



TOWN OF BOXBOROUGH Planning Board

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

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

APPROVED ON []

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Meeting Minutes June 7, 2021 7:00 PM Remote Meeting

6 **Members Present:** Cindy Markowitz, Mark White, Mark Barbadoro, Rebecca Verner, and
7 Robin Lazarow
8 **Also Present:** Simon Corson (Town Planner), Sue Carter (PLACES Associates, Town
9 Consulting Engineer)

10
11 Ms. Markowitz called the meeting to order at 7:00 PM.

12
13 **Public Comment:**
14 None at this time.

15
16 **Review of Bond for the Town Center/Enclave Project per Condition 43c. of the Approval**
17 **Decision**

18 Ms. Markowitz stated that the Board received a letter from Ted Merchant, Land Development
19 Director for Toll Brothers, regarding the bond and a letter from Sue Carter addressing certain
20 items. She reminded the Board that a Performance Bond was a condition within the Site Plan
21 Approval for this project.

22
23 Mr. Merchant explained that the bond is for finish work of improvements at the Enclave project,
24 including plantings, top course, and other miscellaneous items. He noted that Ms. Carter
25 reviewed the bond and had one comment that the applicant is okay with.

26
27 Ms. Carter noted that the bond includes final landscaping. Most of the screening plantings are
28 already in and shrubs are present, so the bond is higher than it needs to be just in case any
29 replanting is needed. As this is a private project, the flat estimate given by Toll Brothers was
30 used. The bond is a financial incentive for the applicant to complete the work, in case sales
31 slowdown, in order to protect the residents.

32
33 In response to a question from Ms. Markowitz, Ms. Carter explained that completion was
34 constituted by occupancy of the first unit.
35

36 In response to a question from Ms. Lazarow, Ms. Carter explained that the bond needed to be
37 completed prior to the first occupancy. The applicant may come in for release of funds as
38 portions are completed or may wait until the end.

39 In response to a question from Ms. Markowitz, Ms. Carter stated that she will be on site to
40 identify any issues that come up. She will also be keeping a spreadsheet with this information.

41
42 In response to a question from Ms. Markowitz, Mr. Corson explained that Toll Brothers
43 completed the bond language and that it has been reviewed by town counsel.

44
45 Mr. Barbadoro moved to accept a bond from Toll Brothers for \$460,140 with a spreadsheet for
46 the same amount to be submitted by Toll Brothers, with all appropriate paperwork and any
47 accompanying items. Seconded by Ms. Verner.

48 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.
49 Unanimously passed.

50
51 In response to a question from Ms. Markowitz, Mr. Corson stated that the Swift reports were
52 being performed by Dillis & Roy but are now being completed by the Toll Brothers Land
53 Development team. Ms. Carter noted that she has been randomly driving through the site to
54 inspect it. She explained that she has asked them to address certain areas of concern before
55 thunderstorm season.

56
57 In response to a question from Ms. Lazarow, Ms. Carter explained that some of the issues are
58 occurring because of heavy storms. The issue with the low point catch basins seems to happen
59 randomly. There is an issue with the signs regarding sight distance on the property. She is
60 addressing this issue with Toll Brothers, who is usually very responsive.

61
62 In response to a question from Ms. Markowitz, Mr. Corson stated that he is working with the
63 Building Official and staff of Toll Brothers on any issues regarding Sheriff's and Tisbury
64 Meadows. He is trying to get the staff to work on avoiding recurring items, such as pooling on
65 the access road, dust control, and the silt fences.

66
67 Ms. Markowitz stated that she would like the Birons updated as to when the silt fence will be
68 removed.

69
70 **Planning Board Reorganization for FY22 and Committee assignments**

71 Mr. Barbadoro offered to be Chairman of the Planning Board. While he believes Ms. Markowitz
72 has done an excellent job, he also believes it is good to rotate who is Chair. He noted that he
73 would probably need some support from other Board members in order to do so.

74
75 Ms. Markowitz stated that she is happy to support Mr. Barbadoro as Chair and help as she can.

76
77 Ms. Markowitz moved to appoint Mr. Barbadoro as Planning Board Chair. Seconded by Mr.
78 White.

79 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.
80 Unanimously passed.

81
82 Ms. Lazarow moved to nominate Ms. Markowitz as Clerk of the Planning Board. Seconded by
83 Ms. Verner.
84 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.
85 Unanimously passed

86
87 The Board discussed their Committee assignments:
88 CPC – Ms. Lazarow
89 DRB – Ms. Verner
90 EDC – Mr. White
91 Magic – Ms. Markowitz
92 WR – Mr. Barbadoro
93 Small Cell – Ms. Markowitz
94 Building Committee – no rep at this time

95
96 **Discussion of format for future meetings with State of Emergency lifted (in person, remote**
97 **or hybrid)**

98
99 Ms. Markowitz explained that the Board has a memo from KP Law regarding the fact that the
100 Governor has lifted the State of Emergency, but extended certain aspects, one of them being
101 remote/hybrid meetings. Without the legislation having voted on this issue yet, the Board is
102 obligated to have a quorum for its next meeting at Town Hall. She noted that other participants
103 should still be able to access the meeting virtually.

104
105 The Board discussed the logistics of meeting in person while still offering a hybrid option for
106 those who wish to remain remote. Ms. Markowitz noted that all Board members participating
107 must be clearly visible to one another and keep their video feed on for the entire meeting.

108
109 In response to a question from Ms. Verner, Mr. Corson stated that Town Hall is now open. The
110 Town is strongly recommending that people wear masks if unvaccinated and asking for social
111 distancing even if someone is vaccinated. However, the State guidance is that these items can
112 only be recommended, not mandated. There is no limit to public participation in person at Town
113 Hall.

114
115 Ms. Markowitz noted that, if the Board does not have a quorum present in person for any
116 meeting, that meeting will have to be postponed.

117
118 Ms. Markowitz reviewed the Board meeting dates for the rest of the year: June 28, July 19,
119 August 8/9 or 16, September 9 or 20, October 4 and 25, November 8 and 22, and December 6
120 and 20. She stated that this year the Board held 29 regular meetings and executive sessions.

121
122 **Possible dates for site visit to Vibalogics/Pre-Application Meeting with ArrantaBio**

123

124 Ms. Markowitz explained that the stakeholder group is made up of representatives from several
125 boards. ArrantaBio gave the group slides regarding the company. ArrantaBio would like to have
126 a pre-application meeting and site walk with Board members.
127

128 Mr. White stated that the stakeholder group saw that an enormous amount of work has been done
129 on site so far. The infrastructure inside is impressive.
130

131 The Board discussed having a site walk on June 15 or 23.
132

133 **Follow Economic Development Committee presentation and planning**

134
135 The group discussed possibly having a workshop after Town Meeting to discuss ideas and to set
136 goals for the upcoming year.
137

138 Ms. Lazarow suggested that someone with expertise on Boxborough history and a planning
139 background be brought in to help structure the thinking during this workshop.
140

141 The Board agreed to further discuss this item on June 28.
142

143 **Preparation for Annual Town Meeting**

144 **Solar Photovoltaic Installations**

145 **Wireless Facilities**

146 **Hazardous Materials**

147 **Zoning Bylaw Recodification**
148

149 Ms. Markowitz noted that the annual Town Meeting will be held this Saturday at 9 AM. The
150 Zoning Bylaw Recodification will be part of the consent agenda and will, thus, not have its own
151 presentation. The other presentations are viewable on the Town website. Ms. Markowitz stated
152 that these presentations will likely happen in the late afternoon.
153

154 **Administrative Business**

155 **Meeting Minutes**

156
157 Mr. White moved to approve the meeting minutes of April 12, 2021, as amended. Seconded by
158 Mr. Barbadoro.

159 Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye.
160 Unanimously passed
161

162 **Correspondence and New Business (if any)**

163 Ms. Markowitz noted that the Board received correspondence from Howard Lee regarding the
164 Solar Bylaw Warrant Article.
165

166 **Town Center/Enclave Project - this** was discussed earlier in the meeting.
167

168 **Planning Board Training**

169 Ms. Markowitz noted that there will be a CPTC seminar on Master Plans and Chapter 40 B
170 process on June 14, 2021.

171

172 **Cisco/Beaver Brook Campus development options** – no updates at this time.

173 **Stormwater Management Regulations**

174 Mr. Corson explained that the Town adopted a Bylaw at the 2020 annual Town meeting. These
175 regulations work under that and are administered by the Planning Board. However, the Select
176 Board is the authorization for the general bylaw and will adopt any regulations under it. He
177 believes the Board should get buy-in from the Planning Board first before bringing proposed
178 regulations to the Select Board. He is working with Nick Cristofori, of CEI, to draft these
179 regulations and advise the Planning Board and Select Board. These regulations will also be sent
180 to the Board of Health, Conservation Commission, Town Consulting Engineer and others in
181 Town who deal with land use. He noted that most other Massachusetts towns in the urbanized
182 category approach these regulations in the same way. The first set of draft regulations should be
183 ready this week.

185 **Planning Board Administrative Rules and Regulations** – no updates at this time

186

187 **Land Use-Related Grant Status:**

188 **Municipal Vulnerability Preparedness Project Grant**

189 In response to a question from Ms. Markowitz, Mr. Corson stated that the Town can be
190 considered an MVP Certified Community. Awards are given out twice a year for this Grant and
191 the Town is still eligible for funding.

192

193 **BRIC Grant for Flood Hazard Mitigation Plan**

194 The Board discussed coordinating this plan with other local MAGIC communities.

195

196 **Legislative Update** – no updates at this time.

197

198 **Committee Reports:**

199 **Community Preservation Committee (Lazarow)**

200 Ms. Lazarow stated that the Committee met last Thursday for an organizational meeting. It will
201 meet again on July 1, 2021.

202

203 **Design Review Board (Verner)** – no updates at this time.

204

205 **Economic Development Committee (White)** – no updates at this time.

206

207 **MAGIC Representative (Markowitz)** – no updates at this time.

209 **Water Resources (Barbadoro)**

210 Mr. Barbadoro stated that the group reviewed the analysis report for 871 Massachusetts Avenue,
211 as it was a requirement of their site plan approval. This will be completed annually and sent to
212 WRC and the Board of Health for review.

213

214 **LELWD Small Cell Committee (Markowitz)** – no updates at this time.

215 **Building Committee - TBD** – no updates at this time.

216

217

218 **Planning Board Goals:**

219 **Funding – TAP Grants and other Grant Opportunities** – no updates at this time.

220

221 **Master Plan Action Items Status Spreadsheet**

222 Ms. Markowitz noted that in September there will be a notification sent out to all committees to
223 fill out the given template for updates.

224

225 Ms. Verner thanked Ms. Markowitz for her work as Chair and Mr. White for his work as Clerk.

226

227 Ms. Lazarow moved to adjourn the meeting at 8:55pm. Mr. Barbadoro seconded.

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

229 Unanimously passed.

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Meeting Documents:

Memo from Toll Brothers, re: Enclave at Boxborough – Site Improvement Bond, June 2, 2021

Memo from PLACES Associates, re: Enclave Review of Proposed Bond, June 3, 2021

Planning Board Roles and Responsibilities Boxborough – from C. Markowitz, June 2021

Draft Meeting Minutes: April 12, 2021

Correspondence from Howard Lee, 90 Bicentennial Way, re: Objections to proposed ground-mounted solar bylaw

Report from Nashoba Analytical, LLC, re: Certificate of Analysis for 871 Mass Ave, Boxborough, May 26, 2021

Memo from PLACES Associates, re: Enclave – Site Inspection Project No. 5249, June 4, 2021

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

Join Zoom Meeting

<https://us02web.zoom.us/j/85907334538?pwd=ai9uUHBndTRwait0L0N1dEgrL3MxQT09>

Meeting ID: 859 0733 4538

Passcode: 159773

One tap mobile

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+13017158592,,85907334538#,,,,*159773# US (Washington DC)