

## **PLANNING BOARD MINUTES**

**Wednesday, September 8, 2021, at 7:00 p.m.**

### **Remote Public Meeting**

**Members Present:** Mark Sprague (Chair), Peter Driscoll (Vice Chair), Erik Neyland, Danielle Spicer

Also Present: Valerie Oorthuys (Town Planner)

Absent: Michael Gorr, James Barr (Associate)

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, Danielle Spicer- Yes; Mark Sprague (Chair)- Yes.

## **ADMINISTRATION**

### **Planner's Report**

#### *Century Mill Estates Updates*

Andy Bendetson has requested time on the Board's agenda for September 22<sup>nd</sup> to discuss steps towards road acceptance, a tax payment plan, affordable housing payments, and additional updates.

#### *South Bolton Road/ Farm Road Common Driveway*

Applicant looking to create 3 lots serviced by a common drive. Is there a common driveway agreement the Board has reviewed in the past that is particularly well written?

#### *Mallard Lane Comprehensive Permit*

The Zoning Board of Appeals opened the public hearing for Mallard Lane on August 10. The application proposes an age-restricted community of 11 single family homes along South Bolton Road, between Wheeler Road and Spectacle Hill Road.

#### *Good Leaf Holdings – Marijuana Cultivation and Manufacturing, 58 Main Street*

The applicant is hosting a public meeting on Monday September 27<sup>th</sup> from 6-8pm at the Florence Sawyer Auditorium to discuss their intent to open a Recreational Marijuana Establishment. More information can be found at: <https://www.townofbolton.com/select-board/news/good-leaf-holdings-presentation>. Good Leaf Holdings will attend the Select Board's meeting on September 9<sup>th</sup> at 8pm for further updates and discussion.

*Warehouse and Housing Development, 500 Main Street*

Staff have met with Baystate Engineering to discuss conceptual plans for 500 Main Street. The proposal includes a 400' x 600' warehouse and an age-restricted development consisting of 42 housing units. The applicant is looking into working with MassDOT to construct an on/off ramp from 495 for the use of the warehouse as an Amazon distribution facility. Though the parcel is within the Business District and Mixed Use Village Overlay, the proposal would require a zoning change to allow the siting of a warehouse. The applicant's team presented their concept to the Select Board at their meeting of August 25<sup>th</sup>. Further information can be found at <https://www.townofbolton.com/select-board/files/500-main-street-preliminary-proposal>

*Lufa Farms, Rooftop Greenhouses*

Staff have met with Lufa Farms to discuss siting a rooftop greenhouse and distribution facility in Bolton through an agricultural exemption. The applicant is looking at a handful of sites along Route 117 as well as a site on West Berlin Road. The business model includes vegetable production in a rooftop greenhouse, with washing, packaging, and distribution occurring on the main floor.

*Master Plan Public Forum*

The Master Plan Steering Committee is organizing the first public forum for Sunday, October 17<sup>th</sup> at the Florence Sawyer Cafeteria.

**BUSINESS**

**Vote to Accept Houghton Farm Common Driveway As-Built Plans**

*Present:*

Greg Roy, P.E., Dillis & Roy

The Planning Board reviewed an As-Built Review Report from consulting engineers at Nitsch Engineering, dated August 19, 2021. Greg Roy stated that the remaining items highlighted in the report appear in line with the project's punch list for road acceptance, which would have been completed in the spring. Greg Roy indicated he would follow up with Nitsch Engineering to clarify items. Danielle Spicer said the Board would look for a clean letter from Nitsch Engineering ahead of accepting as-built plans, and recommended a site visit may need to be held if these items have been completed since the last site visit with Nitsch.

**Update on Tadmor Square development and conceptual discussion of mixed-use zoning at Parcel 6.B-3**

*Present:*

Bruce Wheeler, Habitech

Greg Roy, P.E., Dillis & Roy

Bruce Wheeler said that Habitech is moving forward with plans for a mixed-use development at Parcel 6.B-3, a parcel currently zoned for business use near the intersection of Main Street and Forbush Mill Road. The parcel is 5.4 acres and previously carved out of the parcel Habitech is developing as the Tadmor Subdivision. Habitech's concept plans indicate the parcel's inclusion in Bolton's existing Mixed-Use Village Overlay District. Bruce Wheeler said the residential component of the concept includes 40 age-restricted ownership units. Bruce Wheeler said he is looking for the Board's opinion on whether a 5,000 square foot structure proposed as a coffee shop would be considered an accessory use, as fast-food is only allowed as accessory.

Eric Neyland joined the meeting.

Mark Sprague noted that spot zoning is a concern in including this parcel in the overlay district and stated that he does not feel the fast-food structure would be accessory to a primary residential use. Bruce Wheeler asked if a fast food component could be considered accessory if included within the same structure as the residences. Mark Sprague said he felt the location of the use does not change whether it is accessory. Danielle Spicer agreed.

Greg Roy added that the current concept includes an additional retail component within the residential building.

Valerie Oorthuys asked the Board to consider what type of information is needed in order to support an expansion of the Mixed-Use Village Overlay District and to question what the benefit to the Town would be if this parcel were developed in this way, rather than continuing to direct development to the existing overlay district.

Valerie Oorthuys noted that this discussion is linked to the development at the adjacent Tadmor Subdivision, as the applicant intends to fulfill the inclusionary zoning requirement by constructing an affordable unit at this conceptual mixed-use development. Prior to issuance of further building permits at Tadmor, the applicant will need to provide the Town with a bond for the construction of the affordable unit.

**Keys Farm Subdivision, Moderator Way**

*Review and Vote on Bond Reduction Request*

The Planning Board reviewed a letter from the applicant's attorney dated August 25, 2021. The letter indicates a request "to obtain a release of almost \$100,000.00 forthwith". The Board acknowledged that further site work has not been completed since the Board's bond reduction approved August 11, 2021. The Board reviewed the Town Planner's list of items remaining on

the bond, dated August 23, 2021. Valerie Oorthuys said that Nitsch Engineering has reviewed this list and agreed with the items included, totaling \$127,940.

Valerie Oorthuys said there is an \$8,630 discrepancy in the applicant's favor between the amount held by the Town and the total amount of remaining items. It is recommended that this amount is returned immediately. The Board agreed that more information is needed to understand where this discrepancy is coming from and expressed concern with the limited bond funds remaining for paving.

#### *Discussion of Next Steps*

The Board agreed to invite consulting engineers from Nitsch Engineering to their September 22, 2021 meeting in order to discuss the items included in the bond and the discrepancy. Valerie Oorthuys noted that further peer review funds are needed in order to have Nitsch present at a meeting.

The Board agreed to request the applicant provide receipts for the trees purchased, in order to confirm the date of installation, species, diameter, and height. The Board noted that a one year growing season is needed to ensure viability and there are dead trees on site that need replacing.

#### **Discussion of Potential Annual Town Meeting articles**

The Board discussed potential warrant articles, including:

- Updating the zoning map to accurately show districts as currently allowed by the zoning bylaw;
- Potential Earth Removal bylaw and associated Special Permit process;
- Revisions to the Sign Bylaw to align with Reed v. the Town of Gilbert;
- Amending language around Driveway Permits to differentiate between construction of a single dwelling unit and subdivision construction;
- Decreasing the acreage needed for a farm to supplement income with an accessory business use.

Danielle Spicer motioned to adjourn the meeting at 9:15pm. 2<sup>nd</sup> by Michael Gorr. **All in favor by roll call: Peter Driscoll - Yes, Erik Neyland- Yes, Danielle Spicer- Yes, Mark Sprague (Chair)- Yes; (4/0/0).**