

**TOWN OF BOLTON – ZONING BOARD OF APPEALS MINUTES**

Remote Meeting held on December 13, 2021 at 7:00 p.m. via Zoom Communications, Inc.

Members Present: Gerard Ahearn (Chairman), Bryan Holmes, Andy Kischitz, Bradley Reed, Gabrielle Lomanno (Associate), Elisabeth Hutchins (Associate)

Also Present: Valerie Oorthuys (Town Planner)

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this public meeting of the Town of Bolton Planning Board was conducted via remote participation. No in-person attendance of members of the public were permitted, but the public can access this meeting while in progress using Zoom Video Communications, Inc. (Zoom).

Directions to connect to the public meeting were provided on the agenda.

The Zoning Board of Appeals conducted a roll call of all members present including Gerard Ahearn (Chairman), Bryan Holmes, Andy Kischitz, Bradley Reed, Gabrielle Lomanno (Associate), and Elisabeth Hutchins (Associate).

**PUBLIC HEARING**

**Comprehensive Permit, Alta Nashoba Valley, 580 Main Street  
Multifamily Rental Development**

*Present:*

Jim Lambert, Wood Partners  
Debbie Horwitz, Goulston & Storrs  
Adam Wagner, Wood Partners  
Michael Tulipani, Wood Partners  
Dave Formato, Onsite Engineering

Gerard Ahearn said that since the last public hearing held on this application, Horsley Witten Group has provided a scope of work for traffic consulting through Vanasse and Associates. It is anticipated that peer review letters could be provided by these firms in the next month.

Gerard Ahearn said that a grant through the Massachusetts Housing Partnership (MHP) has provided technical assistance to further assist the Board with the Comprehensive Permit. Joe Peznola of Hancock Associates has been selected to provide this assistance.

Brad Reed noted that residents have reiterated a request for a narrative analysis of Town impacts relative to this project from the applicant. Joe Peznola said that a fiscal impact analysis is allowable through Planning Board Special Permits though the ZBA does not have those discretionary powers to review the Comprehensive Permit as the regulatory framework views the need for affordable housing as outweighing these local concerns. Items such as traffic, infrastructure, and site planning may be reviewed, though not impact to school enrollment for example. The Board may negotiate with the applicant to craft the best outcome.

Joe Peznola provided an overview of his review letter dated December 1, 2021. Of note are questions related to the formation of a limited dividend and whether the ZBA is entitled to modify the existing Special Permit granted by the Select Board.

Andy Kischitz said it would be helpful for the Applicant to provide comment on the conditions included in the existing Special Permit to better guide the modification process. Debbie Horwitz noted it would be typical for the Zoning Board of Appeals to act in place of the Select Board to amend the Special Permit.

Bryan Holmes said that it would be helpful for the Conservation Commission to weigh in on the waivers requested. Debbie Horwitz agreed that the Applicant would need to file an Order of Conditions with the Conservation Commission due to State jurisdictional areas.

Gerard Ahearn noted that the Board attended a site walk held on December 1, 2021.

Gerard Ahearn noted comments received from the Public Ways Safety Committee, Town Departments, and 7 emails from residents.

Brad Reed asked about sprinkling and the fire rating of the buildings, whether they will be NFPA 13 or NFPA 13R. NFPA 13 is typical of commercial buildings, while 13R is generally applicable to residential structures of 4 stories or fewer. Adam Wagner said he believed it would be NFPA 13, which will be confirmed through a comprehensive code review. Michael Tulipani agreed that the buildings would be NFPA 13, the more robust system.

#### *Public Input*

Tony Jagodnik, 115 East End Road, asked about energy efficiency and emissions. Tony Jagodnik said that he would like heat pumps to be included in the project and would like the applicant to respond to the specific questions in his emails.

Ted Barten, 35 Vaughn Hill Road, requested that an elevator is added to each of the 4 buildings. Ted Barten stated his concern with traffic impacts, particularly making a left-hand turn from the driveway onto Route 117 westbound. Ted Barten asked that rooftop solar is added to the buildings. Ted Barten asked that the Board request a fiscal impact analysis.

Brad Reed asked if the applicant has considered proposing a smaller project in order to lessen impacts.

Ted Barten noted that when the applicant was discussing the LIP with the Select Board, the applicant estimated the Town would receive \$700,000 in annual tax revenues. Ted Barten asked the applicant to further explain that figure.

Elisabeth Hutchins noted that the proposed plans do not include elevators, though the applicant mentioned the plans could be revised to include one. Elisabeth Hutchins asked what the rationale was for not including elevators initially and why one would be considered. Jim Lambert said that elevators aren't required for buildings under 4 stories, though one will be added as a compromise with the Town. Jim Lambert said that

**Approved at the March 8, 2022 meeting via Zoom participation by  
GA, BH, AK, BR (VO)**

buildings 3 and 4 do not have a common corridor and are built as walk-ups. Jim Lambert said that they have found that a lack of elevators has not been an issue with leasing.

Elisabeth Hutchins asked if there are handicap accessible apartments and if the common buildings will be ADA compliant. Jim Lambert said that the buildings will be up to code, which in Massachusetts required ADA compliance in common spaces. There will be a number of handicap accessible apartments, scattered throughout the buildings.

Jim Lambert said they would work with Town Counsel and the Select Board to align on how to modify the existing Special Permit. Jim Lambert said that the residential project was designed with consultation with Condyne, the owner of the Bolton Office Park.

Jim Lambert said they are aware of the Conservation Agent's concerns and would apply for an ANRAD shortly.

Jim Lambert said discussions would continue with the Town to discuss alternative access points to the recreational fields and community garden.

Jim Lambert said a consultant is conducting well testing. Dave Formato stated that initial well testing is on track for meeting DEP requirements for serving this project and the Bolton Office Park. Dave Formato confirmed the comments from the Board of Health that the project will not go through Title 5 as it will require more than 10,000 gallons per day and as such a public water supply and wastewater treatment facility, meaning that it will need to go through a state-level approval process.

Jim Lambert said he would prefer to defer to the peer review process for comments related to elevators, rooftop solar and traffic impacts.

Jim Lambert said that through discussions with the schools, it is too early to discuss bus routes as those are done through contracts with the bus companies. Jim Lambert suggested the mail area could be used as a bus stop location.

Brad Reed asked if there is any possibility of getting information related to impacts. Jim Lambert said he would share the information previous shared with the Select Board. Jim Lambert said that the \$700,000 in taxes was calculated by looking at similar properties in similar towns, as there is no project of this type in Bolton to compare it to.

Bryan Holmes motioned to continue the public hearing to January 18, 2022 at 6:30 pm. 2<sup>nd</sup> by Brad Reed. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bryan Holmes- Yes, Bradley Reed – Yes, Gabrielle Lomanno (Associate)-Yes (5/0/0).**

Respectfully Submitted,  
Valerie Oorthuys