

**PLANNING BOARD
TOWN OF BOLTON, MASSACHUSETTS
FOSPRD SPECIAL PERMIT**

February 28, 2018

Pam Powell, Town Clerk
Town of Bolton
663 Main Street
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 advertised public hearing of the Board opened and held on January 10, 2018, continued to February 14, 2018 and closed on February 28, 2018, the Board considered a Special Permit application (hereinafter, the "Application") under the Town of Bolton's Zoning Bylaw Section 250-14, Farmland and Open Space Planned Residential Development (FOSPRD), for land located off of Hudson Road and Danforth Lane and identified by the Assessor's Map 3.D as Parcels 9 and 9A (hereinafter, the "Site").

The Application was submitted on November 20, 2017 by WD Bolton, LLC, 33 Lyman Street, Suite 300, Westborough, MA 01581 (hereinafter, the "Applicant") as the representative for the property owners listed in Exhibit "A" attached hereto and incorporated herein (hereinafter, the "Property Owners"). The Site is shown on plans entitled "Definitive Subdivision of Land in Bolton, Keyes Farm, Bolton, Massachusetts" dated October 25, 2017 with revisions February 5, 2018 and February 20, 2018 (hereinafter, the "Plan"), prepared by Ducharme and Dillis Civil Design Group, Inc. and submitted as part of the Application.

The Application proposed a division of the Site, as shown on the Plan, as follows: Eighteen (18) new house lots designated as Lots 1 through 18 on a tract of land encompassing 54.3 acres which incorporates a total of 26.24 acres that will be designated as Open Space. The Open Space consists of two parcels identified on the Plan as "Open Space 1" (21.27 acres) and "Open Space 2" (4.97 acres). The Open Space will consist of 17.26 acres of upland and 8.98 acres of wetland resource area and/or floodplain in compliance with the FOSPRD Bylaw.

True copies of the Application, the Plan, all materials submitted to the Board relevant to the Application, and the notices of the public hearing, are made a part of the record of this decision and listed in Exhibit "B" attached hereto and incorporated herein. These materials are on file with the Office of the Planning Board and the Town Clerk. The Applicant and the Board complied with all requirements of M.G.L. c.40A and the Bolton Zoning Bylaw necessary for the issuance of a special permit.

Members of the Board attending sessions of the public hearing, deliberating and voting on the Petition were Erik Neyland, Danielle Spicer, Michal Gorr, and Peter Driscoll.

On February 28, 2018, pursuant to M.G.L. c.39, Section 23.D, Danielle Spicer, a member of the Board, certified in writing that she examined all of the evidence received by the Board including a video recording of the hearing held on February 14, 2018 which she had failed to attend.

Throughout the Board's deliberations, the Board was mindful of the statements of the Applicant and its representatives and the comments of the general public, all as made or received at the public hearing.

When considering the granting of the requested Special Permit, the Board considered and found that the Application and the Plan met the requirements of Section 250-14.H(3) of the Zoning Bylaw, as follows:

1. The proposal restricts development on the Open Space parcel which contains significant vegetated upland habitat and wetland resource areas including bordering vegetated wetlands;
2. The proposal meets four (4) of the six (6) main goals expressed in Bolton's Open Space and Recreation Plan including to preserve the rural and historical character, protect water resources, protect natural resources and wildlife habitat, and conserve open space areas for public use; and
3. The proposal serves the intent of the FOSPRD Bylaw better than the alternative of a traditional subdivision, as the Plan demonstrate that the proposal would preserve open space, preserve the rural character of Bolton, and provide the Property Owners with an alternative to a traditional subdivision that allows houses to be built in a way that is more in harmony with the local site conditions, without increasing the overall project density of new development.

In addition, based upon the Board's findings under the FOSPRD Bylaw set forth above, in accordance with Section 250-7.B of the Zoning Bylaw, the Board determined that the proposed division and development of the Site, as shown on the Plan, may be carried out without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw, upon consideration during the public hearing and during the Board's deliberations of environmental, economic, fiscal, traffic, public facility, visual, and social consequences of the Applicant's proposal.

With four (4) members present, the Board on February 28, 2018, voted unanimously to approve and issue the Special Permit with the following conditions:

1. The areas designated on the Plan as "Open Space 1" and "Open Space 2" shall be designated as Open Space Restriction (OSR) Land, as defined in the FOSPRD Bylaw, and restricted as follows:
 - (a) No buildings may be constructed on the OSR land. No dwellings are allowed to be developed in the OSR area.
 - (b) The OSR Land 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 land may be included in determining the minimum dwelling lot areas(s) as prescribed in Section 250-13 or Subsection G(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.
 - (d) The above three restrictions must be written into the deed of the land in OSR area.
2. All recordable instruments, and any supporting agreements above, shall be submitted to the Board for review and approval by Town Counsel prior to the issuance of any building permits for any of Lots 1 through 18 (with the goal that such review and approval shall be accomplished within 30 days of submittal). No certificates of occupancy for Lots 1 through 18 shall be issued until the original, executed and acknowledged instruments necessary to comply with this decision, as approved by Town Counsel, have been delivered to Town Counsel.
3. Lots 1 through 18 created pursuant to this decision shall not be subsequently divided to create new building lots not shown on the Plan (provided that the lot lines of Lots 1 through 18 may be revised), and the initial deeds to Lots 1 through 18 shall include a restriction, or shall be subject to

a restrictive covenant, (i) prohibiting any subsequent division of the lots to create new building lots not shown on the Plan, and (ii) prohibiting any future use of the Site to provide a right-of-way, common driveway, single or shared driveway, or other means of access to any lots or parcels not shown on the Plan, said restriction or restrictive covenant to be submitted to the Board and for review and approval by Town Counsel prior to the recording of said deeds or other related instruments (with the goal that such review and approval shall be accomplished within 30 days of submittal).

4. The Applicant shall install boundary markers, obtained through the Conservation Commission, on all corners and every 100 feet of the open space property boundary.
5. Trail easements shall be shown on the Plan prior to the endorsement. Trail easements shall provide access to Open Space 1 as well as access to Open Space – Danforth Brook (Map 2.D Parcel 48). All trail easements shall be 15 feet wide. The final location of the trail easements shall be approved by the Conservation Commission.
6. The Applicant shall provide an entry sign at all proposed trail heads prior to the issuance of building permits for Lots 1 through 18. The design and appearance of the entry sign shall be consistent with other trail entry signs located throughout Town. The design and location of the entry signs shall be approved by the Conservation Commission and shown on the Plan prior to endorsement.
7. The Applicant shall provide a cleared trail through Open Space 1 prior to the issuance of building permits for Lots 1 through 18. The final location of the trail shall be approved by the Conservation Commission and Trails Committee and shown on the Plan prior to the endorsement of the Plan.

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. The Applicant shall 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 M.G.L. c.40A, Section 17) certified copies evidencing the filing with the Worcester County Registry of Deeds of this Special Permit and any approved plans.

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.

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 Subdivision Approval 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

The following members of the Planning Board vote to grant a special permit subject to the above-stated terms and conditions:

Erik Neyland 2/28/18
Chairman Erik Neyland
Michael Gorr
Michael Gorr

Danielle Spicer
Danielle Spicer
Peter Driscoll
Peter Driscoll

Filed With the Town Clerk:

Date: March 6, 2018

By: Pamela H. Powell

Title: Town Clerk

2018 MAR -6 PM 2:26

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: March 27, 2018

By: Pamela H. Powell

Title: Town Clerk

Copies sent to:

Applicant/Owner

Abutters

Abutting Towns

Bolton Boards and Committees

Ducharme & Dillis Civil Design Group, Inc.

Exhibit "A"

PROPERTY OWNERS

Parcel 9

WD Bolton, LLC
33 Lyman Street, Suite 300
Westborough, MA 01581

Parcel 9A

Matthew Jackson
21 Wellington Drive
Hudson, MA 01749

Exhibit "B"

LIST OF RECORD DOCUMENTS

Original Application Documents

1. Application package including all documents, forms and data required under the Town of Bolton Subdivision Rules and Regulations in effect at the time of application. This package includes the following:
 - a. Application for Approval of a Definitive Plan.
 - b. Application for Special Permit: Farmland & Open Space Planned Residential Development.
 - c. Calculation and Filing Fee.
 - d. Impact Analysis which includes Physical Environment, Surface Water and Soils, Traffic Analysis, and Land Use Analysis.
 - e. Requested Waivers.
 - f. Certified List of Abutters.
 - g. Deed of Locust.
 - h. Soil Map for Worcester County, Massachusetts Northeast Part.
 - i. Attachments and Plans:
 - i. Site Plans entitled "Definitive Subdivision of Land in Bolton, Keyes Farm, Bolton, Massachusetts", drawn by Ducharme and Dillis Civil Design Group, Inc., 1092 Main Street, Bolton, MA for WD Bolton, LLC and dated October 25, 2017.
 - ii. Stormwater Report – Keyes Farm, Hudson Road, Map 3D Parcel 9 and 9A, Bolton, Massachusetts prepared by Ducharme & Dillis Civil Design Group, Inc., 1092 Main Street, Bolton, MA for WD Bolton, LLC dated October 25, 2017.
2. Notice of Public Hearing advertised in the Clinton Item on 12/22/17 and 12/29/17.

January 10, 2018 Hearing Documents

1. Preliminary Subdivision Decision dated July 12, 2017
2. Email from Jenny Jacobsen - Bolton Board of Health Assistant, Subject: Keyes Farm, dated December 20, 2017.
3. Email from Warren Nelson - Bolton Police Chief, Subject: RE: Definitive Subdivision Hearing for Keyes Farm – Hudson Road, dated December 15, 2017.
4. Peer Review Letter from Hamwey Engineering, Inc. to Patrick Wood of Ducharme & Dillis Civil Design Group, Inc., Re: Keyes Farm Definitive Subdivision, Hudson Road, Bolton, MA (HEI File no. 17002.00), dated December 26, 2018.
5. Peer Review Letter from Hamwey Engineering, Inc. to Patrick Wood of Ducharme & Dillis Civil Design Group, Inc., Re: Keyes Farm Definitive Subdivision, Hudson Road, Bolton, MA (HEI File no. 17002.00), dated January 10, 2018.

February 14, 2018 Hearing Documents

1. Time Extension dated February 14, 2018
2. Peer Review Letter from Hamwey Engineering, Inc. to Patrick Wood of Ducharme & Dillis Civil Design Group, Inc., Re: Keyes Farm Definitive Subdivision, Hudson Road, Bolton, MA (HEI File no. 17002.00), dated January 31, 2018.

3. Letter with response to comments from Ducharme & Dillis Civil Design Group, Inc. to the Bolton Planning Board, Re: Keyes Farm Definitive Subdivision, Moderator Way, Bolton, MA 01740, dated February 5, 2018.
4. Peer Review Letter from Hamwey Engineering, Inc. to Patrick Wood of Ducharme & Dillis Civil Design Group, Inc., Re: Keyes Farm Definitive Subdivision, Hudson Road, Bolton, MA (HEI File no. 17002.00), dated February 11, 2018.
5. Revised Application dated February 5, 2018.
6. Revised Site Plans entitled "Definitive Subdivision of Land in Bolton, Keyes Farm, Bolton, Massachusetts", drawn by Ducharme and Dillis Civil Design Group, Inc., 1092 Main Street, Bolton, MA for WD Bolton, LLC and dated February 5, 2018.
7. Stormwater Report – Keyes Farm, Hudson Road, Map 3D Parcels 9 and 9A, Bolton, Massachusetts prepared by Ducharme & Dillis Civil Design Group, Inc. for WD Bolton, LLC revised February 5, 2018.
8. Email from Joseph Lynch - Bolton DPW Director, Subject: Keyes Farm Subdivision, dated February 14, 2018.
9. Email from Rebecca Longvall - Bolton Conservation Administrator, Subject: Trails?, dated February 14, 2018.

February 28, 2018 Hearing Documents

1. Email from John Mentzer - Bolton Fire Chief, Subject: Keyes Farm Cistern, Attachment: BFD Cistern Guidelines, dated February 15, 2018.
2. Email from Rebecca Longvall - Bolton Conservation Administrator, Subject: Trails and Schedule, dated February 21, 2018.
3. Peer Review Letter from Hamwey Engineering, Inc. to Patrick Wood of Ducharme & Dillis Civil Design Group, Inc., Re: Keyes Farm Definitive Subdivision, Hudson Road, Bolton, MA (HEI File no. 17002.00), dated February 19, 2018.
4. Letter with response to comments from Ducharme & Dillis Civil Design Group, Inc. to the Bolton Planning Board, Re: Keyes Farm Definitive Subdivision, Moderator Way, Bolton, MA 01740, dated February 20, 2018.
5. Revised Application dated February 20, 2018.
6. Revised Site Plans entitled "Definitive Subdivision of Land in Bolton, Keyes Farm, Bolton, Massachusetts", drawn by Ducharme and Dillis Civil Design Group, Inc., 1092 Main Street, Bolton, MA for WD Bolton, LLC and dated February 20, 2018.
7. Stormwater Report – Keyes Farm, Hudson Road, Map 3D Parcels 9 and 9A, Bolton, Massachusetts prepared by Ducharme & Dillis Civil Design Group, Inc. for WD Bolton, LLC revised February 20, 2018.
8. Peer Review Letter from Hamwey Engineering, Inc. to Patrick Wood of Ducharme & Dillis Civil Design Group, Inc., Re: Keyes Farm Definitive Subdivision, Hudson Road, Bolton, MA (HEI File no. 17002.00), dated February 23, 2018.