



**TOWN OF BOXBOROUGH
PLANNING BOARD**

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

Approved on February 22, 2021

**Planning Board
Meeting Minutes
January 11, 2021
Remote Meeting
7:00 p.m.**

Members Present: Cindy Markowitz, Robin Lazarow, Rebecca Verner, Mark White, Mark Barbadoro

Also Present: Simon Corson, Town Planner, several members of the public

Ms. Markowitz called the meeting to order at 7:00 pm.

Public Comment - none

Introduction to Assistant Town Administrator, Rajon Hudson

Ms. Markowitz introduced Rajon Hudson, the new Assistant Town Administrator.

Mr. Hudson explained that he started in the position in December. He is originally from Birmingham, Alabama, and moved to Massachusetts in 2017. He previously served as the Assistant to the Town Manager in North Attleboro. His roles and responsibilities will include managing/overseeing the Town website, personnel items for the Town, working with the Treasurer and Town Accountant, and working on specific projects for the Town with the Town Administrator. He thanked the Planning Board and offered himself as a resource.

The Board members welcomed Mr. Hudson.

Administrative Business

Meeting Minutes – October 24, 2020; November 23, 2020; December 7, 2020; December 16, 2020

Ms. Verner moved to approve the meeting minutes of October 24, 2020. Seconded by Ms. Lazarow.

Vote: Lazarow - Aye, Verner – Aye, Barbadoro – Aye, Markowitz – Aye. 4-0, motion approved. [Mr. White had stepped away at this time].

Ms. Verner moved to approve the meeting minutes of November 23, 2020, as amended. Seconded by Ms. Lazarow.

Vote: Lazarow - Aye, Verner – Aye, Barbadoro – Aye, Markowitz – Aye. 4-0, motion approved. [Mr. White had stepped away at this time].

Ms. Verner moved to approve the meeting minutes of December 7, 2020. Seconded by Ms. Lazarow.

Vote: Lazarow - Aye, Verner – Aye, Barbadoro – Aye, Markowitz – Aye. 4-0, motion approved. [Mr. White had stepped away at this time].

Ms. Verner moved to approve the meeting minutes of December 16, 2020, as amended. Seconded by Ms. Lazarow.

Vote: Lazarow - Aye, Verner – Aye, Barbadoro – Aye, Markowitz – Aye. 4-0, motion approved. [Mr. White had stepped away at this time].

Correspondence and New Business (if any)

Ms. Markowitz noted the pieces of correspondence that were received, including: a letter from Hugh Fortmiller and Francie Nolde, dated December 14, 2020, to the Littleton Planning Board, and also correspondence from MassDevelopment regarding not being selected to receive funding for technical assistance for a Boxborough Beaver Brook Campus Market Feasibility study.

Town Center/Enclave Project

Mr. Corson noted that there is increased street sweeping and the sales operation should begin later this month.

In response to a question from Ms. Markowitz, Mr. Corson explained that the sales trailer is located within the model home. Ms. Markowitz noted that it is a trailer, not a home with a foundation, and that she believes that sales trailers are not allowed within the zoning bylaws. Mr. Corson stated that he would relook at the ZBA's decision on this matter and the structure for compliance.

Ms. Markowitz noted that a couple of building permits have been obtained and that construction is slated to begin on those units in the spring.

Planning Board Training – no updates at this time

Discussion of Memorandum of Understanding (MOU) regarding administrative direction for the Town Planner – no updates at this time

Website update

Mr. Corson explained that he has made some website updates and is formulating a list of updates for the future. He and Mr. Hudson will be creating an action plan moving forward. Mr. Corson explained that Mr. Hudson will be critical in the management of the website.

Status of 2020 Zoning Bylaw

Mr. Corson explained that the 2020 Zoning Bylaw has been approved by the Attorney General's Office. He is working with the Town Assessor to incorporate the overlay districts onto the Town's GIS and to get the appendices up to date and provide hard copies to members.

Planning Board Rules and Regulations

Mr. Corson stated that he is close to getting a final document to the Board.

Land Use-Related Grant Status:

TAP Grant for Solar Bylaw Assistance – no update at this time

Municipal Vulnerability Preparedness Project Grant – no update at this time.

Legislative Update:

Housing Choice Administrative Bill

Mr. Corson explained that the Senate-version of the bill has been adopted. There are some caveats from the House that he would like to review further.

Ms. Markowitz noted that the Governor is yet to sign three bills approved by the Legislature, including the Economic Development bill, which includes the Housing Choice provision.

Committee Reports:

Community Preservation Committee (Lazarow)

Ms. Lazarow stated that the group voted to move forward with the three applications, as previously presented. There was a continued public hearing on the third application - Liberty Fields for \$300,000 to cover the perimeter walk, and irrigation and drainage for the soccer fields. The next step is for the Committee to write the warrant articles. The Recreation Committee is applying for grants. Any money received from grants will be returned to the CPC from the project. The next meeting is at the beginning of February.

Design Review Board (Verner)

Ms. Verner stated that the group last met to discuss and provide comment to the Planning Board regarding 871 Mass Avenue.

Economic Development Committee (White)

Mr. White explained that the group has the final draft of the report from the UMass team. A summary is being written about the report that will be given to the Select Board first. Eventually it will be forwarded to the Planning Board for review.

MAGIC Representative (Markowitz)

Ms. Markowitz stated that most of the discussion focused on the recently passed legislation that is awaiting the Governor's signature.

Water Resources (Barbadoro)

Mr. Barbadoro stated that the group discussed that there are many special permits and site plans that require water testing that hasn't occurred. He is hoping to draft a letter to send out to these people that can be reviewed by the Planning Board. There was limited discussion about a potential land acquisition for a public water supply. There was also discussion about creating rules for biopharmalogical companies that could be moving into Boxborough, how this would be funded, and who would enforce these rules.

LELWD Small Cell Committee (Markowitz)

Ms. Markowitz stated that she will circulate the zoning bylaw draft language to the Planning Board in the near future.

Building Committee - TBD

Ms. Markowitz stated that there is discussion about conducting a geotech feasibility assessment at the site. There will be some test pits or subsurface investigation occurring.

7:30 Public Hearing – 871 Massachusetts Avenue
Site Plan Approval Application

Ms. Markowitz read the public hearing notice. Sue Carter, Town Engineer, joined the Board. Nick Facendola, of Level Design Group, LLC, also joined the Board.

Mr. Facendola stated that he is here on behalf of the applicant and landowner, High Quality Landscape Construction. The proposal is a site plan to add an accessory structure to be used as a truck canopy. The applicant has a landscaping and tree removal/processing business. There are multiple boom trucks and large chippers on site. Business during the winter generally deals with storm events and, during the winter, components of these vehicles don't work properly when left out in inclement weather. The proposed canopy would allow for these vehicles to be protected during winter months. The proposed structure is approximately 4,920 sq ft and is sited within the existing paved parking area at the base of an existing retaining wall. The site plan maintains the 20 parking spaces, approved back in 2008 as part of the original site plan approval when the applicant bought this property. The structure will look like a metal panel building, without the panels. There will be no wall panels; it will be an open structure with a pitched roof. There is no stormwater report or calculations because the proposed structure will be installed within an existing paved area. All of the runoff from this area runs north to south towards an existing stormwater basin. No changes are proposed to this area as part of this project. The required side yard setbacks for this accessory structure are 10 ft, versus the 30 ft that would be required for a primary structure. This has been worked on with the Building Inspector. Currently, as detailed, the structure is about 20 ft off the easterly property line.

In response to a question from Mr. Barbadoro, Mr. Facendola stated that he believes the business moved onto this site in 2008. The use, as defined at that time, was noted to be landscaping services.

Mr. Barbadoro stated that there are hoop tents on the property. Mr. Facendola explained that different building options were being explored over the past few months. The owner opted to install temporary tent structures on the property. These are a bit larger than the proposed structure would be. Temporary building permits were obtained for the tent structures and they comply with zoning regulations. The owner would prefer to invest in a permanent structure.

In response to a question from Mr. Barbadoro, Mr. Facendola stated that the company builds small landscaping walls, does site landscaping, tree work, etc. Mr. Facendola stated that the chippers, cranes, and other small equipment, such as dump trucks, may be stored under the structure.

Mr. Barbadoro noted that, as part of the original site plan, there was a requirement for annual testing of the wells on site. Mr. Facendola explained that he does not have knowledge about this item but that he will request information of the owner.

In response to a question from Ms. Verner, Mr. Facendola stated that the three temporary structures will be removed and replaced by the permanent structure.

In response to a question from Ms. Verner, Mr. Facendola stated that there is no current intent to wrap the structure in any way. The wall behind the structure will allow for some protection on that side. The owner would prefer for the structure to be open.

In response to a question from Ms. Verner, Mr. Facendola explained that solar panels could be supported by the structure and are still being considered by the owner.

Mr. White noted that the initial permit was for landscaping services. There are two categories for this in the business district: landscaping services, and landscaping contractors. The definition of landscaping services envisioned lawnmowers, snowblowers, and light equipment. The definition for landscaping contractors is for use with heavy equipment. This business is clearly defined as a landscaping contractor. He stated that this is usually allowed by special permit, although he's unsure if this has been a change since the original permit was granted. He stated that the Building Inspector may need to determine which type of business this is and if a special permit

is needed. Ms. Markowitz stated that these two definitions were not in the bylaw in 2008 but were added in 2012 to the bylaw and the use table.

Mr. Barbadoro noted that the original site plan also calls for storage of materials on site, which is disallowed under landscaping services. Landscape contractors is the catch-all category. He explained that, because the original site plan was approved before these definitions were added, the business could probably be considered lawfully pre-existing nonconforming, in full operation in the same manner that it was operating under the approved site plan. If another building is ever to be added on site, a special permit will be needed.

In response to a question from Mr. Barbadoro, Mr. Facendola stated that the proposed structure is located entirely within the existing paved area. The amount of paving on site is as was approved in the original site plan.

In response to a question from Ms. Markowitz, Mr. Facendola stated that the proposed structure height is 18 ft on the back edge, and the roof pitch is about 21-22 ft at the peak.

In response to a question from Ms. Markowitz, Mr. Corson stated that he did not ask for comments from the Historic Commission, based on the fact that the front building on site is historically important. Mr. Corson noted that he would ask the Commission for comment.

In response to a question from Ms. Markowitz, Mr. Facendola explained that there will never be more vehicles parked on site than are allowed for as part of the original site plan. The vehicles under the canopy will mostly be related to the tree clearing business; some equipment will be located outside of the canopy, parked within the paved area.

In response to a question from Ms. Markowitz, Mr. Facendola stated that there are no modifications or recharge systems proposed for this structure. The amount of impervious surface is not proposed to change. There are no proposed utilities under this proposed structure area. There are some overflow drains that connect to the discharge system nearby, but not as part of the footprint of the structure. There is ample space for Fire Rescue to get to the back portion of the site, if needed.

In response to a question from Ms. Markowitz regarding possibly moving the structure to the rear of the property on the gravel area, Mr. Facendola stated that the space in the rear of the property is needed for material storage, and it's easier to get the vehicles under the structure while on the paved area.

In response to a question from Ms. Markowitz, Mr. Facendola stated that spill kits are located on the property, but he is unsure if a spill prevention plan is in place.

In response to a question from Ms. Markowitz, Mr. Facendola stated that the roof will be able to withstand heavy snowfall and wind gusts and will meet all requirements for this type of structure.

In response to a question from Ms. Verner, Ms. Markowitz stated that the original site plan decision does not mention a maximum parking space number but does note one space per three employees. There is no limit on number of spaces for equipment.

In response to a question from Ms. Verner, Mr. Facendola explained that there is a substantial grading difference on the easterly side of the property near the residential property. The grading and vegetation there should help mitigate the building size. He doesn't believe the applicant would be opposed to installing some additional plantings on the front of the site, to the right side of the stormwater basin.

Mr. Barbadoro noted that the original site plan mentions an as-built drawing (condition 10 of the original site plan decision), and that he would like to see a copy of it. Mr. Facendola stated that he doesn't believe an as-built was ever done for this property. The landscaping can be surveyed and compared to the previously approved plan. Additional landscaping can be added as needed.

Ms. Markowitz stated that updates on some of the other conditions may be needed to make sure the property is in compliance with the original approval.

Ms. Verner mentioned adding large plantings to the side of the property in order to create a buffer between the structure and the residence.

In response to a question from Ms. Markowitz, Mr. Facendola stated that he will find out how high the temporary structures are, for frame of reference.

In response to a question from Mr. Barbadoro, Mr. Facendola stated that the property has not been modified in any way, such as dividing the lot, since the business originated on the site.

Sue Carter, Town Engineer of PLACES Associates, stated that she was involved in the original site plan and inspection of the site in 2008. The current use of the site is identical to what was discussed at the time. The current orientation of the garage was placed so that the heavy equipment would have room to move around the site. The drainage accommodated the large equipment. She has no issues with the proposed covered building. She did see an as-built for the detention basins in the past. She suggested putting bollards around the structural supports so that a vehicle will not accidentally damage any of the steel supports of the structure. She is unsure if there are any provisions for groundwater monitoring for this site.

Mr. Barbadoro noted that there may have been clearing and development beyond the property bound, based on the GIS maps. Mr. Corson stated that he would look into this item.

In response to a question from Ms. Markowitz, Mr. Facendola stated that the fuel tank is located aboveground on the pavement. All necessary permits were obtained for the tank. There are jersey barriers around the tank.

Mr. White moved to continue this hearing to February 22, 2021, at 7:30pm. Seconded by Mr. Barbadoro.
Vote: Lazarow - Aye, Verner - Aye, Barbadoro - Aye, White - are, Markowitz - Aye. 5-0, motion approved.

Development and Vacant Space Updates

Ms. Markowitz stated that there has been no further activity on the CISCO/Beaver Brook Campus. One entity has issued a letter of interest and is compiling data.

Ms. Markowitz stated that some questions have been answered regarding the 1414 property and more questions are being compiled.

Zoning Bylaw Diagnostic Report

Ms. Markowitz explained that there have been some changes made to the draft document. The Town is still waiting on an estimate for the rewrite from Barrett Planning Group.

Zoning Bylaw Amendments

Solar Bylaw

Ms. Markowitz stated that Ms. Verner has reissued a draft of the Solar Bylaw.

Ms. Verner explained that she has received feedback from most Board members and made changes based on this. These were not major revisions. She also submitted the draft to the Sustainability Committee, and they have shared their feedback.

The Board discussed the possibility of inclusion of solar panels in the Town Center District. Mr. Barbadoro stated that he has no issue with flush-mounted, roof-mounted panels, even on historic buildings. He is not a fan of large, ground-mounted solar panels in the middle of Town Center. Ms. Verner noted that there are now architectural solar tiles that can be done in a very creative way. Ms. Lazarow stated that she believes historic buildings should be preserved aesthetically as such, without solar panels. Ms. Verner suggested that Town Center could be limited to solar panels by special permit, and disallowed from historical buildings, such as those on the Historic District Registry. Mr. White noted that, as a personal property right, the measure should be how intrusive the installation is to a neighbor. He stated that solar panels by special permit in Town Center is an easy way to handle this item. Mr. Barbadoro stated that he believes even historic buildings in Boxborough are only protected from demolition by the ZBA. Ms. Markowitz stated that she's considering the option of a special permit for buildings of a certain age.

Small Cell

Ms. Markowitz stated that she has a draft document for this that she will send to the Board members. She believes the Select Board is going to create a policy for this. The Planning Board's bylaw will address facilities outside of the right of way.

Changes as a result of the Zoning Bylaw Diagnostic

The Board is waiting to receive a scope budget estimate for the zoning rewrite as identified in the diagnostic.

Other (Hazardous waste footnotes, Citizen's Petition)

Ms. Markowitz noted that she will be meeting with the Board of Health on Wednesday night regarding the Hazardous waste footnotes. This may end with a suggested zoning bylaw amendment.

Ms. Markowitz noted that the language has not yet been received for the Citizen's Petition. Mr. Corson stated that he would send that along to the Board.

Planning Board Goals:

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

Ms. Lazarow asked if the stakeholders would be providing reports. Ms. Markowitz stated that the Select Board suggested that one mechanism to get groups to report on the Master Plan is to include it in their section of the Annual Town Report. Another mechanism is to create a form to ask groups to fill out. Ms. Markowitz suggested that a template be sent to the boards to fill in narratives every other year, or so. Mr. White agreed that a simple template would be helpful, possibly to be filled in each year by groups.

Motion to adjourn made by Mr. White. Seconded by Mr. Barbadoro.

Vote: Lazarow-Aye, Verner – Aye, White- Aye, Barbadoro – Aye, Markowitz- Aye

Meeting was adjourned at 9:11 PM.

Meeting Documents

Meeting Minutes October 24, 2020; November 23, 2020; December 7, 2020; and December 16, 2020

Draft Solar Photovoltaic Installations bylaw.

Memo from Hubert Fortmiller Jr. and Francis Dean Nolde to the Littleton Planning Board, re: Amazon Question and Concerns – December 14, 2020

Memo from MassDevelopment to Town Administrator Ferrara, re: MassDevelopment Real Estate Services FY21 Technical Assistance - Boxborough Beaver Brook Campus Market Feasibility – December 8, 2020

Legal Public Hearing Notice – Site Plan Application for 871 Massachusetts Avenue – December 24, 2020

Site Plan Application for 871 Massachusetts Avenue

Staff Report for Site Plan Application for 871 Massachusetts Avenue – January 8, 2021

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

Zoom Access Protocols

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