



**BILLERICA PLANNING BOARD**

Town Hall  
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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 August 20, 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), Marti Mahoney, and Christopher Tribou. Kevin Heffernan and Dean Santoro were absent. Christopher Reilly Director of Planning was also present.

Matthew Battcock  
Began the meeting with the Pledge of Allegiance.

**OPEN MICROPHONE:**

There was no one signed up for the open microphone.

**ANR PLAN:**

None

**B2: 38 CONCORD RD., PUBLIC HEARING**

Gary DaSilva  
Make motion to open the public hearing and waive the reading of the notice.

Marti Mahoney  
Second.

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

Jim Dangora, Sr., Attorney  
Attorney representing the petitioner. The petitioner is the estate of Paul Neilson. George Allen and Bob Holland are developing the land. There will be 2 lots, each in excess of 50k sf. No road work to be developed; on Concord Rd. which is a public way.

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Need endorsement to divide land to construct 2 homes. At this board in the past to get approval of a change to go back to the ZBA, and have been to Historic Districts Commission. Endorsement needed from this board to go back to land court for final approval.

Chris Reilly

I agree with what Mr. Dangora is representing, don't feel there are any issues here. Recommend approval of the plan as purposed.

Marti Mahoney

Will the houses be built within the Historic Districts guidelines? Same flavor as the rest of that area on Concord Rd.

Jim Dangora, Sr.

Yes. Plans have been approved by the HDC.

Gary DaSilva

Make motion to close the public hearing.

Pat Flemming

Second.

Matt Battcock

All in Favor: 5

Absent: 2, Kevin Heffernan and Dean Santoro

Gary DaSilva

Motion to approve the B2 plan of 38 Concord Rd.

Pat Flemming

Second.

Matt Battcock

All in Favor: 5

Absent: 2, Kevin Heffernan, Dean Santoro

**APPROVE MINUTES OF JULY 16, 2018**

Gary DaSilva

Make motion to approve minutes.

Pat Flemming

Second.

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

**DISCUSSION: SIDEWALK FUND USE, BALDWIN RD.**

Chris Reilly

This item was continued from last month's meeting, the board wanted more information from the Engineering Division about why it wasn't include in the scope of the street improvements that they are doing out there anyway and there was no response to my inquiry. This is a section of Baldwin Rd. where sidewalk improvements are happening in that neighborhood. School is nearby. Request is consistent with policy. Seems like a reasonable need. Request is for \$55k. Looking for favorable vote to put on Town Meeting warrant and for Selectman to review for approval.

Chris Tribou

With being \$55k, how does this cost compare to a project similar to this one?

Chris Reilly

Long stretch of sidewalk, about 850 linear feet, so it is costly, the cost seems reasonable. It is a direct connection to what is already there.

Marti Mahoney

Spoke with one of the teachers of the school. Agree 55k will be well used. Busy street. Believe it will benefit the children of the school.

Matt Battcock

I agree, I think it is within the intent of the policy. How do you want to word this?

Chris Reilly

The wording would be motion to favorably recommend the use of \$55k for installation of sidewalks on Baldwin Rd. as requested by the DPW on the date of file.

Gary DaSilva

So moved.

Chris Tribou

Second.

Matt Battcock

All in Favor: 5

Absent: 2, Kevin Heffernan, Dean Santoro

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**DEFINATIVE SUBDIVISION: FITZPATRICK WOODS, PUBLIC HEARING**

Chris Reilly

Clarified Fitzpatrick Woods is a definitive subdivision rather than B2 as indicated on agenda.

Stephen Lentine, Attorney, 630 Boston Rd.

Representing Cross Properties, LLC. Was previously before the board and had a continuance due to comments and plan revisions. Steve Dresser is the engineer and in the audience. Seems DPW comments and peer review comments we are all on the same page. A matter that has been deferred to the board is that we requested a waiver for the second sidewalk with an offer to build a sidewalk on Oak St. near the development. DPW feels it would be problematic in that area of Oak St. to put in a sidewalk and they are recommending instead a contribution to sidewalk fund. We are comfortable either way, so we will leave that up to the board as the consultants have advised. Hopefully we will receive a positive vote this evening. BOH will be on Sept. 10, 2018. John Metivier, manager of Cross Properties is here as well.

Mike Hansen, Peer Reviewer, Woodard and Curran

DWW addressed all of our comments, feel satisfied that regulations for the Planning Board have been met. The sidewalk issue is up to the board.

Chris Reilly

Agree with the attorney's representations. Seems like no outstanding issues, other than the waiver request for the sidewalk.

Steve Dresser, Engineer, Dresser, Williams & Way

Waivers submitted for piping 100 ft. from the road, use of concrete pipe, and a few other minor things.

Chris Reilly

Waivers can be approved together as requested.

Marti Mahoney

Curb cuts for 49, 51 and 55 Oak St; 49 is not part of the project. Is 49 going to be provided a curb cut.

Steve Dresser

49 is not part of this project. Their driveway will stay the same but we provide the curb cut if they chose. Curb cuts for 51 and 55 will be moved up per the DPW.

Gary DaSilva

Cost estimate of sidewalk waiver? What would be the cost of installation?

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Chris Reilly

Haven't gotten that far yet; the standard cost estimate applies to the linear foot usually so it would be whatever the calculation is.

Gary DaSilva

Do you have a number of what you would like to contribute?

John Metivier, Cross Properties, LLC

DPW has a standard cost analysis sheet that they like to use. I would be happy to go by that per linear foot.

Chris Reilly

That would require a continuance in order to get that cost estimate.

John Metivier

Do you want us to provide a number?

Chris Reilly

In any case we would need to verify.

Steve Dresser

If we are willing to accept their number, it could be conditioned with that number.

Chris Reilly

Yes that is reasonable. It's the linear cost of construction materials. Subject to the DPW to get that cost estimate.

Matt Battcock

We could grant this tonight. We can put a condition in that based on whatever the DPW's number is what will go into the sidewalk fund. We could add this in as part of the motion.

Marti Mahoney

Granite curbing, will be along the corner and all the way up?

Steve Dresser

Along the radius and then 20 ft. past where the radius point stops. Same with the culd-de-sac. Granite at the entrance and granite around the culd-de-sac.

Gary DaSilva

Motion to close the public hearing.

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Pat Flemming  
Second.

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

Gary DaSilva  
Motion to approve with conditions as discussed tonight and waiver of technical requirements as discussed and subject to contribution to sidewalk fund which shall be reviewed and approved by the DPW.

Pat Flemming  
Second.

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

**SPSP: HAWTHORN, BILLERICA RETIREMENT RESIDENCE, PUBLIC HEARING**

Matt Battcock  
Apologized for not having a full board.

Mark Lowen  
Asking for continuance until full board can attend the meeting. Since our last meeting, all of issues for different boards have been addressed, all ducks in a row. In light of the value that the board puts onto sidewalks, we will contribute 10K to sidewalk fund.

Chris Reilly  
They have done a lot of hard work and have been responsive to all departments. We have everything we need. They have provided everything we are looking for. Good gesture on their behalf to contribute \$10k to the sidewalk fund, Conservation Committee did not want sidewalks along one side.

Gary DaSilva  
Are there any issues with the members here that this couldn't get approved?

Chris Reilly  
It might be good with the applicant here to poll the board, they might appreciate having a sense of if the board is comfortable at this point. No vote on the project, just giving an indication of where the board is at.

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Matt Battcock

Asked if everyone feels comfortable with doing that – responses were yes.

Gary DaSilva

Make a motion to make a straw pull on the approval of the project – gage where the board is at. Not a formal vote.

Chris Tribou

Second.

Matt Battcock

All in Favor: 5

Absent: 2, Kevin Heffernan, Dean Santoro

Chris Reilly

Reiterated taking a poll to see if you are comfortable with the project thus far, not a formal vote, just looking to see where the board is.

Poll of board members so far in favor of this project:

Marti Mahoney, Pat Flemming, Matt Battcock, Gary DaSilva and Chris Tribou (Absent: Kevin Heffernan and Dean Santoro who would be unable to vote either way on the project due to missing board meetings).

Matt Battcock

My only issue is with the intersection and figuring out with the DPW how that will work.

Chris Reilly

The applicant is prepared to show that on the plan. We did get confirmation from the Engineering Division that not only have they worked out the area but they also have the easement language that is a necessary instrument that needs to be recorded. So it looks like we have everything we need from the Engineering Division.

Matt Battcock

So the town will have the easement and the town will repair that area.

Chris Reilly

It will need to be voted on at Town Meeting to accept the easement. Essentially they have agreed to provide it, it's on the plan of record. The Engineering Division has approved it.

Chris Tribou

In favor of the project, only concern is about sidewalk contribution and possible increase on town emergency services and that long term cost. Hoping to get a bit more for the sidewalk fund in order to compensate the draw on emergency services.

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Chris Reilly

Can't mix like that, will be an increase to the town in that regard, however, they are making a major investment and making contributions to the town in terms of tax revenue. Technical issue is that Conservation Committee would be highly unlikely to approve the sidewalk.

Mark Lowen

Did more research recently, in the past 5 projects that have opened, 88% of residents to the facility already lived in the area, so already using town emergency services. Keep in mind this is not an assisted living facility and therefore the amount of services we require for our residents is a lot less. Centralized calls as well, a lot of seniors in one place, rather than at their individual homes. Additionally, the staff is trained to evaluate versus just calling 911.

Chris Tribou

Do you feel \$10k is a reasonable amount?

Chris Reilly

Feel appropriate, good faith gesture. Technical issue is that we know the Conservation Committee would be highly unlikely to approve them. They don't want disturbances in those areas. They don't have to contribute anything as they are not foregoing any sidewalk they would have to construct.

Chris Tribou

Because of wetlands, correct?

Chris Reilly

Yes.

Chris Tribou

They could technically replicate the wetlands somewhere else, correct?

Chris Reilly

They would have to find an area to replicate that would be acceptable to the Conservation Committee. The message we've heard is that this is something that is not feasible in this location. So we are getting a contribution from them that they are offering in good faith.

Chris Tribou

I agree. Just wanted to make sure that we were getting enough of a contribution.



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Chris Reilly

In this case, it is sidewalk that is not required. So it is all value added. It's a good faith gesture. It maybe buys us about 100 ft. of sidewalk that we can use somewhere else that is more useful. Conservation has said that they didn't want work in this area and the applicant is abiding by that.

Gary DaSilva

Building process, hiring local companies?

Mark Lowen

Eric Mulligan who heads up the construction end of things has been in touch with John Burrows (in audience).

John Burrows

Haven't spoken with him in 4 months.

Mark Lowen

He spoke with someone with the contractor's union before our last meeting. We are sending out bids to the local contractor's soon.

Gary DaSilva

Just want to see hiring out of Massachusetts.

Mark Lowen

Absolutely and I appreciate that. Business card requested again from John Burrows.

Chris Reilly

The applicant is saying that would work with good contracting principals. Would the board entertain an earlier date to vote rather than the next scheduled meeting?

Matt Battcock

I feel we owe it to the applicant, seeing that not all of our board is here.

Discussion among board members and Planning Director on meeting earlier than the next scheduled Planning Board meeting of Sept. 17, 2018 to vote of this project. Reviewed that Dean Santoro and Kevin Heffernan have both missed 2 meetings and would not be able to vote on the project at any time – either an earlier scheduled meeting or a regular scheduled meeting.

Gary DaSilva

We just polled the board and everyone agreed with the project.

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Mark Lowen

If we lose a vote, we lose the project and connect resubmit for 2 years. We would love to wrap this up tonight. I am not going to be so presumptuous to assume that you are going to vote the way we just discussed because you are a political body and you are going to make your decisions.

Chris Reilly

The technical issue is you are down to 5 votes either way.

Mark Lowen

I would need 5 votes.

Chris Reilly

At the next meeting you would only have these 5 votes as well, the other 2 cannot vote on this project as they are not eligible to vote.

Mark Lowen

Not a lot of choice. I appreciate your straw poll.

Gary DaSilva

Make a motion to close the public hearing on the SPSP for Hawthorn.

Pat Flemming

Second.

Matt Battcock

All in Favor: 5

Absent: 2, Kevin Heffernan, Dean Santoro

Gary DaSilva

How would we want to word the motion?

Chris Reilly

Wording would be motion to approve the last revised plan of record with all agreements and conditions included therein with \$10k sidewalk fund contribution included.

Gary DaSilva

So moved.

Pat Flemming.

Second

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Matt Battcock

All in Favor: 5

Absent: 2, Kevin Heffernan, Dean Santoro

**DISCUSSION: ZONING WORKSHOP, FALL TOWN MEETING ZONING AMENDMENTS**

Rob Anderson, Community Development Director

Distributed handout to the board. Providing an overview of a fall town meeting amendment. Goal of PUD language will bring a mix of uses to those areas where we want to see development. That zoning is already in place. The goal is to get the PUD overlay on Technology Park (right off Rt. 3, already zoned industrial). There is over 900,000 sf of development out there right now, however, high vacancy rate. We have heard from businesses out that they need amenities – live, work, play atmosphere. , EMD Millipore and Insulet left to go to other communities as a result of not having these amenities in place. Articles from Boston Glob and Lowell Sun talking about how communities are actively trying to recruit new businesses out here with mixed use overlays. Technology Park is already zoned as business, we are trying to add some flexibility. The goal is to put this PUD IP (planned unit development industrial park) on Technology Park. Will go in more depth for public hearing.

Matt Battcock

Basically, we want businesses up there – live, work, play feel.

Rob Anderson

Creating more of a village environment. In the new PUD IP language, there is talk about recreation connection. Located about a ¼ of a mile from Technology Park, there is a bike trail in Bedford, it would be great to make that connection to Billerica. The village atmosphere, amenities, the live work play, ties into recreation as well. We heard from Millipore that they really wanted to be close by to some amenities. The Marriot is close by depends upon business travel; if there are business vacancies, they suffer.

Chris Tribou

Is the thought something similar to Assembly Rowe in Somerville? Stores with apartments? Would you want some housing in there as well?

Rob Anderson

Depends on the development community and the owners of the park. Given the proximity to Rt. 3 there might be a desire for some housing in that location. That is the element of live, work, play. When the project comes thru the planning board, that is when we can ask for more green space, walking trail, and density conversations.

Chris Tribou

Would there be tax incentive programs?

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Rob Anderson

It is only offered to commercial, not to housing.

Chris Reilly

Recreation Marijuana By-Law Zoning Amendment will be addressed as well on the next meeting.

Gary DaSilva

Motion to adjourn.

Pat Flemming

Second.

Matt Battcock

All in Favor: 5

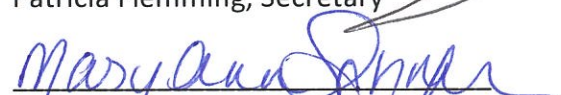
Absent: 2, Kevin Heffernan, Dean Santoro

Next meeting scheduled for September 17, 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 August 20, 2018.



Patricia Flemming, Secretary



Mary Ann Schafer, Secretary/Clerk