



TOWN OF BOLTON

PLANNING BOARD

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

BACKLAND ZONING SPECIAL PERMIT FINDINGS AND DECISION

Petitioner: Walter Eriksen
Applewood Construction
92 Middlesex Road, Unit 3
Tyngsboro, MA 01879

Premises: Long Hill Road, Bolton, MA 01740
Bolton Assessor's Map 4.D Parcel 52
Bolton Assessor's Map 3.D Parcel 33.1

Owner: Duane G. & Jean L. Henry
147 Long Hill Road
Bolton, MA 01740

Deed Reference: Worcester District Registry of Deeds, Book 5184 Page 9
Worcester District Registry of Deeds, Book 9112 Page 170
Worcester District Registry of Deeds, Book 12857 Page 69

Date Petition filed with Town Clerk of Bolton, MA: December 31, 2014

Type of Application: Backland Zoning Special Permit

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

Hearing Date: February 11, 2015, March 11, 2015 and April 8, 2015

Members Present: Chairman, Jonathan Keep, Members, John Karlon, Erik Neyland,
Jon Ricci

Decision: On April 8, 2015 at 7:30 p.m., the Planning Board voted unanimously to **grant** the petition seeking a Backland Zoning Special Permit. This document is the decision of the Planning Board.

PROCEDURAL HISTORY

1. On December 31, 2014 Applewood Construction (hereinafter, the Applicant), applied to the Planning Board (hereinafter, the Board) for a Backland Zoning Special Permit pursuant to Section 250-13.E of the Code of the Town of Bolton for properties located on Long Hill Road, Bolton, MA 01740 identified on Bolton Assessor's Maps as Parcels 4.D-

52 and 3.D-33.1 in the Residential Zoning District.

2. A duly posted public hearing was held on February 11, 2015 at 8:00 p.m. in the Board of Selectmen Room of the Town Hall, 663 Main Street, Bolton, MA. Chairman Jonathan Keep read the Notice of Public Hearing for the Backland Zoning Special Permit request. The Board continued the hearing to March 11, 2015 and April 8, 2015. The Board closed the hearing and voted on April 8, 2015.

RECORD DOCUMENTS

The documents, plans, and other written materials set forth in Appendix A were received by the Board as part of the backland lot application submission.

CRITERIA FOR BACKLAND ZONING SPECIAL PERMIT

The following criteria for the Backland Zoning Special Permit shall be reviewed by the Board in accordance with Section 250-13.E of the Code of the Town of Bolton:

- A minimum street frontage on an accepted and/or approved Town way of 50 feet.
- The minimum allowable lot width between the dwelling site and the access to the public way is 25 feet. All plans for such lots shall show and indicate what the minimum lot width is in said plan, though it may be in excess of 25 feet.
- The minimum lot size shall be 4½ acres.
- Not more than one other backland lot with frontage contiguous to it will be allowed. A backland lot or lots as allowed under this Subsection E shall be separated from any other backland lot or lots by not less than 200 feet of frontage on an accepted and/or approved right-of-way.
- No structure shall be erected within 50 feet of any lot line.
- Once a backland lot is created and approved by the Planning Board, it cannot be subsequently divided to less than 4½ acres.
- At least 1½ acres of contiguous land which is not in a Floodplain District (Section 250-22) or Wetland resource area as defined in the Wetlands Bylaw, Chapter 33, Wetlands, Section 233-2.
- Granting of a Special Permit under this Subsection E does not constitute a waiver of any other applicable bylaw or statute.

FINDINGS

Based upon the information submitted at the public hearing, including the record documents and comment received from the public, the Board makes the following findings with regard to the proposed backland lot:

A. General

1. The properties are located on Long Hill Road, Bolton, MA 01740, identified on Bolton Assessor's Maps as Parcels 4.D-52 and 3.D-33.1, and are owned by Duane G. & Jean L. Henry, 147 Long Hill Road, Bolton, MA 01740 (deed reference Book 5184, Page 9; Book 9112, Page 170; and Book 12857, Page 69). The Premises is located in the Residential Zoning District.
2. The Applicant submitted a complete application in accordance with the Code of the Town of Bolton.
3. The Board heard testimony from Greg Roy, P.E. and Brandon Ducharme, R.S. from Ducharme & Dillis Civil Design Group, Inc.:

The property is located on Long Hill Road, Bolton, MA 01740 identified on the Bolton Assessor's Maps as Parcels 4.D-52 and 3.D-33.1 in the Residential Zoning District. An ANR of the properties was submitted simultaneously with the application for Backland Zoning Special Permit. Parcel 4.D-52 is approximately 2.42 acres and Parcel 3.D-33.1 is approximately 48.99 acres. The Parcels are divided to create the following:

Lot Number	Type of Lot	Approx. Area	Approx. Frontage
Lot 1	Backland Lot	4.71 acres	143.26 ft.
Lot 2	Backland Lot	4.59 acres	50 ft.
Lot 3	Frontage Lot	7.53 acres	200.05 ft.
Lot 4	Backland Lot	4.5 acres	50.18 ft.
Lot 5	Backland Lot	11.74 acres	50.17 ft.
Parcel A	Not a Building Lot	18.41 acres	26.60 ft.

There is 1.5 acres or greater of contiguous land that is not located within the Floodplain District or considered a wetland resource area on Backland Lots 1, 2, 4, and 5.

B. Specific Findings

1. The proposed activity may be carried out without substantial detriment to the public good.
2. The proposed activity may be carried out without nullifying or substantially derogating from the intent or purpose of the Code of the Town of Bolton.
3. Lots 1, 2, 4, and 5 have approximately 143.26 feet, 50 feet, 50.18 feet, and 50.17 feet of frontage respectively along Long Hill Road; greater than the minimum street frontage on an accepted and/or approved Town way of 50 feet.
4. As shown on the submitted Site Plan, the minimum lot widths between the dwelling site and the access to the public way are greater than the allowable minimum lot width of 25 feet for Lots 1, 2, 4, and 5.
5. Lots 1, 2, 4, and 5 have approximately 4.71 acres, 4.59 acres, 4.5 acres, and 11.74 acres

respectively; greater than or equal to the minimum lot size of 4½ acres.

6. Not more than one other reduced frontage lot with frontage contiguous to it is proposed. Backland Lots 1 and 2 are separated from Backland Lots 4 and 5 by not less than 200 feet of frontage on Long Hill Road (Frontage Lot 3).
7. Lots 1, 2, 4, and 5 contain 1.5 acres or more of contiguous land which is not in a Floodplain District (Section 250-22) or wetland resource area as defined in the Wetlands Bylaw, Chapter 33, Wetlands, Section 233-2.
8. The project meets the criteria set forth in Section 250-13.E of the Code of the Town of Bolton.

DECISION

In view of the foregoing, the Board hereby decides that the application meets all requisite criteria under Section 250-13.E of the Code of the Town of Bolton. Therefore, the Board voted unanimously to grant a Backland Zoning Special Permit for Lots 1, 2, 4, and 5 Long Hill Road, Bolton, MA 01740 identified on the Bolton Assessor's Maps as Parcels 4.D-52 and 3.D-33.1 in the Residential Zoning District.

1. Granting of this Special Permit does not constitute a waiver of any other applicable bylaw or statute.
2. No structure shall be erected within 50 feet of any lot line of the properties.
3. The backland lots subject of this Special Permit cannot be subsequently divided to less than 4½ acres.
4. The backland lots subject of this Special Permit cannot be used to provide access to any lots that are not shown on the Site Plan.

RECORD OF VOTE

This Special Permit shall lapse twenty four (24) months following the grant thereof (excepting such time required to pursue or await the determination of an appeal referred to in M.G.L. c.40A, Section 17).

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 following members of the Board unanimously voted to grant the subject to the above-stated terms: Chairman, Jonathan Keep, Members, John Karlon, Erik Neyland, Jon Ricci.


Jonathan Keep, Chairman
(On behalf of the Planning Board)

FILED WITH THE TOWN CLERK


Filed with the Town Clerk on April 21, 2015.


Pamela Powell, Town Clerk

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: May 13, 2015.


Pamela Powell, Town Clerk

Copy of Special Permit Findings and Decision mailed to:

Abutters

Surrounding Towns

Bolton Boards and Committees

Applicant

APPENDIX A RECORD DOCUMENTS

Original Application Documents

1. Backland Lot Application for Special Permit Form dated December 30, 2014.
2. One (1) Mylar and three (3) copies of Site Plan entitled "Plan of Land in Bolton, Massachusetts" prepared by Ducharme & Dillis Civil Design Group, Inc. for Duane G. & Jean L. Henry, 147 Long Hill Rd., Bolton, MA, dated December 19, 2014, Scale: 1 in. = 100 ft.
3. Certified Abutters List.
4. Application Fee.