

BOLTON PLANNING BOARD
Minutes of Meeting
November 8, 2006 at 7:30 P.M.
Bolton Town Hall

Present: Larry Delaney (Chair), Steve Garner, John Karlon, Frank Lazgin, Douglas Storey (Vice-Chair), Nat Tipton (Town Planner)

DISCUSSION

1. Community Preservation Act

Storey mentioned that he attended a meeting with town boards on November 1 to discuss the warrant article at the May 2007 Annual Town Meeting to support passage of the Community Preservation Act. Storey indicated it would send a strong message to voters if town boards and committees were to publicly support the article. Lazgin asked whether the warrant article would include the 1%, 2%, or 3% increase. Storey understood that the article would include the 3% increase. Tipton mentioned that the communities that pass the act at 3% would stand a better chance at receiving the state match during years when the state could not fund every town at 100%. Lazgin asked if the article would include a control to offset the increase in taxes. Garner stated he felt the town should consider passing the article at 1% at first.

2. Northwoods – Lot Release Request

Present: Chuck Black, Kendall Homes; Rob Oliva, Hamwey Engineering

Black explained that he is requesting the release of eight lots at Northwoods. Currently, the Board is holding ten lots. The Board also has control over the release of \$82,500 in a tri-party agreement with the developer and Hudson Savings Bank to ensure adequate completion of the road up to Lot 12. Black estimated the value of remaining work to total \$120,000. Delaney asked Oliva if he felt the \$120,000 was accurate. Oliva stated he would take a look at Black's estimate and provide a second estimate based on his punchlist of remaining items (dated October 27, 2006). Storey asked Oliva what significant items remained from his punchlist. Oliva mentioned the sidewalk was not correctly installed as it does not pitch as it should. Oliva prefaced his comments that his punchlist was not final. Oliva stated he felt the value of two lots plus the escrow account would be more than adequate to cover the value of the remaining work. Black mentioned that the cistern would be modified to conform to the plan.

On motion by Doug Storey, seconded by John Karlon, the Board unanimously in favor of releasing Lots 21-23 and 30-35 at Northwoods. The Board would hold Lots 24 and 25 off Ledge Wood Circle as surety to ensure adequate completion of the remaining items.

HEARINGS

3. Approval Not Required Plan – Lot 1 Christopher Blanchette

Present: Steve Glover, Christopher Blanchette (Applicant), James Tetreault, PE (Thompson-Liston Associates)

The Board voted to endorse the Approval Not Required Plan entitled "Plan of Land in Bolton, Massachusetts" dated October 31, 2006 prepared by Thompson-Liston Associates Boylston, MA, prepared for Christopher Blanchette, Job No. 34-1735. The remaining land was labeled Parcel A, reflecting the fact that the additional lots proposed (Lots 2 and 3) do not meet the vital access standard.

4. Backland Lot Hearing – 279 Long Hill Road

Present: Steve Glover, Christopher Blanchette (Applicant), James Tetreault, PE (Thompson-Liston Associates)

Delaney read the hearing notice. Delaney advised the applicant that the hearing notice for both the backland lot and common driveway hearings contained the address of 277 Long Hill Road. The applicant agreed to proceed rather than having the hearings renoticed and advertised.

Tetreault presented a plan showing the creation of one backland lot shown as Lot 3. The proposed lot is being carved from a 8.88 acre lot that currently contains one house. Tetreault stated the plan meets all requirements of the backland lot bylaw. The proposed lot contains in excess of the required minimum area and lot frontage; at no point is the proposed backland lot less than 25 feet between the building area and Long Hill Road; the proposed lot contains a building area of at least 1 ½ acres not within a wetland resource area or flood district; and the proposed lot is not adjacent to a backland lot on either side. Delaney asked whether the lot is entitled to ANR designation because of the wetlands present between the frontage and building area. In order for the plan to be entitled to ANR designation, Delaney stated he felt the common driveway would have to be approved to show it meets the vital access standard. The Board voted to continue the hearing to December 13, 2006 at 8:00pm.

5. Common Driveway Hearing – 279 Long Hill Road

Present: Steve Glover, Christopher Blanchette (Applicant), James Tetreault, PE (Thompson-Liston Associates)

Delaney read the hearing notice. Tetreault presented a common driveway plan showing access to Lots 1, 2, and 3. In both directions, the proposed location provides in excess of the required 180 feet of site distance. Tetreault mentioned a large oak tree would be preserved near the proposed location of the driveway. The portion of stone wall would be disturbed, but would be replaced in the area containing the existing driveway. Garner asked how long the driveway is from the entrance to the last house. Tetreault stated the driveway is 600 feet. The applicant needs to submit a proposed maintenance agreement, as well as drainage calculations. Storey noted the driveway turnouts would need to be altered to comply with the bylaw.

The Board voted to continue the hearing to December 13, 2006 at 8:15pm. The applicant would provide the additional materials in the meantime.

6. Major Residential Development Bylaw Discussion

Present: Larry Ducharme, Ducharme and Dillis Civil Design Group

Tipton explained that at a board's request, Larry Ducharme attended tonight's meeting to discuss the board's amendment to the Major Residential Development bylaw. The bylaw currently requires developments defined as a subdivision under MGL Chapter 41 Section 81L and meeting other criteria to submit a traditional and FOSPRD plan. The Board is proposing removing the requirement that a project be deemed a subdivision under Chapter 41 Section 81L, as well as altering some of the additional criteria. Ducharme cautioned the Board that however the Board decides to change the bylaw to make its intent and wording clear. In addition, he felt that the bylaw change would encourage landowners toward subdivision development in certain instances, as it would negate the ability to carve out backland lots on existing frontage over a period of time. Storey expressed the desire to avoid making the process difficult and onerous.

7. FY08 Budget

The Board reviewed and modified a draft budget prepared by Tipton. The change involved reducing the Board's request for Purchase of Services by \$462 to meet the level funding request.

8. Status of Century Mill Subdivision Application

The Board discussed the status of the Century Mill Subdivision Application. Tipton stated the letter had been sent to the applicant that outlines the Board's position that the application is incomplete without a soil survey. Although Massachusetts subdivision law mandates that Planning Boards issue decisions for certain subdivisions within 90 days from its filing with the Town Clerk, the Board has made clear to the applicant they do not consider the application complete. Tipton asked the Board whether they felt there was sufficient basis for a constructive approval given the application had been deemed incomplete. The Board felt that there was not and would not be in the applicant's interest to seek such a constructive approval.

9. Determine Next Meeting Dates

The Board decided to hold their next meeting on November 29, 2006 instead of the regularly scheduled November 22, 2006 due to its proximity to Thanksgiving. In addition, the Board decided not to hold its December 27, 2006 if there were no Approval Not Required plans or other pending matters to attend to.