

## PLANNING BOARD MINUTES

Wednesday, May 27, 2020 at 7:00 p.m.

### Remote Public Meeting

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

**Members Absent:** Peter Driscoll

**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.

### PUBLIC HEARINGS

- None.

### BUSINESS

#### *ANR Plan – 50 Bare Hill Road*

- Erik Neyland recused himself from the ANR Plan discussion. Mr. Neyland lives at 163 Bare Hill Road and did not feel it was appropriate to participate since it was within his neighborhood. Mr. Neyland was placed in a virtual waiting room by Erica Uriarte, Town Planner, during the Board's deliberations.
- Planning Board endorsed an Approval Not Required (ANR) Plan for 50 Bare Hill Road. The Plan subdivides the property into two (2) frontage lots with one of the lots retaining the existing dwelling.
- Bruce Ringwall from Goldsmith, Prest & Ringwall, Inc. was in attendance on behalf of the owner/applicant.
- **Mark Sprague moved to endorse the ANR Plan for 50 Bare Hill Road. 2<sup>nd</sup> by Michael Gorr. All in favor 4/0/0.**

Erik Neyland re-entered the public meeting.

*147 Long Hill Road Common Driveway – Built Best Construction, LLC*

- Mark Sprague recused himself as an abutter to the 147 Long Hill Road Common Driveway project. Mr. Sprague was placed in a virtual waiting room by Erica Uriarte during the Board's deliberations.
- Kevin Eriksen, Attorney representing Built Best Construction, LLC, was present for the discussion.
- Planning Board deliberated on a decision regarding a request for Modification to Special Permit dated April 8, 2015 issued for the 147 Long Hill Road Common Driveway. The public hearing for this modification was held on March 25, 2020 and closed on April 8, 2020. The Board had 90 days from close of the hearing to render a decision in accordance with MGL.
- Peter Driscoll was unable to attend this public meeting. Mr. Eriksen agreed to have the four (4) remaining members present to vote on the Modification to Common Driveway Special Permit understanding that a supermajority vote would require a unanimous vote of the Board.
- Planning Board reviewed a preliminary decision drafted by Erica Uriarte based on the outcome of the public hearing. The Board reviewed the list of design deviations requested by the applicant that were identified post-construction of the driveway.
  - The common driveway slope at the entrance exceeds the required four percent (4%) maximum grade within 40 ft. of Long Hill Road.
  - Michael Gorr requested that the actual driveway slope be added to the decision. In accordance with Fred Hamwey, the Board's engineer, the slope in approximate 10 ft. intervals over 40 ft. is 3.2%, 8.3%, 8.7%, and 8.3%.
- Planning Board had no further comments/edits to the preliminary decision.
- **Michael Gorr motioned to approve the Modification to Common Driveway Special Permit for 147 Long Hill Road. 2nd by Danielle Spicer. All in favor 4/0/0.**
- **Danielle Spicer motioned to allow Chairman Erik Neyland to sign, on behalf of the Board, the Modification to Common Driveway Special Permit for 147 Long Hill Road. 2nd by Michael Gorr. All in favor 4/0/0.**

Mark Sprague re-entered the public meeting.

*Andrew Bendetson - Century Mill Estates*

- Andrew Bendetson provided an update on Phases 2 and 4 road construction including the following:
  - Mr. Bendetson requested a revision to the Joint Check Agreement between the Town and Aggregate Industries (paving company). The request was to increase the money amount from \$189,660 to \$205,000 to cover additional work identified in the field by Mr. Bendetson, Aggregate Industries, Joe Lynch (DPW Director) and Fred Hamwey in March 2020.
    - Eight (8) additional areas of reclaim work
    - Additional paving (pads beneath curbing)
    - Sawcut at driveways

- Mr. Bendetson requested a Joint Check Agreement between the Town and Gorca Construction. The amount requested was \$21,940 in order to raise structures (in the road) and conduct prep work prior to paving.
- Planning Board reviewed the current bond amount held for Century Mill Estates. The Town currently holds approximately \$254,000. The Board also reviewed the breakdown of bonding required for the project.
- Fred Hamwey has not officially signed off on the street trees, island plantings or stormwater basin cleanings that were installed/completed in 2019/2020 (\$33,215 worth of work).
- It is anticipated that approximately \$28,000 will remain in the bond after the work is completed by Aggregate Industries and Gorca Construction. According to the breakdown of the bond, \$41,500 is needed to cover other remaining items. In addition, \$20,000 needs to remain over next winter prior to partial road acceptance as agreed upon by the Board at their meeting on 08/14/2019. Therefore, approximately \$8,000 will remain to cover the other items (not enough to cover the \$41,500).
- Mr. Bendetson anticipates working on the other items simultaneously to reduce the \$41,500. He also indicated that much of the As-Built plans are complete.
- Mr. Bendetson will secure an insurance policy with Arcadia Insurance Company required as part of the bond to be held over next winter. The Board agreed to hold \$20,000 and the insurance policy prior to partial road acceptance.
- CME residents participating in the meeting were in favor of approving joint check agreements. Tim Lacey, Vince LaRosa, Jon Balewicz and Kevin Rendall voiced their support.
- **Danielle Spicer motioned to amend and approve the Joint Check Agreement between the Town and Aggregate Industries from \$189,660 to \$205,000. 2<sup>nd</sup> by Mark Sprague. All in favor 5/0/0.**
- **Danielle Spicer motioned to approve the Joint Check Agreement between the Town and Gorca Construction for \$21,940. 2<sup>nd</sup> by Mark Sprague. All in favor 5/0/0.**
- Mr. Bendetson has yet to secure an appraisal for the second affordable lot to identify a fee-in-lieu payment to be allocated to the Affordable Housing Trust as required by CME Subdivision Approval.

*Construction Oversight/Inspectional Services during COVID-19.*

- Fred Hamwey is unavailable to conduct construction oversight of Planning Board projects requiring inspectional services given current COVID-19 conditions.
- Planning Board was agreeable to contracting with Nitsch Engineering to conduct inspectional services while Fred Hamwey is unavailable. Nitsch Engineering is an engineering firm used by the Zoning Board of Appeals.

**ADMINISTRATION**

- Approval of meeting minutes.
  - **Mark Sprague motioned to approve meeting minutes from May 13, 2020. 2<sup>nd</sup> by Danielle Spicer. All in favor 5/0/0.**

**Approved at June 10, 2020 meeting via Zoom participation by**

**JB, MG, EN, DS, MS (EU)**

**Danielle Spicer motioned to adjourn the meeting at 8:50 pm. 2<sup>nd</sup> by Mark Sprague. All in favor 5/0/0.**