



**TOWN OF BOXBOROUGH
PLANNING BOARD**

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Cindy Markowitz, Chair Mark White, Clerk Nancy Fillmore Abby Reip Rebecca Verner

Approved on January 27, 2020

**Meeting Minutes
January 6, 2020
7:00PM**

Morse Hilberg Room - Town Hall, 29 Middle Road

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

Also Present: Simon Corson (Town Planner), Joe Ferguson (Associate Member)

Ms. Markowitz called the meeting to order at 7:02PM.

Meeting Minutes Approval

Mr. White motioned to approve the December 16, 2019 meeting minutes as amended. Seconded by Ms. Verner. Approved unanimously (5-0).

Enclave Project

James Fenton, Boxborough Town Center, LLC

Ms. Fillmore recused herself from this matter.

Ms. Markowitz motioned to endorse the plan set for the Enclave Project with notation that says the landscape plans are to be revised in early 2020, per site plan approval conditions 1 and 19. Seconded by Ms. Reip. In discussion, Ms. Verner requested that the Board review conditions 1 and 19. Condition 1 references the Plans and documents on which the Approval was based and Condition 19 notes that all work must be done in accordance with the Plans and documents unless a change is requested in writing by the Applicant/Owner and approved by the Planning Board. Mr. James Fenton shared that following meetings with Tisbury and Sheriff Meadow community members that their input relating to the landscape plans is different than the Board's. Mr. White noted the fluidity of the plans and the importance of having an initial record set of plans to work off of. Motion was approved unanimously 4-0 (Ms. Fillmore recused).

Mr. Fenton shared that he is unhappy with the current process. He asked the Board why he has to hire an arborist. Response was that it is a condition of the approval.

Mr. Fenton explained that the project has taken a long time to get to this point of approval. He shared that community members from Sheriff Meadows and Tisbury have supported the work performed.

Ms. Markowitz explained that regarding timing of the signing of the ANR and endorsement of the plans, when the original ANR was filed it did not contain the requirements from the consulting engineer and as a result extra time was needed to complete it. During the filing of the plan set brought on December 16, 2019 concerns were raised with respect to the conditions regarding the landscaping. The Board does not get involved with enforcement, that would be the Building Inspector.

Mr. Fenton asked who worked with the Building Inspector. Mr. White responded that the Board does not direct the Planner or Building Inspector.

Ms. Verner shared that there has been public input regarding the project.

Ms. Markowitz stated that the intent of hiring an arborist was to identify and inventory trees which could not be saved so they could be replaced at the end of the project.

Memorandum for MAPC Projects

Ms. Markowitz shared correspondence from MAPC of a memorandum calling for project concepts to receive technical assistance from MAPC. She noted that this may be premature to come up with a zoning proposal while making progress on a zoning bylaw audit. Her suggestion is to put this on hold and included that the deadline is rolling.

The Board's consensus is to hold off on pursuing this opportunity at the time.

Upcoming Schedule for Planning Board (tentative)

All agreed upon Board meetings are on the drafted calendar. Goal is to meet with the Housing Board later in the year as a part of future discussions related to Aspiration 6 of the Master Plan.

Ms. Markowitz reminded the Board of the January 13, 2020 – Joint meeting with the Select Board on Master Plan implementation process.

Zoning Bylaw Audit

Ms. Markowitz submitted a scope of work to the Town Planner and Town Administrator to include in a request for bids to conduct the zoning audit. Mr. Corson shared that the request for bids has not yet been sent out by the Town.

Review Conditions for 984 & 996 Massachusetts Avenue and 38 Sara's Way

Special Permits, Site Plan Approval, and Private/Common Driveway Application

Mr. Mark White and Ms. Fillmore recused themselves from the matter. Associate member, Mr. Ferguson sat in.

Ms. Markowitz explained the documents she shared with the Board. These included a blank checklist of the permit criteria to help facilitate deliberations and a completed checklist based on a review of the conditions to identify missing or partial items. She also shared that the Board received comments on the drafted conditions from Town Counsel.

The Board, with support from Mr. Corson, reviewed and made edits to the conditions to be formalized for a vote. During review, the Board read the comments inserted by Town Counsel and incorporated the changes into the drafted conditions.

Regarding Draft Condition 25

Mr. Corson explained that the Route 111 Trail Fund calculation resulted in an estimated donation amount of \$6,000. Ms. Reip asked why there is an additional \$10,000 expected donation. Response was that the applicant had stated this amount at an earlier meeting and it was included in the conditions as a result. Ms. Verner shared her concern with safety and accessibility if there is no sidewalk.

Mr. Larry White clarified that at the time of the deliberation of the sidewalks, he offered a donation to forgo constructing a sidewalk and to help end the discussion. He shared that he believed the calculated number of \$6,000 is fair to pay.

Regarding Draft Condition 32

Ms. Markowitz raised the concern that a homeowner could operate a business outside of their home. Mr. Larry White shared that the bylaw states that people should be made aware that this is a B1 district, but he also explained that the condo documents will prevent business operations.

Regarding Draft Condition 56

Site work construction and blasting hours were reviewed. The Board determined the blasting hours shall be 8AM-4PM Monday through Friday and will not be permitted on weekends or holidays.

Regarding Draft Condition 57

Ms. Reip suggested that the Board require the applicant to provide a construction management plan but to a lesser extent than described in the draft condition. Ms. Verner offered that requiring a sequencing schedule and Gantt chart would be helpful in establishing a standard template for developers.

Ms. Markowitz gauged the Board members on whether or not they would like to take a vote or if members would like to reconvene and return to this matter at the following meeting.

Ms. Reip noted that the Board can only continue forward if it unanimously passes 4450 – Special Permit for Residential Use in a B1 District. Ms. Markowitz suggested the Board discuss the five criteria under 4450:

1. The proposed residential use in the B1 district is compatible with existing or allowed business uses. Mr. Ferguson and Ms. Reip were in support. Ms. Markowitz and Ms. Verner expressed concerns on the issue. Ms. Markowitz expressed concerns about noise at the property and impact on the neighboring property.
2. Adequate landscape and natural buffers. Ms. Reip in support. Ms. Verner was concerned about the incomplete application which does not lay everything out in the plans. Ms. Markowitz noted that the landscape plan required more work.
3. Protect the existing tree canopy on Mass Ave. Ms. Verner cited that there is no tree protection plan. Ms. Reip cited her support through the no-touch-zone. Mr. Ferguson had no qualms. Ms. Markowitz noted that the no-touch-zone does not cover the entire canopy area.
4. Preserve and retain natural, historical or cultural resources on the site. Ms. Verner questioned well access and there was also a discussion about land at Route 111. and the area which was already cleared. Ms. Markowitz asked about blasting in that area. The applicant shared that there is no blasting in the rocky ledge portion of the site, if there is any blasting it would be in the areas of the foundations.
5. Conform to the maximum extent possible to applicable standards of design attributes and guidelines. Ms. Verner stated that it has not been able to be assessed. Ms. Reip shared that she believes it has been assessed. Ms. Verner responded that the assessment was not positive, and the most recent application has not been able to be reviewed fully. Mr. Ferguson was satisfied with the assessment. Ms. Markowitz shared her concerns that the current Design Review Board has not been able to make a complete assessment.

Ms. Reip motioned to approve 4450 - Special Permit for Residential Use in a B1 District. Seconded by Mr. Ferguson. Motion Failed 2-2 (Ayes – Ms. Reip, Mr. Ferguson; Nays – Ms. Markowitz, Ms. Verner)

Ms. Markowitz motioned to deny 4003.1 – Special Permit for 2-Family Dwelling. Seconded by Ms. Verner. Motion Failed 2-2 (Ayes – Ms. Markowitz, Ms. Verner; Nays – Ms. Reip, Mr. Ferguson)

Ms. Markowitz motioned to approve 4800 Special Permit for Alternate Access. Seconded by Ms. Verner. Motion Passed 4-0 (unanimous)

Ms. Markowitz motioned to deny 9204 - Special Permits. Seconded by Ms. Verner. Motion failed 2-2 (Ayes – Ms. Markowitz, Ms. Verner; Nays – Ms. Reip, Mr. Ferguson)

Ms. Markowitz motioned to deny 8007 - Site Plan Approval. Seconded by Ms. Verner. Motion failed. (Ayes – Ms. Markowitz, Ms. Verner; Nays – Ms. Reip, Mr. Ferguson)

Ms. Markowitz motioned to approve 6105 – Special Permit for Private Common Driveway in a B1 District. Seconded by Ms. Verner. Motion passed 4-0 (unanimous)

Ms. Reip motioned to adjourn at 11:07PM. Seconded by Ms. Verner. Motion passed 4-0 (unanimous)

Meeting Documents & Exhibits

700, 750, 800 Massachusetts Avenue Violation Letter
Invitation for Project Concepts, November 2019 (MAPC)
Proposed Schedule for Planning Board through May, 2020 Revised Jan 6, 2020
Draft Decision for 984/996 Massachusetts Avenue
Oct. 25, 2019 Enclave Project Plans