

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

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

HEARINGS

1. Pokorney Backland Lot Hearing

Present: Thomas Pokorney (Applicant), Rob Bukowski (David Ross Associates), Martha Remington, Robert Alzipedi, Tom Boarder, Herb Johnson

Delaney read the hearing notice to open the hearing. Bukowski gave a brief presentation showing the proposed lot. He stated the Pokorneys own 7.1 acres on Long Hill Road. They are proposing subdividing the property into one backland lot and one regular frontage lot, the latter containing the Pokorney's current home. The proposed backland lot meets the 4.5 acre requirement, has 50 feet of frontage, and no wetlands. Neither lot abutting the lot on the road is a backland lot. Remington asked if this lot would be for the Pokorney's or would be sold. Pokorney stated he did not know yet. Giunta responded this is not germane to any Planning Board's considerations.

On motion by Doug Storey, seconded by Larry Delaney, the Board voted unanimously to close the hearing. The Board will prepare a draft decision to vote on for the next meeting. d

DISCUSSION

2. Martha Remington – Freedom's Way Heritage Association/Heritage Landscape Inventory

Remington explained the Historical Commission is seeking letters of support from Town Boards for the Heritage Landscape Inventory. The Commission has applied to the state Division of Conservation Resources (DCR) to support an effort to identify, recognize, and document important and historic landscapes in Bolton. Remington provided a draft letter of support to the Board. On motion by Doug Storey, seconded by Mark Giunta, the Board unanimously voted to issue a letter in support of the town's application to partake in the Heritage Landscape Inventory.

HEARINGS

3. Pokorney Common Driveway Hearing

Present: Thomas Pokorney (Applicant), Rob Bukowski (David Ross Associates), Martha Remington, Robert Alzipedi, Tom Boarder, Herb Johnson

Delaney read the hearing notice. Bukowski presented the plan to the Board, and stated the plan meets certain bylaw design requirements in such as slope and loading areas. The plan showed bringing the driveway up to the point where the new house would be served up to common driveway standards. In recent discussion with those who currently use the driveway, the applicant understands that the entire driveway would need to be brought up to common driveway standards to the point where the last driveway is served. Bukowski will prepare a new plan to reflect this change for the next meeting. Mr. Alzipedi provided a history of the present driveway, indicating that the town would not allow him to access his house on a driveway on his own property because it did not meet town bylaws. A variance was obtained from the Board of Appeals to allow the present houses to be served by the driveway. Broader expressed concern that the applicant needed to provide a maintenance agreement that would be acceptable to the landowners presently using the driveway.

The Board voted to continue the hearing to January 11, 2006 at 7:45pm. The applicant will provide new plans to the Board and its consulting engineer for review.

DISCUSSION

5. Landquest Common Driveway - Decision

Present: Doug Resnick, E.K. Karlsa, Ron Roux (Landquest)

The Board reviewed a draft decision prepared by the applicant. Several concerns were raised by the Board: first, the Board felt it needed to be notified when field changes were made and would have an opportunity to determine if the field changes represented a substantial change from the plans involving functionality or safety. The present wording does not require the applicant to notify the Board of such field changes. Second, the Board wanted to require verbiage that would clarify the lots that were being served by the common driveway. In the original backland lot decision, the Board specified which five lots would be served by the common driveway before the variance was obtained. If the driveway is not completed within the necessary two years under state law, an extension beyond the two year window would be allowed, but only under Board approval. The Board also wanted to add language that clarifies the applicant would need to adhere to the Inclusionary Zoning bylaw through a payment to the Affordable Housing Partnership for purposes of building affordable housing.

The applicant will make changes and provide another draft to the Board at the December 14th meeting.

6. Bob Moss – Harvard Road Development

Moss stated he would be submitting an as-built plan and posting a bond for 1.5 times the cost of the remaining work soon. He requested that the Board swap the lot it is holding from Lot 3 to Lot 4. The Board voted to switch the lot from Lot 3 to Lot 4.

7. Century Mill FOSPRD decision

Present: Andy Bendetson, David Philbin

Bendetson explained he met the Board of Health recently to discuss perc testing. He had hoped to have the testing done by the middle of November, but was unable to complete the testing in October due to the heavy rains. He explained the Board of Health new regulations allow a lot to be moved on the property as long as a primary and reserve tank is proven to exist on the lot. He requested that the Board allow him to test in Open Space A.

Storey and Delaney stated that they would not support the request, because the FOSPRD decision specifically makes a distinction between Open Space Area “A” (an 80 acre piece where no testing is allowed) and “B” (a 19 acre piece where testing is allowed to prove up to 78 lots). During the FOSPRD special permit process, he asked Board to issue the FOSPRD special permit before revising the definitive subdivision plan to provide him with greater certainty in the form of a legally binding agreement. Now he seemed to be requesting flexibility that he would have had if he had stuck to the traditional FOSPRD process. They were also concerned that Area A had been established to address Conservation Commission concerns that the wetlands on the property not be disturbed. Giunta felt the Board should allow the testing, as it would not generate additional lots and should be within his right.