

## **PLANNING BOARD MINUTES**

**Wednesday, January 19, 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; Erik Neyland- Yes; James Barr (Associate)- Yes.

## **BUSINESS**

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

The Planning Board reviewed and discussed a proposal from David E. Ross Associates, a letter from Old Stone Estates, LLC regarding the donation of a lot to satisfy the affordable housing requirement, proof of payment to 4<sup>th</sup> Generation Electric for the provision of a street light, and Town Counsel's comments on a draft Joint Check Agreement with David E. Ross Associates for the provision of as-built plans.

The Board acknowledged that bond funds must only be used to cover those costs included in the bond, in order to complete the subdivision. Members agreed that bond funds should not be used toward additional items included in the road acceptance punch list.

The Planning Board acknowledged that costs have increased for engineering work such as the creation of as-built plans since the time the bond estimate was finalized, as around ten years have passed.

Valerie Oorthuys said that Town Counsel advised that Old Stone Estates, LLC was involuntarily dissolved by the Secretary of the Commonwealth in June 2021. The entity should be brought into compliance before the Agreement is executed.

The Planning Board acknowledged that they may be able to provide flexibility regarding the January 24<sup>th</sup> deadline for the provision of as-built plans.

Erik Neyland moved to release \$25,000 from the Town's surety to enter into a Joint Check Agreement with David E. Ross Associates for the provision of as-built plans, with the understanding the Agreement will be written to the satisfaction of Town Counsel and endorsed only once Old Stone Estates, LLC is in compliance with the Secretary of the Commonwealth, and authorized Mark Sprague to sign on behalf of the Board. 2<sup>nd</sup> by Michael Gorr. **All in favor by roll call: Mark Sprague (Chair)- Yes, Pete Driscoll- Yes; Michael Gorr- Yes; Erik Neyland- Yes. (4/0/0).**

The Planning Board discussed their ability to allow over 10 percent of the original bond amount to be released. The Subdivision Rules and Regulations states that "10 percent of the value of the bond shall be held by the Town for one year after completion of construction or until the streets are accepted by the Town, whichever comes first." The Board acknowledged that the streets within Century Mill Estates have been completed for over a year and the 10 percent has been held over a winter after the completion of the streets.

Michael Gorr moved to allow the release of more than 10 percent of the value of the original bond. 2<sup>nd</sup> by Erik Neyland. **All in favor by roll call: Mark Sprague (Chair)- Yes, Pete Driscoll- Yes; Michael Gorr- Yes; Erik Neyland- Yes. (4/0/0).**

The Planning Board reviewed a letter from Attorney George Kiritsy, representing a prospective owner of 39 Mill Pond Road who is waiting for a Certificate of Occupancy. The Board has withheld additional COs in accordance with the Definitive Subdivision Approval which ties COs to affordable housing payments or lot donation. Mark Sprague noted the advice to amend the Subdivision Approval to tie future provision of Building Permits to the affordable housing payments instead, to align with Bolton's current zoning bylaws. This would allow occupancy in all homes in Phases 2 and 4 of the project though it would impact any future Building Permits pulled for Phases 1 and 3. Valerie Oorthuys advised this would likely be a minor modification of the permit not requiring a public hearing, though will confirm with Town Counsel. Mark Sprague said that all owners of Phases 1 and 3 should be notified regardless, as it will impact future development of their property.

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

The Planning Board continued discussions from their meeting of January 12, 2022, focusing on whether to provide a bond reduction for trees. The Board agreed to continue to withhold funds for 9 unobserved trees along Moderator Way, for 7 trees needing replacement, and for the 10 trees along Hudson Road as only 4 of 10 trees were observed and they have not been confirmed to be outside of their warranty.

Michael Gorr moved to authorize a bond reduction for the Keyes Farm Subdivision in the amount of \$12,800. 2<sup>nd</sup> by Erik Neyland. **All in favor by roll call: Mark Sprague (Chair)- Yes, Pete Driscoll- Yes; Michael Gorr- Yes; Erik Neyland- Yes. (4/0/0).**

Peter Driscoll moved to adjourn. 2<sup>nd</sup> 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