



TOWN OF BOLTON
ZONING BOARD OF APPEALS

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

VARIANCE FINDINGS AND DECISION

Petitioner: John & Mary Robinson
48 Manor Road
Bolton, MA 01740

Premises: 48 Manor Road
Bolton Assessor's Map 4.C Parcel 15.A

Owner: John & Mary Robinson
48 Manor Road
Bolton, MA 01740

Deed Reference: Worcester District Registry of Deeds, Book 19624 Page 356

Date Petition filed with Town Clerk of Bolton, MA: July 13, 2020

Type of Application: Variance

Applicable Zoning Bylaw of the Code of the Town of Bolton, MA: Section 250-13.B

Hearing Date: August 10, 2020

Members Present: Chairman Gerard Ahearn, Bryan Holmes, Andy Kischitz, Bradley Reed,
and Kay Stoner

Decisions: On August 25, 2020, the Board of Appeals voted to approve the Variance request seeking relief from the side yard and rear yard setbacks for the placement of a proposed shed. See Record of Vote section for vote results.

PROCEDURAL HISTORY

1. On July 13, 2020, John and Mary Robinson (hereinafter, the Applicants), applied to the Zoning Board of Appeals (ZBA) for a Variance for the Premises located at 48 Manor Road, Bolton, MA from side yard and rear yard setbacks set forth in Section 250-13.B of the Code of the Town of Bolton. The Premises is identified on the Bolton Assessor's Map 4.C as Parcel 15.A located in the Residential Zoning District.

The Applicants sought relief from side yard and rear yard setback as follows:

	Proposed	Required
Side Yard Setback	13.5 ft.	20 ft.
Rear Yard Setback	8 ft.	20 ft.

2. The Applicants intend to purchase and place a 12 ft. by 16 ft. shed on the Premises. The Variance request is to locate the shed within 6.5 ft. of the side yard setback and 12 ft. within the rear yard setback.
3. A duly posted public hearing was held on August 10, 2020 at 6:00 p.m. via Zoom Video Communications, Inc. Chairman Gerard Ahearn read the Notice of Public Hearing for the request for Variance pursuant to Section 250-13.B of the Code of the Town of Bolton. The Board closed the hearing and voted on August 25, 2020.
4. Notice of the public hearing was published in The Clinton Item on July 24, 2020 and July 31, 2020. Both notices were posted for 14 days on the Bolton town website and mailed to parties of interest at least 14 days before the public hearing.
5. The public hearing was conducted via Zoom Video Communication, Inc. in accordance with Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18.
6. Members of the Board virtually attending the public hearing, deliberating and voting on the Petition were Chairman Gerard Ahearn, Bryan Holmes, Andy Kischitz, Bradley Reed, and Kay Stoner.
7. Throughout its deliberations, the ZBA was mindful of the statements of the Petitioners, the Owners, representatives, and the comments of the general public, all as made or received at the public hearing.

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.

FINDINGS

1. The Premises is located at 48 Manor Road, Bolton, MA 01740, identified on Bolton Assessor's Map 4.C as Parcel 15.A and is owned by John and Mary Robinson, 48 Manor Road, Bolton, MA 01740. The Premises is located in the Residential Zoning District.
2. The Premises is considered a pre-existing nonconforming lot with 0.8 acres and

approximately 185 ft. of frontage on Manor Road.

3. Based upon the information submitted at the public hearing, including the record documents and comments received from the public, the Board makes the following specific findings with regard to the request for Variance:

- a. VARIANCE

The requested Variance and the requirement set forth in Section 250-13.B of the Code of the Town of Bolton are as follows:

	Proposed	Required
Side Yard Setback	13.5 ft.	20 ft.
Rear Yard Setback	8 ft.	20 ft.

**CRITERIA AND FULLFILLMENT OF REQUIREMENTS
AND FINDINGS FOR REQUESTED VARIANCES**

The Board finds that the criteria for the grant of Variances, set forth in G.L. c. 40A, Section 10, have been met for the following reasons:

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 or structure is located;**

The lot shape and pre-existing non-conforming nature of the Premises uniquely affects the land in which the Applicants seek to place a shed making it difficult to meet the necessary offsets to property line in accordance with Bolton's Zoning Bylaw. To the front of the Applicants' dwelling is their septic system and to the southerly back corner of the Premises is the Applicants' well. To the northerly side of the Premises is the existing driveway. The rear of the Applicant's dwelling includes a walkway, patio, deck, and addition. The location of the proposed shed maintains access along the side and rear of the Premises from the existing driveway to the Applicants' well.

2. **Literal enforcement of the provisions of the bylaw would involve substantial hardship financial or otherwise to the Applicants;**

The Applicants seek to install a 12 ft. by 16 ft. shed on their Premises for the purposes of storing lawn equipment. Literal enforcement of the bylaw would involve substantial hardship as the Applicants have no other location on their property to place the shed

without impacting access to their existing well. The lawn equipment is currently stored in the garage where the Applicants seek to store their vehicles.

3. The desired relief may be granted without substantial detriment to the public good.

The desired relief may be granted without substantial detriment to the public good as the proposed shed will enhance the Premises and compliment the Applicants' existing dwelling. The abutter at 42 Manor Road provided a letter of support for the location of the shed. The abutter at 42 Manor Road shares the property lines in which the Applicants seek reduced side yard and rear yard setbacks.

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

The desired relief may be granted without nullifying or substantially derogating from the intent and purpose of the Bolton Zoning Bylaws. The Applicants seek to place the proposed shed, an allowed accessory structure in accordance with Bolton's Zoning Bylaw, at a location that allows the Applicants to maintain access to their existing well.

DECISION

Pursuant to G.L. c. 40A, Section 10 and Section 250-6 of the Code of the Town of Bolton, the Board, after public hearing and findings of fact, hereby grants the Petitioner's request for Variance, as follows:

Variance from Section 250-13.B of the Code of the Town of Bolton to permit the placement of a 12 ft. by 16 ft. shed at 48 Manor Road, Bolton, MA allowing for the following dimensional Variance from the zoning bylaw:

	Proposed	Required
Side Yard Setback	13.5 feet	20 feet
Rear Yard Setback	8 feet	20 feet

Contingent upon the following conditions:

1. The proposed shed is constructed/placed in substantial conformity with the Variance application submittals presented to the Board for 48 Manor Road.

RECORD OF VOTE

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 County 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 ZBA voted to grant the Variance from the side yard and rear yard setbacks for the placement of a 12 ft. by 16 ft. shed as follows: Chairman Gerard Ahearn, Bryan Holmes, Andy Kischitz, Bradley Reed, and Kay Stoner voted to grant the Variance subject to the above-stated terms with a unanimous vote of five (5) in favor.

Gerard Ahearn – YES

Bryan Holmes – YES

Andy Kischitz – YES

Bradley Reed – YES

Kay Stoner – YES



Gerard Ahearn, Chairman

On behalf of the Zoning Board of Appeals

8-26-2020

Dated

FILED WITH THE TOWN CLERK

Filed with the Town Clerk on August 26, 2020.


Pamela Powell, Town Clerk J. Marcus, Asst.

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: _____, 2020.

Pamela Powell, Town Clerk

Copy of Variance Findings and Decision mailed to:
Abutters
Surrounding Towns
Bolton Boards and Committees
Applicants

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APPENDIX A RECORD DOCUMENTS

Original Application Documents

1. Variance Application to ZBA;
2. Application Fee;
3. Certified Abutters List within 300 feet with Locus Map;
4. Colored Photographs;
5. Two (2) Site Plans showing the proposed location, size and property setback of shed.

August 25, 2020 Hearing

1. Letter of Support from Erin M. McKeaney of 42 Manor Road dated August 10, 2020.