



BILLERICA PLANNING BOARD

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TOWN CLERK
BILLERICA

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

Christopher Tribou
Blake Robertson
Janet Morris
Michael Riley

Planning Board Meeting Minutes June 8, 2020- Virtual Meeting

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

The meeting was videoed by BATV

Pledge of Allegiance

ANR-(approval Not Required) 40 Allen Road

Bryan DUBY-He came to an agreement with his neighbor Alexey Gerasimov of 42 Allen Road, 749 sq ft and there is an existing driveway through his property and utility, they came to an agreement to give him my land in the property and he is going and he is going to the entire use of the driveway to give me exclusive use to the driveway, to clean the up driveway

Robert Gill-Engineer- for applicant- He Wants to give the 749 sq ft to the neighbor, it makes more sense to conservation and to the owners. Both lots will still be conforming.

Mike Riley- Make A motion to approve the ANR
Second-Chris Tribou
6-in favor
1 Absent-Matt Battcock

ANR-(approval Not Required) 503 Boston Road

Robert Gill-Engineer- for applicant- 2 lots owned in Mike Cleary Mother-The Mother has the large residential lot which Michael Cleary is going to purchase. We are putting a right of way easement to Boston Road on an existing driveway.

Mike Riley- Make a motion to approve the ANR
Second-Blake Robertson

Approved
7/20/20
Kerri Ruffo

6-in favor

1 Absent-Matt Battcock

143 Pollard St-B2- To be continued

Letter to request a continuance to the next meeting, he needs conservation approval for one of the lots

Moved by –Blake Robertson

Seconded by Janet Morris

6-in favor

1 Absent-Matt Battcock

4 Victory Road-Special Permit- Applicant withdraw the application to withdraw Solar Panel Special Permit

Moved by Mike Riley to

Second by Pat Flemming

6-in favor

1 Absent-Matt Battcock

Pat Flemming-Make a motion to withdraw without prejudice

Second Mike Riley

6-in favor

1 Absent-Matt Battcock

Motion is withdrawn

495R Billerica Ave-Special Permit & Site Plan Special Permit

Bob Buckley- Remier Braunstein-As an update they have obtain the approval with the Town of Tewksbury under the zoning by law for the building. We have been working with the staff advising them to stay away from the Mt. Pleasant Bridge.

As part of the conditions

1. Advising our drivers and employees through posting and literature to avoid it
2. Advisory sign plan on Discovery Way and advising trucks to take a right and avoid going right because of the low clearance
3. Within 18 months of opening the facility to engage in a road safety evaluation and we have asked that a member of the Billerica Planning Board to be a part of advisory to suggest some suggestions. And having signage and other markings to ensure compliance will be beneficial

The storm water report and the traffic issues and we welcome any questions that you would have

Denise McClure-Our Peer review consultant have addressed and I believe we are all set there. I have had multiple conversations to talk about the signage.

Public Comments

Roberts Stanton-7 White Gate Road-Is this Building a trucking terminal?

Bob Buckley-It's a processing facility were orders will processed and delivered.

Roberts Stanton-7 White Gate Road -Are there any safe guards regarding early morning or late night traffic Noises?

Bob Buckley-We have provided the board with a noise study and we are required to comply with both with the state and town level.

Roberts Stanton-7 White Gate Road Why will this board ok a high volume trucking project , Lynnway, Copart, Fed Ex, Waste Management?

Bob Buckley-The truck traffic from this facility is not extensive. We also agreed that within a year that our operation could be reviewed. Our traffic counts will be substantially less than any other facility.

Roberts Stanton-7 White Gate Road Comment-It won't take long for trucks to turn right and then left on Mt Pleasant St.

Gary DaSilva-They will not be allowed to take a right turn for trucks.

Robert Michaud-MDM Transportation Consultants-There are heavy commercial exclusion by MASSDOT that would not apply in the case. The best we can do is offer advisory signs in accordance with industry practices and standards.

Anyone who is leaving the site in a commercial vehicle they we see highly visible sign that the low clearance bridge in the area and are advised to turn left.

This facility is really a processing facility and it will involve delivery of material in small box trucks. (Similar to UPS trucks) The most direct route is turning left to 495. There is absolutely no reason or convenience to use any of the local streets. The number of trucks is 15 Box trucks per day and 1 or 3 larger trucks that would use Rte. 495.

Bob Buckley- As part of the conditions, that we would work with the community at that location the advisory and the warning template.

Pat Flemming- What if the truck drivers take a right?

Bob Buckley-It would be hard to make that right turn with the amount of signage and markings

Mike Riley- Asked Mr. Buckley to go over the points to prohibit the trucks from turning right?

Bob Buckley-Explained the internal notices and the signage that will be at the end of the street. And we are also providing post operation of monitoring of traffic once we are in operation.

The Board continues with the issues of not having the proper signage for not putting up a sign that says no right turn.

Robert Michaud-MDM Transportation Consultants- The BOS endorsement as road commissioners for that Town that would be an enforceable action but it could not be in conflict with the states provisions on trucks exclusion which is regulated by MASSDOT.

Bob Buckley-This is why we are asking a member of the Planning Board to be a part of that evaluation so those concerns could be addressed at that time.

Chris Tribou-They are around 50 bays correct? I would want some more clarifications

Bob Buckley-Because there are a lot of bays it doesn't mean that they are all being utilized. We are not averse to working with the town that is why we have the road safety analysis, which would include making a right turn prohibited.

Blake Robertson-I am confused I am trying to understand why I can't see a sign that says no right hand turn for vehicles over that X height?

Robert Michaud-MDM Transportation Consultants-There is no provision in law or guidance, it cannot be regulated but what we are saying is the second sign package on Billerica side at Mt Pleasant St. it can have serious regulatory signs that do restrict turns for that do restrict certain vehicle height. We are hearing loud and clear the concerns that Billerica has.

Bob Buckley-I think that we could agree to look into that right away. That way we are achieving the notification and they will see the advisory sign that says no right turn, no trucks over 11 ft.

Denise McClure- We are not talking about the exit of your facility, we are talking about down the street at the corner of Woburn and Mt Pleasant.

Bob Buckley-That's correct and we do the advisory sign down the street.

Janet Morris-Can anyone tell us the name of the Company

Bob Buckley-It will be Home Depot, and the deliveries will be going to customers not stores.

Connor Nagle-VHB-34 Bays on the Billerica side and 45 in Tewksbury

Janet Morris-Feels having the advisory sign would do a service to the Town. If a resident has a complaint how would you handle it? And the approval for the waiver of Green Space

Bob Buckley-if there is a violation, they would go to the building inspector, the enforcement remains the same and there will also be a contact person at Home Depot.

Conner Nagle-VHB- We meet the requirement for open space, we are looking for a waiver is required to have a 10 ft and it is not feasible to have but we have made that up in other areas.

Bob Buckley-The sidewalk fund is part of the road safety analysis, we are also going to put a bus shelter out there as well.

He wanted to stress that this is not a trucking terminal

Mike Riley-I highly recommend that our Traffic safety officer be involved in that board

Bob Buckley-We wanted someone from the Planning Board to be involved as well, someone who was familiar

The board continues to discuss the conditions amongst each other.

Denise McClure-Reminding the board that this is amongst 3 Towns and the conditions will be the same

Mike Riley-Make a motion to close the public hearing for 495R Billerica Ave
Seconded by Chris Tribou
6-in favor
1 Absent-Matt Battcock

Denise McClure-Reminding the board that this is amongst 3 Towns and the conditions will be same and that we address Billerica's issues. Green space, shared parking

Mike Riley-Moved the motion to approve the waivers
Seconded by pat Flemming
6-in favor
1 Absent-Matt Battcock

Gary DaSilva-The waivers are granted

Mike Riley-Make a motion to approve the Site Plan Special Permit for 495R Billerica Ave with all the conditions
Seconded by Janet Morris
6-in favor
1 Absent-Matt Battcock

2 Proposed Zoning Text and Map Amendments (Article 35 & Article 36)-Spring Town Meeting- The petitioner proposes to add a new section to the Zoning By-Law entitled "Elderly Community Overlay District" and to amend the Zoning By-Laws and Zoning Map by overlaying the Elderly Community Overlay District on land located at 120 Rangeway Road.
Attorney Stephen Lentine-Representing Scott Peacock

The 1st Article-Provide 1 level housing for residents over 65 in a garden style development.(Article 35)
People living in multi-level home and because of mobility issues for them that have an upstairs and a basement and they are going unused. Our new overly by law would provide 1 level housing with indoor parking.. We want to adapt to the elderly population and there would be affordable housing as well. 2018 master plan that the town adopted 2010-2035 makes particular not that the elderly population between 60-74 is anticipate to increase to 47% and the population 75 and older is projected to increase over 50%. The 15% affordable mandate within the by law itself meets both those needs.

The 2nd Article –Article 36- Would apply the overlay 4.25 acre parcel at 120 Rangeway Road
We are proposing to construct a 48 Unit and 8 units by the by law would be affordable.
Scott Peacocks plan would be to restore the Historic home and use it as a single common room for the residents.

Stephen Lentine-It was a split vote 3 to 2 in favor creating the district and 1-4 against the site by The BOS. I would expect separate votes from the Planning Board for each one

Janet Morris-We already have an elderly community overlay, I don't see the need for this one and I went through the zoning by laws and I do not see the need for this one. I would not be in favor of this.

Stephen Lentine- What we have currently doesn't really allow for single family living, its condos, town houses Multi levels for over 55

Janet Morris-The ones on Allen Road and Webb Brook, they are condos right?

Stephen Lentine-Yes but they are town house style, it doesn't allow for single level home living, they are multi levels, with 2nd floors and basements.

Janet Morris-I don't think we need to restrict it to one floor, that's my thought

Blake Robertson-High Density projects that the town doesn't want to support those things. I am going have to echo Janet and I do not support this

Chris Tribou-Why has not the Town recognized the demographics and taken some progress on this.

Steve Dresser-That is a good question Chris and we are recognizing the need. The demographics have changed, the over 65 want to stay in Billerica; they would like to downsize to an affordable home. It creates a type of housing that is desperately needed in Billerica.

Chris Tribou-I am conflicted because of the timing, It's a pandemic and I don't see it succeeding.

Steve Dresser-I agree with the close down that we haven't been able to have face to face meeting with some of the management.

Mike Riley-I know the area and there are not a lot of homes around and there is a need for the over 65. I am going to support this.

Pat Flemming-I am not in favor with this many units and there is too much going on in the Town itself.

Janet Morris-This is going to Town meeting no matter what, I just wanted to make sure that the Planning Board is aware of that. I am sure that they are not going to be inexpensive.

Stephen Lentine- We aren't expecting these to be more expensive than the Town houses in the Town. 15% of the units will be affordable. Downsizing to a one level living will be more affordable opportunity

Scott Peacock-This is trying to create a better lifestyle for them. This will give others opportunities for families to buy the houses that the elderly individuals will be moving out. It brings a lot of tax money into the town, I really do believe in this and I am disappointed in what I am hearing.

Gary DaSilva-I do agree with Mr. Riley, its easy living

Gary DaSilva-Can I get a motion to open the public hearing and waive the reading of the notice

Mike Riley-Seconded

6-in favor

1 Absent-Matt Battcock

Janet Morris-I do believe that the Town Manager was not in Favor of this when it was brought up before the BOS

John Curran-Town Manager-I spoke on this at the meeting, I did from a planning perspective. I just don't think it is a great idea to submit zoning changes by petitioner's articles for any other reasons than what you brought up here today. It is very similar to what we have here on the books. It isn't comprehensively thought out the way zoning would impact the rest of town. Maybe it is a product of covid 19 environment or maybe not. Zoning should be sponsored and evaluated through the town and not by speculation.

Mike Riley- Make a motion to close the public hearing
Seconded by Blake Robertson
6-in favor
1 Absent-Matt Battcock

Mike Riley- Make a motion to recommend for proposed overlay Elderly (Article 35) with the language amended and approval by the Planning Director
Seconded by Blake Robertson
2-in favor
4-Opposed Blake, Janet, Chris
1 Absent-Matt Battcock

Mike Riley- Make a motion to recommend for proposed Zone and Text Amendment (Article 36)
Moved by – Janet Morris
2-in favor
4-Opposed Blake, Janet, Chris
1 Absent-Matt Battcock

The 3rd Article –Article 33Proposed zoning text

Mike Riley-Open the Public Hearing and waive the reading of the notice
Seconded by Blake Robertson
6-in favor
1-Absent

Mark Lalumiere-Building Commissioner-. We have the multifamily zoning district which is not an overlay district. There are 2 parcels in town that fall under the multifamily. There are some single family residential house lots that fall within this district and if you read the zoning, it kicks you back to village residence it says that all uses that are allowed and that village residence are also allowed in the multifamily, however it doesn't give you any dimensional controls. Because there are no dimensional controls, you are allowed to revert back to subdivision control which means 50 feet of frontage and 5,000 sq ft of land. It is creating an undersized lot that doesn't comply with the village residence or multifamily. This basically puts the dimensional controls in place and they would have to follow.

Blake Robertson-How was this loophole found?

Mark Lalumiere-Building Commissioner-. We had someone who was looking to sub divide their lot and they came to me and I recommended them to the ZBA and they contacted and hired a local attorney. We had a discussion on it and I told him that they have to go by the village residence dimensional controls. However I sent it to Town counsel and they disagreed. They went before the Planning Board and it was approved.

Mike Riley- Make a motion to close the public hearing
Seconded by Pat Flemming
6-in favor
1 Absent-Matt Battcock

Mike Riley- Make a motion to recommend proposed zoning text (Article 33) to Town meeting
Seconded by Blake Robertson
6-in favor
0-Opposed
1 Absent-Matt Battcock

Town Meeting Recommendation: Sidewalk Construction on Nashua Road

The Town proposes to transfer and appropriate \$128,610 from the Planning Board's sidewalk Funds to be used for sidewalk improvements on Nahua Road

John Curran-Town Manager- Addressed the area that he wanted to put in sidewalks on Nashua Road. He mentioned this was supposed to be address some time ago but because of covid.
The Town can't appropriate monies without approval at Town meeting.
There has been only one Journal entry from this account, and that was for \$2,300.
What we trying to do, is use this money in the Sidewalk Fund for what it in intended for.
I wanted the Board to weigh in on this and hopefully that it will be approved to add to this project

Gary DaSilva-Why are we not added the sidewalks into the initial bid?

John Curran- When this initially started we put in a \$1,000,000.00 in for the road way itself, it was a roadway project that did not include sidewalks. Now when we doing a sewer project, we are now putting everything in the proposals.

Pat Flemming-If this approved, we would be draining all the money in this fund and how would we get this money back in the fund?

John Curran-Yes, I would recommend when you do make requests for a sidewalk donation, you apply it to a specific area that's related to an area that the project is at.

The board discusses the new Nashua Road sidewalk

Gary DaSilva-Mentioned that he was surprised that this account hasn't been used in 10 years.

Mike Riley- Make a motion to recommend Article 18 to Town meeting
Seconded by Blake Robertson
6-in favor
0-Opposed
1 Absent-Matt Battcock