



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 • Rebecca Verner • Kathleen Vorce

APPROVED ON April 3, 2023

Meeting Minutes

March 20, 2023

7:00 PM

Remote Meeting

Members Present: Mark Barbadoro (Chair), Cindy Markowitz (Clerk), Mark White, Rebecca Verner, Kathleen Vorce, and Janet Keating-Connolly (associate member).

Staff Present: Alec Wade, Town Planner; Sue Carter, PLACES Associates

Chair Barbadoro called the meeting to order at 7:02 PM with a roll call attendance.

Public Comment

None at this time.

General Business – *The Board took this item out of order at this time.*

Approval of Minutes – February 27, 2023; March 6, 2023

Ms. Vorce moved to accept the minutes of February 27, 2023, as amended. Mr. White seconded. Roll call: Barbadoro – aye; Verner – aye; White – aye; Vorce – aye; and Markowitz – aye. Motion passed 5-0-0.

Mr. White moved to strike Lines 144-147 of the March 6, 2023, minutes. Ms. Vorce seconded. Roll call: Barbadoro – aye; Verner – aye; White – aye; Vorce – aye; and Markowitz – aye. Motion passed 5-0-0.

Ms. Vorce moved to accept the minutes of March 6, 2023, as amended. Mr. White seconded. Roll call: Barbadoro – aye; Verner – aye; White – aye; Vorce – aye; and Markowitz – aye. Motion passed 5-0-0.

Barrett Planning Group LLC Invoice Approval

Mr. Wade stated that in January, Barrett Planning Group filed final invoices to close out the zoning recodification project. The remaining invoices totaled \$10,000 however there was approximately \$8,000 remaining in the Annual Town Meeting warrant article that the Board was using to pay for these services. The Board must incur approximately \$1,440 for these last fees. There is some space in the Board's consulting budget that could be used to cover this. The Board's consulting budget is not to be used for legal fees, unless being used for separate consulting items. There is enough funding to pay for this leftover amount at this time.

Ms. Markowitz stated that she would like to see an accounting of this budget at a future meeting. Mr. White agreed that which items are covered under which budget needs to be clarified. A distinction should be made between application and non-application costs for tracking purposes. Chair Barbadoro stated that the rule of thumb is to use the 53G account for as much consulting as possible, use the general legal counsel budget for any application where an applicant is resistant to paying extra for legal consulting, and then use the consulting budget for any other project that requires a legal opinion.

Mr. Wade noted that there is an outstanding invoice that needs to be paid, and there is no option to increase budgets at this time. There are future conversations that will need to address these issues.

Mr. Markowitz noted that the warrant article was for \$30,000, and Barrett Planning Group charged \$30,000 against that warrant article. This is above and beyond the warrant article but still within Barrett Planning Group's scope. Some legal fees were charged against the warrant article along the way for legal review of this item.

Mr. White moved to pay \$1,440 to Barrett Planning Group out of the consulting budget for the outstanding invoice. Ms. Markowitz seconded.

Roll call: Barbadoro – aye; Verner – aye; White – aye; Vorce – abstain; and Markowitz – aye. Motion passed 4-0-1.

PUBLIC HEARING (cont.) – Applications under Boxborough Zoning Bylaw Section 6105 Special Permit Private/Common Driveways in the Office Park District, 8000 Site Plan Approval, and 9200 Special Permits; and the Site Plan Approval Rules & Regulations submitted by for Site Plan Approval & Special Permit submitted by Boxborough Adams Realty Trust to construct a 140,000sf Office/Research & Development/Light Manufacturing facility. Subject property is located in the Office Park District at **244 Adams Place** and is identified as Assessor's Parcel #s 12-025-000.

Chair Barbadoro read and opened the public hearing.

Israel Lopez, The Gutierrez Company, explained that a work session with Mr. Wade and Sue Carter, PLACES Associates, worked through a conceptual plan to submit some proposed revisions. He reviewed the high-level changes proposed to the plan, including a smaller 75,000 s.f. footprint building. Some of this space has now been added to the second floor. Many of the key design elements are still included, such as an R&D/light manufacturing building. There is still a proposed sidewalk for access around the building. The façade of the building has been reoriented to face Route 495 and the loading areas have been moved to the back of the building. Previously, two separate access driveways were proposed to separate truck traffic. This revised proposal has an integrated entry access, which then splits for truck and vehicular traffic. By removing the secondary access driveway, the amount of cut and disturbance has been greatly decreased in that area, leading to approximately 92,000 s.f.. Mr. Lopez stated that there is no site work or blasting that will now be needed to access that space. The site has thus been reoriented and compacted overall. Much of the previously proposed retaining wall has been removed from

the revised plan, as some of the area can be graded due to removal of the secondary access drive, and the building has been lowered approximately 4'. Mr. Lopez stated that this plan does a good job at minimizing the previously shown amount of retaining wall. There are a couple of retaining walls still proposed, but one will not be as tall as previously proposed. Due to reduced impervious area on the revised plan, one of the stormwater basins will likely be eliminated, with a potential for both to be eliminated. This will allow for additional tree buffer on the site to remain. Regarding proposed visual impacts, the revised plan allows for more screening along the front of the building. Mr. Lopez stated that this plan shows an overall reduction in square footage and other significant changes to address concerns of the Board.

Carlton Quinn, Allen & Major Associates, reviewed a retaining wall at the back of the property. He stated that he believes the max elevation of this wall will likely be lowered approximately 10', to 50'-60'.

Ms. Markowitz noted that the gross floor area is only being reduced by 10%, although the footprint is being reduced 25%. The whole roof line will be approximately 40' high, with part of the building at two stories, and the bay area a single story at that height. The building height was reduced slightly, but the grade is approximately 330. Mr. Quinn stated that this proposal lowers the roof by 5' and the grade by 4'. There is an overall drop of the roof of 9'.

Mr. Lopez stated that the building will sit back further into the site which, in combination with the reduced height, amended driveway approach and screening, will make for a different approach visually.

In response to a question from Ms. Markowitz, Mr. Quinn stated that the proposed retaining wall will range in height from 12-17'.

Sue Carter stated that she was encouraged that the walls have been preliminarily designed by a geotechnical engineer, although final designs are still needed. She raised concerns regarding interactions between the tiebacks and the proposed landscaping.

Chair Barbadoro stated that the new design is better, but the question is if it is beneficial. There are still 50' tall ledge walls in the back of the building, which will be taller than the building itself. There are still 17' retaining walls in the front. The use is a questionable benefit to the Town, except through tax revenue. This use is not in the Master Plan as anticipated in this area. The application was originally for 140,000 s.f., and the revised application is for 125,000 s.f., which is not a significant reduction, though the footprint has been significantly reduced.

Chair Barbadoro asked about the well radius for the hotel and if the proposed parking lot can be placed there. Mr. Quinn stated that the only area that will be disturbed is for access to the site. This has been reviewed by Sanborn Head. It was noted that DEP will likely allow the disturbance.

Mr. Lopez stated that, in terms of the overall size, the applicant is taking a bet that the second-floor space will have value in the market, as no end user has yet been identified. The market/end

user may not value all of that second-floor space as presented, and the applicant will end up with a 75,000 s.f. building. Site plan approval will be sought for the 125,000 s.f., but it is unclear if the building will be utilized in that way, in which case reductions will be sought. One of the benefits proposed is a condition to preserve the other lots that are part of this existing subdivision as undeveloped, totaling approximately 12.5 acres.

Ms. Verner requested additional information on what this proposed condition would look like. Ms. Markowitz noted that some of the land may not currently be buildable, and this should also be denoted.

Mr. White noted that moving the building to the back of the lot likely means a bigger cut. If the building was pushed closer to the highway, with the parking moved mostly to the sides, potentially lowering the elevation of the building, and retaining walls. Mr. Quinn stated that stormwater will need to be a consideration of this suggestion, though this could be a potential.

Mr. White noted that the Board needs to be specific as to what it would like to see for this project now that the revised plans have been submitted. He believes that the large retaining wall at the back and proposed elevation could be concerns. Trading these, by moving the building forward on the site, for reduced setbacks could be a potential solution.

Paul Alphen, counsel for the applicant, stated that he believed the Board wanted the applicant to move away from the Aquifer Protection District, which would not be achieved by moving the building forward on the site.

Ms. Verner noted that this plan still proposes 80' of retaining walls and an 80' grade change. This is still very concerning.

Mr. White asked how much of this application deals with site plan review and how much deals with special permits and/or waivers. Chair Barbadoro stated that the new application will need to be reviewed but Town Counsel has stated that all of the special permit criteria relative to this project are applicable. Chair Barbadoro stated that, in his opinion, there is development proposed in the Aquifer Protection District meaning that permits will be needed. An earth removal permit will likely also be needed. Attorney Alphen stated that the applicant needs a special permit for the length of the common driveway; the balance of the project is site plan review. Chair Barbadoro stated that he disagrees.

Chair Barbadoro stated that he would like to see some permanently protected open space as part of this proposal. He stated that this lot is severe and the size of the proposed building on the existing grade is not appropriate for the topography. This is not a use that he sees as beneficial, and he would rather see a use that is smaller in magnitude.

Ms. Verner and Ms. Vorce stated that they echoed Chair Barbadoro's comments on this subject.

Ms. Markowitz stated that this proposal is still very impactful to the site. The proposal is at a scale that is not beneficial to the site and Town. She commended the developer for trying to address the Board's concerns.

Attorney Alphen stated that some Board members suggested that some concerns may be mitigated if an open space plan is pursued, however, that type of plan would look remarkably similar to this.

Mr. Lopez requested time for the applicant to consider the Board's concerns and submit a final proposed plan. Mr. Wade suggested a continuance to May 1, 2023. Mr. Lopez stated that he would like to keep the April 3, 2023, date, with an option to continue if needed.

Ms. Vorce moved to continue this hearing to April 3, 2023, at 7:05pm. Ms. Verner seconded. Roll call: Barbadoro – aye; Verner – aye; White – aye; Vorce – aye; and Markowitz – aye. Motion passed 5-0-0.

PUBLIC HEARING (cont.) - To consider the application under 8000 Site Plan Approval submitted by Stamski and McNary, Inc. on behalf of the property owner, French Brothers Boxborough, LLC to construct a 3-unit trade shop building. The subject property is located in the Industrial / Commercial Zoning District at **100 Codman Hill Road** and is identified as Assessor's Parcel #s 12- 035-000.

Chair Barbadoro read and opened the public hearing. Mr. Wade stated that the applicant's engineering team has been away. He recommended one more extension be granted, but that if the Board's concerns are not addressed, no further extensions will be granted, and a withdrawal may be considered.

Ms. Verner moved to continue this hearing to May 1, 2023, at 7:05pm. Ms. Vorce seconded. Roll call: Barbadoro – aye; Verner – aye; White – aye; Vorce – aye; and Markowitz – aye. Motion passed 5-0-0.

WORKING SESSION - Tree Protection Bylaw

Chair Barbadoro noted that the Tree Protection bylaw has already gone to print.

General Business –

Barrett Planning Group LLC Invoice Approval

This item was previously addressed.

Department Updates by Alexander Wade, Director/Town Planner

Mr. Wade stated that the Attorney General's Office has approved the three articles from Special Town Meeting, not including the recodification. The recodification has not been denied; the Attorney General's Office requested an additional 30 days to finish its review.

Approval of Minutes – February 27, 2023; March 6, 2023

This item was previously addressed.

Planning Board Training

This item was not addressed at this time.

Committee Reports:

- Community Preservation Committee (Vorce)

Ms. Vorce stated that the CPC has squared away its apportionment of monies to the Housing Committee, recreation fields, Steele Farm, etc.

- Design Review Board (Verner) - *This item was not addressed at this time.*
- Economic Development Committee (White)

Mr. White stated that American Rescue Plan Act (ARPA) funds were received to disperse to local businesses as incentives.

Ms. Markowitz noted that ARPA projects can be reviewed under Accountant's webpage budget section.

- MAGIC Representative (Markowitz) - *This item was not addressed at this time.*
- Water Resources Committee (Keating-Connolly)

Ms. Keating-Connolly stated that the Committee's agenda for Tuesday, March 21st, meeting reflects some ongoing items, including a discussion regarding the western Town water line extension. The Committee is working to develop a scope of work for what type of water resources study would be appropriate at this time based on Master Plan objectives. The intention is to develop a scope of work and an RFP for this water resources study and invite consultants to participate. Also, the Harvard Sportsmen's Club would like the Committee to remove two monitoring wells that remain on that property from 18 years ago, per an approved warrant article from previous Town Meeting. Town Administrator Johns is communicating with the original driller who installed the wells to get them backfilled and removed.

Ms. Markowitz asked that, as part of the study, the Committee consider better definitions of the Aquifer Protection District, primary and secondary areas. She asked if the Committee will be discussing the new per- and poly-fluoroalkyl substances (PFAS) guidelines issued. Ms. Keating-Connolly stated that the Committee will be discussing the newly released proposed maximum contaminant levels of 4 parts per trillion (ppt) for two of the six PFAS constituents. Currently regulated by the Massachusetts Department of Environmental Protection (DEP) in public water supply wells. There are also new proposed limits for four other constituents which will be addressed. The DEP can decide to impose more stringent guidelines if it so chooses. The State of

Massachusetts does not have the authority to regulate private wells. A bill has been submitted to the Massachusetts legislature to allow DEP to identify and enforce guidelines for private wells.

- LELWD Small Cell Committee (Markowitz) *This item was not addressed at this time.*
- Building Committee – TBD *This item was not addressed at this time.*
- Boxborough Leadership Forum (Barbadoro) *This item was not addressed at this time.*

Ms. Vorce noted that she recently attended a Board of Health meeting dealing with sizing for accessory dwelling unit septic tanks. It is unclear if this will help the bylaw become better utilized.

Recently Received Correspondence

None at this time.

New Business (if any) - *This item was not addressed at this time.*

ADMINISTRATIVE BUSINESS - *This item was not addressed at this time.*

- Town Center/Enclave Project Updates
- Grant Opportunities
- Master Plan Action Items
- Website update
- Legislative Update

Mr. White moved to adjourn the meeting at 9:14pm. Ms. Vorce seconded.

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

Motion passed 5-0-0.

Meeting Documents:

Planning Board Agenda March 20, 2023

244 Adams Place Special Permit documents

Barrett Invoice 904

Planning Board draft minutes 2/27/23; 3/6/23

Recently Received Correspondence 3/20/23

Join Zoom Meeting

<https://us02web.zoom.us/j/85825047191?pwd=UGFhWFRPczl2ZnNXVVEvRmU3MDZyZz09>

Meeting ID: 858 2504 7191

Passcode: 603842