



**BOXBOROUGH PLANNING BOARD**  
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John Markiewicz, Chair    Eduardo Pontoriero, Clerk    Nancy Fillmore    Abby Reip    Hongbing Tang

**Meeting Minutes**  
**May 23, 2016**  
**7:30 PM**  
**Morse-Hilberg Room, Town Hall, 29 Middle Road**

Members Present:

John Markiewicz, Acting Chair  
Nancy Fillmore, Member  
Abby Reip, Member  
Hongbing Tang, Member  
Adam Duchesneau, Town Planner

Members Absent:

Eduardo Pontoriero, Clerk

As the longest standing member of the Planning Board, John Markiewicz assumed the role of Acting Chair. The Acting Chair called the meeting to order at 7:31 PM.

**Meeting Minutes of April 25, 2016**

Mr. Markiewicz MADE a MOTION to approve the minutes of April 25, 2016. Ms. Fillmore SECONDED the MOTION. All members voted in favor and Ms. Reip abstained from the vote.

**Meeting Minutes of May 2, 2016**

Ms. Fillmore MADE a MOTION to approve the minutes of May 2, 2016. Mr. Markiewicz SECONDED the MOTION. All members voted in favor and Ms. Reip abstained from the vote.

**Meeting Minutes of May 9, 2016**

Mr. Markiewicz MADE a MOTION to approve the minutes of May 9, 2016. Ms. Tang SECONDED the MOTION. All members voted in favor and Ms. Reip abstained from the vote.

**Future Planning Board Meeting Dates**

Mr. Duchesneau reviewed the proposed meeting dates and the reasoning behind the proposed schedule.

Mr. Markiewicz MADE a MOTION to approve the future Planning Board meeting dates for June to December of 2016 as proposed and to modify them as needed moving forward based upon the Planning Board's workload. Ms. Reip SECONDED the MOTION. All members voted in favor.

**Boxborough2030 Implementation Plan Meeting Date with Board of Selectmen: June 20, 2016**

Mr. Duchesneau informed the Planning Board the Board of Selectmen would prefer to conduct the first Joint Public Meeting regarding the implementation of Boxborough2030 on June 20, 2016, however, the exact time was still to be determined. The Planning Board members indicated they could begin the Joint Public Meeting as early as 7:00 PM.

**Correspondence**

Mr. Duchesneau stated the Planning Board had received a memorandum from Places Associates, Inc. earlier that day with comments regarding the 593 Massachusetts Avenue Site Plan Approval application. The Planning Board indicated they would prefer to review and discuss this memorandum when the continued public hearing for the application was reopened later in the meeting.

**Appointments: Design Review Board, Community Preservation Committee, and Metropolitan Area Planning Council – Minuteman Advisory Group on Interlocal Coordination Subregion**

Mr. Duchesneau indicated Mr. Pontoriero's term on the Design Review Board was expiring at the end of the fiscal year. He also noted Ms. Tang had expressed an interest in sitting on the Design Review Board if Mr. Pontoriero was not interested in continuing his term.

Mr. Markiewicz MADE a MOTION to appoint Ms. Tang to the Planning Board's seat on the Design Review Board. Ms. Fillmore SECONDED the MOTION. All members voted in favor.

Mr. Duchesneau stated the Planning Board needed to appoint a new member to their designated seat on the Community Preservation Committee as Owen Neville was no longer a member of the Planning Board. Ms. Reip indicated she would be interested in being the Planning Board's representative on the Community Preservation Committee.

Mr. Markiewicz MADE a MOTION to appoint Ms. Reip to Planning Board's seat on the Community Preservation Committee. Ms. Fillmore SECONDED the MOTION. All members voted in favor.

Mr. Duchesneau explained the Planning Board had appointed him to the Planning Board's Metropolitan Area Planning Council (MAPC) Minuteman Advisory Group on Interlocal Coordination (MAGIC) Subregion seat for the past fiscal year. He indicated he was happy to continue to serve in this same role for FY2017.

Mr. Markiewicz MADE a MOTION to appoint Mr. Duchesneau to the Planning Board's Metropolitan Area Planning Council (MAPC) Minuteman Advisory Group on Interlocal Coordination (MAGIC) Subregion seat. Ms. Tang SECONDED the MOTION. All members voted in favor.

**1034 & 1102 Massachusetts Avenue (Lawn Barber, Inc.) – Site Plan Approval Application – Applicant Phaneuf RT (Lawn Barber, Inc.) seeks approval to allow the erection of a free standing hoop house structure, relocation of parking spaces, repositioning of landscape and masonry materials and other storage, and other site improvements**

Mr. Markiewicz opened the continuation of the public hearing for the application at 7:45 PM. Attorney Louis Levine and Richard Harrington of Stamski & McNary, Inc. were in attendance to discuss the application with the Planning Board. Mr. Levine indicated he was now representing the Applicant for this application and he is attempting to get the application back on track. He stated that for this meeting he would simply prefer to update the Planning Board on what items have been advanced since the last Planning Board meeting. Mr. Levine noted the originally submitted Site Plan with the application was, at best, a sketch. He indicated a number of the activities and employees at the site will be relocated to a property in Acton, Massachusetts. Mr. Levine stated they are hoping to reduce and limit the number of employees at the site to a maximum of 12.

Mr. Levine also noted the septic system is being evaluated by Stamski & McNary, Inc. and there is a good chance the system will need to be expanded or replaced. Mr. Levine stated the proposed 90 day compliance window for the property's septic system will be an issue, but was something which could be discussed further at a later date. Mr. Levine also noted Norton Remmer had been retained as a Building Code consultant for the project. He continued on to note the large propane tank at the property had been removed and replaced with smaller tanks. Mr. Levine then spoke to the hoop house structure, which, upon the completion of the formal site survey, was found to be over 17 feet from the side property line. He then discussed the Special Permit issued by the Zoning Board of Appeals approximately a decade ago which permitted an expansion of the pre-existing nonconforming CMU garage structure at the property. The Applicant is now looking into connecting the hoop house structure to the existing CMU garage building as an expansion of a pre-existing nonconforming structure, and they are aware this action would also require a Special Permit from the Zoning Board of Appeals.

Mr. Markiewicz asked if Mr. Levine recalled what the Zoning Board of Appeals decision specified in terms of the use at the property. Mr. Levine stated he was not certain the Special Permit decision spoke to that particular matter. Mr. Harrington then went over the updated Site Plan noting it was a progress plan and additional changes would be made before the application was next discussed with the Planning Board. He went over the land use data table on the Site Plan and discussed the location of parking spaces on the property. Mr. Markiewicz inquired about the existing shed at the rear of the property and when it was built. Mr. Harrington stated it was unknown as to when this accessory building was erected. Mr. Harrington indicated the parking spaces at the property would be 9 feet wide by 20 feet deep. Mr. Levine confirmed the March 2006 Zoning Board of Appeals decision did not speak to the specified use of the property.

Mr. Markiewicz asked if Lawn Barber, Inc. was addressing all of the issues at the property including the conservation items, Board of Health issues, Site Plan Approval, etc. Mr. Levine stated they are advancing on all of the outstanding issues at the property. Mr. Markiewicz noted the floor drains inside of the garage building needed to be connected to an industrial waste holding tank. Ms. Tang asked why, if the number of employees at the site was going to be reduced to 12, the parking spaces along Route 111/Massachusetts Avenue would still be retained

or needed. Mr. Levine stated the parking spaces along the roadway have been determined to be pre-existing nonconforming spaces and are therefore legal spaces. Additionally, the Zoning Bylaw only requires a minimum number of parking spaces be provided, but the Applicant would prefer to have more spaces than the minimum requirement. Ms. Tang stated her concern was the parking spaces along Route 111/Massachusetts Avenue and how they impact the town's rural character. Mr. Levine stated, respectfully, that the Building Inspector had issued a determination that these parking spaces along the roadway were pre-existing nonconforming spaces. Ms. Fillmore asked if the Applicant intended to continue to use and/or rent the parking spaces along Massachusetts Avenue/Route 111. Mr. Levine indicated the Applicant intended to continue using the parking spaces.

Ms. Tang stated she felt the Site Plan was currently incomplete because it did not show the proposed grading at the property. Mr. Harrington indicated the existing grading at the property is shown on the most recent Site Plan and no changes were being proposed at this time. Additionally, Mr. Harrington also pointed out the most recent Site Plan is still a progress plan and there will likely be changes. Building Inspector Gerry Noel stated, as far as he is concerned, the hoop house structure is a principal building because it houses the primary use of the business.

Larry White of 71 Sara's Way stated, in his opinion, the property does not meet the maximum impervious area allotment for the zoning district, the parcel does not have adequate frontage, and the parcel does not have adequate land area. He noted Section 4200 of the Zoning Bylaw speaks to nonconforming structures and uses. Larry White indicated Steve Phaneuf had stated he will be relocating the landscaping component of his business to Acton, Massachusetts, but Larry White still had concerns about the business's need for Site Plan Approval at the property and its ability to preserve the community character. Larry White then expressed his opinion about some of the findings the Planning Board would need to make in order to award the application Site Plan Approval. Larry White specifically stated he did not feel the proposal was in harmony with the character of the town and noted abutters needed the ability to protect the value of their homes. He also challenged the claim that the parking spaces along Route 111/Massachusetts Avenue were pre-existing nonconforming spaces.

Lonnie Weil of 350 Burroughs Road indicated he felt this was a case of someone who is a violator of the Zoning Bylaw and has been a violator for a number of years. Mr. Weil felt every item the Applicant is asking for he had completed without the appropriate approvals and is now asking for forgiveness. Mr. Weil stated he felt it would be a horrible precedent if the Planning Board were to simply approve these items. He also asked why, if the number of employees was going to be decreased at the site, the Applicant was proposing to retain all of their existing parking spaces. Mr. Levine stated the Applicant is attempting to address the issues at hand and they would be happy to concede a condition limiting the number of employees at the property to 12. Mr. Weil felt the tone of the Applicant and his attorney was not one of "we are sorry," but instead, their tone was "we are being forced to do this," and Mr. Weil did not appreciate this.

Jim Moineau of 93 Joseph Road raised the question of whether or not it was in the interest of the business or the interest of the Planning Board to allow parking spaces along Route 111/Massachusetts Avenue.

Mark White of 93 Sara's Way wanted to know specifically what equipment was going to be removed from the site and taken to Acton. He also pointed out the Applicant has not issued a report of specifically what activities are conducted at the property. Mr. Markiewicz asked the Applicant to provide these items to the Planning Board. Mark White continued on to ask how many trucks and trailers are going to be parked on the property and asked about the trailer along the rear property line. He also indicated holding tanks at the property have been installed without any permits whatsoever. Mark White also thought it was curious the Applicant claimed to be reducing the number of employees at the property, but wanted to retain the same number of parking spaces at the site. He also challenged the claim that the parking spaces along Route 111/Massachusetts Avenue were pre-existing nonconforming and noted he would be seeking an appeal against this determination. Mr. Markiewicz noted he had seen vehicles parked in this area in the past awaiting service at the tire garage.

Mark White also indicated, in his opinion, there were buildings on the lot which were too close to the property lines and he wanted to know if any auto repair activities were being conducted at the business. He also felt that no one had been discussing the sound issues of the business which have an impact on the abutters. Mark White stated he and his neighbors continue to listen to 80 decibels of noise everyday and indicated he had recordings of these noises to prove this. Lastly, Mark White stated to the Planning Board that every time they allow a continuation of the Site Plan Approval application public hearing, they are allowing the abutter's nightmare to continue as well.

Kathy Vorce of 555 Liberty Square Road stated she would like to support Ms. Tang's comments regarding the parking spaces along Route 111/Massachusetts Avenue and how she feels they degrade the town's character. Ms. Vorce indicated she felt these parking spaces are a scar. She also noted how she was previously on both the Planning Board and the Zoning Board of Appeals, and during her time on each board they worked hard to screen parking spaces. Ms. Vorce felt there needed to be some type of buffer along the roadway and urged the parking spaces not be allowed. She stated the Zoning Board of Appeals decision from 2006 indicates the expansion of the pre-existing nonconforming building should be of a similar character and type to the existing structures.

Larry White asked if it would be simpler to return the site to purely a landscaping business instead of forcing in a rock cutting business onto the property. Mr. Levine stated there is a huge difference between nonconforming structures and a nonconforming use. He also pointed out there are a number of proposed conditions for the Site Plan Approval which would help to regulate the business at the property. Mr. Markiewicz indicated he would like the Planning Board to conduct a site visit, with the public if possible, before the next time the application was discussed before the Planning Board. Mr. Levine indicated equipment would begin to be removed off of the property within the next two weeks or so.

Mr. Markiewicz MADE a MOTION to continue the public hearing for the 1034 & 1102 Massachusetts Avenue Site Plan Approval application to the Planning Board's meeting on Monday, June 20, 2016 at a time to be determined. Ms. Tang SECONDED the MOTION. All members voted in favor.

**700 & 800 Massachusetts Avenue (aka Town Center) – Site Plan Approval Application – Stamski and McNary, Inc. on behalf of property owner Boxborough Town Center, LLC, for a proposed senior housing development with 100 dwelling units in 50 structures, a clubhouse, mixed-use buildings, and associated wells, wastewater treatment facilities, and roadways**

Mr. Markiewicz opened the continuation of the preliminary public hearing at 8:47 PM. Richard Harrington from Stamski & McNary, Inc., attorney Sherrill Gould, John Lyons, Mike Jeanson, and Jim Fenton, as well as David Bauer from Toll Brothers, were in attendance to discuss the proposed project with the Planning Board. Mr. Harrington began by presenting an updated preliminary Site Plan to the Planning Board. He indicated some land behind the Family Friends Veterinary Hospital had been acquired by the Applicant and this would allow the project team to move their proposed wells out of the 100 foot buffer area to the wetlands. Mr. Harrington stated the project would now consist of only 100 units of over 55 housing and the proposed commercial/mixed use buildings had been removed from the proposal. He also discussed how the Applicant would not be acting upon the Definitive Subdivision Plan approval they had received for the property, but instead they would access the project site directly off of Route 111/Massachusetts Avenue, which would require grading modifications along the roadway. Mr. Harrington noted the access roadway would be 24 feet wide and there would also be a 5 foot wide sidewalk. He also called out the modified roadway paths for the development and noted there would only be gated, emergency access from Stow Road and Priest Lane.

Ms. Reip asked where the construction vehicles would access the project site and Mr. Harrington indicated they would speak to that item later in the formal Site Plan Approval application. Mr. Markiewicz asked if the new proposal would abandon the Definitive Subdivision Plan approval in its entirety and Mr. Harrington indicated that was correct. Mr. Markiewicz then asked about the proposed left turn lane on Route 111/Massachusetts Avenue to access the property, which was required as part of the Definitive Subdivision Plan. Mr. Harrington stated they do not believe they will need a left turn lane, but he deferred this opinion to the project team's traffic consultant which would be provided as part of the formal Site Plan Approval application. Ms. Fillmore noted Route 111/Massachusetts Avenue has a few rises in it and asked if those would interfere with the site distances for where the access roadway would intersect Route 111/Massachusetts Avenue. Mr. Harrington indicated the new proposed access location would not appear to require substantial modifications to Route 111/Massachusetts Avenue. Mr. Markiewicz stated the project team should not make any assumptions about this matter.

Brian Davis of 117 Stow Road asked why the project team could not make any statements regarding potential construction access via Stow Road. Mr. Harrington stated the project team would answer that question at the time of the formal Site Plan Approval application filing.

Bob Childs of 847 Burroughs Road noted the rural character of the town is what attracted him to the community and now there are several high density housing projects occurring in town. Mr. Childs felt these projects would change the character of the town as they will be removing significant amounts of wooded areas. He believed the natural environment and the wildlife in these areas will be greatly disturbed by these projects. Mr. Childs also requested further clarification on the type of access which is being proposed from Priest Lane. Mr. Harrington

indicated it would be gated, emergency access only for the Police, Fire, and Public Works Departments.

Rob Wilson of 125 Stow Road noted the project team is indicating there will be 50 duplexes constructed in the project but he wanted everyone to be clear this is 100 units of housing. He also pointed out that trees on the site have been removed in the approximate locations of the proposed roadways for the project. Mr. Wilson felt the density of this proposed project would be overwhelming for this area of town. He also had concerns about the volume of water the wells for the project would use and where the emergency access roadways will be located.

Mr. Fenton stated he developed Tisbury Meadows on Stow Road and believed there should already be some money in the condominium association's bank account to pay for the paving of the roadway from Stow Road to the project site. He indicated this stretch of roadway was intended to be paved from the beginning. Mr. Fenton noted the project team has scaled back the proposed project from the 315 units they were originally proposing for the site. He closed by saying he felt this project would be an overall benefit to the town.

Mr. Duchesneau provided comments to the project team regarding the material and width of the emergency access lanes. He also indicated he would be happy to sit down with the project team and the Fire Chief to discuss this matter further. Mr. Duchesneau also provided comments regarding the implementation of a pavement or texture change for the sidewalk where it crossed each set of driveways, a request to implement some number of affordable dwelling units in the project, and he also made a request the Applicant include front porches on each of the dwelling units to create a more interactive streetscape.

Carol Driscoll of 127 Stow Road stated she had concerns about the location of her condominium association's leaching field and the roadway which would potentially run over the top of it. She also indicated she had concerns about the wastewater treatment for the project and the chemicals which may be used as part of it.

Mr. Markiewicz MADE a MOTION to close the preliminary public hearing for the 700 & 800 Massachusetts Avenue Site Plan Approval application. Ms. Fillmore SECONDED the MOTION. All members voted in favor.

**593 Massachusetts Avenue – Site Plan Approval Application – Buxboro Properties, LLC to construct a two-story building consisting of approximately 8,712 square feet of trade shop space with parking, sewage disposal, drainage, and associated landscaping and grading for landscape contractor, trade shop, and other uses**

Mr. Markiewicz opened the continuation of the public hearing for the application at 9:25 PM. William Hall of Stamski & McNary, Inc. and property owner Leo Bertolami were in attendance to discuss the proposed project with the Planning Board. Mr. Hall distributed an image of a split faced concrete building for review by the Planning Board. He then went over the changes to the proposed Site Plan since the last time the application was discussed by the Planning Board. Mr. Hall noted the changes to the parking area and the relocation of the dumpster pad to the eastern portion of the site.

Mr. Markiewicz suggested the Applicant and the Planning Board go through the Site Plan Review memorandum which had been provided by Places Associates, Inc. earlier that day. Mr. Hall noted all of the proposed parking spaces at the property were 9 feet wide by 20 feet deep. Ms. Fillmore indicated she was not comfortable with parking spaces that were any smaller than 10 feet wide by 20 feet deep. Ms. Reip inquired if some number of parking spaces at the site could be compact spaces and Mr. Hall pointed out all the spaces were already slightly reduced in size from the minimum requirements in the Zoning Bylaw. Mr. Hall also noted the minimum parking space size in a number of other communities is smaller than 10 feet wide by 20 feet deep. Ms. Fillmore reiterated her concerns and pointed out that even opening vehicle doors could be an issue with 9 foot wide spaces. She added that with the proposed uses for the property, landscaping companies or trade shops, a number of larger vehicles may need to be parked at the site. Mr. Bertolami stated he had not seen a project this small which had a need for larger sized parking spaces.

Mr. Markiewicz indicated he wanted to be sure the Town was protected as best it could be for the potential uses which might occupy the site. He then asked the rest of the Planning Board members how they felt about the proposed parking at the property. Ms. Tang stated she had concerns about the exterior parallel parking spaces on either side of the building and felt the proposed 12 foot wide drive aisle may not be enough space for larger vehicles. Mr. Bertolami felt there would be enough space for even a tractor trailer truck to traverse the entire property. Mr. Markiewicz indicated his major concern was ensuring the Fire Department and emergency vehicles had the appropriate amount of access they require. Mr. Bertolami noted any delivery vehicles would likely be sized accordingly based upon the final layout of the Site Plan.

Ms. Tang asked about the possibility of constructing a sidewalk along Route 111/Massachusetts Avenue. Mr. Duchesneau stated he had gone back and forth about this because it has taken a long time to work with MassDOT to simply extend the existing sidewalk on one side of the street along Route 111/Massachusetts Avenue. Mr. Duchesneau indicated that ultimately he had proposed a condition which would require the Applicant to contribute to the Town's sidewalk fund to allow the money to be used to extend the current sidewalk in either direction. Ms. Tang asked why the walkways on the site to the front doors were so close to Route 111/Massachusetts Avenue. Mr. Hall indicated they are located where they are to accommodate for the required handicap accessible grading.

Ms. Tang indicated she felt it would be safer to have all of the parking spaces located at the rear of the property. Mr. Hall stated the project team would speak with the Fire Chief about the emergency vehicle access around the building. Mr. Markiewicz noted it appeared a number of comments could easily be addressed if the proposed structure were a bit smaller.

Mr. Markiewicz MADE a MOTION to continue the public hearing for the 593 Massachusetts Avenue Site Plan Approval application to the Planning Board's meeting on Monday, June 6, 2016 at 7:45 PM. Ms. Fillmore SECONDED the MOTION. All members voted in favor.

#### **Election of Planning Board Officers**

Ms. Reip MADE a MOTION to nominate Mr. Markiewicz as Chair of the Planning Board for FY2017. Ms. Fillmore SECONDED the MOTION. All members voted in favor.

Mr. Markiewicz MADE a MOTION to nominate Mr. Pontoriero as Clerk of the Planning Board for FY2017. Ms. Fillmore SECONDED the MOTION. All members voted in favor.

With no further business, the meeting was adjourned at 10:15 PM on a MOTION by Mr. Markiewicz, SECONDED by Ms. Tang, with all members voting in favor.

On Behalf of the Boxborough Planning Board



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Eduardo Pontoriero, Clerk