

## **TOWN OF BOLTON – ZONING BOARD OF APPEALS MINUTES**

Remote Meeting held on August 10, 2021 at 6:00 p.m. via Zoom Communications, Inc.

Members Present: Gerard Ahearn (Chairman), Bryan Holmes, Andy Kischitz, Bradley Reed, Kay Stoner, Gabrielle Lomanno (Associate), Elisabeth Hutchins (Associate)

Also Present: Valerie Oorthuys (Town Planner)

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

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, Bryan Holmes, Andy Kischitz, Bradley Reed, and Kay Stoner.

### **PUBLIC HEARINGS**

#### **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

Joseph Peznola, Hancock Associates, 40B Technical Assistance for Zoning Board of Appeals

Chairman Gerard Ahearn read the legal notice to open the hearing. Gerard Ahearn discussed ground rules for the public hearing process and introduced staff and members of the Board.

Gerard Ahearn said that the Board would need to select an engineering firm to complete peer review on behalf of the Board. Peer review is paid for by the applicant. The Board will discuss qualifications of responsive firms at the next public hearing.

Joseph Peznola provided an overview of the Comprehensive Permit process.

Jim Morin summarized the proposed project, stating that the development is planned to be restricted to those over age 55. The proposal includes 11 single story homes. Jim Morin said that as a resident of Bolton, he is familiar with the Town's interest in diversifying the housing stock by providing options for older adults to downsize. The development will be managed by a condominium association, primarily responsible for maintenance of the roadway and shared septic system.

Kay Stoner left the meeting.

Bradley Reed asked whether the plans include a fire cistern. Jim Morin said that after discussion with the Fire Chief, fire suppression would be provided in each unit, meaning that the homes will include sprinkler systems.

Gerard Ahearn asked for clarification on the sizes of the homes, as there appear to be multiple home layouts. Jim Morin said there will be three models and acknowledged that the affordable units provided must be indistinguishable from the other units. Three units will be the smallest model, one will be a medium sized model, and 7 will be larger models.

Jim Morin noted the retaining wall indicated on the plans is currently proposed at 8 feet in height. Jim Morin noted the design could include smaller blocks to blend more naturally into the setting.

Andy Kischitz noted the Fire Chief's comments regarding limitations on propane storage, should the developer choose to install Liquid Propane Gas tanks. Jim Morin said he understands the project will need to comply with the requirement and noted that no waivers are requested for this item.

Andy Kischitz said that he is concerned for stormwater management on site particularly with the large impervious areas shown on the plans. It was noted this item could be discussed further after engineering peer review of the plans. Bradley Reed noted the steep slope headed down Mallard Lane toward South Bolton Road. Jim Morin said the stormwater calculations are included in the application.

Andy Kischitz asked for further information on the decision to change from a shared public water supply to including individual wells for each unit. Jim Morin said that Susan Connors of the Massachusetts Department of Environmental Protection (Mass DEP) said the individual wells are preferable for this development.

### *Public Input*

Barry Buchinski, 348 South Bolton Road, acknowledged his letter dated August 8, 2021 for the record. The letter includes concerns for the shared septic system, terraced retaining walls, discrepancies between the site plans and architectural plans, lack of landscape plans, and the density of the development. Barry Buchinski also noted that he has concerns about some figures in the applicant's pro-forma. Joseph Peznola noted that the developer is limited in profits and any windfall would go to the Town.

Robert Tattersall, 347 South Bolton Road, noted that on the State Secretary's website Northeast Classic Builders is dissolved. Robert Tattersall said the state's approval was provided over two years ago, though acknowledged this could be extended. Lastly, Robert Tattersall said he feels the development is too dense as proposed, stating that he would like to ensure there is ample space on site to contain yard waste, snow storage and parking.

Christopher Hoyt, 342 South Bolton Road, said his concerns include stormwater management on site particularly with considering the proximity of utilities such as the shared septic system and individual wells. Christopher Hoyt said that he would like the proposal to include landscaped buffers between existing homes and the proposed homes at the development. Christopher Hoyt said he is also concerned with traffic impacts as South Bolton Road is narrow and curving, and asked that the sight distances are explained further, including the impacts of any stone walls along the frontage.

Martha Remington, Chair of the Historical Commission, asked for any artifacts found on the property to be provided to the Historical Society.

Gavin Robinson, 328 South Bolton Road, noted that the wetland area to the northeast of the property has changed over the years and is currently not dry. Gavin Robinson said he is concerned for any drainage into the wetland, particularly related to snow storage, as increased salinity levels would have negative impacts. Jim Morin said the plans include two infiltration areas to direct stormwater.

Gavin Robinson asked whether the homes proposed are two or three bedrooms, noting a preference for limiting bedrooms in the deeds so that offices are not later converted into additional bedrooms. Gerard Ahearn asked whether the units would be deeded as two bedrooms. Jim Morin said that they would be restricted as two-bedroom units.

Steven Andrews, 368 South Bolton Road, asked for more information on how 11 individual wells on 4.7 acres will impact water availability for the surrounding neighborhood. Steven Andrews expressed concern for the impact of sanding and salting on the wetlands to the northeast of the property. Steven Andrews asked if a secondary septic system would be provided as a back-up to the primary system. Jim Morin said the shared septic system will have reserve areas and said that further review of grades and drainage patterns would be addressed after the Board's engineering peer reviewer provides comments. Jim Morin said that Bill Brookings, representing Bolton as part of the Nashoba Associated Boards of Health, has been consulted in the preparation of the site plans.

Margaret Campbell, 5 Spectacle Hill Road, said that her concerns include drainage, traffic mitigation, and the project's impact on increasing housing diversity. Margaret Campbell said that 2400 square foot homes do not represent a true downsizing. Margaret Campbell said additional study should be done to clarify the impact on traffic.

Joyce Barrett, 31 Spectacle Hill Road, said her concerns include wetlands and drainage. Joyce Barrett asked why additional parking is provided on site, considering that each unit would have its own garage and driveway.

Joseph Peznola read through his comment letter, dated August 9, 2021. The letter indicates the applicant has satisfied three main conditions for consideration of a Comprehensive Permit, including that the applicant has site control, has received a Site Eligibility Letter from MassHousing, and is a Limited Dividend Organization. Joseph Peznola itemized elements of the submission that he feels the applicant has not fully complied with and noted that the most impactful question at this juncture is whether the proposed development is better suited to a public water supply rather than 11 individual wells. Joseph Peznola indicated that additional information may include a report from a hydrogeologist as well as information about truck turns along Mallard Lane and onto South Bolton Road.

Andy Kischitz asked for further detail to be provided to the Board regarding the proposed retaining walls.

The Board and applicant agreed to a site visit on August 29, 2021 at 9am. Jim Morin agreed that residents would be invited to join.

The Board set the date for the next hearing for Tuesday, September 7, 2021 at 7:00pm via zoom.

Andy Kischitz moved to continue the public hearing for a Comprehensive Permit titled Mallard Lane along South Bolton Road to September 7, 2021 at 7pm. 2<sup>nd</sup> by Bryan Holmes. **All in favor by roll call: Gerard Ahearn – Yes, Bryan Holmes – Yes, Andy Kischitz – Yes, Bradley Reed – Yes (4/0/0).**

Andy Kischitz motioned to adjourn the meeting at 9:50 p.m. 2<sup>nd</sup> by Bryan Holmes. **All in favor by roll call: Gerard Ahearn – Yes, Bryan Holmes – Yes, Andy Kischitz – Yes, Bradley Reed – Yes (4/0/0).**