

BOLTON PLANNING BOARD
Minutes of Meeting
May 28, 2008 at 7:30 P.M.
Bolton Town Hall

Present: Doug Storey (Board Vice-Chairman), Frank Lazgin, Mark Duggan, Stephen Garner, John Karlon and Town Planner Jennifer Atwood Burney

Not Present: James Owen (Associate Member)

PUBLIC HEARINGS

None

GENERAL BUSINESS

1. 7:30 pm Brian Lynch to discuss Subdivision Rules and Regulation Road Acceptance fee for Oak Trail.

Present: Brian Lynch General Manager of International Golf Club (IGC)

Brian Lynch was before the Board questioning the Road Acceptance fee. Mr. Lynch stated that at a prior Selectmen meeting, Selectmen Curt Plante stated that he had never been charged a road acceptance fee. Mr. Lynch expressed concern that the Oaks was the first subdivision to be charged this fee. He stated that the Oaks had spent well over \$9,000 to pay for inspection of the wrong sized culverts installed that were approved by the Town's Building Inspector. The Board explained that the fees are part of the Subdivision Regulations and is not a new fee. The Board stated that they aren't aware if other subdivisions had been charged this fee before, but it was irrelevant to the present situation and going forward the Board was going to be consistent in charging this fee. The Town Planner stated that she was partially responsible because during review of the road acceptance, she had determined that a fee should be charged. Doug Storey agreed to speak to Curt Plante and get back to Mr. Lynch. Mr. Lynch was also going to provide documentation of the costs incurred due to the incorrect culverts and submit this to the Town Planner. The Board also stated that the deeds are currently being reviewed by Town Counsel.

2. 7:45 pm Chuck Black's request to release lot 25 for Northwoods Subdivision as well as status of Tri Party Agreement

Present: Chuck Black from Kendall Homes

Mr. Black stated that lots 17, 19, 28 and 25 were still not built on. He is requesting that in exchange for releasing lot 25 the Board hold lot 28. Currently the lot is assessed at \$300,000 per the tax bill. The Board had no issue with releasing lot 25 once a signed triparty agreement for \$82,500 is submitted and not releasing lot 28 until the road is complete as designed. The Board indicated that it would like evidence that the developer

still retains ownership of lot 28. The Board requested that the Town Planner schedule a site walk with peer review engineer, Rob Oliva. The Board wanted to make it understood it would not release lot 25 until they received everything required from Mr. Black.

3. 8:00 pm Century Mill Estates – Discussion with developer, Andy Bendetson in regards to Covenant

Present: Andy Bendetson, Century Mill Estates Developer

Mr. Bendetson explained that he was before the Board to discuss the covenant submitted to the Board as well as different concepts.

1. Phases – Andy would like to start with phase 2 due to the market. This is at the section of Spectacle Hill Road. This subsection would be constructed to provide safe access, have proper drainage and have a temporary cul-de-sac for fire safety.
2. Release from Covenant – Andy is requesting that as sections of the road are done in the sub phases he could submit an as-built and lots could be released from the covenant with the final binder work remaining. The applicant discussed the various terminology used such as partial release or full release and how it should be used in the drafted covenant.
3. Andy asked the Board at what phase would a bond be required; when the road is complete and building permits are obtained or could lots be released and a bond held to complete the road. The Board replied that building permits couldn't be obtained until safe access to the site is provided and security could be a mix of lots and a bond of which should be indicated on the covenant form.
4. Andy asked if model homes could be constructed and on display while building the road but not completed. Andy stated that the unit couldn't be sold or occupied until the road was accepted by the Board.
5. Andy asked about the concept of selling land without access and if the Board would consider an "investor release". Currently he can not do this until the Board releases lots. Under normal circumstances the Board will not release lots. It is understood by the buyers that they cannot build until a full release is given by the Board and after safe access is provided. Andy explained that he is trying to be creative in the current market and has companies such as National Lumber who are willing to purchase lots in exchange for business. The covenant would cover the entire development and not just phase sections. The partial release would release lots before the road is in with an agreement that the full release would occur when the road is completed.

Andy stated that the plans have been recorded. Currently he has bids out for the road. The conservation restriction is almost completed and will be reviewed by the Conservation Commission. Once the covenant is in place he will begin a sub phase of about 18 lots. The Board requested that a preconstruction meeting take place.

The Board requested that the Town Planner check with Town Counsel on the concept of a partial release of lots before the road is constructed.

OTHER BUSINESS

1. The Board approved minutes from May 14, 2008
2. The Town Planner informed the Board she would be meeting with Habitat for Humanity to discuss the possibility of construction of homes in the town of Bolton. The Town Planner also discussed the current issue of Accessory Apartments in town. Currently there are 54 homes with 2 kitchens. Getting accessory apartments to count towards the State Housing Inventory is very difficult and to date no towns have any units counted, although, some towns are currently working on bylaws to do so. In order to get the units to count, a deed restriction that wouldn't permit a relative of the home owner to reside in the units is required as well as the unit must be affordable. This process is very difficult for a town to manage and an incentive has to be created for the homeowner to agree to this restriction. The Board agreed that this is something they would like to continue to work on.
3. The Town Planner informed the Board that a contractor was asked by a homeowner to do storm water work at a Green Road Common Driveway. The Board stated that an application and plan of work would have to be submitted to the board for approval.
4. The Board voted unanimously for Doug Storey to be Chairman of the Board and John Karlon to be Vice-Chairman.
5. The Board discussed continuing to work on the earth removal bylaw, subdivision regulations, design, and sign guidelines.
6. David Drugge, the Assistant Building Inspector asked the Board's opinion on a property located on Hudson Road owned by Mr. Bishop. Mr. Bishop is having difficulty obtaining a mortgage due to the residential and business use. Mr. Drugge suggested that Mr. Bishop agree to put a deed restriction in perpetuity that states it can never be used for business. The Board thought this would be okay.
7. The Town Planner asked the Board's opinion on Sunset Ridge and the requirement of putting in a septic system before any building permits are obtained. The Board in their opinion felt that the system should be constructed before any building permits are granted or the developer should post a bond.

NEXT MEETING

June 11, 2008

June 25, 2008 Doug Storey and Steve Garner will not be present.

OTHER MEETINGS

June 3, 2008 2:00-4:30 Walkable Communities

June 17, 2008 7:00pm ZBA – Library and Regency Hearings

Meeting adjourned at 9:50 pm

Minutes submitted by Jennifer Atwood Burney, Town Planner