



TOWN OF BOXBOROUGH

Zoning Board of Appeals

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www.boxborough-ma.gov

Mark White, *Chair* • Kristin Hilberg, *Clerk* • Mark Barbadoro • Stefano Caprara • Michael Toups •
Shawn McCormack, *Alternate* • Than Stuntz, *Alternate*

APPROVED ON: September 13, 2022

Meeting Minutes

August 16, 2022

7:30 PM

Remote Meeting

Members Present: Mark White (Chair), Mark Barbadoro, Stefano Caprara, Than Stuntz, Michael Toups

Mr. White outlined the meeting process and opened the meeting at 7:32pm.

Minutes –

Mr. Barbadoro moved to approve the meeting minutes of August 2, 2022, as submitted.

Seconded by Mr. Stuntz.

Roll call: Michael Toups - aye, Than Stuntz – aye, Mark Barbadoro - aye, and Mark White –aye.
4-0-0, motion carried.

Stephano Caprara entered the meeting.

Members' Use of Town of Boxborough Email

Mr. White stated that staff is asking that Board members use their Town of Boxborough email addresses, instead of their personal email addresses. If personal email addresses are being used, they could be examined during public or legal record requests. Board members should try to check their Town email addresses daily, if possible.

New Business

1414 Massachusetts Ave has filed with the Massachusetts Environmental Policy Act Office (MEPA) due to potential disturbance greater than 45 acres of land and other threshold requirements. MEPA is now reaching out for comment from other State regulating authorities. The proposal is to build approximately 630,000 s.f. of flex space. MA Historic Division has stated that an archaeological dig will be needed. DEP Wastewater Division has stated that more information is needed. On the 22nd, MEPA will issue findings or a certificate for the applicant to proceed.

60 Codman Hill Special Permit Hearing

Mr. White read the legal notice for this Special Permit and reopened the hearing.

Louis Levine stated that the Board previously requested that the applicant consider uses that will not turn the facility into a distribution business. The Board also had concerns regarding the end

user potentially creating an environmental issue via hazardous waste discharge. The applicant has tried to simplify the Board's concerns and limited the use to light manufacturing, wholesale operations, warehouse, professional or business office, or landscaping services. The applicant has agreed to a restriction that there will be no delivery or shipment trucks in/out of the building from 10pm until 6am. The bylaws prohibit uses that the Board is concerned about regarding hazardous waste discharge, and the applicant has highlighted this in footnotes 9 and 12. The applicant will still need to go before the Planning Board for site plan approval in the future.

Mr. Barbadoro stated that he does not believe Mr. Stuntz can sit on this hearing, due to previous absences. He would like to hear if the applicant is okay with a four-member board making this decision this evening. Mr. Levine stated that he would prefer a five-member board. He asked if the Board would consider a straw vote.

Mr. Caprara suggested that the Board express all of its concerns this evening regarding the proposal.

Mr. Barbadoro stated that some of these concerns include stormwater management, pollution of the aquifer, salt running into the aquifer from the site which flows into the Environmental Justice Community, the amount of asphalt coverage on site, and the building being proposed to move closer to the well on site. Mr. Levine stated that, to move forward with this project, the applicant is seeking approval for the change in nonconformity of the site. All of these other concerns will then be vetted out by the Planning Board, Board of Health, Conservation Commission, etc., through site plan review. The applicant is not trying to avoid these issues.

Mr. White stated that he is not prepared to approve a special permit until the applicant has satisfied the Planning Board site plan review process. The Zoning Board is not equipped to assess drainage and mitigating for it, etc. He is likely to vote affirmatively on this application, once approved by the Planning Board. He is okay with the proposed uses outlined by the applicant this evening.

Mr. Barbadoro stated that he would like to add that no uses which would generate any industrial processed water in its manufacturing process should be allowed in the Aquifer Protection District. The applicant is proposing to increase the lot coverage and area with the proposed building. He would like to see stormwater management addressed.

Mr. Levine stated that the 90-day clock runs from the end of the last public hearing and the applicant is willing to grant an extension to this, if needed.

Travis Snell noted that the stormwater management will likely be better on the site, and this will be shown through the process. The applicant is trying to move this process forward.

Mr. Toups stated that there seems to be a path forward for this project, but it appears that members of this Board are not willing to approve it pending site plan review, and instead would like to consider it after site plan review is complete. He recommended not closing the hearing until the site plan process has been completed.

Mr. Barbadoro stated that special counsel explained that this proposed structure was not increasing a nonconformity but in fact will be improving the site on many areas, such as floor area ratio, and proposed setbacks. However, the impervious area surrounding the building was created for an office building, which has a larger parking requirement than this building will. He has not seen a reduction in impervious material or drainage information. He would like to see metered sanding trucks required for the site.

Mr. Levine stated that he would like to request a continuance and work towards site plan application submittal for the Planning Board.

Mr. Barbadoro moved to continue the 60 Codman Hill Road hearing to September 13, 2022, at 8pm. Seconded by Mr. Caprara.

Roll call: Michael Toups - aye, Stefano Caprara – aye, Mark Barbadoro - aye, and Mark White – aye. 4-0-0, motion carried.

Review Correspondence – None at this time.

Next Meeting: September 13, 2022

Mr. Toups moved to adjourn the meeting at 8:32pm. Seconded by Mr. Barbadoro.

Roll call: Michael Toups - aye, Stefano Caprara – aye, Mark Barbadoro - aye, Than Stuntz – aye, and Mark White – aye. 5-0-0, motion carried.

Respectfully submitted,
Kristan Patenaude

Join Zoom Meeting

<https://us02web.zoom.us/j/81242266100?pwd=RzhpZ1dRVHh3T2NDS040UzFKRjJZdz09>

Meeting ID: 812 4226 6100

Passcode: 629730

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