

## PLANNING BOARD MINUTES

Wednesday, January 10, 2024, at 7:00 p.m.

### Remote Public Meeting

#### Attendance

**Members Present:** Michael Gorr (Chair), Robert Roemer, James Barr, Michael Lau, Erik Neyland

**Members Absent:** Austen Groener

**Staff Present:** Pamela Harding (Town Planner) Mark Caisse, Bolton Tree Warden

Others Present

Meeting called to order by roll call vote at 7:00 p.m.

**Century Mill Estates** There were questions about the \$200,000 line item related to the water line. The Town is requiring as-builts for the water system located in the right of way. Nitsch provided a worst-case estimate which includes digging up the water mains and installing metal tape. There is no additional funds to pay Nitsch to conduct investigation. The purpose of the estimate was to provide the Town a cost to apply betterments.

Mass DEP provided a list of violations related to the public water system. One of the violations was the lack of capitalization costs. The three options for the subdivision right of ways are; 1.The roads remain private, 2.The homeowners can hire a contractor to bring the subdivision to acceptance standards 3.The residents can petition the town for a betterment and have the Town complete the work requiring payment of prevailing wage rates.

P. Harding mentioned the developer was notified of the remaining items and his responsibility to complete the comprehensive list by registered mail with a deadline for response of January 31, 2024.

Jon Balewicz, 21 Cider Circle asked if the Town abandoned possibility of utilizing funds from the sale of tax title property owned by the developer to rectify deficiencies within the subdivision. He requested the Town think about culpability, and believes the DPW Director overstepped review by creating an unreasonable punch list and thinks the report needs to be reviewed.

M.Gorr stated the residents reference that the DPW report is unreasonable but fail to identify anything specifically in the report they feel is unnecessary. M. Gorr explained the DPW is a professional in the field hired by the Town to evaluate the acceptance of the public way and is not aware what the residents are contesting, he stated if they have specific issues from the report they would like to be evaluated it should be submitted in writing.

Vince Larosa, 73 Old Stone Circle stated there were many items since the punch list of 2019 that were a surprise. M. Gorr stated the 2019 list was never a comprehensive inspection for roadway acceptance, the report in June, 2023 was the first comprehensive report completed by the Town.

Kai Chuang, 71 Mill Pond Road the Town thought the punch list list was a surprise and felt the \$1,000,000 estimate was an even bigger surprise he suggested everyone listen to meetings from a year ago and also feels the DPW punch list is subject to judgement.

Jon Balewicz, 21 Cider Circle stated the construction was being inspected by the Town during the process and at the end of the project there were numerous deficiencies identified after the bond was released and felt the Town has culpable.

P. Harding informed the Board utilizing funds from the sale of tax title lots was investigated by the Town Administrator and it was not found legally permissible to designate proceeds for a specific purpose.

M. Lau asked if the Board of Health was notified, he was informed DEP has jurisdiction over public water supplies. DEP was contacted and informed the Town they are expecting to move forward with enforcement in 2024 if the requested information is not received. R. Roemer asked what the violations were, a previously distributed document from DEP was referenced.

J. Balewicz, 21 Cider Circle said DEP issued the same violation ten years ago and never enforced the requirements.

R. Roemer asked if DEP inspected the water main installation. P. Harding stated DEP approves the plans prior to the start of construction and then completes a final inspection prior to use of the system, to her knowledge construction inspections by DEP are not conducted.

R. Roemer stated the inspection and reports are over a ten year period and certain things have degraded over the years. M. Gorr stated the final step is for the road to be accepted at Town meeting and there is no legal obligation for the Town to do so. If the Town accepts a road it must be in an acceptable condition and tax revenue cannot be utilized to conduct construction on private property.

Mr. Gorr stated residents can obtain their own estimate to complete the work with a private construction company or if they would like to pursue the betterment process it is done through the Select Board and Town meeting vote.

Jake Foote, 40 Century Mill Road stated no public funds should be utilized for construction in a private subdivision. He recalled the developer referenced forming a private water association to conduct future repairs and maintenance when the subdivision was completed. R. Roemer asked if this was reflected in the HOA documents or the public water supply documents.

J. Balewicz stated the HOA has no ownership of the water system, the residents are billed quarterly for the water supply and there is question if the system is capitalized.

R. Roemer stated there should be easements and an agreement about how the system will be maintained if the Town accepts the roadways.

Vince Larosa, 73 Old Stone Circle asked if the certified letter was sent by the Planning Board, and what the letter addressed, P. Harding responded it was the DPW punch list and Nitsch peer review comments on the as-builts and roadways layout plans.

E. Neyland asked if the taping had to be installed if there is as-builts and he was informed it does not.

M. Gorr suggested residents decide which of the three avenues they desire to pursue.

K. Chuang asked about the punch list and M. Gorr told him informed him if he has an issue with a specific item to submit it in writing and the Board would be willing to examine the issue.

**Item 2** MAPC DLTA Stormwater and Erosion control regulations were suggested to be submitted as an application to create performance standards for projects that do not fall under jurisdiction of a Board or Commission. The application is to create performance standards and stormwater regulations for projects of a certain threshold.

Michael Gorr made a motion to approve the submission of a MPAC DLTA application for the creation of stormwater and erosion control bylaws. Robert Roemer seconded the motion **Michael Gorr (Chair)- Yes, Robert Roemer- Yes; Michael Lau- Yes; Erik Nyland - Yes; James Barr- Yes. (5/0/0).**

**Land Use Planning Grant** – Randall Arendt requested comments by Friday prior to the January 17, meeting for review. The document is in a google drive and the link will be resent, it was requested all board comments be provided by noon on Friday.

### **Town Planner Report –**

- MPSC meeting in person to review preliminary draft of the Implementation Table and the schedule meetings with various staff to provide additional input.
- 100 Meadow Road had a violation of the driveway permit. There was significant runoff and erosion that entered the public way and negatively affected an abutter across the street. There was a previous violation in October. A report from the Engineer is expected with recommendations to rectify the situation. The occupancy is being held until the situation is corrected.
- MVP grant is moving forward for the Derby Field which includes design plans, a walking track, edible garden and irrigation . A notice of intention to the MVP grant program was submitted for Phase II which includes final design and construction of the field.

R. Roemer asked about increasing the Scenic Bylaw fines. There was a list of goals for the Planning Board, it was suggested the Planning Board work on Master Plan recommendations and recommendations from the Land Use Planning grant for the 2025 annual town meeting

E. Neyland suggested rectifying parcels with split zones and take out former controversial articles as a simple to do item.

E. Neyland asked why an additional use proposed for Environmental Pool requires a Special Permit.

P. Harding stated that increasing one use to three would require an amendment to the existing Special Permit. P. Harding forwarded the information to the applicant and is expected the information to place on the agenda.

Michael Gorr made a motion to approve December 13, 2023 Planning Board minutes. Robert Roemer seconded the motion **Michael Gorr (Chair)- Yes, Robert Roemer- Yes; Michael Lau- Yes; Erik Nyland - Yes; James Barr- Yes. (5/0/0).**

M. Gorr asked for status of 580 Main Street office park, they are currently working on finishing the front parking area, then demolition of the rear portion of the building will commence. The 40B development is expected to submit applications to start construction in the Spring.

**ADJOURN**Michael Gorr makes motion to adjourn the meeting at 8:30 p.m., Robert Roemer seconded the motion all were in favor seconded, motion passes unanimously 5-0.

**The January 10, 2024 minutes were approved on March 13, 2024**