

TOWN OF BOLTON – ZONING BOARD OF APPEALS MINUTES

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

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

PUBLIC HEARINGS

Comprehensive Permit, Mallard Lane

Age-Restricted Development along South Bolton Road, Map 2.C Parcel 15.1

Present:

Jim Morin, Northeast Classic Engineering – Applicant
Seth Donohoe Dillis & Roy – On behalf of the Applicant
Amy Ball, Horsley Witten Group – ZBA Peer Reviewer
Janet Bernardo, Horsley Witten Group- ZBA Peer Reviewer
Joe Peznola, Hancock Associates – ZBA Peer Reviewer

Gerard Ahearn states that since the last meeting, 4 documents have been submitted:

- A peer review letter from Horsley Witten Group dated March 21, 2022 addressing storm water and wetlands aspects of plan;
- A letter dated 3/23/22 from abutters at 342 South Bolton Road;
- Revised application materials received 4/1/22 including revised site plans, a draining report, a response to peer review comments, and a waiver request letter;
- A letter from Hancock Associates dated 4/5/22

The Applicant confirmed the LLC was brought into compliance with the Secretary of the Commonwealth.

Amy Ball reviewed comments included in a letter dated March 21, 2022. Amy Ball noted the applicant has not provided a response to all questions pertaining to the wetlands. Amy Ball said she discussed the vernal pool study with the Conservation Agent and stated the certification

process may not have been completed. Horsley Witten recommends the vernal pool status of Wetland A is confirmed as it relates to the protection of the vernal pool habitat.

Amy Ball recommended the Applicant quantify the amount of lost forested vernal pool habitat that will occur as a result of the proposed site improvements in order to assess how the loss of habitat would affect the vernal pool habitat.

Amy Ball recommended the Applicant qualify and quantify how the proposed wells for units 1 & 6 will affect the water levels in the potential vernal pool area within Wetland A.

Janet Bernardo continued to review stormwater comments within the peer review letter. Janet Bernardo noted Horsley Witten has asked for additional information regarding the infiltration system as well as recommendations regarding the amount of fill that is anticipated. Janet Bernardo stated she feels the surface basin is a better design than the subsurface system and indicated it will be important that the grading is done correctly to prevent water from flowing to the abutting properties.

The Applicant noted that soil testing is scheduled with Nashoba Associated Boards of Health on Friday 4/8/22, with the results sent to Horsley Witten upon completion.

Janet Bernardo asked about the status of the Operation & Maintenance Plan. The Applicant indicated this would be handled by the homeowner's association.

Janet Bernardo asked about the sizing of the septic system to be submitted to the Board of Health as the number of units have been reduced, as there were outstanding questions.

Gerard Ahearn asked Horsley Witten Group what they need to complete their review so it can be all encompassing with no open items. Horsley Witten Group would like to see responses to items included in the March 21, 2022 letter, specifically related to the effects of the proximity of the wells to the vernal pool. Janet Bernardo requested that the Applicant's wetlands specialist respond to all questions in a single letter, so everything is together. Jim Morin agreed to have this provided to the Board.

Janet Bernardo said additional outstanding items include comment from the Board of Health regarding the waivers requested and the site distances at the intersection of Mallard Lane and South Bolton Road. Jim Morin disputed the Police Chief's submitted comment that South Bolton Road is unposted at 40mph as he feels it is thickly settled. Valerie Oorthuys noted the Police Chief indicated that the Town of Bolton has not designated streets in town as 'thickly settled' as of yet, so the application would not be able to take this designation into consideration as proposed. Joe Peznola discussed the methodology in determining the required site distance as separate from speed zones, as the study looks at the speed vehicles travel down the road. Joe Peznola noted the burden is on the Applicant to provide any needed information.

Andy Kischitz asked about the waiver request letter, stating that what stands out is a waiver request to allow a well by Unit 1 to be 24 feet from a sewer force main. Andy Kischitz asked for further information about the potential impact of this may be.

Seth Donohoe stated the waste water sizing is now shown on the plans and the sizing of the systems for the affordable units have been increased from 150 gallons per day per unit to 110 gallons per day per bedroom.

Seth Donohoe noted the Operations and Maintenance Plan has been resubmitted and details the responsibilities of the Homeowners Association.

Seth Donohoe stated the Board of Health requires wells to be at least 25 ft from wetlands or surface waters and a waiver from that regulation is not sought with this application. However, there are waivers needed from local wetlands regulations, which are inconsistent with Board of Health regulations.

Seth Donohoe said that site distances have been measured and are shown on the plans. The Applicant is proposing to post a reduced speed limit on the road.

Regarding the setback between the wells to the sewer force main, Seth Donohoe noted there is only one unit in the development that is proposed to have a sewer force main, and a waiver request has been submitted to allow the sewer force main to be located approximately 20 feet from the well. Seth Donohoe said that the distance would be revisited.

Janet Bernardo said that the sewer force main is under pressure so an issue would be known as it would not be a slow seep. Janet Bernardo said the Board should consider the fact that the well is 300 feet deep, though she acknowledged that the farther apart a force main is from a well, the better.

Brad Reed asked if the waivers have been reviewed by the Board of Health? Valerie Oorthuys stated that the revised plans would be sent out to all Boards and Committees for further comment, as the plans have changed considerably since the last request for comment.

Andy Kischitz asked whether Board of Health regulations differentiate between sewer force mains and gravity mains? Seth answers that the BOH has a blanket requirement and clarified they are requesting waivers from the Bolton Board of Health, there are no exceptions to the State codes being sought after.

Janet Bernardo stated that frequently if a sewer and water line are too close to each other, one of them is encased in concrete until it reaches the minimum distance between the well and the sewer force main. Janet Bernardo asked if this something that can be done? The Applicant stated he would be willing to update the plans to indicate the well would be sealed where it meets the bedrock. The ZBA requested this update to be submitted for review.

Gerard Ahearn asked the Applicant and Horsley Witten Group if they received a letter from abutters that were submitted. Jim Morin stated he has. One of their questions was on surveying on property lines to make sure the work is in the defined space, snow storage marking of trees. Some of these questions were discussed during the meeting.

The Board discussed the timeline moving forward. Joe Peznola suggested at least two further meetings are held, one to incorporate additional information such as soil testing and responses to peer review letters, and a second to begin to review draft conditions. The Applicant would need to provide an extension to cover at least those two meetings.

Joe Peznola noted that outstanding items include a response to Horsley Witten's letter of March 21, 2022, responses regarding wetlands concerns, and a resolution on site distance. Joe Peznola stated that while the Applicant offered reducing the speeds on the road, the applicant has no ability has no change speeds. Therefore, the applicant should present to the Board what the acceptable site distance is according to industry standards. Joe Peznola noted the abutters' concern that looking southwest, the Applicant is gaining a 220 foot sight distance by looking across their property though the applicant has no control over that property. Joe Peznola noted that occasionally applicants can gain sight distance easements over abutting properties, so this should be discussed further and reviewed with the Police Chief. Other considerations for conditioning approval include the Applicant offering funds to support the installation of Rectangular Rapid Flashing Beacons (RRFBs) or other speed calming methods.

Joe Peznola stated that another outstanding issue is that plans prepared by an architect are submitted for review. More detail is needed here, and the site plans need to be representative of what is being built.

Joe Peznola stated that soliciting input again from Boards and Committees will be important as the plans have changed.

Public Input

Barry Buchinski, 348 South Bolton Road, stated frustration with the lack of information provided and stated he does not believe the plans show what is actually going to be built and does not believe the Board has enough information to make a decision. Andy Kischitz noted the importance of having the affordable units indicated clearly on the plan.

Christopher Hoyt, 342 South Bolton Road, stated that many items included in his letter of March 23, 2022 have been discussed tonight. One outstanding item is that it is difficult to understand which trees are intended to remain. In addition, the plans show the sewage systems for the affordable units are sized for 2-bedroom units and it should be confirmed that these will be 2-bedroom units, as the floor plans indicate three bedrooms.

Brittany Bethune, 342 South Bolton Road, asked whether it is acceptable for snow storage to be located at the cul-de-sac if the Fire Department may need to drive over the cul-de-sac in order to reach units. In addition, the sewer force main is located close to the wetland, so the protection of the wetland should be described further.

Gavin Robinson, 328 South Bolton Road, noted the plans indicate snow storage to be located past the edge of the sidewalks and stated he feels snow plows would not be able push snow over the sidewalk. The snow storage plans should be confirmed.

Andy Kischitz motioned to continue the public hearing to Monday May 9, 2022 at 6pm. 2nd by Brad Reed. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes (5/0/0).**

ADMINISTRATION

Bradley Reed motioned to adjourn the meeting at 7:30 p.m. 2nd by Andy Kischitz. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes (5/0/0).**

Respectfully Submitted,
Kristen Zina