



## 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 31, 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)

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

**Public Comment** – None at this time.

#### **244 Adams Place** –

#### **Conceptual Discussion with The Gutierrez Company**

The Board was joined by Israel Lopez, The Gutierrez Company, and Carlton Quinn, civil engineer, Allen & Major Associated.

Mr. Lopez explained that The Gutierrez Company has been involved in Boxborough projects for a number of years. The company often deals with creating built-to-suit offices, and suburban office developments. The proposed parcel is made up of approximately 32 acres and sits south of the Regency Boxborough site. The Gutierrez Company owns two other nearby parcels that are not part of this proposal and that do not have current plans for construction.

The subject parcel sits approximately  $\frac{3}{4}$  mi. from the closest residential property. This is a visually isolated parcel, with some potential visibility from Route 495. The proposal is to create a state of the art, high-tech facility, to be used for a number of light manufacturing opportunities (examples including a prototype bandage company, medical device companies, R&D space for high application materials, etc.). There are no specific user companies identified at this time but filling the space should be easy. The site is currently accessed off Adams Place Road, wrapping around the existing hotel leach field. The entry to the site is at about 286' elevation, with a 75' change in grade from the entry to the back of the site. The proposed building is projected to be located in the middle of the site, at a median elevation. There is a small, four door, loading dock proposed. The building is proposed to be approximately 140,000 s.f., with a 100,000 s.f. footprint, and a second-floor office area. There is an existing wetland, running the length of the property, abutting the highway. The proposed project will not encroach on the 100' buffer setback area and there are no proposed impacts to the wetlands.

Mr. Lopez explained that the proposal includes a subsurface disposal field. There is a well on site, and the Zone 1 for it is contained within the property. The leach field location is working to be finalized. The proposal includes a request to reduce the amount of parking required on site, to that which is commensurate with what is necessary to support the proposed use of the site. This equates to approximately 290 spaces. The Gutierrez Company would not like to pave over more area than is necessary.

Mr. Barbadoro pointed out that there are lot coverage and floor area ratio requirements. The Board will be looking to make sure a development on this lot meets these requirements due to this being a particularly sensitive area, including being in the Aquifer Protection District.

In response to a question from Mr. Barbadoro, Mr. Lopez stated that the site is accessed using an easement right of way from the hotel.

Ms. Markowitz asked why The Gutierrez Company is proposing to build on this area when there are a number of currently unoccupied office spaces available. Mr. Lopez stated that this lot will allow for special R&D light manufacturing components, such as a high bay with 32' clearance space, a loading area, and an office space. He noted that the proposed laboratory space will not necessarily include chemicals.

In response to a question from Ms. Verner regarding the amount of the parcel proposed to be disturbed, Mr. Lopez stated that the intention is so comply with the FAR requirements, with a 0.1 FAR ratio proposed. The proposal will stay below the bylaw requirement of 30% maximum disturbed area, with a total proposed 27%.

In response to a question from Ms. Lazarow regarding how the project proposes to incorporate sustainability practices, Mr. Lopez stated that the project will meet all construction material and code requirements. The capacity and ability for solar panels, EV charging stations, increased green space, and the reduction of impervious surface through reduced parking will be explored.

Francie Nolde stated that the State is attempting to reach net zero for all new buildings. She asked about other options to make this a net zero building. Mr. Lopez stated that the group is open to suggestions. The company will manage construction of the project inhouse.

In response to a question from Diana Lipari regarding if the intention is to begin construction without a user, Mr. Lopez ideally construction would begin after a tenant is found, but it may begin before. The company has taken an educated guess that the demand for water usage for the facility for the average customer, arriving at approximately 7,000 gallons/day for drinking water and the disposal field. Engineers have been working to design a proper Title V disposal system for the site.

Barbara Salzman explained that Massachusetts' building codes will be changed within approximately one year. She hopes that the group will look into building for the new net zero code.

Rita Grossman noted that this parcel is listed as a priority parcel in the Town's Open Space and Recreation Plan due to its high value as wooded upland for water recharge and carbon storage. Clearcutting of the site would cause a loss of thousands of pounds carbon retention.

In response to a question from Mr. White, Mr. Lopez stated that the timeline is to put together a site plan application in early spring to present to the Planning Board.

In response to a question from Mr. White, Mr. Lopez explained that the Regency has several wells. The Regency sits within Zone 1 for the well and a portion of the proposed driveway would also be located within this.

In response to a question from Ms. Nolde, Mr. Lopez stated that the group will work with the topography and grading of the site to locate the building and entry properly.

In response to a question from Mr. White, Mr. Lopez stated that he plans for this to be a by-right application, and that there will be a request regarding the proposed reduced parking. The group will be working with DEP on permitting for the well.

Hugh Fortmiller stated that it is important for the Town and Planning Board to understand who the tenants for this building may be regarding how water use and waste are handled. Mr. Lopez stated that there is not currently any plan to use processed water that needs to be hauled away, or chemicals.

In response to a question from Mr. Barbadoro, Mr. Lopez explained that The Gutierrez Company has owned the land since 2001, showing a long-term vision of the company to build at the right time. The original plan included a vision for an office park. However, this vision has since changed, and The Gutierrez Company believes that this type of proposed use will be complimentary to Boxborough's portfolio of business uses.

In response to a question from Ms. Markowitz regarding how market demand may change in the future and how the building would support this, Mr. Lopez stated that the trend has been strong in terms of manufacturing buildings. The amount of office space in this building could be increased, if needed.

Mr. Barbadoro made a presentation regarding the history of this area. He noted that there is not meaningful access from the frontage to the buildable area of the lot. A special permit may be needed to access the lot using the existing easement. He also noted that the hotel's sign is located on The Gutierrez Company's property. The boundary of the aquifer in this area may not be adequately mapped. The Planning Board requested money to delineate the aquifer more properly, but this was not approved by the Select Board. If the floor area ratio requirement was adopted between 1984-1988 then this was satisfied by all the land held in common ownership by InnCorp when it owned all of the property of this lot and the hotel lot. He suggested that The Gutierrez Company's lawyer look at the deeds for the properties.

Mr. Barbadoro stated that it is important to Boxborough to become a sustainable community. He noted that solar placed on the building and orienting the building for increased solar gains will be important. Keeping the water as clean as it can be, and keeping the green spaces open for wildlife will also be important. He noted that the hotel has a lot of existing parking, and this site could consider sharing some of that parking.

Ms. Verner also mentioned potential pervious paving, and planting islands in the parking lots as welcome ideas.

Owen Neville stated that the 60 rooms were never actually added to the hotel, which may impact many of the requirements previously noted by Mr. Barbadoro.

In response to a question from John Nolde, Mr. Lopez stated that the intention is for The Gutierrez Company to develop and hold this property. The proposed number of employees for the building is approximately 200-225.

### **Massachusetts Bay Transportation Authority Communities**

Ms. Markowitz explained that, as part of the Housing Choices Act, there is a provision for multifamily housing in all communities designated as an MBTA community. Boxborough is considered an adjacent community. The intention is to provide increased capacity of the amount of multifamily housing near transportation hubs. The provision is for a 50-acre area, or approximately a ½ mi radius from existing MBTA stations, at a density of 15 units/acre. There is a formula requiring that communities have 10% of their housing inventory, or 750 units, apply. The area must be zoned for that potential capacity. The State is proposing to provide technical assistance to communities to determine how best to achieve this. The Select Board is required to provide a response to the State that Boxborough is aware of this by May and identify an action plan by the end of the year. The State is currently accepting comments on this item. If towns decide not to participate they will not be eligible for certain State funding sources.

Mr. Corson explained that a good example of a community this is designed for is Newton, which has a lot of MBTA stations and no multifamily housing. The Town can connect the Board with someone with better understanding of these guidelines.

Ms. Markowitz explained that the State's intent seems to be to spread this requirement across all communities, so that all bear the burden. Mr. White noted that one-size-fits-all sounds good but does not work for Boxborough necessarily. This is open for comment and he believes the Town needs to reach out to further discuss this.

Ms. Lazarow suggested the possibility of creating a coalition of similar sized towns for consulting on this matter.

Ms. Lipari explained that there will be an MMA webinar on this topic within the next couple of weeks. These do appear to be draft regulations that are open to comments. This deals with creating multifamily zoning by right and allowing the space to build them into the future; existing units in an area will count toward the total.

Ms. Markowitz explained that there is already one district in Town where multifamily units are allowed by right. This is a small area and there are currently two existing buildings.

Ms. Verner suggested contacting the towns of Harvard and Lancaster, as they are similarly sized.

Ms. Lazarow stated that the requirements do not seem scaled properly for the size of certain towns. She asked if the Select Board could contact KP Law regarding if they are looking into this for other similarly sized towns. Ms. Lipari suggested asking Interim Town Administrator Terenzini.

The Board agreed to compile comments by the end of February.

### **Administrative Business**

#### **Meeting Minutes**

None at this time.

### **Correspondence and New Business**

The Board received a number of correspondence letters regarding 95 and 105 Sargent Road. Mr. Barbadoro asked that these items be placed in the packet for the next meeting. The Planning Board has asked that the Select Board formally express interest in purchasing 95 Sargent Road. Mr. Corson stated that the ongoing process is to understand if the notice given was sufficient.

Mr. White moved to adjourn the meeting at 9:10 pm. Ms. Lazarow seconded.

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

**Meeting Documents:**

Memo from The Gutierrez Company to Mr. Corson, re: Request for Site Plan Preapplication Conference, January 27, 2022

Letter from Dan & Amy Smith, 266 Joseph Road, re: 95 and 105 Sargent Road

Letter from Brigid Bieber, 151 Emanuel Drive, re: 95 and 105 Sargent Road

Letter from Niki and Arden Veley, 1055 Depot Road, re: 95 and 105 Sargent Road

Letter from Kendra Bence, 493 Hill Road, re: 95 and 105 Sargent Road

Memo from Department of Housing & Community Development, re: DRAFT Compliance Guidelines for Multi-family Districts Under Section 3A of the Zoning Act

Memo from Boxborough Sustainability Committee, re: 95 and 105 Sargent Road, January 28, 2022

Letter from Joan Blaustein, 115 Stow Road, re: 95 and 105 Sargent Road

Letter from Tara Zantow, 1093 Liberty Square Road, re: 95 and 105 Sargent Road

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

Join Zoom Meeting

<https://us02web.zoom.us/j/85710140347?pwd=WTR5TEowazgxZ3VqSWRqS2VleCtTUT09>

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