



BILLERICA PLANNING BOARD
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BILLERICA

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

Christopher Tribou
Blake Robertson
Janet Morris
Michael Riley

**Special Planning Board
Minutes
May 11, 2020-Via Zoom @7:00 p.m.**

Attendance: Matt Battcock, Blake Robertson, Gary DaSilva, Pat Flemming, Mike Riley, Chris Tribou, Janet Morris
Interim Planning Director- Denise McClure

The meeting was videoed by BATV

Pledge of Allegiance

PUBLIC HEARING:

B2-Minor Subdivision-143 Pollard Street

Matt Battcock-Can I get a motion to open the public hearing and to waive the reading of notice.

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

Seconded by Blake Robertson

All in Favor-7

Opposed-0

Matt Battcock-Can I get a motion to continue to June 8, 2020

Gary DaSilva- Motion to open the continue the public hearing for B2 Subdivision 143 Pollard Street to June 8, 2020 @7:05pm

Seconded by Mike Riley

All in Favor-7

4 Victory Road-Special Permit

Matt Battcock-To be continued-Can I get a motion to open the public hearing and to waive the reading of notice.

Gary DaSilva-Make a motion to open the public hearing for Special Permit for 4 Victory Rd and waive the reading of the notice.

Seconded by Mike Riley

All in Favor-7

*Approved
5/20/20
Kerri Ruff*

Opposed-0

Matt Battcock-Can I get a motion to continue to June 8, 2020 @7:10pm

Gary DaSilva-Moved

Seconded by Mike Riley

All in Favor-7

B2-Minor Subdivision-29 Andover Road

Matt Battcock-Can I get a motion to open the public hearing and to waive the reading of notice.

Gary DaSilva-Make a motion to open the public hearing for B2 Subdivision at 29 Andover Road and waive the reading of the notice.

Seconded by Mike Riley

All in Favor-7

Opposed-0

John McKenna- Attorney representing applicant. The received variance to subdivide the property. And the proposal is to subdivide the property into 2 lots. Andover Road is an accepted street and Cider Mill Way is a public way maintained by the Town. The properties is in the Historic District Commissions, the house was destroyed by a fire and the barn in the back is structurally unsound and they will need further approval from HDC.

Mike Riley-The barn is coming down?

John McKenna-They don't think they will be able to save it, the process will have to be approved by HDC

Blake Robertson-I am concerned with the unresolved issue with the HDC and that we approved contingent upon approval of HDC results.

John McKenna-We have to go before the HDC anyways; we are looking to get this approved before the Planning Board. If we don't get the approval now, we will have to come back before the Planning Board again.

Matt Battcock-So we approve with the contingent that Conservation has to approve it anyways right?

John McKenna-We will be looking for the approval from the HDC for the demo of the existing barn

Janet Morris-Did you go before the zoning Board of appeals

John McKenna-Yes, the approved the subdivisions of the 2 lots

Janet Morris-Is there any benefit getting the road Cider Mill accepted?

John McKenna-Doesn't think it necessary

Denise McClure-The accepted Road as long as it is adequate access. I suggest the board approves this with a condition with HDC approval in order to remove the barn. If he doesn't get approval he will have to come back to the Planning Board and re sub-divide that property.

No Comments from Public

Matt Battcock-Can I get a motion to close the public hearing

Gary DaSilva-make a motion to close the Public hearing for the B2 minor Sub Division 29 Andover Road
Seconded by Mike Riley
All in Favor-7
Opposed-0

Matt Battcock-Can I get a motion to approve the B2 public hearing with the one condition
Gary DaSilva-Make a motion to close the Public hearing for the B2 Sub Division 29 Andover Road with the condition for the HDC to approve the teardown of the barn
Seconded by Mike Riley
All in Favor-7
Opposed-0

832 Boston Road-Site Plan Special Permit

Matt Battcock-Can I get a motion to open the public hearing and to waive the reading of notice.

Mike Riley-Make a motion to open the public hearing for the Site Plan Special Permit at 832 Boston Road and waive the reading of the notice.
Seconded by Blake Robertson
All in Favor-7
Opposed-0

Chris Amelias- Brennan Consulting-We submitted an application to remove the existing Fire station and replace it with a more modern fire station to serve the southern residence of Billerica. They first submitted application to the ZBA for zoning variances and an application to MASS Dot for access permit.
We have received and responded to a number of comments from DPW/Engineering Division
We did and an extensive Drainage analysis and also went through the MASS DOT permit process.

Denise McClure-They did submit their plans to DPW, we just want to make sure in the end they address DPW concerns

Pat Flemming- How Many fire trucks can go in the building

Paul Durand-2 trucks, we brought the Fire Station up to code and added a maintenance facility in the back

Blake Robertson-The footprint, what is the difference?

Paul Durand-this is about 11k sq. foot, and no basement.

Janet Morris-In the letter from April 28th from DPW, the Storm Water permit said they wanted it?

Denise McClure-The BOH would determine if they wanted a Storm Water permit. We can certainly put a condition that they need to look to the BOH if they need a permit but we can't make that happen, that is up to the BOH.

Conrad Nuthamm-According to the BOH requirements for the Storm water permit, we do not meet any of the thresholds and the project does not trigger any of those thresholds and that has been confirmed by the Building Inspector

Janet Morris-I was concerned about a pole being handicap accessible and took away greenspace

Conrad Nuthamm-We addressed that by keeping the pole in its locations and bringing the sidewalk around the pole. We took greenspace between the sidewalk and the curb

Janet Morris-Did you receive any feedback from neighbors, what height is the fence

Conrad Nuthamm-We haven't received any comments from neighbors. The fence will be 6 feet.

Janet Morris-When coming out of the driveway, will there be a sign of taking a right only?

Conrad Nuthamm-No, we have gone through an extensive review with MASS DOT

No Comments from the Public

Matt Battcock-Can I get a motion to close the public hearing

Gary DaSilva-make a motion to close the Public hearing for the Site Plan Special Permit 832 Boston Road

Seconded by Mike Riley

All in Favor-7

Opposed-0

Matt Battcock-Can I get a motion to approve the public hearing Site Plan Special Permit 832 Boston Road with contingent of DPW Standard conditions and that the items from the DPW are address

Gary DaSilva-Moved

All in Favor-7

Opposed-0

71 Faulkner Street

Matt Battcock-Can I get a motion to open the public hearing and to waive the reading of notice.

Mike Riley-Make a motion to open the public hearing for 71 Faulkner St and waive the reading of the notice.

Seconded by Gary DaSilva

All in Favor-7

Opposed-0

Ron Pare-Owner of the Faulkner Mill- I would like to construct 5 residential apartments on the 3rd floor with no structural change on the outside of the Mill.

The parking across the street, we have 73 spaces including handicap spots.

Robert Gill-Civil Engineer-We have a layout with 5 units and we had a field inspection with the fire department and they were satisfied with the layout.

Matt Battcock-Those fire lanes need to be affixed to a wall or a free standing sign and not painted on the ground.

Mike Riley-(4) 2 bedrooms, and (1) 1 bedroom and the access for the tenants to get into the building?

Robert Gill-That is correct, and they will have 3 exits, one on the left, right and rear.

Mike Riley-Trash and recycling and AHA component, they are looking for 25% is this something you are thinking about in lieu of?

Ron Pare-There is a 8 yard dumpster in the rear now and they will put a 2nd one in. And yes we will cooperate with the AHA if they want to get involved.

Denise McClure-The requested a waiver from it, so it's certainly something for the board to discuss because it is a requirement for the Mill conversion

Chris Tribou-Are you planning on smaller projects like this on the Mill

Ron Pare-this is a onetime thing but we are always open to it

Chris Tribou- Are you willing to work with the Housing Authority?

Ron Pare-Yes I would

Gary DaSilva-Any issues with the company next to the building, with noise pollution? And I would like to see one of the apartments go towards the AHA, we can discuss that as we go forward.

Ron Pare-No and ok

Matt Battcock-Maybe you can make a donation to the sidewalk fund or the Billerica Housing Trust?

Ron Pare-ok

Pat Flemming-I agree with you Matt about the donation. Where are the units going to be?

Ron Pare-on the top floor

Blake Robertson-I am not in favor of waiving the affordability, at least 1 unit or make up the difference to get to 25% that is reasonable.

2 bedroom units and that means a family; do you know where the nearest playground is for children?

Ron Pare-Right across the street, there is a school and also across the street is a gazebo and a fence in area

Blake Robertson- Separate water for the industrial and residential part; how is that being addressed?

Ron Pare-The apartments will be fully sprinkled in each unit

Blake Robertson-Denise you recommend that the board waived the peer review and the cost for that. What are the implications of us granting that waiver for this board?

Denise McClure-They submitted so they could. It would normally go through the building department. Because there is not exterior site work. I am not sure that there is a lot to lot, no exterior site work.

Janet Morris-I would also like to see 1 unit be affordable, and does this needed to be discussed tonight?

Denise McClure-We do have to talk to the applicant if it will be AHA or in lieu of.
We can list it as a condition as 1 of the 2

Janet Morris- I am uncomfortable waiving it incase others pop up, I don't want to set a president.

Matt Battcock- to the applicant, would you be willing to make a donation to the AHA Trust in Billerica?

Ron Pare-Definitely

Denise McClure- We can speak to the Billerica Housing Authority could work to develop a number.

Matt Battcock-if this goes through, we will talk to Mr. Correnti (Billerica Housing Authority) to agree on a number
Guessing on a number is not going to be beneficial to anyone and it could be a problem.

Public Comments

John McKenna-8 Hawkrigde Rd. Explained the formula with the Housing Authority. Have the housing component be designated. Felt that the proponent should not be fined for not having a peer review.

Denise McClure- Attorney McKenna is right, there are many formulas. I think we should do a condition that has to do one of those two so that it safeguards the Town

Ron Pare- I would agree to that

Mark LaLumiere- Building Commissioner- There has been previous noise complaints in the past and a number of neighbors had concerns about the access through the rear gate.
Vehicles are traveling in and out. I agree with the 25% AHA component. 5 units, so if you do require one to be affordable, that would take you to 20% and you could look at the additional 5% to go to the housing Authority and that would instantly cover the Town, the 10% threshold wouldn't move to protect us from 40B's

Matt Battcock-After listening to Attorney McKenna spoke I want to make sure the Town is covered one way or another.

Gary DaSilva-Can I get a motion to close the public hearing 71 Faulkner Street
Second-Mike Riley
All in Favor-7
Opposed-0

Gary DaSilva-Can I get a motion to approve all the waivers for 71 Faulkner Street
Second-Mike Riley
All in Favor-6
Opposed-1-Blake Robertson

Denise McClure- Conditions- Funds in lieu equaling 25% as determined by the Housing Authority
Moved by Mike Riley
Second-Janet Morris
All in Favor-7
Opposed-0

Gary DaSilva-Can I get a motion to approve with the conditions for 71 Faulkner Street with the FD Conditions and with condition 6 that was added with the Affordable Housing
Second-Mike Riley
All in Favor-6
Opposed-1-Blake Robertson

313 Boston Road-Site Plan Special Permit

Gary DaSilva-Make a motion to open the public hearing for 313 Boston Road and waive the reading of the notice.
Seconded by Mike Riley
All in Favor-7
Opposed-0

Attorney Stephen Lentine-630 Boston Road-Representing the Applicant.
His applicant wants to add an 80 x 48 foot building, 3840 sq. ft. to the site, to allow for indoor storage for equipment and material. They received a special permit from under 10D.4 ZBA on February 12th because the site is a grandfathered split zoned site.
The project will be built by a local builder Joe Shaw

Steve Dresser-Project Engineer-Explains the plan that was submitted and talked about storm water system and were the vegetation restoration is.

Stephen Lentine-Added the comment about the green spaces are now jurisdictional for site plan special permit under 7D.7 of the zoning by laws.

Matt Battcock-Can I get a motion to close the public hearing

Gary DaSilva-make a motion to close the Public hearing for the Site Plan Special Permit 313 Boston Road

Seconded by Mike Riley

All in Favor-7

Opposed-0

Gary DaSilva-Can I get a motion to close the public hearing 313 Boston Road

Second-Mike Riley

All in Favor-7

Opposed-0

Gary DaSilva-Can I get a motion to approve 313 Boston Rd with the requested waiver requests and based on the revised plan based on the Conversation Commissions changes

Second-Mike Riley

All in Favor-7

Opposed-0

Fitzpatrick Woods Modification- Definitive Plan Modification

Gary DaSilva-Make a motion to open the public hearing for Fitzpatrick Wood Modification and waive the reading of the notice.

Seconded by Mike Riley

All in Favor-7

Opposed-0

Stephen Lentine- 630 Boston Road-Attorney for applicant

This modification is to add 3.4 acres to the southerly portion of the subdivision which would create 3 new lots; #9, 10 & 11 on the modification plan that was submitted. It will also result in reconfiguration which will be known as lots 4A, 6A, 7A , 8A

All the lots will be served by Town water and sewer. All the lots are 50 sq. ft. plus in our largest rural district

Steve Dresser submitted drainage calculations, which should be noted that there will be no new road way added.

2nd part of the modification is to request a waiver; they don't feel a development this size doesn't require 2 sidewalks and the developer are willing to donate to the sidewalk fund.

Steve Dresser-Project Engineer-Discusses various aspects of the modification. Talks about the drainage stand point with the 3 new lots and talks about the runoff from the back of the lots.

Denise McClure- Feels it will be helpful to have a full set of plans for years down the road.

The board discusses the donation to sidewalk fund

Stephen Lentine- 630 Boston Road-Attorney for applicant feels the request of \$54,000 is too much

Jon Metzler-Developer- The reason on not installing the sidewalk on the Pendleton side. They did not want a sidewalk on their side. He said he used the formula from DPW and Engineering.

Jon Metzler-Willing to make a donation of \$12,000 under the conditions it isn't paid till until the 6th certificate of occupancy permit.

Denise McClure-This doesn't have to be based on contingent on their approvals. The DPW just wanted to make sure that the utilities weren't relocated. We should make sure that their issues are addressed.

Jon Metzler-If this is approved none of the utilities would be changed.

Steve Dresser-Project Engineer-The utilities were put into this plan in anticipation and this project is bonded.

Matt Battcock-Can I get a motion to close the public hearing

Gary DaSilva-make a motion to close the Public hearing for the Fitzpatrick Woods modification

Seconded by Mike Riley

All in Favor-7

Opposed-0

Gary DaSilva-Can I get a motion to approved Fitzpatrick Woods Modification will all the conditions

Second-Mike Riley

All in Favor-7

Opposed-0

495R Billerica Ave-Site Plan Special Permit

Christine Hung-Remier & Braunstein-Wanted to touch base on the traffic issue from last month Planning Board meeting. They have taken the past month to answer the questions, which they feel they have addressed and forwarded to Denise McClure for review.

They will be before the Conservation Committee on the 13th and 27th of May. They are addressing their comments as well.

Denise McClure-They have addressed all comments. I have forwarded everything to the board. So the applicant is coming back to discuss traffic.

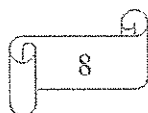
The board expressed their concerns about the bridge and not taking a right hand turn on Billerica Ave out of the facility.

Christine Hung-Remier & Braunstein-Feels like they did address the boards concerns in the proposed traffic conditions.

Gary DaSilva-Discussed that he is still concerned after reading the documents that they haven't address about "No right Turn" onto Billerica Ave

Christine Hung-Remier & Braunstein-She didn't want to speak on behalf of MDM (there traffic consultant) with them not being at the meeting

Greg Lucas-BETA- They reviewed the comments and feels that posting signs in the facility is not an effective treatment. The bridge is a hazard. We suggest that the Town should pursue an Truck Exclusion. He doesn't feel that it hasn't been effectively addressed.



Christine Hung-Remier & Braunstein-I will have MDM address this issue and see what we can do about a Truck exclusion zone

The board agrees that the facility should not be able to take a right hand turn out of the facility.

John Hennessey-Equity Industrial Partners-Applicant- Tractor trailers will be going left and getting on 495 using that. The problem prohibiting a right hand turn out of the property, I believe there are 5 left hand turns that you could take with box trucks and other vehicles that will be delivering to local addresses. That is the intent of not prohibiting a left hand turn and with all due respect to the board.

Denise McClure-We are here tonight to give comments about the traffic. I spoke with the applicant as well, and they know that the bridge is our biggest concern.

Comment from Public

John Burrows-38 Shawsheen Road- Concerns with the Contractor which is Integrated builders and wondered if there was going to be a standard condition. The Standard Condition is supposed to be attached all projects moving forward

John Burrows read the Standard Condition to the applicants and the Planning Board

Matt Battcock asked Christine Hung to look into that.

Matt Battcock-Can I get a motion to continue the meeting to June 8th

Janet Morris-would like to make a recommendation to move them to the top of the list for next month for being so patient.

Gary DaSilva-Make a motion to continue the meeting to June 8th

Seconded by Mike Riley

All in Favor-7

Opposed-0

Chris Tribou-Asked about the appeal for Sterling Road

Denise McClure-She has not heard anything about the appeal.

Gary DaSilva-Make a motion to adjourn

Seconded by Janet Morris

All in Favor-7

Opposed-0

Adjournment