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July 17, 2023

By Hand Delivery

Michael Gorr, Chair
Bolton Planning Board
663 Main Street
Bolton, MA 01740

Re: 580 Main Street, Bolton, MA:
Request for Amended and Restated Special Permit and Development Impact Statement

Dear Chair Gorr:

This firm represents Bolton Office Park LLC (the “Applicant”), the owner of the property and existing office building located at 580 Main Street in Bolton (the “Property”). As you may be aware, the Town of Bolton approved a subdivision of the Property in March 2022 that allows for: (1) the development of a 229-unit residential project (the “Comprehensive Permit Project”), which was approved by the Town through a Comprehensive Permit pursuant to M.G.L. c. 40B; and (2) a renovation of the existing office building on a portion of the Property. The improvements to the existing office building, which were designed to accommodate the Comprehensive Permit Project, include demolishing a portion of the existing building and relocating the parking area from the rear of the existing building (the “Office Project”). To accomplish the Office Project, certain permits and approvals¹ are required from the Town of Bolton, including an amendment and restatement of the existing 1986 Special Permit pursuant to Sections 250-7 and 250-23 of the Bolton Zoning Bylaw (the “Zoning Bylaw”) as described in greater detail below.²

¹ Concurrently with this filing, the Applicant is seeking: (1) an Order of Conditions from the Conservation Commission; (2) Site Plan Approval or waiver of the same from the Board of Selectmen; and (3) a special permit to reduce parking from the Zoning Board of Appeals.

² The 1986 Special Permit was issued by the Board of Selectmen pursuant to the then-applicable requirements of the Zoning Bylaw. Following discussions with the Town Planner and Town Administrator, the Applicant was informed that Town Counsel determined that as the current Zoning Bylaw provides that the Planning Board is the Special Permit Granting Authority for the LB zoning district and this request for amendment should be directed to the Planning Board.

Michael Gorr, Chair
Bolton Planning Board
July 17, 2023
Page 2

Pursuant to Section 3.3.3 of the Town of Bolton Planning Board Special Permit Rules and Regulations Limited Business and Business Districts, the Planning Board shall determine whether any amendment to an existing special permit shall be deemed substantial or insubstantial. Should the Planning Board deem the Office Project to be a substantial amendment to the 1986 Special Permit, the Applicant respectfully requests that the Planning Board consider this filing to be a new Application, as required by said Section 3.3.3.

In support of this request for an amended and restated special permit, please find attached:

1. Limited Business District/Business District/Industrial District Application Form for Special Permit (Exhibit A);
2. The 1986 Special Permit (defined below) (Exhibit B);
3. Revised Site Plans (Exhibit C);
4. Additional Prior Approvals (Exhibit D);
5. Stormwater Report (Exhibit E);
6. Certified Abutter List (Exhibit F);
7. Draft Notice of Public Hearing (Exhibit G); and
8. One check in the amount of \$540.00 for a Limited Business Special Permit, pursuant to the Town of Planning Board Fee Schedule (Exhibit H).

I. BACKGROUND AND PROJECT DESCRIPTION

As the Property was and continues to be located in the Limited Business (LB) zoning district, the existing office building was approved by a Limited Business Special Permit, dated October 25, 1986, recorded with the Worcester County Registry of Deeds in Book 9994, Page 203 (the "1986 Special Permit" and attached hereto as Exhibit B). The 1986 Special Permit, issued by the Board of Selectmen, authorized an approximately 140,000 square foot (sf) office building, with associated parking (414 spaces) and other improvements on the approximately 39-

Michael Gorr, Chair
Bolton Planning Board
July 17, 2023
Page 3

acre Property. The Office Project proposes to reduce the existing building to approximately 60,000 sf with 129 parking spaces. The demolition and renovation are depicted on the plans included with this Application.³

To facilitate the Comprehensive Permit Project, the Property was divided into two (2) separate parcels, as shown on the plan entitled “Approval Not Required Plain of Land in Bolton, MA” dated September 9, 2021 and revised through March 2, 2022, prepared by Hanlon Land Surveying, Inc., (the “ANR Plan” and attached hereto as Exhibit D). The ANR Plan divided the Property into “Proposed Lot 1” (“Lot 1”), which is an approximately 6.59-acre parcel which will encompass the Office Project, and “Proposed Lot 2” (“Lot 2”), which is an approximately 32.43-acre parcel that will contain the approved Comprehensive Permit Project.

As noted above, the Comprehensive Permit Project was approved by the Zoning Board of Appeals pursuant M.G.L. c. 40B. As part of the Comprehensive Permit Project, the Zoning Board of Appeals noted the demolition of the portion of the existing office building that extends onto Lot 2 and the relocation of parking serving the Office Project from Lot 2 to Lot 1. Notwithstanding the approval of the Comprehensive Permit Project, the renovations and consolidation of the existing office building on Lot 1 requires additional approvals as Lot 1 is not within the Comprehensive Permit Project site (32 acres comprising of Lot 2) or the “Project”, as defined in the Comprehensive Permit.

As such, because the 1986 Special Permit authorized the existing office building, the changes to the existing office building must be memorialized in an amendment to the 1986 Special Permit. Although the 1986 Special Permit remains in effect and was issued by the Select Board, in earlier conversations between the Applicant and the Town Administrator and Town Planner, in consultation with Town Counsel, the Applicant was advised that any amendment of the 1986 Special Permit would be carried out by the Planning Board, as provided for in the current Zoning Bylaw.

³ The existing office building is subject to a Groundwater Alteration Permit, dated December 13, 1986 and recorded with the Registry in Book 10079, Page 292 (the “Groundwater Permit” and attached hereto as Exhibit D) and a Water Resource Protection District Special Permit, dated February 19, 1987, and recorded with the Registry in Book 10412, Page 266 (the “Water Resource Permit” and attached hereto as Exhibit D).

Michael Gorr, Chair
Bolton Planning Board
July 17, 2023
Page 4

II. PETITION FOR ISSUANCE OF AN AMENDED AND RESTATED SPECIAL PERMIT

In accordance with guidance from the Town Administrator and Town Planner, in consultation with Town Counsel, the Applicant hereby requests an amendment and restatement of the 1986 Special Permit. Pursuant Section 250-7 and Section 250-23 of the Zoning Bylaw, the Planning Board shall grant a special permit only upon determination that the activity may be carried out without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this bylaw, upon consideration of environmental, economic, fiscal, traffic, public facility, visual, and social consequences.

1. The activity may be carried out without substantial detriment to the public good; and

The Applicant has owned and operated the Property as an office building for over twenty (20) years and the Office Project will reduce the size of the existing office building. A reduction in the size of the existing office building will reduce the impacts of the office use and therefore will not be a substantial detriment to the public good. Further, the use of the existing building as office will continue with no additional or changed impacts.

Further, the Office Project furthers the goals of the approved subdivision of the Property and approved Comprehensive Permit Project for the creation of affordable housing, which as noted in the Comprehensive Permit issued by the Zoning Board of Appeals, “is a critical, unmet need ... in the Town of Bolton.”

2. The activity may be carried out without nullifying or substantially derogating from the intent or purpose of this bylaw.

As the Property is already developed, the reduction in the size of the Office Project does not nullify or exacerbate any impacts associated with the Project. As noted above, the Office Project reduces the size of the existing office building in compliance with all dimensional⁴ and use requirements of the Zoning Bylaw. Further, the reduction in the size of the existing building reduces traffic and other impacts.

⁴ The existing approved height of the office building as authorized in 1986 (Condition 15), exceeding the current allowed height of 32 feet. The existing height will not change.

Michael Gorr, Chair
Bolton Planning Board
July 17, 2023
Page 5

The Office Project also facilitates the development of the Comprehensive Permit Project. Collectively, the Office Project and the Comprehensive Permit Project shall balance the Town's need for additional housing stock, including affordable housing, and high-quality office space.

Pursuant to Section 250-23(k) (Development Impact Study), the Applicant notes that the Office Project will have no additional environmental, fiscal, community or traffic related impacts. As described above, the Office Project uses will remain the same, but will be reduced in scope. A stormwater report is attached hereto as Exhibit E detailing the improvements associated with the relocated parking and reduction in the size of the existing building, which are an improvement on current conditions. The Office Project will decrease impervious areas with any new impervious areas offset by the proposed removal of existing impervious areas. The proposed runoff will be treated by a new proprietary device providing water quality treatment which presently does not exist at the Property, prior to discharge onto the existing stormwater detention basin. The Office Project will continue to provide taxes to the City and facilitates the development of the remainder of the Property for affordable housing, a key benefit to the Town.

We note that earthwork calculations and an updated traffic study are not being provided. The Office Project will not require substantial earthwork, with any grading for the parking area and throughout the site remaining consistent with current conditions (see Site Plans attached as Exhibit C). Further, traffic impacts associated with the larger redevelopment of the Comprehensive Permit were studied by the Town and the Office Project reduces any impacts associated with the Property. Thus, the Applicant requests that the Planning Board waive any further requirement for earthwork calculations or a traffic study.

As shown in the elevations included with the Site Plans, the renovations to the existing building also meet the design requirements of Section 250-23(G) in that the previously approved building will be reduced in scale and otherwise continue in its current form. The exterior modifications will primarily retain the current conditions, with external materials, lighting, signage and entrances remaining the same to the extent practicable. During renovations, a glass curtain wall and architectural ACM metal panels will be introduced. Also, as shown in the attached site plans, landscaping will be updated to enhance the renovations.

In addition to our request for the Planning Board to authorize the Office Project, we also respectfully request to restate the 1986 Special Permit to remove or revise certain conditions,

Michael Gorr, Chair
Bolton Planning Board
July 17, 2023
Page 6

requirements or restrictions from the 1986 Special Permit that do not apply to or are unnecessary due to current site conditions and circumstances or were previously completed during the development or operation of the existing office building. The conditions, requirements or restrictions the Applicant is requesting to remove are summarized below and shown in more detail on the attached Exhibit B:

- Item 5: the requirement to provide a traffic control officer – The existing office building has not had any traffic issues and it is not clear that the Town has ever required the provision of a traffic control officer at the Property;
- Item 7: the restriction on aircraft taking off or landing on the Property – It is unclear what the impetus for this requirement was in 1986 when the property was approved, however, it is not anticipated or possible for aircraft to land at the Property;
- Item 8: the requirement for retention ponds in accordance with plans submitted at the time of the 1986 Special Permit – Following the subdivision and renovation, stormwater will be controlled pursuant to the attached stormwater report and as approved in a separate filing with the Conservation Commission. Impervious surfaces will be decreased and a stormwater treatment system will be added, improving stormwater quality. This condition is therefore unnecessary;
- Appendix A, Item 1: the requirement to provide parking for the Bolton Fair – The reduction in the parking at the Office Project makes the provision of parking impractical. The Applicant is unaware that the Property was ever used for this purpose in the past;
- Appendix A, Item 2: the requirement to provide access to surrounding town land – No access to surrounding Town land will be available from the reduced lot encompassing the Office Project;
- Appendix A, Item 3: the requirement to complete a traffic study – As noted above, the Office Project is reducing the impacts, including traffic, thus, further study related to the prior development is unnecessary;

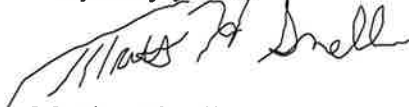
Michael Gorr, Chair
Bolton Planning Board
July 17, 2023
Page 7

- Appendix A, Item 4: the requirement to establish tenant programs in transportation systems management – No tenant traffic programs are anticipated for the reduced office use as the parking and traffic are anticipated to be well below demand at the Property;
- Appendix A, Item 5: the requirement to maintain space on the Property for the Bolton By-pass – The reduction in the Office Project and development of the Comprehensive Permit Project make this impossible in the future;
- Appendix A, Item 7: the restriction from taking trash to the Bolton landfill – Trash from the Property will continue to be hauled offsite by a waste hauling company; and
- Appendix A, Item 8: the restriction on any expansion beyond an additional 100,000 square feet – As the Office Project is limited by the subdivided property, this condition is no longer necessary.

Based on the above, the Applicant requests that the Planning Board make a finding and determination that the Office Project as proposed meets the Special Permit requirements of the Zoning Bylaw and that the Planning Board issue an Amended and Restated Special Permit.

Please do not hesitate to contact me to discuss this filing.

Very truly yours,



Matthew Snell

cc: Bolton Office Park LLC
Don Lowe, Bolton Town Manager