

Approved  
Keri Reefs

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**BILLERICA PLANNING BOARD**

**Town Hall**  
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Michael Riley, *Chairman*

Matt Battcock, *Vice Chair*  
Christopher Tribou  
Blake Robertson

Patricia Flemming, *Secretary*  
Janet Morris  
Marlies Henderson

**Planning Board**  
**Minutes**  
**January 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	
Michael Riley, Chairman	X	
Matthew Battcock, Vice-Chairman	X	
Patricia Flemming, Secretary	X	
Chris Tribou	X	
Blake Robertson		Excused
Janet Morris	X	
Marlies Henderson	X	
Denise McClure, Acting Interim Director	X	

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**Pledge of Allegiance**

**OPEN MIC**

No Public Comments

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**ANR-4 EVERETT FARMER ROAD**

Attendees:

James Dangora Sr.-Attorney

Karen Farmer-Applicant

**James Dangora Sr.**-Representing Karen Farmer. Karen owns land on Everett Farmer Road which is an accepted way. She is hoping to convey a parcel a property to her son Zachary. The lot is 20,000 square feet and Zack already owns it. Karen owns the land around it, and they would like to combine the lots. It would be a conforming lot and they have no plans to build. Once it is recorded at the registry, Karen can than deed the land to her son.

**Denise McClure**-This is a benefit to take lots and make it one. This meets all the requirements.

**Chris Tribou**-I have no concerns

**Matt Battcock**-They run a great business down there, I think it will be great for the family and Zack.

**Patricia Battcock**-I have no issue

**Marlies Henderson**-Asked exactly where on the site plan the lot was that they would be combining. She states that the paperwork indicates that lot 3 and lot 4 would be combined.

**James Dangora Sr.**-Lot 3 & Lot 4 are already one lot.

**Denise McClure**-They are taking a portion of the larger lot and combining it with this lot.

**Marlies Henderson**-It's a good thing that we are combining lots instead of splitting them. One thing I would like to bring up is there any way that this map can reflect the culvert, it is not a brook but a stream.

**James Dangora Sr.**- Marlies, we are not building anything. These plans are expensive enough and we are doing something very simple.

**Janet Morris**-I am all set, it is very clear

**Mike Riley**-I have no questions

**MOTION TO APPROVE THE ANR**

Matthew Battcock-I make a motion to approve the ANR for 4 Everett Farmer Road

Seconded by Pat Flemming

Chris Tribou-Yes

Matthew Battcock-Yes

Patricia Flemming-Yes

Janet Morris-Yes

Marlies Henderson-Yes  
Blake Robertson-Excused  
**6-0-1-Approved**

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## **SPSP-600 Technology Drive**

Attendees:

Jared Walsh-Bohler Engineering  
Alex Horgan-Bohler Engineering  
Todd Greenfield-KS Partners

### **MOTION TO OPEN THE PUBLIC HEARING**

**Janet Morris**-I make a motion to open the public hearing for the SPSP-600 Technology Park Drive and waive the reading of the notice.

Seconded by Matthew Battcock

Chris Tribou-Yes

Matthew Battcock-Yes

Patricia Flemming-Yes

Janet Morris-Yes

Marlies Henderson-Yes

Blake Robertson-Excused

**6-1-0-The Public hearing is open**

**Jared Walsh**-*Shared his screen with the board to show the proposed property.*

The property contains two (2) existing buildings, paved parking areas, utilities and landscaping amenities, and associated equipment. The proposed project will include the construction of a +/- 64,400 SF Good Manufacturing Practice (GMP) lab building addition, modification to existing parking areas and utilities to accommodate the proposed building, and installation of new stormwater management features. The project is considered redevelopment and will result in an overall reduction in impervious surface through the introduction of additional landscaping areas and outdoor amenity space in addition to the substantial improvements to stormwater management which includes treatment and infiltration that is not achieved under existing conditions.

The overall green space area has increased across the site, including a dedicated amenity space on the southeast side of the proposed building addition. However, the proposed project will require relief from the green strip requirements via the Site Plan Special Permit process per Section 7, Subsection G of the Town's Zoning By-laws. The green strip requirement of the Industrial District requires that a 20-foot-wide strip of plantings and greenspace be maintained around the entirety of the lot perimeter except in the location of curb cuts and around at least 75% of the building footprint perimeter. The applicant is requesting relief from the building perimeter requirement based on the proposal project and building addition which achieves approximately 50% of the 75% requirement for the overall building footprint. Additionally, the existing parcel is not compliant with the lot perimeter green strip requirement as the site's existing conditions only provide approximately 66% of the required lot perimeter green strip. The proposed site improvement associated with the project will not impact the lot perimeter green strip, but given the existing non-conformance, the applicant is also requesting relief from this requirement.

**Denise McClure**-Mark Lalumiere and I did meet to go through the building addition. One of our concerns was putting up a building on existing parking. I asked them to provide elevations of the building and they will get that to us. BETA is actively working on the Peer Review.

**Chris Tribou**-The landscaping looks nice, I would like to wait to see BETAS review. I am not a big fan of our Parking requirements; we end up with a bunch of ugly space.

**Denise McClure**-The parking requirements are based on use. The issues that Mark and I had that they had a lot of storage space in the building. I agree, there are a lot of empty parking spaces.

**Chris Tribou**- You said that you are having a problem with the high ground water as well.

**Jared Walsh**-in the rear of the building and we will be working with BETA on the stormwater design.

**Matthew Battcock**-What were the Fire Departments issues?

**Jared Walsh**-The turnaround for the trucks, which we might losing a couple of spaces. We are working with Deputy Ferraro with it.

**Pat Flemming**-Can the fire truck get into the left side of the building? How many employees in the building?

**Jared Walsh**-They want us to provide a turnaround. 60-70 employees would be an accurate number.

**Marlies Henderson**-I think it is a good solution to transform a parking lot into a building. Could we request a sign for Millbrook? The sewer line is also a former Railroad, and it is projected to be a bike path. I would like to see it mentioned as well. I also want to mention a green roof as a possibility. When I walked this area, on the southern tip of the old building there was some issue with a broken culvert, and I am sure that you are aware of it. The speed bumps are good for slowing down a car but if you are on a bicycle, it is not needed.

**Jared Walsh**-I think that there is a 25% of a potential bike path coming.

**Janet Morris**-Is this addition of the same company or a new company?

**Jared Walsh**-The owner is the same. I think they will have a new tenant that will occupy the space.

**Janet Morris**-How high will the building be, 2 stories? What is the condition of the parking garage?

**Jared Walsh**-It will be under the 48 feet. It will not be two stories it will be a high bay. The garage isn't in create condition, but it is functional.

**Janet Morris**-I am really big on parking spaces with residential and I really don't want us to have too much for businesses. What are the hours? Will it be producing waste that we should be concerned about?

**Jared Walsh**-It will be a 24-hour shift. There were concerns from the DPW that any discharges from the building will be reviewed closely with the pretreatment to the sewer. We will be reviewing the wastewater calculations with them.

**Janet Morris**-I am glad to see the outdoor space for the employees, I look forward to this.

**Mike Riley**-How many bays? That is a sidewalk all around the building, correct?

**Jared Walsh**-I think 4 bays. Yes, it is a sidewalk.

**Mike Riley**-So there is connectivity from the cross walk to the parking lot.

**Jared Walsh**-Yes.

**Mike Riley**-Bike lanes would be great if it is possible. Maybe we would see restaurants sprout up for those areas.

**Mark Lalumiere**-I think everything has been covered, it is a work in progress, I really have no other comment.

#### **PUBLIC COMMENTS**

John Burrows-BOS-There is going to be a bunch of work going up in that area. That parking lot is awful, there is really not connectivity to any of those buildings. You want to encourage people to take a bus. It's a great project. This lot is over 20 acres, and they did 3.21 spaces per 1000 SF. Raytheon did 151K and they are 5.25 per 1000 SF and I think they did that to protect future development. I would like to see more sidewalks; I would be cautious with the parking spaces. I would put nothing in the sidewalks funds you should put it in Technology Park.

#### **END OF PUBLIC COMMENTS**

#### **MOTION TO CONTINUE THE HEARING**

**Matthew Battcock**-I make a motion to continue the Hearing for SPSP 600 Technology Park to February 7, 2022

Seconded by Chris Tribou

Chris Tribou-Yes

Matthew Battcock-Yes

Patricia Flemming-Yes

Janet Morris-Yes

Marlies Henderson-Yes

Blake Robertson-Excused

**6-0-1-The Public Hearing is continued to February 7, 2022**

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#### **(CONT)581 BOSTON ROAD**

Attendees

Attorney-John McKenna

**John McKenna-** We have received the review from BETA and the engineer has a couple of things to go over. The applicant has agreed to install that portion of the sidewalk.

**Denise McClure-**I am happy to hear that the applicant is willing to do the sidewalk. We are waiting for some information from engineering to address BETAs concerns. If the board is comfortable, we can condition that. We also asked for improvements of the elevations as well.

**John McKenna-**This building will be wood, not concrete or steel and there will be cedar impression siding. I am confident that it is dressed up enough for the board. It will look like a commercial property and not industrial.

**Chris Tribou-**I am just very happy to hear about the sidewalk. It will look a lot nicer than what is currently there now. I would like to vote on this tonight.

**Matthew Battcock-**I have no issue with this.

**Patricia Flemming-**I have no problems with it

**Marlies Henderson-**I am very happy about the sidewalk, maybe and even the sign that is on the sidewalk that you would walk by.

**John McKenna-**I thought you were going to take care of that Marlies. We don't want to be involved with the sign; it is not on his property. We are taking care of the sidewalk. Marlies you can also explain the community involvement that Jeff has been involved with. I am confident that the Town is going allow him to build a concrete sidewalk that is not going to cost \$100,000. It is cheaper for him to do it than contribute to a fund and that is his contribution. I am confident that the Town is going to let him build a sidewalk

**Denise McClure-**The estimate from the town for the sidewalk was around \$40,000 but they have to meet all of the laws.

**Marlies Henderson-**Marlies went over some minor edits on the draft decision. (Denise made note)

**Janet Morris-**Someone was going to check the traffic, did you decide on one way in and one way out?

**John McKenna-**Yes it will be that way

**Janet Morris-**Excellent, I think that is great!

### **PUBLIC COMMENT**

**John Burrows-BOS-**It is a great building. When Panera Bread came before us, when I was on the Planning Board the state got involved with the sidewalk. Good luck and get that fence and canopy down. Build it and they will come.

**George Noel-2 Locke Road-**I want to thank the applicant for agreeing to put the sidewalk in. I would ask the board to approve this project.

**END OF PUBLIC COMMENTS**

**MOTION TO CLOSE THE PUBLIC HEARING**

**Matthew Battcock**-I make a motion to close the Public Hearing for SPSP 581 Boston Road

Seconded by Pat Flemming

Chris Tribou-Yes

Matthew Battcock-Yes

Patricia Flemming-Yes

Janet Morris-Yes

Marlies Henderson-Yes

Blake Robertson-Excused

Mike Riley-Yes

**6-0-1-The Public hearing is closed**

**MOTION TO APPROVE THE PUBLIC HEARING**

**Matthew Battcock**-I make a motion to approve the Public Hearing for SPSP 581 Boston Road, contingent upon Denise's draft decision, which will waive the traffic study, final elevation, outside storage, sidewalk, and Con Corn

Seconded by Marlies Henderson

Chris Tribou-Yes

Matthew Battcock-Yes

Patricia Flemming-Yes

Marlies Henderson- No because I want the sign and maybe next, I will get it.

Blake Robertson-Excused

Mike Riley-Yes

Janet Morris-Yes

**John McKenna**-Can we just clarify that. Marlies is voting no because there is no improvement to a sign?

**Marlies Henderson**-A special request was not honored. It is not much money

**John McKenna**-But it is not on our property. It is not on the plan. It is a sign owned by the Town, so we couldn't do it. I don't understand that Marlies

**Marlies Henderson**-If I can do it, anybody can do it, it is on public land

**John McKenna**-The Town can do it. You vote No on our proposal for something that is not on our site, it's not right.

**Mike Riley**-Marlies would you like to revote?

**Marlies Henderson**-Yes

**MOTION TO RE-VOTE THE PUBLIC HEARING**

**Matthew Battcock**-I make a motion to revote the Public Hearing for SPSP, 581 Boston Road

Seconded by Chris Tribou

Chris Tribou-Yes

Matthew Battcock-Yes

Patricia Flemming-Yes  
Marlies Henderson- Yes  
Blake Robertson-Excused  
Mike Riley-Yes  
Janet Morris-Yes  
**6-0-1-APPROVED**

**John McKenna**-Marlies, I will help you get that sign painted outside of this proposal.

**Marlies Henderson**-I appreciate the re-vote

**Matt Battcock**-That is good stuff right their John McKenna

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**(CONT.) SPSP 140 POND STREET**

Attendees:

Attorney John McKenna  
Gene Sullivan-Engineer  
Hayley Palazola -GFI Partners  
Will Duffy-Cre-management  
Steve Goodman-Cre-Management

**John McKenna**-This review is on Building B. We have heard from the neighbors about the noise factors, Gene is going to go over the Peer review comments

**Gene Sullivan**-Our construction issues were a big focus on the last meeting. After the meeting ended, I contacted the site coordinator to go out and sweep the street and I filed a construction procedure letter to Denise and Mark of how we were going to go forward. We want to make sure that we are not tracking any materials onto the road and better monitoring at the construction entrance. All the crushing is down, so that noise will go away. We think we have our situation stabilized and we give our commitment that we will do better.

There were some minor changes to the landscaping plans and increased green area. We are building an out storage to store plywood that will be used for fabrication inside the building.

**Mark Lalumiere**-There are no construction complaints or issues. Gene has been responsive to every issue that was brought up from the last meeting. The road has been cleaned every time I have gone down it.

**Chris Tribou**-I have nothing at this time

**Matt Battcock**-I am glad that the house keeping issues have been addressed.

**Pat Flemming**-I am glad that Gene took care of everything

**Marlies Henderson**-Sounds like everything has been addresses.

**Janet Morris**-I am glad to see the complaints were addressed. We will get a draft decision, and do you have some conditions that you have thought of that we haven't discussed yet?



**Denise McClure**-We haven't discussed any further conditions. We do have our standard condition that we always use.

**Mike Riley**-The work that Gene did to accommodate everyone has been great.

### **PUBLIC COMMENTS**

**Sonia Ocker**-Looking towards the future of this project, I will provide great funds for schools, public safety. As a Billerica resident I am in favor of this project

**Zack Ocker**-I wanted to mention, I commute everyday into the city, and I haven't had issues with traffic. This business is a local owner and I feel he will care for the Town. He will bring in 40-50 jobs to this Town, I am in favor of this project.

**John Burrows**-BOS-'This is going to be a great project for this Town. One of the issues that we heard was the Jake brake. There is a short window of construction on these Projects. All the concerns from the residents were addressed. Let's build this building and get it done.

**Kathie Dylan**-16 Blanchard Ave-I just wanted to say that I am glad that all the issues that the residents have been resolved. The owner of Compass packing is a caring owner and very present. He is a good person to work with

**Lee Scalzilli**-He has grown his business in Town and to have \$350,000 to come to this Town is amazing. He is hiring kids from the school and that is amazing.

**Perry**-I am the general manager of Compass. The Town has been great to use. The community has been great, and we support the local community.

### **END OF PUBLIC COMMENTS**

### **MOTION TO CLOSE THE PUBLIC HEARING**

**Matthew Battcock**-I make a motion to close the Public Hearing for 140 Pond Street

Seconded by Marlies Henderson

Chris Tribou-Yes

Matthew Battcock-Yes

Patricia Flemming-Yes

Janet Morris-Yes

Marlies Henderson-Yes

Mike Riley-Yes

Blake Robertson-Excused

**6-0-1-The Public hearing is closed**

### **MOTION TO APPROVE THE PUBLIC HEARING**

**Matthew Battcock**-I make a motion to approve the Public Hearing for SPSP 140 Pond Street, with our stand conditions and conditions with connectivity to Building A

Seconded by Chris Tribou

Chris Tribou-Yes  
Matthew Battcock-Yes  
Patricia Flemming-Yes  
Janet Morris-Yes  
Marlies Henderson-Yes  
Mike Riley-Yes  
Blake Robertson-Excused  
**6-0-1-APPROVED**

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## OTHER BUSINESS

### ENDORSEMENT OF APPROVAL NOT REQUIRED PLANS

**Denise McClure**-We brought it up at the last meeting. You will still have to come in and sign B2's this is just for ANR's. It is a letter that we would submit to the Registry of Deeds. We can have one member of the board sign that plan. It is a benefit. A ANR Plan is not a public hearing. I will create a letter that I will have you all sign that designates one person to sign it. The letter that you would sign is a one-time deal.

The board feels that this makes sense. It would make it more efficient. The Registry of deeds is mostly electronic now because of covid.

### MOTION TO APPROVE THE ANR ENDORSEMENT

**Matt Battcock**-I make a motion to vote on the approval for the ANR Endorsement for the Chairman, Vice-Chairman, Secretary & Planning Clerk to signing our names to ANR's only  
Seconded by Janet Morris  
Chris Tribou-Yes  
Matthew Battcock-Yes  
Patricia Flemming-Yes  
Janet Morris-Yes  
Marlies Henderson-Yes  
Mike Riley-Yes  
Blake Robertson-Excused  
**6-0-1-APPROVED**

### MOTION TO APPROVE THE MINUTES

**Marlies Henderson**-Showed a picture of the sign that is on the Towns property. Discussed with the board the edits that she requested with the board. She wanted her requests for that the applicant replaces the sign. She wanted it reflected on the minutes.

**Matt Battcock**-I make a motion to approve the December 2021, minutes as amended  
Seconded by Janet Morris  
Chris Tribou-Yes  
Matthew Battcock-Yes  
Patricia Flemming-Yes  
Janet Morris-Yes

Marlies Henderson-Yes  
Mike Riley-Yes  
Blake Robertson-Excused  
**6-0-1-APPROVED**

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### **OTHER BUSINESS**

**Mike Riley**-I got a call from the Town Clerk, and she told me that I have to appoint somebody to the By-Law review Committee. I appointed Chris Tribou and I think that you will all agree that Chris is a great representative of the Planning Board especially when it comes to zoning and the Bylaw reviews. I had to send a letter to the clerk the other day and Chris will be going up to get sworn in.

**Janet Morris**-So with that discussion of the board, you picked somebody again.

**Mike Riley**-We can discuss if it you would like.

**Janet Morris**-You already sent the letter.

**Mike Riley**-Yes. Do you have a problem with Chris as the representative?

**Janet Morris**-I have a problem with you not opening it up, so that it is a fair opportunity.

**Mike Riley**-So I didn't have time, I was asked to do that. It was a Chair appointment.

**Janet Morris**-They are all Chair appointments

**Mike Riley**-Just like I appointed you to a committee without going to the board. I don't make up the rules.

**Janet Morris**-Did you have an opportunity to look at Executive Session and why wasn't it on the agenda for this month as asked?

**Mike Riley**-I don't think that there is need for it to be on the agenda, do you?

**Janet Morris**-Yes, I do, that is why it is in the minutes from the last meeting. We need to vote those minutes.

**Denise McClure**-Janet I did look into it. As Executive Session minutes that pertain to litigation, they do not need to be released. I know you mentioned, and I checked with the BOS, and they actually don't release the Executive session minutes either. I was surprised when you said it, which is why I checked. With the fact that there was litigation, they don't have to be released.

**Janet Morris**-When that time has come and gone. I will send you the information from the open meeting law.

**Denise McClure**-You can but I already looked into it.

**Janet Morris**-Did you talk to Town Counsel

**Denise McClure**-Yes, and they also said that when it is in litigation....

**Janet Morris**-Can I have that in writing?

**Denise McClure**-That I spoke to Town Counsel.

**Janet Morris**-There decision about Executive Session.

**Denise McClure**-I don't have it in writing. I am not going to give you a Town Council decision in writing when I had a conversation with them.

**Mike Riley**-It is right in the minutes, that Town Counsel said that. I asked him about that

**Janet Morris**-I don't see that

**Mike Riley**-I specifically asked. Do you have the Executive Session minutes?

**Janet Morris**-No because we never talked...

**Mike Riley**-In the Executive Session minutes I asked Counsel about releasing it

**Janet Morris**-So you have seen Executive Session minutes.

**Mike Riley**-I am telling you what I asked him. You have the right to go up and look at them.

**Janet Morris**-No, you are handling this wrong, that ok I will find the proper channel to get you the information.

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**ADJOURNMENT**

**Matt Battcock**-I make a motion to adjourn

Seconded by Chris Tribou

Pat Flemming-Yes

Matt Battcock-Absent

Chris Tribou-Yes

Marlies Henderson-Yes

Janet Morris -Yes

Mike Riley-Yes

Blake Robertson-Excused

**THE BOARD ADJOURNED**

End

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