are seeking need this type of housing to attract and keep workers. The proposed zoning does not represent a plan, it just enables the zoning to try and attract what we want.

Dave Gagliardi, 2 Whiting Street, is the 250 units allowed per project? Mr. Reilly explained that it would be the limit that could be approved in the whole overlay, which contains about 11 properties.

Mr. Gagliardi talked about things have changed and young professionals aren't starting families as early and are looking for housing near where they work. He asked Mr. Anderson if companies are saying they need this zoning and he confirmed it. He urged the Board to recommend the zoning to town Meeting.

David Johnson, 113 Gray St., Town Meeting member talked about how Billerica had a great location. We have highways and air and rail transportation alternatives nearby that make the community very attractive to professionals. We aren't marketing what we have properly. This type of zoning will not make a difference and we should be promoting what we have better.

Darlene Torre, 4 Riverhurst Road, said her rent is going way up and the property owner only wants to appeal to the high end market. We don't need more housing like that. The proposed zoning has no protection from a developer building only housing.

Maureen Meyers, 6 Porter Street, stated she worked at Technology Park and we need a restaurant there. We eat at food trucks. We don't need housing. There are workers there that would eat in Billerica if the option was there. Instead they go to Burlington. We need businesses in Technology Park, and restaurants. There are shuttles that bring high skilled workers from Cambridge, they don't want to live here.

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Glen Carver, Dudley Road, he liked the PUD zoning at first but now he's not so sure. People say it is a bait and switch to bring only housing. The developable land is in the back of the park where the housing would go. Access will be hard and residential will go in before we are told nothing else wants to come. The zoning should be worked on and come back.

James Reef, Precinct 6. I support this zoning because I am an environmentalist. This zoning helps protect open space and allows people to afford to stay here.

Mr. Battcock entertained a motion to close the public hearing. Gary DaSilva made the motion, Pat Flemming seconded. Approved 6-0-0.

Mr. Battcock asked the Board for their positions.

Mike Riley thought the adjustments to the height, etc., were needed in response to previous Board concerns. It seems like a lot of people are against housing, but not redevelopment. The area needs mixed use and redevelopment. Successful projects in surrounding communities have good highway access. The Master Plan talks about projects like these in similar locations. Where else would we put this? This is consistent with smart growth. Billerica has appeal and this would take advantage of that. There were some adjustments that were needed but the special permit process with the Planning Board, including peer review and technical guidance, would protect the neighborhood and therefore he supported the zoning.

Chris Tribou talked about how the situation was complicated and there is a great diversity of opinion on this zoning. He agrees with Mr. Burns that options need to be fully utilized. The lack of good planning and considering options that included housing brought 40B to us. The demand for housing will not relent and suburban communities are seen as the counter productive. There is a need to do something about the Technology Park vacancies and while traffic concerns were valid this was an appropriate piece of zoning to be used as a tool to reduce the vacancies, proactively increase housing choice and help bring amenities on an existing development.

Mr. DaSilva talked about his reservations on the density and height. There should be a requirement to provide industrial uses before residential but the Town has made the effort to address many resident concerns. But the zoning seemed to be a necessary response to the vacancies and the Planning Board would be there to ensure proper permitting.

Mr. Heffernan said that there is an existing problem and this is probably the best way to solve it-the Town needs investment, you have to take a chance

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and it probably won't happen without this. If someone has a better idea we haven't heard it. We need more restaurants like other communities already have. The Planning Board is more than capable of permitting the right project. He supports the proposed zoning.

Ms. Flemming said she thought zoning should go to Town Meeting for the final say.

Mr. Battcock felt that there is a demonstrated need to do something at Technology Park and the zoning will help. The Board has made the effort through multiple meetings to get feedback and the proposed zoning is consistent with the master plan. It won't satisfy everyone but at least it will advance an economic development goal and the planning Board, with its access to peer review and technical guidance, will make the right decisions. He is in support.

Mr. Battcock entertained a motion to favorably recommend the proposed zoning articles to Town Meeting. Gary DaSilva made the motion to recommend all three, Mike Riley seconded.

Approved 6-0-0.

Mr. Kevin Heffernan made a motion to adjourn, Mr. Riley seconded.

Approved 6-0-0.

These minutes were prepared by Chris Reilly, Planning Director

I, Patricia Flemming, Secretary of the Billerica Planning Board, do hereby certify that the foregoing is a correct and true copy of the Planning Board meeting held on December 10, 2019.

Patricia Flemming, Secretary

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