



TOWN OF BOXBOROUGH NOTICE OF PUBLIC MEETING

BOARD/COMMITTEE: Planning Board
MEETING DATE: October 14, 2021
TIME: 7:00 PM
PLACE: Remote Meeting through Zoom

AGENDA

Public Comment (3 mins per commenter)

7:15 PM – 1414 Massachusetts Avenue continued from July 19, 2021, August 9, 2021, August 30, 2021, and from September 20, 2021

Owner: LPCH Boxborough
Applicant: Arranta Bio
Site Plan Approval Application

Administrative Business

Meeting Minutes
Correspondence and New Business (if any)
Town Center/Enclave Project
Zoning Bylaw Recodification
Cisco/Beaver Brook Campus development options
Planning Board Training
Open Door Policy
Zoom Webinar Format
Land Use-Related Grant Status
Legislative Update

Committee Reports: Community Preservation Committee (Lazarow)
Design Review Board (Verner)
Economic Development Committee (White)
MAGIC Representative (Markowitz)
Water Resources (Barbadoro)
LELWD Small Cell Committee (Markowitz)
Building Committee - TBD

Planning Board Goals:

Funding – TAP Grants and other Grant Opportunities
Master Plan Action Items Status Spreadsheet
Website update

Join Zoom Meeting

<https://us02web.zoom.us/j/88013070229?pwd=aTZ6Rk9MOWQvTWZBeldNb0ZwNW1KZz09>

Meeting ID: 880 1307 0229

Passcode: 818612

One tap mobile

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Meeting ID: 880 1307 0229

Find your local number: <https://us02web.zoom.us/j/88013070229>

<u>Planning Board Meetings:</u>	<u>Future Meeting Dates:</u>
October 25	November 22
November 8	December 6



TOWN OF BOXBOROUGH

Planning Board

29 Middle Road, Boxborough, Massachusetts 01719

Phone (978) 264-1723 • Fax (978) 264-3127

www.boxborough-ma.gov

Mark Barbadoro, Chair • Cindy Markowitz, Clerk • Mark White • Robin Lazarow • Rebecca Verner

APPROVED ON []

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Meeting Minutes September 20, 2021 7:00 PM Remote Meeting

6 **Members Present:** Mark Barbadoro (Chair), Cindy Markowitz (Clerk), Mark White, Rebecca
7 Verner, and Robin Lazarow

8 **Also Present:** Simon Corson (Town Planner), Sue Carter (PLACES Associates), members of
9 applicant teams, Adam Costa, Town special land use counsel.

10

11 Mr. Barbadoro called the meeting to order at 7:00 PM.

12

13 **Public Comment** – none at this time.

14

15 The Board conducted other business until the time of the first scheduled public hearing, 7:15pm.

16

Administrative Business

Meeting Minutes

19 Ms. Lazarow moved to approve the meeting minutes of August 30, 2021, as amended. Seconded
20 by Ms. Verner.

21 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – abstain; and Markowitz – aye.
22 4-0-1; motion passed

23

Correspondence and New Business (if any) – none

25

Town Center/Enclave Project

27 Sue Carter, PLACES Associates, consulting town engineer, stated that she has driven by the site
28 a couple of times to keep an eye on erosion. She noted that the site distance issue is still
29 questionable, and that Dillis & Roy have noted that it is impeding the view. There has been a line
30 painted that the sign should be moved back to. She went out Thursday to inventory any dead
31 plant materials and will work with the landscaper to get proper replacements.

32

33 In response to a question from Ms. Markowitz regarding the Birons' request for an elevation
34 measure, Mr. Corson stated that he does not yet have an update on this item.

35

36 In response to a question from Ms. Verner, Ms. Carter stated that she will wait to hear from the
37 landscaper regarding plants of a comparable size and species and we'll keep the Board updated
38 on the ability to source plant materials for the site.

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Mr. Barbadoro took a roll call of Board members present at the meeting. Ms. Verner, Ms. Lazarow, Mr. White, Ms. Markowitz, and Mr. Barbadoro all present.

Zoning Bylaw Recodification, Town Planner September 16, 2021 Memorandum

Mr. Corson stated that the 2021 draft bylaw has been received. It will now be checked make sure it matches what was approved at Annual Town Meeting and it will be presented on the Town website once prepared.

In response to a question from Ms. Markowitz, Mr. Corson stated that the Barrett Planning Group will be preparing this document. This is not part of the current contract with the Barrett Planning Group, but it is being completed at no additional cost to the Town.

The group discussed the process of reviewing the bylaw and highlighting any proposed changes to be discussed at an October meeting.

7:15 PM Priest Lane - *continued from July 19, 2021, August 9, 2021, and from August 30, 2021*

**Owner/Applicant: Boxborough Town Center LLC
Definitive Subdivision Plan Application**

Mr. Barbadoro opened the public hearing and read the legal notice.

Greg Roy, Dillis & Roy, and Ryan Vickers, E.I.T, joined the Board, representing the applicant. Mr. Roy explained that the revised plans have been submitted to the Board.

Ryan Vickers reviewed the changes to the plans. He noted that the front plan sheet has been updated with all requested waivers. The previously requested waiver regarding access from a private way has been removed. The location of the proposed drainage basins within the subdivision has been included on the plans. An existing 20' trail easement is also now shown on the plan.

Mr. Roy stated that the trail easement runs around the lots. The applicant is not interested in providing a trail easement on these lots for public use, but it is referenced on the plan as part of public record.

Mr. Vickers stated that a line of tree clearing is shown on the plan now, as well as a tree preservation area. Tree protection notes have also been added to the plan. An area that has been cleared behind the detention basin and used for stock piling for the Enclave project has been identified. The intent of the plan is to preserve trees on site and only clear what is needed for the houses, driveway, septic system, and wells. The area to the back has been used for the Enclave project and is owned by Boxborough Center, LLC. Ledge removal notes have been added to the plan and remediation notes for the infiltration basin have been added as well. Updated stormwater management information has been submitted and the waiver request letter has been updated.

84 In response to a question from Ms. Markowitz, Ms. Carter stated that she is satisfied with the
85 drainage calculations that have been submitted.

86

87 The group discussed the existing trail easement that runs through the Priest Lane subdivision.
88 Mr. Roy stated that he did not pull deeds for each lot in this area to see if the easement is
89 referenced. If these deeds had the encumbrances listed within them when they were conveyed,
90 then the easements are likely legitimate. All deeds would need to refer to this easement and the
91 Town would have needed to formally accept it. He noted that this easement does not really have
92 anything to do with this project because the applicant is not interested in pursuing it, but it is
93 shown on the plan for public record.

94

95 Mr. Roy explained that the applicant proposed 100 units on the Enclave site four years ago with
96 three points of access: Priest Lane, Massachusetts Ave, and Sheriff's Meadow. Through the
97 process and appeal of the decision, a settlement was made with the Town to reduce the number
98 of units from 100 to 50, with only one access point, and also allowing for the ability to pursue
99 two residential units off Priest Lane in the future. It is the applicant's opinion that this was a
100 significant reduction in the scope of this project.

101

102 In response to a question from Mr. Barbadoro, Mr. Roy stated that a fully compliant subdivision
103 road could be built in this area, but the applicant is trying to keep with a residential look and feel.

104

105 Ms. Verner asked about the restoration plan for a certain portion of the property. Ms. Carter
106 noted that this is listed in the draft decision. This area on site currently looks like a commercial
107 area and not residential, thus it is suggested that it be restored, and iron pins set at the lot corners
108 to delineate between the two proposed lots and the Enclave site. Mr. Roy stated that the applicant
109 intends, once the piles and staging are gone, to restore the area with loam and seed. It will not be
110 left as bare soil.

111

112 Mr. Roy stated that tree clearing is being confined to the Rec/Res District area of the site. Septic
113 designs have also been submitted to the Board of Health. There is a drainage basin easement for
114 the Enclave project on site. It is being proposed that a separate parcel be created for this area and
115 then conveyed to the Enclave project. This area will be subject to the stormwater O&M Plan for
116 the Enclave project. Ms. Carter noted that this basin area was originally grass and so a restoration
117 plan has been suggested. Mr. Roy stated that he has not yet run drainage calculations for this area
118 being lawn versus wooded, but he has a hard time believing that this change would place the
119 basin out of compliance.

120

121 In response to a question from Ms. Verner, Mr. Roy stated that there will be approximately one
122 acre of land cleared within both of the two parcels as part of this project.

123

124 The Board discussed if the applicant has satisfied the ordinance requirement for a benefit to the
125 Town from the proposal. The Board agreed to review the draft decision while keeping the public
126 hearing open. The Board reviewed the waiver decisions.

127

128 Mr. White moved to approve waiver #1, as amended. Ms. Lazarow seconded.

129 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.
130 Unanimously passed.

131

132 In regard to waiver #2, Mr. Roy stated that the applicant does not wish to upgrade to granite
133 curbing for the island on site. There is access to the site for larger vehicles using the proposed T
134 turnaround.

135

136 Mr. Corson stated that the Fire Department has noted it's preference for sloped granite curbing
137 on site.

138

139 Mr. White stated his confusion at the fact that this cul-de-sac was previously approved by the
140 Town and that this has not been an issue before now. Mr. Roy agreed that there is a straight shot
141 for emergency vehicles to access the lots to the right of the cul-de-sac into the new driveway.

142

143 Mr. Corson and stated that there have been no comments about this item made by the DPW
144 Director.

145

146 Mr. White moved to approve waiver #2, as amended. Ms. Lazarow seconded.

147

148 The group discussed options other than granite for this area.

149

150 Mr. White withdrew his previous motion.

151

152 The group agreed to come back to waiver #2 and began to discuss waiver #3.

153

154 Ms. Carter noted that when the as built is completed, she typically asks the developer to
155 document any conditions of the permit, including a limit of clearing. Miss Verner stated that the
156 existing plant material on site is not documented.

157

158 In regard to the granite curbing, Mr. White stated that a full subdivision roadway to these two
159 lots would not be a benefit to the town, neighbors, or residents of these two houses.

160

161 It was noted that the Fire Department wants sloped granite curbing in the area for safety reasons.

162

163 Ms. Markowitz moved to approve and amend waiver #2 to include reference to the applicant
164 being required to replace the proposed vertical curbing with sloped granite curbing in the cul-de-
165 sac island; to keep the mention that “this condition is considered a clear and compelling benefit
166 to the Town for granting a greater length;” and to delete reference to the trail easement. Ms.
167 Lazarow seconded.

168 Roll call: Barbadoro – aye; Lazarow – aye; Verner – nay; White – nay; and Markowitz – aye. 3-
169 2-0; motion passed.

170

171 Mr. White moved to approve waiver #3, as amended. Ms. Markowitz seconded.

172 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.

173 Unanimously passed.

174

175 Mr. White moved to approve waiver #4, as amended. Ms. Lazarow seconded.

176 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.

177 Unanimously passed.

178

179 Mr. White moved to approve waiver #5, as amended. Ms. Markowitz seconded.

180 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.

181 Unanimously passed.

182

183 Ms. Markowitz moved to approve waiver #6, as amended. Ms. Verner seconded.

184 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.

185 Unanimously passed.

186

187 In regard to waiver #7, Mr. Roy stated that he did not provide the Board with a document
188 regarding an environmental and traffic analysis. The Board could make a finding that the
189 documents that were provided adequately address this item and can act as a substitute for a
190 formal report or could make a finding that this waiver is not required.

191

192 Mr. White moved to deny waiver #7 on the basis that sufficient documentation was submitted to
193 address waiver #7, and that a finding be added to that effect. Ms. Lazarow seconded.

194 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.

195 Unanimously passed.

196

197 In regard to waiver #8, Ms. Markowitz asked about details for the renovation plan. Ms. Carter
198 suggested that, for aesthetic purposes, stone walls could be built near the entrance of the property
199 with small plantings.

200

201 Mr. Roy explained that the applicant is requesting to not have to hire a landscape architect, due
202 to an additional waiver for street trees. If plantings are needed in front of the site, some will be
203 added, but the applicant is requesting not to be made to hire a landscape architect due to the scale
204 of the project.

205

206 Ms. Markowitz moved to approve waiver #8, as amended. Mr. White seconded.

207 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.

208 Unanimously passed.

209

210 Mr. White moved to approve waiver #9, as written. Ms. Markowitz seconded.

211 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.

212 Unanimously passed.

213

214 Mr. White moved to approve waiver #10, as written. Ms. Lazarow seconded.

215 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.

216 Unanimously passed.

217

218 Mr. White moved to approve waiver #11, as written. Ms. Markowitz seconded.

219 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.
220 Unanimously passed.

221

222 Ms. Markowitz moved to approve waiver #13, as amended. Mr. White seconded.

223 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.

224 Unanimously passed.

225

226 Mr. White moved to approve waiver #12, as amended. Ms. Lazarow seconded.

227 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.

228 Unanimously passed.

229

230 Ms. Markowitz moved to approve waiver #14, as amended. Mr. White seconded.

231 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.

232 Unanimously passed.

233

234 Ms. Markowitz moved to approve waiver #15, as amended. Ms. Lazarow seconded.

235 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.

236 Unanimously passed.

237

238 Mr. White moved to approve waiver #16, as amended. Ms. Lazarow seconded.

239 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.

240 Unanimously passed.

241

242 The Board discussed the proposed conditions.

243

244 Ms. Carter suggested some type of a vegetated screening area between the active construction
245 site and nearby residential houses. Mr. Roy suggested boulders for the screening. These lots
246 could be under construction for quite some time before they are conveyed.

247

248 Mr. Roy requested that the requirement to wait one winter before completing paving the road, as
249 it is a private way, be removed. Ms. Carter stated that this is a standard condition for a
250 subdivision road in case anything settles over time. Mr. Barbadoro noted that, as this is more
251 similar to a residential driveway, he is okay with removing this requirement. Ms. Carter
252 requested that the pavement finishing not be installed until the lot construction is substantially
253 complete.

254

255 In response to a question from Mr. Roy, Ms. Verner stated that she would like the front area
256 surveyed for existing trees in the space where landscape plans are proposed to be waived. She
257 would like anything over 6” to be documented and preserved along the street.

258

259 The Board noted the time and discussed continuing the additional items on its agenda.

260

261 The Board discussed the Arranta Bio application. Ms. Markowitz stated that she hopes to

262 convene a working group to discuss the draft Arranta Bio decision before the Board next meets

263 to discuss the application. Mr. Corson and stated that he thought the Board agreed this was not
264 the method it wanted to use.

265
266 Ms. Lazarow moved to continue 1414 Massachusetts Avenue to October 14, 2021, at 7:15pm.

267 Ms. Verner seconded.

268
269 Mr. White suggested that all Board members send their comments on the draft decision to Mr.
270 Corson for him to synthesize into a current draft for the Board to review on October 14th.

271
272 Mr. Costa explained that in trying to compile comments from Board members, he and Mr.
273 Corson came up with an unwieldy decision with comments scattered throughout. He suggested
274 that Mr. Corson take any additional comments and compile them by topic in a separate document
275 that could then be referred to during the Board's next public hearing on this topic. It was agreed
276 that comments will be sent to Mr. Corson by October 7th, and a package issued to the Board by
277 October 12th for the meeting on October 14th.

278
279 The Board noted that it was still in the previous public hearing for the Priest Lane subdivision.
280 The prior motion was not voted on, as the Board first needed to exit the existing public hearing.

281
282 Ms. Lazarow moved to continue the Priest Lane hearing until 11:15pm this evening. Mr. White
283 seconded.

284 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.
285 Unanimously passed.

286
287 **7:30 PM – 615 Depot Road**
288 **Owner/Applicant: Roger Kanniard, R.D. Kanniard Homes, Inc. Scenic Road Permit and**
289 **Stone Wall Alteration**

290
291 Mr. Barbadoro read and opened the public hearing for 615 Depot Road.

292
293 Ms. Verner moved to continue the Depot Road hearing until October 25, 2021, at 7:15pm. Mr.
294 White seconded.

295 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.
296 Unanimously passed.

297
298 **7:45 PM – 1414 Massachusetts Avenue continued from July 19, 2021, August 9, 2021 and**
299 **from August 30, 2021**

300 **Owner: LPCH Boxborough**
301 **Applicant: Arranta Bio**
302 **Site Plan Approval Application**

303
304 *Mr. Barbadoro recused himself from this hearing. Ms. Markowitz stepped in to Chair this item.*

305
306 Ms. Markowitz read and opened the public hearing 1414 Massachusetts Ave.
307

308 Ms. Verner moved to continue the 1414 Massachusetts Avenue hearing to October 14, 2021, at
309 7:15pm. Mr. White seconded.
310 Roll call: Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye. Unanimously passed.

311

312 *Mr. Barbadoro retook his seat as Chair.*

313

314 **Administrative Business**

315

316 **Enclave Project Bond, Condition 43c. of the August 19, 2019 Approval Decision**

317

318 Mr. Corson noted that the Enclave bond issue is a time sensitive one for the owner. He stated that
319 the performance bond was reviewed by the Board with Ms. Carter months ago.

320

321 Mr. Costa stated that the proposed performance bond received through the applicant’s counsel is
322 fairly straightforward and substantially the same when compared to others.

323

324 Ms. Carter stated that she has reviewed the Excel spreadsheet, which is the basis for the bond
325 and agrees with the numbers presented. This will allow her to give the applicant credit for a
326 partial bond release in the future. While the spreadsheet only details these costs, the specific
327 work will be detailed in the plan and specifications.

328

329 Mr. White moved to approve the performance bond form for the Enclave project. Ms. Lazarow
330 seconded.

331 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.
332 Unanimously passed.

333

334 Mr. Barbadoro reopened the definitive subplan public hearing for Priest Lane.

335

336 The Board continued to discuss all proposed conditions.

337

338 Mr. White moved to approve the proposed conditions, as amended. Ms. Lazarow seconded.

339 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.
340 Unanimously passed.

341

342 Mr. White moved to reconsider closing the public hearing. Ms. Markowitz seconded.

343 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.
344 Unanimously passed.

345

346 Ms. Verner moved to close the public hearing. Mr. White seconded.

347 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.
348 Unanimously passed.

349

350 Mr. White moved to approve the subdivision application for Priest Lane. Ms. Verner seconded.

351 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.
352 Unanimously passed.

353

354 Mr. White moved to adjourn the meeting at 12:03am. Ms. Lazarow seconded.

355 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.

356 Unanimously passed.

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398 **Meeting Documents:**

399 LEGAL NOTICE OF PUBLIC HEARING, Town of Boxborough Planning Board – Definitive
400 Subdivision Plan Application, Priest Lane

401 Draft DECISION AND CERTIFICATE OF CONDITIONAL APPROVAL PRIEST LANE
402 EXTENTION DEFINITIVE SUBDIVISION PLAN

403 LEGAL NOTICE OF PUBLIC HEARING Town of Boxborough Planning Board – Scenic Road
404 Permit, Public Shade Tree Removal, & Stone Wall Alteration Application, 615 Depot Road

405 Memo from STAMSKI AND MCNARY, INC., re: Scenic Road Application 615 Depot Road
406 Map 10 Parcel 012, August 3, 2021

407 Scenic Road Permit Application, 615 Depot Road

408 Staff Report – Scenic Road Permit & Stone Wall Alteration, 615 Dept Road, September 16, 2021

409 Draft DECISION AND CERTIFICATE OF CONDITIONAL APPROVAL ARRANTA BIO
410 MA2, LLC. SITE PLAN APPROVAL 1414 & 1320 Massachusetts Avenue; 244A & 244B
411 Adams Place, 984, 984A, 984B, 984C, 1451, 1497 & 1634 Hazard Lane; and 328 & 1451 Rear
412 Hazard Lane

413 Draft Meeting Minutes August 30, 2021

414 PERFORMANCE BOND, Enclave Project

415 Memo from Carter Terenzini, re: Schedule for 2022 Annual Town Meeting Zoning Bylaw
416 Amendments

417 Memo from Barrett Planning Group, re: Boxborough Planning Department Zoning Diagnostic
418 December 10, 2020

419 *This meeting was conducted via Remote Participation, pursuant to the Current Executive Order.*

420

421 Join Zoom Meeting

422 <https://us02web.zoom.us/j/85291988701?pwd=NUczTE9xT1c2aWxWaUZrWWRxS3cxQT09>

423 Meeting ID: 852 9198 8701

424 Passcode: 402702

425 One tap mobile

426 +19292056099,,85291988701#,,,,*402702# US (New York)

427 +13017158592,,85291988701#,,,,*402702# US (Washington DC)

428



BOXBOROUGH PLANNING DEPARTMENT
29 Middle Road, Boxborough, Massachusetts 01719
Phone: (978) 264-1723 • Fax: (978) 264-3127
www.boxborough-ma.gov

MEMORANDUM

To: Carter Terenzini, Interim Town Administrator
From: Simon Corson, Town Planner
Date: October 12, 2021
Re: Schedule for 2022 Annual Town Meeting Zoning Bylaw Amendments
CC: Planning Board; Barrett Planning Group LLC

The Town of Boxborough has entered into a contract with the Barrett Planning Group LLC to perform Zoning Bylaw Recodification work. The recodification project will primarily reorganize the Bylaw using accessible and modern language for the purpose of making the document easier to interpret for Board members, Town staff, developers, property owners, and the general public alike. Through this effort, policy issues and substantive changes to the Zoning Bylaw are bound to arise, Barrett Planning Group is charged with keeping a list of potential “policy” changes to the Zoning Bylaw. The Planning Board may receive submission from other Town Boards/Committees or citizens proposing Zoning Bylaw amendments, and will hold public hearings for all amendment proposals this winter, including the changes associated with recodification.

Proposed schedule:

Week of September 6, 2021

- Contract is drafted and signed by the Town of Boxborough and Barrett Planning Group LLC

September 16, 2021 Planning Board pre-meeting packet includes

- Barrett Planning Group’s December 10, 2020 Zoning Bylaw Diagnostic Report
- Planning Department Memorandum regarding proposed schedule for bringing Zoning Bylaw Amendments to 2022 Annual Town Meeting

October 12, 2021 Planning Board pre-meeting packet includes

- Zoning Bylaw through 2021 Annual Town Meeting (it will be noted that the Zoning Bylaw is currently being reviewed by the Attorney General’s Office – and will be labeled “pending approval”)

October 14, 2021 Planning Board Meeting

- Planning Board discusses the schedule outlined in the REVISED Planning Department Memorandum; Planning Board given the opportunity to provide “marked up” Zoning Bylaw with a deadline of October 31, 2021

October 21, 2021 Planning Board pre-meeting packet includes

- Zoning Bylaw through 2021 Annual Town Meeting (marked up by Town Staff & Planning Board to highlight current policy issues, inconsistencies, confusing language, etc. that have been identified in the last few years)

October 25, 2021 Planning Board Meeting

- From August 2, 2021 Barrett Planning Group proposal, Task #1 describes a meeting with the Planning Board to confirm Board’s priorities for recodification, and to review December 10, 2020 Zoning Bylaw Diagnostic Report.
- From August 2, 2021 Barrett Planning Group proposal, Task #2 describes a meeting with the Planning Board to share an outline for the recodification project.

December 2, 2021 Planning Board pre-meeting packet includes

- Preliminary draft of the Zoning Bylaw with the Planning Board and Town Counsel for review.

December 6, 2021 Planning Board Meeting

- From August 2, 2021 Barrett Planning Group proposal, Task #3 describes a workshop with the Planning Board where the preliminary draft of the new Zoning Bylaw is discussed.

December 20, 2021 Planning Board Meeting

- From August 2, 2021 Barrett Planning Group proposal, Task #4 describes a maximum of three revisions, Barrett Planning may provide an additional draft that reflects response comments to the prior draft(s).

January 10, 2022 Planning Board Meeting

- From August 2, 2021 Barrett Planning Group proposal, Task #5 describes the Planning Board receiving the final draft of the new Zoning Bylaw.

{hearing not scheduled yet} **January 31, 2022 Planning Board Meeting**

- Zoning Bylaw Amendments Public Hearing

{hearing not scheduled yet} **February 14, 2022 Planning Board Meeting**

- Zoning Bylaw Amendments Public Hearing (continued)

Following the close of the Zoning Bylaw Amendments Public Hearing, the Planning Board will make recommendations that will be submitted to the Select Board for inclusion in the 2022 Annual Town Meeting Warrant.

Boxborough Planning Department
October 12, 2021
Page 3 of 3

Please let me know if you have any questions. Thank you.

Respectfully,

Simon Corson

Phone: 978-264-1723

Email: scorson@boxborough-ma.gov



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 live biotherapeutic products (LBP's) associated with human microbiome ~~small volume pharmaceutical products~~. 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, ~~and~~ continued to September 20, 2021, and continued to October 12, 2021, ~~XXXX~~. The Planning Board deliberated on the proceedings on ~~October 12 XXXX XX~~, 2021. The following members of the Planning Board were present throughout the proceedings: Cindy Markowitz, 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 ~~X to X~~ to **GRANT** a conditional approval of the Site Plan on ~~XXXX XX~~ October 12, 2021 pursuant to the following findings and expressly subject to the following conditions:

Commented [SC1]: Simon- I have no specific comments on the Arrant Bio Decision at this time, any comments I will have will likely be in response to those from the other members.
Mark

Commented [C2]: They never identified themselves with this name in their application

Commented [SC3R2]: Change made. Ask Board to accept.

Commented [C4]: Described as live biotherapeutic products (LBP's) associated with the human microbiome.

Commented [SC5R4]: Changes made. Ask Board to accept.

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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 comprised 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 site 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. Peer review letters from Board consultant Haley Ward dated July 15, 2021 (two pages in total) ~~and~~ August 26, 2021 (three pages in total), and October 7, 2021 (two pages in total).

- m. 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.
- n. Memorandum from Nitsch Engineering, Inc., entitled "Traffic Study Peer Review," dated July 30, 2021 and comprised of 3 pages in total.
- o. 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.
- p. 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.
- q. 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.
- r. 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.
- s. 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.
- t. Arranta Bio presentation slides about the installation of the module units dated September 3, 2021 and comprised of six pages.
- u. 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.
- ~~u. Public comment letters?~~

Commented [C6]: Weren't there letters from the public?
Commented [SC7R6]: Included above. Ask Board to accept.

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; and it was represented that the Owner and 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

Commented [C8]: Identify that the total amount of sanitary waste is estimated to be 4,000 gallons per day combined for both companies and cafeteria (note there is math error in last revised site plan application)

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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 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.

Commented [SC9]: Arranta Bio

Commented [SC10R9]: Changes made. Ask Board to accept.

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 live biotherapeutic products ~~small volume pharmaceutical products~~ fits ~~well~~ 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 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 that will be removed to accommodate the temporary access road will be replaced with similar vegetation.~~ 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 facade. 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. ~~and~~ 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. ~~With these improvements requiring a Notice of Intent to from the Conservation Commission, the Board further condition~~ see ~~that should an Order of Conditions, or any appeal of an Order of Conditions deny these improvements, the Applicant/Owner shall be required to submit a modification to the Planning Board to amend the within Site Plan Approval to incorporate alternative means to improve water quality.~~

Commented [AJC11]: If the Board wishes to require the replacement of vegetation removed to accommodate a temporary access road, it should say so, instead or additionally, in the Conditions below.

Commented [SC12R11]: Condition has been included below. Suggest deleting highlighted sentence. Ask Board to accept.

Commented [RV13]: Replacement at what rate? One caliper inch to one? Replace evergreen to evergreen? We may need to get a pre / post condition for this.

Commented [SC14]: Arranta Bio "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, the Board further conditioned that should an Order of Conditions or appeal deny these improvements, the Applicant/Owner shall be required to amend the within Site Plan Approval to incorporate alternative means to improve water quality."

Commented [SC15R14]: Board to decide which sentence is preferred.

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 proposed conditions to improve the quantity and quality of the runoff entering the wetlands 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. 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 at 2,822 trips per day. 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](#)

Commented [C16]: Get an opinion from Adam Costa whether this is a pre-existing non-conforming use and whether a special permit is required.

Commented [AJC17R16]: The characterization of a use or structure as nonconforming is generally a reference to the principal or accessory use or the building or structure, respectively. The use now proposed by Arranta Bio is a by-right use. (Per Arranta Bio, it is before the Planning Board under Section 8002 of the Zoning Bylaw, requiring "[s]ite plan approval for the resumption of any use discontinued for more than two years or for the expansion of any existing use." I do not know enough about the structure to opine on its legality or nonconformity, but I suspect that it, too, is compliant with the current version of the Zoning Bylaw.

What you are asking about, I think, is the parking itself; and that is neither a use nor a structure, but instead a site attribute. One source explains: "There are no reported appellate level decisions regarding application of Mass. Gen. L. ch. 40A, § 6 or a local provision to preexisting nonconforming site attributes like screens, buffers or landscaping. Clearly, to the extent that the site is not changed, the nonconforming site attributes cannot be required to meet newer standards. However, when the structure or use is modified, at least a portion of the site attributes can be brought into compliance." Bobrowski, [Handbook of Massachusetts Land Use and Planning Law](#) (4th ed. 2018).

Arranta Bio's structural modifications might be considered de minimus. Its change in use, maybe not so much. But by my rough calculation, the current Zoning Bylaw's parking requirement is satisfied. Is it not?

Commented [SC18]: Changes made. Ask Board to accept.

wooded areas, are being made; air handling units will be either existing or replaced like for like, 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 Town's Outdoor Lighting Bylaw. 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 a foot-long and foot wide temporary access road. Any vegetation removed for the installation of this temporary access road will be replaced in-kind, and the area restored to its original condition, 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 of microbiome therapeutics. The laboratories will use a variety of materials that are considered hazardous, including acids, alkalis and small amounts of flammable solvents. As such, this use will be highly 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 Applicant 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 ~~state-of-the-art~~ 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 proposed 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.

Commented [C19]: Improvements to onsite stormwater includes clearing stormwater pond on-site with an NOI to cons comm

Commented [RV20]: Applicant is removing and replacing full sections of the building and creating "temporary" access roads to do so, are they not?

Commented [RV21]: Perhaps replacements should not be "like for like" but rather newer, quieter, energy efficient units to improve conditions.

Commented [C22]: Arranta Bio did not provide the dimensions of the temporary access road, nor did they quantify the amount/type of vegetation that was to be removed and replaced. This should be provided.

Commented [RV23R22]: Agreed

Commented [RV24]: We likely need to provide the Applicant with the ability to replace at a one to one rate, it would be unrealistic to require them to replace a 30" DBH Oak "in kind" for instance.

Commented [SC25]: Ask Board to discuss this section.

Commented [SC26]: Haley Ward "Remove the adjective 'highly' before the word 'regulated'. This term is subjective and does not distinguish any additional regulatory requirements.

Commented [SC27]: Haley Ward "Add 'holding' before the word 'tank' as in 'above ground holding tank' to improve clarity.

Commented [C28]: Karisa Hanson said on Aug 9 2021 "all solid bio-hazardous waste to be recycled" - this should be a condition of approval.

Commented [SC29]: Arranta Bio

Commented [SC30]: Changes made. Ask Board to accept.

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. Prior to the issuance of an occupancy permit, the Owner and/or Applicant shall provide evidence of the Board of Health ~~sign off~~ on 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 ~~applied-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

Commented [SC31]: Haley Ward "The term "sign off" should be clarified. Does the Board of Health have an approval process or is the BOH being asked to approve, acknowledge, and/or certify whether there are suitable sanitary facilities? Is there a more specific term or phrase which would clearly define the requirement and when it is achieved or reference another process such as issuance of a Building Permit or Certificate of Occupancy?"

Commented [SC32R31]: Board to discuss.

Commented [SC33]: Arranta Bio

Commented [SC34R33]: Change made. Ask Board to accept.

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, regarding how haulers will connect and disconnect to the Industrial Wastewater Holding Tank.

- g. 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.
- h. 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.
- i. 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.
- j. 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.
- k. 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.
- l. 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.
- m. 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.

Commented [C35]: For Vibalogics, Condition 1f. "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 Exhibit L, any relocation is subject to review by Planning Board." Insert similar requirement here.

Commented [SC36R35]: Board to discuss.

Commented [C37]: How can this Decision include a requirement for Vibalogics?

Commented [AJC38R37]: It is not a requirement for Vibalogics; but, rather, a requirement that Arranta Bio is "jointly and severally" responsible for system operation and maintenance. Meaning that it alone can be deemed the responsible party.

Commented [C39]: Check with Adam Costa and determine if this is the right location to insert this or if it should be inserted elsewhere.

Commented [AJC40R39]: Yes; placement of the Condition is appropriate. Whether-or-not such the condition itself is practical, I cannot say. Requiring that the municipality be named as an "additional insured" is a routine requirement – often in the contractual context – when work is being done on or to municipal property, for example. Requiring it as part of a private arrangement is unusual, but not necessarily problematic if the Applicant agrees to it.

Commented [RV41]: not

Commented [SC42R41]: Change made. Ask Board to accept.

Commented [C43]: Who reviews the specs for the wastewater tank?

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 approximated water usage of 5,500 gallons per day; to that end, the Town encourages the Applicant and Owner to ~~maximum~~ 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.

Commented [RV44]: maximize

Commented [SC45R44]: Change made. Ask Board to accept.

Commented [RV46]: Subjective. What is the course of action if volumes exceed amounts identified by Applicant?

Commented [SC47]: Arranta Bio

Commented [SC48R47]: Board to discuss preferred language.

Commented [RV49]: Would the Applicant be willing to commit themselves to this or a quantity similar?

Commented [C50]: This condition was for Vibalogics. Proposing 1500gpd for Arranta plus 1500gpd for Vibalogics = 3,000 per day. Combined total would now be 90,000? Need to reconcile?

Commented [RV51]: What is the course of action if volumes exceed amounts identified by Applicant?

Commented [SC52]: Haley Ward "The draft approval is silent on whether Vibalogics has a separate 45,000 gallon per month threshold for notification to the Planning Board. We suspect 45,000 gallons as a single process value, regardless of the source tenant, since Vibalogics and Arranta Bio plan on jointly managing their individual process wastes through a third-party shared system. Clarifying that Arranta Bio is required to notify the Planning Board of any excess over the joint amount may provide clarity if this is the intent of the requirement"

Commented [SC53]: Board to discuss this condition.

Commented [C54]: Check new bylaw- should use full name of Bylaw section as well in case recodification changes numbering

Commented [C55]: Need to reconcile BOH groundwater regs that prohibit anything above Very Small Quantity Generators. Maybe add if they get a waiver from the Groundwater regs from the BOH they must notify the Planning Board.

Commented [SC56R55]: Board to discuss.

Commented [C57]: As defined by the US EPA (and Mass DEP)

Commented [SC58R57]: Changes made. Ask Board to accept.

3. Hazardous Materials, Hazardous Waste and Emergency Response

- a. Any use on this site shall be in compliance with the Boxborough Hazardous Materials Bylaw Section 4004.
- 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 assigned to the Small Quantity Hazardous Waste Generator under the Massachusetts Hazardous Waste Regulations, (310 CMR 30.100).
- 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 (and MassDEP) 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 infectious biological waste shall be generated by Arranta Bio for the life of the occupancy.

l. Applicants use of Toxic and Hazardous materials, as defined in the Boxborough Zoning Bylaw, will be incidental to the principal uses associated with the development, manufacturing and analyzing small volume pharmaceutical products in the facility and will be limited only to the cleaning of 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.

Commented [C59]: Expand what "participation" means?

Commented [AJC60R59]: The Biosafety Regulations require the Institution to "establish and operate an Institutional Biosafety Committee (IBC)..."

Commented [SC61R59]: Change made. Ask Board to accept.

Commented [C62]: this was stated by Arranta Bio in response to PB Questions "Operations 8.) (Aug 20,2021))

Commented [C63]: This was stated in the Sept 3 letter (dated Aug 3) by Paul Alphen

Commented [AJC64]: More of a Finding of Fact than a Condition, given that incidental use of these materials is a prerequisite to the by-right principal use of the property.

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Commented [SC65]: Ask Board to discuss adding Condition #31. through Condition #31.

Commented [C66]: For Arranta Bio or for either tenant?

Commented [AJC67R66]: Arranta Bio cannot be required to perform an installation prior to issuance of an occupancy permit to a different tenant for a different project. These are Conditions of the within approval, and are tethered to the use requested by Arranta Bio and for which it requires site plan approval.

Commented [C68]: Are these the same as the "site Prism" water quality devices? Are the specific locations identified somewhere? Generally identified in Nitsch letter—is that sufficient and will that be attached?

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 for any tenant, 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 ~~amend~~of the ~~within~~ 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 ~~amend the within~~ 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 Con Comm approval), 2) removal of silt and sediment from the basin and, 3) re-seeding with appropriate seed mix, (per Con Comm 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.~~

Commented [C69]: For either tenant?

Commented [AJC70R69]: See above.

Commented [C71]: For either tenant?

Commented [AJC72R71]: See above.

Commented [C73]: From Places review letter from July 15, item #4.

Commented [SC74R73]: Changes made. Ask Board to accept.

Commented [SC75]: Hi Simon, I reviewed the draft in your email from today and did not see Arranta's counsel's edits incorporated. I am okay with his edits, which are few. I would not like to see any detail on landscaping beyond what is in this decision, so if other members come back to you with that level of detail on specific plantings, tree size, etc., I would not be in favor of that. I believe we discussed sending you a list of issues for those that had them, rather than individual mark ups of the decision (that was Attorney Costa's recommendation also). I am satisfied that the decision as drafted protects the Town.

I do not have any additional feedback on the draft decision and look forward to discussing it at our meeting on the 14th.

Robin

Commented [C76]: Need more specificity on what has been removed and what it will be replaced with.

Commented [RV77]: Replacement at what rate? One caliper inch to one? Replace evergreen to evergreen? More information required.

Commented [AJC78]: You might precede the requirement with: "To the extent feasible..." Arranta Bio's approval cannot be contingent upon actions of a third party, like Vibalogics; but, certainly, you can seek coordination of efforts if the timing allows for it.

Commented [C79]: Any update to PB's request to add landscaping in parking lot to reduce heat islands?

Commented [SC80]: Ask Board to discuss this section.

Commented [C81]: typo

Commented [SC82R81]: Change made. Ask the Board to accept.

Commented [AJC83]: It is usually beneficial, and preferred, to include language explicitly stating that safety determinations are to be made in the Police Chief's sole discretion (so long as reasonable); as opposed to the Applicant's, for example.

Commented [SC84R83]: Change rejected. Ask Board to accept.

5. Landscaping

- a. The Owner shall replace any landscaping materials removed as a result of the alterations made to accommodate the installation of the laboratory modules. This shall be coordinated with prior landscaping requirements in prior (Vibalogics) Decision.
 - b. The Owner shall provide an update on the status of the landscaping work is to be provided to the Planning Board at periodic intervals and upon completion of work.
- ~~#-C.~~

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 and/or Applicant is encouraged to coordinate with Littleton Electric Light and Water Department (LELWD) regarding the potential installation of an Electric Charging station at the site.
- f. Deicing chemicals shall be used to the minimum degree possible. Sodium chloride is specifically prohibited.

Commented [RV85]: I believe the Applicant has committed to the installation of and Electric Charging Station on site. This should be captured in this document.

Commented [SC86R85]: Board to discuss.

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 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. Said noise study may be completed separately from, or in conjunction with, that required by Condition No. 7a. of the May 12, 2021 Decision and Certificate of Conditional Approval issued to Vibalogics US, Inc., depending upon the timing of full operations as aforesaid.
- 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.

Commented [C87]: Noise study should be completed when both companies are at "full" operations. Not separately.

Commented [AJC88R87]: What if the Vibalogics doesn't proceed and Arranta Bio does?

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.

Commented [C89]: And in accordance with the latest building code (stretch code) adopted by the Town.

Commented [SC90R89]: Board to discuss adding this language.

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 HVAC units shall be replaced ~~when necessary~~ with 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. Size of the modules being added, including length, width and height, and the amount of gross floor area being added to the building as defined by the Boxborough zoning bylaw.
 - ii. Location of any temporary access road and building modification identified on a site plan, stamped by a registered PE, identifying:
 - 1. length and width of any temporary roadway.
 - 2. material that roadway will be constructed of.
 - 3. amount of vegetation to be removed.
 - 4. replacement plans for vegetation replacement (species, type, number, location)
 - iii. timeframe for construction and removal of temporary access road and building wall removal and replacement
 - iv. Provide the Planning Board with certification from a registered PE upon completion of the building wall and façade replacement after the laboratory units are installed.
 - v. The Planning Board shall be notified of any future installation of additional laboratory modules requiring wall removal and façade replacement and shall be notified that certification from a registered PE has been provided to the Town upon completion of such work at that time.

e.—

Commented [C91]: Some of these conditions apply to the Owner for the entire building and their surroundings

Commented [C92]: Arranta committed to energy efficient HVAC units in their response to question 41 in their August 20 letter response to PB questions.

Commented [SC93R92]: Change made. Ask Board to accept.

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Commented [SC94]: Ask Board to consider adding Condition 10d.

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.

Site Plan Review Decision
Arranta Bio MA2, LLC.
1414 Massachusetts Avenue, etc.
October 12, 2021
Page 15 of 17

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

Site Plan Review Decision
Arranta Bio MA2, LLC.
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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.

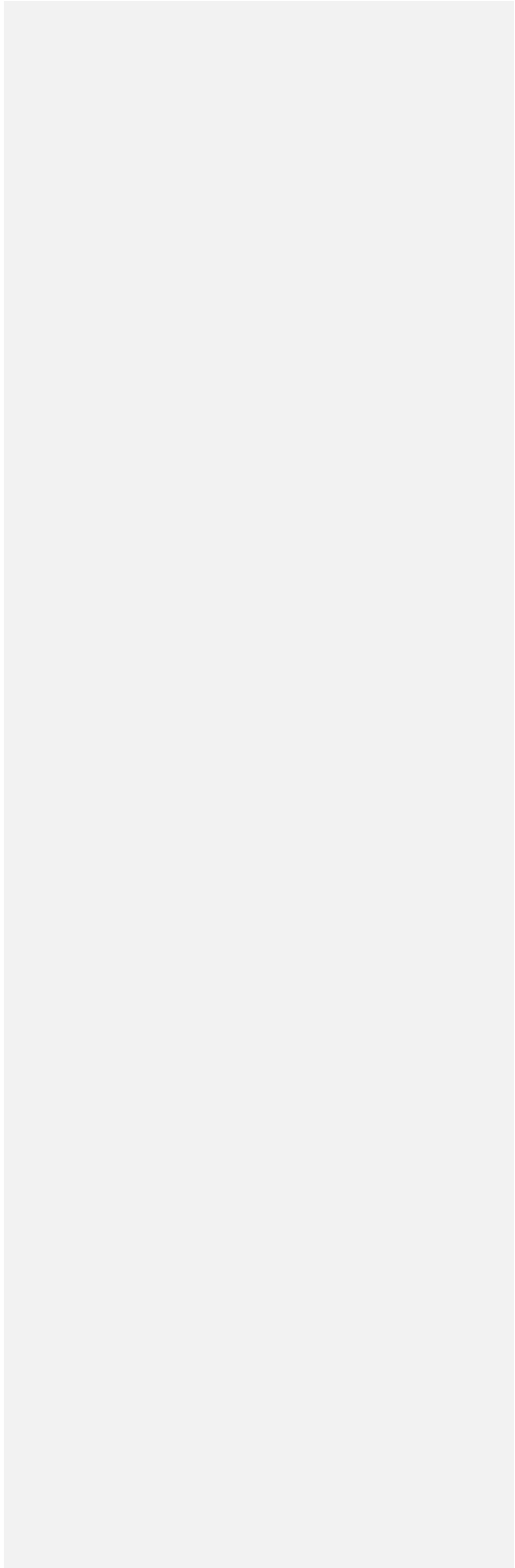
Site Plan Review Decision
Arranta Bio MA2, LLC.
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ON BEHALF OF THE BOXBOROUGH PLANNING BOARD:

Cindy Markowitz, Acting Planning Board Chair

Received:

Rebecca Harris, Town Clerk Date





HALEY WARD

ENGINEERING | ENVIRONMENTAL | SURVEYING

FORMERLY:
CES INC

October 7, 2021

Town of Box borough Planning Board
Mr. Simon Corson, Town Planner
29 Middle Road
Boxborough, MA 01719
scorson@boxborough-ma.gov

Re: Certificate of Conditional Approval | 1414 Massachusetts Avenue – Arranta Bio

Dear Simon:

Haley Ward, Inc (Haley Ward) has reviewed the Planning Board's draft Decision and Certificate of Conditional Approval document dated September 21, 2021, and we offer the following comments and suggestions.

Section 7, Page 6 of 15

Remove the adjective "highly" before the word "regulated". This term is subjective and does not distinguish any additional regulatory requirements.

Section 7, Page 7 of 15

Paragraph 1, Second to last sentence

Add "holding" before the word "tank" as in "above ground holding tank" to improve clarity.

Conditions of Approval Section, Page 8 of 15

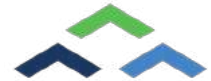
Item c.

The term "sign off" should be clarified. Does the Board of Health have an approval

Mr. Simon Corson | 10-06-21 | 3010163.002 | Page 1



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process or is the BOH being asked to approve, acknowledge, and/or certify whether there are suitable sanitary facilities? Is there a more specific term or phrase which would clearly define the requirement and when it is achieved or reference another process such as issuance of a Building Permit or Certificate of Occupancy?

Item f. After the phrase “safety measures” add: “, 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 waste haulers.” Delete the remainder.

Conditions of Approval Section, Page 9 of 15

Comment: The draft approval is silent on whether Vibrologics has a separate 45,000 gallon per month threshold for notification to the Planning Board. We suspect 45,000 gallons as a single process value, regardless of the source tenant, since Vibrologics and Arranta Bio plan on jointly managing their individual process wastes through a third-party shared system. Clarifying that Arranta Bio is required to notify the Planning Board of any excess over the joint amount may provide clarity if this is the intent of the requirement.

Haley Ward appreciates the opportunity to support the Town of Boxborough and Planning Board in this Site Plan Approval Application. If you have any questions or require further information, please contact either of the undersigned.

Sincerely,
Haley Ward, Inc.

Michael D. Sauda, MPH, CSP
Senior Project Scientist

BJO/MDS

Bethany J. Ordung, PE
Project Manager, Vice President

Planning Board Contact Form

Your Name Bill Litant

Your Email Address WLitant@boxborough-ma.gov

Date/Time of Submission *Field not completed.*

Who would you like to contact? All Planning Board Members

Subject Planning Board COA liaison

Message

Dear PB:

The COA recently took note that there are Action items in the Town Master Plan with lead responsibility charged to the Planning Board that suggest coordination with the Council on Aging. The COA Board has made note of this and board member Sonali (Tina) Bhatia [REDACTED] has indicated an interest in serving as COA's liaison to the Planning Board for appropriate related issues. Can you please let us know how we can make that happen? Thanks very much.

Bill Litant

Chair

Boxborough Council on Aging Board
