



BOXBOROUGH PLANNING BOARD
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Owen Neville, Chair Eduardo Pontoriero, Clerk Nancy Fillmore John Markiewicz Hongbing Tang

Meeting Minutes
November 17, 2014
7:30 PM
Morse Room, Town Hall, 29 Middle Road

Members present:

Owen Neville, Chair
Eduardo Pontoriero, Clerk
Nancy Fillmore, Member
John Markiewicz, Member
Hongbing Tang, Member
Adam Duchesneau, Town Planner

The Chair called the meeting to order at 7:30 PM.

Meeting Minutes of November 3, 2014

Ms. Fillmore asked if a sentence in the minutes referencing how the Applicant for the project at 530 and 540 Massachusetts Avenue wanted to create a nice looking building was redundant, but it appeared not to be. Ms. Fillmore also had one small administrative edit to the minutes on page 4. Mr. Pontoriero noted the minutes indicated the Planning Board would examine the existing signage section of the Zoning Bylaw and he asked Mr. Duchesneau to schedule a discussion of this matter on the Planning Board's agenda at some point in the future.

Mr. Markiewicz then MADE a MOTION to approve the minutes of November 3, 2014 as amended. Ms. Fillmore SECONDED the MOTION. All members voted in favor (with the exception of Ms. Tang as indicated in these minutes below).

1088-1098 & 1136-1148 Hill Road (Hill Road Senior Housing Development) – Minor Amendment

Jesse Johnson from David E. Ross Associates, Inc. and the developer Richard Watson were in attendance to discuss the request with the Planning Board. Mr. Johnson explained each phase of the project and noted the rear portion of the property was supposed to have a Conservation Restriction placed on it as part of the original Special Permit for the project. However, there were concerns from the newly formed homeowners association, the Hilberg Lane Condominium Trust ("the Trust"), about having a Conservation Restriction placed on their property and they did not want the restriction to be implemented as originally required. Mr. Johnson indicated he was before the Planning Board requesting Condition #15 be amended to only require the rear area of the property, as shown on the submitted map, to remain as open space and that it not have a Conservation Restriction. Mr. Johnson noted the existing wetlands, which are regulated by the Conservation Commission, and the endangered species protective measures greatly restrict what activities can be performed in this rear area of the property. He also pointed out that the Harvard Sportsmens Club has an easement which runs through the rear portion of the property which further restricts activities in this area. Mr. Johnson noted the amendment would make the Trust

much happier because it would remove the requirement to have a Conservation Restriction placed on the property.

Mr. Pontoriero asked for clarification as to why the Trust would be happier with the proposed alterations of Condition #15. Mr. Johnson indicated the Trust did not want to worry about this Conservation Restriction long term and they did not want to maintain the restriction either. He also stated that the Trust felt the Conservation Restriction designation was too onerous of a requirement. Simon Bunyard, of 1092 Hill Road, indicated he was the President of the Hilberg Lane Condominium Trust. Mr. Bunyard stated the Trust had issues with the way the Conservation Restriction is worded because it has a maintenance responsibility associated with it. To ensure the property is in compliance, the Conservation Commission would be managing the Conservation Restriction. Mr. Bunyard indicated the way the Conservation Restriction is worded, anything not allowed in the area where the restriction is in place would be the Trust's responsibility and the Conservation Commission could charge the Trust to rectify the terms of the Conservation Restriction. Mr. Bunyard noted the Trust does not want the obligations required in the Conservation Restriction nor the cost and management effort associated with the restriction.

Mr. Pontoriero asked if the condition were altered as proposed, would the developer be responsible for the Conservation Restriction. Mr. Bunyard indicated the restriction would simply go away if the proposed condition were to be amended.

Then, at 7:45 PM, Mr. Neville indicated that the Planning Board needed to open the scheduled public hearing for the Site Plan Approval Application at 530 and 540 Massachusetts Avenue.

530 & 540 Massachusetts Avenue – Site Plan Approval Application – Veterinary Dental Services, LLC seeks approval for a veterinary dental office space building with approximately 5,000 square feet with associated parking, sewage disposal, drainage, and grading

Mr. Neville indicated that the Agent on behalf of the Applicant, William Hall of Stamski and McNary Inc., had filed a continuance with the Planning Board asking that the public hearing for the application be continued to the Planning Board's next meeting on Monday, December 1, 2014. Mr. Neville suggested that if the Board were to decide to continue the public hearing to their next meeting, that it be continued to the same time of 7:45 PM as originally scheduled.

Ms. Fillmore then MADE a MOTION to accept the Agent of behalf of Applicant's request to continue the public hearing for the Site Plan Approval application for the proposed project at 530 and 540 Massachusetts Avenue to the Planning Board's next meeting on Monday, December 1, 2014 at 7:45 PM. Mr. Markiewicz SECONDED the MOTION. All members voted in favor (with the exception of Ms. Tang as indicated in these minutes below).

1088-1098 & 1136-1148 Hill Road (Hilberg Lane Senior Housing) – Minor Amendment (Discussion Resumed at 7:46 PM)

Mr. Bunyard stated the incremental benefit to the Town to have the rear portion of the property under a Conservation Restriction would be minimal because of the restrictions that already exist on this portion of the property due to the wetlands and endangered species protection provisions. He also noted that Conservation Restrictions come with a number of liabilities and responsibilities. Mr. Markiewicz asked what the difference in acreage would be without the

Conservation Restriction. Mr. Johnson stated there would be no difference in acreage that would be protected.

Kristin Hilberg, of 1112 Hill Road and the realtor for the project, indicated the original idea was to simply give the rear portion of the property to the Town as a Conservation Restriction to preserve the area. She indicated it was her idea but she did not fully understand the liability issues that came along with a Conservation Restriction at the time. She added she felt the proposed amendment to the condition made sense and would serve the same intent as the Conservation Restriction. Mr. Duchesneau pointed out to the Planning Board that the Trust is now the actual owner of the property and the proposed change would require the Trust's approval. Mr. Duchesneau also urged the Planning Board to solicit comments from the Conservation Commission because they would be the ones who would manage the Conservation Restriction.

Mr. Duchesneau then inquired if the Trust needed to take a formal vote to approve the matter or if Mr. Bunyard could determine the Trust's approval of this request on their behalf. Mr. Bunyard indicated the Trust would need to take a formal vote on the matter. Mr. Bunyard also noted in the proposed language of the new condition the words "Open Space" were capitalized and the Trust preferred those words to be lower case so there is no formal association with these words. Mr. Neville asked that the Trust submit in writing to the Planning Board the wording they preferred for the amendment to the condition. Mr. Neville indicated the Planning Board would be soliciting comments from the Conservation Commission on this matter.

Mr. Markiewicz then MADE a MOTION to continue the matter to the Planning Board's next meeting on Monday, December 1, 2014. Ms. Fillmore SECONDED the MOTION. All members voted in favor (with the exception of Ms. Tang as indicated in these minutes below).

At 7:55 PM the Planning Board then joined the Board of Selectmen at their meeting in the Grange Meeting Room of Town Hall to interview Hongbing Tang to fill the vacancy on the Planning Board.

Joint Public Meeting with the Board of Selectmen to Interview Hongbing Tang to Fill the Vacancy on the Planning Board

Planning Board Chair, Owen Neville; members, Nancy Fillmore, John Markiewicz, and Eduardo Pontoriero; and Town Planner, Adam Duchesneau, were present to conduct a joint meeting to consider Hongbing Tang as a candidate to fill the vacancy on the Planning Board. The Planning Board advised they had already opened their meeting; suspended it and were reconvening in the Grange Meeting Room for this joint meeting. There was a review of this appointment process and background on tonight's appointment. Planning Board Chair Neville spoke to Ms. Tang's qualifications and her attendance at their meetings. Ms. Tang spoke to her professional experience, her time here in Town and how she is looking forward contributing to the community by serving.

- ◇ Selectmen: Selectman Gorman moved to appoint Hongbing Tang to the Planning Board for a term effective immediately through May 18, 2015. Seconded by Selectman Stemple.
Approved 5-0, by Roll Call Vote: Gorman "aye," Stemple "aye," Fox "aye," Bak "aye," and Amoroso "aye."

◇ Planning Board: Chair Owen Neville moved that the Planning Board with the Selectmen appoint Hongbing Tang to fill the vacancy on the Planning Board for a term effective immediately through May 18, 2015. Seconded by Member John Markiewicz. **Approved 4-0, by Roll Call Vote: Markiewicz “aye,” Pontoriero “aye,” Fillmore “aye,” and Neville “aye.”**

Ms. Tang was then sworn in by Town Clerk Elizabeth Markiewicz as a member of the Planning Board.

At 8:15 PM the Planning Board reconvened their meeting in the Morse Room of Town Hall to discuss the remaining items on their agenda.

Master Plan Update Status

Mr. Markiewicz indicated there would be a Public Kickoff and Visioning Forum for the process on Wednesday, November 19, 2014 at 7:00 PM in the Grange Meeting Room of Town Hall and he encouraged all other members of the Planning Board to attend. He gave a brief overview of the format for the forum which would include an “open house” style for the first thirty minutes, followed by a short presentation, and then there would be breakout tables where the public would answer a series of questions about the town developed by the consultant, the Metropolitan Area Planning Council (MAPC). Mr. Markiewicz noted the idea of this forum is to gather as much information as possible from the public in order to form a Vision Statement for the Master Plan Update process.

Designation of Member for the Community Preservation Committee

Mr. Neville stated that given the election results of November 4, 2014, the Planning Board needed to designate one member to serve on the Community Preservation Committee (CPC). Mr. Markiewicz noted he had volunteered for this position at an earlier date, but he now had a much busier schedule being the Chair of the Master Plan Update Committee. Ms. Fillmore asked how often the CPC would meet. Mr. Neville indicated the CPC had not established a meeting schedule at this time because the committee had not been formed yet. However, Mr. Neville also thought the CPC would be fairly busy over the next few months in order to get their initiatives up and running. Mr. Markiewicz confirmed there was no Community Preservation Act funding available until July 1, 2015, and Mr. Duchesneau indicated that was correct unless a Special Town Meeting was held before that time. Mr. Markiewicz stated that until that time, the CPC would need to establish guidelines and work to get all of their items in order. Mr. Neville stated that he would volunteer to be the Planning Board’s representative on the CPC.

Mr. Pontoriero then MADE a MOTION to designate Mr. Neville as the Planning Board’s representative on the Community Preservation Committee. Ms. Fillmore SECONDED the MOTION. All members voted in favor.

Route 111 Culverts Status Update

Mr. Duchesneau indicated a meeting with State Senator James Eldridge, State Representative Jennifer Benson, MassDOT officials, and representatives from the Town had been scheduled for Monday, December 15, 2014 at 10:00 AM in the Library Conference Room to discuss the status of the culverts along Route 111 between the Fire Station and Guggins Brook. Mr. Duchesneau stated that he, the Town Administrator, the Director of Public Works, and someone from Places Associates, Inc. would be in attendance at the meeting on behalf of the Town. Mr. Duchesneau

also indicated he was hoping at least one member from the Planning Board could attend the meeting. Mr. Markiewicz and Ms. Tang stated they could possibly attend this meeting but would confirm this after checking their calendars. Mr. Neville noted this project coincided with the sidewalk extension project from the Library to Liberty Square Road. He also noted it seemed things appeared to be moving in a positive direction on having this culvert matter finally addressed by MassDOT.

FY2016 Planning Board Budget

Mr. Duchesneau went over the proposed budget for FY2016 and noted some of the changes from FY2015. He also indicated a small proposed change in the Town Planner salary from the documents he had originally submitted to the Planning Board. The total proposed Planning Board budget came to \$74,782. Mr. Neville asked that this item be placed on the Planning Board's December 1, 2014 meeting agenda.

Discussion Regarding Potential Zoning Bylaw Amendments

Mr. Duchesneau went through some of the changes he would like to propose for the Zoning Bylaw at the 2015 Town Meeting. He proposed some changes to the definitions of "Accessory Building", "Mixed-use", and "Structure". Mr. Markiewicz asked Mr. Duchesneau to provide some examples of potential combinations of mixed-use properties that are not currently covered under the existing definition. Mr. Neville asked Mr. Duchesneau to look at the proposed height limitations being proposed in the definition of "Structure" a bit more.

Mr. Duchesneau proposed adding a new use category entitled "Building Trade" which would cover professions such as carpentry, plumbing, electrician, etc. Mr. Pontoriero asked what was meant by the wording "incidental sale." Mr. Duchesneau explained this referred to accessory sales of materials at the property in addition to the uses that would be occurring on the site. Mr. Neville pointed out that many of these operations in town are already covered under the Home Occupation definition. Mr. Markiewicz stated that more thought needed to be put into this proposed use category. In particular, he thought the proposed size of the storage facilities should perhaps have a maximum square footage allowance. Mr. Duchesneau also indicated he was proposing to change the word "church" to "places of worship" throughout the Zoning Bylaw and the Planning Board members felt this made sense.

The Planning Board then discussed Mr. Duchesneau's proposed changes to the signage section of the Zoning Bylaw. There was conversation regarding temporary signage for the public school system and how this could possibly be worked into the bylaw to be permitted. The Planning Board asked Mr. Duchesneau to examine the provision for political signage and explore limiting the size of these signs. Mr. Pontoriero suggested perhaps the Planning Board should think about how to allow temporary signage for longer periods of time for businesses who have just opened in order to help them promote their establishment. Mr. Neville added he wanted to explore allowing the Bed and Breakfast use by Special Permit in the AR and R1 zoning districts. Mr. Markiewicz stated the Planning Board needed to come up with the reasoning why they were proposing all of these Zoning Bylaw changes because this would be a critical element in getting their Town Meeting approval. Mr. Duchesneau indicated he would look into these matters further and get back to the Planning Board at their next meeting on December 1, 2014.

With no further business, the meeting was adjourned at 9:30 PM on a MOTION by Mr. Markiewicz, SECONDED by Mr. Pontoriero, with all members voting in favor.

On Behalf of the Boxborough Planning Board

A handwritten signature in black ink, appearing to be 'E. Pontoriero', written over a horizontal line.

Eduardo Pontoriero, Clerk