

## TOWN OF BOLTON – ZONING BOARD OF APPEALS MINUTES

Meeting Held at the Bolton Town Hall – Board of Selectmen Room on **June 28, 2017** at 7:00 PM

Members Present: Gerard Ahearn (Chairman), Andy Kischitz, Bradley Reed, Jack Sargent, and Kay Stoner (Members)

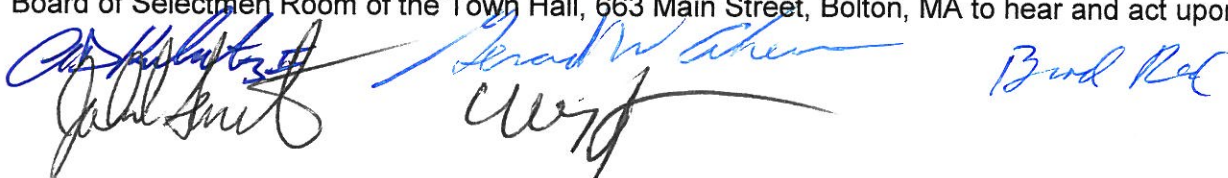
Members Absent: Bryan Holmes (Associate)

Also Present: Erica Uriarte (Town Planner)

Call to order: 7:00 PM

### Hearings

- In accordance with Massachusetts General Laws, Chapter 40A, Section 11, the Bolton Zoning Board of Appeals held a public hearing on Wednesday, June 28, 2017 at 7:00 p.m. in the Board of Selectmen Room of the Town Hall, 663 Main Street, Bolton, MA to hear and act upon the application of Mark and Leighann Keefer, 23 Wattaquaddock Hill Road, Bolton, MA 01740. The applicant sought a variance for a proposed addition to the existing dwelling located in Bolton's Residential Zoning District at 23 Wattaquaddock Hill Road identified on Assessor's Map 4.C as Parcel 15. The applicant sought a variance for front yard setback pursuant to Section 250-13.B of the Code of the Town of Bolton.
  - The applicant intends to construct an addition (16 feet by 16 feet) to the preexisting nonconforming dwelling located at 23 Wattaquaddock Hill Road. The addition would encroach within the front yard setback by 20 ft.
  - The property is preexisting nonconforming with a lot size of 31,124 square feet and approximately 182 feet of frontage.
  - The addition is to extend the existing rooms of the house.
  - The exterior of the addition will match the exterior of the existing house.
  - There are two trees to be removed from the property.
  - 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 dwelling located at 23 Wattaquaddock Hill Road was constructed in 1925 prior to the adoption of the Bolton Zoning Bylaws. The subject lot and structure are preexisting non-conforming and the dwelling is located entirely within the required 50 foot front yard setback.
  - Literal enforcement of the provisions of the bylaw would involve substantial hardship financial or otherwise to the applicant. The preexisting nonconforming dwelling is located entirely within the 50 foot front yard setback. Relocating the dwelling so that it is in conformance with the front yard setback would involve a substantial financial hardship to the applicant. The lot area is preexisting nonconforming and cannot be changed.
  - The desired relief may be granted without substantial detriment to the public good. The proposed addition is designed in accordance to the style and architecture of the existing dwelling and will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.
  - The desired relief may be granted without nullifying or substantially derogating from the intent and purpose of the Bolton Zoning Bylaws. Section 250-3.C of the Bolton Zoning Bylaws allows the extension of a preexisting nonconforming dwelling and therefore the desired relief can be granted without nullifying the intent and purpose of the Zoning Bylaws.
  - **Kay Stoner motioned to close the hearing. 2<sup>nd</sup> by Jack Sargent. All in favor 5/0/0.**
  - **Gerard Ahearn motioned to grant variance from front yard setback required by Section 250-13.B of the Town of Code of Bolton and that the proposed addition at 23 Wattaquaddock Hill Road be constructed in substantial conformance with the submitted plan. 2<sup>nd</sup> by Andy Kischitz. All in favor 5/0/0.**
- In accordance with Massachusetts General Laws, Chapter 40A, Section 11, the Bolton Zoning Board of Appeals will hold a public hearing on Wednesday, June 28, 2017 at 7:20 p.m. in the Board of Selectmen Room of the Town Hall, 663 Main Street, Bolton, MA to hear and act upon



the application of Carol and Robert Davis, 196 Berlin Road, Bolton, MA 01740. The applicant sought a variance for a proposed garage to the existing dwelling located in Bolton's Residential Zoning District at 196 Berlin Road identified on Assessor's Map 3.C as Parcel 70. The applicant sought a variance for front yard setback pursuant to Section 250-13.B of the Code of the Town of Bolton.

- The applicant intends to construct a garage addition (22 f.t by 24 ft.) to the property at 196 Berlin Road. The proposed garage will be located within the existing paved area of the driveway and will encroach 30 ft. into the front yard setback.
- The property contains 1.85 acres and has 374 feet of frontage on Berlin Road.
- At the request of the Board of Appeals, the applicant looked into relocating the proposed garage to the rear of the existing house. Board of Health reviewed the proposed layout and indicated that relocating the garage to the rear would impact the septic system by causing the applicant to place a bend in the septic line from the septic tank to the distribution box.
- 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 existing wetland resource area and location of septic system due to soil conditions at 196 Berlin Road limits the location of the proposed garage. It has been advised by the Board of Health not to relocate the existing septic system. Therefore, the applicant is limited to proposing the garage within the front yard setback.
- Literal enforcement of the provisions of the bylaw would involve substantial hardship financial or otherwise to the applicant. Relocating the septic system would be a significant financial hardship to the applicant in order to locate the proposed garage outside the 50 ft. front yard setback.
- The desired relief may be granted without substantial detriment to the public good. The proposed addition is designed in accordance to the style and architecture of the existing dwelling and will not be substantially more detrimental to the neighborhood than the existing structure or neighboring structures.
- 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 Bylaw. The proposed garage will be located approximately 20 feet from the front property line and public right-of-way.
- **Bradley Reed motioned to close the hearing. 2nd by Jack Sargent. All in favor 5/0/0.**
- **Bradley Reed motioned to grant variance for 196 Berlin Road for front yard setback in accordance with submitted plans. 2nd by Jack Sargent. All in favor 5/0/0.**

## **Business**

- 7:40 p.m., Mark O'Hagan, Craftsman Village at Brigham Farm (40B Project) – Sugar Road
  - The Board of Appeals reviewed a request for insubstantial change to eliminate the detached garages and provide attached garages only.
  - Mark O'Hagan indicated that construction on the first phase for units 13-18 was complete. Some of these units had the underneath garages and some had the detached garages. The detached garages were originally proposed to allow for a courtyard layout. However, O'Hagan found that there is no demand for the detached garages.
  - O'Hagan revised the site plan to remove all of the detached garages. The look and feel of the development remains the same. By removing the detached garages, the looped road in the phase containing units 25-30, will be removed and replaced with a 20 ft. wide driveway and the courtyard for this phase will be removed. By having the garages underneath, O'Hagan will be able to provide basements in all of the units except for one that will remain on slab.
  - The size of the homes will remain the same.
  - The proposed drainage of the site remains the same with a slight net decrease in impervious area.

- O'Hagan stated that by eliminating the detached garages, they will be able to pull the development further away from the existing wetland resource area. O'Hagan plans to file with the Conservation Commission.
- The revised layout provides better access for the fire department and eliminates the need for sprinklers.
- The septic systems remain the same.
- All of the affordable units remain the same and comparable to the market rate units.
- The Board of Appeals reviewed the requirements and criteria for insubstantial modifications according to 760 CMR 56.
- O'Hagan requested to switch units 15 and 16 for the affordable. Unit 15 will be affordable. The Board of Appeals agreed that O'Hagan could review all future affordable units with Erica Uriarte, Town Planner.
- The redesign also requires modifying the ANR plan to tweak the lot sizes for nitrogen loading requirements.
- **Bradley Reed motioned to declare the modification to eliminate the detached garages and provide attached garage only at Craftsman Village at Brigham Farm to be insubstantial. 2<sup>nd</sup> by Jack Sargent. All in favor 5/0/0.**
- **Jack Sargent motioned to determine that the lot lines as proposed to be insubstantial to the overall plan and accept the revised ANR plan. 2<sup>nd</sup> by Gerard Ahearn. All in favor 5/0/0.**

#### Administrative

- None.

**Bradley Reed motioned to adjourn meeting at 8:25 pm. 2nd by Kay Stoner. All in favor 5/0/0.**