



TOWN OF BOXBOROUGH

Planning Board

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

APPROVED ON June 7, 2021

Meeting Minutes

April 12, 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), Sue Carter of PLACES Associates, Bethany Ordnung (Haley Ward), Adam Costa (Town Counsel)

Several members of the public were also present.

Ms. Markowitz called the meeting to order at 7:01 PM.

Public Comment:

None at this time.

7:00 PM Public Hearing – 1414 Massachusetts Avenue – continued from March 22, and April 5, Property Owner: LPCH Boxborough, LP, c/o Lincoln Property Company Applicant: Vibalogics, US Inc., Site Plan Approval Application

Ms. Markowitz read the legal notice and opened the public hearing.

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

Mr. Barbadoro recused himself from the proceedings.

Mr. Alphen noted that there is a memo from Nitsch Engineering regarding traffic concerns, a memo from Level Design Group regarding the wastewater treatment, and a memo from Vibalogics regarding water use.

Mr. Mesquita recapped information from previous meetings in a brief presentation.

Ms. Carter stated that she has no further comments on the additional information submitted. The traffic data is consistent with previous data from other projects.

Ms. Ordnung stated that she has no additional comments at this time. She is satisfied with the applicant's responses to her questions and proposed conditions.

Ms. Markowitz noted that the traffic numbers in the original site plan application were higher, which led to concern by some of the Board members. If these new estimates are more correct, this may not be as much of a concern.

There were no additional Board comments at this time.

Emma Franzeim, resident on Eldridge Road, stated that there hasn't been sufficient engagement by the Planning Board to the public dealing with this application and a watershed, waterway and the Town line. She believes that there has been negligence by the Board as to how the public was engaged in this process. Public input is important. This land is well-established for conservation use and has been impacted by the Board's actions in the past.

Ms. Markowitz noted that communication about this application has been available on the Town website.

Ms. Franzeim stated that her comments are not necessarily about this application, but about the Planning Board as a whole. There are requirements for how land usage should be advertised and discussed with abutters and abutters near town lines. She believes this communication has been very minimal and that communication about previous impact has been insufficient. The only way she knew about tonight's meeting was from discussions with another town resident. She does not believe this is acceptable for a property this close to town lines and waterways.

Ms. Markowitz stated that the legal notice was posted in the Boxborough newspaper. Mr. Corson added that this notice was not posted in the Harvard newspaper, but was posted on the website.

Ms. Franzeim noted that this is the first meeting regarding this application that she's been able to attend, and that she hopes the Board considers that as a reason that sufficient notice has not been given. She realized that the Board is following the regulations, but she finds those to be insufficient, especially in terms of communicating with abutters. A majority of the houses in Harvard run up along the waterway that could be impacted.

Mr. Corson shared correspondence from Barbara Salzman that was received within the last day or two. He will forward the communication to Board members.

Linda Hoffman, Old Frog Pond Farm 38 Eldridge Road, stated that a list of abutters on Eldridge Road could be compiled so that they can be better informed in the future. There tends to be no follow up regarding silt fences that have been left behind or abandoned. She hopes that there will be follow up on the nearby wells and water testing of Eldridge Pond moving forward.

Mark Barbadoro, 627 Old Harvard Road, stated that Boxborough needs to be a steward of the watershed, because what happens in the Town affects Harvard and Stow and can impact the people that live there. He is sympathetic to Ms. Franzeim's concerns about the solar farm. Ms. Franzeim stated that a broader view in regard to watersheds is critical, as well as engagement across town lines. This should not continue to be siloed and limited the way it has been.

There was no additional public comment at this time.

Ms. Lazarow moved to close the public hearing. Seconded by Mr. White.

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

Ms. Markowitz stated that the next step is Board deliberations with the intent to review site plan criteria and applicable conditions. The intent is to have a draft document amended with comments to review with the applicant on April 28, 2021.

The Board reviewed and discussed the eight site plan criteria:

1. The proposal shall comply with the purpose and intent of the Zoning Bylaw and with existing local and regional plans.
2. The development shall be integrated into the existing terrain and surrounding landscape and shall be designed to protect abutting properties and community amenities. To the extent possible, building sites shall be designed to minimize the use of wetlands, steep slopes, floodplains, hilltops; minimize obstruction of scenic vistas from publicly accessible locations; preserve unique natural, scenic and historic features; minimize tree, soil and vegetation removal; and maximize open space retention.

Ms. Verner noted concerns with the potential water depletion from the aquifer as part of this proposal.

Ms. Markowitz noted that she is looking for ideas on how to address the issue of mitigating the depletion.

Mr. Costa stated that this question could be discussed with the applicant's engineer and Town's consulting engineer.

Ms. Carter stated that she spoke with another consulting engineer and noted that there is a category for water that can be discharged, and if this type can be separated there may be the option for some recharge. She suggested that all the bathroom fixtures and faucets in the building be switched to low flow. This may allow for a reduction in the total amount of water flow.

Mr. Facendola stated that, per the definitions in the bylaws, it would be difficult to recharge much of the water as proposed. A future condition, as the building achieves more occupancy, could look at these potential uses in terms of water usage.

Sandy Brock, Nitsch Engineering, landowner's consulting engineer, stated that the State does have watershed approaches that are looked at, especially when permits are pulled. On a site this size, the first thing to do for sustainability would be to look at use and how to minimize the amount of water used. There is a wastewater treatment plant that will output some amount of discharge. It's important to look at the yield of this aquifer and making sure the proposal is doing its fair share to recharge water. There is a lot that can be done for water balance on this site as a whole. Efficiency is the first step.

Mr. Eigerman stated that Mass DEP has allowed for a permit for 32,000 gallons/day. He cannot imagine the Board proposing a condition not allowing a certain amount without putting it back, due to the State permit. There is no standard upon imposing this type of condition fairly.

Ms. Brock noted that DEP issued a permit based on the aquifer as a whole, across town lines. This is an ongoing permit for the site. A report must be submitted each year for a number of permit items.

Mr. Facendola stated that the most recent well permit was granted in May 2019 to reactivate the wells and system.

In response to a question from Ms. Markowitz, Mr. Eigerman stated that baseline water levels at the aquifer testing have not yet been completed, as this is not required under the permits. The amount of sanitary waste that could be discharged has been calculated.

Ms. Ordnung stated that there are three monitoring wells by the leaching field that are required to be monitored. Data will be recorded throughout the year, probably once a month, through sampling and submitted to the State. The well water level data will be part of this.

Mr. White asked if it is within the Board's purview is to regulate recharge. If the State does not regulate it, he is unclear how the Board could be equipped to make that determination. He suggested that the Board of Health might be the one to regulate it.

Mr. Facendola stated that 1,500 gallons a day is a drop in the bucket when looking at the whole aquifer. There are multiple industrial and commercial users that pull from this aquifer. It might be impossible to regulate and monitor the aquifer for this minimal discharge. The State does monitor this, but not usually for something this small.

Ms. Ordnung stated that it sounds like a lot more water than it is. It is approximately 1 gallon of water per minute. It's not insignificant, but not a huge amount.

Mr. Baird noted that running a garden hose for 24 hours is 25,000 gallons, or ten times the amount of water being proposed to be removed from the site.

Mr. Facendola stated that this is a commercial use, and the applicant is going through the proper channels to alleviate the concerns regarding the discharge.

Mr. Eigerman stated that the requirement to recharge the aquifer is not common. Other users could propose to recharge a lot less and would not necessarily have to go through site plan review. Stating that this applicant is at fault for lowering the aquifer will be quite difficult. The applicant will certainly look into low flow faucets, etc. He noted that there are no standards for requiring how much water a user can use without then recharging it.

Mr. Costa asked what the Board's objective is in these requests. There can be conditions structured to get the Board information it wants. However, if the objective is to limit this applicant's usage, he believes it would be difficult to find a baseline to do so in the regulations and to draw a correlation between possible aquifer depletion and this specific user. Water conservation can be addressed in a number of ways through simple conditions or monetary payments to offset some costs.

Ms. Markowitz explained that Lincoln Properties has done quite a bit of cutting on site and asked if there are any proposed replacement plantings. Mr. Eigerman stated that the improvement plan has been submitted. Due to neglect, the site needed to be cleaned up a bit, but he does not believe there is any plan currently to replant trees.

3. Architectural style shall be in harmony with the prevailing character and scale of buildings in the neighborhood and the Town through the use of appropriate building materials, screening, breaks in the roof and wall lines, and other architectural techniques. Proposed buildings shall relate harmoniously to each other.
4. Adequate measures shall be proposed to prevent pollution of surface and ground water, to minimize erosion and sedimentation, to prevent changes in groundwater levels, to minimize potential for flooding, and to provide for stormwater drainage consistent with the functional equivalent of the Planning Board's Subdivision Rules & Regulations.

Ms. Markowitz noted that this was touched on under criteria item 2. The consulting engineer did provide recommendations for the catch basins.

Ms. Verner noted that the Board should consider water quality as well, in terms of this application. If water levels are being lowered, this could lead to saline levels rising. She believes water quality/salinity monitoring should be included as a condition.

Ms. Carter stated that the salt issues in the Town groundwater tend to stem from Route 495 and Route 111. This goes beyond one particular business owner. Regulation and monitoring are conducted by the State.

Ms. Verner noted that if salt is being added during the softening process, there could be an additional issue. Mr. Baird stated that the existing building has a water softening system. This softened water is then proposed to be used in the system and discharged as industrial waste. None of this will be discharged back into the groundwater.

5. Roadways and circulation system shall be designed to promote convenience and safety for both pedestrians and vehicles. Access roads by which the proposed development is reached shall be adequate in width, grade and construction to carry, without danger or congestion, the additional traffic that is generated from the development.

Ms. Markowitz noted that the exit at Adam's Place be striped to allow for two turning lanes. There is also a request that trucks taking the hazardous materials offsite only use Route 495.

Ms. Verner stated that there is an existing sidewalk that accesses Route 111 from this facility. She asked about a crosswalk across Route 111 for pedestrian use. Ms. Carter noted that this could be a suggestion from the Board, but Route 111 is a State-owned road which would make this difficult.

6. Adequate buffers shall be provided to protect abutting properties from lighting, sight, sound, dust, and vibration.

Ms. Lazarow stated that lighting, compliant with current bylaws, and no greater emission of sound were mentioned in the application. Ms. Markowitz noted that the applicant did mention making the lights dark sky compliant. Mr. Eigerman agreed with these comments.

7. Adequate facilities shall be provided for water supply and for handling and disposal of waste and other production by-products.

Ms. Lazarow noted that the placement of the storage tank was mentioned as being important in a separate comment. Mr. Baird agreed the bollards will be needed around it for crash protection. This will be included in the drawing of this tank.

In response to a question from Ms. Markowitz, Mr. Baird stated that he usually deals with the Board of Health in terms of acutely hazardous waste products being used on site.

8. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment.

In response to a question from Ms. Markowitz regarding additional fire suppression, Mr. Baird stated that the building is already sprinkled. The documentation and records room will need a dry powder system instead of a wet system. This will be designed in.

Mr. Baird stated that there are no drains in the manufacturing area.

Ms. Markowitz stated that the next step is for Board members to put proposed conditions in writing and send them to Mr. Corson for review with Town Counsel. The Board will then review a draft of the approval letter.

Mr. Baird stated that he is interested on acting on any reasonable conditions that are within his control. Mr. Eigerman agreed from the landlord's opinion.

The next meeting will be held on April 28, 2021, and this public hearing will begin at 7:30pm.

Mr. White moved to adjourn the meeting at 8:50pm. Ms. Lazarow seconded.

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

Meeting Documents:

Memo from Haley Ward to the Planning Board, re: Peer Review Services 1414 Massachusetts Avenue, April 6, 2021

Memo from Level Design Group re: 1414 Massachusetts Avenue – Site Plan Approval Haley Ward Peer Review **LDG Proj. No.: 1869.00** , April 7, 2021

Memo from MassDEP re: PWS ID# 2037017, Sanitary Surveys, May 23, 2019

Monthly Maximum Data Reports, NEDC Site I

Memo from Nitsch Engineering, re: Nitsch Project #12995

1414 Massachusetts Avenue Traffic Study Peer Review Boxborough, MA, April 7, 2021

Memo from Vibalogics, re: Re: 1414 Mass Ave, Boxborough Facility Development – Response to Board member comment, April 7, 2021

General email inquiry to the Board from Mary Ann Brown

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

Join Zoom Meeting

<https://us02web.zoom.us/j/83500443277?pwd=WXFESndUWEU4eU5IN0wyTHdmOE0vdz09>

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