

TOWN OF BOLTON – ZONING BOARD OF APPEALS MINUTES

Remote Meeting held on April 12, 2022 at 6:30 p.m. via Zoom Communications, Inc.

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

PUBLIC HEARINGS

Application for Variance to construct a 16 foot by 30 foot garage, 76 Quaker Lane

Present:

Odile Smith, Applicant

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

The Board discussed the appointment of Gabrielle Lomanno as a voting member on this application as Andy Kischitz was not yet in attendance.

Bryan Holmes moved to appoint Gabrielle Lomanno as voting member on the Variance application for 76 Quaker Lane. 2nd by Elisabeth Hutchins. **All in favor by roll call: Gerard Ahearn – Yes, Bradley Reed – Yes, Bryan Holmes- Yes, Elisabeth Hutchins- Yes (4/0/0).**

Odile Smith described the location of the proposed garage to the north of the existing dwelling. The northern corner of the proposed garage would encroach by ten feet into the side yard setback. Odile Smith noted that due to the lot shape and the location of the home, the only location that would not result in an encroachment into the setbacks would be behind the home, resulting in extensive tree removal. The preference is to construct the garage adjacent to the existing driveway close to the house.

Odile Smith noted the former owners had a permitted shed in the location of the proposed garage. The shed was used by the previous owners to park a car; however, it was removed in order to plan for the garage. Odile Smith stated that their vehicle could not fit in the shed. The dimensions of the proposed structure is a one story garage, 16 feet by 30 feet.

Odile Smith stated the garage has been designed to fit in with the existing home and the colors have been matched. Gerard Ahearn asked for an image of the proposed design of the garage as well as images of the proposed location. Odile Smith did not have images of the proposed garage readily available, though images of the proposed location were shared.

Andy Kischitz arrived.

Gerard Ahearn asked if the applicant had any correspondence from the neighbor most impacted by the encroachment into the side yard setback. The applicant said they had not reached out for a letter, though this could be requested.

Members of the Board agreed that further information needed includes the design of the garage and input from the abutter at 15 Millbrook Lane. Members would also like to see a more complete drawing of the proposed structure.

Bryan Holmes motioned to continue the public hearing to April 25, 2022 at 6:00pm. 2nd by Elisabeth Hutchins. **All in favor by roll call: Gerard Ahearn – Yes, Bradley Reed – Yes, Bryan Holmes- Yes, Elisabeth Hutchins- Yes, Gabrielle Lomanno (Associate)-Yes (5/0/0).**

Comprehensive Permit, Alta Nashoba Valley, 580 Main Street
Multifamily Rental Development

Present:

Joe Peznola, Hancock Associates
Jim Lambert, Wood Partners, Applicant
Adam Wagner, Market Square Architects
Debbie Horwitz, Goulston & Storrs, Applicant's Attorney
Bart Lipinski, RLA, Grady Consulting, LLC
Phil Cordeiro, Allen & Major Associates

Joe Peznola provided an overview of the peer review letter dated April 8, 2022. Joe Peznola noted the existing Special Permit for commercial uses at 580 Main Street is held by the Select Board, however the modification of the Special Permit would be appropriately handled by the Planning Board.

Gerard Ahearn asks what the deadline is to close the public hearing. Joe Peznola states it's May 6, 2022, but feels they need to ask the applicant for an extension to the middle of July. Joe Peznola said the Applicant should provide an updated waiver list and response to peer review letters.

Brad Reed asked how to confirm the Board has the authority to act on the Comprehensive Permit while the existing Special Permit still needs to be modified. Joe Peznola indicated there has been communication between Town Counsel and the Applicant's Counsel and suggested they submit a letter showing this. The Board does not have authority to make decisions on the remaining parcel. Debbie Horwitz, council for the applicant speaks and states she has been working with the Town Counsel.

Jim Lambert speaks to the updates since the last public hearing, including architectural plans submitted to the Town and written responses to traffic peer review. Civil written responses have not been submitted, however they are prepared to speak to them, as well as the status of the ANRAD with the Conservation Commission. The ANR plan is still in the works and should be submitted this week. Details are still being worked out regarding field access and how those relate to the old special permit. Jim Lambert is also working on a response to the Town comment that he will submit to Valerie before the next meeting. Valerie clarified that the ZBA is

Approved at the ____ meeting via Zoom participation

looking for guidance from the Select Board at their meeting of April 28, 2022 on prioritizing a list of community benefits to discuss with the Applicant.

Adam Wagner joins the meeting to speak to the updated architectural plans and shares the plans. Updates reflect comments taken from ZBA and they have made modifications to the plans. The clubhouse building had 2 changes, the first was the windows in the gable and the second was a panel removed over the main entrance. For buildings 1 & 2 the kitchen windows have been opened up. The other modification is the red color added onto the main entrances to the buildings. Buildings 3 & 4 have also added the red to the entry doors so they are consistent throughout the project. The garage buildings have modified roof pitches to resemble the main buildings and have added a bike storage in 1 of the garage bays and will include bike racks. They have added an additional handicap bay, there are now 2 bays total. The mail & parcel building roof has been modified to resemble the clubhouse and small canopy has been added. The windows have also been altered to be more consistent with the other buildings. These changes will be summarized and submitted to the Board as well.

Bart Lipinski shares the revisions to the landscape plans. They have added more flowering trees around the buildings moved some trees for additional lighting. They also worked on the buffers to the building next door, more shade trees and evergreens along the back of the garages. These trees would be native trees and if not native, they would not be invasive.

Phil Cordeiro shares the revised site plan on the civil perspective. They have been working through changes since the last meeting from comments made. Changes to the site plan include a sidewalk to Bolton Country Manor. Also, within the garages bike storage has been added and an additional handicap parking space. They have been working with the applicant on traffic concerns, including spaces to allow for moving trucks to back in when needed. They have allocated an area outside of the well head protection area for a playground. Additional operational paths have been added to the site. They have provided 2 sharable spots for electrical charging stations for vehicles, with 2 more that will become available on the final plan. They have also had a site visit to work on changes to the storm management pond and wetlands. The drinking water and fire water locations as well as access paths are also shown.

The ZBA agreed that it would be appropriate to request final input from the Design Review Board as well as the Planning Board, understanding that any advice is advisory only.

Brad Reed motioned to continue the public hearing to May 12, 2022 at 6:30pm. 2nd by Andy Kischitz. **All in favor by roll call: Gerard Ahearn – Yes, Bradley Reed – Yes, Bryan Holmes- Yes, Andy Kischitz - Yes, Gabrielle Lomanno (Associate)-Yes (5/0/0).**

Bradley Reed motioned to adjourn the meeting at 9:00 p.m. 2nd by Andy Kischitz. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes, Bryan Holmes- Yes (6/0/0).**

Respectfully Submitted,
Kristen Zina