

TOWN OF BOLTON – ZONING BOARD OF APPEALS MINUTES

Meeting Held at the Bolton Town Hall – Board of Selectmen Room on **November 13, 2017** at 7:00 PM

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

Absent: Bryan Holmes (Associate)

Also Present: Erica Uriarte (Town Planner)

Call to order: 7:00 PM

Hearings

- In accordance with Massachusetts General Laws, Chapter 40A, Section 11, notice was hereby given that the Bolton Zoning Board of Appeals held a public hearing on Monday, October 30, 2017 at 7:00 p.m. in the Board of Selectmen Room of the Town Hall, 663 Main Street, Bolton, MA to hear and act upon the application of Bolton Cracker Barrel LLC (Members Stenio and Denise Tallarida). The applicant sought a Special Permit for a property and structure located in Bolton's Residential Zoning District at 716-718 Main Street identified on Assessor's Map 1.0 as Parcel 36. The applicant sought a Special Permit to alter the preexisting nonconforming use from office to retail/office pursuant to Section 250-3C of the Code of the Town of Bolton.
 - Eileen Griffin-Wright of 154 Wattaquaddock Hill Road was present at the hearing to represent Stenio and Denise Tallarida.
 - Erica Uriarte reached out to Stenio Tallarida to confirm the specific retail uses he was seeking. These uses are as follows:
 - country store, specialty gift shop, antique store, art gallery, clothing store, jewelry store, craftsman studio with retail, office with limited retail space, or similar low volume retail use. The country store or specialty gift shop could serve bottled beverages and pre-packaged food items.
 - The ZBA agreed that the existing parking layout was preferred over adding a second curb cut to Main Street as submitted by the applicant at the previous meeting on October 30th.
 - **Bradley Reed motioned to close the hearing relating to 718 Main Street. 2nd by Jack Sargent. All in favor 5/0/0.**
 - During the ZBA's deliberations, it determined the following conditions would apply to the retail use:
 - Prohibited uses include Lottery/Keno games, restaurant, coffee shop, or prescription pharmacy. Coffee not be served. No food or drink to be prepared onsite.
 - Uses not specified in the decision would automatically require further review by the ZBA as to whether the use is in conformance with the special permit, requires an amended/new special permit, or is prohibited.
 - The hours of operation are 8 a.m. to 8 p.m.
 - The parking for the retail use is limited to the existing parking area which includes seven (7) customer parking spaces. If parking becomes a public safety concern, the ZBA could rescind the special permit.
 - An ADA accessible entrance to be provided at the back entrance.
 - Sufficient lighting to be provided and reviewed by the Bolton Police Chief, if necessary. All light fixtures would be down lit as to prevent spill over onto the neighboring residential homes.
 - All interior lit signs are prohibited from being displayed in the windows. Exterior signs would be reviewed by Board of Selectmen.
 - The retail use shall not have a negative impact on the environment.
 - Andy Kischitz felt that the parking and traffic concerns relating to the retail use would be more detrimental to the neighborhood. He stated that the owner was looking to enhance the sale of his property and not to enhance his own use of the building. Andy indicated that he was not in favor of granting the retail use.

- Bradley Reed indicated that the parking and traffic were not the best situation, but wanted to see the building used and was willing to take a chance.
- Jack Sargent agreed saying that it was not a great situation, but felt that the retail use going into the building would be a niche operation. He was concerned that the building would quickly deteriorate being left vacant overtime. He also reiterated that the building had been used for retail in the past.
- Kay Stoner stated that the building was located at a tough corner with significant parking constraints. She felt that it was the best decision under the current circumstances. She reiterated that the ZBA could rescind the special permit if parking were to become a hazard.
- **Bradley Reed motioned to grant the special permit at 716-718 Main Street to add retail use contingent upon the conditions outlined in their deliberations and to be written into the decision. 2nd by Jack Sargent. All in favor 4/1/0. Andy Kischitz voted not to allow retail use.**

Business

- None.

Administrative

- None.

Bradley Reed motioned to adjourn meeting at 7:59 pm. 2nd by Andy Kischitz. All in favor 5/0/0.