



TOWN OF BOLTON

PLANNING BOARD

2018 OCT 11 AM 10:07

Town Hall, 663 Main Street, Bolton, MA 01740
Phone: 978-779-3308 Fax: 978-779-5461

BACKLAND ZONING SPECIAL PERMIT FINDINGS AND DECISION

Petitioner: 21 Century Mill LLC
291 Main Street, Suite 8
Northborough, MA 01532

Premises: 21 Century Mill Road, Bolton, MA 01740
Bolton Assessor's Map 3.D Parcel 32

Owner: 21 Century Mill LLC
291 Main Street, Suite 8
Northborough, MA 01532

Deed Reference: Worcester District Registry of Deeds, Book 55620 Page 110

Date Petition filed with Town Clerk of Bolton, MA: July 16, 2018

Type of Application: Backland Zoning Special Permit

Applicable Zoning Bylaw of the Code of the Town of Bolton, MA: Section 250-13.E

Hearing Dates: August 15, 2018, September 12, 2018, September 26, 2018 and
October 10, 2018

Members Present: Erik Neyland, Danielle Spicer, Mark Sprague, Michael Gorr and
Peter Driscoll

Decision: On October 10, 2018, the Planning Board voted unanimously to **grant**
the petition seeking a Backland Zoning Special Permit. This document is
the decision of the Planning Board.

PROCEDURAL HISTORY

1. On July 16, 2018, 21 Century Mill LLC (hereinafter, the Applicant), applied to the Planning Board (hereinafter, the Board) for a Backland Zoning Special Permit pursuant to Section 250-13.E of the Code of the Town of Bolton for property located at 21 Century Mill Road, Bolton, MA 01740 identified on Bolton Assessor's Map as Parcel 3.D-32 in the Residential Zoning District.

2. A public hearing on the Petition was noticed for Wednesday, August 15, 2018. Notice of the public hearing was published in the Clinton Item on July 27, 2018 and August 3, 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.
3. The Board commenced the public hearing for the Petition on Wednesday, August 15, 2018 at 7:30 p.m. in the Board of Selectmen Room of the Town Hall, 663 Main Street, Bolton, MA at which time all those opposed or in favor could be heard. Chairman Erik Neyland read the Notice of Public Hearing for the Backland Zoning Special Permit request.
4. The Board continued the public hearing to September 12, 2018, September 26, 2018 and October 10, 2018. The Board closed the public hearing on October 10, 2018 and voted the same evening.
5. The Applicant's Representative was in attendance at the public hearing. The Applicant's Representative was Scott Hayes, P.E., from Foresite Engineering Assoc., Inc.
6. Members of the Board attending all sessions of the public hearing, deliberating and voting on the Petition were Erik Neyland, Danielle Spicer, Mark Sprague, Michael Gorr and Peter Driscoll.
7. Throughout its deliberations, the Board was mindful of the statements of the Applicant and the comments of the general public, all as made or received at the public hearing.

RECORD DOCUMENTS

The documents, plans, and other written materials set forth in Appendix A were received by the Board as part of the backland lot application submission.

CRITERIA FOR BACKLAND ZONING SPECIAL PERMIT

The following criteria for the Backland Zoning Special Permit shall be reviewed by the Board in accordance with Section 250-13.E of the Code of the Town of Bolton:

- A minimum street frontage on an accepted and/or approved Town way of 50 feet.
- The minimum allowable lot width between the dwelling site and the access to the public way is 25 feet. All plans for such lots shall show and indicate what the minimum lot width is in said plan, though it may be in excess of 25 feet.
- The minimum lot size shall be 4½ acres.
- Not more than one other backland lot with frontage contiguous to it will be allowed. A backland lot or lots as allowed under this Subsection E shall be separated from any other backland lot or lots by not less than 200 feet of frontage on an accepted and/or approved right-of-way.
- No structure shall be erected within 50 feet of any lot line.

- Once a backland lot is created and approved by the Planning Board, it cannot be subsequently divided to less than 4½ acres.
- At least 1½ acres of contiguous land which is not in a Floodplain District (Section 250-22) or Wetland resource area as defined in the Wetlands Bylaw, Chapter 33, Wetlands, Section 233-2.
- Granting of a Special Permit under this Subsection E does not constitute a waiver of any other applicable bylaw or statute.

FINDINGS

Based upon the information submitted at the public hearing, including the record documents and comment received from the public, the Board makes the following findings with regard to the proposed backland lot:

A. General

1. The property is located at 21 Century Mill Road, Bolton, MA 01740, identified on Bolton Assessor's Map as Parcel 3.D-32, and is owned by 21 Century Mill LLC, 291 Main Street, Suite 8, Northborough, MA 01532 (deed reference: Book 55620 Page 110). The Premises is located in the Residential Zoning District.
2. The Applicant submitted a complete application in accordance with the Code of the Town of Bolton.
3. The Board heard testimony from Scott Hayes, P.E., from Foresite Engineering Assoc., Inc.:

The property is located at 21 Century Mill Road, Bolton, MA 01740 identified on the Bolton Assessor's Map as Parcel 3.D-32 in the Residential Zoning District. An ANR of the property was submitted simultaneously with the application for Backland Zoning Special Permit. Parcel 3.D-32 is approximately 13 acres. The Parcel is divided to create the following:

Lot Number	Type of Lot	Approx. Area	Approx. Frontage
Lot 1	Backland Lot	5.107 acres	50.02 ft.
Lot 2	Frontage Lot	7.919 acres	728.59 ft.

There is 1.5 acres or greater of contiguous land that is not located within the Floodplain District or considered a wetland resource area on Backland Lot 1.

B. Specific Findings

1. The proposed activity may be carried out without substantial detriment to the public good.
2. The proposed activity may be carried out without nullifying or substantially derogating from the intent or purpose of the Code of the Town of Bolton.

3. Lot 1 has approximately 50 feet of frontage along Century Mill Road; greater than or equal to the minimum street frontage on an accepted and/or approved Town way of 50 feet.
4. As shown on the submitted Site Plan, the minimum lot widths between the dwelling site and the access to the public way are greater than the allowable minimum lot width of 25 feet for Lot 1.
5. Lot 1 has approximately 5.107 acres; greater than or equal to the minimum lot size of 4½ acres.
6. No other reduced frontage lots with frontage contiguous to it is proposed.
7. Lot 1 contains 1.5 acres or more of contiguous land which is not in a Floodplain District (Section 250-22) or wetland resource area as defined in the Wetlands Bylaw, Chapter 33, Wetlands, Section 233-2.
8. The project meets the criteria set forth in Section 250-13.E of the Code of the Town of Bolton.

DECISION

In view of the foregoing, the Board hereby decides that the application meets all requisite criteria under Section 250-13.E of the Code of the Town of Bolton. Therefore, the Board voted unanimously to grant a Backland Zoning Special Permit for Lot 1 at 21 Century Mill Road, Bolton, MA 01740 identified on the Bolton Assessor's Map as Parcel 3.D-32 in the Residential Zoning District.

1. Granting of this Special Permit does not constitute a waiver of any other applicable bylaw or statute.
2. No structure shall be erected within 50 feet of any lot line of the properties.
3. The backland lots subject of this Special Permit cannot be subsequently divided to less than 4½ acres.
4. The backland lots subject of this Special Permit cannot be used to provide access to any lots that are not shown on the Site Plan.


RECORD OF VOTE

This Special Permit shall lapse twenty four (24) months following the grant thereof (excepting such time required to pursue or await the determination of an appeal referred to in M.G.L. c.40A, Section 17) if a substantial use or construction has not sooner commenced except for good cause.

Appeals, if any, to this decision must be made pursuant to M.G.L. c.40A, Section 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. Further, this decision shall not take effect until it is recorded in the Worcester County Registry of Deeds and indexed in the grantor index under the name of the owner record, or is recorded and noted on the owner's certification of title.

The following members of the Board unanimously voted to grant the subject to the above-stated terms: Erik Neyland, Danielle Spicer, Mark Sprague, Michael Gorr and Peter Driscoll.


Chairman Erik Neyland 10/10/18


Mark Sprague


Peter Driscoll


Danielle Spicer


Michael Gorr

FILED WITH THE TOWN CLERK

Filed with the Town Clerk on October 11, 2018.

Pamela H. Powell

Pamela Powell, Town Clerk

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: _____, 2018.

Pamela Powell, Town Clerk

Copy of Special Permit Findings and Decision mailed to:

Abutters

Surrounding Towns

Bolton Boards and Committees

Applicant

APPENDIX A RECORD DOCUMENTS

Original Application Documents

1. Application entitled "21 Century Mill Road, Common Driveway & Backland Lot Special Permit Application, Assessors Map 3D Parcel 32" dated July 10, 2018 prepared by Foresite Engineering Associates, Inc. for 21 Century Mill LLC.
 - a. Abstract
 - b. Locus Map
 - c. Form A: Application for Endorsement of Plan Believed Not to Require Approval
 - d. Application for Backland Lot Special Permit
 - e. Application for Common Driveway Special Permit
 - f. Draft Common Driveway Easement & Maintenance Agreement
 - g. Certified List of Abutters
 - h. Drainage Calculations
2. Mylar and paper copies of Site Plan entitled "Plan of Land on Century Mill Road & Hudson Road in Bolton, Massachusetts (Worcester County)" prepared by Foresite Engineering Assoc., Inc. for 21 Century Mill LLC, 291 Main Street, Suite 8, Northborough MA, 01532, dated May 25, 2018, Scale: 1 in. = 50 ft.

3. Application Fee.

Hearing on October 10, 2018

1. Mylar and paper copies of Site Plan entitled "Plan of Land on Century Mill Road & Hudson Road in Bolton, Massachusetts (Worcester County)" prepared by Foresite Engineering Assoc., Inc. for 21 Century Mill LLC, 291 Main Street, Suite 8, Northborough MA, 01532, Revised October 8, 2018, Scale: 1 in. = 50 ft.