



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

Meeting Minutes
September 19, 2016
7:30 PM
Morse Room, Town Hall, 29 Middle Road

Members Present:

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

Members Absent:

Eduardo Pontoriero, Clerk
Hongbing Tang, Member

The Chair called the meeting to order at 7:35 PM.

Meeting Minutes of August 29, 2016

Mr. Markiewicz MADE a MOTION to approve the minutes of August 29, 2016 as amended. Ms. Fillmore SECONDED the MOTION. All members voted in favor.

Correspondence

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

881 and 1065 Burroughs Road ANR Plan and Common Driveway Special Permit Minor Modification

Ms. Fillmore stated she would need to recuse herself from the matter because she was an abutter to the subject properties. With the recusal of Ms. Fillmore, the Planning Board could not act on the matter and it will be taken up at their next meeting on October 3, 2016.

Discussion Regarding Potential Zoning Bylaw Amendments

Section 6404(1) Noise

Mr. Markiewicz noted Mr. Pontoriero is very interested in the matter but was not present to discuss it. Mr. Markiewicz indicated that until the Land Court made a determination regarding the interpretation of this section of the Zoning Bylaw, he was not in favor of moving forward with any proposed amendments to the section. He also noted any noise bylaw is very difficult for a town to enforce, but one way which could be effective is through the regulation of the hours of operation of the item/business which creates the noise. Ms. Reip asked if there are different ways

to interpret the duration of time of the noise which applies to this section of the Zoning Bylaw. There was then a discussion regarding other types of noise disturbances in town including Lawn Barber, Inc.'s stone cutting operation, Kaizen Tuning's operation of their dynamometer, and Concord Lumber Corporation's trim production operation. Ms. Reip asked what the Land Court would be examining as part of the Complaint filed by Lawn Barber, Inc. Mr. Duchesneau indicated the Land Court would be making a determination regarding the wording of Section 6404(1) which speaks to the duration of the noise and the specific locations from which decibel level measurements should be taken.

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

At 7:51 PM, Mr. Markiewicz read into the record the continuance letter from Attorney Lou Levine who represents Lawn Barber, Inc. The letter requested a continuance of the matter to the Planning Board's meeting on Monday, October 17, 2016.

Mr. Markiewicz MADE a MOTION to continue the public hearing to Monday, October 17, 2016 at 7:45 PM. Ms Fillmore SECONDED the MOTION. All members voted in favor.

Discussion Regarding Potential Zoning Bylaw Amendments (continued)

Section 6404(1) Noise

Mark White of 93 Sara's Way asked what decibel level Lawn Barber, Inc. believed they should be held to and Mr. Duchesneau stated they felt they should only be held to the Business Zoning District decibel level.

Section 9004 Penalty

Mr. Markiewicz noted the Town of Stow has a tiered system for fines. He was supportive of this type of penalty system but stated it is important to understand and/or clarify, how the Town would fine for offenses. Mr. Markiewicz asked if any community has defined the word "offense" and asked Mr. Duchesneau to look into the matter further. Mark White noted the Zoning Bylaw uses words such as "must" and "shall" in this section, and thought it might be more suitable to use the word "may" which he believed would be more appropriate and consistent with the practices of the Town.

Building Trade Use Category

Mr. Duchesneau provided an overview of the proposed amendment which included a definition of "Building Trade," proposed as-of-right allowance in certain zoning districts, and a proposed parking space requirement of 1 space for every 650 square feet of gross floor area. Mr. Duchesneau noted he and the Building Inspector had run into a few situations where potential uses for vacant buildings could not occupy the space due to over burdensome parking requirements. Mr. Duchesneau also asked if the Planning Board would potentially be interested in bringing this proposed amendment to the Special Town Meeting in December of 2016. The Planning Board stated they would prefer to conduct appropriate research on the proposed amendment to adequately review it, and then take it to the Annual Town Meeting in May of 2017. However, Mr. Markiewicz suggested the Planning Board bring forward a proposed

amendment to Section 9004 Penalty of the Zoning Bylaw to the December 2016 Special Town Meeting, which would call for a tiered system of fines. The other Planning Board members were supportive of this suggestion.

Boxborough2030 Implementation – Short Term and On-Going Action Item Responses

Mr. Markiewicz suggested the Planning Board examine which entities were making progress on their short term Action items. Those entities that were not making progress should perhaps be requested to come before a Joint Meeting of the Board of Selectmen and the Planning Board (the Boxborough2030 Implementation Committee). Ms. Reip asked what it would take to change an item from a short term timeframe to a long term timeframe. Mr. Markiewicz indicated it would take a majority vote of the Implementation Committee. Mr. Duchesneau stated he would examine Action item 1.1.1.5. in greater detail. There was then discussion regarding Action item 6.1.2.2. and possibly changing it to a long term Action item.

Mr. Duchesneau stated he would follow up to confirm which entities did not respond to his request for an update regarding relevant short term Action items. It was noted the Design Review Board needed to take action on one of their short term items in the near future. Ms. Reip noted the Energy Committee has run into some issues advancing their Action items due to complicated interfaces at the Littleton Electric Light Department. Mr. Markiewicz wondered if there were grants which could be explored to move some of the short term Action items along. Mr. Duchesneau stated he would get back to the Planning Board on which entities did not respond and speak with the Town Administrator about coordinating the next Implementation Committee meeting with the Board of Selectmen. Mr. Markiewicz suggested the entities which did not respond to the initial inquiry should be contacted again and asked to provide an update in a certain number of days. If they did not respond within the required timeframe to this second inquiry, they should be requested to come before the Implementation Committee in January of 2017. Mr. Markiewicz added that the January Implementation Committee meeting could become the basis for the report to the Annual Town Meeting in May of 2017.

With no further business, the meeting was adjourned at 8:38 PM on a MOTION by Mr. Markiewicz, SECONDED by Ms. Reip, with all members voting in favor.

On Behalf of the Boxborough Planning Board:



Eduardo Pontoriero, Clerk