

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

Remote Meeting held on February 10, 2022 at 6:00 p.m. via Zoom Communications, Inc.

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

Also Present: Valerie Oorthuys (Town Planner)

Absent: Elisabeth Hutchins (Associate)

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)

### **PUBLIC HEARING**

#### **Comprehensive Permit, Alta Nashoba Valley, 580 Main Street**

##### **Multifamily Rental Development**

##### *Present:*

Janet Carter Bernardo, P.E., Horsley Witten Group

Amy Ball, PWS, Horsley Witten Group

Jeff Dirk, Vanasse & Associates

Phil Cordeiro, Allen & Major Associates

Elizabeth Oltman, TEC, Inc

Chair Gerard Ahearn noted that the Board has received peer review letters from Horsley Witten Group and Vanasse & Associates.

##### *Wetlands Resource Areas*

Amy Ball provided an overview of the wetland resource areas on site and associated comments included in the peer review letter dated February 4, 2022. Amy Ball noted that a site visit has not yet been conducted due to snow cover. Amy Ball noted a discrepancy between the applicant's project narrative and the wetland scientist's report prepared for the applicant regarding whether the B and C series wetlands are jurisdictional. This needs clarification, particularly as these areas are proposed to be filled.

Amy Ball reiterated that the applicant has indicated future filing of a Notice of Intent with the Conservation Commission.

Amy Ball said there are three areas of grading within locally regulated 25 foot buffer zones. Amy Ball said that the application meets the threshold for state level permitting per the Water Quality Certification regulations and

permitting under the Massachusetts Environmental Policy Act (MEPA). Amy Ball noted that the ZBA may wish to hold the local bylaw provisions for the locally regulated wetland areas to be filled rather than grant the requested waiver.

Phil Cordeiro indicated on the site plan that the C series wetland is located under the proposed parking area north of buildings 1 and 2, and the B series wetland is located in the proposed courtyard area between buildings 1 and 2. Amy Ball stated that Horsley Witten Group will look to hold a site visit in the near future, once snow has melted. Joe Peznola noted that a portion of the C series wetland extends over the proposed property line, meaning that the ZBA may not have the authority to grant waivers for that isolated wetland area to be filled in.

Phil Cordeiro said that an ANRAD has not yet been filed with the Conservation Commission. Phil Cordeiro said that he has reason to believe areas b and c can be designated as stormwater management areas and therefore outside of the Wetlands Protection Act regulations. This would be clarified through the ANRAD. Joe Peznola clarified that the applicant would need to confirm that areas b and c were constructed after 1996 as stormwater management areas.

Amy Ball said that the applicant would need to provide mitigation and further review the proximity of wetlands to areas of grading. Phil Cordeiro agreed that the ANRAD filing is important to better understanding site constraints.

#### *Stormwater*

Janet Bernardo reviewed stormwater comments included in the peer review letter dated February 4, 2022. Comments include whether stormwater infiltration system 2 could be moved any amount further from the wetland resource area and whether stormwater infiltration system 1 could be moved further from the buffer zone as well, particularly due to the steep grading. Calculations for compensatory flood storage should be provided. Test pit logs were difficult to locate on the plans, which are needed to understand the depth to groundwater. The Applicant should confirm whether the depth is greater than 4' or if a mounding analysis is needed. Other comments relate to the erosion control plan and operations & maintenance plan. Janet Bernardo noted the site plans indicate a pipe under the leaching field.

Janet Bernardo said the applicant has requested waivers from local regulations related to the well and wastewater treatment facility, as those will need to be permitted through the State.

Phil Cordeiro said that future plan revisions and narrative responses will address most of the comments included in the letter of February 4, 2022. Phil Cordeiro confirmed that the locations of the 3 wells are in the needed locations.

#### *Traffic and Vehicular Access*

Jeff Dirk provided an overview of Vanasse and Associates' letter dated February 9, 2022. Jeff Dirk confirmed that the Applicant's traffic study was conducted according to typical standards, including the study area, dates, and pandemic adjustment factors.

Jeff Dirk stated that the Applicant could consider extending the study area to include the intersection with Wattaquodock Hill Road. Jeff Dirk confirmed the volume of traffic expected to be added to Route 117 by the development and noted that it is not on its own a significant increase, though the intersection at Wattaquodock Hill Road may not be functioning as intended.

Jeff Dirk noted that left hand turns out of the 580 Main driveway are anticipated to operate with an extended delay of up to a minute or more during peak periods, with a queue of about 4-5 vehicles which is not anticipated to impact emergency vehicle access or pedestrian and bicycle activity. The review also did not find associated vehicle queuing along Route 117 to take a left hand turn into the 580 Main driveway. The volume of traffic created by the development, inclusive of Bolton Office Park and Bolton Country Manor traffic, does not rise to the level of necessitating a signalization study. Jeff Dirk noted the site plans include a proposed left and right turn lane from the 580 Main Street driveway onto Route 117, which is recommended.

Jeff Dirk recommended the Town consider the following related to traffic and transportation:

- Whether they would like the Applicant to place “Do Not Block Driveway” signage at the entrance to the site;
- The implementation of a Transportation Demand Management program;
- Inclusion of Wattaquodock Hill Road in the Applicant’s traffic study.

Jeff Dirk recommended the following related to site planning:

- The Applicant should provide a turning analysis for service and loading vehicles;
- The Applicant should provide a narrative explanation of how trash and recycling services will function on site;
- The Applicant should consider moving zones or loading zones for residents to use while they move in or out of apartments;
- One-way and Do Not Enter signage should be added where necessary;
- The inclusion of pedestrian crossing warning signage at the two crosswalks over the main driveway;
- Bicycle storage accommodations should be added to the plan, possibly at the clubhouse and at each building, both external and internal;
- Electric vehicle charging stations should be added to the plan.

The Board discussed concerns around ease of taking a left hand turn out of the 580 Main Street entrance and the potential for inclusion of Do Not Block Driveway signage. Jeff Dirk noted the Board could include a condition in the decision to require an updated traffic study when the project is at 60 or 80% occupancy. The Police Department should comment on whether they would want an officer located on site to direct traffic during peak hours.

Elizabeth Oltman said the Applicant is amenable to inclusion of Do Not Block Driveway signage and the implementation of a Transportation Demand Management program. Elizabeth Oltman said the Applicant would like to propose a condition of approval to be a traffic study of Route 117 and Wattaquodock Hill Road to identify any improvement measures.

The Board discussed further information needed from the Town, including comments and clarifications from the Board of Health, Conservation Commission, Design Review Board, and Public Safety. The Board acknowledged that the existing Special Permit for 580 Main Street will need to be modified and the parcel will need to be subdivided through the Approval Not Required process. The Board agreed the next public hearing should focus on architecture and landscaping plans.

Andy Kischitz motioned to continue the public hearing to March 8, 2022 at 6pm. 2<sup>nd</sup> by Bryan Holmes. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Bryan Holmes- Yes, Gabrielle Lomanno (Associate)-Yes (5/0/0).**

## **ADMINISTRATION**

### **Approval of Meeting Minutes**

Andy Kischitz motioned to approve the minutes of November 30, 2021, January 11, 2022 and January 18, 2022 as written. 2<sup>nd</sup> by Bryan Holmes. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Bryan Holmes- Yes (4/0/0).**

### **Approval of Zoning Board of Appeals Annual Report 2021**

The Board agreed to add a description of the outcome of the Still River Commons Comprehensive Permit, which will not go forward. The developer will build one market rate single family home on the site.

Bryan Holmes motioned to approve the annual report as amended. 2<sup>nd</sup> by Bradley Reed. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Bryan Holmes- Yes (4/0/0).**

Bradley Reed motioned to adjourn the meeting at 7:55 p.m. 2<sup>nd</sup> by Andy Kischitz. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Bryan Holmes-Yes (4/0/0).**

Respectfully Submitted,  
Valerie Oorthuys