



BILLERICA PLANNING BOARD

Town Hall

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

Kevin Heffernan
Dean Santoro
Christopher Tribou
Michael Riley

A meeting of the Billerica Planning Board was held on February 11, 2019 at 7:00 P.M. at Town Hall Room 210, 365 Boston Rd., Billerica, MA. Present were Matthew Battcock (Chairman), Gary DaSilva (Vice Chairman), Patricia Flemming (Secretary), Christopher Tribou, Michael Riley, Dean Santoro and Kevin Heffernan. 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.

7:01 P.M. ANR: 68 GRAY ST.

Attorney Jim Dangora represented the applicant. This proposed ANR for 68 Gray Street will split the lot to accommodate 2 single family houses. The proper relief was granted by the ZBA.

It is worth noting that the Subdivision Control law allows for the retention of pre-existing houses such as in this case.

Mr. Battcock asked for comment from the Board and there was none. Mr. Reilly reported for the record that he agreed with Attorney Dangora's representations and the plan was properly prepared. There had been no public comment and minimal departmental comment, therefore Mr. Reilly recommended that the board close the public hearing and approve as proposed.

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Mr Battcock entertained a motion to approve the ANR for 68 Gray Street as proposed. The motion was made by Mr. DaSilva, Pat Flemming seconded.

Approved 7-0-0.

7:02 P.M. PUBLIC HEARING (cont.): SPSP - 129 CONCORD RD., ADDITION TO BUILDING; SOLAR PANELS

The public hearing was previously opened on December 10, 2018.

The proponent was represented by Nathan Mahonen from Bohler Engineering and Nick Trocki from Jumbo Capital. He explained that the applicant had been working with the peer reviewer, Woodward and Curran, and had addressed the majority of concerns. They had also worked with the Billerica Engineering Division to address their comments. They will be in front of the Conservation Commission at their next meeting. They are also scheduled with the BOH for the stormwater permit.

They have requested waivers for a lighting plan, traffic study and benchmark.

Mr. Tribou asked about the Conservation Commission reviews. Mr. Hohler responded that they had an issue with the proposed headwall and a matter of minimizing wetland disturbance.

Mr. Riley asked for clarification on the number of headwalls. The applicant responded that there are two but issues with only one.

Scott Salvucci from Woodward and Curran, the peer reviewer, presented their findings. They agreed that most of the outstanding comments had been addressed. They have some outstanding comments about the storm water design that can be resolved by additional test pits given the soils were different than expected. They had not reviewed the traffic analysis because that was part of the waiver requests.

Mr. Battcock asked if the Board had comments. Pat Fleming asked for clarification about the soils analysis. Mr. Salvucci explained the need to evaluate the drainage design based on the change from D to A soils. Mr. Tribou asked if that was the only issue. Mr. Salvucci had recommended additional review based on the possible need to change the design.

There were no public comments.

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Mr. Battcock entertained a motion to close the public hearing. Mr. DaSilva made a motion to close the public hearing. Mr. Tribou seconded. Approved 7-0-0.

Mr. Battcock entertained a motion to grant the requested waivers for the lighting plan, traffic study and benchmark. Gary DaSilva made the motion, Mr. Heffernan seconded. Approved 7-0-0.

Mr. Battcock entertained a motion to approve the special permit as conditioned. DaSilva made a motion to approve, Mr. Heffernan seconded.

Approved 7-0-0.

7:10 P.M. PUBLIC HEARING (cont.): B2 - 29 RIDGEWAY AVE.

The public hearing was already open.

Mr. and Mrs. Jhaveri, the proponents, were present. This is an application to split the lot to allow for construction of a single family house that had received the proper relief from the ZBA. This would normally be submitted as an ANR Plan but because a variance was needed it is before the Board as an B2 Plan.

Mr. Reilly explained that there were no issues with the application and departmental comments had been minimal. There had been no public comment. He recommended that the Board close the public hearing and approve as proposed.

Mr. Riley asked about the connection to Town sewer. The proponent will connect as required and utilities are available.

There was no public comment.

Mr. Battcock entertained a motion to close the public hearing. Mr. DaSilva made the motion, Mr. Riley seconded. Approved 7-0-0.

Mr. Battcock asked for a motion to approve the proposed B2 Plan as proposed. Mr. Riley seconded.

Approved 7-0-0.

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**7:15 P.M. PUBLIC HEARING: SPSP - 45A MIDDLESEX TURNPIKE, NEW
CONSTRUCTION**

Mr. Battcock asked for a motion to open the public hearing and dispense with reading the legal notice. Gary DaSilva made the motion, Mike Riley seconded.

Approved 7-0-0.

The proponent was represented by Attorney Jim Dangora. Mr. Dangora explained that the new building being proposed was consistent with prior master plan permits that had been granted in 2003. The new 146,200 square foot structure will house state of the art research facilities and labs working on cutting edge cures for cancer. This project was being considered for other locations in Switzerland, Germany and Rockland, MA but EMD Serono decided to locate their Center for North America Excellence in Billerica.

The parking will be handled by the parking garage that is being completed adjacent to the proposed building. The new building will utilize existing infrastructure that was designed under the master plan for additional capacity and the additional traffic that will be generated will be minimal. Temporary office space the Board has previously approved will be removed with approval of this project.

The applicant was requesting waivers from the building perimeter landscape requirements and given the additional landscaping that was being proposed elsewhere there would still be a net gain in green area. A waiver had been requested for the traffic study given excess traffic capacity in the area.

Mr. Battcock asked if the Board had any questions.

Mr. Battcock asked about the removal of the parking and where it would occur. Taylor Dowdy, the engineer for the applicant from BSC Engineering explained where the parking would be removed. Mr. Battcock asked about the building perimeter green strip. Mr. Dowdy said more landscaping would be added elsewhere but they weren't sure if they could meet that requirement given the slope.

Mr. DaSilva and Mr. Tribou asked about employment projections. Attorney Dangora explained that existing employees would be utilized for the new building and there would be some future employment growth in research positions of about 50 people.

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Mr. DaSilva asked about the abutters and any concerns they had, the proponent stated that they hadn't heard any.

Mike Riley asked about the steep slope near the building and whether there would be adjustments. Mr. Dowdy replied that it would be adjusted into tiers that would be more than adequate.

Mr. Battcock asked for the peer review report and Phil Paradis from the peer reviewer, BETA, provided their findings. Prior development had built in excess capacity under the master plan so the project would be utilizing that. The project had largely addressed the Town's storm water requirements and the proposed parking was adequate to handle the intended use as long as they can show that a waiver of the parking requirements can be adjusted if needed.

The height variance needed will be handled by the ZBA. The project does exceed the master plan build out by 64,000 square feet, so a statement of traffic adequacy should be considered.

The storm water structures such as the rain garden will need maintenance and should be sized properly to accept the projected runoff. Test pits would establish this.

Mr. DaSilva asked if the proponent was ok with the peer review recommendations for additional information and the parking requirements. Mr. Dowdy said they could be accommodated with adjustments to the existing site in the area of temporary structures, etc.

Mr. Battcock asked if there was any public comment.

Trish Fean, 345 Concord Road asked where the project would be located. Attorney Dangora explained it will add to the existing campus at 45A Middlesex Ave. and clarified that only 50 new employees are expected and therefore the traffic impact will be minimal.

Mr. Battcock entertained a motion to close the public hearing. Pat Flemming made the motion, Mr. DaSilva seconded. Approved 7-0-0.

Mr. Battcock entertained a motion to approve the requested waivers from the Traffic Study, parking space requirements and building perimeter landscape requirements, as shown on the plan. Gary DaSilva made the motion, Kevin Heffernan seconded.

Approved 7-0-0.

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Mr. Battcock entertained a motion to approve the special permit for the proposed site plan, with conditions as noted on the draft decision under review. Mike Riley seconded.

Approved 7-0-0.

7:25 P.M. APPOINTMENT TO NMCOG

Mr. Reilly reported that Mary McBride was serving as the Planning Board's designee after Marti Mahoney had retired. This arrangement was working fine and could continue until after the Board elections in April.

Mr. Riley had done a little research and thought that the Planning Board had to designate a member of the Board. Mr. Reilly explained that the statute allowed for Ms. McBride to serve as the Board representative until it appointed someone.

Mr. Battcock confirmed that this should be placed on the agenda under board reorganization after the elections.

7:30 P.M. ZONING WORKSHOP

Mr. Battcock referred to Mr. Reilly for an explanation of this item. The Community Development Director, Rob Anderson reviewed the proposed zoning language for Spring Town meeting. There were three warrant articles being proposed:

- one that would establish new PUD overlay zoning language for industrial parks,**
- one that would establish a new overlay over the Technology Drive office park, and**
- one that would extend the existing PUD overlay on Boston Road in North Billerica to include the residential property at 172 Boston Road. The proposed zoning would allow mixed use including housing by special permit from the Planning Board.**

The need had been identified to incentivize investment in the form of mixed use development in the park due to excessive vacancy rates. The intent would be to attract a project that included business amenities such as restaurants, as

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seen in surrounding communities Billerica competes with for economic development.

Mr. Battcock invited public comment.

Dan Burns, 12 Noulte Road commented that too much housing would be allowed by this zoning. There was already a lot of housing nearby so this wasn't needed.

Bill Green, 27 Nashua Road, commented that the zoning was defeated in the 2018 Fall Town Meeting and shouldn't be back so soon.

Mike Rosa, 29 Riverdale Rd., commented that this zoning could allow high density throughout Town. The overlay for the park wasn't sufficiently identified and even with limits on the allowed housing you could still end up with way more housing in each lot in the park. The zoning language needed more work on open space definitions, setbacks, height requirements and traffic studies to know whether this could work.

Wayne Smith, 6 Chadwick St., said there is already a glut of housing in this area and the cap on density should be lowered.

Mr. Burns felt too much housing and height is being proposed. The setbacks need to be increased to control shadowing. Town Meeting is the best place for deciding this. The density will overload our schools. Things need to be scaled way down for Tech Park-we need a diversity of housing, not more 40Bs, and we finally have control over that.

Justin Damon, 17 Harnden Rd., believes the housing density is too great. A maximum of 50 should be required.

John Gagliarti, 2 Whiting St., stated the projects would be allowed by this zoning but all the regular oversight by the permitting authorities would apply.

Bill Quagliozi, 370 Concord Road, the changes from when this was defeated seem to include, density, height and setbacks. My concern is traffic. It will increase from this zoning throughout the Town.

Ms. Fean felt notice for this proposed zoning has been inadequate. Housing is bad for traffic and I oppose it. She commented that traffic would be increased in Concord Road and surrounding neighborhoods. Without a traffic study it was a bad idea to allow this type of development. Billerica also has plenty of amenities, we don't need this.

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Mr. Battcock opened comments up to the Board.

Mr. Santoro asked where the 250 housing unit cap came from. Mr. Anderson explained that it was generally the feasible number developers could work with.

Mr. Heffernan asked Mr. Anderson if he was hired to do a specific job regardless of where he lived. Mr. Anderson affirmed.

Mr. DaSilva referred to the height requirement and the ability for the Board to waive it. Mr. DaSilva thought the height and density should be approved by both the Planning Board and Board of Selectmen. Mr. Anderson said he would find out if that is feasible.

Mr. Tribou discussed the need for the 250 unit cap and how the Town should be in control of housing density and affordability or it will be subject to 40B.

Mr. Anderson reviewed the 3rd proposed article that would include 172 Boston Road to the existing PUD overlay.

Mr. Tribou talked about where the Adult Entertainment District would go if this passed. Mr. Anderson explained that the district would stay until development and then probably end up on Republic Road.

Mr. Rosa made the suggestion that the Planning Board hadn't been properly involved in the development of the zoning and they should hold a zoning work session before the public hearing for Town Meeting to allow public input directly to the Board.

Mr. Battcock agreed that a workshop was a good idea and asked that Mr. Anderson schedule it.

7:40 P.M. APPOINTMENT TO HIGH SCHOOL BUILDING COMMITTEE

Mr. Reilly advised that there were questions about who the Board had appointed to the School Building Committee and out of an abundance of caution they should presently vote to appoint a member. Mr. Heffernan disagreed and said the representatives were appointed for 3 year terms. Mr. Reilly said he had information that established that it was an annual appointment, at least for the Planning Board, and they could appoint someone tonight.

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Mr. Riley made motion to appoint Gary DaSilva to the High School Building Committee. Chris Tribou seconded.

Approved 7-0-0.

Gary DaSilva made a motion to approve the December 10, 2019 minutes. Mr. Heffernan seconded.

Approved 7-0-0.

Mr. Kevin Heffernan made a motion to adjourn, Mr. DaSilva seconded.

Approved 7-0-0.

These minutes were prepared by Chris Reilly, Planning Director

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 December 10, 2019.

Patricia Flemming, Secretary