



TOWN OF BOXBOROUGH PLANNING BOARD

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

Approved on March 9, 2020

Meeting Minutes February 3, 2020 7:00PM Grange Room - Town Hall, 29 Middle Road

Members Present: Cindy Markowitz, Nancy Fillmore, Rebecca Verner

Also Present: Simon Corson (Town Planner)

Not Present: Abby Reip, Mark White

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

Town Center/Enclave Project

Mr. Corson shared that the sewer line connection at the site is close to completion. He also anticipates that additional blasting may be required at two planned units, but no blasting permits have been renewed at this time. He reported that he had a call regarding the revised landscape plan set and expects to receive it soon. In addition, Mr. Corson notified the Board that the access permit from the Massachusetts DOT has been issued.

Zoning Bylaw Audit

There was no new update.

Municipal Vulnerability Preparedness (MVP) Planning Grant

Mr. Corson reported that the Town has won a \$15,000 Municipal Vulnerability Preparedness Planning grant for climate resiliency. He shared that the funds will likely be used to conduct two educational workshops. He noted that receiving this grant allows the Town to apply for MVP action grants. The timeline for this application would be the start of summer. The Town can use this initial MVP Planning grant to aid in determining what strategies should be focused on when applying for the Action grant.

Committee Reports

- *Community Preservation Committee (Reip)* – No update, not present.
- *Design Review Board (Verner)* – No new update.
- *Economic Development Committee (White)* – No update, not present.
- *MAGIC Representative (Markowitz)* – No new update.

- *Water Resources (Fillmore)* – The committee expects to meet with the Town of Littleton to determine wells which provide clean water to the Town. Les Fox (Select Board-Member) is focusing on the issue of the salt content in water sources West of Interstate 495.

Mr. Corson shared that the committee has funding from Technical Assistance Program (TAP) grant from MAPC and is mid-way through the process of well mapping and research. The result is to provide the community with an informational presentation or resource.

Ms. Verner asked about the timeline for this. Mr. Corson responded that there was a gap in funding, but that the goal is to provide deliverables by early Spring.

- *Boxborough Building Committee (Reip)* – No update, not present.

- *LELWD Small Cell Committee (Markowitz)* – No new update.

ANR 566 Middle Road

Mr. Corson provided the Board with a memorandum regarding the 566 Middle Road ANR. In it, he indicated to the Board that the ANR meets all requirements.

Ms. Markowitz motioned to authorize the Town Planner, Chair or Clerk of the Planning Board to endorse the 566 Middle Road ANR. Seconded by Ms. Verner. Approved unanimously, 3-0.

Public Hearing – General Bylaw

Construction and Post-Construction Stormwater Bylaw

Ms. Markowitz read the published announcement for the Planning Board public hearing.

Ms. Markowitz noted that a General Bylaw amendment will require a simpler majority vote at Town Meeting. She shared that the proposed Stormwater Bylaw provides recommendation for compliance with the MS4 Stormwater regulations.

Mr. Corson noted that the Select Board will also have a hearing for this amendment because it is a General Bylaw. He reviewed the presentation outlining the regulatory changes. He explained that the intent is to have a Stormwater General Bylaw similar to those of surrounding towns, which will also include community specific details where applicable.

Ms. Markowitz noted that the Town has a bylaw outlining illicit discharge related to existing activities. She shared that the Stormwater General Bylaw is available to read on the Town website.

Public Hearing - Zoning Bylaw Amendments

- *Citizens Petition - Animal Testing / Hazardous Waste*

Resident Suzanne Schmitt presented her proposal to add and amend wording to the table and footnote under Article IV- Use Regulations. She explained that the zoning bylaw protects the Town from some of the hazards of life science facilities. She cited that the Town may not have the necessary infrastructure to combat hazardous emergencies relating to life science facilities which could arise.

Ms. Markowitz called out Footnote 12 in the Bylaw which addresses proper storage and handling of hazardous materials. She asked how Ms. Schmitt's proposal was different from the footnote, as it already addresses hazardous material.

Ms. Schmitt responded that the bylaw does not address the involvement of emergency responders in the time of accidents and emergencies. She believed that Footnote 12 and 3 addressed industrial hazardous materials but did not sufficiently address life science materials from laboratories.

Ms. Markowitz asked about the added definition of "life sciences" in the use table and where else it was referred to in the Bylaw.

Ms. Schmitt responded that it would be an added definition within the definition section but not the use table.

Public Comment

Maria Neyland asked for clarification if the amendment referred to only a facility in Town or the business at large.

Ms. Schmitt's response was that it would only apply to facilities physically located in Town.

Parking/Café – Economic Development Committee

Ms. Markowitz noted language and requirement changes to the proposed Zoning Bylaw Amendment to address common parking areas.

Rich Guzzardi explained that the purpose of the amendment is to address common parking and current demands. He offered examples of the current constraints and what they mean for local businesses.

Ms. Markowitz explained the desire from the public for a specialty food shop. She explained the proposed new definition for “specialty food shop” and the proposed use table associated with the definition.

Public Comment

Lisa St. Amand shared that the proposed new definition as written is too broad and could be interpreted to include fast food.

Ms. Markowitz shared that there is a written definition for fast food and that under the current Zoning Bylaws, fast food is restricted in any zoning district.

Nathaniel Stuntz shared that since the definition includes “café” and “bakery” these words should be taken out of the use table. He suggested that the definition seemed broad and should be more specifically limited to exactly what the Town desires.

Rich Guzzardi, Economic Development Committee (EDC), explained that the intent of the language is to describe what the residents of Town want, which is a specialty food/café-type establishment. Reviewed bylaws of towns, such as Groton to compare strategies for limiting fast food.

Owen Neville asked what should be allowed in an office park and he shared that he supported including a café or bakery in the office park district.

Rich Guzzardi responded that the EDC was hoping to wait until after Phase II of the UMass Study to understand the goal of the office park district. He noted that it may be a consideration and shared that he personally supports the discussed in an office park district.

Lisa St. Amand shared that the definition of “specialty food” is not specific enough. She explained that it was too vague and broad as written but supports the intent.

Rich Guzzardi offered that the EDC did not want to limit opportunities based on the definition. The EDC will review and hone in on the right definition for the Town. He noted that there are self-limiters, such as drive throughs, and this may be a better way to approach the definition.

Ms. Markowitz noted that any entity can attempt to identify as a specialty food shop.

Nathaniel Stuntz offered his idea to limit franchises and chains rather than all fast food shops.

Mr. Corson explained that when a zoning official reviews a request, they will focus on the most applicable attributes. A good approach may be to define what is not wanted and include what the Town desires in the use-table.

Rich Guzzardi shared that he understands that the perception of the definition is broad, and that the EDC may want to draft one focused on defining a café.

Maria Neyland offered guidance on the timing requirements. She shared that the warrant closes on February 24th and final language and votes from the Planning Board are due on March 11th.

Rich Guzzardi shared a revised definition for “specialty food shop” with the Board.

Lisa St. Amand shared that she still believes that the wording is too broad if the intent is to limit certain types of food items.

Ms. Verner shared that she supports using the words “artisan” or “boutique” and by limiting square footage to reach a better definition.

- *Solar*

Ms. Markowitz shared the proposed language amendments to the Solar Photovoltaic Bylaw which addresses commercial and residential scaled solar installations.

The Board received correspondence from the Town Assessor, Sanders Genna.

Public Comment

Nathaniel Stuntz shared that building mounted should be allowed everywhere. May be better to call it roof-mounted if the goal is to encourage it. Regarding forest protection, the Town should either choose to support solar farms or not. He noted that there should not be limiting requirements to install a solar farm.

Francien Noldie, Sustainability Committee, shared that the Committee reviewed surrounding Town’s bylaws. She offered that the term “neighborhood” is very misleading. She noted that this amendment is close to what the Town of Acton has which is very restrictive. More time should be spent to create an appropriate and inclusive solar bylaw. She offered that the Board should be mindful of future goals. She asked if MAPC consultant could work with the Town.

Mr. Corson responded that the offer is still open to work with the MAPC consultant, but that the timing is an issue. He noted that the Town would have get funding in the Spring, for this and if it did not, then wait until the Fall.

Ms. Markowitz responded that the Board may need to spend more time reviewing this Bylaw amendment.

Francine Noldie stressed that the Sustainability Committee would not recommend moving forward now with the current amendment.

Rebecca Neville shared that there should not be requirements for having solar on your own property.

Francine Noldie explained that the amendment should have a list of definitions to apply to the Bylaw. She offered that LELD has net metering caps and residential properties have achieved 81% of the cap while commercial properties have used 49%. She suggested that the Town should incentivize residential solar use and installations.

Ms. Markowitz noted that any Solar Bylaw should be land and use appropriate to regulate within the Town.

Maria Neyland posed the question that as a resident, could she install a ground mounted solar panel on her property? She shared that it is important for the Bylaw to be comprehensible for residents.

Ms. Markowitz responded that individual accessory use is not identified in the current proposed Bylaw.

Reeves Briggs shared that he supports the limit on tree cutting.

Francine Noldie shared that a national study, and one from MIT offer that there can be up to 9 times more solar sequestration from solar energy than from trees.

Ms. Verner noted the overwhelming benefits of retaining trees. She cited examples such as providing animals habitat, natural sound mitigation, air purification, and soil stabilization as a few valuable attributes for the Town to keep in mind, in addition to maintaining the scenic rural beauty of the Town.

Ms. Fillmore shared that she does not like cutting trees and agrees with Ms. Verner that the trees provide more than just photosynthesis but notes that the amendment will require more work.

Reeves Briggs asked what the cost is of not putting a bylaw forward now, if a new solar installation is proposed in the time between.

Ms. Markowitz responded that a new proposal would be subject to site plan review.

Ms. Verner and Ms. Fillmore agree that the bylaw needs more work. Ms. Markowitz suggested not bringing the Bylaw to Town Meeting this year and to spend more time developing the proposal. Ms. Verner suggested offering a target for new discussion for the Fall.

- *Noise*

Ms. Markowitz explained that the intent of the proposed Noise Bylaw amendment is to address some of the issues in the current Bylaw and expand its application to any Town zoning district.

Public Comment

Nathaniel Stuntz shared that it looks like this was written to stop noise anywhere which was not residential. He explained that ten decibels is a very low requirement and equates to a conversation level volume. He noted that this is way too restrictive and removes every use which was not commercial or industrial. This restricts the noise levels of machinery such as lawn mowers. He suggested that some of the time frames could be added to the table as a footnote. He offered that it should be across all zoning districts but will need some exemption. He disagreed with calling out specific levels of horsepower.

Owen Neville shared the referral to a natural ambient noise level would be difficult to determine in areas near Interstate 495, as it is not a natural noise level.

Maria Neyland, Chair of the Select Board, noted that she has not heard of many noise complaints in Town, except for some along Route 111. She asked what are the specific reasons for these changes if there have been very few violations? She also asked how the new proposal will affect the current businesses on Route 111 and elsewhere? She asked who is going to enforce the requirements, and how will the Town determine noise levels without a decibel reader. She noted that the noise from the DPW must be considered in this as well.

Becky Neville suggested that Planning Board members with an association to Route 111 should recuse themselves from this matter.

Sue Schmitt asked if this has an impact on the firing range in Harvard.

Ms. Markowitz read the exemptions and responded that a firing range is not in the exemptions. She shared that the purpose and intent of the current bylaw only applies to the commercial and industrial district. She explained that the interpretation of the bylaw is that an individual is permitted to make any amount of noise for up to 59 minutes with no noise limit and that the current goal of noise limitations was not being captured by the current regulations.

Mr. Corson shared the input received from the DPW Director, Ed Kukkula and the Chief of Police, Warren Ryder.

Ms. Verner noted that the Town currently cannot enforce noise requirements without a noise meter.

Ms. Markowitz noted that this bylaw needs more work and is unsure how to make the sufficient changes.

Ms. Fillmore shared that she agreed with Maria Neyland regarding her comment that there are very few instances of the noise level getting out of control in Town.

Ms. Markowitz asked how a nuisance complaint is currently dealt with by the Town.

Mr. Corson responded that the Police feel they are appropriately equipped to handle nuisance complaints.

Ms. Verner suggested streamlining the bylaw by using the existing use-table.

Ms. Markowitz noted that the Board will work to review the draft and amend it taking into consideration the comments received from the public.

▪ *Lighting*

Ms. Verner explained that the intent is to expand on the existing bylaw and to add detail around some areas which would benefit from further definition. It will provide definitions with further clarification to some areas. She shared that the goal is to minimize light pollution by offering guidance on directional lighting. She noted that this could be impactful for future growth of the community. She called out the addition which would require special permits for outdoor lighting.

Public Comment

Maria Neyland asked about the change to residential uses which would affect pool lights. She wanted to understand how dark sky requirements are enforceable.

Ms. Verner responded that there should be an exclusion for residential uses. Regarding dark sky requirements, she noted that this would constitute the shielding of fixture.

Rich Guzzardi asked to clarify the type of light sources and which are discouraged. He asked if it is trying to control internally lit signage.

Ms. Verner explained that this is an attempt to provide guidelines for implementing light types which are currently allowed under Boxborough Bylaw but discouraged.

Owen Neville asked where the definitions will be added to the bylaw. He also asked if the illustrations would become part of the bylaw? He suggested the Bylaw only lists lighting and not include signage.

Ms. Verner responded that the definitions will be included in the definitions section of the bylaw. She also answered that the intent was for the illustrations to be included in the bylaw.

Nathaniel Stuntz offered that for Section 6204 (Outdoor Lighting) it may help to change the wording from “private” to “public”. He also shared that the illustrations seem technical, like a site plan, rather than bylaw. He explained that the wording of the bylaw should be able to explain what the illustrations show.

Ms. Verner shared that the illustrations are of very standardized lighting fixtures. She noted that though lighting fixtures may change over time, conceptually the diagrams are a point of reference to show how the light fixture should be shielded to comply with the bylaw.

Lisa St. Amand shared that regarding discouraging internally lit signage, having expanded description on signage design would help the Zoning Board of Appeals. She offered that it would also be good to help specify the types of internally lit sign proposed.

Mr. Corson explained that the next step is to determine which proposed bylaw amendments will move forward and which will not with the expectation of having another public hearing after revisions. He noted that the Board is on track with the timeline for an addition hearing for review of the final language and that this is especially valuable with two Board members not in attendance at this meeting.

Ms. Markowitz reviewed that the solar bylaw will not move forward, but all others will continue for the Spring Town Meeting.

Ms. Fillmore motioned to adjourn. Seconded by Ms. Verner. Approved unanimously 3-0 at 9:51PM.

Meeting Documents & Exhibits

566 Middle Rd. ANR – Plan

566 Middle Rd. ANR – Form

Citizen's Petition & Presentation by Suzanne Schmitt – Animal Testing / Hazardous Waste

Memorandum from Simon Corson, Town Planner; re: 566 Middle Rd. ANR

Zoning Bylaw Amendments: Parking / Café, Noise, Lighting, Solar