



BILLERICA PLANNING BOARD

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TOWN CLERK
BILLERICA

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

Marti Mahoney
Dean Santoro
Christopher Tribou
Kevin Heffernan

A meeting of the Billerica Planning Board was held on July 16, 2018 at 7:00 P.M. at Town Hall Room 210, 365 Boston Rd., Billerica, MA. Present were Matthew Battcock (Chair), Gary DaSilva (Vice Chair), Patricia Flemming (Secretary), Christopher Tribou and Marti Mahoney. Christopher Reilly Director of Planning was also present. Dean Santoro and Kevin Heffernan were both absent.

Matthew Battcock
Began the meeting with the Pledge of Allegiance.

Pat Flemming
A moment of silence was given for Ellen Sargent who passed away recently.

OPEN MICROPHONE:

There was no one signed up for the open microphone.

ANR PLAN:

None

DEFINITIVE SUBDIVISION: FITZPATRIC WOODS, PUBLIC HEARING

Chris Reilly
Applicant requested a continuance to August 20, 2018.

MASTER PLAN ADOPTION

Chris Reilly
Given periodic updates to the board on the master plan update project. Last approval of the master plan was in 2003. Approximately 2013 the town meeting appropriated money to get a consultant on board to do the master plan update. For the sake of expediency and land use issues in town there was an abbreviated process. Economic Development and Housing we left out of this master plan update process. In 2015 we got an updated master plan from the consultant and we still had some work to do. It

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was used at town meetings for recommend zoning changes and work still needed to be done on it. Changes have since been and it was finished late last year. We have all the required elements under the statute for an approved master plan. The last local step is to have the planning board approve the plan, master planning committee has voted to recommend it. Has been on line for a while. The ask tonight is to vote to approve the final master plan and to send to the state for final approval and then it will be a legally binding document. A lot of people contributed to an excellent document. The selectman is usually in charge of forming an implementation committee.

Chris Tribou

Were we supposed to have a meeting to go over it?

Chris Reilly

The master plan committee has been put in charge of going over it and they are giving their formal recommendation of approval.

Marti Mahoney

Can we hold off until August to review the document fully?

Chris Reilly

Pleasure of the board if they want to hold off for approval until August.

Gary DaSilva

Make a motion to approve the master plan.

Pat Flemming

Second.

Matt Battcock

All in favor: 4

Abstained: 1, Marti Mahoney

Absent: 2, Kevin Heffernan and Dean Santoro

PLANNING BOARD APPOINTMENTS

Chris Reilly

NMCOG appointment from the planning board. Marti Mahoney's appointment has expired.

Gary DaSilva

Motion to appoint Marti Mahoney to NMCOG.

Matt Battcock

Second, if Ms. Mahoney wants to do it.

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Marti Mahoney
Yes.

Matt Battcock
All in favor: 4
Abstained: 1, Marti Mahoney
Absent: 2, Kevin Heffernan and Dean Santoro

Chris Reilly
There are some other appointments in the past we had filled. Received notice from Town Clerk that standing committees needed re-appointments but most of those committees are not standing committees so at this time there is no need to appoint a planning board member.

APPROVAL OF MINUTES

Gary DaSilva
Make a motion to approve the minutes of June 11, 2018.

Chris Tribou
Second.

Matt Battcock
All in favor: 5
Absent: 2, Kevin Heffernan and Dean Santoro

DISCUSSION: SIDEWALK FUND USE, BALDWIN RD.

Chris Reilly
Request received by DPW to appropriate some of the sidewalk fund money. Reviewed original article that was brought forth to Town Meeting to authorize the sidewalk fund and at that time what Town Meeting approved is that it's a planning board recommendation, selectman's recommendation and then a Town Meeting approval of the appropriation. So the first stop in the process is to get a recommendation by the planning board to expend the money on a project. We do have a current request from Kelly Conway the town engineer to expend some money on Baldwin Rd. to connect sidewalks. Requesting \$55k out of account which has about \$120k. At this point, perhaps we hold off as it's more of an extensive process than just planning board approval given that town meeting has to appropriate the money as part of their budget process. Will look for formal motion in August from the board for a recommendation.

Matt Battcock
The sidewalk fund is this to connect two areas?

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Chris Reilly

Usually it's a project where they don't have the sidewalk designed as part of the construction and so they are looking for additional funds. The goal is to put sidewalks where needed, where the resources aren't there to do so. Planning board, then selectman, then town meeting for the appropriation. Looking to have this in for the fall town meeting.

Matt Battcock

This will be on the August agenda to discuss further and vote.

Chris Reilly

There is state money (chapter 90 money) which is a certain allocation which gets spread around under their 5 & 10 year pavement management plan. Each year they target certain streets in need and sidewalk projects where they want to connect existing sidewalks. In this particular case, it was part of the project to construct some sidewalks, but not the whole thing. Either they didn't have the resources at this time, just didn't have the \$55k in hand to be included as part of this project. That is where a fund like this can come in and provide additional resources to make that connection. I think in this case they ran out of money, perhaps other projects and didn't have the money to complete the project.

Chris Tribou

How long did it take to build up to the approximate \$120k that is in the sidewalk fund? Seems like a large amount to use.

Chris Reilly

We get contributions from developers where a sidewalk requirement is waved so we can use the money where it's more needed or more appropriate. About 3 years ago, there was about \$40K. Some larger projects have contributed. Doesn't mean the full \$55K would have to be recommended, however public work projects are not cheap and they would have to find the money elsewhere, maybe thru town meeting. This request came in late today and don't want to put in front of you when there wasn't enough time to review, we can wait until August.

Marti Mahoney

A former member of this board, Justin McCarthy, was the one who instituted this sidewalk fund. The whole subject of this is to benefit the most residents of the town. It's geared a lot to safety of children in school and to benefit most residents in the town; just some history on the back round of this fund. It went to Town Meeting about 10 years ago, and since has \$120k contributed.

Matt Battcock

Can we find out why this wasn't budgeted to get this section done originally?

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Chris Reilly
Will ask the engineering division.

SPSP: HAWTHORN, BILLERICA RETIREMENT RESIDENCE

Craig Ciechanowski, Attorney representing Hawthorn Development gave an overview of the proposed project again. Same plans as what was last presented and reviewed by the board. Re-presented the project as they felt it was important that the new members of the board be involved in the decision making for this important project for the town. Project was previously withdrawn without prejudice and now resubmitting the same plans.

Gary DaSilva
Make a motion to open the public meeting and wave the reading of the notice.

Chris Tribou
Second.

Matt Battock
All in favor: 5
Absent: 2, Kevin Heffernan and Dean Santoro

Mark Lowen, Lenity Architects on behalf of Hawthorn Developments
Provided an overview of what the Hawthorn model is. No changes since last presented.

Rob McSorley, Sebego Technics, design engineer of the project
The board had asked for more comprehensive information on traffic generation. Looking at the intersections at Rangeway and Sullivan and Rangeway and Nashua we performed counts. We did get additional counts for Nashua Rd as requested relative to site distance and the impact on the intersections. Sullivan Rd. and Rangeway Rd. the only traffic would be thru traffic, we do not have any traffic purposed to go down Sullivan Rd. Sullivan Rd. is an emergency access only and is gated with a Knox-box mechanism. It would not generate traffic that will go through that intersection. Regarding the Rangeway and Nashua Rd, Hawthorn will give up additional property to allow for wider movement per negotiations with the town. Our project, itself, does not exacerbate the problem and it does not require additional signaling. We were within the range of acceptable limits relative to site distance. Overall we have demonstrated that our project did not have a significant impact on the roadway and we have met the requirements for site distance.

Marti Mahoney
When were the traffic studies done?

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Rob McSorley

The week before school was out; these counts had to be done during the school time to get the real counts. We went back to get counts on Nashua Rd. per the consultant for the 24 hour counts on the roadway, near the entrance. The first one was specific to the intersection.

Pat Flemming

Please demonstrate on the map where the emergency entrance would be.

Rob McSorley

Demonstrated, between Rangeway and Sullivan.

Marti Mahoney

Has the BFD approved?

Rob McSorley

Yes, and it will be paved with asphalt.

Tyler de Ruiter, BETA, peer review

We had traffic comments that they addressed in terms of collecting additional data. The intersection of Rangeway and Nashua, Rangeway southbound has the heavy traffic area. There is a utility pole which heavy trucks use to get around. The applicant has agreed to give up some land to make it an easier move for larger trucks to maneuver. Additionally, they have provided drawings to demonstrate emergency vehicles being able to make turns in their area.

Gary DaSilva

The emergency vehicles inside the complex looks tight.

Tyler de Ruiter

They have shown different ways of how to do this, 3 point turns. Relatively typical of sites like this.

Matt Battcock

Questioned the status of the sidewalks around the perimeter of the property.

Chris Reilly

The proponent says it would essentially be sidewalks to nowhere. Don't feel they are a necessary from the purposed use. It would create a permitting hurdle with Conservation who has expressed that they don't want sidewalks in the resource areas. Don't feel the sidewalks will be utilized and that they aren't necessary. There will be a sidewalk on Nashua Rd.

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Marti Mahoney

The sidewalk will be on the front of the property on Nashua Rd., but nothing will be on Rangeway, correct?

Tyler de Ruiter

Yes, that is my understanding.

Rob McSorley

We have discussed this matter with the Conservation Commission. There are wetlands on Rangeway and sidewalks will be impactful the entire way. Conservation Committee has concerns about that. About 300 sq. ft. of wetlands will already be affected on Nashua Rd. and mitigation area was put in.

Marti Mahoney

How many parking spaces?

Mark Lowen

115 parking spaces. .7 ratio per sweet we find is ideal which is where we are in this project. About 18 per shift for employees, maximum shift in the morning. Manager and co-manager live on site. About 20% of residents move in with a car. In about 6-18 months they get rid of their cars.

Chris Tribou

400 retirement units have been developed, how many are still owned by Hawthorn?

Mark Lowen

Owned by two separate entities. Original entity was Hawthorn Retirement in which they still own about 300. Bill Colsen started this back in the 1970s and he built it up to a certain point and sold a large portion of the business. He transferred the rest of the business to his 3 sons and they built the additional 100 that we have now, some different investors. All of the 400 that have been built are still operating as independent living facilities. Hawthorn is operating about 100. Holiday is operating the other 300. We pick a major metro area and then work around the surrounding areas. All New England facilities have been filled up with 12-14 months.

Chris Tribou

Will this be sold to Holiday?

Mark Lowen

This is going to remain Hawthorn, they buy, build then own/operate it. They don't flip the properties.

Chris Tribou

Do you use the same people to build it?

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Mark Lowen

Hawthorn has our own construction company and we go thru the development and permitting then they go thru the local jurisdictions for local trades to actually build the building. They have their own construction supervisors and they subcontract out. Most of the work will be subcontracted. No controversy with subcontracting. We try to be a good neighbor for time of need for families who will eventually need our service.

Chris Tribou

Health complications for that older age group. How is that dealt with? What is the average age of a resident and how long do they live there for?

Mark Lowen

Average age is 82 and they would stay for 3-7 years. Staff will evaluate the situation prior to calling 911; will pick them up to put back the chair for example versus calling 911. Looking at about 5-7 visits a month on recent data; safe to say about 75-100 calls a year to 911.

Gary Dasilva

Usually we require sidewalks around the property, in this case where it is not, can we get a sidewalk donation?

Mark Lowen

Memorandum of agreement has already been made to pay for a substantial amount of off-site things. Perhaps there can be some give and take on that if necessary. We don't want our residents on Sullivan Rd. because of the industrial traffic. Conservation Committee does not want sidewalks on Rangeway.

Rob McSorley

According to Isabel, feels Conservation Committee feels there will be a positive vote on the next meeting. The current plans have been approved by the BOH for storm water.

Matt Battcock

Feels we should wait until August to vote as we don't have a final outcome from Conservation Committee. In regards to the sidewalk, feels waivers should be in place or make a contribution to the sidewalk fund.

Chris Reilly

In this particular case the Conservation Committee does not want to sidewalks in those areas. This is also PUD zoning, not under regular SPSP zoning. There is a policy to require sidewalks with every site plan but this is different zoning. They would not be able to get sidewalks, even if we required them, because of Conservation issues.

Matt Battcock

Would still like to have Conservation Committees final decision before we vote.

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Chris Reilly
That is our protocol.

Marti Mahoney
What is the minimum age?

Mark Lowen
Age 55 or older.

Donald McDonald, resident, 268 Rangeway Rd. and town meeting rep. precinct 6
No one come out and said not in our back yard and we believe you will do a good job on this development. However, falling short on safety. Feels safety concerns that have brought to your attention. Concerned with emergency vehicle turning and possible vehicles in the way. Sidewalks are a sidewalk to nowhere, does not connect to another sidewalk. In terms of sewerage, you wouldn't be able to build the project without off site sewerage. It's a benefit to your development in terms of this off site agreement you are referring to. Two telephone poles have been hit since last meeting, my stone wall, several accidents have been since last presentation. Where is it on the plan to take a piece of land? Will be a burden on the town when medical assistance is required. Don't think the applicant is giving as much as they are getting. Liabilities have been talked about at this public meeting, deaths and serious injuries. Feels there are areas that have fallen short.

Ed Sapienza, resident, 260 Rangeway Rd.
Where is the pole in the middle of the road going and how is it going to impact me?
Stated he feels Rangeway is starting to look like anything goes.

Rob McSorley
Fire access has been reviewed by fire dept. We do have adequate access and have two "T" locations and has been reviewed by the BFD. The sidewalk will be put along Nashua Rd. and has been a request by the town and we agreed to it. Part of MLU, private lift station allowing to flow to our private pump station and doing the pumping for some of the residents. Taking sewerage down Rangeway Rd. by force main. We are giving up property at the corner, portion of property on the latest set of plans that have that dedication. We are waiting on the town to discuss how to do that. Conversations with Engineering Dept. to figure out how to do this.

Matt Battcock
By the next meeting there will be a set of plans for that intersection, showing where poles will be?

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Rob McSorely

We are not doing any work improvements on that intersection. We are providing additional right of way for the town to address any issues at the intersection which is what the DPW had come back with.

Matt Battcock

So you are given the town the right to actually fix it, meaning the land.

Rob McSorely

Correct.

Marti Mahoney

Is Nashua Rd. a state road.

Chris Reilly

State road, under local jurisdiction.

Rob McSorley

Relative to the telephone pole at Rangeway and Sullivan, we are not doing anything with it. We don't have traffic turning into that intersection. The buses carrying residents will come out the main entrance on Nashua and the down Rangeway. Rangeway and Nashua will have the additional piece of property that the town will decide how to use to improve that intersection. (Referred to area on plan that has this dedicated piece of land).

John Burrows, resident, 38 Shawsheen Rd.

Have concerns about intersection. Lots of accidents. Track traffic from WL French. Concerned people will side step the knock-box. The off-site mitigation regarding the plumbing is because they put in forced water that the town wouldn't be able to hook up on. They said they would evaluate their people who fall, etc. Feel the numbers given for emergency calls is low, considering the other homes similar to this that we have in town. Feels this will put a strain on our emergency services.

Pat Flemming

Make motion to continue to August 20, 2018.

Gary DaSilva

Second.

Matt Battcock

All in favor: 5

Absent: 2, Kevin Heffernan and Dean Santoro

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B2: 30 GLENVALE AVE.

Gary DaSilva

Make a motion to open the public hearing for 30 Glenvale Ave. and wave the reading of the notice.

Pat Flemming

Second.

Matt Battcock

All in favor: 5

Absent: 2, Kevin Heffernan and Dean Santoro

Chris Reilly

Straight forward B2 to extend the road to allow the subdivision of a new house and the existing house will stay. They have relief from ZBA. No public comments or concerns.

Jim Dangora Sr., Attorney for applicant

Divide parcel into 2 lots. One fronts on Glenvale Ave., the other fronts on Earnest Rd.

There is an existing house that fronts on Glenvale and a garage and they will remain. In the back, there is a large garage that had to do with a business being run out of it. Garage has remained without much use and will be demolished and a house will be built on that lot. One lot is 15k sq. ft., the other lot is 12K sq. ft. This fits the neighborhood. We are building one house. Pavement on Earnest Rd. goes to middle of the lot. Nothing that is on the end of Earnest Rd. There are wetlands that could not be addressed, so the pavement ends there. We have been to the ZBA and approved. No neighborhood opposition. Existing house will remain on Glenvale. New house constructed on Earnest Rd. House in front will remain in family.

Chris Reilly

The existing conditions is what we can hope for. No major drainage issues. Firetruck could get in there and turn around. Recommend no further pavement be required and existing pavement is adequate. No peer review has been returned yet. Confident they would say the same thing.

Marti Mahoney

Letter from DPW, stating unaccepted road. Is there anything we need to be concerned about where this is not approved?

Jim Dangora, Sr.

Half lot will have gravel as it is right now, the other half will have pavement.

Chris Reilly

I don't think there are any issues where this road is not approved. Has adequate access.

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Jim Dangora, Sr.
Sewer stub on Earnest.

Gary DaSilva
Make a motion to close the public hearing.

Pat Flemming
Second.

Matt Battcock
All in favor: 5
Absent: 2, Kevin Heffernan and Dean Santoro

Gary Dasilva
Make a motion to approve B2 plan for 30 Glenvale Ave.

Pat Flemming
Second.

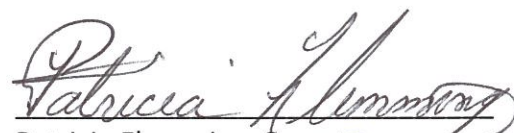
Gary DaSilva
Do we have to add the waiver for the pavement?

Chris Reilly
Not technically, you can approve the plan under the existing condition. Under the regulations, it's the DPW Director that makes the waiver request but he hasn't done so. I think it's fine to approve the plan as proposed.

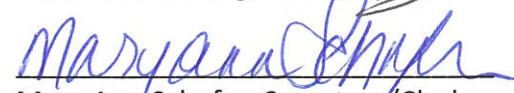
Matt Battcock
All in favor: 5
Absent: 2, Kevin Heffernan and Dean Santoro

Next meeting scheduled for August 20, 2018.

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 July 16, 2018.



Patricia Flemming, Secretary



Mary Ann Schafer, Secretary/Clerk