



TOWN OF BOXBOROUGH

Zoning Board of Appeals

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Mark White, *Chair* • Kristin Hilberg, *Clerk* • Mark Barbadoro • Stefano Caprara • Michael Toups •
Shawn McCormack, *Alternate* • Than Stuntz, *Alternate*

APPROVED ON: September 13, 2022

Meeting Minutes

July 5, 2022

7:30 PM

Remote Meeting

Members Present: Mark White (Chair), Mark Barbadoro, Kristin Hilberg, Michael Toups, Shawn McCormack (Alternate)

Also Present: Tracy Murphy (Town Planner)

Mr. White outlined the meeting process and opened the meeting at 7:30pm.

Review Correspondence – None at this time.

Annual Reorganization –

Mr. Toups moved to nominate Mark White as Chair of the Zoning Board of Appeals. Seconded by Mr. Barbadoro.

Roll call: Shawn McCormack - aye, Kristin Hilberg - aye, Michael Toups - aye, Mark Barbadoro - aye, and Mark White –aye. 5-0-0, motion carried.

The Board discussed 179 Burroughs Road. Ms. Murphy reviewed the draft decision. Mr. McCormack stated that he believes there should be a line stating that “the Board finds that the proposed alteration will not have negative impacts to the Town or neighborhood that outweigh the benefits.”

Mr. McCormack moved to adopt the decision proposed by the Planning Department as the decision by the Board. Seconded by Mr. Barbadoro.

Roll call: Shawn McCormack - aye, Kristin Hilberg - aye, Michael Toups - aye, Mark Barbadoro - aye, and Mark White –aye. 5-0-0, motion carried.

235 Summer Road Special Permit Hearing Continuation

Mr. White read the legal notice to open the special permit hearing.

Daryl Gresham, American Tower, explained that all of the houses surrounding the proposed generator site are at least 100’ away and there are trees that act as screening in-between the properties. The existing propane tank on the property is owned by Verizon for their own generator, which Verizon is not willing to share the use of. The proposed tank to be used by

American Tower is 300 gallons. The generator specs note the protections in place for the fuel tank.

Mr. White stated that he would like language included regarding that local authorities will be advised if there is a leak on this property.

Mr. Barbadoro stated that this appears to be a huge generator. He asked if it could potentially be made smaller to use less fuel. He is concerned with leakage into the Aquifer Protection District. Mr. Gresham stated that this is the generator always used by American Tower. Anyone else using the compound would be able to tie into this generator.

Mr. Barbadoro noted that his other concern is finding a time to test the generator that works for nearby abutters.

In response to a question from Mr. Barbadoro, Mr. Gresham explained that the main tank is a double-bellied tank. If the primary part spills, it moved into the secondary part so no diesel fuel will hit the ground. The monitoring system immediately alerts the company as to a leak.

Mr. Toups stated that he believes most of the accidents occur during fueling of the tank.

Mr. White stated that he would like the plan to be signed off on by the Board of Health Agent. Conditions can then be added regarding appropriate hours of testing for the system, such as Wednesday from 10am to 2pm.

Mr. Barbadoro moved to continue the 235 Summer Road Special Permit hearing to July 19, 2022, 7:40pm. Seconded by Mr. Toups.

Roll call: Shawn McCormack - aye, Kristin Hilberg - aye, Michael Toups - aye, Mark Barbadoro - aye, and Mark White –aye. 5-0-0, motion carried.

650 Massachusetts Avenue Special Permit Hearing Signage

Mr. White read the legal notice and opened the Special Permit hearing.

Mr. White explained that there are multiple uses on the property, including a change of use. The applicant installed the sign on the property prior to receiving a permit. The Planning Board is concerned with a number of issues on the property. It is yet unclear if the second use is an accessory one.

Ms. Murphy stated that the Building Official visited the site today and found that there are several business being run out of the building in the back. This is considered an accessory structure to the main dog spa. There are two primary uses occurring on the property at this time. The Building Official will contact the owner to get the whole story. The Planning Board is also concerned that the front portion of the building needs a site plan review. The Board of Health has concerns regarding the septic system load for the existing uses. A sign has already been installed on the property; thus, this is an after the fact application. She suggested that the Zoning Board continue this application at this time, due to the number of other issues on site.

Mr. McCormack explained that the sign bylaw states that a use which requires site plan review leaves the authority on signs to the Planning Board. All other sign items are handled by the Zoning Enforcement Officer. He asked what the Zoning Board's role is in this item.

Ms. Murphy stated that there was a letter sent to the applicant in January regarding a special permit being needed for the sign. In the meantime, other issues have arisen with the property. The application to come before the Zoning Board was premature but was initiated prior to other issues arising.

Mr. McCormack stated that he believes the enforcement process should play out through the Planning Board and Enforcement Officer.

Mr. Barbadoro stated that Section 6307, Item 5 notes that one freestanding ground sign may be permitted by the Zoning Board.

Ms. Hilberg stated that she believes the Town has the power to help guide the applicant through the process.

Mr. Barbadoro stated that he believes the business occurring in the back is a business of the property owner. He suggested continuing this hearing to allow the applicant to come speak to the proposal.

Mr. McCormack moved to continue the 650 Massachusetts Avenue Special Permit hearing to August 2, 2022, 7:30pm. Seconded by Mr. Barbadoro.

Roll call: Shawn McCormack - aye, Kristin Hilberg - aye, Michael Toups - aye, Mark Barbadoro - aye, and Mark White - aye. 5-0-0, motion carried.

Minutes – None at this time

New Business – None at this time

Next Meeting: July 19, 2022; August 2, 2022; August 16, 2022

Mr. Barbadoro moved to adjourn the meeting at 8:48pm. Seconded by Mr. McCormack.

Roll call: Shawn McCormack - aye, Kristin Hilberg - aye, Michael Toups - aye, Mark Barbadoro - aye, and Mark White - aye. 5-0-0, motion carried.

Respectfully submitted,
Kristan Patenaude

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Join Zoom Meeting

<https://us02web.zoom.us/j/83466625805?pwd=PrUR4jyWQOhaQOm7VGsRZDjIXnpzkW.1>

Meeting ID: 834 6662 5805

Passcode: 698405

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