



TOWN OF BOXBOROUGH

Planning Board

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

APPROVED ON February 16, 2022

Meeting Minutes

January 24, 2022

7:00 PM

Remote Meeting

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

Staff Present: Simon Corson (Town Planner), Sue Carter (PLACES Associates), Ed Cataldo (Building Inspector)

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

Public Comment – None at this time.

1414 Massachusetts Avenue - Wastewater Tank Construction & Tree Removal Restoration

Mr. Barbadoro recused himself. Ms. Markowitz sat as Chair.

Ms. Markowitz stated that the intention is to receive information from Vibalogics and/or their contractor regarding relocation of the wastewater tank from where it was listed in the initial application process. Condition 1f of the initial decision was that if the location of the wastewater holding tank was to be moved from where it was sited on Exhibit L, this was subject to review by the Board. This discussion should include information on the newly proposed location, safety measures, etc.

Dean Morris, head of Site Operations, Mike Feeney, Director of Facilities Maintenance, and Tim Rossini, Senior Director of Engineering for Vibalogics, presented to the Board.

Mr. Feeney explained that the back of the building was the place for the previous location of this tank. This was during the early design phase of the project. One issue with the original location was that this location is now a proposed emergency egress point for the building. Also, as this is the warehouse/loading dock area, there will be a lot of vehicles coming in/out of the space. A truck turning radius study was completed by a specialist and it was noted that the original location would cause issues with truck entry during deliveries. Finally, there is concern that the original location is located close to the emergency generators, which may occasionally need fueling. The new location is proposed to be located further from the Aquifer Protection District area.

In response to a question from Ms. Lazarow regarding the structure holding the tank, Mr. Morris explained that a concrete pad needed to be poured for the structure and galvanized steel will be used to support the pipes that drain into the tank. Tanker trucks will back into the area, drive to within 10' of the tank, hook up to the tank, drain it and haul it away. Ms. Lazarow noted concern with the pitch of the road in this area. Mr. Morris stated that there is only about 1' of pitch in that area and there haven't been any issues getting in/out of the dock area yet. There are also a number of bollards surrounding the tank for protection.

In response to a question from Ms. Verner regarding the trench drain around the unit, Mr. Morris showed this on the plan. Ms. Verner stated that this new location seems less protected and there is a lot of softscape in the area. She is concerned about the safeguards if a spill occurs. Mr. Morris stated that there was an existing trench drain in that area and an existing oil/water separator. Two new valves and a new separator were installed so that any effluent would go into the trench drain. The tank itself is double-walled and alarms are in place. Leakage would go onto the pavement, to the trench drain and into the separator.

Mr. White stated that he would have preferred to see a trench in the vicinity but is okay with the proposal as long as the effluent would flow into the trench drain. Once into the trench drain, it does not enter the sanitary system.

Ms. Carter stated that the area pitches to the trench drain. She stated that this drainage fulfills the concerns raised during the initial public hearings.

Ms. Markowitz asked if this design fulfills the 110% containment. Mr. Morris explained that the double-walled containment fulfills this.

Ms. Markowitz asked about a trench drain for liquid that could come out of the pipes flowing into the tank. Mr. Morris explained that these are welded stainless steel lines that have pressure tests completed on them and are pitched from the building in a way that gravity will drive flow to the tank. There is a potential that a leak would drip out and eventually find its way to the trench drain surrounding the tank. Ms. Markowitz asked that this be confirmed by Ms. Carter.

Ms. Markowitz asked about protective measures for pedestrians walking right next to the pipe rack. Mr. Morris stated that the walkway nearby is likely only an emergency exit area. The structure will be built to local building codes, so there should not be much risk to pedestrians. The tank approval must be applied for 60 days after install from DEP. An external steel tank approval was applied for with the Town of Boxborough as part of the original application.

In response to a question from Ms. Markowitz, Mr. Morris stated that trucks will likely spend approximately 45 minutes to 1 hour on site. It is yet unclear how often trucks will be on site. This will be dependent on the amount of wastewater production and the business success.

In response to a question from Ms. Verner, Mr. Morris stated that this is a shared utility with the other tenant. There is no anticipation of the need for another holding tank, however it is listed on the plan, in case one could be justified by either party in the future.

There was discussion regarding the new location for the mechanicals proposed and the raised curbing around the driveway. It was noted that there would be a raised curb helping to navigate any potential leakage.

Mark Barbadoro asked if the Fire Department was consulted on the new location. He noted that the new location is moved closer to Zone 1 of the well. Pollution of the well would also pollute the aquifer. The Building Code would require soil analysis, concrete testing, connection testing for the steel, etc. He asked if the Building Inspector was alerted to this new location. He asked what else is planned to be built outside of the building.

Mr. Morris stated that Vibalogics staff met with the Fire Captain and Chief regarding the new tank location and emergency response plans. Neither had concerns. The design intent of the tank is that spills would go into the trench drain and not into the well. Vibalogics worked closely with Mr. Corson and Mr. Cataldo, and both were informed of the new location before work was started in this new location. There was an unfortunate mistake in communication with this information being relayed to the Planning Board. This was not in the original design because it was unknown that all of the effluent waste would need to be brought off site.

Ms. Markowitz stated that the Board was surprised because this change was not addressed during the other tenant's application process.

Mr. Morris stated that a building permit was applied for the external work on site. This was applied for after the stop work order was received. There are no other plans for work outside the building at this time, but Vibalogics will come back to the Board if future work is planned. The Board of Health, as part of the permitting process, has received schematics regarding the separation of waste streams and has been on site.

The Board agreed to draft a minor site plan modification decision for this item.

Ms. Lazarow moved to approve the minor modification for the relocation of the wastewater tank at this location, contingent of review by PLACES Associates for replacement of any landscape material that was removed for this adjustment. Seconded by Ms. Verner.

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

4-0-0; motion passed unanimously.

Mr. Barbadoro retook his seat as Chair.

Administrative Business

Town Center/Enclave Project

Ms. Carter stated that there is a lot of sod that has been placed on site. There is about a 15-20' strip of dirt that's exposed near the clubhouse. She will continue to monitor new housing sites as stone entrances are added.

Ms. Markowitz asked about modifying the decision to prohibit deicing product on the site. Ms. Carter stated that she has already spoken about this with the owner regarding using a different product. Ms. Markowitz stated that the O&M plan could be updated to reflect this.

Public Hearing for Zoning Bylaw Amendments

Zoning Bylaw Recodification: Amend Section 1000: Authority through Section 9600: Separability

Mr. Barbadoro opened the public hearings for the solar energy systems and the proposed zoning bylaw amendments.

Tyler Maren, Barrett Planning Group, reviewed the Board's comments on the zoning bylaw recodification draft.

Mr. Corson suggested that the Board add an extra meeting on March 7, 2022, for the Board to then review a second draft with comments/edits included. The public hearing for this item could be moved to this date. Mr. Corson stated that the next scheduled meeting is February 14, 2022. There is also an additional, brief meeting on January 31, 2022.

The Board agreed to change the February 14th meeting date to February 16, 2022.

Mr. White moved to continue this public hearing to February 16, 2022 at 7pm, for zoning recodification. Seconded by Ms. Markowitz.

Roll call: Barbadoro – aye; White – aye; Lazarow – aye; Verner – aye; and Markowitz – aye. 5-0-0; motion passed unanimously.

Solar Energy Systems: Add Section 7800; Amend Section 4003(4): Business/ Industrial Uses

Ms. Verner presented the amendments to this bylaw. The first bylaw includes small scale ground-mounted/roof-mounted solar energy systems only, eliminating medium and large-scale solar energy systems.

Palmer Moore, Sustainability Committee, noted that some members believe that prime farmland that may have already been developed in the past five years is not the best place for small scale systems. There is a footnote in the use table regarding the Design Review Board, and he requested to hear more about that Board and its purview. Ms. Verner explained that the DRB mostly weighs in on aesthetic items in Town. The solar section would be new for them and needs to be worked on. The DRB is advisory and can make recommendations only. Mr. White stated that he would recommend removing the footnote. Ms. Verner noted that this only applies to buildings with historical significance.

Owen Neville stated that the Agricultural Commission will be discussing this item at its next meeting.

Francie Nolde stated that she wants to hear more about the Town Center and separating the residents there from the historic buildings. There could be some areas along Stow Road for ground-mounted systems. She is unclear why those without historic homes who live in the Historic District are being subject to the same regulations. Mr. Barbadoro stated that it is a benefit to the Town to have the DRB review the architecture of these buildings to keep them looking a certain way. Ms. Nolde asked that the Board consider asking residents how they feel about it.

Ms. Verner stated that the next draft version will have included comments/corrections.

Mr. Corson suggested that the footnote refer to Buildings Subject to Demolition Delay, as that would be a direct reference to the bylaw in question.

Ms. Verner reviewed the medium and large-scale draft bylaw.

Mr. Moore stated that the Sustainability Committee recommended a 100' setback for primary use projects to put restrictions on large projects. He would like to see this applicable to residential districts, but not necessarily across all districts. He asked about language that would allow applicants to locate solar systems in other places on the property than just the back yard if a hardship is shown. He noted that the public and Sustainability Committee may want to further review the landscaping/screening section. Ms. Verner explained that the bylaw requests naturally vegetated conditions, with some other forms of screening possible. While this sets criteria for an applicant, the Planning Board would then review it for completeness and make comments. Mr. Moore suggested setting the standard lower and being clear that the Planning Board can waive the requirement. Mr. Moore also noted that the Sustainability Committee would like to see medium scale projects reviewed by special permit in the Ag/Res District instead of simply not allowing them.

Mr. Neville stated that he does not believe the setbacks in this solar bylaw should exceed those in the zoning bylaw.

Ms. Nolde stated that the solar bylaw has strict limitations regarding how much land can be cleared, and she would rather see a net zero building code for new construction.

Ms. Markowitz suggested clarity on the term "deforestation."

Ms. Lazarow moved to continue this public hearing to February 16, 2022 at 7pm, for the solar bylaw. Seconded by Mr. White.

Roll call: Barbadoro – aye; White – aye; Lazarow – aye; Verner – aye; and Markowitz – aye. 5-0-0; motion passed unanimously.

95-105 Sargent Road; Parcel Numbers (011-003-000 and 011-005-000) - Right of first refusal on the sale of 95-105 Sargent Road

Mr. Barbadoro explained that this parcel of vacant land was in Chapter 61. It contains approximately 22 acres of land and has a small portion in the Aquifer Protection District and another piece with wetlands on it. The lot is divided by the Boston Main Railway. There is a P&S agreement for the property, contingent upon 5 ANR lots. The lot is zoned Ag/Res. These lots would be 60,000 s.f. All 5 fit on the Sargent Road side. There is approximately 100' of frontage on the Littlefield Road side, not enough for a standard ANR lot but which could be used for 1-2 reduced frontage lots by special permit. These would require 200,000 s.f. per lot. The total of this proposed development would cover approximately 16 acres of land. The developer could propose a definitive subdivision to place a few more lots, conditioned on appropriate septic systems. The Town has a short window of time to exercise its first right of refusal and the Master Plan calls on the Planning Board to make this recommendation to the Town. The ConsComm is also reviewing this proposal, as is the Conservation Trust.

Ms. Lazarow stated that it appears this land would be worth preserving for the Town. She questioned what funding sources are available to do so.

Mr. White stated that he is a proponent of purchasing this land because it will cost less overall than educating the number of students that would come from the potential homes to be built. This would require an advocate. More of this Chapter land will continue to come up over the years.

Ms. Markowitz stated that the ConsComm voted to recommend that the Select Board pursue this item further. This is adjacent to other existing conservation land and has some trail potential. There seems to be high conservation value to this land.

There was discussion regarding the draft regulations under the MBTA Communities legislation.

Ms. Lazarow asked about a study regarding a net cost analysis for this lot.

Ms. Nolde stated that she would love to see this land preserved.

Karl Malakian, 184 Littlefield Road, stated that he believes this is a large possibility for conservation preservation. This is a chance to tie into adjacent conservation land for future generations.

Jeff Glidden stated that he walks and hikes through this area every day. This parcel would link Fort Pond, Rolling Meadow, and Half Moon Meadows. He noted that this parcel was in the top 10 parcels prioritized in the 2015 Open Space and Recreation Plan.

Mr. Barbadoro stated that this is also a DEP Important Habitat parcel.

Lisa St Amand noted that this is a valuable piece of property because any development would create increased runoff toward Fort Pond Road, and an increase in potential flooding at that road crossing. The Board reviewed submitted correspondence from Ms. St Amand.

Rita Grossman stated that the Conservation Trust is spending a lot of time discussing this parcel. This area is upland and has two high values: carbon sequestration by the trees, and premium water recharge ability. The open space mapping needs to be updated as it expires this year. Some landowners have the option of working with the group to conserve the land.

Mr. White moved to recommend that the Select Board exercise its first right of refusal on this parcel. Seconded by Ms. Verner.

Roll call: Barbadoro – aye; White – aye; Lazarow – aye; Verner – aye; and Markowitz – aye. 5-0-0; motion passed unanimously.

Administrative Business **Meeting Minutes**

Mr. White moved to approve the meeting minutes of January 10, 2022, as amended. Seconded by Ms. Verner.

Roll call: Barbadoro – aye; White – aye; Lazarow – aye; Verner – aye; and Markowitz – aye. 5-0-0; motion passed unanimously.

Correspondence

The Board received correspondence from Lisa St Amand regarding right of first refusal on the sale of 95-105 Sargent Road.

Technical Assistance Program Grant Application and other Grant Opportunities – *the Board did not address this item at this time*

American Rescue Plan Act (ARPA) projects - *the Board did not address this item at this time*

Solar Bylaw Subcommittee – *this item was previously addressed*

Town Center/Enclave Project - *this item was previously addressed*

Campanelli Campus development options

Nothing new to report at this time.

MGL Chapter 148 Sections 26h and 26i

Nothing new to report at this time.

Mr. Corson noted that warrant articles are due to be submitted by February 23, 2022.

Planning Board Training - *the Board did not address this item at this time*

Master Plan Action Items Spreadsheet - *the Board did not address this item at this time*

Website update - *the Board did not address this item at this time*

Legislative Update - *the Board did not address this item at this time*

Committee Reports: - *the Board did not address this item at this time.*

Water Resource Committee (Barbadoro) –
Community Preservation Committee (Lazarow) –
Economic Development Committee (White) –
MAGIC Representative (Markowitz) –

Mr. White moved to adjourn the meeting at 11:17 pm. Ms. Verner seconded.

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

Unanimously passed.

Meeting Documents:

Memo from Vibalogics, RE: Exterior Effluent Holding Tank at 1414 Massachusetts Ave, January 19, 2022

DPS Project Note, re: Vibalogics Commercial Manufacturing Facility Waste Tank Location, January 18, 2022

Memo from PLACES Associates, re: Tree Removal and Restoration Review – Vibalogics 1414 Massachusetts Ave, Project No. 5495, January 4, 2022

Memo from Lincoln Property Company, re: proposed landlord improvements 2021, 1414 Massachusetts Ave

Legal notice for Public Hearing, re: Solar Energy Systems: Add Section 7800; Amend Section 4003(4): Business/ Industrial Uses & Zoning Bylaw Recodification: Amend Section 1000: Authority through Section 9600: Separability.

Memo from Innamorati Law & Title, LLC, to Boxborough Select Board, re: 95-105 Sargent Road; Parcel Numbers (011-003-000 and 011-005-000) - Right of first refusal on the sale of 95-105 Sargent Road

Draft Meeting Minutes January 10, 2022

Memo re: Subject: Town of Boxborough Support for Project Dragonfly proposal, September 11, 2020

Correspondence from Lisa St Amand, BCTrust

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

Join Zoom Meeting

<https://us02web.zoom.us/j/84959361347?pwd=WURKU1F2Q2tCaXhYa2Q1YnVlWDFJdz09>

Meeting ID: 849 5936 1347

Passcode: 104427

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