

PLANNING BOARD MINUTES

Wednesday, October 13, 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

Review Correspondence

Planner's Report

- Master Plan Public Forum: The first public forum is scheduled for October 17, 2021 at the Florence Sawyer School Cafeteria from 2-4pm. The forum includes a presentation on the master plan process and an initial existing conditions assessment. The forum will provide an hour for participants to engage with 8 interactive visioning stations to provide their feedback around the Master Plan aspirations, transportation, economic development, housing, open space & recreation, as well as regional planning.
- With the permission of the Board and the Town Administrator, questions related to the Board's authority to pull a bond at underperforming subdivisions were sent to Town Counsel.
- Century Mill Estates Updates:
 - Town Counsel has confirmed it is acceptable to use Certificates of Occupancy as a threshold for affordable housing fee in lieu payments, as it is within the decision;
 - The owner of foreclosed 39 Mill Pond Road has asked for a waiver to provide him a Certificate of Occupancy;
 - Andy Bendetson has not requested a tax payment plan and the town will not again offer this option;

- Regarding the question of the ability to put liens on unbuilt units to guarantee the affordable housing payment – all unbuilt properties in Phases 1 and 3 are in tax title;
- Moderator Way mailboxes – residents are asking if they may construct a communal mailbox so that they may receive mail, rather than waiting for town acceptance for mailboxes to be provided. The Board agreed that more detail is needed to understand the location of the proposed mailbox, potential impacts to drainage, and assurance that all residents of the neighborhood have been offered the opportunity.
- Planning Board membership – Danielle Spicer is amenable to remaining on the Board, though her schedule is quite packed and may be missing meetings through December. She would like to know if the Board is ok with her absence, or if members would prefer seeking alternate candidates? The Board noted that there are only 3 additional meetings scheduled through the end of the year and acknowledged Danielle’s contributions to the Board, agreeing they are more than happy to have her remain.
- The Board’s packets include correspondence from a concerned group of Lancaster residents requesting input on a proposed development on Route 70 which is a 40R development combining housing and commercial areas, which in this case includes a large warehouse.
- Planning is working with the applicant of the proposed Comprehensive Permit at 580 main street on their submission of a complete application. Their public hearing process with the ZBA will likely begin in November.
- Next Meeting:
 - Mallard Lane Comprehensive Permit: Developer will present to the Planning Board for members’ comments to be provided to the ZBA
 - 7:15 public hearing for preliminary FOSPRD special permit for land along South Bolton Road

Approval of Meeting Minutes

Eric Neyland moved to approve the minutes of August 11, 2021, August 16, 2021, and September 22, 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

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

Present:

Jack Maloney, Dillis & Roy, Project Manager

Chair Mark Sprague noted that this public hearing is a continuance from September 22, 2021 when no testimony was given.

Jack Maloney provided an overview of Lot 5 as shown on a plan, noting its conformance to the zoning bylaw requirements for Backland Lots regarding frontage and area. Jack Maloney said the lot would be served by a shared driveway with Lot 6. The driveway apron is planned to be

constructed along the frontage of Lot 6, as it allows the driveway to avoid wetlands and difficult topography.

Mark Sprague asked if the lot shape factor will be included on the plans. Jack Maloney and Greg Roy, of Dillis & Roy, noted that the zoning bylaws allow for an exception to lot shape factor for Backland Lots.

The Board reviewed the location of the driveway and its proximity to the existing home at 80 Meadow Road. Mark Sprague noted that the Board of Health may need the septic radii to remain within the property bounds.

Eric Neyland moved to close the public hearing for the Backland Lot Special Permit at Meadow 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).**

BUSINESS

Review and Endorsement of Subdivision Approval Not Required (ANR) Plan, Meadow Road, Map 4.D Parcel 104 and 101

Jack Maloney, Dillis & Roy, stated this ANR is related to the previous discussion of the Backland Lot Special Permit. The plan creates Lots 5 and 6 out of Parcel 104 and Lots 7 and 8 out of Parcel 101. Lot 4 shown on the plan was created through an ANR approved by the Planning Board in December of 2020. The Board acknowledged that Lots 5 and 6 are to have a shared driveway, as well as Lots 7 and 8. The Board reviewed the proximity between Lots 5 and 6 and the septic and wells at the abutting property, 80 Meadow Road.

Eric Neyland moved to approve the Subdivision Approval Not Required Plan for Meadow Road, Map 4.D Parcels 104 and 101, with shared driveways. 2nd by Peter Driscoll. **All in favor by roll call: Mark Sprague (Chair)- Yes, Peter Driscoll- Yes, Eric Neyland- Yes - (3/0/0).**

Discussion and Approval of Tri-Party Agreement to Bond construction of an Affordable Unit at Tadmor Subdivision

Present:

Lou Levine, D'Agostine, Levine, Parra & Netburn, PC
Bruce Wheeler, Habitech, Inc.

Valerie Oorthuys stated that Town Counsel has not yet provided feedback on the drafted Tri-Party Agreement. Lou Levine requested that the Board provide a conditional vote of approval of the agreement so that the document may be amended to Town Counsel's approval. Lou Levine asked that in the meantime, while the Board awaits Counsel's comment, the Building Permit for Lot 8 is returned to the Town as it was never acted upon and the Building Permit for Lot 10 is held back, all under the condition that the Building Permits for Lots 9 and 11 are provided as soon as possible. Lou Levine explained that in order to meet internal deadlines, the developer

needs to act on Lots 9 and 11. These Building Permits are currently being held back until the Tri-Party Agreement is approved and the bond for construction of an affordable unit is provided.

Eric Neyland moved to allow the provision of Building Permits for Lots 9 and 11 once the Building Permit for Lot 8 is returned and to approve the Tri-Party Agreement to the satisfaction of Town Counsel. 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 concept plans for mixed-use zoning and development of Parcel 6.B-3

Present:

Lou Levine, D'Agostine, Levine, Parra & Netburn, PC

Bruce Wheeler, Habitech, Inc.

Greg Roy, Dillis & Roy

Thom Miner, Landscape Architect

Lawrence Reeves, Architect

Greg Roy presented a plan to extend the Mixed-Use Village Overlay District to the Business and Limited Business zoned parcels along Forbush Mill Road and Main Street, including 6.B-3, 6.B-1, 6.B-2, 6.B-4, 6.B-5, and 6.B-6. This is ostensibly to allow the Town to avoid a spot zoning concern. Mark Sprague noted that discussion and consensus would need to be found among all property owners.

Bruce Wheeler presented revised concept plans for "Still River Commons" at Parcel 6.B-3. This plan would require a zoning change to allow mixed use developments. The plans indicate a 47 unit age restricted Active Adult Neighborhood. Access is provided through a curb cut along Forbush Mill Road and through two curb cuts along Main Street. There is civic space toward the intersection of Forbush and Main. A 5,000sqft commercial building is proposed to be located along Main Street. Bruce Wheeler said he feels there is demand for active adult housing. Bruce Wheeler said he is interested in participating in the redevelopment of the intersection, including lighting or a rotary, which they may be interested in participating in financially.

Thom Miner described the landscaping on the site, stating that native and non-native plants would be used, though all plantings would be non-invasive. Existing trees may be able to be saved along the southwestern property line. Plantings include deciduous trees, evergreen shrubs, and smaller flowering trees. Lawn areas are provided around parking areas and as a buffer from Main Street.

Bruce Wheeler acknowledge previous discussion of a Dunkin Donuts as a fast-food use and not accessory use. Plans now reflect a multi-tenant commercial space.

Bruce Wheeler presented a concept of the architectural design of the residential building. Lawrence Reeves presented a three-story building with a townhouse feel, which includes gables, porches, decks, and awnings to break up the long façade. The Board responded positively to the architectural feel of the proposed building.

Valerie Oorthuys cautioned against altering zoning districts based on singular proposed developments and noted that public outreach, zoning studies or market analysis may be helpful. Valerie Oorthuys noted interest in right-sizing the business district and working against auto-centric sprawl along Route 117. Valerie Oorthuys asked that further research is provided to the Board so that they may consider the demand for age restricted housing and potential demographic shifts in the area.

Bruce Wheeler noted that having no age restriction does make the residential development more marketable, however the DEP would require further infrastructure to be installed; age-restricted units are allowed to be calculated with a lower flow per unit. The economic feasibility of this project may not be there without the restriction.

Greg Roy said the development team would follow up with the owners of the additional parcels they have suggested to be rezoned.

The Planning Board agreed to discuss extending the Mixed Use Village Overlay District at their meeting of October 27th and continue discussions with Habitech at their meeting of November 10th.

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

Present:

Greg Roy, Dillis & Roy

Valerie Oorthuys said a second review letter from the Board's consulting engineers at Nitsch is forthcoming. Greg Roy noted that the applicant has requested a bond release for the entirety of the subdivision, as the road has been accepted at Town Meeting and they feel the common driveway has been constructed to plan. The Board agreed this should be confirmed with Nitsch and reviewed at the next meeting.

Deliberation and Vote on Detached Accessory Apartment Special Permit, 155 Nourse Road

The Planning Board reviewed a draft decision for the Detached Accessory Apartment Special Permit.

Erik Neyland moved to approve the Detached Accessory Apartment Special Permit for 155 Nourse Road as written. 2nd by Peter Driscoll. **All in favor by roll call: Mark Sprague (Chair)- Yes, Peter Driscoll- Yes, Eric Neyland- Yes; James Barr (Associate)- Yes; (4/0/0).**

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