

TOWN OF BOLTON BOARD OF APPEALS

Filed with the Town Clerk on:

Town Hall, 663 Main Street, Bolton MA 01740

Phone 978-779-3308 Fax 978-779-5461

TOWN CLERK

APPLICATION FOR HEARING

PART I. Background Information (Provided by Applicant to the Town Clerk):

Applicant/Petitioner:	Robert J. Kalagher Jessica L. Kalagher
Address of applicant:	11 Cider Circle Bolton 01740
Applicant is:	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> -Tenant <input type="checkbox"/> -Licensee <input type="checkbox"/> -Prospective Buyer
Property address:	11 Cider Circle Bolton 01740
Assessor Map/Parcel Number of property	272 002.D - 0105.0
Deed reference(s):	Book <u>53534</u> Page <u>284</u>
Owner name (if person other than applicant)	
Owner address:	11 Cider Circle Bolton 01740
Owner telephone number:	508-450-6845
Application & all other materials and fee for:	<input checked="" type="checkbox"/> Variance, \$100 + \$6 per abutter on certified abutters list <input type="checkbox"/> -Special Permit, \$100 + \$6 per abutter on certified abutters list <input type="checkbox"/> -Appeal of Decision, \$100 <input type="checkbox"/> -Comprehensive Permit Administrative Fee - \$500.00 Consultant Review Fee - \$5,000 plus \$100/unit <input type="checkbox"/> -Amend Existing Decision (\$100 + \$6 per abutter for special permits and variances; \$500 administrative fee for comprehensive permits if change(s) are deemed substantial. If necessary, additional consultant review fee determined by ZBA)

Description of problem for which relief is sought:	We need a variance for the pool wall to be 10 feet from rear property line instead of 20 feet
Applicable section(s) of Zoning Bylaws or other reference for consideration by Board of Appeals:	25D-13 (Dimensional regulations)
Justification for request: (attach additional information if necessary)	There is no impact on immediate abutters; closest abutters support for the variance - see attached variance support for information
<p>The undersigned certifies that he/she has read and examined this application and the Bolton Zoning Board of Appeals Rules and Regulations, and that the proposed project is accurately represented in the statements made in this application.</p> <p>I hereby request a hearing before the Board of Appeals with reference to the above application.</p>	
_____ Property Owner's Signature (REQUIRED)	_____ Date
_____ Property Owner's Signature (REQUIRED)	_____ Date
_____ Applicant's Signature (if different from owner)	_____ Date

This form, completed by the applicant, must accompany the pertinent application materials (see sections 4, 5, or 6 of the Zoning Board of Appeals Rules and Regulations) to comprise a complete application.

This application will be reviewed by the Board of Appeals. An application found to be incomplete upon receipt by the Board of Appeals may be returned to the applicant for completion and re-filing. The date of any re-filing shall be the date of the application.



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TOWN CLERK

* FOR VARIANCE APPLICATIONS ONLY *

Applicant/Petitioner:	
Property address:	

REQUIREMENTS TO BE MET FOR GRANTING VARIANCE

As set forth in M.G.L c.40A § 10 & Zoning Board of Appeals Rules & Regulations § 4.2

The Applicant shall explain how the following conditions are met:

4.2.1 That there are circumstances that exist relating to the soil conditions, shape, or topography of the land or structures that uniquely affect such land or structures, but that do not affect generally the zoning district in which such land is located.

Digging closer to back of lot to get away from ledge and it's a flatter area so we will not have erotions

4.2.2 That literal enforcement of the provisions of the Bolton Zoning Bylaws would involve substantial hardship, financial or otherwise, to the applicant.

There is less ledge the closer to the back of the lot we get which results in substantial cost savings.

For safety reasons, we also want to keep the pool farther from house as we have two small children; also when the small children get older there would be no temptation to jump from the deck to the pool.

4.2.3 That the desired relief may be granted without substantial detriment to the public good.

There is no encroachment on neighbors and a drainage swail separates our property from the conservation land

4.2.4 That the desired relief may be granted without nullifying or substantially derogating from the intent and purpose of Bolton Zoning Bylaws.

The location is still tasteful and acceptable to the neighbors so therefore the integrity of the Bylaw is still in tact.

To Bolton planning board,

My name is Jonathan Balewicz of 21 Cider Circle in Bolton. I am an abutter to Bob and Jessica Kalagher.

They have reached out to me as a courtesy regarding two variances they are asking the town to approve with respect to the distance from the back property line of their lot and the lot line between our two properties. The first variance is for a pool to be installed 10 feet from the back property line instead of 20. And the second request is to install a shed on or within 5 feet of the property line between our two houses.

It is my understanding that the request for the pool variance in no way affects any abutters as the property line in question borders a drainage easement and conservation land beyond that. As such I see no reason this request would not be acceptable. We as butters have no objection to this request and support the approval of the variance in question.

We also have no objection to the location of the shed being on or within 5 feet of our shared lot line and support the approval of this variance as well.

Sincerely

A handwritten signature in black ink, appearing to read 'Jonathan Balewicz', with a stylized flourish extending to the right.

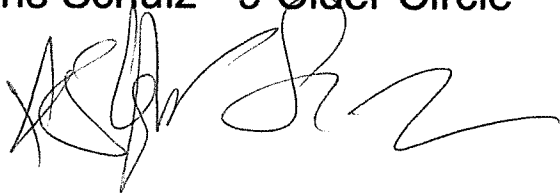
Jonathan Balewicz

To Whom It May Concern:

We are aware of the location request for Bob and Jessica Kalaghers pool and have no problem with its location. We are in favor of the variance request.

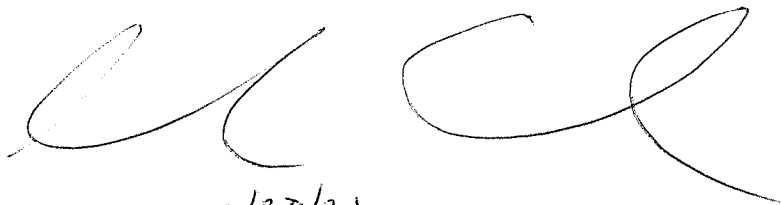
Thank you,

Kris Schulz - 9 Cider Circle



1/20/21

Sarah Clifford - 9 Cider Circle



1/20/21



300 foot Abutters List Report

Bolton, MA
January 04, 2021

Subject Property:

Parcel Number: 002.D-0105.0
CAMA Number: 002.D-0105.0
Property Address: 11 CIDER CIRCLE

Mailing Address: KALAGHER ROBERT J & JESSICA L
P O BOX 881
BOLTON, MA 01740

Abutters:

Parcel Number: 002.D-0070.0
CAMA Number: 002.D-0070.0
Property Address: 54 MILL POND RD

Mailing Address: DEHAVEN MELISSA & ADAM
P O BOX 339
BOLTON, MA 01740

Parcel Number: 002.D-0071.0
CAMA Number: 002.D-0071.0
Property Address: 0 MILL POND RD

Mailing Address: OLIVEIRA GABRIELLA FIGUEIREDO
17 HILL RD
MARLBOROUGH, MA 01752

Parcel Number: 002.D-0094.0
CAMA Number: 002.D-0094.0
Property Address: 68 OLD STONE CIRCLE

Mailing Address: AHMAD MUNEER
68 OLD STONE CIRCLE
BOLTON, MA 01740

Parcel Number: 002.D-0095.0
CAMA Number: 002.D-0095.0
Property Address: 66 OLD STONE CIRCLE

Mailing Address: IYER ARVIND VENKATARAMANAN &
PURVI ARVIND IYER
P O BOX 219
BOLTON, MA 01740

Parcel Number: 002.D-0096.0
CAMA Number: 002.D-0096.0
Property Address: 64 OLD STONE CIRCLE

Mailing Address: ELKINSON JOANNE & STEVEN
P O BOX 297
MARLBOROUGH, MA 01752

Parcel Number: 002.D-0097.0
CAMA Number: 002.D-0097.0
Property Address: 52 OLD STONE CIRCLE

Mailing Address: ELLEX TAO REAL PROPERTY TRUST
52 OLD STONE CIRCLE
BOLTON, MA 01740

Parcel Number: 002.D-0101.0
CAMA Number: 002.D-0101.0
Property Address: 39 MILL POND RD

Mailing Address: BENDETSON ANDREW P
P O BOX 218
BOLTON, MA 01740

Parcel Number: 002.D-0102.0
CAMA Number: 002.D-0102.0
Property Address: 45 MILL POND RD

Mailing Address: RANDALL KEVIN A & AMANDA M
GRIFFIN
45 MILL POND RD
BOLTON, MA 01470

Parcel Number: 002.D-0103.0
CAMA Number: 002.D-0103.0
Property Address: 5 CIDER CIRCLE

Mailing Address: BERNIER RICK
5 CIDER CIRCLE
BOLTON, MA 01740

Parcel Number: 002.D-0104.0
CAMA Number: 002.D-0104.0
Property Address: 9 CIDER CIRCLE

Mailing Address: DEVANEY JAMES W & PAMELA M
P O BOX 9120
NEWTON, MA 02459



www.cai-tech.com

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300 foot Abutters List Report

Bolton, MA
January 04, 2021

Parcel Number: 002.D-0106.0
CAMA Number: 002.D-0106.0
Property Address: 21 CIDER CIRCLE

Mailing Address: BALEWICZ AMY & JONATHAN A
P O BOX 825
BOLTON, MA 01740

Parcel Number: 002.D-0107.0
CAMA Number: 002.D-0107.0
Property Address: 25 CIDER CIRCLE

Mailing Address: SCHMADEKE SCOTT & MICHELLE C
25 CIDER CIRCLE
BOLTON, MA 01740

Parcel Number: 002.D-0109.0
CAMA Number: 002.D-0109.0
Property Address: 26 CIDER CIRCLE

Mailing Address: BARRACLOUGH THOMAS G & HEATHER
THERESA
P O BOX 638
BOLTON, MA 01740

Parcel Number: 002.D-0110.0
CAMA Number: 002.D-0110.0
Property Address: 20 CIDER CIRCLE

Mailing Address: GAYNOR MARK T & KRISTIN M
P O BOX 192
BOLTON, MA 01740

Parcel Number: 002.D-0111.0
CAMA Number: 002.D-0111.0
Property Address: 12 CIDER CIRCLE

Mailing Address: SARKAR DEVANJAN & ANUPRIYA RAY
P O BOX 247
BOLTON, MA 01740

Parcel Number: 002.D-0112.0
CAMA Number: 002.D-0112.0
Property Address: 4 CIDER CIRCLE

Mailing Address: SAMARAWEEERA PIYUM & LISA
4 CIDER CIRCLE
BOLTON, MA 01740

Parcel Number: 002.D-0113.0
CAMA Number: 002.D-0113.0
Property Address: 71 MILL POND RD

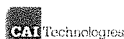
Mailing Address: CHUANG KAI & CHRISTINE N PRIVITERA
P O BOX 23
BOLTON, MA 01740

Parcel Number: 002.D-0125.0
CAMA Number: 002.D-0125.0
Property Address: 0 OLD STONE CIRCLE

Mailing Address: OPEN SPACE (OS-2) / CENTURY MILL
LTD PARTNERSHIP
209 WEST CENTRAL ST, STE 215
NATICK, MA 01760

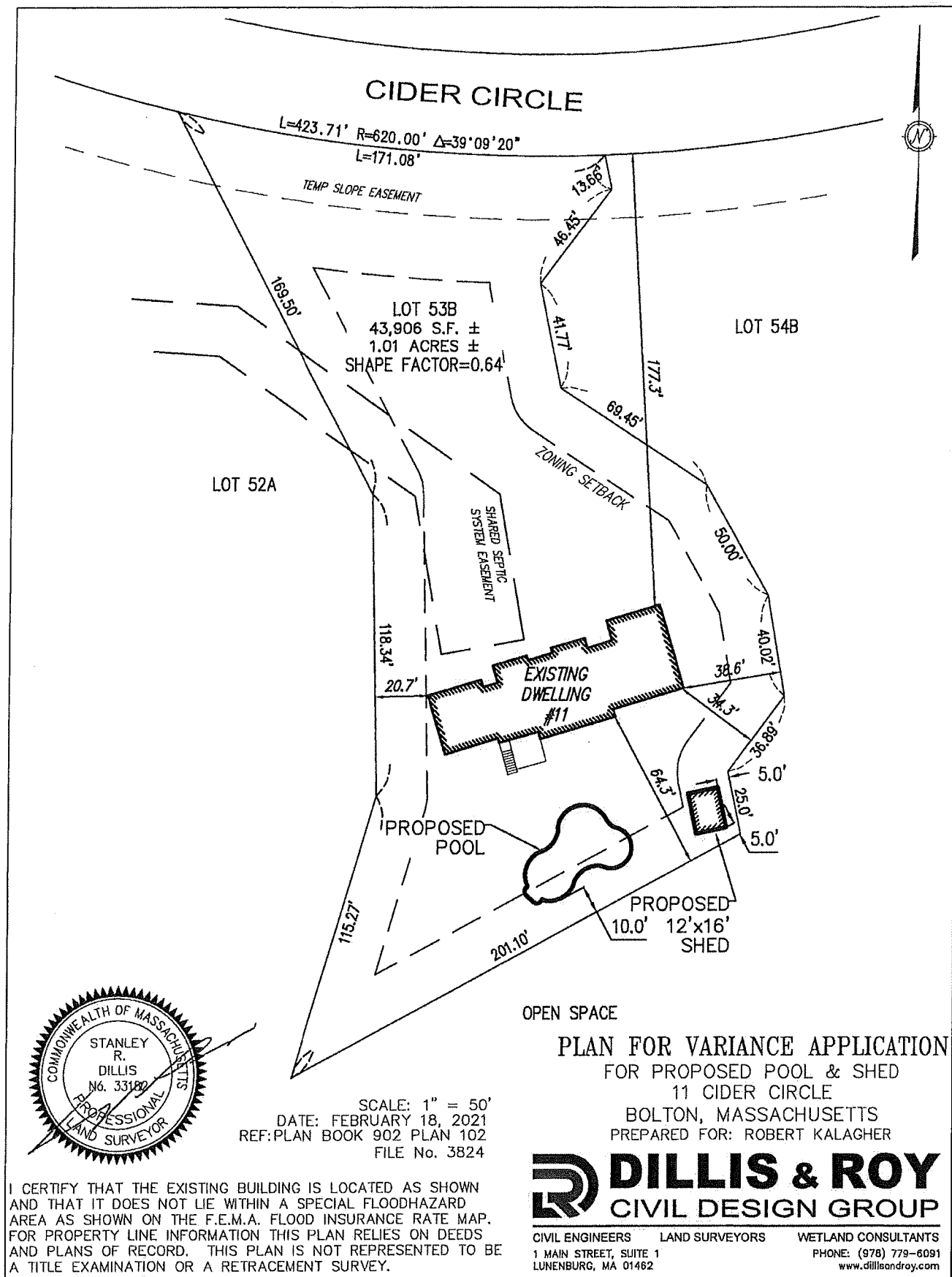
As set forth in the Assessor's records as of November 1, 2020.

Kelly Garlock
Assistant Assessor



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I CERTIFY THAT THE EXISTING BUILDING IS LOCATED AS SHOWN AND THAT IT DOES NOT LIE WITHIN A SPECIAL FLOODHAZARD AREA AS SHOWN ON THE F.E.M.A. FLOOD INSURANCE RATE MAP. FOR PROPERTY LINE INFORMATION THIS PLAN RELIES ON DEEDS AND PLANS OF RECORD. THIS PLAN IS NOT REPRESENTED TO BE A TITLE EXAMINATION OR A RETRACEMENT SURVEY.



NOTE: ALL ADJUTING PROPERTIES ARE SERVED BY SHARED SEWAGE DISPOSAL SYSTEM AND CONNECTIONS TO PRIVATE WATER DISTRIBUTION SYSTEM WITHIN ROADWAY.

MAP 20 PARCEL 105
DEED: BOOK 52559 PAGE 189
PLAN BOOK 502 PLAN 102
PLAN BOOK 684 PLAN 31

LOCUS: LOT 53B
ZONING: RESIDENTIAL (RSPRD LOTS)

	REQUIRED	EXISTING	PROPOSED
LOT AREA	43,560 SF	43,560 ± SF	43,560 ± SF
FRONTAGE	25'	171.08'	171.08'
SETBACKS			
FRONT YARD	50'	175'	175'
OTHER YARDS	20'	20.7' (DWELLING) 20.7' (POOL)	11' (POOL) 5' (SHED)



DILLIS & ROY

CIVIL DESIGN GROUP

CIVIL ENGINEERS

LAND SURVEYORS

1 MAIN STREET, SUITE 1

LANSING, MI 48202

WETLAND CONSULTANTS

PHONE: (979) 779-6991

WWW.DILLISANDROY.COM

OWNER:
ROBERT & JESSICA KALLAGHER
11 CIDER CIRCLE
BOLTON, MA 01740

APPLICANT:
ROBERT & JESSICA KALLAGHER
11 CIDER CIRCLE
BOLTON, MA 01740

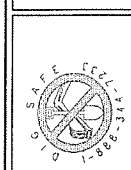
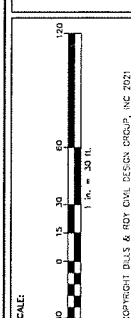


EXHIBIT PLAN - PROPOSED POOL LOCATION			
11 CIDER CIRCLE			
BOLTON, MASSACHUSETTS			
NO.	DATE	DESCRIPTION	BY

DATE:	2/19/21	JOB NO.	3824
DRAWN BY:	CSE/BJS	DRAWING NO.	381-338-284
CHECKED BY:	CSE/BJS	SHEET NO.	1
		OF 1	

2019 MASS CS ORTHOPHOTO OVERLAY