

BOLTON PLANNING BOARD
Minutes of Meeting
February 25, 2009 at 7:30 P.M.
Bolton Town Hall

Present: Doug Storey (Chairman), John Karlon (Board Vice-Chairman), Frank Lazgin, Stephen Garner, Mark Duggan, and Jennifer Atwood Burney (Town Planner)

Not Present: James Owen (Associate Member)

PUBLIC HEARINGS

7:30 pm **Northwoods 36-2 Subdivision located off of Warner Road consisting of Drumlin Hill Road, Ledge Wood Circle and Field Stone Way.**

Applicant: Kendall Homes, Inc., 67 Smith Road, Northboro, MA 01532

The Applicant is requesting to eliminate sidewalks on Ledge Wood Circle and Field Stone Way as approved by the Planning Board on December 17, 2003

Present: Applicant Chuck Black from Kendall Homes and Brandon Ducharme from Ducharme and Dillis.

Brandon Ducharme from Ducharme and Dillis explained that the applicant is seeking to eliminate sidewalks and therefore the need for ADA compliant ramps onto the roads. The applicant is offering to provide parking at Ledge Wood Circle for the conservation land and had met informally with conservation. The proposed parking area would be a 50 foot gravel surface area that would accommodate a few cars in order to pull off of Ledge wood Circle. 850 feet of sidewalk on Ledge wood Circle and 300' of sidewalk on Field Stone Way is being proposed to eliminate. Chuck Black indicated that the roads are classified as lanes which do not require sidewalks.

Doug Storey asked if this would affect drainage in any way. The Board was told that if anything it would reduce the impervious surface.

Frank Lazgin asked if school buses would go down road or if the children would have to walk to another area. He also questioned the number of houses on each road. The board was told that there are 5 lots on Ledge wood Circle and 5 on Field Stone way and currently the children walk to a bus stop on Drumlin Hill Road.

A 15 Ledge wood Circle resident stated that they prefer no sidewalks and is concerned that sidewalks are more of a hazard due to the steepness and from ice in the winter. They asked who would be responsible for the maintenance of parking area and indicated that the road **is** not a through street and were concerned about who would be using it. Doug Storey stated that a book exists that shows every trail in town and also there would be signage. Mr. Storey indicated that he is in favor of providing access and listing in this book to make the trail accessible to everyone. Mr. Storey further stated that the parking area would provide a place to for cars to pull off and

not block the road and that while currently the road is private but will become public. Once public the maintenance of the road, gravel parking and sidewalks become the responsibility of the town. Mr. Storey agreed that during the site walk he didn't see the necessity of sidewalks.

Cia Ochsenbein from the Bolton Public Safety Committee stated that the committee is fighting for walkway in town and to make Bolton a walkable community. The committee didn't support applicants requesting to have sidewalks eliminated that were approved. The committee just dealt with the Regency who requested to remove sidewalks and insisted that they be put in. Cia suggested that the applicant consider some form of mitigation such as funds to put sidewalks elsewhere in town. Mark Duggan, board member stated that the planning board would discuss mitigation and that it makes sense to put sidewalks elsewhere. Cia replied that sidewalks are safer than walking on the road and should not just be dismissed. Doug Storey stated that the planning board supports sidewalks along Drumlin Hill road but not necessarily along the other two roads because it serves a small number of houses.

Brendan Ducharme indicated that the lanes have less than 150 vehicle trips per day.

A resident of the corner of Drumlin Hill Road and Field Stone Way stated that they do not want a sidewalk because the gradient is too steep.

Sharon Desimone of 17 Fieldstone Way indicated that she currently walks her daughter to the bus stop and avoids the sidewalk because of the pitch which makes the sidewalks a sheet of ice. She feels safe on the road.

Kelly Greeley-Michaud of 25 Drumlin Hill Road indicated that she can't walk on the existing sidewalks because they are crumbling. A resident of 39 Drumlin Hill Road agreed. Doug Storey responded and stated that the applicant has not yet finished the project. Chuck Black replied that the sidewalks are only a binder and will have a top coat.

Deb Kellett of 714 Main Street, a member of the Public Ways Safety Committee indicated that she is fine with mitigation in exchange for eliminating the sidewalks. She wants to make sure that the mitigation would be towards sidewalks or pathways and not to the DPW.

A resident of 39 Drumlin Hill Road asked if the design plan addressed eliminating sidewalks in case of ledge. Brandon Ducharme replied that the proposal would be to remove the sidewalks, have a 2 degree shoulder and 4:1 slope and areas with ledge would not be removed. Chuck Black stated that when he is finished with the neighborhood it will look aesthetically pleasing. Doug Storey stated that the development would have to meet the bylaws. Roads, sidewalks, and drainage would be reviewed by the board's consulting engineer once the as built is submitted. He wanted to remind everyone that the purpose of the hearing is to decide whether or not to eliminate the sidewalks and nothing else.

Another resident asked about the gravel of the proposed parking area and expressed concern about increased traffic flow and parking in interior neighborhoods. Doug Storey explained that the FOSPRD provides open space to the community of Bolton and that over 7 or 8 projects have been done this way. A resident of 114 Drumlin Hill Road stated that 22 kids get on the school

bus and are playing in the streets and expressed that the parking area would be a safety hazard. The Board continued to have a long discussion with the residents regarding the road and parking area.

Rob Hagopian of 282 Harvard Road, a member of the Public Ways Safety Committee stated that he uses sidewalks and runs at Northwoods and wants to make sure that the proposal will be ADA compliant. He suggested continuing the sidewalk from Drumlin Hill Road to the trail head.

A resident of 39 Drumlin Hill Road asked who would maintain the gravel parking area. The Board replied that the town would. Ducharme and Dillis stated that the DPW is unlikely to maintain the parking area. Board member, Steve Garner suggested tarring the parking area if there was concern over weeds growing. The resident replied that they were in favor of sidewalks elsewhere in town as part of the mitigation. Another resident asked what the circle was going to consist of. Mr. Black replied that it would be grass. Gerry ___ asked if funds from the sidewalks could be used to beautify the center island. Chuck Black replied that grass is much easier to maintain. Another resident suggested paving the center. The Board replied that it wanted less impervious surfaces.

The Chairman asked if there were any other comments. There were none. Mr. Storey stated to the applicant that he would be saving money by eliminating the sidewalks and asked if he would be willing to contribute to a public walkway fund. Mr. Black replied that he would be open to it and would like to get back to the board after review.

A motion was made by Mark Duggan, seconded by John Karlon to close the public hearing.

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GENERAL BUSINESS

1. 8:30pm Century Mill Estates – review covenant
Present: Applicant Andy Bendetson

The Board reviewed the revised Covent and asked the town planner to ask town counsel why she only wants one model home and not the five that the applicant is proposing.

The Applicant indicated that DEP expressed to the applicant in a recent discussion that they would like the applicant to retain ownership of the land where the public water supply is located. The wells are located in the open space parcel. The board indicated that they would require that a public hearing be opened to discuss this issue. The board expressed concern that if a homeowners association held the conservation restriction and if public water was made available to Bolton residents the association could eliminate the conservation restriction and do what ever they wanted with the land. The Board wanted to make sure this would not happen. Doug Storey reviewed the next steps necessary. A public hearing would be required. The board would want to make sure that if the zone I land was transferred to a entity such as the homeowners association that a permanent conservation restriction would be in place and this would have the approval of

everyone who has a stake in it, such as Natural Heritage and the Conservation Commission and whether or not the land owner could hold the conservation restriction or would it merge?

OTHER BUSINESS

2. Class II Licenses – The Board discussed the current issue with Class II Licenses being issued to 3 residents when the bylaws state that the sale of cars is prohibited in town. The Board stated that the intent of the 2004 bylaw change was that no class II licenses would be permitted after this date and all those issued prior to 2004 would be considered pre-existing non conforming. The Board stated that they would not support an amendment to the bylaws allowing the sale of cars. They asked the town planner to ask former board chairman, Larry Delaney his opinion since he was instrumental in the zoning bylaw change in 2004.
3. The town planner informed the board that a demolition decision was granted for Sargeant Road and asked the planning Board its opinion on the non conforming lot. The board agreed that once the building is taken down it would become a non conforming lot that could not be built upon. John Karlon a board member and member of the Historical Commission stated that the owner's intent was to turn the lot into a field and are aware of the situation of the non conforming lot.
4. Horse Inquiries – the town planner indicated that she has received a couple inquiries on horse businesses. The board reviewed the bylaws and found that the bylaw would need to be worked on and suggested that the town planner contact the Agriculture Commission to invite them to a meeting to work on the bylaw together.
5. Review Great Brook Farm SP application – the board suggested that the town planner scan and email the pre application to the board to discuss at the next meeting.
6. The town planner informed the board that the MAPC grant application (received 30 applications, 8 have been approved so far. May approve 30%-50% of applications.

Meeting adjourned at 10:00 pm

Minutes submitted by Jennifer Atwood Burney, Town Planner