



Approved  
5/17/21  
Keri Ruff

**BILLERICA PLANNING BOARD**

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Michael Riley, *Chairman*

Matt Battcock, *Vice Chair*  
Patricia Flemming, *Secretary*  
Gary DaSilva

Christopher Tribou  
Blake Robertson  
Janet Morris

**Planning Board  
Minutes  
January 4, 2021 @7:00 p.m.  
Held via remote-zoom**

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  
<https://billerica.cablecast.tv/CablecastPublicSite/show/3083?channel=3>

Pledge of Allegiance

**Open Mic**-No comments

**Public Hearing-B2-56 Riverhurst Road**

Sue Clancy-Home Owner  
Dan Wilson-Son of Sue Clancy  
Ed Mahoney-Contractor

**Matt Battcock-Motion to open and waive the reading of the notice  
Seconded by Chris Tribou  
All in Favor**

**Jim Dangora Jr**-Attorney for applicant-Presented history of property and going before the ZBA on September 16,2020. The applicant wants to split the uniquely shaped lot into two lots. The petitioner's son will construct a home on the newly created lot with frontage on Morgan Road. The new house will meet all necessary setback requirements.

RECEIVED  
2021 MAY 18 A 9:46  
TOWN CLERK  
BILLERICA

**Denise McClure**-It is a typical B2 on an unaccepted street. She addresses the Engineers comment on the CAR assessment report on the street to make sure it is adequate to access. I did send out a request to DPW to do a condition assessment so that it is moving along.

### Questions from the Board

**Chris Tribou**-This road could be approved in a year or 2 and the Town will maintain it. The road is in good condition.

**Gary DaSilva**-I have no problem with it

**Matthew Battcock**-I don't have any issues with the project. We can vote on how we want to. The road already serves multiple homes. It has gas, water, it's wide enough. I would vote to accept this project

**Patricia Flemming**-I agree with Matt, I don't have a problem with it.

**Janet Morris**-Mentioned she doesn't have a copy of the Engineering report. I haven't seen any letters from the residents. I have not walked that street. I don't know the requirements for a street that is not accepted, can we put in a condition that if it doesn't pass that it would come back? Can you tell us about the house?

**Denise McClure**- The email came later; it listed all of their standard conditions for streets that aren't accepted. To clarify, whether it is accepted or not does involve in the Planning Boards decision in a sub division, it has no bearing on whether if it is adequate. The Boards determination is to see if you can access the road, if you can turnaround.

**Jim Dangora Jr**-What Denise is telling us, that the Planning Board makes this decision based on subdivision control perspective.

**Ed Mahoney-Contractor**-I will be a two story colonial with a 2 car garage, approximately 2400 sq ft.

**Blake Robertson**-I would like to know if there has been any discussion of this street coming up for acceptance.

**Mike Riley**-I don't know if that is on the list, but I do know it is a high priority to get this roads accepted.

**Blake Robertson**-Denise has made a request to request this assessment and I think we need to not take any action until we see this report. What is the confidence level that it will pass this assessment?

**Jim Dangora Jr.-**Their determination may include, cracking or potholes would require an overlay. The CAR on unaccepted roads will have to be addressed and that you guys make that determination under subdivision control

**Blake Robertson-**I like the idea, the starter home, my discomfort is that it is an unaccepted road.

**Mike Riley-**I don't see a reason to put a condition on it, it meets our subdivision regulations.

**No Public Comments**

**Denise McClure-**It needs to be worded that we are determining that the road is adequate and that all comments by the departments need to be adhere to with the exception that we are not requiring the CAR report. The board is not stepping into the general bylaw that the DPW is addressing

**Matt Battcock-**Motion to close the public hearing for 56 Riverhurst Road  
**Senconded by Gary DaSilva**  
**All in Favor**

**Matt Battcock-**I make a motion to accept the B2 56 Riverhurst Road. We accept all conditions except for the assessment report condition and that this does meet our subdivision rules and regs for adequacy of access.

Seconded by Gary DaSilva

**Vote**

- Chris Tribou-Yes
- Matt Battcock-Yes
- Blake Robertson-No
- Janet Morris-Yes
- Pat Flemming-Yes
- Gary DaSilva-Yes
- Mike Riley-Yes

**6 in favor-1-No**

**Blake Robertson-**I voted no because I do not have the Engineering report to back up the information.

**Site Plan Special Permit-509 Middlesex Trp**  
**Sam Patel-Owner**

**Matt Battcock-**Motion to open and waive the reading of the notice for 509 Middlesex Trp  
Seconded by Chris Tribou  
**All in Favor**

**Stephen Lentine**-Attorney for applicant-Gave background of the business, the applicant proposes to add 381 square foot addition to the building to add patron's restroom and bar service area. He explained it will fit in with the rest of the neighborhood restaurants, it will not derogate from the intent of the bylaws and it would be in the public interest especially during these times for outdoor seating due to COVID-19. There will not be a permanent roof over the deck instead they are planning on shade sails which will protect the patrons from the elements.

#### **Questions from the board**

**Chris Tribou**-I don't have any concerns

**Gary DaSilva**-I don't have any concerns, Sam has done a great job with the market. I am all for it

**Matt Battcock**-Did you guys to an architect code review?

**Stephen Lentine**-There is an architect plan that is part of the package, it shows the seating. I am assuming that once he puts his stamp on it, it will be compliant.

**Matt Battcock**-Are people going to buy food an alcohol and be able to walk outside?

**Stephen Lentine**-There will be trained wait staff. Once the go before the selectman it is required that they are TIPS trained. Anyone eating in that area, they will not be allowed to buy alcohol and bring it to the patio.

**Matt Battcock**-It is a high traffic area; maybe a crosswalk could be done.

**Pat Flemming**-You are putting a handicap ramp to the deck? And will it be closed in?

**Stephen Lentine**-Yes there is a ramp and there will be a sail shed from protection and that retracts.

**Janet Morris**-Will the deck be more of a restaurant and will it be all season?

**Stephen Lentine**-Yes, it will be a restaurant. Yes, they are hoping for all season, weather permitting.

**Janet Morris**-Is it contingent of the liquor license?

**Stephen Lentine**-This is one of the hurdles that we have to get by with the Selectmen

**Janet Morris**-What about trash?

**Stephen Lentine**-The wait staff will take care of all that, it will be high quality paper products with adequate trash. The Con Com wouldn't allow that to happen

**Blake Robertson**-The 7 feet +/- to the wetlands, I am concerned how close it is to the water

**Stephen Lentine**- I am sure that Isabel in Conservation was satisfied with the plans that went before her. We have to construct with her plans or she will not sign off.

**Mike Riley**-He has done an amazing job with the site. Are there any thoughts to help get the neighbors safely to the restaurant?

**Sam Patel- Owner**-The side parking lot, looking at the plan there was a gate and one of the biggest requests from the neighbors if we could open it up. We always wanted to do that but the hill with the mulch and I didn't want someone to trip. I would like to put a couple of steps there.

**Mike Riley**-That would be great

**No Comments from the public**

**Matt Battcock**-Motion to close the public hearing for SPSP 509 Middlesex Trp  
Seconded by Gary DaSilva  
All in Favor

**Matt Battcock**-I make a motion to approve the SPSP 509 Middlesex Trp. with conditions  
Seconded by Gary DaSilva

**Vote**

Chris Tribou-Yes

Matt Battcock-Yes

Blake Robertson-Yes

Janet Morris-Yes

Pat Flemming-Yes

Gary DaSilva-Yes

Mike Riley-Yes

**Site Plan Special Permit-Extension Request-129 Concord Road**

Nick Trocki

**Denise McClure**-We included in the packet is the decision from the Planning Board it does require a vote from the Planning Board.

**Nick Trocki**-Discussed being in front of the board back in 2019. They are looking to expand the building to produce more lab/office space and to do the solar panel canopy. COVID hit and put

a stop to the project and the conversations have resurfaced and we are looking to ask for the extension.

**Board members are in favor of the extension.**

**Matt Battcock**-I make a motion to approve the permit extension for 129 Concord Road  
Seconded by Gary DaSilva

**Vote**

Chris Tribou-Yes

Matt Battcock-Yes

Blake Robertson-Yes

Janet Morris-Yes

Pat Flemming-Yes

Gary DaSilva-Yes

Mike Riley-Yes

#### **Other Business-Complete Street Policy**

**Blake Robertson**-it says it is supposed to be reviewed every year and it has not been done in 4 years, we have no comments, can you find out if there are any comments, positive or negative

**Mike Riley**-Yes, we will entice the other boards to take a look at it.

**Janet Morris**-Since it is not on the agenda, I am not sure if other boards know we are discussing it. So, I am not comfortable talking about this.

**Mike Riley**-This is for us not other boards. If we don't want to talk about it, we don't have to talk about it.

**Denise McClure**-When you have other business it is just a discussion, it is not a vote. To Blakes point we can see where they are with the program.

**Janet Morris**-I disagree, I think the public needs to know, and I feel there was adequate time to put it on the agenda

**Blake Robertson**-it would be nice to have other business on the front of the agenda

**Matt Battcock**-I make a motion adjourn  
Seconded by Gary DaSilva

**Vote**

Chris Tribou-Yes

Matt Battcock-Yes

Blake Robertson-Yes

Janet Morris-Yes

Pat Flemming-Yes  
Gary DaSilva-Yes  
Mike Riley-Yes

**Adjournment**