



BOXBOROUGH PLANNING BOARD

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Mark Barbadoro, Chair Cindy Markowitz, Clerk Kathleen Vorce Rebecca Verner Mark White

DECISION AND CERTIFICATE STORMWATER MANAGEMENT PERMIT FOR CONSTRUCTION AND POST- CONSTRUCTION ACTIVITIES CAMPANELLI-TRIGATE BOXBOROUGH SUB, LLC 400 Beaver Brook Road

DECISION of the Planning Board (the Board) on the application of Campanelli-Trigate Boxborough Sub, LLC (the Applicant) for Stormwater Permit to construct a 64,000 square foot Research and Development (R&D) facility located on a 9.2-acre parcel of land known and numbered as 400 Beaver Brook Road within the Park at Beaver Brook Office Park (the "Application"). The Application was filed with the Planning Board on October 27th, 2022, and this decision accompanies conditional approvals granted for Site Plan Review, Earth Removal, and Special Permit Modification.

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 December 5th, 2022. The Planning Board deliberated on the proceedings on December 5th, 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. Associate Planning Board Member Janet Connolly was also present for the hearing. After due consideration of the application, the record of the proceedings, the exhibits, and based upon the findings set forth herein, the Board voted 4 to 0, with 1 abstention by Rebecca Verner to **APPROVE WITH CONDITIONS** the Stormwater Permit on December 5, 2022(the Decision), 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, WP 68 GW #645;
- t. Memorandum by Onsite Engineering regarding MassDEP PFAS mitigation project, dated October 28, 2022 and 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.
- aa. Stormwater Permit 400 Beaver Brook Project No. 5633 by PLACES Associates, Inc. dated November 16, 2022;
- bb. Email correspondence "FW: 400 beaver Brook compliance with stormwater management regulations" from Susan Carter to Alexander Wade and David Kelly, dated November 16, 2022;
- cc. A site plan titled "Redevelopment Exhibit", dated July 1, 2022, Sheet 5 of 10;

BACKGROUND

In 1997, the Planning Board issued Open Space Commercial District (OSCD) Special Permit 97-01, which allowed the construction of 900,000 square feet of office and R&D space (Phase I). In 2000, the Planning Board in Decision 00-01 granted Site Plan Approval for the construction of seven principal buildings within The Park at Beaver Brook (the "Park"). This included approval of a 152,853 square foot office/research and development building known as Building 400.

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 (Phase II), 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, most development for 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 per 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.

On August 1, 2022, the Town of Boxborough adopted their Stormwater Management Rules And Regulations for construction and post-construction activities. The rules and regulations require the filing of this application.

FINDINGS OF FACT

1. This project is considered a "minimally invasive project" as defined in section 5.0 of the Stormwater Management Rules and Regulations, as it does not add any new impervious area.
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, and recharge/detention basins.

3. 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.
4. The stormwater report submitted by the Applicant 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.
5. The Project is located within the Town's Aquifer Protection District. The project as proposed will reduce impacts to the aquifer by decreasing impervious area on the site by 33,000 square feet and by implementing a roof recharge system that will increase groundwater recharge thereby benefiting the aquifer.

COMPLIANCE WITH STORM WATER RULES AND REGULATIONS (DECISION)

Per the Stormwater Management Standards, section 7.3 of the Stormwater Rules and Regulations, this project meets the standards as follows:

Section 7.3 § 1, No new stormwater conveyances are proposed. The project will connect to the park-wide stormwater management system.

Section 7.3 § 2, Traditional LID measures such as rain gardens are infeasible because of existing drainage patterns and slopes on the site. The project will limit impacts by utilizing existing parking, removal of over 200 parking spaces (resulting in 33,000 sf less impervious area) and by the installation of a large roof recharge system.

Section 7.3 § 3, The stormwater management system has been designed in compliance with the Massachusetts Stormwater Handbook and has been reviewed for compliance by The Board's engineering consultant.

Section 7.3 § 4, This section is not applicable, as the project is a redevelopment project.

Section 7.3 § 5, The project complies with 4 a. iv by providing onsite and offsite BMPs that will provide 80%TSS removal consistent with the Massachusetts Stormwater Handbook, by the installation of a roof recharge system and by connecting to the park wide stormwater management system.

Section 7.3 § 6, This section is not applicable.

CONDITIONS

Approval of this stormwater permit is granted, with the following conditions. Failure to comply with any of the following conditions may result in delay of occupancy permit or revocation of permits previously granted.

1. Approval is made in reliance upon the Plans and Documents entered as exhibits before and during the Public Hearing.
2. The applicant will conform with all requirements of the Stormwater Rules and Regulations, including but not limited to:
 - a. Section 10 governing site inspections and final reports, to be acknowledged by the applicant in a letter submitted to the Town Planner prior to the start of construction.
 - b. Section 12 governing certificate of completion following necessary site review
3. Stormwater drainage structures for the Project shall be as shown in the Plans and Documents, which will be made available during all site inspections. As built plans will be updated and made available during inspections.
4. Prior to construction, a preconstruction meeting will be held on site. During and after construction, the site shall comply with the Stormwater Bylaws of the Town of Boxborough.
5. All catch basins and detention basins shall be maintained during construction and cleaned at the end of construction. Catch basins shall be functional at the binder pavement and shall be raised to the finish elevation no more than one (1) month before final paving. Evidence of cleaning shall be provided to the Consulting Engineer in writing.
6. Following construction, on-going maintenance of the drainage system will be conducted as outlined in the Operations and Maintenance Plan. Reports on the operation and maintenance plan will be submitted to the Town Planner for review, on an annual basis or upon request of the Town Planner.
7. The Applicant shall notify the Planning Board within 48 hours of any approved modifications to the MassDEP Ground Water Discharge Permit, including without limitation, changes in the effluent limits or volumes of wastewater from the Project.
8. Violation of any of the conditions of the Decision, as acknowledged by the permit holder or determined by a court of competent jurisdiction to have occurred, shall be grounds for enforcement of the Decision, or of any Building or Occupancy Permit granted hereunder. The Town may enforce compliance with the conditions of the Decision by any action of injunctive relief before any court of competent jurisdiction.

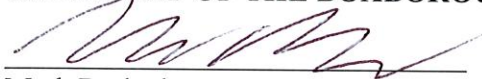
9. Minor modifications resulting from scrivener's error or items not addressed in the approved plans or unforeseen field conditions, may be approved by the Building Inspector, upon consultation with the Planning Board's Consulting Engineer, if they do not alter the nature, intensity or visual impact of the approved plans and conditions outlined in the Decision. Landscape substitutions may be allowed if healthy specified plant materials are not readily available only with the review and approval of the Planning Board's Consulting Landscape Architect. Any Modifications that are not deemed minor by the Building Inspector shall be presented to the Planning Board for their review and approval. The Planning Board shall determine whether the requested modification requires an amendment to this Approval.

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 of the Decision with the Town Clerk, whether this Decision is appealed or not. No post-permit reviews of documents or plans shall be conducted nor shall a building permit or occupancy permit be issued until all such invoices have been paid in full.

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.

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 Barbadoro, Chair

SW22-001
Decision Number

RECEIVED

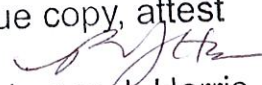
DEC 13 2022

Received:


Rebecca Harris, Town Clerk

TOWN CLERK
TOWN OF BOXBOROUGH

Date

True copy, attest

Rebecca J. Harris
Boxborough Town Clerk