



PB
Approved
Keri Rufo
3/14/22

RECEIVED

BILLERICA PLANNING BOARD

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

2022 MAR 15 P 2: 20

TOWN CLERK
BILLERICA

Michael Riley, *Chairman*

Matt Battcock, *Vice Chair*
Christopher Tribou
Blake Robertson

Patricia Flemming, *Secretary*
Janet Morris
Marlies Henderson

**Planning Board
Minutes
February 7, 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		Excused
Patricia Flemming, Secretary	X	
Chris Tribou	X	
Blake Robertson	X	
Janet Morris	X	
Marlies Henderson	X	
Denise McClure, Acting Interim Director	X	

Pledge of Allegiance

OPEN MIC

No Public Comments

Cont. SPSP-600 Technology Drive

Applicant requested to continue to March 14, 2022

MOTION TO CONTINUE

Marlies Henderson-I make a motion to continue SPSP 600 Technology Drive to March 14, 2022

Seconded by Chris Tribou

Chris Tribou-Yes

Matthew Battcock-Excused

Patricia Flemming-Yes

Janet Morris-Yes

Marlies Henderson-Yes

Blake Robertson-Yes

Mike Riley-Yes

6-0-1-Continued

B2-120 RANGEWAY ROAD

Attendees:

Steve Dresser-Civil Engineer

MOTION TO OPEN THE PUBLIC HEARING

Marlies Henderson-I make a motion to open the public hearing for the B2-120 Rangeway Road 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

Denise McClure-Mark Lalumiere and I spoke today, and we did not realize it, but the variance approval was appealed by an abutter, and it is currently going through that appeal process right now. Which means that this does not meet frontage. I don't think that we want to be in the practice of Subdivision plans that don't meet the requirements. They technically do not have a variance at this point.

Steve Dresser-When we filed this B2, which was a month ago. We were in pretty close negotiations reaching a withdrawal from the appeal, we have reached that agreement, but it just got finalized today. We very much expected to be ready for this meeting, so we have no problem with continuing it. We filed it 30 days ago and we had every intention of having it removed. We think it will happen, likely tomorrow. Denise is right, you can't sign it at this time. We would like to request a continuance.

Blake Robertson-I think we need to table the whole thing

Denise McClure-We are legally bonded to open the meeting.

Marlies Henderson-Can we condition it?

Denise McClure-You cannot condition the continuance on that

Steve Dresser-I think I can safely say that we would withdraw it March 14th if it is not resolved. I am extremely confident that it will be resolved.

I represent George Allen on the matter before you. We received a variance on July 15, 2021. It came to this formation, there is an older house built around 1840 and they went to the Historical Commission to see if it was ok to demolish it. It is on the local register and the Historical Commission requested that we do what we could to save the house. We agreed to save the house and we received the support from the Historical Commission. We have received a OCC from Con Com, no issues with the FD.

COMMENTS FROM THE BOARD:

Marlies Henderson-I noticed that Town Sewer is not available, what are they going to do? And on the plan, it says structures to be removed?

Steve Dresser-There will be septic systems. The pool and a couple of sheds will be removed.

Marlies Henderson-Can the plan say the existing house will be saved?

Steve Dresser-It is written in the BOA decision, and we do not have a problem with the PB writing it in their decision.

Marlies Henderson-I understand that the minimum lot size for Rural Residence has to be 50K and only two meet that. Is that part of the ZBA?

Steve Dresser-That is correct, that was part of the agreement of saving the historic house.

Chris Tribou-I have been watching this whole project for a while and I think it is a great project to preserve some history. If I am correct, they were going to split the lot, build the three houses and use the funds from that to rejuvenate that historical property. I think that this project would be a benefit to Billerica to preserving that historical property and putting in some homes for that area.

Mark Lalumiere-I would suggest in the future when the board takes these B2 applications that they require a copy of the recorded variance. This was submitted and the PB was never notified that it was under appeal. If this goes on for a certain amount of time, it becomes the PB responsibility to track the time clock on this. I did reach out and got confirmation that the plaintiff was unaware that this was appearing in front of the PB this evening. This could have slipped through the cracks and could have become a nightmare. It was neither recorded nor certified by the Town Clerk

Denise McClure-My error that I did not notice that it was not recorded. We do not get notified of those appeals.

Janet Morris-That is very concerning that we were not told that it was under appeal. It is almost kind of shady. When it is an appeal doesn't the Town Clerk have to notify us?

Mark Lalumiere -The Town Clerk and ZBA received an appeal and the town Managers office. That was back the end of August, early September it was originally granted.

Janet Morris-Will you please have a serious conversation with the Town Clerk and Town Managers office and let them know that we also need to be included. This is quite scary.

Denise McClure-I will look into this to see if it says recorded variance.

Steve Dresser- I wasn't aware that the PB wasn't aware of any appeal taken place and we fully expected it. We were told that it would be done by now by the other side. I was available today and also two local attorneys who could have answered some questions. I apologize that the town was running around like that, it was not my intentions. My ignorance that the PB was unaware that there was an appeal.

Marlies Henderson-Adjust checklist to not only provide ZBA decision but included the ROD book and page of the record.

Denise said she will check the B2 checklist

COMMENTS FROM THE PUBLIC:

John Burrows-When I look at these projects, I go back and do history. I have voted for most of you on the board and I expect a lot out of you. If you look at the history the way people do business and the documents they provide, it is systematic. You have a checklist, and some people feel that they are above that and they don't have to follow the rules. Some people from LLC's, go back and look at Salisbury Hill LLC that some people were involved in. They got away with 3 million dollars on the Town.

Steve Dresser-Could you be more specific JB, could you say my name out loud so I can do what I have to do on that because you don't know what you are taking about. I have been doing business in this town for 30 years. I don't even know who you are? I had this discussion with Kerri.

John Burrows-Mr. Chairman can you control meeting. Mr. Dresser, you can close your mouth while I am talking, I still have the floor.

Mike Riley-Mr. Dresser I will give you time on the floor to rebut when he is done.

John Burrows-Look at the mall project and the drawings that were submitted. They are not the plans that you approved. The ones that you guys approved are different from the plans that the BOH approved with different slopes on it. You have to look at the business practices and the way things are done. Pay attention to who is doing business. You should have had all the paperwork in front of you tonight and you didn't. You follow histories of bad projects for the town. You have to do what is right for the residents, not what is right for the builders or whatever LLC it is going to be this week. Feel free to look at any of this with the inspector general.

Steve Dresser-The applicant on this project is George Allen and Sons, I think his history speaks for himself. I have been in business in the town for 30 years and I am pretty proud of what I have done, and I am very proud of Salisbury Hill. Everything was not really resolved for other reasons, but I had a regulatory agreement on that, and I don't like being slandered at a public hearing by someone who I am sure that my record is better than his record, if you know what I mean.

Kelly Sardina-I know you said that there was an appeal in process on this so the normal protocol, that no other permits would be granted if an appeal is in process, correct?

Denise McClure-As we learned from TC, we cannot stop you from applying to the PB. You can apply to the PB for the B2 whether that variance is under appeal or not. Anyone has that right. But what I am saying for the PB that my recommendation is that frontage meets the requirements.

Kelly Sardina-If an appeal is in process with the PB would that not stop the clock on the participant to go further, like the BOH

Denise McClure-I am not positive that I could answer that. If you are under a PB appeal you cannot record a plan, but you can go to the BOH and get your stormwater permit, but you don't have any lots to build on because of the PB.

MOTION TO CONTINUE

Marlies Henderson-I make a motion to continue B2 120 Rangeway to March 14, 2022

Seconded by Janet Morris

Chris Tribou-Yes

Matthew Battcock-Excused

Patricia Flemming-Yes

Janet Morris-Yes

Marlies Henderson-Yes

Blake Robertson-Yes

Mike Riley-Yes

6-0-1-Continued to March 14, 2022

OTHER BUSINESS

MOTION TO APPROVE THE MINUTES

Matt Battcock-I make a motion to approve the minutes from January 11, 2022

Seconded by Janet Morris

Chris Tribou-Yes

Matthew Battcock-Absent

Patricia Flemming-Yes

Janet Morris-Yes

Marlies Henderson-Yes

Mike Riley-Yes

Blake Robertson-Abstain

6-0-1-APPROVED

OTHER BUSINESS

Discussion pertaining to PB documents on the Town website

Denise McClure-The BOS have been looking into having boards putting their documents on the town website. The Board has to take a vote that you are ok with that. This way the residents can utilize the website as well.

The board thinks that it is great idea. They would like to have the documents digitally because of the amount of paper that is used. They feel that it is being transparent. They would like the page to be update and the older information removed.

Marlies Henderson-I make a motion to list the applicants' documents on the PB page on the Town Website before the meeting.

Seconded by Janet Morris

Chris Tribou-Yes

Matthew Battcock-Absent

Patricia Flemming-Yes

Janet Morris-Yes

Marlies Henderson-Yes

Mike Riley-Yes

Blake Robertson-Yes

6-0-1-APPROVED

ADJOURNMENT

Marlies Henderson-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-Yes

THE BOARD ADJOURNED

End
