

5/12/87

TOWN OF BOXBOROUGH  
PLANNING BOARD

AMENDMENT TO SPECIAL PERMIT FOR SITE PLAN APPROVAL FOR: Nippon Electric Company  
Information Systems  
1414 Mass. Ave.  
Boxborough, MA 01719

DECISION #82-3

OWNER OF THE PROPERTY: NEC.

The purpose of the hearing is to modify the existing permit to address the use of hazardous materials and monitoring wells for same.

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 petitioner and abutters, Board of Selectmen, Board of Health, Inspector of Buildings, Conservation Commission and Town Clerk as required by law, Richard Scarlet, Chairman of the Planning Board, called the hearing to order at 8:15 P.M. Planning Board Members Richard Scarlet, Joan Huntley, Steven Salemi, William Long were present throughout the proceedings.

The following were rendered as exhibits:

- Exhibit A: Legal notice of public hearing.
- B: Language proposed by the Board of Health and Water Resources Commission and supporting documentation for same.
- C: Language as proposed by Botech Limited Partnership.
- D: Environmental Protection Agency Listing of Reportable Quantities.
- E: Language prepared by the Board of Health to include new listing of chemicals to be monitored as revised March 11, 1987.
- F: List of chemicals to be monitored by the Board of Health for site plan permits.
- G: Letter to the Planning Board from Littleton Water Department dated March 10, 1987 as signed by Savas Danos giving monitoring well recommendations.
- H: Language and monitoring well process as compiled and submitted by George Krusen of the Water Resources Commission.

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- Exhibit I: Recommendation of George Lohrer of Programmed Test Sources requesting criteria for considering hazardous materials be flexible enough to consider additional materials outside of this EPA list.
- J: Letter to the Planning Board (Richard Scarlet) dated February 25, 1987 as signed by Daniel A. Taylor indicating that the number of tenants in the Botech I building (155 Swanson Rd.) be also considered.
- K: Special Permit Application information as submitted by Botech I Limited Partnership dated December 19, 1986.
- L: The legal notice of public hearing reflecting the hearing continuation date as posted with the Town Clerk and the Town Bulletin Board.

After due consideration of the record of proceedings and the exhibits, the Board UNANIMOUSLY VOTED TO AMEND the Special Permit as follows:

1. Delete Condition #3 which presently reads:

"That to ensure the health and safety of occupants and the public, activities using or generating noxious and/or toxic chemicals are prohibited. The financial burden and responsibility for care and immediate clean-up of any pollutant spills shall be jointly and severally the responsibility of the occupant and the owner (if different)., and substitute therefor:

3. 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 tenants.

3.1 The owners 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.

3.2 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.

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3.3 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.).

3.4 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., and

and by amending Appendix "A" and substituting therefor the following

Groundwater Monitoring

1. 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.

2. 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

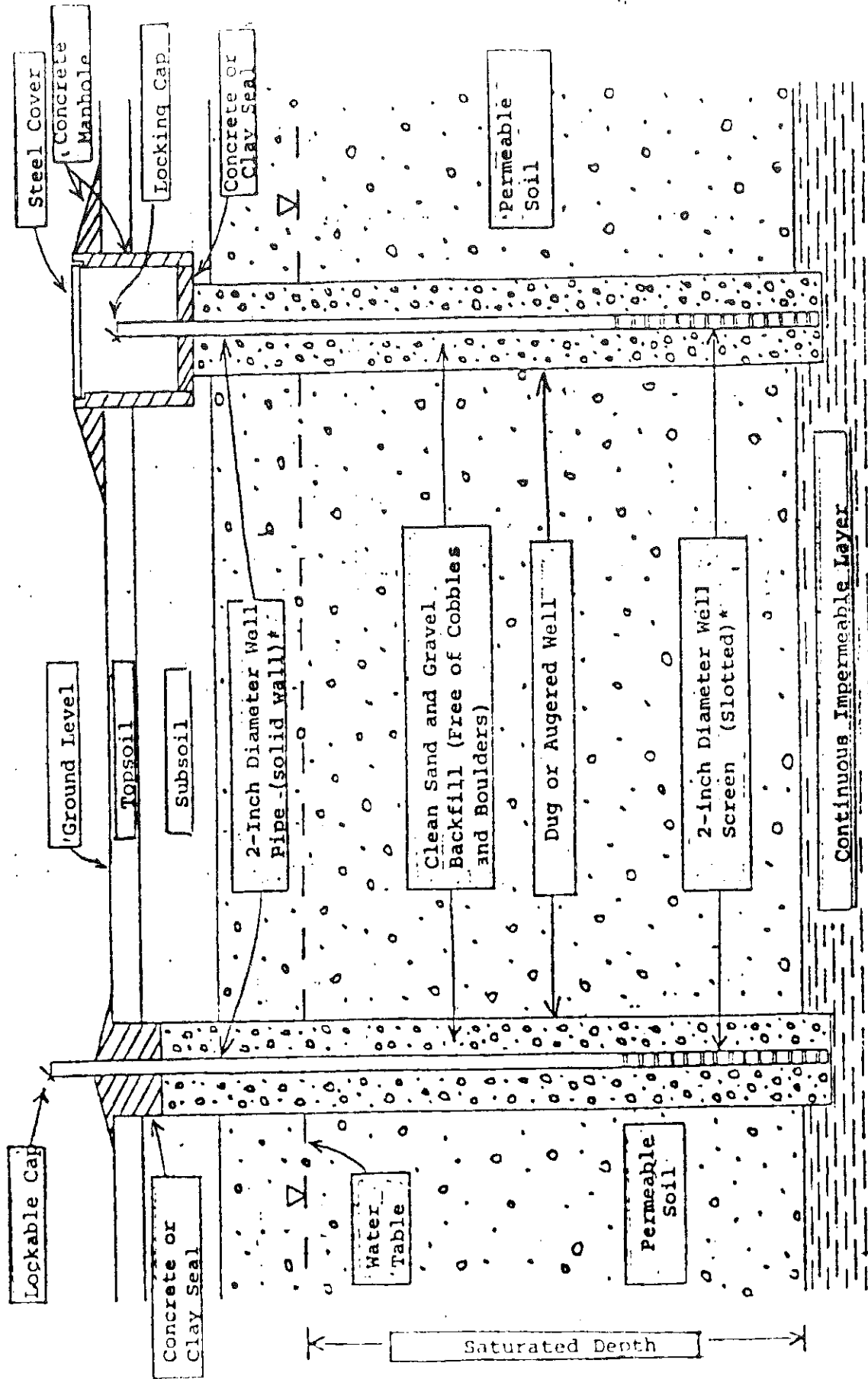
Silver

Total Nitrate and Nitrite Nitrogen

Ammonium Nitrogen

Halogenated and aromatic hydrocarbon pollutants as specified by EPA Method 624 (38 Chemicals)

MONITORING WELLS FOR SEWAGE  
 LEACHING FACILITIES



BOXBOROUGH BOARD OF HEALTH  
 APRIL 1985

\*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 1/3 of the saturated depth.

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The applicant shall allow access to these monitoring wells for sample collection by designated personnel acting for the Town at any time.

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

All conditions imposed by the Board in its original Decision and subsequent amendments shall remain in full force and effect, except as herein amended.

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 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 on the application of the owner, lessee or mortgagee of the premises or upon its own motion. All the provisions of this permit applicable to this approval shall, where apt, be applicable to such modification or amendment. Such power is hereby reserved.

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

WITNESS our hands this 12 day of May, 1987.

BOXBOROUGH PLANNING BOARD:  
Richard Scarlet  
Richard Scarlet, Chairman  
Joan Huntley  
Joan Huntley, Member

Steven Salemi  
Steven Salemi, Acting Clerk  
William Long  
William Long, Member

I, Virginia B. Richardson, hereby do certify that this is a true copy of the Planning Board Site Plan Decision #82-3 as amended, and was filed in the Office of the Town Clerk on the 13th day of May, 1987.

Virginia B. Richardson  
VIRGINIA B. RICHARDSON  
Town Clerk