

## PLANNING BOARD MINUTES

Tuesday, November 10, 2020, at 7:00 p.m.

### Remote Public Meeting

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

**Members Absent:** Michael Gorr (Vice Chair)

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.

A roll call was conducted of all Planning Board members present: Peter Driscoll – yes, Erik Neyland - yes, Danielle Spicer (Chair) – yes, and Mark Sprague – yes.

James Barr entered the meeting late.

## BUSINESS

### *Robert Pace, Keyes Farm Subdivision*

- Robert Pace and James Hryniewicz from Rhino Construction provided an update on the following:
  - Corrective actions relating to the drainage and erosion issues on Lots 1, 2 and 4.
    - Slope improvements at Lots 1 and 2 are complete. The jute netting and seed still needs to be placed on Lot 4. It is anticipated that the remaining work will be completed by Friday.
    - Nitish Engineering will review the slope work when they are on site to observe the top coating of the road.
    - Elisabeth Hutchins from Lot 4 (Moderator Way) asked about the stone wall installed and whether the level spreader was supposed to be level?
      - Danielle Spicer noted that the level spreader did have some pitch to it since there was a swale draining to it.

- Asphalt berm installations on lots 3, 4 and 5.
  - Asphalt berm was not needed at Lot 5 nor did the homeowner want it installed.
  - Lot 3 asphalt berm was installed.
  - The homeowners of Lot 4 were concerned that the asphalt berm would reduce their driveway width to 9 ft. According to the driveway plan for Lot 4, the driveway was intended to be 12 ft. wide. According to the homeowners, the driveway is currently 10 ft. wide. The stone swale will continue to be maintained and Mr. Pace will add asphalt berm at the end of the driveway within the road right-of-way. The wattles will remain in place.
  - Erica Uriarte, Town Planner, will check the driveway plans on file and will follow up with the Fire Chief regarding the 10 ft. wide driveway at Lot 4.
- Lot 6 driveway runoff ponding.
  - Rhino Construction seeks to add pavement at the end of the driveway at Lot 6 to allow runoff from the driveway to drain to the road. Currently, a portion of the runoff ponds at a low point.
  - There was a stone swale previously installed along the edge of the driveway that was removed by the home owner. The home owner indicated that runoff from the driveway was not draining to the swale so they removed it.
  - **Erik Neyland motioned to allow stormwater runoff from driveway of Lot 6 to drain to the road (Moderator Way). 2<sup>nd</sup> by James Barr. All in favor by roll call: James Barr – yes, Peter Driscoll – no, Erik Neyland- yes, Danielle Spicer (Chair) – yes, Mark Sprague – no; (3/2/0).**
- Road construction & outstanding items.
  - Rims and manhole covers have been raised except for four (4). This will be completed this week.
  - No construction will occur on Veteran's Day.
  - Top coating of the road will occur either on Friday or Saturday (if approved) depending on weather. It is anticipated to rain on Friday.
  - The driveways will be cut back to blend the pavement into the road.
  - Any asphalt material left behind the asphalt berms will be removed prior to correcting the grass strips along the road.
  - The mix design and tack will be sent to Nitsch Engineering for approval.
  - The street light at the entrance is on the punch list of items needed to be completed as part of road acceptance. Mr. Pace will coordinate with Hudson Power.

- Erica Uriarte will update the punch list with timelines. She will coordinate a site walk with Nitsch Engineering and Rhino Construction to review outstanding site items.
- **Erik Neyland motioned to allow Saturday construction at Keyes Farm on November 14<sup>th</sup> contingent upon Nitsch Engineering's availability. 2<sup>nd</sup> by Mark Sprague. All in favor by roll call: James Barr – yes, Peter Driscoll – yes, Erik Neyland- yes, Danielle Spicer (Chair) – yes, Mark Sprague – yes; (5/0/0).**

*Andy Bendetson, Century Mill Estates*

- Andy Bendetson provided update on remaining punch list items required as part of the road acceptance process for Phases 2 and 4. The Board reviewed major items only.
- Back taxes need to be paid.
- The open space needs to be deeded over to the Bolton Conservation Trust.
  - In regards to the history of the Zone 1 parcel, the Town and the Trust would not take on the responsibility and liability of the public water supply.
  - Mr. Bendetson will decide who to deed the Zone 1 parcel to. He may choose to keep the parcel.
- The next payment needs to be made to the Affordable Housing Trust.
  - Mr. Bendetson noted that the appraiser he sought to contract with was months out so he will be calling others to obtain a quote/schedule. He will send an update next week.
- Mr. Bendetson needs to submit payment to cover the cost of construction inspections conducted by Nitsch Engineering.

*ATM 2021 Potential Articles*

- Planning Board discussed potential articles for ATM 2021 including the following:
  - Amend Bolton's Accessory Apartment Bylaw
    - The Board seeks to allow detached accessory apartments.
    - The Board reviewed a comparison of accessory apartment bylaws from various towns including Stow, Lancaster, Harvard, Berlin, Acton, Littleton, Carlisle, Maynard, Lincoln and Lunenburg.
    - Common requirements included the following:
      - Most detached accessory apartments are allowed by special permit.
      - Appearance of premises must remain as a single-family residence. The accessory apartment must be clearly accessory.
      - No additional curb cuts/driveways are allowed.
      - Need sufficient off-street parking.
      - One accessory apartment per lot.
      - Two-bedroom maximum and three (3) persons.

- Does the Board need to set limit? Allow maximum square footage of apartment to define number of bedrooms or possibly consider up to three?
  - Primary dwelling or apartment must be owner-occupied.
  - Most detached accessory apartments allow for a 1200 sq. ft. maximum or a percentage of the primary dwelling unit.
  - The premises must continue to meet BOH requirements.
- Mark Sprague noted that it might be easier to upgrade existing septic systems than build a separate system for an accessory apartment.
- Erica Uriarte will reach out to Mark O'Hagan (Chair of the Housing Production Plan Committee) to see if he has any recommendations on square footages. Is a two-garage a good comparison?
- Erica Uriarte will draft a bylaw for next meeting.
- Paul Eska from 155 Nourse Road relayed that he hopes the Board will consider flexibility in repurposing existing structures. He has an accessory structure (previously built for commercial purposes) that he would like to use as an accessory apartment. The square footage is 1,500.
- Road acceptance of Mill Pond Road, Cider Circle and Old Stone Circle at Century Mill Estates
- Road acceptance of Houghton Farm Lane at Houghton Farm
- Road acceptance of Moderator Way at Keyes Farm
- Update Barn Bylaw
  - The Planning Board will research updating the Barn Bylaw to allow more flexibility so that residents can use historical accessory structures as accessory apartments.
- Amend Bolton's Driveway Bylaw
  - The Board will consider updating language regarding drainage runoff from single/shared driveways to the public road. The Board will hold off on this article until after a meeting/review with the DPW Director.
- Light Pollution Bylaw
  - The Board will consider/research whether a light pollution bylaw is warranted. The Board will initially look at Stow's bylaw.

The Planning Board will consider updating Bolton's Subdivision Rules & Regulations to eliminate asphalt berms. The Planning Board will also consider amending application fees particularly for home occupations and accessory apartments through the Barn Bylaw.

## ADMINISTRATION

Approval of meeting minutes from October 28, 2020 was moved to the next meeting.

**Approved at December 9, 2020 meeting via Zoom participation by**

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

Planning Board will meet next on Wednesday, December 9<sup>th</sup>.

**Mark Sprague motioned to adjourn the meeting at 8:56 pm. 2<sup>nd</sup> by Erik Neyland. All in favor by roll call: James Barr – yes, Peter Driscoll – yes, Erik Neyland- yes, Danielle Spicer (Chair) – yes, Mark Sprague – yes; (5/0/0).**

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