



April 8, 2022

Ms. Valerie Oorthuys, Town Planner  
Bolton Zoning Board of Appeals  
663 Main Street  
Bolton, MA 01740

Subject:       Alta Nashoba Valley – Comprehensive Permit  
                  580 Main Street Bolton, MA

Dear Valerie:

Hancock Associates has been hired to assist the Board of Appeals in their review of the proposed Alta Nashoba Valley Comprehensive Permit through a grant from the Technical Assistance Program of the Massachusetts Housing Partnership (MHP). MHP engages qualified consultants to assist the Zoning Board of Appeals (ZBA) in navigating and understanding underlying development issues and impacts as they relate to the process and regulations associated with evaluating a Comprehensive/40B permit. Consultants also help facilitate productive discussions with developers and in most cases, communities receiving technical assistance from MHP have successfully negotiated comprehensive permits on terms mutually agreeable to both the municipality and developer.

Hancock Associates has reviewed the additional materials submitted for the Comprehensive Permit and offer the following as further guidance to the Board.

### **Minimum Requirements**

The governing regulations (760 CMR 56) require applicant to meet three main criteria for consideration of a Comprehensive Permit before a Zoning Board of Appeals:

- The Applicant has site control  
**The Applicant, WP East Acquisitions, LLC has entered into a Purchase and Sale Agreement with the owner of the property Bolton Office Park, LLC. There have been five amendments to the P & S the last of which is dated June 4, 2021. It is unclear the date the P & S expires. The P & S is only for a portion of the property. A Conceptual Property Line Modification Plan is included in the plan set showing the division of the property into two lots. Proposed Lot 2 containing 32.43 acres is the project site and Lot 1 containing 6.65 acres is not included in the Comprehensive Permit. The intent depicted on the plan is to modify the existing 2 story brick office building by removing a portion of the building to comply with the rear setback to the new property line as the subdivision line is proposed through the existing building. An easement will be required for access to Lot 1 over Lot 2 as**

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it appears the intent is to maintain the existing drive into the site. It is assumed the Applicant will present a formal Approval Not Required Subdivision Plan to the ZBA for endorsement. The Applicant should provide a summary demonstrating zoning compliance of Lot 1 given the proposed subdivision as Lot 1 would not be entitled to any relief as part of the Comprehensive Permit process.

*Update 4-8-22: This item remains open. The Applicant had offered to provide a conceptual layout of the commercial lot showing zoning compliance.*

- The Applicant has received a Site Eligibility Letter (PEL).  
Massachusetts Department of Housing and Community Development (DHCD) issued a Site Eligibility Letter on August 17, 2021, under the Local Initiative Program (LIP). The project does not appear to have changed since the PEL was issued. The Bolton Select Board had endorsed the LIP application to DHCD in an undated letter attached to the PEL.

*No further action required.*

- The Applicant is a Limited Dividend Organization  
The Applicant, WP East Acquisitions, LLC is a Limited Liability Company registered with the Massachusetts Secretary of States office and appears to be in good standing. The managers of the LLC are Elizabeth Day, Richard Dickason and James Lambert. James Lambert signed the P & S and Comprehensive Permit application. If the Applicant, choses to proceed with a different entity specific to this project, a letter stating such intent should be presented to the Board.

*No further action required.*

### **Initial Review of Submission**

760 CMR 56.05 contains the required elements of a submission of a Comprehensive Permit to the Zoning Board of Appeals. The following is a review of the submission with regard to these requirements:

- Preliminary site development plans with the locations and outlines of proposed buildings; the proposed locations, general dimensions, and materials for streets, drives, parking areas, walks and other paved areas; and proposed landscaping improvements. Any project of five or more units must have a site plan stamped by a registered professional architect or engineer.  
**The applicant has satisfied this requirement. A Plan set has been submitted within the full submittal package, prepared by Allen & Major dated 09-10-2021 and containing 30 sheets.**
- An existing condition report on the proposed site and the surrounding areas.  
**The applicant has complied with this requirement with a full Existing Conditions Survey Plan within the plan set signed and stamped by a Professional Land Surveyor.**
- Preliminary, scaled architectural drawings prepared by a registered architect, with typical floor plans, elevations, and sections, including construction type and finishes.  
**The applicant has satisfied this requirement. Architectural Plans have been submitted prepared by Market Square Architects, dated 9/10/21 and stamped by a Registered Architect.**
- Tabulation of proposed buildings by type, size, and footprint, impervious coverage, and open space, including percentage of tract to be occupied by buildings, parking and paved vehicular areas.

**It appears the applicant has not satisfied this requirement. The Applicant's team should supplement the submittal with the required tabulation.**

*Update 4-8-22: This item remains open.*

- A preliminary subdivision plan if the project involves a subdivision.  
**The project involves a subdivision as described above. A preliminary subdivision plan has been included in the plan set. The Applicant should demonstrate zoning compliance of Lot 1 with regard to all aspects of zoning including parking and landscaping.**

*Update 4-8-22: This item remains open.*

- A preliminary utilities plan (water, wastewater, drainage, and storm water management facilities).  
**The applicant has satisfied this requirement with the plan set referenced above.**
- A list of Waivers from local bylaws and regulations.

**The applicant has satisfied this requirement, however some of the waivers are considered blanket waivers where the Applicant is requesting a waiver from a bylaw or regulation "in entirety". An example of this is the waiver request from the Bolton Wetlands Bylaw. The Applicant is proposing to fill two locally jurisdictional isolated vegetated wetlands. The Board should seek input from the Bolton Conservation Commission as to details normally required by the commission for such impacts. The Board should request the Applicant provide more specificity as to the relief requested and not require the Board to rely on the repeated statement: "as shown on the plans". The Applicant is asking for the Board to extinguish certain conditions of the original 1986 Special Permit granted by the Bolton Select Board as it pertains to the portion of the proposed subdivided lot subject to the Comprehensive Permit application. The Board should seek input from counsel as to if this action should be taken by the Select Board as part of an application to modify that Special Permit for the portion of the office building which will remain on proposed Lot 1.**

*Update 4-8-22: The Applicant should update the list of waivers with any changes to date. The Applicant has had extensive conversations with the Select Board and Planning Department. The Select Board is no longer the Special Permit Granting Authority for the commercial project, the SPGA is now the Planning Board. Applicant's Counsel and Town Counsel have conferred and believe the Zoning Board can grant waivers from the provisions of the original Special Permit as they pertain to the Chapter 40B project site. Town Staff has been working with the applicant to preserve public access rights through the project site that are important to the town, some of which relate to the Special Permit conditions. These future public rights can be handled through clear conditions of the Comprehensive Permit with the necessary legal documents completed prior to construction.*

### **Procuring peer review consultants**

Given the size of the project, the Board has engaged Horsley Witten Group (HW) for Civil Engineering and Wetland Science peer review and Vanasse Associates (VAI) for traffic peer review. The Board is in receipt of review letters from HW dated 2/4/22 and VAI dated 2/9/22. We are happy to help with requesting proposals from qualified consultants and assisting the Board with the selection process as well as overseeing the peer review consultants through the process.

*Update 4-8-22: The Applicant has not provided responses to the peer review letters or provided updated plans and supporting documentation to date.*

**Comments from other municipal boards and committees, town staff**

The application has been distributed to town board and departments for comment. We will work with staff to keep track of input and make sure all parties have provided comments. We will assist the Board in coordinating review and comments from the various Boards and Departments in town.

Conservation Commission:	Rebecca Longvall, Conservation Agent
Planning Board:	Valerie Oorthuys Town Planner
Board of Health	Bill Brookings, Heath Agent
Fire Department	Chief Jeffrey Legandre
Police Department	Chief Warren Nelson
Building Inspector	Michael Sauvageau
Public Works	Joseph Lynch, Director
Council on Aging	Lisa D'Eon, Director
Parks and Recreation	Lisa Shepple, Director
Design Review Board	Michelle Tuck, Chair

Town Planner memorandum dated November 5, 2021, and revised March 15, 2022, provided a comprehensive summary of two comments. Additionally, the Applicant met with the Design Review Board on March 7, 2022.

*Update 4-8-22: The Applicant should provide a comprehensive written response to the Town Planner's 3/15/22 memorandum.*

**Coordinating the project review schedule**

As the Board is aware you have 180 days from the opening of the public hearing to close the hearing. The Board has opened of the Public Hearing on November 8, 2021. The 180 days would bring us to Saturday May 7, 2022. The Board should consider Friday May 6, 2022, as the last day of the 180 days.

*Update 4-8-22: Based on the updated schedule below, the Board should seek a 60-day extension of the 180 days to July 2022.*

November 8, 2021

- Initial presentation by applicant
- Initial comments from staff, boards and departments.
- Discuss Peer Review.
- Open discussion to the public.
- Discuss future schedule and schedule site walk

November 30, 2021

- Engage peer review

December 13, 2021

- Public Input
- Discussion regarding subdivision and permitting of remining office building and exemptions from original Select Board Special Permit

January 13, 2022

- Fiscal Impact
- Neighborhood concerns and mitigation

February 10, 2022

- Review of Civil Engineering and Wetland Peer Review (HW)
- Review of Traffic Peer Review (VAI)

March 8, 2022

- Hearing continued without testimony to March 16, 2022

March 16, 2022

- Architectural Design Review
- Landscape Design Review

April 12, 2022

- Presentation by Applicant Team of Revised Plans
- Select Board List of Requests and update on 4-7-22 Select Board Meeting
- Follow up on Civil Engineering Peer Review Open Items
- Follow up of Traffic Peer Review Open Items
- Follow up on Town Comment Open Items Including Public Access and Bolton Community Gardens Input
- Update of Status of ANRAD filing with BCC

May 2022

- Follow up on open issues
- Begin discussion of possible decision and conditions
- Review Waiver List
- Economic review if any conditions claimed uneconomic

June 2022

- Clean up loose ends
- Begin framework of draft decision

July 2022

- Close Public Hearing (starts 40 days to clock decision with Town Clerk)

The Board can meet in public sessions during the 40 days to deliberate on the draft decision and vote when the Board is ready to do so. This is a very rough draft; we will work with the Board to establish the schedule moving forward. This being a small project the process could proceed more quickly.

We look forward to assisting the Board in this complex and dynamic process. Please do not hesitate to contact me should you have any questions or comments.

Sincerely,  
Hancock Associates,

Joseph D. Peznola, PE  
MHP Consultant