

BOLTON PLANNING BOARD
Meeting Minutes
March 9, 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. Conservation Commission Request for a Letter of Support for the Open Space and Recreation Plan

Tipton reminded the Board that the Conservation Commission is getting ready to submit the Open Space and Recreation Plan to the state. One filing requirement is for the Commission to submit a letter of support from the Planning Board. Doug Storey offered to review the plan for the Board.

2. Sign Plans for Backland Lots/ANR Lot on Harvard Road

The Board signed the plans and mylars for the four backland lots and common driveway to be created on Harvard Road.

HEARINGS

3. Backland Lot Hearing for Ken Nicewicz for land on Wattaquodock Hill Road

Present: Ken Nicewicz and Greg Wilson (Gregory C. Wilson Company)

As discussed at the previous meeting on February 16, the proposed backland lot is consistent with what was presented at Town Meeting in May 2004. The Nicewiczs chose the lot's location to keep the existing farmland intact. The Board agreed the proposal is a straightforward backland lot. One statement that should be included on the final plan and decision is that the parcel is under Chapter 61A as of the date of signing. On a motion by Mark Giunta, seconded by Russ Karlstad, the Board voted to close the hearing. Karlstad will provide verbage to Greg Wilson that states the land is still under Chapter 61A to include on the final plan.

APPROVAL NOT REQUIRED (ANR) PLAN

4. Plan for Ken Nicewicz that would create a nonbuildable parcel off Sawyer Road

The land included on the ANR plan is also currently restricted under Chapter 61A. Because the lot is unbuildable due to wetlands present on the parcel, the Board is authorized to endorse the plan eventhough it has reduced frontage (50 feet as opposed to 200 feet on a traditional building lot). The land is being taken out because they have signed a contract as part of the TPL agreement, but is not part of the APR in the state. Language exists in a trail easement that requires people to stay on the trail. On a motion by Larry Delaney, seconded by Mark Giunta, the Board voted to endorse the plan entitled "Plan of Land Located in Bolton Massachusetts (Worcester County)" prepared for the Nicewicz Family by Greg Wilson of Gregory C. Wilson Company dated December 27, 2004. The mylar was given to Greg Wilson to be recorded at the Worcester County Registry of Deeds.

DISCUSSION

5. Hallmark/Landquest Backland Lot Special Permit Application

Present: Larry Ducharme (Ducharme and Wheeler)

The Board reviewed a letter from Attorney Doug Resnick stating why the applicants believe the proposed project does not fall under the Major Residential Development bylaw. Ducharme indicated the applicants felt they were forced to submit a FOSPRD plan, although the applicants did agree to do so at the last meeting. In unsolicited conversations with previous Planning Board members Brad Slade and David Bosselait, Ducharme stated the Major Residential Development bylaw was intended to apply to developments only to developments that created at least 500 feet of new roads. Delaney stated that the Board can only interpret the bylaw based on what is written. The Board agreed it should consider revising the bylaw so that any proposals that create greater than seven lots, comprises 15 acres or greater of new residential lots and road rights-of-way, or results in the construction of greater than 500 feet of new roadway should fall the bylaw. Ducharme stated requiring the applicants to file a FOSPRD would impose an enormous hardship of time and money. Storey indicated that it was not the Board's intent to do so, nor did he feel that the creation of a FOSPRD would result in this hardship.

Ducharme and the Board agreed that at the March 23 meeting, the hearing should be continued to April 13 to allow the applicants to present the plan again to clarify the Board's and the applicant's stances and intent.

APPROVAL NOT REQUIRED (ANR) PLAN

6. ANR Plan for Richard Sullivan that would create two parcels on Still River and Vaughn Hill Roads

Present: Craig Martin (Ducharme and Wheeler)

The Board voted to endorse the approval not required plan entitled "Plan of Land in Bolton, Massachusetts" prepared for Richard W. Sullivan III by Ducharme and Wheeler Inc dated January 10, 2005 that shows the creation of one 11.11 acre lot and one 1.25 acre parcel in the Town of Bolton.

DECISIONS

9:00 Review Draft Decision for Schartner FOSPRD Special Permit

Present: Larry Ducharme (Ducharme and Wheeler)

After amending a draft decision, the Board voted to sign the decision to create (2) new house lots designated as lots 2 and 3 on the Plan entitled "Plan of Land in Bolton, Massachusetts", prepared by Ducharme & Wheeler, Inc., for Robert Schartner. The plan encompassing pieces of land located off West Berlin Road and Sawyer Road on a tract of land encompassing approximately 39 acres which incorporates 37 acres that will be designated as Open Space.