



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: Deborah Plante
93 West Berlin Road
Bolton, MA 01740

Premises: 93 West Berlin Road
Bolton, MA 01740
Bolton Assessor's Map 3.B Parcel 35

Owner: Deborah Plante
93 West Berlin Road
Bolton, MA 01740

Deed Reference: Worcester District Registry of Deeds, Book 12573 Page 279

Date Petition filed with Town Clerk of Bolton, MA: December 6, 2017

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: January 10, 2018

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

Decision: On January 10, 2018, 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 6, 2017, Deborah Plante (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 property located at 93 West Berlin Road, Bolton, MA 01740 identified on Bolton Assessor's Maps as Parcels 3.B-535 in the Residential Zoning District.
2. A duly posted public hearing was held on January 10, 2017 at 9:15 p.m. in the Board of

Selectmen Room of the Town Hall, 663 Main Street, Bolton, MA. Chairman Erik Neyland read the Notice of Public Hearing for the Backland Zoning Special Permit request. The Board closed the hearing and voted the same evening.

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

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 property is located at 93 West Berlin Road, Bolton, MA 01740, identified on Bolton Assessor's Maps as Parcel 3.B-35, and are owned by Deborah Plante, 93 West Berlin Road, Bolton, MA 01740 (deed reference Book 12573, Page 279). 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. from Ducharme & Dillis Civil Design Group, Inc.:

The property is located at 93 West Berlin Road, Bolton, MA 01740 identified on the Bolton Assessor's Maps as Parcels 3.B-35 in the Residential Zoning District. An ANR of the properties was submitted simultaneously with the application for Backland Zoning Special Permit. Parcel 3.B-35 is approximately 6.78 acres. The Parcel is divided to create the following:

Lot Number	Type of Lot	Approx. Area	Approx. Frontage
Lot 2	Backland Lot	4.92 acres	50 ft.
Lot 1	Frontage Lot	1.86 acres	250 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 Lot 2. The existing dwelling at 93 West Berlin Road is situated on Backland Lot 2.

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. Backland Lot 2 has approximately 50 feet of frontage respectively along West Berlin Road; equal to 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 width between the dwelling site and the access to the public way are greater than the allowable minimum lot width of 25 feet for Lot 2.
5. Backland Lot 2 has approximately 4.92 acres; greater than or equal to the minimum lot size of 4½ acres.

6. Backland Lot 2 is separated from any other backland lot by not less than 200 feet of frontage on West Berlin Road.
7. Backland Lot 2 contains 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 Lot 1 on West Berlin Road, Bolton, MA 01740 identified on the Bolton Assessor's Map as Parcel 3.B-35 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.
5. Lots 1 and 2 shall be accessed by a shared driveway.
6. Construction activities related to Lot 1 shall be permitted on Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m., and on Saturdays only at the prior approval of the Board in its sole discretion. Construction activities shall not occur on Sundays or on federal holidays. For purposes of this condition, construction activities shall include, but not be limited to each of the following: start-up of equipment or machinery, delivery of building materials and supplies, removal of trees, grubbing, clearing, grading, filling, excavating, import or export of earth materials, installation of utilities both on and off the site, demolition of existing structures, removal of stumps and debris and erection of new structures.

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.

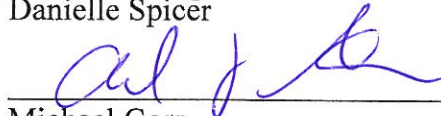
The following members of the Board unanimously voted to grant the subject to the above-stated terms: Chairman Erik Neyland, Danielle Spicer, Mark Sprague, Michael Gorr, and Peter Driscoll.

 1/10/18
Chairman Erik Neyland


Mark Sprague


Peter Driscoll

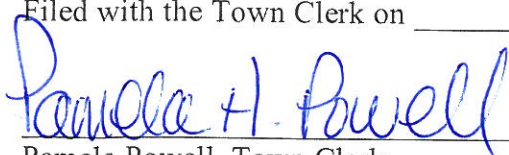

Danielle Spicer


Michael Gorr

FILED WITH THE TOWN CLERK

2018 JAN 16 PM 3:50

Filed with the Town Clerk on _____, 2018.



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: _____, 2018.

Pamela Powell, Town Clerk

Copy of Special Permit Findings and Decision mailed to:

Abutters

Surrounding Towns

Bolton Boards and Committees

Applicant

Ducharme & Dillis Civil Design Group, Inc.

APPENDIX A RECORD DOCUMENTS

Original Application Documents

1. Backland Lot Application for Special Permit Form dated December 6, 2017.
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 Deborah A. Plante, 93 West Berlin Road, Bolton, MA, dated November 17, 2017, Scale: 1 in. = 40 ft.
3. Site Plan entitled "Sewage Disposal System Design, Lot #1 West Berlin Road, Bolton, Massachusetts", prepared by Ducharme & Dillis Civil Design Group, Inc. for Deborah Plante, 93 West Berlin Road, Bolton, MA, dated November 21, 2017, Scale: 1 in. = 20 ft.
4. Certified Abutters List.
5. Application Fee.