

PLANNING BOARD MINUTES

Thursday, August 14, 2019 at 7:30 p.m.

Town Hall – Board of Selectmen's Room

663 Main Street

Erik Neyland 9/11/19
MF *ma*
James Barr *DS*

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

Members Absent:

Also Present: Erica Uriarte (Town Planner)

PUBLIC HEARINGS

None.

BUSINESS

Andrew Bendetson, Century Mill Estates

- The Planning Board reviewed the bond release process/schedule relating to the work completed in Phases 2 and 4. The Board also discussed fall construction schedule. The goal is to prepare for partial road acceptance in 2020 as fully supported by the residents living in the development.
- It is anticipated that the paving contractor, New England Paving Company, will commence work on September 15th. The paving materials will be purchased from Keating.
- Andrew Bendetson anticipates using the bond money to pay the contractor. However, there is insufficient funds at present to cover cost of construction plus a 1.5 multiplier. Mr. Bendetson seeks to request a bond reduction once all the work is complete except for the top course of pavement. At that point, it is anticipated that the Town will be holding sufficient funds to cover the top course plus a 1.25 multiplier. This will allow Mr. Bendetson to provide a substantial payment to the contractor.
- The Planning Board considered an insurance policy as a possible surety to be held over the winter once the road is complete. The policy was revised to expand the scope of coverage as requested by the Town. However, edits to the exclusions of the policy were denied. In a conference call between Town Counsel, Erica Uriarte and Andrew Bendetson, Town Counsel indicated that the policy does not secure the work (not a performance bond) and is not an acceptable form of surety recognized under Subdivision Control Law. The Town of Bolton will need to be added as a loss payee.
- Knowing that the policy will only cover damages, the Planning Board will require some of the cash bond to remain in case there are construction items that need to be corrected after going through the winter. \$20,000 would cover the cleaning of the drainage system. Bolton's Subdivision Rules & Regulations requires 10% of the bond to be held for one year or prior to road acceptance. Approximately \$70,000 would need to be held. The Board is amenable to modifying this 10% to the insurance policy and \$20,000.

- **Danielle Spicer motioned to approve the insurance policy from Acadia Insurance dated August 8, 2019 with the Town of Bolton being added to the policy as a loss payee. 2nd by Mark Sprague. All in favor 5/0/0.**
- **Danielle Spicer motioned to allow, instead of 10% of the bond to be held over the winter, a combination of the insurance policy and \$20,000 once 100% of the construction in Phases 2 and 4 is complete prior to road acceptance. 2nd by Mark Sprague. 5/0/0.**
- **Danielle Spicer motioned to reduce the bond multiplier from 1.5 to 1.25 once substantial completion of the construction in Phases 2 and 4 is done with exception of top coat of pavement contingent upon receiving peer review funds to pay Fred Hamwey. 2nd by Mark Sprague. 5/0/0.**

Walter & Kevin Eriksen, 147 Long Hill Road Common Driveway

- Mark Sprague recused himself from the discussion and left the room since he is an abutter to the project.
- Planning Board reviewed the revised As-Built Plan as well as construction work completed to date. Kevin Eriksen submitted a letter dated August 14, 2019 addressing outstanding items. The Board reviewed an email provided by Fred Hamwey dated August 13, 2019 listing outstanding construction items.
- A site visit was conducted by Walter & Kevin Eriksen, Fred Hamwey and Erica Uriarte on August 13, 2019.
- A concrete collar was installed around the existing catch basin and an infrared process was applied to the new pavement seam. Little notice was provided to Fred Hamwey regarding construction schedule. He was unavailable to oversee the work.
- Walter Eriksen will send slips/receipts to Fred Hamwey for the catch basin cleanings and for the application of the infrared process to the pavement.
- The slope of the first 40 ft. of the driveway is approximately 8% as shown on the As-Built Plan. Bolton requires the first 40 ft. of the driveway to be 4%. Walter Eriksen thinks the slope is closer to 5%. A leveling area is provided at entrance. Significant reconstruction of the first half of the driveway would be required to correct the issue. Walter Eriksen will contact Ducharme & Dillis to confirm grades. Ducharme & Dillis will provide a sketch of the area with additional spot elevations shown. The Board will consider accepting the 8% slope. It was noted that correcting the slope would be more disruptive than leaving it. Fred Hamwey indicated that the driveway slopes uphill towards the public road, therefore, vehicles would not be sliding into the public way under icy conditions. The Board weighed concerns.
- A count of the plantings was conducted during the site visit on August 13th. The Approved Site Plans require 105 shrubs and 14 trees. A total of 98 shrubs and 15 trees were planted. It was noted that some of the plantings were the wrong species and/or caliper. Fred Hamwey will confirm the installation of 11 additional shrubs planted after the site visit by Walter Eriksen.

- The As-Built Plan shows that the required turnouts do not meet Bolton's dimensional requirements of 25 ft. by 18 ft. The first turnout of the driveway at Station 3+25 is only 19.4 ft. long; the most significant disparity. It was noted that the turnout is functioning.
- The Board is concerned with setting a precedence. Kevin Eriksen indicated that precedence can only be set by a judge and each project is case by case.
- The new swale at Station 3+25 to 4+00, installed to capture runoff from draining across the driveway, was not constructed as designed. The swale does not meet the design elevations and does not have proper storage. Walter Eriksen will correct the swale.
- Bare spots and weeds are present within the grass areas of the common driveway easement. Hydro-seeding was conducted after June 15th (outside the recommended planting season). Kevin Eriksen noted that the triparty agreement calls for topsoil and seed only. Walter Eriksen will reseed the grass areas within the driveway easement between September 1st and October 15th (fall planting season) when he reconstructs the swale.
- Depending on weather and construction schedule, Walter & Kevin Eriksen will submit a revised As-Built Plan and the sketch in time for either the Planning Board's September 11th or September 25th meeting.

Paving Schedule for Projects

- Fred Hamwey discussed paving schedule/deadline with Planning Board for projects anticipating to pave in fall 2019. Hamwey has 15 days of construction oversight to be conducted for paving. Hamwey will be away the two weeks after November 15th and unable to provide observation. A three (3) month notice will be provided to all the developers so that can plan accordingly.
- **Mark Sprague moved to not allow paving beyond November 15, 2019 and not allow for any paving extensions. 2nd by Danielle Spicer. All in favor 5/0/0.**

The Woods at Farm Road, 40B Development (Parcel 3.C-72)

- Planning Board considered comments to MassHousing for a 40B development project off of Farm Road for the construction of four (4) single family homes on a two (2) acre site (Parcel 3.C-72). Comments provided included:
 - Reduce number of curb cuts. The driveway entrance off of Berlin Road is close to the intersection with Farm Road. It was noted that Berlin Road is a busy street/cut through for traffic. The Board suggested having one driveway entrance off of Farm Road for all four homes.
 - The Planning Board suggested that the project go through Bolton's design review process.
- Erica Uriarte will send comments to Board of Selectmen.

Master Plan Discussion

- Cia Boynton, resident on Main Street, is interested in serving on the Master Plan Steering Committee. No other residents have submitted interest to date. The charter for the committee was advertised online and will be printed in the Bolton Independent on August

21st. The Planning Board asked that Erica Uriarte reach out to Patricia Gray and David Yesue to find out if they would be interested in serving on the Committee. Erica Uriarte will send the charter to the Board members that they can circulate as well.

ADMINISTRATION

- Approval of Meeting Minutes.
 - **Danielle Spicer motioned to approve meeting minutes from February 27, 2019, March 27, 2019, May 22, 2019 and July 18, 2019. 2nd by Mark Sprague. All in favor 5/0/0.**

Danielle Spicer motioned to adjourn the meeting at 9:39 pm. 2nd by Mark Sprague. All in favor 5/0/0.