

BOLTON PLANNING BOARD
Minutes of Meeting
February 22, 2007 at 7:00 P.M.
Bolton Town Hall

Present: Larry Delaney (Chair), Doug Storey (Vice-Chair), Stephen Garner, Frank Lazgin, Nat Tipton (Town Planner)

DISCUSSION

1. Common Driveway - 14, 18, 22, and 26 Corn Road

Present: John Curran

Curran explained he would like to make a change to the proposed driveway to serve Lot 5 off the main common driveway. The change is necessary because the owner of Lot 6 ended up constructing his driveway in a different location than what was shown on the plan. The original plan showed Lot 5 and Lot 6 would have their own separate driveways. Alternatively, Lot 5 and Lot 6 would share a driveway under the proposed scenario. The easement for Mr. Curran to use the driveway to access his lot remains in place. Garner asked how many feet the easement is. Mr. Curran responded approximately 140 feet. A retaining wall would need to be constructed. Storey commented he saw two issues on the request. First, the relocation of the proposed driveway did not seem of great concern to him. The more important issue is the fact that Lot 5 is the last lot on the driveway, and therefore the Planning Board would need to formally release the lot in order for a building permit to be issued. Typically, an as-built plan is submitted and approved by the Board for this to occur. Curran stated the driveway was functioning properly and that the landowners who use the driveway were satisfied. Delaney commented that he was surprised Mr. Curran's lawyer did not catch this. Storey recommended that Rob Oliva take a look at the driveway to identify any additional issues from his previous memo in July 2004. Storey also would take a look at the common driveway as well, and review the driveway that currently serves Lot 6.

2. Common Driveway – 36 and 40 Corn Road

Present: Ron Percy

Percy stated he was looking for the Planning Board to endorse the as-built plan as this step was necessary to release money being held by the Conservation Commission. The driveway was required to be built to common driveway standards as it crossed three lot lines even though it only served two houses. A number of items have been addressed on the driveway including the installation of turnouts and swales. Storey stated he would review the driveway as well. The Board did not have a copy of the as-built plan to review as it was sent to Rob Oliva. Oliva's review of the common driveway found two major issues that deviated from the plan in his memo dated February 7, 2007. First, the basins (Basins 1-4) did not appear to be properly sized. Second, the turnout at station 9+25 was not installed. However, the Board agreed this did seem to be a concern as there was only one house lot beyond this point.

The Board decided to resume the discussion at their next meeting on February 28 with the as-built plan in hand.

3. Finalize Bylaw Changes/Schedule Hearing

The Board reviewed the draft articles. A memo was distributed by Tipton outlining the proposed changes involving the dimensional schedule, Major Residential Development, addition of certain definitions from the use table, the Mullins Rule, and acceptance of Oak Trail. The Board voted to hold its hearing on

March 28th at 7:45pm. After discussion, the Board also decided to remove the addition of definitions for Motel/Hotel, Restaurant, Processing and Manufacturing, and Light Manufacturing and Research and Development Laboratories.

The Major Residential Development change would be as follows (deletions in *parenthesis and italics* and additions are underlined) :

2.3.7 Major Residential Development

2.3.7.1 Applicability

Lands affected by this section 2.3.7 includes residentially zoned property, or set of contiguous properties, in common ownership, or in common ownership as of June 10, 1996. The term “common ownership” shall be defined as ownership by the same person or persons or legal entities, or ownership by any two or more persons or entities, as evidenced by control, pursuant to established law.

A Major Residential Development shall mean any (*subdivision(s), as defined and limited by MGL Chapter 41, Section 81L,*) division of land which in any five year period (*, either*):

- a) comprises 15 acres or greater of new residential lots (*and road rights-of-ways*); (*or*) and
- b) results in the creation of (*greater than 7 residential lots*) six or more residential lots.
- (*c*) *results in the construction of greater than 500 feet of new roadway.*)

Any subsequent (*subdivision proposal*) division of land which, if approved, would result in total development in excess of any of the preceding thresholds in any five year period, shall itself be subject to this section 2.3.7, and shall cause any previously approved (*subdivision(s)*) division(s) of land which contributed to the aforesaid threshold calculation to then also be subject to this section 2.3.7 as a part of that subsequent (*subdivision*) proposal to divide land.

2.3.7.2 Approval

Major Residential Development shall be allowed only through the special permit process set forth in Section 2.3.6 Farmland and Open Space Planned Residential Development and this section.

2.3.7.3 Purpose

The purpose of this section is to preserve the natural and cultural resources of Bolton by insuring the larger-scale conversion of land to residential use does not consume all of the town’s woodlands, fields, farmlands, historic structures and landscapes, orchards, cart paths, rock walls, geologic formations, water courses, wetlands, riparian zones, groundwater recharge areas, hilltops, scenic vistas, and other significant open spaces.

2.3.7.4 Decision

The Planning Board shall make a decision for all Major Residential Developments whether the plan developed in accordance with Section 2.3.6 provides a superior alternative in consideration of the criteria set out in Section 2.3.7.5 in which case, the Planning Board may require that the development occur in accordance with the plan consistent with Section 2.3.6. If the Planning Board does not find that the plan consistent with Section 2.3.6. is superior, the proponent may select whether to pursue development under Section 2.3.6 or use (*a traditional subdivision*) other development options pursuant to Town Bylaws.

2.3.7.5 Decision Criteria

The Planning Board, in making its decision as to whether to require development in accordance with Section 2.3.6 or to allow a traditional (*subdivision*) division of land, shall evaluate both plans and choose

the development method which best meets, in the opinion of the Planning Board, the purpose of this section and the criteria set forth in Section 2.3.6.8 (c).

The change to the dimensional schedule would be as follows:

	Residential (Lot) <u>District</u>	***Backland Lot (Residential)	Other (Uses) <u>Districts</u> (i.e. Business, Industrial, or Commercial)
Minimum lot area**	80,000 sq. ft.	4.5 acres	1.5 acres
Minimum lot frontage**	200 feet	50 feet	200 feet
Minimum depth:			
Front yard**	50 feet	50 feet	150 feet
Other yards**	20 feet	50 feet	50 feet
Minimum lot width for 100 feet back from street line	150 feet	2.3.5.5 (b)	150 feet
Maximum lot coverage**	N/A	N/A	see Notes A and B