

BOLTON PLANNING BOARD
Minutes of Meeting
June 11, 2008 at 7:30 P.M.
Bolton Town Hall

Present: Doug Storey (Chairman), John Karlon (Vice Chairman), Mark Duggan, James Owen (Associate Member) and Town Planner Jennifer Atwood Burney

Not Present: Frank Lazgin and Stephen Garner

PUBLIC HEARINGS

None

GENERAL BUSINESS

1. 7:30 pm Ed Greaves, Common driveway located at 209-217 Green Road
(Mr. Greaves did not show up at the meeting)

Mr. Greaves would like to have an informal discussion with the Board in regards to Common Driveway located at 209-217 Green Road. Would like to put in storm water culverts to correct drainage issues.

2. 8:00 pm Bolton Office Park 580 Main Street

Owner of the Bolton Office Park, Condyne Real Estate and prospective tenant, Enterprise Car Rental would like to have an informal discussion with the Board in regards to the possibility of Enterprise Car Rental selling former rental cars to corporations only. Location is zoned limited business.

Present: J.R. McDonald from Cushman & Wakefield, Daniel Artone and David Nadolski both from Enterprise, and Jeffrey C. O'Neill, President of Condyne.

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The Condyne representative explained that he had spoken to the Town Planner the previous week about speaking to the Planning Board about the idea of Enterprise relocating to Bolton and what the process would be for allowing the Use in town. He explained that a few weeks prior to his conversation with the Town Planner someone from Enterprise had inquired with the planner by email inquiring to see if the town's bylaws permitted the proposed activity. The Planner stated that the sales of cars were not permitted under current zoning but said she would confirm this with Planning Board at its next meeting. Ms. Burney did confirm this with the Planning Board and notified Enterprise that the sale of cars was not a permitted use. This has prompted Mr. O'Neill to come before the Board. The Representatives from Enterprise explained to the Board that the company is interested in relocating its regional headquarters from Acton to Bolton Office Park. Currently Enterprise has 35 rental branches located throughout Massachusetts and one regional office in Acton. They are proposing to sell former rental cars, cars that have reached a certain number of miles and relocate them from rental

locations to the regional headquarters in order to distribute wholesale to auctioneers or to car dealers. No retail sales will occur or any car maintenance including car washing. Most transactions would take place over the telephone. The cars would be parked in a portion of the existing rear parking lot of Bolton Office Park. There would be no additional signage or banners advertising Enterprise. Bolton Office Park would only be a holding spot for cars removed from Enterprise rental locations until the cars are distributed to a car dealer or auctioneer. In return the Town could gain approximately \$120,000 - \$150,000 annually in excise tax for these vehicles. In a period of one year, approximately 4,000 cars will circulate through the Bolton location with a few hundred parked at a time.

The Board responded by stating that under current zoning in Section 2.5.5.2 Activity Regulations: *“No such use shall: (j) involve the sale of new or used motor vehicles* and was added a few years ago at Town Meeting. The Board explained that the only way this Use could be permitted would be to change the zoning bylaw at a Town Meeting which would need a 2/3rd's vote. If passed they would still need to obtain a Special Permit issued by the Planning Board. Or they could submit a citizen's petition to change the bylaw.

At the conclusion of the meeting, the Selectmen and Town Administrator happen to be present for the library ANR. Mr. Storey had given the Selectmen a brief summary of the proposal. It was at this time that the Selectmen realized that this Use was not permitted and asked when it was added to the bylaw. The Town Administrator, Jodi Ross told Enterprise and Condyne if they were interested in speaking to the Selectmen further about their proposed plan then they should submit a letter to her, outlining their proposal and the would be put on the Selectmen's agenda.

The Planning Board requested that the town planner get town counsel's opinion of the bylaw.

3. 8:30 pm ANR – 738 Main Street, Bolton Public Library

Applicant: Town of Bolton to change a lot line between the Bolton Public Library and the Fire Department in order to make the library lot a conforming lot.

The Board of Selectmen and Town Administrator, Jodi Ross was present for the library ANR. Curt Plante explained to the Board that the Public Safety Committee voted to support the ANR (8 in favor 1 against). The Selectmen went before the Public Safety Committee to make sure the ANR wasn't going to impact the Public Safety building parking or anything they have proposed. Also, since it is a residential district the lot coverage bylaw doesn't pertain to the library. The Selectmen requested that the ANR fee be waived.

The Planning Board endorsed an ANR plan drawn by Hancock Associates, for the Town of Bolton, Bolton Public Library dated June 11, 2008.

A motion was made by John Karlon, seconded by Doug Storey to waive the ANR fee.

Vote 3/0/0 (Approved)

4. 8:50 pm Century Mill Estates

Board to discuss Covenant

Andy Bendetson was present to discuss covenants for Century Mill Estates. The Board stated to Mr. Bendetson that he has too many types of releases listed in the covenant. The Board also stated that town counsel that the idea of presale releases isn't part of the subdivision regulations therefore not permitted. Surety such as a bond or passbook would be required before any lots are released. Mr. Storey also stated that the terms "shall" and "will" should not be used in referencing the town in the covenant. Mr. Storey stated that the Board's responsibility is to ensure the road and drainage and safe access to home. The Board agreed that smaller sections of the project could be completed. Mr. Bendetson asked at what point two access points would be required. The board replied one access point with a temporary cul-de-sac would be allowed for the first 20 house but after that two access points would be required. The Board agreed that a model home could be part of the first phase. Mr. Bendetson again asked the Board about the possibility of an investor's release. The Board replied that this was not allowed unless a bond was posted or if the investor signs on as part of the covenant as an owner or partner of the project. Mr. Storey stated that it is not the boards issue to figure it out the investor issues; the Board is bound by the bylaws. Mr. Duggan stated that the Board does not want to set a precedent. Mr. Storey suggested that Mr. Bendetson simplify the releases and provide surety that work will be completed.

5. 9:05 pm Oak Trail Road Acceptance

Board to continue discussion on Oak Trail Road Acceptance fee

The Board had a continued discussion from previous meetings in regards to Brian Lynch's concern for the road acceptance fee. Mr. Lynch at a previous meeting had mentioned the issue of the culverts. The Board at this meeting stated that this is part of the road construction and is the developer's responsibility. The Board requested that the town planner send a letter to Mr. Lynch including the costs to date. The International should be responsible for all associated fees in relation to the road acceptance.

OTHER BUSINESS

1. 9:15 pm Approve Meeting Minutes & discuss summer meeting dates
2. 9:20 pm Planner update:
 - Northwood Tri Party agreement and lot release is in place.
 - Smith property inquiry for a gas station
3. 9:25-9:45 pm Prioritize and assign board member to various bylaws:
 1. earth removal (do not work on now)
 2. design guidelines and sign bylaw (assign to Steve)
 3. accessory apartments (Doug)
 4. Rules and Regs (John)

5. Pre-existing non conforming bylaw (do not work on now)
6. wind turbine (Mark Duggan)
7. low impact development (planner)
8. impact fees and fee schedule (college intern)

NEXT MEETING

June 25, 2008 (cancelled)

July 9, 2008

OTHER MEETINGS

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

Meeting adjourned at 9:50 pm

Minutes submitted by Jennifer Atwood Burney, Town Planner