



## 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 May 10, 2021

### Meeting Minutes March 29, 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)

Several members of the public were also present.

Ms. Markowitz called the meeting to order at 7:02 PM.

#### **Public Comment** –

Mark White stated that he would like to make a statement regarding his opinion on his role on the Planning Board. He raised the issue of how applicants are treated when they come before the Planning Board. He explained that this is a personal issue to him, as his brother, Larry White, has had an ongoing application with the Planning Board for four years. He has not acted, deliberated or advised the Board in any way regarding his brother's application before the Board. He has recused himself but watched all of it. He can no longer remain silent. He believes all applicants deserve fair consideration of their applications, consideration without personal bias, straight answers to their questions, clear guidance, and sometimes a helping hand. There is no obligation under the law to help an applicant be successful, but there is nothing to prevent them from doing so for their neighbors. Through no fault of his own, due to changes on the Board, his brother has had to restart his application three times over, at no small cost in legal and engineering fees. He has had to endure over thirty meetings with the Board over the years. At one meeting, his brother was one vote away from having his application approved, except for one "nay" vote from a Board member that later showed personal bias against the application. That member should have recused his/herself but that did not happen. During the third application, it became clear that the Board simply did not want to see the project go forward, even though it had the support of abutters, himself included. The application was eventually, inexplicably denied. That denial was appealed a year ago and, through litigation, is now, thus, entering its fourth year, at no small cost to the Town. This Board has been working behind closed doors to discuss this item and will discuss it again tonight in Executive Session. It has become apparent that this Board has its own personal bias against the concept of residential housing in the very area that 2/3 of this Town at Town Meeting had voted to allow it in. This Board has consistently moved the goalpost, only to have the request met, only to move it again. He no longer has confidence that this Board can

serve the Town impartially, without bias, or treat applicants fairly. This Board has continually exceeded its authority per mandate. Each applicant has the right for a speedy resolution, whether approved or denied; four years is not speedy. His temptation was to leave in protest, but he has decided not to. This Planning Board does not have his support or confidence until it can resolve this longstanding application.

Discussion of development options for Cisco/Beaver Brook Road

Ms. Markowitz explained that Cisco owns approximately 250 acres of land, zoned Office Park. The campuses have been up for sale. There was one bidder with an exclusive opportunity to purchase it. There were discussions with that bidder as part of a Stakeholder's Group. The entity's suggested ideas for potential opportunities for development was forwarded to Board members. Options discussed include flex space, housing (senior, non-age restricted), and good manufacturing practice (GMP) bio-tech companies. The primary ask was if the Town would consider housing on this campus site in order to develop the property with some commercial aspects eventually. The original only entity no longer has exclusive rights, and there are now three potential bidders for the site.

In response to a question from Ms. Lazarow, Ms. Markowitz reviewed the uses of the Office Park Zone. Currently, none of the residential uses are permitted. There are several uses that are permitted, including Public and Utility Services, Nursing/Rest Home (by special permit), Business/Industrial Uses.

Ms. Markowitz stated that Campanelli originally looked at possibly up to 200 housing units.

Mr. Barbadoro stated that his advice to potential buyers is to look at the Master Plan and see what Boxborough encourages for development.

Ms. Markowitz noted that quite a bit of the property is under conservation restriction and easements. There are currently three office buildings on site. Cisco will continue to lease one for up to three years. The Water Resources Committee has been looking for years for a potential water source in that area.

Mr. Barbadoro stated that the Aquifer Protection District does allow for residential septic systems. He is not sure that a Life Science business project would be allowed in the Office Park District. He is unclear if that type of project would be appropriate due to its proximity to the water supply.

Tyson Reynoso, of King Street Properties, stated that, after hearing the Vibalogics hearing with the Planning Board the other night, he is unsure if his company would want to, or be able to, pursue a similar Life Sciences type project on this site. The office market is currently very stagnant, and his company is unclear if those type of projects on this site would be able to lease within the next few years. His company probably wouldn't look at this site if a Bioscience Manufacturing project could not be included. All his company's other projects are connected to municipal sewer.

In response to a question from Mr. Barbadoro, Mr. Reynoso stated that he does not know any other biopharmaceutical companies in Massachusetts that discharge into something other than a municipal sewer system. There may be some in Wilmington, which is on private wastewater and septic.

Mr. Barbadoro stated that he would recommend looking outside the Aquifer Protection District in Town for this type of business, which is difficult with how its mixed within the Office Park District. He noted that there also needs to be a partnership with the Board of Health, Planning Board, and said business.

Rich Guzzardi, Chair of the Economic Development Committee, explained that he has reached out to the MA Board of Economic Development, Mass Econ, and Mass Bio to gather information regarding what it takes for a town to be bio ready. This may not ever be possible for the Town as it doesn't have a wastewater treatment plant. He is looking into the tools and resources available to the Town, such as through grants or other incentives, in order to ready itself for these types of projects. The Town needs to discuss what it's open to, in terms of the proposed projects for the Cisco site.

Ms. Markowitz reviewed the statement regarding housing for the Cisco campus redevelopment from the Select Board.

Ms. Lazarow stated that she does not believe any statement made on behalf of the Town should be specific to a certain company of interest, as this one is to Campanelli. Mr. Barbadoro agreed.

Ms. Markowitz explained that the reasons that housing is not allowed in this District is up for speculation. Mr. Barbadoro stated that he is not opposed to housing, if its housing with a purpose and the type of housing would need to help diversify Boxborough. There may need to be housing other than single-family built on this site, if it is allowed at all. He would like a creative redevelopment use.

Ms. Markowitz explained that age-restricted housing may not continue to be in 30 years, if they cannot be filled at that time.

Mr. White stated that the Board should not be concerned with what might become because anything could happen later down the line if unforeseeable. The Board cannot plan against every eventuality.

Ms. Lazarow stated that she is not averse to considering housing on this site, if it meshes with the Master Plan.

Mr. White stated that he would like to see senior housing (55+), but not regular housing, on this site. This housing type may change in the future but that is not foreseeable at this time. It would also not have an impact on the school system.

Mr. Barbadoro agreed that senior housing would be a way to have housing for a purpose.

Mr. White explained that affordable housing, unless mandated, is not economically viable in this state anymore. Someone cannot build a \$300,000 unit and make a profit in this area. Affordable housing in Town seems to be a pipe dream. He stated that the Town could take this property, use what is needed for a water supply, and figure out how to create affordable housing on the rest.

Ms. Markowitz noted that there also needs to be a sensitivity shown to the residents that live along Swanson Road. A commercial property with additional traffic could be an issue.

Mr. Barbadoro echoed Mr. White's comments about the Town purchasing the property and using it as needs/wants.

Mr. White stated that the ZBA had a similar mindset about not running from or towards housing on this site. There is a definite need to determine the water resources on the site. A private/public partnership could be possible but is not easy.

Ms. Verner stated that the area is probably zoned as it is for a reason. She needs to look further into the property in order to know what could happen on the site.

Ms. Markowitz noted that Cisco has a permit for water withdrawal and a wastewater permit.

Mr. Barbadoro noted that a large-scale solar array could probably fit on this site, except that the Town currently has no Solar Bylaw in order to move this forward.

Discussion of the Memorandum of Understanding regarding administrative direction for the Town Planner

Ms. Markowitz stated that the Personnel Board suggested to the Select Board that there may be language removed regarding the MOU. This is the only place that the MOU is referenced, and so she has concerns about that.

Mr. Barbadoro stated that he is confused as to why the Personnel Board seems to be trying to pull the rug out from under this agreement.

Ms. Lazarow stated that she believes there is a clear statement in the job description that the primary responsibility of the Planner is to the Planning Board. The MOU as currently proposed, tries to resolve potential conflicts regarding the Town Planner's responsibilities and how s/he utilizes her/his time. The Town Planner has requests from other Committees/Boards/personnel that may result in a conflict and this MOU helps to resolve that potential issue. The Chair of the Select Board would eventually need to mediate these conflicts if they cannot be fixed. There needs to be a clear line of authority if the Planner's time conflicts cannot be managed.

Mr. White stated that it would behoove the Planning Board to attend a Personnel Board meeting in order to get the components of the MOU incorporated into the job description.

Ms. Markowitz stated that the hierarchy is such that the Planner reports administratively to the Town Administrator, while the Planner's priority is the Planning Board. There seems to be some discrepancy in this.

Ms. Lazarow stated that the Planning Board Chair's input seems to be diminished in terms of the annual review of the Planner in this draft. If the main client of the Planner is the Board and its agenda, then the Chair should have more input into the review of the Planner's performance. Ms. Markowitz stated that this appears to be an item that should be brought up directly with the Personnel Board.

The Board discussed that they believe the Planner's review should be completed through a written statement and not just an oral one.

Ms. Verner questioned if this draft document even gives the Planning Board priority over any other entity. The Planner is supposed to be here to support the Planning Board. She noted that it is strange that the Chair of the Planning Board would not be part of the review process. She does not like the MOU as it's currently presented.

The Board agreed not to advance the MOU further at this point.

Ms. Lazarow moved to adjourn immediately (8:32pm) to conduct an executive session via a separate Zoom event to have discussion of strategy with respect to litigation (984 Massachusetts Avenue, Granite Hill Development) 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 adjourn.

Ms. Markowitz noted that to discuss in open session may have a detrimental effect on the negotiating position of the Planning Board. The Planning Board will not reconvene in open session after completion of the executive session. Mr. Barbadoro seconded.

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

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

Join Zoom Meeting

<https://us02web.zoom.us/j/82383517146?pwd=eHhBdm8yVlZ0QVVaWHJmdFFacGtUZz09>

Meeting ID: 823 8351 7146

Passcode: 346537

One tap mobile

+13017158592,,82383517146#,,, \*346537# US (Washington DC)

+13126266799,,82383517146#,,, \*346537# US (Chicago)