

## Agricultural/Business Use Bylaw Application

Owner/Applicant: NVW, Ltd Telephone: 978-779-5521

FAX: 978-779-5523

Mailing Address: 100 Wattaquadoc Hill Road  
Bolton, Massachusetts 01740

Location of Property 92-100 Wattaquadoc Hill Road

Assessors Map/Lot: 034/004.C-0000-0011.0

Deed/Page: Book19797 Page 65

**1. Please summarize you present farming activities.**

We presently grow many different varieties of berries, peaches and apples for our wines and for you to pick.

**2. Please summarize your request for new activities as you are applying for under this Bylaw.**

See attached decision

*I (We), Richard Pelletier for NVW, Ltd., agree to submit to the Board of Selectmen, if requested, an itemized accounting of the sales of both farm income and accessory income as will be required by the Special Permit.*

Signature [Signature]

Date: November 9, 2022

"Each application for a Special Permit shall be filed by the petitioner with the city or town clerk and a copy of said application, including the date and time of filing certified by the city or town clerk, shall be filed forthwith by the petitioner with the special permit granting authority." (Chapter 40A, S9)"

Date Received: \_\_\_\_\_ By: \_\_\_\_\_

BOLTON TOWN CLERK  
2022 NOV 9 AM 11:14

Fee Received: \$50.00 By: [Signature]

**A. Existing Activities**

*Please submit a scaled sketch/plan of existing farm buildings including location of abutting residences, access and parking for any retail, if any. Include a reduced version for mailing purposes. Please attempt to answer all questions within the space allotted; however, if answers required greater space than provided below, then please attach sheets by repeating the questions and its accompany number.*

**A1. Description of Present Farming Activities, if any:**

We grow many different varieties of grapes, peaches, plums and apples for our wines and for you to pick and have expanding across the street onto land owned by Bolton Conservation Trust and will be expanding onto land formerly known as Coolidge farm.

**A2. Description of Present Retail Activities, if any:**

Accessory uses on the premise are presently allowed for activities such as public events and festivals, private outdoor and indoor outings, retail food, beverage, craft and other similar products as well as a restaurant.

**A3. Acres Actively Farmed or Proposed to be Farmed:**

34 acres

**A4. Acres of Land Under Restriction (Attach restriction deed or draft restriction:**

39 acres

**A.5 List Retail Items Sold Other than those Grown:**

Currently we sell retail food, beverage, craft and other similar wine, beer and alcohol related products as well as food in our restaurant.

**A.6 Present Months/Days/Hours Open for Retail:**

January through April	9:00 a.m. to 6:00 p.m.
May through September	9:00 a.m. to 7:00 p.m.
October through December	9:00 a.m. opening
closing Sunday through Wednesday	6:00 p.m.
closing Thursday through Saturday	9:00 p.m.

Food operations within the house operate to extended hours on Wednesday through Saturday until 11:30 p.m. subject to the seating limitation of Section 2.4 b.

**A.7 Number of Employees (Including applicant or Family Members) working on Farm and Retail**

**Full Time: 28**

**Part Time or Seasonal: 52**

**A.8 Describe any impact present operations may have on abutters, traffic and Town Services such as police:**

Our operations have continued to find ways to run our business with the least amount of disturbance to our neighbors' homes and their family. We have demonstrated a continued effort to address concerns, improve operations and have generally demonstrated efforts to be an asset to the Bolton community. The storage facility will have very limited visibility except for solar panels positioned on a flat roof. The bathrooms will replace trailers with more architecturally pleasing permanent buildings which will enhance our customer's experience. One of the common complaints we received is that our bathroom facilities do not meet the standards presented by our other operations.

**A.9 Description of Existing Farm Buildings (Please itemize and index to submitted Plan): Exhibit "B"**

	Square foot Footprint	Number of Floors	Age of Building
1. Restaurant	5,126	2	1923
2. Brewery Building	960	2	1923
3. Orchard Barn	1440	2	1940
4. Winery	14727	2	1984/2003
5. Gazebo	320	1	1996
6. Info Booth(Temp)	60	1	2000
7. New Barn	4500	1	2016

**B . Proposed Activities**

*Please submit a scaled sketch/plan ( and reduced version) showing new structures, expanded structures, temporary structures, event placement such as for festivals with live-music, new access roads, parking areas for normal operation and overflow and temporary or permanent light fixtures. If answers require greater space than provided below, then please attach sheets by repeating the questions and its accompanying number.*

**B1. Description of New or Increased Use:**

New/Additional Storage Facility sub terrain to accommodate winery storage operations  
New Small Addition to Winery to Accommodate permanent bathrooms rather than Trailers - Approximately 800 square feet  
New Small Addition to Pavilion to Accommodate permanent bathrooms rather than trailers - Approximately 300 square feet

**B2. Please describe how your proposed activities will improve sales of your primary products?**

Sales will not be improved but quality will be improved

**B3. Acres to be Used as Accessories Business**

Storage is not an Accessory Use but will cover 12,000 square feet of APR Land not suitable for farming. Additions to winery and pavilion will be less than 1100 square feet and not constructed on APR Land

**B4. Days/Hours of Proposed Operation of Retail Sales.**

NO CHANGE BEING REQUESTED

**B5. Public Events Such as Festivals to be Scheduled: (Please itemize types of events, days/hours to be open, number of anticipated guests and employees, music, food, buildings or temporary structures):**

NO CHANGE BEING REQUESTED

**B.6 Private Restricted Events to be Scheduled (Same as Above)**

NO CHANGE BEING REQUESTED

**B7. Estimate Possible Impacts on Town Police, Roads, Etc.**

None

**B8. For events attracting greater than 50 cars how will you ensure only reasonable disruption to traffic on Town Roads?**

NO CHANGE BEING REQUESTED

**B9. Temporary Signs Need for Events? Describe, if yes.**

NONE

**B10. How will you ensure that abutters will not be affected by your change in Operations?**

NO CHANGE BEING REQUESTED

**B11. Any odors from the new activities? Describe, if yes.**

NONE

**B12. Any increase in noise from the new activities? Describe, if yes.**

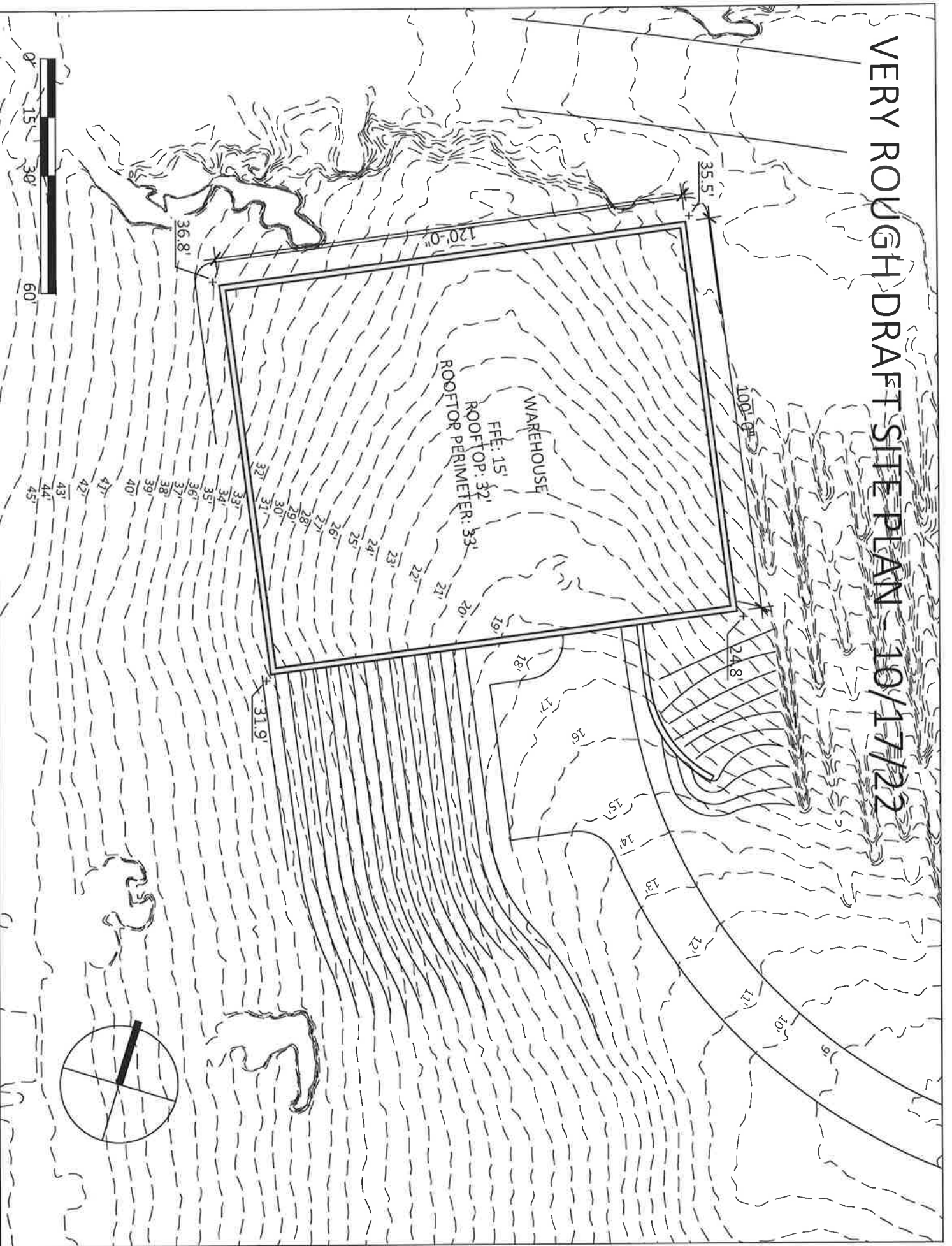
NO CHANGE BEING REQUESTED

**B13. New Buildings/Additions Proposed:**

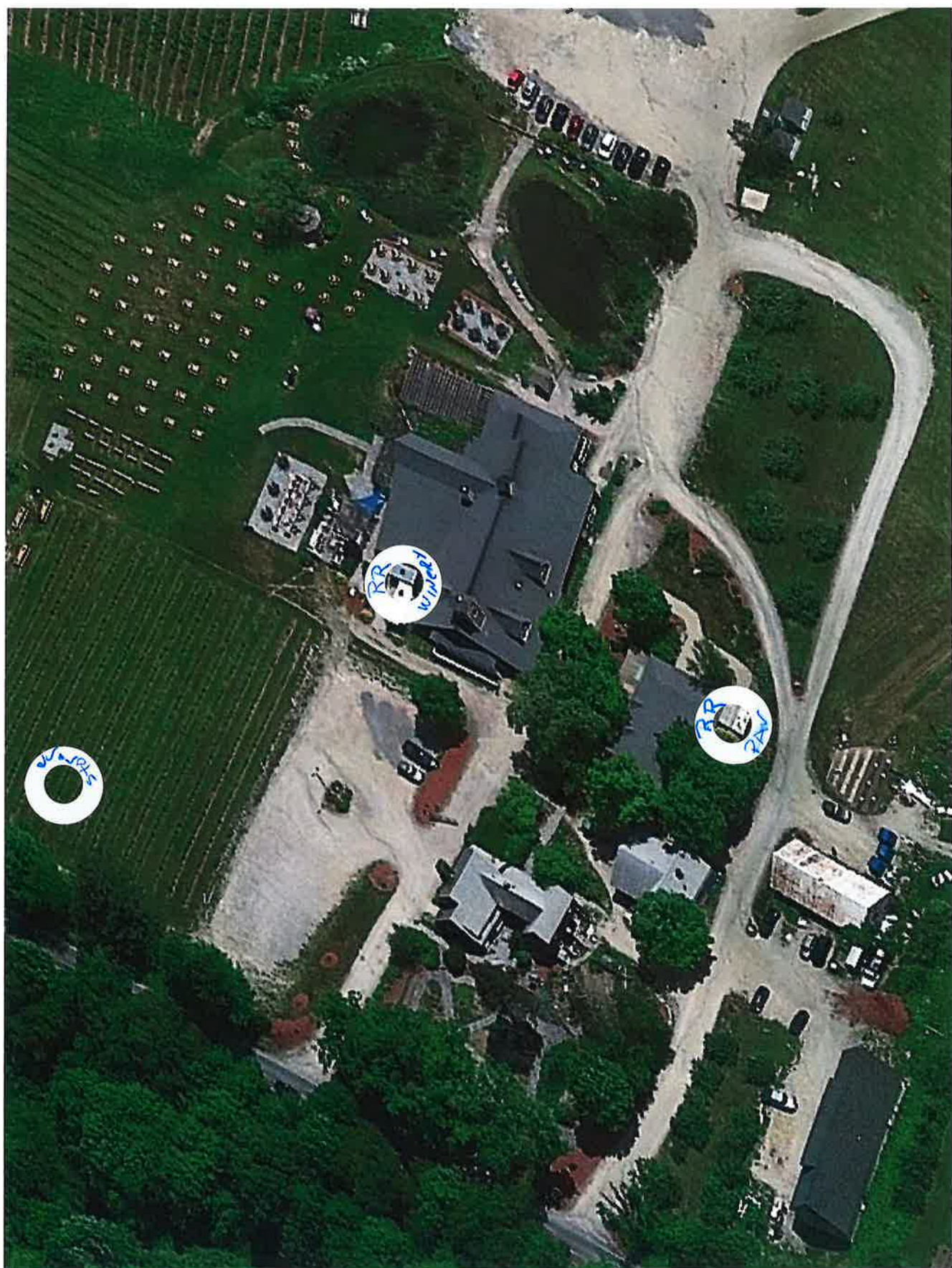
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# VERY ROUGH DRAFT SITE PLAN - 10/17/22







Premises: 100 Wattaquodock Hill Road, Bolton MA

**CERTIFICATE OF APPROVAL  
FOR AGRICULTURAL STRUCTURE  
ON LAND SUBJECT TO AN AGRICULTURAL PRESERVATION RESTRICTION**

The Massachusetts Department of Agricultural Resources ("the Department") received an application dated February 24, 2022 (the "Application") for a Certificate of Approval ("COA") from NVW Ltd. (the "Agricultural Preservation Restriction ["APR"] Owners") who owns a parcel of land located on 100 Wattaquodock Hill Road in Bolton, Worcester County, MA. An Agricultural Preservation Restriction on this land, approximately 41 acres in size, (the "APR Land") was granted to the Commonwealth of Massachusetts on September 29, 1995 by John F. Partridge, Jr. and recorded in the Worcester County Registry of Deeds in **Book 17359, Page 128**. Generally, the Application seeks approval for construction of an agricultural structure on the APR Land as further defined below as the "Work" and as represented in plans submitted to and on file with the Department.

**Work**

The APR Owner seeks approval for the following agricultural permanent structure: construction of a subterranean wine cave storage building, constructed out of cement, approximately 120' X 160' in size, to be built within the existing field slope. Grape plantings will cover the top and surrounding disturbed area, as shown on the attached Exhibit A. Existing nearby electric & water to be hooked up and floor drains will be installed and tied to a new tight tank. All excavated soils will be distributed on the property.

**Approval**

The Department finds that the Work is authorized by the APR recorded in **Book 17359, Page 128**, Massachusetts General Laws Chapter 184 §§ 31-33 and Chapter 20 §§ 23-26 and does not defeat nor derogate from the intent of this APR to provide for permanent preservation and protection of agricultural lands. This COA is not an estoppel certificate and does not certify that the condition of the APR Land nor the APR Owner are in conformance or compliance with the terms of the APR. **THEREFORE, the Commissioner of the Department approves the agricultural structure as described in the section entitled "Work", subject to the Conditions of Approval.**

### **Conditions of Approval**

This COA is subject to the following conditions:

1. The APR Owner must obtain all such Federal, State, and municipal approvals, according to the prescribed processes, as may be required for the Work described herein.
2. The APR Owner is required to provide copies of all approval(s) in a timely manner if requested by the Department.
3. The APR Owner may, after the receipt of this COA, record it with the appropriate Registry of Deeds at his or her own expense and provide the Department with a copy of the recorded document prior to the initiation of the Work.
4. The Work permitted under this COA shall be initiated within one (1) year after the date this COA is signed and completed no later than two (2) years after the date this COA is signed, unless an extension is applied for and granted by the Department.
5. A plan of the completed Work including, but not limited to, project dimensions, utility location(s), distances from lot lines, roads, structures, and depths may be provided to the Department after the completion of the Work.
6. Except as outlined in the Work, no soil or other earth materials may be removed from the APR Land without prior express written permission of the Department.
7. All grading or drainage undertaken or installed shall not adversely change the water flow on or otherwise adversely affect the surrounding agricultural land subject to the APR.
8. Any excavated soil must be redistributed onto the APR Land.
9. Prior to construction, the landowners must provide updated, final design plans for the Work if the final design differs from that listed in this approval.

Upon the APR Owner's completion of the Work and the Department's inspection and approval of the Work, the Department may, if requested by the applicant, issue a Certificate of Completion in recordable format, but only if the Work is completed by the APR Owner in compliance with their Application, this COA (including any other required approvals), and all applicable Department policies and regulations.

Violation by the APR Owner of: this COA (including any Condition of Approval), any requirement of the APR, or the policies of the Department and the APR Program, shall be cause for the revocation of this COA by the Department. This COA does not release the APR Land (or any part of it), or new, proposed, or existing structures on the APR Land from the terms and conditions of the APR. This COA is given to the current holders of record title to the APR Land, NVW Ltd., and is not transferable to future owners, except with express Departmental approval.

Partridge APR (9/29/1995); Wattaquodock Road, Bolton, Worcester County, MA  
Certificate of Approval for Agricultural Structure  
April 2022

Executed under seal the 29<sup>th</sup> day of April, 2022.

The Commonwealth of Massachusetts

By: John Lebeaux  
John Lebeaux, Commissioner, Department of Agricultural Resources

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

4/29, 2022

On this 29 day of April, 2022, before me, the undersigned Notary Public, personally appeared the above-named John Lebeaux who proved to me through satisfactory evidence of identification, namely personal knowledge, to be the person whose name is signed on this document, or the preceding or the attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Commissioner of the Department of Agricultural Resources, as the voluntary act of said Commonwealth.

Christine M. Smith  
(official signature and seal of notary public)

Printed name of notary: Christine M Smith

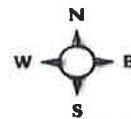
My Commission Expires: 7/26/25



Exhibit A  
Partridge APR – Bolton  
COA for Agricultural Structure



Property Description: Partridge APR  
Orthoimagery Source: MassGIS 2021  
Prepared by: Delia Delongchamp



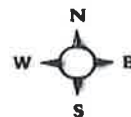
## Exhibit A

### Partridge APR – Bolton

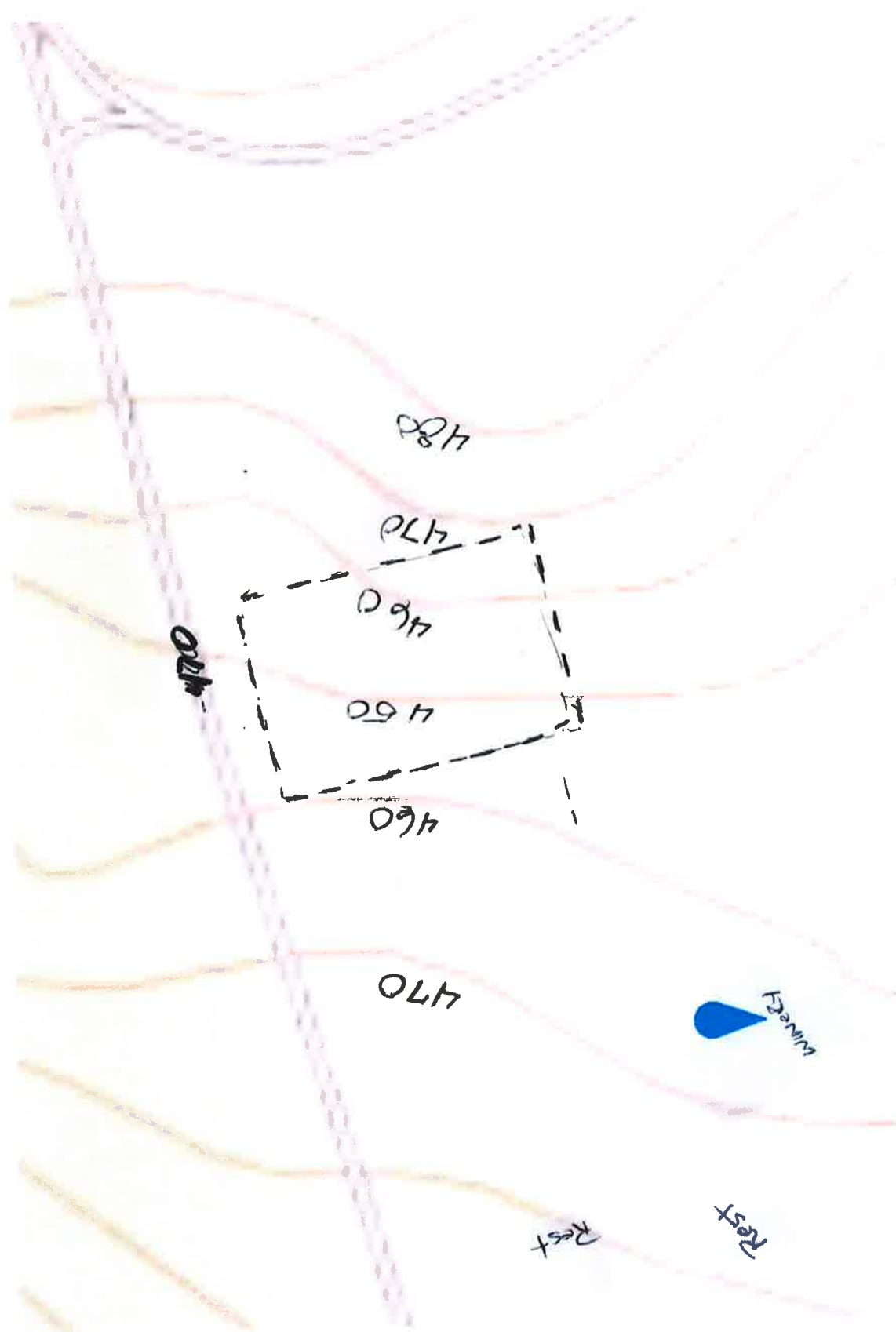
### COA for Agricultural Structure

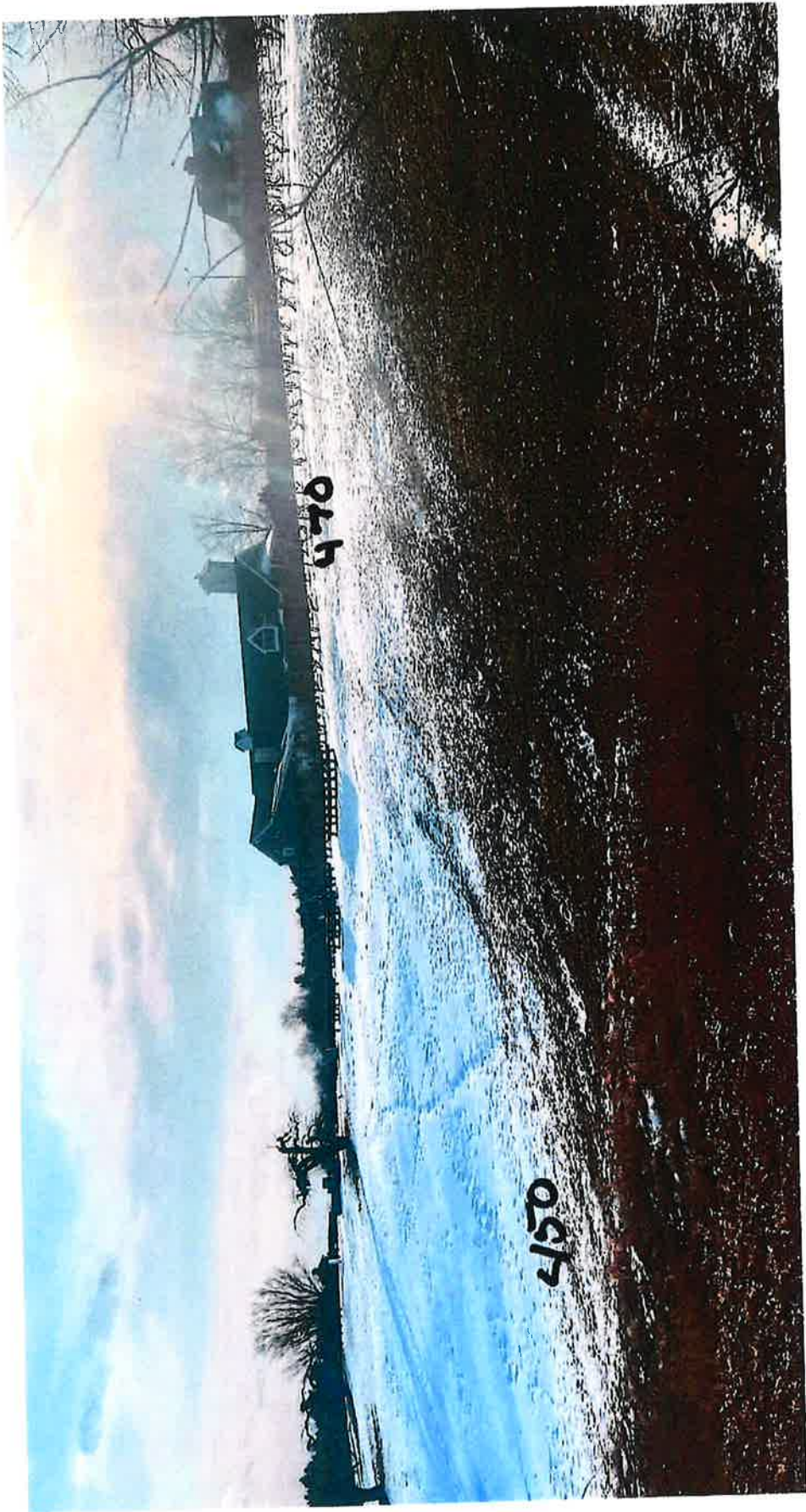


Property Description: Partridge APR  
Orthoimagery Source: MassGIS 2021  
Prepared by: Delia Delongchamp









450

470









THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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KARYN E. POLITO  
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Secretary

JOHN LEBEAUX  
Commissioner

April 29, 2022

NVW, Ltd  
c/o: Richard Pelletier  
100 Wattaquodock Hill Rd  
Bolton, MA 01740

Dear Richard:

Enclosed is a signed and notarized Certificate of Approval for Agricultural Structure on APR land in Bolton. If you wish to record the COA at the Worcester County Registry of Deeds, please provide an electronic copy of the recorded COA or provide the recording information via email to [Taylor.Arsenault@mass.gov](mailto:Taylor.Arsenault@mass.gov).

Thank you and please feel free to contact me with any questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Taylor Arsenault".

Taylor Arsenault  
APR Stewardship Planner