



**BILLERICA PLANNING BOARD**

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2023 SEP 14 P 3:21  
TOWN OF BILLERICA  
PLANNING BOARD

Blake Robertson, *Chair*

Edward Giroux, *Vice Chair*  
Christopher Tribou  
Kelley Sardina

Marlies Henderson, *Secretary*  
Michael Parker  
Evens Cimea

**Planning Board Meeting  
Minutes**

**May 8, 2023 @ 7:00 P.M.  
Hybrid**

**Videoed by BATV**

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

| Members                      | Present |
|------------------------------|---------|
| Blake Robertson, Chair       | X       |
| Ed Giroux, Vice-Chair        | X       |
| Marlies Henderson, Secretary | X       |
| Michael Parker               | X       |
| Chris Tribou                 | X       |
| Kelley Sardina               | X       |
| Evens Cimea                  | X       |

**STAFF**

Erika Oliver Jerram, Director of Planning & Community Development  
Katherine Malgieri, Senior Planner

**OPENING COMMENTS**

Opening comments by new Chair, Blake Robertson. He stated expectation for agendas in the future to have more long-range planning topics, with a desire to not start any new public hearings after 9:30pm.

**OPEN MIC**

None.

**AGENDA ITEM #1**

**(CONT.) PUBLIC HEARING-SPSP-298 CONCORD ROAD (PLATE 86 PARCEL 108-5)**

The applicant proposes to construct a building totaling approximately 121,630 square feet to be utilized as a GMP lab facility at 298 Concord Road. The property is located in the Industrial Zoning District.

The Chair called on applicant to present.

Zachary Richards, Bohler Engineering presented on behalf of the owner, KS Partners. Since the first presentation in March, they have worked with BETA to address all outstanding comments. They have incorporated bicycle parking, pedestrian connectivity, additional lighting details, and details on parking lot signage per comments of BETA and per Planning Board comments. The Stormwater review is ongoing, but is focused on treating groundwater and will not affect the details of the site plan.

The Chair called for public comments.

None.

Chair called for Board discussion.

Henderson asked for the BETA representative to give his report. Robertson, called on Stephen Borgatti, who confirmed that all Planning comments have been addressed.

Parker complimented the work and hopes that both the new building (to be known as 298 Concord) and the previously approved building (to be known as 300 Concord) will move forward.

Giroux inquired about potential tenants. Applicant responded there is none yet, they are diligently working on it. They need the approvals in hand to be more marketable.

Tribou had no new questions and wished the applicant luck with finding tenants.

Sardina inquired about one outstanding BETA comment, which was for a sump pump. Staff verified adherence to BETA comments will be incorporated as a condition in the Final Decision language.

Henderson verified what waivers were being requested. Perimeter of lot is existing conditions, and the proposed perimeter of building is deficient due to other amenities around the building, including loading dock, employee open space courtyard, and pedestrian connectivity.

Robertson inquired about condition SW7 from BETA, which was on the Stormwater review. Staff verified that stormwater review compliance is outstanding and will be incorporated as a condition in the Final Decision language.

Giroux made a motion to close the public hearing. Michael Parker seconded. Six in favor, none opposed.

Cimea abstained because the hearing was opened in March 2023, prior to his election to the Board.

Henderson moved to approve the application with waivers and conditions as discussed. Six in favor. None opposed. One abstained (Evens Cimea).

**AGENDA ITEM #2**

**PUBLIC HEARING-SPSP-700 BOSTON ROAD (PARCEL 80 PARCEL 41-1 & 129-2)**

The applicant proposes to renovate and expand the existing grocery store use at 700 Boston Road. The property is located in the General Business Zoning District.

Henderson moved to open the public hearing. Giroux seconded. All in favor, 7-0.

The Chair provided an overview of the project to clarify that the expansion of use as a grocery store into the building is the scope of review at this time. More extensive exterior site work presented is to follow at later time.

The Chair called on applicant to present.

Eric Gerade, VHB, presented on behalf of the owner, Valley MB, LLC. The use as a grocery store predates the zoning requirement for special permits for such use and as such is an existing non-conforming use. The

proposed expansion will include 15,320sf of the adjacent storefront (formerly “Bob’s Store”) as well as a 245sf addition at the front entrance for a larger vestibule. The applicant acknowledged the need to update the parking lot and previewed what they are intending to submit in the future, such as new layouts at both Boston Road entrances and increased landscaping islands.

The Chair called for public comments.

Paul Swymer, 3 Theodore Court, asked when the right time to address parking lot concerns would be. The Chair called on Staff to respond that such discussion would wait until the future site plan is brought back as a formal application. The Chair invited the resident to identify his issues now and Mr. Swymer asked for more landscape buffering to the South (across Boston Road) and identified that cars tend to speed through the lot.

Jack Bertolucci, 4 Theodore Court, expressed concern that cars speed there after closing and requested calming measures like speed bumps or cameras.

The Chair asked the applicant to respond to the public questions.

Jim Lamp, Lt Dev, acknowledged the comments and stated that more landscaping along Boston Road would be added as well as landscaping “strips” through the parking lot to prevent speeding and cutting through.

The Chair called for Board discussion.

Board members had no concern about the use expansion. They expressed support for the expanded service that residents would receive, and they thanked the applicant for hearing from the public who came.

The Board verified the waivers requested were for application documents (Drainage calculations, landscape Plan, Drainage Plan, Grading Plan, Traffic Analysis, and Peer Review retainer), not relief of standards. Expansion of use would not affect these standards and they supported the waivers.

Giroux moved to close the public hearing. Henderson seconded. All in favor, 7-0.

Henderson moved to approve the application with waivers and conditions. All in favor, 7-0.

### AGENDA ITEM #3

#### SUBDIVISION RULES AND REGULATIONS REVIEW

Discussion led by McClure Planning LLC

The Chair, called on Denise McClure of McClure Planning LLC to present.

McClure identified that the Board’s Subdivision Rules and Regulations have three main parts: Process/Authority, Plan Types, and Design Standards. The Plan Types are being addressed first. The Design Standards are based mostly on DPW standards and will be addressed next, and the purpose and authority sections will be drafted last.

Drafts of Sections presented at this meeting:

Section III: Approval Not Required

Section IV: Subdivision With a Frontage Variance

Section V: Preliminary Subdivision

Section VI: Definitive Subdivision

McClure noted that the section numbers may change once all sections have been drafted but noted that each section will include the process and requirements of application (how to apply, plan submission requirements, review procedure, standards for review, and decision authority). The language and requirements drafted in this section is based on current standards of the town and is mostly dictated by the Massachusetts Subdivision Control Law (MGL 81). There are some areas where the Board has discretion, for example in how to notify

abutters. The current process requires the applicant to mail certified letters at great expense, but the requirement is not written in the rules. An applicant who does not use certified mail, however, cannot prove that notice was accomplished if challenged. The Board should decide whether there is a better way to document the requirement for certified mail or whether the Town should take on the burden of sending notices.

McClure responded to specific questions from the Board, including:

*When/how will the other sections be drafted?*

*Will the DPW standards be incorporated into each type of plan? (ANR, B-2, etc)*

- Section I will be drafted later and will include the Purpose and Authority
- Section II will be drafted later and will include General Regulations
- Sections 7+ will be drafted later and will include Design standards.

*When the Zoning Bylaw recodification is done, will that matter?*

-The Town's recodification of the Zoning Bylaw will not affect or be affected by the Board's updates to their Subdivision Rules and Regulations.

*Why is the ANR section longer now?*

*When is the ANR applicable or not applicable?*

*If action must be taken within 21 days, but the Board only meets once a month, how does that work?*

-The ANR section is larger to include a description of the legal authority. It has a 21-day window from date of application to date of Board meeting (state law). If an application is received farther out than 21 days from the Board's next monthly meeting, they can either agree to wait or the Board would have to hold a special meeting.

*If the "A-1" process is for frontage variances, what if an applicant only needs a lot size variance?*

ANR's are eligible even when a lot size variance or setback variances are sought. But are not eligible when frontage variances are received. For frontage variances, the A-1 application will be applicable.

*Do different types of plans have different distances for abutter notices?*

-Abutter notices are not required for ANR applications. All other plan types must notice abutters within 300' (standard rule, not local).

*If the mailing requirement for abutters' notices are decided by each Board, is there a way to standardize the requirement across all town bodies so that an applicant going to more than one doesn't have varying processes?*

-Abutter notices are not standardized across Boards, but the Board and McClure agree it could be helpful.

*By requiring the applicants to send the notices out, the postage is automatically paid for by the applicant. How would that cost be covered if the Town sends the notices out instead?*

-If abutter notices are taken on by Town Staff, the Planning Board should increase the application fee to cover this burden.

*How will the revised regulations keep up with changing regulations by state or DPW?*

-If Design regulations by the state or local DPW change, the Rules and Regulations will need to be updated. (State law will take precedence, but any outdated information should be updated quickly. The text of the Rules and Regulations should make a reference to external regulations like Stormwater more often than quoting it, which limits the need to revise in the future. Perhaps a routine review cycle can be established moving forward.

The Board expressed support for the increase in readability of the new drafts. No decision was made regarding abutter notices.

**OTHER BUSINESS**

Approval of Minutes: April 10, 2023

Henderson moved to approve the April 10, 2023 minutes. Giroux seconded. The Board discussed preference for and legal requirement of summary vs transcript style. All in favor, 7-0.

Hearing reports from Committee appointees

Giroux reported that Street Acceptances put forward warrant article which passed at Spring Town Meeting.

Robertson reported that Capital Facilities Commission voted on Council of Aging building to be rebuilt at the existing location which will include alteration to the Concord/Cummings intersection.

Robertson reported that Capital Facilities Commission voted on Recreation Department to be built at Peggy Hannon Rizza Park (known as PHR).

Staff Updates

The Planning and Community Development Department Head Clerk gave her notice April 25<sup>th</sup>.

Current staff are working with the Town Manager's office to ensure all administrative obligations are met.

Town meeting passed the department's budget and the funding request for Zoning Bylaw recodification.

Staff is going to ask CPC for funding for the Open Space and Rec Plan update.

Staff has secured a grant (DLTA) for technical assistance from NMCOG for compliance with state law known as "3A" or "MBTA Communities".

Staff has secured a grant (MHC) for Historical survey and planning to review the Town's existing documentation of historic resources and make recommendations for updates as well as additional survey work.

**ADJOURNMENT**

The Chair asked for a motion to adjourn. Henderson moved the request. Giroux seconded. All in favor, 7-0.

8:47pm

