



## TOWN OF BOXBOROUGH NOTICE OF PUBLIC MEETING

**BOARD/COMMITTEE:** Planning Board  
**MEETING DATE:** October 19, 2020  
**TIME:** 7:00 PM  
**PLACE:** Remote Meeting through Zoom

### AGENDA

Public Comment (3 mins per commenter)

7:30 Public Hearing – Continued from September 21, 2020, and October 5, 2020  
1172 Hill Road – Scenic Road, Public Shade Tree, and Stone Wall Application

Discussion of Memorandum of Understanding (MOU) regarding administrative direction for the Town Planner

Boxborough Meadows Update

Support of Statement of Interest for Hazard Mitigation Plan

Zoning Bylaw Audit

Budget Planning

Administrative Business

Meeting Minutes

Correspondence and New Business (if any)

Town Center/Enclave Project

Planning Board Training

Solar Bylaw

Website update

Planning Board Rules and Regulations

Land Use-Related Grant Status:

- TAP Grant for Solar Bylaw Assistance
- Municipal Vulnerability Preparedness Project Grant
- MassDevelopment Technical Assistance Grant

Housing Choice Administrative Bill

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

<b><u>Planning Board Meetings:</u></b> October 24 November 9	<b><u>Future Meeting Dates:</u></b> November 23 December 7
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Join Zoom Meeting

<https://us02web.zoom.us/j/83891818035?pwd=ejhwdWRUSDZYMmdnMUhmNHFPNINDdz09>

Meeting ID: 838 9181 8035

Passcode: 525262

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# TOWN OF BOXBOROUGH

## Planning Board

29 Middle Road, Boxborough, Massachusetts 01719

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

www.boxborough-ma.gov

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Cindy Markowitz, Chair • *Mark White*, Clerk • *Mark Barbadoro* • *Robin Lazarow* • *Rebecca Verner*

APPROVED ON [ ]

### Meeting Minutes

October 5, 2020

7:00 PM

### Remote Meeting

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

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

**Also present from the Enclave Team:** Shawn Nuckolls, and Greg Roy

Several members of the public were also present.

Ms. Markowitz called the meeting to order at 7:00 PM.

Jennifer Barrett, Town Accountant, spoke with the Board regarding the handling of funds, if they were to approve a payment in lieu of building a sidewalk as part of the 700, 750, & 800 Massachusetts Avenue project.

Ms. Barrett explained that fund received, unless otherwise specified, would be placed into the General Fund as miscellaneous revenue. These funds would then be rolled into other tax revenue received and become free money at the end of the year. If, however, funds are set aside for a particular purpose, they can be set aside in an existing account, or a new account can be generated to hold them. This is permitted under Massachusetts General Law 753. She explained that, if the developer accepts to not do the sidewalk as originally proposed, a payment in lieu of this can be accepted to be used for other future purposes with a letter that specifies this intent.

In response to a question from Ms. Markowitz, Ms. Barrett stated that a letter from the developer, specifying that the funds are to be placed into a gift account that can accrue interest, needs to be clearly stated in order for the funds to not be placed into the General Fund. If the payment is placed into the General Fund, the money could still earn interest under miscellaneous interest.

In response to a question from Ms. Lazarow, Ms. Barrett stated that, if the funds are placed into the General Fund, they must be appropriated at Town Meeting. If the payment is specified as a gift with a purpose for it, the money may be spent without an appropriation.

37 In response to a question from Ms. Lazarow, Ms. Barrett explained that interest earned on these  
38 funds would go back into the General Fund, unless there was a letter specifying that the interest  
39 earned stay with the funds.

40

41 *Ms. Verner exited the meeting at 7:08 pm., for a brief time.*

42

43 Review Submittals

44 700, 750, & 800 Massachusetts Avenue - Discussion of Enclave at Boxborough Submittals

45 Condominium Documents, Operations and Maintenance Plans – 9/22/20

46 Request for Site Plan Modification #3 Letter – 9/28/20

47

48 Ms. Markowitz stated that, in regard to the request for Site Plan Modification #3 letter, if the  
49 Board agrees to accept the payment in lieu of the sidewalk, the applicant will need to submit a  
50 letter specifying that the funds are a gift and the purpose of the funds.

51

52 In response to a question from Ms. Markowitz, regarding provision B of Condition 12 for the  
53 rapid LED light at Stow Road, Greg Roy stated that he believes the offer in lieu of includes the  
54 light as well.

55

56 Mr. Roy mentioned that the applicant is amenable to directing the funds in lieu of as the Planning  
57 Board sees fit.

58

59 In response to a question from Ms. Lazarow, Ms. Markowitz explained that the funds in lieu of  
60 could be put into the Sidewalk Fund and might then be expended for another sidewalk, as  
61 deemed by the Town. Ms. Markowitz stated that the funds in lieu of might then not be used in  
62 the immediate Enclave area.

63

64 Mr. Corson explained that the sidewalk project on Massachusetts Avenue (Liberty Square Road  
65 to the Library) is currently mostly being funded through a grant, but additional funds are needed  
66 for it.

67

68 Mr. White noted that he feels that the payment in lieu of should probably be spent for a sidewalk  
69 in the vicinity of the Enclave project, however requesting this also ties the Board's hands. He  
70 determined that he would prefer for the funds to be placed into the Sidewalk Fund, with a  
71 stipulation that the accrued interest remain with the funds, and that the funds be used for  
72 sidewalks in Town. Ms. Markowitz agreed.

73

74 Mr. Barbadoro moved to approve Site Plan Modification #3, to accept the donation of \$35,000 in  
75 lieu of the construction of a sidewalk at Stow Road, with the contingency of the receipt of a letter  
76 from the applicant as previously discussed. Ms. Lazarow seconded. Motion passed unanimously,  
77 4-0.

78

79 Ms. Markowitz explained that draft condominium docs and options for management plans were  
80 submitted on September 22, 2020. KP Law reviewed the Master Deed and Declaration of Trust  
81 documents. PLACES Associates, Inc. reviewed the Operations & Maintenance (O&M) Plans

82 documents and the five plans for: roadways & access easement “C”, stormwater O&M, SDS  
83 O&M, Draft PWS O&M, and landscape maintenance guide.

84

85 Mr. Corson clarified that the applicant has received the comments from the KP Law, but not yet  
86 those from PLACES. Mr. Nuckolls requested that the applicant be allowed to review all of the  
87 letters before drafting a response. Ms. Markowitz requested that Mr. Corson compile that  
88 comments from PLACES, KP Law, and any Board members to send to the applicant.

89

90 7:30 Public Hearing – Continued from August 21, 2020 & September 21, 2020

91 700, 750, & 800 Massachusetts Avenue – Scenic Road, Public Shade Tree, and Stone Wall  
92 Application

93

94 Mr. Roy requested to keep the meeting open to formalize the request to modify the Site Plan  
95 Approval for funds in lieu of a sidewalk, as previously approved by the Board. He then requested  
96 that the Scenic Road, Public Shade Tree, and Stone Wall Application be withdrawn without  
97 prejudice. He stated that a formal letter to this effect will be sent to the Board.

98

99 Mr. Corson noted that this letter should be sent along to Ed Kukkula as well.

100

101 Ms. Lazarow moved to accept the applicant’s request to withdraw, without prejudice, the 700,  
102 750, & 800 Massachusetts Avenue – Scenic Road, Public Shade Tree, and Stone Wall  
103 Application. Mr. White seconded. Motion passed unanimously, 4-0.

104

105 *Ms. Verner rejoined the meeting at 7:37 pm.*

106

107 **Public Comment**

108 Carol Driscoll, Stow Road, stated that she has been discussing ponding on the easement near her  
109 property with Mr. Corson. She explained that a substantial amount of water runs right up to the  
110 top of the curb stones in this area. On one side of this ponding is the leech field and on the other  
111 side is her home. She stated that the water takes hours to recede back down to the storm drains.  
112 She believes some of the problem might come from sediment runoff from the Enclave project  
113 and the storm drains becoming filled.

114

115 Sue Carter stated that the silt sacks in the area are collecting as they are intended to. The issue is  
116 that the tributary to the road is not yet stabilized. She has spoken to Jim Fenton about placing  
117 some hay bales along the pavement for the winter, in order to control the amount of sediment  
118 runoff into the road.

119

120 In response to a question from Ms. Markowitz, Ms. Carter stated that this is a long-term problem  
121 that will have to be kept on top of. Silt fences and hay bales along the pavement will keep the silt  
122 out of the storm drains and temporary swales will allow the water not to settle onto the road.

123

124 In response to a question from Mr. Barbadoro, Ms. Carter explained that the area hasn’t had a  
125 chance to stabilize since being paved. Grading and vegetation should help with the ponding.

126

127 Mr. Corson stated that Bentley Herget, Building Commissioner, should be the residents' contact  
128 person on these issues.

129  
130 In response to a question from Ms. Driscoll, Ms. Carter explained that the stormwater basins are  
131 inspected 24 hours after every rainstorm event. All maintenance of paving and landscaping  
132 within the easement area is included in the condo docs.

133 **Administrative Business:**

134 Meeting Minutes

135 Ms. Verner moved to approve the meeting minutes of September 21, 2020, as amended. Ms.  
136 Lazarow seconded. Motion passed unanimously, 5-0.

137 Correspondence and New Business (if any)

138 Ms. Markowitz stated that the Board received correspondence from David and Sally Taylor,  
139 1166 Hill Road.

140 Town Center/Enclave Project

141  
142 Mr. Corson stated that the current work on site includes grading of the clubhouse parking area.  
143 He mentioned that stormwater reports are received weekly after rain events. The developer has  
144 been encouraged to work on internal erosion control.

145  
146 Ms. Markowitz stated that she spoke with Mr. Nuckolls regarding the entry way fence. Mr.  
147 Nuckolls will have a future discussion with the Board about what might be able to be done  
148 regarding this issue.

149

150 Solar Bylaw Technical Assistance Program

151

152 Mr. Corson stated that this has been submitted and will be reviewed on a rolling basis. There is  
153 no timeframe as to when the Town will hear back on it.

154

155 Website update

156

157 Mr. Corson stated that he is working on updating many sections of the Town website, the  
158 Planning Board section being one of them. He has no timeline for this item yet.

159

160 8:00 Public Hearing – Continued from September 21, 2020

161 1172 Hill Road – Scenic Road, Public Shade Tree, and Stone Wall Application

162

163 Russell Tedford, a civil engineer for Hancock Associates and representative for Rick Ogilvie,  
164 prospective buyer, explained to the Board that this application is part of a process to construct a  
165 single-family house at 1172 Hill Road. There is a 50' wide piece of frontage along Hill Road that

166 is the only access to the property. In meeting with Ed Kukkula, DPW Director and Tree Warden,  
167 it was determined that there are no public shade trees associated with this application.

168

169 Mr. Corson noted that this application is solely the Planning Board's, as there are no shade trees  
170 associated with it.

171

172 Mr. Tedford explained that the request is for a 14' driveway with a 20' radius onto the road. This  
173 will require a +/- 30' section of stone wall to be taken down. These stones will then be blended  
174 into the driveway. The 14' driveway will also have a 4' infiltration trench for stormwater  
175 mitigation, due to the increased impervious area.

176

177 Ms. Markowitz reviewed the letter from PLACES with the Board.

178

179 Ms. Carter stated that a 14' driveway with two 4' trenches seems excessive for a single-family  
180 driveway. Typically, a 12' driveway with a 2' trench would suffice. While she understands the  
181 need for a 4' trench on the easterly side, an additional 4' trench on the westerly side seems  
182 excessive. She explained that the radius on the westerly side of the driveway also seems  
183 excessive. A 10'-15' radius can sometimes be seen, but generally this would be 10' or less. She  
184 suggested that this radius could maybe be narrowed, with an option to turnout once on the  
185 property. This is a lot of stone wall proposed to be removed.

186

187 Mr. Tedford explained that the purpose of the width of the driveway and radius is for emergency  
188 vehicle access, such as a ladder truck, onto the site. This would be easiest with a 20' radius,  
189 especially from the north side of the road. There will also be a turnaround interior to the  
190 property. The 14' width is to hold to the common driveway regulations, with a 4' shoulder for  
191 the trenches. He suggested that the southwestern side could be shortened in order to maintain  
192 some additional amount of the stone wall on that side.

193

194 Mr. Barbadoro questioned if the applicant would consider placing the trench behind the stone  
195 wall and making the driveway only 12' wide.

196

197 Mr. Tedford stated that the trenches were proposed in front of the stone wall in order to not block  
198 stormwater runoff into the trench.

199

200 Mr. Barbadoro stated that the water should sheet off the driveway into the trench. He explained  
201 that a 14' wide driveway is wider than the normal single-family driveway and will also be hard  
202 to plow. He would like to hear from the Fire Chief regarding necessary access. The Board is  
203 looking to preserve the scenic road while also giving the owner access to his property. He  
204 suggested a skinnier driveway and to try to hide the trench behind the stone wall.

205

206 In response to a question from Ms. Verner, Mr. Tedford stated that the Site Plan has been  
207 submitted to the Nashoba Board of Health and filed with the Conservation Commission. He  
208 stated that the Site Plan shows the proposed drainage practices.

209

210 In response to a question from Ms. Lazarow, Mr. Tedford stated that the removed stone wall  
211 pieces will be rebuilt in 15' sections along each side of the proposed driveway.

212  
213 Ms. Verner stated that she is in agreement with the comments from PLACES. She believes that a  
214 12' driveway is pretty standard. She does not believe that a 45' wide curb cut at the entryway  
215 feels residential. She explained that, if parts of the scenic wall are to be maintained, they should  
216 behave to the street itself, not to become part of someone's driveway. She suggested that the  
217 opening could be about 16' wide. The proposed seems to be about twice as wide as it needs to  
218 be.

219  
220 Ms. Markowitz stated that she would like to see as much of the stone wall preserved as possible.  
221 She also agrees with the suggestion to have the stone wall in front of the trenches.

222  
223 In response to a question from Ms. Markowitz, Mr. Tedford stated that the proposed driveway is  
224 about 800' long. There is drainage proposed along the length of the entire driveway in order to  
225 discharge into a small infiltration basin.

226  
227 Ms. Carter noted that, if the trenches are going to be the entire length of the 800' driveway,  
228 losing approximately 10-15' of the trench might not hurt the overall infiltration of the site. She  
229 suggested starting the trenches beyond the stone wall in order to minimize the opening at the  
230 scenic road. She also noted that the normal turnouts for a single-family driveway don't look at  
231 ladder trucks.

232  
233 Ms. Markowitz requested that the applicant rework the proposal and come back to the Planning  
234 Board.

235  
236 Ms. Verner moved to continue the hearing to October 19, 2020 at 7:30 p.m. via Zoom. Mr.  
237 Barbadoro seconded. Motion passed unanimously, 5-0.

238  
239 Discussion of Memorandum of Understanding (MOU) regarding administrative direction for the  
240 Town Planner

241  
242 Mr. Barbadoro thanked Maria Neyland and the Select Board for their work on this topic. He  
243 explained that both groups would like to see the MOU kept as short as possible, but that it also  
244 needs clarity. He stated that the Town of Boxborough and all of its Boards ask a lot of the Town  
245 Planner, and that Mr. Corson's time needs to be prioritized. He explained that Ms. Neyland  
246 agreed that the Planning Board should be the priority of Mr. Corson's time. There is also the  
247 possibility to discuss getting additional help for Mr. Corson's needs. He stated that there was  
248 also the suggestion for the Planning Board to have its own budget for legal counsel, or the ability  
249 to hire its own legal counsel. The representatives will meet again for further discussion on these  
250 topics.

251  
252 The Board discussed the process for obtaining its own legal counsel.

253  
254 Ms. Markowitz suggested that the Board prioritize its own asks of Mr. Corson.

255 **Administrative Business**

256

257 Zoning Bylaw Audit

258 Mr. Corson stated that this is currently in progress on task 2, including conducting interviews for  
259 the scope of the project with the Building Official, Planning Board Chair, Zoning Board of  
260 Adjustment Chair, etc.

261

262 Ms. Verner noted that there is no restriction on the width of a residential driveway in Town; this  
263 is something to be considered in the future.

264

265 Mr. White stated that there are a number of inconsistent or poorly worded bylaws, and some that  
266 aren't included at all. The latter will need to be addressed at a Town Meeting.

267

268 Ms. Markowitz stated that the audit is step one in a larger activity. Once the diagnostics are  
269 received, the activity can move forward.

270

271 Planning Board Training – nothing to report

272

273 Planning Board Rules & Regulations

274 Mr. Corson stated that this is a large project of 100+ hours. He plans to have an outline to the  
275 Board by its next meeting. He also plans to speak with the Town of Shirley about its Rules &  
276 Regulations, any challenges it faced with them and how they're working.

277

278 Municipal Vulnerability Preparedness Project Grant:

279 Mr. Corson stated that he has asked the consultant if November 5, 2020, at 6pm would be a good  
280 time to hold a community-wide event regarding climate resiliency. This event would then help  
281 move the Town towards the MVP Action Grant.

282

283 Racial Equity Municipal Action Plan Grant

284 Ms. Markowitz stated that she doesn't believe the Town received this grant.

285

286 Housing Choice Administrative Bill – nothing to report.

287

288 MassDevelopment Technical Assistance Grant – nothing to report.

289

290 **Committee Reports:**

291 Community Preservation Committee

292

293 Ms. Lazarow stated that the application deadline is October 22<sup>nd</sup>. The group did note that the  
294 Planning Board has not been an applicant for any CPC funds in the past. The funds are really  
295 based on projects in any one of the three categories: Open Space & Recreation, Community  
296 Housing, and Historic Resources. There is still talk about improving Liberty Fields, as a  
297 possibility for CPC funds.

298

299 Design Review Board - nothing to report.

300 Economic Development Committee

301 Mr. White stated that the UMASS community-wide event went well for a Zoom meeting. It is  
302 unclear how well the information was received in this fashion. The EDC will meet shortly. He  
303 will give a copy of the materials to the Planning Board and make them available to the public.  
304 The project will then be handed off to the Board, as is under the Master Plan. The common  
305 themes that kept coming up involved preserving the rural character of Boxborough and possible  
306 zoning changes. He questioned what the Board will now do with this; what proposals can be  
307 made in 90 days in a narrow scope for the CISCO project.  
308

309 In response to a question from Ms. Lazarow, Mr. White stated that the use table can be used by  
310 the public to determine the current uses allowed.

311  
312 Mr. Barbadoro stated that a hearing process could take 90 days, while zoning changes  
313 themselves could take 6 months – 1 year. He believes that the Board needs a professional to help  
314 come up with a plan.  
315

316 Ms. Markowitz stated that the audit is currently under way and the Board can discuss if it then  
317 wants to move forward with a firm to help. This would probably require additional funding.  
318 Results from the first audit and discussions with that group will be had within 90 days. Then a  
319 phase II can be discussed.  
320

321 Mr. Barbadoro suggested that meetings with stakeholders need to be held.  
322

323 Mr. Corson stated that the market study, as part of the EDC grant, should be complete soon.  
324

325 Ms. Markowitz suggested asking EDC to get infrastructure data on local businesses that are  
326 having infrastructure issues and if the EDC can help get them funding for these issues.  
327

328 Water Resources

329 Mr. Barbadoro stated that the group is still exploring appraisals of real estate north of Route 111  
330 to potential buy for a public water supply. The group considered CISCO, which already has a  
331 large capacity well that could probably produce more than 100,000 gallons a day. The issue is  
332 that the bigger the well becomes, the bigger the Zone 1 radius becomes, and it could overlap with  
333 their wastewater treatment area. The tanks there are pumped periodically. A well there would  
334 require a way to deliver water to a treatment center and to downtown Boxborough. Beaver Brook  
335 Road could be used for this, but it's a private road. The Town needs to decide if it wants a well,  
336 to buy the rights to use Beaver Brook Road, and how the water would be treated. It could be sent  
337 to Littleton Water to be treated, and then a portion of the water could be given to Littleton. The  
338 appraisals for this should be coming soon.  
339

340 Mr. Corson stated that a final presentation to the Select Board has occurred. This includes a  
341 simple analysis tool and a story map regarding water in Town.  
342

343 Mr. Barbadoro mentioned that the public can get its water tested for free, per the Nashoba  
344 Board of Health. He explained that he needs to contact the Littleton Water Department to find

345 out where he used to test well water samples periodically from special permits approved by the  
346 Board. The Water Resources Committee is going to ask the Board to write a letter to the people  
347 with special permits, asking them to do this testing again. He also noted that Littleton wants the  
348 Town's water because many of their wells are contaminated with PFAS.

349  
350 Ms. Markowitz mentioned that there is a meeting on October 14<sup>th</sup>, regarding a panel discussion  
351 on PFAS and Acton water viz Zoom.

352  
353 LELWD Small Cell Committee

354 Ms. Markowitz stated that there is nothing new to report. The request has been forwarded to KP  
355 Law regarding a quote to help draft a zoning bylaw/general bylaw issue.

356  
357 Building Committee

358 Ms. Markowitz stated that the group discussed a slightly revised charter. There is budget leftover  
359 that may be used for a minor feasibility study, possibly on the 72 Stow Road site. The revised  
360 charter allows to move the location to a better site, if one comes up. The current charter allows  
361 for a Planning Board member to be a voting member on this committee.

362  
363 Ms. Lazarow stated that she would prefer the Board to not have a member in standing on the  
364 committee. The Board can audit items as need be.

365  
366 Mr. Barbadoro stated that he would prefer the Board continue to audit as needed. He doesn't  
367 believe it would be a conflict of interest, but more an issue of appearance if the Planning Board  
368 is voting on a building application.

369  
370 Mr. White, and Ms. Verner agreed with the Board auditing items as needed.

371  
372 The Board agreed that they would like the right to change to having a seated member in the  
373 future, if it so chooses.

374  
375 Planning Board Goals:

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

- 377
  - November 9, 2020 Joint Meeting with Select Board

378  
379 The Board agreed to meet on October 24<sup>th</sup> from 9am – 11am for a remote Master Plan Action  
380 Item Status Workshop.

381  
382 Mr. White moved to adjourn. Seconded by Mr. Barbadoro. Motion passed unanimously 5-0 at  
383 10:04 PM.

384  
385  
386 Meeting Documents

387 Meeting Minutes September 21, 2020

388

389 Scenic Road Permit / Public Shade Tree Removal / Stone Wall Removal or Alteration  
390 Application from Ducharme & Dillis, Stow Road project, including Project Narrative, Plans &  
391 Details – August 4, 2020  
392

393 LEGAL NOTICE OF PUBLIC HEARING: Town of Boxborough, Planning Board – Scenic  
394 Road Permit, Public Shade Tree Removal, & Stone Wall Alteration Application – Stow Rd to  
395 Route 111/Massachusetts Ave – publication dates August 13, 2020, and August 20, 2020  
396

397 Review of the Master Deed and Declaration of Trust, KP Law  
398

399 Memo from Hancock Associates and subsequent application, including request for abutters, re:  
400 1172 Hill Road Scenic Road Permit, Public Shade Tree Removal & Stone Wall Removal or  
401 Alteration Application – August 14, 2020  
402

403 LEGAL NOTICE OF PUBLIC HEARING: Town of Boxborough, Planning Board – Scenic  
404 Road Permit, Public Shade Tree Removal, & Stone Wall Alteration Application – 1172 Hill  
405 Road, publication dates September 3, 2020, and September 10, 2020  
406

407 Memo of correspondence for David & Sally Taylor, September 22, 2020  
408

409 Chart of Planning Board Status, Boxborough Master Plan 2030  
410

411 Memo from PLACES Associates, Inc. re: Scenic Road Special Permit Application, 1172 Hill  
412 Road – dated October 1, 2020  
413

414 Memo from PLACES Associates, Inc. re: Review Operations and Maintenance Documents,  
415 Condominium Documents, Enclave at Boxborough – dated October 1, 2020  
416

417  
418 *This meeting was conducted via Remote Participation, pursuant to the Current Executive Order.*  
419

420 Zoom Access Protocols

421 Join Zoom Meeting

422 <https://us02web.zoom.us/j/89646309601?pwd=dngwQnczNm04c25La3I1eUUrMGk1QT09>

423 **Meeting ID: 896 4630 9601**

424 **Passcode: 919609**

425 One tap mobile

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427 +13017158592,,89646309601#,,,,,0#,,919609# US (Germantown)

428

Town Meeting Budget Warrant Article Calendar  
FY 2021

October

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 CPC Prelim Application Review	2	3
5	6	7	8	9	10
Holiday	13	14	15	16 Budget Docs distributed by Accountant	17
19 Budgetary Guidelines distributed @ Staff Mtg	20 All Dept Heads/Budget Managers/ Committee Chairs begin meetings w/TA & Acct through Nov 22	21	22 CPC Final (ATM) Applications Due	23	24
26	27	28	29	30	31

November

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
2	3 All Dept Heads/Budget Managers/ Committee Chairs begin meetings w/TA & Acct through Nov 22	4	5	6	7
9	10	Holiday	12	13	14
16 CPC Committee Reviews Due	17	18	19	20	21
23	24	25 TA/Accountant Finalize Budgets	Holiday	27	28
30					

Town Meeting Budget Warrant Article Calendar  
FY 2021

December

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 Depts Begin Capital Plan Revisions/ Submissions	2 Capital meetings w/TA & Acct through Dec 20	3 CPC Public Hearing	4	5
7 Budget Books Distributed to FinComm & BoS	8	9	10	11	12
14	15	16	17	18 Deadline for Capital Plan Requests	19
21	22	23	24	Holiday	26
28	29	30	31		

January

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				Holiday	2
4	5	6	7 CPC Votes on Projects to Recommend	8	9 *Budget Saturday* BoS & FinComm review budgets
11	12	13	14	15	16
Holiday	19	20	21	22	23 School Budget Workshop (pending)
25	26	27	28 FinComm Budget Revision Deadline	29	30

Town Meeting Budget Warrant Article Calendar  
FY 2021

February

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 Planning Board Public Hearing Zoning Bylaws	2	3 ATM Articles Due (Scope)	4 CPC Draft Articles	5	6 *Capital Saturday* BoS & FinComm review Capital Plan & Articles
8 *Final Votes on Budget Due	9	10 School Committee Budget Hearing	11	12	13
Holiday	16	17 Final Article Details, Specifications & Quotes Due	18	19	20
22 *BoS Closes Warrant	23	24	25	26	27

March

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 BoS Public Hearings (incl Personnel) & Final Article Votes Due	2	3 Final Article Summaries Due	4	5	6
8	9	10 Recommendations Due on All Articles for Printing in Warrant	11	12	13
15 BoS / FinComm joint Funding Sources	16	17	18	19	20
22	23 FinComm Report Due	24	25	26	27
29 BoS Signs Warrant	30	31			

Town Meeting Budget Warrant Article Calendar  
FY 2021

April

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3
5	6	7	8	9	10
12	13	14	15	16	17
Holiday	20	21	22	23	24
		Presentations Due	29	30	

May

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1
3	4	5	6	7	8
ATM Begins	11	12	13	14	15
17	Town Election	19	20	21	22
24	25	26	27	28	29

Simon:

The Planning Board has inquired about assistance in drafting both a general bylaw and zoning bylaw language to regulate small wireless facilities.

As an initial matter, in my opinion, the Select Board can regulate small wireless facilities proposed to be located in public ways through regulations enacted pursuant to the Select Board's authority under G.L. c. 166, §22. We generally recommend the regulation approach, as opposed to a general bylaw, as it allows the Select Board to make changes without the need for Town Meeting approval. Given that this is an evolving area of Federal law, it is particularly helpful to have that flexibility. I note that the General Bylaw proposed in Littleton is concerned primarily with Littleton's relationship with LELWD, and appears to defer to LELWD's regulations with respect to placement on LELWD poles within the public way. LELWD may certainly put in place requirements concerning use of its poles, but in our opinion the Select Board should nonetheless adopt regulations concerning placement of small cell facilities in public ways.

As to small wireless facilities proposed to be located outside of public ways, the Town can regulate those facilities through zoning, subject, however, to the requirements of Federal laws and orders protecting those facilities. We have previously advised that the Town may want to consider regulating those facilities through a site plan process, although that is only one option. I note that Littleton is proposing to require a special permit for all small wireless facilities, but is deferring to regulations adopted outside of the zoning bylaws for criteria governing the placement of such facilities. I recommend establishing such criteria directly in the Zoning Bylaws. Further, while the Town may require a special permit for small wireless facilities, the special permit granting authority's discretion to deny such applications is greatly limited by Federal law, which will also control to a large part the criteria (including the time limits) for granting zoning permits, special permits or otherwise. I recommend that a zoning bylaw focus on establishing the specific criteria governing the siting of small-cell facilities. Drafting a zoning bylaw specifically addressed to wireless communication facilities is the best way to accomplish this.

Drafting both Select Board regulations and a zoning bylaw will be a collaborative process between Town Counsel and the respective boards. I expect that the regulations for placement in public ways will be consistent with the zoning bylaw criteria. I recommend starting with a general template of regulations to be adopted by the Select Board under G.L. c.166, §22. We have worked on such regulations with other towns previously and can provide a template to Boxborough as a starting point. Adopting such regulations requires only a vote of the Select Board. We not aware of a template or accepted form of a zoning bylaw for small cell regulation, but I expect to look to both the Select Board regulations and bylaws already in place for large wireless facilities such as towers in creating a small cell bylaw. There are many examples to choose from here. It is hard to predict with any precision how long preparing a draft zoning bylaw will take, of course, but with guidance from the Town on the preferred type and scope of regulation, we should be able to provide a draft zoning bylaw in approximately three to four weeks. Coordinating Town regulation with LELWD must also be considered, which may require additional time.

We are available to answer specific questions that arise as the Town works to identify and develop criteria it proposes to apply to small wireless facilities. Please contact me to discuss further.

Jonathan D. Eichman, Esq.

KP | LAW

Simon,  
Thank you so much for returning my call, and for our conversation today.

As we discussed Boxborough Meadows LLC received a comprehensive permit under chapter 40 B law of M.G.L. for the purpose of constructing 48 residential homes. The law allows developers to bypass local zoning rules if the developer sets aside 25 percent of the units for sale at below-market rates. The project was compromised of 36 homes to be sold at market rates, with 12 to be sold as affordable, if the builder agreed to keep his profit under 20% (which he was then sued for violating). From the beginning of this development was intended to become a public way and supported by the planning board, and town officials. The developer did file for road acceptance in 2005, but there were some outstanding issues, the most important being the Conservation Commission had not issued a Certificate of Compliance. The Commission did have a wetland replication plan done for the HOA by places to try and move things forward, uncovering a \$30,000 cost associated with the actual replication. The HOA was not able to absorb this cost and had tried to get the developer to commit to this replication cost. The developer still has not done anything despite attempts made, leaving the homeowners association to come up with funds to create a resolution. The Board of Appeals did release the Performance Guarantee after some improvements were made by the HOA. The town is still holding \$675.50 from Boxborough Meadows, LLC for road acceptance.

As you can see, this has left the trust in a terrible predicament as the builder did not continue to act on this application once denied. Since this time, the trustees have been seeking help from the town year over year, only to be met with another large scale expense at the end of each effort, to then fit into the already suffering HOA budget.

Currently, The HOA has hired Oxbow associates (at over \$30,000 in HOA costs) and has had a successful wetlands replication done in its final stages of observation. Oxbow plans to complete the final observation in December, and submit the application for the Certificate of Compliance.

We would like to move forward for the following reasons; 1) so there are no issues with plowing should the Town decide to no longer plow private ways; 2) the Homeowner's Association does not have to go through some cumbersome process of getting maintenance done on the roadways, 3) once the roads are accepted they can be included in the town's Chapter 90 funding.

We have had difficulty locating the As-Built plan (if one was ever done), we have priced out such a plan and uncovered a cost of \$14,000 associated with this plan. This is another financial hurdle that will halt progress on this project due to our current financial deficit due to WWTP repairs imminent. (which also leads back to a builder issue - poor design to the ventilation system caused roof moisture/ damage that cost the HOA \$290,000 to repair)

We are now looking for the planning board to aid in the forward progress of this project and waive the requirement of an As-Built Plan. I have attached the affordable unit location plan, and the site development plan created by Stamski and McNary, to see if this could be used in place of the as-built in this situation.

The homeowners association understands that this may not be feasible to get completed before Jan 30, 2021, and would be happy to create a roadmap alongside the planning board towards Jan 30, 2022 completion.

Next steps here will be:

- 1) Simon will reach out to his chair, and see if this request for a waiver of this as-built plan is something that they can make a part of the request process.
- 2) Simon will get back to us, letting us know what the feeling is on the planning board and if we can get this on the agenda of the planning board to grant us time to apply for this waiver
- 3) HOA boards next step if this is approved would be to get an appointment with the town engineer for an assessment.
- 4) Boxborough Meadows HOA understands this is an application process and is committed to seeing it through. We need to make our case and get approval to be added as a meeting agenda item and subsequently will need to get the planning board to receive our request favorably in order to get our agenda item allowed for consideration. (this is more about convincing the planning board, select board, and then ultimately the public we are prepared, and worth the time and effort among all requests they have to consider during these times)
  - 4a. Prior to the planning board meeting if we get on the agenda, we will submit all current supporting items that have been completed to that point for planning board review prior to the meeting.

Simon, let me know if I missed anything.

Thank you,  
Jessi



October 1, 2020

Boxborough Planning Board  
29 Middle Road,  
Boxborough Ma 01719

Re: Scenic Road Special Permit Application  
1172 Hill Road  
FTB Homes, LLC  
Project No. 5481

Dear Board Members:

This office has reviewed the Scenic Road Permit application submitted by Hancock Associates for the property at 1172 Hill Road dated August 14, 2020.

We offer the following comments:

1. The plan scale appears to be 1" =10'. All our comments will be based on this scale, not the stated scale of 1" =20'.
2. The driveway is 14' wide with 4' shoulders which seems excessive for access to a single family house. This proposed cross section requires a total wall removal of 30'. A typical single family driveway is 12' typically with 2' shoulders for snow storage.
3. The radii at the intersection scales at 15' and will intersect the driveway on the abutting property to the west. Typically, the radius of a driveway should end where a projection of the property line intersects the roadway. Residential driveways often have 10' turning radius at the intersection.

This office would recommend that the applicant justify the proposed dimensions of the driveway, shoulder and radii. There may be a compelling reason for the wider opening that is not clearly identified in the application materials. The Board can then determine the appropriate dimensions given the Scenic Road status of Hill Road.

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