

PLANNING BOARD MINUTES

Wednesday, November 10, 2021, at 7:00 p.m.

Remote Public Meeting

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

Also Present: Valerie Oorthuys (Town Planner)

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

BUSINESS

Discussion with Residents of Century Mill Estates

Residents of Century Mill Estates described their concerns and frustration with the developer of Century Mill Estates and requested the Board take action against the developer in order to compel action or to allow the Town to complete road improvements. The Board indicated that they are working with Town Counsel to better understand their authority and ability to act in the best interest of the Town. Residents urged the Board to pursue a resolution quickly.

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

Mark Sprague noted that this public hearing is a continuance from October 27, 2021.

The Board discussed the intent of the FOSPRD bylaw language that states "No more than 25% of the minimum amount of restricted land can be a wetland resource area". The applicant has

provided more than the minimum 33% of the site to be restricted open space. The Board remained unsure whether the applicant would need to ensure no more than 25% of the restricted space is wetlands or whether no more than 25% of the 33% may be in a wetland resource area.

The Applicant requested a continuance in order to confirm the percentage of wetlands allowed within the open space restriction. The Board agreed that Natural Heritage should weigh in on whether the location of homes is acceptable in order to have the Planning Board confirm the number of lots to be proposed during the definitive or design phase of the subdivision

The Applicant agreed to provide a request for an extension of the deadline of action for this application by 20 days per the FOSPRD Rules and Regulations. The new deadline for action would be December 23, 2021.

Danielle Spicer 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 December 8, 2021 at 7:15pm. 2nd by Michael Gorr. **All in favor by roll call: Mark Sprague (Chair)- Yes, Erik Neyland- Yes; Michael Gorr- Yes; Danielle Spicer- Yes - (4/0/0).**

BUSINESS

Zoning Determination for 460 Main Street, Map 4.D Parcel 28

Valerie Oorthuys said the owner of 460 Main Street is looking to understand the zoning on the property and has provided a 1997 ANR plan that indicates the parcel is entirely within the Business District. A 2014 ANR Plan shows it with split zoning, with the majority of the land with the Business District and the remainder within the Residential District. Valerie Oorthuys stated that ANR plans do not provide zoning district designations, but rather this is done through Town Meeting. The current zoning map for the Town shows the lot as split zoned.

The Board discussed whether there should be an article at the next Town Meeting to remedy split zoning throughout Town. The Board agreed that 460 Main Street is not fully zoned Business, even if the 1997 ANR Plan incorrectly labeled the zoning districts. Erik Neyland noted that the applicant could pursue a Special Permit through the Zoning Board of Appeals in order to expand the use at the site, though the ZBA would not be able to grant a use Special Permit.

Discussion with Bruce Wheeler, Habitech Communities, Inc: Concept plans for mixed-use development on Parcel 6.B-3 and request to expand the Mixed Use Village Overlay District

Present:

Lou Levine, D'Agostine, Levine, Parra & Netburn, PC
Bruce Wheeler, Habitech, Inc.
Thom Miner, Landscape Architect
Lawrence Reeves, Architect

Bruce Wheeler said they have continued to refine their plans in the last month. The plans show a 5,000 sqft commercial space along Route 117 with a residential building in the center of the lot.

There is one vehicular access point to Route 117 along the eastern side of the property line and one vehicular access point to Forbush Mill Road, just south of the current DPW facility.

The Board provided comments on the site plan, including the need for sidewalks along the perimeter of the site and interest in natural integration of stormwater management solutions.

Erik Neyland asked if there have been any market analyses done to show that age-restricted units are in demand, as opposed to smaller units or age targeted units. Bruce Wheeler said there is demand for active adult housing however the retail demand is weak, which is why housing is being proposed as well, in order to make the development financially feasible. Bruce Wheeler said that the age restriction is needed in order to build more units and maintain economic feasibility, as the DEP's calculation for water usage is lower for age restricted units and Bolton does not provide public water.

The Planning Board discussed additional information they would want to have prior to moving forward with a zoning change. Items included an inventory of the number of units in Bolton that are currently age restricted and outreach to land owners within the area of the proposed overlay expansion.

The Planning Board agreed to resume the discussion at their meeting of January 12, 2022.

Discussion of Zoning Updates: Business District and Mixed Use Village Overlay District

Valerie Oorthuys noted the difficulty of fielding a rezoning request as it comes paired with a specific development proposal. This proposal is allowed in the Mixed Use Village Overlay District, which was approved at Town Meeting 5 years ago. As the developer mentioned, retail is a loss leader. What is the rationale then, to continue to expand districts rather than to condense them? What other types of uses could be located in this area? Valerie Oorthuys noted the need to take time to focus on a rezoning effort, as this has not been undertaken comprehensively in Town since the initial zoning district designations. If the zoning map were cleared of all districts, where would the best places for commercial development be located? Additional public outreach is needed, both with residents and business owners. Valerie Oorthuys noted that the Planning Board should not feel tied to a schedule related to Annual Town Meeting in 2022, as these types of changes can take more time to assess.

Next steps could include questioning the Village Overlay Working Group to better understand the creation of the current overlay district, including the intent of the bylaw and the selection of the parcels included. Michael Gorr noted that a few of the goals of the overlay district relate to the proximity to 495. In addition, the other parcels proposed by the developer to be within the mixed use overlay district should be studied to better understand the potential build out. Would this proposed change only provide benefit to the one parcel proposed, or would others develop in kind?

Valerie Oorthuys said that the Town was awarded a grant through the Massachusetts Downtown Initiative to create a Business District Assessment and Market Analysis. This grant will pair the

Town with a consultant to conduct an economic development analysis of the main business district and give a better sense of the economic climate in town while also surveying residents and business owners and land owners in business districts. The final report would likely be ready by June 2022.

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