



TOWN OF BOXBOROUGH

Planning Board

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www.boxborough-ma.gov

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

APPROVED ON April 11, 2022

Meeting Minutes

March 28, 2022

6:30 PM

Remote Meeting

Members Present: Mark Barbadoro (Chair), Cindy Markowitz (Clerk), Mark White, Rebecca Verner, and Robin Lazarow

Staff Present: Simon Corson (Town Planner)

Chair Barbadoro called the meeting to order at 6:30 PM.

Executive Session:

Chair Barbadoro noted that the Board will first move into Executive Session. The Chair noted that to discuss in open session may have a detrimental effect on the negotiating position of the Planning Board. The Planning Board will reconvene in open session after completion of the executive session.

Ms. Lazarow moved to conduct an executive session via a separate Zoom event to participate in the discussion of strategy with respect to litigation (Priest Lane Extension) if open meeting may have a detrimental effect on the government's bargaining or litigating position and for the Planning Board to exit executive session and immediately reconvene in open session. Ms. Verner seconded.

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

The Board reconvened in public session at 7:18pm with roll call attendance.

Members Present: Mark Barbadoro (Chair), Cindy Markowitz (Clerk), Mark White, Rebecca Verner, Robin Lazarow, and Janet Connolly (Alternate)

Staff Present: Simon Corson (Town Planner)

Others Present: Owen Neville, Lisa St. Amand, Francie Nolde, Barbara Salzman, Palmer Moore

Public Hearing for Zoning Bylaw Amendments – continued from January 24, 2022, February 16, 2022, and March 7, 2022

Chair Barbadoro opened the public hearing for this item.

Solar Energy Systems: Add Section 7800; Amend Section 4003(4): Business/ Industrial Uses:

[https://www.boxborough-ma.gov/DocumentCenter/View/2150/LATEST-DRAFT-March-13-2022- Solar-Energy-Systems---proposed-Zoning-Bylaw-Amendment](https://www.boxborough-ma.gov/DocumentCenter/View/2150/LATEST-DRAFT-March-13-2022-Solar-Energy-Systems---proposed-Zoning-Bylaw-Amendment)

Ms. Verner reviewed the changes made to the medium and large-scale document. She noted that legal counsel has weighed in on this document. She then reviewed the changes made to the small-scale document.

Mr. White moved to take a sense of the meeting, that the Board is in favor of supporting the two solar bylaws as amended this evening, not adding additional amendments and to put them forth to Town Meeting. Ms. Lazarow seconded.

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

Zoning Bylaw Recodification: Amend Section 1000: Authority through Section 9600: Separability: Select Draft #3 of the reorganized Zoning Bylaw on the Boxborough Planning Board’s webpage: <https://www.boxborough-ma.gov/306/Planning-Board>

The Board agreed to table this bylaw recodification to a later date in order to continue to discuss it and feel more comfortable bringing it forward to a Town Meeting in the future.

Mr. Neville requested that the Town Planner create a map showing where in Town, based on the proposed language, solar arrays are prohibited.

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

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

Ms. Lazarow moved to approve the medium or large-scale solar bylaw as revised, subject to correction of typographical errors. Ms. Markowitz seconded.

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

Ms. Lazarow moved to approve the small-scale solar bylaw as revised, subject to correction of typographical errors. Ms. Markowitz seconded.

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

Ms. Markowitz moved to withdraw the draft recodification from the Spring 2022 Annual Town Meeting Warrant. Mr. White seconded.

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

Recommendations for Annual Town Meeting Warrant

Solar Energy Systems - *this was previously addressed.*

Zoning Bylaw Recodification – *this was previously addressed.*

Acceptance of MGL Chapter 148 Sections 26h and 26i (Fire Suppression)

Ms. Markowitz moved to recommend the article that deals with acceptance of MGL Chapter 148 Sections 26h and 26i. Mr. White seconded.

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

Amendments to Stormwater General Bylaw – Construction and Post-Construction

Ms. Markowitz noted that this gives the Planning Board oversight authority of the stormwater general bylaw. The Select Board has agreed that the Planning Board should have oversight of this bylaw. Mr. Corson noted that this went before the Select Board through a public hearing, received public comment, and received unanimous recommendation from the Select Board to move this forward to the warrant. There will be an additional public hearing on the stormwater rules and regulations in the future.

Ms. Markowitz moved to recommend the minor changes in the stormwater general bylaw for construction/post-construction. Ms. Lazarow seconded.

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

Mr. White stated that he is not in favor of this item, as he is not in favor of unfunded mandates from the State and federal government. He believes this will be an expensive item to fulfill.

Taylor Farm Road – Road Acceptance as a Public Way

Mr. Neville noted that the numbers of the properties for this road are on the wrong side of the road.

Ms. Lazarow moved to recommend the acceptance of Taylor Farm Road as a right of way, in accordance with the Town Consulting Engineer’s letter. Ms. Markowitz seconded.

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

Ms. Verner noted that the Sustainability Committee has voted on their recommendations for the solar bylaw amendments: all affirmative for the medium and large-scale array, and 4-2-0 for the small-scale arrays.

Community Preservation Fund Articles

Community Preservation Committee (CPC) Report and Establish FY23 Reserves

The Board agreed that it did not need to recommend this item at this time.

Community Housing – Boxborough Rental Assistant Program (BRAP)

Ms. Markowitz moved to recommend the Community Housing – Boxborough Rental Assistant Program Article. Chair Barbadoro seconded.

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

Open Space (Including Recreation) – Conservation Trust Fund

Ms. Markowitz moved to recommend the Open Space – Conservation Trust Fund Article. Ms. Verner seconded.

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

Historic Resources – Cemetery Restoration

Ms. Markowitz moved to recommend the Historic Resources – Cemetery Restoration Article. Ms. Verner seconded.

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

Open Space (Including Recreation) – Land Acquisition Sargent Road

Lisa St. Amand noted that this is Article 25. There will also be an additional Warrant Article 26 for this item. The Conservation Commission and CPC have both voiced support based on the CPA application for this item. The first Article is to support \$400,000 and the second is to bond the remaining amount. It was noted that an analysis showing the cost of developing this land versus preserving it will be included for Town Meeting.

Mr. White moved to recommend both Open Space – Land Acquisition Sargent Road Articles. Ms. Markowitz seconded.

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

Administrative Business

Meeting Minutes – March 7, 2022; March 14, 2022

Ms. Markowitz moved to approve the draft meeting minutes of March 7, 2022. Mr. White seconded.

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

Ms. Markowitz moved to approve the draft meeting minutes of March 14, 2022, as amended. Ms. Lazarow seconded.

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

Correspondence – None at this time.

Technical Assistance Program Grant Application and other Grant Opportunities *There was no update at this time.*

American Rescue Plan Act (ARPA) projects - *There was no update at this time.*

95 & 105 Sargent Road, Chapter 61 Notice - *There was no update at this time.*

Town Center/Enclave Project - *There was no update at this time.*

Sale of Paddock Estates - *There was no update at this time.*

Campanelli Campus development options - *There was no update at this time.*

MGL Chapter 148 Sections 26h and 26i - *There was no update at this time.*

Planning Board Training - *There was no update at this time.*

Master Plan Action Items Spreadsheet - *There was no update at this time.*

Website update - *There was no update at this time.*

Housing Choice Legislation update / MBTA Communities Regulations

Mr. Corson noted that suggestions have been submitted on the draft MBTA letter. Ms. Lazarow suggested adding similar comments to those included in Stowe’s letter regarding penalties. Mr. Corson stated that he would continue to work on the draft letter.

Committee Reports:

Water Resource Committee (Barbadoro) – *There was no update at this time.*

Community Preservation Committee (Lazarow) – *There was no update at this time.*

Economic Development Committee (White) – *There was no update at this time.*

MAGIC Representative (Markowitz) – *There was no update at this time.*

Mr. White moved to adjourn the meeting at 9:31 pm. Ms. Lazarow seconded.

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

Meeting Documents:

Community Preservation Fund Articles 1 – 5

Select Board letter, re: Campbell Trust Property, March 15, 2022

CPC Warrant Article 5 Summary document

Draft Meeting Minutes: March 7, 2022; March 14, 2022

Solar Energy Systems Bylaw Amendment document

Solar Energy Systems Bylaw Summaries and Recommendations

Stormwater Bylaw Warrant Article document

Taylor Farm Road documents: Access Grading Utility and Drainage Easements, March 16, 2022; GPR Response to PLACES letter, March 23, 2022; Road Deed to Town, March 16, 2022; Roadway Acceptance Package; Taylor Farm Road CRD, March 23, 2022; Town Counsel Feedback on Road Acceptance Package, March 3, 2022; Town Engineer Recommendation to Planning Board for Taylor Farm, March 10, 2022; Warrant Article, March 18, 2022

Zoning Bylaw recodification documents

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

Join Zoom Meeting

<https://us02web.zoom.us/j/89558086782?pwd=d0lYnJBNY2UyNGNXUm02M3U0SjRFQT09>

Meeting ID: 895 5808 6782

Passcode: 367047

One tap mobile

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