



BOXBOROUGH PLANNING BOARD
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Mark Barbadoro, Chair Cindy Markowitz, Clerk Rebecca Verner Robin Lazarow Mark White

Filed with the Town Clerk

DECISION AND CERTIFICATE OF CONDITIONAL APPROVAL
ARRANTA BIO MA2, LLC
SITE PLAN APPROVAL

1414 & 1320 Massachusetts Avenue; 244A & 244B Adams Place, 984, 984A, 984B, 984C, 1451, 1497 & 1634 Hazard Lane; and 328 & 1451 Rear Hazard Lane

DECISION of the Planning Board (the Board) on the application of Arranta Bio MA2, LLC (Applicant) and LPCH Boxborough, LP, c/o Lincoln Property Company (Owner) for Site Plan Approval for the properties located at 1414 & 1320 Massachusetts Avenue; 244A & 244B Adams Place, 984, 984A, 984B, 984C, 1451, 1497 & 1634 Hazard Lane; and 328 & 1451 Rear Hazard Lane, all owned by LPCH Boxborough L.P. (Owner) and known as Assessor's Parcel Numbers 12-027, 12-028, 12-030, 13-004, 13-022, 17-005, 17-009, 17-010, 17-022, 17-023, 17-024, 17-025 and 18-001 (Subject Land).

This Decision is in response to an application filed under Section 8000 of the Boxborough Zoning Bylaw by the Applicant dated June 10, 2021 (Application) to occupy and use approximately 129,181 square feet of the existing two-story facility at 1414 Massachusetts Avenue to develop, manufacture and analyze biotherapeutic products associated with the human microbiome. Section 8002 of the Boxborough Zoning Bylaw states that no permit for construction, exterior alteration, relocation, occupancy, or change in use of any building or lot shall be given and no existing use shall be extended unless site plan approval has been granted by the Planning Board. Site plan approval is also required for the resumption of any use discontinued for more than two years or for the expansion of any existing use.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed as required by law, the public hearing was conducted on July 19, 2021, continued to August 9, 2021, continued to August 30, 2021, continued to September 20, 2021, and continued to October 14, 2021. The Planning Board deliberated on the proceedings on October 14, 2021. The following members of the Planning Board were present throughout the proceedings: Cindy Markowitz, Acting Chair, Robin Lazarow, Rebecca Verner, and Mark White. Member Mark Barbadoro recused himself from the proceeding as a party-in-interest, as that term is defined in G.L. c. 40A, § 11, and participated only as a resident, speaking on his own behalf and in his personal capacity, and not as a member of or on behalf of the Board.

After due consideration of the Record, as hereinafter defined, and based upon the findings set forth herein, the Board voted 2 to 1 to **GRANT** a conditional approval of the Site Plan on October 14, 2021 pursuant to the following findings and expressly subject to the following conditions:

The following documents and plans, which collectively constitute the “Record,” were submitted prior to or during the public hearing on the Application:

- a. Site Plan Approval Application form, dated June 10, 2021, and updated Site Plan Approval Application form received via email on August 4, 2021.
- b. Accompanying correspondence from Level Design Group, LLC, dated June 10, 2021 and comprised of 11 pages in total.
- c. Memorandum from Sanborn, Head, & Associates, Inc., entitled “Off-Site Disposal of Process Water,” dated June 8, 2021 and comprised of 3 pages in total.
- d. Memorandum from Nitsch Engineering, Inc., entitled “Traffic Study Peer Review,” dated June 3, 2021 and comprised of 3 pages in total.
- e. Site Plans prepared by Beals and Thomas, Inc. and dated January 5, 2021, as revised through April 2, 2021 and comprised of three (3) sheets in total identified as TP 1 through TP 3.
- f. Locus Map by Level Design Group, LLC. dated March 1, 2021 identified as C-1.0.
- g. Zoning Group Diagrams by DPS Group, Inc. dated June 1, 2021 identified as BOX-G-120.
- h. Correspondence from Arranta Bio entitled “Arranta Bio Boxborough Facility is designed to operate at Biosafety Level 2,” dated June 22, 2021 and comprised of two pages.
- i. Supplemental materials submitted to the Board by Level Design Group, LLC. via July 15, 2021 letter, including a letter by Level Design Group, LLC. dated July 14, 2021 updating the original estimated Sewer Discharge Rate provided in the June 10, 2021 Site Plan Application Form and compromised of two pages; memorandum from Arranta Bio MA2, LLC dated July 14, 2021 providing information about the Waste Handling System and comprised of two pages; letter by Nitsch Engineering, Inc. dated July 14, 2021 detailing land use and building gross floor areas that were utilized to calculate Trip Generation Values, and comprised of three pages, Existing Drainage Review by Nitsch Engineering, Inc. dated July 14, 2021, and comprised of four pages; construction detail for a proposed in-line valve to be installed on the drainage discharge pipe by Drainage Solutions, Inc. and comprised of three pages; sketch of proposed uses within existing building by AHP Architects, Inc. and comprised of four pages; and photographs detailing exterior landscaping site improvements by Lincoln Property Company, LLC. and comprised of six pages.
- j. Town Planner’s Report dated July 15, 2021.
- k. Correspondence from Places Associates, Inc., entitled “Site Plan Review – Arranta Bio,” dated July 15, 2021 and comprised of twelve pages in total including the three-page letter and one attachment thereto.
- l. Vibalogics presentation, entitled Vibalogics Request to Develop Headquarters in Boxborough, MA (April 5, 2021).pdf, “Waste Storage & Removal – Safety by Design”, page 8.

- m. Peer review letters from Board consultant Haley Ward dated July 15, 2021 (two pages in total) August 26, 2021 (three pages in total), and October 7, 2021 (two pages in total).
- n. Arranta Bio's response to Board consultant Haley Ward's July 15, 2021 letter, dated July 19, 2021 and comprised of three pages in total.
- o. Memorandum from Nitsch Engineering, Inc., entitled "Traffic Study Peer Review," dated July 30, 2021 and comprised of 3 pages in total.
- p. Arranta Bio letter to the Planning Board and the Board of Health, prepared by Alphen & Santos, P.C. dated August 3, 2021 and comprised of five pages in total.
- q. Copy of Planning Board's Site Plan Approval Rules & Regulations with the waivers sought by Arranta Bio highlighted under Section 3.1 Site Plan Submission Requirements, received via email on August 12, 2021.
- r. Arranta Bio's response to Planning Board questions, prepared by Level Design Group, Inc., dated August 20, 2021 and comprised of 67 pages in total.
- s. Arranta Bio letter to the Planning Board regarding compliance with the Boxborough Zoning Bylaw, prepared by Alphen & Santos, P.C. dated September 3, 2021 and comprised of two pages.
- t. Arranta Bio letter to the Planning Board regarding parking requirements, prepared by Level Design Group, LLC. dated September 3, 2021, and comprised of four pages in total including the attached Building Use Summary Sketch.
- u. Arranta Bio presentation slides about the installation of the module units dated September 3, 2021 and comprised of six pages.
- v. Arranta Bio correspondence from Richard Quinby regarding the installation of the modular laboratory units received via email on October 13, 2021.
- w. Various written correspondence from Town official(s), department(s), board(s) and/or commission(s) and from the public, and preserved in the record of the decision.

FINDINGS OF FACT

COMPLIANCE WITH SECTION 7000 AQUIFER PROTECTION DISTRICT

The southern-most parcels comprising the Subject Land are located within the Aquifer Protection District; whereas the proposed occupancy and use of the facility at 1414 Massachusetts Avenue is located on the northern-most parcel, which is not within the Aquifer Protection District.

The Applicant has made the commitment not to use the wastewater treatment plant and the leaching field for any purpose other than for sanitary waste estimated to be 4,000 gallons per day; and it was represented that the Owner, which is the landlord, will not allow any industrial waste to be discharged to the wastewater treatment plant and the leaching field, regardless of the tenant. To meet that objective, the Applicant intends to collect process wastewater in a 9,000-gallon holding tank, which wastewater will be trucked off site by a licensed transporter to be

disposed of in accordance with applicable regulations. Arranta Bio and the other tenant, Vibalogics, have agreed to contract with an independent third party who will undertake the receiving, treatment, and transport off-site of the combined process waste streams. Together with Vibalogics, Arranta Bio will be jointly and severally responsible for maintenance and operation of the process treatment (Bio Kill) and containment systems (tanks); albeit with the understanding that the companies expect to contract with the independent third party to perform these operations. The third party will be a single point of contact for the disposal of process waste and act as a supplier to the tenants of the building for process waste. The Applicant and the Owner and Landlord clarified their commitment so as to not allow any industrial waste to be discharged into the leaching field, regardless of the tenant, while the leaching field is located in the Aquifer Protection District.

The Board found that the proposed project is in compliance with Section 7000 of the Zoning Bylaw, subject to the below conditions regarding the use of the above-ground, double walled wastewater containment tank with leak detection.

COMPLIANCE WITH SECTION 7100 FLOOD PLAIN DISTRICT

The southern portion of some of the southern-most parcels is located in the Flood Plain District. However, this project is neither a subdivision nor is any encroachment activity being proposed where the flood zones are located on the subject parcels. The proposed occupancy of the facility at 1414 Massachusetts Avenue is located on the northern-most parcel, which is not within the Flood Plain District. Therefore, the Board finds that the proposed project is in compliance with Section 7100 of the Zoning Bylaw.

COMPLIANCE WITH SECTION 8007 SITE PLAN APPROVAL (DECISION)

Per Section 8007 of the Zoning Bylaw, “[s]ite plan approval shall be granted upon determination by the Planning Board that new buildings or other site alterations have been designed in the following manner, after considering the qualities of the specific location, the proposed land use, the proposed building form, grading, egress points, and other aspects of the development.” The Planning Board has reviewed the proposed project for consistency with the site plan approval requirements of the Zoning Bylaw, as denoted below, and makes the following findings:

1. The proposal shall comply with the purpose and intent of the Zoning Bylaw and with existing local and regional plans.

The proposal to occupy and use approximately 129,181 square feet of the existing two-story facility at 1414 Massachusetts Avenue to develop, manufacture and analyze biotherapeutic products fits within the Office Park Zoning District in southwestern Boxborough. The Applicant proposes to occupy approximately one half of the currently vacant office building, bringing about 200 new jobs to Boxborough. Boxborough’s 2030 Master Plan (the “Master Plan”) lists community aspirations which include focusing economic development on existing commercial areas. The Master Plan also makes clear that responsible use and management of water resources and provisions for adequate wastewater treatment should be considered when reviewing economic development proposals. The Board has worked diligently with the Applicant and the

Owner to ensure that best practices regarding water usage and wastewater treatment will be undertaken. As such, the Board finds the proposal complies with the purpose and intent of the Zoning Bylaw and the Master Plan.

2. The development shall be integrated into the existing terrain and surrounding landscape and shall be designed to protect abutting properties and community amenities. To the extent possible, building sites shall be designed to minimize the use of wetlands, steep slopes, floodplains, hilltops; minimize obstruction of scenic vistas from publicly accessible locations; preserve unique natural, scenic and historic features; minimize tree, soil and vegetation removal; and maximize open space retention.

The Applicant is not proposing to erect any buildings at the property as they are only seeking to occupy and use the existing facility at 1414 Massachusetts Avenue. A wastewater holding tank is to be located at the exterior loading area at the rear of the building. A temporary access road will be constructed and removed to accommodate the installation of laboratory modules. Existing vegetation will be replaced in accordance with the conditions below. Therefore, the Board finds the proposed project is well integrated into the existing terrain and surrounding landscape, and is designed to protect abutting properties and community amenities.

3. Architectural style shall be in harmony with the prevailing character and scale of buildings in the neighborhood and the Town through the use of appropriate building materials, screening, breaks in the roof and wall lines, and other architectural techniques. Proposed buildings shall relate harmoniously to each other.

The Applicant is not proposing to erect any buildings at the property as they are only seeking to occupy and use the existing facility at 1414 Massachusetts Avenue with only interior renovations and the removal and in-kind replacement of a portion of the wall and building façade for the installation of laboratory modules. Therefore, the Board finds the architectural style of the proposed project to be in harmony with the prevailing character and scale of buildings in the neighborhood and the Town.

4. Adequate measures shall be proposed to prevent pollution of surface and ground water, to minimize erosion and sedimentation, to prevent changes in groundwater levels, to minimize potential for flooding, and to provide for stormwater drainage consistent with the functional equivalent of the Planning Board's Subdivision Rules & Regulations.

The Town's Consulting Engineer, Places Associates, Inc., recommended a comprehensive review of the site's drainage system. Nitsch Engineering reviewed documentation about the existing conditions of the stormwater management system and performed a site visit on July 7, 2021. It is acknowledged that as a redevelopment project, the project is not required to meet current Massachusetts Stormwater Standards. However, the Board encourages the Applicant/Owner to continuously investigate improving stormwater recharge at the site, and, after consultation and with the cooperation of Arranta Bio, has included several conditions to improve stormwater management based on Nitsch Engineering's Report "Existing Drainage Review" dated July 14, 2021 (Exhibit I). Should such improvements require notice to the Conservation Commission and/or a Notice of Intent or Request for a Determination of

Applicability to the Conservation Commission, and should an Order of Conditions or appeal deny these improvements, the Applicant/Owner shall be required to request a modification of the Site Plan Approval to incorporate alternative means to improve water quality.

Groundwater monitoring, including effluent limits and water levels, will be required under an Individual Groundwater Discharge Permit to be issued by the Massachusetts Department of Environmental Protection (MA DEP) and as required by the Board of Health, for the discharge of sanitary wastewater to the leaching field, and will be conducted on a regular basis as defined in the permit. Where the conditions to improve the quantity and quality of the stormwater runoff are included below, the Board finds that the proposal meets this criterion.

5. Roadways and circulation system shall be designed to promote convenience and safety for both pedestrians and vehicles. Access roads by which the proposed development is reached shall be adequate in width, grade and construction to carry, without danger or congestion, the additional traffic that is generated from the development.

The Applicant is not proposing to construct any new roadways on the Subject Land as it will only occupy and use the existing facility at 1414 Massachusetts Avenue. The Applicant has indicated that there will be a total of 200 employees over two shifts. The existing facility contains a total of 978 parking spaces, of which 23 are striped as handicap accessible. The maximum anticipated parking load for Arranta Bio (assuming all employees drive themselves to work) is 200 spaces. 120 spaces are required for the day shift 8am-5pm and 80 spaces area required for the second shift 4pm-12am, seven days a week. The 200 spaces would include the 1-hour shift overlap.

The Applicant submitted a letter dated July 30, 2021 from Nitsch Engineering, Inc. (Exhibit O) describing expected traffic impact of the Applicant's use and full occupancy of the building. The July 30, 2021 letter references the 2015 Traffic Impact and Access Study for the Jefferson at Beaver Brook housing project (now known as Paddock Estates). The Traffic Impact and Access Study included current traffic counts and projections for the fully operational facility at 1414 Massachusetts Avenue and all existing traffic on Massachusetts Avenue in this area including the Route 111 and Interstate 495 Interchange. The July 30, 2021 letter also accounts for the Vibalogics' trip generation, totaling the combined future trips to the facility estimated to be 2,822 trips per day based on square footage. A letter provided by Nitsch dated August 19, 2021 (Exhibit R.) revised the combined future trips to be 2,672 per day based on square footage and 1,314 trips per day based on number of employees. The 1414 Massachusetts Avenue facility that was fully occupied by Cisco Systems, Inc. in 2015, exceeds the number of trips that are now expected to be generated by the Arranta Bio and Vibalogics tenants at 1414 Massachusetts Avenue during both the weekday morning and evening peak hours.

Where the Applicant's proposal combined with the recently approved Vibalogics project will generate fewer vehicle trips than prior approved uses of the site, the Board finds the roadways and circulation system for the project have been designed to promote convenience and safety for both pedestrians and vehicles, with the traffic and parking conditions identified below.

6. Adequate buffers shall be provided to protect abutting properties from lighting, sight, sound, dust, and vibration.

The existing facility sits within a forested area with the building and parking lot set back from Route 111/Massachusetts Avenue. The building and parking lot are also screened from abutting properties. The Applicant also reported that no changes to windows or building elevation, or wooded areas, are being made, except for temporary alterations described herein; air handling units will be either existing or replaced with more energy efficient units, therefore the noise level is expected to be no different than that of the past usage; and that the Owner has reported that site lighting will meet the provisions of the Town's zoning bylaw with regard to Outdoor Lighting. Therefore, the Board finds the proposed project provides adequate buffers to protect abutting properties from lighting, sight, sound, dust, and vibration. Removal of a portion of the building wall and façade for the installation of the modular laboratory units will include an approximately 110-foot long and an approximately 40-foot wide temporary access road as further described in Exhibit V. Any vegetation removed for the installation of this temporary access road will be replaced as identified in the conditions below.

7. Adequate facilities shall be provided for water supply and for handling and disposal of waste and other production by-products.

This proposal would involve conducting research and development and the manufacturing of microbiome therapeutics. The laboratories will use a variety of materials that are considered hazardous, including acids, alkalies and small amounts of flammable solvents. As such, this use will be regulated by the U.S. Food and Drug Administration, as well as the MA DEP for the sanitary and process wastewater discharges. As stated above, only sanitary waste from the facility will be sent to the on-site wastewater treatment plant for discharge to the leaching field, which is subject to MA DEP regulations and the requirements of the applicable Groundwater Discharge Permit, in addition to the prohibitions contained in Section 7004 (Aquifer Protection District Use Regulations) of the Zoning Bylaw. Moreover, the Owner has agreed that it will not allow any industrial waste to be discharged to the existing leaching field, regardless of the tenant. The process water discharge and the above-ground holding tank and spill containment system will also be regulated by MA DEP. The handling and disposal of hazardous and solid waste will be regulated by MA DEP, state fire regulations and the Board of Health.

The site contains three existing Public Water Supply (PWS) wells which are identified by MA DEP as PWS ID # 20370717 (a-c) as permitted under the Massachusetts Drinking Water Regulations, 310 CMR 22.00. The three wells are located in northeasterly part of the site between the building and Massachusetts Avenue outside of the limits of the Boxborough Aquifer Protection District. The three PWS wells have a total permitted daily maximum withdrawal capacity of 32,620 gallons per day (gpd). The Applicant reported that the total estimated water usage of its portion of the facility will be approximately 5,500 gpd, with 4,000 gpd allocated to sanitary uses (toilets, sinks, drinking water, kitchen uses) and the remaining 1,500 gpd utilized in the industrial processes, with the goal of employing appropriate water recycling processes. As stated above, the Applicant has committed that all water used in industrial processes will be discharged to an industrial waste water holding tank and removed from the site by a licensed hazardous material/wastewater disposal contractor.

With the above requirements for wastewater discharge, hazardous and solid waste removal, and the conditions for increased stormwater recharge and conservation measures identified below, the Board finds that adequate facilities are, or will be provided, for water supply and for handling and disposal of waste and other production by-products, subject to the below conditions.

8. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment.

The Applicant is not proposing to erect any buildings at the property as it will only occupy and use the existing facility at 1414 Massachusetts Avenue. However, the Town's Consulting Engineer, Places Associates, Inc. recommends that the Applicant work with Fire and Police Departments regarding any specialized equipment and any other modifications to allow for any appropriate emergency response required. Additionally, the Town's Peer Review Consultant, Haley Ward, Inc. recommends that the Applicant provide annual notification in writing to the Fire Department with updated contact information for all parties involved in the process waste and disposal system, as well as any updates to the emergency response procedures. With the conditions below requiring that the Applicant work with the Fire and Police Departments to ensure compliance with 527 CMR 1.00, the Massachusetts Comprehensive Fire Safety Code, and all other emergency response requirements identified herein and under state and federal law, the Board finds that the proposal provides adequate access to each structure for fire and service equipment.

CONDITIONS OF APPROVAL

1. Wastewater

- a. All process water shall be tight-tanked and hauled off site by a licensed waste disposal contractor.
- b. Only sanitary discharge shall be allowed to be discharged by the Applicant to the Wastewater Treatment Plant (WWTP) for treatment and discharge to the leaching field located within the Aquifer Protection District.
 - i. No filter by-products shall be released into the Aquifer Protection District.
 - ii. No additional salt or brine from the filtration process shall be introduced into the Aquifer Protection District.
- c. In conjunction with the issuance of an occupancy permit, the Owner and/or Applicant shall provide evidence of the Board of Health approval of suitable sanitary facilities which shall be submitted to the Planning Board via the Town Planner.
- d. Prior to the issuance of an occupancy permit, the Owner and/or Applicant shall provide proof to the Planning Board via the Town Planner that the lease agreement acknowledges the site plan conditions applicable to the Applicant as a result of this Site Plan Approval and such agreement shall document the Owner's prohibition on the discharge of any industrial and hazardous wastewater effluent from the onsite sanitary wastewater treatment and disposal system.
- e. In conjunction with the issuance of a building permit, the Owner and/or Applicant shall provide to the Board of Health and to the Building Commissioner with notification to the Planning Board via the Town Planner permitted and/or approved design plans delineating separation and control of process and laboratory wastewater

- systems to demonstrate management of process waste, industrial waste, biomedical waste, hazardous waste, and/or water reclamation systems. This would include associated process and/or laboratory waste plumbing, pretreatment systems, holding tanks, and/or secured waste containers, as appropriate.
- f. Prior to the issuance of an occupancy permit, the Owner and/or Applicant shall describe in writing to the Fire Department and the Board of Health with notification to the Planning Board via the Town Planner the safety measures, including measures for spill prevention, containment, and control of process waste, during the connection and disconnection from the above ground Industrial Wastewater holding tank by the waste haulers.
 - g. Prior to the issuance of an occupancy permit, the Applicant shall provide an engineered, stamped site plan verifying the location of the Industrial Wastewater Holding Tank and its protective measures (e.g., bollards). If the location is no longer located at the exterior loading area at the rear of the building per page 8 of Exhibit L titled "Waste Storage & Removal – Safety by Design", any relocation is subject to review by Planning Board.
 - h. Applicant shall provide detailed summary of the BioKill and PH neutralization processes to the Board of Health with notification to the Planning Board via the Town Planner.
 - i. Prior to the issuance of an Occupancy Permit, the Applicant shall provide in writing to the Fire Department and the Board of Health, with notification to the Planning Board via the Town Planner, the name and contact information of the independent third party which will operate and maintain the on-site process waste treatment system which includes the hauling and disposal of treated process waste.
 - j. The Applicant shall include in its Hazardous Materials Operations and Emergency Response Plan the name and contact information of the independent third party which will operate and maintain the on-site process waste treatment and containment system.
 - k. The Applicant shall provide an annual report in writing to the Fire Department and the Board of Health, with a copy to the Planning Board via the Town Planner, with the following information:
 - i. Updated contact information for all parties involved with utilizing, maintenance, transport, or disposal related to the process waste treatment and disposal system;
 - ii. Statement detailing any changes in the agreement terms, responsible parties, or contact information, and
 - iii. Updates to any emergency response procedures.
 - l. Agreements between owner, tenants, and third-party entities shall require notification to the Board of Health and the Planning Board if there are changes in the third-party contractor, tenants, and/or ownership, or if any of these ceases doing business at the Site.
 - i. Together with Vibalogics, Arranta Bio will be jointly and severally responsible for system operation and maintenance notwithstanding any third-party contract.

- ii. All liability insurance policies must name the Town of Boxborough as additionally insured for the duration of the renovation until the Certificate of Occupancy is issued by the Building Inspector.
- m. The Applicant shall demonstrate to the Building Inspector that the Applicant has equipped the trench drain at the loading dock with a gate valve as a precaution so that, in the event of a spill, liquids can be contained within the immediate area and not enter the drainage system. Gate valve access shall be identified by appropriate signage, included in the Spill Prevention and Countermeasures Control Plan, referenced below, and included in the Drainage System Operations and Maintenance Plan; and said gate valve shall be exercised on a regularly scheduled basis.
- n. No increase in tank size above 9,000 gallons, or change in tank specifications from what has been approved by the Board of Health or other local or state entity, shall be permitted without a request for Site Plan modification from the Planning Board.

2. Water Supply and Groundwater Discharge

- a. The Applicant shall provide copies of the MA DEP annual report for the Public Water Supply and MA DEP annual report for the Groundwater Discharge Permit including ground monitoring well results to the Board of Health and the Water Resources Committee.
- b. The Applicant has indicated an approximate water usage of 5,500 gallons per day, which consists of approximately 1,500 gpd for process use and 4,000 gpd for sanitary (which includes the cafeteria which is used by all tenants); to that end, the Town encourages the Applicant and Owner to maximize water efficiency.
- c. The Applicant shall use reasonable efforts to minimize the amount of clean water rejected to the waste stream and removed from the site; and shall report to the Planning Board via the Town Planner annually, in writing, the volume of water moved off-site.
- d. The Applicant, in coordination with the Owner, shall install and utilize low flow devices on the interior of the Applicant's facility upon the installation of any new fixtures, inclusive of toilets, faucets and showers where feasible, but at a minimum as required by the then latest version of the Building and Plumbing code.
- e. The Applicant has indicated that approximately 1,500 gpd of processed industrial waste water will be collected and disposed of off-site by a licensed biomedical and hazardous waste hauler. Volumes in excess of 45,000 gallons per month shall require notification to the Planning Board via the Town Planner.

3. Hazardous Materials, Hazardous Waste and Emergency Response

- a. Any use on this site shall be in compliance with the Hazardous Materials provisions of the Boxborough Zoning Bylaw.
- a. Use of Select Agents and toxins identified by U.S. Centers for Disease Control and the U.S. Department of Homeland Security are prohibited.
- b. Use of Biological Agents requiring Biosafety Level 3 (BSL-3) containment or higher are prohibited.
- c. The Applicant shall not use agents that exceed Biosafety Level 2 (BSL-2).
- d. The Applicant shall not exceed the amount of hazardous waste allowed by the Board of Health under the Groundwater Protection Regulations as may be amended from

- time to time. Any hazardous waste generator status above Very Small Quantity Generator (VSQG) of hazardous waste under the Massachusetts Hazardous Waste Regulations, (as defined by 310 CMR 30.000: Massachusetts Hazardous Waste Regulations and 40 CFR 260 US Environmental Protection Agency Hazardous Waste Regulations), the Planning Board shall be notified, and the Planning Board will determine whether a Site Plan Modification will be required based upon the quantified increase in generated hazardous waste.
- e. Prior to deliveries of any hazardous materials to the site, a Hazardous Material Operations and Emergency Response Plan shall be in place and reviewed with the appropriate Emergency Responders including the Boxborough Fire Department. Materials shall be inclusive of raw chemicals, biological materials, as well as waste products.
 - f. No acutely hazardous waste as defined by the US EPA under 40 CFR §261.33 shall be allowed to be transported to, from or generated on site.
 - g. The Applicant shall submit a Hazardous Materials Operations and Emergency Response Plan to the Board of Health and Fire Department, with notification to the Planning Board via the Town Planner, which shall include but not necessarily be limited to:
 - i. A Spill Prevention and Countermeasures Control Plan shall be in place for all above-ground oil storage tanks with oil storage capacity greater than 1,320 gallons.
 - ii. Notification and posting requirements whereby, in all areas where hazardous materials are stored or handled, the Owner shall:
 - a. prominently post a notice that references the hazardous materials plan;
 - b. 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.
 - iii. A comprehensive list of hazardous materials.
 - iv. The total quantity of any hazardous material stored, used, generated and otherwise present on the premises at any time. Such quantities shall not exceed the reportable quantity for such substance (that is the minimum quantity of the release of which into the environments must be reported) as set forth in 40 CFR Parts 117 and 302.
 - v. A Hazardous Materials, and Emergency Response Plan, which shall identify on-site qualified responders and the availability of response equipment which must be available during operations that use or produce hazardous materials on-site.
 - h. The Applicant shall participate in an Institutional Biosafety Committee per the Board of Health Biosafety Regulations.
 - i. The Applicant shall notify the Town Planner and the Planning Board when the BioSafety permit has been submitted to the Board of Health.
 - j. Any violations of the Biosafety permit that are reported to the Board of Health or other town officials shall also be reported to the Town Planner and the Planning Board.
 - k. No biological waste within Risk Group 3 or 4 per the National Institutes of Health Guidelines shall be generated by Arranta Bio for the life of the occupancy.

1. Applicants use of Toxic and Hazardous Materials, as defined in the Boxborough Zoning Bylaw, shall be incidental to the principal uses associated with the development, manufacturing and analyzing small volume pharmaceutical products in the facility and be limited to the testing and/or cleaning of the equipment, tools and surfaces. Any increase in the use of Toxic or Hazardous Materials beyond this “incidental” use as described above shall be reported to the Board of Health with notification provided to the Planning Board through the Town Planner. If such Toxic and Hazardous Materials are used for any purpose other than testing and/or cleaning, the Planning Board via the Town Planner shall be notified as to the use, quantity, and types of the materials being used.

4. Stormwater

- a. Unless already completed, prior to the issuance of an occupancy permit, the Owner shall inspect/repair all drainage structures and install grease hoods at each catch basin in existing parking areas.
- b. Prior to the issuance of an occupancy permit, the Owner shall install three (3) Hydrodynamic separators as indicated in the Nitsch Engineering Report “Existing Drainage Review” dated July 14, 2021. Should the Conservation Commission deny an Order of Conditions for such work, or should an appeal therefrom preclude its implementation, the Applicant/Owner shall be required to request a modification of the Site Plan Approval to the Planning Board to incorporate alternative means to improve water quality.
- c. Prior to the issuance of an occupancy permit, the owner shall remediate/maintain Detention Basin #1, located to the east of the ball fields as indicated in the Nitsch Engineering report “Existing Drainage Review” dated July 14, 2021. Should the Conservation Commission deny an Order of Conditions for such work, or should an appeal therefrom preclude its implementation, the Applicant/Owner shall be required to request a modification to the Site Plan Approval to incorporate alternative means to improve water quality.
- d. The Planning Board encourages the Applicant to consider additional stormwater recharge options, and report such options and actions to the Planning Board via the Town Planner.
- e. Prior to the issuance of an occupancy permit, the Owner and/ or Applicant shall submit a Drainage System Operations and Maintenance Plan to the Planning Board via the Town Planner and subject to the review and approval by the Town’s Consulting Engineer. Such plan shall include provisions for: 1) removal of existing woody plants and herbaceous vegetation from the existing basin (pending Conservation Commission approval), 2) removal of silt and sediment from the basin and, 3) re-seeding with appropriate seed mix, (per Conservation Commission approval), 4) a schedule of retrofits and maintenance (the Planning Board acknowledges that some work may be delayed due to the lack of availability of products) and, 5) requirements for appropriate signage regarding access to the gate valve for the wastewater collection tank.

5. Landscaping

- a. Prior to the removal of any vegetation for the installation of a temporary access road for the laboratory modules, the applicant shall perform a tree survey of trees six

inches diameter breast height (DBH) or greater in the impact areas. The Applicant shall replace any removed trees six inches DBH or greater, at equivalent caliper inches. The Applicant will work the Town's Consulting Engineer to establish a tree and vegetation replacement/restoration plan.

6. Traffic and Parking

- a. Unless already completed, the Owner shall restripe all pavement markings and replace any illegible traffic signs, including at entry and exit driveways at Adams Place.
- b. All delivery trucks and hazardous material transporters shall be directed in writing to enter the premises from, and exit directly to, Interstate-495 and shall be directed in writing to not travel on local roadways, other than to/from the site from I-495. Hazardous material transporters shall be notified of the foregoing requirement in their contracts. On site signage indicating left turn only for all delivery truck traffic and hazardous material transporters shall be installed at the exit from the site.
- c. If, upon full occupancy, the Chief of Police, after consultation with the Owner, determines in his or her sole but reasonable discretion that the traffic for those hours of peak traffic generated by the Applicant warrants an officer to direct traffic, the cost of that traffic detail shall be borne by the Owner.
- d. The Owner and/or Applicant shall consider Transportation Demand Management (TDM) measures to reduce the number of traffic trips to the site, and report to the Planning Board via the Town Planner, the implementation, if any, of such measures and any metrics to support their effectiveness (e.g., number of users, number of car trips and/or mileage reduced). Such measures may include:
 - i. Offering employee shuttle service from MBTA stations in Acton and Littleton
 - ii. Provide incentives for employee carpooling
 - iii. Incentives for bicycling or other non-automobile travel alternatives.
- e. The Owner will coordinate with Littleton Electric Light and Water Department (LELWD) to install two Electric Charging stations at the site. If the Owner is unable to obtain permits or otherwise install such charging stations, the Owner commits to other sustainability measures of equal or greater value.
- f. Deicing chemicals shall be used to the minimum degree possible. Sodium chloride is specifically prohibited.

7. Noise, Vibration and Air Quality

- a. The Applicant shall comply with all applicable MA DEP noise standards and guidelines, expressly including DAQC (now DEP) Policy 90-001 and the MA DEP's Noise Pollution Policy Interpretation (January 31, 2018).
- b. Applicant shall perform a noise study following commencement of its operations to be undertaken by an INCE- (Institute of Noise Control Engineering) Certified Noise Engineer. During full operations, noise measurements (representative hourly measurements taken during daytime/evening, weekday/weekend periods) shall be provided to the Planning Board via the Town Planner. A further noise study shall be completed following commencement of Vibalogics US, Inc. operations, measuring the additive impact of both tenants, including at the nearest property line.

- c. The Applicant shall provide any emissions data that the Applicant submits to MA DEP as part of an Air Permit application or request for a waiver of such application (to be reviewed by Haley Ward, Inc. or other air quality subject matter expert) and forwarded to the Planning Board via the Town Planner. Any air permit received shall be provided to the Planning Board via the Town Planner.
- d. The Applicant shall comply with all other the Environmental Protection Measures identified in Section 6400 of the Zoning Bylaw.

8. Signage

- a. The Applicant and Owner have indicated that new signage will be proposed at a later date; they have acknowledged the requirements of Section 6300 of the Zoning Bylaw and their obligation to comply therewith.

9. Lighting

- a. The Owner and the Applicant have agreed, and the Board consequently requires, that the site lighting will be retrofitted and/or replaced to comply with Section 6204 of the Zoning Bylaw for Outdoor Lighting.
- b. Indoor lighting shall be LED and energy efficient, where practicable.

10. Other Conditions

- a. This Site Plan Approval is specific to the Applicant's use as represented to the Planning Board in the Application materials; any change of use shall be governed by the applicable provisions of the Zoning Bylaw. Except where otherwise indicated, this Decision applies only to the space to be occupied by the Applicant, and not to the remainder of the facility.
- b. Prior to the issuance of an occupancy permit, the Applicant shall provide final as-built plans to the Planning Board and Building Inspector in hard copy and electronic format.
- c. The Owner and the Applicant have agreed, and the Board consequently requires, that any new or replacement HVAC units shall be newer, more energy efficient models with non-ozone damaging refrigerant.
- d. Any modifications to the building and site for the installation or removal of laboratory modules shall be provided to the Planning Board including a description of the following:
 - i. timeframe for construction and removal of temporary access road and building wall removal and replacement, and
 - ii. The Planning Board shall be notified of any future installation of additional laboratory modules similar to that described in Exhibits U and V requiring wall removal and façade replacement.
- e. To the extent feasible, all solid and solid biohazardous waste will be recycled.

SUBSTANTIAL CONFORMANCE: Subject to the conditions contained herein, the project shall be undertaken and operated in substantial conformance with the Record documents and plans, including but not limited to the Site Plan Approval Application form and accompanying submittals by the Applicant and the plans made a part thereof, as revised through the date hereof. The determination of substantial conformance with these documents and plans shall be made by

the Board in its sole discretion. Any material deviation shall require review by and approval of the Board, i.e., through an amendment of the within approval or a new site plan approval, as appropriate.

APPLICABILITY OF SITE PLAN APPROVAL: This Site Plan Approval applies only to the Subject Land. All work undertaken on the Subject Land and subsequent operation of the project shall be in accordance with the terms of this decision and shall be limited to the improvements shown on the Plan.

OTHER PERMITS OR APPROVALS: This decision applies only to the requested Site Plan Approval. Other permits or approvals required by the Boxborough Zoning or General Bylaws, and from any other governmental boards, agencies or bodies having jurisdiction, shall not be assumed or implied by this Decision, and the Applicant shall be required to seek and obtain the same, and notify the Planning Board upon receipt.

BYLAW 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 Bylaw.

ACCESSIBILITY: The Applicant is required to comply with all pertinent regulations of the Americans with Disabilities Act, 42 USC 12101, *et seq.*, the Massachusetts State Building Code, 780 CMR, and the Architectural Access Board's Rules and Regulations, 521 CMR, all as amended, insofar as the same apply to the project or any component of the Subject Land's redevelopment or reuse.

CONSTRUCTION ACTIVITIES: During construction, renovation or redevelopment of the Subject Land (or portion thereof) as contemplated herein, the Applicant shall conform to all local, state and federal laws regarding noise, vibration, dust and blocking of any roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents and businesses in the general area, as applicable.

RIGHT OF ACCESS: The Board, the Town's Building Commissioner and their respective agent(s) may enter onto, view and inspect the Subject Land from time to time, without notice, so as to ensure compliance with the terms and conditions listed herein, subject to applicable safety requirements as established by the Applicant and/or its contractor(s). Enforcement authority shall expressly be vested in the Board but also in said Building Commissioner and in the Boxborough Police Department, as may be necessary or appropriate.

COMPLIANCE REQUIRED: No work shall commence nor shall any building permit or occupancy permit issue hereunder unless and until the Applicant is in full compliance with all permits, licenses, approvals, orders and agreements of any kind issued by or entered into with any official, board, commission or committee of the Town of Boxborough.

OUTSTANDING INVOICES: All invoices generated by the Board's consultants during review of the project, if any, shall be paid within twenty (20) days of filing hereof with the Town Clerk, whether this decision is appealed or not. No post-permit reviews of documents or plans shall be

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conducted nor shall a building permit or occupancy permit be issued until all such invoices have been paid in full.

RECORDING: Prior to commencement of construction, renovation or redevelopment, this decision shall be recorded with the Middlesex South District Registry of Deeds.

AMENDMENT OF THIS DECISION: The Board hereby reserves its powers to modify or amend the terms and conditions of this decision upon its own motion with consent from the Owner, or on the application of the Owner. The Board further reserves its powers to amend this decision without a new public hearing provided that 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 Bylaw or with the terms of this decision.

LAPSE OF THIS DECISION: This Site Plan Approval shall lapse two years from the date this decision is filed with the Town Clerk unless a substantial use thereof has not sooner commenced 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 expiration and the Board reserves its rights and powers to grant or deny such request without a public hearing.

The Applicant by acceptance of this decision and recording thereof acknowledges the binding effect of the conditions of this decision.

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ON BEHALF OF THE BOXBOROUGH PLANNING BOARD:

Cindy Markowitz 10/22/21
Cindy Markowitz, Acting Planning Board Chair

Received:

Rebecca Harris 10/22/21
Rebecca Harris, Town Clerk Date

RECEIVED

OCT 22 2021

AJH

TOWN CLERK
TOWN OF BOXBOROUGH