



TOWN OF BOXBOROUGH

Planning Board

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www.boxborough-ma.gov

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

APPROVED ON July 19, 2021

Meeting Minutes

April 28, 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)

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

Ms. Markowitz moved to adjourn to an Executive Session via a separate Zoom event, and to reconvene in Open Session after completion of the Executive Session:

- i. To conduct a review of Executive Materials (3/29/21 Executive Session Minutes) per C30A §21 (a) subsection 3,
- ii. To comply with any general or specific law or federal grant-in-aid requirements, Open Meeting Law, G.L. c. 30A, §§ 22(f), (g) (subsection 7). Open Meeting Law requires public bodies to review executive session meeting minutes and allows them to withhold executive session minutes and documents used therein from the public until the purpose for confidentiality has expired.

Ms. Verner seconded.

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

Ms. Markowitz reconvened the Board into public session.

7:30 PM – 1414 Massachusetts Avenue – Review Site Plan Decision Property Owner:

LPCH Boxborough

Applicant: Vibalogics, US Inc.

Site Plan Approval Application

Mr. Barbadoro recused himself.

Ms. Markowitz noted that the Board only received draft documents earlier this afternoon - a redline draft #2 with Attorney Costa's comments and Haley Ward's comments, and a redline version #1 from the applicant. The Board will be working through draft #2 tonight.

Also present: Sue Carter, PLACES Associates, and Adam Costa, consulting Town counsel.

Mr. Paul Alphen, applicant's counsel, stated that there is a draft decision that is about 18-19 pages and the version submitted by the applicant no longer matches the draft that the Board has. There are some conditions the applicant is okay with, and others that it is not okay with. He suggested that three members from the applicant's team and three members of the Board have a working session to deal with the provisions to narrow down a document of only a few areas for mediation, instead of going through the document line-by-line.

Ms. Markowitz stated that she is not comfortable having a conversation with the applicant about proposed conditions without having them first worded properly. The Board needs to work on those items first. Ms. Verner agreed.

Attorney Costa agreed with Ms. Markowitz's opinion. This document has continuously been worked on by the Board and Town staff. He asked that the Board look through the proposed conditions and look to see if they are supported by the Board, through the record, legally, and by the consultants.

The Board agreed to take care of the other matters on the agenda first and then come back to work on the document language.

Mr. Barbadoro retook his seat on the Board.

8:00 PM – 700, 750, & 800 Massachusetts Avenue – Approval Not Required Property
Owner: Toll Northeast V Corp.
Applicant: Boxborough Town Center, LLC
Approval Not Required

Greg Roy, Dillis & Roy, and Shawn Nuckolls, Toll Brothers addressed the Board.

Mr. Roy stated that a similar ANR in the fall created a parcel of land to contain the Zone 1 radius areas for the two public drinking water wells, at the insistence of DEP. The Enclave project had to own the Zone 1 radius for the drinking wells. The design for the water system was put together and one of the drinking water wells has significantly different water quality from the other. That well is negatively impacting the complexity of the water treatment being designed. The development team decided to seek a new well in the same area with similar water quality to the better off well (well #3). A permit has been received from the Board of Health to pursue that well. The new well is about 100' from the others. Water quality and flow tests have shown that the new well has better water quality. The plan is to now use Well 1, one of the original, and Well 3, but not Well 2. There will still only be two water sources for the project and there is no increase in proposed capacity. Due to the new location, there is expanded Zone 1 radius areas outside of the original parcel. This proposal is to create new parcels that will be deeded to the Enclave project.

Mr. Roy noted that a question from Ms. Carter regarding a landlocked parcel has been fixed by stating that one of the parcels will be conveyed to the Priest Land parcel (Lot 3A). These lots are both owned by Boxborough Town Center, LLC.

Ms. Carter agreed that the ANR now meets the requirements.

In response to a question from Mr. White, Mr. Roy stated that the current access/construction access goes through an easement and allows for access to the wells.

In response to a question from Mr. Barbadoro, Mr. Roy stated that this proposal does not impact the frontage or access of any of the surrounding lots.

In response to a question from Mr. Barbadoro, Mr. Roy stated that the well testing showed the water to be below the PFAS levels but will still be treated as it was detectable. The combined water source will have a treatment system.

In response to a question from Ms. Lazarow, Mr. Roy stated that Well 2 will not be used as part of this project. Anyone who wishes to use the well in the future would need to go before the Board of Health and probably DEP.

In response to a question from Ms. Markowitz, Mr. Roy stated that Well 2 had much higher levels of iron and manganese.

Mr. Nuckolls stated that the water treatment system was overly complicated, and it would have been a significant burden on the condo association.

In response to a question from Ms. Markowitz, Mr. Roy stated that Well 1 and Well 2 are about 60' apart.

Ms. Markowitz noted that Parcel A-2 would join an existing Town-owned parcel if the owner would consider donating it to the Town.

Mr. Barbadoro moved to endorse the ANR Plan as not a subdivision, approval not required under subdivision control law, and to allow the Chair, Town Planner or Clerk to endorse the Plan. Mr. White seconded.

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

8:30 PM – 627 Old Harvard Road – Approval Not Required Property Owner: Matthew Rosner and Betsy Rosner Applicant: Mark Barbadoro
Approval Not Required

Mr. Barbadoro recused himself from the Board, due to his interest in this property. He will represent his own interest on this item.

Mr. Barbadoro reviewed the history of this proposal. He explained that the land around his barn has been continuously maintained by the owners of #627 Old Harvard Road since 1978 and he would like to make this official with the Town. He explained that the purpose of an ANR plan is

to have a method of recording plans of subdivisions of land that do not involve the subdivision process. These divisions create parcels and lots. Lots are intended to be built upon. Parcels are not. No new “ways” can be created in an ANR plan. There is a 10’ piece around his barn. Parcel B is intended to be transferred from Matthew Rosner to Mr. Barbadoro.

Ms. Carter stated that she has reviewed this proposal and would recommend it be accepted.

Ms. Lazarow moved to endorse the ANR Plan and to allow the Chair, Town Planner or Clerk to endorse the Plan. Mr. White seconded.

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

Cisco/Beaver Brook Campus update

Ms. Markowitz stated that the Stakeholder’s Group had a call today with a potential buyer for this property.

Board of Health Regulations

Biosafety Regulations

Groundwater Protection Regulations

Ms. Markowitz noted that the Board has copies of these to review.

Town Meeting Warrant Articles/Presentations

Solar Energy Systems

Wireless Facilities

Hazardous Materials

Zoning Bylaw Recodification

Ms. Markowitz stated that the Board members creating these presentations should try to have them ready for review on May 10, 2021.

Administrative Business

Review date(s) for joint meeting with the Select Board to discuss Memorandum of Understanding (MOU) regarding administrative direction for the Town Planner

Ms. Markowitz stated that the Select Board would have to have a joint meeting to discuss this item. The group agreed to have this meeting at 8:15pm on May 10, 2021.

Meeting Minutes

Mr. White moved to approve the meeting minutes of March 8, 2021, as amended. Seconded by Mr. Barbadoro.

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

Ms. Lazarow moved to approve the meeting minutes of March 22, 2021, as amended. Seconded by Mr. White.

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

Public Comment: none at this time.

The group went back to discussing the Vibalogics document, that contains comments from Attorney Costa, Haley Ward, and PLACES Associates.

The Board made comments and edits to the draft document. The group agreed to plan to meet on May 3, 2021, for the purpose of continuing this discussion.

Mr. White moved to adjourn the meeting at 10:17pm. Ms. Lazarow seconded.

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

Meeting Documents:

Approval Not Required Under the Subdivision Control Law, Form A– 647 Old Harvard Road, April 22, 2021

Approval Not Required Under the Subdivision Control Law, Form A– 700-800 Massachusetts Ave (700, 750, & 800 Massachusetts Ave), April 16, 2021

Memo from Dillis & Roy, re: Revised ANR plan, 700-800 Massachusetts Ave., Boxborough, MA 01719, April 16, 2021

Memo from PLACES Associates, Inc., re: Enclave, Review ANR Plan for Well Radii, Project No. 5249, April 26, 2021

Email correspondence from Sue Carter, PLACES Associates, re: 627 Old Harvard Road

Boxborough Board of Health, BIOLOGICAL SAFETY REGULATIONS

Boxborough Board of Health, Proposed Groundwater Protection Regulation

Planning Board draft Meeting Minutes March 8, 2021

Planning Board draft Meeting Minutes March 22, 2021

Email correspondence from Sue Carter, PLACES Associates, re: ANR Plan from Dillis & Roy

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

Join Zoom Meeting

<https://us02web.zoom.us/j/83882338739?pwd=RIkydjYxTDIsQkRkT25hUGdvUIUwQT09>

Meeting ID: 838 8233 8739 Passcode: 338748

One tap mobile

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