

**TOWN OF BOLTON
BOLTON TOWN HALL
663 MAIN STREET
BOLTON, MASSACHUSETTS, 01740**

**MINUTES OF THE PLANNING BOARD MEETING
VIA TELECONFERENCE
JANUARY 11, 2023, 7:00 P.M.**

BOARD MEMBERS:

Peter Driscoll	Chair
Michael Gorr	Vice Chair
James Barr	Member
Bob Roemer	Member
Erik Neyland	Member

STAFF:

Todd Miller	Town Planner
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1. CALL TO ORDER

There being a quorum present the meeting was called to order.

2. TOWN PLANNER REPORT

Todd Miller and the Board thanked the DPW director for his work. It was noted that minutes need to be addressed and that a new Vice Chair needs to be selected.

3. PUBLIC HEARINGS: CENTURY MILL ESTATES

Brian Falk, Town Counsel, noted that the roadways and installation of municipal services are almost complete. The Board gave an extension for this until September 22, 2022, which has passed. The Board has the choice to do nothing, provide an extension, or use the \$30,000 cash bond to complete the work. Todd Miller noted that there are questions regarding the joint check agreement and its validity. It was noted that there is an annual fee to pay to the state and this estate has not done so.

The Board discussed the issues with the peer review. Todd Miller noted that the engineer account is currently in the negative of \$5,701.81, and needs to be replenished to satisfy future work. Jon Balewicz noted it is important to get the as-built plans into the hands of the town. Mr. Bendetson is aware that he owes the money.

Peter Driscoll provided clarification as follows: in January 2022, the Board entered into a tri-party joint check agreement, which would release \$25,000 towards the as-built plans. This still stands, as it was a vote, and the joint check agreement has not been executed. Once a signed copy has been provided and all is within compliance, the joint check agreement can be completed.

Peter Driscoll noted there have been challenges with subdivisions getting their as-built plans to the Town for peer review.

Todd Miller noted that the as-built plans are to provide information on the differences, if any -- between what was proposed and what was built.

Brian Falk noted that the agenda of this meeting is to progress the project and bring it to the Select Board and Town Meeting.

It was noted that if the project goes into default, the \$25,000 still goes to the town. The town has already initiated getting back taxes via land court.

Todd Miller asked the counsel what process would be the fastest for resolution, and noted that there have been at least three extensions for this project.

Brian Falk stated that it is best if the developer completes the project.

Peter Driscoll noted that he is not in favor of another extension.

Bob Roemer noted that the information from the developer has not been sufficient to know what is required for completion and to resolve the project.

Andrew Bendetson explained that the majority of physical work is complete. He will ensure the joint check agreement is completed and then the as-built plans will be submitted. The Board requested specific dates for these to be completed. Andrew Bendetson was reluctant to commit the engineering company to specific dates.

ANR ENDORSEMENTS

a. Shartner, West Berlin Rd. – New Lot Creation:

On a motion made by Michael Gorr, seconded by Eric Neyland, it was resolved to approve the ANR for West Berlin Road, Assessor's Map 3B 92. Motion carried unanimously.

For this project, one lot is being divided into two lots.

b. Leger, 123 Nourse Rd. – New Lot Creation:

On a motion made by Michael Gorr, seconded by Eric Neyland, it was resolved to approve the ANR for 123 Nourse Rd, 6C4. Motion carried unanimously.

c. **Tadmor Shoppes Realty, Forbush Mill Bush Rd. – Lot Line Modification:**

On a motion made by Michael Gorr, seconded by Eric Neyland, it was resolved to approve the ANR for Forbush Mill Rd 6 B 34. Motion carried unanimously.

There was discussion regarding the parcels and the impact on open space.

5. **KEYES FARM – REVIEW STATUS OF SUBDIVISION WORK, BOND STATUS REVIEW, AND CONSIDERATION OF DEFAULT FINDING**

Brian Falk noted the performance agreement for the subdivision. The subdivision has been in a difficult situation and the Planning Board would like to work with them to move forward. It was concluded to invite them to the next meeting with their legal counsel.

Residents noted that the developer has not communicated with them when they have been contacted. It was asked what would happen if the developer deferred the next meeting. The Board noted that if the developer and legal do not attend, the Board will ask legal for advice on how to proceed. Residents noted that plowing has been a significant challenge for them.

Todd Miller noted that the current amount held in bond is \$115,000. The threshold is \$100,000.

6. **CONTINUED SCENIC ROAD/SHADE TREE HEARING:** Ryan Proctor, of Dillis & Roy Civil Design Group of Lunenburg MA 01462

On a motion made by Michael Gorr, seconded by Eric Neyland, it was resolved to continue the scenic route shade tree hearing until the February 8, 2023 meeting. Motion carried unanimously.

7. **Continued Definitive Subdivision Plan Approval and Farmland and Open Space Planned Residential Development (FOSPRD)** Daniel Motha of Miami FL - Special Permit for property identified on Bolton's Assessor's Map 2.C as Parcel 23 located on South Bolton Road in Bolton's Residential Zoning District. The proposed development consists of a six (6) lot subdivision. The proposed development consists of a six (6) lot subdivision.

On a motion made by Michael Gorr, seconded by Eric Neyland, it was resolved to continue the definitive subdivision plan until February 8, 2023. Motion carried unanimously.

8. **OTHER BUSINESS**

On a motion made by Eric Neyland, seconded by Bob Roemer, it was resolved to appoint Michael Gorr as Vice-Chair. Motion carried unanimously.

Todd Miller noted that the minutes will be addressed at the next meeting. He also thanked everyone for attending and their dedication to the town.

9. ADJOURNMENT

It was agreed that there was no further business to transact; the meeting closed.

Respectfully submitted,

Todd Miller, Town Planner