

BOLTON PLANNING BOARD

Minutes of Meeting

July 11, 2007 at 7:30 P.M.

Bolton Town Hall

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

DISCUSSION

1. Associate Member Discussion

The Board met with James Owen of Century Mill Road to discuss the opening for an associate member. Delaney provided a summary of the opening. Owen asked whether he could serve if he is not a U.S. citizen. Tipton stated he was not sure, but it seemed that because the opening is appointed rather than elected, it should not be a problem. Tipton would check with the Town Clerk and possibly Town Counsel or the Attorney General's Municipal Law Unit for an answer.

2. Approval Not Required Plan – Toth Sugar Road Property

Present: Larry Ducharme

The Board endorsed an approval not required plan of land entitled "Plan of Land, Bolton Mass." dated June 1, 2007 prepared by Ducharme and Dillis, Bolton, MA, for William Toth. The plan was deemed not to require subdivision approval. The plan separates approximately 1.9 acres of land from a larger piece of approximately 77 acres. Ducharme stated the remaining 75 acres may be developed at some point. He understood a FOSPRD plan would be necessary.

3. Don Airey – Wilder Road Common Driveway Maintenance

Present: Don Airey

Tipton explained he had been contacted by Mr. Airey regarding the maintenance of a common driveway that he shares with five other property owners. The driveway was permitted around the time the Planning Board was drafting the common driveway bylaw, but before the town formally approved it. The developer at the time obtained a variance from the driveway bylaw at the time, as it contained more the maximum lots served at the time (2 houses). If the same driveway was permitted today, it would require a variance from the common driveway bylaw because it serves more than 5 houses. Airey stated maintenance of the driveway was handled informally by the property owners, but was done on a regular basis. Some houses on the driveway have changed hands recently and the new owners are not willing to pay for regular maintenance. Airey asked the Planning Board who enforces the common driveway bylaw to require regular maintenance. Delaney stated the Planning Board's involvement with common driveways ends after initial permitting. Delaney suggested that the recourse for Mr. Airey is to bring the other property owners to court if they do not contribute towards the driveway's maintenance. A "Declaration of Driveway Easement" was recorded at the Worcester District Registry of Deeds that required homeowners to elect, by majority vote, a "Selected Owner" to arrange for and oversee for the maintenance of the driveway. No documentation appears on the Worcester Registry of Deeds website that suggests the election occurred.

4. Oaks Lots 9 and 33 Culverts

Tipton explained Rob Oliva of Hamwey Engineering submitted a memo at the Board's request clarifying that the storm event that the open drainage system was designed for was the 100 year event.

5. Departure of Town Planner

Tipton explained he had accepted an offer for a position at the Massachusetts Department of Conservation and Recreation. He agreed to submit a summary for the Board's review of ongoing projects and lot releases.