

TOWN OF BOLTON - PLANNING BOARD MINUTES

Meeting Held at the Town Hall – Board of Selectmen's Room on **February 24, 2016** at 7:30 PM

Members Present: David Yesue (Chair), Erik Neyland (Vice Chair), John Karlon, Jonathan Keep, and Danielle Spicer.

Also Present: Erica Uriarte (Town Planner), Alan DiPietro (Teele Road), Fred Coon (Century Mill Estates)

Call to order: 7:35 PM



- Hearings
 - None.
- Business
 - 7:30 p.m., Alan DiPietro - Properties on Teele Road (Parcels 3.E-33 and 4.E-43)
 - The Owner filed abatements with the Board of Assessors for Parcels 3.E-33 and 4.E-43. These lots are being taxed as buildable lots, but may not be buildable based on the history of the property. The Board of Assessors is seeking a determination from the Planning Board. These parcels reside at the Bolton/Stow town line and have frontage in Stow.
 - Planning Board reviewed the ANR Plan prepared by Beals and Thomas, Inc. for Yasin Balbaky, Trustee of the "Alpha Trust" dated August 15, 1991 (revised 9/20/91 and 10/24/91), Scale: 1"=100', and recorded in the Middlesex Registry of Deeds in Book 01995 Page 206.
 - The ANR Plan was approved by both the Stow Planning Board and the Bolton Planning Board in 1991. The original parent parcel was subdivided into Parcels 1, 2, 3, 4, 5, and Lot 6. The plan was recorded in the Middlesex Registry of Deeds (Town of Stow) in 1995.
 - Parcels 3.E-33 and 4.E-43 are identified on the ANR Plan as Parcels 1 and 2 respectively. Neither Parcel 1 nor 2 had the required 200 feet of lot frontage in the Town of Bolton to be considered buildable lots. In order to be considered buildable lots, both parcels required a variance for lot frontage from the Bolton Zoning Board of Appeals (ZBA) as noted in Note A of the ANR Plan.
 - Parcel 1 has 168.07 feet of lot frontage on Teele Road in Bolton and 41.93 feet of lot frontage on Maple Street in Stow.
 - Parcel 2 has no lot frontage on Teele Road in Bolton and 210.00 feet of lot frontage on Maple Street in Stow.
 - In 1991 the Bolton ZBA voted unanimously to grant the request for lot frontage variance. The variance was required to be recorded in the Worcester Registry of Deeds within six months of the date of the decision.
 - The variance was not recorded and lapsed.
 - In 1991 the Bolton ZBA also voted unanimously to grant the request for the variance to allow for a common driveway to be connected to other than a town way and not wholly within the Town of Bolton.
 - The variance was not recorded and lapsed.
 - As determined by Town Counsel, the ANR Plan should have been recorded in the Worcester Registry of Deeds (as well as Middlesex) to take effect.
 - The Applicant questioned whether he could record the old ANR plan or if a new plan had to be resubmitted for Planning Board endorsement.
 - Planning Board preferred that a new plan be submitted with updated information and that a variance for lot frontage be sought from ZBA prior to endorsement.
 - **E. Uriarte to obtain Town Counsel opinion regarding procedure for recording ANR plan.**
 - Planning Board concluded that Parcels 3.E-33 and Parcel 4.E-43 are not buildable lots.
 - A variance for lot frontage is required from the Bolton ZBA to consider Parcels 1 and 2 (as well as Parcels 3, 4 and 5) as buildable lots.

- If the Owner chooses to develop Parcels 2 through 5 as buildable lots, a Backland Lot Special Permit for Parcel 2 and a Common Driveway Special Permit would be required from the Bolton Planning Board. The Bolton ZBA would also have to grant a variance to allow for a common driveway to be connected to other than a town way and not wholly within the Town of Bolton.
 - Planning Board reviewed the draft memorandum to the Board of Assessors.
 - The memorandum outlined the history of the parcels and concluded the parcels were not buildable.
 - **J. Karlon motioned to accept the memorandum to Board of Assessors for Parcels 3.E-33 and 4.E-43. Parcels 3.E-33 and 4.E-43 are not buildable lots. 2nd by J. Keep. All in favor 5/0/0.**
- 8:00 p.m., Fred Coon - Century Mill Estates Subdivision, Request for Lot Releases
 - The Applicant sought lot releases for Lots 25B, 26B, 33A, and 47B on Old Stone Circle.
 - Planning Board reviewed the list of priority items to be completed at CME as outlined in an email by Hamwey Engineering, Inc. (Peer Reviewer) dated 01/28/16. **Planning Board requested that the following items be completed prior to approving the lot releases:**
 - Sweep/remove sediment from Old Stone Circle
 - Clean out silt sacks in catch basins
 - Install construction entrances
 - Remove old erosion control at Detention Basin 9D
 - Construct the swale behind Lots 42A & 44A
 - Construct access drives to detention Basins 9C & 9D
 - Replace damaged granite curb & catch basin headers
 - Planning Board noted that the following priority items should be completed this spring or as weather improves:
 - Construct the access pad at the cistern
 - Repair of DMH 47
 - Re-mortar collars for DMH 47, 47A & 48
 - Install handicap ramps throughout the site
 - Install brick inverts in the manholes
 - The Applicant asked if the Planning Board would also hear a request for lot releases of Lot 1 and Lot 78 (located in phase one of project off of Century Mill Road).
 - These lots were part of a foreclosure several months ago when the mortgages for the lots were sold to another bank and the loans were not approved. The Applicant paid cash for Lot 20 at the time to prevent foreclosure. The other two lots (Lots 1 and 78) still face foreclosure. The Applicant found a lender for the other two lots, but the new lender is requiring that the lots be released from the Covenant prior to the closing. Both lots are ANR lots meeting the required dimensions of frontage lots along Century Mill Road. Without release, the Applicant may default on the mortgages.
 - **Planning Board determined they could not release these lots since the portion of subdivision road associated with phase one was not constructed and the bond not determined.**
 - **Also, the Board is concerned that if they were to release Lots 1 and 78 from the Covenant and the Applicant were to foreclose on the lots, the bank could potentially sell these lots as frontage lots off of Century Mill Road. This would be in violation of the subdivision approval and site plans.**
- Administrative
 - Planning Board Reports for ATM Articles 2016.
 - Planning Board reviewed the presentation slides for ATM 2016. There will be a slide for the as-of-right solar installations overlay district showing GIS maps of

- the parcel locations. There will also be a slide for adding the 357 Main Street (Skinner property) to the Mixed Use Village Overlay District.
- Update on the Green Community Initiative.
 - Planning Board to attend the informational session regarding Stretch Code scheduled for Tuesday, March 8th, at 7 p.m. in the Bolton Public Library.
 - **Planning Board agreed to meet on March 8th at 6 p.m. prior to this session instead of March 9th as regularly scheduled. Location of their meeting TBD.**
 - Caucus 2016 is scheduled for Monday, March 7th, at 7:30 p.m. in the Bolton Public Library.
 - Nomination for Danielle Spicer.
 - Planning Board discussed spring schedule.
 - E. Uriarte will be on maternity leave for March to June.
 - Jenny Jacobsen (Assistant to Building Inspector & Board of Health) and Linda Day (Town Secretary) will provide assistance to the Board while E. Uriarte is on leave.
 - Planning Board will rotate taking the meeting minutes during the meetings.
 - Potential projects include a subdivision at 96 Long Hill Road and a potential special permit application for a gas station on the Kane property.
 - Planning Board Approved meeting minutes for 01/13/16, 01/27/16 and 02/10/16.

J. Keep moved to adjourn the Planning Board meeting at 9:35 PM. 2nd by J. Karlon. All in favor 5/0/0.