



## TOWN OF BOLTON

### PLANNING BOARD

Town Hall, 663 Main Street, Bolton, MA 01740  
Phone: 978-779-3308 Fax: 978-779-5461

#### SPECIAL PERMIT FINDINGS AND DECISION

Petitioner: Wachusett Realty, LLC  
200 Church Street  
Clinton, MA 01510

Premises: 562 Main Street, Bolton, MA 01740  
Bolton Assessor's Map 4.C Parcel 35

Owner: R. Lee Bracy, Jr.  
P.O. Box 189  
Bolton, MA 01740

Deed Reference: Worcester District Registry of Deeds, Book 5114 Page 579

Date Petition filed with Town Clerk of Bolton, MA: August 25, 2014

Type of Application: Special Permit

Applicable Zoning Bylaw of the Code of the Town of Bolton, MA: Sections 250-12 and 250-23

Hearing Dates: September 24, 2014 and October 8, 2014

Members Present: Chairman, Jonathan Keep, Members, David Yesue, John Karlon, Erik Neyland, Jon Ricci

Decision: On October 8, 2014 at 8:30 p.m., the Planning Board voted unanimously to **grant** the petition seeking Special Permit. This document is the decision of the Planning Board.

#### PROCEDURAL HISTORY

1. On August 25, 2014 Wachusett Realty, LLC (hereinafter, the Applicant), applied to the Planning Board (hereinafter, the Board) for a Special Permit to conduct a branch banking business for the Applicant's subsidiary, Clinton Savings Bank, at the Premises located at 562 Main Street, Bolton, MA 01740 pursuant to M.G.L. c. 40A, Section 9 and Sections 250-12 and 250-23 of the Code of the Town of Bolton. The Premises is identified on the Bolton Assessor's Map 4.C as Parcel 35, located in the Limited Business Zoning District.

2. A duly posted public hearing was held on September 24, 2014 at 7:30 p.m. in the Board of Selectmen Room of the Town Hall, 663 Main Street, Bolton, MA. Chairman Jonathan Keep read the Notice of Public Hearing for the Special Permit request. The Board continued the hearing to October 8, 2014 and closed the hearing on October 8, 2014. The Board voted the same evening.
3. On October 8, 2014, pursuant to M.G.L. c.39, Section 23.D, David Yesue, a member of the Board, certified in writing that he examined all of the evidence received by the Board including a video recording of the hearing held on September 24, 2014 which he failed to attend.

### **RECORD DOCUMENTS**

During the course of the public hearing the documents, plans, and other written materials set forth in Appendix A were received by the Board and incorporated into the record.

### **CRITERIA FOR SPECIAL PERMIT**

The following criteria for Special Permit shall be reviewed by the Board in accordance with Section 250-23.E of the Code of the Town of Bolton:

- The existence of safe vehicle access to and from the right-of-way;
- The existence of safe pedestrian access to and from the site;
- The adequacy of provisions to reduce or eliminate undesirable visual, noise, odors or similar impacts upon adjoining properties and the public;
- The adequacy of provisions for controlling and cleaning up on-site and off-site litter and debris;
- The existence of water and waste management plans for the premises which will minimize any adverse impact on natural and community resources;
- The adequacy of proper controls for containment of exhaust fumes or other emissions from the premises;
- The degree to which the project will recycle waste materials, will utilize recycled materials, and will utilize water-conserving and energy-efficient appliances;
- The degree to which the project design is in harmony with the neighborhood and the environment and the degree to which the project meets the design review criteria set forth in Section 250-23.G of the Code of the Town of Bolton; and
- Whether in all other respects the proposed project will be in harmony with the general purpose and intent of this Bolton Zoning Bylaw and not detrimental to the neighborhood or the Town.

Any Special Permit granted under Section 250-23.E may contain such conditions, restrictions or requirements as the Board deems appropriate to accomplish the purposes and intent of the Zoning Bylaw and to assure that the proposed use will satisfy the criteria set forth above.

## FINDINGS

Based upon the information submitted at the public hearing, including the record documents and comment received from the public, the Board makes the following findings with regard to the proposed use:

### A. General

1. The Premises is located at 562 Main Street, Bolton, MA 01740, identified on Bolton Assessor's Map 4.C as Parcel 35, and is owned by R. Lee Bracy, Jr., P.O. Box 189, Bolton, MA 01740 (deed reference Book 5114, Page 579). The Premises is located in the Limited Business Zoning District.
2. The lot area of the Premises is 0.85 acres and has approximately 129 feet of frontage.
3. The Applicant submitted a complete application in accordance with the Code of the Town of Bolton.
4. The proposed use of the Premises as retail banking is a use permitted within the Limited Business Zoning District upon issuance of a Special Permit by the Board.
5. The Board heard testimony from David Philbin from Philbin & O'Neil, LLC, Robert Oliva from David E. Ross Associates, Inc., Christian Klein from Approach Architects, and Dermot Kelley from Dermot J. Kelly Associates, Inc.:

The project includes the construction of a new bank office building at 562 Main Street in Bolton, MA. The 0.85 acres parcel is located in the Limited Business Zoning District. The site currently contains an existing single family house and detached garage, which will be removed as part of the proposed development.

The Applicant is seeking to relocate their existing Bolton Branch office. The current branch office is located at 563 Main Street in the existing office building across the street. The proposed building will include customer service areas, offices, an automatic teller machine (ATM), and teller windows. The ATM and teller windows will be accessed via three (3) drive through lanes under a building canopy at the rear of the proposed building. The proposed building including the ATM canopy area will contain approximately 2,609 square feet of floor space.

The site will be accessed by a looped one-way driveway around the building. The driveway will provide access to parking and the drive through lanes. Signage and pavement markings will be provided to indicate the one-way access. Parking for the facility will include 13 standard parking spaces and one accessible parking space. The total parking area will be 5,360 square feet; only 1,965 square feet is required.

The facility will be served by both private well and sewage disposal system. The existing well will be used for water service. The existing wellhead will be modified to bring it into

conformance with current regulations. A new sewage disposal system will be constructed as part of the development.

The on-site storm water collection system will include deep sump catch basins, water quality inlets, and two underground infiltration chamber systems to treat and recharge runoff from the development. The system will satisfy the requirements of the MassDEP Storm Water Standards as well as prevent any off-site flooding or increases in runoff to adjoining properties.

The proposed construction will require that the existing grades be raised to accommodate the construction of the underground infiltration systems and the sewage disposal system.

Site lighting will include six (6) 18 ft. high light poles that will be dark sky compliant as well as lighting for the egresses, ATM, building signage, and main sign.

The project will relocate approximately 302 vehicle trips per weekday from the existing driveway on the north side of Main Street to the new driveways along the south side of Main Street. Essentially no new traffic is anticipated to be generated to the main Street corridor. This daily volume will be split evenly with 151 vehicle trips entering and 151 vehicle trips exiting the site over the course of the entire 24-hour day. During the morning peak hour, the project will relocate 25 vehicle trips per hour (vph) and during the evening peak hours, the project will relocate 50 vph.

## B. Specific Findings

1. The Applicant's site plans provide separate ingress and egress ways allowing for safe vehicle access to and from Main Street.
2. The Premises will have easy and safe pedestrian access to and from the site. Sidewalks will be provided throughout the Premises and along the entire length of frontage at 562 Main Street.
3. The nature of the proposed use combined with the approval of the Design Review Board indicates adequate provisions are in place to eliminate undesirable visual, noise, odors, or similar impacts on adjoining properties.
4. Site Lighting will include the following: six (6) 18 ft. high pole lights, drive-up canopy lighting, entry canopy lighting, front door egress lights, side door egress lights, yard sign lighting, building sign lighting, drive-up signal lights, and ATM surround lighting. The pole lights, yard sign lighting and building sign lighting will be full cutoff light fixtures.
5. The lighting schedule for the project will be in accordance with the Site Lighting Hours provided to the Board on October 8, 2014. The lighting schedule meets the safety and security guidelines established for an open and operating teller machine facility located on an exterior wall of a building open to the outdoor air as well as promote site identity and safe travel around the site.

6. The proposed use will not result in any on-site and off-site litter and/or debris.
7. All trash that is generated by the proposed use will be removed daily.
8. The storm water management system is designed in accordance with the Massachusetts Stormwater Handbook dated February 2008. Maintenance of said system will be in accordance with the Operation and Maintenance Plan revised October 6, 2014.
9. The Applicant will be installing a new septic system in compliance with Title V.
10. The Applicant will use the fire pond located at 580 Main Street for fire protection of their branch banking business located at 562 Main Street as agreed upon with the Bolton Fire Department.
11. The proposed use will result in no exhaust fumes or emissions from the Premises other than normal automobile traffic emissions.
12. The Applicant's proposed use of potable water will be minimal.
13. The project meets the design review criteria set forth in Section 250-23.G of the Code of the Town of Bolton as reflected by the Design Review Board process.
14. The proposed use will be in harmony with the general intent and purpose of the Zoning Bylaw and not detrimental to the neighborhood.
  - a. The project consists of a relocation of an existing business. The Applicant currently operates a branch banking business directly across the street from 562 Main Street and currently has a drive up window and ATM at the existing facility.
  - b. The proposed use is a clean operation that is an allowed use in the Limited Business Zoning District upon issuance of a Special Permit by the Board.
  - c. The building is tastefully designed to be consistent with the historical nature of Main Street.
  - d. The Applicant's site plans have been thoroughly reviewed and approved by the Design Review Board.

### **DECISION**

In view of the foregoing, the Board hereby decides that the application meets all requisite criteria under Section 250-23.E of the Code of the Town of Bolton. Therefore, the Board voted unanimously to grant a Special Permit for a branch banking business at 562 Main Street, Bolton, MA with the following conditions:

1. The project shall be constructed in general conformance with the layout and design shown on the Applicant's site plans submitted to the Board for Special Permit.
2. Site lighting shall operate in a combination of on/off/dimmed settings in three phases of the day: daytime, evening, and overnight. The daytime lights shall operate from dawn to

dusk, the evening lights shall operate from dusk to 10 p.m., and the overnight lighting shall operate from 10 p.m. to dawn. In addition, the six (6) pole lights as well as the yard sign lighting and the building sign lighting shall be full cutoff light fixtures.

3. Accessible sidewalks that are ADA compliant shall be provided along the frontage of 562 Main Street for safe pedestrian access to and from the site. A plan showing the location and detail of the sidewalk shall be provided to the Bolton Planning Department and Department of Public Works prior to commencement of construction.
4. The Applicant shall provide a voluntary gift of \$5,000 to the Town for the purpose of improving pedestrian mobility and public roadways in Bolton. The gift shall be made at the time of the issuance of the Applicant's certificate of occupancy.
5. The two (2) existing street trees and the existing tree located on the easterly side of the front yard are to remain on the Premises and shall be protected from damage during construction. The Applicant shall install orange snow fencing around the drip line of all three (3) trees prior to the commencement of any site work. No vehicles or construction materials shall be stored within the area between the fencing and the trees. The fencing shall remain in place until construction is completed and the Board has approved the removal of the fencing.
6. During construction, the Applicant shall conform to all local, state and federal laws including but not limited to those regarding noise, vibration, dust, and blocking of public roads.
7. Prior to the issuance of a building permit a pre-construction meeting with the Board shall be required to review the following:
  - a. Timeline;
  - b. Limitations on hours of work;
  - c. Installation of erosion and sedimentation controls;
  - d. Identification of trees to be protected;
  - e. Removal of vegetation and topsoil;
  - f. Grading and general site mitigation measures;
  - g. Types and numbers of vehicles and vehicle trips involved with construction;
  - h. Drainage system construction; and
  - i. Identification of all contractors, field engineers, and all other professionals that will be involved in the implementation of the project.
8. Written notice shall be sent to the Board advising the Board that construction will commence not sooner than seven (7) days from the date of the notice given.
9. Construction activities shall occur Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m., Saturdays between the hours of 8:00 a.m. and 4:00 p.m. and shall exclude holidays. For this condition, construction activities shall include, but not be limited to: start-up of equipment or machinery, delivery of building materials and supplies, removal of trees, grubbing, clearing, grading, filling, excavating, import or

export of earth materials, installation of utilities both on and off the site, demolition of existing structures, removal of stumps and debris and erection of new structures.

10. Prior to the issuance of a certificate of occupancy, a final construction meeting with the Board shall be required to review the following:
  - a. Removal of tree protection;
  - b. Removal of erosion and sedimentation controls;
  - c. Drainage system construction;
  - d. Landscaping; and
  - e. Site lighting schedule.
  
11. The decision shall be recorded with the Worcester Registry of Deeds.

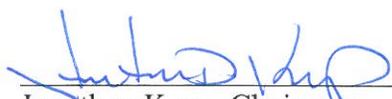
### RECORD OF VOTE

This Special Permit shall lapse twenty four (24) months following the grant thereof (excepting such time required to pursue or await the determination of an appeal referred to in M.G.L. c.40A, Section 17).

Appeals, if any, to this decision must be made pursuant to M.G.L. c.40A, Section 17 and must be filed within twenty (20) days after the date of filing of this decision in the office of the Bolton Town Clerk.

This decision shall not take effect until a copy of this decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after this decision has been filed in the office of the Town Clerk, and that no appeal has been filed within said twenty (20) days; or that, if such appeal has been filed, that it has been dismissed or denied. Further, this decision shall not take effect until it is recorded in the Worcester Country Registry of Deeds and indexed in the grantor index under the name of the owner record, or is recorded and noted on the owner's certification of title.

The following members of the Board unanimously voted to grant the subject to the above-stated terms: Chairman, Jonathan Keep, Members, David Yesue, John Karlon, Erik Neyland, Jon Ricci.

 10.21.14  
\_\_\_\_\_  
Jonathan Keep, Chairman  
(On behalf of the Planning Board)

**FILED WITH THE TOWN CLERK**

2014 OCT 21 PM 3:06

Filed with the Town Clerk on \_\_\_\_\_, 2014.

Pamela H. Powell

Pamela Powell, Town Clerk

**CERTIFICATE OF NO APPEAL**

The undersigned, being the Town Clerk of the Town of Bolton, certifies that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

Date: November 11, 2014.

Pamela H. Powell

Pamela Powell, Town Clerk

Copy of Special Permit Findings and Decision mailed to:

Abutters

Surrounding Towns

Bolton Boards and Committees

Applicant

**APPENDIX A RECORD DOCUMENTS**

Original Application Documents

1. Application for Special Permit prepared for Wachusett Realty, LLC, 562 Main Street, Bolton, MA, prepared by David E. Ross Associates, Inc. dated August 2014:
  - a. Application Form
  - b. Letter from R. Lee Bracy, Jr. dated August 14, 2014
  - c. Application and Supporting Memo from Philbin & O'Neil, LLC
  - d. Legal Notice of Public Hearing;
  - e. Copy of Check for Application Fee
  - f. Exhibit A – Property Deed
  - g. Exhibit B – Special Permit Findings and Decision from Bolton ZBA
  - h. Exhibit C – Variance Findings and Decision from Bolton ZBA
  - i. Exhibit D – Letter/ Decision from Bolton Design Review Board dated July 28, 2014
  - j. Exhibit E - Letter/ Decision from Bolton Board of Health dated July 16, 2014 with attached Sewage Disposal Works Construction Permit from the Nashoba Associated Boards of Health issued July 8, 2014

- k. Exhibit F- Determination of Non Applicability by Bolton Conservation Commission dated July 21, 2014
- l. Exhibit G – Determination from Bolton Historical Commission dated December 20, 2013
- m. Exhibit H – Plan Summary
- n. Exhibit I – Development Impact Statement
- 2. Certified Abutters List prepared by Cynthia Bradbury requested on August 20, 2014
- 3. Stormwater Management Report prepared for 562 Main Street, Bolton, MA, prepared by David E. Ross Associates, Inc. dated August 2014
- 4. Traffic Impact & Access Study prepared for Wachusett Realty, LLC, 562 main Street (Route 117), Bolton, MA, prepared by Dermot J. Kelly Associates, Inc. dated August 20, 2014
- 5. Site Plans of Land in Bolton, Mass. Prepared for Wachusett Realty, LLC, 562 Main Street, prepared by David E. Ross Associates, Inc. dated August 22, 2014, Sheets 1 - 6 & Sheets DR.1 - DR.5

#### September 24, 2014 Hearing Documents

- 1. Response to Comments Letter prepared by David E. Ross Associates, Inc. regarding 562 Main Street, Clinton Savings Bank, dated September 24, 2014

#### October 8, 2014 Hearing Documents

- 1. Written Certification, pursuant to M.G.L. c.39, Section 23.D from David Yesue dated October 8, 2014
- 2. Site Plans of Land in Bolton, Mass. Prepared for Wachusett Realty, LLC, 562 Main Street, prepared by David E. Ross Associates, Inc. revised October 6, 2014, Sheets 1 - 6 & Sheets DR.1 - DR.5
- 3. Memorandum prepared by Approach Architects dated September 25, 2014 to Michael Tenaglia from Christian Klein regarding 562 Main Street Site Lighting Hours
- 4. 562 Main Street, Bolton, MA Stormwater Collection and Treatment System, Operation and Maintenance Plan, revised October 6, 2014
- 5. Soil Logs (No.1013-1 through 1013-3) dated October 7, 2013

#### Comments

- 1. Memo from Mobility and Public Ways Safety Committee dated August 20, 2014
- 2. Memorandum from Town Planner dated September 16, 2014
- 3. Email from Fire Department Chief John Mentzer dated September 16, 2014 regarding Clinton Savings Bank fire protection
- 4. Emails from Peter Ross, Member of Mobility and Public Ways Safety Committees, dated September 30, 2014 and October 2, 2014 regarding traffic concerns related to Clinton Savings Bank