



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 June 28, 2021

Meeting Minutes

June 7, 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 (PLACES Associates, Town Consulting Engineer)

Ms. Markowitz called the meeting to order at 7:00 PM.

Public Comment:

None at this time.

Review of Bond for the Town Center/Enclave Project per Condition 43c. of the Approval Decision

Ms. Markowitz stated that the Board received a letter from Ted Merchant, Land Development Director for Toll Brothers, regarding the bond and a letter from Sue Carter addressing certain items. She reminded the Board that a Performance Bond was a condition within the Site Plan Approval for this project.

Mr. Merchant explained that the bond is for finish work of improvements at the Enclave project, including plantings, top course, and other miscellaneous items. He noted that Ms. Carter reviewed the bond and had one comment that the applicant is okay with.

Ms. Carter noted that the bond includes final landscaping. Most of the screening plantings are already in and shrubs are present, so the bond is higher than it needs to be just in case any replanting is needed. As this is a private project, the flat estimate given by Toll Brothers was used. The bond is a financial incentive for the applicant to complete the work, in case sales slowdown, in order to protect the residents.

In response to a question from Ms. Markowitz, Ms. Carter explained that completion was constituted by occupancy of the first unit.

In response to a question from Ms. Lazarow, Ms. Carter explained that the bond needed to be completed prior to the first occupancy. The applicant may come in for release of funds as portions are completed or may wait until the end.

In response to a question from Ms. Markowitz, Ms. Carter stated that she will be on site to identify any issues that come up. She will also be keeping a spreadsheet with this information.

In response to a question from Ms. Markowitz, Mr. Corson explained that Toll Brothers completed the bond language and that it has been reviewed by town counsel.

Mr. Barbadoro moved to accept a bond from Toll Brothers for \$460,140 with a spreadsheet for the same amount to be submitted by Toll Brothers, with all appropriate paperwork and any accompanying items. Seconded by Ms. Verner.

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

In response to a question from Ms. Markowitz, Mr. Corson stated that the SWPPP reports were being performed by Dillis & Roy but are now being completed by the Toll Brothers Land Development team. Ms. Carter noted that she has been randomly driving through the site to inspect it. She explained that she has asked them to address certain areas of concern before thunderstorm season.

In response to a question from Ms. Lazarow, Ms. Carter explained that some of the issues are occurring because of heavy storms. The issue with the low point catch basins seems to happen randomly. There is an issue with the signs regarding sight distance on the property. She is addressing this issue with Toll Brothers, who is usually very responsive.

In response to a question from Ms. Markowitz, Mr. Corson stated that he is working with the Building Official and staff of Toll Brothers on any issues regarding Sheriff's and Tisbury Meadows. He is trying to get the staff to work on avoiding recurring items, such as pooling on the access road, dust control, and the silt fences.

Ms. Markowitz stated that she would like the Birons updated as to when the silt fence will be removed.

Planning Board Reorganization for FY22 and Committee assignments

Mr. Barbadoro offered to be Chairman of the Planning Board. While he believes Ms. Markowitz has done an excellent job, he also believes it is good to rotate who is Chair. He noted that he would probably need some support from other Board members in order to do so.

Ms. Markowitz stated that she is happy to support Mr. Barbadoro as Chair and help as she can.

Ms. Markowitz moved to appoint Mr. Barbadoro as Planning Board Chair. Seconded by Mr. White.

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

Ms. Lazarow moved to nominate Ms. Markowitz as Clerk of the Planning Board. Seconded by Ms. Verner.

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

The Board discussed their Committee assignments:

CPC – Ms. Lazarow

DRB – Ms. Verner

EDC – Mr. White

Magic – Ms. Markowitz

WR – Mr. Barbadoro

Small Cell – Ms. Markowitz

Building Committee – no rep at this time

Discussion of format for future meetings with State of Emergency lifted (in person, remote or hybrid)

Ms. Markowitz explained that the Board has a memo from KP Law regarding the fact that the Governor has lifted the State of Emergency, but extended certain aspects, one of them being remote/hybrid meetings. Without the legislation having voted on this issue yet, the Board is obligated to have a quorum for its next meeting at Town Hall. She noted that other participants should still be able to access the meeting virtually.

The Board discussed the logistics of meeting in person while still offering a hybrid option for those who wish to remain remote. Ms. Markowitz noted that all Board members participating must be clearly visible to one another and keep their video feed on for the entire meeting.

In response to a question from Ms. Verner, Mr. Corson stated that Town Hall is now open. The Town is strongly recommending that people wear masks if unvaccinated and asking for social distancing even if someone is vaccinated. However, the State guidance is that these items can only be recommended, not mandated. There is no limit to public participation in person at Town Hall.

Ms. Markowitz noted that, if the Board does not have a quorum present in person for any meeting, that meeting will have to be postponed.

Ms. Markowitz reviewed the Board meeting dates for the rest of the year: June 28, July 19, August 9 or 16, September 9 or 20, October 4 and 25, November 8 and 22, December 6 and 20, and January 10 and 31, 2022. She stated that this year the Board held 29 regular meetings and executive sessions.

Possible dates for site visit to Vibalogics/Pre-Application Meeting with ArrantaBio

Ms. Markowitz explained that the stakeholder group is made up of representatives from several boards. ArrantaBio gave the group slides regarding the company. ArrantaBio would like to have a pre-application meeting and site walk with Board members.

Mr. White stated that the stakeholder group saw that an enormous amount of work has been done on site so far. The infrastructure inside is impressive.

The Board discussed having a site walk on June 15 or 23.

Follow Economic Development Committee presentation and planning

The group discussed possibly having a workshop after Town Meeting to discuss ideas and to set goals for the upcoming year.

Ms. Lazarow suggested that someone with expertise on Boxborough history and a planning background be brought in to help structure the thinking during this workshop.

The Board agreed to further discuss this item on June 28.

Preparation for Annual Town Meeting

Solar Photovoltaic Installations

Wireless Facilities

Hazardous Materials

Zoning Bylaw Recodification

Ms. Markowitz noted that the annual Town Meeting will be held this Saturday at 9 AM. The Zoning Bylaw Recodification will be part of the consent agenda and will, thus, not have its own presentation. The other presentations are viewable on the Town website. Ms. Markowitz stated that these presentations will likely happen in the late afternoon.

Administrative Business

Meeting Minutes

Mr. White moved to approve the meeting minutes of April 12, 2021, as amended. Seconded by Mr. Barbadoro.

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

Unanimously passed

Correspondence and New Business (if any)

Ms. Markowitz noted that the Board received correspondence from Howard Lee regarding the Solar Bylaw Warrant Article.

Town Center/Enclave Project - this was discussed earlier in the meeting.

Planning Board Training

Ms. Markowitz noted that there will be a CPTC seminar on Master Plans and Chapter 40 B process on June 14, 2021.

Cisco/Beaver Brook Campus development options – no updates at this time.

Stormwater Management Regulations

Mr. Corson explained that the Town adopted a Bylaw at the 2020 annual Town meeting. These regulations work under that and are administered by the Planning Board. However, the Select Board is the authority for the general bylaw and will adopt any regulations under it. He believes buy-in is needed from the Planning Board first before bringing proposed regulations to the Select Board. He is working with Nick Cristofori, of CEI, to draft these regulations and advise the Planning Board and Select Board. These regulations will also be sent to the Board of Health, Conservation Commission, Town Consulting Engineer and others in Town who deal with land use. He noted that most other Massachusetts towns in the urbanized category approach these regulations in the same way. The first set of draft regulations should be ready this week.

Planning Board Administrative Rules and Regulations – no updates at this time

Land Use-Related Grant Status:

Municipal Vulnerability Preparedness Project Grant

In response to a question from Ms. Markowitz, Mr. Corson stated that the Town can be considered an MVP Certified Community. Awards are given out twice a year for this Grant and the Town is still eligible for funding.

BRIC Grant for Flood Hazard Mitigation Plan

The Board discussed coordinating this plan with other local MAGIC communities.

Legislative Update – no updates at this time.

Committee Reports:

Community Preservation Committee (Lazarow)

Ms. Lazarow stated that the Committee met last Thursday for an organizational meeting. It will meet again on July 1, 2021.

Design Review Board (Verner) – no updates at this time.

Economic Development Committee (White) – no updates at this time.

MAGIC Representative (Markowitz) – no updates at this time.

Water Resources (Barbadoro)

Mr. Barbadoro stated that the group reviewed the analysis report for 871 Massachusetts Avenue, as it was a requirement of their site plan approval. This will be completed annually and sent to WRC and the Board of Health for review.

LELWD Small Cell Committee (Markowitz) – no updates at this time.

Building Committee - TBD – no updates at this time.

Planning Board Goals:

Funding – TAP Grants and other Grant Opportunities – no updates at this time.

Master Plan Action Items Status Spreadsheet

Ms. Markowitz noted that in September there will be a notification sent out to all committees to fill out the given template for updates.

Ms. Verner thanked Ms. Markowitz for her work as Chair and Mr. White for his work as Clerk.

Ms. Lazarow moved to adjourn the meeting at 8:55pm. Mr. Barbadoro seconded.

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

Unanimously passed.

Meeting Documents:

Memo from Toll Brothers, re: Enclave at Boxborough – Site Improvement Bond, June 2, 2021

Memo from PLACES Associates, re: Enclave Review of Proposed Bond, June 3, 2021

Planning Board Roles and Responsibilities Boxborough – from C. Markowitz, June 2021

Draft Meeting Minutes: April 12, 2021

Correspondence from Howard Lee, 90 Bicentennial Way, re: Objections to proposed ground-mounted solar bylaw

Report from Nashoba Analytical, LLC, re: Certificate of Analysis for 871 Mass Ave, Boxborough, May 26, 2021

Memo from PLACES Associates, re: Enclave – Site Inspection Project No. 5249, June 4, 2021

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

Join Zoom Meeting

<https://us02web.zoom.us/j/85907334538?pwd=ai9uUHBndTRwait0L0N1dEgrL3MxQT09>

Meeting ID: 859 0733 4538

Passcode: 159773

One tap mobile

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