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

Meeting Minutes
November 16, 2015
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 2, 2015
Ms. Fillmore MADE a MOTION to approve the minutes of November 2, 2015 as amended. Mr. Pontoriero SECONDED the MOTION. All members voted in favor and Mr. Markiewicz was absent from the vote.

At this time Mr. Markiewicz arrived at the meeting.

Correspondence
Mr. Duchesneau indicated the Planning Board had received a letter dated July 30, 2015 from the Littleton Water Department requesting the Town update its Aquifer Protection District Zoning Bylaw to include all of the current prohibitions required under 310 CMR 22.21(2). Mr. Duchesneau suggested the Planning Board discuss this item as part of their conversation regarding potential items for the May 2016 Town Meeting and the Planning Board agreed.

Pre-Application Conference for Site Plan Approval for a proposed project at 1034 Massachusetts Avenue (Accessory Building and Relocation of Material Storage and Parking)
Steve Phaneuf from Lawn Barber, Inc. was in attendance to discuss the project with the Planning Board. Mr. Phaneuf presented a topographic plan of the project site which the Planning Board had requested. Ms. Fillmore asked if Lawn Barber, Inc. had considered purchasing portions of adjacent lands to accommodate their business and Mr. Phaneuf said he could look into that. Ms. Fillmore noted the business is getting rather large, which is good, but at the same time, it may be too big for the lot at 1034 Massachusetts Avenue. Mr. Phaneuf indicated they are going to pull most of their business out of that site and just keep their stone cutting operations at the subject property. Ms. Fillmore asked if there was a snow load maximum for the hoop house which had

been constructed. Mr. Phaneuf indicated the snow actually just slides off of the roof and collects on the sides of the building.

Mr. Duchesneau then provided information regarding his analysis of the sound test which Lawn Barber, Inc. had conducted, the non-conforming parking area along Route 111/Massachusetts Avenue, and a history of the uses and permitting for the property. Mr. Phaneuf noted the voices they were using in the meeting were exceeding the decibel level at which his business needed to adhere to according to the Zoning Bylaw. He also noted the average restaurant decibel level was around 100 dba, which was 40 decibels above the sound level his business was permitted to emit. Mr. Phaneuf continued on to note their business now has less employees than when they first occupied the property. Ms. Fillmore asked why their vehicles do not fit on the site anymore and Mr. Phaneuf explained the company has stone being stored or piled all over the property with little room for vehicle parking.

Ms. Tang asked how many employees the business currently has and Mr. Phaneuf indicated there are about 28, but they would be down to around 12 or 15 at the site within the next four years. Mr. Markiewicz asked why there were so many cars along Route111/Massachusetts Avenue and Mr. Phaneuf stated there are about 15 cars which their employees drive to the subject property. Ms. Fillmore asked if there are 28 employees now, how many employees did the business have when the site was first occupied. Mr. Phaneuf stated the company used to have about 50 employees.

Mr. Neville noted the Site Plan Approval request included portions of adjacent properties, such as the parking area along Route 111/Massachusetts Avenue and other material storage areas. Mr. Duchesneau explained he interpreted the Zoning Bylaw to permit this and that a Site Plan Approval would be applicable to all of the areas the business would be using, even if they were located off-site. Mr. Neville requested the Applicant show any easement on the property or adjacent property on the Site Plan which may have an impact on the project area. Ms. Tang indicated she would like to see the existing conditions at the property including the wetlands, any W-District areas, and their 100 foot buffers. Mr. Neville noted there is a truck or trailer body behind the building at the front of the property and this should be shown on the Site Plan as well.

Mr. Neville stated he felt the off-site parking does not relate to the Site Plan Approval application because it is on a different property. Mr. Markiewicz indicated he felt the intent of the Site Plan Approval Zoning Bylaw is to look at the entire area being used and what that area is being used for, even if this area is on a number of different properties. Mr. Neville stated the Planning Board has never done that in the past. Mr. Markiewicz stated whatever issues are associated with this Site Plan Approval and the impacts they are having on the area; they should be noted in the Board's decision for the application. Mr. Pontoriero asked what would happen if a parking Variance were awarded to the adjacent property for a common parking area in this location along Route 111/Massachusetts Avenue as part of this Site Plan Approval application. Mr. Duchesneau indicated the Variance would run with the property and could be used as parking area in perpetuity. Mr. Neville asked Mr. Phaneuf if he thought he needed a parking Variance for the area where his employees were currently parking. Mr. Phaneuf indicated he would prefer to not have to seek a Variance, but it seemed that at least half of the employee parking area would need a Variance from the Zoning Board of Appeals. Mr. Neville requested

the formal lease agreements for all of the areas the Applicant was leasing be submitted as part of the Site Plan Approval application materials.

Larry White of 71 Sara's Way stated it was his belief the intent of the Applicant intended to retain their stone cutting operation at their property and therefore, at the end of the month, he would no longer be leasing any of his property to the Applicant. Mr. White noted there are wetlands at the rear of the subject property and stated he believed runoff from the stone cutting operation flows into these wetlands. Mr. White also felt the 2005 Site Plan Approval permit had lapsed. Mr. White stated that he believed noise was a key issue with regard to this application and the stone cutting operation has continued to go on for a number of years. He also noted the hoop house structure has already been built and felt a full scale operation may eventually be running out of that building. Mr. White indicated the Site Plan Approval states there shall be no retail sale of landscape materials and he believed the Applicant is doing this at the property. Additionally, Mr. White believed the employees from the business are using the woods around the property as a bathroom.

Mr. White indicated he was required to go through the same process for his business and he is only asking that the same guidelines to be enforced. Mr. White noted the reason he is terminating the lease with the Applicant is because it was his understanding the Applicant indicated he would be reducing noise and moving his operations to another location, however, this has not been the case. Mr. White stated he believed no one has ever parked in the area along Route 111/Massachusetts Avenue. Additionally, Mr. White felt the Town Planner should be consulting with Town Counsel on some of the matters associated with the application. Mr. White also indicated, in his recollection, the rear building at the property was only supposed to be used for storage, but now other uses have gone into this structure. Mr. White then stated he wanted people to understand why he was concerned about the noise at the subject property and played a short sound recording of the noise he hears at his residential property. He then ran a vacuum cleaner in the room to mimic the same level of noise which he hears at his property when the stone cutting saws are running. Mr. White closed by saying he was resisting the Applicant being allowed to have a stone cutting operation at the subject property.

The Planning Board took the above statements under advisement and then took a five minute recess.

Pre-Application Conference for Site Plan Approval for a proposed project at the Town Center (intersection of Stow Road and Massachusetts Avenue) (Senior Housing and Other Development)

Richard Harrington from Stamski and McNary, Inc., attorney Sherrill Gould, John Lyons, James Fenton, and Mike Jeanson were in attendance to discuss the proposed project with the Planning Board. Mr. Harrington indicated the project team had done some additional work since the last meeting. The project team had met with MassDOT and they were exploring the possibility of not implementing a left turn lane in this area of Route 111/Massachusetts Avenue because MassDOT may not want one in this location.

Mr. Harrington then went over the proposed access to the project noting the main entrance would be through Hayward Lane off of Route 111/Massachusetts Avenue with two entrance lanes and

one exit lane. Additional access would be provided via a gated entrance through Priest Lane, but pedestrians would be allowed to pass through. Mr. Pontoriero asked if the vehicular entrance to the project would only be through Route 111/Massachusetts Avenue. Mr. Harrington indicated all entrances to the project are proposed to have full, gated access. Mr. Pontoriero noted it seemed there would be a lot of vehicular traffic going to and from the area with 100 units and likely 200 vehicles. Mr. Harrington stated this type of use, a 55 and older residential development, would be much quieter than a typical residential project and there would be less early morning and late evening traffic as well.

Mr. Harrington then went over what a typical streetscape in the project would look like, the details of the clubhouse, and some draft floor plans for the buildings. Mr. Harrington also noted they are looking more closely at project access via Stow Road, what amendments they will need to make to the approved subdivision roadway (Hayward Lane), and that they are continuing to work with MassDOT on the possible construction of a sidewalk along Route 111/Massachusetts Avenue. Mr. Pontoriero asked for clarification as to where the wetland and 100 foot wetland buffer areas were located. Mr. Markiewicz confirmed the Applicants were only looking to construct the roadway from the original subdivision approval and Mr. Harrington indicated that was correct.

Ms. Tang asked what the minimum distance was between each of the buildings in the project and Mr. Harrington indicated it was approximately 20 feet. However, he also noted the topography changes and landscaping in the project would only allow 5-6 structures to be seen at any one time by someone traveling through the development. Mr. Neville asked Mr. Harrington to speak to the topography of the access roadway from Priest Lane. Mr. Harrington stated the elevations between the two units in each structure in this area would likely be staggered. Mr. Neville felt the project was still quite dense and it seemed as if the Applicants were squeezing as many units as possible into a small area. Ms. Tang asked if the project team had a detailed grading plan for the development as it seemed there would be accessibility issues where some of the driveways met the sidewalk. Mr. Harrington noted the areas where the driveways meet the sidewalk will need to be graded appropriately to meet accessibility regulations.

Mr. Pontoriero asked what the highest and lowest elevations were at the site and Mr. Harrington indicated they were 350 feet and 320 feet, at various points on the property, but over large distances. Ms. Tang noted a stormwater management plan and erosion control plan should be submitted with the Site Plan Approval application materials, including soil test results. Mr. Fenton noted the project would only contain residential units available to those 55 years of age and older, therefore, the project should not have an impact on the local school system. He also felt the project would be great for the town.

Ms. Gould then distributed a memorandum to the Planning Board which she had prepared regarding why the project should be allowed to have access via Stow Road. She noted the Planning Board had requested that access via Priest Lane be gated and only be used for emergency access. Ms. Gould noted the roadway between Sheriff's Meadow and Tisbury Meadow was intended to serve a total of 50 units. She also pointed out the Site Plan Approval indicates the roadway should be built to subdivision roadway standards. Ms. Gould noted the Zoning Bylaw indicates the Planning Board should consider nine different items when an

Applicant applies for an Alternate Access Special Permit under Section 4800. Ms. Gould indicated she was arguing the roadway between Sheriff's Meadow and Tisbury Meadow was created as subdivision road of suitable width and grade. She was contending the Zoning Bylaw allows the Planning Board to consider alternate access from Stow Road via Special Permit approval. Ms. Gould also added the project team felt it made sense to allow access from Stow Road to the project.

Carol Driscoll of 127 Stow Road stated there were concerns from the residents of Sheriff's Meadow and Tisbury Meadow who are elderly. They have concerns about the roadway over the areas where their wells and septic systems are located. Ms. Gould stated she had tried to reach out to the attorneys for Sheriff's Meadow and Tisbury Meadow as the project team would like to have a meeting with both of the condominium associations. Ms. Driscoll asked when something needed to be done to the septic system, how would this occur with a roadway over it. Mr. Neville indicated the roadway would be dug up and it would have to be returned to its original state upon completion of the work. Mr. Lyons noted the road has already been built and has been inspected by the Town's consulting engineer in the past. Mr. Neville stated there is no question the Applicants have the right to bring in utilities from Stow Road via an easement they have on the Sheriff's Meadow property. Ms. Driscoll indicated she was also concerned about the Sheriff's Meadow well's proximity to the proposed project.

Judy Besso of 109 Stow Road asked if construction vehicles would be permitted to come through the Stow Road access. Ms. Gould indicated the project team would like to meet with the condominium associations to discuss this matter. Ms. Besso then asked why the project was being proposed as a gated community. Ms. Gould stated it was not her preference, but if all the roadways were going to be private and the project would have private amenities, the project team felt there is a segment of the population who would like to have this protection. Mr. Neville noted he hoped a majority of the vehicles for the project would come off of Route 111/Massachusetts Avenue.

Ms. Tang asked if the proposed two-story unit living style with a two car garage met the needs of a 55 and older population. Mr. Fenton indicated those style of units are selling as fast as they can be constructed. He noted a third bedroom gives owners the option to have a live-in nurse at some point in time if they desired. There was then a conversation about the density of the project. Mr. Markiewicz felt the total square footage of each unit should be compared to the upland area of the project site, and then compared to the total square footage of the units in Sheriff's Meadow and Tisbury Meadow.

Community Preservation Committee (CPC) Application Reviews

Mr. Neville provided a brief overview of each of the CPC applications. Mr. Pontoriero stated that when these proposed projects are being considered, the lifetime of these projects should also be taken into consideration. If the Town builds something it will have to be maintained, which is an additional cost to the Town. Mr. Pontoriero stressed the Town should be cautious about where these Community Preservation Act (CPA) funds are allocated.

Ms. Tang noted Liberty Fields is convenient to many of the families living in the area and additional courts at this facility may make sense. She also indicated she had questions about the

proposed Rental Voucher Program. Ms. Tang was also curious to know what was happening with the front steps to Town Hall and felt if necessary, additional funding should be allocated to this project to help move it forward. Mr. Neville indicated it will take approximately another $5,000 to $10,000 to get the front steps completed and the Building Inspector has been unsuccessful in allocating funds from other Town budgets to do this. Mr. Neville also stated he too would like to see this project fully funded.

2015-01: Preservation of Town Records
Mr. Markiewicz MADE a MOTION to recommend this project application be funded using CPA funding. Ms. Fillmore SECONDED the MOTION. All members voted in favor.

2015-02: Regional Housing Services
Mr. Markiewicz MADE a MOTION to recommend this project application be funded using CPA funding. Mr. Pontoriero SECONDED the MOTION. All members voted in favor.

2015-03: Rental Voucher Program
Ms. Tang stated she would prefer to see money used for the front steps of town Hall. Mr. Pontoriero had concerns that if this program was enacted, what would happen if CPA funding was not awarded to it in a subsequent year. The Planning Board chose to take no position on this project application.

2015-04: Grange Hall Renovations
Mr. Markiewicz noted Town Hall would pick up some storage space if this project were approved for funding. Mr. Neville indicated he was concerned because the project manager for this application, the Building Inspector, was leaving the Town and he was not in favor of funding the project application. Mr. Pontoriero concurred with Mr. Neville. Ms. Tang indicated she would like to take no position on the application. The Planning Board chose to take no position on this project application.

2015-05: Blanchard School Nature Play Space
Mr. Markiewicz stated he had concerns about mixing Town funds and regional school district funds. Ms. Tang indicated she would support the application, but the question of who should be paying for the project is the real issue at hand. Mr. Markiewicz noted the location of the proposed play space was challenging and if less CPA funds were being requested, it might make more sense. Mr. Markiewicz MADE a MOTION to recommend this project application not be funded using CPA funding. Mr. Pontoriero SECONDED the MOTION. Four members voted in favor and Ms. Tang voted against. The MOTION PASSED.

2015-06: Liberty Fields Courts (Site Survey/Design Plan)
Ms. Tang noted sports fields need detailed topographic information for their designs to be completed. Mr. Pontoriero stated there must be existing design drawings somewhere because the fields are already constructed. Mr. Neville indicated he would prefer to see the locations of the tennis court and soccer field flipped. Mr. Markiewicz stated these items are called out in Boxborough2030. Mr. Markiewicz MADE a MOTION that more information should be provided about the project prior to a decision being made regarding its CPA funding request. Ms. Fillmore SECONDED the MOTION. All members voted in favor.

2015-07: TJ O'Grady Skate Park Expansion

The Planning Board felt CPA funds should be used on projects only within the Town of Boxborough. Mr. Markiewicz MADE a MOTION to recommend this project application not be funded using CPA funding. Mr. Pontoriero SECONDED the MOTION. All members voted in favor.

Planning Board FY2017 Budget

Mr. Neville questioned why the 1.5% cost of living salary increase was being added to the Town Planner's proposed salary. Mr. Pontoriero requested more information be provided regarding this 1.5% increase such as where the specific figure came from and if other Town employees would be receiving the increase as well. The Planning Board requested that this item be added to their next meeting agenda.

Discussion Regarding Possible Items for the May 2016 Town Meeting

Mr. Duchesneau went over the letter from the Littleton Water Department which requested adjustments be made to the Aquifer Protection District Zoning Bylaw. Mr. Neville stated this letter should be brought to the attention of the Board of Health as well. The Planning Board asked Mr. Duchesneau to incorporate these recommended changes into the Town's Zoning Bylaw for a 2016 Town Meeting Warrant Article.

Mr. Duchesneau then went over some of the proposed Zoning District boundary changes. The Planning Board suggested changing all of the parcels which make up Liberty Fields from Industrial-Commercial to Agricultural-Residential, as well as the Diduca's parcel at 1066 Liberty Square Road. Mr. Markiewicz requested all of the municipal and conservation land be shown on the map for discussion purposes. Mr. Neville stated he had been reading the new Building Code and it indicated only fences which exceeded seven feet in height would require Building Permits. He therefore asked Mr. Duchesneau to add another item to the May 2016 Town Meeting discussion which classified fences under seven feet in height as landscape features in the Zoning Bylaw.

With no further business, the meeting was adjourned at 11:11 PM on a MOTION by Mr. Markiewicz, SECONDED by Ms. Fillmore, with all members voting in favor.

On Behalf of the Boxborough Planning Board

Eduardo Pontoriero, Clerk