

TOWN OF BOLTON – ZONING BOARD OF APPEALS MINUTES

Remote Meeting held on October 19, 2021 at 7:00 p.m. via Zoom Communications, Inc.

Members Present: Gerard Ahearn (Chairman), Andy Kischitz, Bradley Reed, Elisabeth Hutchins (Associate)

Also Present: Valerie Oorthuys (Town Planner)

Absent: Bryan Holmes, Gabrielle Lomanno (Associate)

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this public meeting of the Town of Bolton Planning Board was conducted via remote participation. No in-person attendance of members of the public were permitted, but the public can access this meeting while in progress using Zoom Video Communications, Inc. (Zoom).

Directions to connect to the public meeting were provided on the agenda.

The Zoning Board of Appeals conducted a roll call of all members present including Gerard Ahearn, Andy Kischitz, Bradley Reed, and Elisabeth Hutchins (Associate).

PUBLIC HEARING

Comprehensive Permit, Mallard Lane

Age-Restricted Development along South Bolton Road, Map 2.C Parcel 15.1

Present:

Jim Morin, Northeast Classic Builders, Applicant

Jim Herrick, Consulting Engineer for Applicant

Janet Bernardo, P.E., Horsley Witten Group, Consulting Engineer for Zoning Board of Appeals

Chairman Gerard Ahearn noted that this public hearing is a continuance from the Board’s meeting of September 7, 2021. Gerard Ahearn reviewed ground rules for the public hearing and stated that Bryan Holmes is unavailable for tonight’s hearing though will review materials to be current with the public hearing. Gerard Ahearn noted that at the last hearing the ZBA designated Associate Member Elisabeth Hutchins as a voting member to replace Kay Stoner on the consideration of this application.

Janet Bernardo provided the ZBA members with an initial peer review letter and walked through the key points in the letter. Key elements from the letter dated October 14, 2021 include comments related to a site visit held with the applicant and Town Planner, wetlands considerations, and stormwater management on site. Wetlands flags 1 and 2 are missing from the site, and a second wetland area needs to be acknowledged. The applicant has not yet approached the Conservation Commission with a filing, and the property needs a wetland delineation. The applicant should quantify the number of trees to be removed. Janet Bernardo noted the applicant appears confident the cut and fill analysis is even, though this should be evaluated more closely by the applicant’s engineer as there are considerable grading changes proposed.

Janet Bernardo noted that new stormwater conveyances must not discharge untreated stormwater directly to or cause erosion in wetlands, and stated that the roadway entrance as proposed would cause untreated runoff.

**Approved at the November 8, 2021 meeting via Zoom participation by
GA, BH, AK, BR (VO)**

Janet Bernardo requested verification of the precipitation rates used to provide pre and post development peak discharge rates. Regarding grading around the stormwater infiltration area A, Janet Bernardo stated that the grading appears off on the plans provided and it is likely that the area up to South Bolton Road would need to be cleared and excavated. Janet Bernardo suggested that the infiltration system may be able to be installed in a more efficient way. Janet Bernardo said the letter provided indicates a handful of technical details that could be addressed by the applicant's engineer.

Janet Bernardo stated that the plans should be revised to reflect 110 gallons per day per bedroom for the wastewater flow. The applicant has indicated they have documentation from MassDEP stating that detached age-restricted homes may be considered one unit and this information should be provided to the ZBA as soon as possible prior to the close of the public hearing. Jim Morin stated that Susan Connors from MassDEP indicated that they would need to see the restriction in the condominium association documents before giving final approval. Jim Morin said that 11 connections and 22 people allowed to live in the development would not require a public water supply, though if there were 24 people living in the development a public water supply would be required. Jim Morin said he is not sure if the homes will have individual septic systems or a shared system.

Janet Bernardo suggested the applicant work with their engineer to evaluate alternatives to the proposed sewer gravity pipe, as there is approximately 1,500 feet of piping proposed and long lengths of sewer pipe increase the likelihood of clogs.

Bradley Reed asked whether the plans include backup power for the sewer pumps so that the residents are served during power outages. Jim Morin said the plans do not current have backup power though there is an extra storage tank included. Jim Morin suggested that the future homeowner's association could install a generator using propane. Bradley Reed said it would be preferable to include that system during construction. Janet Bernardo stated that the septic system design would require backup storage for a only 24 hour outage event, which may not be satisfactory to the Board.

Jim Morin stated that the electric, telephone, and cable utilities are proposed to be installed underground.

Janet Bernardo said that the applicant should review the plans for the cul-de-sac with the Fire Department, as there may be the opportunity to include grass or landscaping as a means of decreasing impervious surfaces.

Janet Bernardo said the retaining walls proposed vary in height from one to twelve feet and one is located just a few feet from the pavement edge along the roadway. The applicant should consider the installation of a guardrail at this location.

Janet Bernardo said the sight distances at the intersection of the proposed Mallard Lane and South Bolton Road may be adequate to the east though the stopping sight distance to the west may be short. Janet Bernardo said that plantings around the intersection should not be proposed as they would impact the sight distances.

The Board expressed concern with proceeding with the process without reviewing revised plans.

Jim Morin reviewed the architectural plans, layouts, and plantings provided on October 7, 2021. The plans include front and rear elevations of unit types A and B, and a front elevation of unit type c, however the applicant stated these will be updated to fit a 35' x 65' footprint. Utilities will be located in the basement and accessed through the interior. The footprints of the homes include the garages. The home sizes are 1700sqft, 1850sqft, and 2100 sqft. Jim Morin noted that the units are 20 feet apart per Fire Department recommendation.

Jim Morin reviewed 4 areas in the development that will have landscaping in order to provide a buffer from the existing neighborhood. 11 street trees are included in the plans.

Andy Kischitz said he would like the applicant to reconsider the scale of the project and suggested incorporating duplexes. Duplexes would reduce concerns around impervious surfaces and buffers from wetland resource areas. Reevaluating the site layout could include moving the shared mailboxes to the intersection with South Bolton Road. Jim Morin expressed concern with the profitability of the development with duplex units. Members of the ZBA agreed that duplexes should be considered.

The Board agreed that revised plans need to be submitted so that the Board may consider the development as discussed to date.

Public Input

Brittany Bethune, 342 South Bolton Road, acknowledged the letter she sent to the Board of Appeals to be part of the record of the public hearing process. Brittany Bethune noted that the floor plans for the homes include two bedrooms, an office, and a sitting room, indicating that the units could be marketed as 3 bedrooms which would have implications on the wastewater system requirements. Jim Morin said the units would be deed restricted for the number of individuals living in the units, the length of time a visitor may stay, and the age restriction. Valerie Oorthuys noted the concern that residents of the proposed neighborhood would be responsible for reporting any violation of the 2 bedroom restriction to the Board of Health, which puts the burden of enforcement on the homeowner's association.

Design Review Board Comments

Valerie Oorthuys said the DRB met on October 12th and reviewed the architectural plans and sample plantings as provided to the Board on October 7th. Comments included:

- Plans should be updated to show individual wells;
- Ensure the metal roofs are included in water quality calculations;
- Review the 2:1 slopes in landscaped areas to see if they can be smoothed to a 3:1 slope;
- Add street trees by homes at the cul-de-sac;
- Increase size of windows;
- Provide ways to differentiate between homes by altering the color of some homes to a very light grey, consider adding colored front doors, consider flipping the location of some garages;
- Provide greater variation in the side and rear elevations between the three unit types;
- Reconsider the proportion of the sconces at the garages.

Additional Comments

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GA, BH, AK, BR (VO)**

Valerie Oorthuys requested further information on the ability to restrict age to 55 and over in the affordable units, as DHCD's policy may have changed in the last few years. Jim Morin stated that the deed restriction is proposed to state that a single owner of the unit must be over 55+. It should be clarified whether there would be the ability for children or others under the age of 55 in the units.

Gerard Ahearn asked whether a meeting in November would be feasible if additional information is not provided ahead of time. Jim Morin said he would soon file a Notice of Intent with the Conservation Commission and stated his confidence that the two wetland areas are isolated, not hydraulically connected. Jim Morin said he has contracted with Dillis & Roy as the engineers for the project and said the house plans are as proposed except for one piece needed from the architect. Jim Morin said test pits have been done and will be updated on Dillis & Roy's plans. Jim Morin stated that substantial information could be prepared in the next month.

Gerard Ahearn said an engineer's response to the Horsley Witten review letter would be needed prior to the ZBA's next meeting. Jim Morin said this could be done and noted that he will need to update the waiver request list for the project in order to consider waivers from local regulations. Jim Morin said additional information could be provided by November 15th.

Bradley Reed motioned to continue the public hearing to November 30, 2021 at 7:00pm. 2nd by Andy Kischitz. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Elisabeth Hutchins (Associate)-Yes (4/0/0).**

Bradley Reed motioned to adjourn the meeting at 8:30 p.m. 2nd by Andy Kischitz. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Elisabeth Hutchins (Associate)-Yes (4/0/0).**

Respectfully Submitted,
Valerie Oorthuys