

TOWN OF BOLTON - PLANNING BOARD MINUTES

Meeting Held at the Houghton Building on **December 11, 2013** at 7:30 PM

Members Present: Jonathan Keep (Chair); Douglas Storey, John Karlon, David Yesue, Erik Neyland (Members); James Owen (Assoc. Member)

Also Present: Erica Uriarte (Town Planner), Michelle Carlisle (Health & Permitting Assistant), Harold Brown (DPW Director)

Call to order: 7:30 PM

Douglas Storey entered meeting at 7:34 PM and John Karlon entered meeting at 7:35 PM

Hearings: None

Business:

- Century Mill Estates – Alan Shocket (Attorney, Shocket Law Office, LLC), Andy Bendetson (Applicant, Owner)
 - o Modification to Special Permit
 - Mr. Shocket stated that Conservation Commission has asked the applicant to transfer ownership of the Zone 1 radius containing the public water supply and access road (10 acres) within open space area back to Century Mill Estates reducing grant from 100 acres to approximately 90 acres. Conservation restriction will remain 100 acres.
 - Mr. Shocket asked to amend special permit to reflect that only 90 acres will be deeded to the town.
 - **D. Storey motioned to vote that this amendment is a minor modification. D. Yesue 2nd. All in favor (5/0/0). J. Karlon abstained from missing part of discussion.**
 - D. Storey asked that Mr. Shocket prepare language for modification to the special permit that states the open space deeded to the town is 90 acres and the 10 acres that includes the zone 1 radius and access road be owned by Century Mill Estates Homeowners Association.
 - D. Storey also requested that Mr. Shocket provide a map clearly showing the 90 acres and 10 acres.
 - **J. Keep stated that the Planning Board would vote to approve the modification to the special permit when Mr. Shocket submits language and provides map.**
 - o Build portion of Old Stone Circle (Road C)
 - Mr. Shocket was seeking approval from the board to begin construction of next phase (Phase 4). He also stated approval from Conservation Commission will be required.
 - J. Keep noted that the wetland crossing included as part of Phase 4 is to be constructed within an approved time frame from July 1 to October 1.
 - Mr. Shocket stated they conducted a site walk with Conservation Commission and are going to provide additional information to the Commission at their next meeting regarding the wetland crossing.
 - Mr. Bendetson noted that it may be possible to construct the wetland crossing outside the approved time frame due to the winter drought as indicated by their engineer, Ducharme & Dillis.
 - Fire cistern to be addressed as part of Phase 4 and coordinated with the Fire Chief.
 - D. Storey noted that the same process followed during the initial phase of the project would need to be followed for Phase 4. This includes regular onsite meetings with the Town Engineer and Town Planner - weekly meetings during heavy construction activity. Also includes bringing in other departments as needed when construction activities relate to their services. Must also follow same procedures for bonding and release of lots, hours of construction (start and end times), etc.

- **D. Storey motioned to approve adding phase 4 to current construction schedule as long as applicant follows the same procedures and guidelines required during initial phase of project. 2nd J. Karlon. All in favor 5/0/0.**
 - Lots to be donated to the Town of Bolton or monies to be donated in lieu thereof.
 - Mr. Shocket to provide a plan of action for donation as it relates to the special permit to the Planning Board. Also to coordinate with the Affordable Housing Trust.
 - Discussion regarding driveways and Bolton Driveway By-Law
 - Mr. Brown stated driveways having runoff discharging onto the roadway do not meet Bolton Driveway By-Law. Concerned with icing of public roads.
 - Mr. Bendetson stated the subdivision drainage system was sized to handle development including driveway runoff and will not function as designed if runoff from driveways is prohibited from entering said system. Mr. Bendetson referenced letter from GCG Associates, Inc. dated 12/9/13 to the Planning Board "*The drainage was designed for the driveways...designed.*"
 - D. Storey stated driveways having runoff discharge onto roadways do not meet Bolton Driveway By-law and the Planning Board does not have authority to waive it.
 - **Mr. Shocket requested driveway discussion be tabled until next meeting. Planning Board granted request.**
 - J. Keep requested the applicant provide site plans at future meetings for Planning Board review.
 - Special Permit Extension request
 - Special Permit expires in June 2015 and Subdivision Permit expires in November 2015. Mr. Shocket requested the permits be extended for an additional 2 years.
 - **D. Storey requested Mr. Shocket submit a written request for these permit extensions to the Planning Board at next meeting.**
- Houghton Farm Subdivision – Greg Roy (Ducharme & Dillis), Robert Kiley (High Oaks Realty Trust)
 - Request for reduction of Tri-Party Agreement.
 - Bond originally set at \$450,000.
 - Fred Hamwey reviewed Engineer's Estimate for bond reduction prepared by Ducharme & Dillis. Fred Hamwey approved the amount of \$144,749 plus 10% (times 1.5 in accordance with the Tri-Party Agreement).
 - Work completed to date includes (but not limited to) pavement, utilities, drainage, restoration, wetland crossing, and wetland replication.
 - Work to be completed includes (but limited to) topcoat, guardrails, bounds, as-builts, trees, and misc. culverts.
 - 5 open Order of Conditions with Conservation Commission.
 - Construction of Sugar Rd Curve to be completed.
 - Work items to be completed will continue to be held in tri-party agreement.
 - **D. Storey motioned to accept reduction of Tri-Party Agreement. 2nd by David Yesue. All in favor 5/0/0.**
 - E. Uriarte to research language regarding lot donation in Special Permit.
 - E. Uriarte to draft release letter to bank.
- 283 Long Hill Road, Built Best Construction, LLC – Walter Eriksen (Built Best Construction, LLC), Kevin Eriksen (Attorney, Deschenes & Farrell, PC)
 - Request for Tri-Party Agreement for common driveway to obtain building permit. Final Engineer's Estimate prepared by Ducharme & Dillis and reviewed and approved by Fred Hamwey for \$43,581.45.
 - Mr. Eriksen stated construction of driveway to start in Spring 2014.
 - Mr. Eriksen to record modified plan and send map book reference to E. Uriarte.
 - **J. Karlon motioned to approve Tri-Party Agreement subject to recording plan and providing map book reference to E. Uriarte. 2nd by D. Storey. All in favor 5/0/0.**

- 81 Oak Trail - Brandon Ducharme (Engineer, Ducharme & Dillis)
 - o ANR – to modify a lot line between lots 31 and 32 to construct a pool house.
 - o ANR plan meets zoning requirements. Modification improves shape factor of FOSPRD lots, no change to frontage, maintains offsets to septic and well.
 - o **D. Storey motioned to accept ANR to modify lot line between lots 31 and 32. 2nd by J. Karlon. All in favor 5/0/0.**

- 401 Harvard Road - Brandon Ducharme (Applicant, Owner, Ducharme & Dillis)
 - o ANR – to combine lots 36 and 37 to make single lot 37A.
 - o **D. Storey motioned to approve ANR to combine lots 36 and 37 to make 37A. 2nd by D. Yesue. All in favor 5/0/0.**

- Berlin Road, Green Mountain Boys, Inc. - Robert Pace, Senior (Applicant)
 - o ANR – to divide Map #2.B Parcel #17 into 4 lots.
 - o ANR plan requires revision to show all lots in their entirety, clearly defined, and labeled in such a way that ensures the plan is recordable with the registry of deeds.
 - o D. Storey advised Mr. Pace that property within the parcel situated in the neighboring town couldn't be used to meet Bolton zoning requirements for a single building lot.
 - o J. Keep requested to have pond on property be shown on revised ANR.
 - o **ANR to be added to next Agenda.**

Administrative:

- Appoint Design Review Board Members Michelle Tuck, Ted Kirchner, Marshall Mckee
 - o **J. Karlon motioned to nominate individuals for term of board. 2nd by D. Yesue. All in favor 5/0/0.**

- Set future meeting dates for 2014 – Schedule accepted.
- Discussion of warrant articles for May 2014 Town Meeting – complete by 01/24/14 to have hearing on 02/12/14 to have draft bylaws printed by 02/13/14.
 - o Aquifer Protection Overlay District
 - Bolton Orchards area – Still River Road
 - Important area for recharging aquifer according to Master Plan or UMass study
 - Concerned with development in this area impacting aquifer
 - Model Townsend Bylaw?
 - o Medical Marijuana Bylaw
 - Allow only in industrial and residential and 500' setback from kids?
 - Target cultivation, dispensary, or both?
 - Not prepare bylaw and extend moratorium?
 - Target specific properties (Paragon, Kane, and Skinner)?
 - Special permitting process, restricted to industrial and business, and 500' setback from kids?

- Reviewed Building Applications
 - o Driveway Permit
- Approval of Minutes 9/25/13, 10/9/13, and 11/13/13
 - o **J. Karlon motioned to approve minutes. 2nd by D. Storey. All in favor 5/0/0.**

J. Karlon moved to adjourn the Planning Board meeting at 10:07 PM. 2nd by J. Keep. All in favor 5/0/0.