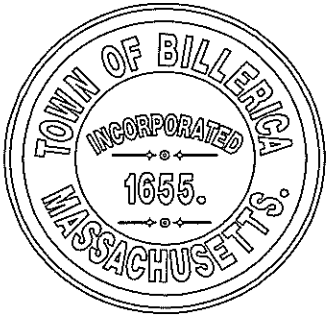


Approved
5/17/21
Keri Puf



BILLERICA PLANNING BOARD

Town Hall
365 Boston Road Billerica, MA 01821
978-671-0962
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Michael Riley, *Chairman*

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

Christopher Tribou
Blake Robertson
Janet Morris

**Planning Board
Special Meeting**
March 1, 2021 @ 7:00 p.m.
Held Via Zoom

RECEIVED
2021 MAY 18 A 9:46
TOWN OF BILLERICA

Members-Attendance	Present	Absent	Exc.
Mike Riley, Chairman	X		
Matt Battcock, Vice-Chairman	X		
Patricia Flemming, Secretary	X		
Chris Tribou	X		
Gary DaSilva	X		
Blake Robertson	X		
Janet Morris	X		
Denise McClure-Interim Director	X		

Videotaped By BATV

<https://billerica.cablecast.tv/CablecastPublicSite/show/3225?channel=3>

Pledge of Allegiance

No open comments

Matt Battcock-I would like to make a motion to open the public hearing of 20 Linnell
Second by Pat Flemming

Blake Robertson-Point of Order Mr. Chairman, we did not vote on amending the original motion.

Mike Riley- What are you saying because we did not waive the reading of the notice?

Blake Robertson-Yes.

Mike Riley- Ok, let's do it over

Matt Battcock-I would like to make a motion to open the public hearing of 20 Linnell Circle and waive the reading of the notice

Second by Pat Flemming

Chris-Yes

Gary-Yes

Matt-Yes

Pat-Yes

Janet-Yes

Blake-Yes

Mike-Yes

20 Linnell Circle-SPSP

Jim Dangora Jr-Attorney for applicant

Ron Topping-Property owner

Jim Dangora Jr- Explains the history of the property and how the applicant is looking to for a Special Permit to operate a Contractors yard in a Industrial District. The petitioner seeks to construct a 4,950 sq ft building. The premises will occupy an office approx. 600 sq. ft. The building will be constructed with an overhead door thereby permitting the applicant easy access for storage of landscaping equipment. The hours of operation will be 7:00am to 5:00pm Monday through Friday and 7:30am to 3:00pm on Saturday.

Denise McClure had no concerns with this

Matt Battcock-Asked if the abutting neighbor had any issues

Jim Dangora-The abutter has no issues

Pat Flemming-Asked how many trucks will be on site

Jim Dangora-He drives and F350, he has 3 dump trucks, one of which will be parked inside the building. 3 trailers, 1 which will be stored inside and a bobcat that will be stored inside

Janet Morris-I have a question how this is going to proceed. The questions will come from the board than what is the next step after this, just so I know how this will go

Mike Riley-Similar to our other meeting Janet, than we go to the public

Janet Morris-Then you shut the comments from the public

Mike Riley-Janet do you have any questions from the proponent

Janet Morris-I have a procedural question

Mike Riley- I know what you are trying to do Janet and I am not going have you do it. You are here for a reason. Let's do the job that you are supposed to do

Janet Morris-I am doing my job, I am doing my due diligence. I just wanting to ask a question so when the public hearing is closed, what is the next step

Mike Riley-Whatever the board decides

Janet Morris-When conservation looked at this, there was 42 conditions because of the wetlands. One of them was regarding storing mulch. So you said there will be 3 containers

James Dangora Jr.-If you look at the plans you will see at the end of the parking area there will be 3 storage bins. There will not be a roof on it.

Janet Morris-I do not want it to erode into the wetland. Does the ZBA need to vote on this again because it has been over 2 years?

Jim Dangora Jr. -My understanding that when he pulled the building permit, that constitutes use. I can confirm that with the building Inspector. I am here tonight for a Special Permit, not a setback variance

Janet Morris- I figured if you had to go back before Con Com and BOH it would probably have to go back to ZBA. It does have a nice landscaping, but any type of buffer would be good. Can you tell me the completion and I do not understand why you had to move boulders?

James Dangora Jr.- It's what the prior owner did. He put the foundation in and there is a catch basin installed on the property and depending on what Con Com requirements are, he will complete and underground infiltration system.

Janet Morris- I am concerned Mr. Riley that we do not have the steps

Mike Riley-You know your role

Blake Robertson-I see on the plans the limitation of work for 2010, is that the same limitation of work zone that we are going have under this action

Jim Dangora Jr.-Are you talking about the prior landscaping plan that was provided as part of the Con Com filing

Blake Robertson-I am looking at the site plan, if it is not the current site plan, I would like to have it.

Jim Dangora Jr.- I have given you the site plan. As part of my submittal, I also provided you with the landscape plan that was provided to Con Com.

Blake Robertson-Could we have a condition of a limitation of work. How do we prevent some of the materials from intruding into that area?

Jim Dangora Jr.-The materials will be stored in the 3 bins that have walls. I can tell you that the conservation is pretty aggressive, and they won't allow it.

Kerri Rufo- Interrupting- that Ron Topping was holding up a sign that said Catch Basins.

Jim Dangora Jr.-Thank-you, yes, he does need to install catch basins. There will be a stormwater management system installed and connected to that infiltration system like I indicated. Con Com will set the limits of work and once the limits are set the applicant can not go beyond that boundary.

Blake Robertson-Understand. We are talked about the 1% of work. Anyway, so no additional plantings or fencing

Jim Dangora JR. The planting go through Con Com. That plan was submitted. Much of the planting will be behind the building and the buffer zone.

Kerri Rufo-Has Ron Topping on the cell phone-

Mike Riley-To applicant Ron Topping- Do you have an issues with neighbors?

Ron Topping-Sam was supposed to participate tonight.

Public Comments

Sam Wuan-I have been talking to Ron and I have no issues with what he is doing

John Burrows-Shawsheen Road-I live ½ from Ron Topping. You want to talk about a good crew, his trucks and equipment are immaculate. I think this will be good for the community

Blake Robertson- I do appreciate Ron and his statements that the catch basins will be maintained and cleaned once a month

Jim Dangora Jr.-. Imposing that type of condition based on this permit you disrupt Con Coms authority.

Blake Robertson-Well I like to view these as complimentary and my requests stands.

Denise McClure- Read through the conditions.

Janet Morris-Also checking on the ZBA and making sure the variance is still in place

Mark Lalumier-My understanding from the past that the variance has been exercised and the building permit was issued, and It is still valid as long as he stays to the footprint. I just want to add, I understand with the Board and the catch basin that there is a standard

Matt Battcock-I make a motion to close the public hearing

Seconded by Pat Flemming

Chris-Yes

Gary-Yes

Matt-Yes

Pat-Yes

Janet-Yes

Blake-Yes

Mike-Yes

Matt Battcock-I make a motion to approve the SP for 20 Linnell Circle with the conditions we talked about and waive the waivers they asked for. This will be contingent upon the BOH and Con Com approval.

Seconded by Gary DaSilva

VOTE- 20 Linnell Circle	AYE	NAY	ABSTAIN	ABSENT
Mike Riley, Chairman	X			
Matt Battcock, Vice-Chairman	X			
Patricia Flemming, Secretary	X			
Chris Tribou	X			
Gary DaSilva	X			
Blake Robertson	X			

20 Linnell Circle APPROVED

53 Ellingwood Ave-B2

Stephen Lentine-Attorney for applicant

Joe Shaw-Applicant

Matt Battcock-I would like to make a motion to open the public hearing of 53 Ellingwood Ave and waive the reading of the notice

Second by Pat Flemming

Chris-Yes

Gary-Yes

Matt-Yes

Pat-Yes

Janet-Yes
Blake-Yes
Mike-Yes

Stephen Lentine-Gave the history of the property that is located village zone residence. The applicant will be constructing a new single-family home on the parcel. Variances were granted from the ZBA and no abutters spoke against the petitioner. It is on an existing street and will have town sewer.

Denise McClure- I do not have any concerns, it is a standard B2

Questions from the board

Chris Tribou-Will the existing shed be relocated

Stephen Lentine-The applicant will be relocated to comply with the zoning bylaws

Janet Morris-Feels that the lot will be small

No Public Comment

Matt Battcock-I make a motion to close the public hearing for 53 Ellingwood Ave B2
Seconded by Pat Flemming

Chris-Yes
Gary-Yes
Matt-Yes
Pat-Yes
Janet-Yes
Blake-Yes
Mike-Yes

Matt Battcock-I would like to make a approve the B2of 53 Ellingwood Ave and add the comments from the DPW

Seconded by Pat Flemming

VOTE- 53 ELLINGWOOD AVE	AYE	NAY	ABSTAIN	ABSENT
Mike Riley, Chairman	X			
Matt Battcock, Vice-Chairman	X			
Patricia Flemming, Secretary	X			
Chris Tribou	X			
Gary DaSilva	X			
Blake Robertson	X			

Janet Morris		X		
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53 Ellingwood-Approved

APPROVED

146 Pond Street-Special Permit

John McKenna-Attorney
 Gene Sullivan-Engineer
 Haley Marsh-GFI Partners
 Dan Gray-IES Buy

Matt Battock-I would like to make a motion to open the public hearing of 146 Pond Street SPSP and waive the reading of the notice

Seconded by Gary DaSilva

Chris-Yes
 Gary-Yes
 Matt-Yes
 Pat-Yes
 Janet-Yes
 Blake-Yes
 Mike-Yes

John McKenna-Introduced his team for the Special plan review. The applicant proposes to construct two (2) buildings 180,000 sq ft in total between the two (2) buildings. The buildings will be used for office and light manufacturing between the two (2) buildings use for office and light manufacturing. The first building will be built to suit for Mr. Grays Company. He is an electrical supply company that is currently located in Somerville. The are currently finishing up the traffic study.

Gene Sullivan-Gave his presentation on the 18.8 acre parcel.

Dan Gray-Gave the background about his company. His brother and him have been in business for over 29 years and feels that Billerica would be a great fit.

John McKenna-Feels that Independent Electric Supply would be a good corporate citizen. This would be the corporate office. The traffic, as Gene Sullivan said would just be just about 40 employees. There supplies are estimated as 4 or 5 tractor trailers. We are not requesting any waivers or variances. Our biggest concern are the neighbors and keeping them happy, the access will be on Pond Street. We want to maintain the trees in the front and the offices will setback 20 ft off of the street.

Denise McClure- They are working on the traffic study and I think with the neighbors that is important. We have no received comments from Beta yet, they are starting it now. As Attorney McKenna, we do want to keep the front as attractive as possible.

Questions from the Board

Chris Tribou-What will the hours of operations? And how many trucks

Dan Gray-We typically open 6am, we would run to 6or 7 at night. We have been going through changes because our employees are working remotely now. Some days it could be between 3-5 and some days none.

Chris Tribou-you guys are looking for tenants for the other building, do you know the hours

John McKenna-we don't know, once we get that information, we will share it

Matt Battcock-I would like to see more landscape and screening on Pond Street. I would like to see renderings and signage. We should do a sound study to protect the neighbors

Gene Sullivan-We do have a full landscape plan that was part of the submittal

John McKenna-That is why the put the building further away from the road

Denise McClure-We do have a noise by-law and we can take a look at that.

Janet Morris-It look like the building went into the 100 ft buffer zone and the Fire Dept also mentioned the turnaround. The DPW has 29 conditions

Gene Sullivan-The 100 ft buffer zone is allowed. The memo from the FD, this site has great access from them. The DPW Comments, most of them are notes and we are fine with all of them.

Janet Morris-How many Loading docks will there be

Gene Sullivan-we currently have 9. The rear building, we have laid it out that we could have 12.

Janet Morris-Do you have a tenant lined up

Gene Sullivan-We do not

Janet Morris-On the side building of A, it looks like outside storage under lock and gate

Gene Sullivan-Yes, it is an outdoor storage area.

Blake Robertson-So this not power production

John McKenna-That is correct

Blake Robertson-What other things will you be doing

Dan Gray-We are doing a lot of pre-fabrication, we will take material from one manufacturer and match it with material from another manufacturer to make it an item that an electrical contractor can install as one piece.

Blake Robertson-So there is not anticipation of any toxic or hazardous materials

Dan Gray-No

Public Comments

Rocco Magliozzi-Pond St. I have huge concerns with the trucking. I am in the trucking business. They are J brake systems that makes a lot of noise. They say that there is only 4-5 trucks now but what about the future because his business is growing. Never mind what will be going into the other building. There is a blind corner and its pretty dangerous. My In-laws are elderly and are nervous, so they go out Vine St. Not to mention my grandchildren get the school bus

Cathy Lamazzy-Fox Hill Road-We have had trouble over the past 5 or 6 years, we hear constant beeping sounds all hours of the morning. So I am concerned of more noise. I don't know if I can handle it, I had to put central Air so I can sleep.

Tim Sanderson-Bayberry Lane-I have concerns with the trucking also. Everyone is assuming when the trucks leave that they will take a right onto Pond. I think there should be a sign that says no trucks beyond this point. My other concern with the trucking is, when you go up Pond Street and take a right onto 129, tractor trailers can not make that turn, the make a really wide turn. Gene described the infiltration as a bathtub, I am concerned this will become a mosquito problem.

Gene Sullivan-its is an excavated area, it will drain in about 10 hours.

John Burrow-Shawsheen Road-I am pretty excited about this. I know there was a LOI for a battery storage place and this is a better project. They are a good company and I think they will be beneficial for the Town.

Mike Parker-As an electrician, I can help clarify to the residents that they will have large deliveries on 18 wheelers, that will get shipped out to the job sites. As they state box trucks will be leaving that site. I would say more smaller trucks will be leaving. It looks like a great development. I do want to hear more about the noise and traffic study

Matt Battcock-I make a motion to continue the Public Hearing SPSP for 146 Pond St. to April 5, 2021

Janet Morris-Can we put a time on it?

Mike Riley-Not on zoom

Gary DaSilva-You should know that by now

Seconded by Gary DaSilva

Chris-Yes

Gary-Yes

Matt-Yes

Pat-Yes

Janet Morris-Would it be the first order of business than?

Mike Riley-There is a motion, and it has been seconded, do you want to vote or not

Janet Morris-Why are you so rude this evening?

Blake Robertson-Point of order, don't we normally have discussion after the second and than vote

Mike Riley-No we do not, we are voting. Janet can we please vote and you are playing a little bit of a game and I would like you to play Planning Board.

Janet Morris-Excuse me Mr. Riley, if you say I am playing a game or you know what I am thinking, I will follow up with you on ethics because I am not doing anything than asking, I don't want to keep people waiting.

Mike Riley-I do not know yet Janet

Janet Morris-Yes

Blake Robertson-Yes

To continue-146 Pond St	AYE	NAY	ABSTAIN	ABSENT
Mike Riley, Chairman	X			
Matt Battcock, Vice-Chairman	X			
Patricia Flemming, Secretary	X			
Chris Tribou	X			
Gary DaSilva	X			
Blake Robertson	X			
Janet Morris	X			

146 Pond St. Continued to April 5th

12 Dunham Road-SP-Continuation

John McKenna-Attorney for applicant

Haley Marsh-GFI Partners

Gene Sullivan-Engineer

John McKenna-Since our last meeting the Building Commissioner confirmed that GFI partners is looking to renovate to 25,375 square foot building with 1000 foot square foot addition on a 1/2 acre lot on Dunham Rd Dunham Rd is by Plank Street off of Middlesex Trp. Since our last meeting the Building Inspector has provided a letter this afternoon stating his opinion that the parking lot, the setbacks and the green strips are all covered under this special permit finding by the board of appeal that property is a pre-existing non-conforming property.

Gene Sullivan-Updated the board how he is dealing with the BETA and Engineering and how they are going to handle the stormwater.

John McKenna-BETA has had a chance to respond yet and they are looking to continue this meeting and answer any questions from the board.

Denise McClure-I recommend that they board waits to hear from BETA and what their response is.

John McKenna- So even though it's pre-existing nonconforming you look at it in you still provide the green strips but they may not be as much as, you know the 25 feet still going to provide you know the 12 or whatever you can provide by getting the parking you can get in and again the access for the fire trucks and things like that so you still doing those things but it's just not to the full extent as if you had a new development like on Pond St.

Mark Lalumiere- Just to clarify two things, so you have a pre-existing non-conforming structure is what we are dealing with here. They also have a pre-existing nonconforming use which is a previous trucking company, so the non-conforming structure does not work with the special permit to alter the nonconformity. If the board does grant this petition the nonconforming use which is technically grandfathered in, the trucking terminal goes away forever because once conforming uses put in its place it can never return to a non-conforming use. I think it's a win that we get rid of a trucking terminal and also get some improvements for drainage and landscaping. Granted it does not conform 100% with what the bylaw requires but I think it's a vast improvement from what's out there.

Questions from Board

Matt Battcock- Do you know what is going there? I do like also that we will be getting rid of the trucking terminal

Haley Marsh-We have two tenants committed to the space; I will get that information for the board

Public Comments-

None

Matt Battcock-I will make a motion to continue 12 Dunham Road to April 5th
Seconded by Janet Morris

To continue-12 Dunham Rd	AYE	NAY	ABSTAIN	ABSENT
Mike Riley, Chairman	X			
Matt Battcock, Vice-Chairman	X			
Patricia Flemming, Secretary	X			
Chris Tribou	X			
Gary DaSilva	X			
Blake Robertson	X			
Janet Morris	X			

Continued 12 Dunham Road to April 5th

Other Business

Approval of minutes
 August 10, 2020
 November 9, 2020

Janet Morris-November 9th-Scriptners errors to be corrected

Matt Battcock-Questioned him leaving early on November 9th (Matt had to leave for a fire)

Matt Battcock-Motion to approve the minutes August 10, 2020
 Seconded by Gary DaSilva

Minute Approval 8/10/20	AYE	NAY	ABSTAIN	ABSENT
Mike Riley, Chairman	X			
Matt Battcock, Vice-Chairman	X			
Patricia Flemming, Secretary	X			
Chris Tribou	X			
Gary DaSilva			X	
Blake Robertson	X			
Janet Morris	X			

August 10, 2020 Minutes Approved

Matt Battcock-Motion to approve the minutes November 9, 2020
 Seconded-Janet Morris

Minute Approval 11/9/20	AYE	NAY	ABSTAIN	ABSENT
Mike Riley, Chairman	X			
Matt Battcock, Vice-Chairman	X			
Patricia Flemming, Secretary	X			
Chris Tribou	X			
Gary DaSilva	X			
Blake Robertson	X			
Janet Morris	X			

November 9, 2020 Minutes Approved

Denise McClure-Gave an update on the Smart Growth Committee that the committee will make a recommendation to the PB and they will vote to submit that to the Preliminary warrant.

Matt Battcock-Motion adjoin
Seconded-Chris Tribou

Motion to Adjourn	AYE	NAY	ABSTAIN	ABSENT
Mike Riley, Chairman	X			
Matt Battcock, Vice-Chairman	X			
Patricia Flemming, Secretary	X			
Chris Tribou	X			
Gary DaSilva	X			
Blake Robertson	X			
Janet Morris	X			