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TOWN OF BOXBOROUGH



PLANNING BOARD

29 Middle Road
Boxborough, MA 01719PLANNING BOARD DECISION #02-03
SITE PLAN/EARTH REMOVAL DECISION
Cisco Systems Inc., NEDC Site 2, Phase 2

OWNERS: Cisco Systems, Inc.
170 West Tasman Drive
San Jose, California 95134

Cisco Development Partners-NEDC, LLC
c/o Cisterra Partners, LLC
260 Franklin Street – Suite 1840
Boston, MA 02110-3712

APPLICANT: Cisco Development Partners-NEDC, LLC
c/o Cisterra Partners, LLC
260 Franklin Street – Suite 1840
Boston, MA 02110-3712

ENGINEER: Beals and Thomas Inc.
144 Turnpike Road (Route 9)
Southborough, MA 01772

| MARGINAL REFERENCE REQUESTED | |
|------------------------------|------|
| 31661 | 26 |
| # 933 | |
| BOOK | PAGE |

LOCATION OF SITE 2: Boxborough Assessors Maps: 3 & 4 Group: 1 Lots: 173.1, 173.2, 173.16, 173.17A, 200-1.2, 200-2.2, 200-3.2, 200-4.2, 200-5.2, 200-6.2, 200-7.2, 200-8.2, 200-11.2, 200-12.2, 200-13.2, 200-14.2, 200-15.2. Harvard Assessor's Map 19, Lot 10.

TOTAL AREA OF SITE 2: 350 acres (304 acres located in the Town of Boxborough; 46 acres located in the Town of Harvard)

ZONING DISTRICT: Office Park District in Boxborough

OVERLAY DISTRICTS: Aquifer Protection, Flood Plain, W-District, Lands Bordering W-District and Wireless Communication Facilities (WCF).

APPLICATION: Site Plan Approval under Section 5400 for three buildings: (Building 8 - 185,000 square feet, Building 9 - 115,000 square feet, and Building 10 - 200,000 square feet) containing a total of 500,000 square feet of

Beaver Brook Rd, Boxboro

office/research and development space for occupancy by Cisco Systems Inc.; Planning Board finding that the Phase 2 Site Plan complies with and is consistent with the Open Space Commercial Development Special Permit, Planning Board Decision #01-01, (an amendment to the original OSCD Permit Decision #97-01); review and approval of driveways on Beaver Brook Road; determination that internal signage is "safety related"; request for confirmation of prior Planning Board decision regarding reduction in number of paved parking spaces and parking stall dimensions; request for waiver regarding scale of locus plan; and request for an Earth Removal Permit to remove approximately 200,000 cubic yards of earth material.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Applicant, abutters and other parties of interest as required by law, the hearing was called to order on August 13, 2002 in the Upstairs Meeting Room at the Boxborough Town Hall. The hearing was continued to and closed on September 10, 2002.

Board members in attendance: Karen Metheny, chairman; Owen Neville, member; Jennie Rawski, member; and Michael Ashmore, clerk.

Present for the Applicant: Scott Ross, for the Applicant and Owner, John Bensley, Beals and Thomas, Inc., for the Applicant, Wayne Koch, ADD, Inc., for the Applicant, and Robert Nagi, Vanasse Hangen Brustlin, Inc., for the Applicant.

The following exhibits were submitted prior to the close of the public hearing:

Exhibit A: Application for Site Plan Approval: Cisco Systems, NEDC Site 2 Phase 2 Boxborough, MA., Prepared for Cisco Development Partners NEDC, LLC. Prepared by: Beals and Thomas Inc. and ADD Inc., dated June 21, 2002.

Exhibit B: Plans entitled: "NEDC Site 2 Phase 2 Site Plans," Boxborough, MA, dated June 21, 2002 (see Exhibit I below for revisions).

Exhibit C: Certification of Filing from the Town Clerk – date of filing: June 26, 2002.

Exhibit D: Legal Notice of Public Hearing published in The Acton Beacon

Exhibit E: Referral Form – plans and application submitted to listed boards/committees and department heads, dated July 11, 2002.

Exhibit F: Letter from Richard Westcott, P.E., of Westcott Site Services, dated August 12, 2002.

Exhibit G: Letter from the Division of Fisheries and Wildlife, dated July 25, 2002.

Exhibit H: Basin 2 Grading Plan, Cisco NEDC – Site 2 dated: 7/30/02.

Exhibit I: Letter from Beals and Thomas Inc., dated August 19, 2002, RE: Revised Site Plan Sheets CO.1, C1.1, C1.2, C2.2, C3.1, and C3.2. dated August 19, 2002.

Exhibit J: Letter from Richard Westcott P.E., Westcott Site Services, dated August 29, 2002. RE: Revised Site Plan Engineering Review.

After reviewing the exhibits and record of proceedings, the Planning Board **finds and concludes** the following:

1. The Applicant proposes to construct a total of 500,000 square feet of predominantly office and research and development space within three (3) principal buildings, each building on its own lot, together with associated site improvements (collectively referred to in this decision as the "Phase 2 development"). The Phase 2 development is shown on the plans referred to in Exhibit B and Exhibit I, above (collectively, the "Site Plan"). The buildings have the following square footages: Building 8 (4 stories): 185,000 square feet; Building 9 (3 stories): 115,000 square feet; and Building 10 (4 stories): 200,000 square feet. The Phase 2 development will be constructed within the area of Assessor's Lots 200-8.2 and 200-13.2 (collectively, the "Phase 2 development area"); however, all three buildings will be constructed within Assessor's Lot 200-8.2. The individual development lots for Buildings 8, 9 and 10, as shown on the Site Plan, will be created by an Approval Not Required plan to be submitted to the Board.
2. Site 2 consists of approximately 350 acres of land, 304 acres of which are located in the Town of Boxborough, and 46 acres of which are located in the Town of Harvard. Site 2 is located within the Office Park zoning district. Portions of Site 2 are also located within the following overlay districts: Aquifer Protection, Flood Plain, W-District, Lands Bordering the W-District, and Wireless Communication Facilities (WCF). The Phase 2 development was designed to complement the original Phase 1 development of 900,000 square feet of office, research and development space which is currently under construction. The Phase 2 development is the subject of an Open Space Commercial Development ("OSCD") Special Permit Decision #01-01 ("OSCD Special Permit #01-01") issued on December 3, 2001 (an amendment to the original OSCD Special Permit Decision #97-01), which modifies the dimensional requirements for the Phase 2 development. OSCD Special Permit #01-01 is currently under appeal, and a condition of this Site Plan Approval is a requirement that OSCD Special Permit #01-01 become effective in accordance with the provisions of Condition 24, below.
3. The Phase 2 development complies with the purpose and intent of the Zoning Bylaw and with existing local and regional plans and has been designed in accordance with the guidelines set forth in Sections 5462-5469 of the Bylaw.
4. The Applicant has prepared and submitted to the Board all submittals required by Section III of the Rules and Regulations for Site Plan Approval. The Board hereby grants the requested waiver with respect to the scale of the locus plan submitted with the application.
5. Access to Buildings 8, 9 and 10 will be provided from Beaver Brook Road, an approved subdivision roadway.
6. The Applicant originally filed a Notice of Intent with the Conservation Commission and a Special Permit request with the Zoning Board of Appeals for work within the wetlands buffer zone and the Lands Bordering the W-District. Both applications have been withdrawn because the Site Plan has been revised so that there is no disturbance to the wetland buffer zone, or the Lands Bordering the W-District.
7. A Special Permit for work within the Aquifer Protection Overlay District ("APOS") under Section 4140(s) of the Boxborough Zoning Bylaw is required, because all of the Site 2 property within the Town of Boxborough, except 1.45 acres, is located in an APOS; and if Site 2 is fully built out, with the parking at the rate of four (4) spaces for each 1,000 square

feet of floor area, then the total amount of impervious area included within the APOD on Site 2 will be equal to 20.7%, which exceeds the APOD Bylaw limitation of 20% by 0.7%.

8. No hazardous materials other than limited quantities generally found within office uses will be used or generated on site. In the event natural gas is not utilized as the fuel for emergency generators, then petroleum-based fuel may be stored on the project site near each emergency generator. All hazardous materials will be stored and used in accordance with applicable laws.
9. The Phase 2 buildings will be serviced by electrical, telephone, communication, cable and gas utilities which will be located underground within the boundaries of Site 2. The proposed Phase 2 buildings will be adequately serviced by an on-site waste water treatment facility with an associated soil absorption system, an on-site potable water supply, and an on-site fire protection system. The proposed Phase 2 buildings will have sprinkler systems. The Applicant has submitted a request for an amendment to the Ground Water Discharge Permit issued by the Massachusetts Department of Environmental Protection (Permit No.0-645-T-136528) to use the approved waste water treatment facility for the Phase 2 buildings. The existing permit requires that effluent from the treatment facility meet drinking water quality standards. Therefore, adequate facilities are provided to service the proposed Phase 2 buildings.
10. The Site Plan has been designed to maximize the preservation of open space, and minimize disturbance to the previously undisturbed areas of the site by clustering the Phase 2 buildings across from Building 7 (one of the Phase 1 buildings) in the southern portion of the site. The 50-foot buffer area surrounding the Phase 2 development area will preserve community aesthetics and will adequately protect abutting properties.
11. The Phase 2 buildings will be architecturally compatible with the Phase 1 buildings and with each other. The Phase 2 roof top mechanicals will be screened with the same type of metal panels used in Phase 1. The Phase 2 buildings and associated parking areas will be appropriately landscaped.
12. The predominant proposed uses are office and research and development, which are allowed as of right in the Office Park district. One or more Automatic Teller Machines ("ATM's") which are allowed as an accessory use may be installed within the Phase 2 buildings. In addition, cafeterias, convenience stores, and a fitness center, which are allowed as accessory uses, may be developed to serve employees who work in the buildings located at Site 2.
13. Each Phase 2 building and its associated parking are contained within its own development lot. The development lots, as shown on the Site Plan, meet (i) the front, rear and side yard setback requirements, as modified by OSCD Special Permit #01-01; and (ii) the building lot area, lot frontage, maximum coverage, and Floor Area Ratio (FAR) requirements, as modified by OSCD Special Permit #01-01. The Phase 2 buildings meet the building height and number of building stories requirements, as modified by OSCD Special Permit #01-01. The Site Plan complies with the 30% limitation on maximum lot coverage as set forth in Section 2310 of the Bylaw, and will comply with the requirements as to impervious coverage for lots located in the Aquifer Protection Overlay District contingent upon the issuance of the Zoning Board of Appeals APOD Special Permit.

14. The Site Plan is subject to OSCD Special Permit #01-01, which permits clustered development and the preservation of open space and recreational area. After review of the Site Plan, the Planning Board finds that the proposed Phase 2 development complies with and is consistent with the OSCD Special Permit #01-01; and the Open Space areas shown on the Site Plan are consistent with the OSCD Special Permit #01-01.
15. Under the conditions set forth in OSCD Special Permit #01-01, certain areas of the site must be permanently protected as Open Space/Recreation Area. Under the terms of OSCD Special Permit #01-01, area residents must have "reasonable access" to portions of the Open Space/Recreation Area designated by the Applicant for passive recreational uses. Other portions of the Open Space/Recreational Area may be used for active recreation with the consent of the Applicant. The Applicant intends to satisfy the conditions of the OSCD Special Permit #01-01 by recording, in accordance with Condition 9, below, two Restrictive Covenants in substantially the same form as the drafts which were submitted with the application (collectively, the "Open Space Documents"):
 - (a) A Restrictive Covenant (Phase 2) on 27.09 acres of land, shown as "Open Space Restriction Area F" on the "Easement Restriction Plan" dated June 18, 2002, submitted with the application for Site Plan Approval. As specified in the OSCD Special Permit #01-01, this land may be used for active recreation with consent from the Applicant.
 - (b) A Restrictive Covenant (Phase 2) on 60.2 acres of land (46 acres of which are located in the Town of Harvard), shown as "Open Space Restriction Area D" and "Open Space Restriction Area E" on the "Easement Restriction Plan" dated June 18, 2002, submitted with the application for Site Plan Approval. Portions of this land designated by the Applicant will be available to area residents for passive recreational uses.
16. Each lot meets the 70% maximum lot coverage requirement (buildings, structures and impervious surfaces), as modified by OSCD Special Permit #01-01. The remaining portion of each lot will be landscaped or returned to a natural state.
17. Although the number of parking spaces proposed to be constructed is 3.5 spaces for each 1,000 square feet of floor area, the Planning Board finds that a minimum of 3.3 spaces for each 1,000 square feet of floor area is sufficient based upon the anticipated number of employees. A reserve area will be provided of sufficient size to permit construction of additional parking of up to 4.0 spaces for each 1,000 square feet of floor area, as required by the Zoning Bylaw. However, all dimensional requirements as modified by OSCD Special Permit #01-01 have been met using the 4 parking spaces per 1,000 square foot requirement. The Planning Board also confirms its prior decision in OSCD Special Permit #01-01 regarding the reduction in the size of parking stall dimensions.
18. The configuration of the proposed parking areas and the circulation patterns are appropriate for a common parking facility serving Buildings 8, 9 and 10. Because the Applicant intends to use all buildings as part of an integrated office park campus, it is unlikely that principal uses will change in kind or extent so as to substantially increase the parking requirement of the common facilities.

19. The Site Plan includes a well designed, convenient and safe parking and circulation pattern. Adequate access is provided to each building for emergency and service equipment, and convenient pedestrian access between adjacent buildings is provided.
20. The Planning Board has reviewed the proposed driveway locations for the Phase 2 development off of Beaver Brook Road, an approved subdivision roadway. The Board finds that the location and design of the driveways are adequate for the Phase 2 development, and are both safe and convenient. Each building lot will be served by its own driveway(s).
21. The Phase 2 development will use a stormwater management system that was planned to accommodate run-off from the development, including the impervious surfaces from parking facilities of up to 4 spaces for each 1,000 square feet of floor area. The design of the system incorporates Best Management Practices to treat the stormwater prior to its discharge to the wetlands. The system for the Site 2 development as a whole complies with the Department of Environmental Protection Stormwater Management Policy (SWMP).
22. The traffic analysis concludes that the majority of the site-generated traffic will utilize Interstate 495. Roadway improvements that include the widening and signalization of the Swanson Road/Codman Hill Road/Route 111 intersection and the improvements to the Interstate 495/Route 111 ramps have been constructed and are fully operational. Also, Cisco has committed to the following mitigation measures as part of the MEPA approval for the Phase 2 development: (i) design and construction of a second left turn lane on Route 111 eastbound at the I-495 northbound ramp; (ii) committing \$100,000.00 to the Swanson Road Improvement Fund prior to occupancy of any floor area in excess of 900,000 square feet; and (iii) committing \$150,000.00 to the Route 111 Corridor Improvement Fund prior to occupancy of any floor area in excess of 900,000 square feet. In addition, a Transportation Demand Management Plan will be implemented, including but not limited to, preferential parking for carpools and vanpools, shuttle services to public transportation stops, a ridesharing program, alternative work programs, and on-site employee services.
23. Lighting has been designed to ensure sufficient illumination for public safety purposes and incorporates shielding to reduce ambient light and glare.
24. The Applicant estimates that approximately 200,000 cubic yards (cy) of excess earth will result from the construction activities associated with the Phase 2 development. Although the Applicant anticipates that all or most of the excess material will be relocated within the limits of Site 2, significant earth removal may be required. In addition, it is expected that some earth materials, such as top soil or structural fill, will be brought to the site. The proposed earth removal is consistent with the Earth Removal Bylaw.
25. The Applicant proposes internal directional signage, at locations marked on the Site Plan. The Board finds that these signs are safety related and that the sign locations are appropriate.
26. The Definitive Plan for Towermarc Business Park was submitted to the Planning Board on December 30, 1997, and was endorsed on December 21, 1999. Accordingly, the Planning Board has determined that the land shown on the Definitive Plan for Towermarc Business Park shall be governed by the applicable provisions of the Zoning Bylaw in effect on December 30, 1997 until December 21, 2007, which period is extended by operation of law during the period any appeal is pending.

Therefore, the Planning Board votes to **GRANT** the requested Site Plan Approval Permit and the requested Earth Removal Permit subject to the following conditions, modifications and limitations:

CONDITIONS:

1. In the event that buildings 8, 9 and 10 are not constructed simultaneously, the Applicant shall provide the Planning Board with an alternative vehicular circulation and emergency vehicle access plan describing access and circulation via paved surfaces.
2. Prior to transfer of any individual building lot included in the Phase 2 development, instrument(s) will be recorded, after review and approval by the Planning Board, which will serve to (i) grant the owner of the lot to be transferred all easements and other appurtenant rights necessary for the lot to maintain operational and zoning compliance independently of the other lots in the development; (ii) establish the lot owners' rights, responsibilities and obligations with respect to maintenance, services and shared utilities which are most appropriately and efficiently delivered to the development as a whole; and (iii) establish an equitable means of sharing the costs of management, operation and maintenance of the development.
3. In order to allow the architects some flexibility in the final design of the Phase 2 buildings, the Board concludes that minor shifts in the building footprints and parking layout within the limits of the setback requirements do not require further approval and are consistent with this Site Plan Approval decision.
4. Under the Earth Removal Permit granted by this decision, no more than 200,000 cubic yards of earth material may be removed from Site 2 without further written consent of the Planning Board.
5. All construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday; and prohibited during Sundays and legal holidays, as specified in the Construction Site Activity Bylaw. Earth removal from Site 2 shall also comply with the Construction Site Activity Bylaw hours of operation.
6. The Applicant shall ensure that the construction contract for the Phase 2 development shall provide that construction vehicles and equipment shall not use Sherry Road as a means of access to and egress from the site.
7. The Applicant's use of Swanson Road shall not cause an unsafe, unclean or impassable condition while the proposed Phase 2 buildings are under construction. The Applicant shall ensure that such conditions are maintained at the Applicant's expense.
8. If in the future the Planning Board determines that the reserve parking spaces are needed, the Board shall notify the owner and it shall be the responsibility of the owner to construct up to 4.0 spaces for each 1,000 square feet of floor area in the reserve parking areas shown on the Site Plan. If the Applicant determines that the reserve parking spaces are needed, the Applicant shall obtain Planning Board approval prior to construction of up to 4.0 spaces for each 1,000 square feet of floor area.

9. The Applicant shall record the Open Space Documents, in accordance with the terms of OSCD Special Permit #01-01, although either of these documents may be recorded earlier than required under OSCD Special Permit #01-01.
10. Prior to occupancy of any floor area in excess of 900,000 square feet, the Applicant shall obtain approval to amend the Ground Water Discharge Permit issued by the Massachusetts Department of Environmental Protection (Permit No.0-645-T-136528) to use the approved waste water treatment facility for building square footage in excess of 900,000 square feet.
11. The Applicant shall construct an access driveway from Beaver Brook Road to "Open Space Recreation Area F", subject to obtaining the requisite permits and approval for such access driveway. The Applicant shall construct such access driveway when it does the preparatory site work associated with the Phase 2 buildings.
12. All off-site traffic improvements shall be completed in accordance with the schedule specified in the Massachusetts Highway Department Section 61 Finding issued on March 27, 2002, or sooner. Prior to occupancy of any floor area in excess of 900,000 square feet, the Applicant shall contribute, under the provisions of M.G.L ch.44 §53A, a total of \$250,000.00 for transportation improvements to Swanson Road and the Route 111 Corridor. Funding of the \$250,000.00 as described above shall satisfy the Applicant's commitment, set forth in Section 5 of the Traffic Impact and Access Study included as Section 8.0 of the Site Plan Approval application, to contribute \$100,000.00 to the "Swanson Road Improvement Fund" and \$150,000.00 to the Route 111 Corridor Improvement Fund." In lieu of making such contribution, the Applicant may, at its election, perform the road improvements, as approved by the Planning Board, on Swanson Road and Route 111 totaling \$250,000.00.
13. Results of the site drive monitoring requirement specified in the Massachusetts Highway Section 61 Finding issued on March 27, 2002 shall also be provided to the Planning Board. As required in the Cisco Phase 1 Site Plan Approval (Decision #00-01) and the OSCD Special Permit #01-01, the Applicant has agreed to the following traffic monitoring programs:
 - (a) Monitoring of traffic entering and exiting Site 2 from Swanson Road, as provided in Condition 3.13(a) of OSCD Special Permit #01-01; and
 - (b) Monitoring of site drives along Swanson Road, as provided in Condition 3.13(c) of the OSCD Special Permit #01-01 and Condition 14(E) of Planning Board Decision #00-01.
14. If the LOS analysis conducted in connection with the traffic monitoring requirements set forth in Condition 3.13 of the OSCD Special Permit #01-01 shows that the turning movements entering and exiting Swanson Road at the Route 111 intersection are not operating at an overall Level of Service "E" or better, then the Applicant shall implement the Transportation Demand Management (TDM) techniques described in subparagraph (i) of Condition 3.13 prior to making any physical and/or operational improvements to the intersection of Swanson Road and Route 111, as described in subparagraph (ii) of Condition 3.13.
15. All outdoor lighting shall conform to Section 3340 of the Zoning Bylaw. Should any outdoor lighting be erected that does not comply with the Bylaw requirements, the Applicant shall be responsible for correcting the lighting at its expense.

16. The Applicant's engineer shall certify that the buildings, as constructed, conform with all zoning requirements as modified by the OSCD-Private/Common Driveway Special Permit, including, but not limited to, conformance to noise and lighting standards set forth in Sections 3340 and 3541.
17. The Phase 2 roof top mechanicals shall be screened with the same type of metal panels used in Phase 1.
18. The Applicant shall maintain an up-to-date hazardous material plan for this site on file with the Fire Chief. 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 tenants (if different). If the Fire Chief notifies the Applicant within 60 days of receiving a new or modified hazardous materials plan that the plan for specified materials is unacceptable, then the Applicant and tenants shall not use or store such specified materials, except as approved in the Hazardous Materials Plan, at the site until a new plan is accepted in writing by the Fire Chief. The Applicant shall include clauses in the lease of any and every non-Cisco 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. A copy of any such lease shall be submitted to the Planning Board.
 - a. The owner, tenant or occupant, if different, shall inform the Board of Health and the Fire Chief as soon as possible but not later than 24 hours after the discovery of any accidental discharge or spillage of hazardous material.
 - b. In all areas where hazardous materials are stored or handled, the owner shall prominently post a notice that references the hazardous material plan, indicating where within the facility copies can be obtained and stating that employees must transport, handle, and dispose of hazardous materials in accordance with such plan.
 - c. 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 judgment, a substantial present or potential hazard to 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 limited to, all substances controlled by 40 CFR Parts 117 and 302, as authorized by the Federal Comprehensive Environmental Response and Liability Act of 1980 (42 USC 9601 et seq.). Note: Many common cleaning products contain hazardous materials by this definition.
 - d. The total quantity of any hazardous material stored, used, generated, and otherwise present at any storage area at any time shall not exceed the reportable quantity for such substance (that is, the minimum quantity for the release of which into the environment

must be reported) as set forth in 40 CFR Parts 117 and 302. Except as specified in the approved Hazardous Materials Plan.

Groundwater Monitoring: The Applicant shall install and maintain in a working condition monitoring wells for the purpose of monitoring groundwater quality. The number and location of wells shall be determined by the Board of Health, consistent with the Open Space documents. Water samples from all monitoring wells shall be collected and tested prior to occupancy, at approximately 80 percent of full occupancy, and twice a year thereafter. The Town will arrange for such sampling and testing, and the owner shall reimburse Littleton Light and Water or any other laboratory approved by the Board of Health for such costs. If any tests identify prohibited substances or excessive levels of hazardous materials, then the owner shall reimburse the Town for the cost of follow up sampling and testing. Monitoring wells shall be constructed as directed by the Board of Health.

All groundwater samples shall be tested for the substances listed below:
Analysis of Monitoring Well Samples (Test Parameters and Substances):

| pH | Negative Ions | Heavy Metals |
|---------------|---------------|--------------|
| Conductivity | -Alkalinity | -Arsenic |
| Positive Ions | -Chloride | -Cadmium |
| -Magnesium | -Sulfate | -Lead |
| -Calcium | | -Chromium |
| -Iron | | -Mercury |
| -Manganese | | -Barium |
| -Sodium | | -Selenium |
| -Potassium | | -Silver |

Total Nitrate and Nitrite Nitrogen
/Ammonium Nitrogen

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

19. Before the issuance of any occupancy permit for any Phase 2 building, the Applicant shall obtain approval for the fire protection/detection plan.
20. All site work and landscaping shall be complete prior to the issuance of an occupancy permit, unless the Applicant submits to the Planning Board a bond covering the cost of such work prior to the issuance of an occupancy permit.
21. All site landscaping shall be maintained in a healthful condition; plants that die or become unhealthy shall be replaced during the next growing season.
22. The Planning Board shall be notified in writing 30 days prior to any change in occupancy, ownership or use of the premises.
23. The Applicant shall submit verification that all plan review fees have been paid before the issuance of a building permit for any Phase 2 building.

24. It shall be a condition of this Site Plan Approval decision that OSCD Special Permit #01-01 become effective in accordance with the requirements of Massachusetts General Laws Chapter 40A, Section 11 and be recorded with the Middlesex South Registry of Deeds.

VIOLATION OF CONDITIONS. In case of any material violation of the continuing obligations of this permit, the Town will notify the owner and Applicant of such violation and give the owner and Applicant reasonable time, not to exceed thirty (30) days, to cure the violation and to enforce the conditions of this permit. However, if the owner or Applicant has commenced cure of the violation and diligently prosecutes such cure to completion, the thirty-day period shall be extended for such period of time as may be necessary for the owner or Applicant to complete such cure. The Town may enforce compliance with the conditions of this permit by any remedy permitted under applicable law, including the imposition of penalties and/or by seeking an action of injunctive relief before any court of competent jurisdiction.

The authority granted to the Applicant by this permit is limited as follows:

APPLICABILITY OF PERMIT: This permit applies only to the Phase 2 development area, which is the subject of this application. All construction to be conducted on the Phase 2 development area shall be conducted in accordance with the terms of this permit and shall be limited to the improvements shown on the Site Plan.

OTHER PERMITS OR APPROVALS: This decision applies only to the requested Site Plan Approval and Earth Removal Bylaw Permit. Other permits or approvals required by the Boxborough Zoning Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.

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.

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

LAPSE OF PERMIT: This permit shall lapse two years from the date this permit becomes effective if a substantial use thereof has not sooner commenced except for good cause. Substantial use shall be deemed to have commenced when preparatory site work associated with the Phase 2 buildings, such as clearing and rough grading, has commenced, or when the Open Space Documents have been recorded. 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 the date this permit expires, and the Board reserves its rights and powers to grant or deny such request without a public hearing. The Board, however, shall not grant any extension herein provided unless it finds that substantial use of the permit has not commenced for good cause.

The Applicant by acceptance of this permit and the recording thereof acknowledges the binding effect of the conditions of this permit. Proof of recording shall be submitted to the Planning Board prior to the issuance of a building permit.

As-Built plans certified by a registered surveyor or professional engineer setting forth the status of construction and noting compliance with the approved Site Plan addressed herein including the location of all pavement, buildings, and utilities above and below grade; and the location, area and depth of buried stumps, debris or boulders shall be submitted to and approved by the Planning Board before an occupancy permit may be issued by the Inspector of Buildings.

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.

WITNESS our hand this 8th day of October, 2002.

BOXBOROUGH PLANNING BOARD:

Karen Metheny
Karen Metheny, Chairman

Jennie Rawski
Jennie Rawski, Member

Owen Neville
Owen Neville, Member

Michael Ashmore
Michael Ashmore, Clerk

John Markiewicz, Member

Virginia B. Richardson
VIRGINIA B. RICHARDSON
Town Clerk.

October 9, 2002
Date filed with the Town Clerk

Copy sent to:

Petitioner - Certified Mail #
Board of Selectmen
Inspector of Buildings
Board of Health
Conservation Commission
Board of Appeals
Director of Public Works
Fire Chief
Police Chief
Littleton Water Dept.

Notice of Decision sent to:

Town of Acton
Town of Littleton
Town of Harvard
Town of Stow
Abutters

TOWN OF BOXBOROUGH



OFFICE OF THE TOWN CLERK

January 15, 2003

I, Virginia B. Richardson, Clerk of the Town of Boxborough, hereby do certify that a copy of the decision of the Planning Board of the Town of Boxborough related to the application by Cisco Development Partners-NEDC, LLC (Site 2, Phase 2 SITE PLAN/EARTH REMOVAL, Planning Board Decision #02-03) was received and filed in this office on October 9, 2002, that a notice of appeal to the Land Court together with a copy of the complaint was received and filed on October 29, 2002, and that such appeal was dismissed on January 13, 2003.

A true copy, attest:

Virginia B. Richardson
VIRGINIA B. RICHARDSON
Town Clerk of Boxborough