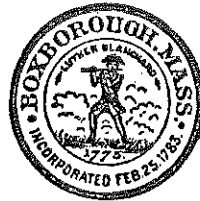


9/3/87



TOWN OF BOXBOROUGH
PLANNING BOARD

SITE PLAN DECISION #87-20

LOCATION OF PROPERTY: 1414 Massachusetts Avenue, Boxborough, MA
APPLICANT: Nippon Electric Company Information Systems
TO CONSTRUCT: A 106,420 Square Foot Addition to the existing 170,800±
Square Foot Building and 337 - 10 x 20 Parking Spaces.

Pursuant to notice published in the June 4 and 11, 1987 editions of the As-sabet Valley Beacon, a public hearing was held on June 23, 1987 to consider construction of a 106,420 square foot addition and an additional 337 parking spaces on a site containing a total of 66 acres as zoned Office Park District.

Boxborough Planning Board members present at the hearing were: Joan Huntley, John Keaney, William Long, Gust Lindgren. These members were present throughout the proceedings.

Present for the applicant were: Gerry Ruane, Gerry Brittle, John Fitzgerald, Owen Peinhauer, Alyson Burleigh, David Bramley, Scot Doty, John Griffin, Michael Abend.

After causing notice of the time and place of its public hearing and of the subject matter thereof to be published, posted and mailed to the applicant, abutters and other parties in interest as required by law, the hearing was called to order at 8:35 P.M. on June 23, 1987. This matter was taken under advisement and the proceedings closed by unanimous vote of the Board on June 23, 1987.

Submitted for the Board's deliberation prior to the close of the hearing were the following exhibits:

- Exhibit A: Legal Notice of Public Hearing.
- B: Certified List of Abutters
- C-1: May 22, 1987 Site Plan Application Book Submission as prepared by Beals & Thomas, Inc.
- C-2: Plan of land showing the proposed addition as prepared by Beals & Thomas for NEC Information Systems, Inc. (7 Pages) dated 4/1/87 Notice of Intent Submission, 5/22/87 Planning Board Submission.
- D: Letter to Beals & Thomas from the Boxborough Board of Health dated April 2, 1987 recommending that an application for septic system be made and the new information submitted for approval.
- E: Conservation Commission Order of Conditions dated May 6, 1987.
- F: Memo of plan review by Warren Morse dated June 1, 1987.
- G: Engineering review done for the Planning Board by Westcott Site Services dated June 26, 1987.
- H: Report of Hydraulic Calculations as prepared by Beals and Thomas, Inc. dated Revised June 23, 1987.
- I: Grading, Drainage, Utilities and Erosion Control Plan, L-4 dated June 23, 1987 as certified by Scot Doty of Beals and Thomas, Inc.

The Board met to deliberate on the proceedings on September 1, 1987. After due consideration of the application, the record of proceedings and the exhibits the Board makes the following findings:

1. That the proposed 106,420 square foot addition is to be used in the following manner: 50,060 gsf for office, 46,700 gsf for light assembly, 6,300 gsf for mechanical room, 3,360 gsf for employee lobby. The mechanical space has been placed on the perimeter of the building to allow no interruption of the internal space and is to be one-story only, with no additional building construction above this mechanical room.
2. That traffic access for this site will continue to be shared with the Boxborough Sheraton Inn.
3. That the additional parking for this facility will be 337 new spaces making the total parking for this facility 787 spaces. 70 visitor parking spaces are to be located in front of the building and the number of employees has been limited to 717 persons by the Sewage Disposal Construction Works Permit.
4. That the existing loading bay with its 7 spaces will continue to serve this facility.
5. That landscaping proposed will include a Japanese Pebble Garden, Picnic Area for employees, and additional shrubbery. Shade trees will be added between the islands of parking.
6. That the drainage system has been incorporated into the existing drainage systems with changes made subsequent to the Conservation Commission approval.
7. That the traffic increase generated by this addition will result in 179 morning peak hour trips and 162 evening peak hour trips per day.
8. That the proposed lighting will be bronze anodized luminaires with mercury vapor lamps similar to that existing which are: 400-watt mercury vapor lamps on the light poles and 250-watt mercury vapor lights in the bollards.
9. That the results of the monitoring well sampling have not satisfied the Water Resources Commission, and that additional sampling will be required.

THEREFORE, on September 1, 1987 the Board VOTED TO GRANT the above request for special permit subject to the following conditions:

1. That the petitioner shall provide additional monitoring wells as required by the Board of Health. Costs for testing and construction to be assumed by the petitioner.
2. The revised drainage plans shall be submitted to and approved by the Conservation Commission.

3. Traffic Study Agreement: The applicant will participate in a study of the traffic conditions on Route 111 if deemed appropriate by the Board of Selectmen or its designated agent. The petitioner will share the cost of such a study on a pro rata basis with the other participants identified by the Board of Selectmen. Written agreement with this condition must be received by the Board of Selectmen before a building permit is issued and before any construction is started on this site.

4. The method of stumpage disposal must be identified prior to the commencement of any construction. If on-site stump disposal is to be used then M.G.L. Chapter 111, Section 150A must be complied with.

5. If Earth Removal is necessary, the applicant shall comply with the Earth Removal By-Law. The hauling of earth materials from the site shall be limited to weekdays between 9:00 A.M. and 4:00 P.M.

6. The applicant shall maintain an up-to-date hazardous material plan for this site on file with the Board of Health. Such plan shall include a listing of all hazardous materials in use or storage at the site, and for each material shall list probable maximum monthly use. The probable maximum amount stored at the site and method and location of storage, the manner of delivery or generation of such materials, the method of disposal of such materials, and the plan of action to be followed in the event of a spill, discharge, or other disposal of such material not in accord with the planned method of disposal. Hazardous materials shall not be stored underground. Such plans must specify that the financial burden and responsibility for any clean-up required of such hazardous materials shall be jointly and severally the responsibility of the applicant and the tenants (if different). If the Board of Health notifies the applicant within 60 days of receiving a new or modified hazardous material plan that the plan for specified materials is unacceptable, then the applicant and tenants shall not use or store such specified materials at the site pursuant to the new or modified plan, as the case may be, until it is accepted in writing by the Board of Health. The applicant shall include clauses in the lease of any and every tenant sufficient to assure compliance with all parts of this condition, and all hazardous materials plans must be signed by both the applicant and the tenant(s).

6.1 The owner(s) shall inform the Board of Health as soon as possible but not later than 24 hours of any accidental discharge or spillage of hazardous material.

6.2 In all areas where hazardous materials are stored or handled, the owner shall prominently post a notice that references the hazardous material plan; indicate where within the facility copies can be obtained and state that employees must transport, handle, store, and dispose of hazardous materials in accordance with such plan.

6.3 A hazardous material is any substance or combination of substances which because of quantity, concentration, or physical, chemical, or infectious characteristics poses in the Board of Health's judgement a substantial present or potential hazard to the human health, safety, or welfare, or to the environment, when improperly treated, stored, transported, used, disposed of, or otherwise managed. Hazardous materials include, but are not necessarily limited to, all substances controlled by 40 CFR Parts 117 and 302, as authorized by the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 USC 9601 et seq.).

6.4 The total quantity of any hazardous material stored, used, generated, and otherwise present on the premises at any time shall not exceed the reportable quantity for such substance (that is, the minimum quantity the release of which into the environments must be reported) as set forth in 40 CFR Parts 117 and 302.

7. Groundwater Monitoring: Water samples from all monitoring wells shall be collected and tested prior to occupancy, at approximately 80% of full occupancy, and twice per year thereafter. The Town will arrange for all such sampling and testing, and the owner shall reimburse the Town's cost thereof. Additional sampling and testing will be at the Town's expense. If any tests identify prohibited substances or excessive levels of hazardous materials, then the owner shall reimburse the Town for the cost of all follow-up sampling and testing. Monitoring wells shall be constructed as shown on Attachment A.

All groundwater samples shall be tested for the substances listed below:

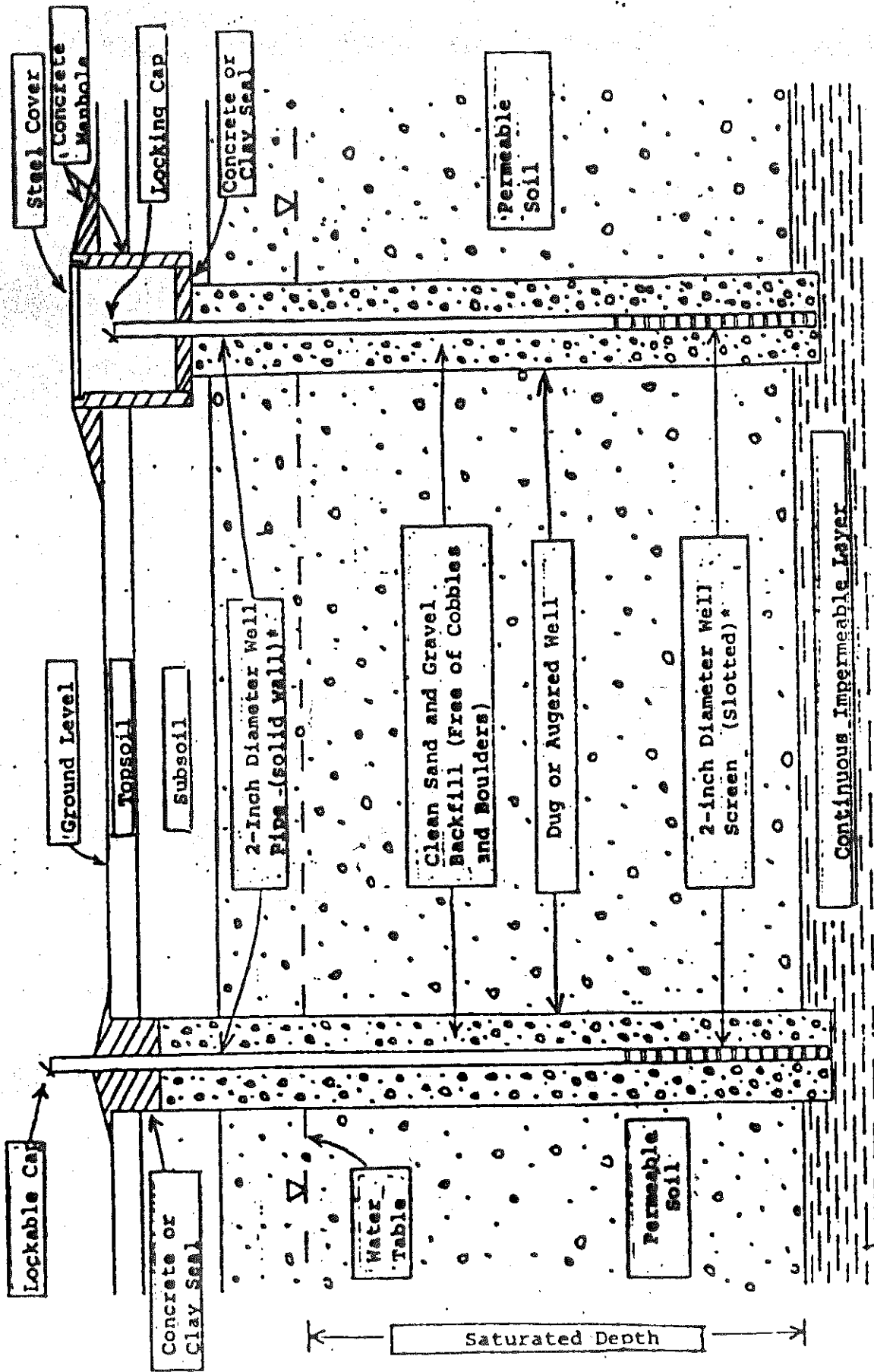
Analysis of Monitoring Well Samples (Test Parameters and Substances):

- pH
- Conductivity
- Positive Ions
 - Magnesium
 - Calcium
 - Iron
 - Manganese
 - Sodium
 - Potassium
- Negative Ions
 - Alkalinity
 - Chloride
 - Sulfate
- Heavy Metals
 - Arsenic
 - Cadmium
 - Lead
 - Chromium
 - Mercury
 - Barium
 - Selenium
 - Silver
- Total Nitrate + Nitrite Nitrogen
- Ammonium Nitrogen
- Halogenated and aromatic hydrocarbon pollutants as specified by EPA Method 624 (38 chemicals)

The applicant shall meet with the Water Resources Commission to ensure that all monitoring well testing has been satisfied.

ATTACHMENT "A"

MONITORING WELLS FOR SEWAGE LEACHING FACILITIES



*Pipe and screen shall be stainless steel or Schedule 40 PVC with threaded couplings; screen shall extend to base of permeable soil and shall encompass at least the bottom one-third of the saturated depth.

8. Upon completion of construction but prior to occupancy of the addition of the site, any outdoor lighting shown on the plan and intended to be installed shall be inspected by the building inspector to determine the compliance of said facility with the zoning by-law. Should any of the lighting fail to comply, modification of same shall be at the expense of the petitioner.

9. This addition shall not be occupied or used, and no activity, except the construction activity authorized by this permit, shall be conducted on the site until a Certificate of Use and Occupancy has been issued by the Building Inspector.

The authority granted to the applicant by this permit is limited as follows:

APPLICABILITY OF PERMIT: This permit applies only to the site which is the subject of this applicant. All construction to be conducted on the site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements shown on the Plan.

OTHER PERMITS OR APPROVALS: This decision applies only to the requested Special Permit. Other permits or approvals required by the Boxborough Zoning By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.

SIGNS: No approval of any indicated signs or advertising devices is implied by this decision.

BY-LAW COMPLIANCE: The foregoing conditions are stated 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.

AMENDMENT OF PERMIT: The Board hereby reserves its powers to modify or amend the terms and conditions of this special permit upon its own motion or on the application of the owner, leasee, or mortgagee of the premises. The Board further reserves its powers to amend this permit without a new public hearing provided the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the By-Law or with the terms of this permit.

This Site Plan Special Permit shall lapse on September 4, 1989 if a substantial use thereof has not sooner commenced except for good cause or if construction has not begun by said date except for good cause. Any request for an extension of the time limitation set forth herein shall be made in writing to the Board at least 30 days prior to September 4, 1989 and the Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant any extension as herein provided unless it finds that the use of the property in question or construction on the site has not begun except for good cause.

The applicant by acceptance of this special permit and recording hereof acknowledges the binding effect of the conditions of this permit. Proof of recording shall be submitted to the Planning Board prior to issuance of any building permit.

As built plans certified by a registered surveyor or professional engineer setting forth the status of construction and noting compliance with the approved site plans addressed herein including the location, area and depth at which are buried stumps, debris or boulders, location of all utilities and siting of monitoring wells shall be submitted to the Planning Board which must approve said submission before an Occupancy Permit may be issued by the Inspector of Buildings.

Appeals: Any person aggrieved by this decision may appeal pursuant to the General Laws, Chapter 40A, Section 17 within 20 days after the filing of this decision with the Boxborough Town Clerk.

WITNESS our hands this 3rd day of SEPTEMBER, 1987.

BOXBOROUGH PLANNING BOARD:

Joan Huntley
JOAN HUNTLEY, CHAIRMAN
William Long
WILLIAM LONG, MEMBER

Gust Lindgren
GUST LINDGREN, CLERK
John P. Keaney
JOHN P. KEANEY, MEMBER

I, Virginia B. Richardson hereby certify that this a true copy of
VIRGINIA B. RICHARDSON
the decision of the Planning Board.

September 4 1987
Date Filed with Town Clerk

To Whom It May Concern: This is to certify that the 20 day appeal period on the decision of Nippon Electric Company Information Systems has passed and there have been no appeals made to this office.

Town Clerk

Date