



BOXBOROUGH PLANNING BOARD
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James Faulkner, Chairman Eduardo Pontoriero, Clerk Owen Neville John Markiewicz Nancy Fillmore

Meeting Minutes
October 21, 2013
7:30 p.m.

Members present:

James Faulkner, Chair
Eduardo Pontoriero, Clerk
Owen Neville, Member
Nancy Fillmore, Member
John Markiewicz, Member
Elizabeth Hughes, Town Planner

MapGeo Statistics & Potential Improvements

Ms. Hughes briefly went over the monthly statistics and noted that the web site was getting a fair amount of use. She questioned whether the Board thought it was a good idea to keep the web site going and put into their budget \$1,500 for next year. The Board agreed.

Medical Marijuana Bylaw Discussion

The Town Planner discussed with the Board the various bylaw examples from other communities and asked in which direction the Board wanted to proceed. The Board determined they did not feel it was appropriate for them to recreate the Massachusetts Department of Public Health's regulations as part of a bylaw and a simpler approach would be better. Mr. Markiewicz felt that it was important for the use to be by Special Permit, which allows for notification of abutters and reasonable conditions, such as hours of operation. The Board agreed. The Town Planner will draft a bylaw for discussion at the next meeting.

Emanuel Woods Definitive Subdivision Plan Public Hearing

The Chair opened the public hearing at 7:45 pm. Mr. Pontoriero informed the Board that the applicant for the project, Roger Kanniard, was the builder that built his house, but that the house was completed and he did not have any further dealings with Mr. Kanniard nor did he have any remaining financial obligations. The remaining Board members did not have any issues with Mr. Pontoriero participating in the public hearing.

Simon Bunyard with the Boxborough Conservation Trust (BCT) gave an overview of the history of how the BCT acquired the property and how the project got designed. He noted that the design tried to balance preserving as much land as possible, but without diminishing the value of the development. Mr. Bunyard informed the Board that Roger Kanniard came forward with a proposal that is consistent with the Preliminary Plan, but that will still leave the BCT with a \$150,000 shortfall. He added that the BCT could look at one additional lot off Depot Road, but that they would first see if any of the abutters wished to make their lots larger as a way to make

up the shortfall. Mr. Bunyard stated that the BCT is committed to protecting 70% of the property or approximately 24 acres.

Tom Bieber, 151 Emanuel Drive asked if the project has been reviewed by the Conservation Commission. Mr. Bunyard replied that the Conservation Commission has approved the location of the wetland boundary and the project will stay outside of the 100-foot buffer so there will be no further review by the Commission. Mr. Bunyard asked the project engineer to come forward and go over additional details. Rob Oliva with David E. Ross Associates, Inc. gave an overview of the project and the plans.

The Board proceeded to go through each of the waivers identified in the Town Planner's report.

Section III.C.3.3 requires the submission of a traffic evaluation with the Definitive Plan. The Chair pointed out there was no change from the Preliminary Plan and the project was still only four lots. The Board agreed granting this waiver was appropriate.

Section III.C.4 requires the submission of a landscape plan prepared by a registered landscape architect. The Town Planner pointed out that the applicant still has to prepare a landscape plan, especially for certain areas where additional screening may be appropriate, but that she did not feel the plan had to be prepared by a registered landscape architect. The Board agreed granting this waiver was appropriate.

Section IV.A.2 requires the design of the road to be in conformance with Table 1; Roadway Design Standards. The Town Planner commented that granting this waiver allows the private roadway to be built to the common driveway standards instead of being 22 feet wide with another full standard cul-de-sac at the end, thus allowing for a greater preservation of existing vegetation. The Board agreed granting this waiver was appropriate.

Mr. Bieber questioned who will maintain the roadway. Ms. Hughes clarified that it was the intention of the developer to have the new compliant cul-de-sac at the end of Emanuel Drive accepted by Town Meeting as part of the existing public way, but the remaining roadway will remain private and the responsibility of the homeowners.

Ron Parker, 328 Joseph Road questioned the snow plowing of the new cul-de-sac and the private roadway. Ms. Hughes explained that the Town has adopted a provision of Mass General Law that allows the Town to plow private ways and explained that Public Works will be much happier plowing the new compliant cul-de-sac until it is accepted by Town Meeting, but the private roadway portion will be the responsibility of the homeowners.

Section IV.A.13 requires the construction of a cul-de-sac at the terminus of a dead-end roadway. The Chair stated that similar to the previous waiver to the construction standards, not requiring the full cul-de-sac at the end of the private roadway preserved existing landscaping. The Board agreed granting this waiver was appropriate.

Section IV.A.14 limits the length of a dead-end street to 500 feet. The Chair pointed out that the applicant is requesting a waiver to allow the roadway to be 800 feet in length in order to be able to develop four lots outside of wetlands and buffer zone and to maximize the preservation of open space. The Town Planner noted that the 500-foot maximum length is specifically to address public safety and access by emergency vehicles. In this case, she felt that with the construction of the fully compliant cul-de-sac at the end of Emanuel Drive, the situation was an improvement. The Board agreed granting this waiver was appropriate.

Section IV.B.3.7(b) requires a minimum of 2 test holes. The Town Planner stated that the Board had granted this waiver for the Preliminary Plan because the detention basins were less than 500 s.f., but with the Definitive Plan the basins are greater than 1,000 s.f. Ms. Hughes referred to the consulting engineer's comment letter that recommends two test holes be done. The applicant's engineer did not have any issues with this, but requested that the second test hole be allowed to be done during construction. The Board agreed.

Section V.A.3.1 requires a sidewalk on at least one side of the road. The Chair stated that there was no change from the Preliminary Plan to the Definitive Plan that would warrant the construction of a sidewalk and believes that not having a sidewalk further minimizes the removal of vegetation. The Board agreed that granting this waiver was appropriate.

The Town Planner pointed out that the applicant requested an additional waiver for the Definitive Plan from Section III.C.2.20(f) which requires the total area of wetland resource area within the subdivision to be shown. Ms. Hughes explained that it did not appear to be appropriate to have the applicant flag the wetland on the entire 35 acres when only a small portion of the property was to be developed.

Mr. Neville questioned a previous statement made by Mr. Bunyard regarding the potential of creating an additional house lot to make up the budget shortfall and whether the entire property should then be flagged. Mr. Bunyard replied that it was the intention of the BCT to try and make up the shortfall without developing another lot so it seemed unproductive to flag the wetland at this time. The Town Planner added that a wetland flagging is only good for three years and should the BCT move forward to develop another lot, they would be required to flag the wetland at that time. The Board agreed that granting this waiver was appropriate.

The Town Planner informed the Board that the applicant would need one additional waiver to Section IV.A.3 to allow the pavement for the private roadway to be offset from the centerline of the right-of-way. The Board agreed that granting this waiver was appropriate since it allowed for the preservation of the buffer to the east.

The Board reviewed the Preliminary Plan conditions of approval to see if they had been met.

The Board discussed the limit of disturbance for the construction of the road and homes. Mr. Bunyard commented that it was not the intention of the developer or the BCT that the whole area is clear cut and there will be specific areas where no cutting will be allowed.

Larry Shade, 296 Joseph Road, requested clarification on the grading of the private roadway and the distance from the abutting properties. Mr. Oliva reviewed the proposed grading plan.

The Board discussed the condition that a public trail be shown on the plan. Mr. Bunyard stated that the remaining land would be open to the public, but at this time the best location for a trail was not known.

The Board discussed the condition that all four house lots be accessed from the private roadway. Mr. Oliva explained that he could design the project so that Lot 1 got access off the private roadway, but because of the drainage swale it would require a pipe, which he is not a fan of due to maintenance issues. Mr. Neville preferred the access for Lot 1 off the new cul-de-sac because then there were only three houses being served off the private roadway, which is consistent with the common driveway bylaw.

The Board discussed the need for improvements when the existing cul-de-sac is removed. Mr. Oliva stated that the plan just calls for the area to be loamed and seeded.

Mr. Parker asked for clarification on the location of the new cul-de-sac. Mr. Oliva explained that the new cul-de-sac will be located entirely on the applicant's property with the existing substandard cul-de-sac being removed and the area loamed and seeded. Mr. Parker stated that he would rather see shrubs in that location rather than grass. Mr. Kannaird said he would be glad to work with Mr. Parker.

The Board discussed the need for monumentation of the roadway easement area on the four lots. Mr. Oliva requested that the Board not require this because it would mean that monuments would be located in what appeared to be the middle of the yard. The Board agreed that it was not practical to have monuments delineating the edge of the private road right-of-way.

The Board discussed the condition regarding the need for a culvert at the low point of the private roadway in the location of Lot 4. Mr. Oliva replied that he could put a culvert in that location, but as he stated previously he was not a fan of them because of maintenance issues. He asked the Board if he could come up with an alternative grading option to address this issue. The Board agreed.

The Board noted that a guardrail at the end of the new cul-de-sac had been incorporated into the Definitive Subdivision Plan.

The Board questioned whether the applicant had resolved with the Fire Department the issue with the existing fire cistern. Mr. Oliva commented that they had an idea on how to address the issue, but had not met with the Fire Department yet.

The Board discussed the condition regarding the possibility of further screening the roadway from abutters to the east through shifting the location of the road, grading options and/or additional landscaping. Ms. Hughes stated she believes the private roadway has been shifted to the west as far as possible without impacting the wetland buffer. Additionally, she did not think the few shrubs shown on the landscape plan were sufficient if additional screening was needed, but recommended the Board postponed discussion on this item until after a site visit. The Board agreed.

The Chair asked if there were any further questions from the public. Mr. Bieber asked for clarification on the location of the septic system reserve areas. Mr. Oliva showed those locations on the plan.

Mr. Shade questioned the grading between Lot 3 and Lot 4 and whether retaining walls would be necessary. Mr. Oliva stated that the only retaining wall required was a 4-foot wall at the end of the new cul-de-sac.

Ms. Bieber asked how the utilities would be brought to the site. Mr. Oliva explained where he thought the utilities would extend along the side of Emanuel Drive in front of the Bieber's home and then cross the road, but ultimately it would be up to Littleton Electric Light Department.

The Board discussed the site visit and scheduled it for 9 am on November 9th. Ms. Shade asked if the abutters could attend the site visit. The Town Planner noted that it was up to the applicant on whether the public was permitted on the site. Mr. Bunyard stated that the abutters were welcome to attend.

Regina Sisk, 280 Joseph Road asked whether the limit of disturbance could be shifted as a result of the site walk. Mr. Oliva commented that it was not possible to shift the private roadway further west without encroaching on the wetland buffer. The Town Planner stated that as part of

the site visit the Board would look at the existing vegetation and whether additional screening may be needed.

With no further comments, Mr. Neville moved to continue the public hearing to November 18th at 7:45 pm. The motion was seconded by Mr. Markiewicz with all voting in favor.

With no further business, Ms. Fillmore moved to adjourn the meeting at 9:50 pm. The motion was seconded by Mr. Pontoriero with all voting in favor.

On Behalf of the Boxborough Planning Board



Eduardo Pontoriero, Clerk