



**BILLERICA PLANNING BOARD**

Town Hall  
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Marlies Henderson, *Chair*

Michael Parker, *Vice Chair*  
Christopher Tribou  
Edward Giroux

Patricia Flemming, *Secretary*  
Blake Robertson  
Kelley Sardina

PB  
Approved 4/10  
K. Rufo  
RECEIVED  
2023 APR 11 11 A 09 11  
TOWN CLERK  
BILLERICA

**Planning Board Meeting  
Minutes  
March 13, 2023 @ 7:00 P.M.  
Via Zoom**

Videod by BATV

Can be Viewed: <https://billerica.cablecast.tv/CablecastPublicSite/?channel=3>

Members	Present
Marlies Henderson, Chair	X
Michael Parker, Vice-Chair	X
Patricia Flemming, Secretary	X
Chris Tribou	X
Blake Robertson	X
Edward Giroux	X
Kelley Sardina	X

**Staff**

Erika Oliver Jerram-Director of Planning & Community Development  
Katherine Malgieri-Senior Planner

Recognition for Patricia Flemming who has served the Town of Billerica since 1995: 2011-2023 with the Planning Board

Technical Difficulties 7:46-13:00

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**SPSP-298 Concord Road-13:00**

Attendees  
Zachary Richards-Bohler  
Angela Botto-Bohler  
Phil Paradise-BETA

## MOTION TO OPEN

Mr. Parker made a motion to open the public hearing for SPSP 298 Concord Road and waive the reading of the notice. Seconded by Mr. Giroux. All in favor.

Zachary Richards with Bohler Engineering shared his screen and gave a presentation of 298 Concord Road. The applicant is looking to construct a building totaling 121,630 sq ft to be utilized as a GMP (Good Manufacturing Practice) lab facility. It is located in the Industrial zone. They will demolish the 5-story existing office building (currently addressed 298 and 300 Concord Road) and will preserve the existing 3-story office building (currently addressed 296 Concord Road). Zachary heard good feedback at the site visit from the Planning Board. They are going to include an employee patio on the Northwest corner of the building for the employees. There will be a number of ADA parking spots, a bike rack and electric car charging stations. The plan features a new pedestrian path that ties into an existing sidewalk coming from 600 Technology Drive. One of the points of feedback during the site walk is leading them to incorporate a sidewalk extension around the side of the building to tie that new sidewalk along the rear parking lot to the front parking lot so people can make their way to 600 Technology. Applicant seeks relief from the green strip requirement, which is improving but they are not able to meet the full 75% due to loading dock, employee patio, and sidewalk connection. They are reducing impervious area within the riverfront area. They also want everyone to understand how the approved project and the currently proposed project work together. The previous project approved a new building in the rear parking lot, which also received a parking waiver with the possibility to construct additional parking along Concord Road. Due to the market's preference for multiple lab buildings in a campus environment, the owner has not been able to attract a tenant for the previous plan, which is why they are bringing the current proposal forward. As the campus environment will likely be more attractive to tenants, they hope to move forward with either building's construction first, as the market demands. He also highlighted that the current proposal would expand an existing parking lot and would decrease the overall parking demand on site. The proposal would require 835 total parking spaces for the site, where they are proposing 850. As such, the previous approval's parking reduction renders that future parking lot along Concord Road no longer necessary.

### Comments from the Board

Ms. Jerram followed up the applicant's comments by telling the Board that the previous approved new building (to be known as 300 Concord Road) was approved. Its scope of work is not under review, but is not built yet, so it is present on the plans as "existing conditions" for a cohesive picture and for conservation and stormwater purposes.

Ms. Sardina asked about the project that was approved in 2021 (#300) and when it would start. Mr. Richards responded that they hadn't gotten interest in a tenant yet. They are hoping this project gets approved for a more campus-like style. Ms. Sardina turned to Ms. Jerram to verify that the Applicant has two years to act on the Planning Board's previous approval.

Mr. Robertson wants to see action on how they are going to move forward. He stated he liked the project so far and is looking forward to the next meeting for more details.

Ms. Flemming stated that the plan looks nicer than the site's last application.

Mr. Giroux appreciated the pedestrian connection within the campus including to the hotel. He also asked about the #300 approval and its unsuccessful marketing. Mr. Richards reiterated the market is

for a campus-like feel, but that they would come back to the next meeting with an overview of their efforts.

Mr. Paradise (BETA, Peer Review) stated that the applicant has created a very good project which is decreasing the number of trips and the demand on parking. He stated his stormwater review has some comments which can be worked through. For the planning review, he stated the main items were to show signage and ADA accessibility, improve bike and pedestrian usage, and give a report on the pump station.

Mr. Tribou stated his understanding of the market issue, compounded with rise in interest rates. He liked the proposal, stating it would be less intense use with less impervious surfaces.

Mr. Parker talked about review of the BETA report, and that additional information appears to be coming. He is happy that they are removing the non-conforming five-story tall structure from the site. He summarized the market issue with a popular quote, "If you build it, they will come".

Ms. Henderson mentioned that she would like the plan to reference "The Narrow Gauge Railroad" and maybe an interpretive sign about it.

Ms. Jerram identified written comment from public: "Is the proposed facility subdivisible for multiple GMP tenants?" to which Mr. Richards confirmed the building could host multiple tenants.

#### **MOTION TO CONTINUE-298 CONCORD RD.**

Mr. Parker made a motion for the SPSP-298 Concord Road to be continued to April 10<sup>th</sup>. Seconded by Mr. Giroux. All in favor.

*With Pat Flemming not seeking re-election, there will be one new Planning Board member at the next meeting who will not be able to vote on this project.*

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#### **Denise McClure-Consultant of Subdivision Rules and Regulations 48:00**

Ms. McClure introduced herself to the Board. The Town of Billerica's current Rules and Regulations Governing the Subdivision of Land in Billerica were adopted in May 1996. Not only have the Regulations not been updated since that time, but they are greatly lacking in specificity when stating the requirements of Massachusetts Subdivision Control Law (MGL Chapter 41, Sections 81K – 81GG), they contain inconsistencies with Subdivision Control Law, and the design standards included in the current regulations no longer meet the Department of Public Works/Engineering Department's standards for public improvements. As a result, the Department of Planning and Community Development has requested an update to the Town's Subdivision Regulations.

1. The Town's current regulations do not provide specificity as to requirements for submittals or the process of approval for any of the types of subdivisions. The revised regulations will provide a format for each subdivision type that describes the submission procedure, submission requirements, review procedure, standard of review, and the decision. This will provide a clear process, not just to the Planning Board to follow, but for a potential applicant to understand what is expected throughout the process.

2. The Town of Billerica has a fourth type of subdivision in the "B-2" Subdivisions. The B-2 Subdivision process is particular to Billerica but was never included within the Subdivision Regulations and there are no written regulations for its process of review and decision. Regulations for the B-2 Subdivision will be included in this revision process. The

process and plan requirements will be included in this revision as a fourth category of subdivision.

3. A process for the Planning Board to consider waivers will be included. The current regulations state that the Planning Board can approve waivers, but there is no process laid out for that approval.

4. The submission plan requirements will be updated to meet the current requirements of the Town's Engineering Department.

5. The regulations pertaining to surety or performance guarantee will be updated to meet the requirements as set forth in Subdivision Control Law.

6. The design standards will be updated to meet the current requirements of the Town of Billerica.

7. The definitions will be updated to ensure that all terms that need to be defined are defined

### **Comments from the Board**

Ms. Henderson asked about a timeline. Ms. McClure she is hoping to have a draft by next month. Completion by the end of Fiscal Year.

Ms. Sardina requested that it come fore review in pieces, and not all at once. Ms. Jerram proposed a worksession idea if necessary, and Ms. McClure identified that most standards within the rules are not up for deliberation or policy considerations like that, but rather needing to be amended to conform to other existing policies. So such time should not be necessary.

Mr. Robertson asked why there was a need to look at the rules if state law has not changed. Ms. McClure said the Regs from 1996 are not written well and that it does not include all the requirements, because the B2 process rules do not even exist. Mr. Robertson proposed not having B2 process, to which Ms McClure said that was a policy option, but they have it now because of the frequency of variance-based lot splits which occur in Town, and she is trying to make the document clear to what Billerica practices. Mr. Robertson asked about the design guideline inconsistencies and Ms. McClure said the review is an opportunity to lay it our and match current stormwater regulations. Mr. Robertson also asked if Complete Streets policy would affect this proposal. Ms. McClure said it would not, unless the Board wanted to consider adding it into their design standards, which Mr. Robertson did not.

Mr. Tribou appreciated that the intent is to have the process and the design standards clear and up front so applicants will know what they are getting into ahead of time and that the lawyers can't wiggle around it. He expressed concern that documents with a lot of regulations need to be readable and understandable to an average person, and Ms. McClure agreed.

Mr. Giroux stated that this is long overdue. He gave an example of a friend who was trying to open a business and kept hitting new stumbling blocks and requirements. He stated there was a previous effort to update, in 2015, but due to turnovers at the time it was never completed. He asked Ms. McClure to expand on her statement that the rules did not comply with Mass Gen Law. Was this a legal problem? Ms. McClure clarified that there is no illegal protocol in what the town is doing, and she gave examples such as subdivisions that do not require approval (ANRs) only needing accessible

roadways, not accepted. Preliminary subdivisions are not required by the state to have public hearing. There is no documented path for waivers. There is nothing wrong or problematic in the legal sense.

Mr. Parker thanked Denise and agreed the rules should be more user friendly and should clarify the B2 process. He read the ANR clause that frontage variances cannot be endorsed as an ANR. Ms. McClure identified that while Billerica has practiced this “B2” process, other towns would say “go to a definitive”. He asked about the timeline for her draft. Ms. McClure said that she will send the drafts to the Board as they are done, and she expects the Process side to be done in April. And will work on Engineering/DPW for the design standards after that. This was well received as it mirrored Ms. Sardina’s earlier comment about having a large document to review all at once. Mr. Parker recapped that they expect to discuss for two meetings, then a Public Hearing to adopt. Ms. McClure agreed.

The Board thanked Ms. McClure.

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### **STREET ACCEPTANCE-WARRANT ARTICLE-SPRING TOWN MEETING 2023 1:31**

Ms. Malgieri went over the list of streets on a PowerPoint provided by Engineering Department (see attached). Most segments are within Sewer District 38. Two others were citizen petitions.

Mr. Robertson expressed his previous concerns that accepted streets are not being included in the Title 90 inventory, but stated support that Staff will follow up and verify. He also asked for the petitioner streets to be identified, which are Moran and Wheeler Road.

Ms. Henderson had identified that the road, Pauline, was along Carlisle’s conservation land. Ms. Sardina inquired if any notice was necessary to Carlisle.

Mr. Giroux expressed private roads lead to the town trying to limit costs, but the residents on such roads don’t get their taxes limited. He supports increasing their services and also increasing the amount of Chapter 90 funding.

### **MOTION**

Mr. Giroux made a motion to recommend the list of streets to the Select Board. Seconded by Mr. Parker. All in Favor.

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### **MINUTES 1:42-1:44**

#### **January 30, 2023**

Mr. Giroux made a motion to accept the January 30<sup>th</sup> minutes as previously amended. Seconded by Mr. Tribou. All in Favor

#### **February 13, 2023**

Mr. Giroux made a motion to accept the February 13<sup>th</sup> minutes. Seconded by Mr. Parker.

Mr. Robertson identified a small typo and handed to Ms. Rufo for correction.

Mr. Giroux made a motion to accept the February 13<sup>th</sup> minutes, amended to include Mr. Robertson’s correction. Seconded by Mr. Parker. All in favor.

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#### COMMITTEE UPDATE-1:44

Mr. Giroux-Yankee Doodle Bike Path-The committee is going to formalize and start meeting more often. Chairwoman Ms. Rawlings might be making a brief presentation at Town Meeting.

Ms. Henderson-OSRPC-The plan is starting its review process. The submission for the most recent plan was 2016 and is valid for 7 years.

Ms. Henderson-Capital Facilities Committee-On 2/13, they met and talked about the intergenerational facility. Still in discussion of one building or two. They will meet again later this month.

Ms. Henderson-CPC-The historic districts grant match was approved for \$10,000. They currently considering requests from the Masonic Hall, FCCB, BHA-Mason Ave

Ms. Sardina asked about the historic districts grant. Ms. Jerram replied that it would provide an overview of the town's documentation of historic properties and will make a plan to fill in any gaps and update the paperwork.

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#### STAFF UPDATE-1:52

Ms. Jerram received copy of warrant article submissions and listed the planning-related ones:

Warrant Article for the zoning bylaw recodification. She stated the price is high due to outreach costs, which is an important part she wants to ensure gets done.

Warrant Article -disposal of town-owned property on Wildcrest Ave to build affordable housing.

Warrant Article -street acceptances.

Warrant Article -To amend article 9 of the general by-law, to grant authority to BOS to change Building Permits fees.

Warrant Article -- To amend the Stormwater bylaw, relocating authority into DPW/Engineering.

Warrant Petitioner article to rezone 164 Concord Road. She identified this article will be part of the Board's public hearing process in April.

Ms. Sardina asked about the ZBL recodification Article and mentioned discussion which happened at previous Select Board meeting, specifically time 1:22-1:52. She identified conflicting comments which have been said that the report is either done, or drafting, or hasn't been started and that many people are confused. Ms. Jerram clarified the audit is the consultant's opinion based on interviews, meeting with Planning Board, and expertise. Their findings have been drafted into a diagnostic report which has been emailed to the Board members who have another week to share their thoughts before the consultant finalizes it. . This is the next step which is to act on the audit report's findings by cleaning it up and making it readable. Policy changes will be a later step.

Mr. Parker asked Ms. Jerram asked if she has a draft of the Article and Ms. Jerram read it out loud.

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**MOTION TO ADJOURN-2:09**

Ms. Henderson asked for a motion to adjourn. Moved by Mr. Giroux, Seconded by Mr. Parker.  
All in favor

End

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