

BOLTON BOARD OF APPEALS
Minutes of Meeting
January 17, 2007 at 7:00 P.M.
Bolton Town Hall

Present: Gerard Ahearn (Chair); Jackie Smith; Kay Stoner; and Brad Reed (Andy Kischitz present as well but not sitting on Riverside hearing)

1. Riverside Hearing Continuation from November 15, 2006

Ahearn mentioned that since the last session of the hearing, a work session was held with the Town and the applicant to go over a draft decision. The second draft of a boilerplate decision was created. Board members are asked to provide input on the draft tonight.

Ellen Doucette from Brackett and Lucas was introduced.

The Board reviewed the draft decision dated January 11, 2007. It was decided by the Board that the following items would be changed:

I. Procedural History

A sentence would be added concerning the town's compliance with the affordable housing plan and its certification from DHCD through the Planned Production process. The Board would also clarify the site approval letter is up to date. The hearing would only be closed on submission of a current site approval letter.

Page 1- the spelling of the word "Arial" would be changed to "Aerial".

Page 2- the provisions on when the new members were added would be included.

Page 4 – Legal consultants would be added (Brackett and Lucas)

In Procedural History, a list of items in the public record would be added. In addition, a list of waivers would be added.

Page 5 – the decision should include the provision to require the survival of the affordable housing on the event of foreclosure.

In the Conditions Section, a videotape record of the road in its present condition would be submitted by the applicant to the Board prior to construction. In addition, the applicant is allowed to expand the present unit sizes provided the building footprints shown on the plans are maintained and the heights shown on the architectural plans are not exceeded.

Page 6 – CHAPA would not be the monitoring agent for enforcing the limited dividend provision of the comprehensive permit.

Page 7 - No less than two of the units shall be affordable to households earning not more than 80 percent of Median Income, not 70 percent to provide a window of affordability.

Page 9 – No equipment or materials shall be stored on Parcel A.

Page 12 - The final plans must be reviewed and approved by the Bolton Fire Department, and the town's consulting engineer and the Board of Appeals has reviewed and approved final plans to ensure safety.

Page 13 – the condominium documents will specify that only two bedrooms can be in each unit, and two units are subject to an affordable housing restriction.

Page 14- the Applicant will bound the open space to be deeded to Mass Fish and Wildlife.

Page 14 - 4.7 acres shall be the minimum amount of open space on the plan in Parcel A;

Page 15 – H2 – Board should review provision that additional waivers at specific locations not expressly requested, are implicitly granted if shown on plan.

Page 16 – H5 Jackie Smith asked about whether condition H5 complies with ADA. Doucette responded it does as long as the applicant makes accommodations for accessibility.

Page 17 – H16 – O'Hagan asked if H16 was redundant "The Regulatory Agreement shall require full compilation and certification of total development costs and total revenues on a federal income tax basis prepared and certified by an independent CPA approved by the Board.

On motion by Jackie Smith, seconded by Brad Reed, the Board voted to close the hearing subject to submission of a valid site approval letter by the applicant from MassHousing.

The Board will deliberate the decision on January 31st at 7pm. The decision will be amended to reflect the agreed changes for this meeting.