

PB



5/9/22
Approved
Bessie Pardo
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TOWN CLERK
BILLERICA

BILLERICA PLANNING BOARD
Town Hall
365 Boston Road Billerica, MA 01821
978-671-0962
978-670-9448 Fax

Marlies Henderson, *Chair*

Janet Morris, *Vice Chair*
Christopher Tribou
Edward Giroux

Patricia Flemming, *Secretary*
Blake Robertson
Michael Parker

**Planning Board
Minutes
April 11, 2022 @ 7:00 P.M.
Held via remote zoom
Videod by BATV**

Can be Viewed: <https://billerica.cablecast.tv/CablecastPublicSite/show/3216?channel=3>

Members	Present
Marlies Henderson, Chair	X
Janet Morris, Vice-Chair	X
Patricia Flemming, Secretary	X
Chris Tribou	X
Blake Robertson	X
Edward Giroux	X
Michael Parker	X
Denise McClure, Acting Interim Director	X
Erika Oliver Jerram-Director	X

Pledge of Allegiance

REORGANIZATION-1:00-5:32

Pat Fleming: We are going to start off with nomination for Chairman

Blake Robertson-We would like to nominate Marlies Henderson for Chair

Seconded by Chris Tribou
Chris Tribou-Yes
Janet Morris-Yes
Blake Robertson-Yes
Marlies Henderson-Yes
Ed Giroux-Yes
Michael Parker-Yes
Pat Flemming-Yes
7-0-0-Marlies Henderson-Chair

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SILVERDA

Marlies Henderson-I would like to nominate Janet for Vice Chair position

Chris Tribou-I would like to nominate Ed Giroux

Marlies Henderson-We will first vote for Janet Morris
Seconded by Ed Giroux
Chris Tribou-Nay
Janet Morris-Yes
Blake Robertson-Yes
Marlies Henderson-Yes
Ed Giroux-Yes
Michael Parker-Yes
Pat Flemming-Yes
6-1-0-Janet Morris-Vice

Marlies Henderson-I would like to nominate Pat Flemming for Secretary
Blake Robertson-Moved
Seconded by Ed Giroux
Chris Tribou-Yes
Janet Morris-Yes
Blake Robertson-Yes
Marlies Henderson-Yes
Ed Giroux-Yes
Michael Parker-Yes
Pat Flemming-Yes
7-0-0-Pat Flemming-Secretary

The board congratulated everyone

APPOINTMENTS 5:32-15:29

Marlies gave a brief description of the committees

Cabot-Blake Robertson-Re-Appointed
Community Preservations Committee-Janet Morris-Newly Appointed

Housing Partnership-Michael Parker-newly Appointed
Street Acceptance-Edward Giroux-newly Appointed
Northern Middlesex Council of Governments-Chris Tribou-Re-Appointed
Open Space and Rec-Marlies Henderson-Re-Appointed
High School Building Committee-Christopher Tribou-Re-Appointed
Traffic Management-Edward Giroux-Newly Appointed

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TOWN OF BELLINGHAM

OPEN MIC 15:48-17:57

Kelly Sardina- Congratulated the newest PB members.

I would like to bring it to the board's attention, because this is very important before any decisions are made on anything going forward. I spoke with the Fire Chief, and he was never given the new plans, the only ones he saw were the ones in the beginning. The letter that you from him was a suggestion that they told them that they need to make it wider in front of the Dollar Store because the truck couldn't make the turn. He also spoke to them about what's behind the mall, my understanding of speaking with him, there is no parking back there, those are fire lanes and loading docks. So, the parking back there I don't get. Chris, you mention employees park back there but it is not used for general parking at all. I know that they are in front of you tonight for a Sub-Division. I just wanted to point out to the board that a minor and major, the board makes that decision. It is not made by our per diem Planning Director. It is made by the board. You would have taken a vote to determine if this was minor or a major.

ANR-480-496 BOSTON ROAD 18:42-41:30

Attendees-Jim Dangora Jr
Tim Williams-Allen & Major
Eric Moran-RD Management
James Silva-

Jim Dangora Jr.-The ANR before you is not a Sub-Division as stated in open mic. It is simply just to move a lot line. The lot is being split for financial purposes; retail will be financed from a different lender than residential. Getting the plan endorsed will get this going on the retail component.

Chris, Ed, Mike, Pat -it is a simple ANR, they have the frontage. They have no questions

Janet Morris-you came before us before and split the lot into 5,

Dangora Jr.-That was solely for the purpose of that was to preserve the zoning. This is to assist with the financing for the retail portion of the project

Janet Morris-My confusion is, let's say you have the parcel of land, you divide into 5 but its for zoning. Now it comes back with different plans, and you want to divide it another way. I guess my question is how as a board do, we know what plans we are using to be dividing. There are financial plans, zoning plans it is very concerning that BOH doesn't have the same plans that we looked at. I just want to make sure that we have the final plans, that we are able to make this decision using the proper filed plans that all of the boards have looked at. It is getting a little murky and I just want to be clear what I am voting on.

Jim Dangora Jr-Keep in mind that the Sub-Division plan was to freeze zoning. We can file it, get approval and not use it. But what I am telling you here, is that we will be using this plan that is before you. The lender will be putting the mortgage on lot 1A

Janet Morris-Are these the final plans that all the boards have? Can we get a copy of the new plans?

Jim dangora Jr.-The plans don't go before the other boards. This is just submitted to the Planning Board so it can be recorded. There is no construction, we are just moving the lines.

Janet Morris-I know we are talking about frontage as a question. A simple ANR still gives some power to the PB right? We have to make a decision that it has suitable grades, adequate construction, provide the needs for vehicular traffic. I mean that it was on part C on the application, so its not just frontage, so is their additional things we should look at?

Erika Oliver Jerram-For an ANR it is it creating lots that are compliant with zoning, so that will be frontage and access. In this case it is an internal line that is moving. It is not changing the access, its not changing the frontage. There is nothing here for you to deny it.

Janet Morris-We shouldn't just rubberstamp an ANR. Several times I have heard, why is it even before us?

Erika Oliver Jerram-It is a notification, so that the PB is aware that the lot lines are changing and that someone is looking out for zoning.

Denise McClure-ANR's are in Massachusetts and nowhere else, they are strictly frontage, not even lot size. As long as you can access the lot and have enough frontage, that's it.

Blake Robertson-I do am concerned when we use the term prior endorsement, I was trying to understand, and I don't want to replough the soil. Unfortunately, I don't see what the prior line was and what the new line is and I am trying to get a visual with the plans that we have dated April 7th. Can we get an overlay so everyone can it see?

Jim Dangora Jr-When I referenced endorsement, I was talking about November 2021 endorsement on the prior ANR plans.

Tim Williams shared his screen to show the new lines

Blake Robertson-Thanked Tim for showing the lines. How many parking spots for the residential?

Tim William-299 parking spots for the residents

Marlies Henderson-I compared this map that we were given with an older map, and I wonder if this whole discussion could have been erased if we got the colorful one.

MOTION TO APPROVE

Janet Morris-I make a motion to approve the ANR for 480-496 Boston Road as written
Seconded by Pat Flemming
Chris Tribou-Yes
Janet Morris-Yes
Blake Robertson-Yes
Marlies Henderson-Yes
Ed Giroux-Yes
Michael Parker-Yes
Pat Flemming-Yes
7-0-0-Approved

ANR-16 AUSTIN ROAD 41:37-50:24

Attendees-Jim Dangora Jr
Homeowner-Paul Dutton

Jim Dangora Jr.-Last time we divide a large parcel into 2 lots. In that instance it was Lot A & Lot B. At that time, I disclosed to you folks that we may be back soon on the remaining property. The owner is going to construct a home on lot B1. The applicant requests to subdivide a parcel a parcel in the Village Residence to create two new lots. Both lots meet the lot size requirements, and both have frontage.

Chris, Ed, Pat -It meets the frontage and lot size, so they have no questions

Erika Oliver Jerram-Same comments as before, it meets the frontage.

Blake Robertson-Was there a need to get the street naming resolved. I don't think it is problematic.

Jim Dangora Jr.-These roads are accepted public ways, I don't know why DPW put lakeside Road on that corner.

Mike Parker-In our packet there was an older plot plan dated 1969 and it is calling out lot 1 & 2 as 17,668 & 19,090 sq ft. But today we have them showing as 33,441 & 30,807, can we get clarification on how they doubled? Its an ANR, just asking questions about what was in the packet

Jim Dangora Jr.-The properties owners acquired the additional property. There is a lot of history on that site.

Marlies Henderson-I am ok with it. It will have some Con Com time but that it is not our business

MOTION TO APPROVE

Marlies Henderson -Can I get a motion to approve the ANR for 16 Austin Road
Moved by Blake Robertson
Seconded by Michael Parker
Chris Tribou-Yes
Janet Morris-Yes

Blake Robertson-Yes
Marlies Henderson-Yes
Ed Giroux-Yes
Michael Parker-Yes
Pat Flemming-Yes
7-0-0-Approved

ANR-MBTA (Heritage Rd & Boston Rd) 50:29-57:44

Attendees: None

Kerri Rufo-The applicant did not show up, they do not have to be here for this

Erika Oliver Jerram-The MBTA is selling a portion of the rail line. It is not a situation where you need frontage.

Ed Giroux-Is this in preparation for the bike path coming up?

Erika Oliver Jerram-That is a great question, I will find out more.

Mike Parker-To me it looks like beginning of a development here on the corner which isn't a bad thing but to own property with tracks on it, I just have fears that things go south. It is an ANR, that was my concerns. Wanted to know if the tracks are going to stay

Marlies Henderson gave a brief history lesson on that property, she thoughts the tracks are already gone.

The other board members had no issue. It is a standard ANR

MOTION TO APPROVE

Janet Morris -I make a motion to approve the ANR for the MBTA (Heritage & Boston Road)

Seconded by Michael Parker

Chris Tribou-Yes
Michael Parker-Yes
Patricia Flemming-Yes
Janet Morris-Yes
Marlies Henderson-Yes
Blake Robertson-Yes
Ed Giroux-Yes

7-0-APPROVED

Public Hearing-Article 28 57:46-2:27

Attendees:

Jim Dangora Jr.
Morgan Pierson-Berkley Inv.
Esther Chung Byun- Berkley Inv.

MOTION TO OPEN

Ed Giroux-I make a motion to open the Public Hearing for Article 28

Seconded by Chris Tribou

Chris Tribou-Yes

Michael Parker-Yes

Patricia Flemming-Yes

Janet Morris-Yes

Marlies Henderson-Yes

Blake Robertson-Yes

Ed Giroux-Yes

7-0-0-Open

Jim Dangora Jr.-The petitioner proposes to amend the Zoning Map of the Town by changing the zoning designation of the property from Neighborhood Residence to Industrial. They are looking for a recommendation for TM.

Jim Dangoras team shared the screen to show a presentation.

Questions from the board

Chris Tribou-I was very impressed with the presentation, it was very informative. It is good Planning because this could potentially be residential. If it was residential, you would lose all of those trees. The business will generate a ton of tax revenue and it will help greatly with the Town. It will put good jobs into the area. You gave a very detail of what is going to go there, and I liked how you incorporated the Master Plan.

Janet Morris-Did you look at other sites in Town, because there is a lot more of other spaces.

Morgan Pierson-We have been looking in the region to look a GMP facility like this. This site is well placed in terms of the location and its availability. This is a very good fit for what we want to do.

Public Comments

Joe Medina-8 Whiting St- I have lived here for 60 years and seen the overdevelopment in Billerica. It has caused water bans, and we get our water from the Concord River. With this new development I was wondering what it would do to the water supply. I thought it was going to be a bigger project before seeing the presentation. It comes down to the water consumption, we don't want to drain the Concord River.

Jim Dangora Jr.-Those will be addressed at a later date when it comes before the PB when it is a Special permit. We are just looking to get the zoning change right now.

Dave Gagliardi-Whiting St.-I just wanted to address some of Joes concerns in regard to the water. The Towns water supply is controlled by the DEP. We have a permit to withdraw 65 gallons of water pp, per day. The water restriction we see every year, it is built into the plan to help us to stay

within the 65 gallons pp per day. The river is not running out of water, it is controlled by the DEP. These types of business don't use as much water as you think they do. Market Business would probably use more.

Kelly Sardina-Past PB meetings. After the attorney presents. The attorney he was not to have any more conversations. It can be intimidating to the public.

Doug Flynn-I would like to keep it residential. We do not need another huge Industrial Park in this part of town.

Loreen Gogen-164 Concord Road. I have lived here for over 60 years. I have tried to get in touch with Ed Giroux before the meeting. My husband owns a business here in Town.

Jim your presentation was very compelling and if I didn't live across the street from this, I would be all on board. Chris, you mention further development and that is my concern. I do not want any development on this property for obvious reasons. You have talked about all the benefits. I for one would like tax relief for the TOB but not at the cost of that piece of property. I am wondering why Berkley can proceed what they want to do and leave that alone. The picture doesn't make it look like it is close, but it is close. Down further there is going to be another driveway put in as well. These are some of my concerns. I live day in and day out with near accidents. I can only imagine what the traffic is going to look like. All of my neighbors are concerned about this. I am asking the board to put the breaks on changing this from residential to Industrial.

Back to questions from the board

Janet Morris-The residents bring up important points. I am concerned why we can't put it behind it. Is there any possibility to put this building behind the residential portion?

Jim Dangora Jr.-This gives us the opportunity to go through the site plan process and we will have plenty of time to discuss that. One of my concerns is that if it remains residential, you may lose that buffer. You won't have that enhanced landscape plan. Your points are very well taken. As we go through the SPSP process that buffer will be protected. Let us get through TM before we start talking SPSP. I know that Berkley will be more than happy to meet with Loreen and that they are taking these comments seriously and they want to preserve that buffer.

Janet Morris-But can it be put behind the building?

Morgan Pierson-Our current plan right now is not to build any industrial building on that parcel. It helps us to build a better project with safer access and control this disjointed parcel in front of our piece. We want to minimize disruption to wetlands. All these other things we are going to talk about if we are successful with this rezone. We agree with what we have heard tonight.

Blake Robertson-What is that dash line in the yellow box and what does it represent?

Jim Dangora Jr.-That is a property line, and you can see how in the residential spills in the industrial

Blake Robertson-All of that is one parcel, correct?

Jim Dangora Jr.-2 parcels

Blake Robertson-I don't understand why we can't have a 4-acre buffer and why is this necessary?

Jim Dangora Jr.-Because of the inconsistent zoning. When we get to the SPSP you will see but we are trying to get through TM first.

Ed Giroux- I want to apologize for not getting back to Loreen, I will get back to her. Will Berkley be the tenant as well.

Morgan Pierson-No, we will be bringing in new tenants

Ed Giroux-Can you say who that might be, you did say the industry.

Morgan Pierson-That is too premature

Ed Giroux-I echo the concerns of some of the residents. Jim, you said that the acreage is over 4, acres, correct?

Jim Dangora Jr. -4.256 acres

Ed Giroux-How many homes could be built on that many acres?

Jim Dangora Jr.-It is a neighborhood zone, probably 3-4 houses

Ed Giroux-And it could be apartments to, and we don't want to start talking about that. We are talking about a rezoning and recommending to TM. We are not actually making the decision. TM will do that. A couple people have talked about moving the building behind the lot that we are talking about and that is a great compromise and I think that is something at the next step. I think we are a little premature to talk about that here. I look forward to that discussion in the future, I think that of what residential building could be put there. It does align with the Masterplan. I look forward to this.

Michael Parker-I can understand the residents perspective. That is the perils of living next to a commercial or industrial zone like that. The fear of a large dense housing complex is even more far fetched because we are over the 40B. It would just be 4 houses. Are there any possibilities to get the overlays with the building in it? These are not scalable, and I think it would be helpful for PB members and the TMM. Pictures speak the most and that the building is actually in the Industrial zone area. I drive that road everyday and I know what the resident is talking about with accidents. There is no merge sign and that is a huge concern with me. It is a bottleneck location. You will have cars coming in from the newly made facility. I don't know if we could do this, but could we extend the two lanes?

Erika Oliver Jerram-We are just talking about zoning right now. That parcel is unusable as industrial use if the residential is still there, it is a split zone, and you can't access the rear part of the parcel. You can not run an industrial road through residential zone.

Denise McClure-One of the problems, you can not legally access the industrial parcel through a residential. By allowing it to be Industrial it will allow flexibility during the SP review, like traffic like Michael was talking about.

Michael Parker-The further back it goes, the closer it goes to the Concord River.

Jim Dangora Jr-Anyone who buys this has to go thru SP anyways

Marlies Henderson-Wanted to remind them that the bike path goes through this area

MOTION TO CLOSE

Michael Parker-I make a motion to close the Public Hearing for Article 28

Seconded by Chris Tribou

Chris Tribou-Yes

Michael Parker-Yes

Patricia Flemming-Yes

Janet Morris-Yes

Marlies Henderson-Yes

Blake Robertson-No-He had his hand up and wanted to speak again

Ed Giroux-Yes

6-1-0-Closed

Blake Robertson-If we look at the glossy briefing, the 3rd slide, it shows the road coming off of MTP. They were stating no access to the industrial area.

Denise McClure-I said that expending the zone allows flexibility.

MOTION TO RECOMMEND

Janet Morris-I make a motion to recommend proposed zoning map amendment Article 28 to Spring Town Meeting

Seconded by Michael Parker

Chris Tribou-Yes

Michael Parker-Yes

Patricia Flemming-Yes

Janet Morris-No

Marlies Henderson-Yes

Blake Robertson-No

Ed Giroux-Yes

5-2-0-Closed

(Cont.) Public Hearing B1-Preliminary-Winsor Road 2:27-2:28

Janet Morris-I make a motion to continue

MOTION TO CONTINUE

Janet Morris-I make a motion to continue the B1 Preliminary Winsor Road until May 9, 2022

Seconded by Blake Robertson

Chris Tribou-Yes

Michael Parker-Yes

Patricia Flemming-Yes

Janet Morris-Yes

Marlies Henderson-Yes

Blake Robertson-Yes

Ed Giroux-Yes

7-0-0-Continued

Minutes 2:28-2:34

MOTION TO APPROVE THE MINUTES

Janet Morris-Asked for changes and mentioned scrivener's error

Ed Giroux-I make a motion to approve the minutes with corrections from April 11, 2022

Seconded by Janet Morris

Chris Tribou-Yes

Michael Parker-Abstained

Patricia Flemming-Yes

Janet Morris-Yes

Marlies Henderson-Yes

Blake Robertson-Yes

Ed Giroux-Abstained

5-0-2-Minutes Approved

OTHER BUSINESS-2:34-2:41

MBTA-

Please see attached, just informative information.

Ed Giroux-Reminded the board that this is not on the agenda

ADJOURNMENT 2:42

Ed Giroux-I make a motion to adjourn

Seconded by Janet Morris

Chris Tribou-Yes

Michael Parker-Yes

Patricia Flemming-Yes

Janet Morris-Yes

Marlies Henderson-Yes

Blake Robertson-Yes

Ed Giroux-Yes

7-0-0

THE BOARD ADJOURNED

End
