



TOWN OF BOXBOROUGH NOTICE OF PUBLIC MEETING

BOARD/COMMITTEE: Planning Board
MEETING DATE: April 27, 2020
TIME: 7:00 PM
PLACE: Remote Meeting through Zoom

AGENDA

This meeting is being conducted via Remote Participation, pursuant to the Current Executive Order. See below for remote participation instructions.

Public Comment (3 mins per commenter)

7:15 Hearing Scenic Road Permit and Stone Wall Alteration Application Paddock Lane
Continued from April 6, 2020

UMASS Study and Charrette update – Mark/Simon

Zoning Bylaw Presentations

- Review timeline for presentations
- Comments from Sustainability Committee and LELD on Lighting Bylaw 6204

Administrative Business

Meeting Minutes

Correspondence and New Business (if any)

Planning Board stipend for 2020-2021

Town Center/Enclave Project

Zoning Bylaw Audit

Planning Board Training

Solar Bylaw

Committee Reports: Community Preservation Committee (Reip)

Design Review Board (Verner)

Economic Development Committee (White)

MAGIC Representative (Markowitz)

Water Resources (Fillmore)

LELWD Small Cell Committee (Markowitz)

Planning Board Goals: Master Plan Action Items

A quorum of the Economic Development Committee may be present.

A quorum of the Select Board may be present.

<u>Planning Board Meetings:</u> May 11, 2020 June 1, 2020	<u>Future Meeting Dates:</u>
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Topic: Planning Board Meeting, April 27th, 7pm
Time: Apr 27, 2020 06:30 PM Eastern Time (US and Canada)

To Join Zoom Meeting

<https://zoom.us/j/853992943?pwd=bkNaWTgycEJFUU5QdTFkOFFqUE1Ldz09>

Meeting ID: 853 992 943

Password: 510799

One tap mobile

+19292056099,,853992943# US (New York)

+13126266799,,853992943# US (Chicago)

Dial by your location

+1 929 205 6099 US (New York)

+1 312 626 6799 US (Chicago)

+1 301 715 8592 US

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US

Meeting ID: 853 992 943

Find your local number: <https://zoom.us/u/a1GfQD1a0>



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”); and

WHEREAS, many important functions of State and Local Government are executed by “public bodies,” as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

WHEREAS, both the Federal Centers for Disease Control and Prevention (“CDC”) and the Massachusetts Department of Public Health (“DPH”) have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

WHEREAS, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

WHEREAS section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

NOW THEREFORE, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

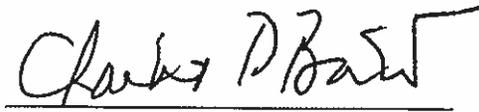
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 6:40 PM this 12th day of
March, two thousand and twenty.

A handwritten signature in cursive script, appearing to read "Charles D. Baker", written in black ink. The signature is positioned above a horizontal line.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



TOWN OF BOXBOROUGH

PLANNING BOARD

29 Middle Road, Boxborough, Massachusetts 01719

Phone (978) 264-1723 • Fax (978) 264-3127

www.boxborough-ma.gov

Cindy Markowitz, Chair

Mark White, Clerk

Nancy Fillmore

Abby Reip

Rebecca Verner

Approved on [DATE]

Meeting Minutes

February 27, 2020

7:15 PM

Planning Office - Town Hall, 29 Middle Road

Members Present: Cindy Markowitz, Joe Ferguson (Associate), Rebecca Verner

Members Not Present: Nancy Fillmore, Abby Reip, Mark White

Also Present: Simon Corson (Town Planner), Larry White

Ms. Markowitz called the meeting to order at 7:15PM.

Ms. Markowitz noted the Board convened for an administrative matter related to the Special Permits Decision at 984, 996 Massachusetts Avenue and 38 Sara's Way.

Motion was made at 7:25PM by Ms. Markowitz, seconded by Ms. Verner and voted 2-1 to approve the final form of the decision and to authorize the Chair to sign the decision on behalf of the Planning Board. By roll call the Board voted Ms. Markowitz – aye; Ms. Verner – aye; Mr. Ferguson – nay.

At 7:30 PM motion was made by Mr. Ferguson, seconded Ms. Verner and voted 3-0 by roll call to adjourn the meeting, Ms. Markowitz – aye; Mr. Ferguson – aye; Ms. Verner – aye.

Meeting Documents & Exhibits

Planning Board Agenda



**TOWN OF BOXBOROUGH
PLANNING BOARD**

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Phone (978) 264-1723 • Fax (978) 264-3127
www.boxborough-ma.gov

Cindy Markowitz, Chair

Mark White, Clerk

Nancy Fillmore

Abby Reip

Rebecca Verner

Approved on [DATE]

**Meeting Minutes
March 23, 2020
7:00PM
Remote Meeting**

Members Present: Cindy Markowitz, Mark White, Nancy Fillmore, Rebecca Verner

Not Present: Abby Reip

Also Present: Simon Corson (Town Planner)

Ms. Markowitz called the meeting to order at 7:16pm.

Mr. Corson outlined that there are many opportunities for the public to provide input to the Board regarding the Zoning Bylaw Amendments. He noted avenues such as virtually attending or calling into the remote Planning Board meetings, sending an electronic communication to him, or speaking on the floor during Town Meeting.

Administrative Business

Ms. Markowitz provided an update on the status of the Warrant and on the schedule for Town Meeting. She shared that on March 30, 2020, the Select Board will decide whether to sign the Warrant which contains all Articles to be voted on at Town Meeting. If the Warrant is signed, then materials will be sent to households in late-April. On March 30 the Select Board will also determine whether the Annual Town Meeting will be held as planned on May 11 or be rescheduled to a future date. She highlighted that at this point, any further substantial changes to the Amendments will need to be done on the floor at Town Meeting.

Public Hearing - Zoning Bylaw Amendments

Ms. Markowitz explained that this Public Hearing is an opportunity for the Board to receive further comments and feedback from members of the public regarding the proposed Zoning Bylaw Amendments for the 2020 Annual Town Meeting.

Amend Zoning Bylaw Section 2100 (Definitions): Article 175-2A

Ms. Markowitz outlined that the proposed amendment provides a definition for "Specialty Food Shop". The Board collaborated with the Economic Development Committee to reach the proposed definition which reflects the Town's aspirations.

Amend Zoning Bylaw Section 4000 (Use Regulation): Article 175-2A

Ms. Markowitz outlined the proposed addition of Specialty Food Shop to the use table with respect to gross-floor area. The Board discussed the current requirement which outlines gross-

floor area greater than and less than 3,000 square feet but not spaces equal to the area. The Board agreed to the minor edit which now reads “less than or equal to...” as this will encompass all scenarios. Ms. Markowitz also referenced a memo provided by Mr. Corson from the Board of Health outlining minimum wastewater capacity requirements for restaurants by seating capacity.

Amend Zoning Bylaw Section 6003 (Common Parking Areas) & Section 6006 (Off-Street Parking Requirements): Article 175-2B

Ms. Markowitz outlined that the proposed amendment to Section 6003 addresses a modification which will allow for flexibility to applicants demonstrating different parking volume needs. Section 6006 amendments are in reference to the table and focus on gross-floor area. It will increase the gross floor area requirements for three groups of commercial uses per parking space allowing for more efficient use of parking areas.

Amend Zoning Bylaw Section 6204 (Lighting, Screening, and Outdoor Lighting): Article 175-3

Ms. Markowitz outlined that the proposed bylaw amendment clarifies the existing bylaw’s intent to reduce light pollution in Town. She highlighted the addition of the terms “outdoor lighting” and “dark sky compliant” to the Bylaw. The amendment expands existing language related to light fixture shielding in order to prevent glare from the source. She noted that the amendment will provide additional context to existing requirements within the Bylaw. It was noted that the proposed Section 6204 (6) requiring outdoor lights for recreation areas to be extinguished by 11:00PM does not apply to private residential uses. With respect to special permits, the amendment would provide the designated granting authority with flexibility to provide guidance under the Bylaw.

Ms. Verner outlined that the added definitions and figures will provide clarity and guidance to the community and those reviewing the Bylaw, as these terms and figures are a standard guideline for many neighboring towns.

Ms. Markowitz confirmed with Ms. Verner that the amendment will apply to replacement and new fixtures but will not impact anything already in place.

Citizen, Robin Lazarow, asked if this information could be provided in a location outside of the Bylaws, such as in a handout since there are figures and definitions. She also asked if there is now an additional obligation to enforce the requirements. She highlighted the difference in scale compared to that of larger towns with more commercial development.

Ms. Verner responded that this is a standard bylaw format used by surrounding communities such as Acton, Weston, and Wellesley. She noted that the amendment provided more of a prescription of how to understand and follow what the Bylaw already states and would have no change to current enforcement costs. She further explained that the definitions speak to what the requirements mean and provide a visual representation of any terms referenced in the Bylaw.

Robin Lazarow asked if the requirements are applicable to residential in addition to commercial fixtures.

Ms. Verner responded that the proposed amendment 6204 (6) relates to non-residential privately owned and public facilities. However, the current lighting Bylaw (Section 6204) as well as the proposed lighting Bylaw amendments apply to all residential and commercial lighting for replacement of existing fixtures and new fixtures.

Amend Zoning Bylaw Section 6300 (Signs): Article 175-3

Ms. Markowitz outlined that the amendment adds the requirement that no sign be lit more than 30 minutes “before opening” in addition to “after closing”. It expands the list of zoning districts where internally lit signage is discouraged to include Business 1 and Office Parks and it adds that in Zoning District Residential-1 it is prohibited. Regarding external light sources, the intent of the amendment is to limit excess light pollution and eliminate glare from lit signage.

Ms. Verner shared that this is an attempt to provide guidance around the existing Bylaws and promote strategies to reduce light pollution from allowed, but discouraged signage types.

Robin Lazarow asked if there are any signs in Town which currently do not comply with the Bylaws and if this will lead to all signs looking the same?

Ms. Verner responded that the Blanchard School sign is an example of internally lit signage not allowed in the district it is in (Agricultural-Residential), and therefore is not allowed to be illuminated. For signs deemed allowable, the amendment to the Bylaw will provide guidance on what is allowed in those districts.

Robin Lazarow cited that this could limit creativity. She asked if this would eliminate certain colors allowed for signage.

Ms. Verner responded that the ZBA and Design Review Board have guidelines for signage allowable in Town and what can and cannot be installed within the community. The amendment is intended to promote black and white signs but does not restrict certain colors.

Robin Lazarow asked if existing signs in Town will require updates in order to comply with the amendment updates.

Ms. Verner responded that all existing signage will not be subject to an amended bylaw, this would all be prospective, not retroactive.

Amend Zoning Bylaw Section 3002 (Location of Districts): Article 175-1

Ms. Markowitz outlined the proposed amendment which is a result of the settlement agreement between the Town and Boxborough Town Center, LLC. to change the zoning designation of approximately 3.65 acres at the end of Priest Lane from “Town Center” to “Agricultural Residential”. She noted that the Planning Board is sponsoring this amendment.

Mr. Corson shared that in the Warrant, it will say that the Select Board will endorse the amendment and the Planning Board has voted to recommend it.

Ms. Fillmore shared her concern that the land boundaries have been changed many times. Mr. Corson noted that the Town's lawyers have conducted a full review and that the designated areas where the zoning will be changed have been confirmed. Ms. Markowitz shared that the schematic is intended to represent the area as close as possible, but the exact metes and bounds plan will be provided as part of this bylaw amendment.

Update from Town Planner

Mr. Corson provided an update on the following items:

The Zoning Board of Appeals hearing on the Notice of Violation letter for the Enclave has been postponed to April 21, 2020.

He received correspondence from a Fire Department Captain regarding site blasting. Blasting will only occur two days during the current week and then blasting will suspend due to the response to COVID-19.

Ms. Markowitz asked if this meant that blasting was complete or if it was just paused. Mr. Corson responded that blasting will be stopped at this time because the Fire Department cannot provide the necessary detailing at the site due to the focus on COVID-19 response efforts.

Mr. White asked what the current status on the blasting is. Mr. Corson responded that they are very close to the completion of blasting. He expects that it may be completed within the two days during the week.

Mr. White asked if any complaints have been received. Mr. Corson responded that he has spoken with Ms. Fillmore regarding the blasting but has had no other conversations with community members.

Ms. Markowitz shared that she will provide any further updates regarding the Warrant as they arise.

Mr. White motioned to adjourn. Seconded by Ms. Verner. Motion passed unanimously 4-0 at 8:10PM.

Meeting Documents

Article 175-1 Zoning Bylaw Amendment: Amend Zoning Map Appendix B

Article 175-2A Zoning Bylaw Amendment: Amend Zoning Bylaws 2100, and 4000 (Table 4003(4)) - Specialty Food Shop

Article 175-2B Zoning Bylaw Amendment: Amend Zoning Bylaws 6003, 6006 - Common Parking Areas and Parking Schedule

Article 175-3 Zoning Bylaw Amendment: Amend Zoning Bylaws 6204 and 6300- Outdoor Lighting and Signs

Board of Health Summary on Food Service Establishment and Sewage Flow Calculations

ZOOM ACCESS PROTOCOLS

Topic: Boxborough Planning Board

Time: March 23, 2020 7:00 Eastern Time (US and Canada)

Join from PC, Mac, Linux, iOS or Android:

<https://zoom.us/j/383990774?pwd=VWFKOTl4TnNBekhVY1FDd2JHb2JXQT09>

Or iPhone one-tap (US Toll): +1 312 626 6799, 383990774# or +1 929 205 6099, 383990774#

Or Telephone: Dial: +1 312 626 6799 +1 929 205 6099 +1 346 248 7799 +1 669 900 6833 +1 253 215 8782 +1 301 715 8592

Meeting ID: 383 990 774



BOXBOROUGH PLANNING BOARD
 29 Middle Road, Boxborough, Massachusetts 01719
 Phone: (978) 264-1723 · Fax: (978) 264-3127
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MAR 12 2020

PLANNING BOARD
 TOWN OF BOXBOROUGH

Scenic Road Permit Application
Public Shade Tree Removal Application
Stone Wall Removal or Alteration Application

Assessor Parcel Number: 08-014-000

Project Location: 1 Paddock Lane, northeast corner of the parcel on Hill Road *Opposite #187,*

Project Description: Create an opening in the existing stone wall to accomodate a trail head
for the trail easement granted to the Town.

Applicant Name: *Morgan L. Scott*

Applicant Address: 1 Paddock Lane, Boxborough, MA 01719

Applicant Phone Number: 978-891-8100

Property Owner (if different): Jefferson at Beaver Brook, LLC

Owner Address: 600 E. Las Colinas Blvd., Suite 1800, Irving TX 75039

Owner Phone Number: 972-556-1800

Scenic Road Permit Public Shade Tree Removal Stone Wall Application
 (check all that apply)

1. Does the project require the removal or destruction of a stone wall? Yes No
 If yes, what is the length of the proposed removal or destruction? 10 feet.

2. Will any Public Shade Trees as defined by MGL Ch. 87, Sec. 1 be removed or significantly impacted because of the proposed construction? Yes No

If yes, what is the type of tree(s) to be removed and the diameter measured 2 feet from the ground? _____

Please note: It is the applicant's responsibility to meet with the Tree Warden prior to the filing of this application to determine if there are Public Shade Trees on the subject property.

Scenic Road Permit - Public Shade Tree Removal - Stone Wall Application

Attach a plan drawn to scale showing the property boundaries, the location of the proposed construction and location of any trees or portions of stone walls that will be removed or damaged. For a new driveway, the width of the driveway and limit of disturbance shall be marked on the road at least one week prior to the public hearing.

NOTE: A public hearing is required before a Scenic Road or a Public Shade Tree Removal Permit can be issued. The notice of the hearing must be published, at the applicant's expense, in The Beacon twice, the last publication to occur not less than 7 days prior to the hearing. The applicant will be notified by mail of the hearing date and is required to attend the hearing.

The undersigned hereby certifies that he/she has read and examined this application and that the proposed project is accurately represented in the statements made in this application.

Owner(s): Morgan L. Smith own Date: 3/12/2020
Date: _____

Applicant(s): Morgan L. Smith own Date: 3/12/2020
Cheryl J. Neville, Chair Date: 03-12-2020
Boxborough Agricultural Commission

** The signature of the property owner(s) is required for the application to be accepted.

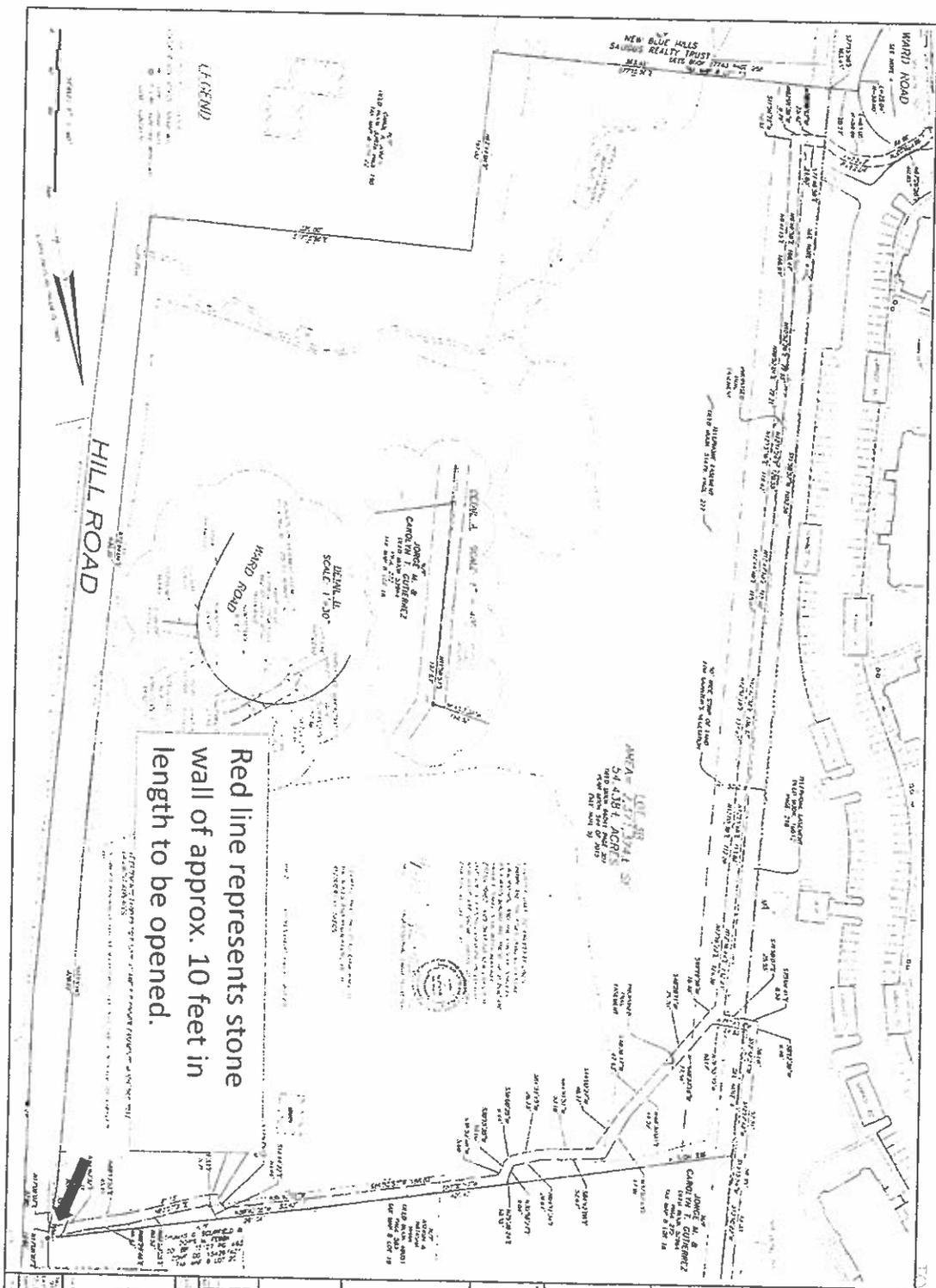
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MAR 12 2020

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<p>PROPOSED CONSERVATION EASEMENT PLAN</p>	<p>CE</p>
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RECEIVED

MAR 19 2020

LEGAL NOTICE OF PUBLIC HEARING
Town of Boxborough
Planning Board – Scenic Road Permit & Stone Wall Alteration Application

TOWN CLERK
TOWN OF BOXBOROUGH

In accordance with MGL Chapter 40, Section 15C, the Boxborough Scenic Road Requirements, and the Boxborough Stone Walls Bylaw, the Boxborough Planning Board will conduct a Public Hearing on Monday, April 6, 2020 at 7:15 PM, in the Upstairs Meeting Room in the Boxborough Town Hall, 29 Middle Road, for a Scenic Road Permit and Stone Wall Alteration Application submitted by Morgan L. Scott to create an opening in the existing stone wall to accommodate a trail head for the trail easement granted to the Town.

The subject property, owned by Jefferson at Beaver Brook, LLC, is located at 1 Paddock Lane and is identified as Assessor's Parcel # 08-014-000. Plans may be reviewed in the Planning Office during regular business hours.

PUBLICATION DATES: March 19, 2020
 March 26, 2020

SEND BILL TO: Mary Nadwairski
 Boxborough Town Hall
 29 Middle Road
 Boxborough, MA 01719
 978-264-1722

Mary Nadwairski

From: Cindy Markowitz <[REDACTED]>
Sent: Tuesday, April 21, 2020 3:17 PM
To: Mary Nadwairski
Cc: S Corson
Subject: Fwd: Lighting Bylaw Amendment

----- Forwarded message -----

From: Francie Nolde <[REDACTED]>
Date: Fri, Apr 17, 2020 at 3:05 PM
Subject: Lighting Bylaw Amendment
To: S Corson <sCorson@boxborough-ma.gov>
Cc: Richard Garrison <[REDACTED]>, Francie Nolde <[REDACTED]>, Robert Stemple <rstemple@boxborough-ma.gov>, Palmer Moore <[REDACTED]>, Connor Reardon <creardon@lelwd.com>, Barbara Salzman <[REDACTED]>, Larry Grossman <[REDACTED]>, Cindy Markowitz <[REDACTED]>

Dear Simon,

Cindy Markowitz asked the Sustainability Committee to review the Lighting Bylaw amendment which we discussed at our 4/15/2020 meeting. We wholeheartedly support the expansion, clarification, and emphasis on minimizing unnecessary light pollution. Our representative from LELD says LELD is in favor of your additions and changes.

However, we have a few suggestions:

1. Please add and emphasize Energy Efficiency in your summary as an important direction going forward.
2. Please place Energy Efficiency earlier in the bylaw rather than having it listed at the very end of 6303 General Requirements, (5) g. And delete the words "Where possible" so as to ensure energy efficiency is not a choice but a requirement.
3. Please eliminate all types of lamps in Table 2 other than LED 30, 60, 90. If the Town accepts the new Stretch Code, which the Sustainability Committee is proposing at the Annual Town Meeting, only LED lamps are allowed in new or renovated construction, indoor and outdoor.
4. I have already pointed out that 6303, (5) b-e are incomplete sentences and don't make sense without a verb.
5. And you'll want to fix all the misspellings and typos throughout the bylaw amendment.

Thanks for the opportunity to review this bylaw which will contribute to a more sustainable Boxborough. We hope you will incorporate our suggestions and look forward to your next iteration of this bylaw. Please feel free to get in touch with questions.

Stay well and healthy,
Francie

Francie Nolde
Chair, Boxborough Sustainability Committee

H. Simon

Here's the LFLD statement about the lighting bylaw. Connor Reardon is our LFLD representative and come to the Sustainability Committee meetings when we have a topic that involves LFLD.

Thanks,
FRanacie

Open the heart; release the ego
Francie Nolde

From: Connor Reardon
Subject: RE: Zoning Bylaw Amendment regarding lighting
Date: April 14, 2020 at 4:21:25 PM EDT

Hi Francie, thanks for checking in and I hope all is well!

LFLD supports this amendment as our current street lights comply with the proposed changes already.

Stay well,
Connor