

## **PLANNING BOARD MINUTES**

**Wednesday, August 10, 2022, at 7:00 p.m.**

### **Remote Public Meeting**

**Members Present:** Peter Driscoll (Chair), Erik Neyland, James Barr, Bob Roemer (Associate)

Also Present: Valerie Oorthuys (Town Planner)

Absent: Mark Sprague (Vice Chair), Michael Gorr

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: Pete Driscoll (Chair)- Yes Erik Neyland- Yes; James Barr- Yes, Bob Roemer (Associate)- Yes.

## **ADMINISTRATION**

### **Planner's Report**

#### *Meadow Road, Lot 6 Cease & Desist*

Town Planner and Conservation Agent each issued Cease & Desists for unpermitted work done on Lot 6. In order to come into compliance with the Planning Department, the developer needs to be granted written consent through the Scenic Road/Shade Tree bylaw.

#### *Century Mill Estates – Affordable Housing Payment*

The Building Department has determined that 47 building permits have been issued for the subdivision, meaning that one affordable housing payment would be needed prior to partial road acceptance. Previously, due to the conversion to online permitting, it was thought that only 42 building permits were issued. The Board should discuss at an upcoming meeting to determine whether they would like to modify the subdivision approval or focus on items needed for subdivision completion prior to attempting to resolve items needed for partial road acceptance.

#### *Comprehensive Permit Updates*

The Comprehensive Permit for Alta Nashoba Valley was filed with the Town Clerk on August 5<sup>th</sup> and the Department of Housing and Community Development has received a request to include the 229 units on Bolton's Subsidized Housing Inventory. In addition, the draft Comprehensive Permit for Mallard Lane has been sent to Town Counsel for final review.

#### *Making the Connections*

Consultants at Nelson\Nygaard have provided the towns working on the Making The Connections grant with individual logos for our programs. Bolton's is available to view at <https://www.townofbolton.com/planning-board/pages/transportation>. Through the title of GoBolton, future transportation initiatives can be housed under this memorable slogan.

#### *Marijuana Establishments*

Town Planner met with United Cultivation regarding the Board's new Marijuana Establishment Special Permit Rules and Regulations. As this is a retail establishment looking to locate within an existing building, the applicant will likely look for a handful of waivers in order to file a complete application. The applicant has indicated interest in filing for a preliminary review with the Planning Board.

#### *South Bolton Road FOSPRD*

Town Planner anticipates the detail phase of the FOSPRD off South Bolton Road will be applied for shortly. The Planning Board approved the preliminary phase of the FOSPRD in late June 2022.

### **PUBLIC HEARINGS**

#### **Backland Lot Special Permit and Common Driveway Special Permit, 89-91 South Bolton Road, Map 3.C Parcels 18, 20.1, and 27**

Pete Driscoll stated that the Applicant has requested a continuance.

James Barr moved to continue the public hearing without testimony to September 28, 2022 at 7:15pm. 2<sup>nd</sup> by Erik Neyland. **All in favor by roll call: Pete Driscoll (Chair)- Yes, Erik Neyland- Yes; James Barr-Yes (3/0/0).**

#### **Bed and Breakfast Establishment Special Permit and Modification of Barn, Stable, and Carriage House Preservation Special Permit, 5 Harvard Road, Map 5.C Parcel 5**

#### *Present:*

Wendy Harrop, 5 Harvard Road- Applicant

Pete Driscoll read the public hearing notice to open the hearing.

Wendy Harrop provided an overview of the modifications of the existing Special Permit requested and detailed the request for a Bed & Breakfast Establishment Special Permit. The applicant intends to provide farm-based education, agritourism, and social gatherings limited to 45 people. Social gatherings include events such as farm dinners, or yoga or writing retreats. Wendy Harrop asked that the existing permit be modified to allow events year-round and to indicate no cap on the number of events held per month. Wendy Harrop requested that the permit clarify uses allowed within the barn and uses allowed outside of the barn.

Pete Driscoll asked if there has been any issues with parking or transportation. Wendy Harrop stated that while there have not been issues with events related to her business, there has been at least one instance where a vehicle was idling along Harvard Road.

Valerie Oorthuys provided an overview of a staff memo. The request for signage should be directed to the Select Board and left out of a Special Permit modification.

Valerie Oorthuys asked for clarification of the number of rooms to be made available to guests and the maximum number of guests that may stay at the establishment at the same time. Wendy Harrop said that three bedrooms in the five-bedroom house would be made available, with a limit of 6 guests.

Valerie Oorthuys asked for clarification of the location of parking areas on site and the number of parking spaces available. Wendy Harrop stated there are up to 45 spaces available and agreed to provide the Planning Department with a sketched plan of the locations of these sites so that the Planning Board could review.

Valerie Oorthuys asked how breakfasts would be prepared. Wendy Harrop said the Board of Health stated that it is acceptable to provide breakfasts prepared on site to guests even without a commercial kitchen, so long as there are clearly visible placards in the kitchen stating that the kitchen is not regularly inspected by the Board of Health. Wendy Harrop said the Board of Health would provide the exact language required.

Valerie Oorthuys noted that the modified special permit should clarify those uses allowed through the Barn Bylaw, understanding that the applicant is allowed by-right accessory home occupation uses, as is any other resident in town. The existing Special Permit does not encompass all uses allowed on site and may create confusion.

Members of the Board agreed that the proposed uses appear aligned with the Bed and Breakfast Bylaw and the Barn Bylaw and will be beneficial to the community.

#### *Public Input*

Michael Hughes, 777 Main Street, said that he is an abutter and has concerns about the proposed uses. Michael Hughes stated that he provided correspondence related to his concerns to the Town previously and is disappointed those concerns were not entered into the public record. Michael Hughes stated concerns for traffic and idling and the increased intensity of use on site. Michael Hughes stated frustration of the Board's and staff's interpretation of the Zoning Bylaws.

Valerie Oorthuys clarified that no resident correspondence was received in relation to this specific special permit request. Valerie Oorthuys stated that with considering this special permit request, it is important to ensure the Board is not denying the applicant rights that are typically allowed at other residential properties.

Pete Driscoll asked if the Police department has commented on any traffic concerns or if they have been involved in any traffic issues. Valerie Oorthuys stated the police department had not provided comment relative to this application nor have they been in contact with staff about concerns on site. Wendy Harrop stated that the police have been involved in the previously mentioned concern for a vehicle idling on Harvard Road, though that was not in connection with her business.

Brian Boyle, 59 Sampson Road, provided comments in support of the Special Permit requests.

Melissa Lohin, 157 Harvard Road, provided comments in support of the Special Permit requests.

Marie Keep, 732 Main Street, provided comments in support of the Special Permit requests.

The Planning Board discussed the concerns of idling and agreed that a condition could be added to the decision to request that temporary "no idling" signs are added to the frontage along Harvard Road during events, if this is acceptable to the Police Department.

Erik Neyland moved to close the public hearing. 2<sup>nd</sup> by James Barr. **All in favor by roll call: Pete Driscoll (Chair)- Yes, Erik Neyland- Yes; James Barr-Yes; Bob Roemer (Associate)- Yes (4/0/0).**

## **BUSINESS**

### **Review and Endorsement of Subdivision Approval Not Required (ANR) Plan, 89-91 South Bolton Road, Map 3.C Parcels 18, 20.1, and 27**

Pete Driscoll stated this item would be taken up at the same time as the Backland Lot and Common Driveway Special Permit.

### **Review and Endorsement of Subdivision Approval Not Required (ANR) Plan, 0 Main Street, Map 5.E Parcel 100**

The Planning Board reviewed the ANR Plan for 0 Main Street.

James Barr moved to approve the ANR Plan as presented for Map 5.E Parcel 100 and to authorize the Town Planner to endorse the plan. 2<sup>nd</sup> by Erik Neyland. **All in favor by roll call: Pete Driscoll (Chair)- Yes, Erik Neyland- Yes; James Barr-Yes (3/0/0).**

### **Vote to Approve Landscape, Lighting, and Planting Plan and Endorsement of Site Plans, Environmental Pools, 357 Main Street**

The Town Planner noted that the applicant will attend the next meeting of the Planning Board, as a number of items to be reviewed tonight need revising.

### **Discussion of potential Zoning Bylaw articles for Annual Town Meeting**

The Planning Board agreed to delay this discussion for a future meeting.

### **Review Town Planner Exit Memo**

The Planning Board reviewed a draft Exit Memo from the Town Planner. Members asked for additional information to be added related to action items for subdivisions under construction and Master Plan resources.

Erik Neyland moved to adjourn. 2<sup>nd</sup> by James Barr. **All in favor by roll call: Pete Driscoll (Chair)- Yes, Erik Neyland- Yes; James Barr-Yes; Bob Roemer- Yes (4/0/0).**

Respectfully Submitted,  
Valerie Oorthuys