



TOWN OF BOLTON

PLANNING BOARD

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

SPECIAL PERMIT FINDINGS AND DECISION

Petitioner: Yvette Monstad
218 Sugar Road
Bolton, MA 01740

Premises: 218 Sugar Road, Bolton, MA 01740
Bolton Assessor's Map 5.D Parcel 10

Owner: Yvette Monstad
218 Sugar Road
Bolton, MA 01740

Deed Reference: Worcester District Registry of Deeds, Book 55823 Page 309

Date Petition filed with Town Clerk of Bolton, MA: August 31, 2017

Type of Application: Special Permit

Applicable Zoning Bylaw of the Code of the Town of Bolton, MA: Section 250-27.1

Hearing Dates: October 11, 2017

Members Present: Erik Neyland, Danielle Spicer, Mark Sprague, Michael Gorr, and Peter Driscoll

Decision: On October 25, 2017, the Planning Board voted unanimously to **grant** the petition seeking Special Permit. This document is the decision of the Planning Board.

PROCEDURAL HISTORY

1. On August 31, 2017 Yvette Monstad (hereinafter, the Applicant), applied to the Planning Board (hereinafter, the Board) for a Special Permit for home occupation to conduct an artisan studio (a.k.a. Babacool Arts) within the existing barn (circa 1920) located on the Premises at 218 Main Street, Bolton, MA 01740 pursuant to M.G.L. c. 40A, Section 9 and Sections 250-27.1 of the Code of the Town of Bolton. The Premises is identified on the Bolton Assessor's Map 5.D as Parcel 10 located in the Residential Zoning District.

2. A duly posted public hearing was held on October 11, 2017 at 7:30 p.m. in the Board of Selectmen Room of the Town Hall, 663 Main Street, Bolton, MA. Chairman David Yesue read the Notice of Public Hearing for the Special Permit request. The Board closed the hearing the same evening. The Board voted on October 25, 2017 at which meeting David Yesue was not present.
3. Members of the Board attending all sessions of the public hearing, deliberating and voting on the Petition were Erik Neyland, Danielle Spicer, Mark Sprague, Michael Gorr, and Peter Driscoll.
4. Throughout its deliberations, the Board was mindful of the statements of the Applicant 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.

CRITERIA FOR SPECIAL PERMIT

A Special Permit issued for a home occupation pursuant to Section 250-27.1 Barn, Stable and Carriage House Preservation of the Code of the Town of Bolton shall be subject to the following criteria and reviewed by the Board:

- The barn, stable or carriage house used must have been in existence prior to 1925. Any and all additions to the original structure must be in keeping with the original architectural style.
- Sufficient off-street parking must be provided and such parking areas must be in keeping with the character of a single-family residence. Crushed stone may be considered as an acceptable paving surface for this use. No more than two parking spaces shall be located within the front yard of the property.
- There shall be no external change which alters the residential appearance. The residential character of the premises must be preserved. All materials and products shall be stored only within the dwelling. All work or sale of goods must be carried on inside the building used.
- There shall be no exterior display, no exterior storage of materials, and no other exterior indication of the permitted use or other variation from the residential character of the principal building other than a sign as permitted under § 250-18E of the Bolton Zoning Bylaw, pertaining to residential signs.
- The SPGA may impose on any special permit additional conditions, including, but not limited to, number of employees permitted, hours of operations and screening plantings of abutting properties.
- Before granting a special permit the SPGA must conclude that the impact from traffic, lighting, and hours of operation will not have a negative impact on the residential neighborhood.
- The permitted use shall be carried out only inside the principal dwelling or the

barn, stable, or carriage house.

- The permitted use shall be carried out by the person who resides in the principal dwelling or the barn, stable, or carriage house.
- Not more than two persons other than the residents of the dwelling and not more than a total of four are employed at any one time on the premises in the permitted use.
- No equipment or process shall be used which creates offensive noise, vibration, smoke, dust, odors, fumes, heat or glare detectable to the normal senses off the premises.
- No equipment or process shall be used which creates electrical interference in household devices off premises.
- The permitted use shall not allow shipments by vehicles not customarily making deliveries in a residential area.
- No highly toxic, explosive, flammable, combustible, corrosive, radioactive or similar hazardous materials are to be used or stored on the premises in amounts that exceed those that are typically found in normal residential use.
- The occupied space for the permitted use shall not exceed more than 1/3 of the floor space of the living area of the principal dwelling, if it is being used as an accessory use to the principal dwelling, or more than 1/3 of the floor space of the living area of the accessory dwelling, if it is being used as an accessory use to the accessory dwelling.
- The barn, stable or carriage house and principal dwelling must be and remain located on the same lot.
- The existence of safe vehicle access to and from the property.
- The existence of safe pedestrian access to and from the site.

Any Special Permit granted under Section 250-27.1 may contain such conditions, restrictions or requirements as the Board deems appropriate to accomplish the purposes and intent of the Zoning Bylaw and to assure that the proposed use will satisfy the criteria set forth above.

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 use:

1. The Premises is located at 218 Sugar Road, Bolton, MA 01740, identified on Bolton Assessor's Map 4.D as Parcel 10, and is owned by Yvette Monstad, 218 Sugar Road, Bolton, MA 01740 (deed reference Book 55823 Page 309). 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 Yvette Monstad: The Applicant is proposing to expand her home occupation within the existing barn of her primary residence located at 218 Sugar Road. The back

half of the barn was previously converted in to a workshop where the applicant currently creates sculptures from metal and/or clay. In the front of the barn is a chicken coop and an open area with a ladder to a loft above. The Applicant anticipates using the open area as a retail gallery to display and sell artwork. The front portion of the barn will be available to the public during hours of operation and the workshop in the rear of the barn will remain private. The Applicant anticipates not having more than one or two cars in the driveway at any one time. Parking in the driveway may handle up to six cars. Access to the barn will be provided by the Applicant's private driveway where customers will walk across a mowed lawn to the barn where there are a few steps going into the gallery space. The Applicant does not anticipate the creation of offensive noise, smoke, odor, or heat from the home occupation; presently there have been no complaints by the neighbors regarding the creation of the sculptures in the workshop. The Applicant does receive shipments of metal from standard delivery trucks. The Applicant anticipates having a small sign at the end of the driveway to advertise the art studio. The barn has electricity and will be well lit. The majority of the hours of operation will be during daylight hours from 10 am to 4 pm, Monday through Friday and alternating Saturdays. Currently there are no other employees besides the Applicant. There are no bathrooms facilities within the barn.

4. The permitted use will be carried out by the person who resides in the principal dwelling on the Premises.
5. The existing barn located on the Premises is from 1925 or earlier.
6. The proposed home occupation to conduct an artisan studio within the existing barn on the Premises is a permitted use within the Residential Zoning District upon issuance of a Special Permit by the Board under Section 250-27.1 Barn, Stable and Carriage House Preservation of the Code of the Town of Bolton.
7. There will be no external change which alters the residential appearance. The residential character of the Premises will be preserved. All work or sale of goods will be carried on inside the barn.
8. There will be no exterior storage of materials for the permitted use or other variation from the residential character of the principal dwelling other than a sign as permitted under Section 250-18E of the Code of the Town of Bolton.
9. Safe vehicle access to and from Sugar Road is provided to the Premises from a single driveway entrance.
10. Sufficient off-street parking is provided within the driveway of the Premises and can accommodate up to six parking spaces.
11. The Premises has easy and safe pedestrian access to and from the existing barn.
12. Impact from traffic, lighting, and hours of operation will not have a negative impact on the residential neighborhood.
13. No equipment or process shall be used which creates electrical interference in household devices off premises.

14. No highly toxic, explosive, flammable, combustible, corrosive, radioactive or similar hazardous materials are to be used or stored on the Premises in amounts that exceed those that are typically found in a normal residential use.
15. All proposed signage on the Premises will be reviewed and approved by the Board of Selectmen in accordance with Section 250-18 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 250-27.1 Barn, Stable and Carriage House Preservation of the Code of the Town of Bolton. Therefore, the Board voted unanimously to grant a Special Permit at 218 Sugar Road, Bolton, MA with the following conditions:

1. This Special Permit shall be granted to the Applicant for home occupation to conduct an artisan studio (a.k.a. Babacool Arts) within the existing barn (circa 1920) located on the Premises. Stock and trade may be sold on the Premises, provided that it is produced on the Premises. Any change in use shall require further review by the Board at one of their regularly scheduled meetings attended by the Applicant. At said meeting, the Board will deliberate and make a determination as to whether said use is in conformance with the Special Permit, or alternatively, as to whether said use requires an amended/new Special Permit, or alternatively, as to whether said use is prohibited.
2. The permitted use shall be carried out by the Applicant who resides in the principal dwelling on the Premises.
3. Employees: not more than two persons other than the residents of the dwelling and not more than a total of four are employed at any one time shall be allowed on the Premises as part of the home occupation.
4. Hours of operation for the artisan studio (a.k.a. Babacool Arts) is anticipated to be 10 a.m. to 4:00 p.m., Monday through Friday, and up to two Saturdays each month. Hours of operation may also extend to occasional evening events with closing hours no later than 8 p.m. Hours of operation shall be defined as regularly open to the public and excludes hours employees may be required to work.
5. Sufficient off-street parking shall be provided and in keeping with the character of the single-family residence. No more than two parking spaces shall be located within the front yard of the Premises. The Applicant anticipates providing up to six parking spaces. Parking shall be prohibited on Sugar Road.
6. The Applicant shall maintain easy and safe pedestrian access to and from the existing barn. The pedestrian access shall remain free from obstruction and snow shall be removed during hours of operation in the winter.

7. The permitted use shall not allow shipments by vehicles not customarily making deliveries in a residential area.
8. All proposed signage on the Premises including building signage shall be reviewed and approved by the Board of Selectmen in accordance with Section 250-18 of the Code of the Town of Bolton.
9. The Application shall file a building permit application for inspection for occupancy for the proposed permitted use to comply with the Building Code.
10. There shall be no external change which alters the residential appearance. The residential character of the Premises must be preserved. All work or sale of goods must be carried on inside the barn.
11. There shall be no exterior storage of materials for the permitted use or other variation from the residential character of the principal dwelling other than a sign as permitted under Section 250-18E of the Code of the Town of Bolton.
12. No equipment or process shall be used which creates offensive noise, vibration, smoke, dust, odors, fumes, heat or glare detectable to the normal senses off the Premises.
13. The barn and principal dwelling must be and remain located on the same lot.
14. This Special Permit will be limited to the original Applicant but may be transferred with ownership upon the successful inspection of the property by the Building Inspector to verify that all conditions of the requirements for a barn, stable or carriage house are being met and upon recertification that the new owner(s) of the Premises plan to maintain residence in the principal dwelling.

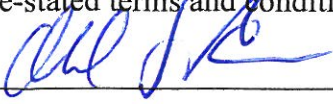


This Special Permit shall lapse twenty four (24) months following the grant thereof (excepting such time required to pursue or await the determination of an appeal referred to in M.G.L. c.40A, Section 17).

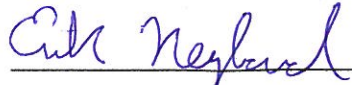

Appeals, if any, to this decision must be made pursuant to M.G.L. c.40A, Section 17 and must be filed within twenty (20) days after the date of filing of this decision in the office of the Bolton Town Clerk.

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.

RECORD OF VOTE

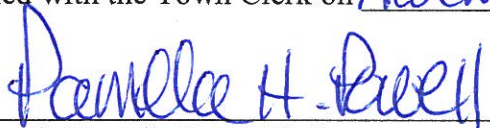
The following members of the Planning Board vote to grant a special permit subject to the above-stated terms and conditions:

FILED WITH THE TOWN CLERK

Filed with the Town Clerk on November 6, 2017.


Pamela Powell, Town Clerk

2017 NOV - 6 PM 2:10

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: November 27, 2017.


Pamela Powell, Town Clerk

Copy of Special Permit Findings and Decision mailed to:
Abutters
Surrounding Towns
Bolton Boards and Committees
Applicant/Owner

APPENDIX A RECORD DOCUMENTS

Original Application Documents

1. Application Form
2. Filing Fee
3. Certified Abutters List
4. Development Impact Statement
5. Locus Plan
6. Photographs of Premises
7. Floor Plan
8. Electronic Format of Submission

October 11, 2017 Hearing Documents

1. Additional Photographs of Premises