



Approved
5/17/21
Kerri Ryo

BILLERICA PLANNING BOARD

Town Hall
365 Boston Road Billerica, MA 01821
978-671-0962
978-670-9448 Fax

Michael Riley, *Chairman*

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

Christopher Tribou
Blake Robertson
Janet Morris

Planning Board
Minutes
April 5, 2021 @7:00 p.m.
Held via remote zoom
Videoed by BATV

Can be Viewed: <https://billerica.cablecast.tv/CablecastPublicSite/show/3216?channel=3>

Members	Present	Absent
Michael Riley, Chairman	X	
Matthew Battcock, Vice-Chairman	X	
Patricia Flemming, Secretary	X	
Gary DaSilva	X	
Chris Tribou	X	
Blake Robertson	X	
Janet Morris	X	
Denise McClure, Acting Interim Director	X	

RECEIVED
2021 MAY 18 A 9:46
TOWN CLERK
BILLERICA

Pledge of Allegiance

Rocky Ledge Lane-Tripartite Agreement

Attendees

Attorney George Mederios
Michael Glavine

Denise McClure-This is an administrative procedure. Its an agreement between the property owner and the bank. DPW goes and creates an estimate.

George Mederios gave an update about the subdivision

A motion to Approve Rocky Ledge Tripartite Agreement
Motioned by: Matt Battcock
Seconded by Gary DaSilva

Members Vote	In Favor	Opposed
Michael Riley, Chairman	X	
Matthew Battcock, Vice-Chairman	X	
Patricia Flemming, Secretary	X	
Gary DaSilva	X	
Chris Tribou	X	
Blake Robertson	X	
Janet Morris	X	

Open Mic

No Comments

Public Hearing-scenic Roadway-Tree Removal

Attendees

Mike Haines-Tree Warden

A motion to open the Public Hearing and waive the reading of the notice Scenic Roadway-Tree Removal
Motioned by: Matt Battcock
Seconded by: Gary DaSilva

Members Vote	In Favor	Opposed
Michael Riley, Chairman	X	
Matthew Battcock, Vice-Chairman	X	
Patricia Flemming, Secretary	X	
Gary DaSilva	X	
Chris Tribou	X	
Blake Robertson	X	
Janet Morris	X	

Mike Haines-Requests permission to removal 2 trees at 108 Concord Road. Explained the stress cracks in the back of the trees and concerned for safety

Comments from Board

Board all agrees the 2 Trees should be removed

Public Comments

None

A motion to Close the Public Hearing Scenic Roadway-Tree Removal
Motioned by: Matt Battcock
Seconded by: Pat Flemming

Members Vote	In Favor	Opposed
Michael Riley, Chairman	X	
Matthew Battcock, Vice-Chairman	X	
Patricia Flemming, Secretary	X	
Gary DaSilva	X	
Chris Tribou	X	
Blake Robertson	X	
Janet Morris	X	

A motion to Approve the Scenic Roadway-Tree Removal
Motioned by: Matt Battcock
Seconded by: Gary DaSilva

Members Vote	In Favor	Opposed
Michael Riley, Chairman	X	
Matthew Battcock, Vice-Chairman	X	
Patricia Flemming, Secretary	X	
Gary DaSilva	X	
Chris Tribou	X	
Blake Robertson	X	
Janet Morris	X	

(Cont) Public Hearing-SPSP-140 Pond Street

Attendees:

Attorney John McKenna
Gene Sullivan-Engineer
Haley Marsh-GFI Partners
Dan Gray-GFI Partners
Steve Goodman-GFI Partners
Kenneth Cram-Bayside Engineering
Stephen Borgatti-BETA

Chris Tribou- Excusing himself from the vote due to employment

John McKenna-Corrected the address as being 140 Pond St. Gave background about the property and his meeting with Con Com. By doing so, it changes the entrance of the building. Addressed the concern of abutters and to keep the mature trees in the front to provide the best screening.

Gene Sullivan-Talked about changes to the plan. The comments they received from BETA and that he is comfortable with addressing all of them. Gene walks the board through the plan

Kenn Cram-The site is located on the west side of street, North of Salem Rd the site is abutted by Pond St to the East, a solar panel farm to the north, wooded land to the west and commercial/industrial properties to the south currently the site consists of wooded land. The project will consist of the construction of two commercial buildings. Building A will comprise approx. 81,096 gross feet of space and will be occupied by Independent Electric Supply (IES). IES anticipates approx., 40 employees working out of this facility and growing to 50-60 employees over the next five years. There are about 5 incoming delivery tractor trailer trucks per day. There will also be 5 company trucks (20 foot box trucks) that depart in the morning and return in the afternoon. IES will have a contractor sales area with about 10-15 vans/pickup trucks per day. Parking for a total of 79 vehicles will be provided for Building A. Building B will consist of approx. 80,550 gsf of warehouse/distribution space. No tenant has been identified at this time for Building B. Parking for a total of 71 vehicles. Access to both buildings will be provided by way of a single, full movement driveway to Pond St.

Comments from the board

The board asked about signage, Questions about the neighbors' concerns of the volume of traffic, removal of trees. About the site being a superfund. The correct address of the site being 140 pond St. A site walk was recommended by the board. Adding more green strips. Would like another traffic study done, once the find out what is going to go into Building B

Steve Goodman-A full environmental report was done, the site is adjacent to Iron Horse Park, the site is not affected by it.

Blake Robertson-Concerned about the neighbors having to look at the site and the removal of trees

Denise McClure- The board should have a detailed landscaping plan. That will show all those trees. That being part of the decision means that if a tree is not put in or whatever that screening, maybe that that is the Avenue to say that they are conforming with their special permit and if not, you can the special permit can be revoked

John McKenna-By changing the plan by the request of the Conservation Director, it now changes the plans of the green strips

Public Comments

Joel Gray-Pond Street-His concerns, the truck traffic, and the noise. Stating that Pond Street is quiet. Asked about wear and tear on Pond Street and the neighborhood devaluating. Says he hates the solar panels but says that they are quiet. Will the developer provide a tree line? What will the hours of operation be? Asked about reducing the size of the warehouse. Scared of the potential impact of this project.

Rocco Magalozzi- I had some concerns about the trucks myself. I see some of them a trying to be addressed but you know, like I said, there is nothing being talked about for hour restriction. What time the trucks will be coming in and out? The second building, not knowing what is going in there and the amount of loading docks that are being provided there gives me a feeling there is going to be more truck traffic then we are all being told. It is no guarantee they cannot predict what is going in there, so there is no way to tell us how many trucks are going to be coming in and out. I live on the corner of Pond and Reece and if anyone is trying to pull out of Reece St onto pond St, it is a blind corner there, it is not an easy road to pull out onto. At one time there was a sign before they did the construction, there was a blind street there and it is a dangerous corner. It is a dangerous turn there and having more traffic come down that road daily, more trucks entering. I think it is going to make it worse off, and there is also a school bus stop at the end of that Rd. When I come to my house from Boston Rd and travel down 129, before they put the new lights in, which has been a huge safety factor. If you notice, there is a left-hand turn Lane there when traffic builds up, you know you cannot get into that left hand turn Lane. A lot of times, if there are too many cars on the left turn Lane, it not really made to handle a lot of traffic. I told you before, I am in the trucking industry and I know what it is all about. I know the noise that trucks can make. There has not been no talk about putting a restriction of no jailbreak in this area. That is in a lot of residential neighborhoods in the trucking industry. you will see signs that say no jake brake use in this area because of the noise factor and those are my concerns most everybody has addressed the others.

John McKenna-Asked about the hours of operations and if Mr. Magalozzi had any suggestions.

Bill Barry-9 Bayberry Lane-I have two questions, one about the tree line and the landscaping. We talked about 50 feet of landscaping but what is the density of that going to be? We have got what, 40 feet, 30 feet where the solar panels are, but the trees are so far apart you might as well not even have trees there. So, I really think you must look at the density of that landscaping if you are going to put something there. My major comment for concern is with the traffic. We are talking about the trucks. I do not know when the traffic study was and if you have taken into the consideration of what Rocco mentioned, the school buses during the peak time, those trucks going to go in and out. There are school buses just going by. My major concern is traffic in the neighborhood, we have a quiet neighborhood. I have lived here for 28 years and there are a lot of children in the neighborhood. I want to make sure mostly the cars, not so much the trucks. I have had trucks come down Market Street to Broadleaf, cut across the corner of my property to make the turn on to Bayberry Lane to get on Pond Street. I absolutely make sure no trucks allowed in the neighborhood and then the people that are working have cars, but we do not want the cars in the neighborhood either. We have a traffic light at Pond St and Salem but people that want to go into Wilmington. They are going to cut into our neighborhood, I'll guarantee it. I want to make sure, that maybe we say, you cannot come through the neighborhoods. I said we have a real quiet neighborhood, there is a lot of kids in the neighborhood I don't want to disturb that.

Tim Sanderson-He does not want to hear jake brakes. The last time we talked, tractor trailers cannot make that turn at the intersection very well. It is really not designed for tractor trailers; I don't know if the traffic study looked at that. I did not hear them mention anything about that. I also add want to stress what Bill just said, about people's cars coming down Bayberry Lane and the other streets in order to get to 129 if there's a lot of traffic at that light. In the design that he showed us tonight, the entrance is almost directly across from Bayberry Lane. The old design that they looked at last time, the entrance, did that change because of the conservation study? (Gene Sullivan, Yes, to comply with some of their no disturb areas) so basically to save

conservation land you move the entrance farther down into the residential area about 100 feet. I absolutely don't like because now the entrance is almost directly across from Bayberry Lane. One other thing I wanted to bring up, when they were doing the construction on Pond Street by Belthasar, they constantly parked their trucks in my driveway. I returned home from work and trucks are parked in my driveway, I could not even get in my driveway. And I brought up the problem to the Town of Billerica and absolutely nothing was done. It was not just once; it was seven times. So can we get something that says no trucks will park along Pond St and they are not going to park in private driveways at all. I told if I see any of them there, I will have them towed. If people are going to cut through Bayberry Lane to get to 129, we must get some kind of a sign about hours of operation. No cars or trucks at all, certain times of the day. Kids do walk on Bayberry Lane to get to the bus stops at the end of the street and the streets are very narrow there, extremely narrow. There is no room for, you know cars racing up and down and trucks and stuff. I guess just revisit the starting time in the morning and stuff, it's pretty early for trucks going up and down those streets.

Chuck Bertman-167 Pond St.- I do agree with the density factors because down here and further down on Pond St. We have had promises that were made, that were never done, and it is an eyesore that we have to look at every day when we go out to work. I just want to make sure, that what I have to look at and what my neighbors on either side of me does not happen because they made promises every time. We were told it was going to happen, they are going to be trees so many feet and that never happened, and you know I just want to make sure that does not happen down there. I realized 50 it is a little bit more than the 30 to 40 feet we have down here, but promises that are made, I hope that kept this time. The other thing I have is trucks running. I know from when I was in business and everything, that trucks will be coming down the road at four in the morning to get here to deliver loads and I just don't want them running. They will be pulling off the road just at the entrance there and stay running and people will have to listen to that in the morning. Especially when it is the winter months, so they have to stay warm.

Clarence Isme-We bought our house 12 years ago and we love the neighborhood. Across the street is an eyesore. Promises were made, and that never happened. I have a quick question for all of you here, I know Mike, you said you live here for quite some time, you were raised in the neighborhood, anybody else live off of Pond Street or in the area by any chance? None of you guys live off of Pond Street or in the area. I personally have 3 children and they are always riding their bikes and running in the neighborhood. So, bringing those big trucks will ruin the area. You can not promise what is going to happen here. There is going to be a lot of maintenance on the roads, potholes, that was a pain to get the potholes fixed. We are very concerned about what is going on. There is no way that it is not going to have any issues on the road because the trucks weight 35to 80k pounds. I don't think you guys thought ahead that the roads were built for that. The other thing too, we are living in the pandemic era, right? So, the traffic is not to bad, but to you think about what is going to happen when everyone goes back to work, you will have to consider that too. The neighborhood is quiet, so having this project in the area its not a great idea.

John Burrows-BOS-It's a good project, its better than 230 residential units. It will be good for the community.

Mark Lalumiere- I just wanted to make a couple comments. It seems like noise and traffic's a big factor here. And having been part of the prior solar project, I would really suggest that the Planning Board look at the landscaping plan. I think Gene has done a decent job on documenting what trees are on site and the species. I would say make it really clear what trees are to remain. That did not happen on the solar project. Truck limitations is a good idea, but it is very difficult to enforce. It is something to consider.

End of Public Comments

John McKenna-Asked to continue the meeting

A motion to continue the Public Hearing 140 Pond Street to May 17, 2021
Motioned by: Matt Battcock
Seconded by: Janet Morris

Members Vote	In Favor	recused
Michael Riley, Chairman	X	
Matthew Battcock, Vice-Chairman	X	
Patricia Flemming, Secretary	X	
Gary DaSilva	X	
Chris Tribou		x
Blake Robertson	X	
Janet Morris	X	

(Cont) SPSP-12 Dunham Road

Attendees:

Attorney John McKenna

Haley Marsh-GFI Partners

Gene Sullivan-Engineer

Leif Ronaldson-CRE Management

Steve Borgatti-BETA

John McKenna-(continued from last month)Updated the board again on the property. That the applicant is looking to construct 1, 005 sq ft. addition to an existing building. It is a pre-existing no conforming.

Gene Sullivan- We have made some changes since last time basically at our previous hearing. We had just received comments from BETA, there were some changes to how the drainage was going to be improved into street that were a little different than the plan. We've reconfigured our drainage on site, added more roof recharge to give more capacity actually even or less going into the street. There are no open issues. Gene went over the plans again with the board.

Comments from the Board

The board is happy to see that this will no longer be a trucking terminal, feel it is a good project. They are happy that they are adding the extra green space.

Blake Robertson-Asked about the two gray areas on the drawing

Gene Sullivan-One gray area is an elevator area and the other one will be an electrical room.

Comments from the Public

None

A motion to close the Public Hearing 12 Dunham Road SPSP
Motioned by: Matt Battcock
Seconded by: Pat Flemming

Members Vote	In Favor	recused
Michael Riley, Chairman	X	
Matthew Battcock, Vice-Chairman	X	
Patricia Flemming, Secretary	X	
Gary DaSilva	X	
Chris Tribou	X	
Blake Robertson	X	
Janet Morris	X	

Closed to the Public

A motion to approve the SPSP 12 Dunham Road with all conditions addressed
Motioned by: Matt Battcock
Seconded by: Janet Morris

Members Vote	In Favor	recused
Michael Riley, Chairman	X	
Matthew Battcock, Vice-Chairman	X	
Patricia Flemming, Secretary	X	
Gary DaSilva	X	
Chris Tribou	X	
Blake Robertson	X	
Janet Morris	X	

APPROVED

Other Business:

Approval of minutes 10/1/21, 12/14/20 & 12/22/21

A motion to approve the minutes for 10/1/21
Motioned by: Matt Battcock
Seconded by: Janet Morris

Members Vote	In Favor	abstained
Michael Riley, Chairman	X	
Matthew Battcock, Vice-Chairman	X	
Patricia Flemming, Secretary	X	
Gary DaSilva (absent 10/1/21)		X
Chris Tribou	X	
Blake Robertson	X	
Janet Morris	X	

APPROVED

A motion to approve the minutes for 12/14/20 & 12/22/21
Motioned by: Matt Battcock
Seconded by: Janet Morris

Members Vote	In Favor	absent
Michael Riley, Chairman	X	
Matthew Battcock, Vice-Chairman	X	
Patricia Flemming, Secretary	X	
Gary DaSilva	X	
Chris Tribou	X	
Blake Robertson	X	
Janet Morris	X	

APPROVED

The Board acknowledge Gary DaSilva's last night on the Planning Board after 9 years

A motion to adjourn
Motioned by: Matt Battcock
Seconded by: Janet Morris

Members Vote	In Favor	absent
Michael Riley, Chairman	X	
Matthew Battcock, Vice-Chairman	X	
Patricia Flemming, Secretary	X	
Gary DaSilva	X	

Chris Tribou	X	
Blake Robertson	X	
Janet Morris	X	