



## TOWN OF BOXBOROUGH

### Planning Board

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

APPROVED ON November 9, 2021

### Meeting Minutes

October 25, 2021

7:00 PM

### Remote Meeting

**Members Present:** Mark Barbadoro (Chair), Cindy Markowitz (Clerk) [7:04pm], Mark White, Rebecca Verner, and Robin Lazarow

**Also Present:** Simon Corson (Town Planner); Sue Carter (PLACES Associates); Sonali Bhatia (Council on Aging).

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

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

**Public Comment** – none at this time.

### Administrative Business

#### Meeting Minutes

*Ms. Markowitz entered the meeting at 7:04pm.*

Ms. Verner moved to approve the meeting minutes of October 14, 2021, as amended. Seconded by Ms. Lazarow.

Roll call: Barbadoro – aye; White – aye; Lazarow – aye; Verner – aye; and Markowitz – aye. 5-0-0; motion passed unanimously.

### Correspondence and New Business (if any)

Mr. Corson noted that Sonali Bhatia was in attendance as a liaison to the Council on Aging.

### Town Center/Enclave Project

Mr. Corson stated that he would like to wait on this item until Ms. Carter joins the meeting.

### American Rescue Plan Act (ARPA) projects

Mr. Barbadoro noted that Town Council eliminated some of the Planning Board's proposed projects for ARPA funding due to procedural reasons, including digitizing some Town records to allow them to be emailable, certain projects proposed for Town Center, and a Master Plan for the school's area. He explained that the aquifer study and business grant project proposals were accepted.

In response to a question from Mr. White, Mr. Barbadoro stated that he was proposing the digitizing project as a possibility for these COVID-19 funds as a way to minimize interactions between the public and Town staff.

The Board discussed that some of these projects may be able to be advanced through CPC funding.

**7:15 PM – 615 Depot Road – *Continued from September 20, 2021***

**Owner/Applicant: Roger Kanniard, R.D. Kanniard Homes, Inc.**

**Scenic Road Permit and Stone Wall Alteration**

Mr. Barbadoro read the legal notice.

Nathanial Cataldo of Stamski and McNary explained that this proposal is to remove 21 linear feet of stone wall that acts as a boundary between the 615 Depot Road lot and the right of way. The purpose of this project is to create driveway access for a 12' wide driveway, for a construction entrance to create a single-family house, and for emergency vehicle access. While the Fire Captain mentioned preferring a larger opening, Mr. Cataldo stated that he believes 21 linear feet is appropriate for a minimum width. There are no public shade trees located in the right of way. This proposal has previously received approval from the Conservation Commission and PLACES Associates. PLACES Associates commented regarding erosion control during construction.

Sue Carter, PLACES Associates, noted that the erosion control notes suggested heavy duty controls if there are any flood warnings in the area, to keep erosion controls in place.

In response to a question from Ms. Carter, Mr. Cataldo stated that the Fire Chief recommended a width of 24 linear feet to better accommodate larger emergency vehicle. Ms. Carter noted that if there are snowbanks on this site, it will be more difficult for emergency trucks to turn into the site. There is not a lot of flexibility for this access area.

In response to a question from Mr. Barbadoro, Mr. Cataldo stated that this client also owns the lot next door but that not much can be done on that site, due to wetlands.

In response to a question from Mr. White, Mr. Cataldo stated that the entrance to the driveway is shown as being 22' wide due to the apron connecting to the street, but 21 linear feet of stone wall is proposed to be removed.

Ms. Carter again mentioned snowbanks and that a chimney fire would likely take place in the winter. She might suggest a wider opening but will cede to the Fire Chief's recommendation.

Ms. Verner noted that a nearby lot, 621 Depot Road, has a driveway only 16' wide, with stone walls flanking both sides of the driveway. She has concerns with making this driveway access wider due to construction purposes, as neighboring driveways are narrower and must function for emergency access.

Mr. Cataldo noted that existing driveways are generally undersized. The Fire Chief recommended to him that all driveways be at least 20' wide.

In response to a question from Ms. Verner regarding what will be done with the removed stones, Mr. Cataldo stated that he believes these will be used to demarcate the wetlands on site; otherwise, the stones will be removed from the site.

In response to a question from Mr. Barbadoro, Mr. Cataldo stated that the width of the paving on Depot Road is approximately 23'.

Ms. Verner noted that many of the nearby properties have smaller driveway access widths. Mr. Cataldo again stated that the Fire Captain said the 21' proposed would be the absolute minimum width he would recommend. This area has a difficult turning radius.

In response to a question from Ms. Lazarow, Mr. Cataldo stated that, while he does not have the dimensions for a Boxborough fire truck to use in the modeling, he believes the Acton fire truck dimensions used are probably similar.

There was no public comment at this time.

Ms. Markowitz stated that she believes the Town will continue to lose more stone walls to larger fire trucks. She questioned if the Town would do anything to mitigate this loss, such as a stone wall fund contribution.

Ms. Lazarow stated that she would like to see the removed stones remain on the property.

Mr. White suggested that the Town could encourage the Fire Department to purchase smaller fire trucks. Europe has narrower roads and smaller trucks to accommodate this, and these seem to function appropriately.

Ms. Carter suggested that the removed stones be used to create a stone wall of an equivalent length running up the side of the driveway. Ms. Verner stated that she would rather see the removed stones worked into the existing stone walls located on the property.

Ms. Lazarow moved to close the public hearing. Seconded by Mr. White.

Roll call: Barbadoro – aye; White – aye; Lazarow – aye; Verner – aye; and Markowitz – aye. 5-0-0; motion passed unanimously.

Mr. White noted that the width of the road and topography of the lot seem to impact the geometry of the access road. He has a concern about making the access road too small for safe access, especially if this is what was recommended by the Fire Chief.

Ms. Markowitz suggested that the Fire Chief come to a future Board meeting to speak on this topic.

Mr. Corson noted that the Staff Report recommends a number of conditions, including that the removed stones be reincorporated into the existing stone walls on the property.

Ms. Lazarow moved to approve the application subject to the conditions in the Staff Report. Seconded by Mr. White.

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

### **Administrative Business**

#### **Town Center/Enclave Project – Consulting Engineer’s letter about Basin Remediation**

Ms. Carter stated that the letter deals with remediation for two big basins on the property. One is located near the clubhouse and the owner has proposed putting down sod and waiting until the spring for further remediation. The other basin needs to be cleared out and a nearby stone dust pile needs to be moved. When she checked last week, the pile was being moved. Once this occurs, the basin will be cleaned out. If the first basin is not remediated this year, she will check to make sure it is pumped out so there is always capacity left.

In response to a question from Ms. Markowitz regarding this being a condition of site plan approval, Ms. Carter noted that this was originally reviewed in July due to overflow into Sherriff’s Meadow. This is all being documented on the SWPPP and through the Conservation Commission.

In response to a question from Ms. Markowitz regarding the sign and sight distance on the property, Ms. Carter stated that she has informed the Building Department of this issue.

Ms. Markowitz noted that a request was made approximately four weeks ago for the Board to check on the grades of the foundation, as they may be higher than proposed on the as built. Ms. Carter noted that foundation as built do not typically include elevations. These are set by the road and driveway grades. The buildings on this site will be large, but until they are constructed it’s hard to say exactly how tall they will be.

Mr. Corson stated that he is hoping to have Interim Town Administrator Carter Terenzini speak to the Board regarding the shortages and challenges currently facing the Building Department.

In response to a question from Ms. Markowitz, Ms. Carter explained that the dead/dying plant material was replaced on the site approximately one month ago. She will check on the site again soon for landscaping.

In response to a question from Ms. Markowitz, Mr. Corson stated that the first certificate of occupancy has already been issued. He has put together a packet that can be circulated by the Building Inspector with all associated conditions highlighted to be validated. There is also a sheet to be signed by various Town departments for those items that are applicable to them to be validated.

**8:15 PM Barrett Planning Group – Zoning Bylaw Recodification Project – Tyler Maren**

Tyler Maren made a presentation to the Board regarding the recodification process.

Mr. Corson noted that he would like to set a deadline of October 30, 2021, for Board comments. The Board will receive a first draft of the recodification before its meeting on December 8, 2021, for discussion at that meeting.

**Administrative Business**

**Vibalogics Update**

Ms. Markowitz noted that the Board of Health had a meeting with Vibalogics and is looking for more specifics on their application. The Planning Board will be notified when an application has been filed. She noted that she believes the amount of square footage represented on the application is a greater amount than what was approved during the site plan application. She also noted that the application contains a temporary access road of lab modules that was not part of the original site plan application. She stated that Jack Geissert has been identified as the citizen rep to sit on the Biosafety Committee.

**MGL Chapter 148 Sections 26h and 26i**

Mr. Barbadoro explained that Section 26h would allow the Fire Chief to order sprinklers to be installed in lodgings with 6+ unrelated people dwelling in them. Section 26i would require any apartment building with 4+ units in it to be sprinkled if built new, or to retrofit an older building if installing the sprinklers would be as expensive, but not more so, as installing them in a new building. He explained that these local provisions can be adopted through a general bylaw change, or through a citizen's petition. He asked if the Board would be willing to take up these causes and recommend that the Select Board bring it forward.

In response to a question from Ms. Lazarow regarding non-compliance and cost as a consideration, Mr. Barbadoro explained that the consequence for non-compliance, if these items were adopted, could be jail time. He explained that cost is not a consideration for these items, except in the case of Section 26i, if it is more expensive to retrofit a building than it would be to sprinkle a new building, it will not be ordered.

Mr. White noted that some of the only affordable housing in Boxborough is in the apartment buildings. He believes it would not be an insignificant cost to retrofit some of these buildings and that there are probably other options to look into.

Mr. Barbadoro noted that this is an equal protection issue. Those with enough money are able to live in new, sprinkled apartment buildings, while those without as much money live in apartment buildings that are older and not sprinkled.

Ms. Markowitz noted that in 1984 the Town adopted Section 26c, that apartment buildings of a certain size must have smoke detectors installed. This is a similar provision in the bylaws as to what's being proposed.

Mr. White noted that he believes, if landlords have to pay for this retrofitting, they will up the rent, and people in Town will need to move to nearby towns to be able to afford rent.

Ms. Markowitz noted that the process for this would be that the Planning Board would recommend these to the Select Board for local adoption as general bylaw provisions, or they could be brought through a citizen's petition. There would be public hearings through the Select Board process.

Mr. Barbadoro noted that the Fire Chief supported these proposals.

Ms. Markowitz and Ms. Verner agreed to support recommending these to the Select Board, as a way to hear more from the public. It was noted that Mr. Barbadoro would invite the Fire Chief to come speak to the Board at a future date on these items.

### **Zoom Webinar Format**

Mr. Barbadoro noted that he was okay with switching to the Zoom Webinar format, as is being used by the Select Board for their meetings.

Mr. White stated that he believes these meetings are not just the Board's meetings, but the Town's meetings. He does not like that the Webinar format does not allow people to see who else is in the meeting.

Ms. Verner agreed. She believes the Town's people attending the meeting need to be represented to each other. She stated that the Planning Board has only had one "zoom-bombing" issue to date, and it was quickly remedied.

Ms. Lazarow also agreed that she likes the current format.

Ms. Markowitz also agreed that she likes the current format.

In response to a question from Mr. White, Mr. Corson explained that the current format has people entering a waiting room where he tries to ascertain who they are and if it is appropriate for them to enter the meeting. Mr. Corson noted that the Webinar format was proposed as a way to get hatred and racism out of these community meetings. It was noted that there is a "panic button" on the current format that allow all members of the meeting to be immediately placed into a waiting room until the "zoom bomber" can be removed.

It was agreed that the Planning Board will stick with the current Zoom format for now.

### **Committee Reports:**

Ms. Verner stated that she reviewed some of the solar bylaw items with the Sustainability Committee. Discussions on this will proceed.

**Building Committee:** Ms. Lazarow stated that the Building Committee plans to ask Assistant Town Administrator Rajon Hudson if some of the remaining funds allocated to the group can be

used for an outside consultant's opinion. The Committee may come to Annual Town Meeting to request design funding but wants to check this item first.

It was noted that this conversation is mainly revolving around the Stow Road property, but alternate sites are still on the table.

**Economic Development Committee:** Mr. White explained that there was a meeting with Jim Fenton regarding his frontage property located on Route 111, on the backside of the Enclave project. Mr. Fenton noted that he may be interested in selling the Town this property. Mr. White stated that the State has cleared the side of the road in this area back to the stone wall. He explained that he recently saw a drawing that depicted a Fire Station on this site that he had not previously seen.

**Planning Board Goals:**

**Master Plan Action Items:** Mr. Corson stated that the deadline for submittal of items for this has passed. He has received response from only a few groups.

Mr. Corson explained that the FY22 Local Hazard Mitigation Planning Pilot Program is being offered without a local match, to keep the Town's Hazard Mitigation Plan up to date. He will need to submit a statement of interest and then will continue a full discussion with the Board. He noted that he is trying to work this item regionally with other communities and groups.

The Board discussed how this fits in with the Municipal Vulnerability Preparedness Plan.

Mr. Corson noted three priority items of interest for this program, including a public water supply on the west side of Town, understand culverts and preparing for large rain events, and mapping requirements for the MS4 permit. He will submit a Statement of Interest for this and supply the Board with more information.

Mr. Barbadoro noted that he cannot discuss much that was said during the recent meeting with Campanelli. The stakeholder's group continues to try to let Campanelli tell them what is wants.

Ms. White moved to adjourn the meeting at 10:01pm. Ms. Lazarow seconded.

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

**Meeting Documents:**

Draft Meeting Minutes October 14, 2021

Memo from PLACES Associates, re: Enclave – Update on Stormwater Basin Remediation, Project No. 5249, October 19, 2021

Memo from PLACES Associates, re: Notice of Intent Review, 595-615 Depot Road, Places Project No. 5499, August 12, 2021

Memo from PLACES Associates, re: Notice of Intent Review, 595-615 Depot Road, Places Project No. 5499, August 30, 2021

Email from John Fallon, re: process, October 6, 2021

Section 26h and Section 26i language

Memo from Massachusetts Emergency Management Agency, re: FY22 Local Hazard Mitigation Planning Pilot Program, October 8, 2021

Memo from Haley Ward, re: Re: Certificate of Conditional Approval |1414 Massachusetts Avenue – Arranta Bio, October 7, 2020

Email correspondence from Bill Litant, re: Council on Aging liaison to the Planning Board

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

Join Zoom Meeting

<https://us02web.zoom.us/j/88013070229?pwd=aTZ6Rk9MOWQvTWZBeldNb0ZwNW1KZz09>

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Passcode: 818612

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