

BOLTON BOARD OF APPEALS
Minutes of Meeting
September 11, 2006 at 7:00 P.M.
Bolton Town Hall

Present: Gerard Ahearn, Brad Reed, Kay Stoner, Jackie Smith, Greg Thomas (Associate Member), Nat Tipton (Town Planner)

HEARINGS

1. Riverside Comprehensive Permit

Present: Mark O'Hagan (MCO Associates); Ellen Callahan Doucette (Brackett and Lucas); Erik Bettez, Brenda Wright, Roxann Burney, Mark Lovington, Lin Hallberg, Annelisa Addante, Greg Coffman (abutters)

Greg Thomas and Brad Reed were sworn in as board members with the Town Clerk's office.

Mark O'Hagan gave an overview of the property and hearing process to date. The property is located on Still River Road adjacent to Autumn Lane. The property is 7.93 acres. It contains 189 feet of frontage and has wetlands on the back part of the property abutting the Nashua River. About half of the site is within a Priority Habitat area regulated by the Natural Heritage Endangered Species Program. Most of the site is within an Area of Critical Environmental Concern. The property is flat towards the front of the property and contains some hilly topography towards the back. There is a trail that runs across the back of the path that begins at the adjacent property owned by Mass Fish and Wildlife. The first plan showed ten single family homes and one duplex with three affordable units. O'Hagan characterized the drainage as being fairly simple as the soils drain well and the structures and roads would be built on the flat section of the property. The duplex was designed to remain compatible with the look and feel of the single family homes. O'Hagan characterized the concerns raised by abutters and town boards during the hearing as centering around the impact on environmental and historical resources. Density issues were also raised. The road was proposed to be town owned.

The project was revised to ten units. The applicant met with NHESP to reduce the impact on rare and endangered species, namely salamanders and turtles. NHESP allowed a single septic system to be placed within the Priority Habitat area, and set parameters for maintenance to reduce the impact on rare and endangered species. The plan showed six detached single family units and two duplexes. Reed asked if the post development drainage would be less than pre development. O'Hagan stated it would. The drainage would largely be handled by infiltration.

The project was then revised to eight units. All work was moved out of the priority habitat area, existing vegetation along the property line would be saved to provide a visual buffer, and a common driveway would service the project at the Board's request. The plan would have provided four affordable units. The front building was designed to look like a traditional single family dwelling and its scale would be compatible with other houses in the vicinity. The buildings were modeled after a classical colonial up the road in Harvard. The financial viability of the project came into question. A consultant (Dick Heaton) was hired by the Board to review the project pro-forma. He determined the eight unit project would not be viable under its design. The consultant also reviewed a pro forma for a six unit project that O'Hagan designed that seemed better from a financial perspective. The six unit project would provide four market rate

and two affordables. O'Hagan stated the six unit project would incorporate a septic system that would remain under 2,000 gallons a day and would not require any waivers for the Board of Health regulations. The water system would not require a flow to designate it as a public water supply. Approximately 4.7 acres of the land would be conserved under the plan. One possibility that was discussed was to gift the land to Mass Fish and Wildlife who owns an adjacent parcel. A conservation restriction would be a possibility as well in case Mass Fish and Wildlife did not want to accept the land. O'Hagan characterized the required waivers for the project as minimal. The Board was going to close the hearing but lost a board member during a hearing that prevented this action. A draft decision had been prepared by Town Counsel.

Reed asked the project had been reviewed by a consulting engineer. O'Hagan responded that Judith Nitsch Engineering had reviewed an earlier iteration of the project and would review the project again. Additional actions that remain for the plan include the septic needs to be finalized and the ACEC designation would require a filing under the Massachusetts Environmental Protection Act (MEPA). O'Hagan requested the Board close the hearing. The septic system would require maintenance by the homeowner's association. Doucette asked if MassHousing would approve a plan in which the affordable units were clustered in a single building.

Ahearn asked if there were comments from abutters. David Coffman of Westcott Road in Harvard stated his concern was the project's impact on the adjacent recreational land, though some of his concerns were alleviated. He was concerned that hunting in the area could be a safety hazard. Lin Hallberg asked if the new members should take a site walk. The new members indicated they would walk the site. Thomas stated he had walked the site about a year ago. Annelisa Addante asked where the town stood on its affordable unit count. Tipton stated that the affordable units would not count towards its annual planned production goals if it was permitted in 2006, but would count towards the town's annual goal if permitted in 2007. The units would count towards the town's total subsidized housing inventory regardless of when it might be permitted. The units would contain a deed rider to ensure affordability in perpetuity. Joe McLaughlin stated he was concerned over the lack of water in the area. Many homeowners had dug wells that were not yielding consistent flows. O'Hagan responded that the units must show sufficient flow to get a permit from the Board of Health. Addante asked O'Hagan if he was planning to sell the project; O'Hagan responded that he would see the project through. Erik Bettez asked if the Board would review all information in the file including plans. Ahearn responded the new members will receive all materials including meeting minutes. Bettez reiterated he had concerns over the water flows as his well is currently pumping at a rate of only 1 gallon per minute.

Roxann Burney stated she feels this project warrants the town using its ability to deny. She stated this is a unique parcel with significant environmental and historical significance. She believes a four unit project would be financially feasible and the process would continue if the Board approves the six unit plan. She feels the project is still too dense. Mark Lovington stated he felt the project has greatly improved from the initial filing. He urged the Board to use its ability to minimize the aesthetic impacts on the site. O'Hagan stated the buildings would not be as high as the barn located on the adjacent parcel and would not be grossly out of scale. Brenda Wright stated because the back of the property would be deeded that it increases the density of the project when comparing the amount of units on buildable land. She also was concerned with the impervious area and aesthetics of the parking placed in front of the structures.

The three board members who were not present for all sessions of the hearing (Stoner, Reed, and Thomas) would be given the project file in its entirety including the draft decision from June. The hearing was continued to October 18 at 7pm.