



## TOWN OF BOXBOROUGH

### Planning Board

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www.boxborough-ma.gov

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

APPROVED ON May 10, 2021

### Meeting Minutes

April 5, 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 7:01 PM. Other business will be conducted until the Public Hearing time of 7:20pm.

**Public Comment:**

None at this time.

**Administrative Business:**

**Meeting Minutes:**

None to review at this time.

**Correspondence and New Business (if any):**

The Board received correspondence from Rebecca Hoy.

**Town Center/Enclave Project:**

Mr. Corson reminded Board members that there is a site walk on Thursday at 1pm.

Mr. Corson stated that normal construction has been ongoing. He has had conversations with the resident that has concerns regarding Fire Department access. He will be providing written responses from the Town's point of view and the Fire Chief will address how emergency response to this area will be handled.

**Planning Board Training:**

No updates at this time.

**Cisco/Beaver Brook Campus development options:**

The stakeholder group met today and is working on refining the draft statement regarding the Town's general position on discussions with one or more developers that are interested in the property.

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

There is no update at this time.

In response to a question from John Markiewicz, Select Board, Ms. Markowitz stated that the Planning Board has not taken a vote on the proposed MOU. The Planning Board does not feel that the draft MOU addresses their concerns and that it does not meet the Board's needs.

Mr. Markiewicz asked what the Planning Board's issues are. Ms. Markowitz stated that the draft MOU does not adequately prioritize the Planning Board's need for the Planner's time and does not allow for input in the Planner's role during the annual review. These items are not addressed adequately for the Planning Board in the draft MOU. Mr. Markiewicz stated that he has given the Planning Board almost everything that they've asked for in this draft.

Mr. White stated that, in no business model, does a department employee get reviewed by someone who is not involved in their day-to-day matters. Leaving the Planning Board out of that loop, aside from a bit of written input, does not make sense.

Mr. Markiewicz asked that the Planning Board read the draft document very closely.

Mr. Barbadoro stated that he will reread the document, but he is puzzled because the Personnel Board supplants the Planning Board in policies that relate to employees and will remove the MOU from the job description of the Planner. Mr. Markiewicz stated that this is new information as per the latest draft and that the Select Board does not have as much power as some may think.

Mr. Barbadoro noted that the Select Board appoints the Personnel Board. Mr. Barbadoro asked if there should be an MOU unrelated to the job description.

Website Update:

There is no update at this time.

Status of the 2020 Zoning Bylaw:

There is no update at this time.

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 on May 19, 2021, at 7pm, a CEI professional will come to a Sustainability Committee meeting to discuss Boxborough's climate change vulnerabilities and the MVP program.

Legislative Update:

Housing Choice Administrative Bill

There is no update at this time.

**Committee Reports:**

Community Preservation Committee (Lazarow) – nothing new to report.

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

Economic Development Committee (White) – nothing new to report.

MAGIC Representative (Markowitz) – nothing new to report.

Water Resources (Barbadoro) –

Mr. Barbadoro stated that there have been two public water supplies that have tested positive for PFAS at this time and have been reported to DEP. There may be more of these supplies effected than have been reported so far.

Les Fox stated that DEP is offering free testing of private wells (~40) in Boxborough. This will occur through an application process to obtain test kits. This can be found through the Town's website. The money for this runs out at the end of June. Not everyone who applies will receive a test kit. DEP will make these decisions based on locations of wells in Town.

LELWD Small Cell Committee (Markowitz) –

Ms. Markowitz stated that Dave Ketchen of Littleton Electric gave a couple of presentations regarding small communities and the recent order regarding the small cell roll out. There has been some community pushback. The declaratory order of 2018 is still in place and the zoning bylaw going forward to Town Meeting was based on this assumption.

Building Committee - TBD – nothing new to report.

**7:20 PM Public Hearing – 1414 Massachusetts Avenue Site Plan Approval Application**

Ms. Markowitz opened the public hearing at 7:20pm by reading the legal notice.

*Mr. Barbadoro recused himself.*

Sue Carter, PLACES Associates, Town Consulting Engineer; Michael Sauda, consulting engineer for the Town for this site plan application, of Haley Ward; Adam Costa, Special Counsel for the Town; and the Vibalogics project team were introduced.

Paul Alphen, counsel for Vibalogics US Inc., Rodrigo Mesquita, Iain Baird, Nick Facendola, civil site engineer of Level Design Group, of the applicant's team were introduced, also counsel for the landowner Jared Eigerman.

Mr. Alphen stated that a comprehensive response package was submitted to the Board on April 2, 2021.

Mr. Mesquita explained that that location of the leaching field on this site is within the Aquifer Protection District. Therefore, its current use is limited to sanitary waste. Vibalogics has modified its plans based on Board concerns and will collect the industrial/non-hazardous waste stream into a double walled collection tank for removal via tanker offsite. A minor modification, to place this tank outside the loading dock of the existing facility, will require approval by the Board. Other than that, there are no proposed modifications to the outside of the building.

Mr. Mesquita explained the expected waste management scheme for the facility. Biomedical waste will be picked up once a week and hazardous materials will be picked up twice a month. Both will be shipped off site. Non-hazardous waste will be picked up once a week. Non-hazardous waste will be placed into a kill tank. This treatment type results for waste suitable for discharge into any sewer. Boxborough does not have a sewer system, so it will be collected and shipped offsite. The well water being used on site must be purified to an ultra-pure state. The wastewater created from this process will be recycled as much as possible to be reused, used as "gray water", or collected as non-hazardous waste and shipped offsite.

Mr. Mesquita outlined some of the chemicals that will be used for cleaning onsite, both outdoors and indoors. He also reviewed the structure of the storage tank proposed. The tanker trucks hold approximately 6,000 gallons and it is estimated the storage tank on site will hold 9,000 gallons.

Mr. Alphen reviewed some of the site plan criteria and how it applies to the zoning bylaw.

Item 1) He stated that the Zoning Determination has confirmed that the proposed use of the existing building for Office Space, Research and Development, and Light Manufacturing is allowed within the Office Park Zoning District. This determination was submitted to the Office of the Building Commissioner and Zoning Enforcement Officer on February 1st. To comply with requirements of the Zoning Bylaw Section 7000 - Aquifer Protection District, an industrial waste holding tank will be used to collect all processed wastewater from the R&D and Light Manufacturing uses. This processed wastewater will be segregated from the sanitary waste and shipped offsite weekly.

Item 2) There are no new proposed structures or exterior development proposed as part of the Site Plan Review application. The exterior areas around the site will be professionally trimmed and repaired by the landlord to return the site to its former condition. The Town Planner has confirmed the building is well integrated into the existing terrain and surrounding landscape. Undeveloped natural open space and existing recreational areas will be maintained as existing within the site. There are no proposed disturbances to wetlands, steep slopes, flood plains,

hilltops; minimize obstruction of scenic vistas from publicly accessible locations; preserve unique natural, scenic and historic features; minimize tree, soil and vegetation removal.

Item 3) There are no new proposed structures or exterior development proposed as part of the site plan review application that would impact or modify the existing structure. No change to the building footprint is proposed. No change to the height of the building is proposed outside of the existing facility, or the property boundary are proposed.

Mr. Mesquita addressed:

Item 4) Vibalogics is committed to the protection of the local aquifer. As such, the hazardous and non-hazardous industrial waste will be collected and shipped offsite. Only sanitary waste will be discharged through the septic system. The existing site contains an existing and fully operational stormwater management system. At the recommendation of the Town's consulting engineer, the property owner has agreed to inspect and clean all stormwater management facilities and to install hoods in all existing catch basins to improve the systems' suspended solids removal efficiency. The Town consultant engineer's recommendations will be adopted in full.

Mr. Mesquita addressed some of the Board member's and publics questions and concerns previously raised.

Item 5) Mr. Facendola explained that the former the Cisco facility is designed to accommodate a larger population then Vibalogics will ever have at the premises. There are no plans to modify the existing exterior infrastructure. There will be no new traffic generated from the reoccupation of this facility. He reviewed traffic studies from 2001 and 2015. The existing facility contains a total of 978 parking spaces, of which 23 are striped as accessible. The maximum anticipated parking load for Vibalogics is 200 spaces. 150 spaces are required for the day shift (8am-5pm) and 50 spaces for the second shift (4pm-12am). The 200 spaces include the 1-hour shift overlap.

Item 6) Ms. Facendola explained that no modifications will be made to be outside of the building or footprint of the property. As such, lighting, glare, sound, dust and vibrations are not expected to be any different than during the usage of the facility by previous companies. Given the secluded and wooded surroundings of the building (which are not changing) with any other residential dwelling, the night light usage would also be considered no different than that of the previous facility usage. The existing structure is sited in a position which provides the following buffers:

- 470' +/- to Massachusetts Ave, through well vegetated buffer.
  - 1,120' +/- to the Boxborough Regency facility, through well vegetated buffer.
- Buffer to closest residential dwelling
- 1,064' +/- to 57 Cunningham Rd (North)
  - 2,008' +/- to 1155 Boroughs Rd (East)
  - 2,723' +/- to the apartments at 298 Codman Hill Rd (West across 495)
  - 3,964' +/- to 527 Old Harvard Rd (South)

Mr. Mesquita noted that if additional lighting is needed for the nightshift workers, the applicant will make a request of the Board.

Item 7) Mr. Mesquita stated that Vibalogics is expected to consume the equivalent of five average US households of water pumped from wells within the property for production purposes. Vibalogics is committed to recycling as much water as possible from the water purification system loop. No industrial waste will be discharged to the wastewater treatment plant. The 3,000 gpd of sanitary waste anticipated from the 200 Vibalogic employees will be discharged to the existing onsite wastewater treatment facility, designed and approved by MADEP for a maximum flow rate of 23,000 +/- gpd.

Item 8) Mr. Mesquita stated that there are no new proposed structures or exterior development proposed as part of the site plan review application. Vibalogics will coordinate with the Boxborough Fire Department during the design and interior fit-out of the facility to ensure life safety, fire prevention, and hazardous waste are designed and constructed in accordance with all required Local, State, and Federal guidelines for this type of facility.

Mr. Mesquita reviewed any other comments and questions addressed by the Board and public.

Ms. Markowitz noted that there are some additional materials that were submitted today that Board members may not have been reviewed yet.

In response to a question from Ms. Lazarow, Mr. Mesquita stated that there is only one proposed storage tank to be placed outside of the building. Any of the other waste, such as lab waste, will be collected in temporary drums. This hazardous waste will be maintained within the building until pick-up.

Sue Carter, PLACES Associates, stated that she wants to see how the holding tank interacts with the loading dock and that there wouldn't be any issues if a vehicle were to bump into it. More details are needed on this once the design of the holding tank is complete.

Michael Sauda, Haley Ward, asked about a Biosafety Committee that might have a public member involved. Ian Baird stated that a board is recommended to be put in place that involves multiple members of the community. This company looks forward to that.

Michael Sauda asked about the water consumption amount and any unwanted materials that might come from that process.

Bryan Lynch, Board of Health, stated that the Board of Health has adopted the Biological Safety Committee regulations and will work with the applicant through this process. This Committee will continue to monitor the use of this facility and will work through any safety requirements as seen fit.

Ms. Markowitz noted that the applicant consists of both Vibalogics and Lincoln Property. She was glad to see some of the improvements planned to be made by Lincoln Property.

Ms. Markowitz noted that, initially the application material indicated a Very Small Quantity Generator for hazardous materials, but this more recent version indicates a Small Quantity

Generator. Mr. Baird explained that Vibalogics will go into the smaller and very small levels of this designation.

In response to a question from Ms. Markowitz, Mr. Facendola explained that the applicant is working to create trip generation numbers for Vibalogics and a combined trip generator with a general allowed use of the rest of the facility. At this time, a signal does not seem to be warranted on this site.

Mr. Corson clarified that the information received by the Board today was from the landlord and the PowerPoint from the applicant.

Ms. Verner stated that a new Amazon facility is going into the town of Littleton. She asked if that facility is being studied for its traffic impact to Boxborough. There is also a construction project underway in the center of Town (Enclave project). She asked if this project was also being included in the traffic studies. Mr. Facendola stated that he does not believe a new traffic study would take into account a new facility as far away as Littleton. A new traffic study would probably also not take into account the new Enclave project. This existing facility has been in place for many years and is on a State-owned road. All traffic is permitted through Mass DOT, so the applicant does not see a need to redo a traffic study that reevaluates it and other new projects in the area. Any incoming projects would have had to take this existing facility at max occupancy into consideration. The applicant is happy to provide trip numbers for the proposed use of this site. Ms. Verner stated that she believes a much more comprehensive look needs to be done for traffic in Town.

Ms. Carter stated that Mr. Facendola is correct that any other incoming projects would have had to take this facility into account. This facility contributed and paid for the improvements along Route 111 to accommodate additional traffic from the site. It would be unusual, without a major change of use, for a new traffic study to be conducted for an existing building. Mass Highway has specific criteria for signal warrants; these were not triggered in the Paddock Estates review.

Ms. Verner stated that the Town continues to develop, with new projects coming onboard. Route 111 is a crossway for communities, and she believes this new project could contribute to a new traffic study being done. She would like a comprehensive review of where Boxborough is at this time for traffic. Ms. Markowitz stated that the Board would need to see data in order to determine if there is an impact from this proposed project.

Mr. White stated that the applicant cannot be expected to complete a traffic study for an Amazon warehouse that may go in in the next town over. He does not believe most in Town want to see a traffic light added in this area. The intersection is already set up for much more traffic than this project is proposed to create.

Ms. Carter suggested asking to see if the Regional Planning Commission is looking to do a traffic study soon or if an updated study is available. Ms. Markowitz stated that she leaves it up to the Traffic Engineers to present any pertinent information.

Mr. White noted that the Police Chief could be asked if the Department has an issue with this intersection.

Ms. Verner questioned if there are long term concerns about removing 1,500 gallons of water a day from the aquifer and bringing it offsite.

In response to a question from Ms. Verner, Mr. Baird stated that the hazardous waste has always been proposed to be taken offsite. The non-hazardous waste is now being examined as to how it can best be recycled onsite, if at all. Many recycling programs throughout the state and country focus on how gray water can be reused and returned instead of being disposed of. This process must be further engineered by the applicant's consultants.

In response to a question from Ms. Verner, Mr. Baird explained that the any leftover chemicals used to sanitize the clean rooms is classified as hazardous waste and will be transported offsite in the same way as the other hazardous materials.

Public Comment:

Rebecca Hoy, 57 Cunningham Road, asked if a revised building occupancy per square footage has been done by the landlord. Mr. Alphen explained that this is a site plan review for only one of the occupants of this facility. Mr. Eigerman stated that there are two different parking standards. The one for R&D space is based on employees; the one for Office Park space is one parking spot for every 250 sq ft. There is a parking lot that can hold almost 1,000 cars. A hypothetical calculation can be done for this base on the proposed use and other mixes of R&D or Office Space.

Ms. Hoy noted that she is concerned with traffic, not parking. Mr. Eigerman stated that there were previous studies done when the building was fully occupied. Mr. Facendola stated that he will submit a document regarding trip generations that makes assumptions based on the use of this facility and the square footage breakdown.

Dennis Reip, 205 Old Harvard Road, stated that the applicant has been responsive to concerns brought up. He would like for the Board to continue to discuss important issues like wastewater disposal but also move beyond unreasonable/irrelevant issues, such as traffic. He believes that the Board does tend to get sidetracked on issues that then prevent it from making decisions on items. The mention of the Amazon facility in a different town illustrates that distraction. He believes he may represent a consensus of others in the Town that approve a reasonable use of this site. This is a long-underutilized property that could see occupancy if the Board can continue to move forward.

Rich Guzzardi, 92 Reed Farm Road, thanked the Board and Vibalogics. He explained that there was a UMASS study done that concluded that the community wants to take advantage of existing facilities. This project is a perfect example of that. This proposal is an opportunity to fill an existing facility. The applicant here has taken decisive action, not without cost probably, to address the primary concerns raised at the first public hearing. There are several things to be addressed, permitting, healthy/safety, water consumption that will continue to be discussed.



Traffic is not one of these items that needs to continue to be addressed. There are many businesses in Town that could benefit from bringing 200 new employees into Town each day. He asked the Board to continue to move briskly on this project and to let the applicant focus on the important items.

John Markiewicz explained that the Board was very concerned about the traffic generated from Paddock Estates when it went in. This is not the situation with this current proposal. There were many traffic issues addressed when the population of 1414 was much higher than Vibalogics is currently proposing. As the 1414 site develops, any future development should require a study of new traffic impacts, as previously proposed by Mr. Facendola. He believes the Board should continue to move forward and that conditions can always be imposed as part of approval.

Mark Barbadoro noted that the site was allowed to be built in the first place was because a traffic detail was going to be involved during peak hours, as per an earlier special permit. He thanked the Board for being diligent and taking its time. He does not believe that the lights currently on site are probably dark sky compliant. He would like to know more about the proposed business hours. He asked that the Board look at if the applicant plans to use any infectious materials on site and what the range would be. He urged the Board to consider implementing well testing requirements for the site. He would also condition this site plan according to what the other businesses leasing space in this building might be.

Mr. Baird explained that the nature of this business uses viruses to create vaccines in closed processes. The waste stream from that is fed through the biokill system. This is similar to any other biotech company processes of this type.

Mr. Eigerman explained that the past special permits are relevant but must be put into context. For example, the special permit that included the police detail was from 1982.

In response to a question from Kurt Marden, 550 Old Harvard Road, regarding the water purification process and that the softening that occurs once pumped from well uses a resin softening system, Mr. Baird stated that a resin softening system is used.

Mr. Marden asked if that, as part of the regeneration of the resin, salt brine is used. Mr. Marden explained that it is not good for that brine to be put into the sanitary waste system. Mr. Baird stated that all gray water to be examined for recycling falls into that category. Those softeners are identical to any in any office building in Town and even some domestic properties. This system has existed in the building for the last four years.

Jack Geissert, 134 Reed Farm Road, stated that he is fairly impressed with the openness of Vibalogics through this process. He is encouraged by the transportation of the hazardous wastes off site and believes it is right for the Town. He stated that Vibalogics has confidently responded to many of the concerns and questions so far. He believes the applicant is a serious and ethical organization.

Janice Heller, Harvard Ridge on Swanson Road, stated that it is important to bring the business needs and environmental needs to Boxborough. She would like for these two to come together in a cooperative way. She appreciates the detail of this application as presented.

Mr. Sauda, of Haley Ward, explained that the letter dated April 1, 2021, mainly deals with the treatment of waste, outside of sanitary waste, as part of this proposal. There were also questions about the status of the wastewater treatment plant. There is a concern about spills into the existing drainage system on site. He noted that there is a specific prohibition on salt in the Aquifer District in the bylaws of the Town.

Mr. Eigerman stated that there has been information provided about the backup generators and fuel storage permits.

Mr. Facendola stated that documents regarding traffic counts and answers to questions from Haley Ward will be submitted to the Town shortly.

Ms. Markowitz stated that she would like more information on the water recycling proposed on site.

Mr. Baird explained that he does need to move this project forward. All permit applications have been submitted but can only be approved after site plan approval.

Adam Costa, Esq., explained that the Board should have a written decision in front of it when approving a project of this size. He suggested that the Board could meet on April 12, 2021, to close the public hearing and give direction to himself and Mr. Corson to work on a draft decision. The Board could then meet again the week of April 26<sup>th</sup> to vote on this application.

Mr. White moved to continue this public hearing to Monday, April 12, 2021, at 7pm via Zoom.

Mr. Lazarow seconded.

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

**7:30 PM Public Hearing – 871 Massachusetts Avenue Site Plan Approval Application**

Mr. White moved to continue this public hearing to May 10, 2021, at 7:30pm. Mr. Barbadoro seconded.

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

Mr. White moved to adjourn the meeting at 10:13pm. Mr. Barbadoro seconded.

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

Meeting Documents:

LEGAL NOTICE OF PUBLIC HEARING Town of Boxborough Planning Board Site Plan Application. - Vibalogics

Site Plan Approval Application for 1414 and 1320 Massachusetts Avenue; 244A and 244B Adams Place; 984, 984A, 984B, 984C, 1451, 1497 Hazard Lane; 328, 1451 Rear Hazard Lane  
Memo from Level Design Group to Boxborough Planning Board re: Vibalogics Site Plan Review

1414 & 1320 Massachusetts Avenue; 244A & 244B Adams Place; 984, 984A, 984B, 984C, 1451, 1497 & 1634 Hazard Lane; 328 & 1451 Rear Hazard Lane Boxborough, MA 01719  
Assessor Parcel Numbers: 12-027, 12-028, 12-030, 13-004, 13-022, 17-005, 17-009, 17-010, 17-022, 17-023, 17-024, 17-025, 18-001 – February 9, 2021

Certification of Abutters, 1414 Massachusetts Avenue, February 4, 2021

Memo to Tim Rossini (Vibalogics) from Pare Corporation, re: Preliminary Wastewater Treatment Evaluation 1414 Massachusetts Avenue & Associated Attachments, February 8, 2021

Memo from PLACES Associates, Inc. to Planning Board, re: Site Plan Review Vibalogics – March 22, 2021

Memo from Haley Ward to the Planning Board, re: Peer Review Services 1414 Massachusetts Avenue, April 1, 2021

April 2, 2021 Vibalogics response to Planning Board questions

April 5, 2021 Vibalogics presentation

Town of Boxborough Planning Department Revised Staff Report, Site Plan Approval, April 1, 2021

LEGAL NOTICE OF PUBLIC HEARING Town of Boxborough Planning Board Site Plan Application - High Quality Landscape Construction

Form of Intent, 871 Massachusetts Avenue

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

Site Plan Approval Application, 871 Massachusetts Avenue

Memo from Level Design Group re: Site Plan Approval Application, High Quality Landscape Construction, November 17, 2020

Memo from Adam Costa, Esq., re: Applicability of the Scenic Roads Act, March 25, 2021

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

Join Zoom Meeting

<https://us02web.zoom.us/j/81753780780?pwd=U285MW1saDhBUeYkVUdzJ2b3RHZz09>

Meeting ID: 817 5378 0780

Passcode: 308043

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