

PLANNING BOARD MINUTES

Wednesday, January 12, 2022, 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; Mark Sprague (Chair)- Yes; James Barr (Associate)- Yes.

ADMINISTRATION

Planner's Report

Making the Connections Transportation Pilot and Survey

The transportation pilot program, which provides fully subsidized rides from Clinton Livery to qualifying seniors through a grant funding, is now underway. The program is jointly coordinated by the Planning Department and Council on Aging. The first rides were provided in November. Goals of the program include gathering data from residents regarding their transportation needs. To that end, consultants have helped Bolton and surrounding Towns develop a transportation needs survey of residents or employees who do not currently drive or have access to a car. Feel free to share the survey, available at <https://www.surveymonkey.com/r/MVMF6KX>

Green Communities Grant Update

Four of the six approved projects are now fully complete, including Weatherization of the DPW building, unit heater installation at the DPW building, weatherization of the Public Safety Building, and Weatherization of Town Hall. The final two projects, Town Hall lighting improvements and installation of a Demand Controlled Ventilation system at the Emerson School gym, will begin construction in late winter/ early spring.

Massachusetts Downtown Initiative Grant Update

The MDI Grant kicked off on December 10th. Our consultant with FinePoint Associates will conduct a Business District Assessment and Market Analysis, to be completed by the end of June 2022. This report will help inform future decision making regarding zoning and right-sizing the

business district. The report will note market trends, sales leakage, and obstacles to operating a business in Bolton. The grant includes a public outreach component, meaning that residents will be asked for their opinions and business owners and owners of business zoned land will participate in the process as well.

Alta Nashoba Valley- 580 Main Street Comprehensive Permit

The public hearings for the 229 unit multi family rental development continue through the ZBA. The ZBA has contracted with Horsley Witten Group for engineering peer review and Vanasse & Associates for traffic review.

Warehouse Proposals

Staff have discussed warehouse developments with prospective applicants on two different parcels- one at the far east end of Town within the Industrial District at the border with Stow. The other is proposed at 500 Main Street, though warehouses are not allowed at that location by zoning. As the Planning Board considers whether to modify allowed uses in the mixed-use village overlay district or the business district, this project may need to be considered.

Age-Restricted Developments

Staff have discussed concept plans with a developer for a 60 unit 55+ age restricted development at 22 West Berlin Road. The intent is for the development to be managed as a condo association, with each unit as a single family home. All other age restricted developments in Bolton have been done through a Comprehensive Permit. Staff are looking into whether a zoning change would be needed to allow age restricted developments through a special permit with the Planning Board, or if current zoning is flexible enough to allow this type of development. Allowing age-restricted developments should be considered further, especially as the Board considers whether to modify allowed uses in the mixed-use village overlay district.

Moderator Way Updates

Please refer to confidential materials provided to Planning Board members in mid December. Please direct any questions related to the Town Planner or Town Administrator. Please refer to the Town Planner's memo related to the developer's bond reduction request.

Century Mill Estates Updates

Staff held a discussion on December 10th with the Planning Board Chair and Town Counsel to review the Board's questions related to moving forward with street acceptance. In order for Street Acceptance at this year's Town Meeting, draft as-builts would be due to the Planning Board's peer reviewer by January 24. Discussions included remaining items to be completed and the ability of the Planning Board to move toward road acceptance of the roadway within Phases 2 and 4, as most of the remaining items are related to fees or payments rather than construction items.

Planning Department Budget

The Planning Department budget for FY23 shows level funding for all items, except for a \$30,000 line item for Master Planning expenses. The Town Planner is pursuing grant funding for discrete project tasks while also drafting Requests for Quotes for specific segments of work to be done by consultants. If grant requests are successful, the figure would decrease. It is recommended to have a line item in the department budget in the future in order to implement

priority recommendations in the Master Plan. This would also provide a more typical balance between permitting and community development tasks.

Approval of meeting minutes from October 13, 2021, October 27, 2021, and November 10, 2021

Michael Gorr moved to approve the minutes of October 13, 2021, October 27, 2021, and November 10, 2021 as written. 2nd by Pete Driscoll. **All in favor by roll call: Mark Sprague (Chair)- Yes, Pete Driscoll- Yes; Michael Gorr- Yes (3/0/0).**

PUBLIC HEARINGS

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

Continued from October 27, 2021 and November 10, 2021

Present:

Jeff Motha, Applicant

Jeff Motha said the engineer for the project has submitted an application to Natural Heritage to understand site impacts and an application for an Order of Conditions through the Conservation Commission. Jeff Motha asked if the result of these applications would impact the Planning Board's process. Mark Sprague said Natural Heritage may note that certain areas on the parcel are within jurisdictional areas and may disallow construction on those areas, directly impacting the placement of homes and therefore the number of homes allowed through a proof plan.

The Board agreed the application should be continued until Natural Heritage comments on the project, necessitating at 60 day extension from the February 1, 2022 deadline. The applicant agreed to provide an extension request.

Michael Gorr 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 February 9, 2022 at 8pm. 2nd by Pete Driscoll. **All in favor by roll call: Mark Sprague (Chair)- Yes, Pete Driscoll- Yes; Michael Gorr- Yes; James Barr (Associate)- Yes. (4/0/0).**

BUSINESS

Keyes Farm Subdivision, Moderator Way: Review and Vote on Bond Reduction Request

Present:

Douglas Hausler, Esq., Lampert, Hausler & Rodman, P.C.

The Planning Board reviewed bond reduction requests, including items such as installation of trees, completion of detention basins, pavement binder coat and top coat, and a \$8,630 discrepancy. The developer has requested a bond review without input from the Board's consulting engineer at Nitsch.

The Board reviewed the Tree Warden's inventory of trees located on site. The developer had not provided documentation of the exact installation date of the trees nor size and species of trees planted. The Tree Warden's notes included comment that tags, surveyors' tape, and roping had not been removed from all trees.

Members of the Board agreed to uphold the last advice heard from Nitsch Engineering regarding withholding funds for the detention basins and pavement binder and top coat.

Michael Gorr moved to authorize a bond reduction for the Keyes Farm Subdivision in the amount of \$8,630. 2nd by Pete Driscoll. **All in favor by roll call: Mark Sprague (Chair)- Yes, Pete Driscoll- Yes; Michael Gorr- Yes; James Barr (Associate)- Yes. (4/0/0).**

Erik Neyland arrived.

Century Mill Estates Subdivision: Discussion and Vote to approve Joint Check Agreement for the provision of as-built plans

The developer of Century Mill Estates requested the Board consider entering into a Joint Check Agreement with engineers at Ross Associates in order to use bond funds to cover the provision of the as-built plans. The developer stated the belief that \$25,000 would allow Ross Associates to provide the Town with the plans, at which point the developer would provide the Town with \$7,000 to replenish the peer review account in order to allow peer reviews at Nitsch Engineering to assist with review of the plans and confirmation of site improvements. The Town is currently holding \$30,786.14 for the project.

The Board agreed that further information is needed in order to consider this request, including documentation from Ross Associates related to the sum required to complete as-built plans, justification for waiving the requirement of withholding 10% of the original bond amount, the ability of the Board to waive the January 24th deadline for as-builts to be received, and the ability of the Board to provide an amount in excess of the amount held on the bond for as-builts.

Master Plan Update and Results of First Public Forum

Present:

Bob Roemer, Master Plan Steering Committee

Brian Boyle, Master Plan Steering Committee

Bob Roemer reviewed the timeline of the master plan efforts, including the fact that the pandemic caused delays in the original timeline and has additional town impacts as plans for the future of Bolton are discussed. Bob Roemer noted the 12 task groups of the master plan process, each with a group of dedicated volunteers. The task groups have worked on existing conditions analyses. The first forum was held on October 17th, which focused on existing conditions, visioning, and public input. Upcoming tasks include ongoing public outreach and securing grant funds to support technical assistance from consultants. The Steering Committee aims to have a draft plan by spring 2023.

Brian Boyle discussed the 9 interactive stations included at the forum and shared the comments provided at the Strengths-Weaknesses-Opportunities-Threats analysis station.

Erik Neyland stated the importance of ensuring that all demographics are represented at forums and through surveys. Bob Roemer and Brian Boyle agreed that this is an important strategy for community development projects and noted that the committee is reviewing how to host a future forum through zoom.

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:

Bruce Wheeler, Habitech, Inc.

Tom Skahen, Streamline Communities

Tom Skahen provided a presentation to the Planning Board regarding the market for age-restricted or age-targeted housing in Bolton, related to Habitech's concept plans indicating a mixed use development with 47 age restricted ownership units and 5,000 sqft of commercial space in a separate building. Habitech's intent is for the parcel to be included in the Mixed Use Village Overlay District. Tom Skahen noted that 57% of households have a householder of 55 years of age or older while under 5% of homes have an age-restriction in place currently. Tom Skahen said that after surveying all abutting towns, Bolton has one of the highest percentages of households between 55-84 years old, while also having one of the lowest percentages of age-restricted housing.

Tom Skahen said that there are now more millennials than baby boomers, indicating the belief that as millennials age there may be continued demand for age-restricted housing. Tom Skahen said that the population in Bolton is predicted to increase, leading to more households qualifying for age-restricted homes.

Erik Neyland asked for more information regarding the benefits of age-restricted versus age-targeted housing. Bruce Wheeler said that Habitech is willing to look at either, depending on the Board's preference. Tom Skahen said that in his experience, if a housing unit includes a first floor primary bedroom, 90% of the buyers will be 55 years of age or older. Tom Skahen said that buyers would rather purchase non deed-restricted homes. Tom Skahen said some Towns have focused on age restrictions due to concerns of increasing the population of school children. Tom Skahen said in his experience, the number of school aged kids is lower in an age-targeted unit than in a single family home with a second floor primary bedroom.

Mark Sprague noted that Title 5 restrictions would likely decrease the number of units that is economically feasible to develop, if the development were age targeted rather than age restricted.

Valerie Oorthuys noted the presentation appears to state that the presence of residents over the age of 55 is directly correlates to demand. Valerie Oorthuys asked what percentage of residents in age-restricted communities are moving from within town? Tom Skahen said about 80% of residents come from within a 5-10 mile radius of the development.

Valerie Oorthuys noted the importance of affordability, both in terms of deed-restricted affordable units and in general affordability of living in Town, stating that the size of the units is important to affordability so the Board may be interested in seeing a mix of unit sizes.

Bruce Wheeler and the Board discussed a continued timeline for this process, agreeing that Town Meeting 2022 would not provide enough time for zoning studies and public outreach.

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

Valerie Oorthuys noted that as the Board considers zoning requests it would be useful to consider a comprehensive approach to review business zoned areas Town-wide to assess their strengths and weaknesses prior to expanding districts or adding additional allowed uses to business or industrial zoned parcels.

Valerie Oorthuys said it would be worth discussing visual preferences as well as the question of where in town is best suited for commercial uses. Erik Neyland said this work may have been done in the past, so it would be worth reviewing past efforts.

Brian Boyle said it would be helpful for the Master Plan Steering Committee to know more about which Towns have business districts that the Planning Board members appreciate. Michael Gorr said the layout of Lancaster is working well to provide clear areas for commercial development, as opposed to Bolton's pockets of development.

Discussion of potential Town Meeting Articles

Valerie Oorthuys said that a bylaw to prohibit permanent storage of materials within storage containers in the residential district is being reviewed with the Building Inspector. Apart from that bylaw, with the current work load, there has not been time to begin drafting zoning articles for Town meeting, which would need to be drafted by February. Valerie Oorthuys suggested working on these articles throughout the year to be more prepared for a future Town Meeting.

Erik Neyland mentioned his interest in zoning articles to clean up split zoned parcels and modifying the sign bylaw for at home businesses.

Vote to Accept Houghton Farm Common Driveway As-Built Plans

Valerie Oorthuys said Nitsch Engineering did a final site visit in late November 2021 and confirmed that the sediment was removed from the swale and all items on the Houghton Farm punch list were completed.

Michael Gorr moved to accept the Houghton Farm Common Driveway As-Built plans. 2nd by Erik Neyland. **All in favor by roll call: Mark Sprague (Chair)- Yes, Michael Gorr- Yes, Peter Driscoll- Yes, Erik Neyland- Yes (4/0/0).**

Vote to Release Bond, Houghton Farm Subdivision and Houghton Farm Common Driveway

Valerie Oorthuys said a performance guarantee in the form of a Tri-Party Agreement is held with High Oaks Realty Trust and Middlesex Savings Bank in the amount of \$219,888.22. In addition, the Town holds a cash bond for the completion of the Common Driveway.

Michael Gorr moved to authorize a bond release for the Houghton Farm Subdivision of \$219,888.22 and a release of the cash bond held by the Town in the amount of \$7,476. 2nd by Erik Neyland. **All in favor by roll call: Mark Sprague (Chair)- Yes, Michael Gorr- Yes, Peter Driscoll- Yes, Erik Neyland- Yes (4/0/0).**

Set Planning Board Schedule through April

The Planning Board agreed to meet on the following dates:

- February 9, 2022
- February 16, 2022
- March 9, 2022
- March 23, 2022
- April 13, 2022
- April 27, 2022

Peter Driscoll moved to adjourn. 2nd by Erik Neyland. **All in favor by roll call: Mark Sprague (Chair)- Yes, Michael Gorr- Yes, Peter Driscoll- Yes, Erik Neyland- Yes; James Barr- Yes - (5/0/0).**

Respectfully Submitted,
Valerie Oorthuys