



December 1, 2021

Ms. Valerie Oorthuys, Town Planner
Bolton Zoning Board of Appeals
663 Main Street
Bolton, MA 01740

Subject: Alta Nashoba Valley – Comprehensive Permit
 580 Main Street Bolton, MA

Dear Valarie:

Hancock Associates has been hired to assist the Board of Appeals in their review of the proposed Alta Nashoba Valley Comprehensive Permit through a grant from the Technical Assistance Program of the Massachusetts Housing Partnership (MHP). MHP engages qualified consultants to assist the Zoning Board of Appeals (ZBA) in navigating and understanding underlying development issues and impacts as they relate to the process and regulations associated with evaluating a Comprehensive/40B permit. Consultants also help facilitate productive discussions with developers and in most cases, communities receiving technical assistance from MHP have successfully negotiated comprehensive permits on terms mutually agreeable to both the municipality and developer.

Hancock Associates has reviewed the Comprehensive Permit submission and offer the following as initial guidance to the Board.

Minimum Requirements

The governing regulations (760 CMR 56) require applicant to meet three main criteria for consideration of a Comprehensive Permit before a Zoning Board of Appeals:

- The Applicant has site control
The Applicant, WP East Acquisitions, LLC has entered into a Purchase and Sale Agreement with the owner of the property Bolton Office Park, LLC. There have been five amendments to the P & S the last of which is dated June 4, 2021. It is unclear the date the P & S expires. The P & S is only for a portion of the property. A Conceptual Property Line Modification Plan is included in the plan set showing the division of the property into two lots. Proposed Lot 2 containing 32.43 acres is the project site and Lot 1 containing 6.65 acres is not included in the Comprehensive Permit. The intent depicted on the plan is to modify the existing 2 story brick office

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Danvers, MA 01923
Phone: (978) 777-3050
Fax: (978) 774-7816

MARLBOROUGH OFFICE
315 Elm Street
Marlborough, MA 01752
Phone: (508) 460-1111
Fax: (508) 460-1121

CHELMSFORD OFFICE
34 Chelmsford Street
Chelmsford, MA 01824
Phone: (978) 244-0110
Fax: (978) 244-1133

- building by removing a portion of the building to comply with the rear setback to the new property line as the subdivision line is proposed through the existing building. An easement will be required for access to Lot 1 over Lot 2 as it appears the intent is to maintain the existing drive into the site. It is assumed the Applicant will present a formal Approval Not Required Subdivision Plan to the ZBA for endorsement. The Applicant should provide a summary demonstrating zoning compliance of Lot 1 given the proposed subdivision as Lot 1 would not be entitled to any relief as part of the Comprehensive Permit process.
- The Applicant has received a Site Eligibility Letter (PEL). Massachusetts Department of Housing and Community Development (DHCD) issued a Site Eligibility Letter on August 17, 2021, under the Local Initiative Program (LIP). The project does not appear to have changed since the PEL was issued. The Bolton Select Board had endorsed the LIP application to DHCD in an undated letter attached to the PEL.
 - The Applicant is a Limited Dividend Organization. The Applicant, WP East Acquisitions, LLC is a Limited Liability Company registered with the Massachusetts Secretary of States office and appears to be in good standing. The managers of the LLC are Elizabeth Day, Richard Dickason and James Lambert. James Lambert signed the P & S and Comprehensive Permit application. If the Applicant, choses to proceed with a different entity specific to this project, a letter stating such intent should be presented to the Board.

Initial Review of Submission

760 CMR 56.05 contains the required elements of a submission of a Comprehensive Permit to the Zoning Board of Appeals. The following is a review of the submission with regard to these requirements:

- Preliminary site development plans with the locations and outlines of proposed buildings; the proposed locations, general dimensions, and materials for streets, drives, parking areas, walks and other paved areas; and proposed landscaping improvements. Any project of five or more units must have a site plan stamped by a registered professional architect or engineer.
The applicant has satisfied this requirement. A Plan set has been submitted within the full submittal package, prepared by Allen & Major dated 09-10-2021 and containing 30 sheets.
- An existing condition report on the proposed site and the surrounding areas.
The applicant has complied with this requirement with a full Existing Conditions Survey Plan within the plan set signed and stamped by a Professional Land Surveyor.
- Preliminary, scaled architectural drawings prepared by a registered architect, with typical floor plans, elevations, and sections, including construction type and finishes.

The applicant has satisfied this requirement. Architectural Plans have been submitted prepared by Market Square Architects, dated 9/10/21 and stamped by a Registered Architect.

- Tabulation of proposed buildings by type, size, and footprint, impervious coverage, and open space, including percentage of tract to be occupied by buildings, parking and paved vehicular areas.

It appears the applicant has not satisfied this requirement. The Applicant's team should supplement the submittal with the required tabulation.

- A preliminary subdivision plan if the project involves a subdivision.
The project involves a subdivision as described above. A preliminary subdivision plan has been included in the plan set. The Applicant should demonstrate zoning compliance of Lot 1 with regard to all aspects of zoning including parking and landscaping.

- A preliminary utilities plan (water, wastewater, drainage, and storm water management facilities).

The applicant has satisfied this requirement with the plan set referenced above.

- A list of Waivers from local bylaws and regulations.
The applicant has satisfied this requirement, however some of the waivers are considered blanket waivers where the Applicant is requesting a waiver from a bylaw or regulation "in entirety". An example of this is the waiver request from the Bolton Wetlands Bylaw. The Applicant is proposing to fill two locally jurisdictional isolated vegetated wetlands. The Board should seek input from the Bolton Conservation Commission as to details normally required by the commission for such impacts. The Board should request the Applicant provide more specificity as to the relief requested and not require the Board to rely on the repeated statement: "as shown on the plans". The Applicant is asking for the Board to extinguish certain conditions of the original 1986 Special Permit granted by the Bolton Select Board as it pertains to the portion of the proposed subdivided lot subject to the Comprehensive Permit application. The Board should seek input from counsel as to if this action should be taken by the Select Board as part of an application to modify that Special Permit for the portion of the office building which will remain on proposed Lot 1.

Procuring peer review consultants

Given the size of the project, the Board should engage outside peer review for both general civil as well as traffic. We are happy to help with requesting proposals from qualified consultants and assisting the Board with the selection process as well as overseeing the peer review consultants through the process. The Board may consider the following professionals:

1. Hydrogeologist to review the preliminary plans for the proposed water supply and wastewater treatment system to better understand impacts to the future residence of the project as well as neighboring properties.
2. Architect to review building massing and style as the buildings will be visible from Main Street. We understand the Bolton Design Review Board may also be providing review and input.

3. Wetlands Scientist to review the proposed impacts to two isolated vegetated wetlands which are jurisdictional under the Bolton Wetlands Bylaw.

Comments from other municipal boards and committees, town staff

The application has been distributed to town board and departments for comment. We will work with staff to keep track of input and make sure all parties have provided comments. We will assist the Board in coordinating review and comments from the various Boards and Departments in town.

Conservation Commission:	Rebecca Longvall, Conservation Agent
Planning Board:	Valerie Oorthuys Town Planner
Board of Health	Bill Brookings, Heath Agent
Fire Department	Chief Jeffrey Legandre
Police Department	Chief Warren Nelson
Building Inspector	Michael Sauvageau
Public Works	Joseph Lynch, Director

Coordinating the project review schedule

As the Board is aware you have 180 days from the opening of the public hearing to close the hearing. The Board has opened of the Public Hearing on November 8, 2021. The 180 days would bring us to Saturday May 7, 2022. The Board should consider Friday May 6, 2022, as the last day of the 180 days. If the Board decides to meet once a month during the 180 days, this equates to five to six hearings after the initial hearing. We have put together a rough schedule of potential topics for the six possible hearing dates.

November 8, 2021

- Initial presentation by applicant
- Initial comments from staff, boards and departments.
- Discuss Peer Review.
- Open discussion to the public.
- Discuss future schedule and schedule site walk

November 30, 2021

- Engage peer review

December 2021

- Traffic Peer Review
- Design review Board Input
- Conservation Commission Input
- Board of Health Input
- Fire and Police Input
- Discussion on ancillary peer review professionals.

- Discussion regarding subdivision and permitting of remaining office building and exemptions from original Select Board Special Permit

January 2022

- Follow up on Traffic Peer Review Open Items
- Civil Engineering Peer Review
- Neighborhood concerns and mitigation
- Landscape Design
- Architectural Design Review
- Water Supply and Wastewater Treatment

February 2022

- Follow up on Civil Engineering Peer Review Open Items
- Follow up on Other Open Items
- Begin discussion of possible decision and conditions
- Economic review if any conditions claimed uneconomic

March 2022

- Clean up loose ends
- Begin framework of draft decision

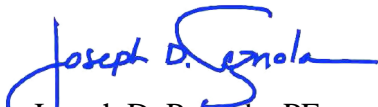
April 2022 (or no later than May 6)

- Close Public Hearing (starts 40 days to clock decision with Town Clerk)

The Board can meet in public sessions during the 40 days to deliberate on the draft decision and vote when the Board is ready to do so. This is a very rough draft; we will work with the Board to establish the schedule moving forward. This being a small project the process could proceed more quickly.

We look forward to assisting the Board in this complex and dynamic process. Please do not hesitate to contact me should you have any questions or comments.

Sincerely,
Hancock Associates,


Joseph D. Peznola, PE
MHP Consultant