

PLANNING BOARD MINUTES

Wednesday, September 22, 2021, at 7:00 p.m.

Remote Public Meeting

Members Present: Mark Sprague (Chair), Peter Driscoll (Vice Chair), Erik Neyland, James Barr (Associate)

Also Present: Valerie Oorthuys (Town Planner)

Absent: Michael Gorr, Danielle Spicer

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, Eric Neyland- Yes; Mark Sprague (Chair)- Yes; James Barr (Associate)- Yes.

ADMINISTRATION

Approval of Meeting Minutes

Eric Neyland moved to approve the minutes of September 8, 2021 as written. 2nd by Peter Driscoll. **All in favor by roll call: Mark Sprague (Chair)- Yes, Peter Driscoll- Yes, Eric Neyland- Yes; (3/0/0).**

PUBLIC HEARINGS

Detached Accessory Apartment Special Permit, 155 Nourse Road

Present:

Susan and Paul Eska, 155 Nourse Road, Applicants

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

Paul Eska provided a description of the intent of the application. The detached structure is approximately 1500 square feet and was originally built as a woodworking shop. Paul Eska said that they purchased the property in 2008. In 2018, the applicants intended to have a parent move into the unit and proceeded with converting the structure. After the Detached Accessory

Apartment bylaw was passed by Town Meeting in May of 2021, the applicant would like the use to be permitted.

Valerie Oorthuys noted the Board of Health's interest in having a deed restriction on the property to limit the home and accessory apartment to a total of 4 bedrooms for the performance of the septic system. Mark Sprague requested a copy of the deed restriction for the Planning Department's records.

Public Input

None.

Eric Neyland moved to close the public hearing for the Detached Accessory Apartment Special permit at 155 Nourse Road. 2nd by Peter Driscoll. **All in favor by roll call: Mark Sprague (Chair)- Yes, Peter Driscoll- Yes, Eric Neyland- Yes; James Barr (Voting Associate) - (4/0/0).**

Backland Lot Special Permit, Meadow Road, Map 4.D Parcel 104

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

Mark Sprague acknowledged the applicant's request to continue the public hearing without testimony.

Eric Neyland moved to continue the public hearing on the Backland Lot Special Permit at Meadow Road to October 13, 2021 at 7:15pm. 2nd by Peter Driscoll. **All in favor by roll call: Mark Sprague (Chair)- Yes, Peter Driscoll- Yes, Eric Neyland- Yes; James Barr (Voting Associate) - (4/0/0).**

BUSINESS

Review and Endorsement of Subdivision Approval Not Required (ANR) Plan, Meadow Road, Map 4.D Parcel 104

Mark Sprague stated that this agenda item is related to the public hearing for a Backland Lot Special Permit at Meadow Road and will be taken up at the next meeting on October 13, 2021.

Vote to Accept Houghton Farm Common Driveway As-Built Plans and Release Associated Bond

Valerie Oorthuys stated that this item will be on the next agenda, as the Board's engineering peer reviewer and the engineer for the applicant are still discussing the as-built plans.

Andy Bendetson, Century Mill Estates

Discussion and Vote on time extension for deadline to construct the roadway

Andy Bendetson noted that the 31 lots included in Phases 1 and 3 are on the market and there is a prospective buyer for both phases. Andy Bendetson said that all current owners are on the covenants for the subdivision.

Board members expressed their frustration with continuing to provide construction extensions.

Eric Neyland moved to extend the road construction deadline for Century Mill Estates to September 22, 2022. 2nd by Peter Driscoll. **All in favor by roll call: Mark Sprague (Chair)- Yes, Peter Driscoll- Yes, Eric Neyland- Yes - (3/0/0).**

Discussion of Tax Payment Plan

Andy Bendetson said that \$230,000 was recently provided to the Tax Collector, though further back taxes are needed to be paid. Andy Bendetson said he would be in touch with the Town to discuss a tax payment plan. Valerie Oorthuys said the process would include a public hearing to waive the Subdivision Rules and Regulations requirement of the full payment of back taxes prior to road acceptance.

Affordable Housing Requirements

Andy Bendetson said that though the subdivision was permitted before the Town had adopted an Inclusionary Housing bylaw, the provision of 3 affordable units was included in the subdivision decision. The applicant may either built the units on site, provide a fee in lieu of construction, or offer land to the Town for future construction of the affordable units. Andy Bendetson said the decision states that the fee in lieu is required at every 20th Certificate of Occupancy, and that this is intended to be the cost of an unimproved lot. Andy Bendetson expressed frustration with the requirement, as the lots to be appraised are now improved by the roadway and said the appraised value will have to include the value of the land subtracted by the bid cost of road construction. Members of the Board urged Andy Bendetson to complete the appraisal as soon as possible to move forward on this requirement. The Board noted that an appraisal has not been brought forth.

Valerie Oorthuys noted that there have been 42 Certificates of Occupancy issued, as the Board previously provided leniency on the affordable housing fee due at the 40th CO. Homes are currently being built, as a Building Permit has been issued. Valerie Oorthuys asked for confirmation that the Board would not want to continue to waive this requirement. The Board agreed that the housing fee is due prior to the issuance of any further CO.

Michael Greenburg, 171 Main Street Ashland, said that he represents the owner of 23 Old Stone Circle and stated that he does not believe it is acceptable to hold back COs. Mr. Greenburg said requirements such as this should only be tied to Building Permits. Mark Sprague said this question should be confirmed with Town Counsel.

Insurance Policy for Phase 2 and 4 Road Work

The Planning Board allowed an insurance policy in lieu of a cash performance bond for road work in Phases 2 and 4. The Board should be provided with an executed insurance policy as a form of surety. Andy Bendetson said there is currently no insurance policy. Mark Sprague said this must be done as soon as possible as the Town needs to be covered over winter.

Bond Reduction

Andy Bendetson requested a bond reduction based on the provision of as-built plans. Valerie Oorthuys stated that the as-built plans have not been provided to the Town. Mark Sprague noted that the Board must retain 10% of the original bond amount and that the peer review account must be replenished in order for the Board's consulting engineer to do further work.

Peter Driscoll moved to adjourn. 2nd by Erik Neyland. **All in favor by roll call: Mark Sprague (Chair)- Yes, Peter Driscoll- Yes, Eric Neyland- Yes; James Barr- Yes - (4/0/0).**

Respectfully Submitted,

Valerie Oorthuys