

PLANNING BOARD MINUTES

Wednesday, August 11, 2021, at 7:00 p.m.

Remote Public Meeting

Members Present: Mark Sprague (Chair), Michael Gorr, Erik Neyland, Danielle Spicer

Also Present: Valerie Oorthuys (Town Planner)

Absent: Peter Driscoll (Vice Chair), 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: Michael Gorr - Yes, Erik Neyland- Yes; Danielle Spicer- Yes; Mark Sprague (Chair)- Yes.

ADMINISTRATION

Approval of Meeting Minutes

Erik Neyland moved to approve the Executive Session and open session minutes of July 21, 2021 as written. 2nd by Michael Gorr. **All in favor by roll call: Mark Sprague (Chair) – yes, Michael Gorr - Yes, Peter Driscoll (Vice Chair) – Yes, Mark Sprague (Chair)- Yes; Danielle Spicer abstained (4/0/1).**

PUBLIC HEARINGS

Scenic Road/ Public Shade Tree, Meadow Road, Map 4.D Parcel 103

Present:

Jhorman Velez, General Contractor, Velez Construction

Chair Mark Sprague read the legal notice to open the public hearing.

Jhorman Velez described the project, noting that in order to construct a driveway for a single-family home to be located at 100 Meadow Road, 6 trees are proposed to be removed, in addition to 14 feet of stone wall. In consultation with the Tree Warden and the Conservation Agent, the

proposed plan for the driveway shows a reduction in tree and stone wall removal in comparison to an earlier proposal. The proposed location of the driveway will bypass nearby wetlands.

Public Input

Mary Jo White, 80 Meadow Road, said that she is concerned that recent development along Meadow Road with associated tree clearing is changing the walkability of the neighborhood, as it brings increased traffic. Mary Jo White asked if tree clearing would be limited within the lot. Jhorman Velez said it would be limited.

Ken Troup, 21 Meadow Road, presented images of Meadow Road to show the trees to be removed and the scenic nature of the roadway.

Nan Shnitzler, 81 Meadow Road, expressed frustration with the Board's allowance of a single driveway and noted that reversed an earlier agreement to require shared driveways at these lots. Nan Shnitzler noted she is against allowing tree removal and asked whether the 5 lots to be developed along Meadow Road have been provided septic permits through the Board of Health. Valerie Oorthuys said the status of septic permits is not known.

Mary Jo White asked what happens to the stones removed. Mark Sprague said that the stones are required to stay on site and that many owners use removed stones to repair other sections of historic stone walls.

Eric Neyland stated that he would like fewer curb cuts and driveways to be approved as further Approval Not Required plans and Backland Lot Special Permits come before the Board for development along Meadow Road.

Michael Gorr moved to close the Public Hearing for Scenic Road/ Shade Tree consent for property along Meadow Road. 2nd by Danielle Spicer. **All in favor by roll call: Michael Gorr - Yes, Danielle Spicer- Yes, Eric Neyland – Yes, Mark Sprague (Chair)- Yes; (4/0/0).**

Michael Gorr moved to approve the removal of 6 public shade trees and 14 feet of stone wall to construct a driveway for property along Meadow Road, identified as Parcel 4.D – 103. 2nd by Danielle Spicer. **All in favor by roll call: Michael Gorr - Yes, Danielle Spicer- Yes, Eric Neyland – Yes, Mark Sprague (Chair)- Yes; (4/0/0).**

BUSINESS

Keyes Farm Subdivision, Moderator Way

Present:

Douglas Hausler, Attorney for the applicant, Lampert, Hausler, & Rodman, P.C.

Review and Vote on Bond Reduction Request

The Planning Board continued their review of a bond reduction request dated February 10, 2021 and a review of the request from the Board's consulting engineers at Nitsch Engineering dated July 17, 2021. Nitsch Engineering provided a marked-up version of the bond estimate table to indicate the exact line items which are recommended to be reduced.

Valerie Oorthuys said the original bond amount was \$681,015 and a minimum of 10 percent of that amount is required to be retained until completion of the project. \$224,622 is currently held by the Town. The applicant is requesting that \$163,932 is returned. The letter from Nitsch Engineering states that if the Board decides to reduce the bond, it is recommended that no more than \$88,052 is returned.

The Board discussed their hesitancy with reducing the bond without the ability to discuss the performance of the roadway and stormwater systems with the applicant's engineer. The Board discussed requesting a preliminary as-built plan to better show the work completed. The applicant's attorney was insistent that further items than what Nitsch recommended should be reduced.

Danielle Spicer moved to authorize a bond reduction for the Keyes Farm Subdivision in the amount of \$88,052. 2nd by Michael Gorr. **All in favor by roll call: Michael Gorr - Yes, Danielle Spicer- Yes, Mark Sprague (Chair)- Yes, Eric Neyland – Nay; (3/1/0).**

Discussion of Next Steps

Valerie Oorthuys said staff are working to confirm a site visit between the consulting engineers at Nitsch, the Director of Public Works, the Town Planner, and the applicant to review driveway transitions and aprons.

174 Harvard Road Backland Lot Special Permit Deliberation and Vote

The Board agreed to move this item to a meeting scheduled for August 16, 2021 in order for additional members to be present to vote, as 4 members are needed. Erik Neyland agreed to sign the Mullin Rule paperwork, as he missed one of the public hearings.

Vote to Approve Application Form and Rules and Regulations for Detached Accessory Apartment Special Permits

Valerie Oorthuys said the State Attorney General's office is expected to approve the bylaw adopted at this year's Annual Town Meeting to allow Detached Accessory Apartments through Special Permits, necessitating a clear application process. The Board reviewed an application form for Detached Accessory Apartment Special Permits. The Board amended language to clarify a checklist of criteria needed to grant a Special Permit and agreed that the application fee should be aligned with other Special Permits typically applied for by individual residents, as opposed to developers or commercial enterprises.

Michael Gorr moved to approve the application for a Special Permit for Detached Accessory Apartments. 2nd by Danielle Spicer. **All in favor by roll call: Michael Gorr - Yes, Danielle Spicer- Yes, Eric Neyland – Yes, Mark Sprague (Chair)- Yes; (4/0/0).**

Vote to Accept Houghton Farm Common Driveway As-Built Plans

Valerie Oorthuys said the Board's consulting engineer has not had adequate time to review the as-built plans. This item will be on the agenda for the Board's next meeting on September 8, 2021.

Danielle Spicer motioned to adjourn the meeting at 9:05pm. 2nd by Michael Gorr. **All in favor by roll call: Michael Gorr - Yes, Erik Neyland- Yes, Danielle Spicer- Yes, Mark Sprague (Chair)- Yes; (4/0/0).**