



BOXBOROUGH PLANNING BOARD
29 Middle Road, Boxborough, Massachusetts 01719
Phone: (978) 264-1723 · Fax: (978) 264-3127
www.boxborough-ma.gov

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

Meeting Minutes
December 21, 2015
7:30 PM

United Church of Christ Congregational, Boxborough, Vestry Room
723 Massachusetts Avenue

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 7:31 PM.

When the meeting was called to order, Mr. Markiewicz asked to be recognized by the Chair. Mr. Markiewicz recalled a Special Permit being issued many years ago which allowed the White brothers to sell firearms at 984 Massachusetts Avenue. He thought there was something in that decision which restricted the amount and type of signage which was permitted at the location of this business. Mr. Markiewicz continued on to note there were currently a number of signs advertising the sale of firearms at the property, including a sign on the side of the building, a multi-colored "OPEN" sign, and a freestanding sandwich board sign. He also noted the freestanding permanent sign lists "Traditional Gun Services" as one of the businesses at the property. Mr. Markiewicz believed this was not permitted in the Special Permit decision. Mr. Neville asked Mr. Duchesneau to please review the decision, double check the conditions regarding signage for the property, and, if necessary, have the Building Inspector investigate the matter further.

Meeting Minutes of November 16, 2015 and December 7, 2015

Ms. Fillmore MADE a MOTION to approve the minutes of November 16, 2015 as amended. Mr. Pontoriero SECONDED the MOTION. All members voted in favor.

Mr. Markiewicz MADE a MOTION to approve the minutes of December 7, 2015 as amended. Ms. Tang SECONDED the MOTION. All members voted in favor.

Correspondence

Mr. Duchesneau indicated the Planning Board had not received any correspondence since their last meeting.

Site Plan Approval – Minor Modification – 22, 24, & 26 Liberty Square Road

Mr. Duchesneau provided an overview of the project to the Planning Board explaining the Applicant was requesting to install a six foot fence on their property along the entire length of Route 111/Massachusetts Avenue and three sheds in the backyard. Mr. Pontoriero felt the proposed fence was not in keeping with the character of Boxborough, and Ms. Fillmore agreed. Ms. Tang asked if the fence was being proposed to be located right along Route 111/Massachusetts Avenue. Mr. Neville pointed out the fence is proposed to be located right along the Applicant's property line, but this is setback from the edge of the pavement.

Mr. Markiewicz asked if the Applicant would consider something else besides the white vinyl fencing. Mr. Neville noted the Applicant has a right to put a fence on the edge of their property line. Mr. Pontoriero stated a wooden fence would be more in keeping with the character of the town. Ms. Tang indicated the proposed fence does not fit into the rural character of Boxborough and it would be better if the fencing was setback from the property line with additional plantings in front. Mr. Neville stated he felt the request to locate the sheds was reasonable, but the character and location of the fencing needs to be revised.

Mr. Markiewicz indicated if the fence was further off of Route 111/Massachusetts Avenue, if the fence was a different style, if it did not run the entire length of the property, and there were some plantings between the roadway and the fence, he would look more favorably upon the request. Ms. Tang noted that perhaps the Applicant has noise concerns they are trying to address as well. He also asked if the sheds could blend in more with the natural environment and not be colored white. Mr. Markiewicz stated he hoped the Applicant would have the sheds match the color of their corresponding dwelling unit in the structure. Mr. Neville requested that a copy of the original Site Plan Approval Decision and plan be provided to the Board.

At this time the Applicant, Justin Holzer, arrived at the meeting.

Mr. Neville informed Mr. Holzer the Planning Board was not overly enthused by the style of the proposed fence. Mr. Holzer indicated he could be comfortable with the fence running only half the length of their property along Route 111/Massachusetts Avenue, but the main intent was to put the fence where the opening in the vegetation currently exists. Mr. Markiewicz noted the location, length, and type of fencing were the Planning Board's major concerns. Mr. Holzer stated his initial intent was to only fence the area where there is a gap in the vegetation along Route 111/Massachusetts Avenue. Mr. Markiewicz pointed out this roadway is one of the main entryways to Boxborough and a different style of fence might be more welcoming. Mr. Holzer stated he was trying to match the existing fencing at the rear of each of the dwelling units. Mr. Markiewicz asked if there was a vinyl style picket fence. Mr. Holzer responded by noting he was hoping to install a solid fence to help create a sound barrier from Route 111/Massachusetts Avenue. He also indicated he was trying to avoid the maintenance issues that come along with a wooden fence. Mr. Markiewicz stated a solid white vinyl fence does not really send a welcoming message, which is one of the goals of Boxborough2030.

Ms. Tang asked Mr. Holzer if he had considered additional plantings between the roadway and the proposed fence. Mr. Markiewicz noted if the fence were moved deeper into the property it would limit the salt damage to the fence as well. Mr. Pontoriero felt a pre-coated, plastic

wrapped, chain link fence with shrubs in front of it might work well, or perhaps vinyl fences that were a different color. Mr. Holzer noted the vinyl fences do come in a faux wood color. Ms. Tang mentioned that Trex might have some type of fencing product, although they mainly supply materials for decking. Mr. Markiewicz reiterated that a different fence, which is setback further from Route 111/Massachusetts Avenue, with plantings between the fence and the edge of pavement, would probably get more support from the Planning Board. He also encouraged the Applicant to check the Town Center Design Guidelines to see if they contained anything regarding fences and also to research other fences around town to see what might work better.

Ms. Fillmore felt a white fence would not look good in the winter because it would become dirtied with sand, salt, and debris. Mr. Markiewicz suggested using a type of fence which is a bit more open or blended. Ms. Tang stated evergreen flowering shrubs would look good in front of the proposed fence. Mr. Holzer indicated he wanted the color of the sheds to match the color of each dwelling unit. Mr. Neville stated the Planning Board seemed comfortable with the proposed sheds but it appeared the details of the fencing still needed to be worked out at a later meeting.

Ms. Fillmore MADE a MOTION to approve the Site Plan Approval Minor Modification for the installation of the sheds with the understanding they would be painted to match the color of their corresponding dwelling unit, and to continue the discussion of the proposed fencing to a later Planning Board meeting date. The motion also authorized the Planning Board Chair, the Planning Board Clerk, or the Town Planner to sign the Decision on behalf of the Planning Board. Mr. Pontoriero SECONDED the MOTION. All members voted in favor.

Review and Comment on Zoning Board of Appeals Application: 164 Massachusetts Avenue and 23 Summer Road – Variance – Reduced Minimum Upland Lot Area Requirement

Mr. Duchesneau provided an overview of the Variance application request which was to allow the creation of a new lot that only had 7,579 square feet of upland lot area when the minimum requirement for the zoning district is 20,000 square feet. Ms. Fillmore asked why the pond was proposed to be split in half by the proposed new lot lines. Mr. Markiewicz added the last time the Planning Board had discussed this there was concern about something happening at the business which might contaminate the pond. Mr. Neville noted the business draws water from the pond for wastewater purposes, and people interested in the house like the pond and would prefer to have access to it.

Ms. Fillmore stated she felt the Planning Board should formally comment about their concerns regarding the pond. Mr. Pontoriero indicated it appeared the proposal is only intended to make the residential piece more appealing to potential buyers. The proposed property line “wedge” at the rear (western portion) of the properties only seems to complicate things and does not seem necessary for the request. Mr. Markiewicz noted there is a small piece of upland on the existing commercial parcel which could be retained. He asked the other Board members if the Planning Board did not comment and the Zoning Board of Appeals approved the request, what would the Planning Board be concerned about. Mr. Neville indicated he did not have any concerns. Mr. Markiewicz stated he saw no benefit in commenting to the Zoning Board of Appeals.

Ms. Fillmore stated she would question how much upland area there is and how dividing the pond between two properties would work. She noted if the Planning Board does not voice an

opinion the Board would be showing its ignorance or indifference about the application. Ms. Tang noted the proposed upland lot area for Lot X was not even half of the minimum requirement for the zoning district and this was a significant Variance request. Mr. Markiewicz felt the Planning Board should note the proposed Lot X would only have approximately 7,500 square feet of upland lot area and the Planning Board would like to see the Applicant get closer to the minimum 20,000 square feet. He continued on to note he felt it would be good to offer constructive criticism to the Applicant. Mr. Pontoriero asked how the pond should be dealt with and Mr. Markiewicz stated he would like to see definitive bounds marking the property lines at the edges of the pond.

Mr. Markiewicz MADE a MOTION that the Planning Board comment to the Zoning Board of Appeals regarding the 164 Massachusetts Avenue and 23 Summer Road Variance application request, that the Planning Board has reviewed the proposed plans and recognizes the proposed upland lot area for Lot X is significantly below the minimum upland lot area requirement in the Agricultural-Residential Zoning District. The Planning Board would like to see the Applicant attempt to get closer to the minimum upland lot area requirement of 20,000 square feet for Lot X. The MOTION did not receive a SECOND and therefore failed.

Mr. Markiewicz MADE a MOTION that the Planning Board comment to the Zoning Board of Appeals regarding the 164 Massachusetts Avenue and 23 Summer Road Variance application request, that the Planning Board has reviewed the proposed plans and recognizes the proposed upland lot area for Lot X is significantly below the minimum upland lot area requirement in the Agricultural-Residential Zoning District. The Planning Board would like to see the Applicant attempt to get closer to the minimum upland lot area requirement of 20,000 square feet for Lot X. The Planning Board also has some concerns with regard to the proposed lot line which will divide a man-made pond. Ms. Fillmore SECONDED the MOTION. Three members voted in favor, Mr. Neville voted against, and Ms. Tang abstained from the vote.

Certificate of Release for 131 Avebury Circle (Lot 6-A)

Mr. Duchesneau provided an overview of the request noting the roadway had been accepted at the 1992 Annual Town Meeting and a similar Certificate of Release request on Avebury Circle had been approved in October of 2014.

Mr. Neville MADE a MOTION to authorize that a Certificate of Release for 131 Avebury Circle (Lot 6-A) be issued for the Form E Conditional Approval Contract and the Assignment of Security secured with the lending institution for the property, and to authorize the Planning Board Chair, the Planning Board Clerk, or the Town Planner to sign the Certificate on behalf of the Planning Board. Mr. Markiewicz SECONDED the MOTION. All members voted in favor.

Public Safety Space Needs Study Update

Ms. Fillmore indicated the consultant had presented three different redevelopment scenarios for the Police and Fire Stations at the last meeting. She also noted the 886 Massachusetts Avenue property would not be explored any further due to its site constraints. Ms. Fillmore stated the favored proposal at this point would flip the locations of the Police and Fire Stations and not use any of the existing buildings. The advantage to this proposal is the fire trucks would not have to drive up a hill any more when exiting the station. Ms. Fillmore also noted a number of spaces

would be shared in the favored scenario including foyers, closets, gym space, etc. She also noted the two facilities would have a combined 53 parking spaces.

The biggest challenge with any of the scenarios is attempting to find a temporary relocation space for the Police and Fire Departments while the new facilities were being constructed. Ms. Fillmore indicated Selectman James Gorman noted both of the buildings were in need of renovations, but the problem is once you renovate a portion of either building, you have to bring that entire building up to code. Mr. Markiewicz stated the initial directions provided to the consultant did not provide any requirements or parameters. Mr. Neville asked what the next steps were and Ms. Fillmore indicated the Police and Fire Chiefs were going to try to sell the proposal to the public. Mr. Neville felt the property at 593 Massachusetts Avenue should be considered as a location for a new Police Station. Mr. Markiewicz stated he had concerns about the large space needs for each of the facilities because they seem unnecessary.

Boxborough2030 (Master Plan) Update

Mr. Markiewicz informed the Planning Board the Master Plan Update Committee (MPUC) had last met on December 15, 2015. At that meeting a proposed addition to the plan from a resident regarding diversity was heavily discussed. Ultimately, this new topic was worked into Boxborough2030 in the form of a new Goal, two new Strategies, and three new Action items. Mr. Markiewicz informed the Planning Board the MPUC would be meeting again in January to review the final draft documents for Boxborough2030, which would then be passed on to the Planning Board and Board of Selectmen for approval/endorsement on January 25, 2016.

Discussion Regarding Possible Items for the May 2016 Town Meeting

The Planning Board determined they would like to finalize the items to bring to the May 2016 Annual Town Meeting by their meeting on January 11, 2016. The Board discussed some potential zoning district boundary line changes and most members seemed comfortable with the proposed changes near Wolf Swamp and the Industrial-Commercial District near the Littleton Town line. The Planning Board asked that the Town Assessor provide some justification on why she would prefer the zoning district boundary lines be adjusted so they did not split any parcels. The Planning Board also discussed proposed amendments to the Stone Walls Bylaw regarding the temporary removal and replacement of wall segments.

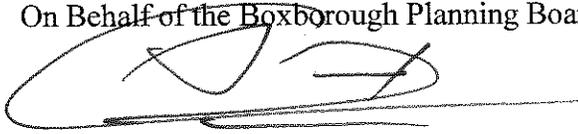
The Planning Board then discussed possible amendments to the Noise Bylaw and enforcement of zoning regulations in general. Mr. Neville noted at the last meeting the Board felt that perhaps not making wholesale changes to the Noise Bylaw was the direction the Board wanted to go. Mr. Markiewicz stated it would be a good idea to conduct a site visit to hear what Lawn Barber's stone cutting saws actually sound like. He also wondered if a device could be put over each saw to help reduced the noise. Ms. Fillmore indicated she could not hear the stone cutting saws from Burroughs Road, but she could hear the rock deliveries as well as the dog kennel. Mr. Markiewicz indicated that if the Planning Board were having a lively discussion outside, it would likely be in violation of the decibel level currently specified in the Noise Bylaw.

Mr. Pontoriero stated he felt there was no integrity to the enforcement process of the Zoning Bylaw. Mr. Markiewicz noted the question is when does the Town act? After one complaint? After 100 complaints? Mr. Pontoriero felt at some point the Noise Bylaw needed a detailed

exploration, but perhaps this may not be appropriate for the May 2016 Annual Town Meeting. Ms. Tang stated that perhaps the Town needs to examine purchasing some type of sound monitoring device to enforce the Noise Bylaw. Mr. Neville asked if the Board of Health had been involved with this matter and Mr. Duchesneau stated he believed they have not been. Mr. Markiewicz stated the Town should be encouraging appropriate businesses to come into the community and the Planning Board needs to be careful about the types of changes they would like to make to the Zoning Bylaw. Mr. Neville indicated he could follow up with the Board of Health to see if they have any interest in proposed amendments to the Noise Bylaw. Ms. Tang stated she felt the Town of Stow's Noise Bylaw was already a little better than Boxborough's current Noise Bylaw.

With no further business, the meeting was adjourned at 10:18 PM on a MOTION by Mr. Markiewicz, SECONDED by Ms. Tang, with all members voting in favor.

On Behalf of the Boxborough Planning Board

A handwritten signature in black ink, appearing to read 'Eduardo Pontoriero', is written over a horizontal line. The signature is stylized and somewhat cursive.

Eduardo Pontoriero, Clerk