



TOWN OF BOXBOROUGH

Planning Board

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Mark Barbadoro, Chair • Cindy Markowitz, Clerk • Mark White • Rebecca Verner • Kathleen Vorce

APPROVED ON May 22, 2023

Meeting Minutes

May 1, 2023

7:00 PM

Remote Meeting

Members Present: Mark Barbadoro (Chair), Cindy Markowitz (Clerk), Mark White, Rebecca Verner, Kathleen Vorce, and Janet Keating-Connolly (associate member).

Staff Present: Alec Wade, Town Planner

Chair Barbadoro called the meeting to order at 7:02 PM with a roll call attendance.

PUBLIC COMMENT:

None at this time.

Approval of Minutes – April 13, 2023

Ms. Vorce moved to approve the meeting minutes of April 13, 2023, as submitted. Mr. White seconded.

Roll call: Barbadoro – aye; Verner – aye; White – aye; Vorce – aye; and Markowitz – aye.

Motion passed 5-0-0.

PUBLIC HEARING (Cont): To consider the application under 8000 Site Plan Approval submitted by Stamski and McNary, Inc. on behalf of the property owner, French Brothers Boxborough, LLC to construct a 3-unit trade shop building. The subject property is located in the Industrial / Commercial Zoning District at 100 Codman Hill Road and is identified as Assessor's Parcel # 12-035-000.

Chair Barbadoro read and opened the meeting.

Ms. Keating-Connolly entered the meeting.

Paul Kirchner, Stamski and McNary, Inc., explained that a substantial change has been made to the site plan, but the general layout largely remains the same. There is an existing landscaping/storage yard on the property, approved in 2018. There are a couple of existing access points from Codman Hill Road. Also, there are a concrete pad and sediment floor bay. The intention is to create a three-unit trade shop building. Some changes to the site plan layout were made through conversations with the Conservation Commission regarding an existing stream and riverfront area. The size of the building was reduced based on complying with the

new definitions of floor area ratio (FAR). The building is proposed in roughly the center of the property, with driveways proposed in the same areas as the existing access points. Parking is shown to stay within existing cleared areas as much as possible, or within historically disturbed areas of the site. The proposed driveway apron width is 24'. The revised plan shows concrete storage areas on either side of the site. On site drainage is proposed via deep sump catch basins, and subsurface infiltration chambers. Two of those systems have outlets discharging to one location for any overflow. Five trees are proposed to be removed from the rear of the building, with an additional couple of trees to be removed near the front of the site. Much of the existing vegetation along the frontage is proposed to remain.

Chair Barbadoro stated that he would like to have a fresh start with expectation levels for this site, including preserving many of the trees.

In response to a question from Ms. Markowitz, Mr. Kirchner explained that there has been conversation with the Conservation Commission regarding the actual edge of Elizabeth Brook and thus the riverfront resource. Depending on the placement, this may open up more of the site to Conservation Commission jurisdiction. The plan has been designed with that potential in mind. Regarding a potential spill event, there are three catch basins proposed. There are no tenants currently determined for this site. The concrete pads are proposed to allow for a range of tenant storage flexibility. Concrete is being proposed because gravel will end up becoming compacted and similar to an impervious surface anyway. Mike French noted that concrete is easier for maintenance, but the applicant is open to gravel if the Board so chooses.

Ms. Verner asked if certain uses are anticipated for the concrete pads. Mr. French stated that storage containers, job stock, or other allowable uses through the zoning are proposed. Ms. Verner reviewed the landscape plan.

Mr. White noted that the applicant may want to consider a fence to screen the concrete pads to make sure they are not seen from the road.

In response to a question from Ms. Markowitz, Mr. Kirchner stated that there are minimal light fixtures proposed on either side of the building, over the concrete pads, and three to the rear of the building to illuminate the doors. Mr. French stated that he is not looking to extend the hours of operation above what is allowed in the district. Frank French stated that the intention is for 6am/7am-4pm/5pm business.

Mr. White moved to continue this meeting to June 5, 2023, at 7:05pm, at request of the applicant. Ms. Verner seconded.

Roll call: Barbadoro – aye; Verner – aye; White – aye; Vorce – aye; and Markowitz – aye.

Motion passed 5-0-0.

GENERAL BUSINESS

1. Priest Lane Subdivision – To see if the board will endorse the submissions to satisfy conditions 3 and 5.

Mr. Wade explained that the applicant, Boxborough Town Center, LLC, has submitted to satisfy condition 3 and condition 5 of the definitive subdivision plan for the Priest Lane, decision dated September 22, 2021. Condition 3 requires that, prior to endorsement or approval of the definitive plan, the applicant must submit to the Town Planner all drafts of proposed easements for utility, drainage, right of way purposes, and a covenant and maintenance agreement for the private/common driveway and have them reviewed and approved by Town Counsel. Condition 5 requires that, prior to endorsement of the definitive subdivision plan, the applicant shall make certain plan revisions. Condition 5 does not delegate the Board's authority to approve those revisions to either the Town Planner, Chair of the Board, or the Clerk. If the condition does not specifically prescribe who can approve the changes then the default is to bring it to the Board as a whole. To satisfy Condition 3, the applicant has provided a satisfactory covenant and maintenance agreement. This was circulated to Town Counsel for review, and he had three items that he thought the Board should consider. The applicant has revised those items to bring the agreement into compliance. There are no drafts of written easements for utility, drainage, or right of way purposes yet.

Greg Roy, Dillis & Roy, stated that there are easements shown on the plan, for access, drainage, and temporary construction. These are typically included in the deed, unless the Town is a beneficiary of an easement, which is not the case for this project. Mr. Wade agreed that private easements are usually only written into the deed. Prior to the sale of lots, the applicant could be required to provide written descriptions of those easements. Mr. Roy agreed.

Mr. Wade stated that Condition 5F states that detailed notes shall be added to the plans in consultation with the Town's consulting engineer to address preparations for extreme weather events or the issuance of flash flood warnings. He asked if the applicant has consulted with PLACES Associates on that item and if a site visit was ever done. Mr. Roy stated that he does not believe a site visit was completed, but comments from PLACES Associates peer review were incorporated into the plan. He noted that he does not understand why a site walk would take place unless there was an extreme weather event during construction. Mr. Wade suggested that the Board authorize the Town Planner or Chair to endorse the plan following approval of Condition 5F by the consulting engineer.

Mr. White moved to endorse the plan to date and authorize the Town Planner to sign on further amendments relative to the discussion this evening. Ms. Vorce seconded.

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

2. Request for Waiver of Site Plan Approval – 200 Beaver Brook Road

Mr. Wade explained that Campanelli has submitted a requested waiver of site plan review. The Board can waive site plan review for projects it feels are minimally impactful or minimally invasive. The applicant is proposing a garage structure attached to the side of the building. Typically, the structure itself would not trigger site plan review, however the way the site has been laid out requires the relocation of some parking spaces and any modification to parking

triggers site plan review. The applicant could not attend this meeting and requested the Board take this up at its next meeting.

Chair Barbadoro asked how long the R&D facility has been there and why there is now a need for the extra loading dock. Ms. Markowitz stated that she would like more information on the number of truck trips. Ms. Verner suggested reviewing the original decision for this proposal. The Board agreed to review this item at its next meeting.

3. 1414 Massachusetts Avenue Draft Environment Impact Report

Chair Barbadoro recused himself from this item.

Ms. Markowitz suggested that the Board create comments for this draft Environmental Impact Report. The applicant has submitted a draft Environmental Impact Report to the State. The Secretary will review the report and any associated comment letters. The public comment period expires May 10th. The Massachusetts Environmental Policy Act Office (MEPA) will then issue a certificate on the report.

Ms. Verner supported a letter with comments from the Board. This is a substantial project in a sensitive area of Town.

There was no public comment at this time.

The Board reviewed the draft comment letter.

4. Discussion of Board of Health “Policy Regarding Accessory Apartments”

Ms. Vorce explained that the Board of Health requested a proposed change to the language of the motion to match the Board of Health’s vocabulary for septic systems, and for the Planning Board to reference to regulation by name. Mr. Wade noted that he does not generally like to amend zoning articles on the floor of Town Meeting, unless it is a non-substantial change. This could then be brought up at Special Town Meeting.

The Board discussed asking the moderator to place the Planning Board items first on the second night of Town Meeting.

5. Attorney General Approval – Zoning Bylaw Recodification

The Board discussed that the bylaw predates some of the changes proposed to remove the Hazardous Waste facility item and the Attorney General’s Office may not be aware of this. This could allow the Town to move forward without additional rezoning. Mr. Wade noted that, until there has been confirmation from the Attorney General’s Office regarding the Hazardous Waste facility item, he will post the zoning bylaw with the changes suggested by the Attorney General’s Office. He noted that the Attorney General’s Office also was opposed to language listed in Section 6.6.2., regarding Commercial Dumps. This language was opposed because the State has

gone through a procedure for regulating solid waste facilities, which a commercial dump falls within.

6. Land Use and Permitting Summer Forum Series – Discussion of topics

Mr. Wade explained that there will be a forum series on a variety of topics throughout the summer. He asked the Board to consider draft topics of interest.

Ms. Vorce noted an interest in topics such as adequacy of traffic and water resources in Town.

7. Recommendation for Article 42 – Road Acceptance for Loring Avenue, Joyce Lane, and McLeod Way

Mr. Wade explained that on April 5th the Select Board placed on file a plan for this item and recommended this Article to Town Meeting floor. At the time of this decision, there was still an outstanding matter regarding the subsurface drain lines. A subsequent report from the consultant noted that the system is well built, designed, works as anticipated, and no need for replacement of subsurface structures is projected at this time. The past due tax bill for this item has still not been addressed and the Town will likely not recoup this cost. The homeowner's association has verified that it will enter into a memorandum of understanding with the Town to support enforcement of parking along the ways. An additional engineer's estimate of cost will not be able to be gathered for this item, but the staff's estimate is believed to be adequate at this time. Eminent domain is the method that the Town will use to take the property. The property owner will likely not be willing to sign over the right to attest for value of the roadway, but there is also likely not a case for this. Legal counsel did not opine on the road's current condition but noted that there is likely not substantial liability to the Town to accept the road at this time, as long as the DPW Director is aware of this item.

Ms. Vorce moved to recommend that the Town accept the roadways. Mr. White seconded.

Discussion:

Ms. Markowitz suggested that the recommendation include information that the Town consider regulations or other ways to be proactive to not allow this type of issue to occur again.

Roll call: Barbadoro – aye; Verner – aye; White – aye; Vorce – aye; and Markowitz – aye.
Motion passed 5-0-0.

It was noted that Mr. White would draft the recommendation for this item.

8. Town Meeting Schedule and Articles

There was discussion regarding the Planning Board making a motion on the floor of Town Meeting to move the Planning Board items to the first item on the second night. The Board agreed to wait to take a vote on this item at this time.

The Board discussed the schedule for Town Meeting articles and recommendation positions.

Mr. Wade noted that an engaged citizen reached out to ask whether the Accessory Apartment bylaw would qualify for a simple majority exemption, as is now allowed under Mass General Law. He requested a legal opinion on this, and this exemption is not possible for this item.

Department Updates

Mr. Wade stated that there is a contract opening coming up for PLACES Associates with the Town. He recommended renewing the contract for an additional two years at this time. Mr. White noted that he would like to see a competitive pricing review for this contract, while noting that PLACES Associates has been great to work with. He suggested a one-year contract instead. The Board agreed.

Mr. Wade stated that the Town has received an application for a definitive subdivision plan for 1414 Massachusetts Avenue. The applicant is still in the process of completeness review. Following the opinion from legal counsel, the definitive subdivision plan submission will be given to the Planning Board. The Board has 90 days from April 6th to address the application. The Board may wish to schedule a public hearing on May 22nd for completeness reasons or to begin the public hearing process for this item. The Board agreed. The Board of Health has a deadline of May 20th to provide feedback on this item to the Planning Board.

Approval of Minutes – April 13, 2023

This item was previously addressed.

Planning Board Training – This item was not addressed at this time.

Committee Reports: – This item was not addressed at this time.

- Community Preservation Committee (Vorce)
- Design Review Board (Verner)
- Economic Development Committee (White)
- MAGIC Representative (Markowitz)
- Water Resources Committee (Keating-Connolly)
- LELWD Small Cell Committee (Markowitz)
- Building Committee – TBD
- Boxborough Leadership Forum (Barbadoro)

Recently Received Correspondence – This item was not addressed at this time.

New Business (if any)

None at this time.

ADMINISTRATIVE BUSINESS – This item was not addressed at this time.

- Town Center/Enclave Project Updates

- Grant Opportunities
- Master Plan Action Items
- Website update
- Legislative Update

ADJOURN

Mr. White moved to adjourn at 10:48pm Ms. Vorce seconded.

Roll call: Barbadoro – aye; Verner – aye; Keating-Connolly – aye; White – aye; Vorce – aye; and Markowitz – aye. Motion passed 6-0-0.

Meeting Documents:

Planning Board Agenda May 1, 2023

100 Codman Hill Road documents

General Business

Planning Board draft minutes 4/13/23