



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

**Meeting Minutes**  
**April 23, 2018**  
**7:30 PM**

**Sargent Memorial Library Meeting Room, 427 Massachusetts Avenue**

Members Present: John Markiewicz, Chair, Abby Reip, Clerk, Nancy Fillmore, Eduardo Pontoriero, and Hongbing Tang

Also Present: Adam Duchesneau, Town Planner

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

Mr. Markiewicz inquired if anyone was recording the meeting and, if so, he asked them to identify themselves. Evan Perry, on behalf of the Applicant for the 700, 750, & 800 Massachusetts Avenue Site Plan Approval application, indicated he was recording the meeting.

**Correspondence**

Mr. Duchesneau noted the Planning Board had received an email from Ray Gagnon of 133 Pine Hill Road on April 11, 2018.

**Meeting Minutes of April 3, 2018**

At this time, Ms. Tang arrived at the meeting.

Mr. Markiewicz MADE a MOTION to approve the minutes of April 3, 2018, as amended. Ms. Reip SECONDED the MOTION. All members voted in favor and Ms. Tang abstained from the vote.

**Meeting Minutes of April 10, 2018**

Mr. Markiewicz MADE a MOTION to approve the minutes of April 10, 2018. Mr. Pontoriero SECONDED the MOTION. All members voted in favor.

**106 & 130 Taylor Farm Road Approval Not Required (ANR) Plan**

Mr. Markiewicz MADE a MOTION to endorse the 106 & 130 Taylor Farm Road ANR Plan and to authorize the Planning Board Chair, the Planning Board Clerk, or the Town Planner to sign the plan on behalf of the Planning Board. Ms. Reip SECONDED the MOTION. All members voted in favor.

**Comments on Zoning Board of Appeals Application – 110 Stonehedge Place – Special Permit**

Mr. Markiewicz noted he had conducted a site visit and pointed out the Applicant would be reducing the size of the deck to implement landscaping. He felt the Planning Board should

encourage the Zoning Board of Appeals to approve the Special Permit. Ms. Fillmore and Ms. Reip expressed agreement.

Mr. Markiewicz MADE a MOTION to recommend the Zoning Board of Appeals approve the Special Permit application. Ms. Reip SECONDED the MOTION. All members voted in favor.

**1414 Massachusetts Avenue Site Plan Approval Condition – Solar Array Tree/Shrub Donation**

Mr. Duchesneau proposed and described a tree and shrub giveaway event to Boxborough residents and other groups in town, which he had been coordinating with the Applicant. This proposed event would fulfill Condition 19 of the Site Plan Approval decision for the solar array project.

Ms. Reip expressed concerns about where the trees would go and a desire to see a priority list for different locations within town. She inquired if the giveaway event could be held at the 1414 Massachusetts Avenue property.

Mr. Markiewicz noted finding locations within town for the donated trees could be difficult, but there may be other opportunities for the shrubs. He felt municipal entities should have first choice one week in advance of the public being able to place their tree/shrub order requests.

Ms. Tang asked if the species list could be adjusted to include species appropriate for plantings around Town Hall.

Mr. Markiewicz asked what would happen if only 350 of the 500 trees/shrubs were requested. He inquired if the Town could receive a lump sum payment for the value of the remaining trees/shrubs to be put into an account to be used for tree and shrub plantings at a later date. Mr. Duchesneau indicated the Applicant had in fact already agreed to this stipulation.

Ms. Tang expressed a desire to see some maple trees included in the species list.

Mr. Duchesneau stated he would work with Ms. Tang to refine the proposed list of trees and shrubs for the April 30, 2018 Planning Board meeting.

Mr. Markiewicz MADE a MOTION to finalize the tree and shrub selection list at the April 30, 2018 Planning Board meeting; to allow residents to select the trees and shrubs they desire from the selection list and to distribute them at a giveaway event; and that the value of the remaining trees and shrubs be paid to the Town in a lump sum to be placed into an account to be used by the Town for plantings at a later date. Ms. Reip SECONDED the MOTION. All members voted in favor.

**Discussion Regarding 2018 Annual Town Meeting Warrant Article 40: Zoning Bylaw Amendment to Add Section 7800 Solar Energy Systems**

Mr. Markiewicz made a request to remove or pass over the proposed Solar Energy Systems Warrant Article at the May 2018 Annual Town Meeting. He felt there were other issues the

Planning Board needed to discuss regarding this topic before the Planning Board could arrive at a final zoning amendment proposal.

Mr. Pontoriero expressed concern the Town might procrastinate if this proposed Zoning Bylaw amendment was not implemented at the upcoming Town Meeting and the Town might not enact any regulations.

Ms. Reip stated she felt the Planning Board should be more thoughtful about writing Zoning Bylaw amendments.

Ms. Tang felt the Solar Energy Systems Bylaw could be written to only allow the systems by Special Permit.

Mr. Markiewicz recommended the Planning Board take the time between May and December to put together a quality and detailed Solar Energy Systems Bylaw.

Mr. Pontoriero expressed concerns about potential scenarios which may unfold in the future regarding solar energy systems

Mr. Markiewicz asked if the Planning Board could change the proposed Solar Energy Systems Bylaw to a sense of the meeting vote.

Ms. Fillmore stated her preference to keep the proposed Solar Energy Systems Bylaw as written.

Ms. Tang stated she felt the charge of the Planning Board was to protect the Town and she preferred to keep the proposed bylaw as written, at a minimum.

Ms. Reip expressed her preference to remove or pass over the proposed bylaw.

Mr. Markiewicz suggested adding a sunset provision amendment to the proposed bylaw.

Mr. Markiewicz MADE a MOTION to retain the proposed Solar Energy Systems Zoning Bylaw Amendment as indicated in the May 2018 Annual Town Meeting Warrant and to add an amendment on the floor of Town Meeting to implement a sunset provision of December 31, 2018 or until such time as the Town adopts Zoning Bylaw amendments that regulate Solar Energy Systems, whichever occurs earlier. Ms. Fillmore SECONDED the MOTION. The vote was 4 to 1 with Mr. Markiewicz, Ms. Fillmore, Mr. Pontoriero, and Ms. Tang in favor and Ms. Reip opposed.

### **Recreational Marijuana Business Inquiry**

Mr. Duchesneau explained an email inquiry from Edward X. DeSousa regarding a potential marijuana cultivation facility on Littlefield Road. He noted Mr. DeSousa was no longer interested, but there could be potential future inquiries about similar types of uses in Boxborough.

At 8:39 PM, Ms. Fillmore recused herself from the remaining items on the agenda and remained seated in the audience.

**Open Meeting Law Compliant Response to Boxborough Town Center, LLC**

Mr. Markiewicz MADE a MOTION to approve the Open Meeting Law Complaint response from Town Counsel and to instruct Town Counsel to respond accordingly. Mr. Pontoriero SECONDED the MOTION. All members voted in favor with Ms. Fillmore recused from the vote.

Mr. Markiewicz inquired again if anyone was recording the meeting and, if so, he asked them to identify themselves. Evan Perry, on behalf of the Applicant for the 700, 750, and 800 Massachusetts Avenue Site Plan Approval Application, indicated he was recording the meeting.

**700, 750, & 800 Massachusetts Avenue – Site Plan Approval and Stone Wall Alteration Decision**

Mr. Duchesneau distributed an updated version of the draft denial decision.

Mr. Markiewicz stated he had participated in a conference call with Mr. Duchesneau and Town Counsel earlier in the day regarding updates to the draft denial decision. He indicated there are considerable legal issues still open with regard to access to the project site. Mr. Markiewicz stated the denial decision needed to look at items such as safety, access, the massing of buildings, the clearing of the site, the ability to provide an adequate water supply, etc. He asked the Planning Board members to provide comments on the draft denial decision to Mr. Duchesneau. Mr. Markiewicz reminded the Planning Board members not to speak with members of the public about the decision or the project until all matters regarding the application were resolved.

Mr. Markiewicz stated the Planning Board has done everything it could to work in good faith to write a fair decision.

With no further business, the meeting was adjourned at 8:55 PM on a MOTION by Mr. Markiewicz, SECONDED by Ms. Reip, with all members voting in favor with Ms. Fillmore recused from the vote.

On Behalf of the Boxborough Planning Board:



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Abby Reip, Clerk