



TOWN OF BOXBOROUGH

Planning Board

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Cindy Markowitz, Acting Chair • Mark White • Rebecca Verner • Kathleen Vorce • Rich Guzzardi

APPROVED ON: July 10, 2023

Meeting Minutes

June 5, 2023

7:00 PM

Remote Meeting

Members Present: Cindy Markowitz – Acting Chair , Mark White, Rich Guzzardi, Rebecca Verner – Acting Clerk, Kathleen Vorce, and Janet Keating-Connolly (associate member).

Staff Present: Alec Wade, Town Planner; and Town consulting Engineer, Sue Carter, PLACES Associates

Acting Chair Cindy Markowitz called the meeting to order at 7:00 PM with a roll call attendance. Ms. Verner sat as Acting Clerk for this meeting.

PUBLIC COMMENT:

None at this time.

Approval of Minutes – May 22, 2023

The Board agreed to table discussion of these minutes to the next meeting.

PUBLIC HEARING (Cont.): To consider the application under 8000 Site Plan Approval submitted by Stamski and McNary, Inc. on behalf of the property owner, French Brothers Boxborough, LLC to construct a 3-unit trade shop building. The subject property is located in the Industrial/Commercial Zoning District at 100 Codman Hill Road and is identified as Assessor's Parcel #s 12- 035-000.

Acting Chair Markowitz read and opened the hearing.

Alec Wade explained that the applicant has requested a continuance for this item until July 10, 2023.

Ms. Vorce moved to continue this hearing to July 10, 2023, at 7:05pm. Mr. White seconded. Roll call: Guzzardi – aye; Verner – aye; White – aye; Vorce – aye; and Markowitz – aye. Motion passed 5-0-0.

PUBLIC HEARING (Cont.): In accordance with the Town of Boxborough Rules & Regulations Governing the Subdivision of Land and Massachusetts General Law Chapter 41, Section 81-T, the Planning Board will conduct a public hearing to review the application for a

Definitive Subdivision Plan submitted by Nitsch Engineering on behalf of 1414 Mass Ave Owner, LLC, for the subject properties identified as parcel number 12-027-000, 12-028-000, 12-030-000, 13-004-000, 13-022-000, 17-005-000, 17-009-000, 17-010-000, 17-022-000, 17-023-000, 17-024- 000, and 18-001-000.

Acting Chair Markowitz read and opened the hearing.

Jared Eigerman, Attorney with Reuben, Junius, & Rose, LLP, explained that a public hearing has been requested through the Board of Health, but there has not yet been a response to this request. The team has also submitted revised plans. The 90-day deadline for the Board to act will be expiring shortly and the applicant team is willing to require an extension on this if the Board thinks that the hearing will not be completed at the next meeting.

Mr. Wade stated that the Town of Boxborough has scheduled a public hearing before the Board of Health on this item, with notices planned to be sent out tomorrow, for June 21, 2023.

Sandy Brock, Nitsch Engineering, gave a high-level review of the previous plans. The plans have since been updated to respond to comments by the Board of Health and its recommendation to the Planning Board. The 100' Zone 1 location for the lots has been moved on the plans, due to Board of Health comments about a spill at 1300 Massachusetts Avenue. The new location is shown more than 400' from the property line. There is also a table that shows the offsets to certain items, such as subsurface septic tanks, leaching fields, public ways, etc. The revised plan also addresses comments regarding the existing wells and shows that they will be abandoned and decommissioned. New wells for the existing building would be placed toward the back of the site in an area that was investigated. A new water line would be brought into the pump house, which would then feed the existing water line that loops around the existing building. The revised plans were submitted to the Board of Health. A new packet, including the revised plans, will be sent to the Planning Board. The applicant is in the process of working through the peer review comments, which will also be addressed in the packet.

Mr. Wade explained that the materials in the Board's current packet and Dropbox are a complete set of plans to date. Nitsch Engineering has since provided additional feedback and response to the Board of Health. Those have not yet been submitted for the Planning Board's consideration. Following Nitsch Engineering and the applicant's meeting with the Board of Health, the applicant intends to submit a complete revision of plan sets to the Planning Board which will identify any changes, including those made in response to the Board of Health. He will also send the Planning Board the Board of Health items in advance.

In response to a question from Ms. Keating-Connolly, Ms. Brock explained that the revised plans show utilization of the existing leach field. This leach field could be proposed to be expanded, if the lots are developed and depending on the developed use. Attorney Eigerman stated that there is no additional gross floor area proposed, thus no new flow is proposed. There is no proposal to expand the leaching field at this time.

Acting Chair Markowitz stated that the leaching field is currently permitted at a capacity that exceeds the amount that the Board of Health would normally require under the Aquifer Protection District rules. This can be addressed by the Planning Board at a later time.

Ms. Carter noted that, regarding the arterial versus collector street item, a 60' right of way is an arterial right of way, while a 24' width is for a collector street. The subdivision regulations specifically require an arterial street for average daily trips of greater than 1,200 vehicles per day. The original traffic report submitted for Arranta Bio/Vibalogics showed 2,822 vehicle trips daily. She finds it appropriate for the Board to determine what type of street category this project shall have. She stated that the Board also recently received the subdivision on nearby Adam's Place, of which New Hampshire Drive is only a 50' right of way with 24' pavement. This may be an opportunity for that section of roadway to be upgraded and for the Board to determine that an arterial street is an appropriate category. Ms. Brock stated that the applicant is asking the Board's opinion on this interpretation.

Mr. Guzzardi stated that the table in the regulations is clear regarding the maximum number of daily trips. It does not seem that there is much leverage from the standards. There is an appeal to having less impervious surface, with a less wide road.

Attorney Eigerman noted that the Board can always grant a waiver from an item. During site plan review, it was noted that these roadways have existed since the 1980's. This argument was not addressed at that time and no new buildings are now proposed. Acting Chair Markowitz explained, during site plan review, this was discussed as a private common driveway, where the proposal is now to consider this a new roadway. Mr. White explained that the applicant does not intend to build what is currently shown on the plans but is requesting to freeze zoning to build something in the future. He is inclined toward the stricter standard, 30' wide, for this roadway. There was consensus from the Board on this item.

Acting Chair Markowitz requested that the applicant provide detailed information to the Board regarding all easements on the property. All proposed changes to the plans need to be made clear.

Ms. Brock explained that permanent monuments will be shown consistently on the plan, along with other details for compliance with the definitive subdivision requirements. She reviewed other items from the May 22nd peer review comments letter. She explained that porous pavement is proposed for portions of the site.

There was discussion regarding Sections V.A. Sections 3.1 and 3.4 of the Subdivision Rules and Regulations.

Ms. Vorce stated that she would like to see the porous pavement items come forward as formal waiver requests from the applicant. Ms. Brock noted that this is not prohibited in the regulations. She was looking for the Board to give its impression on this item. Acting Chair Markowitz noted that it would be helpful for the applicant to highlight these items in the revised packet.

Acting Chair Markowitz suggested that the applicant review the environmental, stormwater, and traffic studies for the site, as some updates may need to be made.

Acting Chair Markowitz asked for public comment at this time.

Jim Syiek, 288 Swanson Road, stated that staff's completeness review does not include projected vehicle trips. He could not find an existing traffic report for this item. If the lots do get developed, the applicant stated that traffic distribution and access will not be affected. He would like clarification on this. Ms. Brock noted that any additional development would require site review by the Board at that time. An existing traffic summary was submitted, which was based on the traffic study done by Vibalogics. Attorney Eigerman stated that the subdivision plan does not show any buildings, as none are proposed. No new buildings are shown on the plan, so there could not be additional traffic. If the project were to move forward with new buildings, it would have to abide by all regulations, including the subdivision regulations. The plan currently only shows hypothetical lots near Massachusetts Avenue. The only things that can be built, per this plan, are the lots, which would not lead to additional vehicle trips.

Barbara Salzman stated that she is disappointed in Lincoln Properties because the Town supported the new zoning bylaws. She believes Lincoln Properties should go along with the Town's wishes for the bylaws.

There was no additional public comment at this time.

Mr. White moved to extend the deadline for decision, mutually with the applicant, to September 5, 2023. Ms. Vorce seconded.

Roll call: Guzzardi – aye; Verner – aye; White – aye; Vorce – aye; and Markowitz – aye. Motion passed 5-0-0.

Ms. Vorce moved to continue this hearing to July 31, 2023, at 7:05pm. Mr. White seconded.

Roll call: Guzzardi – aye; Verner – aye; White – aye; Vorce – aye; and Markowitz – aye. Motion passed 5-0-0.

GENERAL BUSINESS

1. Request for Waiver of Site Plan Approval – 200 Beaver Brook Road

Acting Chair Markowitz asked that Ms. Carter's recommendations regarding the trench drain with a cut off gate valve, as long as still germane, a hazardous material spill kit at the loading dock as an extra precaution, a commitment to an O&M plan for the ongoing maintenance of the drainage, and the oil and grease item, be added to the letter for this wavier.

Russell Dion, Campanelli, stated that the plans provide a cutoff gate valve at the trench drain. This was noted in Ms. Carter's letter. Also, the gas/oil/grease separator is an existing detail on the plan. He is unclear if there is an actual O&M plan from the original permitting. Through the permitting with TUV Rheinland, there was a request to inspect the drainage systems on the

property and roadways. There was an extensive report on those items and the conclusion was that certain recommendations would be completed on the site. He stated that the applicant is committed to making the proposed revisions on the entire property.

Ms. Carter stated that she was hoping to see an O&M plan, including a commitment to clean the catch basins twice a year and inspect them.

Acting Chair Markowitz suggested that it be added to the letter that the applicant commits to incorporate this new structure as part of the O&M for the entire site. Mr. Dion noted that the structure is existing today.

Mr. White moved to approve the waiver requested. Mr. Guzzardi seconded.

Discussion:

Acting Chair Markowitz stated that she would like the waiver letter to include the recommendation regarding the hazardous material spill kit at the loading dock. She would also like it to reference the hazardous materials clause in the original special permit, 00-01, such that any new tenant must comply with all conditions of condition #20 of the original special permit. Part of that included that the applicant shall furnish the Planning Board with written acknowledgement from any tenant of the building that is bound by this condition and all hazardous materials plans. She would like Section 6.4 Outdoor Lighting Bylaw to also be referenced. Mr. Wade noted that no individual decision can supersede the overarching special permit. Acting Chair Markowitz noted that there will be multiple tenants for this site and so it is important that condition #20 be referenced. There was also language in the original special permit that the applicant shall include clauses in the lease for every non-Cisco tenant, sufficient to ensure compliance with this condition, and that all hazardous materials plans must be signed by the applicant and the tenants and a copy of any such lease shall be submitted to the Planning Board.

Mr. White moved to approve the waiver requested, with amendments as discussed. Ms. Vorce seconded.

Roll call: Guzzardi – aye; Verner – aye; White – aye; Vorce – aye; and Markowitz – aye. Motion passed 5-0-0.

2. Reorganization of the Board

Ms. Vorce moved to defer the reorganization of the Board to a future meeting.

Ms. Vorce stated that she would like to postpone this item in order to speak with the Town Planner and learn more about the structure of the planning function to better understand the roles of Chair and Clerk. There was a learning curve that she would have liked more help with during her term. She also did not feel she was receiving all of the information she would have liked to get over the year. Acting Chair Markowitz stated that, when she was Chair, she tried to keep all Board members up to speed. She has discussed a Board handbook with Mr. Wade and continues to share training opportunities that may be of interest. Acting Chair Markowitz stated that she is

happy to add an agenda item regarding the process and flow of information for the Board but is not sure if that should delay the reorganization of the Board at this time.

Diana Lipari empathized with Ms. Vorce's frustrations. She noted that there is a job description for the Town Planner. The Town Planner works under the supervision of the Town Administrator and is not responsible to any one board or committee. The Town Planner is not the exclusive use of the Planning Board. She does not understand the impact this discussion would have on reorganization of the Board at this time. She noted that there was not a second to Ms. Vorce's motion.

Mr. White seconded.

Mr. White explained that this item should be tabled if Ms. Vorce is uncomfortable moving forward with it at this time. He noted that he has had difficulties too, in that information has not always flowed freely through the Board. He is interested in having a larger conversation regarding this process.

Acting Chair Markowitz shared a document with the Board regarding her roles when she was Chair.

There was discussion regarding the role of the Clerk.

Roll call: Guzzardi – aye; Verner – aye; White – aye; Vorce – aye; and Markowitz – nay. Motion passed 4-1-0.

Department Updates by Alexander Wade, Director/Town Planner.

Mr. Wade stated that the Town's Open Space and Recreation Plan has been approved.

The Board discussed its summer schedule.

Mr. Wade stated that the first in the public forum series will be held on June 28th and the Department will partner with the Library regarding some upcoming changes to the Library building.

Ms. Verner noted that Vibalogics and Arranta Bio have changed their signage. Acting Chair Markowitz explained that the companies were purchased by another company. She believes this was reported to the Board of Health. Mr. Wade noted that this may require a change to the existing sign special permit. Acting Chair Markowitz noted that Arranta Bio only has a temporary certificate of occupancy at this time.

Planning Board Training

Mr. Wade stated that he will circulate an email from Acting Chair Markowitz regarding some upcoming training and education opportunities.

Committee Reports: *These items were not addressed at this time.*

- Community Preservation Committee (Vorce)
- Design Review Board (Verner)
- Economic Development Committee (White)
- MAGIC Representative (Markowitz)
- Water Resources Committee (Keating-Connolly)
- LELWD Small Cell Committee (Markowitz)
- Building Committee – TBD
- Boxborough Leadership Forum

Recently Received Correspondence

This item was not addressed at this time.

New Business (if any)

This item was not addressed at this time.

ADMINISTRATIVE BUSINESS

- Town Center/Enclave Project Updates

Ms. Carter stated that she will visit the site soon and then give the Board an update. Ms. Verner noted that the construction road off Route 111 has been blowing dirt and dust. It is unclear if the owner is still wetting the road. Ms. Carter stated that she would follow up on that item.

The rest of these agenda items were not addressed at this time.

- Grant Opportunities
- Master Plan Action Items
- Website update
- Legislative Update

ADJOURN

Mr. White moved to adjourn at 9:53pm. Ms. Vorce seconded.

Roll call: Guzzardi – aye; Verner – aye; White – aye; Vorce – aye; and Markowitz – aye. Motion passed 5-0-0.

Meeting Documents:

Planning Board Agenda June 5, 2023

1414 Massachusetts Avenue definitive subdivision documents

100 Codman Hill documents

200 Beaver Brook Road Site Plan Waiver request documents

Recently Received Correspondence

Planning Board draft minutes May 22, 2023