

BOLTON PLANNING BOARD
Meeting Minutes
February 16, 2005 at 7:30 P.M.
Bolton Town Hall

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

ADMINISTRATIVE BUSINESS

1. MAPC Representative: The Board of Selectmen has requested the Planning Board appoint its member to the Massachusetts Area Planning Council (MAPC), the region's regional planning agency. Doug Storey, the Board's previous representative, withdrew his name for consideration. On a motion by Russ Karlstad, seconded by Doug Storey, the Board decided to recommend Stephen Garner to the Board of Selectmen.

On a motion made by Mark Giunta, seconded by Russ Karlstad, the Board voted to sign the draft decision for Bob Moss to create four backland lots on Harvard Road.

APPROVAL NOT REQUIRED PLANS

2. Apple Valley Homes Inc. West Berlin Road / Two (2) Approval Not Required Lots

Present: Mark Donohoe, Acton Survey and Engineering

Upon request of the Planning Board, the applicant withdrew his application for a approval not required plan and would asked the Board to endorse such plan upon completing the hearing and appeal process for the two backland lots they wish to create on the parcel.

HEARINGS

3. Backland Lot Hearing Landquest Ltd. Wattaquaddock Hill Road

Present: E.K. Khalsa and Ron Roux (Landquest Ltd.), and Craig Martin (Ducharme and Wheeler)

Mr. Khalsa and Mr. Roux explained their proposal for six backland lots and four Approval Not Required lots on Wattaquaddock Hill Road. They indicated they have gotten a variance from the Board of Health to have a shared septic system on the property. Delaney asked if the applicants were planning to file a FOSPRD to show an alternative layout of the property, as there are features of the property that trigger the Major Residential Development bylaw. Mr. Khalsa and Mr. Roux argued the projects do not come under Major Residential Development because they are not creating frontage on a new road. They cited a previous opinion made by their attorney, Doug Resnick. Delaney argued the Board applicants in the past under similar situations have provided a FOSPRD plan at the Board's request. The applicants agreed to file a FOSPRD plan as the Major Residential Development bylaw requires. The hearing was continued to 7:45 on March 23rd.

4. Farmland and Open Space Planned Residential Development (FOSPRD) Hearing for Robert Schartner West Berlin Road/Sawyer Road

Present: Nellie Aikenhead (Trust for Public Land); Ken Swanton (Bolton Conservation Trust); Larry Ducharme (Ducharme & Wheeler)

Ms. Aikenhead explained she understood there were many questions the Board had on this project, particularly on the disconnect between the land apparently being protected in part with monies approved at Town Meeting, and the Schartners and Nicewiczs creating housing lots on the property. These lands are in negotiation with the state for an Agricultural Preservation Restriction (APR). The money committed to the project by the town at town meeting last spring can not be used until the deal is approved at the state level.

The Board asked for clarification that what was presented at Town Meeting showed the lots are being carved out. Aikenhead indicated they were. Storey and Karlstad strongly urged for the Bolton Conservation Trust and other involved parties to make it clear what lands are included in similar restrictions in the future so voters know exactly what lands are being proposed for conservation, and what lands are not.

On motion by Doug Storey, seconded by Mark Giunta, the Board voted 5-0 to close the hearing. The Board will draft a decision for the next meeting on March 9th.

5. Decision on Harvard Road Backland Lots and Common Driveway for Bob Moss

On a motion by Larry Delaney, seconded by Mark Giunta, the Board voted to approve the common driveway decision (as depicted on a plan titled "Common Driveway Profile," prepared by Whitman and Bingham, dated August 10, 2004 and revised on October 27, 2004 and November 10, 2004) and the backland lot decision to create four (4) backland lots (identified as lots 1, 2, 4, and 5 on a plan dated August 10, 2004, and revised on October 27, 2004, November 10, 2004, December 17, 2004, and January 12, 2005). The Board signed the decisions.