

PLANNING BOARD MINUTES

Wednesday, April 28, 2021, at 7:00 p.m.

Remote Public Meeting

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

Also Present: Valerie Oorthuys (Town Planner)

Absent: Michael Gorr (Vice Chair), Mark Sprague

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, Erik Neyland - yes, and Danielle Spicer (Chair) – yes.

HEARINGS

The Planning Board held a public hearing to hear and act upon the application of Brian Boyle and Matthew Savoie, 59 Sampson Road, Bolton, MA 01740. The Applicant is seeking a Special Permit pursuant to Section 250-27.1 Barn, Stable and Carriage House Preservation of the Code of the Town of Bolton to convert an existing barn-garage into an accessory apartment at 59 Sampson Road.

Present:

Brian Boyle, Applicant

Doug Storey, Builder

- Chair Danielle Spicer read the legal notice to open the hearing.
- Danielle Spicer asked for further explanation regarding the applicability of the bylaw to this application. Brian Boyle noted the October 2020 discussion and subsequent agreement by the Planning Board relative to the applicability of the barn bylaw, particularly as it relates to the age of the barn.

- Brian Boyle stated that the barn has been in continuous existence since 1817. The barn collapsed in May 1999 and on June 9, 1999 the homeowner had sent the Town a letter stating their intent to demolish and reconstruct the barn on the same footprint using salvaged materials. Reconstruction began in November 1999. Brian Boyle said Section 250-27.1 of the zoning bylaw was not in existence at the time of this collapse and said he feels reconstruction after collapse relates to the intent of the bylaw to preserve historic properties. The Board agreed that maintenance and repair is part of historic preservation.
- Brian Boyle stated the intent of the application is to convert a portion of the existing 3 car garage into an in-law apartment. The garage is detached from the principal dwelling on the site. The home is included in the historical inventory of the town. The principal dwelling unit will remain occupied by the homeowner and used as a single-family dwelling.
- Brian Boyle presented architectural drawings that have been revised since the October 2020 discussion with the Planning Board.
- *Public Input*
 - Jonathan Keep, 752 Main Street, said he believes the reconstruction of the barn in 1999 disqualifies it from consideration through this bylaw. Jonathan Keep asked whether the upcoming Town Meeting article regarding detached accessory apartments via Special Permit would be a cleaner way to permit this use. Brian Boyle noted that the proposed amendment to the accessory apartment bylaw would require a smaller apartment and that the application is already in front of the Board. The Planning Board agreed that the intent of this application is in accordance with the intent of the bylaw.
- James Barr asked if the accessory apartment meets Board of Health regulations for an additional one-bedroom unit. Doug Storey said the application has approval from the Board of Health. The septic system will be connected to the existing system. The barn-garage already has water.
- **Erik Neyland motioned to close the public hearing. 2nd by Peter Driscoll. All in favor by roll call: James Barr (Associate) – yes, Peter Driscoll – yes, Erik Neyland- yes, Danielle Spicer (Chair) – yes; (4/0/0).**
- **Erik Neyland motioned to approve the application to convert an existing barn-garage into an accessory apartment at 59 Sampson Road. 2nd by Peter Driscoll. All in favor by roll call: James Barr (Associate) – yes, Peter Driscoll – yes, Erik Neyland- yes, Danielle Spicer (Chair) – yes; (4/0/0).**

The Planning Board held a public hearing 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.

- Danielle Spicer noted that the applicant has requested a continuance of the public hearing in order to have additional time to review recommendations from the Board's consulting engineer.
- **Erik Neyland motioned to continue the public hearing for a Special Permit for an office and sales facility at 357 Main Street to May 12, 2021 at 7:45pm. 2nd by Peter Driscoll. All in favor by roll call: Peter Driscoll – yes, Erik Neyland- yes, Danielle Spicer (Chair) – yes; (3/0/0).**

The Planning Board held a public hearing to amend the Town of Bolton Subdivision Rules and Regulations and the Town of Bolton Design Review Board Rules & Regulations.

- The Planning Board discussed revisions to the Design Review Board Rules and Regulations, agreeing that the process should not be cumbersome for the applicant but should give more weight to the DRB's recommendations than they currently have.
- The Board agreed that the Rules and Regulations should not state that the permitting board may not close a public hearing process until the DRB's review is complete, as that may conflict with M.G.L. Ch.40A or 40B.
- **Erik Neyland motioned close the public hearing on amendments to the Town of Bolton Subdivision Rules and Regulations and Design Review Board Rules and Regulations. 2nd by Peter Driscoll. All in favor by roll call: Peter Driscoll – yes, Erik Neyland- yes, Danielle Spicer (Chair) – yes; (3/0/0).**
- **Erik Neyland motioned to approve the Design Review Board Rules and Regulations as amended. 2nd by Peter Driscoll. All in favor by roll call: Peter Driscoll – yes, Erik Neyland- yes, Danielle Spicer (Chair) – yes; (3/0/0).**

BUSINESS

- *Keyes Farm Subdivision, Bob Pace*
 - Danielle Spicer said that in order to understand the complete punch list for the project, the Board's consulting engineer will need to review the site, provide feedback on Bob Pace's draft punch list, and provide feedback on a list of concerns received from residents. A site visit of the whole development will need to be scheduled, once the peer review funds can be replenished. The Board agreed to have the developer provide \$5,000 for the peer review account.

- Bob Pace discussed remaining punch list items and suggested that work could be substantially complete by the end of May 2021, with the beginning of work anticipated to begin the week of May 10, 2021.
- Elisabeth Hutchins, 75 Moderator Way, said she would like the videos of stormwater flowing on the site to be shared with Nitsch.
- Heather Carpenter, 79 Moderator Way, said the ponds on site need to be drained and noted that she is not receiving mail to her home and the public shade trees installed are now dying.
- Larry Cedrone, 84 Moderator Way, noted that work discussed last fall has not been accomplished, such as completing driveway transitions, reconstruction of curbing, and tree replacement.
- Elisabeth Hutchins said there is wooden debris by the school bus stop and a light was installed on Hudson Road rather than Moderator Way and would like it either to be replaced or have a new light installed at the school bus stop for added safety during winter months.
- *Review of materials in preparation for Annual Town Meeting*

ADMINISTRATION

- Review Correspondence.
 - Planner's Report
 - **Master Plan Progress:** The Master Plan Steering Committee is focusing on plans to hold a public forum in June, for the purpose of orienting residents to the Master Plan process and gaining feedback on draft community aspirations and an assessment of existing conditions.
 - **MassWorks Intersection Improvement Project:** The Department of Public Works is hosting an information session this Thursday, April 29 at 7pm on the application to the State's MassWorks program for improvements at the intersection of Main Street, Green Road, and Forbush Mill Road. The zoom information for the meeting is available at the Town's website. The project is of particular interest as safe, multi-modal north-south connections in Town are needed. The project would improve flow of traffic along Route 117 and provide safer access to businesses, the high school, the newly acquired Taggart land, and nearby housing developments.
 - **Annual Town Meeting Consent Calendar:** For the purpose of expediting Town Meeting during Covid, Moderator Doug Storey has suggested that the Planning Board's articles related to Temporary Signage, Outdoor Lighting, and Acceptance of Houghton Farm Lane be grouped together on a consent calendar. Voters will have the opportunity to

request these are voted on individually, though if there is no objection these three items could allow a smoother process. Amendments to the Accessory Apartment bylaw would remain as a solitary article because discussion is anticipated. The Planning Board agreed to including Articles 12-14 on a consent calendar.

- **Apple Country Natural Climate Solutions Project Update:** Through the Municipal Vulnerability Preparedness Action Grant, Bolton, Harvard and Devens have worked together with consultants at BSC Group on a report titled Apple Country Natural Climate Solutions. Rebecca Longvall has led the effort in Bolton. The report is nearly complete and will provide the Town with prioritized actions to better guide conservation efforts, which will in turn inform where development is best restricted or directed. The project includes case studies of key locations in Bolton to pursue nature based solutions. At completion of the project, shapefiles will be provided to Town Departments to improve our mapping projects and analysis. Data associated with the project may be viewed at <https://climateresilient.wixsite.com/applecountry/project-data-viewer>. At the link, layers are available to view by clicking the layer button on the upper right corner of the screen.
- **Approval Not Required Plan – Laurel Road:** The Planning Department has received an application for an ANR which represents a simple land swap of 19 sqft between two existing lots. The swap will provide one lot with enough frontage to conform as a Backland Lot, while maintaining the lot size of the second lot. A question related to this process is that Planning Board endorsement of the ANR will essentially function as approval of the Backland Lot, though without the typical Special Permit process. The Planning Board agreed with the recommendation to have all mention of the Special Permit taken off the ANR plan and for the applicant to pursue ANR endorsement prior to applying for a Backland Lot Special Permit.
- **Marijuana Establishments:** Inquiries related to siting of marijuana establishments continue. A recent inquiry related to the Town’s interest in including additional parcels for locating marijuana cultivation establishments in an effort to connect the industry to traditional farming. The Planning Board agreed that there is no basis for expanding the locations of marijuana establishments, as the bylaw was recently passed and the Town has not had the experience of permitting one yet.
- Approval of Meeting Minutes from March 10, 2021
 - **Erik Neyland motioned to approve the minutes of March 10, 2021 as written. 2nd by Peter Driscoll. All in favor by roll call: Peter Driscoll – yes, Erik Neyland- yes, Danielle Spicer (Chair) – yes; (3/0/0).**

Planning Board will meet next on Wednesday, May 12th.

Erik Neyland motioned to adjourn the meeting at 9:15 pm. 2nd by Peter Driscoll. All in favor by roll call: Peter Driscoll – yes, Erik Neyland- yes, Danielle Spicer (Chair) – yes; (3/0/0).