



## 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 February 22, 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.

#### Public Comment

In response to a question from Carol Driscoll, Stow Road, regarding concerns with the Enclave project, Mr. Corson stated that he will contact Ms. Driscoll directly to work through her concerns. He will then report back to the Board.

#### 7:00 PM Public Hearing - Zoning Bylaw Amendment

- Hazardous Materials: (Section 4000 - Use Regulations, and Section 2000 - Definitions)

Ms. Markowitz opened the public hearing by reading the notice at 7:05pm. Ms. Markowitz noted that comments have been received from one member of the public. She presented the redline draft version of the document.

Mr. White noted that this draft document appears to be different from what was in the packet. Ms. Markowitz explained that the presented document has been fleshed out slightly more than what was in the packet. Mr. White explained that he would like to review the prior version that was in the packet, instead of a draft document that the public/Board hasn't yet seen.

Ms. Markowitz presented on the previously presented draft document. The purpose of this presented document is to rework some of the footnotes to be more distinct and well-defined. The Citizen's Petition items for Life Sciences definition language is also included in the draft.

Mr. Barbadoro stated that these types of facilities are coming to the town and it's important to understand them and regulate them, as necessary.

Mr. White agreed that it is best to get ahead of this and bring in these bylaws that are in line with state regulations. It is important to immortalize the Biohazard Level in the bylaws and clarify the definitions that don't define the activity levels wanted in the town. He noted that the Board needs professional help to understand these types of facilities and the associated risks.

Ms. Markowitz noted that the Board of Health will be promulgating biosafety regulations backstopped by existing regulations later this spring. No comments have been received from the Board of Health on this document yet.

Ms. Lazarow stated that the Board is looking at what is unique to Boxborough, what businesses might be looking to come to the town, and any possible effects they will have on the health and safety of the town.

Mr. Barbadoro explained that he would suggest in the future a zoning overlay for biopharmaceutical uses.

In response to a question from Rich Guzzardi, 92 Reed Farm Road, Ms. Markowitz stated that the goal is to bring this bylaw amendment to Town Meeting, but more time can be taken if it isn't ready in time. Mr. Barbadoro stated that he is in favor of separating political changes that might occur from items that are neutral, such as definitions for biosafety levels.

Rich Guzzardi stated that this amendment seems slightly reactionary to a proposal recently brought forward. He believes that there does need to be a policy that addresses this type of development, but he also believes there are a number of items to figure out regarding the policy in this bylaw that need to be determined first. Mr. Barbadoro explained that the Board is taking this slowly and working through the proper channels. Ms. Verner noted that this discussion first began over a year ago with the Citizen's Petition.

In response to a question from Scott Larson, 464 Old Harvard Road, Ms. Markowitz stated that the aforementioned biotech company has secured a lease on a property in town and has submitted an application for site plan approval to the Board. A zoning determination has been received that the uses are acceptable under the zoning bylaw.

Ms. Lazarow suggested inviting someone from the biotech/biopharmaceutical profession to review this document. Mr. White agreed with hiring a consultant to discuss this topic with the Board. Ms. Markowitz stated that she is happy to continue this hearing and post the draft document on the town website for anyone to review and comment on.

Mr. White moved to continue this hearing to March 8, 2021 at 7:05pm. Ms. Verner seconded. Roll call: Barbadoro – aye; Lazarow – aye; Verner – aye; White – aye; and Markowitz – aye. Unanimously passed.

7:30 PM Public Hearing - 871 Massachusetts Avenue Continued from January 11, 2021

- Site Plan Approval Application

Ms. Markowitz noted that the applicant has requested a continuance for this public hearing.

Ms. Lazarow moved to continue the Public Hearing on 871 Massachusetts Ave to April 5, 2021 at 7:30pm. Mr. White seconded.

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

7:45 PM Public Hearing - Priest Lane

- Preliminary Subdivision Application

Ms. Markowitz opened the public hearing by reading the public notice at 7:45pm.

Greg Roy, and Ryan Vickers, with Dillis & Roy, representing the applicant and Sue Carter, PLACES Associates, Town Engineer, joined the Board.

Mr. Roy explained that this piece of land was part of the Enclave at Boxborough project that is now under construction. Years ago, the Town and the applicant entered into a settlement agreement that includes a conceptual development of this part of the property as two residential, single-family lots. That portion of the work was put on hold until the Enclave project was developed. Now, these lots can be focused on. In the spring of 2020, there was a Warrant Article requesting that a portion of this lot be rezoned from the Town Center Zoning District to the Agricultural Residential Zoning District, meaning that single-family residential uses are allowed by right in the zone, instead of requiring a special permit. This was approved and the lot was rezoned.

Mr. Roy explained that Lot 3A has been modified a few times and has about 50 feet of frontage on Priest Lane. The Agricultural Residential Zoning District requires more than that frontage for a building lot. This cannot be done via the ANR process; it must go through the Massachusetts Subdivision Control. This proposal is for two residential house lots, with a new private road right of way that will effectively extend the right of way to create the prerequisite required frontage for the two lots. This is proposed to be private because it's only intended to service those two lots, similar to a shared driveway, and because the applicant has no interest in changing the look or feel of the Priest Lane community. The preliminary subdivision application has been filed, seeking a non-binding determination from the Planning Board regarding the applicant's requests and basic plan to move towards a definitive subdivision.

Mr. Roy stated that the right of way would be privately owned; operation and maintenance would be done by the two lots through a shared driveway agreement. The applicant is asking the Planning Board to waive the width, and other construction standards that usually come with a larger, town-owned right of way. These are not safety items. There is a short section of shared driveway to be constructed through the privately owned right of way. There is a fire turnout within that right of way. The soil testing has been completed and witnessed by the Board of Health for both lots, in order to create approved septic systems. The layout of the lots will be determined by a builder, but a scale has been provided.

Mr. Roy explained that comments have been received from PLACES Associates, Inc., and the Police and Fire Departments. The applicant is willing to accept those comments as part of this process or move forward with them as part of the preliminary subdivision process.

Sue Carter, PLACES Associates, Inc., stated that the common driveway standards are appropriate for this site and once these items are made clear many of her questions will be answered. If the Board agrees to grant the waiver, she requests that the Board require the applicant to meet the common driveway standards. This will protect the Town in terms of safety access, underground utilities, etc.

Mr. Roy explained that the proposed private right of way, pursuant to an ordinary cul del sac's radius, allows Lot 3A's frontage to become 135 feet and Lot 3B's frontage to become 199 feet. This is just slightly more than is needed for each lot. The width and curb radii are being created to resemble a single-family driveway, to not change the character of the neighborhood. There will be a T-style turnout for fire and emergency vehicles. Turnouts by the houses also may be required. These details will be finalized in the final stages.

Ms. Carter explained that the Board will typically give feedback and a decision during the preliminary stage, so that the definitive decision figures in the common driveway standards. She noted that the applicant requested a waiver for stone wall standards, and she believes the applicant needs to address the levels of runoff off the site. This is also included in the private driveway standards.

In response to a question from Ms. Verner regarding Bylaw 6104, Number 2, Mr. Roy explained that this was addressed in a letter sent last week. If the applicant was not proposing a right of way, the provisions would be prohibitive in terms of obtaining frontage. But this project is permitting under the Massachusetts Subdivision Control Law and through the Subdivision Regulations. The applicant is asking to construct a full-blown cul de sac. The applicant is not applying under that section of the bylaw. Waivers are being requested down to the standard that would otherwise be required by that section.

Ms. Carter explained that the applicant is asking for a waiver from the requirements under the Subdivision Regulations and to substitute in the construction standards for common driveway standards. Mr. Barbadoro explained that the road standards that apply to any common driveway is the waiver being requested.

In response to a question from Mr. Barbadoro, Mr. Roy explained that the applicant believes this is in the best interest of Priest Lane because the project is trying to be as low-impact as possible and to still look and feel as the rest of the neighborhood. It is in the best interest of the two future homeowners for similar reasons. The maintenance, if constructed using the common street standards, would be much higher. The waiver is requested for something visualized by the Town's bylaw to be permitted by special permit.

Mr. Barbadoro stated that the Board could precondition this to not allow more housing lots unless the roadway is changed. Ms. Carter noted that the Board should condition this item, but also the geometry of the proposed driveway doesn't really allow for an additional lot.

In response to a question from Mr. Barbadoro, Mr. Roy stated that the applicant is looking for relief on having to provide some of the items required above the standard for Massachusetts Stormwater Management. There are not wetlands associated with this project. The applicant will put in drainage and will provide calculations that show no increased runoff off site.

In response to a question from Ms. Lazarow, Mr. Vickers stated that the driveway on Lot 3A is approximately 350 feet from Priest Lane to the garage, and Lot 3B is about 460 feet. The common portion is about 100 feet on both of those. The owners are responsible for maintaining these driveways.

In response to a question from Mr. Barbadoro, Chief Fillebrown stated that the driveway width is a concern for the Fire Department and would be for an ambulance as well. Captain Gray agreed that 14-16-foot-wide driveways are easier to access. It would be ideal for these driveways to be that width for the entire length.

In response to a question from Ms. Markowitz, Mr. Roy stated that the applicant plans to meet the common driveway standards and work with the Fire Department on any concerns. These details will be examined in the next phase.

Ms. Carter noted that the common driveway standards will require a turnout within 100 feet of the house and leveling areas in the common portion of the driveway. The Board can easily condition in the decision that the driveways need to be a certain width, as the applicant is asking for a waiver.

Ms. Markowitz noted a concern regarding the existing island on Priest Lane being an impediment for accessing the driveway for the Fire Department. Captain Gray agreed that the vertical curbing there is a concern. The curbing was a condition of the original subdivision. Mr. Roy explained that Priest Lane is a town road, so the town could change that if it wanted to. He will bring the concern back to his client.

Ms. Markowitz noted that there is a stone wall modification needed to access the property. Mr. Roy agreed that this would be applied for.

In response to a question from Ms. Markowitz, Mr. Roy stated that the applicant is not proposing a fire cistern. He is unsure where the nearest one is. Captain Gray explained that there is a cistern somewhere up the road but that this needs to be further discussed. Chief Fillebrown agreed that, if the proposed is a subdivision, the cistern requirements should apply.

In response to a question from Ms. Markowitz, Mr. Roy explained that the existing frontage is 54.75 feet. The lot itself is much wider but doesn't have frontage on a public way.

Mr. Roy noted that the applicant will work directly with the Fire Department moving into the next phase of the application.

In response to a question from Ms. Verner, Mr. Roy stated that the lower lane is 16 feet wide with 3-foot paved shoulders on each side. Ms. Carter noted that the waiver also deals with the configuration of the cul de sac.

Mr. White moved to approve the preliminary subdivision plan, with the condition that the items discussed at this evening's meeting will be addressed prior to the definitive plan. Mr. Barbadoro seconded.

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

#### Town Meeting Warrant Articles/Presentations

##### Solar Photovoltaic Installations

Ms. Verner showed an updated draft of this proposed warrant article to the group.

##### Wireless Facilities

Ms. Markowitz noted that she has received no updates from the public on this item. The Zoning Bylaw is being reviewed by town counsel currently.

##### Hazardous Materials

Ms. Markowitz explained that she will send out a revised version of this document as updated earlier in this meeting.

##### Zoning Bylaw Update – proposal from the Barrett Planning Group LLC

Ms. Markowitz stated that there is now a Warrant Article placeholder for \$30,000. A vote to recommend and presentation will be needed on this item. Town Meeting is scheduled for May 10, 2021.

#### PLACES Associates, Inc. Bills

Ms. Markowitz explained that she wanted the Board to be aware of the consulting budget spending thus far. The bulk of the \$1,200 line item has been spent.

The Board discussed having someone come in from another town to educate everyone on biosafety/biohazard items and the process for the proposed bylaw update.

#### **Administrative Business:**

##### Meeting Minutes

Ms. Verner moved to approve the meeting minutes of January 11, 2021. Mr. Barbadoro seconded.

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

#### Correspondence and New Business (if any)

Ms. Markowitz noted that there is one piece of correspondence from Francie Nolde, dated February 9, 2021.

#### Town Center/Enclave Project

Mr. Corson stated that he has nothing new to report on this item. He will reach out to Carol Driscoll and updated the Board.

#### Review Zoning Board of Appeals Applications

Mr. Corson stated that going forward the Planning Board can review ZBA applications. The Building Department and Zoning Enforcement Officer are the compliance officers. These officers can be asked if a property is in compliance and, if not, what can be done to make it so. The Planning Board can ask the ZBA to condition approval to be in compliance.

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

Ms. Markowitz stated that she and John Markiewicz, of the Select Board, will discuss this further this week.

#### Website update

Mr. Corson stated that current applications are up for the Planning Board and ZBA, as well as the legal notices.

#### Status of 2020 Zoning Bylaw

Mr. Corson stated that this item is still being worked on.

#### Planning Board Administrative Rules and Regulations

There is no update at this time.

#### Land Use-Related Grant Status:

##### Municipal Vulnerability Preparedness Project Grant Legislative Update:

Mr. Corson stated that the final report for this has been completed. The town can express interest in an MVP Action Grant by the end of this week. It is unclear if the town will pursue this this year or not. One of the top recommendations from the final report is a flood study.

#### Housing Choice Administrative Bill

Ms. Markowitz stated that the Board received a memo from KP Law on this item to review.

#### Committee Reports:

##### Community Preservation Committee (Lazarow)

Ms. Lazarow stated that the Rec Comm will not be applying for grants, but as grant money is received, they will reimburse the town for CPC funds or bonding funds.

Design Review Board (Verner) – nothing new to report.

Economic Development Committee (White)

Mr. White explained that the group discussed the offer of the purchase of John Lyons' property by the town and if there is any interest in the property for anything other than public facilities.

Ms. Markowitz stated that she has suggested that the EDC make a presentation to the Board on some items in April. She also explained that the Board will probably have a workshop in June and invite EDC members to discuss zoning in a holistic way.

MAGIC Representative (Markowitz) – nothing new to report.

Water Resources (Barbadoro) – nothing new to report.

LELWD Small Cell Committee (Markowitz) – nothing new to report.

Building Committee - TBD

Ms. Lazarow stated that the group met on the 17<sup>th</sup>. The group discussed a presentation on their timeline. There was discussion about other properties that aren't viable and why. FAQs were posted to the town's website regarding this project.

Planning Board Goals:

Funding – TAP Grants and other Grant Opportunities

Ms. Markowitz noted that a letter from MAPC was included for the town regarding the upcoming TAP Grant. The Board could discuss other types of potential projects for this grant. One option could be overlay districts. There is a March 19, 2021, date for project concepts.

Master Plan Action Items Status Spreadsheet

Ms. Markowitz explained that this could be used to prompt Boards/Committees to respond to Master Plan items. The Board agreed to review this at a future meeting. September might be a good timeframe to ask for this to be completed by Boards/Committees along with their Annual Reports.

Mr. Barbadoro moved to adjourn the meeting at 9:58pm. Ms. Lazarow seconded.

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



Meeting Documents:

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

Hazardous Materials Proposed Bylaw Amendment, Draft Document, *Public Comment from Janet Keating-Connolly 2/17/2021*

LEGAL NOTICE OF PUBLIC HEARING Town of Boxborough Planning Board Site Plan Application 871 Massachusetts Avenue, December 24, 2020

Memo from Level Design Group to Simon Corson, re: High Quality Landscape Construction, Inc., 871 Massachusetts Avenue, February 18, 2021

Town of Boxborough Building Department, Form of Intent, 871 Massachusetts Avenue, November 24, 2020

Memo from Level Design Group to Boxborough Building Department, re: Zoning Determination, High Quality Landscape Construction, November 24, 2020

Site Plan Approval Application, 871 Massachusetts Avenue

LEGAL NOTICE OF PUBLIC HEARING Town of Boxborough Planning Board – Preliminary Subdivision Plan Application, Priest Lane

Preliminary Subdivision Form, Lot 3A/Priest Lane

Memo from Dillis & Roy to Boxborough Planning Board, re: Waiver Request Priest Lane, January 21, 2021

Planning Board Subdivision Regulations, Certificate of Action, Priest Hill Estates Subdivision Town of Boxborough, Priest Lane, Certification of Abutters, January 19, 2021

Town of Boxborough Planning Department, Staff Report, Preliminary Subdivision Plan, February 18, 2021

Memo from Dillis & Roy to Boxborough Planning Board, re: Preliminary Subdivision Priest Lane, February 16, 2021

Memo from Dillis & Roy to Boxborough Planning Board, re: Preliminary Subdivision Priest Lane, Preliminary Road & Way, February 16, 2021

Memo from PLACES Associates, Inc. to Boxborough Planning Board, re: Priest Lane Preliminary Subdivision, February 19, 2021

Boxborough Planning Board, Decision and Certificate of Conditional Approval, Emmanuel Woods Definitive Subdivision Plan & Stone Wall Permit, filed December 4, 2013

Commonwealth of Massachusetts, Order of Taking, March 26, 2018

PLACES Associates, Inc. Invoice, re: 5492 Boxborough Zoning Review for PB  
Draft Meeting Minutes, January 11, 2021

Email from Francie Nolde to the Planning Board, re: Solar Bylaw Draft  
Master Plan Progress Report, Draft Template, February 1, 2021

Boxborough ZBA Appeal, 881 Massachusetts Avenue, January 24, 2021

Memo from MAPC, re: Call for Project Concepts, February 18, 2021

Memo from Rubin & Rudman, LLP., re: 1425 Massachusetts Avenue, Boxborough, MA,  
Planning Board decision #98-01, February 5, 2021

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

Join Zoom Meeting

<https://us02web.zoom.us/j/84597041765?pwd=bzloaXBOeDRXZXJNQWx6dlkwODRNUT09>

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