

## **PLANNING BOARD MINUTES**

**Wednesday, July 21 2021, at 7:00 p.m.**

### **Remote Public Meeting**

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

**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: Michael Gorr - Yes, Peter Driscoll (Vice Chair) – Yes, Mark Sprague (Chair)- Yes, James Barr (Associate)- Yes.

## **ADMINISTRATION**

### **Review Correspondence**

Planner's Report:

#### *Making the Connections Pilot Program*

The Select Board signed the Intermunicipal Agreement for the Making the Connections program, allowing staff to create a pilot program with assistance from consultants at Nelson/Nygaard and proceed with setting up an agreement with a local livery company. The program focuses on connecting seniors, people with disabilities, financially vulnerable residents, and veterans to health services, community resources, and economic opportunities. The Planning Department and Council on Aging will work together to create a pilot for Bolton.

#### *Apple Country Climate Solutions Project*

The final report related to the Municipal Vulnerability Preparedness project, funded through an action grant from the State, [is available through this link](#). The Story Map is [available through this link](#). Lastly, the project website can be found at:

<https://climateresilient.wixsite.com/applecountry>. The project is a collaborative effort by the towns of Bolton, Harvard and Devens. The project aims to help the towns better understand and implement natural solutions to reducing greenhouse gas emissions and increase resilience to climate change.

*Nashoba Regional Greenways (NRG) Coalition*

NRG is a coalition with representation from over a dozen towns in the area, tasked with connecting existing pedestrian and bicycle trails as part of MAPC's Landline vision. The NRG will attempt to fill those network gaps through installing wayfinding signage and create minor safety improvements to roads. NRG is currently hosting bike rides in each participating town in order to 'ground truth' the proposed route. Please connect cyclists and trails enthusiasts to the Planning Department to provide feedback and learn more.

**Approval of Meeting Minutes**

Danielle Spicer arrived.

Erik Neyland moved to approve the minutes of April 10, 2019, June 9, 2021, and June 23, 2021 as written. 2<sup>nd</sup> by Michael Gorr. **All in favor by roll call: Mark Sprague (Chair) – yes, Michael Gorr - Yes, Peter Driscoll (Vice Chair) – Yes, Erik Neyland – Yes; Danielle Spicer abstained (4/0/1).**

**PUBLIC HEARINGS**

**Backland Lot Special Permit, 174 Harvard Road**

*Present:*

Justin Caless, 174 Harvard Road

Justin Caless noted the Board of Health stated the property must pass the Title V inspection, as discussed at the public hearing of June 23, 2021, prior to actual division of the land but is not a requirement of the Board's approval of the ANR plan itself nor the approval of the Backland Lot Special Permit. The Title V inspection is scheduled for July 28, 2021. Justin Caless asked what the mechanism is that notifies the Board of Health.

Valerie Oorthuys stated that there is not currently a process in place where notice goes to the Board of Health. The Board may wish to add this step to their process either at the time an ANR is submitted or when it is approved, though the Board of Health's determination or process cannot factor into the Board's action. Currently, the Board of Health would get notification at the time a building permit is applied for. Danielle Spicer noted that currently is it at the risk of the applicant to provide notice to the Board of Health.

Danielle Spicer moved to close the Public Hearing on the Backland Lot Special Permit application for 174 Harvard Road. 2<sup>nd</sup> by Michael Gorr. **All in favor by roll call: Michael**

**Gorr - Yes, Peter Driscoll (Vice Chair) – Yes, Danielle Spicer- Yes, Mark Sprague (Chair)- Yes; (4/0/0).**

## **BUSINESS**

### **Review and Endorsement of Subdivision Approval Not Required (ANR) Plan, 71 Annie Moore Road, Map 4.E Parcel 7**

#### *Present:*

Ryan Proctor, Dillis & Roy

Ryan Proctor said the ANR creates 3 non-buildable parcels. Parcels A and B are to be conveyed to the Spedden property. Parcel C is to be conveyed to Parcel 71, an abutting property owned by the applicant. The existing house lots will still be in conformance with the Code of Bolton for frontage.

Michael Gorr motioned to approve the Subdivision Approval Not Required (ANR) Plan at 71 Annie Moore Road, Map 4.E Parcel 7. 2<sup>nd</sup> by Danielle Spicer. **All in favor by roll call: Michael Gorr - Yes, Erik Neyland- Yes, Peter Driscoll (Vice Chair) – Yes, Danielle Spicer- Yes, Mark Sprague (Chair)- Yes; (5/0/0).**

### **Review and Endorsement of Subdivision Approval Not Required (ANR) Plan, 110 Still River Road, Map 6.A Parcel 9**

#### *Present:*

David Sadowski, D.J. & Associates

David Sadowski said the ANR plan would create one lot in compliance with the Code of Bolton's dimensional regulations for residential lots. Access is through a gravel way. The existing property has passed a recent Title V inspection.

Danielle Spicer motioned to approve the Subdivision Approval Not Required (ANR) Plan at 110 Still River Road, Map 6.A Parcel 9. 2<sup>nd</sup> by Michael Gorr. **All in favor by roll call: Michael Gorr - Yes, Erik Neyland- Yes, Peter Driscoll (Vice Chair) – Yes, Danielle Spicer- Yes, Mark Sprague (Chair)- Yes; (5/0/0).**

### **Environmental Pools, 357 Main Street, Special Permit Deliberation and Vote**

The Planning Board reviewed the decision for the Special Permit at 357 Main Street. The Board agreed to remove language around the provision of sidewalks along Route 117 and the construction of parking spaces for trail access. The Board agreed to amend language around ADA compliance pedestrian access within the site.

Danielle Spicer motioned to approve the decision for a Special Permit at 357 Main Street as amended. 2<sup>nd</sup> by Michael Gorr. **All in favor by roll call: Michael Gorr - Yes, Erik Neyland- Yes, Peter Driscoll (Vice Chair) – Yes, Danielle Spicer- Yes, Mark Sprague (Chair)- Yes; (5/0/0).**

**Keyes Farm Subdivision, Moderator Way: Review of Stormwater Pollution Prevention Plan Reports, Review and Vote on Bond Reduction Request, Discussion of Next Steps**

*Review of Stormwater Pollution Prevention Plan Reports*

The Planning Board discussed the reports, agreeing that the reports are very similar. Valerie Oorthuys noted that the reports are unsigned and some do not reflect known corrective action needed or taken at the date indicated. Danielle Spicer said that the applicant may be filling out a separate form with the EPA to show steps taken related to corrective action.

*Bond Reduction Request*

The Planning Board reviewed the bond reduction guidance from their consulting engineer at Nitsch Engineering, dated July 17, 2021. The Board agreed that Nitsch should be asked to redline the chart provided by Dillis & Roy in order to better understand exactly what amount Nitsch is recommending to withhold and on which specific items. It appears there may be some items that were previously reduced that would need additional funds held for in order to complete. The Board agreed to place this item on their next agenda for further discussion.

The Board reviewed a memo from the DPW Director regarding stormwater concerns. Photos in the memo indicate sheeting over driveways, ponding at driveway transitions, and sheeting over sidewalks. The memo indicates the stone basin adjacent to the driveway at Lot 4 may not be functioning as intended and stormwater is bypassing drains, allowing water to flow offsite onto Hudson Road and into the Danforth Brook. The Planning Board agreed that a preliminary as-built plan would be useful to indicate whether the cross slopes of the road are constructed to the plans and whether the stormwater basins would function properly if water is not bypassing the drains but is properly conveyed.

*Next Steps*

The Board acknowledged that several items discussed at the site visit of June 23, 2021 have not been addressed by the applicant.

The Board reviewed the applicant's request for comment on their request for the Conservation Commission to grant a partial Certificate of Compliance in order to allow perimeter erosion controls to be removed. A partial COC is a typical request of applicants with the Conservation Commission. The Planning Board agreed that it is reasonable to remove perimeter erosion

controls if the Conservation Commission agrees, however erosion controls should not be removed around infiltration basins 2 or 3 as these are still areas of concern.

Valerie Oorthuys stated that the Planning Department and Planning Board are following the guidance of Town Counsel.

**Executive Session in Accordance with M.G.L. Ch.30A s.21 (a)(3) for the purpose of discussing strategy with respect to ongoing litigation**

Mark Sprague stated that he finds that an open discussion would have a detrimental effect on the Board's litigating position.

Danielle Spicer motioned to enter into Executive Session to discuss ongoing litigation and to adjourn the regularly scheduled meeting of the Planning Board thereafter. 2<sup>nd</sup> by Michael Gorr.  
**All in favor by roll call: Michael Gorr - Yes, Erik Neyland- Yes, Peter Driscoll (Vice Chair) – Yes, Danielle Spicer- Yes, Mark Sprague (Chair)- Yes; (5/0/0).**