

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

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

Members Present: Gerard Ahearn (Chairman), Bryan Holmes, Andy Kischitz, Bradley Reed, Kay Stoner, 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, Bryan Holmes, Andy Kischitz, Bradley Reed, and Kay Stoner.

### **PUBLIC HEARING**

#### **Comprehensive Permit, Mallard Lane**

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

#### *Present:*

Jim Morin, Northeast Classic Builders, Applicant

Jim Herrick, Consulting Engineer for Applicant

Joseph Peznola, Hancock Associates, 40B Technical Assistance for Zoning Board of Appeals

Chairman Gerard Ahearn noted that this public hearing is a continuance from the Board's meeting of August 10, 2021. Gerard Ahearn reviewed ground rules for the public hearing and stated that a site visit was held on Sunday, August 29, 2021.

Gerard Ahearn stated that Board member Kay Stoner has indicated her resignation from the Board, effective after this meeting. The Board discussed the interest in the two associate members of acting in place of Kay Stoner and voting on the Mallard Lane Comprehensive Permit. Elisabeth Hutchins and Gabrielle Lomanno stated they have no conflicts with this application, however Elisabeth Hutchins had been able to attend both the previous public hearing at the Board's site visit.

Andy Kischitz moved to accept Elisabeth Hutchins as a voting member for this Comprehensive Permit application. 2<sup>nd</sup> by Bryan Holmes. **All in favor by roll call: Gerard Ahearn – Yes, Bryan Holmes – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Kay Stoner- Yes (5/0/0).**

#### *Site Walk Debrief*

Gerard Ahearn said it was good to see the site in order to get a better perspective on the proposed grading, proximity to the existing neighborhood, and the layout of the proposed homes. Gerard Ahearn said he is

concerned with the siting of the two homes closest to South Bolton Road as those would have the most visual impact to the abutting neighbors. Gerard Ahearn said it would be good to see documentation from MassDEP as soon as possible in order to better understand well and septic requirements.

Valerie Oorthuys noted the design for the Redi-Rock wall was provided to the Board at the site visit. Participants at the site walk discussed the potential for a guard rail to be located along the northeastern side of Mallard Lane. There were a few comments related to the parking area by the mailboxes and whether this is necessary. If the parking area is to remain, additional landscaping may be needed in order to provide a visual buffer between headlights and the abutting home. Construction parking should remain on site and material should not be tracked into the road. More information will need to be provided related to the cut/fill analysis and the number of trucks leaving and entering the site. Valerie Oorthuys requested further information from the Fire Department regarding the potential for landscaping within the cul-de-sac.

Gerard Ahearn stated additional discussion at the site walk included whether the proposed plan for stormwater and septic piping is safe and efficient, an item which will be included in upcoming engineering peer review.

Bryan Holmes said the site walk helped visualize the impact of the change of grade and the locations of the retaining wall. Bryan Holmes noted one home is sited very close to an existing home. Elisabeth Hutchins added that the cut/fill likely includes areas of ledge, which may need to be calculated differently, and the stormwater management on site has yet to be reviewed by a peer reviewer.

Martha Remington, of the Historical Commission, expressed preference for a landscaped center of the cul-de-sac. Martha Remington stated the Commission has a preference for cape style homes in the South Bolton Road neighborhood.

#### *Updates from the Applicant*

Jim Morin stated that he is looking into additional landscaping around the mailbox area. Regarding the use of individual wells, Jim Morin said he will provide the Board with documentation from MassDEP noting their approval of this choice. Jim Morin said that he would be looking for a waiver from Board of Health regulations for Lots 2, 3, and 4 as these wells will be within 50 feet of the property line. Jim Morin noted that the State's regulation is to have a distance of 10 feet between wells and property lines.

Jim Morin noted that there is no requirement for water softeners, though this will be shown on the plans.

Jim Morin stated the detail on the Redi-Rock Wall is different from the wall detail included on the site plans submitted. The company will also provide guardrail blocks.

Jim Morin said the cut/fill on the site is even, meaning no fill will enter or exit the site. Jim Morin said that there is room on site for construction parking and offloading of materials.

Gerard Ahearn noted that while the applicant may have been before the Design Review Board previously, the current application should go before them again during this public hearing process. The Zoning Board of Appeals agreed that the Design Review Board should be brought into this process.

*Public Input*

Gavin Robinson, 328 South Bolton Road, stated that wetlands concerns need to be discussed as a number of homes are within the 100' buffer. Gavin Robinson noted his letter sent to the ZBA, dated September 7, 2021. The Board acknowledged the letter for the record.

Jim Morin stated the application has an agreed wetland delineation with the Conservation Commission though a Notice of Intent would be filed with the Conservation Commission around the time of applying for Building Permits. Gerard Ahearn noted that while the applicant may have been before Town Boards and Committees prior to this public hearing process, the ZBA is obligated to reach back out to all Boards and Committees, as they act in the place of those Boards. *\*A note that the applicant had not received an agreed wetland delineation.*

Elisabeth Hutchins noted the proximity of the roadway to the wetlands, suggesting that it may be beneficial to limit salting during the winter months.

Bryan Holmes noted that the Conservation Commission should weigh in on the siting of homes within the 100' buffer. Joseph Peznola agreed, noting that while the applicant has stated his intent to file under State wetlands regulations in the future, the applicant is now in front of the Board and is obligated to discuss local wetlands regulations.

Andy Kischitz asked if the ZBA has ever approved the siting of houses within the 100' buffer. Brad Reed said that this may have happened with the Woods at Farm Road. Joseph Peznola noted that Still River Commons also had structures within the 100' buffer. Andy Kischitz requested a further look into this, with a chart noting the approved density of Comprehensive Permit developments and amount of Open Space as well.

Barry Buchinski, 348 South Bolton Road, noted that the architectural drawings do not match the site plans which would make Design Review Board review more difficult.

Kathleen Andrews, 368 South Bolton Road, noted that the Conservation Agent stated that the application has not formally come before the Conservation Commission's review. Kathleen Andrews expressed frustration that updated plans have not been provided by the applicant.

Jim Morin said three designs have been selected for the architectural plans. Renderings are needed for units 5, 6, and 7, while all other unit designs have been finalized and will be provided within a week. The units range from 1648 square feet to 2200 square feet. They will alternate in size through the development.

Brittany Bethune, 342 South Bolton Road, is concerned with the density of housing, particularly along South Bolton Road. Brittany Bethune stated concern for the wetlands and impacts of snow management on site.

*Peer Review Selection*

The Zoning Board of Appeals reviewed qualifications, proposals and pricing from Haley Ward, Horsley Witten Group, Nitsch Engineering, and Places Associates.

**Approved at the November 8, 2021 meeting via Zoom participation by  
GA, BH, AK, BR (VO)**

Brad Reed moved to accept the proposal for engineering peer review from Horsley Witten Group. 2<sup>nd</sup> by Andy Kischitz. **All in favor by roll call: Gerard Ahearn – Yes, Bryan Holmes – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Elisabeth Hutchins-Yes (5/0/0).**

The Zoning Board of Appeals reviewed a letter from Gavin Robinson stating concerns for the homes within the 100' wetland buffer, as the wildlife in the wetland area is unique, concern for the lack of a landscaping plan, and the sewer impacts, as the sewage line is within the 75' wetland buffer and near to the well for 328 South Bolton Road.

The Board set the date for the next hearing for Tuesday, October 19, 2021 at 7:00pm via zoom.

Andy Kischitz moved to continue the public hearing for a Comprehensive Permit titled Mallard Lane along South Bolton Road to September 7, 2021 at 7pm. 2<sup>nd</sup> by Bryan Holmes. **All in favor by roll call: Gerard Ahearn – Yes, Bryan Holmes – Yes, Andy Kischitz – Yes, Bradley Reed – Yes (4/0/0).**

#### ADMINISTRATION

#### **Approval of Meeting Minutes of April 15, 2021 and August 10, 2021.**

Kay Stoner moved to approve the meeting minutes of April 15, 2021 and August 10, 2021 as written. 2<sup>nd</sup> by Bradley Reed. **All in favor by roll call: Gerard Ahearn – Yes, Bryan Holmes – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Kay Stoner- Yes (5/0/0).**

#### **Vote to approve and authorize Chair to sign Regulatory Agreement for the Woods at Farm Road Comprehensive Permit.**

Andy Kischitz moved to approve the Regulatory Agreement for the Woods at Farm Road Comprehensive Permit, dated May 20, 2021 as written and to authorize the Chair to sign the Agreement on behalf of the Zoning Board of Appeals. 2<sup>nd</sup> by Bradley Reed. **All in favor by roll call: Gerard Ahearn – Yes, Bryan Holmes – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Kay Stoner- Yes (5/0/0).**

Bradley Reed motioned to adjourn the meeting at 9:00 p.m. 2<sup>nd</sup> by Andy Kischitz. **All in favor by roll call: Gerard Ahearn – Yes, Bryan Holmes – Yes, Andy Kischitz – Yes, Bradley Reed – Yes (4/0/0).**

Respectfully Submitted,  
Valerie Oorthuys