

DETAILS REPORT

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

Doc#	Document Type	Town	Book/Page	File Date	Consideration
95076	DECISION	BOLTON	46258/26	09/02/2010	
Street		Street Name		Description	
		SUGAR RD			
Grantors		Grantees		Street	Property Description
BOLTON TOWN PLANNING , HIGH OAKS REALTY TRUST , KILEY ROBERT TR				SUGAR RD	
References	Book/Pg	Description		Recorded year	
46258/26		DECISION			
References Certificate					



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Town of Bolton, Massachusetts Certificate of Approval

Town of Bolton
663 Main Street
Bolton, MA 01740
Bolton, Worcester County, Massachusetts

It is hereby certified by the Planning Board of the Town of Bolton (hereinafter, the "Board") that at a duly called and properly posted meeting of the Board opened and held on November 18, 2009, and continuance to January, 13, 2010, February 10, 2010, February 24, 2010, March 10, 2010 and was closed on March 24, 2010. The Board voted unanimously on April 14, 2010 to approve a Definitive Subdivision of Land entitled "Houghton Farm", dated October 16, 2009 with revisions February 10, 2010 and March 2, 2010 (hereinafter, the "Plan"), prepared by Ducharme and Dillis Civil Design Group, Inc., submitted by High Oaks Realty Trust (hereinafter the "Applicant") as the representative for the property owners listed in Exhibit "A" attached hereto and incorporated herein (hereinafter, the "Property Owners"), filed with the Board on October 26, 2009 (hereinafter, the "Application"), encompassing the land located at the intersection of Sugar and Golden Run Roads and identified by the Assessors as Map 5D-10 & 6D-32 and showing a total of fifteen (15) lots.

FINDINGS

SEE DEED IN 4256 / AT 345 & 349
SEE PLAN BOOK 884 ; ~~PG 61~~ PG 61

The Board, with five (5) members present, unanimously made the following findings:

1. The Plan protects the safety, convenience and welfare of the inhabitants of the Town of Bolton and complies with the Bylaws of the Town of Bolton and with The Town of Bolton's Rules and Regulations for the Subdivision of Land.
2. The proposed Houghton Farm exercises due respect for:
 - a. Town of Bolton's Bylaws;
 - b. The safety of Sugar Road and Golden Run Road as designed for normal use;
 - c. The safety of the intersection with the existing town right of way;
 - d. The adequacy of the proposed roadway to provide access to vehicles carrying materials which are potentially hazardous if spilled, such as heating oil;
 - e. The environmental impact on wetlands and water resource areas.
3. The Application was filed with the Planning Board, Town Clerk, Board of Health and Conservation Commission on October 26, 2009 and was a complete and proper submission, and was properly continued until March 24, 2010.
4. During the public hearing, the Board received and reviewed materials and correspondence regarding the Application.
 - Correspondence from the Bolton Historical Commission pertaining to the historical nature of the original house located at 218 Sugar Road;

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- Letter from Bolton Conservation Commission dated January 13, 2010 and February 24, 2010 and an email dated January 14, 2010 and January 28, 2010;
 - Letter dated November 18, 2009 from the Bolton review staff consisting of department heads;
 - Letter dated February 10, 2010, November 18, 2009 from the Bolton Fire Department and an 2 emails dated February 10, 2010;
 - Email dated February 23, 2010 from David Farrell EMT for the Bolton Fire Department;
 - Email dated January 14, 2010, February 9, 2010 and February 23, 2010 from the Public Ways Safety Committee;
 - Email dated February 18, 2010 from Abutter Darren Moore;
 - Email dated February 9, 2010 from the Park and Recreation Commission;
 - Letter dated November 11, 2009, February 23, 2010, March 4, 2010 from Robert Oliva, P.E. of Hamwey Engineering, Inc., 14 Manning Avenue, Leominster, Massachusetts 01453. (Board's consulting Engineer);
 - Email dated March 10, 2010 and March 22, 2010 from Rob Oliva, Hamwey Engineering;
 - Letter dated February 24, 2010 from Jennifer Burney, Town Planner;
 - Letter dated January 6, 2010, January 10, 2010, January 26, 2010, and February 18, 2010 from Ducharme and Dillis Civil Design Group and an email dated February 9, 2010;
 - Email dated January 30, 2010 from abutter Michael Guerin and a letter dated December 21, 2009;
 - 2 Emails dated January 15, 2010 from DPW;
 - 2 Emails dated January 14, 2010 from Police Department.
5. The Applicant, as representative for the Property Owners, filed with the Board an application for a Special Permit pursuant to Section 2.3.6 *et. seq* "Farmland and Open Space Planned Residential Development" and Section 2.3.7 *et. seq* "Major Residential Development" (the "FOSPRD Application") on May 12, 2009 with an extension granted on October 8, 2009.

CONDITIONS

This Certificate of Approval is subject to the following conditions:

1. The name of the road shall be Houghton Farm Lane. Approval of the definitive plan does not constitute the laying out or Town acceptance of ways within a subdivision. Prior to the town considering acceptance of the road all improvements must be made in accordance with the plans and in pursuant to Section 7000 of the Subdivision Rules and Regulations. The Applicant shall execute an instrument transferring to the Town, without cost to the town, title to all utilities, drainage, trail, access, fire pond, sewer, and open space easements.
2. The approval of the definitive plan by the Board shall not be construed as authorizing the removal of earth material from the premises, even though the approval is in connection with the construction of streets shown on the definitive plan. All earth removal within a subdivision shall be in accordance with the Town's zoning by-law for earth removal, Section 1.10.

3. Prior to the issuance of the first Occupancy Permit the stone walking path must be constructed in accordance with the plan.
4. Prior to the issuance of the first Occupancy Permit trail head and parking signage must be installed as approved by the Conservation Commission.
5. The Stormwater Operation and Maintenance Manual shall be recorded at the Worcester Registry of Deeds and shall bind the constructors of the project (which include the applicant).
6. The Stormwater Pollution Prevention Plan (SWPPP) must be finalized and approved by the Board and the Conservation Commission prior to construction.
7. Prior to the endorsement of the definitive plan, the applicant shall be required to submit to the Board the **initial** amount of \$7,560 to pay for reasonable construction inspection services by an agent to assist the Board in its determination as to the adequacy of the subdivision construction. This does not include inspection of the sewer lines and septic systems or private utilities.
8. Prior to the endorsement of approval of a definitive plan, the Board will require provisions for the completion of construction of ways and the installation of Town Services and any of the improvements approved in the Plan in accordance with the rules and regulations of the Board shall be secured by a Performance Guarantee satisfactory to and reviewed by the Board and Town Counsel as outlined in the Town of Bolton Subdivision Rules and Regulations, Section 4340. This Performance Guarantee shall be recorded with the Worcester Registry of Deeds prior to the commencement of any of the improvements approved in the Plan, and a copy of the recorded Performance Guarantee shall be delivered to Board. The form of the Performance Guarantee, adequacy and or amount may be varied from time to time by the Applicant subject to an agreement satisfactory to the Board and reviewed by Town Counsel. If approved by the Board, any such amended Performance Guarantee must be recorded with the Worcester Registry of Deeds.
9. Approval is conditioned upon the receipt of a Performance Guarantee satisfactory to and reviewed by the Board and Town Counsel to be noted on the Plan to insure that any construction related damage to Sugar Road or Golden Run Road is repaired by the Applicant in a manner satisfactory to the Board. This Performance Guarantee is to be received by the Board prior to the commencement of any of the improvements approved in the Plan and will be required until the Board votes that the Applicant has completed all of the improvements approved in the plan.
10. Prior to a preconstruction meeting, staking and erosion control is permitted and includes:
 - a. Staking the driveway, septic system, house foundations, auxiliary parking, drainage basins, and other drainage structures, and well(s) location (s);
 - b. Placement of sediment and erosion controls and limit of construction fencing.
11. Prior to construction, structural plans for the proposed bridge signed and stamped by a structural engineer and peer reviewed by a Board approved consultant paid for by the applicant.
12. Prior to installation of infrastructure a preconstruction with the Board is required to review the following:
 - a. a timeline and phasing plan if necessary;
 - b. schedule for inspections;
 - c. measures to control erosion and sedimentation;
 - d. limitations on hours of work;

- e. description of proposed earth removal;
 - f. types and numbers of vehicles and vehicle trips involved with construction;
 - g. tree and brush clearing;
 - h. grading and general site mitigation measures;
 - i. identification of all contractors, field engineers, wetland specialists, and all other professionals that will be involved in the implementation of the project;
 - j. identification and approval of significant trees to be cut on the site and/or in the buffer zone and the easement area;
 - k. removal of vegetation and top soil;
 - l. wetland replication;
 - m. drainage system construction;
 - n. major stages of roadway construction;
 - o. well(s) drilling;
 - p. excavation dates for building foundations;
 - q. septic system installation; and
 - r. inspection dates.
13. No building shall be occupied until the improvements specified in this decision and set forth on the plans of record are constructed and installed so as to adequately serve said building or adequate security has been provided, acceptable to the Planning Board to ensure such completion.
 14. Approval is conditioned upon the receipt and the satisfactory review by the Board and Town Counsel of restrictive language to be inserted in the deed to each lot or parcel, or in a restrictive covenant encompassing all of the lots, prohibit, including the open space identified as OS2S any subsequent division of the lots or the creation of any additional lots or parcels not shown on the Plan for access to any lots or parcels not shown on the approved Plan, whether by Right-of-Way(s), Common Driveway(s) or Single or Shared Driveway(s).
 15. Approval is conditioned upon the receipt and the satisfactory review by the Board and Town Counsel of restrictive language to be inserted in the deed to each lot or parcel of the no cut buffer zone.
 16. Approval is conditioned upon the Applicant delivering to the Board a satisfactory Assessor sketch in a scale of 1"=200' and the Electronic GPS Coordinates.
 17. Approval is conditioned upon the Applicant limiting the amount of clearing by staking the field and notifying the Board prior to tree clearing and maintaining the stakes.
 18. Approval is conditioned upon the Applicant delivering to the Board a Quitclaim Deed, in a form satisfactory to the Board and to Town Counsel, granting to the Town of Bolton and under the care and custody of the Bolton Conservation Commission a 38.29 acre parcel identified on Plan as OS1N. The deed must be written to include the following 3 restrictions:
 - a. No buildings may be constructed on the OSR land. No dwellings are allowed in the OSR area.
 - b. The OSR shall be granted to the Town of Bolton and under the care and custody of the Bolton Conservation Commission. In no event may the OSR in any manner be combined, included or joined with or considered as part of the individual dwelling lot area(s). No portion of the OSR may be included in determining the minimum dwelling lot areas(s) as described in Sections 2.3.5 or 2.3.6.7 (a) (1) of the Bolton Bylaws.

- c. The OSR land can be used for passive or active recreation. Active recreation uses cannot cover more than ten (10%) percent of the OSR land.
19. Approval is conditioned upon the Applicant delivering to the Board a Homeowners documents in a form satisfactory to the Board, Agricultural Committee, Conservation Commission and Town Counsel including an Operations and Maintenance Plan the open space parcel consisting of 5.31 acre parcel identified on the Plan as OS2S. The Operations and Maintenance Plan shall include, at a minimum, maintenance of the meadow during construction and post construction. The Homeowners documents and Operation and Maintenance Plan shall be recorded in the Worcester County Registry of Deeds.
 20. Approval is conditioned upon the Applicant delivering to the Board a Quitclaim Deed, in a form satisfactory to the Board, Agricultural Committee, Conservation Commission and Town Counsel, granting to the Home Owners Association a 5.31 acre parcel identified on the Plan as OS2S. The Conservation Restriction must be recorded at the Worcester Registry of Deeds prior to the issuance of the first occupancy permit. The Open Space shall be subject to the following restrictions.
 - a. The Conservation Restriction will be granted to the town or land trust satisfactory to the Board.
 - b. Only agricultural or horticultural uses are allowed in the OSR land.
 - c. No fencing will be allowed that blocks the view of the meadow.
 - d. The use of herbicides or pesticides is not permitted.
 - e. Access to the meadow will be granted to the Town through an easement.
 - f. No automatic sprinklers are permitted and the use of rain collection is encouraged.
 - g. No buildings are allowed in the OSR area.
 - h. In no event may the OSR in any manner be combined, included or joined with or considered as part of the individual dwelling lot area(s) as prescribed in sections 2.3.5 or 2.3.5.7 (a) (1) of the Bolton Bylaws.
 - i. The deed will include the Operations and Maintenance Plan. If agricultural activities cease for one or more years and/or the meadow is not maintained in accordance with the Operations and Maintenance Plan, then the Town may mow.
 - ii. The Town will be granted easement rights to the OSR area.
 - iii. No septic systems are allowed in the OSR area.
 - iv. All the above restrictions must be written into the deed of the land in the OSR area.
 - v. Any maintenance and improvements to the OSR area are subject to Federal, State and local regulations.
 21. All Quitclaim Deeds, and any supporting agreements above, are to be delivered to the Board prior to the commencement of any of the improvements approved in the Plan and recorded in the Worcester County Registry of Deeds.
 22. Before an Occupancy Permit is granted, the dry hydrant and sprinkler systems of any of the units must be constructed, tested and approved by the Fire Department.
 23. Prior to construction the Applicant must provide the Board with a satisfactory tree planting plan that includes 3-5 trees to be planted at abutters located at 205 Sugar Road, street trees along Houghton Farm Lane, no cut buffer zones and pond enhancement area. The street trees must be approved by the Conservation Commission and the Tree Warden as to the location and type of trees. A bond guaranteeing the survival of all trees and plantings for 2-years is required.

24. Approval is conditioned on the Applicant donating and deeding lot number 15 (fifteen) to either the Bolton Affordable Housing Trust Fund or other 501(C)(3) fund as designated by the Board to be used for the development of affordable housing required under section 2.5.9 of the Zoning Bylaws. The Applicant agrees to provide an approved septic plan. The lot must be deeded no later than when the first building permit is issued.
25. Easement and improvement of Sugar Road – The applicant agrees to remove ledge to create a shoulder and to improve sight lines for a distance of 65-feet. The shoulder will be 4' from the edge of the pavement. 10 small trees will need to be removed and are all on private property. The stone wall will need to be relocated in conjunction with the work and will require a scenic road hearing. The town will aid in the establishment of traffic safety during construction of the site line improvements by providing DPW staff. Parcel B will be deeded to the town for additional right of way. Approval is conditioned upon the deed being approved by town counsel. A Scenic Road hearing is required for removal of the stone wall.
26. 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.
27. 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.
28. 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) certified copies evidencing the filing with the Worcester county Registry of Deeds of this Special Permit.
29. Approval is conditioned upon only the 13 (thirteen) submitted and approved waivers requested by the Applicant to the Town of Bolton Rules and Regulations for the Subdivision of Land:

(1) Section 4240 - Topography

The Regulations require existing and proposed contours to be shown at 1-foot intervals for the definitive plan. A waiver is requested to this regulation to show both existing and proposed contours at 2-foot intervals for legibility reasons. **The Board approved this waiver.**

(2) Section 5221 (e) - Sight Distance

During the course of the preliminary subdivision approval process, several Town departments requested the relocation of the proposed roadway to the location currently being shown on the proposed definitive plan. As a result of this shift, the sight distances are less than the required 300-feet as required by the regulation. However, the Traffic study confirms that the sight distances are adequate as required by AASHTO standards. Therefore, a waiver is required to accommodate the shift in the roadway location. **The Board approved this waiver. Two areas on either side of the proposed roadway which would require clear sight triangles. The area to the east will be cleared as a result of the construction activity to place the dry hydrant suction line in the pond. To the west, the applicant shall clear the area shown on the plans.**

(3) Section 5222 (d) - Horizontal Alignment

The regulations require that the beginning and ending of Horizontal and Vertical curves be matched if possible. The road is being placed so as to preserve the existing meadow. This necessitates several horizontal curves in the roadway alignment. Strict adherence to this regulation would result in a less desirable road alignment. Therefore, a waiver is requested. **The Board approved this waiver.**

(4) Section 5223 (a) - Width

The proposed road would be considered a "Lane" in accordance with regulation 5210. Regulation 5223 (Street Width) requires a 40-foot right-of-way and 24-foot pavement. In an effort to incorporate a low impact development concept by reducing overall impervious area required we are requesting to reduce the pavement width to 20-feet. This is consistent with similar road ways designed using the FOSPRD concept in Bolton. **The Board approved this waiver.**

(5) Section 5225 (a) - Dead End Street

Regulation 5225 (Dead End Street) only allows for a 500-foot cul-de-sac. There is no maximum length of dead end streets under the FOSPRD Development provisions. The proposed road is 1430-feet measured from the centerline intersection of the proposed road and the edge of pavement of Sugar Road to the center of the cul-de-sac. **The Board approved this waiver after consultation with the Fire Department. The homes will all be sprinkled. A dry hydrant will be provided along with a Fire Department loading area.**

(6) Section 5233 (d) - Rational Method Analysis

The entire stormwater management system has been modeled using the TR-20 & 55 methodology. This the drainage model was prepared to include all proposed pipes, catch basins, swales, culverts, bridges, outlet control structures etc. Pipes and other conveyance appurtenances have been designed based on this analysis to convey the 100-year storm event. Design velocities, etc can be directly assessed from the model developed. Therefore, a waiver is requested from the requirement to provide a rational method analysis for the conveyance appurtenances. **The Planning Board reviewing engineer indicates that the design exceeds the requirements of Section 5233(d). The Board approved this request.**

(7) Section 5233 (e) - Storm Drainage Systems

Regulation 5233 requires that catch basins be located, one on each side of the crowned roadway, at all low points and at intervals of not more than 400-feet. Relief is sought from this requirement to allow for the use of an open drainage system with vegetated swales along certain portions of the proposed road. The open drainage system concept is to incorporate LID aspects to the overall Stormwater management design. **The Planning Board reviewing engineer indicates that the proposed drainage system uses swales and not catch basins; the request of this waiver is just a formality. The Board approved this request.**

(8) Section 5233 (k) - Minimum cover

Regulation 5233 (k) requires a minimum of 3-feet of cover over drain pipes. A waiver is requested to this regulation for DP3 and for all driveway culverts. Further relief is sought from the requirement for Ductile Iron pipe for these applications. Calculations have been prepared (for each pipe condition) showing that Reinforced Concrete Pipe conforming to ASTM C76-111 is adequate to carry highway loading at the proposed cover depths. Waiver granted on the condition that class 5 pipe is used. Look at Rob's letter class 5 pipe. **This waiver is approved by the Planning Board on the condition that in areas of less than 3' of ground cover a Class V reinforced concrete pipe.**

(9) Section 6261 (Cross Section)

The regulation requires that the construction of the street shall conform to the "Typical Cross Section" as shown in the appendix. We request that the cross section be modified as shown on the attached plans to incorporate vegetated swales as part of the overall drainage system. **The Board approves this condition.**

(10) Section 6267 (b) (Curbing)

The regulation requires vertical granite curbing is required at all roadway curves with a radius of less than 60'. This would apply at the street intersection and at the entrance to the cul-de-sac. The Applicant is requesting a waiver to this requirement as modified bituminous Cape Cod berm is proposed in these areas. **The Board approved this waiver in consultation with the DPW Director.**

(11) Section 6267 (d) (Curbing)

The regulation requires a granite inlet at the catch basin location, however, the granite curbing is being eliminated and this requirement is no longer required. **The Board approved this waiver in consultation with the DPW Director**

(12) Section 5232 (Lighting) – The regulation requires street lights at each intersection and at the closed end of each cul-de-sac. **The Board approved this waiver in consultation with the Fire, Police and DPW Departments.**

(13) 5233(r) (Storm Drainage System) Velocity waiver

The Applicant is proposing a permanent turf reinforcement blanket at the left roadside swale from approximately station 2+27 to 4+50 as well as at the two spillways from infiltration basins #1 and #2. At the common driveway the left side swale is proposed to be reinforced with 6"-8" riprap and filter fabric blanket. **The Board approves this waiver in consultation with Hamwey Engineering. Rob Oliva, the Board's peer review engineer from Hamwey Engineering feels both methods of reinforcement of the swales are adequate.**

1. Note to Board: Final approval, if granted, shall be endorsed on the original drawing of the definitive plan by the signatures of a majority of the Planning Board but not until the statutory 20 day appeal period has elapsed following the filing of this decision with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. After the definitive plan has been approved and endorsed, the Planning Board shall return the original to the applicant. The decision which includes the waivers and conditions along with the endorsed plan is to be recorded at the Worcester Registry of Deeds. The plans should reference the decision.

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.

RECORD OF VOTE

Date of Motion: 4/26/2010

Motion made by THE BOARD to approve Houghton Farm Definitive Plan with the conditions as outlined above.

Motion seconded by A BOARD MEMBER

Exhibit "A"

PROPERTY OWNERS

High Oaks Realty Trust
Robert Kiley, *TR owner*
PO Box 381
Groton MA 01450

