



BOXBOROUGH PLANNING BOARD
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John Markiewicz, Chair Eduardo Pontoriero, Clerk Nancy Fillmore Abby Reip Hongbing Tang

Meeting Minutes
October 17, 2016
7:30 PM
Morse Room, Town Hall, 29 Middle Road

Members Present:

John Markiewicz, Chair
Eduardo Pontoriero, Clerk
Nancy Fillmore, Member
Abby Reip, Member
Adam Duchesneau, Town Planner

Members Absent:

Hongbing Tang, Member

The Chair called the meeting to order at 7:34 PM.

Meeting Minutes of October 3, 2016

Mr. Pontoriero noted he had read the documents he was requested to review at the last Planning Board meeting. After reading the documents, in his opinion, he respectfully disagreed with the Building Inspector's opinion that the parking spaces along Massachusetts Avenue/Route 111 on the property at 1102 Massachusetts were preexisting nonconforming parking spaces. Mr. Markiewicz MADE a MOTION to approve the minutes of October 3, 2016 as amended. Mr. Pontoriero SECONDED the MOTION. All members voted in favor.

1034 & 1102 Massachusetts Avenue (Lawn Barber, Inc.) – Site Plan Approval Application – Applicant Phaneuf RT (Lawn Barber, Inc.) seeks approval to allow the erection of a free standing hoop house structure, relocation of parking spaces, repositioning of landscape and masonry materials and other storage, and other site improvements

At 7:48 PM, Mr. Markiewicz read into the record the continuance letter from Attorney Louis Levine who represents Lawn Barber, Inc. The letter requested a continuance of the matter to the Planning Board's meeting on Monday, November 7, 2016.

Mr. Markiewicz MADE a MOTION to continue the public hearing to November 7, 2016 at 8:15 PM. Ms. Reip SECONDED the MOTION. All members voted in favor.

Correspondence

Mr. Duchesneau indicated the Planning Board had not received any correspondence since their last meeting.

Comments on Zoning Board of Appeals Applications

- Appeal of an Official's Decision – Larry White re 1034 & 1102 Massachusetts Avenue
- Appeal of an Official's Decision – Lawn Barber, Inc. re 1034 & 1102 Massachusetts Avenue
- Appeal of an Official's Decision – Cease & Desist Order at 1034 Massachusetts Avenue
- Special Permit Application – 1034 & 1102 Massachusetts Avenue

The Planning Board determined they wanted to wait to provide any comments on any of the applications until more information had been received and also to allow the Applicant and the abutters additional time to potentially resolve the dispute on their own.

863 Depot Road – Scenic Road Permit and Public Shade Tree Removal Application – Applicant Rita McCarthy seeks to remove a public shade tree along the front property line.

Mr. Markiewicz indicated he would be recusing himself from this application. At 8:00 PM, Ms. Fillmore read the legal notice into the record and opened the public hearing for the application. Applicant Rita McCarthy and her husband, Jerome McCarthy, were present to discuss the application with the Planning Board. Ms. McCarthy noted the tree they are requesting to have removed is a very large, forked tree located in the right-of-way of Depot Road. She stated she felt that if the fork which was hanging over their property were to fall; it would fall onto their house. Ms. McCarthy continued on to state she had contacted a tree removal company and they indicated the tree should either be removed or pruned and cabled. She noted pruning and cabling of the tree to support it and reduce the likelihood of it falling would be an acceptable alternative to her.

Mr. Duchesneau noted the Town would not be held liable if the tree were to fall and damage the McCarthy's house. Mr. McCarthy reiterated there is a strong probability that if the tree were to fall, it would fall onto their house. He added that if the tree did strike the house, it would most likely impact the bedrooms on the second floor. Mr. McCarthy stated their biggest concern was the northern fork of the tree which hanged over their property. Ms. Reip noted the tree certainly contributes to the canopy of Depot Road which is a designated Scenic Road. She continued on to indicate cabling is a tried and true method, and she felt if the tree were cabled it should prevent the tree fork from falling onto the house. Mr. McCarthy noted if an intense storm came along, the tree could become a significant hazard. He felt the tree fork could be cabled and angled to fall to the south away from their house.

Ms. Fillmore clarified that it appeared the only two options were to either remove the tree in its entirety or to prune and cable the tree. Mr. Duchesneau noted there had been discussion of simply removing the northern fork of the tree but the Department of Public Works Director had advised against this because it would most likely jeopardize the integrity of the remainder of the tree and therefore was not a viable option. Ms. Reip asked who had inspected the tree to determine what potential options for the tree were available. Mr. Duchesneau stated the Department of Public Works Director (the Town's Tree Warden), and someone from Acorn Tree and Landscaping, Inc. and New England Tree Masters, both of whom were certified arborists, had inspected the tree.

Ms. McCarthy noted their homeowner's insurance would cover the cost if the tree fork were to fall on their house, however, the insurance company would likely seek to have the Town pay for any damages. She added that New England Tree Masters had been to their property to remove other trees and that is when they recommended the tree along Depot Road at the front of their property be removed. Mr. Pontoriero stated he agreed with the cabling method provided enough could be done to ensure the tree would be stabilized and made safe. If this could not be accomplished through the cabling method, then Mr. Pontoriero recommended the tree be removed. Ms. Reip stated she was in favor of pruning and cabling the tree as a solution. Mr. McCarthy stated it was his understanding that pruning, rods, and cabling would all be involved in the stabilization process.

Mr. Pontoriero indicated he would prefer the tree be saved, provided that the company which is conducting the cabling would attest that, in their opinion, the expected outcome is safe and there would be no risk the tree would fall onto the Applicant's property. Mr. Pontoriero desired the company which would be conducting the work provide something in writing to the Town indicating this. Ms. Reip agreed there needed to be more probability about the proposed cabling solution. Mr. Pontoriero attempted to summarize the Planning Board's sentiment by noting the following: 1) the Board would prefer to save the tree if possible; 2) the Board would approve a pruning and cabling stabilization method for the tree provided the residents are out of harm's way; and 3) the entity which would be conducting this work should submit a written statement indicating they are comfortable with pruning and cabling the tree as a viable solution. The other members of the Planning Board agreed with this statement.

Ms. Reip MADE a MOTION to allow the subject Public Shade Tree to be stabilized through a pruning and cabling method, provided the company which would conduct the work would provide a statement indicating this method is a viable and safe solution the situation. The motion also authorized the Planning Board Chair, the Planning Board Clerk, or the Town Planner to sign the decision on behalf of the Planning Board. Mr. Pontoriero SECONDED the MOTION. All members voted in favor and Mr. Markiewicz recused himself from the vote.

70R Codman Hill Road – Stone Wall Alteration Application – Applicant Luis Gutierrez seeks to expand an existing 8 foot wide opening in the stone wall to an approximately 22 foot wide opening to create a material storage site.

At 8:37 PM, Mr. Markiewicz read the legal notice into the record and opened the public hearing for the application. Applicant Luis Gutierrez was in attendance to discuss the application with the Planning Board. Mr. Gutierrez indicated the 22 foot wide opening in the stone wall would be needed to get the large trucks and trailers onto the property to haul material to and from the site. Mr. Markiewicz noted the Planning Board would prefer the stones which would be moved to create a wider opening be incorporated in the remaining wall. Ms. Reip stated she observed on her site visit that the current opening was wider than 8 feet and was potentially already as wide as 15 feet. Mr. Gutierrez indicated they did make the opening a bit wider than its original state to allow for tractor trailers to access the property.

Ms. Fillmore asked what the intended use of the property would be and Mr. Gutierrez stated the site would be used by his company, New England Tree Masters, as storage space for wood chips, logs, and other materials. Mr. Markiewicz asked if any screening would be provided along

Codman Hill Road. Mr. Gutierrez noted they had not touched the vegetative area approximately 20 feet closest to Codman Hill Road. He added he had lost a lot of existing space on his current property at 871 Massachusetts Avenue due to the number of logs he currently has stored there. Mr. Markiewicz stated he was concerned about the screening of the property along Codman Hill Road. Mr. Pontoriero added the current screening along the roadway seemed to be very minimal. He also suggested that perhaps the stone wall opening could be curved inwards toward the property. Mr. Markiewicz then read the proposed conditions of the Stone Wall Alteration Permit into the record.

Mr. Markiewicz MADE a MOTION to approve the requested alteration to the stone wall to widen the existing opening to 22 feet. Mr. Pontoriero asked if the Planning Board wanted to dictate how the opening in the wall would look. Mr. Duchesneau explained that if the Planning Board desired the stone wall to be curved inward towards the property, the opening would have to be much wider than 22 feet. Ms. Fillmore stated she felt a 42 foot wide apron along Codman Hill Road was a bit too large.

Mr. Markiewicz MADE a MOTION to amend Condition 5.b. to only allow for a 32 foot wide apron along Codman Hill Road. Ms. Reip SECONDED the MOTION. All members voted in favor.

Mr. Markiewicz MADE a MOTION to approve the requested alteration to the stone wall to widen the existing opening to 22 feet, to incorporate the amendment to Condition 5.b., and to authorize the Planning Board Chair, the Planning Board Clerk, or the Town Planner to sign the decision on behalf of the Planning Board. Ms. Reip SECONDED the MOTION. All members voted in favor.

Site Plan Approval Waiver Request for a proposed project at 70R Codman Hill Road (Material Storage Site)

With the assistance of Mr. Duchesneau, Mr. Gutierrez then explained he was also requesting the Planning Board to waive the Site Plan Approval application process to establish a material storage site at the property. Mr. Pontoriero stated he was a bit concerned about this request. Mr. Duchesneau noted he had encouraged the Applicant to apply for a Site Plan Approval waiver and identified the two items which trigger the need for Site Plan Approval. Mr. Markiewicz stated he wanted to understand what the visual impact of the concrete storage bins would be from Codman Hill Road and where the logs would be stored on the site. He was mainly concerned with what people will see at the property from the roadway.

Mr. Markiewicz asked what the size of the concrete storage bins would be and Mr. Gutierrez indicated they would be approximately 100 feet wide, 10-12 feet deep, and 4 feet high. Mr. Markiewicz noted he also had concerns about the hours of operation at the property. Ms. Reip asked how many employees will be working at the site and Mr. Gutierrez stated really just one person would be there to work the front loader as material was dropped off or taken from the property. Ms. Fillmore asked if the material being stored would be the same height as the concrete storage bins and Mr. Gutierrez noted the material piles would be 10-12 feet in height.

Mr. Markiewicz stated he felt the Planning Board would probably be more comfortable having the property go through a formal Site Plan Approval process. Mr. Gutierrez indicated if he was going to be required to go through a formal application process, then he likely seek to pave a large portion of the property as well as erect a building.

Mr. Markiewicz MADE a MOTION to deny the Site Plan Approval waiver request to create a material storage site at 70R Codman Hill Road. Ms. Fillmore SECONDED the MOTION. All members voted in favor.

Discussion Regarding Potential Zoning Bylaw Amendments for 2017 Annual Town Meeting

Mr. Duchesneau informed the Planning Board about the proposed changes to Section 4400 of the Zoning Bylaw which were being proposed by developer Roger Kanniard's engineer. Mr. Markiewicz indicated he did not feel comfortable having these proposed amendments coming from a developer of a particular property. Mr. Markiewicz was also concerned about how these proposed amendments would impact other properties around the town. Mr. Duchesneau noted the Housing Production Plan identifies a need to develop starter homes and senior housing units within the community. Mr. Pontoriero felt the Planning Board should identify and support what Boxborough2030 is calling for in terms of housing development in the community. Mr. Duchesneau informed the Planning Board the Housing Board would like to create a subcommittee or have a Joint Public Meeting with the Planning Board to explore ways in which more starter homes and senior housing units could be created. Mr. Markiewicz stated it would be worth having the conversation with the Housing Board, but his preference was to conduct this conversation as part of a Joint Public Meeting.

Boxborough2030 Implementation – Short Term and On-Going Action Item Responses

Mr. Duchesneau indicated he had reached out again to the Recreation Commission, the Board of Health, the Building Department, and the Public Celebrations & Ceremonies Committee asking them to provide feedback on the short term Action Items for which they are responsible in Boxborough2030. Ms. Reip suggested Mr. Duchesneau contact the chair of each respective board or commission who did not provide a response to get an update on these matters.

With no further business, the meeting was adjourned at 9:32 PM on a MOTION by Mr. Markiewicz, SECONDED by Ms. Reip, with all members voting in favor.

On Behalf of the Boxborough Planning Board:



Eduardo Pontoriero, Clerk