



TOWN OF BOXBOROUGH

Planning Board

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

APPROVED ON: August 9, 2021

Meeting Minutes

June 28, 2021

7:00 PM

Remote Meeting

Members Present: Mark Barbadoro (Chair), Mark White, Cindy Markowitz, Rebecca Verner, and Robin Lazarow

Also Present: Simon Corson (Town Planner), Nick Cristofori (Comprehensive Environmental, Inc.), and Becky Neville (FinComm).

Mr. Barbadoro called the meeting to order at 7:02 PM.

Stormwater Management Regulations – 7:15 PM to 8:00 PM

Nick Cristofori, Comprehensive Environmental, Inc., reviewed the draft Stormwater Management Regulations document with the Board. He explained that the EPA drafted a set of stormwater regulations in 2016, which became finalized in 2018. One item in those regulations is that for any development that disturbs more than one acre of land, the community must make sure that erosion and sediment controls are in place during construction, procedures must be in place to make sure that proper operations are occurring during construction, there must be a procedure in place for reviewing the application, there must be a site inspection, and there must be an as-built plan submitted once construction is complete. These regulations also note that there must be complete removal of suspended solids and phosphorus from new and redevelopment projects. The stormwater bylaw was passed at the Annual Town Meeting, which authorizes the Select Board to implement these requirements and create regulations.

In response to a question from Ms. Lazarow, Mr. Cristofori stated that the Select Board has authority over the regulations, but that the Planning Board does most of the implementation of these regulations.

Mr. Barbadoro asked why the Select Board is asked to adopt regulations that it is not enforcing. Mr. Cristofori explained that the bylaw states that the Select Board is in charge of adopting the stormwater rules and regulations. The Town is stuck with this language, unless an amendment is made to the bylaw itself.

Mr. Cristofori explained that, per the bylaw, the Select Board can delegate at will a party to implement the ordinance's requirements. There is an extra onus placed on the designee of the Select Board. He is unclear as to how the designee is selected. The Planning Board acts as a "go between" for applicants and the Select Board in reviewing applications as they are submitted.

The Board reviewed proposed changes to the document. It was noted that the regulations need to be made consistent with the bylaw, as it has already been passed.

Mr. Barbadoro stated that he has an issue with the Select Board creating a set of rules and regulations that is then given to the Planning Board to enforce. He believes there should be a bylaw amendment to remove the Select Board from the process entirely. This would give enforcement authority to an entity of the Town via the voters of the Town. This could be addressed at a Town Meeting in December, if there is one.

In response to a question from Ms. Lazarow, Mr. Cristofori stated that the Town is supposed to have rules and regulations in place by the end of June. The EPA has already given towns a year extension on this deadline. There should be an annual report submitted to the EPA by the end of September. He noted that at least half of the communities he works for do not have a set of rules and regulations in place yet.

The Board agreed to work on a flow chart for the rules and regulations document. They also agreed to get input from the ConsComm.

Mr. Cristofori stated that he can tell the Town what the ordinance needs to have in it, but he cannot tell the Town how the ordinance fits in with Boxborough's administration/department structure. Ultimately, the Town is responsible for having regulations in place and information on who will enforce them.

Ms. Markowitz noted that the general bylaw has an enforcement provision that names the Building Inspector as the delegated authority of the Select Board.

Mr. Cristofori noted that the bylaw, as written, mandates that the Select Board adopt the regulations, and that the Planning Board or designee is responsible for most everything else.

In response to a question from Ms. Markowitz, Mr. Cristofori explained that someone qualified to put together an application would need to review a homeowner's Best Management Practices. The EPA does not define who is "qualified;" that is up to the Town to decide.

It was noted that the Planning Board would like to be the authority over these rules and regulations and would also like to decide the qualified agent for such matters. The Planning Board would also like the definitions within the regulations to match those in the bylaw. It was also noted to discuss these regulations with the Board of Health, in terms of their own bylaws.

Discussion of format for future meetings (in person, remote or hybrid)

Mr. Barbadoro explained that there may be a room setup in Town Hall come September that will be available for hybrid meetings.

Board members discussed their thoughts on meetings remaining remote or moving to hybrid. It was pointed out that there seems to be more participation with meetings being held via Zoom. There was discussion regarding the format of presenting documents via Zoom versus in-person.

Ms. Lazarow moved that the Planning Board continue to conduct 100% remote meetings through the end of September. Seconded by Mr. White.

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

Follow up from Economic Development Committee (EDC) presentation

Mr. Barbadoro stated that one of the issues with the study is that it was very general to the whole Town. He believes it might be helpful to look at what to do with one specific area of Town, in order to help development move consistently with the Master Plan and as advised by the UMASS Study.

Rich Guzzardi, EDC, explained that the EDC discussed this item and is willing to bring other ideas forward, or have a joint meeting in order to further discuss it.

Ms. Markowitz stated that the Planning Board can ask the EDC again for input, but without information from the land/building owners in Town, the Board is relying on the EDC as a conduit to them.

Mr. Guzzardi stated that the EDC plans to reach out to a number of owners in the area within a month or so.

Ms. Verner explained that a huge portion of the goals for this item revolve around reinvigorating the existing buildings along Route 111. She believes more information on this is needed before discussing future changes to the area.

The group discussed that there may be infrastructure items to help make these areas more viable, but there may also be zoning changes needed. The group agreed that it needs to hear from landlords and owners first.

Administrative Business
Meeting Minutes

Ms. Markowitz moved to approve the meeting minutes of May 3, 2021, as written. Seconded by Ms. Verner.

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

Ms. Lazarow moved to approve the meeting minutes of May 10, 2021, as amended. Seconded by Mr. White.

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

Ms. Verner moved to approve the meeting minutes of May 24, 2021, as amended. Seconded by Mr. White.

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

Ms. Verner moved to approve the meeting minutes of June 7, 2021, as amended. Seconded by Mr. White.

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

Correspondence and New Business (if any)

Mr. Corson stated that there is correspondence to the Board from Barbara Salzman, and Rich Quinby, Arranta Bio.

Town Center/Enclave Project

Mr. Corson explained that when Dillis & Roy was doing the reporting on the project, he was very satisfied. Now that Toll Brothers' Land Development Team has taken over reporting, it has become a bit more muted. The Board will see a memo from the consulting engineer at its next meeting regarding the follow-up inspection on the plantings and general progress.

Ms. Markowitz noted that there is a temporary sign on the property that she believes blocks visibility. Some residents have also noted this concern. Mr. Corson explained that this issue was brought up and he anticipates that the sign has either been moved or was shown not to obstruct views. Ms. Markowitz explained that the sign has not been moved.

Ms. Verner noted that there are a couple of trees on the Birons' property that do not seem to be doing well. She asked if PLACES Associates could take a look at the viability of these trees.

Cisco/Beaver Brook Campus development options

Mr. Corson stated that he would reach out to Campanelli for an update on this item.

MOU and Town Planner's Job Description

Mr. Barbadoro explained that the Personnel Board revised the job description and removed some of the language previously included. He noted that the Select Board has not discussed this item at its last couple of meetings. He suggested that the Planning Board might want to pursue a warrant article at the next Town Meeting regarding the Town Planner's roles and responsibilities and incorporating them into the General Bylaw.

Mr. White noted that he believes the Personnel Board will be discussing this item at its meeting tomorrow morning.

The Board reviewed the document, as edited by Ms. Markowitz.

Mr. Barbadoro stated that he would like a warrant article on this item to be very high level – that the Town Planner will serve a three-year term and be appointed by the Planning Board.

The Board agreed to wait to hear what the Personnel Board discusses at its next meeting on this topic before moving forward.

Re-introduce the Solar Bylaw

Mr. Barbadoro stated that he and Ms. Verner will speak with the Sustainability Committee about this topic.

The Board discussed the possibility of breaking this bylaw up into chunks based on usage. The group also discussed having additional public hearings on this topic before introducing it for a vote again.

871 Massachusetts Avenue Site Plan Decision and Certificate of Conditional Approval

Mr. Barbadoro stated that he already signed this document due to the timeline at play. Ms. Verner noted her surprise at this because she was in the middle of editing the document and would have liked a chance to discuss it. Mr. Barbadoro stated that, in the future, he will work closely with Mr. Corson and be mindful of the timeline. Ms. Markowitz noted that, per regulations, the Board could have asked the applicant for an extension on the deadline in order to discuss the document.

Planning Board Alternate Member

Mr. Barbadoro explained that alternate member, Joseph Ferguson, does not wish to seek reappointment. The Board will need a letter of resignation from Mr. Ferguson before it can seek a new alternate member.

In response to a question from Ms. Lazarow, Mr. Barbadoro explained that the Planning Board and Select Board jointly appoint new alternate members of the Planning Board.

Planning Board Member's individual goals and objectives for 2021

The Board discussed their goals for the upcoming year.

Ms. Markowitz stated that she would like to see the Board work with consulting engineer, Sue Carter, regarding the stormwater regulations. She would also like to see a bylaw for more than one acre, and redeveloped sites completed. She would like to work on the Town's stormwater management and have a discussion about the Town center development. She would like to see a Solar Bylaw in place this year. She believes all hands will need to be on deck for the CISCO property agreement. She would also like to see a hydrogeological study for the watershed.

Ms. Verner stated that she would like to work on the Solar Bylaw and a Tree Preservation Bylaw.

Ms. Lazarow stated that she would like to help with the recodification project and continue to work on a checklist for the Town boards/committees in meeting their goals as outlined in the Master Plan.

Zoning Bylaw Recodification

Mr. Barbadoro explained that the bylaw recodification will need to be put out to bid. Mr. Corson stated that this will be started in the new fiscal year.

Planning Board Administrative Rules and Regulations

The Board discussed the updated draft version of this document.

Planning Board Training

The Board discussed upcoming training sessions.

Land Use-Related Grant Status – no updates at this time.

Legislative Update – no updates at this time.

Committee Reports:

Community Preservation Committee (Lazarow)

Ms. Lazarow stated that the Committee last discussed the \$300,000 approved for Liberty Fields at the Annual Town Meeting.

Ms. Markowitz suggested that the Board look into if it could also request CPC funding.

Design Review Board (Verner) –

Ms. Verner stated that there is a new member of the DRB, Richard Hilton, and that Wes Fowlks will be the Select Board representative.

Economic Development Committee (White) – updates on the EDC discussion were previously had during this meeting.

MAGIC Representative (Markowitz) –

Ms. Markowitz stated that MAGIC last met on June 8, 2021, to discuss its work plan for next year, including economic development, COVID-19 items, and inclusion.

Water Resources (Barbadoro) – nothing new to report.

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 –

In response to a question from Mr. White, Mr. Corson stated that he is the one to keep the Board informed on upcoming grant opportunities. The Board discussed possible grant opportunities and how to best engage them.

Ms. Markowitz noted that the budget article was approved at Annual Town Meeting, as well as the 5G Bylaw and the Hazardous Materials Bylaw.

The Board discussed the placement of bylaws on the Annual Town Meeting agenda, in regard to timing and controversial versus non-controversial topics.

Mr. Corson stated that he has uploaded the legal notices for the two upcoming hearings to the website, along with all the necessary materials. The minutes have been uploaded to the site as well.

Mr. White moved to adjourn the meeting at 10:51pm. Ms. Lazarow seconded.

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

Unanimously passed.

Meeting Documents:

CONSTRUCTION AND POST-CONSTRUCTION STORMWATER BYLAW

STORMWATER MANAGEMENT RULES AND REGULATIONS draft, 6/7/2021

Draft Meeting Minutes May 3, 2021

Draft Meeting Minutes May 10, 2021

Draft Meeting Minutes May 24, 2021

Draft Meeting Minutes June 7, 2021

Town Planner Job Description, draft 6/15/2021

871 Massachusetts Ave, Site Plan Approval

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

Join Zoom Meeting

<https://us02web.zoom.us/j/89134294732?pwd=cVF5aGVlZWNpaldZV0owM0hWaHdpUT09>

Meeting ID: 891 3429 4732

Passcode: 825185

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