



TOWN OF BOLTON

ZONING BOARD OF APPEALS

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Phone: 978-779-3308 Fax: 978-779-5461

DECISION ON APPLICATION FOR COMPREHENSIVE PERMIT

RE: Application to the Bolton Zoning Board of Appeals (the "Board") for a Comprehensive Permit (the "Application") submitted by Still River Road Development, LLC (the "Applicant") and Deschenes & Farrell, PC for the property located on Still River Road, Bolton, Massachusetts 01740 identified by Bolton Assessor's Map 8.B as Parcel 32.

A. PROCEDURAL HISTORY

1. On August 21, 2018, the Applicant submitted an application for Comprehensive Permit, pursuant to Massachusetts General Laws c.40B, §§ 20 through 23 ("Chapter 40B"), to construct eight (8) condominium dwelling units, on a site containing approximately 6.68 acres, located on Still River Road, Bolton, Massachusetts described in a deed dated January 16, 2018, to Turn Left LLC recorded with the Worcester District Registry of Deeds, at Book 58346, Page 150, (the "Property"). The condominium development consists of four (4) two-unit duplex style buildings located on two lots each containing two (2) duplex buildings. The Applicant proposes two (2) of the eight (8) units to be affordable.
2. The site plans referenced herein are entitled "Comprehensive Permit Plan, Still River Road, Map 8.B Parcel 32, Bolton, MA, Still River Commons" (the "Site Plans") prepared by Ducharme & Dillis Civil Design Group, Inc. dated July 5, 2018, as revised on December 10, 2018, January 10, 2019, January 30, 2019, February 28, 2019, and March 13, 2019.
3. On August 30, 2018, the Applicant granted an extension to allow the Board to open the public hearing on the Comprehensive Permit after the statutory time period required under Chapter 40B and 760 CMR 56. The time period was extended to September 24, 2018, thirty five (35) days from the date on which the Application was received by the Board.
4. A public hearing on the Comprehensive Permit was noticed for September 24, 2018. Notice of the public hearing was published in The Clinton Item on September 7, 2018 and September 14, 2018. Both notices were posted for 14 days in the Bolton Town Hall, and mailed to parties of interest at least 14 days before the public hearing.

5. The Board commenced the public hearing on the Comprehensive Permit on September 24, 2018 at the Houghton Building, 697 Main Street, Bolton, MA at 7:00 p.m. at which time all those opposed or in favor could be heard. The hearing was continued to the following dates: October 17, 2018, November 19, 2018, November 26, 2018, December 18, 2018, January 17, 2019, February 12, 2019, February 19, 2019, March 6, 2019, March 19, 2019 and April 2, 2019. The Board closed the public hearing on April 2, 2019.
6. The hearings on October 17, 2018 and November 19, 2018 were continued without discussion. The hearing on February 12, 2019 was cancelled due to bad weather and rescheduled for February 19, 2019.
7. Members of the Board attending the public hearing, deliberating and voting on the Comprehensive Permit were Chairman Gerard Ahearn and Members Bradley Reed, Bryan Holmes, Kay Stoner and Andy Kischitz.
8. On January 17, 2019, pursuant to M.G.L. c.39, §23.D, Andy Kischitz, a member of the Board, certified in writing that he examined all of the evidence received by the Board including a video recording of the hearing held on December 18, 2018 which he failed to attend.
9. The Applicant and/or their representatives were in attendance at the public hearing. The Applicant's representatives attending the hearing on September 24, 2018, December 18, 2018, January 17, 2019, February 19, 2019, March 6, 2019, March 19, 2019 and April 2, 2019 were Douglas Deschenes, Esq. from Deschenes & Farrell, P.C. and Seth Donohoe from Ducharme & Dillis Civil Design Group, Inc. Adam J. Costa from Mead, Talerman & Costa, LLC also attended the hearing on March 6, 2019, March 19, 2019 and April 2, 2019. The Applicant's representatives attending the hearing on November 26, 2018 were Melissa Robbins, Esq. from Deschenes & Farrell, P.C. and Seth Donohoe.
10. The Board requested the assistance of a consultant through the Massachusetts Housing Partnership's Chapter 40B Technical Assistance Program to aid in the comprehensive permit application process. Joseph Peznola, P.E., from Hancock Associates, Inc. was selected as the Board's consultant. Mr. Peznola provided letters to the Board dated October 23, 2018, November 23, 2018, December 17, 2018, January 14, 2019, February 6, 2019 and March 4, 2019 as guidance and preparation of the hearing. Mr. Peznola attended the hearing on September 24, 2018, November 26, 2018, December 17, 2018, January 17, 2019, March 6, 2019 and March 19, 2019.
11. As allowed by 76 CMR 56.05(5), the Board employed an outside consultant to provide technical advice unavailable from municipal employees. Horsley Witten Group was hired to conduct a technical peer review of the Application for civil engineering and environmental impact. Representatives from Horsley Witten Group conducting the peer review were Janet Carter Bernardo, P.E., LEED AP, and Amy Ball, PWS, CWS. Horsley Witten Group provided an initial review letter dated October 11, 2018 and subsequent letters dated December 18, 2018, January 15, 2019 and February 19, 2019.

12. Representatives from Horsley Witten Group along with Rebecca Longvall, Bolton's Conservation Agent, and Erica Uriarte, Bolton's Town Planner, conducted a site visit on Thursday, September 27, 2018, at 1:00 p.m. to observe the existing conditions of the Property.
13. The Board conducted a site visit on Saturday, September 29, 2018, at 9:30 a.m. with Brandon Ducharme from Ducharme & Dillis Civil Design Group, Inc. to observe the existing conditions of the Property.
14. The Bolton Planning Board provided comment to MassHousing during MassHousing's review of the Applicant's application for Project Eligibility/Site Approval. The Planning Board requested the Development be reviewed by Bolton's Design Review Board.
15. The Board solicited comments from Town boards, commissions, departments, and officials. Comments were received from the Conservation Commission, Conservation Administrator, Board of Health, Department of Public Works, Police Department, Fire Department, Historical Commission, Planning Board and Board of Selectmen. Board of Health, Planning Board and Board of Selectmen discussed the Application during their regularly scheduled public meetings. Comments received were made part of the public record.
16. The Board received comments from the Bolton Conservation Trust dated November 25, 2018. These comments were made part of the public record.
17. The Board received comments from the Sudbury Valley Trustees dated February 19, 2019. These comments were made part of the public record.
18. The Board received comments from the Town of Harvard Conservation Commission dated November 1, 2018 and the Town of Harvard Planning Director received November 6, 2018. These comments were made part of the public record.
19. The Board received comments from abutters and residents throughout the course of the public hearing and were made part of the public record. The abutters/residents expressed concerns relating to site control, subdivision of land, area archeology, endangered and rare species, filing with the Natural Heritage Endangered Species Program, fire and safety, landscaping, stormwater management, impact to wetland resource areas including floodplain, wetland resource area delineation, filing with the Bolton Conservation Commission, implications to waiving local bylaws and regulations, groundwater protection, sewage disposal system design and offsets to neighboring wells, traffic, and architectural design, among other issues.
20. Throughout its deliberations, the Board was mindful of the statements of the Applicant, the Applicant's representatives, and the comments of the general public, all as made or received at the public hearing.

B. GOVERNING LAW

M.G.L. c. 40B, §20 through 23 known as Chapter 40B or the Comprehensive Permit Law, 760 CMR 56.00 and the Guidelines for G.L. c.40B Comprehensive Permit Projects and the Subsidized Housing Inventory published by the Massachusetts Department of Housing Community Development (“DHCD”).

C. FINDINGS OF FACT

1. The Applicant satisfies the requirements set forth in Chapter 40B and 760 CMR 56.04(1) for eligibility to submit the Application.
 - a. The Applicant is a “limited dividend corporation” as defined by 760 CMR 56.02 with a place of business at 28 Country Club Lane, Middleton, MA 01949.
 - b. A Project Eligibility/Site Approval letter dated June 20, 2018 was provided by MassHousing (the “Subsidizing Agency”) for Still River Commons (the “Project”) through the New England Fund (“NEF”) housing subsidy program of the Federal Home Loan Bank of Boston (“FHLBB”). The Applicant submitted a pro forma with its Application
 - c. The Applicant has control of the site based on evidence that a related entity known as Turn Left LLC owns the site as identified in a deed dated January 16, 2018, or holds an option or contract to acquire such interest in the site.
2. The Town of Bolton has not met the Statutory Minima set forth in Chapter 40B or 76 CMR 56.03(3). The total number of eligible housing units provided on the Town’s Subsidized Housing Inventory (SHI) does not exceed ten percent (10%) of its total housing units as reported in the latest decennial census. In addition, the Town of Bolton does not currently have a DHCD approved Housing Production Plan.
3. The condominium development known as “Still River Commons” consists of four (4) two-unit duplex style buildings located on two lots each containing two (2) duplex buildings (the “Development”). A total of eight (8) units are provided with six (6) two-bedroom units and two (2) three-bedroom units. Each building is three (3) stories in height with garages provided underneath each unit.
4. As proposed, twenty-five percent (25%) of eight (8) units or two (2) units (the “Affordable Units”) shall be reserved in perpetuity for sale to households earning no more than eighty percent (80%) of the Median Family Income for the Eastern Worcester County, MA HUD Metro FMR Area, as determined by the U.S. Department of Housing and Urban Development (HUD) and as adjusted for household size. The Affordable Units will include one (1) two-bedroom unit and one (1) three-bedroom unit. Both units will count towards the Town of Bolton’s SHI.
5. The Property consists of 6.68 acres. Approximately one (1) acre will be developed with 17,860 sq. ft. of impervious area. The remaining undeveloped land will stay in its natural

state. The Applicant proposes to subdivide the Property into two (2) separate lots; Lot 2B contains 90,652 sq. ft. (approximately 2.08 acres) and Lot 2C contains 200,246 sq. ft. (approximately 4.6 acres). Each lot contains a sewage disposal system and potable well to accommodate the four (4) units on each lot. The sewage disposal systems are designed to accommodate nine (9) bedrooms each for a total of eighteen (18) bedrooms for the Development.

6. The Bolton Design Review Board (DRB) conducted a review of the Development on July 17, 2018 prior to submission of the Application. Their comments included:
 - a. Wrap the lower roof around each dwelling.
 - b. Add columns at the front entrances to be non-fluted.
 - c. Modify the doors to be a craftsman style such as a french door or half glass. The doors in the back should match the doors in the front of each dwelling.
 - d. Wrap the corners of the stone front at the entrance ways.
 - e. Increase the roof overhang of each dwelling.
 - f. Increase the peak in the gable of each dwelling.
 - g. Drop down the sills of the top windows.
 - h. Provide color samples of the vinyl siding for the DRB's review. The DRB requested additional colors to be used.
 - i. Provide a window schedule indicating the size of the windows.
 - j. Provide renderings of the Development from the street.
 - k. Provide the design of the retaining wall.
 - l. Provide a landscape plan.
 - m. Recommend showing snow storage areas.
 - n. Recommend not to include light poles along the driveway.
 - o. Recommend a second meeting to review changes.
7. The Applicant responded to the DRB comments on March 1, 2019. The Applicant provided the following:
 - a. "Wrapped" the roof around, "Kicking roof to outside".
 - b. Provided columns at front entrances.
 - c. Added more glass to the front doors.
 - d. Wrapped stone at entrances around the corners of entranceway.
 - e. Bumped out roof overhang by six (6) inches.
 - f. Will provide two different unit colors.
 - g. Have proposed no driveway pole lighting. All outside lighting will be wall mounted lights on units, unless required by the Comprehensive Permit to install pole lighting.
 - h. Updated site plans including drainage design, landscaping, lighting and snow storage.
 - i. Renderings.
8. The Applicant declined to provide updated building elevations to show the changes that were incorporated into the building design at the request of the DRB. In addition, the

Applicant declined to provide color options for the vinyl siding, a window schedule and design for the retaining walls.

9. In a letter dated February 5, 2019, The Board of Selectmen recommended the Board deny the Comprehensive Permit stating that the Town of Bolton had a strong record of supporting affordable housing projects, but the Development raises several concerns:
 - a. Impact from the septic system and stormwater management system to groundwater, private wells and wetland resource areas given their close proximity.
 - b. The surrounding area of the Development is subject to flooding and alters the 100-year flood zone.
 - c. The tight building site configured within one (1) acre.
 - d. Ecological resources surrounding the Property.
10. Under Regulation 4 of the Town of Bolton, Massachusetts Board of Health Regulations, Requirements for the Subsurface Disposal of Sanitary Sewage require a one hundred (100) ft. separation from the leaching facilities to bordering vegetated wetlands. The Regulations also state that if one hundred (100) ft., as required, is not possible, seventy-five (75) ft. is considered so as long as enhanced nitrogen reduction is provided as part of the design of the sewage disposal system. The Development provides less than one hundred (100) ft. of separation from the leaching facilities to the wetlands. The leaching field associated with Lot 2C is approximately eighty (80) ft. from bordering vegetated wetlands. The leaching field associated with Lot 2B is approximately fifty (50) ft. from bordering vegetated wetlands. The Applicant added secondary treatment to the systems as required by the Board of Health regulations. The secondary treatment was incorporated into the Site Plans dated January 30, 2019.
11. In a letter dated March 13, 2019, the Board of Health requested that the Board of health regulations be upheld due to the Development's proximity to resource areas. For the protection of potable water and groundwater, the leaching facility within fifty (50) ft. of bordering vegetated wetlands would not be permitted under Bolton's Board of Health Regulations.
12. Under Bolton Well Regulations, §4.1 Well Location Requirements, wells are required to be one hundred fifty (150) ft. from a leaching facility in soils with percolation rates of two minutes per inch or less. The well for Lot 2B is approximately one hundred twenty (120) ft. from the leaching facility. The Applicant failed to provide evidence that the 120 ft. offset is adequate for the protection of potable water.
13. Based on the evidence at the public hearing, the Board concluded that compliance with the Bolton Well Regulations was necessary for the protection of private potable water systems and public health, particularly in the absence of any alternative public water source. The Board concluded these concerns, despite requests to the Applicant, were not adequately addressed by the Applicant. The Board further concluded that these concerns require denial of the Application, are not adequately addressed by compliance with more relaxed State standards, and are not outweighed by the need for regional affordable housing.

14. An Order of Conditions (DEP File No. 112-636) was issued by the Bolton Conservation Commission in 2015 for a single family home on the Property. The Order of Conditions was extended in 2018. The Commission will require the Order to be closed out prior to the Applicant making a new submission.
15. The existing delineated bordering vegetated wetland boundary as shown on the Site Plans was obtained from DEP File No. 112-636. In the peer review letter dated October 11, 2018, Horsley Witten Group indicated that The Massachusetts Wetlands Protection Act regulations allow for consideration of new information pursuant to 310 CMR 10.05(8), if that information will lead to greater protection of jurisdictional areas.
16. The Property contains significant resource areas as defined by M.G.L. c.131, §40 (the "Wetlands Protection Act"), 310 CMR 10.00 and/or the Town of Bolton's Wetlands Bylaw, Chapter 233 and the Town of Bolton Conservation Commission Wetlands Bylaw Regulations:
 - a. A stream subject to the Wetlands Protection Act is present along the eastern portion (rear) of the Property as well as to the north of the Property.
 - i. According to the Site Plans and USGS mapping, the Applicant identifies the stream as intermittent for the portion of the stream to the east and identifies the stream as perennial for the portion of the stream to the north.
 - ii. The Bolton Conservation Commission, through written and oral testimony to the Board, considers the entire stream perennial based on previous filings, StreamStats results and site observations.
 - b. Bordering vegetated wetlands subject to the Wetlands Protection Act are present on the Property to the south, east and north. Almost the entire Development is located within the one hundred (100) ft. buffer zone.
 - c. The Property is located within the 100 year flood zone (bordering land subject to flooding) subject to the Wetlands Protection Act as shown on the Flood Insurance Rate Map 25027C0457E & 25027C0476E, Effective Date July 4, 2011. The base flood elevation is 229 ft. referenced to vertical datum N.A.V.D. 1988.
 - i. The Development alters 415 cubic ft. of floodplain and provides 630 cubic ft. of compensatory flood storage.
 - ii. Approximately 337 sq. ft. of the compensatory flood storage is provided within the first twenty-five (25) ft. of wetland resource area located near Wetland Flags AA24 through AA26 as defined by the Town of Bolton's Wetlands Bylaw.
 - d. Almost the entire Development resides within the Adjacent Upland Resource Areas (AURAs) as defined by the Town of Bolton's Wetlands Bylaw as land extending between 25 and 100 ft. from wetland resource areas (excepting riverfront area).
 - e. A portion of the Development is located within twenty-five (25) ft. of the wetland resource areas (excepting riverfront area). The Town of Bolton Conservation Commission Wetlands Bylaw Regulations establish this first twenty-five (25) ft. from wetlands as part of the wetland resource area and is considered an area of no disturbance.

- i. The Development will alter 2,822 sq. ft. of the twenty-five (25) ft. prohibition area near wetland flags AB14 through AB18, AB3 through AB5 and AA24 through AA26.
17. In a letter from the Conservation Commission received September 20, 2019, the Commission asked the Applicant to clarify how sensitive resource areas and ecosystems will be protected as part of the Development. Specifically, the Commission asked how parking will be deterred within these areas, how material will be deterred from being placed within these areas, and how the Applicant will prevent negative impact to resource areas. The Applicant failed to respond to these questions in the response letter from Ducharme & Dillis Civil Design Group, Inc. dated December 11, 2018 in which the Applicant responded to Conservation Commission comments dated September 20, 2018 and November 14, 2018.
18. In a letter dated January 16, 2019, the Conservation Commission requested to the Board to deny waivers under the Town of Bolton's Wetlands Bylaw given the sensitivity of the wildlife, habitat and resource areas existing on the Property. The Commission considers the request for waivers to be extensive and waiving these local requirements would lack protection of these resources. The purpose of Bolton's Wetlands Bylaw and associated regulations are to ensure the conservation and protection of resource areas, resource interests and natural resource services: not every town protected under the Wetlands Protection Act has private wells and septic systems. The Commission referenced the 2017 Bolton Open Space & Recreation Plan which indicates that Bolton is one of only 50 of the 351 cities and towns in Massachusetts that does not have public water supply. Nor does Bolton have a town sewer system. Bolton residents have private water and sewage disposal systems.
19. In a letter dated March 16, 2019, the Conservation Commission state "*AURAs are presumed to protect private and/or public water supplies; protect groundwater; protect water quality; protect fisheries; protect wildlife habitat; preserve rare species habitat including rare plant species; provide flood control; prevent storm damage; prevent pollution and sedimentation; provide natural resource services and public services, and are best left in an undisturbed and natural state. However, the Commission may find that temporary or limited disturbance is appropriate when the Applicant can demonstrate to the Commission's satisfaction that the proposed work or activity will not affect wetland and habitat values singularly or cumulatively and that reasonable alternatives to the proposed work or activity do not exist*".
20. The majority of the Development resides within the AURA as defined by the Town of Bolton's Wetlands Bylaw as land extending between 25 and 100 ft. from wetland resource areas (excepting riverfront area). The Applicant has not demonstrated that the proposed work or activity will not affect wetland and habitat values singularly or cumulatively and that reasonable alternatives to the proposed work or activity do not exist.

21. In the peer review letter dated October 11, 2018, Horsley Witten Group recommended the Board retain §1.18 of the Town of Bolton's Wetlands Bylaws to require the Applicant to consider project alternatives. Horsley Witten stated *"The project as proposed will involve impacts within BLSF. Proposed alterations will occur within the locally-regulated land within 25-feet of protected resource areas, including within 25-feet of the BVW and within 25 feet of lands subject to flooding or inundation by groundwater or surface water (BLSF). It is unclear whether the previous approval by the Conservation Commission (under DEP File No. 112-0636) included the need for fill within the floodplain or within the locally-regulated 25-foot prohibited buffer. However, the previously-approved project appears to be a viable alternative to the proposed comprehensive project that requests alteration of these resource areas"*.
22. In a letter from the Bolton Conservation Commission dated March 19, 2019, the Commission stated *"The Commission, under the local bylaw on any project, is faced with assessing three concepts: 1) to avoid, where feasible, altering a resource area, 2) minimize alteration to a resource area, and 3) where alteration is unavoidable, complete full mitigation."*
23. In a letter from the Bolton Conservation Commission dated March 19, 2019, the Commission indicated that §233.3 of the Bolton Wetlands Bylaw requires the applicant to show *"that there are no practicable and substantially equivalent economic alternatives to the proposed project with fewer adverse impacts on the interests," and that the "work including proposed mitigation will have no significant adverse or cumulative adverse effect on the resource areas or resource interests."*
24. Discrepancies in the resource area delineation were identified in the peer review letter prepared by Horsley Witten Group dated October 11, 2018. These discrepancies include two areas observed in the field where wetland characteristics occurred, but were not part of the existing delineated bordering vegetated wetland boundary. Preliminary observations of wetland indicator vegetation, hydric soils and/or hydrology extended considerably further into the Property than shown in the Site Plans. The two areas observed included the boundary near wetland flagging stations WF A11 and WFA12 where sensitive fern (*Onoclea sensibilis*) extended upgradient of the delineated boundary and low-chroma hydric soils were observed; and in the eastern portion of the Property where a hydrophilic plant community, low chroma soils and groundwater within nine (9) to twelve (12) inches of the soil surface were observed.
25. In the peer review letter dated October 11, 2018, Horsley Witten Group identified a discrepancy in the status of the stream flowing along the eastern portion of the Property. The Applicant classified the perennial stream as intermittent. It was noted by Horsley Witten that the perennial stream would be afforded a two hundred (200) ft. riverfront area that would extend westward into the Property.

26. In comments prepared by Rebecca Longvall (Conservation Agent) received September 20, 2018, she identified the same discrepancy in the status of the stream flowing along the eastern portion of the Property. Based on her observations in the field, the stream has a well-defined bank and bed typical of a perennial stream. In addition, this stream was classified as perennial in previous filings with the Conservation Commission. The Applicant has not yet contested the resource area as intermittent before the Commission and therefore the perennial classification still stands.
27. The Applicant failed to update the Site Plans with the correct classification of the stream flowing along the eastern portion of the Property and to show the two hundred (200) ft. riverfront area that would be associated with a perennial stream. It is unclear from the Site Plans whether the Development is located outside this riverfront area.
28. During the public hearing held on January 17, 2019, through oral testimony, Rebecca Longvall noted that the Site Plans show a break between the perennial stream to the north and the intermittent stream to the east where the channel had not been defined. In addition, the historical location of the perennial stream as shown on the Site Plans has not been verified in the field by the Applicant. It is unclear whether the Development is located outside the two hundred (200) ft. riverfront area of the portion of the stream to the north or along the break.
29. In the peer review letter dated October 11, 2018, Horsley Witten Group recommended the Applicant file with the Bolton Conservation Commission either an Abbreviated Notice of Resource Area Delineation (ANRAD) or Request for Determination of Applicability (RDA) to confirm the wetland resource area boundaries. Horsley Witten Group strongly recommended that this be done early in the permitting process.
30. In the peer review letter dated December 17, 2018, Horsley Witten Group stated "*The Applicant has noted multiple times in its response letter that it will file with the Conservation Commission after completion of the Comprehensive Permit process. The confirmed location and potential impacts to the wetlands is a critical element in the permitting of this development. In October, HW had strongly recommended that the Applicant pursue confirmation of the resource areas early in the process. However, it appears that the Applicant has opted to complete this additional permitting at a later date.*"
31. In a letter from the Bolton Conservation Commission received November 14, 2019, the Commission strongly suggested that the Applicant file an ANRAD early in the Board's review process.
32. The Applicant declined to file with the Bolton Conservation Commission early in the permitting process. The Applicant intends to submit filings with the Commission after the comprehensive permit application process is complete.

33. A "possible wet area" was incorporated into the Site Plans dated December 10, 2018 as response to Horsley Witten Group's comment summarized in Paragraph 24 above.
34. In an email from Rebecca Longvall (Conservation Agent) dated December 11, 2018 and in a letter from the Bolton Conservation Commission dated January 16, 2019, data sheets supporting wetland flags A11 & A12 were requested. The location of these wetland flags were questioned by Horsley Witten Group in their peer review letter dated October 11, 2018.
35. The Applicant failed to provide data sheets for wetland flags A11 and A12.
36. During the public hearing held on January 17, 2019, the Applicant indicated that EcoTec, Inc. was hired to review the existing wetland resource area delineation. Based on EcoTec's delineation, wetland flags were updated on the Site Plans dated January 30, 2019. The boundary of the bordering vegetated wetlands identified by wetland flags WF/B1 through WF/B12 and wetland flags WF/A1 through WF/A22 were replaced with wetland flags AA1 through AA28 and AB1 through AB20. The edge of wetlands on the eastern portion of the Property were unchanged based on DEP File No.112-636 which include wetland flags WF/A23 through WF/A25 and WF/B13 through WF/B21.
37. In an email from Rebecca Longvall (Conservation Agent) dated February 19, 2019, she asked for a copy of the data sheets supporting the revised wetland delineation for wetland flags AA1 through AA28 and AB1 through AB20. In addition, she asked why the eastern portion of the Property was not also re-delineated at the same time.
38. In a letter dated March 14, 2019 prepared by Deschenes & Farrell, PC, the Applicant declined Rebecca Longvall's request for a copy of the data sheets stating that EcoTec, Inc. had not yet completed their full re-delineation of the wetlands on the Property. EcoTec declined to release partial or incomplete work. The Applicant indicated that a written report would be provided when submissions are filed with the Conservation Commission.
39. During the public hearing held on January 17, 2019, through oral testimony, Rebecca Longvall (Conservation Agent) stated that the Conservation Commission discourages wetland delineations during winter months when wetland vegetation may not be easily identified. All three wetland indicators including vegetation, hydrology and soils must be present to delineate a bordering vegetated wetland.
40. Based on the evidence at the public hearing, the Board concluded that compliance with the requirements of the Bolton Wetlands Bylaw and Board of Health Regulations was necessary for the protection of private potable water systems and public health, particularly in the absence of any public water source, and for the protection of wildlife, habitat and wetland resource areas. The Board found these concerns were not adequately addressed by the Applicant and its consultants, despite multiple requests by the Board. The Board further concluded that these concerns require denial of the Application, are not adequately

addressed by compliance with more relaxed State standards, and are not outweighed by the need for regional affordable housing.

41. The entire Property is located within areas designated as both Estimated Habitat (EH1154) and Priority Habitat of Rare Species (PH 1677). The Development is subject to a review by the Natural Heritage Endangered Species Program (NHESP) under the Massachusetts Endangered Species Act (M.G.L. c.131A).

- a. A previous review by NHESP for a single family home on the Property confirmed the need for mitigation. NHESP required a resource area mitigation area of approximately 43,000 sq. ft. to be maintained as native meadow (NHESP 15-34941). The proposed compensatory flood storage area for the Development is provided within this area. In addition, NHESP required approximately 2,500 sq. ft. of field to be naturalized as scrub/shrub or forested habitat (NHESP 12-34941). These areas are shown on the Site Plans.
- b. NHESP issued a letter dated March 22, 2019 stating that the Division finds the Site Plans and additional information do not change their previous determination. NHESP determined that the Development will not adversely affect the actual Resource Area Habitat of state-protected rare wildlife species and will not result in a prohibited take of state-listed rare species.

42. The Property is identified in the following Figures from the 2017 Bolton Open Space and Recreation Plan (OSRP):

- a. Figure 10 entitled "Floodplain Overlay District, Town of Bolton".
 - i. The Floodplain Overlay District is identified on the Property.
- b. Figure 11 entitled "Wetlands, Town of Bolton".
 - i. Wetlands are identified on the Property.
- c. Figure 17 entitled "Unprotected Parcels with Habitat Significance, Town of Bolton".
 - i. The Property is identified as an unprotected parcel with habitat significance.
- d. Figure 18 entitled "Unprotected Area of Habitat Significance, Town of Bolton".
 - i. The Property is identified as an unprotected parcel with habitat significance.
- e. Figure 25 entitled "Unprotected Parcels with Agricultural Significance, Town of Bolton".
 - i. The Property is identified as an unprotected parcel with agricultural significance.
- f. Figure 27 entitled "Parcels Important for Linking Protected Lands, Town of Bolton".
 - i. The Property is identified as a parcel important for the linkage of protected and undeveloped lands.
- g. Figure 29 entitled "Parcel of Surface Water and Groundwater Significance, Town of Bolton".
 - i. The Property is identified as a parcel with surface and groundwater significance.
- h. Figure 31 entitled "Unprotected Parcels with Scenic Significance, Town of Bolton".

- i. The Property is identified as an unprotected parcel with scenic significance.
43. In a letter from the Bolton Conservation Commission received November 14, 2018, the Commission stated that the goals within the OSRP to preserve environmentally significant parcels such as this Property should be upheld given the OSRP, upon its approval, was fully supported by the Town, regional planning committees, state representative, non-profits, etc.
44. In a letter from the Bolton Conservation Trust dated November 25, 2018, the Trust questioned the location of the Development for the following reasons:
- a. The Property is located entirely within NHESP's Priority Habitat of Rare Species and Estimated Habitat of Rare Wildlife and designated Core Habitat Area.
 - b. 3.8 acres of the Property is designated as DEP Wetlands "wooded marsh".
 - c. The majority of the Development is located within the one hundred (100) ft. wetland buffer.
 - d. Portions of the Property have a very high water table.
45. In a letter from the Bolton Conservation Trust dated November 25, 2018, the Trust questioned the use of Chapter 40B to ignore groundwater protection. The Trust states that change in water quality and stormwater runoff from the Development could adversely affect the State's Bolton Flats Wildlife Management Area and the Still and Nashua Rivers to the west. All eleven (11) of the Massachusetts towns that the Nashua River flows through voted to recommend that it be designated as part of the Wild and Scenic Rivers System. The Trust stated that protection of the river corridors is an important local and regional effort.
46. In a letter from the Bolton Conservation Trust dated November 25, 2018, the Trust indicated that it is an abutter to the Property owning 15.9 acres to the southeast (Parcel 8.B-15). Their land is conveyed with a Conservation Restriction which states "*...the Premises is adjacent and proximate to the other public and private conservation land thereby contributing to a corridor of protected open space and enhancing the ecological viability of the area.*" The Trust land is connected by a trail easement to the core conservation area of Vaughn Hills and the adjacent properties of Bowers Springs, representing one of the largest contiguous corridors for wildlife habitat and recreation in Bolton. The Trust stated "*Development of this lot could make it more difficult, or even impossible for the BCT to carry out the conditions of the Conservation Restriction.*"
47. The Sudbury Valley Trustees (SVT) identified the Property as one of the highest priority properties for conservation in the region through analysis conducted by SVT to identify critical properties of undeveloped and unprotected open spaces. The analysis considered areas identified as Priority Habitat by the Natural Heritage and Endangered Species Program, BioMap2 Core Habitat and Critical Natural Landscapes, adjacency of properties to existing conservation land, UMass CAPS index of ecological integrity, and areas identified by the Nature Conservancy as being most resilient to climate change. SVT identified several of these attributes on the Property deeming it critical for protection and

noted that the site was ecologically valuable considering its proximity to protected lands including land owned by the Bolton Conservation Trust, land owned by the Harvard Conservation Trust, and the Bolton Flats Wildlife Management Area.

48. The archaeological sensitivity of the Still River Road area is identified in the Community-Wide Archaeological Reconnaissance Survey of Bolton (2001).
49. In a letter received from the Bolton Conservation Commission on November 14, 2018, the Commission stated that the Property is located within an area of Bolton significant to local history. The Nashua River is part of the National Wild and Scenic Rivers System in Massachusetts and the corridor through Bolton is considered historical.
50. Access to the Development includes a fifteen (15) ft. wide shared driveway with a five (5) ft. gravel shoulder. After the first one hundred and ten (110) ft. of the shared driveway, the width expands to twenty four (24) ft. and terminates into a cul-de-sac. The Development is projected to generate 45 vehicle trips per day.
51. During the public hearing, through oral testimony, there was significant concern from the Board, elected officials and abutters regarding the ingress and egress of the Development. The Applicant failed to provide evidence to the Board that 45 vehicle trips per day would not negatively impact Still River Road, also known as Route 110. In addition, there were concerns with insufficient parking. Each resident will have a garage space and a space within their driveway for tandem parking. No additional spaces will be provided. Visitors will park within the shared driveway of the Development potentially impacting adequate access for public safety vehicles.
52. Stormwater runoff generated from the Development will be retained within an underground infiltration system. Runoff from the shared driveway will be collected by either a trench drain, double catch basin or pre-treatment unit. The pre-treatment unit will provide the removal of suspended solids prior to discharging the runoff to the subsurface infiltration system. Roof runoff generated from the buildings will be discharged directly into the underground system which is sized to handle up to the one hundred (100) year, twenty-four (24) hour storm event. A small portion of runoff generated by the driveway entrance will flow to the road.
53. Horsley Witten Group conducted a review of the stormwater management system for the Development to verify compliance with the MassDEP Stormwater Handbook. Additional soil testing was conducted to confirm soils within the area of the subsurface infiltration system. A forty (40) ft. landing was provided at the entrance of the shared driveway and the slope of the entrance was reduced from eight percent (8%) to four percent (4%). The bottom elevation of the subsurface infiltration system was modified to provide the required two (2) ft. separation from estimated seasonal high groundwater.
54. During the public hearing held on December 18, 2019, through oral testimony, Erica Uriarte requested the Applicant conduct a permeability test to confirm the infiltration rate

of the soil in which the subsurface infiltration system would be located. She noted that if the system did not infiltrate as designed, the system has the potential to overflow to Still River Road impacting road drainage and downstream wetlands. Horsley Witten Group, attending the meeting, supported this additional testing.

55. During the public hearing held on January 17, 2019, through oral testimony, the Applicant declined to conduct a permeability test stating that it was too costly and was not required by the MassDEP Stormwater Handbook.
56. In a letter from the Planning Board dated November 26, 2018, the Planning Board recommended that an overflow outlet be provided for the subsurface infiltration system so that any overflow runoff from the system could be discharged to an appropriate area on site. As designed, the system will overflow to Still River Road.
57. The Applicant failed to provide an appropriate overflow for the subsurface infiltration system.
58. As noted in the Stormwater Operation & Maintenance Manual revised January 10, 2019, the maintenance of the stormwater management system requires quarterly inspections of the trench drain, double catch basin and pre-treatment unit. The subsurface infiltration system must be monitored on a regular basis to ensure no obstructions are present in the system. Any depressions noticed in the area could indicate that the system has collapsed and should be inspected immediately. The system is equipped with an inspection port to monitor the buildup of sedimentation. If the depth of sedimentation is in excess of the manufacturer's guidelines, the system will need to be cleaned out with high pressure water and a vacuum truck.
59. During the public hearing, through oral testimony, there was significant concern from the Board and neighboring abutters regarding the level of maintenance required for the stormwater management system. The components of the stormwater management system to be maintained by the condominium association are mainly subsurface and cannot be seen or easily monitored. System failure due to lack of maintenance by the condominium association would directly impact the water quality of the surrounding resource areas as well as the drainage in Still River Road.
60. In the peer review letter dated December 18, 2018, Horsley Witten Group recommended the Applicant provide a water sampling program be created and conducted on a regular basis to monitor the use of fertilizers, herbicides or pesticides for the Development. Horsley Witten indicated that the resource areas surrounding the dwelling units are sensitive and use of these products may negatively impact the wetlands and the habitat.
61. In a letter from the Bolton Conservation Commission received November 14, 2018, the Commission requested that no herbicides or pesticides be permitted within one hundred (100) feet of the resource area in accordance with the Town of Bolton Conservation Commission Wetlands Bylaw Regulations, § 3.03(3)(1).

62. In the response letter dated January 17, 2019, Ducharme & Dillis Civil Design Group, Inc. requested that the use of fertilizers, herbicides or pesticides be allowed consistent other residential projects in Bolton. The Applicant declined to provide a water sampling program as recommended by Horsley Witten Group to protect the surrounding resource areas.

63. Based on the comments and evidence received, the Board members deliberated among themselves before the Chair called for a motion.

D. REQUESTED WAIVERS AND EXEMPTIONS

Reference	Description	Disposition by Board
Code of the Town of Bolton §147-1B(3) - Groundwater Protection	To allow for the construction of the Development, which includes multiple duplex style structures.	Approval
Bolton Wetlands Bylaw §233-2. Jurisdiction	To allow Unit 1 to be located 35 ft. from the edge of wetlands and the deck of Unit 1 to be located 31 ft. from the edge of wetlands;	Denial
Bolton Wetlands Bylaw §233-2. Jurisdiction	To allow Unit 2 to be located 26 ft. from the edge of wetlands and the deck of Unit 2 to be located 18 ft. from the edge of wetlands;	Denial
Bolton Wetlands Bylaw §233-2. Jurisdiction	To allow Unit 3 to be located to be located 30 ft. from the edge of wetlands and the deck of Unit 3 to be located 32 ft. from the edge of wetlands;	Denial
Bolton Wetlands Bylaw §233-2. Jurisdiction	To allow Unit 4 to be located 38' from the edge of wetlands & Unit 4 deck to be located to be located 34' from the edge of wetlands;	Denial
Bolton Wetlands Bylaw §233-2. Jurisdiction	To allow Unit 5 to be located 31 ft. from the edge of wetlands & Unit 5 deck to be located to 25 ft. from the edge of wetlands;	Denial
Bolton Wetlands Bylaw §233-2. Jurisdiction	To allow Unit 6 to be located 44 ft. from the edge of wetlands & Unit 6 deck to be	Denial

	located to be located 40 ft. from the edge of wetlands;	
Bolton Wetlands Bylaw §233-2. Jurisdiction	To allow Unit 7 to be located 65 ft. from the edge of wetlands & Unit 7 deck to be located to be located 75 ft. from the edge of wetlands;	Denial
Bolton Wetlands Bylaw §233-2. Jurisdiction	To allow Unit 8 to be located 48 ft. from the edge of wetlands & Unit 8 deck to be located to be located 53 ft. from the edge of wetlands;	Denial
Bolton Wetlands Bylaw §233-2. Jurisdiction	To allow the proposed well on Lot 2B to be located 41 ft. from the edge of wetlands as allowed by the Town of Bolton Well Regulations;	Denial
Bolton Wetlands Bylaw §233-2. Jurisdiction	To allow the proposed well on Lot 2C to be located 60 ft. from the edge of wetlands as allowed by the Town of Bolton Well Regulations;	Denial
Bolton Wetlands Bylaw §233-2. Jurisdiction	To allow the sewage disposal system (leaching area and tanks) on Lot 2B to be located 50 ft. from the edge of wetlands as allowed by 310 CMR 15;	Denial
Bolton Wetlands Bylaw §233-2. Jurisdiction	To allow the sewage disposal system (leaching area & tanks) on Lot 2C to be located 56 ft. from the edge of wetlands as allowed by 310 CMR 15;	Denial
Bolton Wetlands Bylaw §233-2. Jurisdiction	To allow the access driveway to be located 36 ft. from the edge of wetlands, to allow retaining walls to be located 25 ft. from the edge of wetlands, to allow subsurface utilities to be located 15 ft. from the edge of wetlands, and to allow stormwater infrastructure to be located 38	Denial

	ft. from the edge of wetlands as depicted on the Site Plans;	
Bolton Wetlands Bylaw §233-2. Jurisdiction	To allow grading and clearing on Lot 2B to occur 2 ft. from the edge of wetlands to allow construction of the sewage disposal system and dwelling units as depicted on the Site Plans;	Denial
Bolton Wetlands Bylaw §233-2. Jurisdiction	To allow grading and clearing on Lot 2C to occur 25 ft. from the edge of wetlands to allow the construction of the sewage disposal system and dwelling units as depicted on the Site Plans;	Denial
Bolton Wetlands Bylaw §233-2. Jurisdiction	To allow grading for compensatory flood storage to occur 12 ft. from the edge of wetlands;	Denial
Bolton Wetlands Bylaw §233-2. Jurisdiction	To allow 2,500 SF of field to be naturalized as scrub/shrub forested habitat in accordance with NHESP 12-3491;	Approval
Bolton Wetlands Bylaw §233-7. Regulations	To allow only the definitions of the Wetlands Protection Act (310 CMR 10) to apply.	Denial
Bolton Board of Health Regulations Requirements for the Subsurface Disposal of Sanitary Sewage Regulation 4: Distances	To allow leaching facilities to be located 10 ft. from a property line as allowed by 310 CMR 15 (10 ft. proposed) as allowed by 310 CMR 15;	Denial
Bolton Board of Health Regulations Requirements for the Subsurface Disposal of Sanitary Sewage Regulation 4: Distances	To allow leaching facility to be located within 35 ft. of access driveway (13 ft. provided, note: retaining wall is located between driveway and leaching facility) and to allow septic tanks and pump chambers to be located within unit driveways (tanks to be rated	Denial

	for H2O loading) as allowed by 310 CMR 15;	
Bolton Board of Health Regulations Requirements for the Subsurface Disposal of Sanitary Sewage Regulation 4: Distances	To allow Lot 2B leaching area to be located within 100 ft. of a bordering vegetated wetland (50 ft. provided) as allowed by 310 CMR 15;	Denial
Bolton Board of Health Regulations Requirements for the Subsurface Disposal of Sanitary Sewage Regulation 4: Distances	To allow Lot 2C leaching area to be located within 100 ft. of a bordering vegetated wetland (75 ft. provided) as allowed by 310 CMR 15;	Denial
Bolton Board of Health Regulations Requirements for the Subsurface Disposal of Sanitary Sewage Regulation 4: Distances	To allow leaching facilities servicing a separate building to be located within 30 ft. of each other (20 ft. provided) as allowed by 310 CMR 15;	Approval
Bolton Board of Health Regulations Requirements for the Subsurface Disposal of Sanitary Sewage Regulation 4: Distances	To allow the septic tank serving Units 1 & 2 to be located within 50 ft. of wetlands (41 ft. provided) as allowed by 310 CMR 15;	Denial
Bolton Well Regulations, §4.1 Well Location Requirements	To allow Lot 2B well to be located within 150 ft. of a leaching facility in soils with percolation rates of two minutes per inch or less (120 ft. provided).	Denial
Bolton Zoning Bylaw, §250-12. Schedule of Permitted Uses	An exception is being requested as multiple structures as proposed in the Comprehensive Permit is a permit/use that is not specifically stated as being allowed in the Bylaws.	Approval
Bolton Zoning Bylaw, §250-13. Dimensional Regulations	Minimum Other Yards – to allow a sideline setback (interior to the lots that are being created) of 6 ft. on Lot 2B and 12.8 ft. on Lot 2C.	Approval
Bolton Zoning Bylaw, §250-13.C. One Building Per Lot	An exception is being requested to allow for multiple principle structures on a lot.	Approval

Bolton Zoning Bylaw, §250-13.G. Lot Shape	An exception is being requested to allow Lot 2B to have a shape factor of 0.4 where 0.5 is required.	Approval
Bolton Zoning Bylaw, §250-17. Driveways and Parking	An exception is requested to allow a shared driveway to access eight (8) dwellings on two (2) lots.	Approval

E. DECISION

During a public meeting held on April 18, 2019, Bradley Reed made a motion, seconded by Bryan Holmes, that the Board Deny the Comprehensive Permit for Still River Commons based on the following reasons:


1. As designed, the Development would endanger the natural environment due to the proximity of sensitive wetlands resource areas that may only be adequately protected through a proper delineation of wetlands and riverfront areas and compliance with the Town's Wetlands Bylaw.
2. As designed, the Development would endanger the natural environment and the protection of private drinking water wells and wetlands resource areas that may only be adequately protected through compliance with the Board of Health's Regulations for Requirements for the Subsurface Disposal of Sanitary Sewage.
3. As designed, the Development would endanger the natural environment; as the stormwater system was not designed based upon a permeability test, raising a significant risk that stormwater will overflow to Still River Road and impact road drainage and downstream wetlands.
4. The Development would endanger the natural environment and undermine the Town's Open Space & Recreation Plan as a result of the project's design and its close proximity to protected land owned by Bolton Conservation Trust, Harvard Conservation Trust and Bolton Flats Wildlife Management Area.
5. As designed, the Development would endanger the archeological significance of the property and surrounding area.
6. The Development's ingress/egress as designed would potentially endanger public safety.

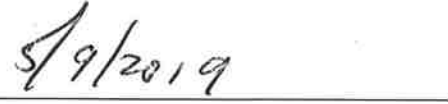
F. RECORD VOTE

The Comprehensive Permit for Still River Commons is Denied with a vote of five (5) votes in favor and zero (0) votes opposed.

Gerard Ahearn – yes
Bradley Reed – yes
Andy Kischitz – yes

Bryan Holmes – yes
Kay Stoner – yes

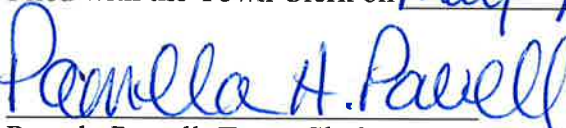

Gerard Ahearn, Chairman
On behalf of the Zoning Board of Appeals


Dated

Appeals, if any, to this Decision must be made pursuant to M.G.L. c. 40B, § 22 & M.G.L. c.40A, §17 and must be filed within twenty (20) days after the date of filing of this Decision in the office of the Bolton Town Clerk.

This Decision shall not take effect until a copy of this Decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after this Decision has been filed in the office of the Town Clerk, and that no appeal has been filed within said twenty (20) days; or that, if such appeal has been filed, that it has been dismissed or denied.

G. FILED WITH THE TOWN CLERK

Filed with the Town Clerk on May 9, 2019.

Pamela Powell, Town Clerk

2019 MAY - 9 PM 12:36

H. CERTIFICATE OF NO APPEAL

The undersigned, being the Town Clerk of the Town of Bolton, certifies that the 20-day appeal period on this Decision has passed and there have been no appeals made to this office.

Date: _____, 2019.

Pamela Powell, Town Clerk

Copy of Decision mailed to:
Abutters
Surrounding Towns
Bolton Boards and Committees
Still River Road Development, LLC

APPENDIX A: RECORD DOCUMENTS

Original Submission

1. Application entitled "Still River Commons, Still River Road, Bolton, MA 01740, Comprehensive Permit Application (8 units of Homeownership Housing)" submitted by Still River Road Development, LLC and Attorney Melissa E. Robbins, Deschenes & Farrell, PC; received August 21, 2018.
2. Stormwater Report for Still River Commons, Still River Road, Map 8B Parcel 32 in Bolton, Massachusetts prepared by Ducharme & Dillis Civil Design Group, Inc. for Still River Road Development, LLC dated June 27, 2018.
3. Site Plans entitled "Comprehensive Permit Plan, Still River Road, Map 8.B Parcel 32, Bolton, MA, Still River Commons" prepared by Ducharme & Dillis Civil Design Group, Inc. dated July 5, 2018 (10 sheets).

September 24, 2018 Public Hearing

4. Plan entitled "Exhibit Plan – Firefighting Water Supply, Still River Commons, Bolton, Massachusetts" prepared by Ducharme & Dillis Civil Design Group, Inc. dated August 30, 2018.
5. Letter from Deschenes & Farrell, P.C. to Town of Bolton Zoning Board of Appeals, RE: Still River Commons Comprehensive Permit Application, dated August 30, 2018.
6. Email from Warren Nelson (Police Chief) to Erica Uriarte (Town Planner), Subject: Re: Request for Comments – ZBA Comprehensive Permit Application for Still River Commons, dated September 10, 2018.
7. Letter entitled "Still River Commons" from Jeffrey M. Legendre (Interim Fire Chief) dated September 17, 2018.
8. Email from Jenny Jacobsen (Board of Health and Permitting Assistant) to Erica Uriarte (Town Planner), Subject: Still River Road comments, dated September 18, 2018.
9. Email from Marth Remington to Erica Uriarte (Town Planner), Subject: Re: Request for Comments – ZBA Comprehensive Permit Application for Still River Commons, dated September 19, 2018.
10. Email from Rebecca Longvall (Conservation Agent) to Erica Uriarte (Town Planner), Subject: first look comments, Attachment: FirstLookQuestions.Concerns.Thoughts.18.docx, dated September 20, 2018.
11. Email from Jonathan Keep to Erica Uriarte (Town Planner), Subject: Still River Commons Pace Tree Cutting, dated September 21, 2018.
12. Email from Melissa E. Robbins, Esq. (Deschenes & Farrell, P.C.) to Erica Uriarte (Town Planner), Subject: Outstanding Items, Attachments: Still River Road narrative.docx, dated September 24, 2019.

October 17, 2018 Public Hearing

13. Email from Jonathan Keep to Linda Day (Town Secretary), Subject: RE: Request for Comments – ZBA Comprehensive Permit Application for Still River Commons, dated September 20, 2018.
14. Email from Robert Martel to Erica Uriarte (Town Planner), Subject: Re: Still River Commons – 40B Project, dated September 24, 2018.
15. Email from Robert Martel to Erica Uriarte (Town Planner), Subject: Re: Still River Commons - 40B Project, dated September 25, 2018.
16. Email from Stan Wysocki to Erik Neyland, Subject: Still River Commons – Comments, dated September 26, 2018.
17. Email from Robert Martel to Erica Uriarte (Town Planner), Subject: Re: Still River Commons - 40B Project, dated September 26, 2018.
18. Letter and Attachments from Anastasia Downy to the Zoning Board of Appeals dated September 26, 2018.
19. Email from Robert Martel to Erica Uriarte (Town Planner), Subject: Re: Still River Commons - 40B Project, dated September 27, 2018.
20. Email from Robert Martel to Rebecca Longvall (Conservation Administrator) and Erica Uriarte (Town Planner), Subject: LLC addressing, Attachment: Turn Left LLC MA Business record.pdf, dated October 2, 2018.
21. Letter from John and Kathy Anestis of 448 Still River Road to Chairman Ahearn dated October 4, 2018.
22. Peer Review Letter from Horsley Witten Group to Erica Uriarte (Town Planner), Re: Initial Stormwater & Wetlands Peer Review Comprehensive Permit Application Still River Commons, Bolton MA, dated October 11, 2018.
23. Email from Robert Martel to Erica Uriarte (Town Planner), Subject: Storm water run-off concerns for Still River 40B proposal – Clip1, Attachments: MOV02A.MOD, dated October 15, 2018.
24. Email from Kay Stoner to Erica Uriarte (Town Planner), Subject: Re: Still River Commons – Comments to Date, dated October 16, 2018.
25. Letter from Joe & Robin Picariello to Town of Bolton, received October 16, 2018.
26. Email from Robert Martel to Erica Uriarte (Town Planner), Subject: New wetlands and drink water concerns with respect to Still River 40B proposed development, dated October 17, 2018.

November 19, 2018 Public Hearing

27. Letter from Hancock Associates to Mr. Gerard Ahearn, Chairman (Board of Appeals), Subject: Comprehensive Permit Still River Commons, dated October 23, 2018.
28. Email from Edward Sterling to Erica Uriarte (Town Planner), Subject: Flooding evidence on Still River Road March 2010, re: “Still River Commons”, Attachments: March22Flood10.jpg; March22Flood11.jpg, dated October 23, 2018.
29. Letter from Harvard Conservation Commission to Gerard Ahearn, Chair (Board of Appeals), RE: Comprehensive Permit – Still River Commons, Still River Road, dated November 1, 2018.

30. Email from Christopher Ryan (Town of Harvard Director of Community and Economic Development) to Erica Uriarte (Town Planner), Subject: Comments on 40B Project, Attachments: Proposed Bolton 40B Comments.docx, dated November 6, 2018.
31. Email from Rebecca Longvall (Conservation Agent) to Erica Uriarte (Town Planner), Subject: comments, Attachments: LocalWaiver & Comments.pdf, dated November 14, 2018.
32. Letter from Bolton Historical Commission to Gerard Ahearn, Chairman (Board of Appeals), Re: Still River Commons 40B, dated November 15, 2018.
33. Letter from Deschenes & Farrell, P.C. to Whom It May Concern, RE: Still River Commons – Comprehensive Permit Application, dated November 15, 2019.

November 26, 2019 Public Hearing

34. Letter from Deschenes & Farrell, P.C. to Whom It May Concern, RE: Still River Commons – Comprehensive Permit Application, dated November 21, 2018.
35. Email from Joseph Lynch (DPW Director) to Erica Uriarte (Town Planner), Subject: RE: Still River Commons – Hearing to be CONTINUED, dated November 21, 2018.
36. Letter from Hancock Associates to Mr. Gerard Ahearn, Chairman (Board of Appeals), Subject: Comprehensive Permit Still River Commons, dated November 23, 2018.
37. Letter from Robert Martel to Zoning Board of Appeals dated November 24, 2018.
38. Letter from Bolton Conservation Trust to Gerard Ahearn, Chair (Board of Appeals), Re: Comprehensive Permit – Still River Commons, Still River Road, Bolton, dated November 25, 2018.
39. Letter from Bolton Planning Board to Gerard Ahearn, Chair (Board of Appeals), Subject: Still River Commons – Comprehensive Permit Application, dated November 26, 2018.
40. Email from Robin Picariello to Erica Uriarte (Town Planner), Subject: Video 1, Stream between properties, dated November 26, 2018.
41. Email from Robin Picariello to Erica Uriarte (Town Planner), Subject: Video 1, Stream between properties, Attachments: IMG_8880.MOV, dated November 26, 2018.
42. Email from Robin Picariello to Erica Uriarte (Town Planner), Subject: Video 2, stream between properties, Attachments: IMG_8896.MOV, dated November 26, 2018.
43. Email from Robin Picariello to Erica Uriarte (Town Planner), Subject: Video 3, back of properties, Attachments: IMG_8923.MOV, dated November 26, 2018.
44. Email from Robin Picariello to Erica Uriarte (Town Planner), Subject: Video 4, back of properties culvert, Attachments: IMG_8935.MOV, dated November 26, 2018.
45. Email from Robin Picariello to Erica Uriarte (Town Planner), Subject: Video 5, back of property culvert, Attachments: IMG_8936.MOV, dated November 26, 2019.

December 18, 2018 Public Hearing

46. Site Plans entitled “Comprehensive Permit Plan, Still River Road, Map 8.B Parcel 32, Bolton, MA, Still River Commons” prepared by Ducharme & Dillis Civil Design Group, Inc., revised December 10, 2018 (10 sheets).
47. Response to Peer Review Letter from Ducharme & Dillis Civil Design Group, Inc. to Zoning Board of Appeals, Re: Still River Commons, dated December 10, 2018.+

48. Stormwater Report for Still River Commons, Still River Road, Map 8B Parcel 32 in Bolton, Massachusetts prepared by Ducharme & Dillis Civil Design Group, Inc. for Still River Road Development, LLC revised December 10, 2018.
49. Response to Town Comments Letter from Ducharme & Dillis Civil Design Group, Inc. to Zoning Board of Appeals, Re: Still River Commons, dated December 11, 2018.
50. Email from Rebecca Longvall (Conservation Agent) to Erica Uriarte (Town Planner), Subject: RE: Still River Commons – Revised Site Plans/Request for Additional Comments, dated December 11, 2018.
51. Letter from Deschenes & Ferrell, P.C. to Bolton Zoning Board of Appeals, RE: STILL RIVER COMMONS - Response to Comment Letters, dated December 13, 2018.
52. Letter from Hancock Associates to Mr. Gerard Ahearn, Chairman (Board of Appeals), Subject: Comprehensive Permit Still River Commons, dated December 17, 2018.
53. Peer Review Letter from Horsley Witten Group to Erica Uriarte (Town Planner), Re: Second Stormwater & Wetlands Peer Review Comprehensive Permit Application Still River Commons, Bolton MA, dated December 18, 2018.
54. Letter from Ducharme & Dillis Civil Design Group, Inc. to Zoning Board of Appeals, Re: Still River Commons, dated December 18, 2018.
55. Letter from Bob Martel to the Zoning Board of Appeals, Re: Still River Commons, dated December 18, 2018.

January 17, 2019 Public Hearing

56. Email from Jonathan Keep to Donald Lowe (Town Administrator), Subject: Re: FW: Still River Commons – Request for Comments from the Board of Selectmen, dated December 20, 2018.
57. Site Plans entitled “Comprehensive Permit Plan, Still River Road, Map 8.B Parcel 32, Bolton, MA, Still River Commons” prepared by Ducharme & Dillis Civil Design Group, Inc., revised January 10, 2019 (11 sheets).
58. Stormwater Operation & Maintenance Manual prepared by Ducharme & Dillis Civil Design Group, Inc. revised January 10, 2019.
59. Stormwater calculations and TSS removal calculations prepared by Ducharme & Dillis Civil Design Group, Inc. dated January 10, 2019.
60. Response to Peer Review Letter from Ducharme & Dillis Civil Design Group, Inc. to Zoning Board of Appeals, Re: Still River Commons, dated January 11, 2019.
61. Letter from Hancock Associates to Mr. Gerard Ahearn, Chairman (Board of Appeals), Subject: Comprehensive Permit Still River Commons, dated January 14, 2019.
62. Peer Review Letter from Horsley Witten Group to Erica Uriarte (Town Planner), Re: Third Stormwater & Wetlands Peer Review Comprehensive Permit Application Still River Commons, Bolton MA, dated January 15, 2019.
63. Letter from Bolton Conservation Commission to Zoning Board of Appeals, RE: Draft waiver request regarding proposed Still River Commons, dated January 16, 2019.
64. Response to Peer Review Letter from Ducharme & Dillis Civil Design Group, Inc. to Zoning Board of Appeals, Re: Still River Commons Peer Review, dated January 17, 2019.

February 12, 2019 Public Hearing

65. Email from Bob Martel to Erica Uriarte (Town Planner), Subject: newly documented flooding concerns with respect to Still River 40B, Attachments: 20190124_153208[1].jpg; 20190124_153229[1].jpg; 20190124_153322[1].jpg; 20190124_153357[1].jpg; 20190124_153440[1].jpg, dated January 24, 2019.
66. Email from Bob Martel to Erica Uriarte (Town Planner), Subject: stormwater run-off concerns with respect to Still River 40B, Attachments: 20190124_153024[1].jpg; 20190124_153103[1].jpg, dated January 24, 2019.
67. Site Plans entitled "Comprehensive Permit Plan, Still River Road, Map 8.B Parcel 32, Bolton, MA, Still River Commons" prepared by Ducharme & Dillis Civil Design Group, Inc., revised January 30, 2019 (11 sheets).
68. Letter from Bolton Fire Department to Seth Donohoe (Ducharme & Dillis Civil Design Group, Inc.) received January 31, 2019.
69. Site Plan entitled "Still River Rd. Drainage Improvement Plan, Still River Commons, Bolton, Massachusetts" prepared by Ducharme & Dillis Civil Design Group, Inc., dated January 31, 2019 (1 sheet).
70. Letter from Ducharme & Dillis Civil Design Group, Inc. to Joseph Lynch, Director (Department of Public Works), Re: Still River Road Drainage Improvements, dated February 5, 2019.
71. Response to Peer Review Letter from Ducharme & Dillis Civil Design Group, Inc. to Zoning Board of Appeals, Re: Still River Commons Peer Review & Revised Plans, dated February 5, 2019.
72. Letter from Hancock Associates to Mr. Gerard Ahearn, Chairman (Board of Appeals), Subject: Comprehensive Permit Still River Commons, dated February 6, 2019.

February 19, 2019 Public Hearing

73. Letter from Board of Selectmen to Zoning Board of Appeals, Subject: Proposed Still River Common, dated February 5, 2019.
74. Peer Review Letter from Horsley Witten Group to Erica Uriarte (Town Planner), Re: Fourth Stormwater & Wetlands Peer Review Comprehensive Permit Application Still River Commons, Bolton MA, dated February 14, 2019.
75. Letter from Ducharme & Dillis Civil Design Group, Inc. to Zoning Board of Appeals, Re: Still River Commons Requested Exceptions, dated February 19, 2019.
76. Email from Joe Lynch (DPW Director) to Erica Uriarte (Town Planner), Subject: 4th peer review Still River, dated February 19, 2019.
77. Email from Rebecca Longvall (Conservation Agent) to Erica Uriarte (Town Planner), Subject: ZBA, dated February 19, 2019.
78. Letter from Robert Martel to Zoning Board of Appeals, Subj: Still River Commons 40B development proposal, dated February 19, 2019.
79. Email from Martha Remington to Erica Uriarte (Town Planner) and Joseph Lynch (DPW Director), Subject: Underlining – page 8 of 8 HWG 4th peer review, dated February 19, 2019.

March 6, 2019 Public Hearing

80. Letter from Sudbury Valley Trustees to Erica Uriarte (Town Planner), RE: Still River Commons Chapter 40B Comprehensive Permit, dated February 19, 2019.
81. Email from Rebecca Longvall (Conservation Agent) to Erica Uriarte (Town Planner), Subject: note, Attachments: 310 CMR 10.docx, dated February 20, 2019.
82. Email from Bob Martel to Erica Uriarte (Town Planner), Subject: Some thoughts to share with ZBA on Still River 40B, dated February 20, 2019.
83. Email from Robin Picariello to Erica Uriarte (Town Planner), Subject: Re: Still River Commons – Waivers, dated February 25, 2019.
84. Email from Joseph D. Peznola (Hancock Associates) to Erica Uriarte (Town Planner), Subject: Still River Commons – Waivers, dated February 25, 2019.
85. Letter from Joe & Robin Picariello, 305 Vaughn Hill Road, Bolton, MA 01740 to Zoning Board of Appeals dated February 27, 2019.
86. Site Plans entitled “Comprehensive Permit Plan, Still River Road, Map 8.B Parcel 32, Bolton, MA, Still River Commons” prepared by Ducharme & Dillis Civil Design Group, Inc., revised February 28, 2019 (12 sheets).
87. Site Plan entitled “25’ Buffer Zone Alteration Exhibit Plan, Still River Commons, Bolton, Massachusetts” prepared by Ducharme & Dillis Civil Design Group, Inc., dated February 28, 2019.
88. Letter from Ducharme & Dillis Civil Design Group, Inc. to Zoning Board of Appeals, Re: Still River Commons, dated February 28, 2019.
89. Letter from Hancock Associates to Mr. Gerard Ahearn, Chairman (Board of Appeals), Subject: Comprehensive Permit Still River Commons, dated March 4, 2019.
90. Draft Condominium Documents prepared by Deschenes & Farrell, P.C received March 6, 2019.

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91. Email from Erica Uriarte (Town Planner) to Doug Deschenes (Deschenes & Farrell, P.C) and Seth Donohoe (Ducharme & Dillis Civil Design Group, Inc.), Subject: Still River Commons – EcoTec Data Forms, dated March 7, 2019.
92. Letter from Board of Health to Planning Board, Subject: Still River Commons Proposal before ZBA, dated March 13, 2019.
93. Site Plans entitled “Comprehensive Permit Plan, Still River Road, Map 8.B Parcel 32, Bolton, MA, Still River Commons” prepared by Ducharme & Dillis Civil Design Group, Inc., revised March 13, 2019 (12 sheets).
94. Site Plan entitled “25’ Buffer Zone Alteration Exhibit Plan, Still River Commons, Bolton, Massachusetts” prepared by Ducharme & Dillis Civil Design Group, Inc., revised March 13, 2019.
95. Letter from Deschenes & Farrell, P.C. to Zoning Board of Appeals, RE: STILL RIVER COMMONS Response to Board of Selectmen letter dated February 14, 2019, dated March 14, 2019.

96. Letter from Deschenes & Farrell, P.C. to Zoning Board of Appeals, RE: STILL RIVER COMMONS Response to Conservation Email dated February 19, 2019, dated March 14, 2019.
97. Letter from Ducharme & Dillis Civil Design Group, Inc. to Zoning Board of Appeals, Re: Still River Commons, dated March 15, 2019.
98. Email from Michelle Tuck (Design Review Board) to Erica Uriarte (Town Planner), Subject: RE: Still River Commons – Design Review Board Update, dated March 17, 2019.
99. Email from Bob Martel to Erica Uriarte (Town Planner), Subject: Re: ZBA Meeting - Still River Commons Hearing, Attachments: Still River Commons 1a.jpg; Still River Commons 1a_reverse angle.jpg; Still River Commons 1b.jpg; Still River Commons 1b_reverse angle.jpg; Still River Commons 2.jpg, dated March 18, 2019.
100. Letter from Ducharme & Dillis Civil Design Group, Inc. to Zoning Board of Appeals, Re: Still River Commons, dated March 19, 2019.
101. Draft Letter from Conservation Commission to Zoning Board of Appeals, RE: Waiver Request Regarding Proposed Still River Commons, dated March 19, 2019.
102. Letter from Hancock Associates to Mr. Gerard Ahearn, Chairman (Board of Appeals), Subject: Comprehensive Permit Still River Commons, dated March 19, 2019.

April 2, 2019 Public Hearing

103. Gregory Reynolds vs. Zoning Board of Appeals of Stow & Another. No. 14-P-663. Middlesex. January 13, 2015 – September 15, 2015.
104. Letter from Anastacia Downey (Bolton Resident) to Lynn Harper (Mass Wildlife Field Headquarters) dated June 4, 2018.
105. Letter from Deschenes & Farrell, P.C. to Zoning Board of Appeals, RE: STILL RIVER COMMONS Comprehensive Permit Application, dated March 20, 2019.
106. Email from Robin Picariello to Erica Uriarte (Town Planner), Subject: Still River Commons, dated March 20, 2019.
107. Letter from Division of Fisheries & Wildlife to Bolton Conservation Commission, RE: Applicant: Turn Left, LLC, Project Location: Still River Road, Bolton, Lot 2A, Book 58346, Page 149, Worcester District Registry of Deeds, Project Description: Construct Eight (8) Unit Residential Development, DEP Wetlands File No.: 112-0636, NHESP Tracking No.: 15-34941, dated March 22, 2019.
108. Email from Douglas Deschenes (Deschenes & Farrell, P.C.) to Erica Uriarte (Town Planner) and Seth Donohoe (Ducharme & Dillis Civil Design Group, Inc.), Subject: RE: Still River Commons – Comment regarding rendering, dated March 26, 2019.
109. Memorandum to the ZBA Members from Erica Uriarte, Town Planner, RE: Still River Commons (40B Project) – Meeting with Board of Health on March 26th, dated March 27, 2019.
110. Email from Rebecca Longvall (Conservation Agent) to Erica Uriarte (Town Planner), Subject: inquiry, dated April 1, 2019.
111. Email from Seth Donohoe (Ducharme & Dillis Civil Design Group, Inc.) to Erica Uriarte (Town Planner), RE: Still River Road Waivers, Attachments: Waiver List 040119.docx; Waiver List 040119.pdf, dated April 2, 2019.

112.2017 Bolton Open Space and Recreation Plan, Figures 11, 18, 27, and 31.