

## **BOLTON PLANNING BOARD**

### **Minutes of Meeting**

**April 12, 2006 at 7:30 P.M.**

**Bolton Town Hall**

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

### **DISCUSSION**

#### **1. Randy Boyle – Status of Common Driveway on Wattaquodock Hill Road/Request for Planning Board signature on plan**

Tipton explained he had been in conversations with Steve Bulawka, a realtor working with Mr. Boyle. A document outlining the complex history of the project was distributed. Tipton explained that it appeared that the common driveway maintenance agreement had been updated since amending the decision to add Lot 2 to the common driveway, but did not specify that Lot 2 was part of the common driveway. Since maintenance agreements are required before plan approval, this was within the Board's purview to require an amendment to the maintenance agreement that would reference Lot 2.

### **HEARINGS**

#### **2. Hearing to amend sections of bylaw referencing Water Resource Protection District for Annual Town Meeting**

**Present: Ed Engelmann, Sarah Greenough (Conservation Commission), Carol Gumbart (Conservation Administrator), Scott Powell, Chris Slade (Advisory Committee), Curt Plante**

Section 2.3.2(g) Types of Districts and Permitted Uses

Section 2.3.4 Schedules of Types of Uses

Section 2.3.5.5(g) Backland Zoning

Section 2.3.5.5(a) Size of Restricted Areas, Farmland and Open Space Planned Residential Development

Section 2.5.4 Water Resource Protection District

Section 2.5.7.3 Applicability and Special Permit, Wireless Communication Bylaw

Larry Delaney read the notice for the public hearing. Ed Engelmann gave an overview of the proposed changes. He stated the proposed change to remove the Water Resource Protection District from the bylaw is long overdue. The WRPD is redundant, as many of the protections are already afforded in the state's Wetlands Protection Act and the town's Wetlands bylaw. The current base map that shows the Water Resource Protection District does not match the definition in the bylaw, in part making it difficult to interpret and administer. Engelmann stated four benefits to the public would arise from these changes: the resulting bylaw would be easier for homeowners to understand, avoids potential litigation, simplifies paper work, and increases protection. The only major jurisdictional change when moving from the WRPD to the Wetlands bylaw definition of wetland resource areas is extending the riverfront area in Areas of Critical Environmental Concern from 200 to 300 feet. Common work within a wetland resource area, such as erection of a swing sets or patio would likely not be enforced by the Commission because these areas are deemed to have already been disturbed.

Delaney stated he was concerned over how the Commission would define "vernal pool habitat" and "freshwater seeps" as there is no guidance in the bylaw or state wetland regulations on how this should be interpreted. This could also put the Planning Board in the position of interpreting where these areas exist in instances where a proponent had not obtained a determination from the Conservation Commission before the Planning Board. Giunta stated he was concerned over how long it would take for the

Conservation Commission to develop regulations, as the Commission did not publish regulations to the WPRD change in 1998.

Curt Plante asked what tax impact the ACEC change would have in terms of town revenue. If the town assesses land based on the amount of buildable lots, the town could lose tax revenue with the change. Chris Slade stated he was concerned with the expansion of the 300 foot within ACECs. ACECs are created based on nominations from residents and therefore are more politically than scientifically based.

Storey stated the Board would make a determination on its report at the next meeting.

### **3. Discussion on 40R district and request for zoning change**

Present: Shirley Kane, Kathy Adams, David Philbin

The Kanes are interested in rezoning their parcel of land by Route 495 to reduce restrictions on lot coverage. The zoning change would likely involve increasing the lot coverage ratio to 12%-13%, or a change that would calculate the lot coverage ratio by counting land only in the limited business district. They asked if any plans have been made to establish a 40R district as was discussed last February. The town does not have plans to apply for a 40R district to date. As of right, the Kanes feel they could develop a 42,000 square foot project but would like a larger space in order to attract tenants. Tipton indicated the applicant should consider land uses on the site that generate less traffic as this is likely going to be the town's biggest concern during permitting. Giunta suggested a biomedical facility would generate a large amount of tax revenue without the associated traffic and other negative impacts of a supermarket/shopping plaza. The Kanes indicated integrating the town's aesthetic concerns would need to occur to make the project palatable to residents.

When asked how much tax revenue per year that a 65,000 square foot retail space would generate, Philbin estimated the figure around \$600,000 per year. Storey stated he thought the applicant would need to articulate what other redeeming benefits to the town would apply when considering the project, particularly if they were requesting a zoning change. Garner stated he was interested in having the applicant bring a range of proposals to the town in order to begin substantive discussion. A mixed use project would need a zoning change as well if it is applied for under current regulations.

### **4. Common Driveway Reports**

Present: Rob Oliva, Hamwey Engineering

#### *Harvard Road/Common Driveway - Bob Moss*

Oliva summarized his memo to the Board indicating what aspects of the driveway were not built in accordance with the approved plan. There were several concerns raised by Oliva in the memo that would need to be addressed by the applicant to ensure the driveway functioned properly. These concerns include driveway and drainage structure elevations being constructed incorrectly in places, shoulder widths were too narrow in places, pipes of a smaller size were incorrectly installed, and swales were not installed as shown on the plan. The Board indicated they would have Mr. Moss and his engineer in at the next meeting to explain what happened and how these concerns would be addressed.

#### *West Berlin Road/Apple Valley Homes*

Oliva reviewed the approved plan to evaluate the applicant's request to widen the driveway to 16 feet. Oliva did not obtain the original drainage calculations from the applicant's engineer. Therefore, he was not able to evaluate whether the proposed widening would have an impact on functionality of the drainage structures. The Board wanted the applicant to confirm whether the change would overly burden the

drainage structures. This would be achieved by ensuring there was excess capacity in the infiltration trenches.

#### **5. Request for Lot 21 release at Northwoods**

Present: Chuck Black/Kendall Homes

Chuck Black of Kendall Homes explained he was requesting the release of lot 21 at Northwoods. The lot sits between Ledge Wood Circle and Drumlin Hill Road. There is an existing tri-party agreement in which no money has been drawn from yet that mandates steps to complete the road servicing Lot 1-12. For the next lot release request, the Board thought it would be appropriate to require a second tri-party agreement to complete sections of the road servicing other lots in the development. The Board voted to release Lot 21.