

TOWN OF BOLTON – ZONING BOARD OF APPEALS MINUTES

Remote Meeting held on January 11, 2022 at 6:00 p.m. via Zoom Communications, Inc.

Members Present: Gerard Ahearn (Chairman), Bryan Holmes, Andy Kischitz, Bradley Reed, Gabrielle Lomanno (Associate), Elisabeth Hutchins (Associate)

Also Present: Valerie Oorthuys (Town Planner)

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this public meeting of the Town of Bolton Planning Board was conducted via remote participation. No in-person attendance of members of the public were permitted, but the public can access this meeting while in progress using Zoom Video Communications, Inc. (Zoom).

Directions to connect to the public meeting were provided on the agenda.

The Zoning Board of Appeals conducted a roll call of all members present including Gerard Ahearn (Chairman), Bryan Holmes, Andy Kischitz, Bradley Reed, Gabrielle Lomanno (Associate), and Elisabeth Hutchins (Associate).

PUBLIC HEARINGS

Application for Variance to construct a 24 foot by 30 foot pole barn, 50 Golden Run Road

Present:

Christopher and Margrit Bechara, Applicants

Chairman Gerard Ahearn read the legal notice to open the public hearing.

Christopher Bechara introduced the project, noting the need for increased storage space for vehicles and snow plowing equipment. The parcel is a hammerhead lot, requiring 50 foot setback from all yards, though the applicant would like to construct the barn 30 feet from a lot line. Christopher Bechara noted the unique grading of the front yard, which is elevated for the septic system and includes a rock retaining wall.

Christopher Bechara discussed an alternative location for the barn, stating that an area to the north east of the property was considered. This area currently houses a batting cage, vegetable garden, potting shed, and a rock wall. Christopher Bechara said that using this area would increase impervious surfaces on site by adding 120 linear feet of paving, would necessitate the removal of large trees, and may still require a variance.

Christopher Bechara said he has reached out to the neighbor at 44 Golden Run Road, who would have a view of the barn, and the neighbor has no concern with the plans. Members of the ZBA asked for a letter from the abutter.

Christopher Bechara said the barn would be constructed on top of packed stone. Members of the ZBA asked for an example of the type of barn and photos of the existing area to be sent in to be included as part of the record.

The Zoning Board of Appeals appointed Elisabeth Hutchins as a voting member for this application.

Bradley Reed motioned to continue the public hearing to January 18, 2022 at 6pm. 2nd by Bryan Holmes. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bryan Holmes – Yes; Bradley Reed – Yes, Elisabeth Hutchins (Associate)-Yes (5/0/0).**

Comprehensive Permit, Mallard Lane

Age-Restricted Development along South Bolton Road, Map 2.C Parcel 15.1

Present:

Jim Morin, Northeast Classic Builders, Applicant

Greg Roy, P.E., Dillis & Roy

Jim Morin acknowledged the peer review letter from Horsley Witten dated January 11, 2022 and a letter from the Applicant's wetland consultant at Norse Environmental Services, Inc. dated December 15, 2021. Jim Morin stated that his intent is to wait for agreement on the location of the dwellings and site infrastructure prior to filing a Notice of Intent with the Conservation Commission. Jim Morin stated that application would be filed shortly and that a representative from Norse Environmental Services would join an upcoming public hearing with the ZBA for further discussion.

Gerard Ahearn stated that both Horsley Witten Group and Hancock Associates have commented that the Norse Environmental Services letter does not fully address all comments related to wetlands concerns. Joe Peznola, Hancock Associates, stated that Horsley Witten had made 6 comments and Norse Environmental Services responded to 2 of those. Joe Peznola clarified that all local wetlands approvals will come through the Comprehensive Permit with the ZBA, and the filing with the Conservation Commission is meant to handle state jurisdictional areas. The applicant has not yet specified which waivers from the local regulations they may request.

Greg Roy provided an overview of the proposed site plans. The soils are primarily sand and gravel, allowing good natural drainage. There are two primary drainage areas on site, including a subsurface infiltration area along the frontage to the north of Mallard Lane which will capture run off from half the length of Mallard Lane and overland areas. Another infiltration area is at the cul-de-sac, and will capture the remainder of road runoff as well as additional overland areas.

Greg Roy noted the septic system is proposed at the back of the property and includes an internal network of piping leading to centralized septic tanks and a pump chamber toward the frontage at South Bolton Road. Sewage would then be pumped back up Mallard Road to the leaching area behind Unit 8. The project will be required to be compliant with Title 5 and any local regulations that are not requested to be waived.

Greg Roy said one well per unit is proposed. Some relief from local bylaws will be required regarding offsets from other structures and systems.

Greg Roy said that no work is proposed within wetland resource areas, though work is proposed within the buffers.

Brad Reed asked what would happen to the sewage system functionality and overflow should there be a power outage. Greg Roy said that Title 5 requires one day of additional storage for emergencies within the pump chamber for shorter outages. Greg Roy said another factor of safety would be included, such as a disconnect

switch with a plug for a generator to be added for multi day outages. Elisabeth Hutchins noted that this plan would require the future homeowners to collectively purchase a generator.

Elisabeth Hutchins asked the Applicant to consider alternative locations for the septic system components in order to limit the amount of pumping needed. Greg Roy noted it is common to have pump systems in larger septic systems such as the one proposed.

Brad Reed said that the Homeowners Association documents should include the installation of a generator. Jim Morin said he would consider adding a propane generator for the sewer system. Jim Morin said that he feels that the residents of this development wouldn't necessarily have the right to install their own generators as the generator would be installed on common land. Gerard Ahearn said that this language could be included in the Association documents.

Andy Kischitz asked if the applicant has considered previous comments from the Board and residents regarding the number of units proposed, as a reduction in the number of structures could alleviate some wetlands buffer concerns, would be more aligned with density at other sites, would minimize impervious surfaces, and could allow for a reconfiguration of the structures that may alleviate some of the proximity concerns voiced by abutters. Jim Morin stated that the project was originally considered as a 16 unit development and the reduction to 11 units was the result of considerations of density and proximity to neighbors.

Bryan Holmes asked if the applicant has considered removing the three homes closest to South Bolton Road and creating expanding three of the homes along the cul-de-sac as duplexes to maintain the unit count while decreasing impacts. Jim Morin said he feels creating duplexes would be complicated as the homes are single story.

Valerie Oorthuys noted that the affordable units would not be able to restrict children through the lottery process. If a family were to be approved as a qualified affordable purchaser, this would have impacts related to the capacity of the well infrastructure.

Joe Peznola agreed that age-restriction is allowed, and if a qualified purchaser of the appropriate age with children were to be given a unit through the lottery process, that family would be eligible. Through Title 5, DEP's policy for age restricted developments would mean that for a proposed development such as this with individual wells, no more than 25 people would be allowed to live on site for more than 60 days out of the year. Joe Peznola said it appears the applicant has chosen to handle this concern by deed restricting each home to two bedrooms, no matter the configuration of the home, meaning even if the house layouts show a third bedroom. Without an age restriction, DEP's policy is to calculate water usage assuming two persons per bedroom, which would put this development at 44 persons. This calculation gets complicated with the potential addition of children, however the first round of qualified affordable purchasers may not have children. Joe Peznola noted that the applicant will have to go through the Title 5 process, though that can happen after the permitting process. If DEP were to decide that a public water system is required, there would be significant site planning changes needed.

Gerard Ahearn asked if the cul-de-sac has been reviewed by the Fire Department. Greg Roy says that further information on the turning radius will need to be shared. Jim Morin said the current site plans do not reflect the grass pavers as discussed with the Fire Department.

The Zoning Board of Appeals discussed the need for an extension to the deadline for action, currently set for February 4, 2022. Further information needed includes a complete list of waivers.

Joe Peznola requested response from the applicant from his correspondence, including bringing Northeast Classic Builders into compliance with the Secretary of the Commonwealth, further detail on architectural plans and ensuring their alignment with the site plans, and considerations of DEPs policy on drinking water.

The Applicant agreed to extend the deadline of action by 60 days to April 5, 2022.

Bradley Reed motioned to continue the public hearing to February 1, 2022 at 6:00pm. 2nd by Bryan Holmes.

All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Bryan Holmes-Yes, Elisabeth Hutchins (Associate)-Yes (5/0/0).

BUSINESS

Conceptual Discussion: Renovations to 711-713 Main Street

Present:

Tim Hess, Studio InSitu Architects

Craig Bovaird, Owner

Tim Hess described the owners intent of renovating the barn and second blue dwelling on the parcel in order to create an office space. Tim Hess said he has discussed the concepts with several Town Departments and Boards. Central issues to address include wetland resource areas and zoning, as a modification of the existing Special Permit may be needed or other such waivers.

Brad Reed asked about the status of the septic system. Craig Bovaird said he has been in contact with the Board of Health and feels confident about the system, as the plans do not include adding a residence.

Andy Kischitz noted that the applicant may need to ask for waivers from parking requirements given the site constraints.

Members of the Board spoke favorably about the project and encouraged the applicant to follow up with zoning requirements.

Bradley Reed motioned to adjourn the meeting at 8:30 p.m. 2nd by Andy Kischitz. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Bryan Holmes-Yes (4/0/0).**

Respectfully Submitted,
Valerie Oorthuys