



TOWN OF BOXBOROUGH

Planning Board

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www.boxborough-ma.gov

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

APPROVED ON October 5, 2020

Meeting Minutes September 21, 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, David Buckley, and Greg Roy

Several members of the public were also present.

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

Public Comment

Cathy Biron, 539 Burroughs Road, stated that she is very happy with the recent trees that were planted today. She stated that she recently had a friendly conversation with Jim Fenton and is elated that the Green Giant arborvitaes were planted today. She explained that Mr. Fenton also came by to move the oak stumps that had fallen in front of the house. She does have a concern about the watering of these trees and if they will be included on an updated landscaping plan.

In response to a question from Ms. Markowitz, Shawn Nuckolls stated that he is aware that the plantings were made but isn't sure of the details or if these plantings are shown on the plans in this exact location.

Greg Roy stated that these plantings will be included on a sketch for the Town's benefit.

Ms. Markowitz stated that, as these plantings were not brought to the Board ahead of time, these will need to be shown on a landscape drawing and formalized.

In response to a question from Rebecca Verner, Mr. Nuckolls stated that he is not prepared to speak to this item tonight. He is aware that these plantings were drawn in the plan on the bottom of the slope but were instead planted at the top of the slope. He doesn't believe these plantings are in addition to others shown, but possibly just plantings relocated to this spot. He was unaware that Mr. Fenton was going to plant these trees.

Ms. Markowitz asked that the team communicate with Mr. Fenton and come back with an update on these plantings.

Review Decisions

700, 750, & 800 Massachusetts Avenue Site Plan Modification #2

Ms. Markowitz explained that counsel has made a couple of tweaks to the draft modification decision. This decision reflects the clubhouse design that the Board approved. This will memorialize the design. The modifications to the site plan include a slightly larger clubhouse but an overall reduction in impervious area (from 12,000sqft to 8,600sqft).

The Board reviewed the final document with the proposed changes.

Mr. Barbadoro moved to authorize the Chair or Clerk to sign the Site Plan Modification #2 decision, as amended. Ms. Verner seconded. Motion passed unanimously 5-0.

Approval Not Required (ANR) Review

700, 750, & 800 Massachusetts Avenue

Mr. Roy explained that the primary change on this is to accommodate the Department of Environmental Protection Drinking Water Division suggestion that the Zone 1 Radii for the proposed wells must be conveyed and owned by the ultimate end user of the facility, which is to be the Enclave at Boxborough Homeowners Association. Thus, the revised ANR plan expands what was previously shown as "Parcel A" (now entitled "Parcel A1" to avoid confusion) to include the entire zone 1 radii from both wells. Lots 2 and 3 have been reduced in size accordingly.

Ms. Markowitz stated that a letter from Sue Carter, dated September 17, 2020, notes that this ANR appears to have all of the appropriate requirements.

Ms. Carter stated that the ANR is consistent with what Mr. Roy just described. The proposal does not create a new frontage lot.

In response to a question from Mr. Barbadoro, Mr. Nuckolls stated that Lot 1 and Parcel A1 will be conveyed to the condo association, the other lots will be retained by the current owners.

In response to a comment from Ms. Markowitz, Mr. Roy explained that the front page of the plan set shows Lot 1, 2, and 3, and an access easement to the wells. The original intent was to convey the land through an easement. Ms. Markowitz noted that this land may not have been calculated in the total land area. Mr. Roy stated that the land now included on the plan is land-locked, with no frontage, and is not a building lot.

Ms. Carter explained that this modification is not changing the frontage situation, and so is not creating a non-conforming parcel. This was all discussed during the public hearing. This decision simply formalized the various Board discussions during the permitting process.

Mr. Roy stated that none of the proposed infrastructure has been changed from the plans. The wells are still proposed to be in the same place and the water connection to the development is the same. The only change is the rights being conveyed to the condo association through conveyance of land, instead of an easement. He believes that this will actually improve the metrics, based on the increased land area.

In response to a question from Ms. Markowitz, Mr. Roy stated that the access to the wells from Massachusetts Avenue is still through an easement and that won't change.

Mr. Barbadoro moved that the Planning Board endorse the ANR Plan, as approval not required under the rules of subdivision control law, and that the Clerk or Board Chair sign the Plan. Mr. White seconded. Motion passed unanimously, 4-0 (Ms. Verner had exited the meeting for a short period at this time).

7:30 Public Hearing – Continued from August 31, 2020

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

Ms. Markowitz read the legal notice.

In response to a question from Robin Lazarow, Mr. Nuckolls stated that, per the special permit, the proposed sidewalk is required to be completed prior to the 10th certificate of occupancy. If approved, the plan is to start construction right away, for completion hopefully in 2020, or in early 2021.

Mr. White stated that the question is whether the Town wants the sidewalk or not. If not, does the Town want money in lieu of the sidewalk. If it does want money in lieu, is the proposed amount sufficient. He stated that the letters received and discussions heard from residents, seem to indicate that the sidewalk is not desired, especially not on the side of the road it's being proposed on.

Mr. Barbadoro noted that, per the response from Ducharme & Dillis, the applicant is not amenable to building the sidewalk on the other side of the road. He agreed that he would prefer the sidewalk be built on the other side of the street, as mentioned by some residents. He mentioned that Tisbury Meadows residents have also expressed disinterest on having the sidewalk on their property. He believes, after speaking with the DPW Director, that the amount proposed in lieu of is adequate.

Ms. Markowitz explained that the applicant has offered \$35,000 in lieu of building the sidewalk. PLACES Associates has noted a possible adequate offer might be closer to \$46,000.

In response to a question from Ms. Lazarow, Ed Kukkula, DPW Director, stated that the maintenance costs for a proposed sidewalk would be minor for the first few years. The largest cost will be in plowing the sidewalk. It costs about \$100/hour to plow, with a projection of 20-25

hours a winter for plowable storms. In the summer, the main costs would be to cut brush to keep the sidewalk accessible.

In response to a question from Ms. Markowitz, Simon Corson stated that, if the Board accepts the payment in lieu of the sidewalk, the Board could speak with the town accountant regarding placing the money into a fund to be used on other projects in Town.

Mr. Roy noted that, if the Board accepts the payment in lieu of, he believes that the scenic road permit will need to be withdrawn, and a site plan modification will be required with approval to modify a condition (the sidewalk). Mr. Corson agreed that this would require a Site Plan Modification #3

Ms. Markowitz mentioned that the Complete Streets Committee completed a Prioritization of Sidewalks and Infrastructure in 2018. A sidewalk along Stow Road was listed as item 7 out of 20 on that list.

In response to a question from Ms. Markowitz, Mr. Roy explained that Mr. Fenton believes the cost to him to build the sidewalk would be about \$25,000. He is offering the \$35,000 because he believes it would cost the Town a bit more than it would cost him to build it.

Mr. Roy stated that he would like the Board to take a straw vote on the payment in lieu of item before he withdraws the Scenic Road Permit request and proceeds with the Site Plan Modification #3.

Ms. Lazarow stated that she would prefer the payment in lieu of and is not inclined to make a decision about earmarking the funds to be used to construct a sidewalk across the street from the proposed sidewalk.

Mr. Barbadoro agreed; he also noted that the DPW Director has mentioned not being fond of maintaining an asphalt sidewalk on that side of the street. Mr. Barbadoro stated that he believes the payment in lieu of may have adequate funding to create a concrete sidewalk. He would rather see a proper sidewalk created, even if it is a shorter length.

Ms. Verner stated that she would prefer a payment in lieu of and is not comfortable allocating where those funds will be used.

Mr. White stated that he would prefer a payment in lieu of and is not comfortable designating where those funds will be used.

Ms. Markowitz stated she would prefer a payment in lieu of and is not comfortable designating where those funds will be used.

The straw vote was unanimous, 5-0, that the Board would prefer payment in lieu of building the proposed sidewalk along Stow Road.

Ms. Lazarow moved to continue the 700, 750, & 800 Massachusetts Avenue – Scenic Road, Public Shade Tree, and Stone Wall Application to October 5, 2020 at 7:30pm via Zoom. Ms. Verner seconded. Motion passed unanimously, 5-0.

7:40 Public Hearing – 1172 Hill Road

Scenic Road, Public Shade Tree, and Stone Wall Application

Ms. Markowitz read the legal notice. She explained that the applicant has requested a continuance to October 5, 2020.

Mr. White moved to continue this public hearing for 1172 Hill Road: Scenic Road, Public Shade Tree, and Stone Wall Application to October 5, 2020, at 8pm via Zoom. Ms. Lazarow seconded. Motion passed unanimously, 5-0.

Administrative Business:

Meeting Minutes

Ms. Lazarow moved to approve the meeting minutes of August 31, 2020, as amended. Mr. White seconded. Motion passed unanimously, 5-0.

Correspondence and New Business (if any)

Ms. Markowitz stated that the Board received correspondence from Keith and Magdalena Lyons, 591 Burroughs Road.

Town Center/Enclave Project

Mr. Corson stated that the current site work includes stockpiling, the building pad, and entryway paving. Post-paving, there is an increase in runoff expected, so the contractor plans to utilize berms to aid in sediment control.

In response to a question from Ms. Markowitz, Mr. Corson explained that the sediment controls are small tweaks to the site plans. The final paving will occur after winter.

In response to a question from Ms. Lazarow, Mr. Corson stated that he would consult with Bill Murray, of PLACES Associates, to discuss the Giant Green arborvitaes that were planted at the top of the berm, as previously discussed. He explained that Mr. Roy and Mr. Nuckolls noted that this was a spur of the moment planting and so must be further followed up on. There will need to also be a discussion regarding irrigation for these plantings.

Ms. Markowitz asked the Board their thoughts on the fence along the access road. The Board previously discussed that this was not built as it was shown in the drawings.

Mr. Barbadoro stated that he believes the fence looks okay, but if it isn't consistent with what the Design Review Board recommended then there may be an issue. He stated that he would like to see something from the Design Review Board to say that a change is warranted.

Ms. Verner stated that the Design Review Board submitted a response regarding the fence to the Planning Board that highlights their concerns. She explained that the Design Review Board was provided with a precedent image prior to construction, but not a detailed image. This precedent image was reviewed and approved, but what was constructed was different from the image.

Mr. Corson noted that a resolution on this already built fence is up to the Building Inspector. He is unsure if the Building Inspector has reviewed this item yet.

Mr. Barbadoro noted that this appears to be a Zoning issue. He would like to see something that says that the constructed fence is inconsistent with the decision of the Design Review Board.

Ms. Verner showed the Board the correspondence the Design Review Board had regarding their concerns with the design of the fence. She showed a picture of the fence that was proposed to be built. The Design Review Board originally suggested a change of materials to natural wood, and then approved the fence based on the precedent image.

Mr. Barbadoro stated that the fence was clearly not built as presented in the precedent image. He suggested that this be broached with Mr. Nuckolls at the next meeting. The Board agreed that the Town Planner and Ms. Markowitz would contact Mr. Nuckolls to discuss these concerns.

Zoning Bylaw Audit

Mr. Corson stated that this audit is in Phase I, with a review of the existing bylaw. He believes that the audit will be into Phase II by the next Board meeting. During this phase, Town Staff and Planning Board members will be interviewed. The audit's end date is the end of November.

Planning Board Training – nothing to report

Solar Bylaw Technical Assistance Program

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

Ms. Verner stated that Solar Bylaws from surrounding towns have been pulled together for review. The results will be reviewed with the Board at its October 19, 2020, meeting.

Planning Board Rules & Regulations

Mr. Corson stated that he will use the Town of Shirley Rules and Regulations document and adapt it for the Town of Boxborough.

Municipal Vulnerability Preparedness Project Grant:

Mr. Corson stated that this grant is good preparation for the MVP Action Grant. The final component to this grant is a community-wide workshop. It is important right now to encourage the public to attend the UMASS Committee feedback session: this Thursday, and October 3rd, which is why this community-wide workshop is being held off for now. He is trying to put space between these two workshops and the grant workshop.

Housing Choice Administrative Bill

There has been no activity on this in State legislation. This is an item for the Board to consider in the future.

Memorandum of Understanding (MOU) with Select Board

Mr. White and Mr. Barbadoro will have a meeting on this topic tomorrow night.

MassDevelopment Technical Assistance Grant

In response to a question from Mr. Barbadoro, Mr. Corson stated that the purpose of this grant is for a market study for the CISCO Campus. It will examine the uses desired along the Route 495 corridor, in order to compliment the work done by the UMASS study. If this grant is awarded to the Town, it will be managed by the Town Administrator's Office.

Mr. Barbadoro stated that the Economic Development Committee and the Planning Board had no interest in pursuing this grant.

Mr. White stated that he would like to know the outcome of the UMASS study before pursuing this grant.

Ms. Markowitz stated that this grant feels duplicative, as the UMASS study was supposed to be a market study.

Mr. Barbadoro addressed a statement in the grant application from Town Administrator Ryan Ferrara. He stated that he believes there is a communication problem between the Town Administrator and the Planning Board. He doesn't believe Mr. Ferrara asked the Planning Board if it was ready to work on the Master Plan.

Mr. White suggested that this be brought up during the MOU meeting with the Select Board representative tomorrow night.

Committee Reports:

Community Preservation Committee

Ms. Lazarow stated that this group met on September 3, 2020. It approved a contribution to a State fund. They discussed some anticipated projects, including: Conservation Commission,

Recreation Committee – Liberty Field improvements, BRAP: Housing Assistance Rental Program, and the Housing Trust Fund.

In response to a question from Ms. Markowitz, Ms. Lazarow stated that she would ask if the Planning Board has ever requested funds.

Design Review Board - nothing to report.

Economic Development Committee

Mr. White stated that this group will meet tomorrow night. The UMASS Committee feedback sessions will happen this Thursday at 6pm, and October 3rd at 9:30am. Interested parties can sign up for these sessions online.

MAGIC Representative

Ms. Markowitz stated that, at the last meeting, the group voted for their officers and discussed special assessment funding of about \$21,000 to support towns during the pandemic. A survey has been sent out to discuss how to spend these funds. The group also sent a survey about CPTC training.

Water Resources – nothing to report

LELWD Small Cell Committee

Ms. Markowitz stated she met with Dave Ketchen from Littleton Electric. If there are any comments about the guidelines from Dave, the Board is still able to comment on them. The Board also needs to discuss if they need a general bylaw, regarding small cell facilities within the public rights of way that are not on Littleton Electric poles, and/or a zoning bylaw, to address aesthetics of facilities also within the public right of way. The advice from KP Law, is that the Town consider a general bylaw and a zoning change to approve these under Limited Site Plan Review. KP Law can work to draft both of these items for the Board.

Planning Board Goals:

Funding – TAP Grants and Other Grant Opportunities

Ms. Markowitz stated that the Board can form a working group for planning on these grants. She will look for potential other funding sources.

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

- November 9, 2020 Joint Meeting with Select Board

Mr. Corson stated that he will send out an email to the Boards/Committees on this. Ms. Markowitz stated that the Planning Board should also take a look at which items it is the lead on.

Mr. White moved to adjourn. Seconded by Mr. Barbadoro. Motion passed unanimously 5-0 at 9:24 PM.

Meeting Documents

Meeting Minutes August 31, 2020

Ducharme & Dillis – Memo & Revised ANR Plan – September 17, 2020

SITE PLAN APPROVAL MODIFICATION #2 BOXBOROUGH TOWN CENTER, LLC
700, 750, & 800 Massachusetts Avenue – September 15, 2020

Littleton Electric Light Department - Technical and Aesthetic Standards for Small Cell Siting document

Town Administrator Ferrara memo to MassDevelopment re: Subject: Support for Real Estate Technical Assistance Program – August 28, 2020

- Including: Eligibility requirements and the MassDevelopment Technical Assistance FY21 Proposal

Town of Shirley, Planning Board Rules & Regulations – Final Draft July 24, 2019

Ducharme & Dillis – Memo re: Response to Planning Board Memorandum & Tisbury Meadow Condominium Association, Enclave at Boxborough, Boxborough, MA – September 17, 2020

PLACES Associates Memo re: Enclave Review ANR Plan – September 17, 2020

Correspondence from Keith & Magdalena Lyons

Hancock Associates Memo re: 1172 Hill Road Scenic Road Permit, Public Shade Tree Removal & Stone Wall Removal or Alteration Application – August 14, 2020

Stone Wall Removal or Alteration Application – 1172 Hill Road

Scenic Road Requirements document

Request for Abutters – 1172 Hill Road

LEGAL NOTICE OF PUBLIC HEARING: Town of Boxborough, Planning Board – Scenic Road Permit, Public Shade Tree Removal, & Stone Wall Alteration Application

Hancock Associates Memo re: 1172 Hill Road, Boxborough, MA Planning Board Meeting Continuance - September 21, 2020

PLACES Associates Memo re: Sidewalk payment in lieu of construction – Enclave Stow Road Sidewalk, Project No. 5249 – September 21, 2020

This meeting was conducted via Remote Participation, pursuant to the Current Executive Order.

Zoom Access Protocols

Join Zoom Meeting <https://us02web.zoom.us/j/84433770468>

Meeting ID: 844 3377 0468

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