

PLANNING BOARD MINUTES

Wednesday, February 9, 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)

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.

ADMINISTRATION

Correspondence

Planner's Report

Master Plan Updates

Staff have applied for further funding of the Town's Master Plan revision through a Technical Assistance Program application with Metropolitan Area Planning Council (MAPC), and through an Expression of Interest application through the Municipal Vulnerability Preparedness Program. Staff will continue to pursue grants to fund technical assistance.

Upcoming Task Group meetings include Municipal Facilities, Land Use, and Open Space and Recreation. As the work with the Massachusetts Downtown Initiative progresses, the Economic Development Task Group will meet to review survey materials.

Century Mill Estates

A signed copy of the Joint Check Agreement has not been received. While the developer could request flexibility on Town Meeting deadlines, the Select Board plans to review Town Meeting Warrant articles at their meeting of February 17th, with the Planning Board's report on road acceptance due by March 3.

711-713 Main Street

The new owner of 711-713 Main Street has met with staff to discuss plans to renovate the existing barn and blue dwelling on site in order to create additional business space. The owner is thoughtfully working on site planning though there are extensive wetland resource areas on the property. Planning staff will review the existing Special Permit held by the Zoning Board of Appeals to better understand whether and how the document may be modified to allow for the proposed expansion.

Advisory Committee

Planning is meeting with the Advisory Committee next Tuesday, February 22nd to review the Planning Department budget for FY23.

Upcoming meetings

Thursday, February 17

- Public Hearing for ATM warrant article on Portable Storage Units
- Public Hearing for Modification of Century Mill Estates Definitive Subdivision
Approval- the intent of the modification is to tie affordable housing payments to building permits rather than to Certificates of Occupancy.

Approval of Meeting Minutes

Michael Gorr moved to accept the minutes of January 26, 2022 as amended. 2nd by Pete Driscoll. **All in favor by roll call: Mark Sprague (Chair)- Yes, Peter Driscoll- Yes; Michael Gorr- Yes; Erik Neyland- Yes. (4/0/0).**

BUSINESS

Vote to recommend the appointment of James Barr to the Planning Board

The Planning Board discussed their support of James Barr's appointment.

Michael Gorr moved to recommend the appointment of James Barr to the Planning Board, until the next Annual Town Election. 2nd by Erik Neyland. **All in favor by roll call: Mark Sprague (Chair)- Yes, Peter Driscoll- Yes; Michael Gorr- Yes; Erik Neyland- Yes. (4/0/0).**

Discussion of MassWorks Project

The Planning Board discussed concept plans for the approved MassWorks project which provides grant funding for design and construction of a roundabout at the intersection of Forbush Mill Road, Green Road, and Route 117. The Board reviewed a draft comment letter to be shared with the Department of Public Works. The letter reviews nearby developments in the construction or concept phase that may impact design, comments related to pedestrian and bicycle infrastructure, landscaping, utilities, stormwater infrastructure, and mitigating impacts to businesses and residences.

PUBLIC HEARINGS

Backland Lot Special Permit and Common Driveway Special Permit, 89-91 South Bolton Road, Map 3.C Parcels 18, 20.1 and 27

Present:

Chris Slade, Applicant
Jack Sargant, P.E., Engineer

Chair Mark Sprague read the public hearing notice.

Jack Sargant provided the Planning Board with an overview of the proposed development, noting that it is a 5 lot subdivision, with two homes included already in existence. The plans include a 16 acre lot to the east of the property to be deeded to the Bolton Conservation Trust as open space. The land designated as open space is currently a meadowed field. A common driveway will service all 5 lots, eliminating an existing curb cut. One of the house lots requires the Backland Lot Special Permit and the others are proposed to be divided through a Subdivision Approval Not Required (ANR) Plan, though the applicant is requesting a waiver from the lot shape factor. All five homes will be located on the western side of the historic rock wall that divides the premises.

Jack Sargant said that approximately the first 100 feet of the Common Driveway follows a cart path. The Common Driveway will be constructed using pervious pavement. Stormwater will infiltrate through the roadway, negating the need for stormwater infrastructure onsite.

Jack Sargant stated that responses to the peer reviewers comments were provided directly to the peer reviewer the morning of February 9, 2022. Valerie Oorthuys asked for those comments to be forwarded to the Planning Department.

Chris Slade described the request for a waiver from the lot shape factor, in accordance with Section 250-13.G (2.C) of the Code of the Town of Bolton. Chris Slade stated that Lots 1, 3, 4, and 5 do not conform to the lot shape factor. The Backland Lot, Lot 5, is exempt from the lot shape factor requirement. Chris Slade said the plans provide less environmental damage to the site, better housing siting, and better land use. The creative lot shapes allow more land to be preserved as open space and allow a shorter common driveway.

Valerie Oorthuys stated that the chair of the Bolton Conservation Trust provided a statement in support of the application and the donation of the open space parcel. The chair noted that preservation of the field is ecologically important and the field backs up to wetland resource areas.

Mark Sprague reviewed comments received from the Department of Public Works, Police, Fire, and Board of Health. Jack Sargant said he believes the Common Driveway provides safe site distances, an adequate turn around at station 5+50, and would connect to the edge of pavement of South Bolton Road within the Town's right of way. Chris Slade disagreed with the Fire Chief's comment that the closest reliable water source is over one thousand feet from the premises. Chris Slade said there is a fire pond on site and a dry hydrant.

Public Input

Jonathan Keep, 14 Manor Road, stated concern for three areas located across the street from the development and acknowledged a letter he provided to the Planning Board with accompanying maps and images. The three areas of concern have farm equipment, vehicles, and associated materials stored in proximity to wetland resource areas. The areas span property on Assessor's Map 3.C Parcels 26.2, 26, and 43.1. Jonathan Keep said he is concerned the areas are attractive nuisances and that fluids could leak into the groundwater and contaminate wells and wetland resources.

Chris Slade said the properties included in the areas of concern were inspected by the DEP and for the time being are considered in compliance. Jonathan Keep said he believes the DEP visited 0 South Bolton Road but not 96 or 118 South Bolton Road. Jonathan Keep expressed concern for the future residents of the proposed subdivision.

James Barr asked if there has been any well testing done in the area. Jack Sargent said that water testing has been done in the last three years at 89 South Bolton Road.

Matt Johnson, 127 South Bolton Road, said that he did well testing through Nashoba Analytics in the last three years and there were no concerns with the water quality.

James Barr asked if the applicant has plans to remove the materials in the areas of concern. Chris Slade said that the materials are all recyclable steel and he plans to remove the majority of it in the next year. Chris Slade noted that health concerns have paused his clean up efforts.

The Board acknowledged that further discussion is needed between the applicant and the Board's consulting reviewer.

Peter Driscoll moved to continue the public hearing for the Backland Lot Special Permit and Common Driveway Special Permit at 89-91 South Bolton Road to March 9, 2022 at 8:15pm. 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).**

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, November 10, 2021 and January 12, 2022

Mark Sprague noted the applicant's request to continue without testimony as the Natural Heritage & Endangered Species Program has not issued a determination on this application.

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 March 9, 2022 at 7:30pm. 2nd by Pete Driscoll. **All in favor by roll call: Mark Sprague (Chair)- Yes, Pete Driscoll- Yes; Michael Gorr- Yes; Erik Neyland- Yes; James Barr (Associate)- Yes. (5/0/0).**

BUSINESS

Review and Endorsement of Subdivision Not Required (ANR) Plan, 89-91 South Bolton Road, Map 3.C Parcels 18, 20.1, and 27

The Applicant, Chris Slade, agreed to an extension of the deadline for action on the ANR to align with the Board's consideration of the Backland Lot and Common Driveway Special Permit application. The Planning Board will discuss the ANR plan at their meeting of March 9, 2022.

Discussion of Annual Town Meeting Articles: Portable Storage Units, Century Mill Estates Road Acceptances

Present:

Mike Sauvageau, Bolton Building Inspector and Zoning Enforcement Officer

Mike Sauvageau said that he had requested the Portable Storage Unit bylaw because of a handful of residences in Town that have permanent storage containers. Mike Sauvageau said the storage containers are causing complaints in the residential district, though not due to agricultural uses. While some commercial uses have storage containers on site, those can be regulated through existing Special Permits. Mike Sauvageau said that temporary storage containers have not caused problems, as those are typically related to a discrete construction project or to a move. The problem the Portable Storage unit bylaw would intend to solve is unsightly storage containers permanently on view from the public right of way.

Mark Sprague asked how long a Building Permit is active, wondering if a resident may wish to continuously reapply for an inexpensive permit in order to allow the ongoing placement of a storage container on site. Mike Sauvageau said a resident would have six months to act on the building permit.

Michael Gorr said he would not be interested in regulating a storage container that is not visible from the street. Michael Gorr noted that the draft bylaw includes municipal exemptions, indicating the usefulness of storage containers.

The Planning Board agreed to review the draft bylaw if the concern with portable storage containers increases, as there are only 2 or 3 sites in Town that are current problems.

Michael Gorr moved to not move forward with the draft Portable Storage Unit bylaw at Annual Town Meeting and to cancel the upcoming Public Hearing. 2nd by Pete Driscoll. **All in favor by roll call: Mark Sprague (Chair)- Yes, Pete Driscoll- Yes; Michael Gorr- Yes; Erik Neyland- Yes (4/0/0).**

The Board reviewed a draft warrant article for Road Acceptance of Mill Pond Road, Cider Circle, and Old Stone Circle. Valerie Oorthuys noted the article is incomplete, as there is no plan to reference. Should the developer provide the signed Joint Check Agreement and deliver needed materials to the Select Board prior to their meeting of February 17, 2022, the article may move forward.

Approval of Planning Board Annual Report 2021

The Planning Board reviewed a draft Annual Report for the 2021 calendar year.

Michael Gorr moved to approve the Planning Board Annual Report for 2021 as written. 2nd 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).**

Discussion of Planning Department Annual Work Plan

The Planning Board reviewed a draft work plan for the Planning Department, inclusive of permitting, zoning amendments and revisions, and community development initiatives. Should the opportunity arise, additional planning efforts are itemized as well.

The Planning Board indicated interest in holding a post-mortem meeting to discuss lessons learned at key subdivisions, once they have been closed out.

Michael Gorr moved to adjourn. 2nd 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).**

Respectfully Submitted,
Valerie Oorthuys