



TOWN OF BOXBOROUGH

Planning Board

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Cindy Markowitz, Acting Chair • Mark White • Rebecca Verner • Kathleen Vorce • Rich Guzzardi

APPROVED ON July 10, 2023

Meeting Minutes

June 26, 2023

7:00 PM

Remote Meeting

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

Staff Present: Alec Wade, Town Planner

Acting Chair Cindy Markowitz called the meeting to order at 7:03 PM with a roll call attendance.

PUBLIC COMMENT:

None at this time.

GENERAL BUSINESS

3. Extension Request – Enclave at Boxborough – *The Board took up this item at this time.*

Alec Wade, Town Planner, explained that the Board has a request for extension on the Enclave at Boxborough project to address condition #16 of the original special permit. This required that, if the applicant could not complete the project within four years of the date that it broke ground, which will be approximately September 2023, the applicant needed to come before the Board. This is a new owner of the property and COVID-19 hit in the middle of this process. The State issued guidance for State permitting agencies under the emergency order which gave a period of time in which applicants could not be held accountable for any delays in the permitting process. This does not apply to a Planning Board permit, as the Planning Board is not a State permitting agency. Thus, the applicant should still seek the Board's opinion as to whether it would uphold the State's original guidance for State permanent agencies, or if the Board would prefer to have the applicant come before it. The applicant submitted a letter that references the State's Emergency Order. Many communities are engaged in similar practices of offering extensions whenever possible to accommodate for the time lost.

Mr. Wade explained that there are multiple certificate of occupancies that have not yet been issued. The Board of Health is still reviewing some matters. He explained that he could pursue a preliminary inspection, whether the Board chooses to extend this or not. He would then hope to

do final inspections in the fall. After touring the site, staff will work with the applicant if there are any outstanding issues.

Mr. Guzzardi asked how many certificate of occupancies have been issued. Mr. Wade stated that he is unclear on that number, but there are approximately a dozen left to be issued, due to the Board of Health review.

Mr. White noted that there is only one building on the property that is not clad. All other buildings are framed, and the project seems to be moving forward.

Mr. White moved to approve an extension for Toll Brothers for completion of the Enclave project until September 30, 2024. Mr. Guzzardi seconded.

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

3. Scheduled Appointment – Campanelli – *The Board took up this item at this time.*

A presentation and discussion by the Campanelli team on conceptual plans for the Park at Beaver Brook.

Russell Dion, Campanelli, explained that the first open space commercial district (OSCD) permit that was issued had a total subject land area of 274 acres in Boxborough and 46 acres in Harvard. For this permit, 900,000 s.f. of floor area was approved and there was a requirement to provide 154 acres of conservation restriction and open space restriction. In this permit, the open space and conservation areas were allowed to be used for a golf course, along with a number of stipulations. The dominant use through this permit was for Office, R&D, and other commercial uses. The next OSCD permit was issued in 2001. In this permit, the total land areas increased to 350 acres and the square footage increased from 900,000 s.f to 1.4M s.f The original 154 acres of conservation land remained, along with an increase in open space of 60 acres, plus 27 acres, which were designated as open space and active recreation space but never recorded because Phase 2 was never commenced by the applicant. This second phase of development never commenced; therefore, there was never any recordings of certain parcels. Ultimately, the site has 350 acres of land that were previously permitted for 1.4M s.f. of building floor area. This includes the permitted TUV Rheinland project, which is 65,000 s.f. The new FAR rules and regulations passed by the Town equates to a doubling of FAR for spaces in a building that have ceilings above 12’.

Johanna Schneider, Hemenway & Barnes, explained that the proposed layout for the site is substantially similar to what was previously approved in the 1997 and 2001 permits. The plan entails the construction of five new buildings. These are planned to be utilized for R&D, and light manufacturing products, such as medical devices. The proposal is for approximately 200,000 s.f. less of development than what was previously approved, while still providing the same amount of open space as originally required, with a total of 241 acres under restriction, or 71% of the park. A number of parcels in the park were designated for restriction but never actually restricted because they were tied to the Phase 2 development which never occurred. As part of the master plan for this site, the proper restrictions on those parcels will be recorded. In

addition to these five new buildings and the restriction of the open space, the proposal reduces the number of parking spaces, the amount of paved area, and the number of average daily vehicle trips to the site. She explained that there are two principal permits which set the parameters for development in the park. The 1997 permit allowed 900,000 s.f. of Office and R&D uses, and the 2001 amendment which allowed for a second phase of 500,000 s.f. both for Office and R&D uses. Combined, this was a total of 1.4M s.f., with an offsetting 241 acres of conservation land and open space under restriction. With respect to Phase 1, all of the infrastructure was built out and all of the open space was subject to recorded restrictions, but not all of the permitted development was actually constructed. Regarding Phase 2, all of the infrastructure and all of the required mitigation were completed, but none of the permitted development was constructed and the areas earmarked for offsetting open space were never actually restricted. These areas only needed to be restricted upon construction of the Phase 2 buildings. The permits specified a 15-year commercial development, which lapsed around 2015. She explained that, by the terms of those permits, the Planning Board has the authority to extend the commercial development for any portion of the project that was not completed by the time that the commercial development period ended. Last fall, based on guidance from Town Counsel, the Board exercised the authority to revive and extend the permit to allow redevelopment of Lot 400 for use by TUV. The intention now is to start a similar process for review and approval of a master plan for the rest of the park. The proposal is to operate within the framework established by the prior permits. The build out of the park, to date, has been done in accordance with the previously approved OSCD permits. The property owner restricted open space in exchange for certain development rights. The owner never got to fulfill the development rights, but the parcels remain restricted. The applicant would like to work with staff and the Board toward an amendment and restatement of the existing OSCD permit for the site. This permit would then extend the commercial development for an amount of time necessary to build out the rest of the park and incorporate an approved updated master plan for the overall development. This would also acknowledge the many original permit conditions that have already been complied and require compliance with any outstanding conditions associated with Phase 2, including recording open space restrictions. It would also impose any new conditions that the Board might see fit. After that, the applicant will return to the Board for site plan review and approval for individual buildings. The applicant is willing to provide funding for a 53G account to facilitate this process. The applicant will also be filing an expanded Environmental Notification Form (ENF) with Massachusetts Environmental Policy Act (MEPA) on August 1st, and previously met with the Director of the Natural Heritage Program regarding the existing Construction Conservation Management permit that was granted around 2000 for this project. The Director confirmed that the permit is still in effect and that no amendments are needed to move forward with the master plan.

In response to a question from Mr. Guzzardi regarding the changes proposed, Mr. Dion explained that office buildings are not currently proposed on this site. There is a use change led by TUV. The plan shows one- and two-story buildings, whereas the previous application represented three- and four-story buildings. The proposed TUV building is a bit taller than a typical high-tech building, at 38' tall. The plan shows a maximum build scenario of 667,000 s.f. spread over five parcels. The proposal is for R&D and light manufacturing buildings, with office support behind these uses. The proposal includes a reduction in square footage. These uses are highly sought after in this area. The proposed uses require less parking, and approximately 14

acres less of paving that will instead remain open space. All proposed development will also be out of the 100' wetland buffer.

Ms. Markowitz asked what the MEPA triggers are for the expanded Environmental Notification Form (ENF). Ms. Schneider stated that she believes the triggering thresholds are with respect to parking spaces and trip generation. The project may also trigger a threshold with respect to land disturbance. Ms. Markowitz noted that there is a quick turnaround for the public comment period for this item.

Ms. Markowitz noted that the Board does not have to grant a permit extension. Ms. Schneider stated that it will be very difficult to permit this project in any other way. The proposal is less intensive than what was previously permitted, and many of the items from the past permits are already on the ground. There is existing infrastructure and open space areas, some with restrictions. The ownership entity of the entire park owns all of the parcels.

Mr. Dion explained that the proposed buildings are generally 70% 12' high or less ceiling space and 30% high bay. There could be many different users within that space.

In response to a question from Ms. Markowitz, Mr. Dion stated that the project will likely try to tie into the Littleton water extension. He explained that the PFAS testing from DEP just came back, and the site will contain a filtration mitigation system. A permit was written and issued today for this item.

In response to a question from Ms. Markowitz regarding any other amenities proposed to the Town, Mr. Dion stated that these would be as permitted. There is a restaurant in Building 500 with outdoor dining and a gathering area. There is also a volleyball court and basketball court which are currently open to the public.

Ms. Markowitz asked about site 100. Mr. Dion stated that no building is proposed on that lot at this time. The site is approximately five acres and not fit for a building at this time.

Mr. Guzzardi asked about the remaining percentage of open space with this proposal. Mr. Dion stated that there is approximately 70% open space if certain parcels get recorded as previously completed. There is a 70/30 acreage division of open space and commercial development areas. There is also open space within the commercial development areas which is pervious but not contiguous.

In response to a question from Mr. Guzzardi, Ms. Schneider explained that the previous OSCD permits had a master plan concept associated. The intention is to update the permit to reflect the new plan. Each individual building would then be subject to individual site plan reviews. Each will need to conform with the overall master plan for the site.

Ms. Markowitz noted that the Board received comments from the Boxborough Conservation Trust and residents in Harvard that abut this property, expressing concern regarding the proposed land use in that area. Ms. Schneider explained that the new plan has increased setbacks from the

nearby residential community from 50' to 100'. The applicant is trying to be proactive in addressing any comments. Mr. Dion noted that there is a decent vegetated buffer between the site and the abutters that the applicant will try to maintain.

Ms. Markowitz noted that the Board could opt not to extend the permit and require the applicant to restart the process with new OSCD permit.

Mr. White noted that he was hoping for more amenities on the site than one restaurant. He noted that the applicant will need to update compliance with the current environmental justice rules.

Francie Nolde, Sustainability Committee, asked about energy efficiencies for each of the new buildings. She asked that the applicant consider a forward, creative thinking approach, going beyond what is required and making the buildings closer to net zero. Ms. Schneider stated that this will be addressed during the site plan review process for each building as it comes online. The new buildings will be developed once tenants are available. Mr. Dion noted that the roofs of the existing buildings were designed before solar was as popular and do not allow for it. The TUV building was designed for solar use in the future, and other buildings will be designed similarly.

Rita Grossman, Boxborough Conservation Trust, noted that this area is a birding hotspot. She asked if the applicant would consider green roofs. Ms. Schneider noted that the project team does consist of a natural resources expert who could better consider this question.

Marjorie Kamp asked if there could be a small investment made to use existing solar panels on the site at least at a partial level. She stated that it seems like a waste to leave them until a tenant is identified. She asked if the Town could get involved. Mr. Dion explained that, when the property was purchased two years ago, there was 427,000 s.f. of vacancy. Within the next 6-8 months, this area will have a different feel, as currently 440,000 s.f. are leased. The existing solar will be used to power buildings that need it once they come online. There is an existing 1-megawatt carport system on site. Ms. Nolde explained that there was an original agreement with Littleton Electric & Light Department and CISCO to allow for a larger array than normal in order to use it for the buildings on site. She does not believe the Town can get involved in this.

Ms. Markowitz noted that the MEPA filing will be coming on August 1st. The Board can investigate other permitting options for this site.

In response to a question from Ms. Vorce, Mr. Dion explained that the previous OSCD permits had a 15-year life and there is the potential to extend them using Board action. Ms. Schneider stated that 15 years is fairly typical for this type of park.

In response to a question from Ms. Markowitz, Mr. Dion explained that all of the improvements to Swanson Road, DOT improvements, and the mitigation from land use have been completed, as per the original plan. There is one piece of mitigation that has not been completed, which is the Phase 2 development.

Ms. Markowitz asked if there will be a change to the tax amount of the property once the conservation restriction is in place. Mr. Dion stated that all vacant land has same tax rate whether in a conservation restriction or not. Once areas are developed and built, there will be a different appraisal rate.

Mr. Wade noted that it is up to the applicant which path is sought for this process.

1. Discussion – Roles and Responsibilities of the Planning Board

The Board reviewed the roles and responsibilities of the Planning Board.

Mr. White requested to amend the document to read that, “The Clerk shall assume the duties of the Chair in absence of the Chair and shall keep a record of all meeting attendance and minutes when a Recording Secretary is not available.” Mr. Guzzardi agreed.

The Board agreed to review the amended document at a future meeting.

Ms. Vorce explained that all responsibilities and information should be shared between all Board members as expediently as possible. She explained that it would be nice for there to be communication between Board members and the Planner as items arise. She noted an example of her warrant summary for the last Town Meeting, that appeared differently than she wrote it. She suggested a feedback loop.

Ms. Keating-Connolly stated that she would like to see a communications map developed which details if certain types of communications are one-to-one, one-to-many, or many-to-many.

2. Reorganization of the Board

- Nomination of Chair Person and Clerk

Ms. Vorce moved to nominate Mark White as Chair of the Planning Board. Mr. Guzzardi seconded.

Ms. Markowitz moved to nominate Rebecca Verner as Chair of the Planning Board. Ms. Vorce seconded.

Discussion:

Ms. Vorce stated that she believes the most seasoned person on the Board is generally the Chair. Two of the most seasoned people on the Board appear to be Mr. White and Ms. Verner

Mr. Guzzardi stated that he believes Mr. White has shown the skills necessary for the job, including coordinating with the Town Planner, working items through with the Board members, and communicating with applicants. He likes Mr. White’s approach for these items. In terms of being most seasoned, he agreed that either Ms. Verner or Mr. White could hold the Chair role.

Mr. White stated that he believes either himself or Ms. Verner could do the job. He is interested in running quicker meetings and allowing the Planner to do his job. The Chair's primary job is to run the meeting and make sure everyone is heard.

Ms. Verner stated that she is interested in the position of Chair and has a track record of working hard for the Board, including helping to author four bylaws. She stated that she has represented clients on the other side of the table for many years.

Ms. Keating-Connolly stated that the Open Meeting Law forces Board members to have all conversations during meetings. Thus, there is only so much time meetings can be shortened by. She noted that Mr. Wade is not primarily dedicated to the Planning Board and this needs to be considered in his responsibilities.

Mr. White stated that much of the Board's discussion tends to be substantive but also repetitive. The Chair can help to keep meetings moving along. His style is to not speak much during meetings, and filling information in as necessary. He represents a cross-section of views and will often vote in varying ways depending on what he believes is most fair.

Ms. Verner stated that there are many talented Board members who bring different perspectives that need to be heard. Board members are elected by the community to work hard through each application process. It is worth hearing each person, though this does take time.

Roll call: Guzzardi – White; Verner – Verner; White – White; Vorce – White; and Markowitz – Verner. Motion passed for Mark White as Chair (3-2-0).

Mr. Guzzardi moved to nominate Rebecca Verner as Clerk. Ms. Markowitz seconded.

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

- Appointment of committee representatives and liaisons

The Board discussed its committee representatives and liaisons. It was determined that Ms. Vorce would continue to act as representative for the Community Preservation Committee at this time; Ms. Verner would continue to act as representative for the Design Review Board; Ms. Markowitz would continue to act as representative for MAGIC; Ms. Keating-Connolly would continue to act as representative for the Water Resources Committee; Mr. White would act as representative for the Building Committee; the LELWD Small Cell Committee would be removed from this list of committees needing a representative at this time; and the Board would continue to send a representative to the Boxborough Leadership Forum as needed.

There was discussion regarding the Economic Development Committee liaison, and it was determined that additional information was needed before a representative could be chosen.

3. Extension Request – Enclave at Boxborough

This item was previously addressed.

4. Scheduled Appointment – Campanelli

This item was previously addressed.

Department Updates by Alexander Wade, Director/Town Planner

Mr. Wade explained that the Town has received an application for a definitive subdivision plan for Adams Place. The Board will open this hearing on July 31st. The Board also has an open definitive subdivision plan for 1414 Massachusetts Avenue. This item was heard by the Board of Health through a recent public hearing. He expects to receive decisions for both of these plans from the Board of Health in July. Mr. Wade noted that on Wednesday, the first of the Department's summer public forum series was occur at Sargent Memorial Library at 7pm. There will be additional events during the final week of each month in July and August.

Meeting Minutes

The Board deferred approval of minutes to a future meeting.

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

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

New Business (if any) - *This item was not addressed at this time.*

ADMINISTRATIVE BUSINESS

- Town Center/Enclave Project Updates
- Grant Opportunities
- Master Plan Action Items

Mr. Wade explained that he will come before the Board in August with items that have been worked on and some that have not yet been worked on. This will include a master tracking list. The Board can then schedule the annual meeting for updating the action items.

- Website update

- Legislative Update

ADJOURN

Mr. Guzzardi moved to adjourn at 10:32pm. Ms. Vorce seconded.

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

Meeting Documents:

Planning Board Agenda June 26, 2023

Roles & Responsibilities of the Board documents

Enclave at Boxborough extension request

Scheduled appointment Campanelli documents

Recently Received Correspondence

Planning Board draft minutes June 5, 2023