

Application for
**Special Permit for Business District
Design Review Board Approval
Site Plan Approval**

**Pursuant to Section 4 of the Special Permit Rules and Regulations
Limited Business and Business Districts and
§Section 250-23 of the Bolton Bylaws**

**470 Main Street
Bolton, MA**

**Applicant: Houde Trust Realty
476 Main Street
Bolton, MA 01740**

**Record Owner: Houde Trust Realty
476 Main Street
Bolton, MA 01740**

**September 17, 2015
4932**

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Business District Application
470 Main Street
Bolton, MA

September 17, 2015
Houde Realty

1.0 Limited Business and Business Special Permit Application

From: Ch. 40A S 9 "Each application for a special permit shall be filed by the petitioner with the city or town clerk and a copy of said application, including the date and time of filing certified by the city or town clerk, shall be filed forthwith by the petitioner with the special permit granting authority.

**LIMITED BUSINESS DISTRICT / BUSINESS DISTRICT
Application Form for Special Permit**

Bolton, Mass – September 17, 2015
(Date of Filing)

Name of Applicant- Houde Realty Trust

Address- (Site) 470 Main St. Bolton (Applicant) 476 Main St. Bolton MA

Name of Registered Engineer or Surveyor- Ducharme & Dillis Civil Design Group Inc.

Address- 1092 Main St. Bolton MA

Deed or property Recorded in: Book No. 46112 Page- 196 of the Worcester

Registry of Deeds.

Location and Description of Property (include zoning district(s)): existing residential dwelling and driveway at 470 Main St. Bolton, MA. Zoning - Business District

Lot Frontage: 200 feet

Lot Area: 65,340 Square Feet

Proposed Land Use(s) Requiring a Special Permit – Mercantile restaurant and retail.

Please include all materials listed in the Rules and Regulations for Limited Business Districts and Business Districts (see attached checklist) if required by the Board. Failure to include all required materials could delay processing of the application.

(Refer to supplemental submittal package)

Signature of Owner or Agent

 (AGENT)

Address – 1092 Main St. Bolton MA

Phone Number – 978-597-9144

Date Received _____

By _____

Fee Paid _____

Houde Realty Trust
476 MAIN ST
BOLTON, MA 01740

CITIZENS BANK OF MASSACHUSETTS
Hudson, MA 01749
5-7017/2110

5333

9/15/2015

TOWN OF BOLTON
PAY TO THE
ORDER OFOne Hundred and 00/100 *****
\$**100.00

Town of Bolton
PO Box 158
Bolton, Ma. 01740

DOLLARS

MEMO

site plan

TELL

MP

⑈005333⑈ ⑆211070175⑆ 1200783031⑈

Houde Realty Trust
476 MAIN ST
BOLTON, MA 01740

CITIZENS BANK OF MASSACHUSETTS
Hudson, MA 01749
5-7017/2110

5334

9/15/2015

TOWN OF BOLTON
PAY TO THE
ORDER OFFive Hundred Forty and 00/100 *****
\$**540.00

Town of Bolton
PO Box 158
Bolton, Ma. 01740

DOLLARS

MEMO

Special Permit

TELL

MP

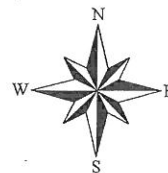
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Abutters List - 500 Ft / Map 4D - 29 / 470 Main Street



9/21/2015



Certified: Cynthia Brallier

2

KNOX TRAIL COUNCIL INC - BSA
490 UNION AVE
FRAMINGHAM, MA 01701

TOWN OF BOLTON
PAN CEMETERY
P O BOX 278
BOLTON, MA 01740

KANE SHIRLEY M TR
FIRST BOLTON REALTY TR
5 KANE INDUSTRIAL DR
HUDSON, MA 01749

REMINGTON MARTHA B
P O BOX 306
BOLTON, MA 01740

FIRST BOLTON GAS LLC
5 KANE INDUSTRIAL DR
HUDSON, MA 01749

FIRST BOLTON LAND LLC
5 KANE INDUSTRIAL DR
HUDSON, MA 01749

FIRST BOLTON LAND LLC
5 KANE INDUSTRIAL DR
HUDSON, MA 01749

WEBB HARRIET W & FREDERICK C
92 BURNHAM RD
BOLTOLN, MA 01740

HOUDE REALTY TR DAVID P
JANE HOUDE
476 MAIN ST
BOLTON, MA 01740

FIRST BOLTON LAND LLC
5 KANE INDUSTRIAL DR
HUDSON, MA 01749

Abutters List Report

Town of Bolton, MA

September 21, 2015

Subject Properties:

004.D-0029.0

HOUE DAVID P & JANE E, TR
HOUE REALTY TR
470 MAIN ST
BOLTON, MA 01740

004.D-0000-0029.0
470 MAIN ST

Parcel Number: 004.D-0005.0
Cama Number: 004.D-0000-0005.0
Property Address: 0 HUDSON RD PAR-F-G-I

Mailing Address: KNOX TRAIL COUNCIL INC - BSA
490 UNION AVE
FRAMINGHAM, MA 01701

Parcel Number: 004.D-0014.0
Cama Number: 004.D-0000-0014.0
Property Address: 477 MAIN ST

Mailing Address: TOWN OF BOLTON
PAN CEMETERY
P O BOX 278
BOLTON, MA 01740

Parcel Number: 004.D-0016.0
Cama Number: 004.D-0000-0016.0
Property Address: 0 MAIN ST

Mailing Address: KANE SHIRLEY M TR
FIRST BOLTON REALTY TR
5 KANE INDUSTRIAL DR
HUDSON, MA 01749

Parcel Number: 004.D-0017.0
Cama Number: 004.D-0000-0017.0
Property Address: 447 MAIN ST

Mailing Address: REMINGTON MARTHA B
P O BOX 306
BOLTON, MA 01740

Parcel Number: 004.D-0028.0
Cama Number: 004.D-0000-0028.0
Property Address: 460 MAIN ST

Mailing Address: FIRST BOLTON GAS LLC
5 KANE INDUSTRIAL DR
HUDSON, MA 01749

Parcel Number: 004.D-0030.0
Cama Number: 004.D-0000-0030.0
Property Address: 0 MAIN ST

Mailing Address: FIRST BOLTON LAND LLC
5 KANE INDUSTRIAL DR
HUDSON, MA 01749

Parcel Number: 004.D-0033.0
Cama Number: 004.D-0000-0033.0
Property Address: 0 MAIN ST

Mailing Address: FIRST BOLTON LAND LLC
5 KANE INDUSTRIAL DR
HUDSON, MA 01749

Parcel Number: 004.D-0057.0
Cama Number: 004.D-0000-0057.0
Property Address: 0 OFF BURNHAM RD

Mailing Address: WEBB HARRIET W & FREDERICK C
92 BURNHAM RD
BOLTOLN, MA 01740

Parcel Number: 004.D-0061.0
Cama Number: 004.D-0000-0061.0
Property Address: 476 MAIN ST

Mailing Address: HOUE REALTY TR DAVID P
JANE HOUE
476 MAIN ST
BOLTON, MA 01740

Parcel Number: 004.D-0071.0
Cama Number: 004.D-0000-0071.0
Property Address: 0 MAIN ST

Mailing Address: FIRST BOLTON LAND LLC
5 KANE INDUSTRIAL DR
HUDSON, MA 01749

LIMITED BUSINESS DISTRICT / BUSINESS DISTRICT
Checklist of Required Materials for Special Permit

____ PROPOSED HEARING NOTICE (SEE REGULATION 3.3.4)

X OTHER PERMITTING

List variances and Special Permits previously issued by the Planning Board of Appeals and any needed for this proposal

List required Special Permits or Health Permits and provide copies of any received

Note if Conservation Commission approval needed and provide copy of approval if received

X DEVELOPMENT IMPACT STATEMENT

Description of proposed or possible uses

Proposed lot coverage per bylaw, total coverage of all impermeable surface including building and parking, and open space areas.

Drainage calculations

Earth removal calculations

NA Traffic study (12 copies)

X LOCUS PLAN

X SITE COMPOSITE PLAN (Include design certification and legends)

General site characteristics

X Existing and proposed buildings and structures

X Driveway entrances for abutting properties and those across a public way with dimensions

X All underground tanks/structures existing or proposed or abandoned

X Zoning boundaries if applicable

X Yards/setbacks dimensioned

X Names of abutting property owners

Natural site characteristics

X Waterways

X Wetland boundaries and buffers

X Existing and proposed contours

NA Open space with square footage calculations

Site improvements

X Dimensions of traffic lanes

X Label all paved surfaces and note materials

X Parking spaces and parking lot landscaping with dimensions

X Building areas for each floor

X Exterior lighting

X Existing and proposed signage

X Outdoor storage areas labeled

Site utilities

- ✓ Stormwater drainage facilities shown & dimensioned
- ✓ Underground storage containers with capacities and contents
- ✓ Water services
- ✓ Fire protection systems
- ✓ Underground utilities
- ✓ Solid waste disposal facilities
- ✓ Sewage disposal system
- ✓ Erosion and sedimentation controls
- ✓ Parking calculations

____ CONSTRUCTION DETAIL PLAN

- ✓ Detail of structures
- ✓ Landscaping details
- ✓ Parking details in compliance with the Bolton Zoning Bylaw
- ✓ Tabulations of building coverage and open space
- ✓ Details of outdoor lighting

____ LANDSCAPE PLAN

- ✓ Certifications
- ✓ Legend
- ✓ Number, type, & size of trees and shrubs
- ✓ Landscape buffers
- ✓ Land contours
- ✓ Site features
- ✓ Limits of work
- ✓ Perimeter of trees
- ✓ Outdoor lighting structures

____ BUILDING ELEVATION PLAN

- ✓ Certifications
- ✓ Scale
- ✓ Front, rear, & side elevations with maximum height

____ FLOOR PLAN

- ✓ Certifications
- ✓ Scale
- ✓ Net floor area/s

Business District Application
470 Main Street
Bolton, MA

September 17, 2015
Houde Realty

2.0 Design Review Board Application



Town of Bolton

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

Design Review Board (DRB) Application

Please Print Clearly and Complete In Full

Return to Design Review Board
663 Main Street
Bolton MA 01740
(989)779-3308

Applicant: Houde Realty Trust

Address: 476 Main Street

Phone: 978-779-5033

Business Name: Houde Realty Trust

Phone: 978-779-5033

Address: 476 Main Street

Property Owner: Houde Realty Trust

Address: Same

Phone: Same

Zoning District: Limited Business {X} Business { } Industrial { } PENC { }

Type of Project: New construction (X) Expansion ()

Summarize project (use additional sheet if necessary):

The site is located at 470 Main Street and is approximately 1.5 Acres in size. The property is currently developed as a single family residence, with associated lawn and driveway areas. A wooded, bordering vegetated wetland system exists on the property. The site is generally sloping from southwest to northeast. The project involves the demolition of the home and constructing a commercial building and associated parking lot. A grass swale, bio-retention area and subsurface infiltration system is designed to manage the stormwater.

Type of Application submitted: Planning Board Special Permit (X) Board of Selectmen Site Plan Review ☒ ZBA Variance () ZBA Special Permit ()

Building Setbacks: Frontage: 200' Side Set Backs Right 25' Left NA Rear Set backs >200'

Wetlands Setback (where applicable): 5-10'

Describe Materials Used: Typical material required to raze existing home and construct commercial building and regrade lot. Typical materials include common borrow, gravel, bituminous concrete, cement, loam, vegetation

Applicant's Signature:  Date: 9/23/15

Property Owner's Signature: _____ Date: _____
(if different from the applicant)

Required Drawings:

1. Building Site Plan at 1"=10'-0" or 1"=20'-0", which must include all property lines with setbacks dimensioned, right of ways, wetland boundaries and setbacks dimensioned, building footprint/s with total footprint square footage and total heated space square footage, all new driveways and roadways with widths and necks dimensioned, parking plan with total number of parking spaces, all fences delineated and labeled, all proposed landscaping (plant lists not required), buffers to residential areas, lighting, signage location, size and description, all exterior mechanical equipment, and define any service areas. Please also note any historical resources either on the property or on adjacent properties. Take care to key the following drawings to the site plan.
2. Building Plan/s at 1/8"=1'-0" or larger
3. Building Elevations at 1/8"=1'-0" or larger, with materials specified
4. Site perspectives if available

Please submit four (4) sets of paper copies to the Bolton Town Clerk at the address listed above and electronically at townclerk@townofbolton.com at least 2 weeks before the next posted DRB meeting.



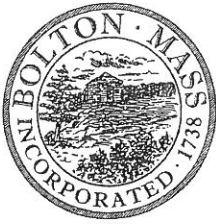
TOWN OF BOLTON PLANNING BOARD

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

DESIGN REVIEW CRITERIA CHECKLIST

The Planning Board shall consider the following additional design criteria in conducting Special Permit review for all developments of business or mixed-use properties in accordance with Section 250-23.G of the Code of the Town of Bolton:

Code	BYLAW	Check
250-23.G(15)	Review by Design Review Board	<input checked="" type="checkbox"/>
250-23.G(2)	Building scale Moderate-scale structures resembling houses or barns; varied facades, rooflines and roof heights; materials; awnings; dormers; roof overhangs; pitched roofs; well-proportioned windows; and details such as brick chimneys or shutters.	<input checked="" type="checkbox"/>
250-23.G(3)	Roof form Incorporate gables or other traditional pitched roof forms consistent with the historic architecture of the town; flat roofs are discouraged; roof mounted mechanical equipment shall be screened and should not appear to be an add-on element.	<input checked="" type="checkbox"/>
250-23.G(4)	Entrances Visible from the right-of-way/sidewalk, directly accessible from the sidewalk; front entrances shall be well defined and facing main street. Structures may also have entrances that provide more direct access to parking beside or behind the structure. Doors shall not extend beyond the exterior facade into pathways.	<input checked="" type="checkbox"/>
250-23.G(5)	External materials and appearance Predominant wall materials shall have the appearance of wood, brick or stone, and if painted, coated in a nonmetallic finish. Cladding materials should be consistent on all facades, or shall be an appropriate mix found in historic architecture in town. Awnings and canopies shall be compatible with the architecture of the building; colors/patterns shall be subdued and compatible with awnings on adjacent buildings. Except for minor trim, the building shall avoid the appearance of reflective materials. Window panes shall be non-reflective. The amount of windows may vary according to architectural style of the structure and intended use, with a general goal of 15% to 25% fenestration of the first floor facade surface.	<input checked="" type="checkbox"/>
250-23.G(6)	Historic resources When possible, existing historic structures on the site shall be preserved and renovated for use as part of development. Alterations or additions to an existing historic structure shall employ materials, colors and textures as well as size, scale and	<input checked="" type="checkbox"/>



TOWN OF BOLTON PLANNING BOARD

Town Hall, 663 Main Street, Bolton, MA 01740
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	architectural features that complement the original structure. Stone walls shall, to the maximum extent feasible, be protected and incorporated into development	✓
250-23.G(7)	Fencing and screening Parking areas, dumpsters and ground-level mechanical equipment shall be screened from adjacent residential areas. Landscaping and vegetative screening shall be preferred over fencing. Solid, year-round, evergreen hedge that will grow to six feet within three years or an opaque fence at least six ft. high shall be installed. A strip of dense vegetation of shrubs/trees not less than 50 ft. deep may be considered an equivalent. Parking areas shall be reasonably screened and landscaped. No obstruction to a driver's vision may be permitted at eye level, from three ft. to eight ft above street grade, within 25 ft. from the intersection of street side lines.	✓
250-23.G(8)	Landscaping Provide pedestrian-friendly amenities - public gathering/sitting areas, designated on-site sidewalks/paths, sidewalks along frontage, and appropriate internal walkways. Encourage links/Sidewalks designed to connect parking areas with adjacent developments. Site landscaping shall be maximized. Only native species allowed. Planning Board may require trees removed as part of the development be replaced on-site or off-site. All vegetation included in the site plan shall be maintained.	✓
250-23.G(9)	Service areas, utilities and equipment Service and loading areas and mechanical equipment and utilities shall be screened from streets, adjacent residential zoning districts or primary public open spaces; and shall incorporate effective techniques for noise buffering.	✓
250-23.G(10)	Lighting Building or area lighting arranged as to direct the light away from any street and from any premises residentially used or zoned; coordinate lighting fixture assembly with the surrounding architecture; exterior lights shall be mounted and shielded such that light sources shall not be visible from any residential district. Luminaries shall be cutoff (downlight) type, with mounting height not to exceed 20 feet. With the exception of limited security or safety lighting, all lighting shall be shut off during times outside of business operations.	✓
250-23.G(11)	Signage	✓



TOWN OF BOLTON PLANNING BOARD

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

250-23.G(12)	Sustainable building and site design Desirable for new construction to comply with current Leadership in Energy and Environmental Design (LEED) criteria. Site design shall follow, to the maximum extent feasible, provisions of LID techniques (landscaping and design techniques to maintain the natural, predeveloped ability of a site to manage rainfall).	K
250-23.G(13)	Parking Located behind or to the side of structures; strongly discouraged between the structure and the public right-of-way; screened with appropriate landscaping; designed to minimize heat-island effects (minimum of one tree per 10 parking spaces with associated plantings).	K
250-23.G(14)	Bicycle parking Located as close as possible to building entrance(s) and 50% sheltered from the elements. A shared bicycle parking facility with any other property owner within 150 feet.	HA

3.0 Narrative

3.1 Introduction

On behalf of Houde Realty Trust, Ducharme and Dillis Civil Design Group, Inc. has prepared this narrative to provide support for the approval of plans for the following applications at 470 Main Street Bolton: the Special Permit Application in the Business District, Design Review Board Approval and Site Plan Approval. The narrative is pursuant to regulations and criteria found in Section 250-23 of the Bolton Bylaws and Section 4 of the Town of Bolton Planning Board Special Permit Rules and Regulations for Limited Business and Business.

It is anticipated that this narrative will satisfy all the requirements for all said applications. In the event certain requirements for each application overlap, the requirement will be described in the most appropriate section and referenced thereafter in subsequent sections.

3.2 Special Permit

3.2.1 Development Impact Statement

The following is a summary of the documentation required pursuant to Section 4.6 of the Limited Business and Business Rules and Regulations.

3.2.1.1 Use Description

The applicant, Houde Realty Trust, is proposing to demolish an existing single family home and reconstruct a mercantile restaurant and retail building at 470 Main Street. The parcel is recorded in Book 46112, page 196 of the Worcester registry of Deeds. The lot is 1.5 acres in size and is located in the Business Zoning District. The proposed lot coverage is approximately 2,570 SF. The impermeable surface of the lot is approximately 12,550 SF. A portion of the lot is covered by wetlands to the east. A grass swale, bio-retention area and subsurface infiltration system is designed to manage the stormwater. A portion of the site is within a Zone 1 Public Water Supply (PWS) well classified as a Transient Non-Community Water system. An additional PWS well is proposed to be installed to expand the existing capacity of the public water supply.

3.2.1.2 Drainage Calculations

Drainage calculations for the existing and proposed site conditions have been prepared by a Registered Professional Engineer and submitted to comply with the requirements of the Stormwater Management Standards incorporated in the Massachusetts

Wetlands Protection Act Regulations, 310 CMR 10.00. The stormwater management for the site is aimed to increase groundwater recharge and prevent stormwater from causing or contributing to the pollution of surface waters and ground waters of the Commonwealth. This is accomplished by encouraging the greater use of low impact development (LID) techniques and improving the operation and maintenance of stormwater best management practices (BMP).

United States Department of Agriculture Natural Resources Conservation Service (NRCS) soil cover complex methods (TR-20) were employed to compute runoff quantities for the subject property and, where appropriate, adjacent property that drains toward a common discharge point with runoff from the subject site. HydroCAD 10.0 computer software was employed in this hydrologic analysis.

A comparison of pre- and post-development runoff quantities were performed to design a stormwater management system that will limit peak rates of runoff from development to predevelopment levels for 24-hour rainfall events of 2-, 10-, 25- and 100-year return frequencies.

Hydrologic calculations for existing and proposed site conditions are included in the Stormwater Report in Attachment 1.

3.2.1.3 Earth Removal Calculations

Cut and fill calculations have been prepared by a Registered Professional Engineer. Total cut volumes for the site are approximately 150 cubic yards and the total fill volumes is approximately 1,350 cubic yards. Since the majority of the operations will involve filling, it is anticipated that most, if not all, of the excavated soil from the site can be re-used for fill and minimize offsite transportation of the cuttings.

See section 6.0 for the volume of cut and fill report generated from Carlson Civil using AutoCAD.

3.2.1.4 Traffic Study

The proposed uses of the facility are not expected to dramatically increase during peak hours. As such, a traffic study has not been performed. The applicant requests a waiver to the requirement for a traffic study.

3.2.2 Bylaw compliance

The following describes the projects compliance pursuant to the criteria for Special Permit set forth in Section 250-23.E of the Bylaws.

- 3.2.2.1 Safe vehicle access to and from Main Street is maintained through the existing entrance and exit provided at 476 Main Street. A crosswalk connecting the existing parking lot at 476 Main Street and the proposed parking lot at 470 Main Street is incorporated into the design to provide safe access to each parking lot. A concrete sidewalk has also been included to allow pedestrians a clear and safe access to the proposed building entrance.
- 3.2.2.2 The parking lot has been designed with minimal disturbance to existing features and additional required parking was designed behind the building to avoid any undesirable visual impacts to the public. Parking areas have also been screened as much as possible from the public using trees and shrubs. Lighting is arranged to direct the light away from streets and other residents. Noise, odors and other similar impacts are not expected.
- 3.2.2.3 Trash receptacles will be placed onsite to collect rubbish and disposed of in a manner consistent with the facilities current waste removal schedule and procedures.
- 3.2.2.4 As described in 3.1.1.2, Stormwater management is controlled using LID techniques. A grassed swale is proposed to collect the runoff from the proposed parking lot area in the rear of the building. This swale will drain to a sediment forebay and bio-retention area prior to discharge to the wetland system. The existing pavement as well as the proposed parking spaces will drain toward Main Street. An improvement to the grassed swale parallel to Main Street is proposed to collect and treat this runoff prior to discharge to the wetland system. Portions of the proposed roof will be infiltrated in an underground infiltration system.
- 3.2.2.5 It is not anticipated that excessive exhaust fumes or other emissions will migrate from the premises. Designated parking areas will isolate areas of possible car exhausts and exhaust systems inside the building will be constructed to Massachusetts building standards to ensure proper containment and release of indoor fumes.
- 3.2.2.6 During construction, onsite soil will be reused as fill to the maximum extent possible, all waste materials will be properly disposed and reused if possible. During operations of the facility, energy-efficient appliances will be used to reduce energy

consumption. Water conserving practices will be used when available, including watering the lawn and planting at optimal times.

3.2.2.7 Building construction and appearance is typical of the traditional Town of Bolton architecture. "Big box shopping center" designs are not resembled or incorporated in the proposed building in any way. Refer to Section 3.2 *Design Review Board*, for a description in greater detail of how the design is in harmony with the neighborhood and environment.

3.2.2.8 Refer to section 3.2 *Design Review Board*, for support of compliance with the Design Review Criteria.

For reasons described above, the project design is consistent with the general purpose and intent of the Bolton Zoning Bylaws, as well as the existing neighborhood and environment.

3.3 Design Review Board

The following describes the projects compliance pursuant to the criteria for the Design Review Board set forth in Section 250-23.G of the Bylaws.

3.3.1 The architecture of the building is moderately scaled and resembles similar designs including varied facades, rooflines, dormers, awnings and well portioned windows. Visual appearance from the street is pleasing. The Architect has designed the façade with moderately sized windows, architectural columns and modern lights. Continuous flat, blank walls are not present.

3.3.2 Historic design features has been included in the design of the proposed building. Pitched roofs and gables are incorporated in the design of the construction and no mechanical equipment is expected to be located on the roof.

3.3.3 The proposed entrance is accessible and visible from Main Street and the sidewalks. To increase accessibility, additional parking areas were located behind the building. Doors are set back and will not extend beyond the façade into pedestrian pathways.

3.3.4 The exterior of the building will have the appearance of wood and finished in a nonmetallic finish. The overhang from the roof will provide cover for the entrance and walkways for pedestrians are compatible with traditional styles and will be finished with subdued colors. Windows will be transparent and will non-reflective.

- 3.3.5 There are no historic structures or resources on the property.
- 3.3.6 Portions of the parking lot, all dumpsters and ground level mechanical equipment will be located behind the building to avoid being seen from Main Street. Structures unable to be located in the rear of the building will be screened with scrubs. Screening and shade are provided with various trees shrubs and accented with perennials. The parking lot is screen with various trees to reduce visibility from Main Street.
- 3.3.7 Greenspace regulations have been incorporated into the landscaping design. Also, all areas not covered by structures or parking lots, will be protected by grass, trees and shrubs. All vegetation will be maintained and if necessary replaced as needed to maintain the overall design.
- 3.3.8 Lighting for the project is proposed and arranged in an effort to direct light away from adjacent streets and abutting properties. Lights are mounted to a maximum height of 15 ft. and shielded to prevent visibility from residents. Lightening will be shut off during non-business hours. Signage on the site conforms to regulations set in section 250-18 of the Bolton Bylaws.
- 3.3.9 Parking is located behind and to the side of the building and screened to the maximum extent possible to reduce visibility and heat-island effects.

3.4 Site Plan Approval

The following describes the projects compliance pursuant to the criteria for Special Permit set forth in Section 250-23.F of the Bylaws.

- 3.4.1 Adjoining premises are protected from detrimental uses of surface water drainage using a bio-retention pond and subsurface infiltration system as described in sections above. Protection from sound and obscenely views are protected with trees and shrubs. The preservation of natural sunlight into the property is maintained through open space.
- 3.4.2 The safety and convenience for parking lot access and building entrances are promoted with clearly defined crosswalks and concrete walkways. Appropriate handicapped parking spaces are available and well defined with signs. The arrangement of parking spaces were located as close to the building as possible and visually attractive. Waste disposal receptacles will be located in the parking lot and waste will be routinely disposed according to town regulations.
- 3.4.3 The appearance and design of signage, lighting and screening are aligned with the Bolton bylaws. See Section 3.2.1 for detailed description of the compliance.

Business District Application
470 Main Street
Bolton, MA

September 17, 2015
Houde Realty

4.0 Variance Findings and Decision



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: Houde Realty Trust
470 Main Street
Bolton, MA 01740

Premises: 470 Main Street, Bolton, MA 01740
Bolton Assessor's Map 4.D Parcel 29

Owner: Houde Realty Trust
476 Main Street
Bolton, MA 01740

Deed Reference: Worcester District Registry of Deeds, Book 46112 Page 196

Date Petition filed with Town Clerk of Bolton, MA: May 19, 2015

Type of Application: Variances

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

Hearing Date: June 11, 2015

Members Present: Chairman, Gerard Ahearn, Matthew Hurd, Andy Kischitz, Bradley Reed
Kay Stoner, Associate, Jack Sargent.

Decision: On June 11, 2015 at 7 p.m., the Board of Appeals voted unanimously to approve the Variance requests seeking relief from front yard setback and side yard setback.

PROCEDURAL HISTORY

1. On May 19, 2015 Houde Realty Trust (hereinafter, the Applicant), applied to the Zoning Board of Appeals (ZBA) for Variances for the Premises located at 470 Main Street, Bolton, MA from dimensional zoning requirements as 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.D as Parcel 29 located in the Business Zoning District.

The Applicant sought relief for front yard setback and side yard setback as follows:

	Proposed	Required
A. Front Yard Setback	51.4 feet	150 feet
B. Side Yard Setback	25 feet	50 feet

2. The Applicant intends to demolish the pre-existing nonconforming dwelling and construct a building for business and service establishments at 470 Main Street, Bolton, MA.
3. A duly posted public hearing was held on June 11, 2015 at 7 p.m. at the Houghton Building at 697 Main Street, Bolton, MA. Chairman Gerard Ahearn read the Notice of Public Hearing for the request for Variances pursuant to Section 250-13.B of the Code of the Town of Bolton. The Board closed the hearing the same evening.

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 470 Main Street, Bolton, MA 01740, identified on Bolton Assessor's Map 4.D as Parcel 29, and is owned by Houde Realty Trust, 476 Main Street, Bolton, MA 01740. The Premises is located in the Business Zoning District.
2. The premises contains 1.5 acres and 200 feet of frontage along Main Street in accordance with Section 250-13.B of the Code of the Town of Bolton.
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 requests for Variances:

a. VARIANCES

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

	Proposed	Required
A. Front Yard Setback	51.4 feet	150 feet
B. Side Yard Setback	25 feet	50 feet

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 preexisting nature of the structure on the Premises are unique to it. If the proposed structure was set back 150 feet from the roadway, the structure would encroach substantially more into the wetland buffer zone. By reducing the front yard setback from 150 feet to 51.4 feet, there is greater flexibility to layout the parking area behind the proposed structure to reduce encroachment into the wetland buffer as shown on the Site Plan. In addition, the construction of the parking area will be less disruptive to the wetland buffer zone compared to the construction of the proposed building.

The proposed lesser side yard setback provides for improved traffic flow between the proposed structure and the Country Cupboard, owned by the Applicant, at 476 Main Street.

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

The Applicant's cost to construct would increase if the proposed structure were moved back to the 150 foot setback due to further encroachment into the wetland buffer zone. The increased encroachment would require further mitigation measures. In addition, it would place the proposed structure further back from the neighboring existing buildings, decreasing the visibility of the proposed structure to the Main Street traffic, thus impacting the marketability of the rental spaces to prospective tenants.

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

- The allowance of the requested relief will result in no threat of harm to the public good.
- The Applicant has operated the Country Cupboard at 476 Main Street adjacent to the Premises for approximately 30 years.
- The proposed use is allowed by the zoning bylaw for the Business Zoning District upon issuance of a Special Permit from the Planning Board.

- The building will be tastefully designed to be consistent with other buildings along Main Street. The Applicant intends to modify the façade of the Country Cupboard to have similar architectural features.
 - The proposed structure will not be located substantially closer to the street than the Country Cupboard at 476 Main Street (49.3 feet) or the Mobile Gas Station at 460 Main Street (50.1 feet).
 - The new and improved building will result in higher tax revenue to the Town.
4. The desired relief may be granted without nullifying or substantially derogating from the intent and purpose of the Bolton Zoning Bylaws.

The Applicant has no interest in proceeding under the Mixed Use Village Overlay District in which the Premises resides. Their experience and expertise over four decades in business has been in commercial not in residential development. However, it is worthy to note that the Planning Board under the Special Permit process, Section 250-23.2 J. (3) of the Code of the Town of Bolton, would have the authority to “approve decreased front yard or side yard setbacks to improve site design...or allow for consistency with the setbacks of abutting properties to allow new buildings to relate to existing adjacent structures”. The proposed Site Plan is consistent with these objectives. In addition, Section 250-23.2 K. (3) of the Code of the Town of Bolton encourages parking to be established within the back of proposed structures as shown on the Site Plan.

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 requests for Variances, as follows:

Variances from Section 250-13.B of the Code of the Town of Bolton to permit the construction of a new building at 562 Main Street, Bolton, MA allowing for the following dimensional Variances from the zoning bylaw:

	Current	Required
A. Front Yard Setback	51.4 feet	150 feet
B. Side Yard Setback	25 feet	50 feet

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 following members of the Zoning Board unanimously voted to grant the subject to the above-stated terms: Chairman, Gerard Ahearn, Matthew Hurd, Andy Kischitz, Bradley Reed, Kay Stoner, Associate, Jack Sargent.



Gerard Ahearn, Chairman
(On behalf of the Zoning Board of Appeals)

FILED WITH THE TOWN CLERK

Filed with the Town Clerk on June 24, 2015.

Pamela H. Powell
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: July 15, 2015.

Pamela H. Powell
Pamela Powell, Town Clerk

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

APPENDIX A RECORD DOCUMENTS

Original Application Documents

1. Application to ZBA;
2. Certified Abutters List from Bolton's Assessor's Office;
3. Brief to the Board stating the Applicant's request for relief from the provision of Section 250-13.B of the Code of the Town of Bolton dated May 18, 2015;
4. Premises Deed Copy;
5. Photographs of the existing Premises;
6. Architectural plan entitled "Exterior Elevations" prepared for 470 Main Street by Tuck & Tuck Architects dated May 2015;
7. Architectural plan entitled "First Floor Plan" prepared for 470 Main Street by Tuck & Tuck Architects dated May 2015; and
8. Plan entitled "Site Plan, 470 Main Street, Bolton, Massachusetts" prepared for Houde Realty Trust by Ducharme & Dillis Civil Design Group, Inc. dated April 6, 2015.

2015 JUN 24 11:19:46

Business District Application
470 Main Street
Bolton, MA

September 17, 2015
Houde Realty

5.0 Deed

Bk: 46112 Pg: 196



2015 00081756
Bk: 46112 Pg: 196
Page: 1 of 2 09/02/2015 01:27 PM WD

MASSACHUSETTS EXCISE TAX
Worcester District ROD #20 001
Date: 09/02/2015 01:27 PM
City: 006371 03862 Doc# 00081756
Fee: \$2,822.00 Com: \$575,000.00

EXECUTOR'S DEED

I, David B. Smith, Executor of the Estate of Hardy Handford Smith

By power conferred by the Worcester Probate and Family Court Department
Docket Number WO10P0814EA and every other power,

In Consideration of Five Hundred Seventy-Five Thousand and no/100 (\$575,000 00)-----
-----Dollars

Grant to David P. Houde and Jane E. Houde, Trustees of the Houde Realty
Trust 1/d/s dated June 6, 1980 recorded with Worcester District Reg.
of deeds in Book 8522, Page 196
of 470 Main Street, Bolton, MA

With Quitclaim Covenants

The land in Bolton, Worcester County, Massachusetts, situated on the southerly side of
Boston Road and more particularly described as Lot A2 on plan of land entitled "Land in
Bolton, owned by Ralph D. Smith and Mabel C. Smith, Harland E. Tuttle, Surveyor,
Scale 100' = 1" bounded and described as follows:

BEGINNING at a point on the southerly side of Boston Road at the northwesterly corner
thereof,

THENCE S. 71° 39' 20" W., by Lot A1 on said plan 588.53 feet to a point,

THENCE S. 49° 59' 10" E., still by said Lot A1 81.48 feet to a point;

THENCE N. 78° 45' 20" E., still by said Lot A1 238.62 feet to a point at land now or
formerly of Roger K. Kane et ux;

THENCE N. 26° 48' E., still by said Kane land 148.47 feet to a point,

THENCE N. 44° 50' W., still by said Kane land 81.33 feet to a D.H. in rock;

THENCE N. 24° 32' E., still by said Kane land 67.65 feet to a D.H. in rock;

THENCE N. 65° 47' 30" W., still by said Kane land 100.6 feet to a D.H.;

THENCE N. 31° 18' E., still by said Kane land 154.13 feet to Boston Road;

THENCE by said Boston Road by a curve to the right having a radius of 5600.00 feet,
342.58 feet to a W.C.B.;

Property: 470 Main Street, Bolton, MA

2

2 WB

Business District Application
470 Main Street
Bolton, MA

September 17, 2015
Houde Realty

6.0 Volume Report

Volume Report

Thu Sep 17 13:20:34 2015

Comparing Grid: P:\Projects\4932\DATA\BASE.grd
and Grid: P:\Projects\4932\DATA\P-LINEWORK.grd
Grid corner locations: 10484.96,5110.20 to 10946.96,5604.20
Grid resolution X: 231, Y: 247 Grid cell size X: 2.00, Y: 2.00
Area in Cut : 8,480.2 S.F., 0.19 Acres
Area in Fill: 32,127.0 S.F., 0.74 Acres
Total inclusion area: 40,607.2 S.F., 0.93 Acres
Cut to Fill ratio: 0.11
Average Cut Depth: 0.47 Average Fill Depth: 1.13
Max Cut Depth: 2.62 Max Fill Depth: 4.79
Cut (C.Y.) / Area (acres): 156.83
Fill (C.Y.) / Area (acres): 1442.28
Cut volume: 3,947.3 C.F., 146.20 C.Y.
Fill volume: 36,301.9 C.F., 1,344.51 C.Y.