

Erik Neyland 10/23/19

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## PLANNING BOARD AGENDA

Wednesday, October 9, 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 Peter Driscoll

**Members Absent:** James Barr (Associate)

**Also Present:** Erica Uriarte (Town Planner)

### 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, October 9, 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.

- Scott Hayes from Foresite Engineering and Scott Goddard (the Applicant) from 21 Century Mill, LLC were present to provide an update to the Board. It was noted that the Conservation Commission did not issue Orders of Conditions for the driveway and/or house lots. An outside consultant determined that there were no vernal pools present on the site. However, the areas in question may be isolated wetlands. The Commission denied the Orders of Conditions due to the lack of information provided by the applicant. The applicant anticipates appealing the Commission's decisions. Mr. Hayes reiterated that porous pavement was being proposed for the common driveway and that the design provided the necessary separation to groundwater. He also noted that the project is located within the 100-yr flood plain and 100 ft. wetland buffer.
- The Applicant requested that the Board keep the public hearing open indefinitely until further information could be provided, but the Board declined.
- Given the uncertainty of the wetland resource areas and the Board's propagative to consider environmental impact, the Board asked the Applicant to consider withdrawing his application without prejudice. Otherwise, the Board would close the hearing and vote based on the information provided at present.
- Scott Goddard formally agreed to withdraw his application.
- **Mark Sprague moved to accept the withdrawal without prejudice from Scott Goddard regarding his application for Special permit for 21 Century Mill Road common driveway. 2<sup>nd</sup> by Danielle Spicer. All in favor 5/0/0.**
- **Mark Sprague motioned to close the hearing. 2<sup>nd</sup> by Danielle Spicer. All in favor 5/0/0.**

## BUSINESS

### *Peter Bradley, Houghton Farm Subdivision*

- Peter Bradley from B Squared Corp (builder for Houghton Farm) requested a reduction in the number of plantings and street trees as shown on a Planting Plan dated 07/21/10. Mr. Bradley was seeking to reduce the number of tree plantings towards the front of the subdivision where an existing vegetated buffer existed. He also requested to reduce the number of street trees along the subdivision road so that residents living in the development could maintain their current view of the site's meadow. Mr. Bradley submitted a redline sketch and photographs of the existing vegetated buffer at the front of the subdivision for the Planning Board's review.
- The Board agreed to eliminate 16 trees at the entrance of the subdivision based on the photographs submitted. They also agreed to reduce the number of street trees along the subdivision road from 40 ft. to 80 ft. off center.
- Mr. Bradley will have Ducharme & Dillis Civil Design Group revise the Planting Plan based on the feedback from this evening. The Board will review the revised plan and vote to accept modifications at their next meeting on October 23, 2019.

### *8:00 p.m. Walter & Kevin Eriksen, 147 Long Hill Road Common Driveway*

- Mark Sprague recused himself from the discussion as an abutter to the project.
- Kevin Eriksen provided an update to the Planning Board. The spot grades at the entrance of the driveway, first 40 ft., were added to the as-built. The average slope is 7%. The new swale was dug out and the capacity of the swale was improved and the common driveway area was seeded. The new swale grades were added to the as-built.
- The Board reviewed Fred Hamwey's Inspection Report No.27 as well as Hamwey's email dated October 7, 2019 outlining outstanding items.
- The Board requested the following items be completed:
  - Correct turnout at Station 3+25 to be 25 ft. long by 18 ft. wide.
  - Verify location of low point in cul-de-sac. If needed, relocate the drainage channel previously installed to convey runoff at this low point to Basin 3.
  - Mow/maintain swale from Station 11+00 to forebay located between Lots 3 and 5. Remove the vegetation in the forebay as well.
  - Seed areas at the following locations:
    - Along the right side of the driveway from Station 2+00 to Station 3+25.
    - Adjacent to the guardrail.
    - Along the right side of the driveway from Station 10+25 to Station 11+25.
- Kevin Silen provided public input to the Board on behalf of residents living off of the common driveway. An email with the residents' concerns was previously sent on October 10, 2019. Mr. Silen would like to see all of the turnouts meet the required dimensions. In regards to the functionality of the new swale and no crown in the driveway, he would like to wait until the snow melts in the spring to see if runoff continues to drain across the driveway. Also, Mr. Silen would like for the manhole and

catch basin to go through a winter to see if the pavement holds up since the infrared process was not witnessed. The inverts and design of the manhole/catch basin are as per design and shown on the As-Built Plan. Walter Eriksen submitted a slip to prove the infrared process was completed.

- Paul Haverty, an attorney present on behalf of the Silen's, noted that the Planning Board has a condition in its Special Permit for 147 Long Hill Road common driveway that requires a public hearing to be conducted in order to approve changes to the driveway design. He noted that the changes do not comply with Bolton's regulations.
- Kevin Eriksen rebutted indicating that Bolton's regulations allow the Board to accept the As-Built Plan with deviations.
- Town Counsel to weigh in regarding the deviations to the As-Built Plan and whether or not a public hearing is required.
- Walter Eriksen will discuss removing the erosion controls onsite with the Conservation Commission. The Commission typically provides approval to remove the erosion controls once a Certificate of Conformance is issued.
- The Board is satisfied with the plantings installed as part of the common driveway.

#### ***8:20 p.m. Planning Board to Consider Letter of Support for Bill S.810***

- Bill S.810 is pending in the MA legislature (specifically the Joint Committee on Housing). This bill would amend M.G.L. Chapter 40B requiring comprehensive permit applications to meet local bylaws concerning wetlands and other environmentally sensitive areas.
  - **Mark Sprague move to support bill S.810. 2<sup>nd</sup> by Danielle Spicer. All in favor 5/0/0.**

#### ***8:25 p.m. Master Plan Discussion***

- The Planning Board appointed Brian Boyle, Cia Boynton, Mary Ciummo, Panny Gerken, Michelle Goulding, Molly Myers, Bob Roemer, Chris Rogers, Mark Sprague, Ken Troup, and Kevin Weadock to the Master Plan Steering Committee.
  - **Danielle Spicer motioned to accept appointment of members to the Master Plan Steering Committee. 2<sup>nd</sup> by Michael Gorr. All in favor 5/0/0.**

### **ADMINISTRATION**

- The Planning Board discussed potential articles for ATM 2020. This list included the following
  - Senior housing bylaw
  - Multi-unit senior housing
  - Cottage overlay district
  - Correct Limited Business, Business and Industrial zoning lines to actual property lines
  - Require Design Review Board on Major Residential Planned Developments
  - Update Accessory Apartment Bylaw
  - Deed restrict apartment in exchange for non-owner-occupied primary residences

- Clearly define that legal accessory apartments can be rented
- Update Ag/Business Bylaw
- Update Inclusionary Housing Bylaw
  - Fee in lieu schedule – lock into town surety – post bond, hold lots, etc.
  - Density bonus
- Update Mixed Use Village Overlay District to include affordable component
- Update Barn Bylaw
- Deed restrict apartment in exchange for non-owner-occupied primary residences
- Clearly define that legal accessory apartments can be rented
- Eliminate condition that a two-family dwelling must be converted to a single-family dwelling to allow for an accessory apartment
- Overall cleanup of Zoning Bylaw
- Update on schedule of uses
- Eliminate conservation restriction on open space for industrial properties
- Adopt MGL to allow bond money to be used towards taxes
- Bed & breakfast use in Residential Zone by Special Permit
- Short-term rentals
- The Planning Board will hold off on all potential articles relating to housing until after the Housing Production Plan is completed. The Board will investigate Design Review Board guidelines on Major Residential Planned Developments, bed & breakfasts and short-term rentals as well as correct Limited Business, Business and Industrial zoning lines to property lines.
- Approval of meeting minutes.
  - **Mark Sprague motioned to approve meeting minutes for September 11, 2019 and September 25, 2019. 2<sup>nd</sup> by Danielle Spicer. All in favor 4/0/1. Peter Driscoll abstained from voting since he was not present for the meetings.**

**Danielle Spicer motioned to adjourn at 9:40 pm. 2<sup>nd</sup> by Mark Sprague. All in favor 5/0/0.**