



10/27/83

TOWN OF BOXBOROUGH, MASSACHUSETTS
PLANNING BOARD

SPECIAL PERMIT FOR SITE PLAN APPROVAL FOR: Gerald Hines Development Boston, Ltd.
27 State Street
Boston, Massachusetts 02109

DECISION: #83-6

Reference: Decision: 82-3 dated December 23, 1982, Amended January 31, 1983

IN BEHALF OF: Nippon Electric Company

Pursuant to notice published in the June 23 and 30, 1983 editions of the Assabet Valley Beacon, a public hearing was held on July 19, 1983 and continued to August 10, 1983 to consider the application of Gerald Hines Development Boston, Ltd. for:

- A. Mezzanine: Add 11,000 square feet of mezzanine floor area for office use in the building under construction at 1414 Massachusetts Avenue, Boxborough, Mass., and
- B. Add 59 new parking stalls and reduce the size of certain parking stalls to 8-1/2 ft. by 19', and
- C. Amend the plans filed with the site plan approval granted in Case #82-3 to reflect the above changes, and
- D. Modification of the proposed access onto Massachusetts Avenue.

Present at the July 19, 1983 hearing were Planning Board Members: Kathleen Vorce, Joan Huntley, Denise Stuart, Ann Brandon and Secretary Patricia White.

Present on behalf of the applicant were: John J. Graves of N.E.C.I.S., Attorneys John Griffin, Marty Healy and Steven Mastrovich of Rackemann, Sawyer & Brewster, Paul Messina of Gerald Hines Development Boston, Ltd., Charles Kalasuskas of Boston Survey Consultants.

Present at the August 10, 1983 hearing were Planning Board Members: Kathleen Vorce, Denise Stuart and Joan Huntley.

Present on behalf of the applicant were: John J. Graves of N.E.C.I.S., Attorneys John Griffin, Steven Mastrovich and Marty Healy of Rackemann, Sawyer & Brewster, Paul Messina of Gerald Hines Development Boston, Ltd., Charles Kalasuskas of Boston Survey Consultants.

The record compiled for this special permit upon which the deliberations of the Planning Board were based is as follows:

Exhibit A: Red book filing entitled "Special Permit Application Boxborough Planning Board filed May 12, 1983 which includes:

1. Application for a special permit for site plan approval and its respective fee.
2. Letter sent from Virginia Richardson, Town Clerk, dated October 20, 1982 stating that 20 days have elapsed since Decision 82-3 was filed with her and no appeals have been received.
3. Conservation Commission, Order of Conditions dated September 15, 1982.
4. Copy of Planning Board Decision 82-3.
5. Board of Appeals Application dated May 12, 1983 for special permit and variance.
6. Plans: "2nd Floor Revised Floor Layouts, N.E.C. Information Systems, Inc. dated February 8, 1983, last revised April 29, 1983, scale 1/8" = 1', Plan Number R22, drawn by Drummey Rosane Anderson, Inc. and labeled Exhibit A-1."
"Site Layout Plan, N.E.C. Information Systems, Inc., dated March 17, 1983, scale 1" = 40', Plan Number L-5a, drawn by Drummey Rosane Anderson, Inc. and labeled as Exhibit A-2."

Exhibit B: Copy of Legal Notice of Public Hearing.

Exhibit C: Letter to the Planning Board from Rackemann, Sawyer & Brewster dated July 19, 1983 and signed by John J. Griffin, Jr. addressing the May 12, 1983 application to the Planning Board for site plan approval.

Exhibit D: Letter to the Board of Appeals dated June 16, 1983 from Rackemann, Sawyer & Brewster addressing the May 12, 1983 Board of Appeals application (letter is not signed) with study.

Exhibit E: Plan #L-14 dated July 18, 1983, drawn by W. A. L. at a scale of 1" = 40' entitled, "Entry Roadway Layout, Grading & Drainage".

Exhibit F: Letter to the Planning Board dated July 19, 1983 from Rackemann, Sawyer & Brewster addressing Condition #8 in the Planning Board's January 31, 1983 Amendment of its Special Permit Site Plan Approval dated December 23, 1982.

Exhibit G: Letter to Planning Board from Fay, Spofford & Thorndike, Inc. Engineers dated June 6, 1983 with subject matter entitled, "NECIS Alternative IV Site Plan Traffic Review".

- Exhibit H: Letter to the Planning Board from Fay, Spofford & Thorndike, Inc. Engineers dated June 20, 1983 with subject matter entitled, "NECIS Alternative IV Site Plan Signing".
- Exhibit I: Letter addressed to the Planning Board dated August 10, 1983 from Rackemann, Sawyer & Brewster signed by John Griffin in behalf of Gerald Hines Development Boston, Ltd. for the purpose of 1. amending Hines' application to the Planning Board for site plan approval dated May 12, 1983; 2. responding to certain concerns raised at the Planning Board hearing of July 19, 1983, with respect to the Hines application; and 3. setting forth a modification to the proposed traffic solution.
- Exhibit J: Copy of a memorandum to Paul Messina, Hines Industrial from BSC-Robinson & Fox dated August 10, 1983 initialed by Charles Kalasuskas, P.E. with subject matter "Revised Access Plan for NECIS, Boxborough".
- Exhibit K: Board of Appeals Decision dated July 21, 1983, File #83-4.
- Exhibit L: Letter to the Planning Board from Fay, Spofford & Thorndike, Inc. Engineers dated October 25, 1983 with subject matter "Nippon Electric Company Access Proposals".

The record of the proceedings and submissions upon which this permit is based are in the office of the Town Clerk, filed under Gerald Hines Development Boston, Ltd. in behalf of Nippon Electric Company, Planning Board Decision 83-6.

After due consideration of the application, the record of the proceedings and the exhibits, the Board makes the following findings of fact:

1. That approximately half of the additional 11,000 sq. ft. of mezzanine will contain a mail room, storage area for literature, dead storage area, small library and computer room comprised of equipment to be used as a resource for persons already located elsewhere in the building and conference room. In the other half there will be "landscaped open office" initially for approximately 25 persons which will be located over the warehouse/assembly area and will:
 - A. Cause no exterior change to the configuration of the footprint of the building.
 - B. Cause no exterior change to the landscaping, pavement or other features approved earlier in Decision 82-3.
 - C. Require 59 additional parking spaces.
2. That area adequate for 59 additional spaces will be set aside in accordance with a Board of Appeals Decision dated July 21, 1983, File #83-4 for future expansion of the pavement if appropriate. Variance of stall size from the 10' by 20' required by the zoning by-law has not been granted by the Zoning Board of Appeals and this Board is without authority to override that decision.

3. That relying upon representations of the applicant the septic system as designed can accommodate the additional effluent generated by an additional 25 to 100 employees.
4. That there will be no increase in pavement for parking, therefore no increased run-off, so that the detention pond as designed should handle the run-off.
5. That the initial number of employees anticipated is twenty-five (25), but with a potential of up to 100 employees, traffic considerations for Alternative III should be anticipated.
6. That regarding access to and from the site, traffic volumes and flow, stacking for turns and potentially conflicting vehicular movements as projected for this area of Mass. Ave./Route 111 in Boxborough requires comprehensive, coordinated planning. That the Planning Board has determined upon the presently known facts that Alternative III is the best long-range planning alternative.

After discussion and deliberation:

The Planning Board on October 27, 1983 VOTED UNANIMOUSLY to grant a Special Permit for construction of an 11,000 square foot mezzanine, according to Exhibit A-1, Plan R-22, Second Floor Revised Floor Layouts, N.E.C. Information Systems, Inc., dated February 8, 1983, last revised April 29, 1983, by Drummeey Rosane Anderson, Inc., provided that to test the assumptions relied upon regarding adequacy of the septic system, three (3) test wells be provided and maintained, according to Appendix "A" attached, the cost of testing to be borne by the applicant as contained therein.

The Planning Board on October 27, 1983 VOTED UNANIMOUSLY to modify its Special Permit recorded as Decision #82-3, amended January 31, 1983, to provide for: Reduction of the required number of parking spaces from 500 to 445 in accordance with the Board of Appeals decision dated July 21, 1983, File #83-4, provided that the conditions of that permit are adhered to by the applicant, and further provided that when such spaces may be paved, site plans and engineering calculations therefor shall be submitted to the Planning Board for review and approval, as a part of the continuing administration of the permit issuing from the said Decision #82-3.

The Planning Board on October 27, 1983 VOTED UNANIMOUSLY to deny a Special Permit for modification of access onto Mass. Ave./Route 111.

The applicant by acceptance of this Special Permit and recording hereof acknowledges the binding effect of the conditions of this permit. Within fourteen (14) days of receipt of any occupancy permit the applicant shall present evidence of recording of this permit in the appropriate Registry of Deeds.

This Special Permit shall be personal to the applicant, Gerald Hines Development Boston, Ltd., for the use of Nippon Electric Company Information Systems, Inc. and to the entity that may acquire the property and lease it to Nippon Electric Company Information Systems, Inc. However, this Special Permit shall NOT run with the land.

The foregoing conditions have been spelled out for the purpose of emphasizing their importance, but are not intended to be all inclusive or to negate the remainder of the Boxborough Zoning By-Law.

Under the provisions of the Boxborough Zoning By-Law, Section 7.4.5., the Board shall have the power to modify, amend or rescind the terms and conditions of this Special Permit.

WITNESS our hands this 27 day of October, 1983.

BOXBOROUGH PLANNING BOARD:

Denise M. Stuart
DENISE STUART, Chairperson

Kathleen A. Vorce
KATHLEEN VORCE, Clerk

Joan Huntley
JOAN HUNTLEY, Member

Ann Brandon
ANN BRANDON, Member

I certify that this is a true copy
Received:

Virginia B. Richardson
VIRGINIA B. RICHARDSON, Town Clerk

Date: November 4, 1983

Appeals, if any, shall be made pursuant to Section 17 of MGL, Ch. 40A, and shall be filed within twenty (20) days of filing of the above-referenced decision with the Town Clerk.

Registered in the Middlesex Registry of Deeds on:

Book: Page:

APPENDIX "A"

The permit holder will pay for the following tests on water samples to be taken from the three installed monitoring wells (See Sheet #8, Subsurface Sewage Disposal System, August 18, 1982 by Dana F. Perkins & Associates, Inc.) except as otherwise provided.

The purpose of the testing is to establish the characteristics of the groundwater before the system is put into operation and to monitor the characteristics after the system is operating. The values will be used to check the assumption made by Boston Survey Consultants concerning waste-water purity.

The samples will be taken by an agent of a qualified testing laboratory. The Planning Board will take responsibility for choosing a laboratory and the results shall be reported to the Board. The first set of samples will be taken before the system receives sewage. The second set of samples will be taken after 300 or more employees are on site. Third set of samples will be taken between six and eight months after the second set. Testing of any additional sets of samples will be paid for by the Town of Boxborough provided however that should results of any test indicate unsafe conditions, such testing and tests as shall subsequently be required by the Planning Board shall be paid for by the permit holder.

The schedule of sampling is given in Table 1. The monitoring wells shall be maintained for future sampling.

TABLE 1:

<u>Laboratory Test</u>	<u>Sampling of N.E.C. Leaching Field Effluent</u>		
	<u>Well Designation</u>		
	<u>271*</u> <u>Test Pit #9</u> <u>1</u>	<u>261</u> <u>Test Pit #11</u> <u>3</u>	<u>266</u> <u>Test Pit #8</u> <u>1</u>
Total Nitrate & Nitrate Nitrogen	a x	x	x
Ammonium Nitrogen	x ^a	x	x
Total Phosphorous	x ^a	x	x
Total Organic Halide	x ^a	x	x

a: Not to be done in the first set of tests.

x: In leaching bed.