



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

**Meeting Minutes**  
**June 18, 2018**  
**7:30 PM**  
**Hilberg Room, Town Hall, 29 Middle Road**

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

Also Present: Adam Duchesneau, Town Planner

Mr. Markiewicz called the meeting to order at 7:30 PM.

**Correspondence**

Mr. Duchesneau noted the Planning Board had received the following pieces of correspondence:

- From Larry White, the Applicant for the 984 & 996 Massachusetts Avenue and 38 Sara's Way Special Permits, Site Plan Approval, and Private/Common Driveway application, regarding the nitrogen loading map.
- A flyer stating the details for a welcome event on July 5, 2018 for the new Town Administrator, Ryan Ferrara.
- A memorandum dated June 14, 2018 from Cindy Markowitz regarding the Citizens to Save Our Town Center support of the Planning Board's Site Plan Approval denial decision for the properties at 700, 750, & 800 Massachusetts Avenue.

**Executive Session Meeting Minutes of April 30, 2018**

Mr. Markiewicz MADE a MOTION to approve the Executive Session minutes of April 30, 2018. Ms. Reip SECONDED the MOTION. All members voted in favor with Mr. Pontoriero absent from the vote.

Mr. Markiewicz MADE a MOTION to retain the Executive Session minutes of April 30, 2018 as confidential. Ms. Reip SECONDED the MOTION. All members voted in favor with Mr. Pontoriero absent from the vote.

**Meeting Minutes of June 4, 2018**

Mr. Markiewicz MADE a MOTION to approve the minutes of June 4, 2018. Ms. Tang SECONDED the MOTION. All members voted in favor with Mr. Pontoriero absent from the vote.

### **Comments on Zoning Board of Appeals Applications**

#### *93 Joseph Road – Special Permit*

Mr. Duchesneau described the zoning nonconformities of the subject property and building.

Mr. Markiewicz MADE a MOTION to allow the Zoning Board of Appeals to make its own decision on the application and provide no comments. Ms. Reip SECONDED the MOTION. All members voted in favor with Mr. Pontoriero absent from the vote.

At this time, Mr. Pontoriero arrived at the meeting.

#### *765 Liberty Square Road – Special Permit*

Mr. Markiewicz MADE a MOTION to allow the Zoning Board of Appeals to make its own decision on the application and provide no comments. Ms. Tang SECONDED the MOTION. All members voted in favor.

### **Metropolitan Area Planning Council (MAPC) – Minuteman Advisory Group on Interlocal Coordination (MAGIC) Subregion Appointment**

Mr. Markiewicz MADE a MOTION to appoint Mr. Duchesneau as the Planning Board's representative to MAGIC. Mr. Pontoriero SECONDED the MOTION. All members voted in favor.

### **984 & 996 Massachusetts Avenue and 38 Sara's Way – Special Permits, Site Plan Approval, and Private/Common Driveway Application – Applicant Larry White seeks to construct approximately six two-family dwellings (12 units of housing) with associated parking, landscaping, signage, water supplies, wastewater systems, drainage, and site grading**

At 7:45 PM, Mr. Markiewicz reopened the continued public hearing and read the legal notice into the record. Larry White, Applicant and property owner, was present and requested a continuance of the public hearing.

Mr. Markiewicz MADE a MOTION to continue the public hearing to the Planning Board meeting on July 23, 2018 at 7:45 PM. Ms. Reip SECONDED the MOTION. All members voted in favor.

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

Ms. Reip MADE a MOTION to appoint Mr. Markiewicz as Chair of the Planning Board. Mr. Pontoriero SECONDED the MOTION. All members voted in favor.

Mr. Markiewicz MADE a MOTION to appoint Ms. Reip as Clerk of the Planning Board. Mr. Pontoriero SECONDED the MOTION. All members voted in favor.

### **Draft Complete Streets Policy – Review and Comment**

Mr. Duchesneau explained how the draft Complete Streets Policy had been developed. Mr. Markiewicz asked if the Zoning Bylaw would need to be amended if such a policy were implemented and Mr. Duchesneau indicated it would not be required.

Ms. Fillmore asked if intersection stop signs would be involved and Mr. Duchesneau stated this was an issue which the Traffic Safety Committee would examine.

Mr. Pontoriero inquired who would be determining which projects were incorporated into the Complete Streets Prioritization Plan. Ms. Reip stated the Complete Streets Committee, working with the consultant Green International Affiliates, Inc. and with feedback from the public, would be formulating the plan and determining which proposed projects would be included.

Mr. Markiewicz MADE a MOTION to support the Complete Streets Policy and approve the draft policy as amended. Ms. Fillmore SECONDED the MOTION. All members voted in favor.

### **Recreational Marijuana Regulation Options and Next Steps**

Mr. Duchesneau reviewed the different options for the Town to pursue regarding Recreational Marijuana Establishments since the Town voted to be a “yes” community at the November 2016 ballot.

The Planning Board raised various questions regarding the different potential scenarios.

Mr. Markiewicz noted any type of process to conduct a vote of the voters would be very complex, expensive, and time consuming.

Ms. Tang stated she would prefer to prohibit all forms of Recreational Marijuana uses and would therefore support a vote of the voters to prohibit all Recreational Marijuana Establishments in the town. In her opinion, many citizens would support this type of scenario.

Mr. Markiewicz pointed out members of the public could call for a vote of the voters to prohibit all Recreational Marijuana Establishments, as well as bring forth a Zoning Bylaw amendment calling for the same action.

Ms. Tang stated there were large groups of people in the Chinese community that were opposed to Recreational Marijuana Establishments.

Ms. Reip noted that growing facilities require large amounts of electricity, water, and space.

Mr. Markiewicz expressed his opinion that the Planning Board should seek the path of maximum regulation for Recreational Marijuana Establishments without prohibition.

Mr. Markiewicz MADE a MOTION to allow Recreational Marijuana Establishments within Boxborough but to regulate them in some manner via a Zoning Bylaw amendment. Ms. Reip SECONDED the MOTION. The vote was 4 – 1, with Mr. Markiewicz, Ms. Reip, Ms. Fillmore, and Mr. Pontoriero voting in favor and Ms. Tang voting against.

At this time, Ms. Fillmore left the meeting.

**Executive Session: Move to adjourn to Executive Session to discuss strategy with respect to litigation (Boxborough Town Center, LLC.), and to adjourn immediately thereafter. The Chair shall note that to discuss in Open Session may have a detrimental effect on the negotiating position of the Planning Board**

At 8:45 PM, Mr. Markiewicz MADE a MOTION to adjourn to Executive Session to discuss strategy with respect to litigation (Boxborough Town Center, LLC.), and to adjourn immediately thereafter. Mr. Markiewicz noted that to discuss the topic in Open Session might have a detrimental effect on the negotiating position of the Planning Board. Ms. Reip SECONDED the MOTION.

The Planning Board voted as follows to enter into Executive Session:

Mr. Markiewicz – Aye, Ms. Reip – Aye, Mr. Pontoriero – Aye, and Ms. Tang – Aye.

With no further business, the meeting was adjourned at 9:30 PM on a MOTION by Mr. Markiewicz, SECONDED by Mr. Pontoriero, with all members voting in favor and Ms. Fillmore absent from the vote.