

**DETAILS REPORT**

\*\*Note: Report is Sorted in Ascending Order by Office, Recorded Date, Document Number

Doc#	Document Type	Town	Book/Page	File Date	Consideration
143270	DECISION	BOLTON	37173/335	08/29/2005	
Street	Street Name		Description		
	CENTURY MILL RD				
Grantors	Grantees	Street	Property Description		
BOLTON TOWN PLANNING , CENTURY MILL LP , CENTURY MILL INC , BONAZZOLI PRINO EST, RINA BONAZZOLI TRUST , BONAZZOLI PIERINO A, DIXON EREST G JR, BONAZZOLI FAMILY TRUST , BONAZZOLI RINA EST, LARKIN LUMBER CO , DAVIS FARMS TRUST , DAVIS ROBERT S, OTOOLE SARAH, WARE STEPHEN A, DAVIS SANDRA J, LAMSON DAVID F		CENTURY MILL RD			
References Book/Pg	Description		Recorded year		
37173/335	DECISION				

**References Certificate**



2005 00143270

Bk: 37173 Pg: 335 Doc: DECN  
Page: 1 of 8 08/29/2005 10:53 AM

**Planning Board  
Town of Bolton, Massachusetts  
FOSPRD Special Permit  
Certificate of Decision**

*Rec'd*  
2005 JUL -5 AM 10:54  
*Betsy C. Cussen*  
*Town Clerk*

June 29, 2005

Betsy Cussen, Town Clerk  
Town of Bolton  
663 Main Street  
Bolton, Worcester County, Massachusetts

The undersigned, being the Town Clerk of the Town of Bolton, hereby certifies that the above decision was filed on **JULY 5, 2005**, that twenty (20) days have elapsed after the filing of the decision, and that no notice of any action appealing the decision has been filed with this office of the Town Clerk during this twenty (20) day period.

Certified this **26<sup>th</sup>** day of **JULY 2005**.

It is hereby certified by the Planning Board of the Town of Bolton (the "Board"), that, at a duly called and properly posted meeting of the Board held on June 29, 2005, following a public hearing that opened on April 27, 2005 with continuances to May 3, 2005 (no testimony taken), May 11, 2005, May 25, 2005, and June 8, 2005, the Board voted unanimously to approve a Special Permit for the application under Section 2.3.6 *et. seq.*, the Farmland and Open Space Planned Residential Development bylaw and Section 2.3.7 *et. seq.*, the Major Residential Development bylaw filed by Century Mill Limited Partnership (the "Applicant") as the representative for the property owners listed in Exhibit "A" attached hereto and incorporated herein (the "Property Owners") on March 23, 2005 (the "Application") which Application includes plans entitled "Preliminary Phase Farmland and Open Space Planned Residential Development, Century Mill Estates, Bolton, Massachusetts" dated March 17, 2005, as revised through June 10, 2005, consisting of sheets 1 through 9 (the "Plan"), prepared by GCG Associates, Inc.

*Sumner M. Miller*  
*ASST. Town Clerk*

The Application encompasses the land located between 86 and 132 Century Mill Road, off of and between Century Mill Road and Spectacle Hill Road, as shown on Town of Bolton Assessor's Map 2.C, Parcels 25.4 and 29; Map 2.D, Parcels 4, 7, 13, and 14; and Map 3.D, Parcel 1; and Town of Hudson Assessor's Map 2, Parcel 1; Map 3, Parcel 1; and Map 9, Parcel 63 (the "Property"), and showing a total of seventy-eight (78) new residentially zoned lots. On or about May 25, 2005, the Board voted to approve a Definitive Subdivision of Land for the Property (the "Definitive Plan").

The Board, acting under the Town of Bolton's Bylaws 2.3.6 Farmland and Open Space Planned Residential Development ("FOSPRD") and 2.3.7 Major Residential Development, held the public hearing to consider this Application for up to seventy-eight (78) new house lots on a tract of land consisting of approximately 203 acres in the Town which includes approximately ninety-nine (99) acres shown on the Plan as "Area A" and "Area B."

June 29, 2005  
Century Mill Estates  
FOSPRD Special Permit Decision

*M. L. L.*  
**RIEMER & BRAUNSTEIN LLP**  
3 Center Plaza  
Boston, Massachusetts 02108-2003  
*Meredith W. W.*

## FINDINGS

When considering the granting of the Special Permit, the Board found:

1. The Plan would:
  - a. preserve open space in an amount greater than required by the FOSPRD bylaw;
  - b. preserve the rural character of Bolton; and
  - c. provide land owners with an alternative to traditional subdivision that allows houses to be built in a way that is more in harmony with the local site conditions, without increasing the density of new development.
2. The Application and Plan meet the prerequisites in Section 2.3.6.3, and that the Plan provides a superior development plan in consideration of the criteria and purposes set forth in Section 2.3.6.8 (c) and is consistent with Section 2.3.7.3.
3. That, as set forth in Section 2.3.6.4, the maximum number of dwellings which can be built on the Property pursuant to this Special Permit is seventy-eight (78).
4. That, as set forth in Section 2.3.6.4(c), the Board finds the local soil conditions on the Property are suitable for the development and permitting of seventy-eight (78) lots. Future soil testing for building permits and septic systems shall be performed for the road and subdivision layout depicted on the FOSPRD Plan layout only. The Board is not requiring that the Applicant further prove the lot count through testing, because the Board has determined that the benefit of not disrupting the area planned as open space is superior to requiring additional lot count testing.

## CONDITIONS

With five (5) members present, the Board on June 29, 2005, voted unanimously to approve the Application and the Plan and issue the Special Permit subject to the following conditions:

1. The Board endorses leaving as much of the Property as possible undeveloped. Prior to the Applicant installing the top coat to the subdivision roadways or before more than 75% of certificates of occupancy are issued for dwellings on the lots shown on the approved amended Definitive Subdivision Plan, whichever comes first, the Applicant shall deed at least one hundred (100) acres of open space within the Property to the Town of Bolton (the "Open Space") by deed or deeds in a form acceptable to the Board and to Town Counsel and subject to the conditions and restrictions provided herein
  - i. The Open Space shall include all of Area A as shown on the Plans together with additional acreage sufficient to total 100 acres. To the extent that additional acreage does not include Area B, it must otherwise satisfy the criteria of Section 2.3.6.5(b).

2. The Open Space shall be subject to the following restrictions.
  - i. No buildings may be constructed on the Open Space.
  - ii. No dwellings are allowed on the Open Space.
  - iii. Prior to deeding the Open Space to the Town, the Applicant shall place an open space restriction on the Open Space as per Section 2.3.6.5 of the FOSPRD bylaw allowing the Open Space to be used for passive recreation and for up to ten (10%) percent to be used for active recreation. The Applicant is not required to pursue any conservation restrictions from any state or federal agencies.
  - iv. The location and size of the active recreation area within the Open Space shall be determined by the Board after consultation with the Applicant, Parks and Recreation Committee and other interested Town Boards and Committees.
  - v. Access to the active recreation area shall be shown on the revised Definitive Plan and shall be designed to cause minimal impact on the residents of the new subdivision.
3. It is acknowledged by the Board and the Applicant that the creation of open space is desirable and beneficial. The open space labeled "Area B" on the Plan consists of approximately nineteen (19) acres that shall be initially reserved for the Applicant's use until such time as the Applicant determines whether the land is needed to build a maximum of seventy-eight (78) lots. However, all land remaining within Area B that is not needed by the Applicant shall be subject to the restrictions in Condition 2 herein.
4. The Applicant shall be required to amend the Definitive Plan to:
  - i. provide a trail to the Open Space of at least fifteen (15') feet in width via an easement or a deed, with said choice between an easement and deed being at the Applicant's discretion, to the Town which shall be shown on the amendment to the Definitive Plan in substantially the same area as the trail easement shown on the Plan. Prior to the Applicant installing the top coat to the subdivision roadways or before more than 75% of certificates of occupancy are issued for dwellings on the lots shown on the approved amended Definitive Subdivision Plan, whichever comes first, the Applicant shall: (a) provide either the executed easement or deed to the Town; and (b) mark the trail and Open Space abutting residential lots with bounds as determined by the Board in consultation with the Conservation Commission.
  - ii. provide access to the Open Space from the subdivision roadways which access shall be shown on the amendment to the Definitive Plan in substantially the same areas as shown on the Plan as "Access A", "Access B", "Access C" and "Access D". Prior to the Town accepting the subdivision roads, the Applicant shall provide either the executed easement or deed to the Town.



- iii. show a "no house/garage structure, limited-cut and re-tree" zones of a minimum of 25'-0" in width on the land currently shown on the Plan as Lots 24-28 along the lot line of existing abutters. The intent is to provide abutters with a buffer to the new development.
  - iv. show a "no house/garage structure, limited-cut and re-tree" zone of a minimum of 50'-0" in width on the land currently shown on the Plan as Lot 78 along the road right of way of Century Mill Road.
  - v. use reasonable efforts to minimize the clearing of trees and re-tree for a minimum of 50'-0" in width on the land currently shown on the Plan as Lot 1 along the road right of way of Century Mill Road.
  - vi. In all areas to be re-treed, the Applicant shall use trees approximately eight (8') feet tall and three (3") inches in diameter. The Board shall confirm compliance with this Condition through the course of construction of the subdivision.
5. The Applicant shall be required to amend the Definitive Plan to show not more than seventy-eight (78) lots.
  6. Upon the approval of the amendment to the Definitive Plan, and the installation of the base coat is installed on the subdivision roadways, the Applicant shall donate:
    - i. Three (3) lots within the subdivision which lots shall be selected by the Applicant, or an amount equal to the appraised value of the selected lots without roadway improvements to the Bolton Affordable Housing Partnership or its designee.
    - ii. The use of a bulldozer and an excavator or the value thereof (\$1,400 per day x 5 days = \$7,000) for up to five (5) days to the Town for use in constructing the active recreation area.
  7. The Applicant shall be required to amend the Definitive Plan to show a roadway layout that is substantially similar to the roadway layout shown on the Plan. It is understood that changes may occur including re-configurations to obtain a maximum of seventy-eight (78) lots. The general roadway layout shown on the Plan, including the cul de sac lengths, are approved.
  8. The Applicant shall use reasonable efforts to preserve and/or relocate the existing stone walls that may be disturbed by construction.
  9. The deed to each lot shall contain a restriction that bars the lot from being crossed by any subsequent driveway, common driveway, private or public right of way, or easement that is not included on the amendment to the Definitive Plan, but is shown on any subsequent subdivision application which relates to land not shown on the amended Definitive Plan.
  10. The Applicant shall submit a traffic study prepared in accordance with standard engineering practices as part of its application to amend the Definitive Plan in order for the Board to adequately assess the effects of increased traffic from the lots created

hereunder. Said study shall be initiated within sixty (60) days after final approval of this Special Permit.

11. Access to Century Mill Road, Spectacle Hill Road and the new subdivision roads shall be designed to allow safe entry, exit and passage for Town school buses, fire vehicles, police officer vehicles and other emergency and service vehicles which will serve the subdivision.
12. The main subdivision right of way shown on the amendment to the Definitive Plan shall be classified as a minor street, and all other paved ways shown on the amendment to the Definitive Plan shall be classified as lanes. All subdivision ways shall provide a sidewalk on one side and shall be designed to accommodate the expected level of service.
13. The amendment to the Definitive Plan must include a separate certification listing the frontage, lot perimeter calculations and total area of each proposed lot.
14. Fire protection for the proposed subdivision shall be designed to include cisterns with automatic fill systems as deemed appropriate by the Board in consultation with the Bolton Fire Department during the process of amending the Definitive Plan. The location and design of fire protection shall be in compliance with applicable statutes and regulations and reviewed by the Bolton Fire Department.
15. The deed to each lot shown on the amended Definitive Plan shall include a provision barring it from being further subdivided to cause the number of lots within the subdivision to exceed seventy-eight (78) in any subsequent subdivision application which relates to land not shown on the amended Definitive Plan.
16. Drainage structures adjacent to all paved ways shall be designed to comply with all state, federal and local regulations. The use of open drainage, closed drainage or a combination of these two systems as permitted by applicable laws and regulations shall be deemed appropriate to meet this Condition. The Board requests that all drainage be designed to minimize visual impact, reduce basin size to the extent possible, and function as designed. The drainage structures will be inspected by the Town at the Applicant's expense twelve (12) months after completion of the development, and the Applicant shall be required to correct any deficiencies at its sole expense. The use of underground recharge is acceptable to the Board.
17. The Applicant shall submit drainage calculations as part of its application to amend the Definitive Plan which demonstrate to the Board's reasonable satisfaction that the development of the improvements shown on the amendment to the Definitive Plan will generate no net increase in volume or the rate of storm water runoff as set forth in the Planning Board Subdivision Rules and Regulations, Town Bylaws and state law.
18. The Applicant shall show landscaped areas in cul de sac locations on the amendment to the Definitive Plan. These planted areas are intended to reduce the visual extent of paved areas and shall not interfere with the sight lines of traffic. The Applicant's proposed plantings shall be subject to the Board's approval during the review of the amendment of the Definitive Plan.

19. A copy of this Certificate of Decision shall be filed with the Town Clerk, and a copy of this Certificate of Decision together with copies of all plans referred to in the Certificate of Decision shall be filed with the Planning Board.
20. The Special Permit Certificate of Decision, bearing the certification of the Town Clerk that twenty (20) days have elapsed and no appeal has been filed, or, that if such appeal has been filed, that it has been dismissed or denied, is recorded with the Worcester Registry of Deeds and indexed in the Grantor's index under the name of the owner of record. The fee for recording or registering shall be paid by the Applicant.
21. The area identified as "Area C" on the Plan is specifically excluded from this Special Permit which includes the land identified on the Town of Hudson Assessor's Map 2, Parcel 1.

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 Section 17, Chapter 40A of the General Laws) unless substantive use and/or construction has commenced under the Special Permit within the twenty-four (24) months. The Applicant must submit to the Board within twenty-four (24) months following the grant of the Special Permit (excepting such time required to pursue or await the determination of an appeal referred to in Section 17, Chapter 40A of the General Laws) certified copies evidencing the filing with the Worcester County Registry of Deeds of this Special Permit.

NOTE TO BOARD: Conditions should be written on the endorsed plan which is to be recorded or should be set forth in a separate instrument, which could be a copy of the approval vote and which should be referenced on the endorsed and recorded plan.

NOTICE TO CLERK: The Board should be notified immediately of any appeal to the Superior Court or Land Court of this Special Permit made within the statutory twenty (20) day appeal period. If no appeal is filed with your office, the Board should be notified at the end of the twenty (20) day appeal period in order that the plans may be endorsed.

DATE of MOTION: June 29, 2005

MOTION MADE by Mark Giunta to approve the Century Mill Estates FOSPRD Special Permit Application with the conditions as outlined above.

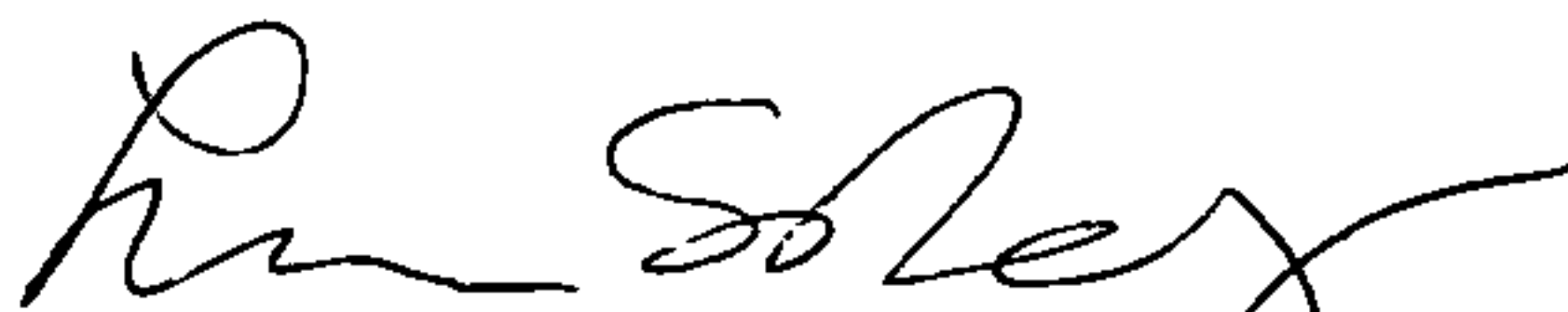
MOTION SECONDED by Russ Karlstad

MOTION CARRIED 5 yeas, \_\_\_\_ nays, and \_\_\_\_ abstain. Being at least two-thirds of the Bolton Planning Board

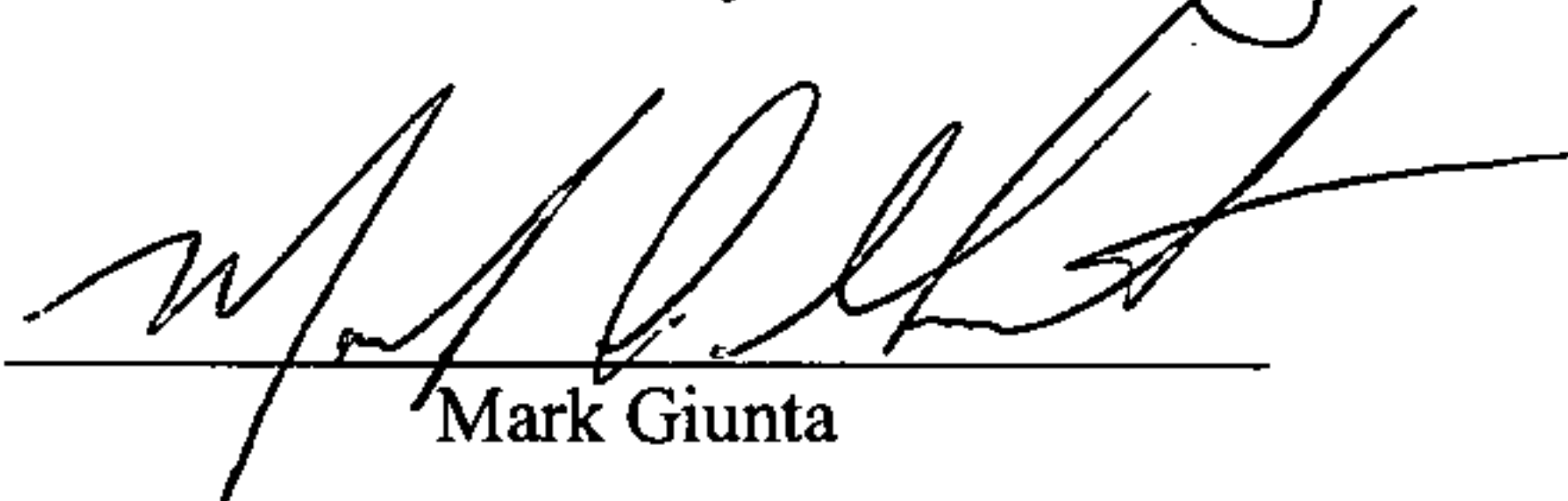
*[Signature Page Following]*



TOWN OF BOLTON PLANNING BOARD



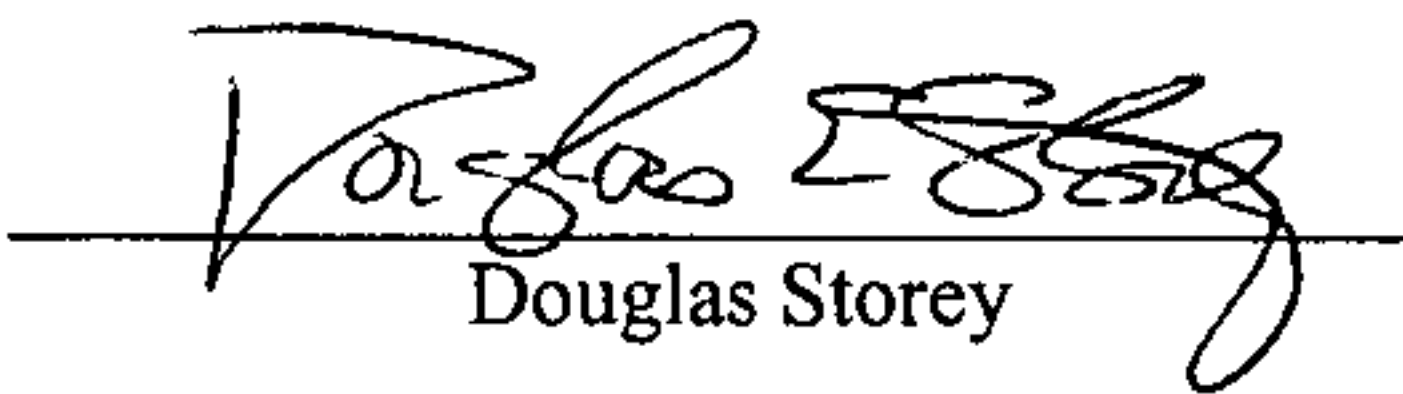
Lawrence Delaney, Chairman



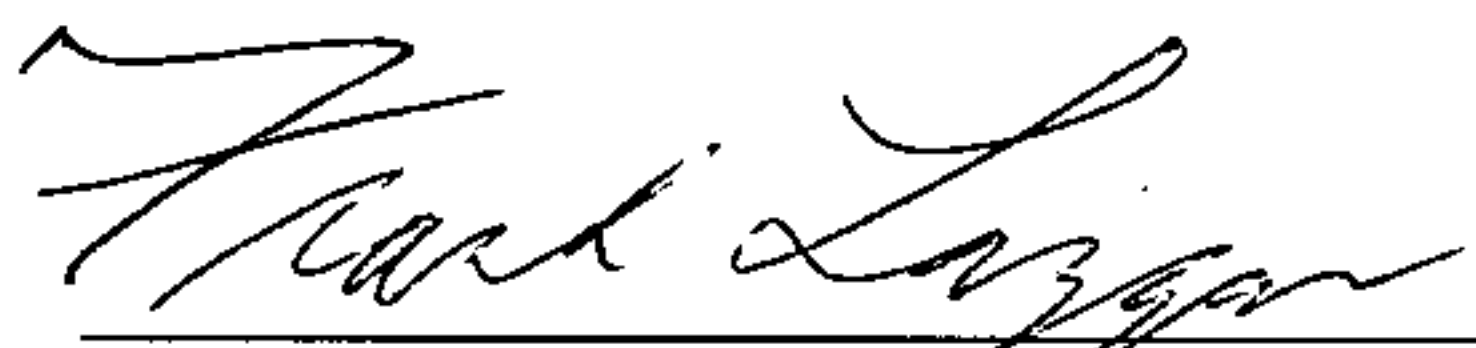
Mark Giunta



Russell Karlstad (alternate)



Douglas Storey



Frank Lazgin

Filed With the Town Clerk: June \_\_\_\_, 2005

By: \_\_\_\_\_

Title: \_\_\_\_\_

**Exhibit "A"****PROPERTY OWNERS****Century Mill Limited Partnership**

Andrew P. Bendetson, President of Century Mill, Inc.  
 General Partner of Century Mill Limited Partnership  
 209 Central Street, Suite 218, Natick, Mass. 01760

**Estate of Prino Bonazzoli**Rina Bonazzoli Trust

Pierino A. Bonazzoli, Trustee of Rina Bonazzoli Trust  
 Ernest G. Dixon, Jr., Trustee of Rina Bonazzoli Trust

Bonazzoli Family Trust

Pierino A. Bonazzoli, Trustee of Bonazzoli Family Trust  
 Ernest G. Dixon, Jr., Trustee of Bonazzoli Family Trust  
 111 Hudson Street, Bolton, Mass. 01740

**Estate of Rina Bonazzoli**Pierino A. Bonazzoli

111 Hudson Street, Bolton, Mass. 01740

**Larkin Lumber Company**

Robert E. Brissette, President of Larkin Lumber Company  
Brian A. Parker, Treasurer of Larkin Lumber Company  
 136 Main Street, Hudson, Mass. 01749

**Davis Farms Trust**

Robert S. Davis, Trustee of Davis Farms Trust  
Sarah O'Toole, Trustee of Davis Farms Trust  
Stephen A. Ware, Trustee of Davis Farms Trust  
Sandra J. Davis, Trustee of Davis Farms Trust  
 P.O. Box 305, Bolton, Mass. 01740

**David F. Lamson**

29 Lake Street, Hudson, Massachusetts 01749

MKW  
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