

TOWN OF BOLTON – ZONING BOARD OF APPEALS MINUTES

Meeting Held at the Houghton Building – Board of Selectmen’s Room on **July 20, 2015** at 7:00 PM

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

Also Present: Erica Uriarte (Town Planner), Jack Maloney (Ducharme & Dillis), Rick Mlcak, Lisa Dahl

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, July 13, 2015 at 7:00 p.m. to hear and act upon the application of Rick Mlcak, 68 Hudson Road, Bolton, MA 01740 located in Bolton’s Residential Zoning District identified on Assessor’s Map 4.D as Parcel 12. The Applicant is seeking to construct an addition to their pre-existing nonconforming single family dwelling. The proposed addition will encroach within the side yard setback pursuant to Section 250-13.B of the Code of the Town of Bolton.
 - o The project was presented by J. Maloney, R. Mlcak and L. Dahl.
 - o The Applicant is seeking to construct a proposed addition to their existing single family dwelling at 68 Hudson Road. They are seeking relief for a side yard setback.
 - o Ducharme & Dillis updated the site plan for 68 Hudson Road to show the correct orientation of the northern property line.
 - o J. Maloney presented a site plan showing various photographs and their location throughout the premises. Specific areas photographed included the location for the proposed addition, side yard and back yard with existing trees and topography shown.
 - o Town Counsel confirmed that a Variance would be required in order to grant a new nonconformity on a pre-existing nonconforming lot with an existing dwelling that currently meets all the required property offsets.
 - o The Applicant’s Architect prepared a letter to the Board addressing why it was necessary for the proposed addition to encroach within the side yard setback.
 - o The Board still questioned why the Applicant did not try to meet the current Zoning Bylaws. In reviewing the site plan submitted as part of the application, the Board determined that the proposed addition could be reconfigured to meet the required property setbacks while maintaining the square footage of the addition. Based upon the Architect’s letter, the Board could not make the necessary findings for a Variance. It didn’t appear that there were any topography, wetland or existing tree issues that would prevent the Applicant from meeting the current setbacks.
 - o The Applicant stated that a financial hardship would be imposed by having to either redesign the addition to meet the current setbacks (requiring new architectural plans) or purchasing land from abutter to meet the side yard setback. Both options are not economically viable.
 - o The Board stated that the Variance should have been applied for prior to developing construction plans by the Architect.
 - o **The Applicant requested to withdraw application from ZBA without prejudice and reconfigure the house to meet the required dimensional setbacks.**
 - o **B. Reed motioned to accept the Applicant’s request to withdraw the application without prejudice. 2nd by G. Ahearn. All in favor 5/0/0.**
 - o The Board recommended starting the building application process with Historical Commission since the house was dated 1920’s and would fall under the Commission’s purview.

Business:

- None.

Administrative:

- Approved meeting minutes from October 1, 2014.

G. Ahearn motioned to adjourn the Zoning Board of Appeals meeting at 7:37 PM. 2nd by J. Sargent. All in favor 5/0/0.

5/1/16

A. Ahearn
J. Sargent
M. Ahearn
B. Ahearn