

BOLTON PLANNING BOARD
Minutes of Meeting
May 9, 2007 at 7:30 P.M.
Bolton Town Hall

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

DISCUSSION

**1. Landquest – Request to Amend Backland Lot Special Permit
Land between 119 Wattaquaddock Hill Road and Manor Road**

Present: EK Karlsa, Ron Roux (Landquest)

Vice-Chair Storey opened the hearing. The applicant was advised that the Board Chair was not present. The applicant opted to continue the hearing rather than proceeding with four members, or taking advantage of the recently passed exemption from the Mullins Rule.

The Board voted to continue the hearing to May 23 at 8:15pm.

2. Forbush Mill Road Driveway – Anthony Raffaele

Present: Gerald Buzanoski (Ducharme and Dillis); Anthony Raffaele; Michael Raffaele

They were not able to contact Mr. Mallette to discuss correcting certain drainage problems on Forbush Mill Road. Buzanoski showed a revised plan that lessened the slope at the first twenty feet of the driveway. A swale is shown along the right of way to divert water from the Mallette property and driveway. The applicant committed to discussing drainage and eliminating the ridge with Mr. Mallette. Raffaele stated he spoke with Mr. Brown and that Mr. Brown was supportive of the driveway design and attempts to deal with drainage problems from Mr. Mallette's driveway.

Tipton suggested combining a driveway with the Mallette property. The applicant offered to discuss this with Mr. Mallette as well. Storey indicated he would like more information before acting on the permit. He would contact Mr. Brown for his thoughts on the driveway design.

**3. Capital Estates Solutions LLC and Joseph & Corrin Crowley
Request to Amend Common Driveway Special Permit – 279 Long Hill Road**

Present: Stephan Glover, Joe Crowley, James Tetreault (Thomson-Liston Associates)

Tipton explained that calling a hearing was necessary to amend the common driveway plan for 279 Long Hill Road due to the necessary certificate of no appeal to file a plan at the Registry of Deeds. Tetreault explained the change requested is reducing the amount of pavement by 190 feet on Lot 3. The change is being requested by the owner of Lot 3 to save 37 trees.

On motion by Karlon, seconded by Lazgin, the Board voted to approve the requested change as shown on the plan entitled "Common Driveway Profile in Bolton Mass" dated April 4, 2007 for Joseph and Corrin Crowley

4. Shutts Approval Not Required Plan – Larry Ducharme

Present: Larry Ducharme

The Board reviewed Approval Not Required Plan for Vaughn Hill Road prepared for a land swap. The Board endorsed the plan entitled "Plan of Land Lot Line Change" dated 4/4/07 prepared for Bruce Shutts by Ducharme and Dillis, Bolton, MA.

HEARINGS

5. Century Mill Estates - Continuation of Definitive Subdivision Hearing from April 11, 2007

Present: Andy Bendetson (Merchant Financial); Gavin Cockfield (Davis, Malm & D'Agostine, P.C.); Jeremy Downs (GCG Associates), Larry Ducharme (Ducharme and Dillis); Rob Oliva (Hamwey Engineering)

Storey asked the applicant if they were aware Delaney was not present. Bendetson responded they were. Storey explained that at town meeting the Town passed the Mullins Rule exemption, allowing a board member to vote if they were not present for one meeting if they reviewed a recording. Bendetson opted to proceed. Storey stated there would be no votes without the full four members sitting on the hearing.

Storey asked for an update on the MEPA process, and Board of Health proceedings. Ducharme explained the applicant met with the Board of Health the previous evening. Ducharme explained there were two main issues from the Board's initial comments: the inclusion of shared wells, and the amount of wells on Parcel G. The Board of Health has issued a revised letter dated May 9, 2007. Storey read the following comments from the Board of Health:

- The public water supply will require periodic testing and maintenance. The Board of Health will require acceptable home owner association or water district language to provide for the required testing and maintenance.
- All testing reports must be copied to the Bolton Board of Health and Nashoba Associated Boards of Health.
- On past projects, DEP has required provisions for pumps, a central treatment plant, and emergency generators outside of the Zone 1 area. These are not currently shown on the plans.
- Similarly, DEP may require storage cisterns to ensure sufficient water availability throughout peak usage periods. There are currently no provisions for this on the plan.
- The applicant indicated that the Zone 1 area is sized to support 71 five bedroom houses. Under Title 5 Regulations, this would require 39,050 gallons per day. In the past, DEP has required that the Zone 1 area to be sized for an additional 10% of this flow to account for non-septic water uses (irrigation, pools, etc). The applicant needs to clarify this requirement with DEP, and either reflect the increased flow in the Zone 1 sizing, or indicate the 33 of the 71 houses that will be limited to 4 bedrooms.
- Alternatively, the applicant indicated that some houses may be served by individual wells. These wells must be noted in a revised plan, and must meet all Board of Health offsets meaning they must be variance free.
- Finally, the Board of Health wants to advise all other town boards that there are very strict limits placed on activities within the Zone 1 area. All Boards should review their potential usage of the open space areas to ensure that these restrictions are consistent with their expectations.

Storey stated he thought the Planning Board should be copied on the final agreements for testing and maintenance of the public water supply. A condition of approval was discussed. Storey asked whether the issue of allowed activities in Zone I has been settled. Bendetson stated at the site walk for the MEPA process, it was determined that walking and horseback riding area are allowed activities in Zone I for the public water supply. Bonnie Chandler asked if the location of the public water supply is going to conflict with a playing field. Storey stated that at this time, there is not any adequate place for a ballfield. However, he advocated that any conservation agreement should retain the option of the town constructing a ballfield within a certain area.

Ducharme provided an overview of the MEPA site walk that took place on May 8. The site walk was attended by Aisling Eglington (MEPA office); Martin Jalonski (DEP Wetlands); Susan Connors (DEP); Carol Gumbart (Bolton Conservation Administrator); and Mark Slade (abutter to an abutter); Jeremy Downs; Andy Bendetson, and Larry Ducharme. Ducharme stated the walk lasted for about three hours and was an opportunity for the MEPA program and other state agencies to collect information on the project. The public comment period ends on May 15. Martha Remington of the Bolton Historical Commission asked if stone walls were shown on the plans, and asked if the stone walls could demarcate lot lines so they could be preserved. Remington also mentioned the Massachusetts Historical Commission is requesting the applicant do an archeological inventory of the site as the site may contain Native American artifacts. Storey mentioned that the FOSPRD Special Permit stated the applicant must attempt to maintain stone walls as best as possible. Ducharme mentioned that site alteration was raised at

the MEPA site walk. If the applicant is to alter more than 50 acres of land, an Environmental Impact Report is required. Although the applicant believes more than 50 acres will not be altered, Ducharme stated MEPA is concerned about the amount of alteration and is requiring the applicant to revise their estimates for land alteration. Using shared systems on certain lots would reduce the amount of necessary clearing. Remington noted an area of beech trees on the site near one crossing. Storey stated he felt it was in the applicant's interest to save one older tree. Remington mentioned a collection of stones on the site that should be preserved as well.

Storey asked whether the cost estimates prepared by the applicant for maintenance of proposed drainage structures has been passed on Harold Brown, DPW Director. Downs answered that he had not passed the estimates on to Mr. Brown. Jake Foote of Century Mill Road asked how a private water line could be put into under a town right-of-way. Bendetson answered this was discussed with Mr. Brown. Pipes would not be placed directly under the road, and the town would not be responsible for any maintenance to the public water supply system, including the water mains. Mr. Brown asked the pipes to be placed in a sleeve. Foote asked whether a private entity could dig up a public road. Ducharme stated a public water district would be established for the project. Foote asked whether the district would hold a bond with the town, and would be insured to do work in the public way. Bendetson stated this would be similar to other entities such as cable TV, electric, gas, etc... Carter stated the public water district would be a public utility and would be regulated under standards set by the Department of Environmental Protection. Foote asked whether the roads created for the project could be private instead of public. Storey stated this was not something the Planning Board was considering. He also stated the Board would consider a condition in a decision mandating the town and DPW director must be part of the approval process in establishing a framework with DEP on maintaining the public water supply.

Storey asked if there were any other drainage issues. Oliva mentioned one outstanding issue was the categorization of roads to a lower standard based on the amount of expected traffic. The issue not only deals with road width, but other engineering considerations such as vertical curves. Oliva stated he received communication from Dermot Kelly that indicated the road design for Road A meets standards set by the Institute for Traffic Engineers. Remington mentioned the Historical Commission is concerned about an esker on South Bolton Road near its split with Spectacle Hill Road. The Commission is concerned the esker would need to be widened if a large amount of traffic was added to the area. Storey mentioned this was discussed from earlier discussions on traffic. There was discussion that a one-way turn would be required out of Spectacle Hill Road; however, the applicant has submitted evidence to suggest that the development will not increase traffic to a degree that would warrant this.

Storey mentioned the Board received comments from neighbors recommending the Board grant a waiver from the requirement of street lights. Andrea Gilbert of Century Mill Road asked why the Board would not grant the waiver. Andrew Gilbert asked the Board to consider less intrusive street lights if they were not to grant the waiver. Foote asked the developer was going to put speed limit signs. The applicant stated they are willing to do this. Tipton mentioned that he received input from Rob Kahan of Century Mill Road that indicates overhead lighting can be problematic at night in fog because light particles reflect off the fog. Tipton also mentioned Harold Brown was advocating for a condition prohibiting heavy truck traffic from accessing the development from the southern portion of Spectacle Hill Road. Remington suggested creating a condition that would limit the amount of clearing of tree canopy for electric lines. She suggested using Hudson Electric rather than Mass Electric.

The applicant's attorney has begun preparing a draft decision for the Board's review. The decision would be reviewed in depth at the following meeting. Storey mentioned he would not be present at the meeting on June 27th.

The hearing was continued to May 23rd at 9pm.