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TOWN OF BOLTON - PLANNING BOARD MINUTES

Meeting Held at the Town Hall – Board of Selectmen’s Room on **September 26, 2018** at 7:30 PM

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

Also Present: Erica Uriarte (Town Planner)

Call to order: 7:30 PM

- Hearings

- In accordance with Massachusetts General Laws, Chapter 40A, Section 11, notice was hereby given that the Bolton Planning Board held a public hearing on Wednesday, September 26, 2018 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 William C. and Cynthia L. Lord of 71 Annie Moore Road, Bolton, MA 01740. The Applicant seeks a Backland Lot Special Permit pursuant to Section 250-13 of the Code of the Town of Bolton in Bolton’s Residential Zoning District for a property located at 69 Annie Moore Road identified on Assessor’s Map 4.E as Parcel 7.
 - Mark Sprague recused himself from the Board stating that he was a direct abutter to the property.
 - Scott Hayes from Forsite Engineering Assoc. represented the applicant. The property is currently in chapter land, but the backland lot will be removed and given to a family member. The backland lot consists of 4.53 acres and has 50 feet of frontage on Annie Moore Road. The lot also has 1.5 acres of contiguous upland area that is outside wetland resource areas and floodplain. Access to the lot will be provided by existing opening at the road and will not require a scenic road hearing. The remaining land is approximately 101 acres with 540 feet of frontage on Annie Moore Road.
 - **Danielle Spicer motioned to approve the Plan of Land dated xxx. 2nd by Michael Gorr. All in favor 5/0/0.**
- 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 26, 2018, at 7:45 p.m. in the Board of Selectmen Room of the Town Hall, 663 Main Street, Bolton, MA to hear and act upon the applications of 21 Century Mill, LLC, 291 Main Street, Suite 8, Northborough, MA 01532 for a Backland Lot Special Permit and 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; one lot being a backland lot.
 - Scott Hayes from Forsite Engineering Assoc. represented the applicant. Hayes submitted a revised common driveway plan, stormwater report and response to comment letter addressing Hamwey Engineering’s peer review. The common driveway was revised to be porous pavement and handle up to the 100 yr. storm event. The porous pavement will meet the required infiltration requirement as per MassDEP Stormwater Standards. There is little slope to the driveway with HSG C soils. Groundwater is approximately 60-inches below grade allowing more than 3 ft. of separation to the porous pavement. Hayes does not anticipate major impact to wood over story or significant fills/cuts. The maintenance associated with the porous pavement requires vacuuming the pavement and no use of salt/sand in the winter.
 - The Board discussed flooding on the property and the video captured by the neighbor showing flooding on Lot 3. Basement level of dwelling on Lot 3 appears to be above groundwater. Both the basement and septic system are below the floodplain elevation of 310 ft., but are located within upland areas that Hayes states will act as a dam between the floodplain and the dwelling/septic system.
 - Potential vernal pools still an outstanding issue on Lots 2 and 4. Conservation Commission to weigh in (most likely in the spring).
 - The Board and applicant discussed whether the portion of the Common Driveway Bylaw that indicates that the Board should consider “impact to wetland resource areas” shall apply to just the driveway or the entire development.
 - Hayes to submit a revised ANR plan that continues to shows Lot 1 as a backland lot, but merge Lots 2, 3 and 4 as a single parcel. The applicant will consider whether or not to withdraw the

application for common driveway given the uncertainty of the potential vernal pools on Lots 2 and 4 and the floodplain surrounding Lot 3.

- **Mark Sprague moved to continue the hearing for 21 Century Mill Road to 7:30 p.m. on October 10, 2018. 2nd by Danielle Spicer. All in favor 5/0/0.**

- Business

- Parcel 6.C-18.1 (Green Road)
 - Paul Zayka (property owner) seeks to withdraw his property of 2.5 acres from Chapter 61A.
 - **Mark Sprague moved to respond to the Board of Selectmen letter indicating no interest in purchasing Parcel 6.C-18.1 on Green Road as part of Right of First Refusal. 2nd by Danielle Spicer. All in favor 5/0/0.**
- Fred Coon – Century Mill Estates
 - Fred Coon and Andy Bendetson discussed their difficulty with obtaining cooperation from the owners of the lots in Phase 3 to pay for and construct a temporary cul-de-sac for Mill Pond Road as part of partial road acceptance (Phases 2 and 4). David and Sam Weissman (sons of the owner of the lots in question in Phase 3) were present at meeting and indicated that they would not pay for a temporary cul-de-sac. Bendetson stated that he would contact Ducharme & Dillis (Engineers) to see if the temporary cul-de-sac for partial road acceptance could be located further into Phase 3 instead on National Lumber property.
 - The Planning Board agreed that the temporary cul-de-sac design would be a minor modification to the approved plans.
 - Planning Board will consider partial bond releases for Phases 2 and 4 once the remaining work is complete. A portion of the bond will be held until Town Meeting in the spring.
- Robert Pace (Turnkey Builders LLC) - Keyes Farm (Parcels 3.D-9 & 9A), Hudson Rd
 - Mark Caisse, Bolton's Tree Warden, indicated that six large pine trees (30" calipers) were removed on August 23, 2018 without a Shade Tree Hearing requesting his approval. Erica Uriarte, escorted by a police officer, went to the site to issue a cease and desist on the tree cutting. Out of the trees to be removed, a 4" dia. Oak, 5" dia. Cherry, and 8" dia. Cherry remained in the ROW. A Shade Tree Hearing was scheduled for September 17th. Prior to the hearing, the 4" oak that was posted with the public hearing notice was cut. The Shade Tree Hearing was continued to have Planning Board weigh in. Caisse recommends issuing a \$500 fine for each offense and requiring that 10 trees be planted along the property frontage. The Board agreed to one \$500 fine and the planting of 10 trees.
 - **Danielle Spicer motioned to require a \$500 fine and the planting of 5 Green Mountain Maples and 5 Red Oaks before May 1, 2018. The trees are to be 3½" to 4" caliper with a warranty of three years. 2nd by Mark Sprague. All in favor 5/0/0.**
 - An abutter to the Keyes Farm was present to express her concern regarding Saturday Construction Hours through November 10th. The Board agreed to eliminate the Saturday hours on October 6th considering the Columbus Day holiday weekend.
 - **Michael Gorr motioned to not allow Saturday construction on October 6, 2018. 2nd by Mark Sprague. All in favor 5/0/0.**
- Still River Commons – Proposed 40B Project on Still River Road
 - Planning Board will review application and will provide comments at a future meeting for the Zoning Board of Appeals regarding the Still River Commons 40B project. The Board of Appeals requested comments as part of their public hearing process to review the project's Comprehensive Permit Application.

- Administration

- Planning Board reviewed the revised Housing Production Plan Committee Charter to allow four board/committee members and three non-board/committee members.
- Planning Board reviewed a list of potential bylaw amendments for ATM 2019. The Board agreed to advance the following articles:
 - Senior Housing Bylaw
 - Correct Limited Business, Business and Industrial zoning lines to actual property lines
 - Require Design Review Board on Major Residential Planned Developments

- Allow more than one building on commercial properties
- Stormwater Bylaw

Danielle Spicer moved to adjourn the Planning Board meeting at 11 p.m. 2nd by Mark Sprague. All in favor 4/0/0.

