



TOWN OF BOXBOROUGH

Planning Board

29 Middle Road, Boxborough, Massachusetts 01719

Phone (978) 264-1723 • Fax (978) 264-3127

www.boxborough-ma.gov

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

APPROVED ON March 7, 2022

Meeting Minutes February 16, 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)

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

Public Comment

Bryon Clemence explained that at the last Water Resource Committee (WRC) meeting there were a number of items raised, including Town-wide water resource goals, and the involvement of the condo associations in the western part of Town. He has addressed these with the WRC Chair and will continue discussion with the Board.

Public Hearing for Zoning Bylaw Amendments – continued from January 24, 2022

Solar Energy Systems: Add Section 7800; Amend Section 4003(4): Business/ Industrial Uses Zoning Bylaw Recodification: Amend Section 1000: Authority through Section 96000: Separability

Mr. Barbadoro read and opened the Public Hearing for these items.

The Board first addressed the Solar Energy Systems section. Ms. Verner explained that the feedback since last time incorporates Board comments and comments received at the last meeting. Additional comments were also received recently that will be included in the next draft documents. Input is received from dozens of people and all comments are trying to be accommodated. She reviewed some of the changes made to the document.

The Board discussed the wording for a new suggested section on minor site plan review. It was noted that this will need to be defined and placed somewhere in the rules and regulations. Mr. Barbadoro stated that he would like to see reduced rules placed on people who are requesting very minor projects. Ms. Verner agreed that this is the purpose of this language.

In response to a question from Francie Nolde regarding the screening section, Ms. Verner explained that the bylaw originally required heavy screening, but the language has been amended to include more natural screening to make it easier for homeowners to achieve this. This language was made very subjective intentionally to allow flexibility to small scale installations.

There was an objection by the Committee in requiring such dense screening that it would be burdensome to the homeowner. Ms. Lazarow stated that the Town needs to decide what it wants to see in terms of screening versus installations.

Owen Neville explained that solar panels could be rendered useless if the screening was required to be too dense. Mr. Barbadoro stated that there is a law guaranteeing the right to solar access. Mr. Neville suggested that this language be included in the bylaw.

Mr. White agreed with Ms. Lazarow that there needs to be a balance between what one neighbor is allowed to do on his/her property, and what another neighbor wants to see when looking out into his/her backyard.

Ms. Nolde noted that there are other items in people's backyards, such as pools, that do not require screening. She is concerned with the double standard present in this bylaw.

There was discussion regarding inclusion of Prime Farmland in this bylaw.

In response to a question from Mr. Clemence regarding agricultural preservation restriction land being considered open space, Mr. Barbadoro explained that the legislature does not want permanently protected land to be restricted from installing solar panels. He, personally, does not want to see this type of land covered with solar panels. Mr. Clemence stated that, if APR land is considered permanently protected open space under this bylaw, he would not be allowed to put solar panels on his barn. This language seems to prohibit solar installation on his APR land. Mr. Barbadoro stated that there is a MA General Law, Section 3, that allows enough solar to be placed on farmland to keep it up and running. He stated that this question will be run through Town Counsel.

Ms. Nolde expressed concern regarding the language that land cleared within the past five years is not eligible for ground mounted solar installations. She believes this may be a hardship on some landowners and asked how this language helps. Ms. Verner stated that similar language is included in other bylaws and thus was included here. Ms. Markowitz stated that this language limits the amount of clearing/clearcutting for purposes that then change in the future. This will need to be voted on at Town Meeting.

In response to a question from Ms. Nolde regarding why commercial businesses need to go before the Design Review Board (DRB) per this bylaw, Ms. Verner stated that properties in the Town Center and business districts must go through the special permit process per DRB regulations. This is not a new item, as it was previously in place and voted in by the Town.

Mr. Neville stated that he believes footnote 19 is problematic because it is inconsistent with what is currently in the bylaw. This expands the reach of the DRB. Ms. Verner stated that the DRB guidelines already reference these items and that this document has been in place for a number of years.

Mr. White noted that there is no enabling law for this, but that there will be enabling law if this is voted through at Town Meeting. He is not in favor of this item – extending the purview of the DRB’s charter over this item additionally. He will not vote for this item if the footnote is left in. Ms. Verner stated that the DRB gets to look at architectural improvements in these districts already; this is not an expansion of the DRB’s purview.

Mr. Barbadoro stated that he believes this is an expansion, as almost all uses in the Town Center District were previously subject to DRB review, but the other districts were only reviewed in limited scope. Ms. Verner stated that it is not the intent to add more to the DRB’s purview. The language can be altered to make this clear.

In regard to a concern from Ms. Nolde regarding not allowing Town Center small ground mounted installations, Ms. Verner stated that this has been a consensus item.

Mr. Corson stated that the Demolition Delay regulations includes a list of properties that can be added to as structures become historic.

Mr. White explained that in the bylaws of the DRB, Section 4450, states that the DRB is only invoked for special permits in the B1 residential district. Thus, adding footnote 19 extends the zoning bylaw to a place that the original intent for the bylaw did not cover. Ms. Verner suggested striking the proposed language from this bylaw entirely.

The Board discussed historically significant structures. Ms. Lazarow stated that the demolition list referenced by Mr. Corson is everchanging and so she is unclear how the distinction can be made within this bylaw.

Richard Hilton stated that he is putting together an Historic Walking Tour in approximately two months. This will include properties located in Town Center. He does not believe there should be any solar panels placed on these properties due to the historical significance of these properties.

Ms. Markowitz stated that she supports the footnote language. She stated that she believes the intent of creating the Town Center Historic District was to preserve the historic nature of the area; this language is currently in the bylaws. Architectural compatibility relative to solar installations would be difficult to achieve.

Mr. Barbadoro stated that allowing solar installation by special permit would allow the Planning Board to authorize this on certain properties, while preserving the historic character of others.

Mr. White suggested striking the first sentence of footnote 19, and then making the footnote apply to all properties.

Mr. Clemence stated that the comments he made regarding the APR land also apply to the medium and large-scale installations.

Mr. Corson stated that the deadline to close the warrant is March 28, 2022.

Mr. White moved to continue the zoning bylaw public hearing to March 7, 2022 at 7pm.

Seconded by Ms. Lazarow.

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

Taylor Farm Road – Glen Kaufmann

Request for Reduction of the Tri-Party Agreement Bound Waiver Request

Nick Pauling, Goldsmith, Prest, & Ringwall, Inc., explained that, in the process of setting bounds, there were two instances that don't meet the subdivision requirements discovered. A waiver is being requested to allow alternate types of bounds to exist in these two areas.

Sue Carter, PLACES Associates, noted that there are actually three areas for these alternate bounds to be placed. One is a railroad spike, one in a riprap area with galvanized pipe, and one drilled into a large concrete piece. A future surveyor will look at the plan and will need this information to be able to replicate these bounds on the ground. There should not need to be any conditions placed on this waiver.

Ms. Verner moved to approve three waivers for the revised markers due to extenuating circumstances. Seconded by Mr. White.

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

Glen Kaufmann stated that he has requested a reduction to \$10,000 in the tri-party agreement because all of the work has been completed and any additional work can be handled under the \$10,000 retainment amount. Ms. Carter explained that a minimum of \$10,000-\$15,000 is generally recommended to be retained in case there are items that need to be completed prior to acceptance of the road by the Town. The \$10,000 in this case is appropriate.

In response to a question from Ms. Markowitz, Mr. Kaufman stated that the original retainer amount was \$30,000. The Board previously approved a reduction in the total amount. Mr. Corson stated that he would like to draft a memo showing the original approved reduction and this one, if approved, for the Board to review on March 14th.

Ms. Lazarow moved to approve reduction of tri-party agreement to \$10,000, per the PLACES Associates recommendation. Seconded by Ms. Verner.

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

242 Adams Place: Conceptual Discussion with Associated Brokerage Group

Bernard Gibbons, Associated Brokerage Group, explained that the property is strategically located in Town. The site is approximately 20 acres and most of it is already developed. The current owner has noted that there are plans to close the hotel in the near future. He explained that the intention is to look into other options for this piece of land. From his point of view, potential uses such as multifamily, retail, and office would not be desired or viable on this

property; however, industrial and life sciences uses would be in high demand and be potential uses. Within the existing zoning ordinance, regarding the floor area ratio (FAR) of .1, this is very limiting for potential development in the office district. The highest and best use for this property is likely a science building. Allowing for a life science building on this property of 150,000-300,000 s.f. could conform to nearby 1414 Massachusetts Avenue. This could bring a lot of jobs into the area, without a large impact.

Parker Snyder explained that the proposed building base footprint is approximately 200,000 s.f. across two buildings. A life science facility would not generate a large amount of truck traffic. This would be the highest and best use of this site and is also a development type that is common along the Route 495 corridor. This would generate tax revenue for Boxborough, without impacting the community such as adding additional students to the schools or creating a demand for additional services in the community.

Mr. Gibbons stated that, based on existing zoning, the footprint of the site would only be allowed to be 74,960 s.f. This might not make this project viable and would leave much of the site open. Boxborough is limited in the number of development sites available in this scale.

In response to a question from Channing Wagg, Mr. Barbadoro explained that the FAR is the amount of the lot versus the gross floor area of the building; $0.1 \text{ FAR} = 10\%$ of the lot can be built in gross floor area.

Ms. Nolde, representing the Sustainability Committee, stated that the Committee hopes this building will be built to net zero. Mr. Snyder stated that a similar project is being pushed to go all electric and to install solar on the roof on day 1. In terms of engineering feasibility, to go electric and install solar on this building is very possible.

Hugh Fortmiller asked that solar be considered on the roof and the parking, similar to the CISCO site. He stated that there is a concern regarding chemicals brought into the facility, water used by the facility, and if the sewer system will be used. He asked if a contract system could be created, that allows the Town to examine potential tenants as they come and go, to have some control over air, water, and sewage issues. Mr. Snyder explained that certain conditions would need to be met in order to discharge an effluent stream and that the systems to handle this would be designed to the customer. Mr. Gibbons stated that these buildings usually become tenanted and are then sold to institutional investors. These types of properties require high property management.

In response to a question from Ms. Lazarow, Mr. Snyder stated that advanced manufacturing water usage is generally less intense than a hotel usage. The amount of water usage depends on the type of business that goes into the building.

In response to a question from Ralph Murphy, Mr. Gibbons stated that these business are not generally heavily employed. Mr. Snyder explained that these are generally high-quality employees, so the associated facilities are quite nice.

Ms. Markowitz noted that the site borders the Aquifer Protection District. She asked what could be built for the 79,000 s.f. building, as per the existing FAR. Mr. Gibbons stated that someone local may want to expand a local company there, but otherwise there is not enough scale to remove the building, redo the site, construct a new building, and have a fiscally feasible project.

Janet Connolly asked about Paddock Estates, which sold for approximately a third of similarly sized properties. Mr. Gibbons stated that the site was an existing apartment building and these generally only sell on multiples of what the rental income is and the state of the property.

In response to a question from Mr. Barbadoro, Mr. Gibbons stated that Boxborough is more desired than Fort Devens, simply due to location. Mr. Barbadoro noted that the leaching field for this property is within the Aquifer Protection District. It would likely be a requirement for a life science tenant to cart away the industrial processed water from the site.

In response to a question from Ms. Nolde, Mr. Gibbons stated that a cafeteria on site would be likely. These types of companies would much prefer to be on water and sewer systems and located closer to Boston, but the reality is that they need to be centrally located in areas like this site.

Mr. Barbadoro noted that the FAR is an issue, along with the lot coverage requirement for the site. He explained that he would have a hard time approving an additional life science building in Town. Mr. Gibbons stated that the Town would have to consider what other uses there may be for the property.

Administrative Business

Meeting Minutes – January 24, and January 31

Mr. White moved to approve the meeting minutes of January 24, 2022, as amended. Seconded by Ms. Lazarow.

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

Mr. White moved to approve the meeting minutes of January 31, 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 Janet Connolly, expressing interest in becoming the Associate member for the Planning Board.

Ms. Connolly stated that she works as an Environmental Scientist and might be able to contribute in some way. Her main concern is water quality.

Mr. Barbadoro thanked Ms. Connolly for her interest and stated that the Board will review her resume for referral to the Select Board at a future meeting.

Mr. Corson explained that he believes the Associate member's term would end June 30, 2024, and that this would be a joint appointment between the Planning Board and Select Board.

Ms. Markowitz moved to recommend Janet Connolly as Associate member of the Planning Board, subject to joint appointment by the Select Board. Seconded by Ms. Verner.

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

The Board also received correspondence regarding Sargent Road. Mr. Barbadoro stated that the Planning Board expressed interest in the Select Board pursuing purchase of 95-105 Sargent Road.

The Board received correspondence from Francie Nolde regarding a proposed addendum to the Master Plan for a Climate Call to Action. The Board may want to discuss this at a future meeting.

Technical Assistance Program Grant Application and other Grant Opportunities

This was not discussed at this time.

American Rescue Plan Act (ARPA) projects -

Mr. Corson stated that he believes, per the January 24, 2022, meeting, that the Select Board recommended the ARPA Spend Plan put together by the Town Administrator. Many of the proposal in that plan are items to get implementation funding to complete physical improvements in Town. He is seeking a consultant to go through the ARPA Spend Plan to come back with more information.

95-105 Sargent Road, Chapter 61 Notice

This was previously discussed.

Town Center/Enclave Project

This was previously discussed.

Sale of Paddock Estates

Ms. Markowitz asked if the ZBA was notified about the sale and if the ZBA has information regarding the process. She is concerned regarding the price it was sold at and the housing situation in Town.

Campanelli Campus development options

There was not an update at this time.

MGL Chapter 148 Sections 26h and 26i

There was not an update at this time.

Planning Board Training

There was not an update at this time.

Master Plan Action Items Spreadsheet

There was not an update at this time.

Website update

329 Stow Road – Public Shade Tree Decision: <https://www.boxborough-ma.gov/DocumentCenter/View/2109/329-Stow-Rd-Decisionpdf>

Housing Choice Legislative Update

Mr. Corson stated that the Board will have a joint discussion with the Select Board on this item hopefully at some point in March, and it may be useful for the groups to hear a presentation from another community or the Regional Planning Agency at that time. The Board could then submit a letter, similar to Stowe's. Once the regulations are finalized, there could be discussion on how this will work in Boxborough, and draft zoning changes could then be brought to Annual Town Meeting.

Committee Reports:

Water Resource Committee (Barbadoro) –

Mr. Barbadoro explained that he was a dissenting vote on the WRC to purchase land for water resources in Town. He would prefer to see an RFP to hire a company to help with the specifics of this process. Ms. Lazarow stated that she was also the dissenting voice on the CPC, as she doubts all of the necessary testing will be completed by Town Meeting.

Community Preservation Committee (Lazarow) –

There was not an update at this time.

Economic Development Committee (White) –

There was not an update at this time.

MAGIC Representative (Markowitz) –

There was not an update at this time.

Mr. White moved to adjourn the meeting at 11:45 pm. Ms. Lazarow seconded.

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

Meeting Documents:

Draft: 7800 Solar Energy Systems – Small-Scale Ground-Mounted and Roof-Mounted document, February 8, 2022

Draft: 7800 Solar Energy Systems – Medium and Large-Scale Ground-Mounted document, February 8, 2022

Memo from GPR, re: Definitive Subdivision for Taylor Farm Road, Requested Waiver (revised), February 9, 2022

Memo from GPR, re: Taylor Farm Road Construction Record Plans Review Taylor Farm Rd, Boxborough, February 9, 2022

Presentation from Associated Brokerage Group, re: 242 Adams Place, Boxborough, MA

Draft Meeting Minutes January 24, 2022

Draft Meeting Minutes January 31, 2022

Memo from Munsch Hardt, re: Comprehensive Permit, issued on April 18, 2008 by the Town of Boxborough Zoning Board of Appeals (the ZBA), extended by decision of the ZBA dated April 19, 2014 (collectively, Permit), by and between the ZBA, and Jefferson at Beaver Brook, LLC, a Delaware limited liability company (the Owner), for the housing development on an approximately 67-acre site located off of Ward Road and Cunningham Road off of Massachusetts Ave in the Town of Boxborough, Middlesex County, Massachusetts, known as Paddock Estates at Boxborough (the property), January 26, 2022

Correspondence, re: Climate Emergency: Call to Action, January 2022

Correspondence, re: Sargent Road, Dan & Amy Smith, 266 Joseph Road

Correspondence, re: Sargent Road, Niki and Arden Veley, 1055 Depot Road

Correspondence, re: Sargent Road, Brigid Bieber, 151 Emanuel Drive

Correspondence, re: Sargent Road, Kendra Bence, 493 Hill Road

Correspondence, re: Sargent Road, Boxborough Sustainability Committee, January 28, 2022

Correspondence, re: Sargent Road, Joan Blaustein, 115 Stow Road

Correspondence, re: Sargent Road, Tara Zantow, 1093 Liberty Square Road

Correspondence, re: Sargent Road, Cindy Regan, 252 Littlefield Road

Correspondence, re: Sargent Road, Heather and Karl Malkian, 184 Littlefield Road

Correspondence, re: Sargent Road, Lynn Stahlberg, 343 Sargent Road

Memo from PLACES Associates, re: Request for Bond Release As-Built Plan Review, Taylor Farm Rd Project No. 5113, February 15, 2022

Zoning Bylaw – proposed amendments documents

Memo from Janet Keating-Connolly, re: Planning Board - Associate Member Vacancy, February 15, 2022

Presentation by the Massachusetts Municipal Lawyers Association, re: MBTA COMMUNITY MULTI-FAMILY HOUSING, February 16, 2022

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

Join Zoom Meeting

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