



TOWN OF BOXBOROUGH

Planning Board

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

APPROVED ON October 14, 2021

Meeting Minutes September 20, 2021 7:00 PM Remote Meeting

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

Also Present: Simon Corson (Town Planner), Sue Carter (PLACES Associates), members of applicant teams, Adam Costa, Town special land use counsel.

Mr. Barbadoro called the meeting to order at 7:00 PM.

Public Comment – none at this time.

The Board conducted other business until the time of the first scheduled public hearing, 7:15pm.

Administrative Business

Meeting Minutes

Ms. Lazarow moved to approve the meeting minutes of August 30, 2021, as amended. Seconded by Ms. Verner.

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

Correspondence and New Business (if any) – none

Town Center/Enclave Project

Sue Carter, PLACES Associates, consulting town engineer, stated that she has driven by the site a couple of times to keep an eye on erosion. She noted that the sales sign site distance issue is still questionable, and that Dillis & Roy have noted that it is impeding the view. There has been a line painted that the sign should be moved back to. She went out Thursday to inventory any dead plant materials and will work with the landscaper to get proper replacements.

In response to a question from Ms. Markowitz regarding the Birons' request for an elevation measure, Mr. Corson stated that he does not yet have an update on this item.

In response to a question from Ms. Verner, Ms. Carter stated that she will wait to hear from the landscaper regarding plants of a comparable size and species and we'll keep the Board updated on the ability to source plant materials for the site.

Mr. Barbadoro took a roll call of Board members present at the meeting. Ms. Verner, Ms. Lazarow, Mr. White, Ms. Markowitz, and Mr. Barbadoro all present.

Zoning Bylaw Recodification, Town Planner September 16, 2021 Memorandum

Mr. Corson stated that the 2021 draft bylaw has been received. It will now be checked make sure it matches what was approved at Annual Town Meeting and it will be presented on the Town website once prepared.

In response to a question from Ms. Markowitz, Mr. Corson stated that the Barrett Planning Group will be preparing this document. This is not part of the current contract with the Barrett Planning Group, but it is being completed at no additional cost to the Town.

The group discussed the process of reviewing the bylaw and highlighting any proposed changes to be discussed at an October meeting.

7:15 PM Priest Lane - *continued from July 19, 2021, August 9, 2021, and from August 30, 2021*

Owner/Applicant: Boxborough Town Center LLC

Definitive Subdivision Plan Application

Mr. Barbadoro opened the public hearing and read the legal notice.

Greg Roy, Dillis & Roy, and Ryan Vickers, E.I.T, joined the Board, representing the applicant. Mr. Roy explained that the revised plans have been submitted to the Board.

Ryan Vickers reviewed the changes to the plans. He noted that the front plan sheet has been updated with all requested waivers. The previously requested waiver regarding access from a private way has been removed. The location of the proposed drainage basins within the subdivision has been included on the plans. An existing 20' trail easement adjacent to the site is also now shown on the plan.

Mr. Roy stated that the trail easement runs around the lots. The applicant is not interested in providing a trail easement on these lots for public use, but it is referenced on the plan as part of public record.

Mr. Vickers stated that a line of tree clearing is shown on the plan now, as well as a tree preservation area. Tree protection notes have also been added to the plan. An area that has been cleared behind the detention basin and used for stock piling for the Enclave project has been identified. The intent of the plan is to preserve trees on site and only clear what is needed for the houses, driveway, septic system, and wells. The area to the back has been used for the Enclave project and is owned by Boxborough Center, LLC. Ledge removal notes have been added to the plan and remediation notes for the infiltration basin have been added as well. Updated stormwater management information has been submitted and the waiver request letter has been updated.

In response to a question from Ms. Markowitz, Ms. Carter stated that she is satisfied with the drainage calculations that have been submitted.

The group discussed the existing trail easement that runs through the Priest Lane subdivision. Mr. Roy stated that he did not pull deeds for each lot in this area to see if the easement is referenced. If these deeds had the encumbrances listed within them when they were conveyed, then the easements are likely legitimate. All deeds would need to refer to this easement and the Town would have needed to formally accept it. He noted that this easement does not really have anything to do with this project because the applicant is not interested in pursuing it, but it is shown on the plan for public record.

Mr. Roy explained that the applicant proposed 100 units on the Enclave site four years ago with three points of access: Priest Lane, Massachusetts Ave, and Sheriff's Meadow. Through the process and appeal of the decision, a settlement was made with the Town to reduce the number of units from 100 to 50, with only one access point, and also allowing for the ability to pursue two residential units off Priest Lane in the future. It is the applicant's opinion that this was a significant reduction in the scope of this project.

In response to a question from Mr. Barbadoro, Mr. Roy stated that a fully compliant subdivision road could be built in this area, but the applicant is trying to keep with a residential look and feel.

Ms. Verner asked about the restoration plan for a certain portion of the property. Ms. Carter noted that this is listed in the draft decision. This area on site currently looks like a commercial area and not residential, thus it is suggested that it be restored, and iron pins set at the lot corners to delineate between the two proposed lots and the Enclave site. Mr. Roy stated that the applicant intends, once the piles and staging are gone, to restore the area with loam and seed. It will not be left as bare soil.

Mr. Roy stated that tree clearing is being confined to the Residential District area of the site. Septic designs have also been submitted to the Board of Health. There is a drainage basin easement for the Enclave project on site. It is being proposed that a separate parcel be created for this area and then conveyed to the Enclave project. This area will be subject to the stormwater O&M Plan for the Enclave project. Ms. Carter noted that this basin area was originally grass and so a restoration plan has been suggested. Mr. Roy stated that he has not yet run drainage calculations for this area being lawn versus wooded, but he has a hard time believing that this change would place the basin out of compliance.

In response to a question from Ms. Verner, Mr. Roy stated that there will be approximately one acre of land cleared within both of the two parcels as part of this project.

The Board discussed if the applicant has satisfied the ordinance requirement for a benefit to the Town from the proposal. The Board agreed to review the draft decision while keeping the public hearing open. The Board reviewed the waiver decisions.

Mr. White moved to approve waiver #1, as amended. Ms. Lazarow seconded.

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

In regard to waiver #2, Mr. Roy stated that the applicant does not wish to upgrade to granite curbing for the island on site. There is access to the site for larger vehicles using the proposed T turnaround.

Mr. Corson stated that the Fire Department has noted it's preference for sloped granite curbing on site.

Mr. White stated his confusion at the fact that this cul-de-sac was previously approved by the Town and that this has not been an issue before now. Mr. Roy agreed that there is a straight shot for emergency vehicles to access the lots to the right of the cul-de-sac into the new driveway.

Mr. Corson and stated that there have been no comments about this item made by the DPW Director.

Mr. White moved to approve waiver #2, as amended. Ms. Lazarow seconded.

The group discussed options other than granite for this area.

Mr. White withdrew his previous motion.

The group agreed to come back to waiver #2 and began to discuss waiver #3.

Ms. Carter noted that when the as built is completed, she typically asks the developer to document any conditions of the permit, including a limit of clearing. Ms. Verner stated that the existing plant material on site is not documented and should be prior to demolition.

In regard to the granite curbing, Mr. White stated that a full subdivision roadway to these two lots would not be a benefit to the town, neighbors, or residents of these two houses.

It was noted that the Fire Department wants sloped granite curbing in the area for safety reasons.

Ms. Markowitz moved to approve and amend waiver #2 to include reference to the applicant being required to replace the proposed vertical curbing with sloped granite curbing in the cul-de-sac island; to keep the mention that “this condition is considered a clear and compelling benefit to the Town for granting a greater length;” and to delete reference to the trail easement. Ms. Lazarow seconded.

Roll call: Barbadoro – aye; Lazarow – aye; Verner – nay; White – nay; and Markowitz – aye. 3-2-0; motion passed.

Mr. White moved to approve waiver #3, as amended. Ms. Markowitz seconded.

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

Mr. White moved to approve waiver #4, as amended. Ms. Lazarow seconded.

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

Mr. White moved to approve waiver #5, as amended. Ms. Markowitz seconded.

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

Ms. Markowitz moved to approve waiver #6, as amended. Ms. Verner seconded.

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

In regard to waiver #7, Mr. Roy stated that he did not provide the Board with a document regarding an environmental and traffic analysis. The Board could make a finding that the documents that were provided adequately address this item and can act as a substitute for a formal report or could make a finding that this waiver is not required.

Mr. White moved to deny waiver #7 on the basis that sufficient documentation was submitted to address waiver #7, and that a finding be added to that effect. Ms. Lazarow seconded.

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

In regard to waiver #8, Ms. Markowitz asked about details for the renovation plan. Ms. Carter suggested that, for aesthetic purposes, stone walls could be built near the entrance of the property with small plantings.

Mr. Roy explained that the applicant is requesting to not have to hire a landscape architect, due to an additional waiver for street trees. If plantings are needed in front of the site, some will be added, but the applicant is requesting not to be made to hire a landscape architect due to the scale of the project.

Ms. Markowitz moved to approve waiver #8, as amended. Mr. White seconded.

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

Mr. White moved to approve waiver #9, as written. Ms. Markowitz seconded.

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

Mr. White moved to approve waiver #10, as written. Ms. Lazarow seconded.

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

Mr. White moved to approve waiver #11, as written. Ms. Markowitz seconded.

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

Ms. Markowitz moved to approve waiver #13, as amended. Mr. White seconded.

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

Mr. White moved to approve waiver #12, as amended. Ms. Lazarow seconded.

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

Ms. Markowitz moved to approve waiver #14, as amended. Mr. White seconded.

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

Ms. Markowitz moved to approve waiver #15, as amended. Ms. Lazarow seconded.

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

Mr. White moved to approve waiver #16, as amended. Ms. Lazarow seconded.

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

The Board discussed the proposed conditions.

Ms. Carter suggested some type of a vegetated screening area between the active construction site and nearby residential houses. Mr. Roy suggested boulders for the screening. These lots could be under construction for quite some time before they are conveyed.

Mr. Roy requested that the requirement to wait one winter before completing paving the road, as it is a private way, be removed. Ms. Carter stated that this is a standard condition for a subdivision road in case anything settles over time. Mr. Barbadoro noted that, as this is more similar to a residential driveway, he is okay with removing this requirement. Ms. Carter requested that the pavement finishing not be installed until the lot construction is substantially complete.

In response to a question from Mr. Roy, Ms. Verner stated that she would like the front area surveyed for existing trees in the space where landscape plans are proposed to be waived. She would like anything over 6” to be documented and preserved along the street.

The Board noted the time and discussed continuing the additional items on its agenda.

The Board discussed the Arranta Bio application. Ms. Markowitz stated that she hopes to convene a working group to discuss the draft Arranta Bio decision before the Board next meets

to discuss the application. Mr. Corson and stated that he thought the Board agreed this was not the method it wanted to use.

Ms. Lazarow moved to continue 1414 Massachusetts Avenue to October 14, 2021, at 7:15pm. Ms. Verner seconded.

Mr. White suggested that all Board members send their comments on the draft decision to Mr. Corson for him to synthesize into a current draft for the Board to review on October 14th.

Mr. Costa explained that in trying to compile comments from Board members, he and Mr. Corson came up with an unwieldy decision for Vibalogics with comments scattered throughout. He suggested that Mr. Corson take any additional comments and compile them by topic in a separate document that could then be referred to during the Board's next public hearing on this topic. It was agreed that comments will be sent to Mr. Corson by October 7th, and a package issued to the Board by October 12th for the meeting on October 14th.

The Board noted that it was still in the previous public hearing for the Priest Lane subdivision. The prior motion was not voted on, as the Board first needed to exit the existing public hearing.

Ms. Lazarow moved to continue the Priest Lane hearing until 11:15pm this evening. Mr. White seconded.

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

7:30 PM – 615 Depot Road

Owner/Applicant: Roger Kanniard, R.D. Kanniard Homes, Inc. Scenic Road Permit and Stone Wall Alteration

Mr. Barbadoro read and opened the public hearing for 615 Depot Road.

Ms. Verner moved to continue the Depot Road hearing until October 25, 2021, at 7:15pm. Mr. White seconded.

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

7:45 PM – 1414 Massachusetts Avenue continued from July 19, 2021, August 9, 2021 and from August 30, 2021

Owner: LPCH Boxborough

Applicant: Arranta Bio

Site Plan Approval Application

Mr. Barbadoro recused himself from this hearing. Ms. Markowitz stepped in to Chair this item.

Ms. Markowitz read and opened the public hearing 1414 Massachusetts Ave.

Ms. Verner moved to continue the 1414 Massachusetts Avenue hearing to October 14, 2021, at 7:15pm. Mr. White seconded.

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

Mr. Barbadoro retook his seat as Chair.

Administrative Business

Enclave Project Bond, Condition 43c. of the August 19, 2019 Approval Decision

Mr. Corson noted that the Enclave bond issue is a time sensitive one for the owner. He stated that the performance bond was reviewed by the Board with Ms. Carter months ago.

Mr. Costa stated that the proposed performance bond received through the applicant's counsel is fairly straightforward and substantially the same when compared to others.

Ms. Carter stated that she has reviewed the Excel spreadsheet, which is the basis for the bond and agrees with the numbers presented. This will allow her to give the applicant credit for a partial bond release in the future. While the spreadsheet only details these costs, the specific work will be detailed in the plan and specifications.

Mr. White moved to approve the performance bond form for the Enclave project. Ms. Lazarow seconded.

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

Mr. Barbadoro reopened the definitive subdivision plan public hearing for Priest Lane.

The Board continued to discuss all proposed conditions.

Mr. White moved to approve the proposed conditions, as amended. Ms. Lazarow seconded.

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

Mr. White moved to reconsider closing the public hearing. Ms. Markowitz seconded.

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

Ms. Verner moved to close the public hearing. Mr. White seconded.

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

Mr. White moved to approve the subdivision application for Priest Lane. Ms. Verner seconded.

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

Mr. White moved to adjourn the meeting at 12:03am. Ms. Lazarow seconded.

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

Unanimously passed.

Meeting Documents:

LEGAL NOTICE OF PUBLIC HEARING, Town of Boxborough Planning Board – Definitive Subdivision Plan Application, Priest Lane

Draft DECISION AND CERTIFICATE OF CONDITIONAL APPROVAL PRIEST LANE EXTENTION DEFINITIVE SUBDIVISION PLAN

LEGAL NOTICE OF PUBLIC HEARING Town of Boxborough Planning Board – Scenic Road Permit, Public Shade Tree Removal, & Stone Wall Alteration Application, 615 Depot Road

Memo from STAMSKI AND MCNARY, INC., re: Scenic Road Application 615 Depot Road Map 10 Parcel 012, August 3, 2021

Scenic Road Permit Application, 615 Depot Road

Staff Report – Scenic Road Permit & Stone Wall Alteration, 615 Dept Road, September 16, 2021

Draft DECISION AND CERTIFICATE OF CONDITIONAL APPROVAL ARRANTA BIO MA2, LLC. SITE PLAN APPROVAL 1414 & 1320 Massachusetts Avenue; 244A & 244B Adams Place, 984, 984A, 984B, 984C, 1451, 1497 & 1634 Hazard Lane; and 328 & 1451 Rear Hazard Lane

Draft Meeting Minutes August 30, 2021

PERFORMANCE BOND, Enclave Project

Memo from Carter Terenzini, re: Schedule for 2022 Annual Town Meeting Zoning Bylaw Amendments

Memo from Barrett Planning Group, re: Boxborough Planning Department Zoning Diagnostic December 10, 2020

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

Join Zoom Meeting

<https://us02web.zoom.us/j/85291988701?pwd=NUczTE9xT1c2aWxWaUZrWWRxS3cxQT09>

Meeting ID: 852 9198 8701

Passcode: 402702

One tap mobile

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