

## **PLANNING BOARD MINUTES**

**Wednesday, April 14, 2021, at 7:00 p.m.**

### **Remote Public Meeting**

**Members Present:** James Barr (Associate), Peter Driscoll, Michael Gorr (Vice Chair), Erik Neyland, Danielle Spicer (Chair), and Mark Sprague  
**Also Present:** Valerie Oorthuys (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: James Barr (Associate) - yes, Peter Driscoll – yes, Michael Gorr (Vice Chair) – yes, Erik Neyland - yes, Danielle Spicer (Chair) – yes, and Mark Sprague – yes.

## **HEARINGS**

The Planning Board held a public hearing on Wednesday, April 14, 2021 at 7:00 p.m. via Zoom Video Communications, Inc. (Zoom) to hear and act upon the application of Environmental Pools, 184R Riverneck Road, Chelmsford, MA 01824. The applicant seeks a Special Permit for an office and sales facility for the design and installation of swimming pools (other retail, wholesale or service) at 357 Main Street identified on Assessor's Map 4.D as Parcel 21 in Bolton's Limited Business Zoning District pursuant to Sections 250-12.D and 250-23 of the Code of the Town of Bolton. The existing building will be modified and a new storage barn will be constructed along with storage areas.

### *Present:*

Frank McPartlan, Dillis & Roy  
Andrew Everleigh, Applicant

- Chair Danielle Spicer read the legal notice to open the hearing.

- Frank McPartlan oriented the Planning Board to the site plan and intent of the special permit. The existing building on site will be kept and modified to accommodate office spaces and a showroom. The existing well and septic system will remain. The plans include the creation of a gravel driveway to wrap around the back of the building and past outdoor storage bays to be constructed.
- Stormwater management includes an infiltration basin and sediment forebay to the west of the driveway. There will be an earthen berm rather than a constructed embankment at that location, with vegetation cleared to the property line. Infiltration system A has an emergency overflow to ensure that peak volumes are handled.
- Frank McPartlan acknowledged that the proposed parking area is significant as the calculation for the minimum parking spaces required was done based on the whole building being considered an office. The Planning Board agreed that the parking could be modified by considering a ratio of parking between uses proposed on site. Erik Neyland noted that parking requirements can also be flexible to better correspond to morning and evening parking needs and shared parking.
- Erik Neyland asked for more information related to outdoor lighting and hours of operation. Andrew Everleigh said there is potential for minimal landscape lighting though the intent is to light the structure and parking areas with existing outdoor lighting fixtures. Hours of operation are proposed to be Monday through Friday from 6am to 5pm with potential for some appointments on Saturdays.
- *Public Comment*
  - Ed Shankle, 227 Main Street asked if the outdoor lighting would be on at night or overnight. Andrew Everleigh said it would not be.
  - Ed Shankle asked if the temporary storage areas will be open racks. Andrew Everleigh said they would be, for the storage of pvc pipe, lumbar, and rebar.
  - Ed Shankle asked if the proposal includes tree removal. Andrew Everleigh said there will be tree removal and indicated the limit of clearing shown on the plans. Ed Shankle asked for a site walk to better understand where the impacts would be at the property line.
- Valerie Oorthuys asked if the applicant intended to provide parking spaces available for residents to access the nearby Rattlesnake Hill, as may have been previously discussed with the Conservation Commission. Frank McPartlan said the applicant is intending to use a gate at the entrance to the property for added security.
- The Planning Board agreed that because the proposal uses an existing building and therefore most of the focus is centered on stormwater management, review by the Design Review Board is not needed.
- The Planning Board agreed that further information will be needed, including comment from the Board's consulting engineer and review of modified parking areas.
- **Mark Sprague motioned to continue the public hearing for a Special Permit for an office and sales facility at 357 Main Street to April 28, 2021 at 8:00pm. 2<sup>nd</sup> by Erik**

**Neyland. All in favor by roll call: Peter Driscoll – yes, Michael Gorr (Vice Chair) – yes, Erik Neyland- yes, Danielle Spicer (Chair) – yes, Mark Sprague – yes; (5/0/0).**

The Planning Board held a public hearing pursuant to Massachusetts General Laws Chapter 41, Section 81Q, on Wednesday, April 14, 2021 at 8:00 p.m. via Zoom Video Communications, Inc. (Zoom) to amend the Town of Bolton Subdivision Rules and Regulations and the Town of Bolton Design Review Board Rules & Regulations.

- Chair Danielle Spicer read the legal notice to open the hearing.
- The Planning Board reviewed proposed changes to the Subdivision Rules and Regulations. Substantive changes include adding a provision that driveway entrances up to the edge of the right of way are shown on the topography and grading plan, clarifications to the placement of street shade trees, and a one foot increase to the width of sidewalks to reflect new guidance.
- **Mark Sprague motioned to approve the Subdivision Rules and Regulations as amended. 2<sup>nd</sup> by Michael Gorr. All in favor by roll call: Peter Driscoll – yes, Michael Gorr (Vice Chair) – yes, Erik Neyland- yes, Danielle Spicer (Chair) – yes, Mark Sprague – yes; (5/0/0).**
- The Planning Board reviewed proposed changes to the Design Review Board Rules and Regulations. Substantive changes include the addition of a joint meeting between the Design Review Board and the permitting board to review design revisions.
- Michelle Tuck, Chair of the Design Review Board, stated her concern with the Design Review Board's review of an application not being sought by the permitting board. Michelle Tuck said that though the Design Review Board's recommendations are not required to be incorporated into an applicant's application, the review process should include final plans to be submitted to the DRB an additional time so that the DRB's final recommendations can be itemized in a letter to the permitting board prior to the close of the public hearing.
- The Planning Board agreed that the language around further DRB review needs further drafting.
- **Mark Sprague motioned to continue the public hearing for the amendments to the Subdivision Rules and Regulations and Design Review Board Rules and Regulations to April 28, 2021 at 8:30pm. 2<sup>nd</sup> by Michael Gorr. All in favor by roll call: Peter Driscoll – yes, Michael Gorr (Vice Chair) – yes, Erik Neyland- yes, Danielle Spicer (Chair) – yes, Mark Sprague – yes; (5/0/0).**

The Town of Bolton Tree Warden and Planning Board held a Joint Public Hearing regarding an application from Bolton's Department of Public Works to remove seven (7) public shade trees from Spectacle Hill Road. These trees are located in the vicinity of #5 and #12 Spectacle Hill Road on both sides of the road to facilitate a drainage improvement project.

*Present:*

Frank McPartlan, Dills & Roy

Mark Caisse, Tree Warden

Randall Heglin, Director of DPW

- Chair Danielle Spicer read the legal notice to open the hearing.
- Frank McPartlan described the justification for the need to remove public shade trees, noting a grant funded project to facilitate drainage improvements. Frank McPartlan noted that the project will alleviate flooding in the area and includes raising the centerline of the road by one foot. Three public shade trees will be removed in the vicinity of 5 Spectacle Hill Road and four public shade trees will be removed in the vicinity of 12 Spectacle Hill Road.
- *Public Comment*
  - Gavin Robinson, 328 South Bolton Road, asked if the removal of the trees will happen in advance of the roadwork or at the same time as the road work. Frank McPartlan said it would happen concurrently and the work is anticipated to be completed by mid summer.
  - Bob Tattersall, 347 South Bolton Road, asked if stone walls in the area will be disturbed. Frank McPartlan said that the proposed plan includes the disruption of a section of stone wall, though the plan will be evaluated to minimize or eliminate this. Randall Heglin stated that he had believed the project would not include displacement of stone walls.
  - Stan Smith, 5 Spectacle Hill Road, noted that the plan provided does not indicate a drain line.
  - Margaret Campbell, 5 Spectacle Hill Road, said that she believes the flooding on the roadway has been reduced. Frank McPartlan said that the project is intended to alleviate flooding by altering the way stormwater flows off the road. Frank McPartlan noted that the project does have an Order of Conditions from the Conservation Commission. Danielle Spicer noted that the Board's jurisdiction on this matter is not the review of the drainage project but rather a review of the public shade trees to be impacted.
  - Gardner Peters, 12 Spectacle Hill Road, stated he understands the need to remove the trees, though he is very concerned with the displacement of a section of stone wall, noting that there is a stone with an inscription from 1740 along this section of stone wall. Mark Caisse said that he understood that no stone walls would be disturbed.
  - Gardner Peters asked for further information about the impacts of raising the centerline of the road, particularly with regard to driveways. Frank McPartlan said the plans include swales to help convey the runoff laterally and flows will be directed to a beehive grate in the vicinity of 6 Spectacle Hill Road.

- Mark Sprague asked if replanting of trees is included in the project. Mark Caisse said it is not included on the east side of the road, though it may be included along the west side. Mark Caisse clarified that replanting is not part of the project.
- **Michael Gorr motioned to close the public hearing. 2<sup>nd</sup> by Mark Sprague. All in favor by roll call: Peter Driscoll – yes, Michael Gorr (Vice Chair) – yes, Erik Neyland- yes, Danielle Spicer (Chair) – yes, Mark Sprague – yes; (5/0/0).**
- **Michael Gorr motioned to approve the removal of seven public shade trees from Spectacle Hill Road.. 2<sup>nd</sup> by Mark Sprague. All in favor by roll call: Peter Driscoll – yes, Michael Gorr (Vice Chair) – yes, Erik Neyland- yes, Danielle Spicer (Chair) – yes, Mark Sprague – yes; (5/0/0).**

### **BUSINESS**

- Discussion of Driveway Permit Fee for Shared Driveways at the Woods at Farm Road
  - Valerie Oorhuys asked for a clarification on the fee schedule related to single and shared driveway permits. The Planning Board agreed that the intent of the schedule is to include a fee per new address created and a \$1,000 surety per driveway. The surety remains the same whether the driveway is single or shared.

### **ADMINISTRATION**

- Review Correspondence
  - Concerns from residents of Keyes Farm subdivision, Moderator Way
    - The Planning Board agreed that once peer review funds are replenished, the Board's consulting engineer at Nitsch will review correspondence and the developer's punch list. Afterwards, a site visit will be held to come to agreement on final items to be completed.
- Approval of Minutes from March 24, 2021
  - **Michael Gorr motioned to approve the minutes of March 24, 2021 as written. 2<sup>nd</sup> by Mark Sprague. All in favor by roll call: Peter Driscoll – yes, Michael Gorr (Vice Chair) – yes, Erik Neyland- yes, Danielle Spicer (Chair) – yes, Mark Sprague – yes; (5/0/0).**

Planning Board will meet next on Wednesday, April 28<sup>th</sup>.

**Mark Sprague motioned to adjourn the meeting at 9:50 pm. 2<sup>nd</sup> by Michael Gorr. All in favor by roll call: Peter Driscoll – yes, Michael Gorr (Vice Chair) – yes, Erik Neyland- yes, Danielle Spicer (Chair) – yes, Mark Sprague – yes; (5/0/0).**