

**BOLTON PLANNING & ZONING COMMISSION
SPECIAL MEETING
7:30 PM, WEDNESDAY, OCTOBER 15, 2014
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD**

MINUTES & MOTIONS

Members Present: Chairman Eric Luntta, James Cropley, Thomas Manning, Adam Teller, Carl Preuss, Arlene Fiano

Members Excused: Vice-Chair Jeffrey Scala, Nancy Silverstein (Alternate), Neal Kerr (Alternate), and Christopher Davey (Alternate)

Staff Present: Jim Rupert, Zoning Enforcement Officer and Linda H. McDonald, Recording Secretary

Others Present: Barry Ellison Jr., P. E., Eric Olivieri and Robert Munroe (left the meeting at 7:40 p.m.)

1. Call to Order: Chairman E. Luntta called the meeting to order at 7:35 p.m. There was a quorum.

The special meeting was suspended at 7:45 p.m.

2. Continuation of Public Hearing for Re-subdivision application for Bakerfeld Subdivision, 4 lots, 160 Hebron Road, EOJ Properties LLC:

E. Luntta stated that he listened to the audio of the prior meeting.

Barry Ellison Jr., Professional Engineer with Alliance Engineering, spoke on behalf of the applicant. He said the Town of Bolton has agreed to take the conservation easement on the property. He addressed the concerns and comments of the Board at the prior public hearing meeting and asked that the fee in lieu of open space be reduced 50% to \$7,250.00 in consideration of the giving of the conservation easement.

J. Rupert stated he concurred with the comments of B. Ellison.

E. Luntta read into the record email correspondence from Administrative Officer Joyce Stille to Patrice Carson regarding "Approval of Town taking Conservation Easement".

A. Teller said the Commission does not have a copy of the conservation easement document for review by the Town Attorney as required as part of the application. A. Teller commented that there is a drainage pipe under the driveway partly in the town right-of-way which is considered a public improvement and a bond should be set by the Commission.

J. Rupert said there is another mechanism for the applicant to obtain a permit for the drainage pipe when the driveway is constructed with a bond estimated at that time and posted by the applicant.

B. Ellison proposed, as a condition of approval, that the applicant would do the removal and plugging of the pipes and the existing curtain drain and construction of the drainage swales before any lots are sold.

A. Teller proposed a condition of approval that the curtain drain plug could be done before any lots are sold and inspected by the Town Engineer.

A. Teller proposed a condition of approval that the School Road right-of-way along lot 2 be subject to the posting of a performance bond of \$1,500.00 at the time a building permit is issued for lot 2.

A. Teller read into the record the following list of documents in record for the EOJ Properties LLC's 4-Lot Re-Subdivision Application (Bakerfeld Subdivision)/160 Hebron Rd:

- October 13, 2014: Review Letter from Joseph M. Dillon, PE: Approval, No Conditions
- September 29, 2014: Email from Joyce Stille: Approval of Town taking Conservation Easement
- September 23, 2014: Review Letter from Joseph M. Dillon, PE to Inland Wetlands Commission
- September 23, 2014: Inland Wetlands Permit #2014-8 with 4 Conditions
- September 23, 2014: Memo from Patrice Carson, AICP: Public Hearing Explanation
- September 5, 2014: Receipt of \$850 Engineering Fee
- September 8, 2014: Review Letter from Patrice L. Carson, AICP
- September 8, 2014: Appraisal of Real Property for 160 Hebron Road
- September 3, 2014: Public Hearing Sign Notice Affidavit
- September 2, 2014: Letter from Joseph M. Dillon, PE: Original Review Letter
- September 2, 2014: Engineering Review Fee Estimation
- August 29, 2014: Certified Mail Receipts
- August 22, 2014: Public Hearing Legal Notice
- August 8, 2014: Email Between Barry Ellison-Holly Hood RE: Septic Standards
- August 7, 2014: Review Memo from Holly Hood, RS
- August 6, 2014: Email from Ray Walker RE: House Numbers & Sprinklers
- August 5, 2014: Letter from John P. Ianni, MS RE: Wetlands Mapping
- August 7, 2014: Re-Subdivision Application #PL-14-2
- August 2, 2014: Subdivision Plans, Revised through 10-1-14, 6 pages including Title Page; Boundary, Topography & Existing Features; Proposed Lot Layout; Site Development Plan; E&S Control and Landscaping Plan; Soil Data; Drainage Report
- The bonding estimates on the subdivision site plan (not dated)

A. Teller MOVED to CLOSE the public hearing for the re-subdivision application for the Bakerfeld Subdivision, 4 lots, 160 Hebron Road, EOJ Properties LLC. J. Cropley SECONDED. MOTION CARRIED 6:0:0.

The special meeting resumed at 8:25 p.m.

3. Old Business

- a. Review/Discussion: Re-subdivision application for Bakerfeld Subdivision, 4 lots, 160 Hebron Road, EOJ Properties LLC:

Board discussion followed on reducing the fee-in-lieu of open space, applying it to three or four lots, and the taking of the conservation easement by the Town of Bolton.

A. Teller MOVED to APPROVE EOJ Properties LLC's 4-lot re-subdivision, application #PL-14-2, in accordance with the plans known as "Bakerfeld Re-Subdivision Prepared For EOJ Properties, LLC", dated: August 2, 2014 & 07/06/14, revised: through 10-1-14, 6 sheets, conditioned and subject to the following conditions:

1. To meet Subdivision Regulation Section 4 - Open Space, the Planning and Zoning Commission accepts the tender of the Conservation Easement of 0.71 acres as shown on said plans and a payment of a \$7,250.00 fee in lieu of open space which payment shall be divided \$1,812.50 per lot and each installment of which shall be required to be paid to the Town of Bolton upon the sale or transfer of such lot. The open space fee per lot of \$1,812.50 shall be either stated in the deed for each lot or recorded as a lien against each lot.

The boundaries of the easement as shown on the plan shall be marked by Town-provided medallions in accordance with Town Staff recommendations for placement.

The easement documents shall be in a form acceptable to the Town Attorney and shall be recorded prior to the sale of any lot.

2. All other deeds and easements regarding this property including, but not limited to drainage easements and road frontage conveyances shall be in a form acceptable to the Town Attorney and recorded prior to the sale of any lot.

3. The re-subdivision approval letter shall be placed on the mylars to be recorded in the Office of the Town Clerk.

4. This approval is subject to compliance with any comments or requirements of the Health District and the Town Engineer.

5. All appropriate seals and signatures of the design professionals for this plan shall be on the plans before the mylars are recorded.

6. The curtain drain abandonment and the plugs on lots 2, 3, and 4 shall be completed and inspected by the Town Engineer before the sale of any of those lots.

7. The replacement of the pipe on School Road right-of-way on the lot 2 all be subject to the posting of a performance bond of \$1,500.00 prior to the issuance of a building permit for lot 2.

The Planning and Zoning Commission finds under Zoning Regulation Section 11F. Irregular Lots that lot 4 meets the intent of that regulation and is acceptable based upon dimensions being within the rules that may be applied under that Section.

The Planning and Zoning Commission further finds that with these conditions the plan meets the requirements of the Subdivision Regulations of the Town of Bolton.

J. Cropley SECONDED. MOTION CARRIED 6:0:0.

4. Correspondence: Discussion followed on correspondence from the Board of Selectmen Public Safety and Facilities sub-committee regarding the approval of the Town taking the conservation easement for the Bakerfeld Re-Subdivision.
5. Adjournment: J. Cropley MOVED to ADJOURN the meeting at 8:47 p.m. A. Teller SECONDED. MOTION CARRIED 6:0:0.

Respectfully submitted by Linda H. McDonald

Please see the minutes of subsequent meetings for the approval of these minutes and any corrections hereto.