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BOLTON PLANNING BOARD Minutes of Meeting October 25, 2006 at 7:30 P.M. Bolton Town Hall

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

DISCUSSION

1. Bolton Conservation Trust – Community Preservation Act

Present: Ken Swanton, Bolton Conservation Trust

Ken Swanton explained he was visiting various town boards and committees to discuss a proposed article at the Annual Town Meeting in May 2007 to pass the Community Preservation Act (CPA). He had met with the Historic Commission, Conservation Commission, and the Housing Authority. The CPA was last brought to town meeting in 2001 where it was defeated on a close 99 to 87 vote. The article proposed a 3% surcharge. The primary concern at the time was the state would be unable to meet its commitment to provide a 100% match to the amount generated by the 3% surcharge. So far, the state has been able to meet its commitment as the process used to generate funds (a fee applied to filing transactions at the Registry of Deeds) has provided the necessary funds. Swanton explained that he felt Bolton taxes would be lower today if the town had passed the CPA in 2001. Storey stated that this analysis hinged on the assumption that the money would be spent on initiatives that the town would have voted to fund anyways.

Towns that pass the CPA are required to spend 10% in each of three initiatives (Historic Preservation, Open Space Preservation, and Affordable Housing). The remaining 70% can be spent on any of the initiatives or programs to purchase and create new recreation space. Monies used to fund these initiatives would still require the regular appropriation process at Town Meeting. There are two required steps to passing the CPA. First, the town must pass the CPA by a simple majority at an Annual or Special Town Meeting. Second, the town must vote to pass the CPA at a regular town election at least 35 days after the Town Meeting vote. Since Town Election only occurs in May, a Special Town Meeting would need to be called by early April at the latest.

Swanton felt it was important to have Town boards and committees fully behind the CPA. A preliminary meeting will be held on November 1, 2006.

APPROVAL NOT REQUIRED PLAN

2. Christopher Blanchette - Approval Not Required Plan 279 Long Hill Road

Present: Steve Glover

Glover presented a plan to the Board showing two regular frontage lots at 279 Long Hill Road. An ANR application had not been filed with the Town Clerk. An additional backland lot was applied for earlier in the month, as well as a common driveway plan to access the three lots. The hearings on the backland lot and common driveway will be held on November 8. The plan showed Lots 1 and 2 with at least 200 feet of frontage and 80,000 square feet. Lot 2 did not meet the vital access standard as wetlands were present between its building area and Long Hill Road. The access to Lot 2 was contingent on receiving the common driveway permit. Therefore, Lot 2 could not meet the vital access standard until the common driveway special permit was valid. Glover explained he wanted to put a foundation in on Lot 1 before the winter. The Board suggested the applicant return to the next meeting with an ANR plan to create Lot 1, and would show the remaining land as a parcel. Tipton asked whether the owner of the land (the Estate of Alice Verrier) had signed the special permit applications and was prepared to sign the ANR application. Glover responded that the estate had signed the applications and was aware of the proposed special permit application and Approval Not Required plan. The Board would discuss the presence of a large tree

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located in the common driveway easement and the town right of way at the common driveway hearing. A Scenic Road and Public Shade Tree hearing would likely be required.

3. Proposed Bylaw Changes – 2007 Annual Town Meeting

The Board discussed certain proposed bylaw changes. Draft articles are due to the Town Administrator by November 13. The first proposal involved adding additional definitions for land uses in 2.3.4 Types of Uses. The underlying table would not be changed. Rather, definitions of certain land uses (Hotel/Motel, Restaurants, Research and Development Laboratories) would be added to provide a defensible position of what the town considered to constitute these land uses. Tipton provided the Board with the use table and definitions from the Town of Boxborough. Most land uses in the use table contained an accompanying definition. Tipton explained he felt the definitions that need to be added were for “Restaurant”; “Hotel/Motel”; “Manufacturing & Processing Light Manufacturing”; “Research and Development Laboratories”; and “Fraternal, Civic, Charitable Organizations”.

The second proposed bylaw change would involve 2.3.7 Major Residential Development. In the past, the Board has interpreted the bylaw to apply to certain backland lot developments meeting one of the three criteria regardless of whether the development meets the definition of a subdivision under Chapter 41, Section 81L. The definition requires the proposed division of land to meet town frontage requirements. The Board in the past has argued that backland lots do not meet frontage requirements until they receive the backland lot special permit that allows a minimum of 50 feet of frontage. To clarify this, the Board discussed replacing the clause “A Major Residential Development shall mean any subdivision(s), as defined and limited in Massachusetts General Law Chapter 41, Section 81L” with “A Major Residential Development shall mean any division of land”. Delaney mentioned such a change could result in a landowner preferring to building a road rather than creating backland lots off an existing town way. Storey suggested another change could be to define a Major Residential Development as having 15 acres or more and creating over 5 lots. The Board decided to have Larry Ducharme attend a Planning Board meeting to discuss the proposed change.

The Board briefly discussed a third proposed bylaw change to clarify dimensional requirements are organized by zoning district. This orientation would reduce disputes over which requirement a proposed use is subject to. The change could simply be administered by amending 2.3.5.2 to read “Residential District” and “Other Districts” in the Dimensional Schedule.

Meeting adjourned at 9:37pm.