

PLANNING BOARD MINUTES

Wednesday, January 13, 2021, at 7:00 p.m.

Remote Public Meeting

Members Present: James Barr (Associate), Peter Driscoll, Michael Gorr (Vice Chair), Erik Neyland, Danielle Spicer (Chair), and Mark Sprague
Also Present: Erica Uriarte (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)**. Members of the public attending this meeting virtually were allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment, by telephone, cell phone or personal computer using Zoom.

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

A roll call was conducted of all Planning Board members present: James Barr (Associate) - yes, Peter Driscoll – yes, Michael Gorr (Vice Chair) – yes, Erik Neyland - yes, Danielle Spicer (Chair) – yes, and Mark Sprague – yes.

BUSINESS

Parcel 4.D-101, Meadow Road (Lot 4 & Proposed Lots 2, 3, 5 and 6)

- The buyer of Lot 4 on Meadow Road seeks to request a single driveway for Lot 4 in lieu of a common driveway between Lots 4, 5 and 6 (proposed Lots 5 and 6 are identified as Parcel B).
- At their meeting on December 9, 2020, the Planning Board voted to recommend that Lots 4, 5 and 6 be accessed by a common driveway.
- The buyer of Lot 4, Rasheed Tijani, was present in addition to Hillary Rogers (Lot 4 buyer's realtor), Julie Palmaccio (Lot 4 buyer's attorney), Thomas Hamel of Courtney, Lee & Hamel, PC (seller's attorney), Robert Therrien (Lot 4 buyer's architect), and Jack Maloney from Dillis & Roy (seller's engineer).
- Jack Maloney staked the centerline of the driveways for Lots 5 and 6 and Lot 4 in the field. There are several trees that will likely be removed for the Lot 4 driveway including a 24-inch maple and 12-inch pine. Any trees/stone wall from the public right-of-way would need approval through a Scenic Road hearing.

- Rasheed Tijani seeks separate driveway for Lot 4 since he has spent significant time and money to design the lot and proposed home under the assumption that a single driveway would be approved. He was not aware of any common driveway requirement. There would be a significant expense to modify the plans. In addition, the buyer seeks a construction loan in which he submitted plans. Modifying these plans would delay the mortgage process.
- It was noted by the buyer's architect that he had been working with the buyer for seven (7) months including being part of the lot selection process. He noted that Lot 4 was selected because the buyer wanted a single driveway as shown on a preliminary subdivision plan provided by the seller's realtor. The architect took this plan and designed a custom home that reflects land mass, views, sun, and the lot itself. The building layout is based on existing topography, tailored lifestyle, privacy, etc. The process is now suspended.
- The buyer's architect agreed that the curb cut shown on the plan reviewed during the meeting submitted by Dillis & Roy was suitable for a single driveway.
- Mark Sprague stated that the buyer's woes were self-inflicted as the Board was not made aware of this driveway until their last meeting on December 9th and should not impact the curb cuts and decision of the Board. He noted that the Board's recommendation to use a common driveway should stand and did not appreciate the Board being pushed into a corner regarding the driveways. However, Mr. Sprague was amenable to considering a common driveway between Lots 2, 3 and 4 if it was preferred over Lots 4, 5 and 6.
- Peter Driscoll agreed that the Board voted to recommend a common driveway and should keep to two (2) curb cuts for these lots.
- The seller's attorney noted that there were no buyers at present for proposed Lots 2, 3, 5 and 6 and provided assurance that those driveways would be shared.
- **Erik Neyland motioned to approve a single driveway at Lot 4 contingent that proposed Lots 5 and 6 have a shared driveway and proposed Lots 2 and 3 have a shared driveway. 2nd by Michael Gorr. All in favor by roll call: Peter Driscoll – no, Michael Gorr (Vice Chair) – yes, Erik Neyland- yes, Danielle Spicer (Chair) – yes, Mark Sprague – no; (3/2/0). The Vote passed by majority vote.**
- James Barr (Associate) noted that he was not in favor of allowing Lot 4 to have a single driveway.

Andrew Bendetson, Century Mill Estates Subdivision

- Andy Bendetson provided update on remaining punch list items required as part of the road acceptance process for Phases 2 and 4.
 1. Pay Street Acceptance Fee (\$1,650 or \$3 per LF whichever is greater).
 - a. Not done.
 2. Obtain written approval from Conservation.
 - a. A COC has not been issued. Mr. Bendetson will need to submit a letter from his wetland scientist regarding compliance.

3. Obtain recommendation from DPW for road acceptance.
 - a. Not done. Erica Uriarte will coordinate a site visit with the new DPW Director.
4. Loam and seed behind all asphalt/granite curbing where fill has been removed. This includes the area identified at the end of Old Stone Circle near the end of sidewalk (discussed in the field).
 - a. Completed.
5. Cut down the pvc piping (conduit for electrical/cable lines) and cap at the end of Old Stone Circle.
 - a. Not done. This will be completed in the next few days. Mr. Bendetson is waiting to cut the pipe and install the ADA panels at the same time.
6. Eliminate portion of pavement/sidewalk along the frontage of 74/75 Old Stone Circle.
 - a. Completed.
7. Install detectable warning panels at sidewalk ends.
 - a. Not done. The ADA panels arrived today and will be installed in the next few days.
8. Clean the stormwater management system, if needed, in the spring.
9. Install street light at the development entrance. Please use fixture recommended by the Design Review Board.
 - a. Not done. 4th Generation Electric Company has been engaged to install the street light.
10. Submit a letter relieving the Town of any liability regarding the irrigation systems located partially in the public way.
 - a. Completed.
11. Remove erosion controls at the direction of the Conservation Commission.
 - a. Not done. Con Com requested a letter from wetland scientist regarding compliance before haybales can be removed.
12. Install any additional open space markers at the direction of the Conservation Commission.
 - a. Mr. Bendetson believes all the open space markers have been installed. He sent an email to Con Com asking if there are any missing.
13. Submit Street Acceptance Plans. Please submit as soon as possible – refer to Section 7000 of Bolton's Subdivision Rules & Regulations.
 - a. Not done. Dillis & Roy will have plans completed on or before 3-15-21.
14. Submit As-Built Plans. Please submit as soon as possible – refer to Section 7000 of Bolton's Subdivision Rules & Regulations.
 - a. Not done. Dillis & Roy will have plans completed on or before 3-15-21.
15. Obtain approval from Fred Hamwey/Nitsch that all site plan improvements are completed.
 - a. Fred Hamwey submitted letter dated 12-2-20. Nitsch will be reviewing the final plans.

16. Convey title to streets and utilities/easements. Provide legal evidence that the fee in the street has not been inadvertently conveyed to abutting lot owners.
 - a. Not done. Old Stone lawyer to handle.
 17. Convey open space to the Bolton Conservation Trust. Provide copy of recorded deed. Refer to Section 7000 of Bolton's Subdivision Rules & Regulations. The open space must be deeded over as part of road acceptance.
 - a. Not done. Old Stone lawyer to handle.
 18. Pay taxes. Provide written evidence from the Town Treasure that all property taxes owed to the Town for land contained within the subdivision have been paid. Refer to Section 7000 of Bolton's Subdivision Rules & Regulations.
 - a. The Town provided a Payment Agreement regarding the taxes.
 19. Submit payment for affordable housing. Agreed to contract with appraiser before Planning Board's meeting on October 14th.
 - a. Not done. Mr. Bendetson indicated that he tried contracting with two appraisers but are too busy; a combination of the low interest rates and Covid.
 20. Submit peer review funds as needed. An amount of \$7,000 was requested on October 1st.
 - a. Not done.
 21. Submit Insurance policy to be in place over winter. This policy was requested in time for Planning Board's meeting on October 14th. No policy was submitted.
 - a. Not done. To be submitted after Planning Board Meeting 1-13-21 provided Road Acceptance is going forward.
 22. Remove asphalt pieces from staging area in phase 3.
 - a. Not done.
 23. Prior to releasing the Town's interest in a performance bond or deposit or covenant, the Board shall receive from the applicant written statements of approval from the Department of Public Works Director, Board of Health, Fire Department, and Conservation Commission.
 - a. Not done.
- The Planning Board is amenable to waiving the Subdivision Rules & Regulation requiring the back taxes to be paid in full prior to road acceptance as long as the Tax Payment Plan is executed. Waiving the regulation will require a public hearing process.
 - Andy Bendetson is amenable to the Tax Payment Plan as long as it leads to road acceptance.
 - Final As-Built and Street Acceptance Plans are required to be submitted to the Board of Selectmen by February 18th. Draft plans will need to be submitted by January 24th for Nitsch Engineering to review.
 - The Planning Board suggested asking Don Lowe to move the deadline for the final As-Built and Street Acceptance Plans to March 4th. The draft plans could then be submitted by February 18th. Andy Bendetson will contact Dillis & Roy to see if the March 15th date could be pushed to February 18th.

- The Planning Board requested all other outstanding items be completed by February 24, 2021 or the Board will consider removing the article for road acceptance this year.

ATM 2021 Articles

- Planning Board discussed draft articles for ATM 2021.
 - Amend Accessory Apartment Bylaw
 - The Planning Board seeks to allow for detached accessory apartments.
 - The first paragraph of the draft bylaw will be edited with bullets.
 - The Board agreed that the gross floor area of the detached accessory apartment should not exceed the lesser of 50% of the gross floor area of the principal dwelling or 1200 square feet.
 - Century Mill Estates (CME) Road Acceptance
 - Outstanding items/schedule discussed under Business above.
 - Houghton Farm Road Acceptance
 - Light pollution Bylaw
 - The Planning Board agreed that the lighting bylaw would not apply to single-family and two-family homes. The bylaw will apply to, at a minimum, business and industrial uses. The Board will consider whether to apply the bylaw to municipal properties/schools.
 - The draft lighting bylaw will be reviewed by a lighting engineer. The Board will also ask if Michelle Tuck from Tuck & Tuck Architects will review.
 - Amend Sign Bylaw
 - The Planning Board will amend language to require temporary signs, pertaining to the lease or sale of land or building, to be removed 14 days after closing date of sale.

ADMINISTRATION

- Approval of meeting minutes from December 9, 2020.
 - Moved to next meeting.
- Appoint Sharon Shepla to the Master Plan Steering Committee.
 - Moved to next meeting.

Planning Board will meet next on Wednesday, January 27th.

Michael Gorr motioned to adjourn the meeting at 10:27 pm. 2nd by Mark Sprague. All in favor by roll call: Peter Driscoll – yes, Michael Gorr (Vice Chair) – yes, Erik Neyland- yes, Danielle Spicer (Chair) – yes, Mark Sprague – yes; (5/0/0).