



BOXBOROUGH PLANNING BOARD
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NOV 30 2022

Mark Barbadoro, Chair Cindy Markowitz, Clerk Kathleen Vorce Rebecca Verner Mark White, ^{TOWN CLERK}
^{INCORPORATED FEB 25, 1792}
TOWN OF BOXBOROUGH
Filed with the Town Clerk

**DECISION AND CERTIFICATE OF CONDITIONAL APPROVAL
AMENDMENT TO OSCD SPECIAL PERMIT PLANNING BOARD DECISION #97-01
ISSUED TO TOWERMARC BOXBOROUGH LIMITED PARTNERSHIP**

Owner/Applicant: Campanelli-Trigate Boxborough Sub, LLC

Engineer: Kelly Engineering Group
0 Campanelli Drive
Braintree, MA 02184

Property Location: The Park at Beaver Brook
Assessor's Parcels 08-004-00, 03-002-000, 03-010-000

Zoning District: Office Park

Application: Request under Section 7500 of the Bylaw to amend Open Space
Commercial District Special Permit Decision No. 97-01 to extend the
“Commercial Development Period” as defined in Condition 2.9 thereof to
December 31, 2025 to allow the redevelopment of Lot 400 within the Park
at Beaver Brook (the “Park”), Assessor’s Parcel 03-014-000.

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 August 29, 2022, continued to October 3, 2022, and continued to October 17, 2022 and November 7, 2022. The Planning Board deliberated on the proceedings on November 7, 2022. The following members of the Planning Board were present throughout the proceedings: Chair Mark Barbadoro, Cindy Markowitz, Rebecca Verner, Kathleen Vorce and Mark White. Also present was Associate Planning Board Member Janet Connolly.

After due consideration of the application, the record of the proceedings, the exhibits, the Town Planner’s reports, peer review letters, and based on upon the findings set forth herein, the Board voted 5 to 0 **APPROVE WITH CONDITIONS** the requested modification of Open Space Commercial District Special Permit Decision No. 97-01 pursuant to the following findings:

The following were tendered as exhibits:

- a. “Site Development Plans for The Park at Beaver Brook, building 400” Sheets 1-10, by Kelly Engineering Group, Inc., dated July 1, 2022, revised through August 18, 2022;
- b. Landscape Plans (4 sheets) by Hawk Design, Inc. dated July 6, 2022, revised through August 22, 2022;
- c. Architectural Floor Plans and Elevations sheets 7.0,-7.2 by RKB, dated July 8, 2022;
- d. Site Photometric Plan by LED Lighting Supply, dated July 7, 2022;

- e. “2022 Master Plan”, dated July 1, 2022;
- f. Stormwater Management Report, by Kelly Engineering Group, Inc., dated July 1, 2022;
- g. Traffic Summary Memorandum by MDM Transportation, dated July 11, 2022, amended August 1, 2022;
- h. Traffic Impact Assessment by MDM Transportation, dated August 16, 2022;
- i. Report to Accompany Planning Board Applications, by Kelly Engineering Group, Inc., dated July 11, 2022;
- j. LED light cut sheet, dated June 30, 2022;
- k. Site Plan and Special Permits Peer Review by PLACES Associates, Inc., dated August 5, 2022;
- l. Response to Peer Review, by Kelly Engineering Group, dated August 18, 2022;
- m. MassDEP Letter Approval of Onsite Wastewater Treatment Facility, dated January 20, 2022;
- n. Stormwater Drainage Reports for Beaver Brook Road and 400 Beaver Brook Road, prepared by CSW Solutions, dated September 8, 2022;
- o. Building 400 Zoning Compliance Chart (undated);
- p. OSCD Permit Conditions Compliance Chart (undated);
- q. Graphic entitled, “The Park – Permitted Land Use”, submitted by Campanelli (undated);
- r. Legal Memorandum of Hemenway & Barnes, dated September 26, 2022 with attached spreadsheet “Zoning Requirements – Lot 400.pdf”;
- s. MassDEP Groundwater Discharge Permit,;
- t. Memorandum by Onsite Engineering regarding MassDEP PFAS pilot mitigation project, dated October 28, 2022 and program, submitted November 3, 2022;
- u. Letter to Planning Board from Campanelli re Progress to Date, dated November 3, 2022;
- v. Letter to Planning Board from Campanelli re Design Review Board Memorandum, dated November 3, 2022;
- w. Hawk Design Letter re Landscaping, dated October 25, 2022, submitted November 3, 2022; Supplemental letter dated November 16, 2022
- x. MassDOT Highway Division Functional Design Report for Bridge Replacement over I-495, dated May 2022;
- y. Transportation Peer Review by Green International Affiliates, Inc., dated November 3, 2022, and Response from MDM Transportation, Inc., dated November 8, 2022;
- z. Architectural Design Modifications Presentation by Campanelli, submitted November 3, 2022.

BACKGROUND

In 1997, the Planning Board issued OSCD Special Permit 97-01, which allowed the construction of 900,000 square feet of office and R&D space. In 2000, the Planning Board in Decision 00-01 granted Site Plan approval for the construction of seven principal buildings within the Park. In 2001, by OSCD Permit 01-01, OSCD Permit 97-01 was amended to allow a second phase of development, comprised of an additional 500,000 square feet, ultimately allowing up to 1.4 million square feet of office and R&D space in the Park. (OSCD Special Permit 97-01, as amended by OSCD Special Permit 01-01 shall hereinafter be referred to as the “OSCD Special Permit”.) To maximize open space and protect Riverfront and wetland areas, all development of Phase I was clustered on the southern end of the property, with certain restrictive covenants recorded to preserve open space. Overall, the Park as approved would provide 106 acres of developed area and 235 acres of conservation/open space (30% and 70%, respectively).

The OSCD Special Permit allowed (a) a reduction in the required parking stall dimensions from 10 feet x 20 feet to 9 feet x 18 feet with a 24-foot aisle lane; and (b) a reduction in the parking ratio from 4 spaces per 1,000 square feet of floor area to a minimum of 3.3 spaces from 1,000

square feet (provided that 4 spaces per 1,000 could be provided in the future if required). The OSCD Special Permit also allowed certain dimensional modifications for the development, including with respect to lot area, frontage, height, setbacks, lot coverage and floor area ratio.

The OSCD Special Permit contemplated that all work permitted thereunder would be completed within a specified 15-year “Commercial Development Period”, commencing on the date on which the restrictive covenants were recorded. Such Commercial Development Period lapsed in 2015.

Buildout of Phase I commenced in 2000. Between 2000 and 2001, three of the seven approved buildings (#200, #300 and #500) were constructed. Buildings 400 and 600 were not completed, but foundations were installed in the locations approved by the Planning Board. Building 100 was never started. All infrastructure necessary to support buildings 200 through 600 was fully installed. That infrastructure included parking, loading, landscaping, stormwater management systems, water and sewer and other utilities. In addition, the open space covenants and restrictions associated with Phase I were recorded. None of Phase II was constructed.

FINDINGS OF FACT

1. Campanelli has applied for Site Plan Approval for the redevelopment of what is identified in the plans approved by the OSCD Special Permit as Building 400. Its proposal for Building 400, which is the subject of a separate Site Plan Approval Decision of even date herewith, entails construction of a purpose-built 64,000 square foot Research and Development facility for TUV, a global testing, inspection and certification company, who will occupy the site pursuant to a lease agreement.
2. Building 400, which currently consists of a poured concrete foundation, is located on an approximately 9.2-acre parcel delineated as Lot 4.2. Access to Lot 4.2 is via a two-way driveway off Beaver Brook Road. Lot 4.2 contains approximately 494 parking spaces, landscaping and other site features. All utilities and storm drainage necessary to serve Lot 4.2 are in place. Sewer from Lot 4.2 is connected to the Park-wide sewer system that flows to the previously constructed wastewater treatment plant, located on Lot 6.2. Water for Lot 4.2 is provided via the Park-wide water system, which consists of a series of wells, fire ponds and pumps. The storm drainage system on Lot 4.2 consists of a number of best management practices; including deep sump catch basins, grassed channels, off-line oil grit separators, constructed wetlands, and recharge/detention basins.
3. Campanelli proposes to remove the existing Building 400 foundation and replace it with a 64,000 square foot single-story Research and Development facility (the “Project”). The site layout will be modified from what was approved by the Board’s 2000 Site Plan decision in an effort to minimize impervious area on Lot 4.2. There will be no change to the limit of previous development. The northerly line of Lot 4.2 will be adjusted to accommodate the Project through the submittal of an Approval Not Required (ANR) Plan. Lot 4.2 will be reduced to approximately 8.34 acres as a result of the adjusted lot line. The areas within the Park that were previously restricted as conditions to the OSCD Special Permit governing Phase I will also remain the same.

4. The Project will be substantially compliant with the requirements of the current Town of Boxborough Zoning Bylaw. The only areas of noncompliance are with respect to Floor Area Ratio (FAR), lot coverage, and side yard setback, as identified in the Zoning Requirements spreadsheet attached to Exhibit r. The FAR and lot coverage nonconformities are a direct result of the Park's original approval as an OSCD, which established lot coverage and density limitations based on the overall Park area, rather than on a lot-by-lot basis. The side yard setback nonconformity is necessary to provide life safety access to the Building 500 lot; although it does not comply with the requirements of the current Zoning Bylaw, it provides a greater setback than what is required under the OSCD Special Permit.
5. Only those parking spaces necessary for the Project will remain, such that the Project will result in the removal of approximately 230 parking spaces, allowing a reduction of approximately 33,000 square feet of impervious area.
6. The transportation study submitted with the Application indicates that the traffic impacts of the Project will be less than what was approved by the Board in the OSCD Special Permit. Additionally, MassDOT has communicated to the Campanelli team its position that the Project will not have an adverse impact on the transportation system, due to a less traffic-intensive proposed use of the building and the fact that all previously required transportation infrastructure mitigation for the Park was completed in the early 2000s.
7. The stormwater report submitted by Campanelli indicates that by reducing 33,000 square feet of impervious surface and creating an onsite subsurface recharge system, the Project will result in less stormwater runoff than the previously approved project.
8. All conditions of the OSCD Special Permit relative to Phase I of the development (i.e., installation of infrastructure and restriction of open space) have been satisfied, without the owner of the Park realizing the benefit of the commercial development tied to such conditions.
9. In accordance with Bylaw Section 9205, the Board has considered the requested modification in reference to the Special Permit criteria set forth in Section 9204, to the extent applicable. The Board finds that extending the Commercial Development Period does not impact criteria (1)-(6), but that it will have a potential positive fiscal impact, including commercial property tax contribution for the Town and further that it will potentially create new employment opportunities within the Park pursuant to criterion (7).

MODIFICATION OF OSCD SPECIAL PERMIT

1. Condition 2.9(c) of the OSCD Special Permit established a "Commercial Development Period", commencing on the date of recording the Restrictive Covenant required pursuant to Condition 2.10 thereunder and ending on the fifteenth anniversary of such date. The Restrictive Covenant was recorded with the Middlesex South Registry of Deeds in Book 32180, Page 260 on August 15, 2000. Accordingly, the Commercial Development Period lapsed on August 15, 2015.

2. Condition 2.9(c) of the OSCD Special Permit expressly grants the Board the option to extend the Commercial Development Period with respect to any portion of the approved development not completed at the time of expiration of the Commercial Development Period.
3. In recognition of the facts found that the proposed redevelopment of Building 400 is consistent with prior approvals granted by the Board in the OSCD Special Permit, that the current proposal will have fewer impacts on traffic and stormwater than the original proposal, and that all original conditions of the OSCD Special Permit for Phase I applicable to Building 400 have been substantially complied with, the Board finds it is reasonable to extend the Commercial Development Period for the Project for a period of time sufficient to complete construction of said Project.
4. The Board voted to grant the requested modification of the OSCD Special Permit to extend the Commercial Development Period for the Project until December 31, 2025.

CONDITIONS

1. The extension of the Commercial Development Period authorized herein is limited to the development of the Project as described in more detail in the Site Plan Approval decision of even date herewith. No other portions of the Commercial Development may proceed without further modification of the OSCD Special Permit by a vote of the Board. Any future expansions of the Project, or change of use beyond that approved in the Site Plan Approval decision shall require further modification of the OSCD Special Permit.
2. This decision shall be recorded in the Middlesex South Registry of Deeds and proof of recording shall be required prior to the issuance of any building permit for the Project.
3. All applicable conditions of the OSCD Special Permit not specifically modified by this Decision shall remain in full force and effect.
4. In the event that the Project is not complete by December 31, 2025, this approval shall lapse and be of no further force and effect.

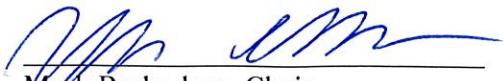
OTHER PERMITS OR APPROVALS: This decision applies only to the requested OSCD Special Permit modification. Other permits or approvals required by the Boxborough Zoning or General Bylaws, and from any other governmental boards, agencies or bodies having jurisdiction, shall not be assumed or implied by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

AMENDMENT OF PERMIT: The Board hereby reserves its powers to modify or amend the terms and conditions of the OSCD Special Permit upon its own motion with consent from the owner, or on the application of the owner. The Board further reserves its powers to amend the permit 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 By-Law or with the terms of this permit.

APPEALS: Any person aggrieved by this decision may appeal pursuant to the Massachusetts General Laws, within 20 days after the filing of this Decision with the Boxborough Town Clerk.

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

ON BEHALF OF THE BOXBOROUGH PLANNING BOARD:


Mark Barbodoro, Chair

11/30/2022

Received:


Rebeca Harris, Town Clerk

11/30/2022
Date

I, Rebecca Harris, Clerk of the Town of Boxborough, Massachusetts, hereby certify the notice of approval of this USCD special permit amendment by the Boxborough Planning Board has been received and recorded at this office, and no appeal was received during the twenty (20) days next after such receipt and recording of said notice.



12/20/2022

True copy, attest


Rebecca J. Harris
Boxborough Town Clerk