



**BILLERICA PLANNING BOARD**

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

Marlies Henderson, *Chair*

Janet Morris, *Vice Chair*  
Christopher Tribou  
Edward Giroux

Patricia Flemming, *Secretary*  
Blake Robertson  
Michael Parker

RECEIVED  
2022 AUG 10 P 12:31  
TOWN CLERK  
BILLERICA, MASSACHUSETTS

**Planning Board  
Minutes  
July 11, 2022 @ 7:00 P.M.  
Held via remote zoom  
Videod by BATV**

Can be Viewed: <https://billerica.cablecast.tv/CablecastPublicSite/show/3972?channel=3>

Members	Present
Marlies Henderson, Chair	X
Janet Morris, Vice-Chair	X
Patricia Flemming, Secretary	X
Chris Tribou	X
Blake Robertson-Remote	X
Edward Giroux	X
Michael Parker	X
Katherine Malgieri	X
Erika Oliver Jerram-Remote	X

**Pledge of Allegiance**

**Public Comment-**

Carol Reardon-In Favor of the Cormier property. Feels it would be a liability to the owner and or Town. I was accosted by a gentleman walking 8 dogs on a leash. Kids ride dirt bikes. It is a menace to the fire Department.

---

(CONT.) B1 WINSOR-PRELIMINARY 3:26

*Attorney Nelson corresponded that the hearing will be continued to September 19, 2022*

**MOTION TO CONTINUE**

**Janet Morris**-I make a motion to continue the B1-Winsor Road to September 22, 2022

Seconded by Ed Giroux

Chris Tribou-Yes

Janet Morris-Yes

Pat Flemming-Yes

Blake Robertson-Yes

Ed Giroux-Yes

Michael Parker-Yes

Marlies Henderson-Yes

**7-0-0-Continued to September 19, 2022**

---

**ANR-1 ALBERT ST**

Attendees-John J McKenna

**John J McKenna**- It is a lot on Connelly Road. It has sufficient frontage

**Blake Robertson**-Asked where the house would go

**John J. McKenna**-We have to wait until this goes before conservation and then they will decide where the house goes.

**Marlies Henderson**-Thank you for the ANR courtesy notice. PB can acknowledge. As a clarification to the applicant: Project can still be denied by Conservation or BOH, even after passing ZBA and PB ANR, because the jurisdictions differ.

**MOTION TO ENDORSE**

**Janet Morris**-I make a motion to endorse the ANR for 1 Albert Street.

Seconded by Ed Giroux

Chris Tribou-Yes

Janet Morris-Yes

Pat Flemming-Yes

Blake Robertson-Yes

Ed Giroux-Yes

Michael Parker-Yes

Marlies Henderson-Yes

7-0-0-Approved

---

**B2-26 Arcadia**

Attendees-John J McKenna

### MOTION TO OPEN

**Janet Morris**-I make a motion to open the public hearing for B2-26 Arcadia and waive the reading of the notice

Seconded by Ed Giroux

Chris Tribou-Yes

Janet Morris-Yes

Pat Flemming-Yes

Blake Robertson-Yes

Ed Giroux-Yes

Michael Parker-Yes

Marlies Henderson-Yes

7-0-0-Open

**John J McKenna**- The applicant is going to sell the property to their son in law. A variance was received. It is an accepted road. They are looking for approval to split the lot.

### Comments from the Board

**Erika Oliver Jerram**-it meets all of the requirements, and we don't have any concerns

The board does not have any issues and they are happy that it for family. They are also happy that the houses will be 2 medium size houses. They were looking for a plan of the house. John J. McKenna a brief description of the new houses.

### PUBLIC COMMENT

None

### MOTION TO CLOSE

**Michael Parker**-I make a motion to close the public hearing for the B2-26 Arcadia

Seconded by Ed Giroux

Chris Tribou-Yes

Janet Morris-Yes

Pat Flemming-Yes

Blake Robertson-Yes

Ed Giroux-Yes

Michael Parker-Yes

Marlies Henderson-Yes

7-0-0-CLOSED

### MOTION TO APPROVE

**Chris Tribou**-I make a motion to approve the public hearing for the B2-26 Arcadia

Seconded by Ed Giroux

Chris Tribou-Yes

Janet Morris-Yes

Pat Flemming-Yes

Blake Robertson-Yes  
Ed Giroux-Yes  
Michael Parker-Yes  
Marlies Henderson-Yes  
7-0-0-Approved

---

**B2-59 OAK STREET**

Attendee- Attorney Bob Peterson  
John & Deborah Powers-Home owners

**MOTION TO OPEN**

**Janet Morris**-I make a motion to open the public hearing for B2-59 Oak Street and waive the reading of the notice

Seconded by Ed Giroux

Chris Tribou-Yes

Janet Morris-Yes

Pat Flemming-Yes

Blake Robertson-Yes

Ed Giroux-Yes

Michael Parker-Yes

Marlies Henderson-Yes

7-0-0-Open

**Bob Peterson**-The applicant would like to divide their property. We provided the variance obtained by attorney McKenna. Two houses will be built on each lot that will be split

**Comments from Board**

**Chris Tribou**-Asked about drainage.

**Bob Peterson**-When constructed it will be 700ft from Fitzpatrick Lane

**Janet Morris**-Are they going to leave the property undeveloped in the back or are they going to utilize the whole land? From personal experience, once you clear the trees you have to cut the grass.

**Bob Peterson**-There will be very little disturbance to the woods.

**Michael Parker**-I do believe that the abutters were satisfied where the houses are being built.

**Public Comments:**

**Andrew Groack**-Fitzpatrick Lane-I am an abutter and I adjoin the property. This is my first opportunity to speak on this matter. I did not receive a notice for the ZBA meeting. We have concerns regarding drainage. Fitzpatrick woods was developed lower than Oak St. It comes within 25 feet of the foundation of my house. I am aware of another project, 51 Oak St., seeking the same thing. I am here tonight because I would like more information of where the houses will be built and

the stormwater management. I think whoever constructs the new home that they should come before the board with any specific plans for evaluation. We are not comfortable with this project without stormwater and drainage management.

**Bob Peterson**-Explained where the new houses will be being built. The requirements for B2' there are no requirements for drainage. I have spoke to Mr. Groack on two separate occasions in regard to this.

**Andrew Groack**-I am looking for a stormwater plan. This past winter it became full. Three new homes came up in the Fitzpatrick Woods subdivisions and I know more will come.

**Marlies Henderson**-It is not our jurisdiction to discuss stormwater management.

**Erika Oliver Jerram**-It will get BOH reviews. Continue to follow this project and you will get more answers.

**Katherine Malgieri** -We can put in a condition, pending BOH approval.

**Marlies Henderson**-I think that it is a great idea.

**Andrew Groack**-I understand, we care about the development of Billerica, and I appreciate the board paying attention to this.

#### MOTION TO CLOSE

**Michael Parker**-I make a motion to close the public hearing for the B2-59 Oak Street

Seconded by Ed Giroux

Chris Tribou-Yes

Janet Morris-Yes

Pat Flemming-Yes

Blake Robertson-Yes

Ed Giroux-Yes

Michael Parker-Yes

Marlies Henderson-Yes

7-0-0-CLOSED

#### MOTION TO APPROVE

**Chris Tribou**-I make a motion to approve the public hearing for the B2-59 Oak Street. Condition-

Pending approval from BOH

Seconded by Ed Giroux

Chris Tribou-Yes

Janet Morris-Yes

Pat Flemming-Yes

Blake Robertson-Yes

Ed Giroux-Yes

Michael Parker-Yes

Marlies Henderson-Yes

7-0-0-Approved

---

**B2-290 RIVER STREET**

Attendee- Attorney George Medeiros  
Homeowners

**MOTION TO OPEN**

**Chris Tribou**-I make a motion to open the public hearing for B2-290 River Street and waive the reading of the notice

Seconded by Janet Morris

Chris Tribou-Yes

Janet Morris-Yes

Pat Flemming-Yes

Blake Robertson-Yes

Ed Giroux-Yes

Michael Parker-Yes

Marlies Henderson-Yes

7-0-0-Open

**George Medeiros**-The applicant is looking to split their lot. The current house will be demolished and rebuilt. The house is too large for them to maintain. The ledge in the front, means they will be pushing the house back.

**Comments from Board:**

They all feel it is straightforward. They asked about the ledge and the placement of the house being pushed back. They asked about comments from the FD and that the homeowner has to meet the requirements of the FD regulations. Mr. Medeiros gave a brief history of Middlesex Turnpike

**MOTION TO CLOSE**

**Michael Parker**-I make a motion to close the public hearing for the B2-290 River Street

Seconded by Ed Giroux

Chris Tribou-Yes

Janet Morris-Yes

Pat Flemming-Yes

Blake Robertson-Yes

Ed Giroux-Yes

Michael Parker-Yes

Marlies Henderson-Yes

7-0-0-CLOSED

**MOTION TO APPROVE**

**Chris Tribou**-I make a motion to approve the public hearing for the B2-290 River St.

Seconded by Janet Morris  
Chris Tribou-Yes  
Janet Morris-Yes  
Pat Flemming-Yes  
Blake Robertson-Yes  
Ed Giroux-Yes  
Michael Parker-Yes  
Marlies Henderson-Yes  
7-0-0-Approved

---

## **SPSP-161 CONCORD ROAD**

### **Attendees:**

Attorney Jim Dangora Jr.-Remote  
Morgan Pierson-Berkley Investments  
Esther Chung Byun-Berkley Investments  
Will Granbery-Bohler Engineering-Remote  
Jeffrey Dirk-VAI-Remote

### **The Public Hearing is open**

**Jim Dangora Jr.**-For the applicants. Thanks to BETA and Phil Paradise for pulling the review together. Some members wanted a site walk, and we need more time to address BETAs comments. We had a productive site walk and I thank the members for attending. We have incorporated many comments we heard at the site walk. The plan has been changed. A proposal that we install sidewalks from driveway to driveway. The right-hand turn, yes, the team reconfigured that. We have downsized the building slightly.

**Will Granbery**-Went over the minor changes to the plans and the decrease in size of building. They reconfigured the parking as well. Resulting in the loss of 5 parking spaces. The board wanted us to increase the land buffer as well. We revised it to be a right in only off of Concord Road to prevent left turn in.

**Jeffrey Dirk**-The secondary access has been set up, so it is not in align with the apartment complex. Anyone who is driving towards the center of Town will not be accessible to take a left. The signalized intersection with MTP, there is a very heavy flow in the westbound direction to get on Rte. 3. So, anything that can be done to remove traffic that needs to be processed from that traffic signal provides benefit not only to the operation to the signal but any queuing that happens on the westbound approach.

**Jim Dangora Jr.** Would like to have the board vote on the project and waivers

**Phil Paradise**-We reviewed all documents and meet with the team to address the issues. We have not received any updated documents. We need them to sign off on the comments.

**Will Granbery**-Phil was sent the responses on Wednesday at 6pm and he never heard a response back.

**Erika Oliver Jerram**-We can add that as a condition after Phil's send a response.

**Marlies Henderson**-Do you feel comfortable of us closing this with conditions.

**Phil Paradise**- I feel comfortable with it.

*Erika & Katherine went over the proposed conditions with the board. i.e., sidewalk, install bike path, secondary access and BETAs supplemental review.*

**Comments from Board:**

**Chris Tribou**-Happy with the project and how it all went. It turned out very nicely.

**Michael Parker**-Happy about sidewalk on Concord Road. You gave us a story at Town meeting and that story has not changed. I am looking forward to seeing this happen

**Edward Giroux**-Echoed what Michael parker said.

**Blake Robertson**-I have asked for more buffer, and I appreciate that you made great efforts. Regarding the waivers, I would like to know how close we are to those. The perimeter strip and green Space. Are we at 40 % at 98% at that corner?

**Jim Dangora Jr.** We meet it all away around except for that one corner.

*Conversation went back and forth with Blake Robertson & Jim Dangora Jr. about the green strip and the bike path. Blake Robertson wants to know why they can't commit to us for a bike path. Blake thinks they should show more commitment to the Bike path. Jim Dangora explained that a portion is not on the property. Blake Robertson feels the whole bike path should be on the property than. Blake would like to see it move 20 feet east and feels that it is not an unreasonable ask. Jim Dangora Jr. stated they are at 375 ft committed to the path and are more than willing to discuss with the Town and VTHB further down the line.*

**Janet Morris**- Apologized for not making site walk. Can we add the following as conditions? The landscaping in the front. We want to make sure that it protects the residents. Can we be specific of what type of planting?

**Jim Dangora Jr.** We have submitted a detailed landscaping plan.

**Janet Morris**-Should we set the height on the berm?

**Jim Dangora Jr.**-it is 5-6 ft with evergreens planted on top of that.

**Janet Morris**-Can we come back in a year for another traffic study?

**Erika Oliver Jerram**-There is already a light there regulating the traffic flow. It will make traffic better. We can look at it again in a year. We do not need to condition it .



**Jim Dangora Jr.** If that right hand turn becomes an issue, you could always call us back.

**Marlies Henderson**-Went over all the points the board brought up. Jeffrey Dirk knew about the buses being flagged down. She asked Erika if she has spoken to Andrew Jennings. She asked about the parking lot landscaping. Asked if there will be a sign saying no exit at the secondary access. The project has been perfected and I am very happy with this.

**Public Comment-**

**Kelley Sardina**-I know the parking lot and traffic was brought up by the residents. My question is the neighbors has a big concern. Is it only right had turn only?

**Jim Dangora Jr.**-It is a right hand turn only

**Kelley Sardina**-Coming out where the traffic light is then can go right or left correct?

**Jim Dangora Jr.**-Yes

**Kelley Sardina**-Has a traffic study been done at all?

**Jim Dangora Jr.**-Yes one has been done.

**Kelley Sardina**-Blake mentioned the bike path, I think a lot of people thought that they were going to do the bike path and not just 375 feet. I think that is misleading. Maybe you can go back to you client and ask for more.

**Jim Dangora Jr.** We have been done what we asked to do.

**Mark Lalumiere**-They still need to apply for a building permit and Erika can make sure that they adhered to the conditions. I do agree with Blake, it is a great project for the Town. I don't think they should be asking for waivers.

**Phil Paradise**-As you guys were talking, I was reading through the response letter. It is what we agreed on in our meeting. I have worked with Bohler many times. They still have to go through the Stormwater review and BOH review to finish this out.

**MOTION TO CLOSE**

**Michael Parker**-I make a motion to close the public hearing for the SPSP-161 Concord Road

Seconded by Ed Giroux

Chris Tribou-Yes

Janet Morris-Yes

Pat Flemming-Yes

Blake Robertson-Yes

Ed Giroux-Yes

Michael Parker-Yes

Marlies Henderson-Yes  
7-0-0-CLOSED

**MOTION TO APPROVE**

**Chris Tribou**-I make a motion to approve the public hearing for the SPSP-161 Concord Road with the 5 conditions and two waivers mentioned

Seconded by Janet Morris

Chris Tribou-Yes

Janet Morris-Yes

Pat Flemming-Yes

Blake Robertson-Yes

Ed Giroux-Yes

Michael Parker-Yes

Marlies Henderson-Yes

7-0-0-Approved

---

**SPSP-101 Billerica Ave 2:02**

Attendees:

Attorney-Steve Lentine

David Mackwell-Kelley Engineering

Phil Paradise-BETA

Rob Halvorson-Landscape Archt.

Garrett Horsfall-Kelley Engineering

David Wilkinson-Camber Development

Bob Michaud- MDM

Dan Dumais-MDM

**The public hearing is already open**

**Janet Morris**-I make a motion to open the public hearing for SPSP-101 Billerica Ave and waive the reading of the notice.

Seconded by Ed Giroux

Chris Tribou-Yes

Michael Parker-Yes

Janet Morris-Yes

Blake Robertson-Yes

Ed Giroux-Yes

Marlies Henderson-Yes

7-0-0-Open

**Stephen Lentine**-Representing the applicant who is applying for a SPSP for 101 Billerica Ave. They are looking to demo the existing building to build a 70,400 sq. ft. for Industrial/light manufacturing use. There has been back and forth with Phil paradise from BETA and most issues have been resolved and we can address them tonight.

*The applicants team went over the new set of plans. They are happy to do the sidewalk that the town wanted them to do on Billerica Ave and we will be doing. We are asking for approval subject to that sidewalk being designed and constructed prior to the building receiving an occupancy permit. Or intent here is to go through that permitting process immediately following this. It will just probably be an 8-to-10-week lag time. They are excited to bring the sidewalk to the Town.*

**Phil Paradise**-No concerns, they are comfortable with this.

**Erika Oliver Jerram**-The applicant has been very responsive to our requests, and I applaud their efforts to upgrade the office park. Their final designs will go to ConCom for review.

#### **Comments from Board-**

*The board is very excited about this project. They couldn't stress enough how much they enjoyed the process from start to end. Some think the sidewalk is a great addition for Billerica  
They had no concerns*

**Michael Parker**-So the only condition is the sidewalk?

**Erika Oliver Jerram**-That is correct.

**Michael Parker**-I did see BETAs comments about the driveway access. The whole entire park was design as an access for that park. I still think that is going to create many issues for passing and crossing cars. This project as been a good redesign of the park. This is for truck entrance only, correct?

**Steve Lentine**-The benefit is that it gives the park a secondary access. Yes, this secondary entrance is for trucks only.

*MDM (traffic assessment) gave their assessment that the secondary access benefits the park  
Phil Paradise thought it was not ideal for this situation. He doesn't know a better way to separate the trucks from the vehicles.*

**Edward Giroux**-This is a good project. I appreciate the sidewalk for the Town. What is going happen to the café?

**David Wilkinson**-There are six other buildings on the campus. We are considering how to manage a food requirement on campus.

**Blake Robertson**-Thank you to the team for their efforts for making this a successful project. What are we waiving for the site and green space?

**Will Granberry**-80 to 90% of this site is paved out within 20 feet of the existing property lines. We are providing about 25 of compliance along Billerica Ave. 25% to 30% is in compliance around the building.

**Blake Robertson**-I look forward to seeing what that sidewalk will be connected to.

**Janet Morris**-I am just very thrilled about this project. I agree with Blakes sediment about the sidewalk. We talk about having less pavement, but we are putting in a sidewalk. I wish there was another place that we could put the sidewalk. If you want to do a bike path, let us know. I am really looking forward to you being in Billerica

**Marlies Henderson**-I happy about the sidewalk. It is good to have different view on one board.

**Public Comments-**

None

**MOTION TO CLOSE**

**Michael Parker**-I make a motion to close the public hearing for the SPSP-101 Billerica Ave

Seconded by Ed Giroux

Chris Tribou-Yes

Janet Morris-Yes

Pat Flemming-Yes

Blake Robertson-Yes

Ed Giroux-Yes

Michael Parker-Yes

Marlies Henderson-Yes

7-0-0-CLOSED

**MOTION TO APPROVE**

**Chris Tribou**-I make a motion to approve the public hearing for the SPSP-101 Billerica Ave with the conditions and waivers

Seconded by Janet Morris

Chris Tribou-Yes

Janet Morris-Yes

Pat Flemming-Yes

Blake Robertson-Yes

Ed Giroux-Yes

Michael Parker-Yes

Marlies Henderson-Yes

7-0-0-Approved

---

**MOTION TO APPROVE THE MINUTES 2:42**

**Marlies Henderson**-I make a motion to approve the minutes from June 13, 2022

Seconded by Chris Tribou

Chris Tribou-Yes

Michael Parker-Yes

Janet Morris-Yes  
Marlies Henderson-Yes  
Blake Robertson-Yes  
Ed Giroux-Yes  
Pat Flemming-Abstain  
**6-0-1-Minutes Approved**

---

**COMMITTEE UPDATES**

**Marlies Henderson**-Capital Facilities came together, and they decided to spend \$500k for the study. After the study we will look at it again.

**Erika Oliver Jerram**-I am thrilled that Katherine has joined our time. She asks a lot of good questions. Please keep me, Katherine, and Kerri in the loop. We are working together as a team.

---

**ADJOURNMENT**

**Ed Giroux**-I make a motion to adjourn  
Seconded by Janet Morris  
Chris Tribou-Yes  
Michael Parker-Yes  
Pat Flemming-Yes  
Janet Morris-Yes  
Marlies Henderson-Yes  
Blake Robertson-Yes  
Ed Giroux-Yes  
**7-0-0-Adjourn**

