

BOLTON PLANNING BOARD
Minutes of Meeting
February 28, 2007 at 7:30 P.M.
Bolton Town Hall

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

DISCUSSION

1. 36 and 40 Corn Road Common Driveway As-Built Review

Present: Ron Percy

The Board reviewed the As-Built Plan dated December 4, 2006 titled "As-Built Plan of Common Driveway in Bolton Mass." by Thomas Land Surveyors, Hudson, MA, Scale 1"=50'. Tipton stated that there were two issues raised during the reviewing engineer's review. First, there was a turnout not installed at 9+25. This proposed turnout was at a point where only one dwelling was being serviced by the driveway. Additionally, the sediment basins are smaller than what was shown on the design plans. Karlon stated he had seen the driveway and it appeared functional.

On motion by Storey, seconded by Lazgin, the Board voted to approve the as-built plan. The approval allows the Planning Board portion of a release of escrow monies being jointly held by Conservation Commission and Planning Board.

2. Building Permit Request – Common Driveway Off Green Road

Present: Peter Brouillette; Rob Graves; Betsy Cussen Town Clerk

The Board signed a building permit to construct one new home at 211 Green Road.

HEARINGS

3. Century Mill Estates Definitive Subdivision Hearing

Presenting: Andrew Bendetson (Merchant Financial Services); Meredith West (Freeman Law Group); Michael Carter and Jeremy Downs (GCG Associates)

Delaney read the hearing notice. Delaney gave a brief history of the project. A preliminary subdivision plan was filed in May 2003. A five lot definitive subdivision plan was approved by the Planning Board in 2005 that was done to freeze zoning. A FOSPRD plan was approved in 2005 allowing a maximum of 78 lots with a large amount of open space and three lots for affordable housing. The applicant filed a definitive subdivision plan in October 2006 that was intended to provide a road layout for the FOSPRD lot layout design. However, the filing was not complete as it did not contain a soil survey. The new filing did provide this piece of information. Delaney mentioned Planning Boards have limited ability to deny subdivision plans as there had to be a deficiency per the Planning Board's Rules and Regulations or a finding by the Board of Health that the proposed plan could pose public harm. One issue that will be raised during the hearing is whether the applicant's project is subject to the town's Rate of Development bylaw. This has been discussed with the Board of Selectmen and Planning Board.

Pursuant to the state ethics laws, Delaney publicly disclosed that an attorney in the law firm he works for recently represented an attorney in one of the firms that the applicant has hired in a private matter. The matter was unrelated to the applicant's representation, firm, subdivision application, or the applicant himself.

Delaney stated Stephen Garner, a Planning Board member and abutter to the project, would not be attending the hearing.

Jeremy Downs gave a brief presentation of the project. The subject property contains approximately 200 acres and is bounded by the Town of Hudson, Spectacle Hill Road, Century Mill Road; and Hudson Road. Soil tests have proved 71 lots. The plans show Road A that connect Century Mill Road to Spectacle Hill Road, and two cul-de-sacs, Roads B and C. There is approximately 7,300 linear feet of roadway. The applicant is proposing a closed drainage system with swales. The drainage would not increase the rate or volume of water leaving the site. The plans show three proposed fire cisterns.

There are two wetland crossings on the plan: one on Road A and one on Road C. The design uses an arched culvert. Overall, the plan shows 100 acres of open space. Each lot has the capacity to handle a septic system. The plan shows a combination of single and shared wells.

Delaney read comments received from the Board of Health on the project pursuant to the Subdivision Control Act. Mark Sprague, Board of Health member, commented the Board met with the applicant the previous evening. Much of the discussion centered on the water supply. Legal representatives of the applicant argued that the Department of Environmental Protection (DEP) might allow shared wells. The Board interprets MGL Chapter 40 Section 54 to mean that without a public water supply, a well is required on each building lot. The burden of proof is on the applicant to show that a shared well is possible. The location of the lots could be in jeopardy if shared wells are not allowed.

Bendetson acknowledged the building lots will need a water supply to obtain a building permit, whether from a well, shared well, or public water supply. Sprague cautioned that he would need to show each lot variance free with its own septic and well. A lot cannot be varied into existence. West stated a lot of thought had gone into this. Shared wells would provide testing and monitoring. Delaney noted three cisterns were added. Downs noted that an open space recreation area might be possible in Area B from the FOSPRD plan. Carter noted the road design attempted to minimize the impact on wetlands and wildlife on the eastern portion of the site towards Hudson Road. Storey asked if there was a way to put in a low cost fire road to link Roads B and C. Ducharme stated the topography is very challenging at that section with 15% to 20% slopes.

Delaney read comments from the Police Chief. The comments mentioned Spectacle Hill Road improvements and assumptions of traffic flow onto Spectacle Hill and Century Mill Roads. Bendetson stated he submitted a traffic report that stated the impact would be minimal. Levels of service would not be affected. There is very little traffic on these roads. Storey questioned the assumption that the vast majority of traffic would use Century Mill Road. Mark Slade of South Bolton Road asked what traffic engineer was used for the report. West responded DMK Associates of North Reading.

Mark Kahan of Century Mill Road asked for a clarification on the locations of detention basins and shared wells referenced in the Board of Health report. Downs showed the locations of the basins on the plan. Kahan also asked the direction of flow of the surrounding streams, and for the applicant to explain a 50 foot access easement on the plans. Bendetson stated the access easement is shown because the FOSPRD special permit required future access to other lots had to be shown on the definitive subdivision plan. There was discussion at one point with the owner of a lot west of the proposed subdivision that would allow a road to be routed onto South Bolton Road. Bendetson offered to remove the proposed easement to the plan later on in the hearing process.

Andrea Gilbert of Century Mill Road asked if the hearing had been officially opened. Delaney responded it had. Gilbert recalled in the FOSPRD special permit there was a requirement of a limited cut re-tree

zone and a trail easement. Downs stated this is shown on the proposed plan. Ken Ellsworth of Spectacle Hill Road stated it would be unfair for the developer to fix an existing problem on Spectacle Hill Road. HE stated the town has done nothing to fix the problems on the road. The addition of 180 apartments at a nearby complex in Hudson has exacerbated problems. Jean West asked when the traffic study was done. West responded the study was begun after the FOSPRD special permit in 2005. An abutter from Hudson (did not state name) recalled a story where a school bus nearly flipped over from having to drive on an embankment on a narrow part of Spectacle Hill Road. Tipton asked if the applicant knew when the traffic counts for the study were done. They did not, but stated the traffic engineer would be made available to answer questions on the methodology at a later date.

In response to a question on the impact the cut would have on drainage off Century Mill Road, Downs stated two subsurface underground detention basins were being proposed. The ground water table in these locations was low enough for this to work. Bendetson stated the issue had been studied by the engineers and the volume and rate flows would not exceed pre development conditions. Mark Slade asked Downs to specify. The road would be graded to a 3 to 1 slope (barring any ledge) and would be cut to about 1000 to 1500 feet horizontally and a 25 foot depth. Ted Fiehler of Wheeler Road questioned what the proposed cut would look like. Bendetson recalled he submitted a sketch that a landscape architect did to show what the final product. If they had to use retaining walls, they would be done in an aesthetically pleasing manner.

Andrea Gilbert asked if Bendetson was planning to sell any lots. Bendetson stated he has been developed houses for years. Some projects he has built out, others he has sold. He stated he could not make a definitive statement on this to diminish his options. Kahan raised concerns about the impact of the project increasing flows held by a dam located near the intersection of South Bolton and Century Mill Roads. Slade asked what software was used to calculate the drainage report. Downs responded HydroCAD.

A site walk was scheduled for March 24th at 8am. Group will meet in a clearing about 200 yards up Road A from the Spectacle Hill Road entrance.

The hearing was continued to March 28th.