

*Erik Neyland 10/7/19*

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## PLANNING BOARD MINUTES

Thursday, September 11, 2019 at 7:30 p.m.

Town Hall – Board of Selectmen's Room

663 Main Street

**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)

Danielle Spicer entered meeting at 7:35 p.m.

### PUBLIC HEARINGS

In accordance with Massachusetts General Laws, Chapter 40A, Section 11, notice is hereby given that the Bolton Planning Board held a continuation of a public hearing on Wednesday, September 11, 2019, at 7:30 p.m. in the Board of Selectmen Room of the Town Hall, 663 Main Street, Bolton, MA to hear and act upon the application of 21 Century Mill, LLC, 291 Main Street, Suite 8, Northborough, MA 01532 for a Common Driveway Special Permit for a property located at 21 Century Mill Road, identified on Bolton's Assessor's Map 3.D as Parcel 32 (12.8 acres), located in Bolton's Residential Zoning District. The proposed common driveway will provide access to four lots.

- The applicant requested a continuance of the hearing as noted in an email from Scott Hayes dated September 11, 2019. The reason for the continuance was to provide additional time to redesign Lot 3 to address Conservation Commission issues.
- No new or additional information was submitted by the applicant and the Board did not open the hearing.
- **Mark Sprague moved to continue hearing for 21 Century Mill Road Common Driveway to October 9, 2019 at 7:30 pm. 2<sup>nd</sup> Michael Gorr. All in favor 4/0/0.**

### BUSINESS

#### *Robert Pace, Keyes Farm Subdivision*

- Robert Pace provided an update to the Board regarding construction progress. He noted the following items:
  - Constructed trail and signage for conservation area/open space.
  - Stormwater basins installed and stabilized.
  - Received permission from neighboring property owner to clean up sedimentation that occurred last spring in area of Danforth Brook.
  - Contractor will continue to monitor the site for stormwater runoff. Wood chips and other measures were installed to control erosion.

- Affordable units in the existing house at 258 Main Street are being renovated which includes drywall, plumbing, insulation, painting, etc. Mr. Pace is working with the Building Inspector and the Historical Commission on the renovations.
  - It is anticipated that curbing and drainage to be completed this fall.
- Robert Bush from Historical Commission agreed with Mr. Pace that renovations were advancing. There is a plaque ceremony scheduled for Sunday, September 29<sup>th</sup>, at 1:00 p.m. to signify the historic home.
- Martha Remington from Historical Commission noted that a blind driveway sign was installed for the driveway at lot 18 on Hudson Road.
- The Board discussed recent noise violations. Three tickets were issued in the month of August. Mr. Pace noted that a lumber company dropped off material on August 20<sup>th</sup>, Framers worked on August 26<sup>th</sup>, and a foundation window was installed on August 10<sup>th</sup>; all occurring outside the hours of operation.
- Mr. Pace noted four (4) occupancy permits have been issued to date therefore residents living in the development could be contributing to the noise. It was noted by the Board that the construction hours associated with the subdivision do not apply to the residents living in the subdivision. Residents are free to do construction on the weekend.
- Mr. Pace updated the construction sign at the front of the development to include construction hours of operation.
- It was noted by the Board that Mr. Pace is the manager of the site and must manage/notify all subcontractors of the hours.
- Erica Uriarte will keep the police department updated with the lots that have received occupancy and will notify the Danforth Lane residents that several of the homes in Keyes Farm are now occupied and free to do construction on off hours.

8:05 p.m.      *Andrew Bendetson, Century Mill Estates (CME)*

- The Planning Board and Andrew Bendetson discussed the affordable housing payment due to Bolton's Affordable Housing Trust on the 40<sup>th</sup> occupancy for CME. The homeowners (the McLaughlin's) of 74 Old Stone Circle are presently seeking the 41<sup>st</sup> occupancy.
- Mr. Bendetson indicated that he had donated approximately \$130k to the Affordable Housing Trust as the first payment required by the Subdivision Approval upon the issuance of the 20<sup>th</sup> occupancy. Mr. Bendetson posted \$140k in good faith with the Town noting that National Lumber paid \$140k and Robert Pace paid \$200k for their lots. Based on this appraisal, the Town withheld approximately \$130k. However, Mr. Bendetson does not agree with the appraisal for an undeveloped lot.
- Mr. Bendetson noted that he has tried to sell phase 1 of the development. The highest bid received to date was for \$85k per lot. He advertised in the Boston Globe and MLS.
- Mr. Bendetson owns 14 lots in phase 1.
- Mr. Bendetson contacted an appraiser last spring to conduct an updated appraisal for undeveloped lots in Phase 1 (lots of his choosing according to the Subdivision Approval), but the appraiser was a couple of months out.

- Mr. Bendetson will obtain an appraisal for two (2) undeveloped lots to assist in determining the payment as required at the time of issuance of the 20th and 40th occupancies.
- Kevin Eriksen, attorney for the McLaughlin's, addressed the Board seeking occupancy for 74 Old Stone Circle (Lot 39A). He noted that his client purchased the property in 2017. The McLaughlin's initially hired Old Stone Estates, LLC to build their home, but their relationship with Mr. Bendetson eroded and is now pending litigation. They requested to get a temporary occupancy prior to Labor Day, but then found out that there was this outstanding payment issue with the Planning Board; a permit condition intended to be upheld by the developer and not a 3<sup>rd</sup> party homeowner. It was noted that there were no incentives for Mr. Bendetson to make payment as it relates to the issuance of the 41<sup>st</sup> occupancy since he was no longer associated with the lot.
- **Danielle Spicer motioned to allow sign off on the occupancy permit for 74 Old Stone Circle. 2<sup>nd</sup> by Mark Sprague. All in favor 5/0/0.**
- The Board deliberated that no further occupancies will be issued without Board approval.

#### **ADMINISTRATION**

- Planning Board approved fall meeting schedule.
  - **Mark Sprague moved to approve meeting schedule for September 11<sup>th</sup>, September 25<sup>th</sup>, October 9<sup>th</sup>, October 23<sup>rd</sup>, November 13<sup>th</sup>, and December 11<sup>th</sup>, 2019. 2<sup>nd</sup> by Danielle Spicer. All in favor 5/0/0.**
- Approval of meeting minutes.
  - **Mark Sprague moved to accept meeting minutes from August 14, 2019 with an amendment clarifying that Mark Sprague recused himself as an abutter to the 147 Long Hill Road discussion. 2<sup>nd</sup> by Danielle Spicer. All in favor 5/0/0.**

**Mark Sprague motioned to adjourn the meeting at 9:01 pm. 2<sup>nd</sup> by Danielle Spicer. All in favor 5/0/0.**

