

## PLANNING BOARD MINUTES

Wednesday, October 14, 2020 at 7:00 p.m.

### Remote Public Meeting

**Members Present:** James Barr (Associate), Peter Driscoll, Michael Gorr, Erik Neyland, Danielle Spicer (Chair), and Mark Sprague  
Also, Present: Erica Uriarte (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)**. Members of the public attending this meeting virtually were allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment, by telephone, cell phone or personal computer using Zoom.

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

A roll call was conducted of all Planning Board members present: James Barr (Associate) – yes, Peter Driscoll – yes, Michael Gorr – yes, Erik Neyland - yes, Danielle Spicer (Chair) – yes, and Mark Sprague – yes.

### BUSINESS

#### *Brian Boyle, 59 Sampson Road*

- Mr. Boyle sought a determination from the Planning Board whether his barn at 59 Sampson Road meets the requirements of the Barn, Stable and Carriage House Preservation Bylaw to use the barn as a detached accessory apartment.
- Mr. Boyle presented the following information to the Board:
  - The existing house at 59 Sampson Road is from 1817 and the property is on the Historical Inventory. The original barn resided on the property prior to 1925.
  - The original barn collapsed in 1999 and the previous owners sought to rebuild the barn on the existing footprint. The previous owner hired a company to salvage pieces of the original barn prior to rebuild.
  - The rebuild of the barn was consistent with the look and materials of the original barn.
  - The existing house would remain owner occupied.

- Mr. Boyle would seek input from the Historical Commission if any additional elements were needed to convert the barn into an accessory apartment (i.e., dormer, porch, windows).
- The current barn is used as a garage with three (3) bays. Mr. Boyle's intent would be to convert two (2) of the bays as part of the accessory apartment.
- The first floor would be converted to living space and the second floor would be converted into a bedroom.
- Danielle Spicer opined that an accessory apartment was an acceptable use since the barn has been continuous since 1925. The rebuild of the barn occurred over 20 years ago prior to the bylaw being in place. The existing barn meets the spirit and intent of the bylaw.
- Michael Gorr stated that he supports the creation of more affordable housing in Bolton and believes the barn meets the intent/spirit of the bylaw.
- **Mark Sprague moved for the Planning Board to support an application from Brian Boyle to convert the existing barn at 59 Sampson Road into an accessory apartment using the Barn, Stable and Carriage House Preservation Bylaw (Section 250-27.1). 2<sup>nd</sup> by Michael Gorr. All in favor by roll call: Peter Driscoll – yes, Michael Gorr – yes, Erik Neyland – yes, Danielle Spicer (Chair) – yes, Mark Sprague – yes; (5/0/0).**

*Andy Bendetson, Century Mill Estates*

- Mr. Bendetson discussed remaining punch list items required as part of the road acceptance process for Phases 2 and 4.
- Loam and seed behind the curbing still needs to be completed. This will be conducted by Gorca Construction in the next week; possibly on Saturday, October 17<sup>th</sup>, if the Board approved.
- **Erik Neyland motioned to allow Saturday construction to conduct loam and seeding at Century Mill Estates on October 17<sup>th</sup>. 2<sup>nd</sup> by Mark Sprague. All in favor by roll call: Peter Driscoll – yes, Michael Gorr – yes, Erik Neyland – yes, Danielle Spicer (Chair) – yes, Mark Sprague – yes; (5/0/0).**
- Back taxes owed by Mr. Bendetson need to be paid as part of the road acceptance process. Mr. Bendetson agreed to meet with the Town Treasurer and tax title attorney to discuss options. In particular, should the back taxes owed on Mr. Bendetson's house at 39 Mill Pond Road be included and could the back taxes be broken down into the individual phases of the subdivision since it is partial road acceptance being sought? The Board requested that this meeting be held prior to the next Planning Board meeting on October 28<sup>th</sup>.
- The open space parcels need to be conveyed to the Bolton Conservation Trust. The Zone 1 parcel was taken out of the open space in 2013. Mr. Bendetson indicated that the removal of the Zone 1 parcel was not part of the original subdivision agreement and that he is now being taxed for the Zone 1 parcel unfairly (this tax would ultimately transfer to the homeowner's association once the Zone 1 parcel is conveyed to the association). At the time, he believed he was cooperating with the Town for continuity of the trail system.

- Erica Uriarte noted that the FOSPRD Special Permit for the subdivision was updated to eliminate the Zone 1 parcel from the open space.
  - Erica Uriarte (Town Planner) will reach out to the Conservation Department for their files on the history of why the Zone 1 parcel was removed from the open space.
  - Erica Uriarte reached out to the Bolton Conservation Trust to see if they were interested in accepting the open space with the Zone 1 parcel. She will follow up.
- Jon Balewicz of Cider Circle noted that it is not in the best interest of the homeowner's association to be taking on more tax for the Zone 1 parcel, but also wants the road acceptance to proceed.
- Mr. Bendetson will seek appraisal from appraiser for the affordable housing payment.
- Mr. Bendetson will obtain an insurance policy for surety of the road through the winter.
- Mr. Bendetson sought a bond reduction for work completed in Phases 2 and 4. Funds released to be paid to Aggregate Industries and Gorca Construction as part of Joint Check Agreements.
  - The Board agreed to hold a special meeting to deliberate on bond release once the appropriate paperwork and invoices were collected from Aggregate and Gorca Construction. The Board also requested recent field reports from Nitsch Engineering to confirm the paving work was complete.

*Robert Pace, Keyes Farm Subdivision*

- Planning Board discussed the Cease & Desist issued on October 1, 2020 and subsequent corrective actions relating to the drainage and erosion issues on Lots 1, 2 and 4.
- A site visit was conducted on October 8<sup>th</sup> between Robert Pace, Greg Roy (Ducharme & Dillis Civil Design Group, Inc.), Erica Uriarte and Lis Hutchins (owner of Lot 4). Owners of Lots 2 and 1 were unavailable as the meeting was short notice. A concept for correcting the slope was discussed. This idea included providing two (2) swales with a level spreader to divert some of the runoff to the woods as well as providing erosion control measures on Lot 4.
  - Owner of Lot 1 was not in favor of the concept as no direct measures were being proposed for Lot 1.
- Greg Roy, in attendance, presented a concept plan to the Board. This plan showed the approximate locations of the swales redirecting some of the runoff to the adjacent woods to help prevent channeling along the slope. He noted that drainage calculations would be conducted to size the swales accordingly. He anticipates a 2-year storm event would be captured. He noted any runoff redirected to the woods would drain to Stormwater Area No.2 and not drain to the Danforth subdivision.
- Laurie Coe, owner of Lot 1, asked if an additional swale could be considered between Lots 2 and 1 to help with the runoff to her property. Mr. Roy noted that he would consider it as part of the design.
- Maintenance of the swales will likely require mowing once or twice a year.

- Mr. Roy will review erosion control matting for the slope; likely a semi-permanent material. He will consider whether the existing stump grindings are appropriate for the slope at Lot 2. Additional mitigation measures will be considered to prevent sediment from getting into the swales after construction.
- Additional survey will be conducted along the slope to capture existing topography. Ducharme & Dillis will design corrective actions using the updated topography.
- Ducharme & Dillis will submit a final site plan by next week for Nitsch Engineering to review/approve.
- Robert Pace noted that time is of the essence in order to get the road paved prior to the November deadline. He asked if the Board would lift the Cease & Desist. He indicated that corrective actions would continue to advance. If not, the Board could place another cease & desist on the subdivision at their next meeting.
- The Board appreciated the concept plan presented by Ducharme & Dillis and considered it as proof that Mr. Pace would move forward with corrective actions.
- **Michael Gorr motioned to lift the Cease & Desist at Keyes Farm. 2<sup>nd</sup> by Mark Sprague. All in favor by roll call: Peter Driscoll – yes, Michael Gorr – yes, Erik Neyland – yes, Danielle Spicer (Chair) – yes, Mark Sprague – yes; (5/0/0).**
- Planning Board discussed driveway runoff at Lots 3, 4 and 5.
- In regards to driveway runoff, it has been the Town's practice to not allow driveway runoff to enter the public roadway (existing and future). This practice stems from an interpretation of Bolton's Driveway Bylaw, Section 250-17.A(3) which states "*no person shall construct or maintain any driveway, conduit, or drain so as to discharge water or filth upon the street pavement or into open waterways or ponds*".
- Danielle Spicer explained that this section of the Driveway Bylaw should be intended for individually approved lots where existing drainage systems are not sized to handle additional runoff; not new subdivisions where the drainage systems are sized conservatively to handle the entire site (i.e., Keyes Farm).
- Greg Roy believed the Town's interpretation of the Driveway Bylaw has changed back and forth over time. He agrees that this section of the bylaw was intended for individual lots where stormwater management requirements/drainage calculations are not required in order to protect the roads which are not designed for the additional runoff.
- Mark Sprague expressed concern with additional icing and maintenance to catch basins.
- The Board considered allowing runoff from Lots 3, 4 and 5 to drain to the road only. The Board would then consider updating either the bylaw and/or regulation as needed.
- **Michael Gorr motioned to allow stormwater runoff from Lots 3, 4 and 5 at Keyes Farm to enter the road. 2<sup>nd</sup> by Erik. All in favor by roll call: Peter Driscoll – no, Michael Gorr – yes, Erik Neyland – yes, Danielle Spicer (Chair) – yes, Mark Sprague – no; (3/2/0).**
- Robert Pace indicated an asphalt berm will be installed along the driveway of Lot 4 within the road right-of-way (approximately 10 ft.) to redirect some of the stormwater runoff to the road. He noted that he will work with the lot owner on the berm.

### ADMINISTRATION

Approval of meeting minutes from September 9, 2020 and September 17, 2020.

- **Mark Sprague motioned to approve meeting minutes for September 9, 2020 and September 17, 2020 as amended during the meeting. 2<sup>nd</sup> by Michael Gorr. All in favor by roll call: Peter Driscoll – abstain, Michael Gorr – yes, Erik Neyland – yes, Danielle Spicer (Chair) – yes, Mark Sprague – yes; (4/0/1).**

**Michael Gorr motioned to adjourn the meeting at 10:00 pm. 2<sup>nd</sup> by Mark Sprague. All in favor 5/0/0.**