

TOWN OF BOLTON – ZONING BOARD OF APPEALS MINUTES

Meeting Held at the Bolton Library Conference Room – 738 Main Street on **January 10, 2017** at 7:00 PM

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

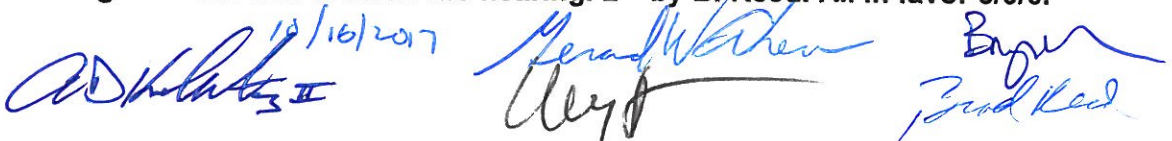
Also Present: Erica Uriarte (Town Planner)

Brian Falk from Mirick, O'Connell, DeMallie & Lougee, LLP (Town Counsel)

Call to order: 7:02 PM

Hearings:

- In accordance with Massachusetts General Laws, Chapter 40A, Section 11, the Board of Appeals held a public hearing regarding the application of Kevin Kieler, Permit –Solutions, 31 Solomon Pond Rd, Northborough, MA. The applicant sought a variance for a proposed addition (14 ft. by 24 ft. garage and 6 ft. by 8 ft. breezeway) to the existing dwelling located in Bolton's Residential Zoning District at 9 Sargent Road identified on Assessor's Map 3.A as Parcel 13. The applicant sought a variance from the 50 ft. front yard setback pursuant to Section 250-13.B of the Code of the Town of Bolton.
 - The applicant requested relief from the front yard setback to allow 37.3 feet instead of the required 50 ft.
 - The property is owned by Holly Daley and Stephen Barney of 14 Sandy Ridge Road, Sterling, MA 01564.
 - The property is considered a frontage lot containing 1.019 acres and approximately 159 feet of frontage along Sargent Road.
 - The proposed garage is 14 feet by 24 feet and the breezeway is 6 feet by 8 feet. The garage and breezeway will connect to the existing dwelling at 9 Sargent Road.
 - It was noted that the proposed garage would still require relief from the 50 foot front yard setback with an elimination of the breezeway.
 - The applicant anticipates maintaining the existing driveway and curb cut on 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 property contains significant outcroppings of ledge particularly in the back and side yards near the existing dwelling. This ledge outcropping is unique to 9 Sargent Road and does not generally affect the zoning district in which it is located. There is also a curve to the front property line creating a unique lot shape that presents another challenge in meeting the required front yard setback of 50 feet.
 - Literal enforcement of the provisions of the bylaw would involve substantial hardship financial or otherwise to the applicant: Relocating the proposed garage to meet the 50 foot front yard setback in accordance with Section 250-13.B of the Code of the Town of Bolton would require significant blasting and drilling of ledge and removal of debris. Literal enforcement of the provisions of the bylaw would substantiate financial hardship to the owners.
 - The desired relief may be granted without substantial detriment to the public good: The desired relief (approximately 12.7 feet) may be granted without substantial detriment to the public good. Relocating the proposed garage to meet the required 50 foot front yard setback would place the proposed garage closer to the neighboring dwelling at 19 Sargent Road. The proposed location of the garage within the front yard setback provides a greater buffer between the adjacent dwellings. The allowance of the requested relief will result in no threat or harm to the public good.
 - The desired relief may be granted without nullifying or substantially derogating from the intent and purpose of the Bolton Zoning Bylaws: The requested variance may be granted without nullifying or substantially derogating from the intent and purpose of the Bolton Zoning Bylaws. The layout of the proposed garage aligns with the front of the existing dwelling similar to other dwellings in Bolton. The addition to the existing dwelling will enhance the home and the neighborhood.
 - **J. Sargent motioned to close the hearing. 2nd by B. Reed. All in favor 5/0/0.**

10/16/2017


- **B. Reed motioned to approve the variance from front yard setback conditioned upon the proposed garage (14 ft. by 24 ft.) and breezeway (6 ft. by 8 ft.) be constructed in substantial conformity with the Board of Appeals Plan – “Land in Bolton, MA” prepared for Holly M. Daley & Stephen P. Barney dated October 17, 2016. 2nd by A. Kischitz. All in favor 5/0/0.**
- In accordance with Massachusetts General Laws, Chapter 40A, Section 15, the Board of Appeals continued an unopened public hearing regarding the appeal filed by the Bolton Pan Neighborhood as persons aggrieved by a decision of the Building Inspector (Building Permit BP-2016-0166) issued for 401 Main Street, Bolton, MA. The building permit was issued for a temporary modular building for agricultural use for a period of no longer than 12 months from occupancy. The Petitioner and Board agreed to allow additional time to hold the public hearing and for the Board to make a decision regarding the appeal as outlined in the Petitioner’s request for time extension dated January 4, 2017 and edited January 10, 2017. **The Board continued the hearing to February 28, 2017 at 7 p.m. in the Bolton Library – Conference Room.**

Business:

- Mark O’Hagan, Craftsman Village at Brigham Farm – Insubstantial Change to Comprehensive Permit.
 - The Board reviewed a request for an insubstantial change regarding the structuring of the condominium association. Instead of a single association as referenced in the Comprehensive Permit, there will be five condominium associations for the shared septic systems and wells. There will be an umbrella trust for the overall management of the property. One member from each of the five condominium associations will make up the umbrella trust. The Comprehensive Permit requires there be affordable members represented as part of the condominium association (25% of the members). Given that each of the five condominium associations, may or may not have affordable members elected, the umbrella trust will require at least 25% of the members be affordable. If needed, an additional two members can be appointed to the umbrella trust to meet the requirement (a five member trust would become a seven member trust).
 - Town Counsel reviewed the condominium documents and provided edits to Mark O’Hagan to incorporate. The Board will review final documents at a future meeting.
 - **G. Ahearn motioned to accept the modification to the Comprehensive Permit regarding the structuring of the condominium association and deemed it an insubstantial change. 2nd by J. Sargent. All in favor 5/0/0.**
- Review Open Meeting Law complaint filed against the Board of Appeals on 12/16/2016.
 - The Board reviewed the complaint filed by Stanley Haberski of 53 Sunset Ridge Lane for failure of the Board to maintain meeting minutes from 05/18/2016.
 - The Board had approved the meeting minutes for 05/18/16 during their meeting on 12/13/16.
 - The Board reviewed the draft letters to send to Stanley Haberski and the Attorney General’s Office as part of the remedial action required.
 - **B. Reed motioned to approve the letters as drafted. 2nd by J. Sargent. All in favor 5/0/0.**

Administrative:

- Approval of Meeting Minutes.
 - **The Board approved and signed the meeting minutes for 12/01/16 and 12/13/16.**

G. Ahearn motioned to adjourn meeting at 8:16 pm. 2nd by J. Sargent. All in favor 5/0/0.