



BILLERICA PLANNING BOARD

Town Hall

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

Christopher Tribou
Blake Robertson
Janet Morris
Michael Riley

PLANNING BOARD

Minutes

April 29, 2019 – ROOM 210

Attendance: Gary DaSilva (acting Chair), Pat Flemming, Mike Reilly, Chris Tribou, Janet Morris, Blake Robertson (remotely), Planning Director Chris Reilly.

7:00 P.M. OPEN MICROPHONE

No comments were received.

7:01 P.M. ANR: 59 OAK STREET

Approval not required subdivision plan to split the lot. Vote expected.

Mr. DaSilva opened the agenda item and asked the petitioner to explain the ANR application before the Board. Attorney James Dangora Jr. explained that this was a simple lot split to provide a rear lot that will not be buildable, as notated on the plan. The proper frontage was provided for the front lot and the plan was properly prepared for endorsement.

Mr. Robertson asked what the zoning was. Mr. Reilly advised that it was Rural Residential.

Mr. Reilly agreed that the plan was entitled to endorsement and recommended that the Board approve the plan as proposed.

Mr. DaSilva asked for a motion. Chris Tribou made a motion to approve the ANR plan for 59 Oak Street as proposed. Janet Morris seconded.

Roll call vote: Mike Riley-yes; Chris Tribou-yes; Gary DaSilva-yes; Pat Flemming-yes; Janet Morris-yes; Blake Robertson-yes.

Approved 6-0-0.

7:02 P.M. ANR: 11 EASTGATE ROAD

Mr. DaSilva opened the agenda item and asked the petitioner to explain the application before the ANR Board. The homeowner at 11 Eastgate proposed to swap a portion of his land with his neighbor.

Mr. Reilly advised the plan was properly pared, the lots would remain in compliance with zoning and endorsement was recommended.

Janet Morris asked who owned the shed. The applicant answered that he did.

Mr. DaSilva asked for a motion to approve. Gary DaSilva made a motion to approve the proposed ANR for 11 Eastgate Road. Chris Tribou seconded

Approved 6-0-0.

Mr. Reilly gave the Board updates on the hiring process for the Planning Board Clerk and Town Meeting while awaiting the next public hearing.

The Clerk hire is expected by the June meeting and the PUD zoning warrant articles for Technology Park have been pulled due to feedback that indicates they would not pass. The zoning may come back to the Board at some point but there are no plans for that.

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

Mr. DaSilva asked for a motion to open the public hearing. Chris Tribou made the motion, Pat Flemming seconded.

Approved 6-0-0.

Attorney James Dangora Jr. represented the applicant and explained that this was a simple lot split. The applicant requests to divide the land into 2 lots in a Neighborhood Residence Zone in order to construct a new single family home. Vote expected. The required relief from the zoning requirements was approved by the ZBA.

Mr. Reilly agreed with Attorney Dangora's representation and advised that no public comment was received by the Planning Office and the departmental comments were minimal. He recommended approved the application as proposed.

Mr. Battcock asked for public comment and there was none.

Mr. Riley noted that the Board had just approved a similar application.

Mr. DaSilva asked for a motion to close the public hearing. Chris Tribou Gary DaSilva made the motion, Pat Fleming seconded.

Roll call vote: Mike Riley-yes; Chris Tribou-yes; Gary DaSilva-yes; Pat Fleming-yes; Janet Morris-yes; Blake Robertson-yes.

Approved 6-0-0.

Mr. DaSilva asked for a motion to approve the application as proposed. Chris Tribou made a motion to approve the B2 Minor subdivision for 25 Devonshire as proposed. Janet Morris seconded.

Roll call vote: Mike Riley-yes; Chris Tribou-yes; Gary DaSilva-yes; Pat Fleming-yes; Janet Morris-yes; Blake Robertson-yes.

Approved 6-0-0.

7:11 P.M. PUBLIC HEARING: B2 MINOR SUBDIVISION – 8 KENESON ROAD

Mr. DaSilva asked for a motion to open the public hearing. Chris Tribou made the motion, Janet Morris seconded.

Roll call vote: Mike Riley-yes; Chris Tribou-yes; Gary DaSilva-yes; Pat Fleming-yes; Janet Morris-yes; Blake Robertson-yes.

Approved 6-0-0.

Attorney James Dangora Jr. represented the applicant and explained that this was once again a simple lot split. The applicant requests to divide the land into 2 lots in a Neighborhood Residence Zone in order to construct a new single family home. The required relief from the zoning requirements was approved by the ZBA.

The property owner, Mr. McKenna, agreed before the ZBA to extend the sewer from its nearest point to service both lots. The DPW is reviewing the sewer extension plan and no issues are anticipated. The road along the frontage for both lots is in good condition. The Keneson Road extension was approved as a B2 minor subdivision in 2006.

Mr. Reilly agreed with Attorney Dangora's representation but advised that based on the DPW's memo comments, specifically #2, procedure requires a Condition Assessment report (CAR) must be prepared by the DPW and submitted to the Board in the case of unaccepted ways. He recommended continuing the hearing so that the CAR could be prepared.

Mr. Dangora responded that the road was approved as a B2 subdivision in 2006 and it should be satisfactory according to Town standards.

Mr. Reilly agreed that the approval was a matter of record but the issue is whether it was constructed properly, and given it remained unaccepted it seemed something was missing. The CAR would answer any questions on the status of the road and whether it was constructed properly and complies with the approval and Town standards. The Town seeks protection in these cases to make sure things are done properly.

Mr. Riley asked why the DPW hadn't already required the CAR. Mr. Reilly responded that the applicant is usually required to apply for it from the DPW. In this case the applicant would prefer to avoid the CAR process. Mr. Riley asked what would happen to the mailbox. Attorney Dangora thought that the post office would decide where that belongs.

Mr. Tribou asked about the process for approving unaccepted ways by Town Meeting. Mr. Reilly advised a recent policy has been adopted that utilizes a variety of factors to identify streets that can be proposed for acceptance and access to Town maintenance and resources. Level of use and distress are considered now in addition to whether construction was according to Town standards.

Mr. Robertson asked why this was suddenly a priority and requirement when there are numerous pre-existing unaccepted ways all over Town.

Mr. Reilly explained that they have revised the process to make sure more roads are done properly and not left substandard, which can be a public safety access issue.

Mr. Dangora expressed his concern about going through the CAR process and preferred to see if the DPW agrees the road is presently adequate given it went through the subdivision control process when it was constructed. The bond has been fully released so there should be no issues with its adequacy. They are willing to continue to the May 13 meeting to confirm.

Mr. DaSilva asked for a motion to continue the public hearing to May 13. Chris Tribou made the motion, Pat Fleming seconded.

Roll call vote: Mike Riley-yes; Chris Tribou-yes; Gary DaSilva-yes; Pat Flemming-yes; Janet Morris-yes; Blake Robertson-yes.

Approved 6-0-0.

7:15 P.M. PUBLIC HEARING: B2 MINOR SUBDIVISION – 8 PARKER STREET

Mr. DaSilva asked for a motion to open the public hearing. Chris Tribou made the motion, Janet Morris seconded.

Roll call vote: Mike Riley-yes; Chris Tribou-yes; Gary DaSilva-yes; Pat Flemming-yes; Janet Morris-yes; Blake Robertson-yes.

Approved 6-0-0.

Mr. DaSilva asked the petitioner to present the application. Attorney James Dangora Fr. represented the applicant and explained that this was yet another lot split to allow for construction of a single family residence. The required relief from the zoning requirements was approved by the ZBA. The DPW commented that the Building Department should be notified about the application and for the record they were before the ZBA. One comment that needs to be addressed is an adjustment to the gate on the plan title block.

Mr. Reilly advised the proper relief was provided by the ZBA, the departmental comments were minimal, and the lots were on an accepted way, which was a distinction that did not require the adequate access process unlike the application before. There has been no public comment and he recommends approval of the application as proposed.

Mr. DaSilva asked for public comment.

Andrea Bonner, 27 Paiges Court expressed concern about the impact on the water pressure in the neighborhood from this proposal. She also wanted to know what would happen with the driveway.

Joe Smith, the property owner, said that the driveway would be entirely on the proposed lot.

Mr. Riley asked whether there was a sewer leaching field on the lot. Mr. Smith explained that the School needed overflow drainage so the area in question is storm water detention.

Mr. Tribou asked about the water pressure concern.

Mr. Reilly said that given it is an accepted way the utilities should be adequate for the proposed development.

Mr. DaSilva asked whether he should recuse himself given he knows the applicant. Mr. Reilly explained that without any financial interest there is no conflict, so he can vote.

Mr. DaSilva asked for additional public comment and there was none.

Mr. DaSilva asked for a motion to close the public hearing. Chris Tribou made the motion, Pat Fleming seconded.

Roll call vote: Mike Riley-yes; Chris Tribou-yes; Gary DaSilva-yes; Pat Fleming-yes; Janet Morris-yes; Blake Robertson-yes.

Approved 6-0-0.

Mr. DaSilva asked for a motion to approve the application as proposed. Mike Riley made a motion to approve the B2 Minor subdivision for 8 Parker Road subject to the adjustment to the title block. Janet Morris seconded.

Approved 6-0-0.

Mr. DaSilva entertained a motion to adjourn. Mr. Riley made a motion to adjourn, Chris Tribou seconded.

Roll call vote: Mike Riley-yes; Chris Tribou-yes; Gary DaSilva-yes; Pat Flemming-yes; Janet Morris-yes; Blake Robertson-yes.

Approved 6-0-0.

These minutes were prepared by Chris Reilly, Planning Director.