

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

Present: Doug Storey (Board Vice-Chairman), Frank Lazgin, John Karlon and James Owen (Associate Member) and Town Planner, Jennifer Atwood Burney
Not Present: Larry Delaney (Board Chair) and Stephen Garner,

HEARING - Continuation

7:45 p.m. – SPECIAL PERMIT FOR BACKLAND LOTS 69 ANNIE MOORE ROAD

Present: Applicant, Charles H. Lord and Robert J. Bukowski, P.E., from David E. Ross Associates, Inc.

The hearing continued with the Applicant presenting a revised plan showing the minimum width requirement of 200' between the two backland lots by the creation of Parcel A which consists of 11.522 sq feet and is a non buildable lot which will be conveyed to and annexed with adjoining land of William C. & Cynthia L. Lord to form one undivided lot, Deed Reference Book 5266 and Page 398, Plan Book 370 Page 96. Lots 2 and 3 will be accessed via a shared driveway along the northwesterly edge of the lots.

The lots created by this Special Permit cannot be subsequently divided to less than 4-1/2 and cannot be used to provide access to any lots that are not shown on the Plan. No structure may be erected within fifty (50) feet of any lot line on the lot and the existing shed must be relocated to meet this requirement for Lot 2. Access to the backland lots shall be provided via a shared driveway, a portion of which currently serves 69 Annie Moore Road.

Upon receiving no public comments on the proposed backland lot plan, the Vice-Chairman, Doug Storey closed the hearing.

A motion was made by John Karlon, seconded by Frank Lazgin to approve the special permit pursuant to the Town of Bolton Zoning Bylaws Sections 2.3.5.5 to create two (2) backland lots identified as Lot 2 and Lot 3 located at 69 Annie Moore Road and shown on a plan entitled "Plan of Land in Bolton, Mass" prepared for Charles H. And Jean F. Lord by David E. Ross Associates, Inc. (Ayer, MA), dated December, 2007 with revision on February 12, 2008

Vote: 4/0/0

DISCUSSION

1. 7:30 p.m – Building Permit Application for New Construction on a backland lot located at 285 Long Hill Road (lot 3)

Present: Joe Crowley

The Applicant is seeking a building permit for new construction on a backland lot located at 285 Long Hill Road (Lot 3) The Planning Board is holding issuance of a building permit on the last

lot to ensure the driveway is constructed correctly. Lots 1 and 2 were approved as ANR lots with a shared common driveway. The Board inquired as to the status of the driveway. The Applicant stated that the surface is currently graveled without a binder and the driveway and maintenance agreement has been recorded at the Registry of Deeds. The developer, Steve Glover is required to post a bond at 1-1/2 times the value of the remaining work or pave the road. The Board agreed to sign the application and hold lot 2 as assurance. A building permit should not be signed until a performance bond is received by the Board or the driveway is paved.

7:40 p.m – Discussion with Conservation, Carol Gumbart regarding Hudson Road property

Present: Carol Gumbart – Conservation Administrator

Carol Gumbart is before the Board to get a general idea of the number of potential lots that could be developed on the 43 acre parcel located on Hudson Road that is currently for sale. Carol explained that this parcel is on the Town Warrant for the town to consider purchasing. Conservation feels this parcel is important to preserve due to its connection to other protected town owned land. Carol explained that the parcel has constraints of endangered habitat, slopes, floodplain, wetlands and ledge. The Board thought that the parcel could get approximately 4-5 lots and could possibly be developed as ANR lots, backland lots, common driveway or a subdivision. Carol asked if Century Mill Estates could expand its development to this parcel. The Board said a restriction on the permit doesn't allow access to other lots from Century Mill Estates.

8:00 p.m. – Discussion on Earth Removal Bylaw

Present: Chris Slade, Ken Nicewicz, Carol Gumbart and Selectman, Curtis Plante

The Board is currently working on amending the earth removal bylaw and invited those present to discuss this at tonight's public meeting. Chris Slade gave the Board an overview of the history of the earth removal bylaw and stated that the bylaw was adopted by the town in 1956 in response to loam being stripped off of land at Bolton Flats. It was amended again in 1964, and in 1974, a citizen's petition was placed on the warrant to not allow the removal of earth outside the town of Bolton. However, the matrix was changed instead, permitting earth removal in commercial districts only. Mr. Slade explained this is the reason permits are currently not being granted because it is allowed in commercial districts. Earth removal is also permitted in relation to construction of a building or road. The Board discussed the recent occurrences of earth removal in relation to construction such as the parcel on Sugar Road that underwent a site approval process. The Board asked Mr. Slade's opinion on which parcels in town could be desirable for earth removal. Mr. Slade indicated that Butler, IGC and Taggart properties could be ideal properties for earth removal. The Board had a general discussion of moving earth and the stockpiling of earth. Curtis Plante suggested quantifying excess and need and the requirement of a permit in the approval process and before earth is removed from the site it should come before the Board. Mr. Plante asked if a comprehensive permit is treated any differently. Carole Gumbart expressed concern over not the just the quantity of earth being removed but the quality of the replacement. In some cases, replacement has been with a poorer quality. She also discussed whether or not slopes can be changed or considered when amending the bylaw. Doug suggested putting limits of earth removal in large subdivision decisions. A discussion on whether or not

small lots, common driveways, and large subdivisions all should be regulated. Doug brought up the issue of not being able to regulate agriculture. Mr. Slade suggested that the town hold agriculture rights while the land is being used for farming to deter a developer for stating that they are using the land as agriculture and then a year or two later sell the parcel after stripping the land. Ken Nicewicz suggested using USDA or other agriculture organizations that often require a conservation plan for agriculture parcels. This could deter developers or individuals who aren't committed to going through the agriculture process and want to quickly get in to strip land and putting the land up for a quick sale.

Mr. Plante suggested creating an earth removal board like the town of Sterling has or having the boards/departments all responsible for signing an earth removal application. He also suggested attaching an earth removal regulation to every building permit or including one in the planning board review process. The Board indicated that it needed to determine a threshold amount that would trigger a hearing for a permit. The Board felt that more research was needed on amending the earth removal bylaw and matrix and felt that placing it on the warrant for the upcoming town meeting may be to soon.

8:30 p.m – TOTH Property (Rescheduled from January 23, 2008)

Present: Larry Ducharme and Developer Bob Kiley. Also present were members of the Agricultural Committee and Carol Gumbart as well as other members from the Conservation Commission.

Larry Ducharme and Developer Bob Kiley were before the Board to have an informal discussion to discuss Toth property a 75 acre parcel located on Sugar Road. Mr. Ducharme introduced the developer and explained that a purchase and sales agreement was currently in place for the property. Mr. Ducharme discussed that through his analysis a mix of 18 ANR lots and backland lots could be developed on this parcel. However they would prefer to submit a FOSPRD and traditional subdivision plan than multiple lots with individual driveways. Ken Nicewicz, from the Agriculture Committee asked if the plan was to preserve or use the open space as active agriculture. Currently the parcel has a farmhouse on it and the land is used for horse, hay, and an orchard. The parcel consists of 2/3 woods and 1/3 as a pasture for hay. There are wetland clusters, a wetland crossing and an intermittent stream and a small amount of ledge. Ducharme discussed the dangerous 2 way stop and the potential to make it into a safer 4-way intersection. Ducharme stated that the development would either have a cul-de-sac or an entrance and egress which would be determined by public safety. A power company easement exists which doesn't permit anything to be placed within the easement. Conservation land is adjacent to the easement. The developer indicated that he was open to trails and walkways within the development. Doug Storey indicated that the Board would prefer a FOSPRD and would like the access issue addressed and working with the Agriculture Committee if possible.

OTHER BUSINESS

- Building Permit signature needed for barn relocation for Schartner property located on Sawyer Rd. John Karlon a Planning Board member who is also a member of the Historical Commission suggested Chairperson, Martha Remington be notified of the request because the barn is listed as a historical structure.

- Driveway Permit signature needed for 919 Main Street – Evans- the board felt that this could be signed.

Town Planner updated the Board on these items:

1. Century Mills Estates – requested a preconstruction meeting and requested a performance bond
2. North Woods - Tri Party Agreement being drafted per recommendation of Town Counsel
3. Great Brook Farm– Been in touch with Bruce in regards to Special Permit
4. Oaks Road Acceptance – Selectmen will be holding a Public Hearing on April 17, 2008
Outstanding: Deed Acceptance & title search, culverts (3, 30 & 8) all set, conveyance of title to utilities and easements.
5. Board of Appeals has received site plan from Sunset Ridge. Planning Board should review at next PB meeting.
6. Harvard Road – letter send in regards to Bob Moss’ request to have last lot released by issuing the Board a performance bond or paving the road.

NEXT MEETING

February 27, 2008

- Scenic Road and Shade Tree Hearing for Lot 2B- 1 Sawyer Road
- Review Sunset Ridge Site Plan for Board of Appeals
- Work on Wireless Communications Bylaw

Meeting adjourned at 9:25pm

Minutes submitted by Jennifer Atwood Burney