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TOWN OF BOLTON - PLANNING BOARD MINUTES

Meeting Held at the Town Hall – Board of Selectmen’s Room on **May 14, 2014** at 7:30 PM

Members Present: Jonathan Keep (Chairman), John Karlon, Erik Neyland, Jon Ricci (Members)

Also Present: Erica Uriarte (Town Planner), Paula Rich, Robert Pace, Jr., Robert Pace, Sr., Martha Remington, Andrew Bendetson, Alan Shocket, Amit Shah, John Barbadoro

Members Absent: David Yesue (Member), James Owen (Assoc. Member)

Call to order: 7:30 PM

John Karlon entered meeting at 7:32 PM

Hearings:

- 7:30 pm, Robert Pace, Sr., Gentle Manor, LLC – Lots 2 and 3 on Berlin Road (Bemis property)
 - o In accordance with Massachusetts General Laws Chapter 40, Section 15C (Scenic Road Law) and Section 250-24 of the Bolton Zoning Bylaws (Scenic Roads), the Town of Bolton Planning Board held a public hearing on May 14, 2014 upon the application of Gentle Manor, LLC, 28 Country Club Lane, Middleton, MA 01949, regarding the proposed removal of a portion of stone wall and cutting of trees required to construct two driveways for property located on Berlin Road, identified by the Assessors Map as 2B Parcel 17.
 - Mr. Pace, Sr. stated the stones removed to install the driveways will be used to fill in existing gaps along the walls (approximately 15 feet per lot).
 - Mr. Pace, Sr. requested to temporarily remove a portion of the stone wall at the utility pole to install the electrical connections to the houses. He will rebuild this portion of wall after the connections are completed.
 - Mr. Pace, Sr. stated he will try to save as many trees as possible. Some trees that are dying and hanging over the wall will be trimmed or removed.
 - J. Keep questioned where the driveway access would be for Lot 4.
 - Mr. Pace, Sr. stated Lot 4 will be accessed from the adjacent common driveway currently servicing four other lots. The additional driveway will generate a total of five driveways off the common driveway. The owners of the common driveway agreed to grant him access contingent upon him paving and fixing the common driveway. He is working with Conservation Commission and Natural Heritage as part of making improvements to the common driveway.
 - Martha Remington stated the old foundation shown on the site plans of the property was buried years ago. She also noted the Historical Commission approved demolition of the dilapidated buildings across the street.
 - Martha Remington stated she would like the mill stone in front of the property incorporated into the landscaping, if possible.
 - **J. Karlon motioned to close the hearing. 2nd by E. Neyland. All in favor 4/0/0.**
 - **J. Karlon motioned to relocate openings in the stone wall to allow driveway openings on Lots 2 and 3 on Berlin Road. 2nd by E. Neyland. All in favor 4/0/0.**
- 7:45 pm, Charles Black, Kendall Homes, Inc. - Lot 1 Intersection of Harvard Rd/Warner Rd
 - o In accordance with Massachusetts General Laws Chapter 40, Section 15C (Scenic Road Law) and Section 250-24 of the Bolton Zoning Bylaws (Scenic Roads), the Town of Bolton Planning Board held a public hearing on May 14, 2014 continued from April 23, 2014 and April 9, 2014 upon the application of Kendall Homes, Inc., 269 West Main Street, Northborough, MA 01532, regarding the proposed removal of a portion of stone wall required to construct a driveway for property located on Warner Road, identified by the Assessors Map as 7C Parcel 63.
 - E. Uriarte stated that Mr. Black agreed to relocate the driveway entrance to Harvard Road and has submitted a driveway application to the Town based on a revised layout.
 - E. Uriarte requested, on behalf of Mr. Black, a continuation of the hearing until May 28, 2014. Mr. Black would like to obtain his driveway permit for the revised location before closing the hearing.

- **J. Karlon motioned to continue hearing to May 28th, the next regularly scheduled Planning Board Meeting. 2nd by E. Neyland. All in favor 4/0/0.**

Business:

- 8:00 pm, Alan Shocket, Esq. & Andrew Bendetson, Merchant Financial Investment Corp. – CME Subdivision
 - o Discussed project deliverables as listed in email dated 04/09/14 from E. Uriarte to Mr. Shocket.
 - CME to update their Stormwater Pollution Prevention Plan (SWPPP) to be in accordance with NPDES Construction General Permit (CGP) 2012 and to submit an eNOI with the EPA to gain coverage under this CGP.
 - CME to provide the most recent site plans to the Planning Board.
 - The Town and CME conducted a pre-construction meeting for phase 4 on 04/13/14.
 - Mr. Bendetson discussed phase 4 work including tree clearing, topsoil stripping, drainage, Road C, and the wetland crossing.
 - Hamwey Engineering, Inc. to conduct site inspections.
 - CME to determine bond estimate for phase 4.
 - The bond estimate will need to be determined prior to Planning Board releasing any lots in phase 4.
 - Hamwey Engineering, Inc. will review and approve the bond estimate.
 - CME to transfer ownership of the open space to the Bolton Conservation Trust (BCT). Mr. Shocket explained that CME is working with Conservation Commission, BCT, and Town Counsel on this transfer of ownership.
 - Mr. Bendetson requested release of Lots 18A, 19A, and 20A.
 - E. Uriarte stated CME owes back taxes on these properties and Planning Board cannot release these lots until the back taxes are paid (delinquent 12 months or more).
 - o Mr. Bendetson agreed to pay back taxes in order to get the lots released.
 - **J. Karlon motioned to release Lots 18A, 19A, and 20A contingent upon Mr. Bendetson paying his taxes. J. Karlon also motioned to grant J. Keep authority to sign releases on behalf of the Board. 2nd by E. Neyland. All in favor 4/0/0.**
 - Mr. Bendetson requested Lot 15A in phase 3 be released for use of a new model home in accordance with the project's covenant.
 - E. Uriarte read out loud the section of the covenant allowing for three model homes to be built.
 - Mr. Bendetson explained the three model homes previously built had been sold.
 - **E. Uriarte to ask Town Counsel to review covenant and determine if another model is allowed at the request of J. Keep.**
 - E. Uriarte noted that phase 3 of the project requires approval from Natural Heritage.
 - o **Mr. Bendetson stated he will be receiving Natural Heritage approval shortly and will provide a copy to Planning Board.**
 - Mr. Shocket sent language for the FOSPRD Special Permit Extension to E. Uriarte.
 - Mr. Shocket discussed Planning Board's authority to extend the Definitive Subdivision Approval in accordance with MGL, Ch. 40, § 81W.
 - **Mr. Shocket to provide the language for the Definitive Subdivision Approval Extension to E. Uriarte next week.**
 - **E. Uriarte to have Town Counsel review both extensions.**
 - Mr. Bendetson explained the discrepancy between the 22 lots determined as part of the bond amount for the initial phases of the project versus the 24 lots shown on the phasing plan for those initial phases. Mr. Bendetson stated a portion of Road C was added to the initial phases midst construction. The portion of Road A and B completed in comparison to the portion of Road C added was substantially greater. The bond amount was never corrected to match the new phasing, but would only cause the bond amount to decrease.

- 9:00 pm, John Barbadoro, Apple Valley Homes, Inc., Bond Release of Common Driveway on West Berlin Road
 - o 159, 165, and 170 West Berlin Road Common Driveway
 - Mr. Barbadoro explained the history of the project. The Planning Board requested a common driveway be installed in place of a shared driveway. Originally the Board held a lot, but then agreed to a cash bond in 2012. The design plans show a turnout and turnaround as part of the design. Mr. Barbadoro remembers the Board agreeing to waive the turnouts.
 - The common driveway was installed wider than required by the bylaw (16 feet versus 12 feet). Mr. Barbadoro stated this provides passing room and the ability to easily back out of the driveway.
 - The majority of the stone groins were installed.
 - Two drains with grate tops were installed at the entrance of the driveway to capture portion of runoff from the driveway and West Berlin Road. A perforated pipe was installed underneath the driveway to connect the drains.
 - Hamwey Engineering, Inc. conducted a site visit on 05/13/14 and prepared Inspection Report No. 3. The majority of outstanding items were corrected since last site visit.
 - The Planning Board reviewed the cost estimate prepared by Hamwey Engineering, Inc. in 2012 for establishing the cash bond.
 - Planning Board questioned why the cost estimate included paving the driveway for Lot 4 which is separate from the common driveway.
 - The Planning Board discussed holding a portion of the bond to cover the turnout and turnaround.
 - **E. Uriarte to contact Fire Department for input whether or not the turnout and turnaround need to be installed.**
 - **E. Uriarte to contact Doug Storey to find out if the Planning Board waived the turnout and turnaround requirements.**
 - **J. Karlon motioned to release \$8,000 of the bond currently held for the common driveway and to release the remaining portion of bond contingent upon consultation with Fire Department and Doug Storey. 2nd by E. Neyland. All in favor 4/0/0.**
- 9:30 pm, Amit Shah, Homeowner on Oak Trail
 - o Mr. Shah is concerned with the ongoing construction on Oak Trail. He lives near the phase of development under construction. Mr. Shah tried contacting the builder, Melanson Bros, Inc. but they refused to speak with him.
 - Mr. Shah is concerned with the following issues:
 - Early and late start/end times (as early as 6:30 am and as late as 7:15 pm).
 - Construction on weekends.
 - Construction vehicles and equipment blocking the roadway.
 - J. Karlon stated the Special Permit for the project may have conditions related to construction.
 - E. Uriarte stated the Special Permit does not specify start and end times for construction.
 - The Planning Board discussed revising the Subdivision Rules & Regulations to include more regulation over construction start/end times, etc.
 - The Planning Board suggested Mr. Shah contact the Police Department the next time construction vehicles/equipment block the road. The Planning Board agreed blocking the road is a public safety concern.
- 9:45 pm, Syncarpha, Solar Project at 125 Still River Road - Closeout
 - o E. Uriarte discussed close out of project.
 - E. Uriarte noted the Special Permit required a perimeter fence with a maximum bottom gap of 4-inches for small animal movement; recommended by Conservation Commission. This bottom gap was never installed.

- **E. Uriarte to request options for fixing the fence from Mr. Eric Aubrey, Site Manager.**
- **E. Uriarte to ask Conservation Commission for input whether or not the bottom gap is essential for wildlife habitat. Are there animals that prefer the enclosed perimeter fence?**
- Hamwey Engineering, Inc. conducted site inspection on 05/08/14.
 - Access drives were constructed with varying material; should be constructed with 8 to 12 inches of uniform gravel. Test pits are being conducted on 05/16/14 to confirm material.

Administrative:

- Reorganization of Planning Board
 - Determine at next meeting.
- Worcester Registry of Deeds Form – Planning Board Member Update
 - Fill out at next meeting.
- Skinner Property
 - Rich Putprush, Realtor for Skinner property, forwarded article to E. Uriarte regarding zoning changes to permit a 55+ community development in Sudbury at 40 Tall Pine Drive. He is interested in a similar zoning change (cottage overlay) in Bolton to develop a 55+ community on the Skinner property.
- Approval of Minutes
 - Conduct at next meeting.

E. Neyland motioned to adjourn the Planning Board meeting at 10:11 PM. 2nd by J. Karlon. All in favor 4/0/0.