



TOWN OF BOXBOROUGH NOTICE OF PUBLIC MEETING

BOARD/COMMITTEE: Planning Board
MEETING DATE: September 21, 2020
TIME: 7:00 PM
PLACE: Remote Meeting through Zoom

AGENDA

Public Comment (3 mins per commenter)

Review Decision

700, 750, & 800 Massachusetts Avenue Site Plan Modification #2

Approval Not Required (ANR) Review

700, 750, & 800 Massachusetts Avenue

7:30 Public Hearing – Continued from August 31, 2020

700, 750, & 800 Massachusetts Avenue – Scenic Road, Public Shade Tree, and Stone Wall Application

7:40 Public Hearing – 1172 Hill Road

Scenic Road, Public Shade Tree, and Stone Wall Application

Administrative Business

Meeting Minutes

Correspondence and New Business (if any)

Town Center/Enclave Project

Zoning Bylaw Audit

Planning Board Training

Solar Bylaw Technical Assistance Program

Planning Board Rules and Regulations

Municipal Vulnerability Preparedness Project Grant

Memorandum of Understanding (MOU) with Select Board

Housing Choice Administrative Bill

MassDevelopment Technical Assistance Grant

Committee Reports: Community Preservation Committee (Lazarow)

Design Review Board (Verner)

Economic Development Committee (White)

MAGIC Representative (Markowitz)

Water Resources (Barbadoro)

LELWD Small Cell Committee (Markowitz)

Building Committee - TBD

Planning Board Goals:

Funding – TAP Grants and other Grant Opportunities

Master Plan Action Items Status - Aspirations 4,5,6, and 7

- November 9, 2020 Joint Meeting with Select Board

Planning Board Meetings:

October 5
October 19

Future Meeting Dates:

November 9
November 23

Topic: Planning Board Meeting
Time: Sep 21, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/84517603274>

Meeting ID: 845 1760 3274

One tap mobile

+13126266799,,84517603274# US (Chicago)

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Dial by your location

+1 312 626 6799 US (Chicago)

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+1 301 715 8592 US (Germantown)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 845 1760 3274

Find your local number: <https://us02web.zoom.us/u/kdr3iI2EcH>

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 • Mark Barbadoro • Robin Lazarow • Rebecca Verner

APPROVED ON [DATE]

Meeting Minutes

August 31, 2020

7:00 PM

Remote Meeting

Members Present: Cindy Markowitz, Mark White, Mark Barbadoro, Rebecca Verner, and Rebecca Lazarow

Also Present: Simon Corson (Town Planner), Sue Carter (Town Engineer), and Kristan Patenaude (Recording Secretary)

Also present from the Enclave Team: Shawn Nuckolls

Several members of the public were also present.

Ms. Markowitz called the meeting to order at 7:03 PM.

Public Comment

Cathy Biron, 539 Burroughs Road, explained that she and her husband have endured a stressful construction process for the past 11 months. She and her husband’s day-to-day processes have been interrupted. Their home has no privacy anymore and the clearcutting of trees has left the property exposed to the elements as it never was before. She explained that there were supposed to be 25 trees replanted in May; those trees have not yet been seen. There have been several trees that have come down recently, due to extreme weather events, including two 100-year-old oak trees that took down TV wires and cables. Some of the trim and screens from their home were also torn off. The additional downed trees have reduced the buffer around their home even further. She explained that the property has become soiled and devastated from the dirt being kicked up. She and her husband can’t go outside to enjoy their property and can’t take care of their yard because of the amount of dust and rock particles. She expressed horror at not being able to enjoy the amenities, privacy, and peace in the luxury of their home that they’ve lived in for the past 28 years.

Ms. Biron stated that there have been too many dynamite blasts to list, without any notification. One blast in particular disrupted her family’s Christmas tradition celebration. In March there were blasts registering at 1.0, 1.2, 1.2, and 0.6, and then drilling for a week nonstop. In July and August there was more noise and air pollution. On August 13th a formal complaint was filed with the Town of Boxborough. She hesitated to file the complaint due to possible retaliation from Mr. Fenton. The ensuing threats, such as leaving large construction equipment in front of their home, and blasts with no notification, followed. There was also a confrontation with Mr. Fenton on August 25th, when he was hammering stakes into their property and spray painting

37 their grass and vegetation. She explained that Mr. Fenton noted to her husband that the stakes
38 may have been slightly off but that this was being done to “send your wife a message.” She
39 stated that she feels very threatened. She explained that Simon Corson, Town Planner, has been
40 very responsive, and assured them that Mr. Fenton would not harm them, but that Mr. Fenton
41 still harms them every day. She believes their livelihood is at stake, and fears for further
42 retaliation after this meeting.

43 Ms. Biron requested that there be a replacement vegetated buffer in place ASAP and that the
44 landscape design include hedges to buffer their property. She would also like to see the 25 trees
45 be placed that were supposed to be completed in May. She would request that the blasting be less
46 intense and more often, instead of more intense and less often. She would also like a full
47 disclosure of the construction activities ahead of time. She thanked the Boxborough Fire
48 Department and Captain Gray, the Boxborough DPW, the Building Inspector, and the Planning
49 Board for making sure the Zoning laws are being correctly followed.

50 Cindy Markowitz stated that she appreciates Ms. Biron’s statement and sympathizes with her
51 dealings.

52 Emile Biron, 539 Burroughs Road, stated that it would be nice if he and his wife had some input
53 into what sort of plantings will be planted on their property lines.

54 **Administrative Business**

55 **Meeting Minutes**

56 Robin Lazarow motioned to approve the June 29, 2020 Planning Board meeting minutes as
57 submitted. Rebecca Verner seconded. Motion passed unanimously 5-0.

58 Rebecca Vener motioned to approve the July 1, 2020 Planning Board meeting minutes as
59 submitted. Mark White seconded. Motion passed unanimously 5-0.

60 Mark Barbadoro motioned to approve the July 13, 2020 Planning Board meeting minutes as
61 amended. Rebecca Lazarow seconded. Motion passed unanimously 5-0.

62 Rebecca Verner motioned to approve the August 3, 2020 Planning Board meeting minutes as
63 amended. Robin Lazarow seconded. Motion passed unanimously 5-0.

64 **Review Decisions**

65 700, 750, & 800 Massachusetts Avenue Site Plan Modification #1

66 DPW Director, Ed Kukkula; Sue Carter; Shawn Nuckolls; David Buckley; and Greg Roy joined
67 the Board.

68 Ms. Markowitz stated that this is to review the site plan modification #1 from May 18th,
69 regarding the footprint modification. A decision was reviewed and drafted by herself and Mr.

70 Corson, and then reviewed by KP Law, P.C. This will memorialize the modifications made to the
71 footprint, as agreed on by the Board.

72 Ms. Markowitz reviewed a couple of suggested changes in language.

73 Ms. Markowitz suggested in the 2nd paragraph, 2nd sentence to insert the words ‘gross floor
74 footage’ instead of ‘building footprint.’ She explained that building footprint is not defined in the
75 bylaw definitions.

76
77 Mr. White stated that the intention was to look at the building footprint, not the gross square
78 footage.

79
80 Mr. Barbadoro stated that the gross square footage would look at adding the footages of each
81 floor together, but the building footprint would look at the external dimensions of the foundation.

82
83 Ms. Markowitz stated that she doesn't want to accidentally allow for larger massing of structures
84 by using the term ‘building footprint.’

85
86 Mr. Nuckolls stated that he believes the term ‘gross floor footage’ is confusing, as that term has
87 not previously been used. He explained that the screen porch option would not include a
88 basement as it will be on piers. The other options may have basements.

89
90 Ms. Verner stated that she likes the wording as is because it refers back to the zoning bylaws.

91
92 Ms. Markowitz stated that the exact term in the bylaws is ‘gross floor area.’

93
94 In response to a question from Ms. Verner, Mr. Corson stated that the maximum square footage
95 allowed by the bylaws is 8,000. 15,000 square feet is allowed by special permit by the Board of
96 Appeals.

97
98 Ms. Markowitz noted that Mr. Nuckolls commented that he would like to change the word
99 ‘porous’ to the word ‘pervious materials.’ The reasoning for this is to be consistent with 41.b.II.

100
101 Francie Nolde, 459 Sargent Rd, explained that she is looking at this project from a sustainable
102 standpoint, regarding carbon emissions in town. She would like the Board to look at extra
103 footage of units in terms of an increase in using electricity, natural gas, and energy consumption.
104 This will accrue over time and she would like the Board to include sustainable language and
105 viewpoint in the future.

106
107 Ms. Markowitz stated that the Board voted to approve the building footprint modification in
108 May. It tries to address sustainability issues when reviewing applications.

109
110 Mr. White made a motion to approve the changes as amended and authorize the Chair to execute
111 it. Ms. Verner seconded. Motion passed unanimously 5-0.

112

113 **7:30 Public Hearing:**

114 700, 750, & 800 Massachusetts Avenue – Scenic Road, Public Shade Tree, and Stone Wall
115 Application

116

117 Ms. Markowitz read the legal notice:

118

119 In accordance with MGL Chapter 40, Section 15C, the Boxborough Scenic Road & Public Shade
120 Tree Requirements, and the Boxborough Stone Walls Bylaw, the Boxborough Planning Board
121 will conduct a Public Hearing on Monday, August 31, 2020 at 7:30 PM for a Scenic Road
122 Permit, Public Shade Tree Removal, and Stone Wall Alteration Application submitted by
123 Boxborough Town Center, Inc. to install a sidewalk from the project site, along Access
124 Easement C to Stow Road, and from that intersection along the west side of Stow Road to Route
125 111 / Massachusetts Avenue.

126

127 The subject property is identified as Assessor's Parcel # 14-053-000 and 14-054-000.

128 Based on current COVID-19 circumstances, this public hearing will be held in the Town Hall **or**
129 **otherwise** will be held via Zoom videoconferencing. All details will be made available on the
130 Planning Board agenda when posted, a minimum of 48 hours prior to the meeting on the town
131 web site, www.boxborough-ma.gov.

132

133 Greg Roy, of Ducharme & Dillis, joined the meeting. He stated that sidewalks were a condition
134 of the approval of the Enclave project. The sidewalk in question is within the Stow Road right of
135 way, from the entrance of the proposed development to the Town Center. He stated that a
136 number of trees will need to be removed as a result of the route, and a section of stone wall will
137 need to be reconstructed. He stated that he recently had a site walk with the Tree Warden, Ed
138 Kukkula; he also met with the Tisbury Meadow Association and proposed a site walk with them.
139 He explained that there are two dead trees and one 20" maple tree, all of which are on the
140 Tisbury Meadow property. He explained that the existing topography combined with the
141 minimum amount of right of way will result in the loss of a significant portion of the rootball for
142 the 20" maple tree, which is why it is being proposed to be removed. He explained that across
143 the frontage of this area there is approximately 4' at the closest point between the pavement and
144 the right of way. There is a stonewall along the property line that will need to be removed prior
145 to construction. It will be relocated across the Tisbury Meadow frontage. He explained there is
146 also a 25" ash tree that will be removed, along with a 20" spruce tree and a 16" Oak tree. There
147 are also two oak trees, 8" and 12," that will need to be removed along the route. He stated that
148 the width of the sidewalk will be 5'. There will be a sloped berm between the traveled road and
149 the proposed sidewalk. He stated that a 2' easement will be necessary for the sidewalk to exist
150 across the frontage of Tisbury Meadow.

151

152 In response to a question from Mr. Barbadoro, Mr. Roy stated that the current plan for the
153 sidewalk is a 5' width, but that it could go as narrow as 4' and still achieve ADA compliance.

154

155 In response to a question from Ms. Verner, Mr. Roy stated that the stonewall discussed is not
156 well formed, with stones sporadically placed. He stated that the stonewall will need to be
157 removed and relocated regardless of the width of the sidewalk.

158 Ms. Verner stated that the Town-owned sidewalk that stretches from West Acton to West
159 Concord was beautifully done. It was not perfectly engineered but works within the topography
160 of the area and meanders along the side road. She would like to think outside the box in order to
161 preserve some of these sensitive areas along this route.

162 Mr. Roy stated that there is a grading issue in this area, with a wetland to cross and buffer areas
163 to consider. He stated that if a sidewalk is to be completed, he would like to be sensitive of
164 privacy issues with Tisbury Meadow and place the sidewalk as far from the houses as possible.
165 He stated that some decks and patios are within 50' of the road in that area.

166
167 In response to a question from Mr. White, Mr. Kukkula stated that the bobcat used to plow
168 sidewalks in town is 5' wide.

169
170 Mr. White stated that he is not sure how to put a 5' sidewalk in this area without taking more land
171 from Tisbury Meadows. He stated that having a winding sidewalk is nice but hard to do unless
172 the land is owned by the Town. He stated that Tisbury Meadows will want plantings to offset
173 what is being lost due to the sidewalk construction.

174
175 Mr. Kukkula stated that he is not sure if he sees the value in having a sidewalk in this area. He
176 believes that this will take away from the appeal of the road itself. In his opinion he likes the
177 road as it is. He also believes that a sidewalk of this type is difficult without the proper right of
178 way.

179
180 Mr. Barbadoro agreed and stated that he likes this road as a scenic road.

181
182 Mr. Kukkula stated that this will be an asphalt sidewalk with a modified Cape Cod berm. He
183 explained that these don't usually hold up well in New England weather and will be a
184 maintenance issue eventually.

185
186 Mr. Roy stated that the applicant is amenable to discussing a payment to the town in lieu of
187 constructing the sidewalk.

188
189 In response to a question from Ms. Markowitz, Mr. Kukkula stated that a meandering sidewalk
190 in this area would have to extend over the grass and wouldn't meet ADA requirements.

191
192 In response to a question from Ms. Markowitz, Mr. Kukkula stated that the only two trees being
193 discussed that are on town land are the large spruce tree and one other along the route. The rest
194 are on private land.

195
196 Mr. Barbadoro stated that if the DPW Director is not thrilled with the sidewalk and Tisbury
197 Meadows does not feel that a sidewalk is necessary, it might be more beneficial to take the
198 payment to the town and leave the road feeling historical.

199
200 Owen Neville stated that, if the proposed sidewalk was on the east side of the road, it would get
201 sun in the winter to help with snow melt. He explained that there would also be little interaction

202 with the wetland on this side of the road, and it would line up with a route that could eventually
203 lead to Flerra playground; a highly desired trail route.

204

205 Nick G., 120 Stow Rd, stated that he agreed with the previous suggestions and that he might not
206 have to move his mailbox if the sidewalk was moved to the other side of the street.

207 Francine Nolde stated that she thinks the Board should look into details as to who will actually
208 use the proposed sidewalk. She suggested that the number of trees being cut down be replaced
209 with mature beautiful trees.

210

211 Pauline Church, 91 Stow Rd, stated that the loss of the 20' maple tree will affect her greatly
212 because it gives her lot privacy from the road. She stated that she is also concerned with the
213 white pine trees in her backyard, if the area is dug up to build a sidewalk. This construction
214 might hurt the root system of the other trees. She stated that she doesn't believe the sidewalk
215 makes sense on this side of the road. She believes that she speaks for all of the Tisbury Meadows
216 Association.

217

218 Elaine Almstead, 89 Stow Rd, stated that she believes this will have a long-term effect on the
219 existing trees and shrubs in the area and will disrupt the plants during the construction process.
220 She also stated that this is the safest point along Stow Road, beyond this it narrows and curves
221 and is quite dangerous.

222

223 Mary Ann Brown, 93 Stow Rd, stated that she is concerned for the health of the existing trees in
224 the area.

225

226 Nick G, 120 Stow Rd, stated that the number of pedestrians has increased during the pandemic.
227 He believes that the suggestion to move the proposed sidewalk across the road will help deter
228 speeds along the road and increase safety on the east side of the road.

229

230 Ms. Markowitz stated that there are some outstanding questions from Tisbury Meadows that
231 need a response from Ducharme & Dillis. She will put Board comments in the same letter.

232

233 In response to a question from Ms. Lazarow, Mr. Roy stated that the sidewalk was a condition of
234 the settlement agreement between the Town and the developer. This agreement can be modified
235 by mutual agreement of both parties, he believes. He will discuss the possibility of payment in
236 lieu of the construction of the sidewalk with the applicant.

237

238 Ms. Verner moved to continue the public hearing to September 21st, 2020, 7:30 PM at Town
239 Hall or via Zoom. Ms. Lazarow seconded. Motion passed unanimously 5-0.

240

241 **Review Submittals**

242 700, 750, & 800 Massachusetts Avenue – Discussion of 8/17/20 Enclave at Boxborough
243 Submittal = Landscape Plans revised 8/10/20

244

245 Ms. Markowitz stated that an August 10th submission of revised landscaping plans reflects
246 revisions to plantings behind units 37, 38, 39, and 40. She explained that what was requested

247 were green giant arborvitae placed in lieu of what was there. For three trees behind units 37 and
248 38, it is being proposed that black hills spruce trees be planted. For three trees behind units 39
249 and 40, it is being proposed that three blue spruce trees be planted.

250

251 Ms. Verner stated that these amendments are being made to ensure that sizable evergreen
252 material will be placed in the highlighted areas. These trees should be 8-10' high at the time of
253 planting. She stated that additional plant species could be grown in layers to create a full
254 evergreen screen throughout. She explained that wider growing evergreen species will get wider
255 and broader to block visual impacts. She explained that some are located directly between the
256 homes and the new units. She stated that she had hoped that pines would replace the species
257 instead of spruce trees, but the applicant has still done as asked by mixing in arborvitae in key
258 areas and intervals per the plans.

259

260 Ms. Markowitz stated that the Board is comfortable with the landscape drawings with the
261 revisions and is not expecting further revisions to the landscape plans.

262

263 In response to a question from Mr. White, Mr. Nuckolls stated that he is hesitant to comment on
264 how quickly plantings can be placed near the Birons' house, as the Toll Brothers don't currently
265 own the land. He stated that he will call Jim Fenton to expedite these plantings as soon as
266 possible. He believes that this can be done within 30 to 60 days at the latest period. He would
267 also like to make sure that proper irrigation is available, but this will be easier in the fall.

268

269 Mr. White suggested that the Birons could give water to the site in order to get these trees
270 planted more quickly. Mr. Nuckolls and the Birons agreed to make that deal.

271

272 In response to a question from Ms. Markowitz, Mr. Nuckolls stated that he will work to commit
273 to complete the buffer plantings this fall.

274

275 Miss Markowitz stated that the Birons should have a representative available for an upcoming
276 site walk.

277

278 In response to a question from Ms. Verner, Mr. Corson stated that the Building Official will be
279 the one to make a judgment call, if needed, if planting stock is not available and alternates need
280 to be chosen.

281

282 Ms. Verner stated that she believes some changes in alternate plantings would warrant a
283 discussion with the Planning Board. Ms. Markowitz suggested that the abutters and Ms. Verner
284 be included in any discussions regarding substitutes to the proposed plantings.

285

286 **Town Center/Enclave Project**

287

288 Mr. Roy stated that all utilities have been installed and that the septic is looking to be built soon.
289 He stated that there is fine grading happening to prep for paving. Paving should occur later this
290 week.

291

292 In response to a question from Ms. Markowitz, Mr. Roy stated that he believes there will still be
293 additional blasting and stonecutting on site. Mr. Nuckolls stated that he believes there is about a
294 week's worth of stone crushing still to happen. Most of this will occur during wet weather to
295 manage dust.

296
297 In response to a question from Mr. Barbadoro, Mr. Roy stated there are watering trucks on site to
298 help control the dust.

299 Mr. Corson stated that the smaller stone crushing machine was moved on site and the Board of
300 Health has been monitoring the area.

301
302 In response to a question from Mr. Barbadoro, Mr. Roy responded that the stone crusher is
303 currently located at the intersection of the loop road and the cul-de-sac road.

304
305 In response to a question from Ms. Markowitz, Mr. Corson stated that the large stone crushing
306 machine is located in a designated area central to the site. He is unsure why the smaller machine
307 is not also in this location but has highlighted this item for Bentley Herget to review.

308
309 The Birons stated but these smaller rock crushing machine has been located right behind their
310 house all weekend.

311
312 **Cisco Campus Discussion**

313
314 Ms. Markowitz explained that the Cisco property has hit the marke. She shared with the group a
315 graphic for a working group design. She suggested to identify a working group that will be
316 overseen by the Planning Board. This group will take a more thorough assessment of the Town's
317 baseline capacity to take on development. The working group inputs will come from public
318 safety needs, housing needs, current and tipping points for the schools, water supply, community
319 input, financials, etc. She stated that the working group will receive inputs from all of these areas
320 to tweak the model for each development proposal to come before the Board.

321
322 Mr. White stated that buyers of properties usually know what the area is zoned for and what they
323 can do by right. It is hard to anticipate and predict what owners will ask for. He suggested that
324 the Board wait to see what comes out of the UMass study first.

325
326 Mr. Barbadoro stated that he believes the Town should identify what it wants to do with land
327 first and zone for that.

328
329 Ms. Markowitz stated that she believes some tipping points should be established the
330 demonstrate who will become impacted from developments and what can be accommodated by
331 the town.

332
333 Ms. Lazarow stated that she believes the baseline water supply information should be gathered
334 from existing information, if possible. If it cannot be gathered from existing information, she
335 would like to know how much money it would cost to get this information.

336

337 Mr. White stated he believes it is foolish to focus this effort on the Cisco project, in particular
338 because of the timing.

339
340 Ms. Verner stated that the feasibility study should be focused town-wide in order to know what
341 the Town can handle. This should not be Cisco specific.

342
343 Ms. Markowitz stated that the basis for this model could then be applied to any application.
344 Diana Lipari, 394 Littlefield Rd, stated that the highest and best use for this property is probably
345 warehouses and residential units. She believes that the residential component is an important
346 aspect. She believes the study group is important.

347
348 **Discussion of Memorandum of Understanding (MOU) regarding administrative direction**
349 **for the Town Planner**

350
351 Ms. Markowitz explained that the Town Planner job description identifies aspects of supervision
352 that come directly from the Planning Board and some that come directly from the Town
353 Administrator. It mentions an MOU between the two entities. She would like to designate one or
354 two Planning Board members to discuss this topic with the Select Board.

355
356 Maria Neyland, Chair of the Select Board, stated that this discussion will be had offline and
357 information then shared to each Board.

358
359 Mr. White and Mr. Barbadoro volunteered to be in this small group.

360
361 Ms. Neyland stated that this position has been running for many years without an MOU. She
362 explained that the Select Board needs to make sure that the expectations for this position make
363 sense and memorialize them.

364
365 **Solar Bylaw**

366
367 The Planning Board reviewed the cover letter for this project. Ms. Verner stated that she
368 reworked several parts of the cover letter and made it more specific to this Town.

369
370 In response to a comment from Ms. Markowitz, Ms. Verner stated that she will rework the cover
371 letter to mention that the Town was awarded a similar grant in the past.

372
373 Ms. Markowitz stated that this cover letter can be revised and sent to Mr. Corson for Town
374 Administrator Ryan Ferrara to sign.

375
376 **Zoning Bylaw Audit**

377
378 Mr. Corson stated that task one of this project is underway, which is to do an assessment of the
379 existing bylaw. Task two will be to meet with people, have meetings with the Planning Board
380 and Town staff.

381

382 Ms. Lazarow moved to adjourn. Seconded by Mr. White. Motion passed unanimously 5-0 at
383 10:14 PM.

384

385

386 Meeting Documents

387 Meeting Minutes June 29, 2020

388 Meeting Minutes July 1, 2020

389 Meeting Minutes July 13, 2020

390 Meeting Minutes August 3, 2020

391

392 Design Review Board Memorandum : Design Review Board Application dated 9 July 2020 –
393 Supplemental Documentation for the Community Clubhouse Building

394

395 Tisbury Meadows Condominium Association Comments and Questions re: Public hearing for
396 proposed scenic sidewalk on Stow Rd

397

398 Biron Formal Complaint emails

399

400 Town Planner Job Description

401

402 Copy of Town of Shirley Planning Board Rules & Regulations

403

404 MassDevelopment Real Estate Services Technical Assistance FY21 Call for Proposals

405 Mixed Use Zoning: A Planners' Guide

406

407 Working Group diagram

408

409 LEGAL NOTICE OF PUBLIC HEARING: Town of Boxborough

410 Planning Board – Scenic Road Permit, Public Shade Tree Removal, & Stone Wall Alteration
411 Application

412

413 Site Plan Modification #1

414

415 *This meeting was conducted via Remote Participation, pursuant to the Current Executive Order.*

416

417 Zoom Access Protocols

418 Join Zoom Meeting <https://us02web.zoom.us/j/84433770468>

419 Meeting ID: 844 3377 0468

420 One tap mobile

421 +13017158592,,84433770468# US (Germantown) +13126266799,,84433770468# US (Chicago)

September 17, 2020
6092

Town of Boxborough Planning Board
29 Middle Road
Boxborough, MA 01719

RE: Revised ANR plan
700-800 Massachusetts Ave.
Boxborough, MA 01719

Dear Members of the Board,

On behalf of Boxborough Town Center, LLC, Ducharme and Dillis Civil Design Group, Inc. has prepared this letter to provide additional information relative to submitted ANR plan.

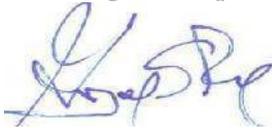
Recently, the Department of Environmental Protection (DEP) has indicated that the entirety of the Zone 1 Radii for the proposed wells must be conveyed and owned by the ultimate end user of the facility, which is to be the Enclave at Boxborough Homeowners Association. As such, the attached ANR plan expands what was previously shown as "Parcel A" (now entitled "Parcel A1" to avoid confusion) to include the entire zone 1 radii from both wells. Lots 2 and 3 have been reduced in size accordingly.

We trust this meets your needs at this time. If you have any questions or require any additional information, please contact the undersigned

Regards,

DUCHARME & DILLIS

Civil Design Group, Inc.



Gregory S. Roy, P.E.
Principal



Boxborough Planning Board
 29 Middle Road
 Boxborough, MA 01719
 978-264-1723
 www.boxborough-ma.gov

Approval Not Required Under The Subdivision Control Law

Form A

Town Clerk Received

Planning Board Received

Property Location: 700-800 Massachusetts Ave (700, 750 & 800 Massachusetts Ave.)

Assessor Parcel Number: Map 14, Parcels 208, 209 & 210

Zoning District(s): Town Center

Property Acreage: 58.4 ±

Number of Existing Lots: 3

Proposed Lot(s) Frontage & Acreage: Lot 1A: 102.54' / 24.57 ac +/-

Parcel A1: 5.74 ac +/-

Lot 2A: 682.72' / 19.42 ac +/-

Parcel A2: 3.15 ac +/-

Lot 3A: 54.75' / 7.96 ac +/-

Parcel C: 0.63 ac +/-

Name of Owner: Boxborough Town Center, LLC

Phone # 978-266-9751

Address: P.O. Box 985, West Acton, MA 01720

Email Address: fentonandson@msn.com

Name of Owner: _____

Phone # _____

Address: _____

Email Address: _____

Name of Applicant: Boxborough Town Center, LLC

Phone # 978-266-9751

Address: P.O. Box 985, West Acton, MA 01720

Email Address: fentonandson@msn.com

Name of Engineer: Ducharme & Dillis Civil Design Group, Inc.

Phone # 978-779-6091

Address: 1092 Main Street, Bolton, MA 01740

Email Address: groy@ddcdg.com

Name of Surveyor: Ducharme & Dillis Civil Design Group, Inc.

Phone # 978-779-6091

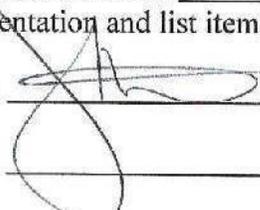
Address: 1092 Main Street, Bolton, MA 01740

Email Address: sdillis@ddcdg.com

List any Board of Appeals decisions pertaining to this site: _____

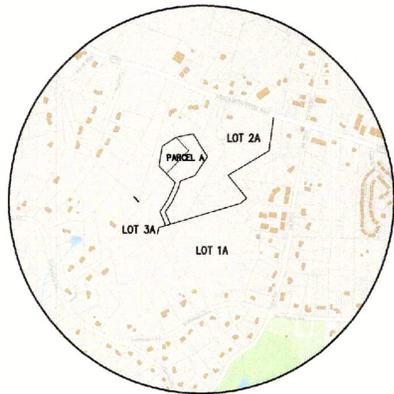
The undersigned Applicant wishes to record the accompanying plan and requests a determination and endorsement by the Board that approval by it under the Subdivision Control Law is not required. The Applicant believes that approval is not required for the following reasons (check each box of applicable paragraph(s) and fill in any blanks in such paragraph(s)):

- 1. The accompanying plan is not a "subdivision" because the plan does not show a division of land.
- 2. The division of the land shown on the accompanying plan is not a "subdivision" because every lot shown on the plan has at least 100 feet of frontage as required by the Boxborough Zoning Bylaw; and every lot shown on the plan has such frontage on:
 - a. a public way or way which the Town Clerk certifies is maintained and used as a public way, namely: Massachusetts Avenue & Priest Lane
 - or
 - b. a way shown on a plan previously approved and endorsed in accordance with the Subdivision Control Law, namely: _____
 - or
 - c. a private way in existence on February 4, 1954, the date when the Subdivision Control Law became effective in the Town of Boxborough, which has sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting the way and for the installation of municipal services to serve the lot(s) and the building(s) erected or to be erected thereon, namely: _____
- 3. The division of the tract of land shown on the accompanying plan is not a "subdivision" because it shows a proposed conveyance, which changes the size and/or shape of the lot(s) in such a manner that frontage is not affected.
- 4. The division of the tract of land shown on the accompanying plan is not a "subdivision" because two or more buildings were standing on the land prior to February 4, 1954, and one of such buildings remains standing on each of the lots as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the Subdivision Control Law is submitted as follows: _____
(attach documentation and list items included in that documentation)

Signature of owner(s)  Date: 9/17/20
 _____ Date: _____
 Signature of Applicant(s): _____ Date: _____
 (if different) _____ Date: _____

Application Submittal Check List

- 1. One ANR Application; Form A filled out and signed by the property owner and Applicant with three copies
- 2. One mylar ANR Plan in conformance with the Board's Subdivision Rules & Regulations with three copies
- 3. Seven 11" x 17" reduced copies of ANR Plan
- 4. A CD with an electronic version of the ANR Plan in a format compatible with ArcGIS.
- 5. Application fee as established in the Planning Board Fee Schedule
- 6. Assessor Parcel Map GIS fee as established in the Planning Board Fee Schedule



LOCUS
SCALE 1"=1000±'

NOTES:

RECORD OWNER & APPLICANT:
BOXBOROUGH TOWN CENTER, LLC
P.O. BOX 985
WEST ACTON, MA.

DEED REFERENCES:
BOOK 27102 PAGE 550

PLAN REFERENCE:
PL 5 OF 2019
PL 18 OF 2020

ASSESSORS REFERENCE:
MAP:14 PARCEL:208 (700 MASS. AVE.)
MAP:14 PARCEL:209 (800 MASS. AVE.)
MAP:14 PARCEL:210 (750 MASS. AVE.)

ZONING DISTRICT:
IC

ENDORSEMENT HEREON DOES NOT CONSTITUTE APPROVAL OF THIS PLAN FOR ZONING PURPOSES, AND DOES NOT RELIEVE THE APPLICANT FROM THE OBLIGATION TO OBTAIN SUCH BUILDING AND ZONING PERMITS OR VARIANCES AS MAY BE REQUIRED BY MASSACHUSETTS GENERAL LAWS OF THE TOWN OF BOXBOROUGH BYLAWS.

RESERVED FOR REGISTRY USE

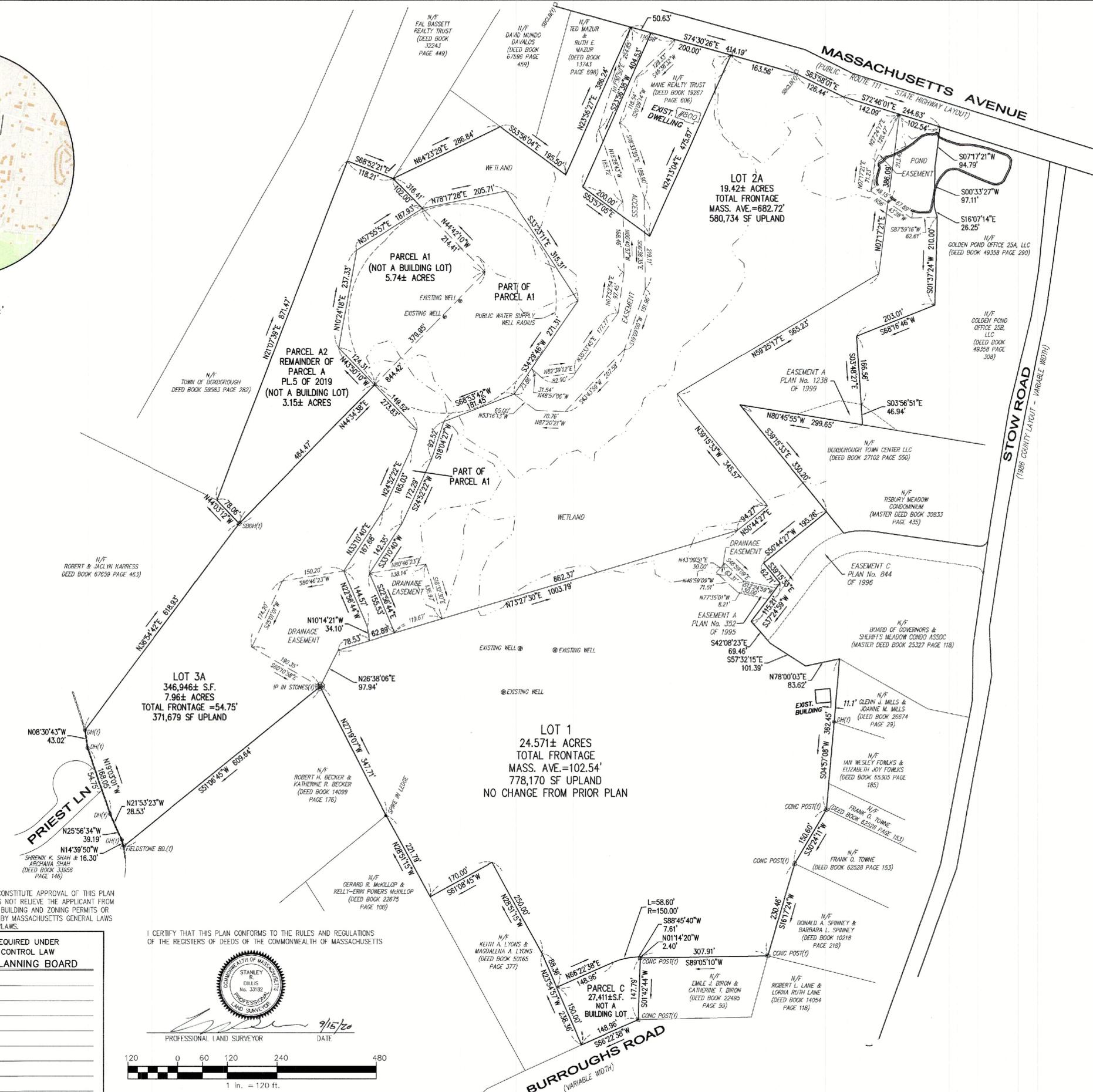
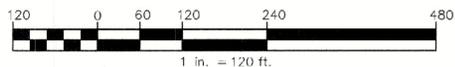
APPROVAL NOT REQUIRED UNDER
THE SUBDIVISION CONTROL LAW
BOXBOROUGH PLANNING BOARD

DATE: _____

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS



PROFESSIONAL LAND SURVEYOR
DATE: 9/15/20



**PLAN OF LAND IN
BOXBOROUGH, MASSACHUSETTS**

DATE: SEPTEMBER 15, 2019	SCALE: 1 in. = 120 ft.
OWNER: BOXBOROUGH TOWN CENTER, LLC P.O. BOX 985 WEST ACTON, MA	JOB NO. 6092 DWG. NO. 6092-ANR2

DUCHARME & DILLIS
Civil Design Group, Inc.
CIVIL ENGINEERS • LAND SURVEYORS • WETLAND CONSULTANTS

1 MAIN STREET, SUITE 1 LUNenburg, MA 01462 PHONE: 978-779-6091 www.dcdcg.com



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 Mark Barbadoro Robin Lazarow Rebecca Verner

SITE PLAN APPROVAL MODIFICATION #2
BOXBOROUGH TOWN CENTER, LLC
700, 750, & 800 Massachusetts Avenue

Pursuant to Site Plan Approval and Special Permit for Alternate Access Decision, dated August 19, 2019, and recorded with the Middlesex South Registry of Deeds in Book 73270 Page 132 (the “Decision”), the Planning Board approved the application of Boxborough Town Center, LLC (the “Applicant”) to construct a 50-unit elderly occupancy residential development on several contiguous parcels of land located at 700, 750, and 800 Massachusetts Avenue (the “Development”).

On July 24, 2020, Toll Brothers, acting as project representative for the Development, submitted several documents to the Board, including revised Site Plans and Landscape Plans associated with the clubhouse area, for the purpose of requesting a modification of the Site Plan Approval for the Development (the “Modification Request”). The Modification Request reflected changes to the layout and landscaping plans for the clubhouse area, including an increase in the clubhouse size but an overall reduction of hardscape. This Modification resulted in a reduction of impervious area from originally approved 12,000 square feet to 8,600 square feet, a reduction of 3,400 square feet of impervious area.

At a duly called meeting on August 3, 2020, acting in accordance with and pursuant to Conditions #19 and #20 of the Decision, the Planning Board opened discussion on the Modification Request. Chair Cindy Markowitz and Planning Board members Rebecca Verner, Robin Lazarow, Mark Barbadoro, and Mark White heard the Request for the Board. Shawn Nuckolls and Dave Buckley of Toll Brothers, Inc., and Ryan Vickers of Ducharme & Dillis Civil Design Group Inc. attended for the Applicant. After due consideration of the Request and materials and testimony submitted in relation thereto, the Planning Board (motion by Mr. White, seconded by Ms. Verner), voted 5-0 to **APPROVE** the Modification with the following conditions:

1. Condition #1 of the Decision is modified as follows:
 - a. The revised Site Plans dated 7/22/20 as amended by the Site Plan Modification #1 dated 9/14/20, will be superseded by revised Site Plans reflecting the updated Landscape Plans as prepared by ESE Consultants dated 8/10/20 (sheets 1 through 9), and Clubhouse Landscape Plans as prepared by ESE Consultants dated 7/22/20 (sheets 1 through 5). These revised Site Plans will not include plans referencing the sidewalk along Stow Road (Sheets C8.9 – Sheets C8.11).

- b. The revised Landscape Plans dated 6/17/20 (sheets 1 through 8) provided by ESE Consultants as amended by the Site Plan Modification #1 dated 9/14/20 will be superseded by revised Landscape Plans as prepared by ESE Consultants dated 8/10/20 (, sheets 1 through 8), and Clubhouse Landscape Plans as prepared by ESE Consultants dated 7/22/20 (sheets 1 through 5) incorporating recommendations from the Design Review Board Report dated August 21, 2020.

Witness our hands this ____ day of _____, 2020:

BOXBOROUGH PLANNING BOARD:

Cindy Markowitz

Mark White

Rebecca Verner

Robin Lazarow

Mark Barbadoro

Received:

Elizabeth A. Markiewicz, Town Clerk

Date Filed



Technical and Aesthetic Standards for Small Cell Siting

Littleton Electric Light and Water Departments

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Glossary of Definitions and Acronyms

ADA Requirements – (Americans with Disabilities Act) Technical requirements for accessibility to sites, facilities, buildings and elements by individuals with disabilities.

Antenna – The interface between radio waves propagating through space and electric currents moving in metal conductors, used with a transmitter or receiver.

Applicable Standards – means all applicable engineering, safety, and other standards governing the placement, installation, maintenance, and operation of Wireless Communication Facilities and the performance of all work in or around Utility Facilities and includes the most current versions of National Electric Safety Code (“NESC”), the National Electrical Code (“NEC”), the American Public Power Association (APPA) Safety Manual, and the regulations of the Occupational Safety and Health Administration (“OSHA”).

Application – A request made to Utility to attach Wireless Communication Facilities upon Utility’s Poles, consistent with Article 6 of this agreement.

Attaching Entities – Wireless carriers, infrastructure companies, or others applying to attach to Littleton Electric Light and Water Departments owned equipment.

Bonding - The permanent joining of metal parts together to form an electrically conductive path that has the capacity to conduct safely any fault current likely to be imposed on it.

Cabinet – The housing of small cell equipment.

Conduit - A tube or trough for protecting electric wiring.

FCC – Federal Communications Commission.

FCC Order – “In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment,” Declaratory Ruling and Third Report and Order, WT Docket No. 17-79, WC Docket No. 17-84, 2018 WL 4678555, (rel. September 27, 2018) (“Order”)

Fiber Backhaul – The portion of the network that is comprised of intermediate links between the core network, or backbone network, and the small subnetworks at the edge of the network.

Grounding - The conductor that connects equipment to the earth via a grounding electrode.

Licensed Frequencies – Devices that operate within the portion of the radio spectrum designated by the FCC to be reserved for organizations that have been granted licenses.

Light Pole – A utility owned pole that is a raised source of light.

Littleton Electric Light and Water Departments – (LELWD) A municipality providing electricity to the towns of Littleton and Boxborough and water to the town of Littleton.

Make-Ready or Make-Ready Work - All work Utility reasonably determines to be required to accommodate Licensee’s Wireless Communication Facilities and/or to comply with all Applicable Standards. Such work includes, but is not limited to, field survey work, rearrangement and/or transfer of Utility Facilities or existing Attachments, inspections, engineering work, permitting work, tree trimming (other than tree trimming performed for normal maintenance purposes), and pole replacement and construction, but does not include Licensee’s routine maintenance.

Master Agreement – An agreement between the attaching entity and the Littleton electric Light and Water Departments regarding the attachment of small cell infrastructure.

Micro-Cell or Micro Wireless Facility –A wireless facility suspended on cables owned by an entity that has authorized Licensee’s use strung between existing Poles that meets the following qualifications: (i) is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height; and (ii) any exterior antenna is no longer than 11 inches.

Mid-Span - The point on a flexural member that is equidistant from the two end supports.

NESC – The National Electric Safety Code.

Pedestals/Vaults/Enclosures/Surface Mounted Cabinets - Above- or below-ground housings that are not attached to Poles but are used to enclose a cable/wire splice, power supplies, amplifiers, passive devices, and/or to provide a service connection point.

Pole - A pole owned or controlled by Utility, including a Jointly Owned pole, used for the distribution of electricity and/or Communication Service that is capable of supporting Attachments for Wireless Communication Facilities.

Pole Attachment Agreement – An agreement made between the Littleton Electric Light and Water Department and an attaching entity that allows an attaching entity to attach to LELWD owned poles.

Pole Loading Analysis – Identifies the forces acting on a pole and analyzes its structural integrity.

Pole-mounted Cabinet – A cabinet that is mounted to a utility or light pole and is used for small cell applications.

Pole-mounted Equipment – Equipment that is mounted to a utility or light pole and is used for small cell applications.

Power Disconnect – A switch that isolates all a service from the source of power.

Power Meter – An electric device that measures energy consumption.

Public Right-of-Way - The Town public right of ways have been established and are maintained primarily for the purposes of transportation movement of vehicles and pedestrians. It is also desirable to grant individuals and utility company's access to utilize Town right of ways for purposes other than transportation.

Restriction Zone – A zone or area that has been designated by the Littleton Electric Light and Water Department as an area with different aesthetical standards. This area is described as...

RF Exposure – Exposure to radiofrequency.

Riser Cable – A cable that travels up or down a utility pole or light pole for the purpose of small cell applications.

Small Cell Equipment - Small cells are low-powered cellular radio access nodes that operate in licensed and unlicensed spectrum that have a range of 10 meters to a few kilometers.

Stand-off Brackets – Brackets that attach to the utility pole that are used to support conduit. Stand-off brackets and straps are to be purchased through LELWD.

Transition Conduit - Conduit transitions to from below ground to above ground.

Wireless Backhaul - The use of wireless communications systems to get data from an end user to a node in a major network such as the Internet or the proprietary network of a large business, academic institution or government agency.

Wireless Facility or Wireless Communication Facility - a facility or facilities owned and/or controlled by Licensee and defined as Small Wireless Facilities by the Federal Communications Commission. Small Wireless Facilities include those facilities intended to be used for the provision of personal wireless service as defined at 47 U.S.C. § 332(c)(7)(C), including, but not limited to, antennas, remote radio heads, transmitters, transceivers, and related Equipment. For the removal of doubt, wireline facilities used for backhaul are not Wireless Communication Facilities.

1 Introduction

The Littleton Electric Light and Water Departments (LELWD) has established these technical and aesthetic standards (Standards) to govern access to and use of LELWD poles by wireless carriers, infrastructure companies, or others (collectively referred to as “Attaching Entities” or “Applicants”) for installation of small Wireless Facilities, as defined by the U.S. Federal Communications Commission. These facilities are commonly called “small cells.” The small cells and all associated equipment are referred to in these standards as “Wireless Facilities.”

These standards are intended to protect the primary purposes of utility poles, light poles, and other fixtures (that is, to support utility cables and equipment and to provide illumination) and to ensure public safety and utility employee safety. The technical standards describe in detail whether and how a particular structure can be used for Wireless Facilities attachment. After a proposed placement is determined to be acceptable according to the technical standards, the aesthetic standards then ensure that the technically feasible options are also aesthetically acceptable.

These Standards are part of an evolving process that considers the ongoing development of communications technologies as well as a recent FCC order entitled “Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment” (the Order).¹ The Standards may be amended to accommodate future technological and regulatory changes as well as the needs of LELWD.

All Attaching Entities must follow the most current version of the National Electrical Safety Code (NESC) and all other applicable engineering standards, FCC standards, and other federal, state and local standards and codes. These LELWD Standards use national safety standards and federal rules as a foundation, but LELWD’s unique operational requirements, as well as local aesthetic requirements, also inform these Standards.

¹ “In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment,” Declaratory Ruling and Third Report and Order, WT Docket No. 17-79, WC Docket No. 17-84, 2018 WL 4678555, (rel. September 27, 2018) (“Order”) (available online: <https://docs.fcc.gov/public/attachments/FCC-18-133A1.pdf>).

2 Pre-Application Requirements

LELWD has created an application form that accompanies these Standards. The form may be downloaded at www.lclwd.com. Before LELWD will accept an application, Attaching Entities must complete the following steps.

2.1 Execute Master Agreement

Attaching Entities must execute a master agreement with LELWD prior to making an application to install equipment on LELWD poles. Attaching entities must contact LELWD at (978) 540 - 2222 to obtain the forms and procedures. The master agreement contains the terms and conditions for Wireless Facilities attachment on LELWD poles. All associated fees defined in the master agreement.

2.2 Submit a Complete Application

Applications must be fully completed before they will be considered by LELWD. Applications may be submitted to Nick Lawler, General Manager at nlawler@lclwd.com via the online application form.

3 Review, Approval, and Construction Process

LELWD will review the application and the design proposed by the Applicant. If the application does not comply with these Standards, LELWD will reject it and send it back. Terms, conditions, and procedures on make-ready, pole replacement, installation, and maintenance work are outlined in the master agreement. Pole replacement and structural analysis requirements are described in Section 4.3 of these Standards.

Once LELWD approves the application, LELWD will perform any required make-ready (in the power space on utility poles, or on LELWD-owned streetlights), will notify Attaching Entities consistent with existing LELWD policy, and will replace utility poles and streetlights as necessary. Payments must be made in advance for this work.

If LELWD determines that the pole needs to be replaced to provide space and clearance or other reasons, the Applicant shall pay for the cost of pole replacement and all other make-ready. If new poles are needed, LELWD shall install and own the new poles. Payment must be made in advance for this work.

The Applicant shall provide on-site training of LELWD personnel to safely install and maintain the Wireless Facilities equipment, as well as RF occupational training related to working in close proximity to this equipment. The Applicant shall hold training annually to ensure continued compliance with updated versions of the NESC, FCC, federal, state, and other applicable standards and codes.

LELWD shall perform all work in the utility pole power space, including installation and maintenance. Once the make-ready is done, LELWD will authorize the Attaching Entity to do the approved work below the power space on utility poles and on light poles.

Technical drawings identifying all electrical specifications and requirements for the Wireless Facilities attachment shall be provided to LELWD and should accompany every application.

LELWD shall consider complete applications received from multiple Attaching Entities to attach to the same Pole on a “first-come, first-served,” non-discriminatory basis.

- If LELWD receives a subsequent application for the same pole from a second prospective Attaching Entity following acceptance of a complete application and prior to completing make-ready electrical construction or issuing a Notice to Proceed on said first application, LELWD shall reject the second application and any subsequent applications for the same pole, if there was no consideration of the proposed attachments from the application which was first in time.

Technical and Aesthetic Standards for Small Cell Siting

- LELWD will reconsider the rejected application if it is revised and resubmitted to eliminate the conflict with the first in time application previously approved.
- In the event the Attaching Entity fails to pay for make-ready construction within the timeline in the agreement, LELWD will reject the application and accept other applications for that pole.

4 Small Cell Equipment Standards

This section describes LELWD's technical and aesthetic requirements for small cells.

The FCC report and order defined small cell antennas as three cubic feet or less and associated equipment as twenty-eight cubic feet or less. Height criteria for small cell structures include: (1) fifty (50) feet in height or less; (2) or structures that are no more than ten (10) percent higher than that of adjacent structures; or (3) does not extend existing structures upon which the equipment is located to a height of more than 50 feet or by more than 10% whichever is greater.

4.1 Pole-Mounted Equipment

As of the date of this version of the Standards, typical pole-mounted small cell equipment comprises:

1. Antennas on the top of pole.
2. Radios, fiber terminations, and other equipment located in enclosures or cabinets.
3. A power meter and power disconnect switch, usually located in two separate, smaller enclosures.
4. Power disconnect with lockout provisions must be mounted outside areas that exceed RF exposure limits (per FCC and Commonwealth of Massachusetts regulations).

Figures 1 through 3 are conceptual drawings intended to demonstrate the basic elements of a small cell attachment and how they typically fit together; the drawings are not to scale or representative of actual structures.

Figure 1 is an example of a small cell on a utility pole. Figure 2 illustrates a small cell on a light pole. Figure 3 shows a small cell on a customized light pole designed to conceal the cabinet. Detailed drawings are provided in Appendix A.

Figure 1: Conceptual Drawing of a Small Cell on a Utility Pole

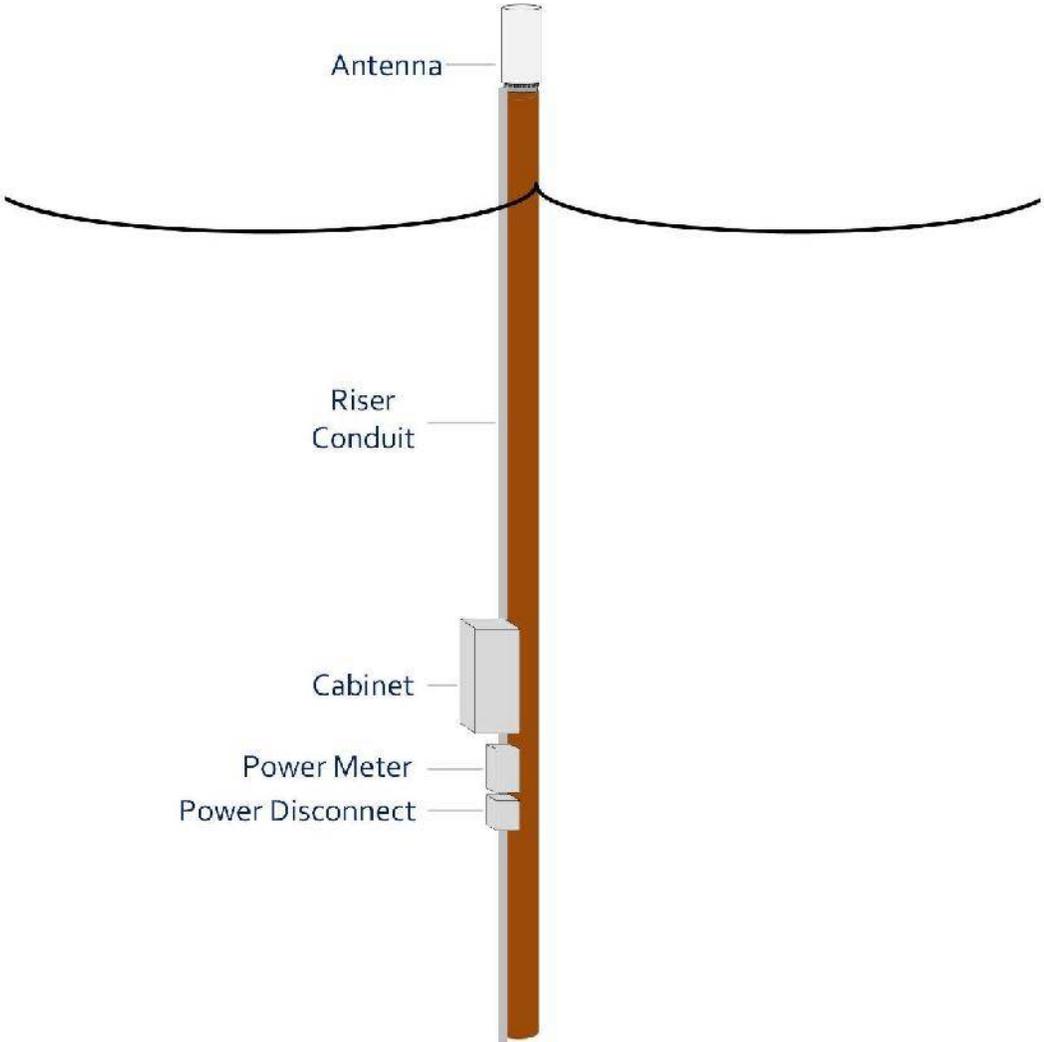


Figure 2: Conceptual Drawing of a Small Cell on a Light Pole

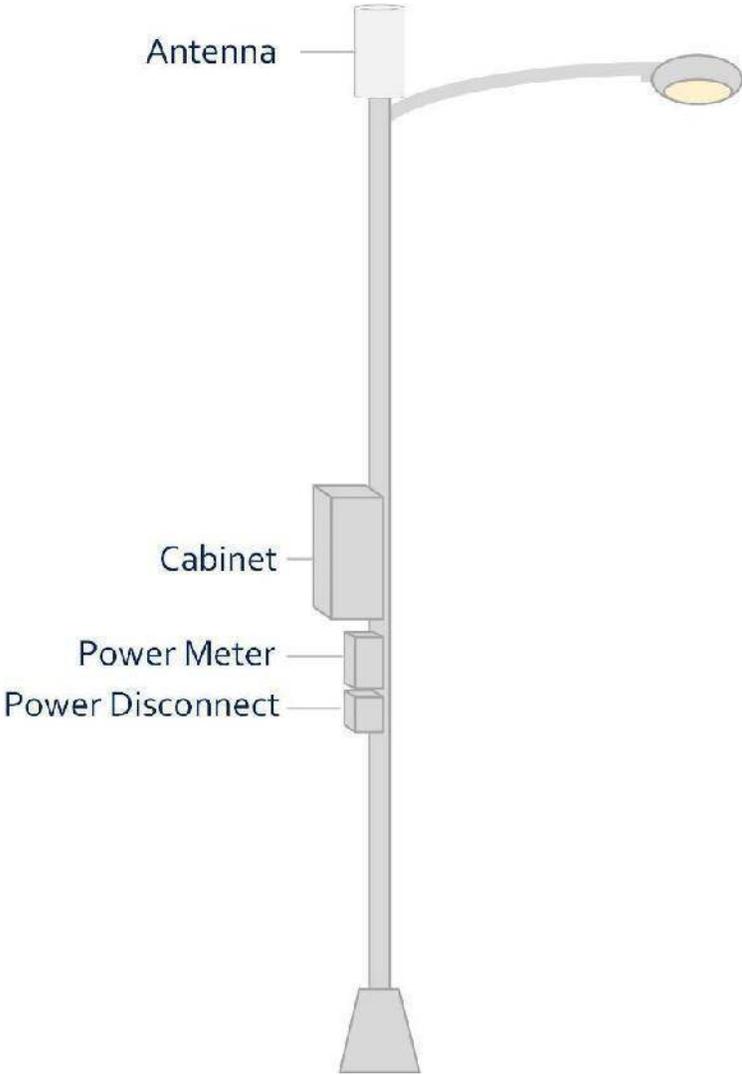
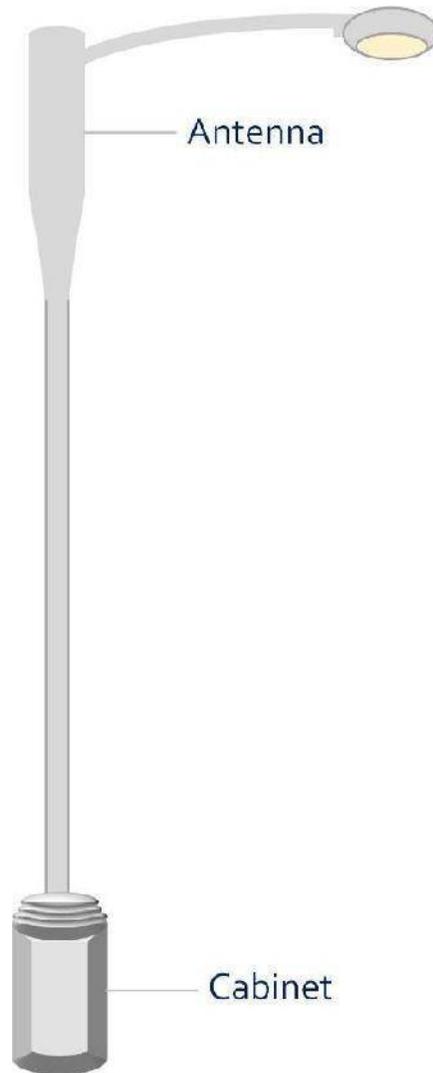


Figure 3: Conceptual Drawing of a Small Cell on a Light Pole with Concealed Cabinet



In all cases, the placement of small cells shall be consistent with existing structures and aesthetics, in harmony with the surroundings, and as unobtrusive as possible.

For example, in areas with decorative light poles, small cells on light poles must be consistent with the existing decorative light poles, calling for a design that is comparable in scale and incorporates the design characteristics of those poles.

In the event an Applicant seeks to place a small cell in a manner that does not comply with the aesthetic standards, it must request a waiver from LELWD.

4.2 Order of Preference – Location

The order of preference for the location of small cell installations in the Town located upon Town right-of-way adjacent to certain zoning districts, from most preferred to least preferred is:

1. Road right-of-way areas (except those adjacent to municipal parks, residential areas or the town common area)
2. Commercial Zone (General commercial zoning adjacent, retail and commercial areas)
3. Mixed Commercial and Residential Zone (Town common, the historic center of town, etc.)
4. Residential Zone (Town Residential, other residential areas, etc.)
5. Parks (on right-of-way adjacent to parks)

4.3 Use of Wooden Utility Poles

LELWD's order of preference for siting Wireless Facilities on wooden utility poles is contained in the following list. If no such poles are available, Attaching Entities should submit an application for making attachments on poles they find suitable and LELWD will review the application and consider moving existing attachments at the Attaching Entity's cost. LELWD maintains sole discretion over the suitability of the pole.

1. Stub poles
2. Poles with no primary that are at an intersection
3. Poles with no primary that are near a property line
4. Non-decorative streetlights, if replaced by a streetlight meeting these standards
5. Other poles without primary if the Applicant can show there is no other viable option
6. Decorative streetlight poles replaced with a pole that is aesthetically in keeping with the replaced pole

Wireless Facilities shall not be installed on:

- Poles containing controls such as fire alarm, police signal, or traffic signals;
- Poles with capacitor controls, regulator controls, recloser controls, air switch operating handles, or an existing three-phase overhead transformer bank;
- Poles with single-phase transformers that are not accessible to mechanized equipment (i.e., a bucket truck);
- Poles with underground electric or communication riser conduits; poles not accessible to mechanized equipment (i.e., a bucket truck); or
- Double-circuit poles.
- Poles with cable nodes, power supplies, line amplifiers or fiber cabinets.

- Poles with Advanced Meter Infrastructure (AMI) such as CGR's, Mesh Nodes or other equipment required to operate the LELD AMI system.

Risers must be the same color as the pole and mounted on back side of the pole. Messenger strand shall be bonded.

Risers feeding ground mounted cabinets shall be installed using standoff brackets which must be purchased from LELWD.

4.4 Utility Pole Replacement or Structural Analysis Requirement

The standard and default approach for attaching to utility poles will be for the pole to be replaced by LELWD at the Attaching Entity's cost to accommodate a new wireless facility attachment. Any poles in poor condition (per the judgment of LELWD) or that are 10 or more years old shall be replaced with Class 2 pole (at a minimum) with adequate height to accommodate equipment. Pole top extensions shall not be used. If additional height is needed a new pole shall be installed. New or replacement pole height shall not exceed 55' unless authorized by LELWD. Antenna height must not exceed 55' above grade.

If the Attaching Entity believes the pole may provide space and structural support for all existing attachments, plus the proposed Wireless Facilities attachment, the Attaching Entity shall provide an engineering design and Pole Loading Analysis (PLA) calculations to justify the use of the existing pole.

Each PLA must be undertaken by a Registered Professional Structural Engineer licensed in the Commonwealth of Massachusetts (Engineer) to undertake and complete the engineering design, the physical testing of pole integrity, and PLA calculations. LELWD reserves the right to approve the contractor and/or consultant selected to perform this work; such approval shall not be unreasonably withheld.

Acceptable software for PLA calculations shall be a commercially available product with general industry acceptance. Should the Applicant or its contractor use a commercially available software application that LELWD does not possess, the Applicant shall make available to LELWD at least one software license. The Applicant will gather the physical and technical information required to conduct a PLA.

4.5 Use of Light Poles

A utility light pole that is replaced with a new pole must be replaced with a new pole at the same location that is designed primarily to serve the purpose of the original pole (i.e., lighting) while also serving as a supporting structure for the Wireless Facilities attachment.

The standard approach will be for a light pole to be replaced with a light pole designed to accommodate the small cell. In the event the Applicant believes the existing pole can support the structure and fulfill all other aesthetic and technical standards, the Applicant shall provide an industry-standard PLA certified by the Engineer indicating that the specific pole will safely support the load.

Replacement poles shall resemble existing poles (To be provided by LELWD at the cost of the customer unless otherwise specified):

- 15' Fiberglass Town & Country Poles
- 27' Aluminum Poles

4.6 Mid-Span Microcell Installations

Microcell wireless equipment can be attached to existing or proposed wireline installations. All mid-span installations shall be no closer than 15 inches and no further than 72 inches from an LELWD pole, including any attached external antenna. Midspan wireless installations cannot exceed 18 inches in length, 15 inches in height, and 12 inches in depth. The Attaching Entity shall provide engineering design and pole loading analysis (PLA) calculations to justify the use both adjacent poles. Power disconnect is typically located on one of the strand-mounted components, on the outside.

5 General Technical and Aesthetic Requirements and Guidelines

- Subject to further discussions, Wireless Facilities shall be installed with a minimum 30-foot setback from residential buildings and a minimum 20-foot setback from commercial buildings.
- LELWD prefers the use of poles at intersections and lot lines.
- No new poles should be installed where poles do not currently exist, unless the Applicant can demonstrate to LELWD's satisfaction that there is no other option to provide service.
- If new poles are to be installed in the public right-of-way, the Applicant shall be solely responsible for obtaining all permits and approvals required under state law and/or local regulation.
- Wireless Facilities by a single provider should be installed with a minimum spacing of 500 feet in residential areas.
- LELWD prefers the use of stealth design elements, such as shapes and colors that match surrounding infrastructure and minimize adverse visual impacts.
- LELWD prefers the use of tapered shapes that smoothly integrate into structures (avoiding, for example, new rectangular boxes).
- The Applicant shall minimize the size and aesthetic difference between a replacement structure and the original pole or structure. (Size requirements defined in section 4)
- In designated areas, Wireless Facilities should use banners and coloring to match surrounding light poles and fixtures.
- No facilities shall be installed in a park or in a right-of-way within 250 feet of a park without prior permission of the Parks Commission.

5.1 RF Exposure

Attaching Entities shall comply with all provisions and guidelines of the FCC OET Bulletin 65, as may be amended from time to time, and shall submit a report certifying FCC OET 65 compliance for each Wireless Facilities installation. The following elements, at a minimum, must be contained within the report:

- A statement of compliance (or non-compliance) per FCC and Commonwealth of Massachusetts regulations;
- Date of the report;

- Date of statement of compliance;
- Pole number proposed for the Wireless Facilities installation;
- Attaching Entity's site or identification number for the Wireless Facilities installation;
- GPS coordinates of the proposed pole;
- Calculation of RF power at the radios or other electronics;
- Calculation of RF power at the antennas; and
- Location of the applicable signage with above ground level height listed.
- Upon installation, the Applicant shall perform RF field tests while the Wireless Facility is in operation, supervised by LELWD to demonstrate compliance with FCC OET 65. LELWD may request more tests if deemed necessary by LELWD.
- Any change in antenna configuration or RF parameters shall require an RF field test to be performed again.
- Photographic simulation with three different line of sight viewpoints.

5.2 RF Signage Requirements:

Approved signage compliant with FCC OET Bulletin 65 shall be posted at each Pole or Streetlight Pole hosting a Wireless Facilities installation, and/or at multiple locations on such pole structure as required by FCC OET 65.

The RF signage shall comply with the appropriate and predetermined exposure level applicable to: "General Public", "Occupational Worker", and "Specialized Worker" as shown in Figure 4 below. All signage shall be low visibility; signs should be no larger than 8" x 12" and made of weather, corrosion, and Ultra-Violet (UV) resistant materials.

Figure 4: RF Signage



5.3 Emergency RF/ Power Shut-Off

Each approved Wireless Facilities installation shall have a clearly marked disconnect switch adjacent to the electronics cabinet and located outside areas that exceed RF exposure limits. The disconnect switch must have provisions for a pad lock to be installed for the workers safety. Once the shut-off switch is placed in the open position, the electronics equipment related to the installation shall not be energized. Additionally, no RF transmissions shall be emitted by any antenna related to the installation.

5.4 Riser Cable

Riser cables to connect antennas and antenna accessory equipment, backhaul services, and power lines shall be in u-guard or conduit on the back side of wooden utility poles with top side weatherheads. Power cables transporting AC power shall be in separate u-guard or conduit from DC power or telecommunications cable.

5.5 Conduit Requirements

All conduit affixed to poles shall be Schedule 40 PVC. No conduit shall pass through the power space. The conduit should be painted to match the pole color. These conduits shall not exceed a diameter of two inches (2"). Only the minimum number of conduits necessary for the attachment shall be placed. No exposed riser cable slack shall be stored externally. All slack shall be stored in junction boxes or equipment cabinets or on snowshoes on the aerial cable. On light poles, no cables shall be visible on the exterior of the pole.

5.6 Transition conduit

Conduit transitions to above ground shall be in schedule 40 RGS conduit bonded to ground with galvanized finish. All coupling points shall be threaded mechanical or solvent-welded and watertight. All transition conduit shall be installed using stand-off bracket hardware supplied by LELWD.

5.7 Licensed Frequencies

Antennas shall only transmit or receive frequencies that are licensed by the FCC to the Applicant or to the carrier the Applicant represents. In the event the Applicant wishes to add another carrier or change the carrier network using the Wireless Facilities, the Applicant shall notify LELWD in writing of the change in carrier and frequencies.

Frequency bands listed by the FCC to be unlicensed and available for open use, may be transmitted or received, as long as they do not cause interference with another Attaching Entity, FCC-licensed entity, LELWD, or the Littleton or Boxborough Fire, Police and Highway Departments.

If LELWD, the Town of Littleton or the Town of Boxborough experiences interference, the Attaching Entity or its successor shall pay for an expert third-party review and remediate the interference. LELWD reserves the right to remove the equipment if the interference is not corrected within two weeks of discovery. If an entity is working toward a solution, LELWD has an option to grant an extension beyond the two week time-frame.

5.8 Attachment Position and Defined Space

In no circumstance shall an antenna clearance be less than specified by the NESC. Radio equipment shall be housed in the wireless equipment cabinet. Non-antenna equipment shall not be mounted within the antenna area or pole top space.

5.9 Point of Demarcation

The Backhaul Network Interface Device and point of demarcation are to be clearly identified on the submitted engineering drawings, as required in the Application, with the provider of backhaul services clearly identified.

5.10 Fiber Backhaul

The method for connecting backhaul to wireless facilities shall be connection of LELWD-provided dark fiber to the Wireless Facilities at the point of demarcation. LELWD has right to first refusal regarding any new fiber backhaul. The preferred approach shall be for LELWD to construct dark fiber from its network-to-network interconnection point in XXX to the Wireless Facilities and provide a connectorized pair of fibers and slack cable at the point of demarcation.

If LELWD does not have any available fiber backhaul, then they may refuse to provide dark fiber to the attaching entity.

If the point of demarcation is on a utility pole, LELWD shall construct the fiber to the cabinet with 20 feet of cable slack.

If the point of demarcation is in a slab-mounted cabinet, with the antenna on a utility pole, LELWD shall construct the fiber to the pole with sufficient additional slack to enable the Applicant to pull the fiber to the cabinet and connect through its own conduit to the point of demarcation.

If the antenna is on a streetlight pole, with the point of demarcation in a cabinet on or in the pole, LELWD shall construct the fiber in underground conduit to a meet-me handhole near the base of the pole, with 50 feet of slack.

If the antenna is on a streetlight pole, with the point of demarcation in a cabinet on a slab, LELWD shall construct the fiber in underground conduit to a meet-me handhole near the slab, with 50 feet of slack.

Fiber provided by LELWD shall comply with the G.652D standard. Typical LELWD fiber construction uses ADSS cable installed aurally in the communications or power space or in underground conduit, depending on the local conditions.

Fiber shall be tested end-to-end by LELWD before handoff to the Applicant. Testing shall be deemed successfully completed if: (1) maximum fiber losses meet manufacturer specifications, with an allowance for splices and connectors; (2) individual splice losses do not exceed 0.1 dB; and (3) maximum mated connector losses do not exceed manufacturer specifications. Testing will be performed by LELWD personnel and may be observed by designated representatives of the applicant.

LELWD shall be responsible for maintenance of the fiber according to the terms of the master license agreement.

An alternative method of connecting backhaul to wireless facilities is for the applicant to construct its own fiber, or for the applicant to contract with a third party to construct the fiber. If it seeks to attach the fiber to LELWD utility poles, the applicant or the third party constructing the fiber must have a separate pole attachment agreement, and the fiber installation must comply with all policies and procedures for third-party wireline pole attachment.

5.11 Wireless Backhaul

The Wireless Installation can be connected via wireless backhaul services. The volume and height of any antenna used for wireless backhaul services is counted towards the total antenna size in Section 5.15.

5.12 Backup Power

Battery backup power devices shall be installed with a transfer switch to prevent back-feeding into the electrical system. No other types of backup power shall be permitted.

5.13 LELWD Work on a Pole

LELWD shall open the Service Disconnect Switch prior to performing any work on an LELWD pole in order to de-energize the Antenna. Any backup power shall also be disconnected when the Service Disconnect Switch is operated. LELWD shall de-energize Wireless Facilities prior to performing any work on a pole structure after providing twenty-four (24) hours' advance notice to the Applicant. Such advance notice may be provided by telephone or email. In an emergency, LELWD may de-energize the equipment without prior notice.

5.14 Signage

Attaching Entities shall install 8" x 12" signs or decals made of weather, corrosion, and UV resistant materials easily visible from the ground level. At a minimum, each sign or decal shall indicate the Attaching Entity's name, emergency 24-hour contact number, and unique identifier for that site.

5.15 Pole-Mounted Antennas

The following requirements apply to pole-mounted antennas:

- Any Antenna in the Pole Top Space must have 60 inches clearance from the closest electrical conductor. U-Guard must cover the cables which run from a pole top antenna to the wireless equipment cabinet and must be installed opposite of "B" phase on the pole structure.
- The total volume of pole-mounted antennas must not exceed 3 cubic feet on a single pole.
- Pole-mounted antennas must be no taller than 48" (4 feet).
- Pole-mounted antennas must have a smooth cylindrical shape (ideally, a single canister, or multiple separate antennas placed inside sheeting that is flush with the pole, or a form factor in which multiple antennas merge into a single smooth shape). No separately mounted antennas will be allowed on a single installation (for example, physically separate panel antennas for each sector).

- Pole-mounted antennas must be flush-mounted or placed in line with the pole.
- Antennas on light poles must be same color as the pole. Antennas on wooden utility poles must be a neutral, unobtrusive color (e.g., black, brown, dark green).

5.16 Cabinets

5.16.1 Pole-Mounted Cabinets

- Cabinets are allowed on the sidewalk side of wooden utility poles.
- Cabinets are allowed on the sidewalk side of light poles except in designated areas.
- An acceptable alternative to external cabinets on a light pole would be equipment placed inside the pole, such as in the base of the pole in a way that integrates with the design of the pole.
- Cabinets mounted on poles must have at least a 12-foot clearance from the ground, or the minimum clearance required by the latest edition of the National Electrical Safety Code (NESC), whichever is greater.
- Cabinets must be flush-mounted to poles.
- Rectangular cabinets on poles are limited to 48" (height) by 24" (width) by 18" (depth); cabinets that are non-rectangular in shape must be comparable or less in volume and visual impact.
- LELWD prefers placing pole-mounted equipment in enclosures with tapered shapes, which are less obtrusive than rectangular cabinets.
- The power meter and power disconnect switch must be located below the cabinet or (in the case of a light pole) inside the pole.
- Cabinets on light poles must be same color as the pole. Cabinets on wooden utility poles must be a neutral, unobtrusive color (e.g., black, brown, dark green).

5.16.2 Surface-Mounted Cabinets

- Surface-mounted cabinets must be on a concrete slab, and where possible must be placed next to existing pedestals and cabinets (for example, near traffic signal controllers, transformers or other utility pedestals).
- Surface-mounted cabinets must be the same color as other nearby pedestals or cabinets. Where there are no other nearby pedestals or cabinets, the cabinets should be the same color as the pole housing the antenna.

- Surface-mounted cabinets must be no larger than 10 cubic feet in volume, and with height, width, and depth each not exceeding 3.5 feet.
- All equipment located within the right-of-way shall be located such that it meets ADA requirements and does not obstruct, impede or hinder usual pedestrian or vehicle traffic.

5.17 Lighting and Noise

- No lighting is allowed on Wireless Facilities attachments; if there are lights on the supplied equipment, they must be covered, removed, or deactivated.
- Wireless Facilities attachments may not create noise in excess of state and local limitations prescribed by laws and regulations.
- Attaching entities are required to incorporate noise suppression measures or place equipment in locations less likely to impact adjacent residences or businesses to ensure compliance with all applicable noise regulations. Where applicable, remediation including relocation of equipment must be implemented by the Attaching Entities.

5.18 Bonding and Grounding

Per the guidelines stated in the NESC, it is the policy and practice of LELWD to ground all Pole structures installed as part of LELWD's distribution system and streetlight service. Attaching entities shall ground their equipment to the multi-ground neutral vertical provided by LELWD. All of the following defined Wireless Facilities components, or pole appurtenance listed, must be bonded:

- Antenna(s)
- Antenna brackets (if applicable)
- Riser conduit(s)
- Radios and other electronics
- Cable messenger strand

Appendix A: Pole-Mounted Wireless Facilities Typical Drawings

Figure 5: Pole with Secondary Power and Antenna on Top Space with Slab-Mounted Equipment Cabinet

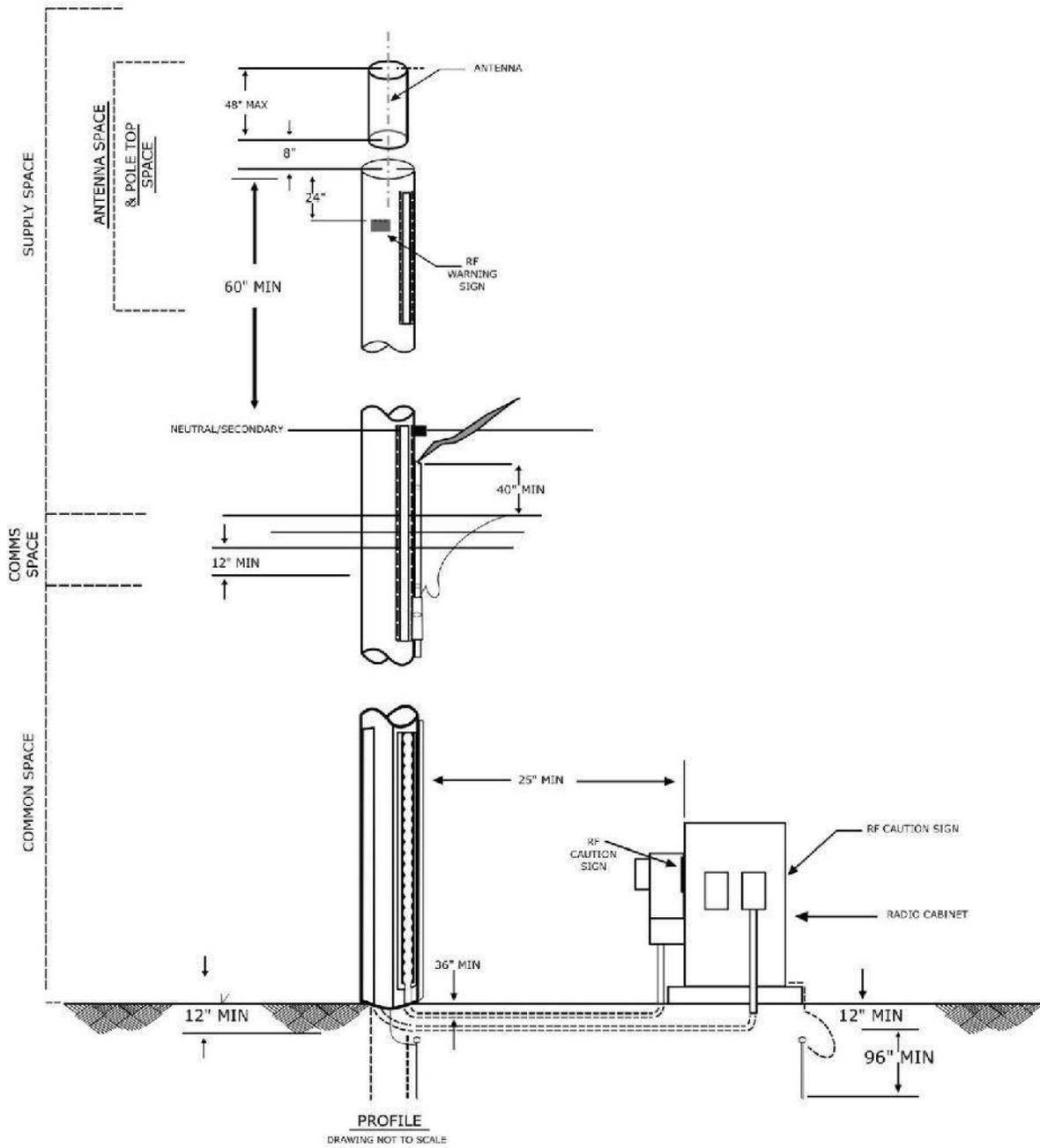


Figure 6: Pole with Secondary Power and Antenna on Top Space with Pole-Mounted Equipment Cabinet

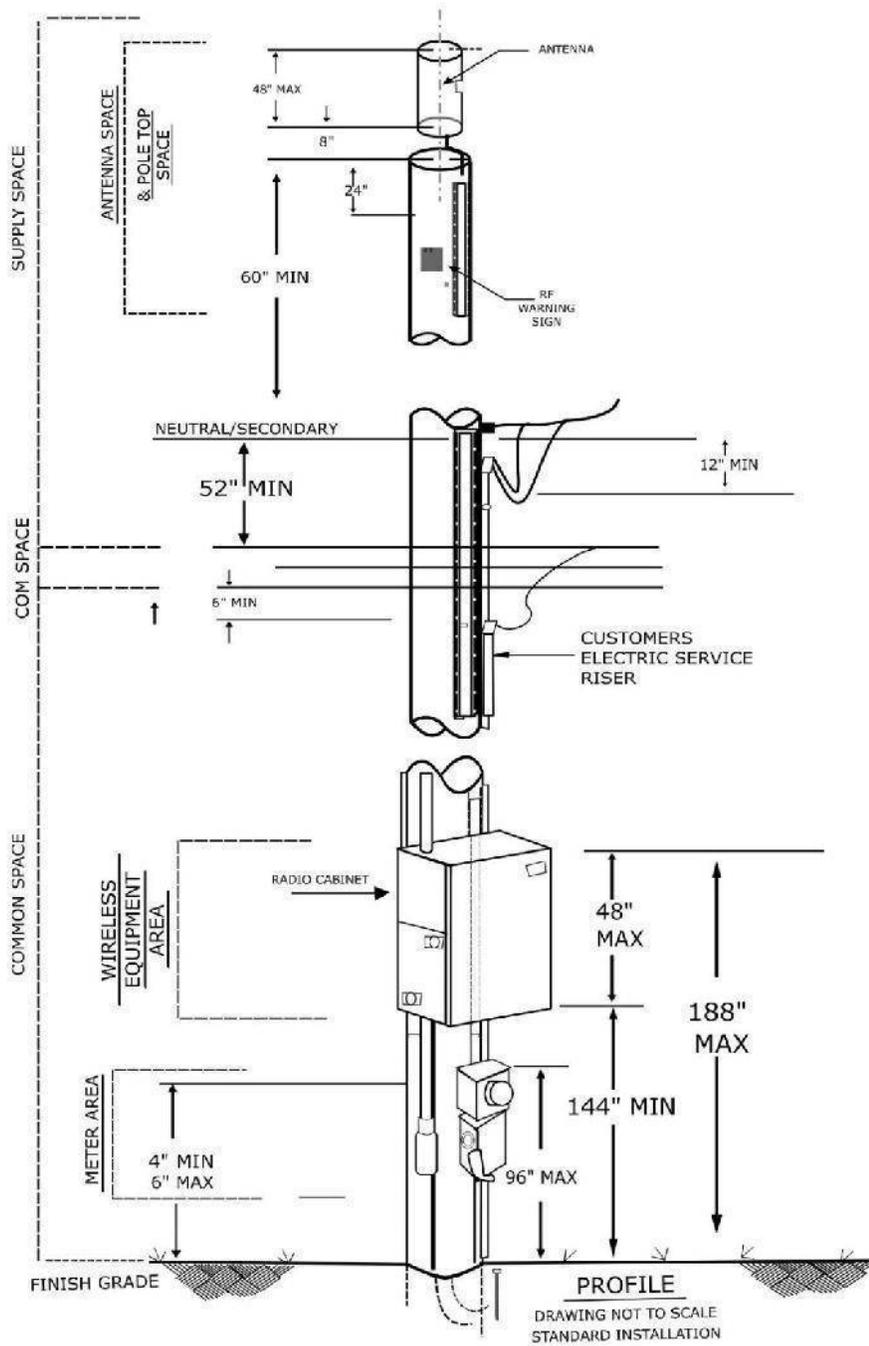


Figure 7: Pole with Secondary Power and Antenna on Top Space with Overhead-Fed Streetlight and Slab-Mounted Equipment Cabinet

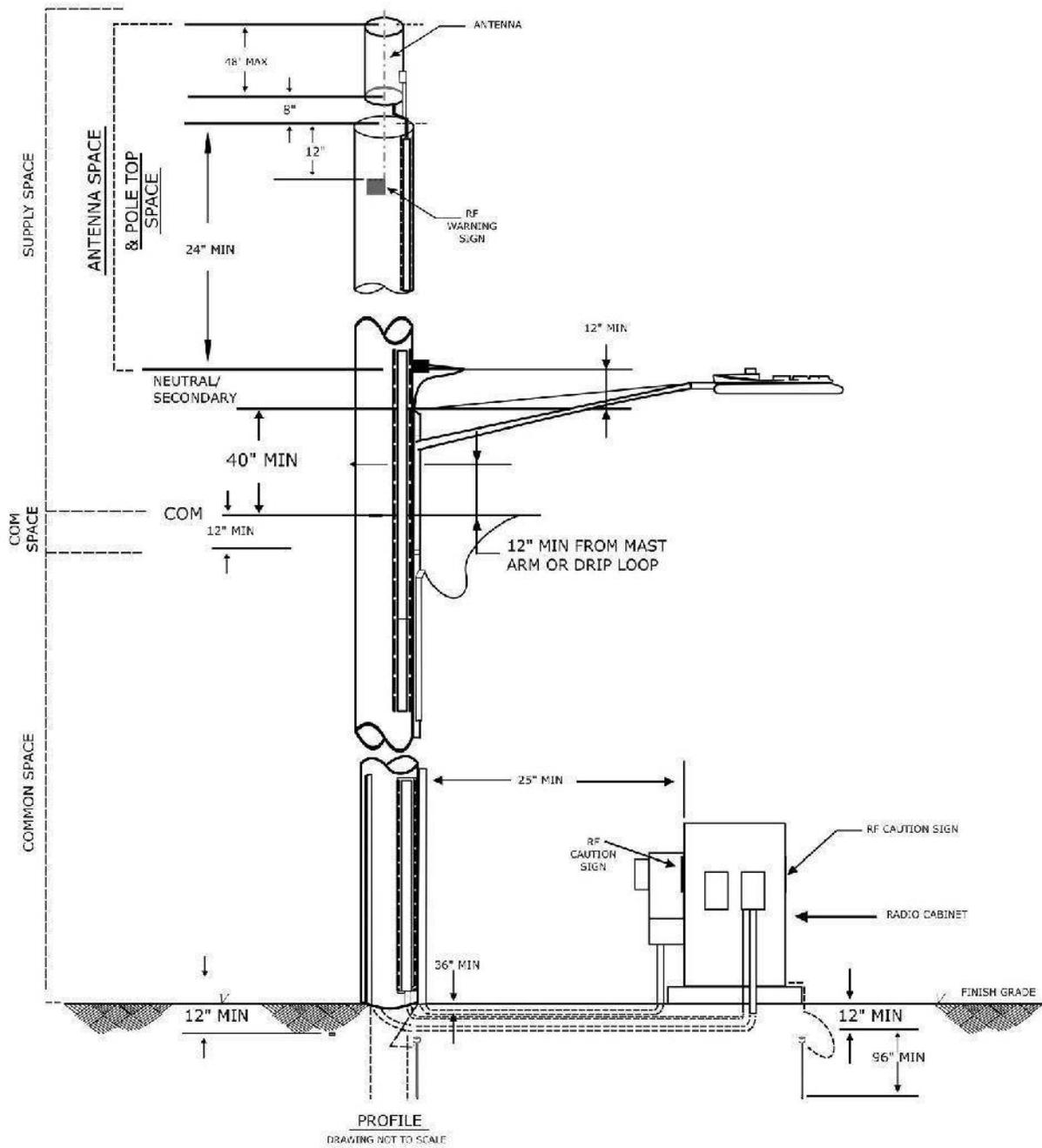


Figure 8: Pole with Secondary Power and Antenna on Top Space and Overhead-Fed Streetlight Pole with Mid-Pole Wireless Backhaul Antenna and Slab-Mounted Equipment Cabinet

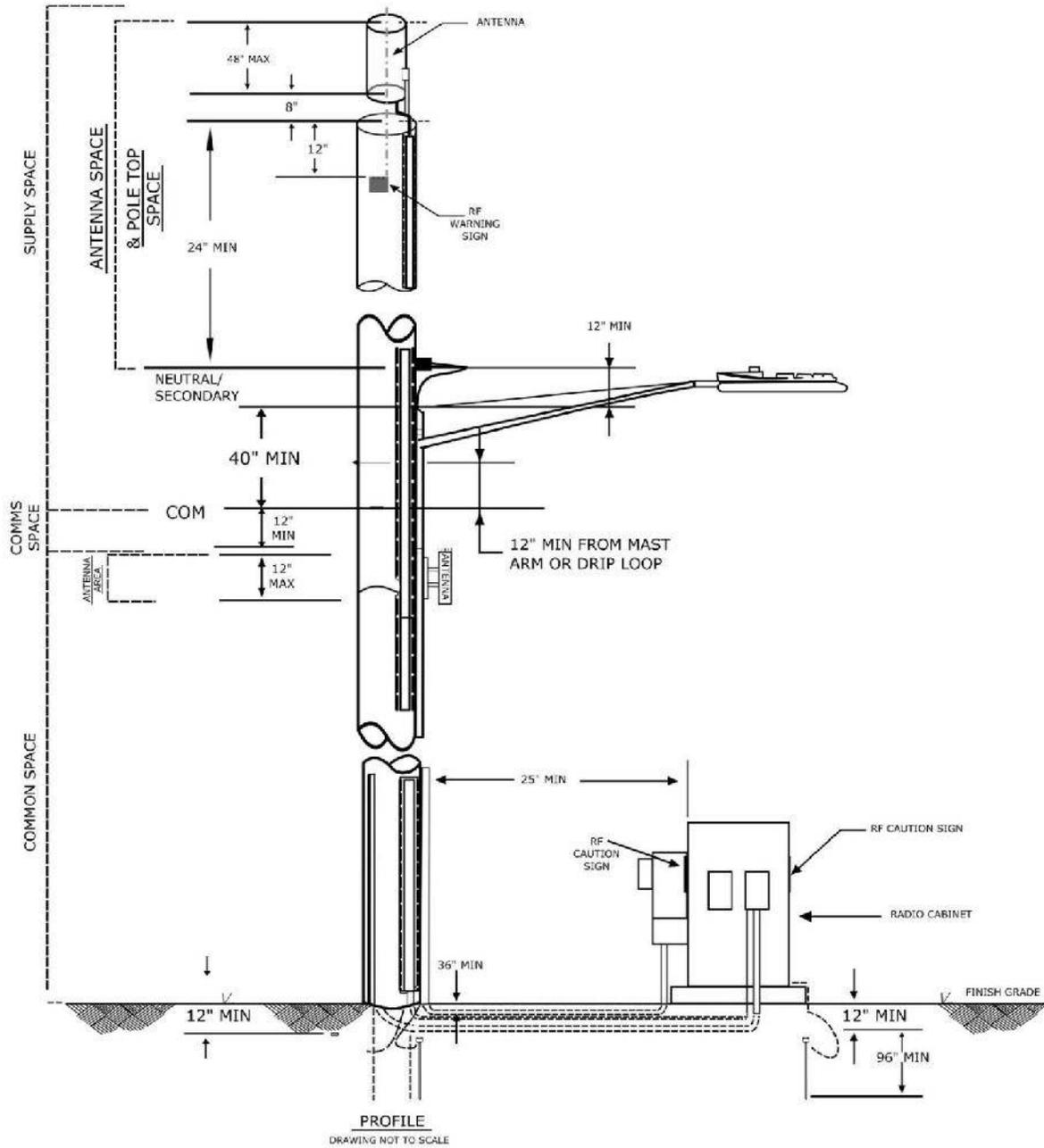


Figure 9: Pole with Secondary Power and Overhead-Fed Streetlight with Pole-Mounted Equipment Cabinet

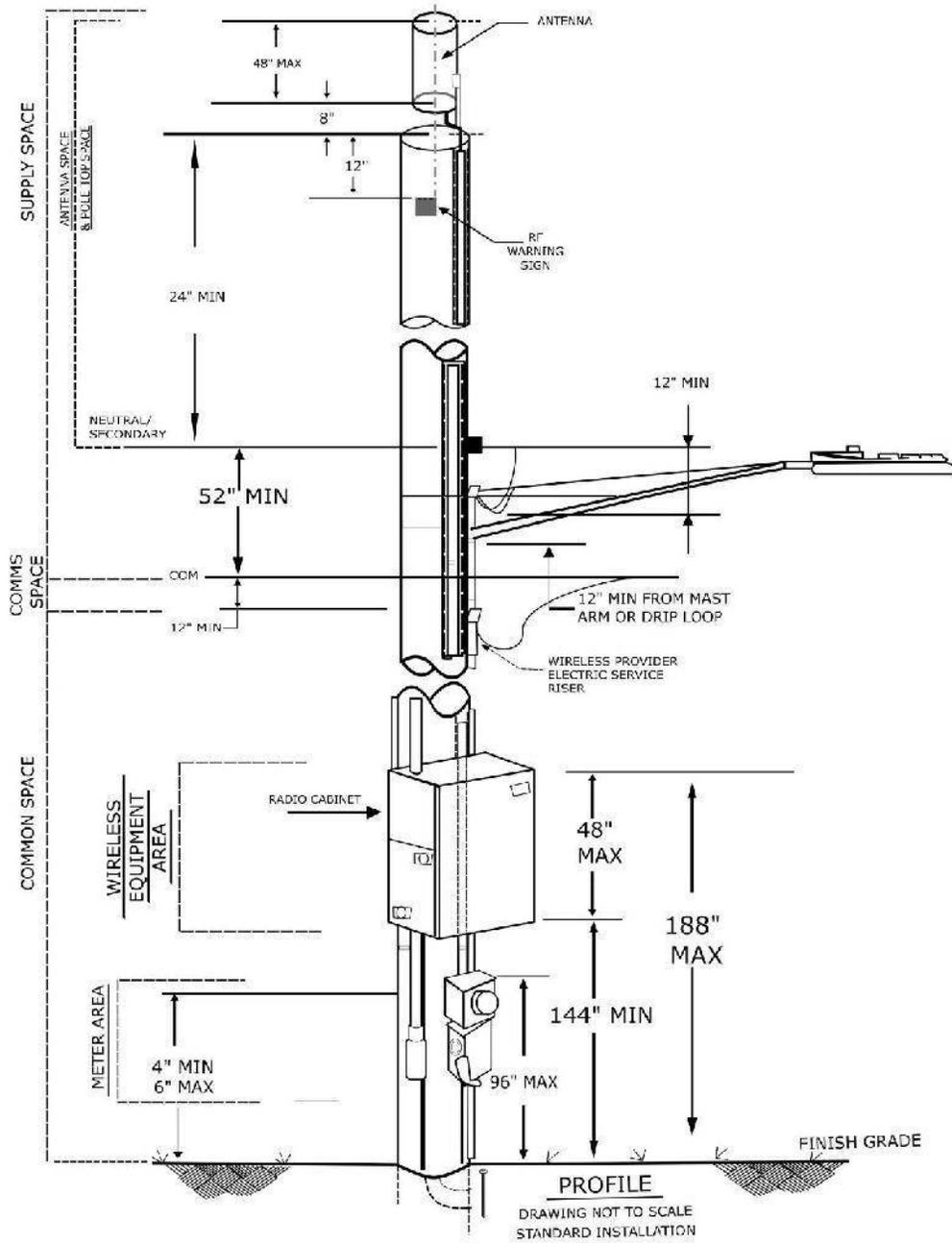


Figure 10: Pole with Secondary Power and Overhead-Fed Streetlight with Mid-Pole Wireless Backhaul Antenna and Pole-Mounted Equipment Cabinet

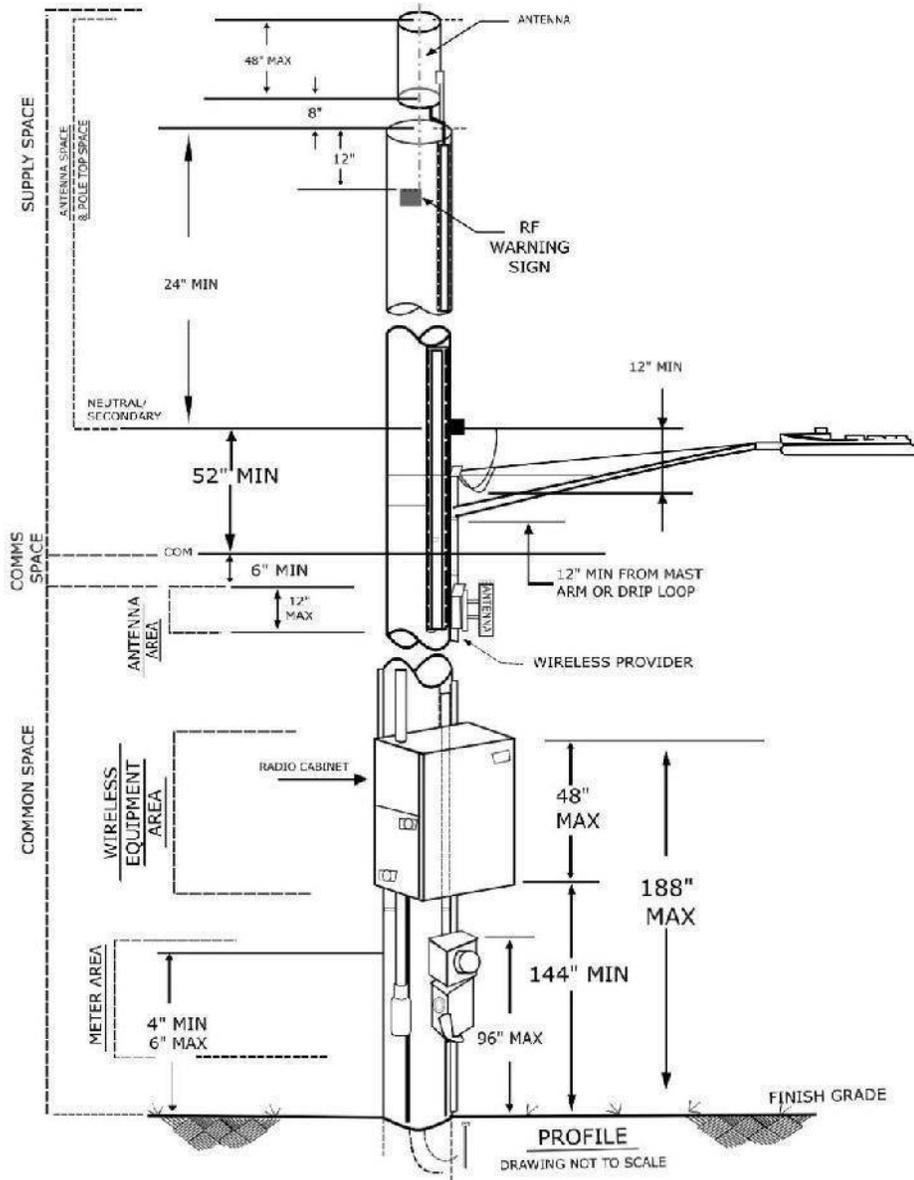


Figure 11: Pole with Primary Power and Strand-Mounted Antenna with Slab-Mounted Equipment Cabinet

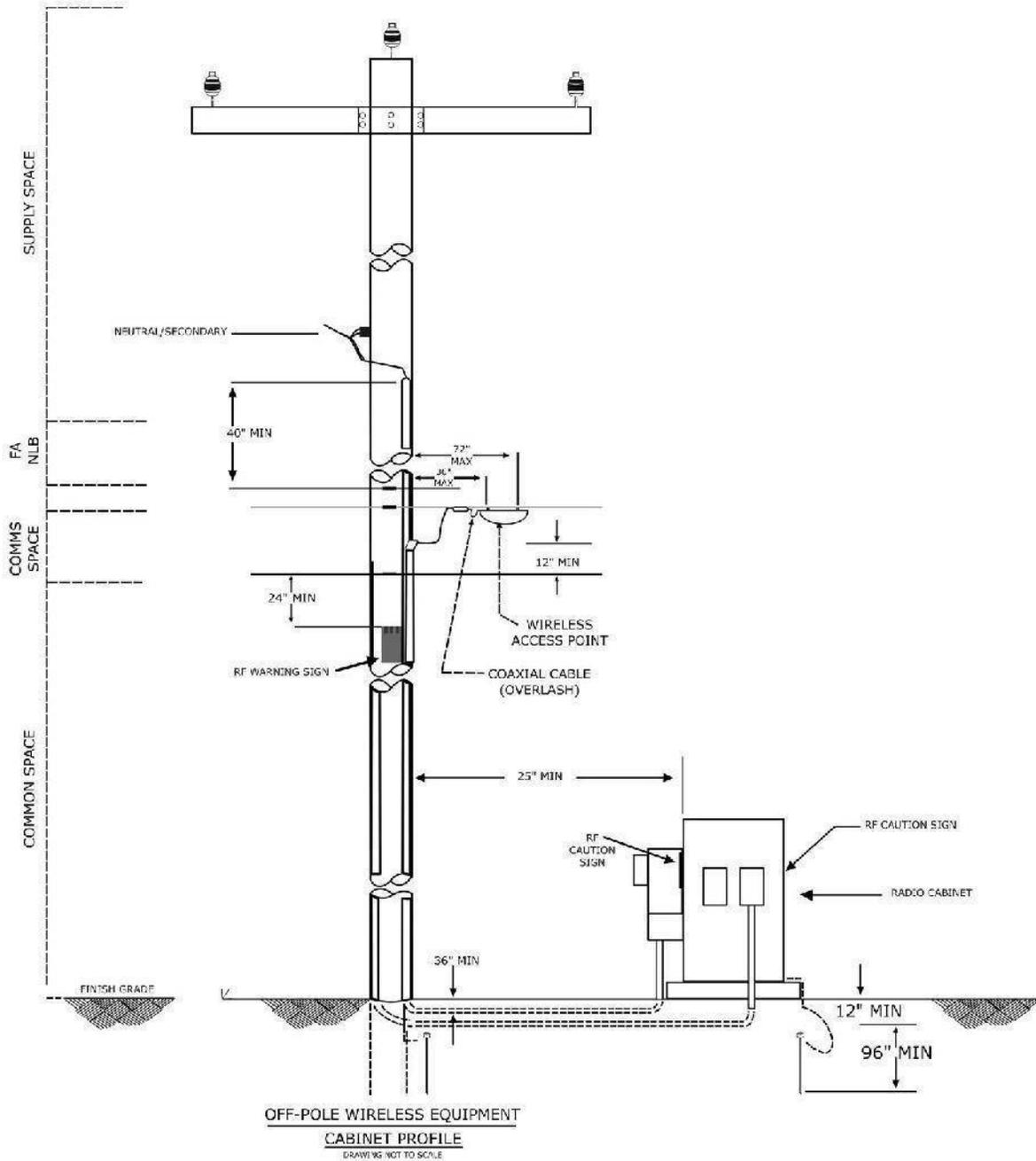


Figure 12: Pole with Primary Power and Antenna on Top Space with Slab-Mounted Equipment Cabinet

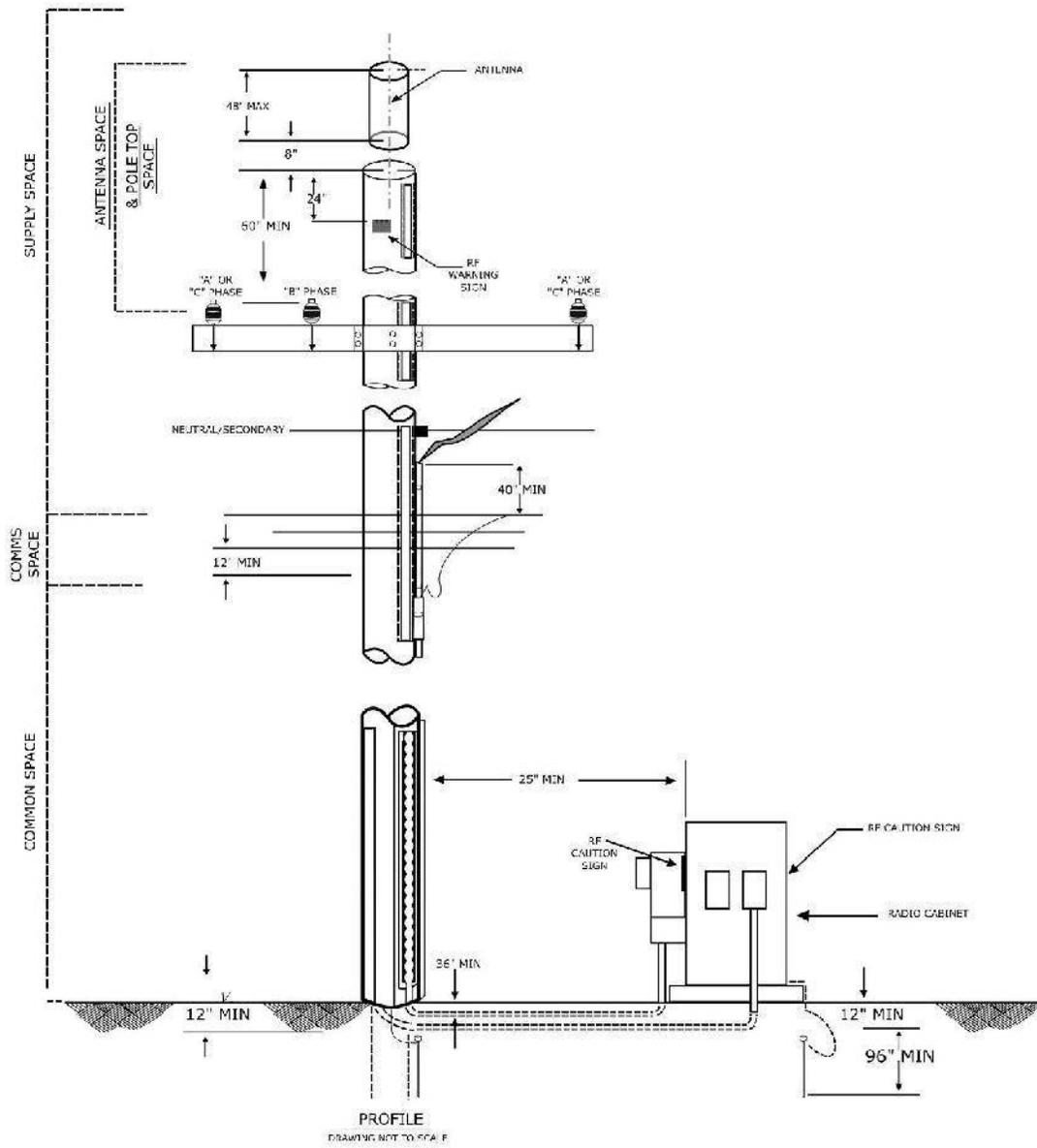


Figure 13: Pole with Primary Power and Antenna on Top Space with Mid-Pole Wireless Backhaul Antenna, and Slab-Mounted Equipment Cabinet

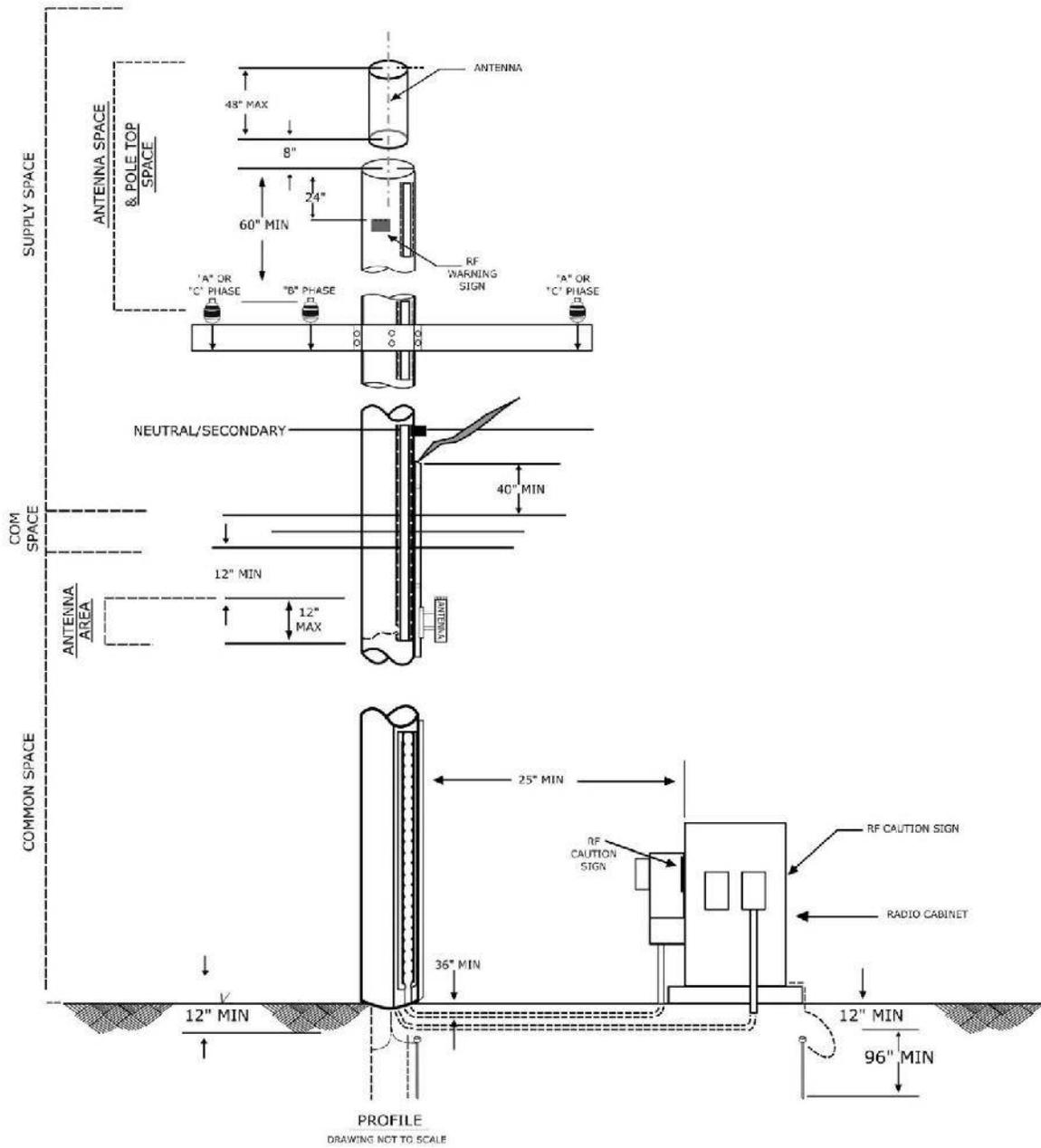


Figure 14: Pole with Primary Power and Mid-Pole Wireless Backhaul Only (no Antenna) with Pole-Mounted Equipment Cabinet

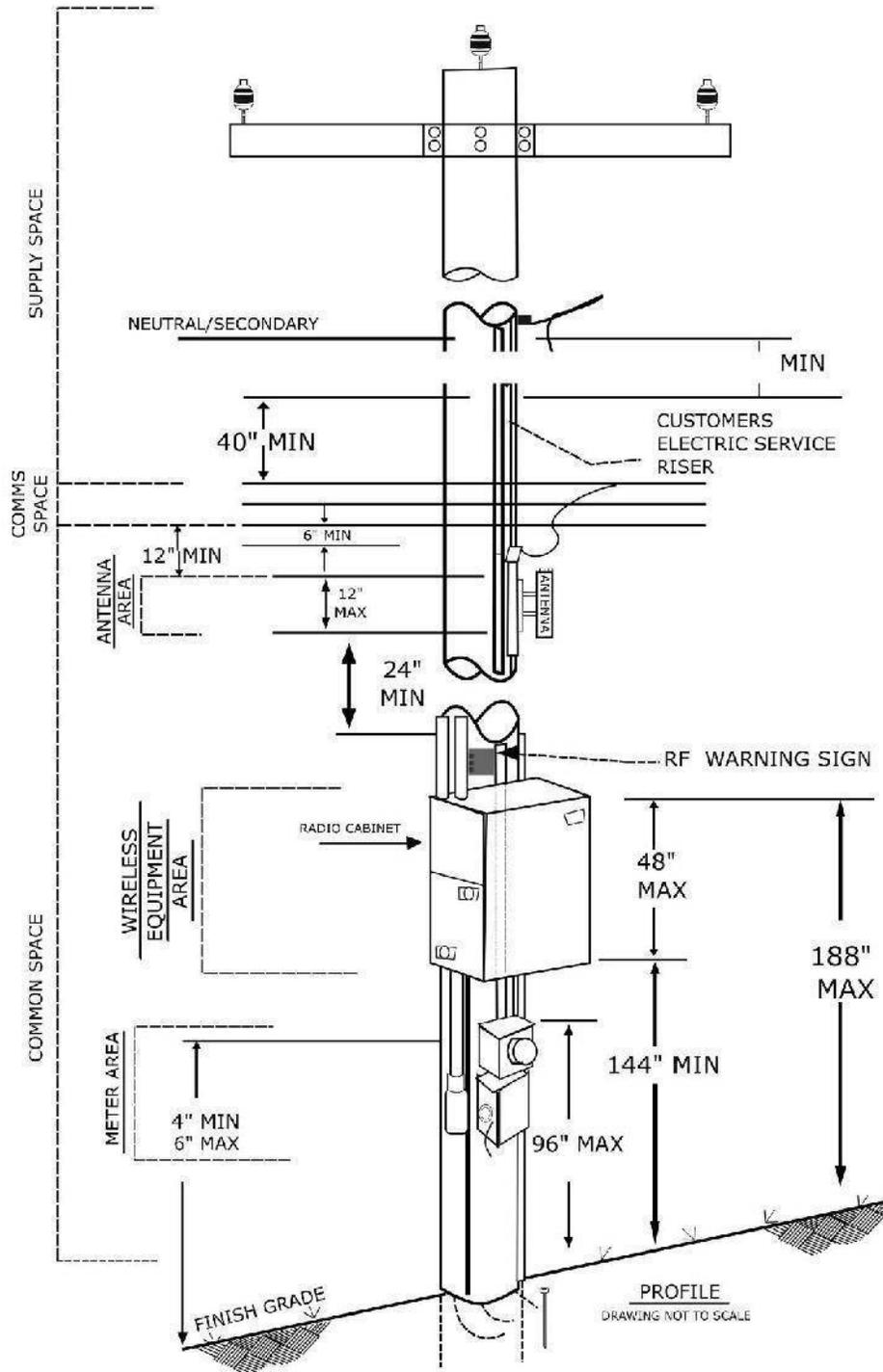


Figure 15: Pole with Primary Power and Antenna on Top Space with Pole-Mounted Equipment Cabinet

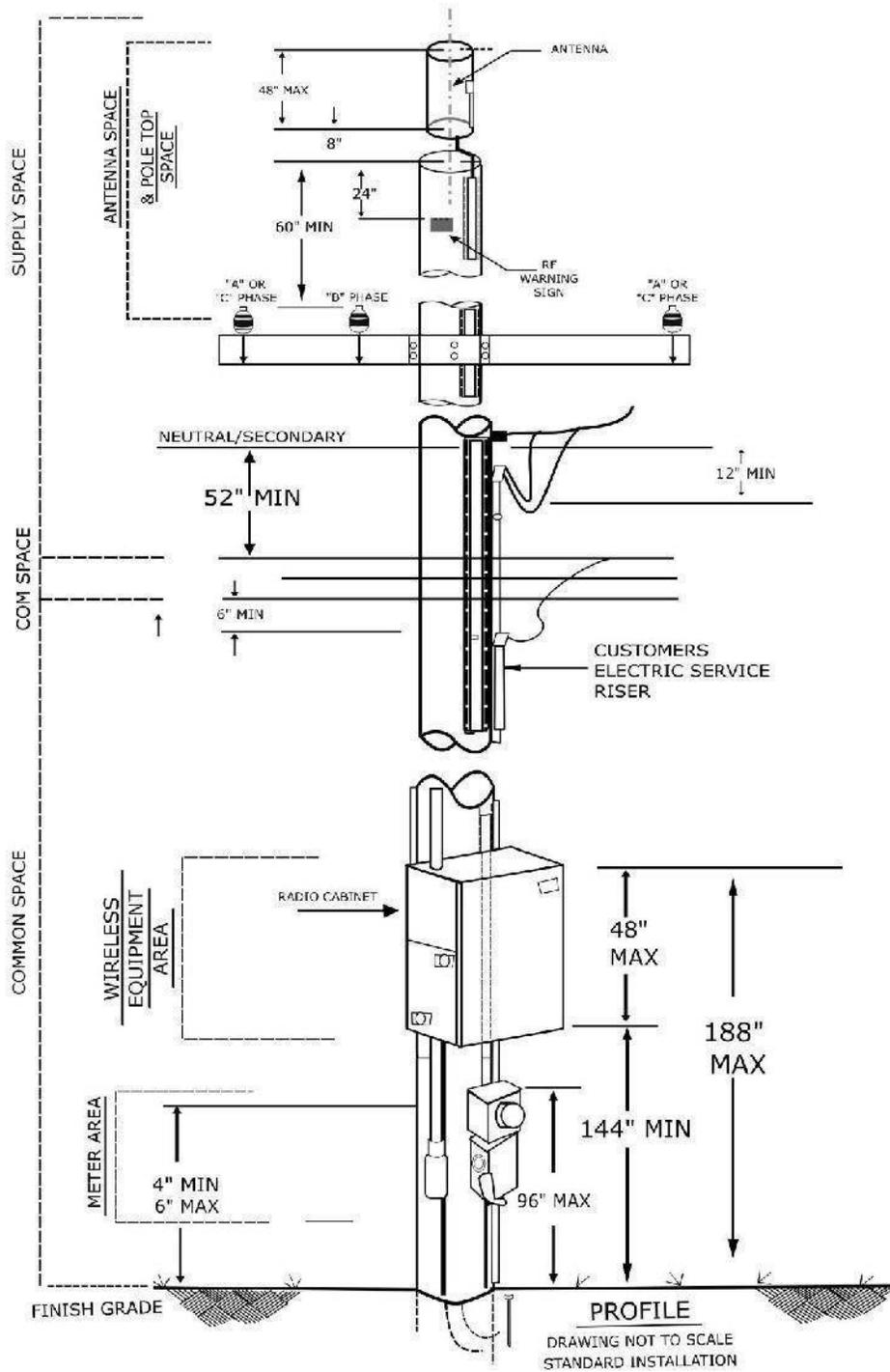


Figure 16: Pole with Primary Power and Antenna on Top Space with Mid-Pole Wireless Backhaul Antenna and Pole-Mounted Equipment Cabinet

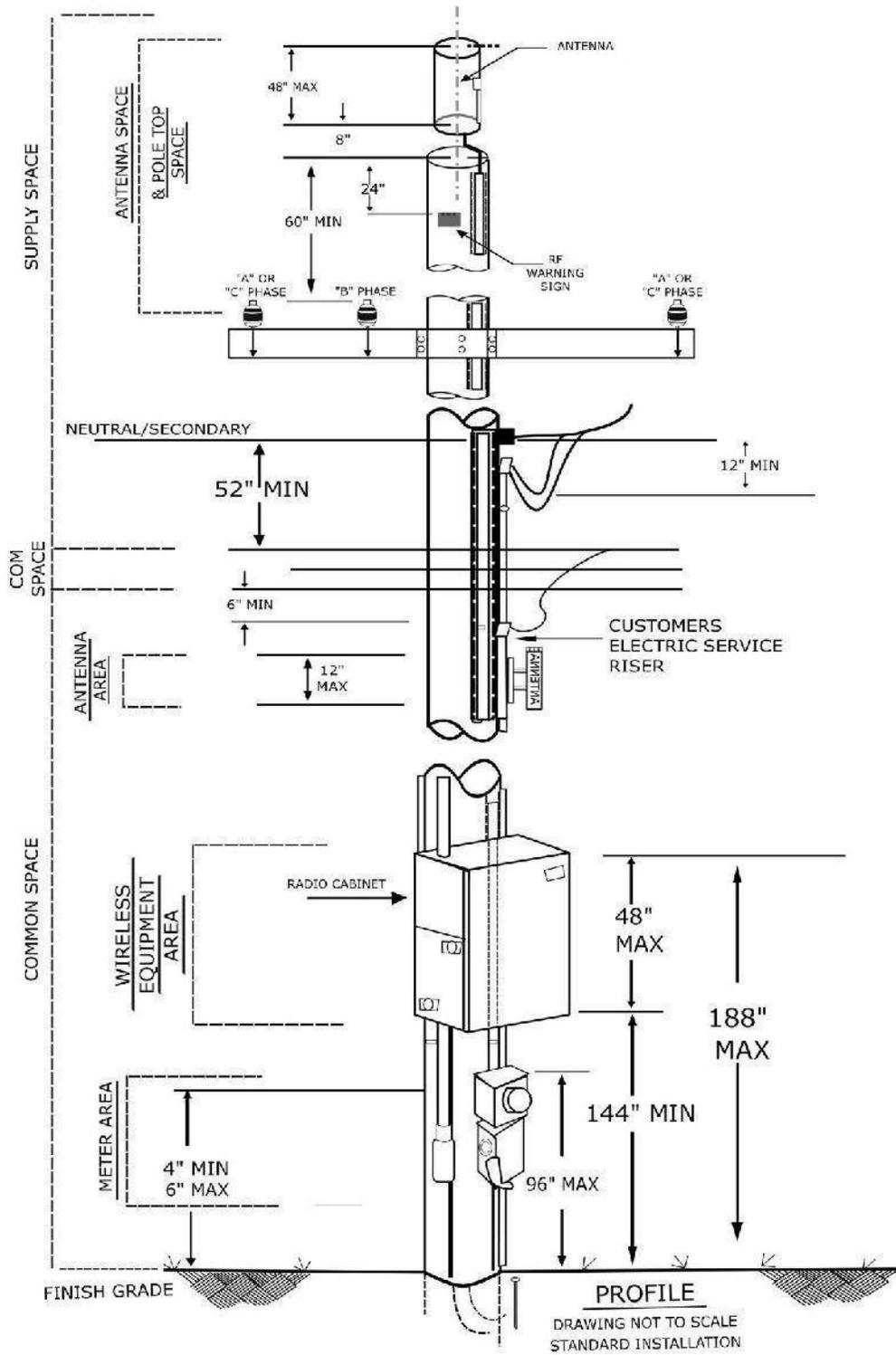


Figure 17: Pole with Hendrix Primary Power and Overhead-Fed Streetlight with Mid-Pole Wireless Backhaul Antenna and Pole-Mounted Equipment Cabinet

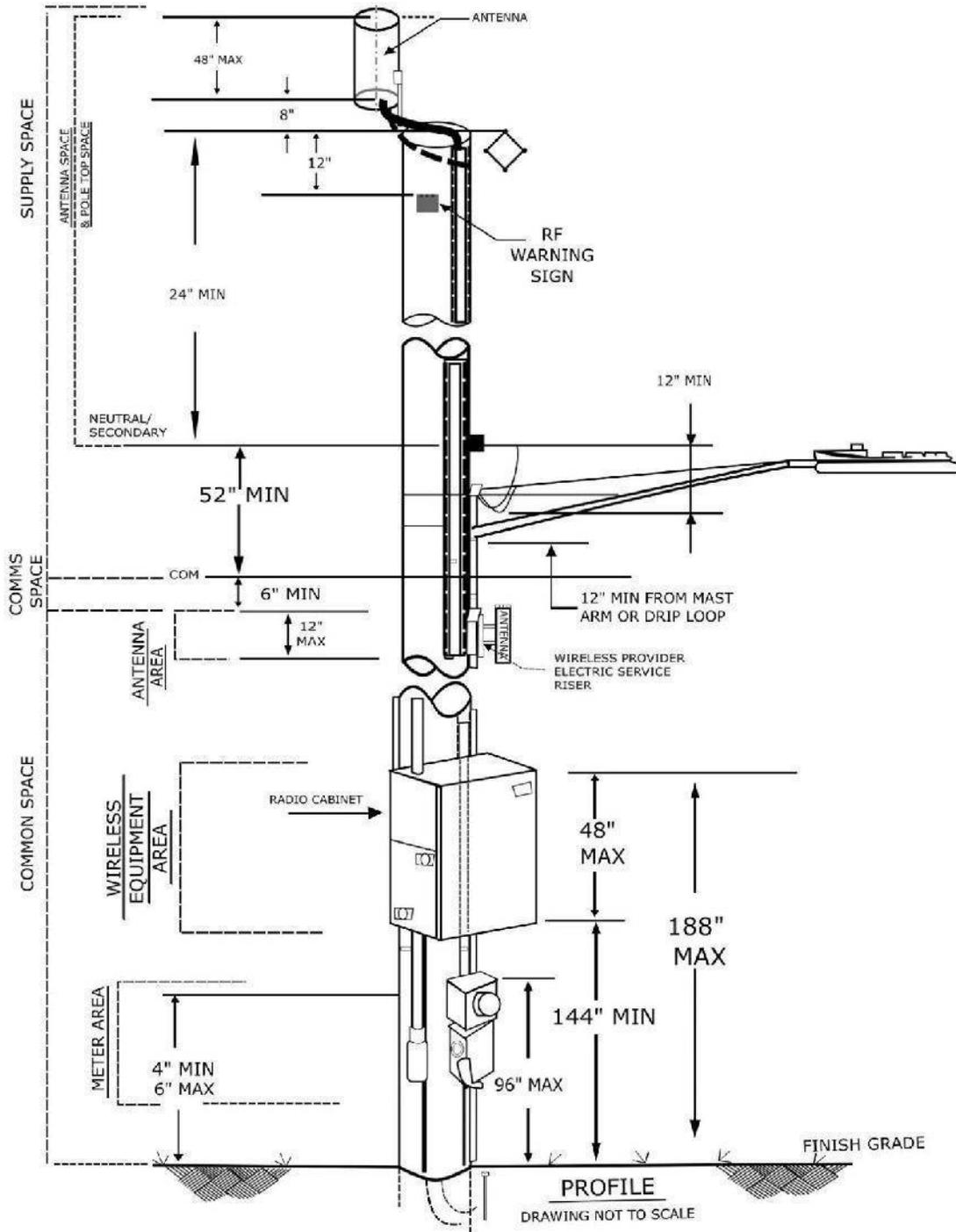


Figure 18: Pole with Hendrix Primary Power and Overhead-Fed Streetlight with Slab-Mounted Equipment Cabinet

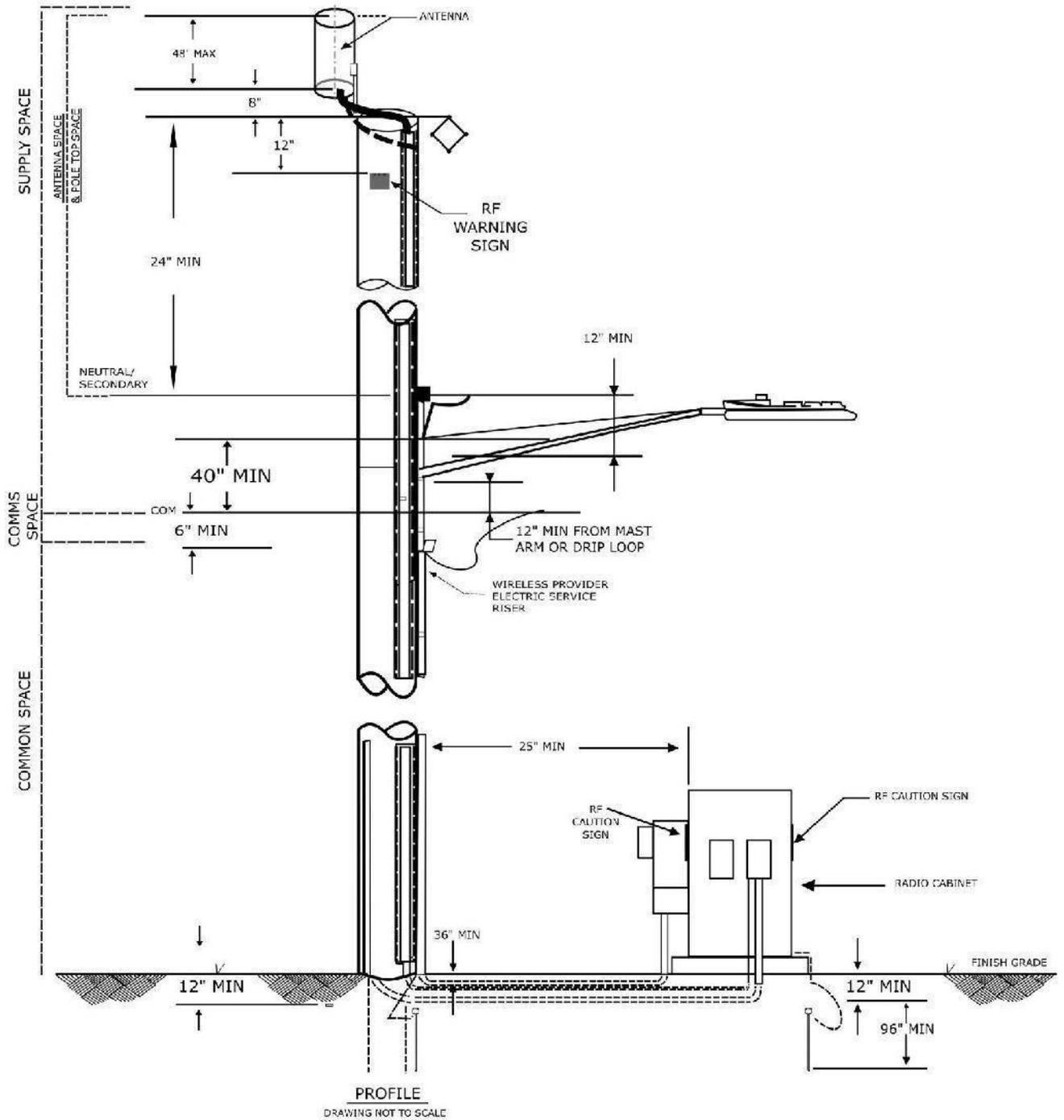


Figure 19: 30-foot or 40-foot Streetlight Pole with Antenna on Top and Single Cobra Head and Slab-Mounted Equipment Cabinet

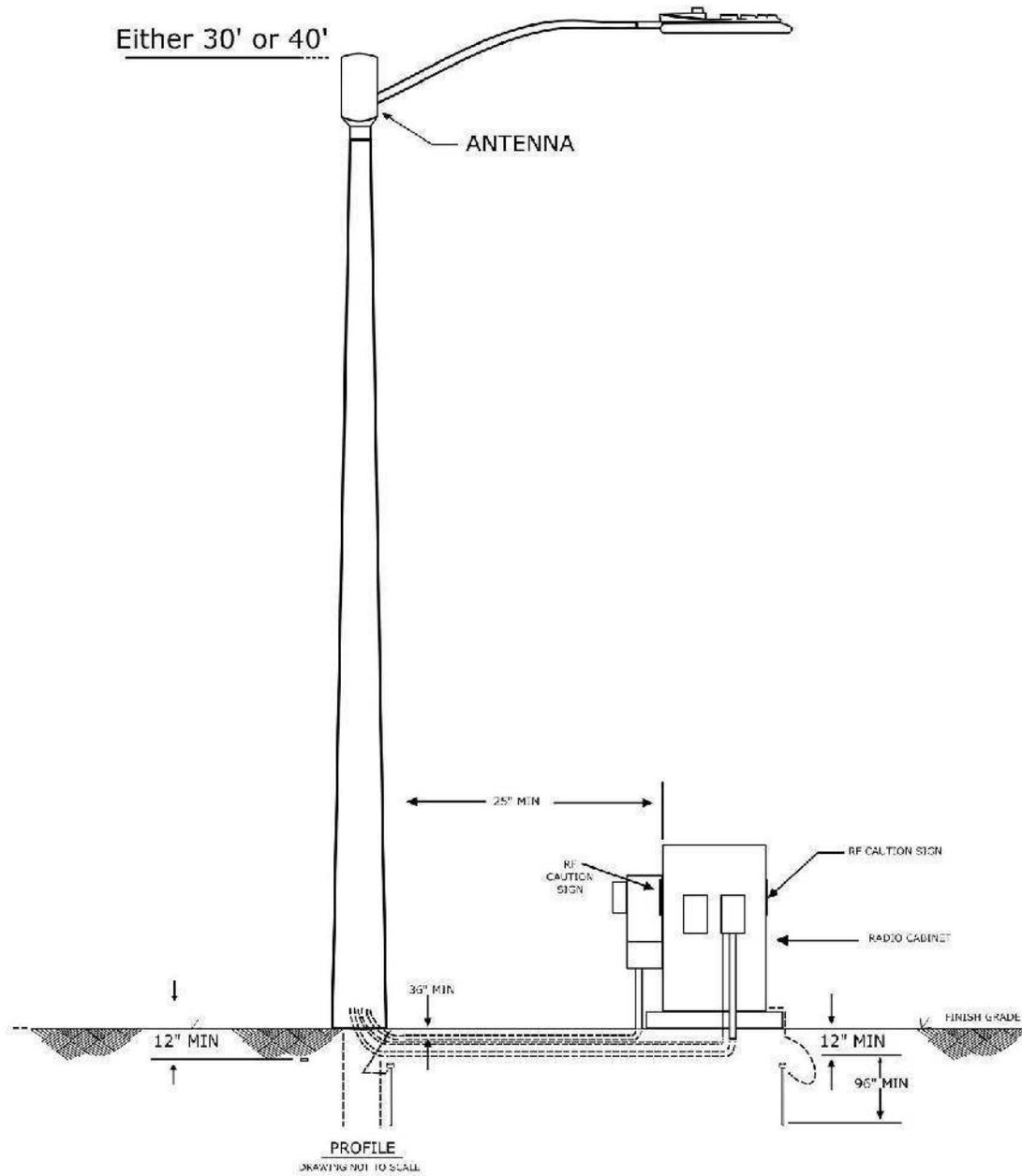
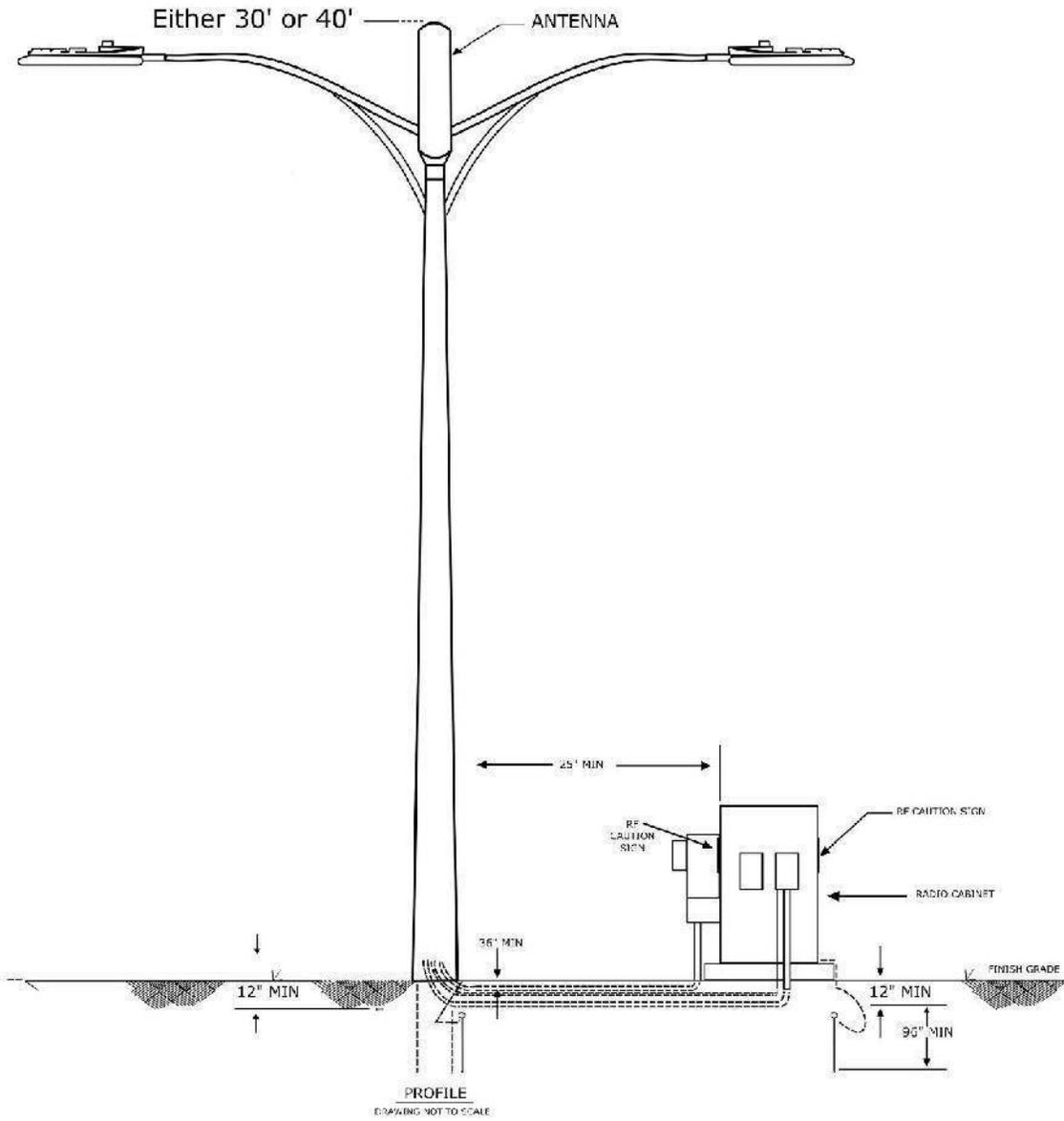


Figure 20: 30-foot or 40-foot Streetlight Pole with Antenna on Top and Dual Cobra Head and Slab-Mounted Equipment Cabinet





BOXBOROUGH SELECT BOARD
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Robert Stemple

August 28, 2020

Christine Madore AICP
Vice President, Real Estate Services
MassDevelopment
99 High Street
Boston, MA 02110

Subject: Support for Real Estate Technical Assistance Program

Dear Ms. Madore:

I am pleased to write this letter of support for the MassDevelopment Real Estate Technical Assistance Program. The Town is applying for this grant with the hope of obtaining a market feasibility and financial analysis of the current Cisco Beaver Brook Campus, located on Beaver Brook Road in Boxborough.

Cisco is the Town's largest taxpayer accounting for 5% of our property tax revenue. At the end of July, the Town was informed by Cisco of their intent to sell their 285 acre campus in Boxborough no later than July 31st, 2021. The Cisco Campus is in the Town's Office Park Zone. The objective of seeking the grant from MassDevelopment is utilize MassDevelopment's in house experts to advise the town on the use categories which may be suitable for the Beaver Brook Campus and are currently in demand in the Route 495 corridor. This information would then be compared to the types of uses the community has deemed favorable through an economic development plan being currently being led by the University at Amherst Landscape Architecture and Regional Planning Program (UMass LARP). The objective would be to identify use categories which are both acceptable to the community and reflect current and future market trends. With the pending sale of the Cisco campus, Town residents and boards need the type of feedback from the UMass LARP study to understand the community's desires regarding development and the market analysis through the MassDevelopment grant to determine what use categories are feasible for the Cisco Campus.

I am hopeful if the Town's grant proposal is approved, the technical expertise provided by MassDevelopment will provide Town Boards and residents with the type of market evaluation which will help guide the Town to expand the types of current use categories while remaining respectful of the community's goal to retain its rural roots.

Sincerely,

Ryan Ferrara
Town Administrator

Eligibility Criteria

Attract or retain jobs

Create housing opportunities

Result in the redevelopment of urban, blighted and/or surplus public property

Help economically disadvantaged communities

Advance smart growth

Advance planning and pre-development activities to a point where the private sector is compelled to invest in the project area

Application Type

Master Planning and Visioning for Site and/or Districts

Market Feasibility and Financial Analysis

Surplus Property Reuse and/or Activation Assistance

Local District Management Technical Assistance (e.g., District Improvement Financing, Business Improvement District)

RFP/Q Development and Process Management

Regional Economic Development Planning

Application Type

Single Entity Application

Joint Application

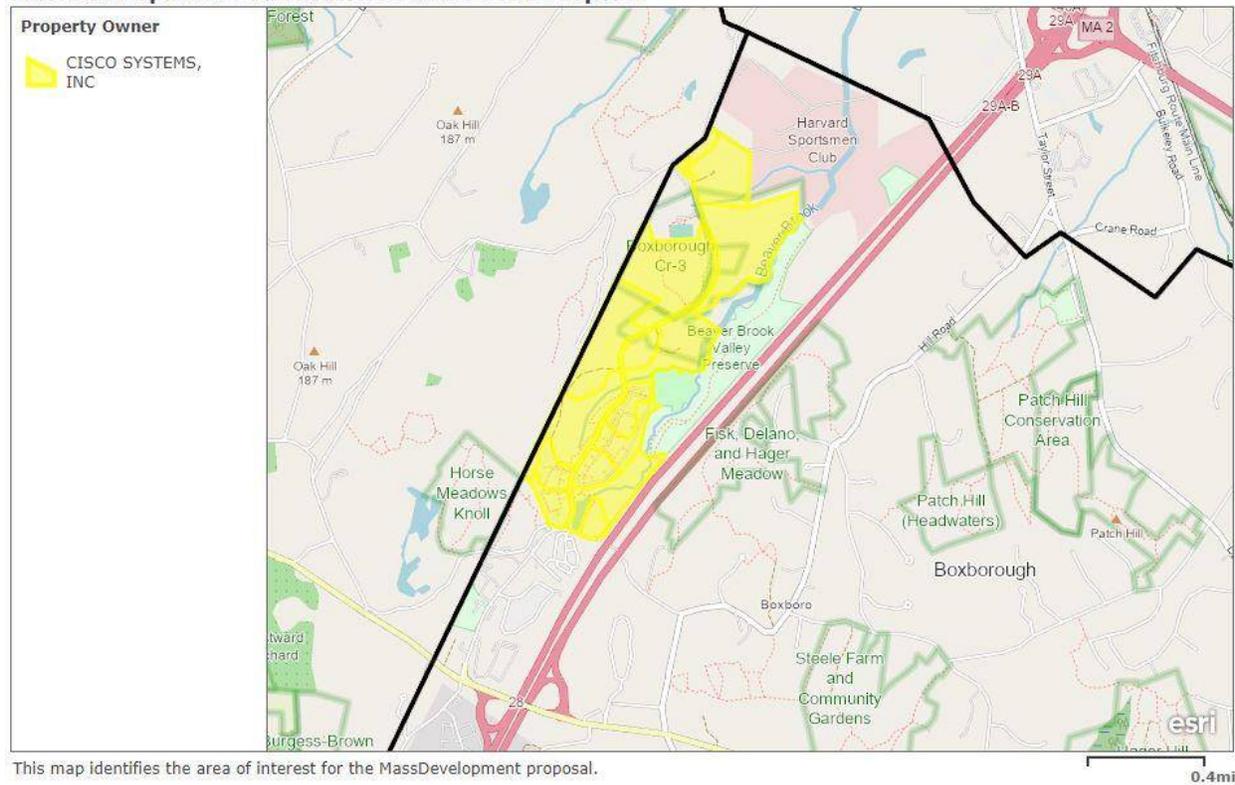
Project Name

Market Feasibility Study at Boxborough's Beaver Brook campus

Brief Description of the site/area (please also attached a map clearly outlining the site/area)

Cisco Systems, Inc. Beaver Brook campus in Boxborough MA. See following map:

MassDevelopment Technical Assistance FY21 Proposal



Provide a brief description of current zoning of site/area

The area is in the Office Park Zoning District. The uses allowed by right are as follows:

- Farm
- Conservation area/public park
- Educational, governmental or religious use
- Philanthropic use
- Day care center
- Professional or business office
- Veterinary
- Research & Development (provided that hazardous materials are not a primary part of the business)
- Bank
- Hotel, motel, inn
- Conference center
- Printing shop/Copy Shop/Word processing center (Provided that these operations do not use hazardous materials except as an incidental part of their business nor in quantities greater than would normally be used in 90 days, and in accordance with the existing state and federal regulations and the Federal Resource Conservation & Recovery Act. The operation shall provide adequate facilities for storage, containment and safety precautions for the hazardous materials)

used. Hazardous materials shall be disposed of off-site by a state-registered hazardous waste disposal contractor.)

- Specialty Food Shop
- Light Manufacturing (Provided that these operations do not use hazardous materials except as an incidental part of their business nor in quantities greater than would normally be used in 90 days, and in accordance with the existing state and federal regulations and the Federal Resource Conservation & Recovery Act. The operation shall provide adequate facilities for storage, containment and safety precautions for the hazardous materials used. Hazardous materials shall be disposed of off-site by a state-registered hazardous waste disposal contractor.)

Please identify any factors that may need to be addressed to achieve the intended use/s

Revised Zoning

Site Permitting

Site Survey

Environmental Assessment

Infrastructure Upgrades

Transportation Improvements

Adjacent Site Acquisition

Existing Use

Cisco Systems, Inc. has limited staff reporting to work in Boxborough. They have consolidated staff into the building at 500 Beaver Brook Road, leaving the two other buildings vacant. Cisco's Beaver Brook campus is currently being marketed for sale by Jones, Lang, & LaSalle, Inc. (JLL) on behalf of Cisco Systems, Inc.

Past Site/Area Uses (Impact to Development)

Cisco Systems, Inc. has planned to build a larger campus in this area, and went through extensive permitting to do so, but never moved their plans forward. Over the last few years especially, the number of employees reporting to Boxborough declined. There also are paved walking paths that are often used by employees and residents alike.

Describe Site/Area Access (include distance to nearest highway and interchange as well as description of rail and transit access if relevant)

This area right next to Route 495 with on and offramps less than five minutes away. This area is just as close to Route 111 and less than ten minutes from Route 2.

Please describe any active or recent private development interest in the site/area. If applicable, please note reasons why past interest did not result in development.

The 285-acre campus is currently being marketed for sale by Jones, Lang, & LaSalle, Inc. (JLL) on behalf of Cisco Systems, Inc. JLL is working quickly to sell these properties, and it is incumbent on the Town to

consider zoning changes as soon as possible. The proposed market feasibility study is critical because informs potential Zoning Bylaw amendments with concrete information about the current and projected market, considers the impacts of COVID-19 crisis, and focuses specifically on the Beaver Brook campus.

Briefly describe the proposed project including a description of the project, why this project is prioritized as a municipal need, and any current or previous work (studies, site surveys, etc.) completed in relation to this specific site/area. Please also describe how this work compliments other municipal, regional or state initiatives that have taken place related to this site/area

This project is of tremendous need because of the pending sale of the site and existing outdated zoning. The above listed by-right uses are not combatable with uses desired by the residents nor by the developer community. Office Parks in general, are no longer viable due to the changing culture of work, and exaggerated by the COVID-19 crisis forcing employees to work remotely. Boxborough is losing commercial tax revue at an alarming rate through commercial real estate tax abatements. Boxborough's Beaver Brook campus and the Office Park Zoning District as a whole, is physically decaying. Despite how valuable this area is given its proximity to Route 495 and Route 2, there are only a few mostly vacant office buildings. According to a recent review of buildings on the subject properties, there is a total of 767,310 square feet of vacant space, which is the equivalent of eleven football fields. Boxborough's small population of 5,252 residents paired with a rapidly declining commercial tax base creates a situation where there will be a significant shift in the tax burden from commercial to residential users. The Town is deeply concerned about the potential for loss of municipal services and dramatic increase in residential taxes. At the same time, there is growing support for amending the Zoning Bylaw to allow for greater flexibility encouraging a mixture of uses west of Route 495.

Boxborough has undergone visioning and master planning efforts focused on economic development through a study from the University of Massachusetts Amherst. There have been many engagement events, online and in-person surveys, data collection, and market analysis using a list of uses desired by residents. The remaining tasks are two community feedback sessions, and review of the UMASS market analysis. The UMASS market analysis takes uses desired by community members and ranks the market demand for those uses. MassDevelopment Technical Assistance would build on the deliverables from UMASS by providing the Town with market feasibility study specific to the Beaver Brook campus. With the pending sale of the Cisco campus, Town residents and boards need the type of feedback from the UMASS study to understand the community's desires regarding development and the market analysis through the MassDevelopment grant to determine what use categories are feasible for the Cisco campus.

Anticipated Project Budget

\$45,000

Please list the specific tasks and estimated budget per task that you believe MassDevelopment will be able to assist the municipality with in achieving the proposed project concept as described above.

Boxborough requests a market feasibility study to determine which uses are compatible with this area, and with reference to the current and projected market demand. MassDevelopment experts would conduct analysis to advise the town on the use categories which may be suitable for the Beaver Brook campus and are currently in demand in the Route 495 corridor.

Outline the anticipated outcomes the municipality hopes to achieve with this project and any specific work product the municipality anticipates as a deliverable at the end of this project.

Determine changes in zoning, either to create a zoning overlay district for this area, or make significant change to the existing Office Park Zoning District and Industrial/Commercial Zoning District. By this project's close, Boxborough should be prepared to bring zoning amendments to Annual Town Meeting in May, 2021. MassDevelopment should provide a market feasibility study that helps the Planning Board and all other stakeholders, to make an informed decision regarding the potential zoning changes to the Beaver Brook campus. If the Town were to be awarded the MassDevelopment grant, Boxborough would be receiving expertise from an in-state team who have assisted communities in similar circumstances, the information generated through the grant would complement the ongoing UMASS study and provide some timely direction to the Town as we determine the optimal course forward as Cisco prepares to sell the Beaver Brook campus.

FINAL DRAFT
7/24/19



Town of Shirley Planning Board Rules and Regulations

July 2019

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Article 1: Adoption and Amendments

Section 1.1 These Rules and Regulations shall be duly adopted and amended from time to time, effective immediately, upon the majority vote of the Planning Board.

Section 1.2 Current copies of this document shall be retained in the Planning Board office and filed with the Town Clerk.

Section 1.3 This document shall be updated immediately to reflect amendments made by the Planning Board with the updated revision date noted in a footer on each page. Updated copies shall be filed immediately as described in Section 1.2 above.

Article 2: Powers and Duties of the Planning Board

Section 2.1 Introduction.

The role of the Planning Board is to oversee development while encouraging preservation of the natural landscape and important land resources. The Board is responsible for ensuring that projects meet the spirit and intent of the Shirley Master Plan, Protective Zoning Bylaws and General Bylaws. In addition, it is expected to adhere to the procedures described in this document in addition to all applicable state and federal laws.

The Planning Board is responsible for conducting the review and approval process for the following:

- subdivisions of land,
- site plans for certain large projects, and
- proposals for removal or alteration of trees and stone walls within the Town's right-of-way along designated Scenic Roads.

The Planning Board is also responsible for issuing certain special permits described in Sections 2.7, 2.9 and 2.10.

Section 2.2 Master Plan.

As described in MGL Chapter 41, Section 81D, the Planning Board is responsible for preparing, adopting, and amending a comprehensive Master Plan designed to provide a basis for decision making for the long-term development of the Town of Shirley.

Section 2.3 Zoning Bylaws.

The Planning Board is responsible for drafting and submitting amendments to the Town of Shirley Protective Zoning Bylaws for consideration by Town Meeting.

Section 2.4 Subdivision Rules and Regulations.

The Planning Board is responsible for adopting, administering and amending the Town of Shirley Planning Board Subdivision Rules and Regulations.

Section 2.5 Subdivision Control.

The Planning Board is responsible for ensuring that all subdivisions of land in the Town of Shirley (with the exception of ANR plans described in Section 2.6) conform to the requirements and procedures described in the Town's Subdivision Rules and Regulations and MGL Chapter 41, Sections 81K-81GG.

Section 2.6 Approval Not Required (ANR).

The Planning Board is responsible for issuing endorsements of subdivisions that do not require approval under the Shirley Subdivision Rules and Regulations and MGL Chapter 41, Sections 81K-81GG.

Section 2.7 Low Impact Development (LID).

For subdivisions meeting certain criteria, the Planning Board is responsible for granting Low Impact Development Special Permits as described in Section 4.2A of the Town of Shirley Protective Zoning Bylaws.

Section 2.8 Site Plan Review.

In accordance with Section 7 of the Town of Shirley Protective Zoning Bylaws, the Planning Board is responsible for conducting a site plan review for certain commercial, industrial, institutional, multi-family municipal, and other non-residential projects. The Board may stipulate reasonable conditions for development before granting approval. These conditions may include design and location of buildings, signage, open space, landscaping, roadways, parking areas, storm water drainage, and fire safety.

Section 2.9 Special Permits.

The Town of Shirley Protective Zoning Bylaws describe by-right and permitted uses for each zoning district. In accordance with MGL Chapter 40A, Sections 9 and 11, certain additional uses require a Special Permit issued by the Planning Board. These uses are listed in Sections 3 and 4 of the Protective Zoning Bylaws. The Planning Board may deny the Special Permit for projects that would adversely impact the community. Alternatively, it may approve the Special Permit subject to conditions which eliminate or reduce any adverse impacts.

Section 2.10 Stormwater Management.

The Planning Board is the Stormwater Management Permit Granting Authority under the Shirley Stormwater Management Control Bylaw (i.e., General Town Bylaws, Article XXXII) and is responsible for administering, implementing and enforcing said Bylaw.

Section 2.11 Road Acceptance.

Road Acceptance is a multi-layer, multi-step process that involves the Board of Selectmen, the Planning Board, and a vote by Town Meeting, with the Board of Selectmen taking the leading

role. Once the Board of Selectmen has voted in favor of road acceptance, the plan is referred to the Planning Board for their review and nonbinding recommendation.

Section 2.12 Scenic Roads.

In accordance with MGL Chapter 40, Section 15C, the Planning Board is responsible for reviewing and acting upon proposals for the removal or alteration of trees and stone walls within the Town's right-of-way along designated Scenic Roads.

Section 2.13 Input to and from Town Departments, Boards and Commissions.

The Planning Board solicits input from, and provides input to, other Town departments, boards and commissions as required by the Town of Shirley Protective Zoning Bylaws, General Town Bylaws, the procedures described in this document, and all applicable state and federal laws.

Section 2.14 Paid Consultants.

The Planning Board is responsible for hiring certified professionals or other paid consultants to provide input on specific projects when necessary and for collecting Project Review Consultant fees from applicants to cover these services.

Section 2.15 Additional Duties.

The Planning Board may assume additional duties as authorized by the Town of Shirley, the Commonwealth of Massachusetts, and/or federal statute.

Article 3: Organization: Membership, Terms of Office, Officers, and Vacancies

Section 3.1 The Planning Board shall consist of five members each with a five-year term and one associate member as described in Article 4. The Planning Board members shall be elected in staggered terms, such that one term expires every year.

Section 3.2. Term of office shall commence immediately upon election and swearing in by the Town Clerk.

Section 3.3 The Planning Board shall elect the following officers from among its members: Chair and Vice-Chair.

Section 3.4 Officers shall be elected annually as the first order of business at the designated meeting after Annual Town Election.

Section 3.5 In the event a vacancy of an elected member occurs, a new member shall be appointed jointly by the Planning Board and the Board of Selectmen in accordance with MGL Chapter 41, Section 81A.

Article 4: Associate Member

Section 4.1 The Associate Member shall be elected for a two-year term.

Section 4.2 The Associate Member does not have a vote, except as noted in Section 4.3, but is expected to attend all regularly scheduled Planning Board meetings.

Section 4.3. The Associate Member shall sit on the Board, when necessary, for the purpose of acting on Special Permit applications.

Article 5: Duties of Officers

Section 5.1 The Chair shall preside over meetings and shall be responsible for the agenda, conduct, and decorum of the meeting.

Section 5.2 The Vice-Chair shall assume the duties of the Chair in the absence of the Chair.

Article 6: Minutes

Section 6.1 Minutes of all Planning Board meetings shall be prepared by the Planning Board Administrative Assistant in accordance with the provisions of Massachusetts Open Meeting Law.

Section 6.2 Minutes of open sessions shall become public record immediately, regardless of form. Minutes should be marked “DRAFT” until they are officially adopted by the Planning Board.

Section 6.3 Approval of minutes, except executive-session minutes, shall be made in open session by a majority vote of the Planning Board members present.

Section 6.4 Minutes may be amended to improve clarity, accuracy, and completeness, but not to re-open debate on a previously decided agenda item. Amendments must be made in open session and noted in that meeting’s minutes. Revised minutes should be marked, as amended, with the revision date.

Section 6.5 Approved minutes shall be signed by the presiding Chair at the time the vote is taken.

Section 6.6 Executive-session minutes remain closed to the public for as long as their publication would defeat the purpose of the session. Executive-session minutes must be made public as soon as the reason for confidentiality no longer applies.

Section 6.7 See addendum for additional guidance on meeting minutes, developed by Town Counsel.

Article 7: Meetings: Time, Location, and Executive Session

Section 7.1 All meetings of the Planning Board shall be held in accordance with the provisions of Massachusetts Open Meeting Law.

Section 7.2 All meetings of the Planning Board shall be held in the Shirley Town Offices or other Town of Shirley municipal building, unless restricted by space availability.

Section 7.3 Meetings of the Planning Board shall begin at 7:00 p.m., unless the Planning Board sets a different time for a particular meeting by majority vote.

Section 7.4 Meetings of the Planning Board shall be held on the 2nd and 4th Wednesday of each month, unless calendar or schedule conflicts require this schedule be changed. Any deviations from this schedule shall be announced by the Planning Board at one of their regularly scheduled meetings and/or posted on the Town Website.

Article 8: Conduct of Meetings and Public Hearings

Section 8.1 The Chair shall apply rules of parliamentary procedure, as outlined in *Robert's Rules of Order*, to maintain order and decorum as may be necessary to promote efficient time management, as well as professional conduct of Planning Board business, guided by a desire to obtain all relevant facts and testimony and to engage public input on matters before the Planning Board.

Section 8.2 During public hearings or public meetings considering applications for ANRs, site plans, special permits or subdivisions, the applicant shall be recognized for presentation, followed by the comments, questions, and concerns of the Planning Board members, abutters, and any other parties of interest in attendance.

Section 8.3 The Chair shall reserve the right to limit presentations to those that are relevant to matters being discussed. All comments by the public shall be limited in the interest of preserving an efficient process, unless otherwise allowed at the discretion of the Chair.

Article 9: Quorum and Voting

Section 9.1 A quorum of three physically present members of the Planning Board shall be required to conduct business.

Section 9.2 All votes must take place at a Planning Board meeting. Remote participation shall be in accordance with the provisions for such as set forth in Massachusetts General Law, specifically 940 CMR 29.10, and in the Bylaws of the Town of Shirley.

Section 9.3 Planning Board members present may be counted to determine whether a quorum is present, even if they abstain from voting. If the Planning Board member is recusing him/herself due to conflict of interest, he/she cannot be counted as being present for the quorum for that portion of the meeting for which he/she is disqualified by reason of conflict of interest.

Section 9.4 A tie vote defeats a motion.

Section 9.5 Planning Board votes shall be a simple majority of those present and voting, except for Special Permits which require a “super majority.”

Section 9.6 A “super majority” of a five-member Planning Board is four. This number is required for passage of a motion regardless of the number present. The Associate Member may vote on a Special Permit if their vote is needed to create a “super majority” and they fulfill the requirements of Section 9.7.

Section 9.7 The Associate Member may vote on a Special Permit only if s/he has attended all relevant Public Hearings, either in person or remotely, in accordance with Section 9.2 above.

Article 10: Procedure for ANR

Section 10.1 As per MGL Chapter 41, Sections 81O, 81P and 81T, applicants requesting Planning Board endorsement of an ANR plan will submit the information described in Section 10.4 to the Planning Board Administrative Assistant. The applicant will also deliver in person, or via registered mail, a copy of the Application for Endorsement of Plan Not Requiring Approval to the Town Clerk. The Board has 21 days from the date of submission in which to make its decision to favorably endorse, not endorse, or allow the petitioner to withdraw the ANR plan.

Section 10.2 Upon receipt of an ANR plan containing the information described in Section 10.4, the Planning Board Administrative Assistant shall transmit a copy of the Application for Endorsement of Plan Not Requiring Approval to the Town Clerk.

Section 10.3 An ANR does not require either a hearing, an advertisement, or notification of abutters to the property.

Section 10.4 The applicant will submit the following information to the Planning Board Administrative Assistant:

- A. Five (5) copies of completed Application for Endorsement of Plan Not Requiring Approval
- B. One full-size mylar plan
- C. Five (5) full-size paper copies of the plan

- D. Five (5) 11" x 17" paper copies of the plan
- E. Payment in the amount specified in the Planning Board Fee Schedule

Section 10.5 Procedure to be followed by the Planning Board:

- A. If favorably endorsed, the Board shall sign the full-size Mylar plan and return it to the applicant. The Board shall also sign the five full-size copies of the plan which shall be distributed by the Planning Board Administrative Assistant as described in Section 10.5.E.
- B. There are two reasons why the Planning Board may not favorably endorse the ANR plan:
 - 1. The board does not believe that it meets the requirements of an ANR plan. In this case, the plan may be resubmitted to the Planning Board at a later date for approval under the Subdivision Control Law.
 - 2. The board does not believe the application is complete. In this case, the plan may be resubmitted to the Planning Board for review at a later date.
- C. If the Planning Board does not favorably endorse the ANR plan, the Planning Board Administrative Assistant shall notify the applicant and the Town Clerk in writing. This notification shall take place within 21 days of submission of the ANR plan.
- D. If the Board does not favorably endorse the ANR plan, this decision may be appealed by the applicant in the manner provided in MGL Chapter 41, Section 81BB.
- E. If the Planning Board votes to favorably endorse the ANR, the Administrative Assistant shall distribute one copy of the Application for Endorsement of Plan Not Requiring Approval and one signed, full-size copy of the ANR plan to the following within 21 days of submission:
 - 1. Applicant: Form A-1 only
 - 2. Assessors: Form A-1 plus ANR Plan
 - 3. Town Clerk: Form A-1 plus ANR Plan
 - 4. Building Inspector: Form A-1 plus ANR Plan
 - 5. Planning Board File: Form A-1 plus ANR Plan
- F. If no action is taken by the Planning Board within 21 days following the date of submission of the ANR plan, the Board shall be deemed to have determined that approval under the Subdivision Control Law is not required.

Article 11: Procedure for Site Plan Review

Section 11.1 The following documents contain descriptions of the information required by the Planning Board whenever a Site Plan Review is required. It is the responsibility of the applicant, or their agent, to ensure that the Site Plan submitted to the Planning Board contains the required information.

- A. Protective Zoning Bylaws: Chapter 7, Site Plan Review
- B. Application for Site Plan Review and Request for Public Hearing
- C. Site Plan Review Checklist
- D. Stormwater Management Control Bylaw
- E. Planning Board Fee Schedule

Section 11.2 The Planning Board Administrative Assistant shall ensure that the applicant agrees to pay the costs for legal advertisements and notification of abutters and signs the Applicant Agreement to Pay Additional Costs, such as a Project Review Consultant Fee.

Section 11.3 An applicant, or their agent, requesting a Site Plan Review will submit fifteen (15) copies of the Site Plan containing the information described above in Section 11.1, plus fifteen (15) copies of the completed Application for Site Plan Review and Request for Public Hearing to the Planning Board Administrative Assistant, along with a check for the fee(s) specified in the Planning Board Fee Schedule. The applicant, or their agent, will also deliver in person, or via registered mail, a copy of the completed Application for Site Plan Review and Request for Public Hearing to the Town Clerk. In addition, the applicant, or their agent, will submit electronic copies of the completed application and Site Plan.

Section 11.4 The Planning Board shall hold a public hearing no later than forty-five (45) days after receiving a complete Site Plan application as described above in Section 11.3. The date set shall ensure that the Town boards, departments, commissions, etc., are given 35 days in which to provide input to the Planning Board as described in Section 11.7. In accordance with MGL Chapter 40A, Section 11, the public hearing shall be posted at least 14 days before said hearing and advertised twice in a local newspaper, with the first advertisement at least 14 days before the date of the hearing. When the ad is submitted for publication, the Planning Board Administrative Assistant shall send notice of the public hearing to the applicant and to the abutters by certified mail and also to the Planning Boards of Ayer, Groton, Lunenburg, Lancaster, Townsend and Devens.

Section 11.5 The Planning Board Administrative Assistant shall transmit one copy each of the application and Site Plan, along with a transmittal form, to the following Town boards, departments, commissions, etc.:

- A. Building Inspector
- B. Board of Health
- C. Conservation Commission
- D. Board of Selectmen
- E. Department of Public Works
- F. Fire Department
- G. Police Department
- H. Tax Collector
- I. Sewer Commission
- J. Water Department
- K. Zoning Board of Appeals

Section 11.6 The Town Clerk shall prepare a new file folder for the Town Clerk's copy of the application and Site Plan. The Planning Board Administrative Assistant shall prepare a package containing the application, Site Plan, and input from the boards, departments, commissions, etc., described above in Section 11.5.

Section 11.7 Town boards, departments, commissions, etc., shall have 35 days to respond in writing to the Planning Board via the transmittal form. Their failure to respond within 35 days shall constitute approval of the adequacy of the submittal and also that, in their opinion, the proposed project would cause no adverse impact. The Planning Board shall not act on a Site Plan application until comments have been received, or until the 35 days has expired.

Section 11.8 As described above in Section 11.3, the Planning Board shall hold a public hearing no later than forty-five (45) days after receiving a Site Plan application. After the public hearing is closed, and after deliberation as may be needed, the Planning Board shall formally vote to approve or deny the application. The written decision of the Board, with findings, conditions, limitations, and safeguards, if any, may be "roughed out" by the Planning Board Administrative Assistant at the meeting where the vote is taken and later typed.

Section 11.9 The Planning Board Administrative Assistant shall file the written decision with the Town Clerk within 30 days of the close of the public hearing. Following the filing of the written decision with the Town Clerk, the Planning Board Administrative Assistant shall mail a copy, time-stamped and certified by the Town Clerk, to the applicant and anyone else requesting a copy at the public hearing. In addition, a copy shall be given to the Building Inspector and a

copy added to the applicant's file in the Planning Board office. If the written decision is not filed with the Town Clerk within 30 days, the Site Plan shall be deemed approved.

Section 11.10 As per MGL Chapter 40A, Section 17, Planning Board members shall sign both the written decision and the final Site Plan after the twenty (20) day appeal period has expired.

Section 11.11 The Building Inspector shall not issue a building permit for an applicable property until a copy of the Site Plan approval is received, and only in accordance with all conditions, limitations, and safeguards specified in the decision. However, the Building Inspector shall inform the applicant that any action they may take prior to conclusion of the 20-day appeal period is at their own risk. In no case shall a building permit be issued for any Site Plan application denied by the Planning Board, unless directed by a Court as the result of an appeal.

Section 11.12 Provided no appeal has been filed, following conclusion of the 20-day appeal period, the Planning Board Administrative Assistant shall provide signed copies of the written decision and Site Plan to the following: Building Inspector, Department of Public Works, Shirley Water District, Police Department, Fire Department, Conservation Commission, and Board of Health. Signed copies shall also be kept on file in the Planning Board office.

Article 12: Procedure for Site Plan Review when Special Permit Required

Section 12.1 For projects that require both a Special Permit and a Site Plan Review, the application for the Special Permit shall be a consolidated submission and the Site Plan Review decision incorporated in the Special Permit decision. Since both the Special Permit and Site Plan Review require public hearings, the Planning Board may elect to conduct the hearings together rather than separately. In this case, the most restrictive timing regarding scheduling the hearing, voting to approve/deny, issuing the written decision, etc., shall apply.

Article 13: Procedure for Special Permit Issued by the Planning Board

Section 13.1 The Shirley Protective Zoning Bylaws describe by-right and permitted uses for each zoning district. In accordance with MGL Chapter 40A, Sections 9 and 11, certain additional uses require a Special Permit issued by the Planning Board. These uses are listed in Sections 3 and 4 of the Zoning Bylaws.

Section 13.2 The following documents include the information that may be required by the Planning Board when a Special Permit is requested. After consulting these documents, it is suggested that the applicant, or their agent, attend one of the regularly scheduled Planning-Board meetings to discuss their project informally and determine exactly what documentation the Planning Board deems applicable.

- A. Protective Zoning Bylaws, Chapter 8.5: Special Permits Issued by the Planning Board
- B. Application for Special Permit and Request for Public Hearing
- C. Stormwater Management Control Bylaw
- D. Planning Board Fee Schedule

Section 13.3 The applicant, or their agent, will submit fifteen (15) copies of the Application for Special Permit and Request for Public Hearing, accompanied by fifteen (15) copies of the additional information required by the Planning Board (see Section 13.2 above) to the Planning Board Administrative Assistant, along with a check for the fee(s) specified in the Planning Board Fee Schedule. The applicant, or their agent, will also deliver in person, or via registered mail, a copy of the completed Application for Special Permit and Request for Public Hearing to the Town Clerk. In addition, the applicant, or their agent, will submit electronic copies of the completed application and accompanying documentation to the Planning Board Administrative Assistant.

Section 13.4 The Planning Board Administrative Assistant shall ensure that the applicant has agreed to pay the costs for legal advertisements and notification of abutters and has signed the Applicant Agreement to Pay Additional Costs, such as a Project Review Consultant Fee.

Section 13.5 The Planning Board shall hold a public hearing no later than sixty-five (65) days after receiving a completed Special Permit application as described above in Sections 13.2 and 13.3. The date set shall ensure that the Town boards, departments, commissions, etc., are given 35 days in which to provide input to the Planning Board as described in Section 13.8. In accordance with MGL Chapter 40A, Section 11, the public hearing shall be posted at least 14 days before said hearing and advertised twice in a local newspaper, with the first publication at least 14 days before the date of the hearing. When the ad is submitted for publication, the Planning Board Administrative Assistant shall send notice of the public hearing to the applicant and to the abutters by certified mail and also to the Planning Boards of Ayer, Groton, Lunenburg, Lancaster, Townsend and Devens.

Section 13.6 The Planning Board Administrative Assistant shall transmit one copy each of the completed Application for Special Permit and Request for Public Hearing, and the additional information required by the Planning Board, with a transmittal form to the following Town boards, departments, commissions, etc., requesting their feedback:

- A. Building Inspector
- B. Board of Health
- C. Conservation Commission
- D. Board of Selectmen

- E. Department of Public Works
- F. Fire Department
- G. Police Department
- H. Tax Collector
- I. Sewer Commission
- J. Water Department
- K. Zoning Board of Appeals

Section 13.7 The Town Clerk shall prepare a new file folder for the Town Clerk's copy of the Special Permit application and additional information. The Planning Board Administrative Assistant shall prepare a package containing the Special Permit application and additional information, including input received from the boards, departments, commissions, etc., described above in Section 11.6.

Section 13.8 Town boards, departments, commissions, etc., shall have 35 days to provide input to the Planning Board in writing via the transmittal form. Their failure to report within 35 days shall constitute approval of the adequacy of the submittal, and also that in their opinion the proposed use would cause no adverse impact. The Planning Board shall not act on a Special Permit application until all comments have been received or until the 35 days has expired.

Section 13.9 As described above in Section 11.5, the Planning Board shall hold a public hearing no later than sixty-five (65) days after receiving the completed Special Permit application and additional required information. The Planning Board shall formally vote to approve or deny the Special Permit, confirm the decision in writing, and distribute as described in Section 13.10, within 90 days from the close of the public hearing. Decisions regarding Special Permits require at least four affirmative votes for approval and may include conditions and safeguards the Planning Board deems necessary to protect the immediate surrounding area or the Town in general, as described in Chapter 8.5.5 of the Protective Zoning Bylaws.

Section 13.10 The written decision of the Planning Board, with findings and conditions and safeguards, if any, shall be completed by the Planning Board Administrative Assistant within 14 days of the vote and immediately filed with the Town Clerk. A copy of the written decision, time-stamped and certified by the Town Clerk, shall be distributed by the Planning Board Administrative Assistant to the Building Inspector, the applicant, and to anyone else requesting a copy at the public hearing. A time-stamped and certified copy shall also be added to the applicant's file in the Planning-Board office.

Section 13.11 The Special Permit shall not take effect until the applicant, or their agent, records the approval with the Middlesex County Registry of Deeds and a certified copy of said recording is transmitted to the Planning Board by the Registry.

Section 13.12 The Shirley Building Inspector shall not issue a building permit for use of an applicable property until a copy of the Site-Plan approval is received, and only in accordance with all conditions, limitations, and safeguards specified in the decision. However, the Building Inspector may inform the applicant that any action they take prior to conclusion of the 20-day appeal period is at their own risk. In no case shall a building permit be issued for any application denied by the Planning Board, unless directed by a Court as the result of an appeal.

Article 14: Procedure for Subdivisions

Section 14.1 The Subdivision Control Law is promulgated under MGL Chapter 41, Sections 81K through 81GG. The Town of Shirley also has local Subdivision Rules and Regulations (Revision 1.13). Article 14 is specific to the local Shirley Subdivision Rules and Regulations.

Section 14.2 A person who plans to divide a parcel of land into two or more lots and believes the plan does not require approval under Subdivision Control Law is required to submit an Application for Endorsement of Plan Not Requiring Approval as described in Article 10. If the Planning Board does not favorably endorse the ANR plan, the decision may be appealed by the applicant in the manner provided in MGL Chapter 41, Section 81BB. In the absence of an appeal, or if an appeal is unsuccessful, the applicant is invited to follow the procedures for submittal of a subdivision preliminary and/or definitive plan.

Section 14.3 The following documents describe the information required by the Planning Board when reviewing subdivision preliminary and/or definitive plans. It is the responsibility of the applicant, or their agent, to ensure that the information submitted to the Planning Board is complete, accurate, and in accordance with the requirements described in these documents.

- A. Protective Zoning Bylaws: Chapter 7, Site Plan Review
- B. Subdivision Rules & Regulations, Revision 1.13
- C. Stormwater Management Control Bylaw
- D. Application for Approval of Preliminary Plan
- E. Application for Approval of Definitive Plan
- F. Planning Board Fee Schedule

Section 14.4 A Preliminary Plan does NOT have to be submitted for residential subdivisions but MUST be submitted for nonresidential subdivisions. No public hearing, legal advertisements,

or notices to abutters are required. Submission of a Preliminary Plan enables the applicant, the Planning Board, other commissions and boards, and the public to review and discuss the planned subdivision before a Definitive Plan is prepared. (Note: If the Definitive Plan is submitted within seven (7) months following submittal of the Preliminary Plan, the fee paid for the Preliminary Plan shall be applied as a credit toward the fee for the Definitive Plan.)

Section 14.5 Procedure for Submission of Preliminary Plans.

- A. The applicant, or their agent, will submit to the Planning Board Administrative Assistant the following: fifteen (15) copies of the Application for Approval of Preliminary Plan, fifteen (15) copies of the additional information required (as specified in the documents listed in Section 14.2), and a check for the fee(s) specified in the Planning Board Fee Schedule and Additional Fees, such as for a Project Review Consultant. The applicant, or their agent, will also deliver in person, or via registered mail, a copy of the completed Application for Approval of Preliminary Plan to the Town Clerk. In addition, the applicant, or their agent, will submit electronic copies of the completed application and accompanying information to the Planning Board Administrative Assistant.

- B. The Planning Board Administrative Assistant shall transmit one copy each of the completed Application for Approval of Preliminary Plan and the additional information required by the Planning Board, with a transmittal form, to the following Town boards, departments, commissions, etc. requesting their written feedback in advance of the Planning Board meeting at which the Preliminary Plan shall be discussed:
 - 1. Building Inspector
 - 2. Board of Health
 - 3. Conservation Commission
 - 4. Board of Selectmen
 - 5. Department of Public Works
 - 6. Fire Department
 - 7. Police Department
 - 8. Sewer Commission
 - 9. Shirley Water District
 - 10. Tax Collector
 - 11. Zoning Board of Appeals

- C. The Planning Board shall act on the Preliminary Plan within 45 days of submittal and document its decision in writing. Within the same 45 days, the Planning Board Administrative Assistant shall provide a copy of the written decision to the Town Clerk and to the applicant by certified mail. This 45-day limit may be extended, in writing, by the applicant.
- D. The Planning Board decision shall consist of approving the Preliminary Plan, approving the Preliminary Plan with conditions or modifications agreed to by the applicant, or denying the Preliminary Plan. If denied, the written decision shall include a detailed description of the reasons for the denial. If approved with conditions or modifications, the written decision shall document same.
- E. As per MGL Chapter 41, Section Q, when a Preliminary Plan has been submitted to the Planning Board, such Preliminary Plan and the Definitive Plan evolved therefrom shall be governed by the rules and regulations relative to subdivision control in effect at the time of the submission of the Preliminary Plan, provided that the Definitive Plan is duly submitted within seven (7) months from the date on which the Preliminary Plan was submitted.

Section 14.6 Procedure for Submission of Definitive Plans.

- A. The applicant, or their agent, will submit to the Planning Board Administrative Assistant the following: fifteen (15) copies of the completed Application for Approval of Definitive Plan, a certified list of abutters obtained from the Assessor's Office, fifteen (15) copies of the additional information required by the Planning Board (as specified in the documents listed in Section 14.2 above), and a check for the fee(s) specified in the Planning Board Fee Schedule. The applicant, or their agent, will also deliver in person or via registered mail a copy of the completed Application for Approval of Definitive Plan to the Town Clerk. In addition, the applicant, or their agent, will submit electronic copies of the completed application and accompanying information to the Planning Board Administrative Assistant.
- B. The Planning Board Administrative Assistant shall ensure that the applicant has agreed to pay the costs for legal advertisements, notification of abutters, cost of professional services (if required), and any other costs associated with consideration of the Definitive Plan, and has signed the Applicant Agreement to Pay Additional Costs.
- C. As per Section 3.2.3.1 of the Subdivision Rules & Regulations, Revision 1.13, an Environmental Impact Statement is required to be submitted as part of the package of information described above. However, the Planning Board may waive those sections of the Environmental Impact Statement it deems do not apply to the proposed subdivision. It is thus recommended that the applicant discuss the Environmental Impact Statement with the Planning Board before it is prepared and prior to submission of the Definitive Plan to determine which sections (if any) may be waived.

- D. The applicant, or their agent, will also submit to the Board of Health two (2) copies of the completed Application for Approval of Definitive Plan and the additional information required by the Planning Board (as specified in the documents listed in Section 14.2 above). The Board of Health shall, within forty-five (45) days, report to the Planning Board in writing, indicating which of the lots (if any) shown on the Definitive Plan cannot be used for building sites due to public health concerns or drainage conditions. Where possible, the Board of Health shall include recommendations for adjustment thereof in their written feedback to the Planning Board.
- E. The Planning Board Administrative Assistant shall transmit one copy each of the completed Application for Approval of Definitive Plan and the additional information required by the Planning Board, with a transmittal form, to the following Town boards, departments, commissions, etc. requesting their feedback in advance of the Planning Board public hearing at which the Definitive Plan shall be discussed:
1. Building Inspector
 2. Board of Health
 3. Conservation Commission
 4. Board of Selectmen
 5. Department of Public Works
 6. Fire Department
 7. Police Department
 8. Sewer Commission
 9. Shirley Water District
 10. Tax Collector
 11. Zoning Board of Appeals
- F. Town boards, departments, commissions, etc. specified above shall have 30 days to provide input to the Planning Board, in writing, via the transmittal form. The Planning Board shall not act on a Special Permit application until all comments have been received or until the 30-day period has expired.
- G. The Town Clerk shall prepare a new file folder for the Town Clerk's copy of the Application for Approval of a Definitive Plan and accompanying information. The

Planning Board Administrative Assistant shall prepare a package containing the same plus the input received from the boards, departments, commissions, etc. specified above.

- H. The Planning Board has 135 days from submittal in which to make its decision and file the written decision with the Town Clerk. If a Preliminary Plan was previously submitted and acted upon by the Planning Board (including denial) within seven (7) months of submittal of the Definitive Plan, the time from submission to filing of the written decision is reduced to 90 days. In either case, this time period may be extended by mutual agreement, in writing, between the Planning Board and the applicant.
- I. The Planning Board shall hold a public hearing regarding the Definitive Plan on a date that shall ensure that the Town boards, departments, commissions, etc. are given 30 days in which to provide input, and 45 days in the case of the Board of Health (see 14.5.D above). In accordance with MGL Chapter 40A, Section 11, the public hearing shall be posted at least 14 days before said hearing and advertised twice in a local newspaper with the first advertisement at least 14 days before the date of the hearing. When the advertisement is submitted for publication, the Planning Board Administrative Assistant shall send notice of the public hearing to the applicant and to the abutters by certified mail and also to the Planning Boards of Ayer, Groton, Lunenburg, Lancaster, Townsend and Devens.
- J. When the Planning Board is ready to vote to approve, approve with waivers or conditions, or deny the Definitive Plan, the Board shall make a motion to close the public hearing. This motion must get a majority vote of the members present. Next, the motion to approve, and the associated waivers and conditions, if any, shall be made and put into writing. In order for the Definitive Plan to be approved, three Planning Board members must vote in favor.
- K. Immediately following the meeting, the Planning Board Administrative Assistant shall draft the written decision and distribute it to the Planning Board members for review. If the Definitive Plan has been denied, the written decision shall include a detailed description of the reasons for denial. If the Plan has been approved with waivers or conditions, these shall be fully documented in the written decision.
- L. The Planning Board shall approve the written decision at its next meeting. Immediately following the meeting, the Planning Board Administrative Assistant shall file the written decision with the Town Clerk (at which point the 20-day appeal period begins), and also send a copy to the applicant by registered mail.
- M. To indicate final approval by the Planning Board, copies of the Definitive Plan shall be endorsed with the signatures of a majority of the Planning Board members, but not until the twenty (20) day appeal period has elapsed without an appeal being filed. If an appeal has been filed, the Definitive Plan shall not be endorsed until the appeal has been settled.

- N. The endorsement is made at a Planning Board meeting on the original Mylar and the five (5) paper copies of the Definitive Plan furnished by the applicant referencing all waivers, covenants, performance guarantees, etc. The Planning Board Administrative Assistant shall retain a signed copy in the Planning Board office; forward a signed copy to the Town Clerk, Building Inspector, Board of Health and Board of Assessors; and return the signed Mylar original to the applicant.
- O. During the 20-day appeal period, Town Counsel, in consultation with Town officials, shall draft a performance guarantee in accordance with Section 3.2.5 of the Subdivision Rules & Regulations, Revision 1.13. The Planning Board shall review the performance guarantee and accept it during a regularly scheduled meeting before the Definitive Plan is endorsed.
- P. If the Definitive Plan has been approved by the Planning Board, following endorsement of the Plan as described above in Section M, the applicant, or their agent, will cause to be recorded in the Middlesex Southern District Registry of Deeds and, in the case of registered land, with the recorder of the Land Court, a copy of the approved Definitive Plan and accompanying covenants, etc. if any. Following recording of the Definitive Plan in the Registry of Deeds, etc., the applicant or their agent will deliver to the Planning Board Administrative Assistant documentation of same as specified in Section 3.2.6.2 of the Subdivision Rules & Regulations, Revision 1.13.

Section 14.7 Prior to release of the Performance Guarantee, the Planning Board is responsible for confirming that the “as built” drawings accurately depict the subdivision as constructed, and furthermore that the completed subdivision (or portion thereof) meets the requirements of the Definitive Plan and those of Section 4 of the Subdivision Rules & Regulations, Revision 1.13. Refer to Sections 3.2.7 and 3.2.8 of the Subdivision Rules & Regulations, Revision 1.13, for a detailed description of this process.

Article 15: Procedure for Road Acceptance

The Road Acceptance process is a multi-layer, multi-step process that involves the Board of Selectmen, the Planning Board, and a vote by Town Meeting, with the Board of Selectmen taking the lead role. Once the Board of Selectmen has voted in favor of road acceptance, and before the vote at Town Meeting, the plan is referred to the Planning Board for their review and nonbinding recommendation. The road acceptance process is fully explained in a document entitled “City and Town Ways: Layout, Acceptance and Acquisition” prepared by KP Law and available in the Planning Board office.

Article 16: Procedure for Stormwater Management Permit

The Planning Board is the Permit Granting Authority for Stormwater Management Control permits. The procedure for obtaining a Stormwater Management Control permit is described in detail in the Town of Shirley General Bylaws, Article XXXII, which can be found on the Town website.

Article 17: Agenda Management

Section 17.1 The Planning Board Administrative Assistant, in consultation with the Chair, shall be responsible for management of meeting agendas.

Section 17.2 The Planning Board Administrative Assistant shall prepare a package of correspondence and supporting documents which shall be provided electronically to all Planning Board members for review within three (3) working days prior to the meeting at which they will be considered. Hard copies of this packet shall be placed in front of each member's chair prior to each meeting unless the Planning Board member states they do not need the hardcopies printed.

Section 17.3 Applications, whether new or revised, shall be submitted by an applicant in a timely manner. Applications requiring review and response by Town boards, commissions, etc. must be submitted a minimum of one week prior to the scheduled Planning Board meeting or hearing submittal deadline unless otherwise determined by the Chair.

Section 17.4 In addition to paper sets of plans, all Site Plans, Special Permit Site Plans, and Preliminary and Definitive Subdivision Plans must be submitted to the Planning Board in electronic format at the same time paper plans are submitted, according to the respective deadlines for such plans as specified elsewhere in these Rules and Regulations. Electronic documents and plans shall be submitted as pdfs, unless permission is granted for another format.

Section 17.5 Any revisions to submitted plans (including, but not limited to, updates to plan sheets, stormwater calculations, drainage plans, etc.) for Site Plans, Special Permit Plans, and/or Preliminary/Definitive Subdivision Plans, already scheduled or in the review process, must be received by the Planning Board at least five (5) working days prior to the meeting or hearing at which the project is to be considered. The Planning Board reserves the right to postpone consideration of any new information submitted after this deadline by continuing the plan review meeting or hearing to the next available date.

Section 17.6 The Planning Board Administrative Assistant shall not schedule any application package for review at a Planning Board meeting or public hearing until the package is complete according to the requirements specified elsewhere in this document.

Article 18: Standards of Conduct for Planning Board Members

Section 18.1 Planning Board members are obligated to serve the public interest, to conduct themselves so as to maintain public confidence in the Planning Board, to meet the fundamental responsibility of fairness, and to comply with all statutory regulations.

Section 18.2 Planning Board members and associate member are expected to attend all scheduled Planning Board meetings, public hearings, etc. If attendance is not possible, the member/associate member shall notify the Planning Board Chair and Administrative Assistant in advance of the meeting.

Section 18.3 Members of the Planning Board shall conduct themselves in accordance with MGL Chapter 268A (Conflict of Interest). This includes but is not limited to:

- A. Not asking for or accepting anything, regardless of value, if it is offered in exchange for agreeing to perform or not perform an official act.
- B. Not asking for or accepting any “gift” worth \$50.00 or more from anyone with whom the member has official dealings.
- C. Not taking any action that could create an actual conflict of interest, or the appearance of a conflict of interest unless the member makes a public disclosure of the conflict.
- D. Not disclosing confidential information.
- E. Recusing themselves from official actions which affect their own financial interests, or the financial interests of a member of their family, a business partner, a close personal friend, etc.

Section 18.4 It is important to ensure that Planning Board members are not, or do not appear to be, communicating privately during Planning Board meetings and public hearings,. Toward this end, the following requirements shall be met:

- A. Cellphones shall be muted at all times.
- B. No side conversations between Planning Board members, or between Planning Board members and audience member(s), shall take place.
- C. Use of laptops and other electronic devices, including cellphones, shall be limited to the Planning Board Chair, or their designee, and the Planning Board Administrative Assistant.

Section 18.5 Individual Planning Board members shall not meet to discuss Planning Board business or matters currently before the Planning Board with an applicant and/or their representative outside of a Planning Board meeting unless authorized to do so by the Planning

Board Chair or their designee. For administrative purposes only, the Chair, or their designee, may meet jointly with the Planning Board Administrative Assistant, the applicant, and/or their representative.

Article 19: Site Visits

Section 19.1 A “site visit” is defined as a visit by the Planning Board to a location that is the subject of an application before the Planning Board. All site visits shall be announced at a regular meeting of the Planning Board. The visit shall be in the company of the owner, applicant, and/or the representative of the owner or applicant, when it involves visiting areas which are not customarily available for public inspection.

Section 19.2 No formal motions shall be made, nor votes taken, during a site visit. Posting of an official site visit agenda is at the discretion of the Planning Board and is not required.

Article 20: Regulations Governing Fees and Fee Schedules

Section 20.1 The Planning Board may review and revise its rules, regulations, and fee schedules from time to time as it sees fit. Such changes shall occur by majority vote of the Planning Board members present at a scheduled meeting. The Planning Board Administrative Assistant is responsible for immediately filing a copy of the changes with the Town Clerk, at which time they shall become effective.

Section 20.2 The Planning Board may impose reasonable fees for the review of applications which come before it. These include Project Review Consultant Fees as described in Article 22.

Article 21: Waivers from these Rules and Regulations

The Planning Board may waive any of the provisions contained herein by majority vote of the members present in circumstances where their strict implementation would be detrimental or counterproductive to the issue before it, and where such waiver would not be in violation of any local or state regulation, bylaw, or statute. Any such waiver must be voted upon at a regularly scheduled meeting of the Planning Board and be reflected in the minutes of the meeting and record of the particular case to which it applies.

Article 22: Planning Board Personnel

Section 22.1 The Planning Board may employ staff positions such as a Town Planner, Administrative Assistant, and any other position that is deemed necessary to accommodate department needs, as approved through the appropriate Town process.

Section 22.2 A Town Planner's primary responsibilities are to carry out the Town's development review process, to manage the administrative and planning operations of the Planning Board, and to carry out the duties and responsibilities identified in the approved job description for this position.

Section 22.3 The primary responsibilities of the Administrative Assistant are to assist the Planning Board with processing and tracking applications, to oversee the day-to-day financial and communication operations of the Planning Board, and to carry out the duties and responsibilities identified in the approved job description for this position. The Administrative Assistant position, as currently designed, also works with the Zoning Board of Appeals and the Assessor's Office and reports directly to the Town Administrator.

Article 23: Budget and Finance

The Chair, or their designee, is responsible for preparing the annual Planning Board budget and managing the Planning Board budget and accounts with assistance from the Administrative Assistant.

Article 24: Project Review Consultant Fees (Peer Review)

Section 24.1 The Planning Board, at its sole discretion, may determine that a proposed project's size, scale, complexity, potential impact, or particular land use warrants retaining the services of licensed professionals and/or independent consultants in a given field. Such consultants shall provide professional guidance to assist the Planning Board with the review and analysis needed to make informed decisions that comply with all relevant laws and regulations. The Planning Board shall select and retain for a reasonable fee such consultants at the expense of the applicant.

Section 24.2 Outside consultants may be retained to assist the Planning Board with Special Permit, Site Plan, Subdivision, and Stormwater Management applications under MGL Chapter 40A, Section 9, and MGL Chapter 44, Section 53G.

Section 24.3 Project Review Consultant Fees shall be based upon an estimated review cost. Upon notice of receipt, Review Fees shall be deposited in an account established pursuant to MGL Chapter 44, Section 53G. No decision shall be granted until such fees have been paid in full by the applicant.

Section 24.4 The Planning Board Administrative Assistant shall send copies of plans to three or more reputable engineering firms in the local area requesting bids to be submitted by a certain date. Independent project consultants will submit a scope of work and all associated predictable costs for their services as requested by the Planning Board for review prior to being retained for their services. No supplemental change orders shall be approved unless deemed necessary by the Chair and approved by a majority vote of the members present at a scheduled Planning Board meeting.

Section 24.5 As a condition of approval of a Site Plan Review, Special Permit, Subdivision, or Stormwater Management application, the Planning Board may require a Project Review Consultant Fee for the purpose of ensuring the availability of funds during the inspection phase of the project.

Section 24.6 Project Review Consultant Review Fees received from applicants are to be deposited in a special account as set forth in MGL Chapter 44, Section 53G.

- A. The Planning Board Administrative Assistant shall forward Project Review Consultant Fees to the Treasurer for deposit in the Consultant Review Account.
- B. Outside consultants retained by the Planning Board to assist in the review of an application shall be paid from the Project Review Consultant Account.
- C. A copy of the latest statement from the banking institution handling the Project Review Consultant Account shall be forwarded by the Treasurer to the Planning Board as soon as it is received to ensure timely and accurate accounting.
- D. The Treasurer shall prepare a report on activity in the Project Review Consultant Account on an annual basis. The Treasurer shall submit this report to the Board of Selectmen and the Town Administrator for their review.

Section 24.7 Appeals.

- A. The Planning Board Administrative Assistant shall notify the applicant of the consultant selection prior to initiation of consultant efforts. As provided in MGL Chapter 44, Section 53G, the applicant may appeal the selection of the consultant to the Board of Selectmen on grounds that the consultant selected has a conflict of interest or does not possess the required minimum qualifications.
- B. To initiate an appeal, the applicant must notify the Town Clerk within seven (7) calendar days of notice of the selection. If no decision is rendered by the Board of Selectmen within one month of said appeal, then the Planning Board consultant selection shall prevail.
- C. The required time limits for action by the Planning Board on an application shall be extended by the time needed to resolve the appeal. Such an appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided in MGL Chapter 44, Section 53G.

Section 24.8 Failure of an applicant to pay Project Review Consultant Fees determined by the Planning Board may be grounds for application disapproval.

September 17th, 2020
6092

Boxborough Planning Board
29 Middle Road
Boxborough, MA 01719

**RE: Response to Planning Board Memorandum & Tisbury Meadow Condominium Association
Enclave at Boxborough
Boxborough, MA**

Dear Members of the Board:

We have received review comment responses from the Planning Board & the Tisbury Meadow Condominium Association regarding the filed Scenic Road, Public Shade Tree Removal & Stone Wall Alteration application. The review comments are *italicized* with the responses from Ducharme & Dillis below them in **bold**.

Planning Board:

Questions on Sidewalk as Currently Proposed:

1. *What is the total length (linear feet) of the proposed sidewalk?*

CDG Response: Approximately 921 Lineal Feet of sidewalk is currently proposed along Stow Road.

2. *What is the total square footage of proposed sidewalk at 5-foot width and 4-foot width?*

CDG Response: A sidewalk at a 5-foot width is approximately 4,605 SF. A sidewalk at a 4-foot width is approximately 3,684 SF.

3. *How much of permanent proposed sidewalk would be on:*

Existing town property (Stow Road)

CDG Response: The entire stretch of the sidewalk encroaches onto town property.

Tisbury Meadows property

CDG Response: Approximately 221 Lineal Feet encroaches onto Tisbury Meadows property. A permanent easement across this frontage of 3-feet would be required to construct a 5-foot wide walkway.

Boxborough Town Center LLC property

CDG Response: Approximately 215 Lineal Feet encroaches onto land owned by Boxborough Town Center LLC property. Permanent easements are depicted on the site plans as required.

4. *What is the total amount of temporary construction easement necessary on:*

Existing town property (Stow Road)

CDG Response: The entire length of the sidewalk will require a temporary construction easement along Stow Road.

Tisbury Meadows property

CDG Response: Approximately 237 lineal feet of the proposed sidewalk would require a temporary construction easement on Tisbury Meadows property. We believe a 10-foot wide temporary construction easement across the Tisbury Meadows frontage would be sufficient to construct this portion of the sidewalk.

Boxborough Town Center LLC property

CDG Response: Approximately 215 lineal feet of the proposed sidewalk would require a temporary construction easement Boxborough Town Center LLC property.

5. *Can you provide a clearer demarcation of the private property lines and the town boundary and permanent and construction easement lines on the plan drawings?*

CDG Response: Acknowledged.

6. *What would be the development/ownership structure of the sidewalk (e.g. developer would construct on behalf of the town, and the town would have an easement for the portion that is on private property and some of it would be within town property); what portion would be on private property, what portion would be on town property?*

CDG Response: The current proposal would include the developer constructing the sidewalk as shown on the plans. Easements from Tisbury Meadows are required for this to occur. These easements would be granted to the Town as they will be the ultimate owner of the infrastructure.

7. *Is the future maintenance cost fully on the town or will the developer contribute to the future cost of maintenance?*

CDG Response: Future maintenance costs would be born by the Town as it would be town owned infrastructure.

Alternatives Assessment:

8. *Meandering path in lieu of full sidewalk (West or East Side of Stow Road)*

Is it possible to construct a meandering path (vs. a fully engineered sidewalk) that is ADA compliant along either the east or the west side of Stow Road? Is one side easier than the other? How many landowners would be involved?

CDG Response: The applicant believes that the proposed alignment fulfills the obligation found in the settlement agreement. A meandering path would be more costly, would require more impact to the land, and would require more permanent easements. Refer to our response to item 9 below for a discussion on alternate alignments.

9. *Construct same length of sidewalk on East Side of Stow Road - Provide a high-level evaluation of the impacts of placing the sidewalk on the opposite (east) side of Stow Road including:*

CDG Response – It has been the understanding of the applicant through this process that the sidewalk would be constructed along the western side of the road. As such, significant effort has been expended to design the walk in this location. The applicant is not interested in exploring multiple alignment options.

10. *Financial Contribution to town in lieu of sidewalk construction*

What is the proposed contribution amount that the Applicant is proposing to donate in lieu of constructing the sidewalk?

CDG Response: The applicant is willing to make a payment to the Town in the amount of \$35,000 in lieu of constructing the sidewalk.

How was that estimate calculated/what is it based on?

CDG Response: This amount was determined by the applicant, to be the fair value of the projected cost to construct the sidewalk.

Tisbury Meadows Condominium Association:

1. *The amount of property that will be necessary for the proposed sidewalk.*

CDG Response: Approximately 276 SF of permanent sidewalk encroaches Tisbury Meadows property assuming a 5-foot wide walkway.

2. *The impact that the proposed sidewalk construction will have on our property, privacy and trees.*

CDG Response: The trees to be removed are highlighted on the submitted plans, a total of (3) trees are to be removed, two of which are currently standing dead trees.

3. *The appropriateness and necessity of a sidewalk in this location.*

CDG Response: No response from the applicant.

4. *Whether the Town of Boxborough or Boxborough Town Center LLC is seeking ownership or seeking an easement.*

CDG Response: As mentioned above, a permanent easement of approximately 3-feet in width as well as a temporary construction easement of 10-feet would be required. No ownership of the land is proposed.

5. *How many feet of TM property will be necessary for construction?*

CDG Response: Approximately 237 lineal feet of the proposed sidewalk would require a temporary construction easement on Tisbury Meadows property.

6. *What is the standard when a city/town takes private property for a sidewalk?*

CDG Response: No response from the applicant.

7. *The sidewalk is proposed to be 5 feet wide. Is 4 feet wide possible?*

CDG Response: The Town of Boxborough's Department of Public Works Superintendent & Tree Warden, Edward Kukkula, recommended that the sidewalk, if possible be 5' for operation & maintenance reasons.

8. *How will our property assessment be affected?*

CDG Response: No response from the applicant.

9. *The impact to our property, privacy and trees.*

CDG Response: See CDG Response to Question #2.

10. *How far back will the stone wall be moved and how tall will it be? What is the law regarding moving/reconstructing historic stone walls on a designated scenic road?*

CDG Response: The Town Bylaw states that to remove, alter and or disrupt an existing stone wall along a Scenic Road- a permit must be obtained from the Planning Board.

The disturbed stone wall is proposed to be reconstructed to resemble the existing dimensions. The wall is generally proposed to be set-back approximately 2-feet from its current location.

11. *How will the roots of remaining trees be affected by the sidewalk construction? The white pines lining the proposed sidewalk have shallow roots.*

CDG Response: The subject location has been walked with the Town Tree Warden & all trees to be affected have been marked for removal, as part of this permit. We do believe the other trees on the Tisbury property will be negatively impacted by the construction activities or the placement of the sidewalk.

12. *Can TM get a replacement warrantee from the developer or the town for trees that may show signs of damage/decay/death for the following 5 years?*

CDG Response: No comment from the applicant.

13. *Does the developer plan to provide replacement trees or shrubs to compensate for the loss of privacy? Will the developer remove 9 pines and replace them with appropriate trees and shrubs to provide privacy?*

CDG Response: We do not believe there will be a notable difference in the screening. The proposed trees to be removed are canopy trees and do not provide significant screening. None of the other trees are proposed to be removed.

14. *Will the developer transplant bushes/trees, ie the Rose of Sharon?*

CDG Response: The developer agrees to transplant the existing Rose of Sharon Shrub in a similar location, just further back from the street.

15. *When will the construction of the sidewalk begin and how long will it take? We are concerned about the noise level, privacy and damage to plants on our property?*

CDG Response: The exact construction timeframe will not be known until the permit has been issued and easements have been obtained. It is likely that the earliest construction would be in the Spring of 2021.

16. TM is requesting that the town or the developer hire an independent arborist to assess all landscape removal and replacement.

CDG Response: No response from the applicant.

17. What is the value of having a sidewalk that does not extend further along Stow Rd.? The most dangerous spot for pedestrians is where Stow Rd narrows and curves just beyond Tisbury Meadow and Sheriff Meadow. Can a sidewalk be constructed there instead and/or in addition? Would the sidewalk be better placed on the other side of the road?

CDG Response: No response from the applicant.

18. Is this proposed scenic sidewalk a cost effective project? Can the money involved be more wisely used for something of greater need to the town of Boxborough?

CDG Response: As mentioned, the applicant is willing to provide a cash payment to the town in lieu of constructing the proposed sidewalk.

We trust this meets your needs at this time. If you have any questions or require any additional information. Please contact the undersigned.

Regards,

DUCHARME & DILLIS

Civil Design Group, Inc.



Ryan Vickers, E.I.T.
Civil Engineer



Gregory S. Roy, P.E.
Principal



September 17, 2020

Boxborough Planning Board
29 Middle Road,
Boxborough Ma 01719

Re: Enclave – Review ANR Plan
Project No. 5249

Dear Board Members:

This office has reviewed the latest ANR plan dated September 15, 2020, stamped by Stanley Dillis on 9/15/20. This plan does not create any new frontage which is the criteria for an Approval Not Required plan under the Subdivision Control Law.

Lots 2A and 1 both have frontage on Massachusetts Ave and Lot 3A has 54.75' of frontage on Priest Lane (unchanged).

Parcel A1 has been enlarged to include all the land within the Zone 1 for the wells whereas the previous plan had most of the Zone 1 as easements. Parcel A1 is not a building lot and does not have any frontage. It is not landlocked as it will be owned by the same entity as Lot 1.

Please contact this office should you have any questions regarding these comments or the project in general.

Thank you.

Very truly yours,
Places Associates, Inc.

BY: 

Susan E. Carter, P.E., LEED AP
Director of Engineering, President

Hello Simon and Planning Board Members,

I apologize in advance for this lengthy note but we thought it would be beneficial to provide an additional point of view of the property clearing and site work over the last year. While you may choose not to put much weight in our opinion since my father is one of the applicants I would ask that you consider our position. While we would have preferred the property to remain as it was, the reality was that this is personal property and there was always going to be something going in unless the town chose to purchase the property and the town had more than one opportunity to do so. We had no control over the decision and chose to make the best of it.

I attended many planning board meetings throughout the process. The first time I stood up was to state that I was not in agreement with 100 units but understood how we got here and let the Planning Board know I believe they and the conservation commission shared responsibility for how we got to that point. As we know historically these boards have not always been easy to work with. Later in the process I spoke to defend my father because I thought the majority of the public attending the meetings and the board forgot how this started and the good intentions he always had.

Once the settlement with the Town was agreed upon under mediation and the site work began the biggest adjustment we had was how quickly the trees went. Here one day and literally gone the next. It took us about a week to adjust to the new look. We were also unsure how blasting would impact us and were unclear of what the final lot plan would look like and how many houses we would have behind us, after all I grew up here and played in our woods, walked the property, snowmobile to and from my Grandparents, etc. Sheriff's Meadow was our garden and a house that the Adams family lived in that my father owned. Tisbury was Ken and Mary McPhee's house that my father later owned. Lots of great memories and an adjustment for sure but one we have come to grips with.

Trees - I did a lot of cutting of my own including some trees on the Enclave parcel, near the property line, with the permission of the applicants. I didn't want trees falling on the house and had a lot of big ones to deal with. I had always planned on planting my own replacements and wanted to choose the screening. My grandparents grew and sold Christmas trees so safe to say there will be spruce, firs and maybe a hemlock or two. I am not losing any sleep over what Toll Brothers plans are for screens or how quickly it happens and we have a lot of wide open vista's to the property as many of you have seen during site walks.

Blasting - For us the blasting has been inconsequential and we have been home for the majority of it and took a lot of videos. Sure some shook the house but we have been pleasantly surprised how little it has impacted our daily lives. Full disclosure is that in talking with some friends of ours in the area they feel it more at lower elevations than we reside at. While I believe others have been impacted more by the blasting at the street level I want you to know that the blasting company has been nothing other than professional throughout. Watching them systematically lay down the blast mats to ensure that there was no flying debris during blasting near our house was a relief. During each and every blast they sound an audible alarm to clear everyone out and then a second one as final warning just before blast is set off. The last alarm can be heard after a blast is complete. I have not seen/heard any blasting without these alarms and the presence of a member of the fire department.

Heavy equipment - There has been a lot of Excavators, dump trucks, loaders, rock crushing equipment and other equipment on site. Over the last several months much of it has been parked directly behind our house, including on weekends, no harm, no foul. I have neighbors on the other side of us with several cars, boats and a big John Deere excavator in their backyard and we love them just the same.

Process/noise - Fenton and company and abided by the agreements of hours of operation. They do not start work before 7am and are generally done between 3:30-4. Latest we have seen/heard was 5pm and those days are few and far between. They sometimes work short Saturdays and have never been there on Sunday.

Rock crushing/dust - This has been the most impactful of the whole process. There is just no way for them to control the dust. They water the ground a few times a day but the dust emanates from the equipment and whomever is down wind is impacted most. It ended up being like bad pollen days. Rock dust covered decks, grass, plants, cars. A good rain would wash it away but since we have not had many days of impactful rain the issue was exponential. We would not let the kids out on the days they crushed. I think the agreement to limit the last of the crushing to wet days was the correct decision.

We believe there are always two sides to every story and wanted to tell ours. We have spoken to several other neighbors who share our point of view. Some are impacted by the blasting and others feel there are nuisances greater like what seems to be regular severe thunderstorms or neighborhood dogs barking incessantly. With some of the constant abutter complaints over every detail there are many others who are impacted but understand the situation and process and the limits on our ability to do anything other than coming off as cantankerous.

Having attended a few of the recent Planning board meetings I feel that one story in particular is not being depicted in its entirety - which is unfair. I think all of us can agree that as good neighbors we would recognize that you can not remove trees that do not belong to you, at least without seeking the permission of the land owner. Cathy and Emile unfortunately had a tree fall on their house a few years back. As part of the work that ensued they clear cut trees both on their parcel and several that were not. They never asked for permission. Many of those trees would have remained and while the majority would have been red oak and white pines they would have provided some screen and made their backyard a little less wide open. I found it disingenuous on their part that a key detail like this would be left out.

The Biron's aren't alone. Like us, there is at least one other abutter who chose to clear cut the trees on their property. My choice, their choice. You have never heard from me complaining about the open vista we now have or any expectations of screening that should be planted by the applicants or Toll Brothers and never will. I truthfully found it appalling to have Ms. Verner speaking on our behalf over what landscaping should be planted behind our house without having ever spoken to us - unlike what was apparently done for our neighbor. I trust that a professional outfit like Toll Brothers would have seen to it that the properties they sell would have the proper screening behind the units to benefit their buyers and the abutting properties alike.

We have actually enjoyed watching the site work and their professionalism and process. I can honestly say that the site work was the interesting part to watch. I am not looking forward to the house building - boring! Like many of our neighbors, we roll with the punches and make the best of it and look forward to welcoming our new neighbors.

Please feel free to reach out or visit if you feel you'd like more direct input.

Warm regards,
Keith and Magdalena Lyons
571 Burroughs Road

HANCOCK ASSOCIATES

Surveyors | Engineers | Scientists

August 14, 2020

Mary Nardwarski
Boxborough Planning Board
29 Middle Road
Boxborough, MA 01719

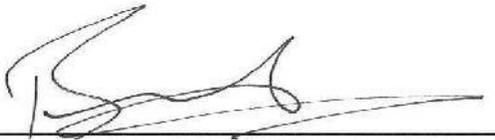
RE: 1172 Hill Road
Scenic Road Permit, Public Shade Tree Removal & Stone Wall Removal or Alteration Application

Dear Board Members,

Hancock Associates, on behalf of the applicant FTB Homes, LLC, respectfully submits this Scenic Road Permit, Public Shade Tree Removal & Stone Wall Removal or Alteration Application with the supporting materials. The applicant is proposing the construction single-family home on a parcel of land described by the Town of Boxborough's Assessors maps as Map 4, Lot 92 and having an address of 1172 Hill Road. The above mentioned parcel has a 50' wide strip of frontage on Hill Road, which is a Scenic Road as voted by the Town. A 14' wide driveway will be constructed to provide access to the proposed single-family home. In order to construct the driveway approximately 30' of stonewall must be removed. A site walk with the Tree Warden was done on the morning of August 14, 2020 and determined we would not be removing any Public Shade Trees to construct the driveway. Attached is the vetted application, a sketch depicting the proposed work, an abutters list certified by the Town Assessor, and the filing fee check.

If you have any questions please feel free to reach out and contact us.

Sincerely,
Hancock Associates



Brian Geaudreau, PE
Project Manager/Associate



Russell Tedford, EIT
Staff Engineer



BOXBOROUGH PLANNING BOARD
29 Middle Road, Boxborough, Massachusetts 01719
Phone: (978) 264-1723 • Fax: (978) 264-3127
www.boxborough-ma.gov

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

Assessor Parcel Number: Map , Lot 92

Project Location: 1172 Hill Road

Project Description: The construction of a driveway to provide access to a proposed single family home on Hill Road. The project will involve the removal of a section of stonewall.

Applicant Name: FTB Homes, LLC - Rick Ogilvie

Applicant Address: PO Box 216, Littleton, MA 01460

Applicant Phone Number: (978) 501-2904

Property Owner (if different): Estate of Hugel Marguerite

Owner Address: PO Box 554, Acton, MA 01720

Owner Phone Number: 207-730-1229

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? 30 ft

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): *Susan deGrandpre, PR of the Estate of M. Hugel* dotloop verified
08/06/20 10:45:17 AM EDT
7LFE-GCPW-174C-3M11

_____ Date: _____

Applicant(s): *Ralph Ogilvie* dotloop verified
08/06/20 5:45 PM EDT
ZDLC-3375-LP08-IT3Y

_____ Date: _____

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



BOXBOROUGH PLANNING BOARD
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Scenic Road Requirements

The Town voted at the Special Town Meeting on February 3, 1975 to designate the following roads as Scenic Roads as provided for in Section 15C, Chapter 40 of the Massachusetts General Laws:

Burroughs Road
Davidson Road
Depot Road
Hill Road
Liberty Square Road between Depot Road and Sargent Road
Littlefield Road between Sargent Road and Depot Road
Middle Road between Hill Road and Depot Road
Old Harvard Road
Picnic Street
Pine Hill Road**
Sargent Road
Stow Road from Route 111 to Stow Town Line

** Voted at Special Town Meeting on October 7, 1975

Section 15C, Chapter 40 of the General Laws defines the following:

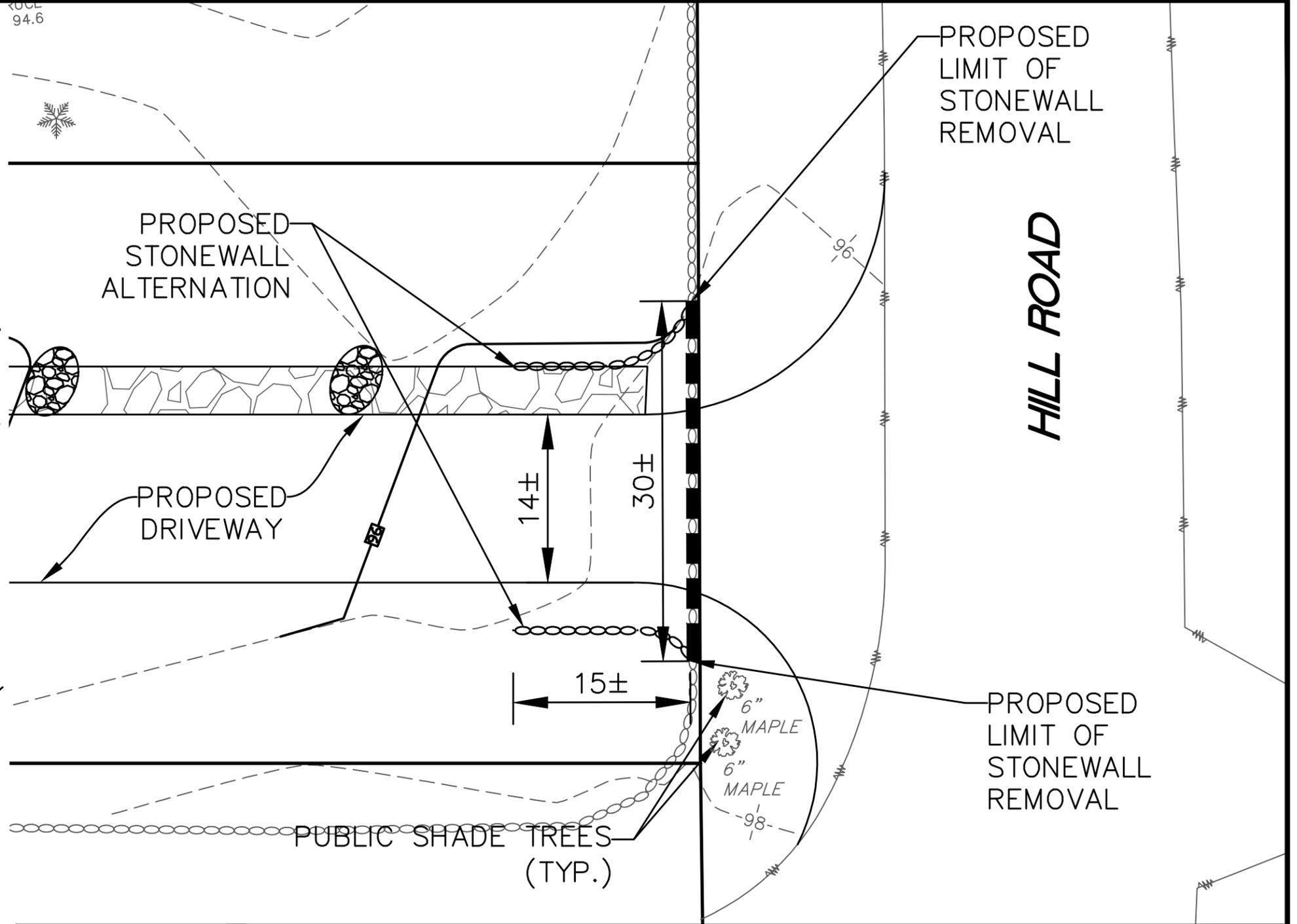
“After a road has been designated as a Scenic Road, any repair, maintenance, reconstruction, or paving work done with respect thereto shall not involve or include the cutting or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with the prior written consent of the planning board, after a public hearing duly advertised twice in a newspaper of general circulation in the area, as to time, date, place and purpose, the last publication to occur at least seven days prior to such hearing.”

PLAN 217 OF 2018

94.6

GENERAL NOTES

1. THE INTENT OF THIS PLAN IS TO PROVIDE A SKETCH TO AID THE PERMITTING OF A PROPOSED SINGLE-FAMILY HOME ON HILL ROAD. HILL ROAD IS A DESIGNATED SCENIC ROAD WITH PUBLIC SHADE TREES AND A STONEWALL REQUIRING A PUBLIC HEARING. THIS PLAN DEPICTS THE AMOUNT OF DISTURBANCE TO THE STONEWALL AND PUBLIC SHADE TREES ON HILL ROAD.
2. THE PROPERTY LINES & TOPOGRAPHIC FEATURES ARE COMPLIED BY AN ON-THE-GROUND SURVEY DONE BY THIS OFFICE ON . THE PUBLIC SHADE TREES SHOWN ON THIS EXHIBIT PLAN WHERE LOCATED DURING A SITE WALK ON AUGUST 11, 2020.
3. A SITE VISIT WAS CONDUCTED ON AUGUST 14, 2020 WITH THE TOWN OF BOXBOROUGH TREE WARDEN. HE CAME TO THE CONCLUSION THAT GIVEN OUR LIMITS OF DISTURBANCE WE WILL NOT BE REMOVING ANY PUBLIC SHADE TREES.
4. LOCATIONS OF EXISTING UNDERGROUND UTILITIES/OBSTRUCTIONS/SYSTEMS SHOWN HEREON ARE APPROXIMATE ONLY. ALL UTILITIES/OBSTRUCTIONS/SYSTEMS MAY NOT BE SHOWN. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND PROTECTING ALL UNDERGROUND UTILITIES/OBSTRUCTIONS/SYSTEMS, WHETHER OR NOT SHOWN HEREON.
5. SAFETY MEASURES, CONSTRUCTION METHODS AND CONTROL OF WORK SHALL BE RESPONSIBILITY OF CONTRACTOR.
6. CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIR AND/OR REPLACEMENT OF ANY EXISTING IMPROVEMENTS DAMAGED DURING CONSTRUCTION THAT ARE NOT DESIGNATED FOR DEMOLITION AND / OR REMOVAL HEREON. DAMAGED IMPROVEMENTS SHALL BE REPAIRED TO THE SATISFACTION OF THEIR RESPECTIVE OWNERS.



DATE:	08/14/20
LAYOUT:	TREE SK
DESIGN:	RT
DRAWN:	RT
SCALE:	1" = 20'
DWG:	22898eng4.dwg

**SCENIC ROAD PERMIT, PUBLIC SHADE TREE REMOVAL
STONEWALL APPLICATION EXHIBIT PLAN**

1172 HILL ROAD
BOXBOROUGH, MA

HANCOCK ASSOCIATES

34 CHELMSFORD ST, CHELMSFORD, MA. 01824
VOICE (978) 244-0110, FAX (978) 244-1133

PATH: X:\22898-Hill-Boxborough\Eng\DWG\

SHEET
1 OF 1

JOB
NO.
22898

PLOT DATE: Aug 14, 2020

Castroville



TOWN OF BOXBOROUGH
Town Assessor
29 Middle Road
Boxborough, Massachusetts 01719
978-264-1720 • FAX 978-264-3127
sgenna@boxborough-ma.gov

REQUESTER
OFFICE
TOWN BOARD

COPY

REQUEST FOR ABUTTERS

DATE OF REQUEST: 06/30/20 DATE LIST NEEDED: 7/1/20

PROPERTY LOCATION: 1172 Hill Road

MAP 4 LOT 92 BLOCK _____

PROPERTY OWNER: Estate of Hugel Marguerite

REASON FOR LIST

- CONSERVATION COMMISSION
- ZONING BOARD OF APPEALS
- PLANNING BOARD
 - PRELIMINARY PLAN
 - SITE PLAN
 - DEFINITIVE PLAN
 - SPECIAL PERMIT
- BOARD OF SELECTMEN
- OTHER _____

RADIUS FOR ABUTTERS

300 FEET IMMEDIATE OTHER _____

REQUESTER INFORMATION

NAME Russell Tedford (Hancock Associates)

ADDRESS 34 Chelmsford Street
Chelmsford, MA 01824

PHONE (978) 244-0110 EMAIL rtedford@hancockassociates.com

OFFICE USE ONLY

DATE LIST PREPARED: 7/2/2020

FEE CHARGED: \$30.00

DATE PAID: 7/2/2020

AMOUNT PAID \$ 30.00

CHECK # _____

CASH

FEE SCHEDULE: \$1.00 PER NAME
\$10.00 MINIMUM
\$30.00 MAXIMUM

LIST IS VALID FOR SIX (6) MONTHS. TOWN ASSESSOR IS ALLOWED TEN (10) BUSINESS DAYS FROM DATE OF REQUEST TO PROVIDE CERTIFIED LIST OF ABUTTERS.



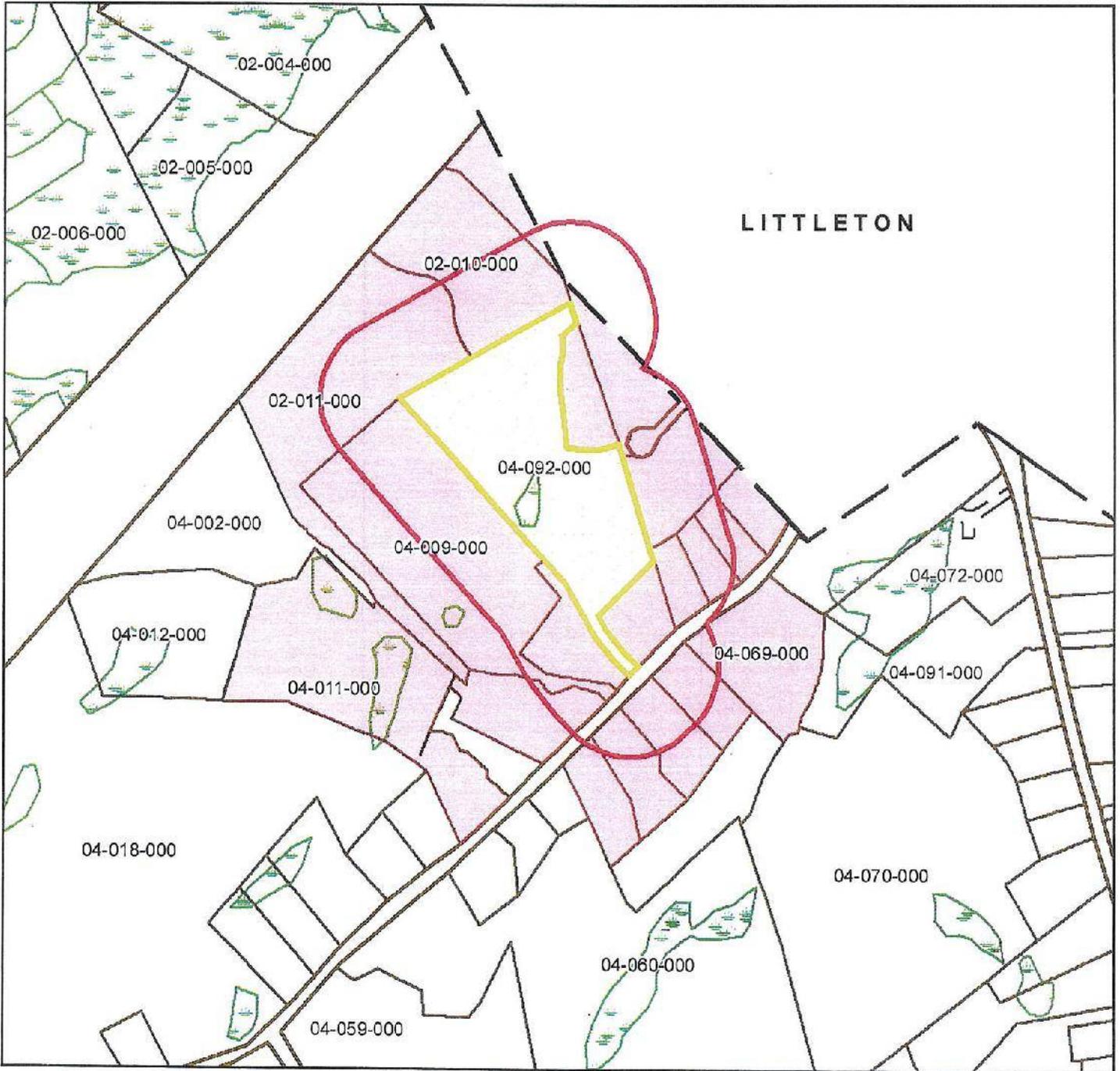
1172 Hill Rd

Boxborough, MA

1 inch = 555 Feet



June 30, 2020



Large Scale	Easements
CAI Town Line	Wet Areas
Property Line	
Road	

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

July 2, 2020

Conservation Commission

1172 Hill Rd

04-007-000

Abutters List 300 Feet

02-014-000	29 LEONARD ROAD	TURPIN VIRGINIA A	29 LEONARD ROAD	BOXBOROUGH	MA	01719
02-014-000	30 LEONARD ROAD	MAHONY BRIAN J.	30 LEONARD ROAD	BOXBOROUGH	MA	01719
02-014-000	31 LEONARD ROAD	SHAW LOIS A.	181 LITTLETON ROAD UNIT	CHELMSFORD	MA	01824
02-014-000	32 LEONARD ROAD	MEYER JOAN S, TRUSTEE	120 RUSSET LANE	BOXBOROUGH	MA	01719
02-014-000	33 LEONARD ROAD	BLATTERMAN III PRESCOTT H, TRU	P.O. BOX 2118	KILMARMOCK	VA	22482
02-014-000	34 LEONARD ROAD	BRADLEY GEORGIA A.	1630 YORKSHIRE TRAIL	LAKELAND	FL	33809
02-014-000	35 LEONARD ROAD	RICHARDSON JUDITH A.	35 LEONARD ROAD	BOXBOROUGH	MA	01719
02-014-000	36 LEONARD ROAD	CYR JOHN P, TRUSTEE	36 LEONARD ROAD	BOXBOROUGH	MA	01719
02-014-000	37 LEONARD ROAD	HUNT SALLY J	37 LEONARD ROAD	BOXBOROUGH	MA	01719
02-014-000	38 LEONARD ROAD	LEHTINEN BRIAN J	88 LEONARD RD.	LUNNEBERG	MA	01462
02-014-000	39 LEONARD ROAD	BAUCH AARON M	7 LYNN CT	BELLINGHAM	MA	02019
02-014-000	40 LEONARD ROAD	PAGE THOMAS	50 PAGE ROAD	WESTON	MA	02493
02-014-000	41 LEONARD ROAD	ZHANG JIAJUN	52 COOK STREET	BILLERICA	MA	01821
02-014-000	42 LEONARD ROAD	DECELLES LAWRENCE P	10 STRAWBERRY LANE	WESTFORD	MA	01886
02-014-000	43 LEONARD ROAD	MARTEL ROSS W	43 LEONARD ROAD	BOXBOROUGH	MA	01719
02-014-000	44 LEONARD ROAD	MURPHY JOHN F.	44 LEONARD RD	BOXBOROUGH	MA	01719
02-014-000	45 LEONARD ROAD	RICHEY JAMES L JR	51 WILLOW STREET	ACTON	MA	01720
02-014-000	46 LEONARD ROAD	DECELLES LAWRENCE P	10 STRAWBERRY LANE	WESTFORD	MA	01886
02-014-000	47 LEONARD ROAD	YANG XINXING	P.O. BOX 799	ACTON	MA	01720
02-014-000	48 LEONARD ROAD	KWAN FAY	48 LEONARD ROAD	BOXBOROUGH	MA	01719
02-014-000	49 LEONARD ROAD	RHODES MATTHEW C.	49 LEONARD RD	BOXBOROUGH	MA	01719
02-014-000	50 LEONARD ROAD	MANTER WILLIAM P	178 MAIN STREET	BOYLSTON	MA	01505
02-014-000	51 LEONARD ROAD	PAGE MICHAEL	50 PAGE ROAD	WESTON	MA	02493
02-014-000	52 LEONARD ROAD	KINNUCANE MICHAEL J TRUSTEE	14 OVERLOOK DR EAST	FRAMINGHAM	MA	01701
02-014-000	53 LEONARD ROAD	ZHENG ZHIKANG	53 LEONARD RD UNIT 53	BOXBOROUGH	MA	01719
02-014-000	54 LEONARD ROAD	ROLLINS RICHARD	18 CARRIAGE LANE	STOW	MA	01775
02-014-000	55 LEONARD ROAD	SOLE NIKHIL	19 JOYCE LN	BOXBOROUGH	MA	01719
02-014-000	56 LEONARD ROAD	BOUNDOUKIN DMITRI	56 LEONARD RD	BOXBOROUGH	MA	01719
02-014-000	57 LEONARD ROAD	YANG HAY'ING	35 RIDGEWOOD DR	STOW	MA	01775
02-014-000	58 LEONARD ROAD	SWEENEY DANIEL G TRUSTEE	78 CENTURY MILL ROAD	BOLTON	MA	01740
02-014-000	59 LEONARD ROAD	IVES PETER D	59 LEONARD ROAD	BOXBOROUGH	MA	01719
02-014-000	60 LEONARD ROAD	FOLEY JAMES L	60 LEONARD ROAD	BOXBOROUGH	MA	01719
02-014-000	61 LEONARD ROAD	SMITH JENNIFER A	270 SUNDERLAND ROAD #28	WORCESTER	MA	01604
02-014-000	62 LEONARD ROAD	FRANKE LOU ANN	62 LEONARD ROAD	BOXBOROUGH	MA	01719
02-014-000	63 LEONARD ROAD	RONG XIANHUI	150 MIDDLE ROAD	BOXBOROUGH	MA	01719


Certified by Sanders J. Genna, Town Assessor

02-014-000	64 LEONARD ROAD	SWEENEY DANIEL G, TRUSTEE	78 CENTURY MILL ROAD	BOLTON	MA	01740
02-014-000	65 LEONARD ROAD	YUNG JEFFREY	15 FIELDSTONE DRIVE	WESTFORD	MA	01886
02-014-000	66 LEONARD ROAD	BOOTHROYD BRIAN J	360 LITTLETON ROAD 8-D	CHELMSFORD	MA	01824
02-014-000	67 LEONARD ROAD	ECKERT RYAN	37 WINTER STREET	ASHLAND	MA	01721
02-014-000	68 LEONARD ROAD	SWEENEY BARBARA ANN, TRUSTEE	P.O. BOX 794	LITTLETON	MA	01460
02-014-000	69 LEONARD ROAD	CAREY BRIAN J	69 LEONARD ROAD	BOXBOROUGH	MA	01719
02-014-000	70 LEONARD ROAD	ROMILLY EDGAR P/ KENT CHARLES	26 ORCHARD DRIVE	LITTLETON	MA	01460
02-014-000	71 LEONARD ROAD	SWEENEY BARBARA ANN, TRUSTEE	P.O. BOX 794	LITTLETON	MA	01460
02-014-000	72 LEONARD ROAD	BROOKS MARK B, TRUSTEE	P O BOX 683	ACTON	MA	01720
02-014-000	73 LEONARD ROAD	ESPINOSA LAODICE A.	73 LEONARD ROAD	BOXBOROUGH	MA	01719
02-014-000	74 LEONARD ROAD	CHAU ALBERT CM	403 S MAIN ST	SHARON	MA	02067
02-014-000	75 LEONARD ROAD	LOPEZ AFIYA C.	75 LEONARD ROAD	BOXBOROUGH	MA	01719
02-014-000	76 LEONARD ROAD	BONNELL BEVERLY L.	76 LEONARD ROAD	BOXBOROUGH	MA	01719
02-014-000	77 LEONARD ROAD	EFRAIT ITAY	37 ORCHARD LANE	WAYLAND	MA	01778
02-014-000	78 LEONARD ROAD	RAVKIN VLADIMIR	78 LEONARD ROAD	BOXBOROUGH	MA	01719
02-014-000	79 LEONARD ROAD	GARDNER KATHRYN A	79 LEONARD ROAD	BOXBOROUGH	MA	01719
02-014-000	80 LEONARD ROAD	YANG HAIYING	3 OAKES LANDING	SHIRLEY	MA	01464
02-014-000	81 LEONARD ROAD	LANDO CARL	58 SPECTACLE POND ROAD	LITTLETON	MA	01460
02-014-000	82 LEONARD ROAD	DECELLES LAWRENCE P	10 STRAWBERRY LANE	WESTFORD	MA	01886
02-014-000	83 LEONARD ROAD	PERINI CAROLE	P.O. BOX 131	HARVARD	MA	01451
02-014-000	84 LEONARD ROAD	COBLEIGH SHAWN, TRUSTEE	84 LEONARD ROAD	BOXBOROUGH	MA	01719
02-014-000	85 LEONARD ROAD	SWEENEY DANIEL G, TRUSTEE	78 CENTURY MILL ROAD	BOLTON	MA	01740
02-014-000	86 LEONARD ROAD	CHENG-YAN MIN	243 MADISON ST	DEDHAM	MA	02026
02-014-000	87 LEONARD ROAD	SUN YANGREN	8 HOLBROOK LANE	WESTFORD	MA	01886
02-014-000	88 LEONARD ROAD	CONCEISON JAMES	88 LEONARD ROAD	BOXBOROUGH	MA	01719
02-014-000	89 LEONARD ROAD	MURPHY NANCY J	89 LEONARD ROAD	BOXBOROUGH	MA	01719
02-014-000	90 LEONARD ROAD	RAJBHANDARI BYAS	1 WILDERNESS ROAD	LITTLETON	MA	01460
02-014-000	91 LEONARD ROAD	LEARY KEVIN W	UNIT 303	ENGLEWOOD	CO	80113
02-014-000	92 LEONARD ROAD	MCCALL DOROTHY A	51 WILLOW STREET	ACTON	MA	01720
02-014-000	93 LEONARD ROAD	AHERN DONALD W	93 LEONARD ROAD	BOXBOROUGH	MA	01719
02-014-000	94 LEONARD ROAD	MCCARTHY KAREN	94 LEONARD ROAD	BOXBOROUGH	MA	01719
02-014-000	95 LEONARD ROAD	COSTIN DIANE	21 SPARTAN ARROW ROAD	LITTLETON	MA	01460
02-014-000	96 LEONARD ROAD	CANTINO FRANCIS J	34 SHAKER LANE	LITTLETON	MA	01460



02-015-000	0 LEONARD ROAD	SWEENEY DENNIS P, TR &	733 TURNPIKE STREET	N ANDOVER	MA	01845
04-003-000	1238 HILL ROAD	SWEENEY DANIEL G	78 CENTURY MILL ROAD	BOLTON	MA	01740
04-004-000	1228 HILL ROAD	SWEENEY DANIEL G, TRUSTEE	78 CENTURY MILL ROAD	BOLTON	MA	01740
04-005-000	1214 HILL ROAD	DIRESH PATEL LLC	49 WOOD LN	MAYNARD	MA	01754
04-006-000	1198 HILL ROAD	3E PROPERTIES LLC	32 HOWARD RD.	MAYNARD	MA	01754
04-007-000	1178 HILL ROAD	PECULIS MATTHEW	1178 HILL RD	BOXBOROUGH	MA	01719
04-008-000	1166 HILL ROAD	TAYLOR DAVID R	1166 HILL ROAD	BOXBOROUGH	MA	01719
04-009-000	1164 HILL ROAD	LEONARD MICHAEL D	389 ADAMS ROAD	GREENFIELD	MA	01301
04-011-000	1088 HILL ROAD	MCLW, LLC	68 HARWOOD AVENUE	LITTLETON	MA	01460
04-011-000	1096 HILL ROAD	MARCHMONT GUY	1096 HILL ROAD	BOXBOROUGH	MA	01719
04-011-000	1098 HILL ROAD	CASANAVE DAVID & SUZANNE, TRUS	1098 HILL ROAD	BOXBOROUGH	MA	01719
04-011-000	1092 HILL ROAD	BUNYARD SIMON C.	1092 HILL ROAD	BOXBOROUGH	MA	01719
04-011-000	1094 HILL ROAD	ZWAAN JOHANNA M	1094 HILL ROAD	BOXBOROUGH	MA	01719
04-011-000	1088 HILL ROAD	ST. AMAND DAVID G.	1088 HILL ROAD	BOXBOROUGH	MA	01719
04-011-000	1090 HILL ROAD	LABENSKI JOSEPH /DEBRA, TRUSTE	1090 HILL ROAD	BOXBOROUGH	MA	01719
04-011-000	1136 HILL ROAD	KOLLER GEORGE	1136 HILL ROAD	BOXBOROUGH	MA	01719
04-011-000	1138 HILL ROAD	MAGNER NEIL & ANDREA TRUSTEES	1138 HILL RD	BOXBOROUGH	MA	01719
04-011-000	1146 HILL ROAD	HOGAN DANIEL/LESLIE TRUSTEES	1146 HILL ROAD	BOXBOROUGH	MA	01719
04-011-000	1148 HILL ROAD	MOTTA JUDITH ANN TRUSTEE	1148 HILL ROAD	BOXBOROUGH	MA	01719
04-064-000	1151 HILL ROAD	KOSAKOWSKI MATTHEW J	1151 HILL ROAD	BOXBOROUGH	MA	01719
04-065-000	1165 HILL ROAD	RAMAKRISHNAN TERIZHANDUR S.	1165 HILL ROAD	BOXBOROUGH	MA	01719
04-066-000	1171 HILL ROAD	ZHAO XIAOPENG	1171 HILL ROAD	BOXBOROUGH	MA	01719
04-067-000	1175 HILL ROAD	XIA LIYAN	1175 HILL ROAD	BOXBOROUGH	MA	01719
04-069-000	1195 HILL ROAD	RD KANNIARD HOMES INC	PO BOX 1321	LITTLETON	MA	01451

Certified by Sanders J. Genna, Town Assessor

3E PROPERTIES LLC 32 HOWARD RD. MAYNARD, MA 01754	3G REALTY GROUP, LLC 1 GRAY PLACE LITTLETON, MA 01460	AHERN DONALD W 93 LEONARD ROAD BOXBOROUGH, MA 01719
BAUCH AARON M 7 LYNN CT BELLINGHAM, MA 02019	BINTLIFF LEIGH A 8 LEONARD ROAD BOXBOROUGH, MA 01719	BLATTERMAN III PRESCOTT H, TRU P.O. BOX 2118 KILMARMOCK, VA 22482
BLEAKLEY JAMES R/ELENA T, TRUS 20 LIBERTY AVENUE LEXINGTON, MA 02420	BONNELL BEVERLY L. 76 LEONARD ROAD BOXBOROUGH, MA 01719	BOOTHROYD BRIAN J 360 LITTLETON ROAD 8-D CHELMSFORD, MA 01824
BOUNDOUKIN DMITRI 56 LEONARD RD BOXBOROUGH, MA 01719	BOXBOROUGH TOWN OF 29 MIDDLE ROAD BOXBOROUGH, MA 01719	BRADLEY GEORGIA A. 1630 YORKSHIRE TRAIL LAKELAND, FL 33809
BROOKS MARK B, TRUSTEE P O BOX 683 ACTON, MA 01720	BUNYARD SIMON C. 1092 HILL ROAD BOXBOROUGH, MA 01719	CANTINO FRANCIS J 34 SHAKER LANE LITTLETON, MA 01460
CAREY BRIAN J 69 LEONARD ROAD BOXBOROUGH, MA 01719	CARVILL RAYMOND E., SR. 5 LEONARD ROAD BOXBOROUGH, MA 01719	CASANAVE DAVID & SUZANNE, TRUS 1098 HILL ROAD BOXBOROUGH, MA 01719
CHALISHAZAR NANDISH 17 SUTHERLAND DRIVE NASHUA, NH 03062	CHAU ALBERT CM 403 S MAIN ST SHARON, MA 02067	CHENG-YAN MIN 243 MADISON ST DEDHAM, MA 02026
COBLEIGH SHAWN, TRUSTEE 84 LEONARD ROAD BOXBOROUGH, MA 01719	CONCEISON JAMES 88 LEONARD ROAD BOXBOROUGH, MA 01719	COSTIN DIANE 21 SPARTAN ARROW ROAD LITTLETON, MA 01460
CYR JOHN P, TRUSTEE 36 LEONARD ROAD BOXBOROUGH, MA 01719	DECELLES LAWRENCE P 10 STRAWBERRY LANE WESTFORD, MA 01886	DECELLES LAWRENCE P 10 STRAWBERRY LANE WESTFORD, MA 01886
DECELLES LAWRENCE P 10 STRAWBERRY LANE WESTFORD, MA 01886	DIPESH PATEL LLC 49 WOOD LN MAYNARD, MA 01754	ECKERT RYAN 37 WINTER STREET ASHLAND, MA 01721

EFRAT ITAY
37 ORCHARD LANE
WAYLAND, MA 01778

EMSLAN 2, LLC
72 CROSS STREET
NORTON, MA 02766

ESPINOSA LAODICE A.
73 LEONARD ROAD
BOXBOROUGH, MA 01719

FILATOV ALEKSEY
20 NOYES ST
NEEDHAM, MA 02492

FOLEY JAMES L
60 LEONARD ROAD
BOXBOROUGH, MA 01719

FRANKE LOU ANN
62 LEONARD ROAD
BOXBOROUGH, MA 01719

FROMMER SCOTT B
16 LEONARD ROAD
BOXBOROUGH, MA 01719

GALLAGHER JOSEPH T
27 LEONARD ROAD
BOXBOROUGH, MA 01719

GARDNER KATHRYN A
79 LEONARD ROAD
BOXBOROUGH, MA 01719

GONTARZ WILLIAM
18 LEONARD ROAD
BOXBOROUGH, MA 01719

GONZALEZ-STONESIFER JONATHON W
14 LEONARD ROAD
BOXBOROUGH, MA 01719

GUTIERREZ ARTURO J/JOHN A TRUS
200 WHEELER ROAD
BURLINGTON, MA 01803

HAGGERTY THOMAS M JR
12A LEONARD ROAD
BOXBOROUGH, MA 01719

HOGAN DANIEL/LESLIE TRUSTEES
1146 HILL ROAD
BOXBOROUGH, MA 01719

HUNT SALLY J
37 LEONARD ROAD
BOXBOROUGH, MA 01719

IVES PETER D
59 LEONARD ROAD
BOXBOROUGH, MA 01719

JONES SUSAN B
9 LEONARD ROAD
BOXBOROUGH, MA 01719

JONES TROY W
12 LEONARD ROAD
BOXBOROUGH, MA 01719

KIM STEVEN Y
15 LEONARD ROAD
BOXBOROUGH, MA 01719

KINNUCANE MICHAEL J TRUSTEE
14 OVERLOOK DR EAST
FRAMINGHAM, MA 01701

KOLLER GEORGE
1136 HILL ROAD
BOXBOROUGH, MA 01719

KOSAKOWSKI MATTHEW J
1151 HILL ROAD
BOXBOROUGH, MA 01719

KWAN FAY
48 LEONARD ROAD
BOXBOROUGH, MA 01719

LABENSKI JOSEPH /DEBRA, TRUSTE
1090 HILL ROAD
BOXBOROUGH, MA 01719

LANDO CARL
58 SPECTACLE POND ROAD
LITTLETON, MA 01460

LEARY KEVIN W
UNIT 303
ENGLEWOOD, CO 80113

LEHTINEN BRIAN J
88 LEONARD RD.
LUNNEBRG, MA 01462

LEONARD MICHAEL D
389 ADAMS ROAD
GREENFIELD, MA 01301

LEUNG BRUNO
23 KNOLLWOOD LANE
WAYLAND, MA 01778

LOPEZ AFIYA C.
75 LEONARD ROAD
BOXBOROUGH, MA 01719

ANDERSON DAVID
1138 HILL RD
BOXBOROUGH, MA 01719

MAHONY BRIAN J.
30 LEONARD ROAD
BOXBOROUGH, MA 01719

MANTER WILLIAM P
178 MAIN STREET
BOYLSTON, MA 01505

MARCHMONT GUY
1096 HILL ROAD
BOXBOROUGH, MA 01719

MARTEL ROSS W
43 LEONARD ROAD
BOXBOROUGH, MA 01719

MASON JAMES M
1 LEONARD ROAD
BOXBOROUGH, MA 01719

MCCALL DOROTHY A
51 WILLOW STREET
ACTON, MA 01720

MCCARTHY KAREN
94 LEONARD ROAD
BOXBOROUGH, MA 01719

MCLW, LLC
68 HARWOOD AVENUE
LITTLETON, MA 01460

MEENMORE CONDOMINIUM
LEONARD ROAD
BOXBOROUGH, MA 01719

MEYER JOAN S, TRUSTEE
120 RUSSET LANE
BOXBOROUGH, MA 01719

MOTTA JUDITH ANN TRUSTEE
1148 HILL ROAD
BOXBOROUGH, MA 01719

MURPHY DANIEL
21 NOURSE STREET
WESTBOROUGH, MA 01581

MURPHY JOHN F.
44 LEONARD RD
BOXBOROUGH, MA 01719

MURPHY NANCY J
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PAGE MICHAEL
50 PAGE ROAD
WESTON, MA 02493

PAGE THOMAS
50 PAGE ROAD
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PECULIS MATTHEW
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PERINI CAROLE
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READING, MA 01867

RAJBHANDARI BYAS
1 WILDERNESS ROAD
LITTLETON, MA 01460

RAMAKRISHNAN TERIZHANDUR S.
1165 HILL ROAD
BOXBOROUGH, MA 01719

RANJITKAR MANISH C
1293 TRAPELO ROAD
WALTHAM, MA 02451

RAVKIN VLADIMIR
78 LEONARD ROAD
BOXBOROUGH, MA 01719

RD KANNIARD HOMES INC
PO BOX 1321
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49 LEONARD RD
BOXBOROUGH, MA 01719

RICHARDSON JUDITH A.
35 LEONARD ROAD
BOXBOROUGH, MA 01719

RICHEY JAMES L JR
51 WILLOW STREET
ACTON, MA 01720

ROLLINS RICHARD
18 CARRIAGE LANE
STOW, MA 01775

ROMILLY EDGAR P/ KENT CHARLES
26 ORCHARD DRIVE
LITTLETON, MA 01460

RONG XIANHUI
150 MIDDLE ROAD
BOXBOROUGH, MA 01719

SHAW LOIS A.
181 LITTLETON ROAD UNIT 433
CHELMSFORD, MA 01824

SIMON JONATHAN P.
7 LEONARD ROAD
BOXBOROUGH, MA 01719

SMITH JENNIFER A
270 SUNDERLAND ROAD #28
WORCESTER, MA 01604

SOLE NIKHIL
19 JOYCE LN
BOXBOROUGH, MA 01719

ST. AMAND DAVID G.
1088 HILL ROAD
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78 CENTURY MILL ROAD
BOLTON, MA 01740

SWEENEY DANIEL G TRUSTEE
78 CENTURY MILL ROAD
BOLTON, MA 01740

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78 CENTURY MILL ROAD
BOLTON, MA 01740

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78 CENTURY MILL ROAD
BOLTON, MA 01740

SWEENEY DANIEL G, TRUSTEE
78 CENTURY MILL ROAD
BOLTON, MA 01740

SWEENEY DENNIS P, TR &
733 TURNPIKE STREET
N ANDOVER, MA 01845

SWEENEY DENNIS P, TRUSTEE
733 TURNPIKE ST. #221
N. ANDOVER, MA 01845

SWEENEY DENNIS P, TRUSTEE
STE #221
N. ANDOVER, MA 01845

SWEENEY DENNIS P, TRUSTEE
733 TURNPIKE ST. #221
N. ANDOVER, MA 01845

TAYLOR DAVID R
1166 HILL ROAD
BOXBOROUGH, MA 01719

TURPIN VIRGINIA A
29 LEONARD ROAD
BOXBOROUGH, MA 01719

WEINSTEIN BARRY
19 LEONARD ROAD
BOXBOROUGH, MA 01719

XIA JINGQING
75 PAGE ROAD UNIT 5
BEDFORD, MA 01730

XIA LIYAN
1175 HILL ROAD
BOXBOROUGH, MA 01719

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3 OAKES LANDING
SHIRLEY, MA 01464

YANG HAIYING
35 RIDGEWOOD DR
STOW, MA 01775

YANG XINXING
P.O. BOX 799
ACTON, MA 01720

YANG XINXING
P.O. BOX 799
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YUNG JEFFREY
15 FIELDSTONE DRIVE
WESTFORD, MA 01886

ZHANG JIAJUN
52 COOK STREET
BILLERICA, MA 01821

ZHAO XIAOPENG
1171 HILL ROAD
BOXBOROUGH, MA 01719

ZHENG ZHIKANG
53 LEONARD RD UNIT 53
BOXOBROUGH, MA 01719

ZHOU CHEN
149 STOW RD
HARVARD, MA

COOKE ROBERT
1094 HILL ROAD
BOXBOROUGH, MA 01719

HANCOCK ASSOCIATES

Surveyors | Engineers | Scientists

September 21, 2020

Simon Corson, Town Planner
Cindy Markowitz, Chair
Town of Boxborough Planning Board
29 Middle Road
Boxborough, MA 01719

RE: 1172 Hill Road, Boxborough, MA
Planning Board Meeting Continuance

Dear Mr. Corson and Members of the Board

Hancock Associates, on behalf of the applicant FTB Homes, LLC, respectfully submits a request for continuance to the October 5th, 2020 Planning Board Meeting.

If you have any questions please feel free to reach out and contact us.

Sincerely,
Hancock Associates
Acting on Behalf of FTB Homes LLC



Brian Geaudreau, PE
Project Manager/Associate



Russell Tedford, EIT
Staff Engineer



September 21, 2020

Boxborough Planning Board
29 Middle Road,
Boxborough Ma 01719

Re: Sidewalk payment in lieu of Construction
Enclave Stow Road Sidewalk
Project No. 5249

Dear Board Members:

This office was asked to review the estimate for the sidewalk on Stow Road. We did not find an estimate so we consulted with other nearby Towns to see what their policies/fees for payment in lieu of construction for sidewalks is currently. However, it should be noted that the applicant has expended considerable engineering and survey fees to prepare the current plan and permitting process. If the sidewalk is built in conjunction with a future fire station construction, the costs will be incorporated into the overall construction costs which are typically less than a single mobilization for simply a sidewalk. It is strongly recommended that if a payment in lieu of construction is accepted, that these monies be set aside in a separate account and used only for the future construction of the sidewalk on the opposite side of Stow Road.

Other towns:

Stow \$ 50/l.f. unless complicated (NOI) then \$ 75/l.f.

Acton is \$ 50/l.f. for offsite sidewalks, \$ 20/ l.f. for sidewalks within a subdivision.

Littleton currently does not accept payment in lieu of construction.

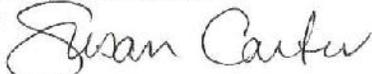
Chelmsford is \$ 75/l.f. but requires granite curbing which is incorporated into their costs.

Using a simple formula, we would recommend the \$ 50/l.f. for this sidewalk which would be \$45,600. The Board may want to consider a credit for the design services (see above) in which case the Board may just want to accept the offered \$ 35,000. The other alternative is to have the applicant prepare a detailed construction estimate and adjust for prevailing wages.

Please contact this office should you have any questions regarding these comments or the project in general.

Thank you.

Very truly yours,
Places Associates, Inc.

BY: 

Susan E. Carter, P.E., LEED AP
Director of Engineering, President