

PLANNING BOARD MINUTES

Wednesday, October 27, 2021, at 7:00 p.m.

Remote Public Meeting

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

Also Present: Valerie Oorthuys (Town Planner)

Absent: 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, Michael Gorr- Yes; Erik Neyland- Yes; Mark Sprague (Chair)- Yes; James Barr (Associate)- Yes.

ADMINISTRATION

Review Correspondence

Planner's Report

- Residents of Century Mill Estates have asked for time on an upcoming agenda to discuss their interest in the Board pulling the subdivision bond and steps toward getting the road accepted at Town Meeting. The Board acknowledged they are waiting for legal guidance around these questions, though residents may have time on an agenda if they wish.
- The Board's packets include a request for a Certificate of Occupancy for a home at Century Mill Estates. The Board stated they are withholding COs until the developer provides the fee in lieu of construction of affordable housing.
- Residents of Moderator Way would like to hire a contractor to install a cluster of mailboxes to serve the neighborhood rather than wait for the developer to do so as they have been waiting a considerable amount of time. This may constitute a minor modification of subdivision and the Board would need clear plans for construction and approval from the developer in writing.
- The Zoning Board of Appeals will begin the public hearing process for the multifamily rental development at 580 Main Street at their meeting of November 8, 2021.

- The Town of Bolton received a Green Communities grant in the amount of \$127,573 to complete six projects, representing full funding of the grant request. The six projects are as follows:
 - Weatherization of the DPW Building;
 - Installation of Unit Heaters at the DPW;
 - Weatherization of the Public Safety Building;
 - Weatherization of Town Hall;
 - Installation of energy efficient lighting at Town Hall;
 - Installation of a Demand-Controlled Ventilation system at the Emerson School gym.

This is the third Green Communities grant Bolton has received since Erica Uriarte worked to gain the Town's designation in 2018. The success of this grant is due to the partnership between the Department of Public Works, Rob Frieswick at the Nashoba Regional School District, and the Planning Department. Staff have worked together to finalize the grant application, coordinate with consultants, and provide project oversight.

- Making the Connections pilot program is moving along, with staff working on a transportation contract with Clinton Livery to provide seniors with free rides to select towns until the funding runs out. The program will collect data on transportation needs of seniors.
- The DPW received a MassWorks Grant to construct a rotary at the intersection of Main Street, Forbush Mill Road, and Green Road.
- The first Master Plan public forum was a success, with around 60 participants providing feedback to the Steering Committee through a variety of interactive stations.

PUBLIC HEARINGS

Preliminary Phase of a Farmland and Open Space Planned Residential Development (FOSPRD), South Bolton Road, Map 2.C Parcel 23

Present:

Jeff Motha, Applicant

Anthony Cleaves, Whitman & Bingham Associates

Chairman Mark Sprague opened the public hearing.

Anthony Cleaves presented the plans for a 6-lot subdivision off South Bolton Road. The plans include a 500' cul-de-sac with two shared driveways and two single driveways. Wetland resource areas are shown on the plans as is the steep topography running the length of the parcel. The parcel is about 31 acres. Soil testing has been done to ensure the areas viable for construction. The conventional plan and the FOSPRD plan are the same except that the FOSPRD plan shows land carved out of Lot 5 to provide acreage set aside as restricted open space.

The Board discussed the intent of the FOSPRD and whether it is better to restrict the wetland resource areas as open space or leave it as privately owned through the conventional subdivision and collect increased taxes. Anthony Cleaves noted the difficulty in siting homes due to ledge along the west side of the parcel and the wetland resource areas and stated that clustering the homes closer to the proposed roadway or toward South Bolton Road would likely not be constructable due to site constraints.

Comments received from other Town Departments include:

- Board of Health: There needs to be an opinion from Mass DEP whether or not this well will be public or private. The system will be expected to fully comply with Title V.
- Conservation:
 - The applicant should contact Natural Heritage Endangered Species Program to ensure that there will not be any fully restricted or “stop all” type limitations on site;
 - The applicant should file an ANDRAD to have the Conservation Commission review and confirm all resource areas on site;
 - There are at least 4 certified vernal pools along the boundary or within the property boundary, meaning no work may take place within 100’ of these areas due to the protected vernal pool habitat under our local bylaw Chapter 233, WPA protected habitat within resource areas.
 - The ANRAD will provide further insight of potential restricted areas or limitations on site.
- Police: No concerns.

Valerie Oorthuys questioned whether the intent of the FOSPRD bylaw is to restrict 25% of the open space provided or a quarter of the minimum of 33% set aside. Other notes include the need for walking trails in the neighborhood, particularly to provide connections to abutting open space. A copy of the legal wording around the open space restriction is needed for the Board to discuss during the preliminary phase.

Anthony Cleaves said that each home would have its own well and there would not be the need for a public water supply.

Matt Barra, 184 Century Mill Road, asked whether any development over 6 lots needs to be a FOSPRD. Mark Sprague noted that the FOSPRD is not required, and a conventional subdivision would be the typical process.

Matt Barra asked whether there is a way to access to open space by foot. Mark Sprague said there is not currently an access shown on the plan, though easements could be requested.

Matt Barra asked why there is a difference in acreage between the Assessor’s maps and the engineer’s survey. Anthony Cleaves stated that the information shown in the Town’s database is a best estimate, though the engineering survey would be more accurate.

Matt Barra asked why Lot 5 is smaller than a standard Backland Lot. Anthony Cleaves stated that the FOSPRD plans allow for a smaller residential lot size.

Mark Kahan, 182 Century Mill Road, noted concerns with the site constraints and the lot dimensions provided. Mark Kahan asked about the narrow width of the driveways and wondered whether public safety would be able to appropriately access the homes. Mark Sprague noted that this is the preliminary phase in order to determine whether the applicant will proceed with developing FOSPRD or conventional plans.

Mark Kahan asked whether the roadway is intended for town acceptance and whether there would be a school bus stop at the development.

Anthony Cleaves noted that the open space restriction language would be provided to the Planning Board, Select Board, and Conservation Commission once it is decided whether a conventional or FOSPRD subdivision is warranted.

The Planning Board members agreed that the wetland and upland area calculation should be verified and that the wetland delineation would be needed from the Conservation Commission.

Erik Neyland moved to request the applicant continue to develop plans in accordance with Farmland and Open Space Planned Residential Development bylaws. 2nd by Michael Gorr. **All in favor by roll call: Mark Sprague (Chair)- Yes, Erik Neyland- Yes; Michael Gorr- Yes; James Barr (Voting Associate) - (4/0/0).**

Erik Neyland moved to continue the public hearing for the Preliminary Phase of a Farmland and Open Space Planned Residential Development at Map 2.C Parcel 23 to November 10, 2021 at 7:15pm. 2nd by Michael Gorr. **All in favor by roll call: Mark Sprague (Chair)- Yes, Erik Neyland- Yes; Michael Gorr- Yes; James Barr (Voting Associate) - (4/0/0).**

BUSINESS

Discussion of Mallard Lane Comprehensive Permit (Map 2.C Parcel 15.1)

Present:

Jim Morin, Applicant

The Planning Board discussed the proposal and considered feedback for the Zoning Board of Appeals to review during the ongoing public hearing process. The Board commented that the plans do not appear to reflect what is indicated by the application and further engineering is warranted. The Board discussed wetlands considerations, deed restricting the number of bedrooms per unit, snow removal, density of the development, the septic system, and stormwater management. The Board agreed that the plans need to be further refined prior to finalizing feedback for the Zoning Board of Appeals.

Deliberation and Vote on Backland Lot Special Permit decision, Meadow Road, Map 4.D Parcel 104

The Planning Board reviewed language in a draft decision. The public hearing for the application was held October 13, 2021.

Erik Neyland moved to approve the decision for a Backland Lot Special Permit along Meadow Road at Map 4.D Parcel 104. 2nd by James Barr. **All in favor by roll call: Mark Sprague (Chair)- Yes, Erik Neyland- Yes James Barr (Voting Associate) - (3/0/0).**

Discussion of Business District Zoning

The Planning Board has received a request from Bruce Wheeler of Habitech, Inc to expand the Mixed Use Village Overlay District to include Business and Limited Business zoned parcels around the intersection of Forbush Mill Road and Route 117.

Valerie Oorthuys stated it is important to consider the impacts of the potential development including what additional planning goals the proposal could meet, while also reviewing the performance of the existing bylaw.

The Board discussed concerns heard during Town Meeting related to the existing Mixed Use Village Overlay District and rectifying split zoning along lots around the 495 interchange.

The Board discussed the need of contacting the land owners of the parcels around the intersection of Forbush Mill Road and Main Street as well as conducting public outreach.

The Board acknowledged the recent MassWorks grant award to fund construction improvements to the intersection and installation of a traffic circle.

The Board discussed further information needed to consider the specific proposal in front of them, including a traffic study and marketing analysis. Further information to consider extending the zoning overlay district includes a build out analysis, review of stated planning goals from previous Town studies and plans, review of the existing zoning language, and documents related to the consideration of age-targeted housing rather than age restricted housing.

Discussion of potential Annual Town Meeting Articles

The Board briefly discussed potential Annual Town Meeting articles:

- Updating the zoning map to accurately show districts as currently allowed by the zoning bylaws;
- Earth Removal bylaw and associated Special Permit process;
- Erosion Control bylaw and associated Special Permit process;
- Tree Protection bylaw;
- Revisions to the Sign bylaw to align with Reed vs. 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 on a farm to supplement income with an accessory business use.

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

Respectfully Submitted,
Valerie Oorthuys