

BOLTON PLANNING BOARD
Minutes of Meeting
August 10, 2005 at 7:30 P.M.
Bolton Town Hall

Present: Larry Delaney, Mark Giunta, Frank Lazgin, Douglas Storey, Nat Tipton (Town Planner)

ADMINISTRATIVE ITEMS

1. Minutes Approval

The Board reviewed and signed minutes for the following meetings:

6/8/05, 6/29/05, and 7/13/05.

2. Associate Member Advertisement

The Board reviewed and approved an advertisement for the Associate Member position. The advertisement will run in the Town Crier section of the Bolton Common on August 19 and August 26.

DISCUSSION

3. Conservation Commission / Future FOSPRD developments

Present: Carol Gumbart (Conservation Administrator), Scott Duhaime, Lori Stephenson, Amy Wilson, Ed Engelmann

Gumbart and Duhaime said they were concerned that the Century Mill FOSPRD decision did not adequately protect open space. The Board pointed out that both the bylaw and the decision mandated that open space be protected but that the form of deed was not set forth in the decision as the contours of the property and the allocation of open space between active and passive uses remained to be determined. A discussion followed of various ways that the Town could hold FOSPRD open space with the ConCom members urging that only method that adequately protected open space being was when the land was held under the care and custody to the Conservation Commission under MGL Chapter 40 Section 8C. It was agreed that an opinion from town counsel as to the differences in various forms of ownership of open space by the Town would be useful. Gumbart also raised the issue of whether open space held by a land trust or homeowners association was adequately protected given that many restrictions on the use of land only last 30 years. Delaney stated because FOSPRD open space has been incorporated in a special permit it is on a different status. He said that many towns have identical bylaws and that while that this concern had been raised before the Board had not seen any authority for or examples of open space protected by special permits being transformed.

4. Skinner Rezoning Proposal – Discussion

Present: Nancy Skinner, Alex Parra, Bruce Slater, Anita Slater, Ken Troup, Stan Wysocki

Skinner and Parra outlined a request to change the zoning on her Main Street property that contains the auction house from Residential to Business. Skinner explained that her expansion plans require the zoning change and that a special permit to expand a preexisting nonconforming

structure would not suffice. The Board pointed out that for the purposes being considered, and given the recent amendments to the zoning bylaw, Business and Limited Business zones were identical. The Board wondered whether a change to Limited Business that included the Slater property across the street might not be preferable to avoid a spot zoning challenge. Bruce and Anita Slater were present and endorsed this idea. The Board of Selectmen appear to support this request. The Board was generally supportive of the proposed changes but pointed out that prior to the Special Town Meeting they would need to hold a formal hearing as required by MGL Chapter 40A Section 3.

5. David E. Ross Associates - Discussion on Possible 10 unit subdivision at 174 Harvard Rd.

Present: Greg Caless, Kevin Hardiman (David E. Ross Associates)

Hardiman presented a preliminary plan to subdivide a 40 acre lot at 174 Harvard Road into ten housing lots. The applicant has not formally filed a plan to date. The Board noted several deficiencies where the plan did not conform with the bylaw, including placing several backland lots together on the FOSPRD plan and lots that did not meet the lot shape bylaw on the traditional plan.

6. Thomas Pokorney – Subdivision Discussion (Long Hill Road)

Present: Thomas Pokorney

Thomas Pokorney presented a possible subdivision plan to subdivide his lot on Long Hill Road. The Board cautioned that it could not make a formal recommendation until a plan was submitted.

7. Chris Rogers – Driveway Permit Lot 2A Randall Road

Present: Chris Rogers

Rogers showed the Board a driveway plan for Lot 2A on Randall Road. He indicated the plan had been submitted but had not been approved as of yet. No record of this driveway permit being filed has been found. He is currently working with an abutter to obtain an easement that would shift the location of the driveway. The Board was comfortable with the plan if the easement could be negotiated.