

PLANNING BOARD MINUTES
JUNE 22, 2015

Call The Meeting to Order

Chairman Stephen Johnson called the meeting to order at 7:03 P.M. in the Town Hall Auditorium. Present at the meeting were, Robert Fowler, Vincent Fratalia, Keith Anderson, Director of Community Development Steve Sadwick and Recording Secretary Dawn Cathcart. Nancy Reed was not in attendance.

(A) Approval of Minutes – April 13, 2015 and May 18, 2015

MOTION - Mr. Fratalia made a motion to table the approval of the minutes until there is a full board. The motion was seconded by Mr. Anderson and unanimously voted 4-0.

(B) Committee Reports/Administrative Actions

(B1) Master Plan

Mr. Sadwick stated that he sent an email to schedule a meeting to discuss the Master Plan for next Monday but one member can't make it. He suggested adding the Master Plan as an agenda item at the next meeting on July 13th. Mr. Sadwick stated that Ms. Barrett is available on that date.

(B2) Committee Reports

There were no committee reports.

(C) 515 Woburn Street, Interstate Electrical Special Permit

MOTION - Mr. Fratalia made a motion to waive the reading of the public hearing notice. The motion was seconded by Mr. Anderson and unanimously voted 4-0.

Mr. Johnson stated that there are only four board members present and the applicant has the right to continue this hearing or to have it heard.

Attorney Richard O'Neill, James Alibrandi and Greg Hughes appeared for the Special Permit for 515 Woburn Street. Attorney O'Neill stated that they would like to proceed.

Attorney O'Neill stated that this will be the first application in the newly creating Westside Neighborhood Business District (WNBD), Section 6700. Interstate Electric is looking to consolidate their multiple sites in Billerica into one site at 515 Woburn Street. This building has approximately 120,000 SF with 90,000 SF available. The Salter School is on the second floor and takes approximately 30,000 SF. They are looking for a Use Special Permit for D2 – Research laboratories, manufacture of equipment, electronics industry, assembly of electrical appliance, D7 – Manufacturing, and D9 – Wholesale, warehouse, self-storage mini-warehouse, or distribution facility under the new WNBD bylaw.

Attorney O'Neill stated that the warehouse use is similar to the recently approved warehouse at 890 East Street. There is also a service area in this building with six bays and lifts. They are proposing that these bays will be used to maintain their own vehicles. They have six box trucks used to deliver their freight. Any repair of vehicles would be done inside the building.

PLANNING BOARD MINUTES

JUNE 22, 2015

Mr. Alibrandi stated that they are the largest electric contracting company and service in New England. They are entering their 50th year in business. This building would allow for the needed expansion. This building would house their warehouse, R&D, manufacturing and maintenance of the fleet. This is an ideal location with the proximity to Rt. 495 and the train station.

Attorney O'Neill stated that they are not looking for any waivers or variances and they will not be altering the exterior of the building. There will be some interior improvements.

Mr. Fratalia thanked the applicant for a great presentation. Mr. Fratalia asked if the corporate headquarters would remain in Billerica. Mr. Alibrandi replied yes. Mr. Fratalia asked if this use would interfere with the Salter School. Mr. Alibrandi replied no, there are similar uses to their existing spaces. Mr. Fratalia asked if they ever reach out to the Shawsheen Tech. Mr. Alibrandi replied yes, they work with Shawsheen Tech and donate material to them.

Mr. Anderson stated that he thinks this will be a great fit for the area and asked what type of jobs would be created. Mr. Alibrandi replied that the jobs would range from professional engineer, CAD and designer personnel, assembly and warehouse jobs.

Mr. Fowler stated that he is glad that they have agreed to work on vehicles inside of the building only. Mr. Fowler asked if there would be a sign. Attorney O'Neill replied yes, they will come back for a Sign Special Permit if one is required; there just was not time for this filing. Mr. Fowler asked if there would be any outside improvements. Mr. Hughes replied that they are already in process of installing a new sidewalk and additional landscaping.

Mr. Johnson agreed that the work on vehicles should only be allowed inside and stated that all the vehicles being repaired would be registered at this site. Mr. Alibrandi stated that he would check on this but most of his fleet vehicles are leased but the freight vehicles would be registered at this site.

Mr. Sadwick stated that he along with the Building Commissioner met with Mr. Alibrandi on May 20, 2015. There were two issues that needed clarification from the Board. Would the six box trucks be considered an accessory use and would servicing of their own vehicles be considered motor vehicle general and body repair services. Mr. Johnson polled the Board and the Board agreed that the six box trucks are principle uses of the operation as fleet vehicles and that the repair of these vehicles are also part of the principle use.

Karen Beckett of 36 Mt. Pleasant Street, Billerica – Ms. Beckett stated that she is concerned with the speed of traffic on Woburn Street and any help that can be given would be appreciated. Mr. Alibrandi stated that he will make sure his employees obey the speed limit.

Mr. Fratalia stated that for clarification, the box trucks will be registered at this site but the service vehicles are leased and may not be. Mr. Alibrandi replied that was correct.

PLANNING BOARD MINUTES
JUNE 22, 2015

MOTION - Mr. Fowler made a motion to close the public hearing. The motion was seconded by Mr. Fratalia and unanimously voted 4-0.

MOTION - Mr. Fratalia made a motion to approve the Use Special Permit for 515 Woburn Street as presented with the following conditions:

All repairs of fleet vehicles only will be preformed inside the building.

All box trucks will be registered at the 515 Woburn Street property.

The box trucks would be considered part of the principal use as well as repair of the service fleet vehicles.

The motion was seconded by Mr. Anderson and unanimously voted 4-0.

(D) 136 Marshall Street, Joseph M. Ginsburg and Matthew P. Ginsburg Definitive Subdivision

Matt Ginsburg, Joseph Ginsburg, and Jim Hanley appeared for the Definitive Subdivision at 136 Marshall Street.

Mr. Johnson stated that there are only four members present. Mr. Ginsburg stated that they would like to proceed.

MOTION - Mr. Fowler made a motion to waive the reading of the public hearing notice. The motion was seconded by Mr. Fratalia and unanimously voted 4-0.

Mr. Hanley stated that they met with the Zoning Bylaw Subcommittee last fall and they came back in January. This is R40 zoning, and the current use is a single family home. They are proposing a second lot. There is approximately 94,000 SF with 160' of frontage on Marshall Street with all utilities coming into Marshall Street.

They have two options: the first is to build out the 40' ROW but that would require a variance form front yard setback for the existing single family home, the second is to build out a 25' ROW and that would give the existing single family 26.5' so no variance would be required. The regulations call for a 110' radius cul-de-sac but they are proposing a 70' radius with a 35' diameter cul-de-sac. The proposed driveway is only 123' from Marshall Street. The Fire Department requires a turnaround when the drive is more than 150' from the street.

Mr. Fowler asked the applicant if they could utilize the Town owned land behind this. They said it was the located in the wrong configuration. Mr. Fowler stated that he would agree to waive the full build out of the road, but if there was any future development off this road would require the full build out. Mr. Fowler asked what would be the address for the new lot. Mr. Ginsburg stated that he would defer to the safety committee. He would add a post at the end of the driveway whatever address is decided upon.

Mr. Anderson asked if the waivers requested are the normal waivers that are requested for this type of development. Mr. Fowler replied yes.

PLANNING BOARD MINUTES
JUNE 22, 2015

Mr. Fratalia asked what type of house this would be. Mr. Ginsburg stated that it would be about a 2,000 SF house and would not be out of character with the neighborhood. Mr. Fratalia asked if this would have a slab. Mr. Ginsburg replied no, it would have a full basement.

Mr. Anderson asked if the existing house would remain. Mr. Ginsburg replied at this time yes.

Mr. Johnson stated that he would prefer the reduced option #2 and this is not out of the ordinary to request the reduction with only one house. Mr. Johnson asked if we are still waiting on the drainage calculation from the Town Engineer. Mr. Sadwick replied yes.

Jim McIntyre of ## Newton Ave – Mr. McIntyre stated that they were concerned with keeping the tree line and they spoke with Mr. Ginsburg in the hall and he assured us that the tree line would remain intact.

MOTION - Mr. Anderson made a motion to close the public hearing notice. The motion was seconded by Mr. Fratalia and unanimously voted 4-0.

MOTION - Mr. Fratalia made a motion to approve the requested six (6) waivers in the Civil Design Consultants, Inc memo dated May 20, 2015 to include:

- Waiver #1 - Reduce ROW from 40' to 25'
- Waiver #2 – Reduce cul-de-sac diameter from 100' to 70'
- Waiver #3 – Section 8.1.7 eliminate the 25' side line radius at the intersection of the northern portion of the proposed ROW with Marshall Street
- Waiver #4 – Section 8.1.10 – reduce paved surface from 24' to 16' and increase allowable grade 50' of the intersection from 2% to 3%
- Waiver #5 – Section 8.1.15 – elimination of the cul-de-sac
- Waiver #6 – Street Cross Section – Section 9.4 Curbing, Section 9.5 Sidewalks and Grass Strips, Section 9.6 Street Lights, and Section 9.7 Street Trees

The motion was seconded by Mr. Fowler and unanimously voted 4-0.

MOTION - Mr. Fratalia made a motion to approve the Definitive Subdivision for 136 Marshall as submitted including all approved waivers and subject to the Town Engineers approval of the drainage. The motion was seconded by Mr. Fowler and unanimously voted 4-0.

(E) 875 East Street, DeMoulas Corporate Complex, Amended Site Plan Special Permit

MOTION - Mr. Fratalia made a motion to waive the reading of the public hearing notice. The motion was seconded by Mr. Fowler and unanimously voted 4-0.

PLANNING BOARD MINUTES
JUNE 22, 2015

Jeff Rider from Cuoco and Cormier and Jim Lamp, In-House Engineer for Market Basket appeared for the modification of the Special Permit for 875 East Street. Mr. Rider stated that they would like to move forward. Mr. Rider stated that Market Basket is doing a reorganization with their office operations. IT is now moving to Andover. They are proposing a 2,200 SF addition in the courtyard and a 3,600 SF addition in the front. They are proposing reconfiguring some of the parking up front and restripe the parking lot on the side. In 2006, the Planning Board approved parking improvements that were never done. They will be doing that. There will be 2,500 SF of less impervious surface than the 2006 approval. They will be adding a couple of catch basins and tie into the existing drainage and clean out the existing detention basins. There is currently 23.4% building coverage with these additions it will be 24.6% and the maximum allowed is 35% so we are well under. They are asking for an exemption of the Land Disturbance Permit.

Mr. Anderson stated that Market Basket has always been a good neighbor and asset to this Town.

Mr. Fowler stated that growth is good. The Town Manager has asked for no left turn out of the property for tractor trailers and asked that signs be added at the driveway. Mr. Fowler added that he likes the enhancement with the landscaping.

Mr. Fratalia asked why the 2006 parking improvements were not done. Mr. Rider stated that in 2006, there was a slight modification done for the parking to provide better traffic flow. With this proposal they will be adding 86 new parking spaces.

Mr. Lamp stated that a landscape plan has been submitted, they will be adding a new skin on the building and photos of exiting signs at both driveways pointing truckers to take a right to access Rt. 495 and Rt. 93 will remain. Mr. Lamp stated that they can also remind truck drivers to take a right out of the sight.

Mr. Sadwick stated that the Town Manager has also asked for on-site daily traffic counts. Mr. Rider stated that they did traffic counts over three days and the maximum number was 345. Mr. Sadwick asked how many parking spaces are there. Mr. Rider stated that with this proposal there will be 372, where the required spaces are only 362. Mr. Sadwick stated that the many times he is at this building and he sees Market Basket trucks going both ways on Rt. 38. Mr. Sadwick stated that the Operations Manual has never been reviewed with Market Basket and the Town. There were conditions like a yard jockey shack that was supposed to be constructed that never was. It is time to review this and see what has been done and what has not been done. Mr. Lamp stated that he will coordinate a meeting with Operations and the Town.

Evelyn Jermain of 60 Whittemore Street – Ms. Jermain asked if this proposal will affect her property. Mr. Rider showed her the location of the proposed additions and indicated that they will be on the other side of the building and in the front of the building not near her house.

MOTION - Mr. Fowler made a motion to close the public hearing. The motion was seconded by Mr. Anderson and unanimously voted 4-0.

MOTION - Mr. Anderson made a motion to approve the amended Site Plan Special Permit for 875 East Street as presented and noted that a Land Disturbance Permit is not required. The motion was seconded by Mr. Fratalia and unanimously voted 4-0.

PLANNING BOARD MINUTES
JUNE 22, 2015

(F) **Victor Drive, Marc Ginsburg & Sons, Continued Site Plan Special Permit/Special Permit**

Mr. Johnson stated that the applicant has requested a continuance.

MOTION - Mr. Anderson made a motion to continue the Site Plan Special Permit/Special Permit for Victor Drive until July 13, 2015 at 7:20 PM. The motion was seconded by Mr. Fowler and unanimously voted 4-0.

Old Business

Mr. Fowler stated that he spoke with Mr. Sadwick regarding the sidewalks on Pleasant Street. The street will be nice with new pavement but there are still sidewalks that are dirt. There is money in the sidewalk fund and we should look into upgrading the sidewalks along Pleasant Street. Mr. Sadwick stated that he spoke with Joseph Giuliano, Project Manager and Kevin Hardiman and they have a paving contractor for the summer and they could amend the contract to include sidewalks. Mr. Giuliano does not recommend adding sidewalks without some kind of berm. There is approximately \$34,000 in the sidewalk fund and he will have the engineers look into this.

Mr. Fratalia asked if they could look at the sidewalks along Livingston Street because they are bad. Mr. Fowler stated that we tried to have sidewalks installed years ago but it is on State land and the discussion died at the State.

Mr. Anderson stated he would like to talk about the email that Mr. Sadwick sent. Mr. Sadwick stated that the email had a few items; Housing Summit, Master Plan and South Street Cell Tower. Mr. Sadwick stated that there will be a meeting on July 14th with the Planning Board, Local Housing Partnership, Board of Selectmen and Housing Authority to discuss the inventory of affordable housing and tools available to increase our housing stock. The Planning Board will meet on July 13th to discuss the Master Plan with the focus on Rt. 38 and implementation of potential zoning changes. Mr. Anderson asked if this will include design standards. Mr. Sadwick replied no, the Master Plan did not get down to amenities discussion. Mr. Johnson stated that the Town Center Master Plan Committee has a consultant and they might get into that detail. Mr. Sadwick stated that the cell tower lease at the South Street Fire Station is coming up for expiration. The Board of Selectmen have looked at different options such as the Trahan, further down Rt. 38 on Town owned land and on the Salem Road side and nothing worked. The Board of Selectmen will probably renew the lease. The emergency management system is also on the tower. Mr. Sadwick stated that if the lease is renewed then AT&T and Verizon will apply to go on. This will give the Town \$50,000 with a 3% increase over 10 years. If this is denied, it could end up in Federal Court and we would probably not win. Mr. Fowler stated if this is moved behind the building, it would hide ~30' of the tower and we do need the repeater for the Fire and Police Department radios. Mr. Sadwick stated that if it is moved, the tower would be increased by 20' from 140' to 160'.

PLANNING BOARD MINUTES
JUNE 22, 2015

New Business

Mr. Fratalia asked what is happening with the Pike House. Mr. Sadwick stated that RFPs have gone out for the Pike House, demolition of the old Police Station and the Wamesit Indian Park. The park is also on the Central Register.

Director's Report

Mr. Sadwick stated that the items have been covered under old and new business.

Adjournment

MOTION - Mr. Anderson made a motion to adjourn the meeting at 8:25 PM. The motion was seconded by Mr. Fratalia and unanimously voted 4-0.

Approved on: 7/13/15

PLANNING BOARD MINUTES
JUNE 22, 2015

*List of documents for 6/22/15 Agenda
Documents can be located at the Community Development Office*

- A. 7:00** Approval of Minutes – April 13, 2015 and May 18, 2015
- B. 7:00** Committee Reports/Administrative Actions
1- Master Plan
2- Committee Reports
- C. 7:00** 515 Woburn Street, Interstate Electrical
Special Permit
- *Application packet dated 5/21/15.*
 - *Memo 6/2/15 from Director of Public Health.*
 - *Memo 5/27/15 fr Steve Sadwick re: 515 Woburn Street.*
 - *Packet received 6/22/15*
- D. 7:10** 136 Marshall Street, Joseph M. Ginsburg and Matthew P. Ginsburg
Definitive Subdivision
- *Application packet dated 5/21/15.*
 - *Email 6/22/15 fr Kevin Hardiman to Steve Sadwick.*
 - *Conceptual Subdivision Plan dated 9/5/14, Figure 1 & 2, prepared by Civil Design Consultants.*
- E. 7:20** 875 East Street, DeMoulas Corporate Complex
Amended Site Plan Special Permit
- *Application packet dated May 27, 2015.*
 - *IDR held 6/9/15:*
 - *Memo 6/15/15 from Health Director.*
 - *Memo 6/19/15 from Community Development Director*
 - *Photo – Stop Sign and Route 93, Route 495 via 93 North Sign*
- F. 7:30** Victor Drive, Marc Ginsburg & Sons
Continued Site Plan Special Permit/Special Permit
- *Continuation request via email dated 6/18/15*

Old Business

New Business - *Letter 5/29/15 fr Attorney Zaroulis to Middlesex Superior Court re: Robert DiStefano v Town of*

Tewksbury

- *Town of Billerica legal notice for Comprehensive Permit, 0 Capodilupo Lane/Off 102 Gray Street*

**Director's Report
Adjournment**