



TOWN OF BOXBOROUGH

Planning Board

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

APPROVED ON March 22, 2021

Meeting Minutes

January 25, 2021

7:00 PM

Remote Meeting

Members Present: Cindy Markowitz, Mark White [7:20], Mark Barbadoro, Rebecca Verner, and Robin Lazarow

Also Present: Simon Corson (Town Planner)

Several members of the public were also present.

Ms. Markowitz called the meeting to order at 7:02 PM.

Approval Not Required (ANR) 168 Old Harvard Road

Simon Corson explained that the intent of this project is to create two additional residential housing lots.

Scott Hayes, Foresite Engineering, explained that there is an existing dwelling on this lot. There are about 4.4 acres of land on this property, which fronts on Pierce Lane and Old Harvard Road. The proposal is to divide the lot, meeting the minimum zoning requirements of 150 feet of frontage and 60,000 feet of area. The tract is all upland with no wetlands on the property. There are two new construction lots proposed on Pierce Lane. Old Harvard Road is a scenic road, and the existing driveway will remain as is. There are no proposed stone wall or tree changes on Old Harvard Road. The lots are fairly regularly shaped and 100 feet wide moving toward the back of each lot.

Mr. Barbadoro advised the applicant to look through Bylaw Section 5006 in regard to possible wells on site.

Ms. Markowitz noted that there is a shed on Lot 2 that is proposed to be relocated. Mr. Hayes explained that this structure will be moved or razed all together but will meet all requirements. Both Lot 2 and 3 will be accessed by Pierce Lane.

In response to a question from Ms. Verner, Mr. Hayes explained that Lots 1 and 2 will be developed within the front third of those lots, closer to the street. The wells for those houses will be located behind. Clearing on the Pierce Lane side will be fairly intensive for the first 100-130 feet. The rear portion of these lots will not need to be cleared, though he can't be sure they won't necessarily be cleared more.

In response to a question from Ms. Verner, Mr. Barbadoro stated that generally the offset for protected trees along historic roads are to the boundary of the stone wall.

In response to a question from Ms. Markowitz, Mr. Hayes stated that legal notice and abutter notification are not required as part of this application.

In response to a question from Mr. Barbadoro, Mr. Hayes agreed that there are stone walls that bound the driveway on Lot 1. These are not necessarily historic stone walls; they were built when the existing house was built.

Mr. Barbadoro moved to endorse the plan for Approval not Required (ANR) for 168 Old Harvard Road. Ms. Lazarow seconded.

Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; and Markowitz – aye. 4-0-0; motion passed.

Ms. Verner amended the motion to include approval for the Chair or Clerk to sign the endorsement of the ANR. Ms. Lazarow seconded.

Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; and Markowitz – aye. 4-0-0; motion passed.

Zoning Bylaw Amendments

Ms. Markowitz noted that the notice has been posted for the Public Zoning Hearing on February 8, 2021.

Mr. Corson stated that sandwich boards and DPW boards may be utilized to get the word out about this meeting. Meeting information can also be found on the Town's website, and on Facebook.

Mr. White joined the meeting at 7:20pm.

Solar Photovoltaic Installations

Ms. Lazarow suggested considering excluding solar from structures that are historic in town.

Ms. Verner stated that she included a special permit process for historic structures. She made a footnote that any building of historical significance with this proposed shall be required to undergo reviews by the Historical Commission and the Design Review Board. Proposed structures on these buildings shall have limited or no view to the public. The Boards reserve the right to recommend certain types of installations to keep with the historic nature.

Mr. Barbadoro questioned if this might be going overboard, as buildings of historical significance can still have vinyl windows or siding installed.

Mr. White stated that he believes private property owners should be allowed to do a project like this, as long as it doesn't harm their neighbors.

Ms. Markowitz noted that there are Design Review Board (DRB) guidelines for buildings in the Town Center District. Ms. Verner explained that there is not a review process that speaks to solar yet from the DRB. There may be recommendations for a historic building made by the DRB to address these projects while still letting applicants have solar on buildings in Town Center.

The Board discussed bringing this back after the Public Hearing. The Board will accept written comments prior to and after the Public Hearing on the 8th.

Mr. Barbadoro noted that small scale ground mount solar projects would meet the definition of “structure,” meaning that it potentially wouldn’t have to meet half of the setbacks on the table, per Section 5006.

Wireless Facilities

Ms. Markowitz noted that this is an update to Section 7200. The intent of this language is to provide for small cell 5G facilities outside of the public right of way. The Select Board is also in the process of drafting policy for this item that would allow small cell facilities by special permit. The applicant could make a submittal of up-to five facilities at a time. This is primarily directed to poles outside the right of way; the Planning Board would potentially be the special permit granting authority for those facilities. The Select Board policy would subscribe to the Littleton Aesthetic Regulations for facilities within the right of way.

The group reviewed a number of questions and comments regarding the document.

Mr. White left the meeting for a short time.

Mr. Corson stated that it is anticipated that at the Select Board meeting tonight Attorney Adam Costa through his firm will be appointed. His first task will be reviewing the Board’s Zoning Bylaw Amendments.

Citizen’s Petition – Life Science and Footnote Publicity of the Zoning Bylaw Amendments
Suzanne Schmitt stated that she will be making a presentation on this petition at the Public Hearing. She has gotten input from Police, Fire, and DPW. She noted that the Fire Chief explained that firefighters generally have a higher cancer rate than the general population, pointing to the hazardous material section. She noted that the Police Chief was generally supportive of this as it pertains to increasing public safety. She stated that the Board of Health passed it along to the Select Board for deliberation.

Ms. Markowitz stated that the Planning Board may make a motion to attach the footnotes to all the districts shown in the Citizens Petition, in order to make sure the language is not lost if the petition fails.

Administrative Business:

Meeting Minutes – none to review at this time.

Correspondence and New Business (if any)

Ms. Markowitz stated that the Board received the following correspondence: an email from Ralph Willmer to Mr. Corson regarding the TAP Grant; and an email from Francie Nolde regarding the Board's focus on sustainability and making solar facilities more accessible.

Mr. Corson stated that he reached out to Mr. Willmer regarding switching gears for the TAP Grant funds. Proposals are currently being accepted but there appears to be a rolling deadline. Some possible projects to submit proposals for could be housing and economic development, regionalization and shared services, public health, public safety, bike/ped mobility, creative community placeholding, etc. The Board agreed to review possible proposals for a future meeting topic.

Town Center/Enclave Project

Mr. Corson stated that street cleaning and removal of sediment from the basins is being stressed. Building permits are continuing to be sought and the sales office on site has opened. Ms. Markowitz noted that the first couple of units are being built. She has asked that the location of the sales office be inspected as it is not quite where it was shown on the plan.

Planning Board Training – none at this time.

Administrative Regulations

Mr. Corson stated that he has completed a rough draft and shared it with Ms. Markowitz. They will work together to bring this to the Board moving forward.

Website Update

Mr. Corson has made small changes to the website already and will continue to move forward with this project.

Annual Report

This report is due by the 4th and a draft will be completed soon.

Status of 2020 Zoning Bylaw

Mr. Corson is still cleaning up this document. There will be additional GIS work done to complete maps needed for this project.

Land Use-Related Grant Status:

TAP Grant for Solar Bylaw Assistance

This has already been discussed.

Municipal Vulnerability Preparedness Project Grant Legislative Update:

Housing Choice Administrative Bill

There is nothing to report on this item at this time.

Committee Reports:

Community Preservation Committee - nothing to report at this time.

Design Review Board - nothing to report.

Economic Development Committee –

EDC will be presenting to the Select Board and Planning Board soon.

MAGIC –

This group has been focused on COVID relief for the Town.

Water Resources –

Mr. Barbadoro stated that the group has been discussing updates on Vibalogics. It has also decided to send out a single letter to 1300 Massachusetts Ave regarding testing its groundwater and supplying the information to Littleton Water, as was specified in its special permit.

Mr. White joined the meeting.

LELWD Small Cell Committee – nothing to report

Building Committee – this group will meet later this week

Zoning Bylaw Update Proposal from the Barrett Planning Group

Ms. Markowitz stated that the Barrett Planning Group submitted a quote of \$25,500 to do the update work. Plus, any additional meetings at the rate of \$1,000/meeting.

Ms. Lazarow stated that it is unclear how much this project will cost in the end, based on the number of extra meetings that may be necessary. Ms. Markowitz stated that the quote includes one or two meetings, prior to the additional meeting costs. Ms. Markowitz stated that she might request for a fixed price for these additional meetings. The group discussed creating a “not to exceed” amount for the proposed project price.

The group discussed if this project needs to be put out to bid. The group discussed that it would like to see a demo product from the company for this type of project. It would also like a timeline and necessary deliverables. Mr. Corson stated that a placeholder for this item has been placed on the ballot.

Discussion of Memorandum of Understanding (MOU) regarding administrative direction for the Town Planner

Ms. Lazarow stated that the document seems limited in terms of shared responsibility and oversight. Ms. Markowitz stated that that is the intention of the document.

Mr. Barbadoro stated that the new MOU does not seem to address that the Planning Board agenda takes precedence (step 2).

Ms. Markowitz stated that she would make a note that the Planning Board agenda takes priority. She also suggested consolidating the number of steps (3, 4, and 5) as listed in the MOU process. She will share the revised draft with the Board before sending it to the Select Board.

2021 Budget/Stipend

Ms. Markowitz explained that feedback has been received from the Financial Committee regarding the budget. There was concern about a separate Planning Board Legal budget. The Consulting Budget line item also met a bit of resistance.

Mr. White noted that the Financial Committee looks at past budgets. Mr. White's recommendation is for the Board to spend all of its budget in order to make these requests in the future. He also recommended that specifics be placed on these requests in the future. He does not see a reason to split out the separate Legal budget item for the Planning Board.

The group discussed some of the large items coming before the Planning Board in the future that this separate budget may be important for.

Ms. Markowitz noted that she will be suggesting that the Board take the stipend. This comes out to \$400/person, or \$2,000/Board. Each Board member may decide to take the stipend or not.

Development and vacant space updates

Ms. Markowitz noted that there is no action on the Beaver Brook campus.

Ms. Markowitz stated that the Vibalogics project will come in for a pre-application meeting on February 1, 2021. Mr. Corson stated that his understanding that Vibalogics will be submitting a request for zoning determination this week. This should serve as the company's intent for how it will fit within the town's zoning.

In response to a question from Mr. Barbadoro, Mr. Corson explained that a full site plan application would start a timeline with the Planning Board; this informal discussion should not start a timeline.

The Board discussed what would be in its purview to talk about during the meeting with Vibalogics. Ms. Markowitz noted that town counsel has stated that the Building Inspector is the authority to make use determinations. The Board discussed having town counsel attend this meeting as well. The Board agreed to not have town counsel attend this introductory meeting.

Ms. Lazarow moved to adjourn at 10:16 PM. Seconded by Mr. White.

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

Meeting Documents

Approval Not Required application, 168 Old Harvard Road, December 1, 2020

Memo from Simon Corson to the Planning Board, re: 168 Old Harvard Road, January 25, 2021

Solar Photovoltaic Installations Draft document, January 21, 2021

Proposed Zoning Bylaw Amendments to Account for Small Cell Facilities DRAFT, January 21, 2021

Citizen's Petition, Zoning Bylaw Amendment, Draft, December 29, 2020

Memo: Barrett Planning Group to Simon Corson, re: Reference: Zoning Bylaw Update, January 13, 2021

Proposed MOU between the Select Board and the Planning Board, January 21, 2021

Email from Ralph Willmer to Simon Corson, re: Boxborough Technical Assistance Program Project Concept, January 12, 2021

Email from Francie Nolde to Planning Board, re: Planning Board discussion regarding a Solar Bylaw, January 12, 2021

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

Zoom Access Protocols

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