



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 March 22, 2021

Meeting Minutes February 8, 2021 7:00 PM Remote Meeting

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

Also Present: Simon Corson (Town Planner), Paul Fillebrown (Fire Chief)

Several members of the public were also present.

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

7:00 PM Public Hearing - Zoning Bylaw Amendments

- Solar Photovoltaic Installations: (Section 7800 - Solar Photovoltaic Installations, Section 5000 - Dimensional Requirements, Section 4000 - Use Regulations, and Section 2000 - Definitions)

Ms. Markowitz opened the public hearing. She explained that the Board is working off a draft document dated January 21, 2021. There have been a significant number of comments from the Sustainability Committee which have been incorporated into a redline version. There will also be a meeting with a representative from the Metropolitan Area Planning Council (MAPC) tomorrow to get their thoughts. She noted that public written comment will be accepted on these bylaw amendments for another week or so.

Ms. Verner noted that thoughts were also received from New England Clean Energy, Revision Energy, and the Town Engineer. She reviewed the redline comments to the draft.

The Board discussed item 9: Solar Requirements for New Construction. There was discussion about if this requirement should be imposed before it is known by the State what requirement will be legislated.

Chris DeLise, 394 Sargent Road, agreed with Mr. White regarding imposing a requirement before it is proposed by the State. He suggested finding a middle ground until the legislation is known.

Mr. Barbadoro stated that he is sensitive to requiring anything that slows down development, while also being interested in the idea of requiring all new parking areas to include a solar aspect.

Ms. Verner noted that promoting sustainable practices is something Boxborough should continue to do. Mr. White agreed with encouraging practices but also cautioned against a requirement.

Francie Nolde, Sustainability Committee, suggested that it is important to understand what the legislation says – it is to have achieved a certain level (50%) of solar energy systems on new construction by 2030. She believes the town needs to get started now.

Barbara Salzman, Cobleigh Road, stated that she also believes that the town needs to get ahead of this solar requirement. She believes it is critical for new construction to have these types of systems.

Palmer Moore, Sustainability Committee, noted that California has had some issues trying to regulate residential solar. From a sustainability standpoint, he would like to see solar deployment just for the sake of deployment, to generate as much clean energy as possible. The Sustainability Committee has submitted comments precluding small scale projects from the screening requirements laid out in this document. He noted that it is important for the community to address the resources consumed and how those are offset directly. As written, this prohibits large solar facilities. There may need to be some adjustment of prohibited area in the zoning districts, or through allowable special permit. Allowing small cell solar across the board unhindered in any zoning district would be ideal.

The Board agreed to make some of the suggested changes to the document so that it can be readdressed at a future meeting.

- Wireless Facilities: (Section 7200 - Wireless Communication Facilities, Section 7000 - Regulations for Small Wireless Facilities Located Outside of the Public Right of Way, Section 4000 - Use Regulations, Section 3000 - Districts, Section 2000 - Definitions)

Ms. Markowitz stated that she and John Markiewicz had a recent call with Dave Ketchen, from Littleton Electric, regarding this amendment. The Select Board will be meeting tonight to discuss a draft policy for small cell facilities within the public right of way. This is a draft bylaw for small cell facilities outside of the public right of way. This should be amended to include those on town public facilities/land. Aesthetic requirements may also be included in this bylaw. Ms. Markowitz presented the draft document. She explained that she will make the changes to the draft document and then place it back on the website.

- Citizen's Petition- Life Sciences and Footnote: (Section 4000 – Use Regulations, and Section 2000 - Definitions)

Suzanne Schmitt presented the draft document: Prohibition on Certain Life Science Facilities in Boxborough.

Mr. Barbadoro expressed concern as to why companies that allow this type of testing would be necessary in Boxborough.

In response to a question from Ms. Markowitz, Ms. Schmitt stated that there are no current facilities in Boxborough that use animal testing, as of last year.

In response to a question from Ms. Lazarow, Ms. Schmitt stated that animal testing is not always required in Life Science companies, but it is widespread in many industries. There are some alternatives being developed, but this is very advanced work. As it is proposed, this bylaw amendment only prohibits facilities that use animals in testing, development, or training. Any other facilities would be welcome in Boxborough. Certain facilities have separate divisions for animal testing, or send it out to other places, these would still be accepted into town.

Ms. Schmitt stated that the Mass General Law definition from 2008 probably includes many Life Science Facilities that use animal testing.

Chief Fillebrown explained that the bylaw needs to be cautious about being too restrictive in terms of things like microorganisms, which may already be used in some facilities in town.

In response to a question from Ms. Markowitz, Chief Fillebrown stated that hazardous materials release is covered by the Hazardous Waste team members from the surrounding towns. Emergency releases would be required for any facilities coming into town that the department would need to sign off on.

Ms. Schmitt noted that firefighters are at risk for developing cancer 9-14% more so than the general public. Chief Fillebrown stated that a lot of that has to do with what is emitted during a fire.

Mr. White noted that it seems fairly clear that no one in town wants animal testing in the town. He recommended getting this bylaw passed.

Chris DeLise questioned if this bylaw amendment had anything to do with the Vibalogics facility proposed to come into town. He noted that there are probably some in town opposed to any facility that may do animal testing, but there may be others who are interested in the financial benefit that some of these companies could bring to town.

Mr. White moved to close the public hearing. Ms. Lazarow seconded.

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

Review Draft Hazardous Materials Bylaw Amendment language

Ms. Markowitz noted that she has some concern if the Citizen's Petition doesn't pass that some of the language included regarding hazardous materials will be lost. There are additional definitions in this language, even if the Citizen's Petition does pass.

Ms. Markowitz ran through the draft document. She noted that the restriction would be at Biosafety Level 2 and there is a footnote to apply to the uses that have it. These definitions are located in the document.

In response to a question from Mr. Barbadoro, Ms. Markowitz noted that Maynard, Bedford, and a few other towns have bylaws of this type. There is the potential to form a Biosafety Committee in town.

Mr. Barbadoro noted that this appears to be a growing industry. It's important to know how other towns are handling any of the safety concerns with this industry while making sure to not overregulate it. Chief Fillebrown explained that the State and insurance companies will put in many regulations as well.

Ms. Markowitz stated that this document will be seen at a future public hearing. Ms. Verner noted that the proposed company planning to build a facility in Boxborough is Biosafety Level 2, and thus this document would not impose any more restrictions on it. Ms. Markowitz also explained that town counsel will be reviewing all of these proposed bylaw amendments.

Zoning Bylaw Update Proposal from the Barrett Planning Group

Mr. Corson stated that the final deliverable includes a \$1,000/meeting cost that would allow for the Barrett Planning Group to meet with the Board on a final product that could be taken to Town Meeting.

Ms. Markowitz noted that the final product will be a pdf with hyperlinks to the internal references.

Mr. Corson stated that he contacted the eCode company regarding getting the Zoning Bylaw already recodified into their software environment. There may be a benefit in waiting until the new Town Clerk is appointed and waiting to do it with the General Bylaw at the same time.

Mr. Corson stated that he is recommending that the Board stick with the Barrett Planning Group scope, and a not-to-exceed \$30,000 amount, in case any additional incidental costs are incurred. The revised scope includes the hyperlinks and the list of policy changes. He has confirmed that these changes can be made in the same quoted price. All of the Zoning Bylaw amendments will be included in this project.

Mr. White moved to create a Warrant Article for \$30,000 for the Zoning Bylaw Update. Mr. Barbadoro seconded.

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

Planning Board Fiscal Year 2022 Budget

Ms. Markowitz noted that the FinComm has agreed to include \$5,000 for consulting work as a line item under the Planning Board's operating budget. The FinComm also discussed splitting out the Planning Board and Planning Department into two different budgets. She stated that she believes this is a good idea for clarity. The FinComm is looking for input on this idea. The legal budget proposed for the Planning Board was not well received and will continue to be included in the main budget.

Administrative Business:

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

Ms. Markowitz noted that the Select Board will be discussing the proposed MOU tonight.

The Board reviewed the draft redline document.

Ms. Lazarow moved to adjourn the meeting at 10:35pm. Mr. White seconded.

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

Unanimously passed.

Meeting Documents

LEGAL NOTICE OF PUBLIC HEARING Town of Boxborough, Zoning Bylaw Amendments

7800 Solar Photovoltaic Installations, Draft Document, January 21, 2021

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

Draft Citizen's Petition Warrant Article: Prohibition on Certain Life Sciences Facilities in Boxborough

Hazardous Materials Proposed Bylaw Amendment, Draft Document, February 4, 2021

Memo from Cindy Markowitz to the Boxborough Finance Committee, re: Follow up on Request for Professional Consulting Budget for FY 2022, January 27, 2021

2020 Town Report – Planning Board Section

Memo from Simon Corson to the Boxborough Planning Board, re: Boxborough Zoning Bylaw Update, February 4, 2021

Draft Template MASTER PLAN PROGRESS REPORT, February 1, 2021

KP Law eUpdate re: Housing Choice Act of 2020 Update, February 1, 2021

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

Join Zoom Meeting

<https://us02web.zoom.us/j/86994518229?pwd=d0xnSEJvdEdQSTI0R09PRU9HMDBHQ09>

Meeting ID: 869 9451 8229

Passcode: 882762

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