

TOWN OF BOXBOROUGH

BOARD OF APPEALS

September 23, 1982

Decision of the Board of Appeals on the appeal and petition of GERALD HINES DEVELOPMENT BOSTON, LTD. (buyer under purchase agreement). The premises on which the proposed building and parking area will be constructed are assessed to Ervin Pietz and Peter E. Pietz and are shown as Lot 132 and Lot 133 on Assessor's Map 1, Group 2 and Map 2, Group 2, bounded to the north by Route 111 (Massachusetts Avenue). The building will be connected over Lots T-136, 113 and 115 shown on Assessor's Map 1, Group 2 to a subsurface sewage disposal system on land assessed to Richard D. Sherry and Patricia A. Sherry shown as Lot 116 on Assessor's Map 1, Group 2, located at the northwesterly end of Hazard Lane.

This is an application for a Special Permit under Section 4.3.2. and Section 7.3.1.2. of the Zoning By-Laws of the Town of Boxborough, allowing office use within the Industrial-Commercial Zoning District in a proposed building containing approximately 160,000 square feet of area, and having approximately 445 accessory parking spaces.

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, abutters, Board of Selectmen, Board of Health, Conservation Commission, Inspector of Buildings, Planning Board and Town Clerk as required by law, Walter F. John, Acting Chairman of the Board of Appeals, called the hearing to order at 8:10 p.m. on Thursday, September 9, 1982 at the Boxborough Town Hall. Board of Appeals Members Walter John, Jeanne Garrison, Dexter Loring and Sven Siemen were present throughout the proceedings.

The applicant was represented by Paul D. Messina of Hines Industrial; John J. Griffin, Jr. and Martin R. Healy of the law firm of Rackemann, Sawyer & Brewster;

Thomas P. Grimes of NEC Information Systems, Inc.; John E. Thomas and Charles A. Kalauskas of BSC Engineering; and Bruce E. Tyson of John G. Crowe Associates, Inc.

In summary, the project consists of a 71 acre site with an approximately 160,000 square foot building located in the Industrial-Commercial District. The site will contain 445 parking spaces in compliance with the Zoning By-Laws; two deep rock wells; a sewage disposal system designed for a capacity of 14,700 gallons; landscape screening; a pond with a surface area of .6 acres for purposes of fire protection and storm water control as well as aesthetics. The applicant submitted plans which were marked Exhibits A1, A2 and A3.

The proposed uses of the two story building will be approximately 60,246 square feet of office space, approximately 58,068 square feet of manufacturing and approximately 40,776 square feet of warehousing. The manufacturing will consist solely of light assembling and there will be no toxic effluents from the building. The building will house the corporate headquarters of NEC Information Systems, Inc. The applicant noted that this would be a less intense and more compatible use than industrial uses of this site considering the proximity to Wolf Swamp.

The application, which included reports regarding water resources, landscape and traffic impact, was submitted and marked Exhibit D. The building will be accessed by the Sheraton Road. There will be approximately 420 employees on the site, with approximately 280 employees within the office portion, 133 employees in manufacturing and 7 employees in the warehouse. There will be a second shift of 35 employees predominantly working in manufacturing. The applicant noted that most of the traffic will be between the Sheraton Road and the I-495 - Route 111 interchange, with the various departments having different work hours, creating a staggered traffic pattern. There would be no significant impact on secondary roads.

The sewage disposal system will be on a separate three-acre parcel located about 3,000 feet from the building itself. The system has been designed for a capacity of 14,700 gallons, however, actual demand on the system will be about 9,000 gallons upon occupancy of the building.

Both gas and electricity are available for the site, however, a final decision on utilities has not been made.

The Conservation Commission submitted a Report and Order of Conditions, marked Exhibit B, stating that the proposed use would have no adverse effect on the Town's water supply, and would have minimal effect on the quality of water in the neighborhood, on the natural flow patterns of water courses, or floodwater storage areas. Expansion into the wetland areas should be strongly discouraged. The Commission urged the following conditions be incorporated into the decision: no salt or other chemicals shall be used in snow removal operations in the parking areas; and use of salt on the access road shall not exceed state specifications. The Order of Conditions requires that an Envirofence be used to prevent siltation; that muck removed during construction shall not be disposed of in undisturbed wetlands; that the slope in the wetlands areas shall be loamed and grassed; that a baffle be constructed at the outlet of the retention pond; and that any changes to the plans be submitted to the Conservation Commission.

The Planning Board submitted a report, marked Exhibit C, stating the Planning Board recommends the granting of the special permit, since the proposed use poses no detrimental effects in the district, and is in harmony with the other uses in the district.

The Board of Health indicated they had received a set of engineered plans, and is reviewing the same, along with the DEQE and a professional engineer.

Abutters present asked questions regarding the traffic impact on secondary roads and the manufacturing process.

On September 23, 1982, the Board met to consider the evidence. After careful consideration, the Board VOTED UNANIMOUSLY to APPROVE a Special Permit allowing office use within the Industrial-Commercial Zoning District in the proposed building containing approximately 160,000 square feet of area, with the following conditions:

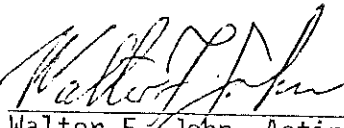
1. The Conservation Commission Order of Conditions shall be met in all respects.
2. Proposed construction of the site and buildings shall conform to those plans submitted during the hearing, namely Exhibits A-1, A-2, A-3 and Exhibit D.

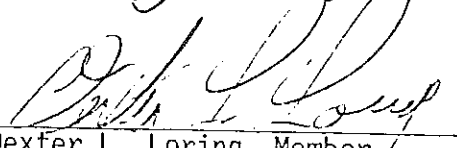
The foregoing restrictions have been spelled out for the purpose of emphasizing their importance, but are not intended to be all inclusive or to negate the remainder of the Boxborough Zoning By-Laws.

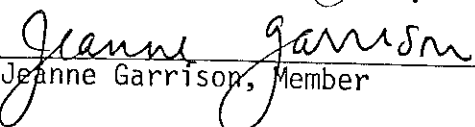
Under the provisions of the Boxborough Zoning By-Laws, Section 7.3.2.3., the Board shall have power to modify or amend the terms and conditions of a special permit on the application of the owner, lessee or mortgagee of the premises or upon its own motion. All of the provisions of this paragraph applicable to approval shall, where apt, be applicable to such modification or amendment. Such power is hereby reserved.

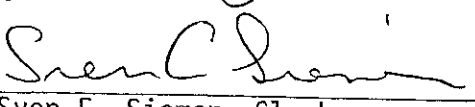
WITNESS our hands this 23rd day of September, 1982.

BOXBOROUGH BOARD OF APPEALS


Walter F. John, Acting Chairman

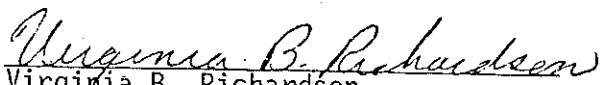

Dexter L. Loring, Member


Jeanne Garrison, Member


Sven E. Siemen, Clerk

I, Virginia B. Richardson, hereby do certify that this is a true copy of the Board of Appeals Decision.

September 24, 1982
Date


Virginia B. Richardson
Town Clerk of Boxborough