

BOLTON PLANNING BOARD
Minutes of Meeting
June 13, 2007 at 7:30 P.M.
Bolton Town Hall

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

DISCUSSION

1. Forbush Mill Road Driveway Permit – Anthony Raffaele

Present: Gerald Buzanoski, Ducharme and Dillis

Buzanoski stated Raffaele and the adjacent landowner (Maillette) were not able to come to terms that would allow use of the existing driveway cut. Buzanoski stated it is his understanding that Mr. Raffaele's intention is to ultimately apply for a backland lot special permit. Buzanoski offered to answer questions relating to driveway design and advised the board that approximately 5,000 cubic yards would need to be removed from the site as a minimum. Delaney stated the applicant could only remove material incidental to construction of a building. The applicant does not hold rights to build even one house unless they prove they have a pre-existing non-conforming lot, or obtain a backland lot special permit. Delaney also stated earth removal is not an allowed use in a Residential district. Buzanoski suggested the applicant could begin the processes under the Wetlands Protection Act with the Conservation Commission, then apply to the Planning Board with regard to the issue of whether the lot is a pre-existing non-conforming lot. Delaney asked when the lot was created. Buzanoski did not know. Storey suggested the applicant may need to apply for an earth removal permit first if they wanted to transfer earth from the property.

Buzanoski thanked the Board for its time, and stated he would return at the following meeting with a title search of the property.

HEARINGS

2. Landquest Backland Lot Special Permit Modification

Present: E.K. Karlsa, Ron Roux (Landquest)

Karlsa stated he was before the board on their application to modify a backland lot special permit issued by the Board in May 2005. The applicant is requesting a modification of condition #3 to assist with a possible conservation deal. Condition #3 required four driveways to be built to service the ten lots. Karlsa stated they intend to build upon five lots (lots 1, 5, 6, 7, and 8) on the western section of the property to include three driveways. Karlsa stated they would like to amend their request from the application to include a total of four driveways (rather than six): one shared driveway to service lots 5 and 6; one single driveway to service lot 1, one shared driveway to service lots 7 and 8, and one driveway to provide access to the remainder of the lots. The eventual ability of the applicant to secure a conservation deal with Sudbury Valley Trustees for lots 2, 3, 4, 9, 10 and Parcel A would determine the configuration of the final driveway. If the driveway serves more than two lots, the applicant would be required to obtain approval under the town's common driveway bylaw.

Delaney asked why the applicants were requesting three driveways to access the five lots to the western part of the property, rather than using a common driveway to serve all five lots, or using two driveways. Roux responded that cost is a big issue, along with a concern that a common driveway would not fit in with the scale and purpose of the development. Storey asked that the Board review the proposed location of the driveways for Lots 1, 5 and 6, and 7 and 8 to reduce conflicts with the winery driveway across the street. Garner asked whether the driveways are located in relation to a large gully between the land and

road. Roux stated he did not think the driveways were within the gulley, but would need to set a pipe underneath the driveway if it transected the gulley. Storey asked if they would need to hold a tree hearing. Roux stated the trees were not within the right of way. Delaney stated he was skeptical that a conservation organization would be willing to pay \$350,000 per lot. Karlsa stated they are confident that the portion or all of the lots would be able to be conserved.

Cia Boynton from the Public Ways Safety Committee stated they have an interest in constructing a sidewalk along Wattaquodock Hill Road. She suggested that the board consider requiring the developer to provide a sidewalk along their property or right of way. Karlsa questioned whether this was an appropriate section of roadway to provide a walkway, but offered to work with the Public Ways Safety Committee on the issue. Karlsa stated there is perhaps a logical opportunity to create such a walkway given a portion of the lots could be public open space, but was skeptical that it could be done given slope grades and the gulley.

The applicant submitted suggested language to amend the common driveway special permit. Storey suggested creating a separate paragraph for the last line of the suggested amendment. On motion by Storey, seconded by Karlon, the Board voted unanimously to close the hearing.

On motion by Storey, seconded by Karlon, the Board voted to approve the amendment to the backland lot special permit to create four driveway cuts in the manner described by the applicant.

DISCUSSION

3. Century Mill Estates - Deliberation of Century Mill Estates Definitive Subdivision Application

Present: Andy Bendetson (Merchant Financial); Gavin Cockfield (Davis, Malm & D'Agostine, P.C.), Jeremy Downs (GCG Associates)

The Board reviewed a draft decision from June 11, 2007 containing comments from the Town Planner. The following changes were agreed by the Board to be made:

- Findings Section, #4: The word “together, those” will be inserted between the first and second sentences to clarify components of the two filings constituted a complete filing.
- Findings Section, #8: The phrase “Except as noted in this Certificate of Approval” would be included to clarify that the plan only complies with the granted waivers; also the capitalization of the word “complies” was removed.
- Conditions Section, #1 - A statement was added that clarifies the decision applies to assigns and successors, in the case the project is sold to another developer.
- Conditions Section, #2 – Road A shall be called Mill Pond Road, and Road B shall be called Cider Circle.
- Conditions Section, #3 - The statement “this Performance Guarantee, if in the form of a covenant shall be recorded with the Worcester Registry of Deeds prior to the commencement of any of the improvements approved in the Amended Plan, and a copy of the recorded Performance Guarantee shall be delivered to the Board.” would be added to ensure the covenant is recorded.
- Conditions Section #5 – The statement “the amount of the bond will be determined by the Planning Board subject to its standard practices” would be added at the end #5.
- Conditions Section, #8 - .The statement “the applicant shall post appropriate signage consistent with this condition.” would be added at the end of #8.
- Conditions Section, #10 - A change would be made to clarify construction must adhere to state and local laws regarding blasting.

- Conditions Section, #14 - The applicant shall submit a landscaping plan for board review and approval pertaining to required plantings adjacent to the Goddard property and Road A.
- Conditions Section, #15c – The statement would clarify the access easement must be removed for Lots 10 and 11.
- Conditions Section, #15g - A condition was added for the approximate location of the public water supply and road access to the Public Water Supply must be depicted on the final plans.
- Conditions Section, #15i - A condition was added for the final plans to show no less than three parking spaces at the end of Road B and no less than two parking spaces on Road A at Lot 60 for public access to the Open Space.
- Conditions Section, #16 - A suggested conditions on hours of construction was amended as “the Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Construction shall not commence before 7:00 a.m on Monday through Friday, and shall not commence before 8:00 a.m. on Saturdays, Sundays, or holidays, and shall not create a nuisance, as reasonably defined by the Board, beyond 5:00pm.”
- Conditions Section, #20 – A condition would be added that requires the Applicant to donate three lots of land to the Bolton Affordable Housing Trust Fund on the following schedule:
 - a) Not later than the issuance of the 20th occupancy permit for the project;
 - b) Not later than the issuance of the 40th occupancy permit for the project;
 - c) Not later than the issuance of the 60th occupancy permit for the project.

These lots must be located in three noncontiguous locations on the property. On mutual agreement between the developer and the Planning Board the developer may donate the fair market value of the undeveloped lots following the same schedule in lieu of the land. The appraised value will be determined by an independent appraisal done by an appraiser acceptable to both parties based upon the standard set forth in paragraph 6i of the FOSPRD Special Permit.

- Conditions Section, #21 - A condition would be added that requires the Applicant to make a \$15,000 donation to the Town in lieu of condition 6ii of the FOSPRD special permit for purposes of a traffic study by an independent traffic engineer chosen by the town for mitigating impacts to adjacent roads and/or intersections.
- Conditions Section, #22 - A condition would be added that requires the Applicant to submit a lighting plan to the Board. Such lighting plan shall incorporate techniques, such as shielding, that are consistent with standards for roadway lighting set forth by the International Dark Sky Association.

Andrea Gilbert, of Century Mill Road, stated it was her understanding that the Board of Health was not going to allow a portion of the site be served by public water, and another to be served by private wells. Storey stated this was the first he heard of this condition and it was not included in the Board of Health comments. Delaney and Karlon both suggested that for present purposes, this determination by the Board of Health would not impact the Planning Board’s written decision as it is really a Board of Health issue. Karlon also noted the page numbers should be fixed to include a total of 12 pages. The applicant offered to submit an extension to the deadline of filing a decision with the Town Clerk, as the Town Clerk was not going to be in the office on Thursday or Friday. It was agreed the applicant would submit a letter extending the deadline to Wednesday, June 20.

On motion by Lazgin, seconded by Karlon, the Board voted to sign the decision as amended. The decision would be filed with the Town Clerk early of the following week.