

BOLTON PLANNING BOARD
Minutes of Meeting
December 10, 2008 at 7:30 P.M.
Bolton Town Hall

Present: Doug Storey (Chairman), John Karlon (Board Vice-Chairman), Frank Lazgin, James Owen (Associate Member) and Jennifer Atwood Burney (Town Planner)

Not Present: Stephen Garner and Mark Duggan

PUBLIC HEARINGS

**7:30 pm Modification to existing common driveway special permit & rescission of the prior unrecorded decision and plan the Board approved on May 9, 2007 – 279, 283 & 285 Long Hill Road.
Applicants: Joseph and Corrin Crowley of 285 Long Hill Road, Lot 3.**

Present: Applicant Joseph Crowley of 285 Long Hill Road, Lot 3.

The Applicants are proposing to shorten the length of the driveway on Lot 3, 285 Long Hill Road.

The Chairman opened the meeting at 7:55pm. Applicant Joseph Crowley was present and explained that the purpose of the application is to shorten the common driveway which will save 2 trees. The portion of driveway is the section on his land. Mr. Crowley explained that the culverts, binder and gravel is in place and the top coat will be finished later.

A motion was made by Doug Storey, seconded by Frank Lazgin to close the public hearing.

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A motion was made by John Karlon, seconded by Frank Lazgin to approve the request to modify the existing common driveway special permit and plan entitled “Site Plan of Land in Bolton, Massachusetts”; “Easement Plan of Land in Bolton, Massachusetts” dated November 13, 2008 and rescind the prior unrecorded decision and plan dated April 4, 2007 that the Board approved on May 9, 2007.

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A motion was made by John Karlon, seconded by Frank Lazgin to approve issuing a temporary occupancy permit to Joseph and Corrin Crowley of 285 Long Hill Road, Lot 3 upon documentation of the decision and plan being recorded at the Registry of Deeds.

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GENERAL BUSINESS

8:15 pm Bolton Energy Committee discussion on Green Communities Act

Present: Bolton Energy Committee Member Paul Vasington. Also present in the audience was Jeff Richards a local landscape architect.

Mr. Vasington gave the Board an overview of the Green Communities Act

OTHER BUSINESS

1. 8:45 pm Common Driveway status for Long Hill Road (Pokorney)

Present: Coldwell Banker Realtor, Jim Holbrook of 117 Randall Road and two residents, Robert Alzapiedi 345 Long Hill Road and Laurel Rizzi (Reynolds) 369 Long Hill Road.

Realtor, Jim Holbrook explained that he is listing Laurel Rizzi's house and would like to find out who is responsible for the completion of the common driveway and what the Town's position is on the transferring of the lot the board is holding to ensure the completion of the driveway. Chairman, Doug Storey explained that the Board discussed this issue at the last meeting with Mr. Pokorney present. The Board also obtained Town Counsel's opinion (letter dated 11/25/08). Mr. Storey explained that the Special Permit states that the lot cannot be transferred until the driveway is complete. The Board recently found out through Mr. Holbrook's inquiry that the lot being held by the Board was sold by Mr. Pokorney. Mr. Storey explained that the new owner of the lot that was being held can't get a building permit until the common driveway is constructed. Mr. Holbrook asked what the recourse of the town was. The Board said they did not have any at this time and would not rescind the special permit since the special permit lapses after 24-months. The current owner would not be able to construct a common driveway until they came before the planning board to obtain a new common driveway special permit. The other two owners of the lots are not responsible for completion of the driveway. Also in place is a maintenance agreement which was signed by the owners of the two other lots and Mr. Pokorney. This maintenance agreement refers to all the owners of the three lots: Rizzi, Alzapiedi and Pokorney. Mr. Holbrook asked the Board how the maintenance agreement could be eliminated. The Board said they did not have the authority to alter anything but the special permit and suggested they acquire an attorney for information on how to do so.

Meeting adjourned at 9:45 pm

Minutes submitted by Jennifer Atwood Burney, Town Planner