

PLANNING BOARD MINUTES

Wednesday, March 25, 2020 at 7:00 p.m.

Remote Public Meeting

Members Present: Erik Neyland (Chair), Danielle Spicer, Mark Sprague, Michael Gorr, Peter Driscoll, and James Barr (Associate)

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.

Planning Board Chairman, Erik Neyland, read guidelines for remote public meeting participation.

PUBLIC HEARINGS

In accordance with Massachusetts General Laws, Chapter 40A, Section 11, notice is hereby given that the Bolton Planning Board held a public hearing on Wednesday, March 25, 2020, at 7:00 p.m. to hear and act upon the application of Built Best Construction, LLC, 92 Middlesex Road, Unit 3, Tyngsboro, MA 01879 for Modification to a Special Permit dated April 8, 2015. The Special Permit was issued for a common driveway located at 147 Long Hill Road in Bolton's Residential Zoning District in accordance with Section 250-17 of the Code of the Town of Bolton. The driveway provides access to 147, 149, 151, 153, and 155 Long Hill Road also identified on Assessor's Map 4.D as Parcel 52 and Map 3.D as Parcels 46, 47, 48, and 49. The Applicant seeks Modification to the Special Permit for the approval of certain design deviations from the approved Special Permit and Site Plans endorsed June 10, 2015 identified after construction of the common driveway; and any further relief deemed necessary or appropriate by the Town of Bolton Planning Board.

- Mark Sprague recused himself from the hearing as an abutter to the project. Erica Uriarte placed Mr. Sprague into a virtual waiting room.
- Walter and Kevin Eriksen attended the hearing via phone. Walter Eriksen is the applicant and Kevin Eriksen is the attorney for Built Best Construction, LLC.

- Kevin Eriksen presented the design deviations requested as part of the Modification to Special Permit for the common driveway at 147 Long Hill Road. Mr. Eriksen considered many of the deviations to be minor in nature and considered the common driveway to be in substantial conformance with the approved site plans. These design deviations include:
 - The common driveway slope at the entrance exceeds the required four percent (4%) maximum grade within 40-feet of Long Hill Road. The driveway appears to function adequately after years of observation and does not pose a safety or engineering concern as noted by Ducharme & Dillis Civil Design Group, Inc.
 - The common driveway was not constructed with a crown as designed between Stations 0+00 and 5+10. The existing super-elevated design of the driveway between Stations 0+00 and 5+10 does not pose a safety or engineering concern as noted by Ducharme & Dillis Civil Design Group, Inc.. Super-elevated common driveways are permissible at the Board's discretion. In addition, a drainage swale was installed to alleviate any excess water flow over the asphalt berm at Stations 3+50 to 3+75.
 - The first turnout of the common driveway begins at Station 3+06 which exceeds the maximum 300-foot design spacing. The driveway turnout continues to allow vehicles to pass each other at a regular interval as intended by Bolton's Bylaws and Regulations.
 - The driveway turnout at Station 6+00 is approximately 24.7 ft. by 17.3 ft. where 25 ft. by 18 ft. is required. The dimensions of the driveway turnout are in substantial conformance with the approved Special Permit and Site Plans.
 - The driveway turnout at Station 9+00 is approximately 25.1 ft. by 16.6 ft. where 25 ft. by 18 ft. is required. The dimensions of the driveway turnout are in substantial conformance with the approved Special Permit and Site Plans.
 - The driveway turnout at Station 12+00 is approximately 25 ft. by 17.7 ft. where 25 ft. by 18 ft. is required. The dimensions of the driveway turnout are in substantial conformance with the approved Special Permit and Site Plans.
 - The drainage swale size at Stations 3+00 to 4+00. The deviation in the drainage swale size does not impact the safety or functionality of the common driveway.
 - The height and caliper of certain plantings. The height and caliper of the plantings does not impact the safety or functionality of the common driveway.
- Fred Hamway, Planning Board's Peer Review Engineer, provided input regarding the design deviations:
 - Driveway Slope
 - The application states that the first 20 ft. has an average slope of 6%, when in actuality the first 8 ft. is 3.2%, the next 11 ft. is 8.3%, the next 9 ft. is 8.7% and the next 10 ft. is 8.3%.
 - The ADA requirements of 8.3% have no relevance on the driveway slope.
 - Driveway Crown
 - Generally, super-elevated sections of the driveway have no curbs. The runoff flows across/off of the driveway and into swales. Where there are

curbs the runoff is directed into catch basins on both sides of the driveway. As you proceed down this specific driveway, the runoff flows down the driveway (from Long Hill Road to Station 1+20), then from right to left (from Station 1+20 to Station 1+80), then down the driveway again and along the left side (from Station 1+80 to Station 3+75), then crosses back over to the right side (from Station 3+75 to CB 1. CB 2 is not collecting much runoff from the first 460 ft. of the driveway.

- Erik Neyland read comments received via email prior to the hearing. These comments were from Scot Cionek & Meghan Foley-Cionek, Michael & Erin Sullivan, Lauren Cilley, Kevin Silen and Mr. Silen's attorney, Paul Haverty of Blatman, Bobrowski & Haverty, LLC. All of these residents reside off of the common driveway.
- Comments were also received during the hearing from Kevin Silen and Paul Haverty.
- Based on comments received, Kevin Eriksen will provide the Board with a letter verifying the validity of Built Best Construction, LLC to request the Modification to Special Permit.
- Based on comments received, it appeared that the residents were in favor of approving the Modification to Special Permit. The residents were not in favor of allowing Walter Eriksen to do any further extensive construction/damage to the driveway.
- **Michael Gorr motioned to continue the hearing to April 8th at 7 p.m. via Zoom. 2nd by Danielle Spicer. All in favor 5/0/0.**

BUSINESS

Tadmor Subdivision

- Planning Board reviewed and approved the allowance of the Tadmor Open Space to be deeded over to the Bolton Conservation Commission after the issuance of the first Certificate of Occupancy. This will provide additional time to allow the applicant to proceed with modifying the property lines associated with Open Space 3 to allow a land swap with "Lot B" (relating to zone 1 wells) for future commercial development on Lot B as noted on an exhibit plan provided by Ducharme & Dillis Civil Design Group, Inc. Greg Roy from Ducharme & Dillis was present for the discussion on behalf of Tadmor subdivision.
- **Danielle Spicer motioned to allow the Open Space at Tadmor Subdivision to be conveyed to the Town by the 9th Certificate of Occupancy. 2nd by Mark Sprague. All in favor 5/0/0.**

Planning Board Warrant Articles for ATM 2020

- Planning Board will discuss closer to Town Meeting.

ADMINISTRATION

Approved at April 8, 2020 meeting via Zoom participation by

PD, MG, EN, DS, MS (EU)

- Approval of meeting minutes.
 - **Danielle Spicer motioned to approve meeting minutes from January 22, 2020 and February 26, 2020. 2nd by Mark Sprague. All in favor 5/0/0.**

Mark Sprague motioned to adjourn the meeting at 8:30 pm. 2nd by Danielle Spicer. All in favor 5/0/0.