

**BOLTON PLANNING BOARD**  
**Minutes of Meeting**  
**February 2, 2005 at 7:30 P.M.**  
**Bolton Town Hall**

Note: This meeting was originally scheduled for January 26, 2005 but was postponed because of inclement weather.

Present: Lawrence Delaney, Mark Giunta, Russell Karlstad, Frank Lazgin, Douglas Storey, Stephen Garner (Associate Member), Nat Tipton (Town Planner)

**ADMINISTRATIVE BUSINESS**

*Bills/Mail/Correspondence/Announcements*

Riverside

Tipton explained the Board of Appeals had received a submission for a 12 unit subdivision filed under 40B from Mark O'Hagan to be called "Riverside". Karlstad agreed to review the plans for the Board.

**OTHER BUSINESS**

*Approval Not Required (ANR) Plan – The Oaks on Ballville Road*

**Present: Larry Ducharme (Ducharme and Wheeler), Brian Lynch (The International), and John Altomare (Fusaro, Altomare & Ermilio Law Office, P.C.)**

Russ Karlstad recused himself from this discussion.

Ducharme explained the ANR plan shown eight lots being redrawn from the original plan (dated June 12, 2001) to increase the open space buffer between lots to the south. This was originally discussed in the Planning Board hearings for the approval of the subdivision. The open space has not been deeded to the town as of yet because of the desire to redraw the lot lines.

On a motion by Mark Giunta, seconded by Doug Storey, the Planning Board voted 4-0 to endorse the Approval Not Required Plan entitled "Plan of Land in Bolton, Massachusetts" dated January 10, 2005, prepared by Ducharme and Wheeler, Bolton MA showing lots 9A, 10A, 11A, 12A, 13A, 14A, 15A, and 16A.

*Discussion on requiring dedicated FOSPRD land to be kept in perpetuity*

**Present: Ken Swanton, Bolton Conservation Trust; Bill Fateiger, Bolton Conservation Commission**

Swanton submitted a proposal to the Planning Board that would amend the FOSPRD bylaw to require all lands that are conserved as Farmland or Open Space to be deeded to the Town, Conservation Commission, or Conservation Trust in perpetuity. This would remove the homeowner's association from the possible entities that land could be deeded to. Delaney questioned the legality of removing the homeowner's association, as M.G.L. Section 40A Section 9 includes a homeowner's association in the list of entities that land can be transferred

to. Delaney also expressed hesitation over the proposal because every piece of open space would then need to be approved by the Massachusetts Department of Conservation Services. Swanton agreed to submit another proposal after researching these issues.

***Nicewicz Farm – Backland Lot***

Present: Ken Nicewicz; Ken Swanton

Nicewicz gave a summary of a backland lot and ANR application that he intended to file soon. The land on the plans is part of a larger piece currently under negotiation between the Trust for Public Land, the Nicewicz and Schartner families, and the state under the Agricultural Preservation Restriction program.

***Residential Lot Subdivisions***

Present: Laurel Runtagh – 369 Long Hill Road; Peter Rizzi

Ms. Runtagh asked for the Board’s thoughts on subdividing her property. The Board stated their advice was for informational purposes only and was not intended to issue a definitive opinion about whether or not the lot could be subdivided. Possible obstacles mentioned were the need to improve the shared driveway to common driveway standards; whether restrictions precluding further subdivision exist on the property exist; the existence of a gasline in the area; and easement issues.

Present: Andrew Glace – 298 Still River Road

Mr. Glace asked for the Board’s thoughts on subdividing his property. The Board stated their advice was for informational purposes only and was not intended to issue a definitive opinion about whether or not the lot could be subdivided.

***Review Harvard Road Backland Lot and Common Driveway Decisions***

Members of the Board stated they had not had a chance to review the draft decision yet. Delaney offered to review the draft decision for next meeting.

Meeting adjourned at 10:04pm.