

BOLTON BOARD OF APPEALS
Minutes of Meeting
January 25, 2006 at 7:00 P.M.
Bolton Town Hall

Present: Gerard Ahearn, Jacqueline Smith, Kay Stoner, Jake Foote, Nat Tipton (Town Planner)

1. Riverside 40B Comprehensive Permit Hearing - Continued from December 20, 2005

In December there was a sentiment to close the hearing based on what had been presented to the Board. Mr. O'Hagan requested that the hearing be continued with the understanding that he would like to present one last option for the site. Mr. O'Hagan stated that he is working toward providing a plan that would have less impact on the site and a plan that would be acceptable to the Town and its residents. The new plan has 8 units in 2 buildings that have been brought down to the front of the property. This would keep the development in the open meadow, with the remainder of the property acting as a buffer. It would be divided into two separate lots each with their own well and septic.

O'Hagan commented the units were designed in conjunction with the other boards. They have a design similar to a colonial/farmhouse design. O'Hagan expressed a hope that they would be more appealing to the residents and the Town. Each is a four unit structure with between 1,220 to 1,730 square feet per unit. In addition, they tried to address the vegetation that is currently on the site, include the trees along Still River Road. Septic systems are to be located in the rear of the structures; they do not need to be mounded due to the soils. One well would be located in the meadow and one in the wooded area along the cart path. Of the 8 units, 4 are proposed to be affordable or 50% of the project. Affordable units would be the smaller units, all units, both affordable and market, are two bedrooms. The priority habitat is in the rear of the property and would not be affected in this new plan. The proposed units are parallel with the existing barn on the adjacent property. Mr. O'Hagan stated that he feels that they have worked very hard to incorporate the concerns of the various Boards and residents in this plan. It does provide for 50% affordability.

Ahearn asked where the affordable units are proposed to be located. O'Hagan responded that two market rate and two affordable in each of the two units, with the smaller units being the affordable. Because they are all two bedroom units they hoped to minimize the impact of additional children in the school system.

Ahearn mentioned there were a couple of letters received since the last hearing from Cyndie Colosi (11 Autumn Lane) and Anatasia Downey (366 Still River Road). Chairman Ahearn read the letter to the Board and others.

Cyndie Colosi of 11 Autumn Lane stated her concern is with maintaining adequate water supplies in the area. Ms. Colosi stated she had to drill in 4 places to find water on her site and is concern about the water draw from an additional 8 families. Ms. Colosi stated that they were already living in their home when the well collapsed. Joe McLaughlin of 407 Still River Road stated he had to put in a second well about 12 year

ago after living in his house for a total of 30 years as the original well collapsed. Colosi comments that well drillers have told her there is no bedrock, just shale, which makes mud. Many of the wells in the area are very deep. Pat Westwater Jong of 3 Autumn Lane stated her well only draws one gallon per minute, which under current regs, would not be acceptable. Brenda Wright of 401 Still River Road stated that her home has very little water. If her family runs the water for a half an hour, the well dries out.

Kay Stoner asked is there a plan B for well placement in case the original placement does not pan out. Mr. O'Hagan stated they were designed to meet the required setbacks, although there are other areas that could be pursued.

Ahearn stated four market rate and four affordable units would be of interest to the town given the uncertain status of certification, or two market and two affordable units. O'Hagan stated four units could not work, maybe six.

Jeff Tabb of 8 Autumn Lane stated concerns about potentially 32 people living in a protected area drawing resources from a sensitive area. This is not about there being buildings on the site, it is a question of the density on this specific site. Foote stated that the sewage disposal system would have to be in accordance with regulations. Mr. Tab is more concerned with what the threshold of density for this site is and can support. He does not know the run off but would like to.

Mr. O'Hagan stated that the larger plan was sent to peer review and there were no negative comments received. Roxanne Burney of Autumn Lane stated that at the last meeting Mr. O'Hagan had one last chance to wow the community and she does not feel that he had done that. The density is still very high. Mr. Foote reminded the public where this project started. Mr. Tab stated that he does not understand why a 40B project must be built here.

This project can be denied, the Town has the meet its quota, Mr. O'Hagan agrees with this. He feels that he has worked very hard to meet the concerns of the Boards and abutters. He understands that the abutters would like to see a single home, however, he feels that this is a good plan to get more affordable housing for the town. He acknowledges that there is an impact, however he feels that a single family home would also have impact.

Mr. O'Hagan would like to either proceed or know that the Board will not approve this site. He could do 6 units and lose two affordable units. Mr. O'Hagan stated that he thought that the Town would like to see 50% affordability. If two units were eliminated, they would have to be affordable in order to be viable. He felt that the Town would like to see higher affordability.

Ahearn stated the town has to meet its requirement for affordability. He feels that it runs into the issue of the town's goal, why do we need to do this. Mr. O'Hagan did speak with Doug Storey and stated that the affordable group is in favor of this project.

The board stated that they would like to hear Mr. Storey comments from Mr. Storey.

Annelisa Anedete of Still River Road has been a resident of Still River Road for 20 years. She feels that there are generalizations being carried though. She is concerned with the density, so although the lot is close to 8 acres, only a portion of the property can or will be used. The crux of the issue is environmental. Her issue is the use of the land and the density. We don't have to do this project and it may be a wonderful project, but not on this site.

Marcy Silver of Still River Road also stated her main concern is the density. She asked how will the remaining portion of the land be used? O'Hagan responded that it will be used the way the land is being used now. Is there a portion that won't be used. O'Hagan said that certain activity will not be allowed. Jake Foote stated that when a resident moves in, the property is their backyard and they will have the right to utilize it in the fashion that they want to.

Pat Westwater-Jong stated that the amount of buffer to Autumn Lane is important as well as the rural nature of Bolton Flats. The lights, noise and people would impact that. O'Hagan stated that the vegetation that is existing would remain. Her use of the land is visual or for access to Bolton Flats. Westwater-Jong stated that Autumn Lane may have been a mistake, please let's not duplicate it.

Mark Lovington – 385 Still River Road. Submitted his comments on information passed into the Board. The fundamental decision that this Board needs to make is, is the correct project for this particular lot. Approving this proposal sends a message that our most important piece of environmental sensitive land in Bolton does not have value. He believes this should not be approved, however, if it must be, 6 units should be the limit.

Brenda Wright asked how close to the road is the nearest structure. O'Hagan responded on the same line as the original structure. Wright commented there is only one car garage per family, which leaves additional cars outside of the garage based on two per family and additional cars for visitors. She is also concerned with children on Still River Road in order to ride a school bus.

Dan Senie of the Public Ways Safety Committee mentioned that guidelines have been created for bus stops at the "mouths" of developments. He encouraged Mr. O'Hagan to review the guidelines that have been prepared. This is a driveway that will never be accepted as a public way, so a school bus could not travel down it.

Doug Storey of the Affordable Housing Partnership and Planning Board stated that he looked at the new plan prior to the meeting. He was amazed at how good they looked. The buildings were reduced to two and units to eight, moved to a better location on the property. He feels that Mr. O'Hagan did do what the Boards had requested. The Bolton Affordable Housing Plan is certified and compliant for two years. Bolton does need housing at a lower cost. It produces low cost housing as well creates lower priced market rate units. Since we don't know if we have been certified he would like the

hearing to remain open. He feels that it is a good plan and both Affordable Housing and the Planning Board are in support of this plan.

Roxanne Burney asked if the hearing will be closed after tonight. There are still huge concerns of density. Ahearn stated that they will look to see if there is new information to be discussed. If it seems as if the same information is being rehashed, then they would consider closing the hearing.

Ahearn explained why or why not we may be safe for two years and we are now waiting to hear what will happen as far as the Town's certification stands. Burney stated that we need affordable housing, however not on this site. The Board's responsibility is to do the correct thing on each property, regardless of whether we have met the quota. It is either the correct project for the parcel or not and the decision should be made accordingly. Westwater-Jong stated that she did not feel that the Bolton Bylaws should have an override. She asked are we going to abide by our own by-laws and she felt that the density was too high.

O'Hagan would like to know one way or the other if the Board either supports or does not support this proposal. Based on the information provided, Mr. O'Hagan would like to know what information he could provide that would have an impact on the Board's decision. Smith stated that she is more comfortable with 6 units, 2 affordable. Foote stated the plan addressed all the concerns have been raised. He is happy with the proposed project.

Ahearn asked is there value in keeping the hearing open. Smith wanted to hear from the state on whether the town received a waiver from DHCD's ruling for 2007. O'Hagan wants to know what the Board wants from him. Jeff Tabb commented this should be more about the environmental issues and impact than quotas.

Martha Remington asked whether this has to be a unanimous board. The response was that it had to be a majority of the original because it is a 40B not a special permit.

Ahearn – Stated that he feels the Board has given it adequate review. Calls for a vote to see if it should be continued.

Roxanne – What do you want from Mark O'Hagan? Ahearn responded that we can not evaluate this plan without more detail, however, with more detail there is no guarantee that it would be approved.

The board continued the hearing to March 15, 2006 at 7pm.