

Handwritten signatures and initials: "Thea", "CN", "JK", and a large signature.

TOWN OF BOLTON - PLANNING BOARD MINUTES

Meeting Held at the Town Hall – Board of Selectmen’s Room on **June 10, 2015** at 7:30 PM

Members Present: David Yesue (Chairman), Erik Neyland, John Karlon, and Jonathan Keep

Also Present: Erica Uriarte (Town Planner), Mark Caisse (Tree Warden), Walter Eriksen (Applewood Construction), Duane Henry (147 Long Hill Road), Wendy Harrop (5 Harvard Road), Frank Patterson (626 Main St), Elizabeth Maitland (Attorney for 626 Main St), Andrew Bendetson (Century Mill Estates), Alan Shocket (Attorney for Century Mill Estates), Brian Falk (Town Counsel), and Helene Demmer (EDC)

Call to order: 7:31 PM

Erik Neyland entered meeting at 7:34 pm

• Hearings

- In accordance with Massachusetts General Laws (MGL), Chapter 87, Public Shade Tree Law, Section 3 (Cutting of Public Shade Trees; Hearing; Damages) and M.G.L. Chapter 40, Section 15c (Scenic Road) and Section 250-24 of the Bolton Zoning Bylaws (Scenic Roads), the Town of Bolton Tree Warden and Planning Board held a Joint Public Hearing on June 10, 2015 at 7:30 P.M. at the Bolton Town Hall, 663 Main Street, Bolton, MA to hear and act on an application from Applewood Construction to remove a 42” Oak at the driveway entrance of 147 Long Hill Road.
 - W. Eriksen previously received Special Permits from the Planning Board for a common driveway and backland lots at 147 Long Hill Road. The Applicant is requesting to remove a 42” Oak tree and 28 linear feet of stone wall. The tree is partially in the road and difficult to maneuver around. The Applicant intends to relocate the stone wall along the common driveway.
 - D. Henry of 147 Long Hill Road stated that he added reflectors to the tree since drivers on Long Hill Road have hit the tree in the past. He also noted that the tree is problematic for utility companies accessing the power lines.
 - M. Caisse stated that the tree does have basil decay, but in good health otherwise. He observed the location of the tree and noted it was in the road and therefore, does recommend removing it.
 - Ken Troup, resident of Bolton unable to attend the meeting, wrote a letter to the Board recommending that if the tree needed to be removed that the Applicant donate three replacement trees at other scenic road locations.
 - W. Eriksen asked if he could purchase and install the trees himself. M. Caisse recommended he purchase and install the trees instead.
 - **J. Karlon motioned to close the hearing. 2nd by E. Neyland. All in favor 4/0/0.**
 - **J. Karlon motioned to approve the removal of the 42” Oak and 28 linear feet of stone wall contingent upon reconfiguring the stone wall along the common driveway and providing \$2,000 to the Bolton Tree Warden for the purchase and installation of replacement trees. 2nd by E. Neyland. All in favor 4/0/0.**

• Business

- 5 Harvard Road, Wendy Harrop – Discuss Barn, Stable and Carriage House Preservation Bylaw
 - W. Harrop is seeking to hold weddings in her barn at 5 Harvard Road as a Home Occupation under the Barn, Stable and Carriage House Preservation Bylaw. She met with the Board two years ago when the bylaw passed at Town Meeting. She is meeting informally with the Board again to discuss whether or not her home occupation would fall under this bylaw.
 - W. Harrop anticipates holding small weddings that would include 49 guess or less as recommended by Mike Sauvageau, Bolton’s Building Inspector. Parking for the events would be located at Trinity Church on Wattaquaddock Hill Road with guests shuttled to the property. She anticipates having food catered and renting portable toilets for the property.

- Music and dancing would be provided in the barn and the event area would extend into the yard (riding ring). Events would end at 8 p.m. or later as approved by the Board.
 - W. Harrop has contacted her surrounding neighbors and they are all in favor of her home occupation.
 - Temporary tents for the events would need to be permitted by the Town.
 - Any alcohol served would need to be approved through the Board of Selectmen.
 - The Board is in favor of this home occupation falling within the parameters of the Barn, Stable and Carriage House Preservation Bylaw. A Special Permit application would need to be submitted.
- 626 Main Street, Frank Patterson (Owner) & Elizabeth Maitland (Attorney) – Preliminary Consultation for Special Permit
 - Prior to the Applicant making their presentation to the Board, the Board asked Town Counsel, B. Falk, to review grandfathered uses and Special Permits. The building at 626 Main Street was built in the 1970's prior the Special Permit process with additions made to the building over the years. The pre-existing uses within the building were grandfathered and businesses falling under these uses were allowed to operate without a Special Permit. B. Falk indicated that these uses would no longer be grandfather if the uses were discontinued or abandoned for two years. Once these uses are no longer grandfathered, zoning relief would need to be sought.
 - The only grandfathered use believed to exist is a restaurant. Bolton House of Pizza has not been abandoned for two years or more.
 - B. Falk indicated that Special Permits run with the land unless conditioned in the permit to be applicable to only the current owner. The Special Permit can outline all the various uses to be allowed within the building.
 - The Applicant at 626 Main Street in the Business Zoning District submitted a preliminary application to the Board for Special Permit. The Applicant and the Board reviewed the preliminary application discussing site layout/parking, improvements to the property, lighting, landscaping, proposed uses and tenants, and other permits received to date.
 - The Board stated they would like the application to be amended to include further information regarding the following:
 - Provide a list of proposed uses for the building.
 - Provide a plan that shows the internal spaces of the building and the uses to be associated with the spaces.
 - Indicate if the light fixtures are cut-off and submit a lighting schedule for when the lights will be turned on and off.
 - Provide landscaping information for plantings; identify native species.
- Century Mill Estates, Alan Shocket (Attorney) & Andrew Bendetson (Owner)
 - The Applicant requested to install cape cod berm curbing in lieu of granite curbing on Old Stone Circle (Road C).
 - Hamwey Engineering, Inc. reviewed the design of the cape cod berm curb and provided minor edits to the Board.
 - Harold Brown, Bolton's DPW Director, is in favor of replacing the granite curbing with cape cod berm. Replacing the curbing with an asphalt berm will allow the DPW plows to maneuver around the cul-de-sac by riding up along the curbing. The granite curbing would require the DPW to use special equipment to plow the cul-de-sac.
 - There are 9 lots at the end of the cul-de-sac on Old Stone Circle. There are 6 driveways anticipated for these lots. The Applicant feels the cape cod berm will provide flexibility in the layout of these driveways as well make it easier for plowing.

- **E. Neyland motioned to accept the cape cod berm in lieu of vertical granite curb, waiver from 6267(b) of the Subdivision Rules & Regulations, and treat this as a minor modification without public hearing. 2nd by J. Karlon. All in favor 4/0/0.**
- Request for approval of the Bond Estimate for Old Stone Circle (Road C) & Lot Releases for Lots 28A, 29A, 30A, 31A and 32A, and 45A.
 - The Applicant prepared a bond estimate for Old Stone Circle which was approved by Hamwey Engineering, Inc. The final approved amount was \$354,835 multiplied by 1.5 to total \$532,253.
 - The Applicant is seeking lot releases for Lots 28A, 29A, 30A, 31A, 32A, and 45A. Lots 28A through 32A are to be sold to Robert Pace (Gentle Manor, LLC). The Applicant requests the bond required for Lots 28A – 32A come from the sale of the lots.
 - The Board reviewed the following outstanding issues related to the project:
 - Request for additional funds to pay for the construction oversight conducted by Hamwey Engineering, Inc.
 - The Board to consider allowing these funds be paid from the sale of Lots 28A through 32A.
 - Back taxes to be paid for the lots that are to be released from the covenant.
 - The Board to consider allowing the back taxes be paid from the sale of Lots 28A through 32A.
 - The fire cistern needed to be installed on Old Stone Circle which is considered part of emergency access.
 - The Board could consider issuing foundation only permits until the cistern is installed and operational.
 - The Board could consider no additional lot releases until the cistern is installed and operational.
 - A recent noise violation due to conducting construction activity on a Saturday.
 - **J. Karlon motioned to accept the bond estimate for Old Stone Circle equal to \$354,835 multiplied by 1.5 to total \$532,253. 2nd by E. Neyland. All in favor 4/0/0.**
 - **J. Karlon motioned to grant lot release for lots 28A, 29A, 30A, 31A, 32A contingent upon the following:**
 - **The Applicant pay \$10,000 for construction oversight conducted by Hamwey Engineering, Inc. obtained and held in escrow by Alan Shocket by June 19th and money be deposited to the Town the next business day after closing;**
 - **The Applicant pay \$14,000 in back taxes to the Town by cashier's check;**
 - **The Applicant pay the surety for the lot releases (\$106,450) to be held by A. Shocket in escrow by June 19th and money be deposited to the Town the next business day after closing. In the event that the closing does not occur, A. Shocket will return the lot releases to the Town;**
 - **And no further lot releases be approved until the fire cistern on Old Stone Circle be installed.**
 - 2nd by E. Neyland. All in favor 4/0/0.
 - **J. Karlon motioned to release Lot 45A contingent upon receiving surety of \$21,290. 2nd by E. Neyland. All in favor 4/0/0.**
 - In summary, the Applicant will provide \$116,450 to the Town in exchange for the lot releases.

- Bolton 2 Solar Project, 125 Still River Road (Lot 2A)
 - The Board reviewed the Decommissioning Agreement for the project.
 - The Applicant and Board of Selectmen are in favor of using the Bolton 1 Solar Project (5 MW) decommission cost estimate structure and timing as the analysis template to be applied to the Bolton 2 Solar Project (3 MW), effectively removing the project's need to do any of the costing separately. The Bolton 1 Solar Project will cover the cost estimate analysis for both projects and the pro-rated proportionate cost estimate findings from the initial project, done at year 10 and year 20 according to the structure, will be applied to the Bolton 2 Solar Project.
 - **J. Keep motioned to approve decommissioning agreement for Bolton 2 Solar Project, 125 Still River Road (Lot 2A), specified by performance agreement secured by cash deposit. 2nd by E. Neyland. All in favor 4/0/0.**
 - The Board resigned the Special Permit decision to correct clerical error on signature page.
- Administrative
 - The Board signed the approved site plans for 147 Long Hill Road Common Driveway.
 - The Board set their summer schedule for 2015. The tentative meeting dates include July 29th and August 19th.
 - The Board updated their signatures with the Worcester County Registry of Deeds.

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