

BOLTON BOARD OF APPEALS
Minutes of Meeting
March 15, 2006 at 7:00 P.M.
Bolton Town Hall

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

1. Riverside 40B Comprehensive Permit Hearing- Continued from January 25, 2006

Ahearn explained that since the previous meeting, the town received a ruling from DHCD that counts the affordable units permitted for the Sunset Ridge project in 2006 rather than in 2005 as was requested by the Town. This ruling means that the town would not receive the two year certification status for 2006 and 2007; rather the seven affordable units permitted under Sunset Ridge would count towards the eleven unit yearly goal in 2006. This means the town is four units short towards its goal in 2006 in order to receive certification in 2007. Tipton explained his conversation with DHCD indicated that they would entertain a waiver request, although he has not received this in writing.

Ahearn announced the Board has received a revised plan from Mr. O'Hagan for eight units along with a pro-forma. A six unit plan has also been submitted. Mr. O'Hagan presented the revised plan. All of the units have been moved outside the priority habitat area. This project would require less waivers from Bolton bylaws than the previous plan. O'Hagan stated the proforma submitted for the 8 units largely mirrors a pro-forma for 6 units- these are within the same 10% in terms of dollar value. The septic tank is within 10 feet of the leaching field, which conforms to Title V regulations. O'Hagan requested that the Board close the hearing. Ahearn stated he felt it was too soon to close the hearing as the Board needed to evaluate the latest plan. O'Hagan went on to explain that a conservation restriction or some method to protect the back portion would be arranged.

Martha Remington stated her concern on potential disturbance of artifacts if the development goes through. O'Hagan agreed to work with the Historical Commission to find an adequate arrangement that would preserve the stone structure to be maintained.

Smith asked the audience for their feedback on the proposed 6 unit plan in comparison with the eight unit plan. Lovington stated the fewer units the better. If something had to be built on the site, the six unit plan is preferable but could be improved by shifting the parking and driveway to opposite side of the lot to reduce the visual impact from Bolton Flats. The trees serve as a natural buffer, and planting along the western side of the property to shield visual impacts would be important. Tipton asked O'Hagan if pervious pavement was an option for parking. O'Hagan indicated he would explore the possibility, though could not guarantee that this would work. Lovington stated he still hated to see the prettiest place in Bolton be developed. The square footages under the 6 unit plan would provide approximately 1200 to 1300 square feet for affordable units and 1650 to 1750 square feet for market rate units.

Lynn Hallberg stated she felt less density equals more with this special piece of land and neither the 6 nor 8 unit plan was acceptable. Both projects are too dense. She was also concerned with providing a stable supply of water in the area. Foote responded that what if the town was to lose certification and a larger 40B was proposed by the applicant. Paula Prevost stated she was concerned with heavily congested traffic on Route 110. There is lots of traffic moving through Bolton with development in other towns, and this project would exacerbate it.

Martha Remington asked if the Bolton Affordable Housing Partnership knew the land was located in an Area of Critical Environmental Concern when it made its recommendation to support the project. Remington stated that if the Partnership should be ashamed if it did know as this is the only area in Bolton where the blue spotted salamander lives.

David Burney stated that there is “ a lot of fat” built into the proforma and asked the Board to require an independent proforma review. He went on to say that he would like to see a proposal with four units, 2 market units and 2 affordable units. Martha Remington stated the Nashoba River Association provided input recommending this project should not be permitted due to the environmental impacts. Pat Westwater-Jong stated she sympathizes with the developer who has invested a lot of time, money, and energy on this project, however the project is still proposing a density far beyond what is normally allows by Bolton bylaws and therefore should be denied or severely conditioned. Lovington asked what the sale price will be of the affordable homes and questioned whether they would actually be priced low enough. Burney also urged the Board to request the waiver from DHCD before closing the hearing. Smith agreed that the Board should submit a waiver request and have a ruling made by DHCD before closing the hearing. O’Hagan responded these units would be priced around \$170,000. Burney asked if O’Hagan would be able to sell the project after receiving a comprehensive permit. O’Hagan responded he does not sell projects.

The Board continued the hearing to April 19, 2006 at 7pm. In between, the Board will solicit further comments from Boards and Committees on their opinions on the 6 and 8 unit projects. In addition, the Board will seek a review on the pro-forma received by the Board and will also request a waiver from DHCD on its ruling.