

TOWN OF BOLTON – ZONING BOARD OF APPEALS MINUTES

Meeting Held at the Houghton Building on June 11, 2015 at 7:00 PM

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

Also Present: Erica Uriarte (Town Planner), Martha Remington (Historical Commission), Paul Giannetti (Attorney), Michelle Tuck (Tuck & Tuck Architects), Brandon Ducharme (Ducharme & Dillis Civil Design Group), Anastasios Kessavis (Fotini's Restaurant & Bar), Christopher and Maureen Power, Doug Storey (Two Storey Building)

Call to order: 7:07 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 Thursday, June 11, 2015 at 7:00 p.m. in the Houghton Building, 697 Main Street, Bolton, MA to hear and act upon the application of Houde Realty Trust, 476 Main Street, Bolton, MA 01740. The applicant was seeking Variances for a property and proposed structure located in Bolton's Business Zoning District at 470 Main Street identified on Assessor's Map 4.D as Parcel 29. The applicant was seeking Variances for front and side yard setbacks pursuant to Section 250-13.B of the Code of the Town of Bolton.
 - The project was presented by P. Giannetti, M. Tuck and B. Ducharme.
 - The project is located at 470 Main Street, east of Route 495. The parcel contains approximately 1.5 acres and 200 feet of frontage in accordance with Bolton's Zoning Bylaw. The parcel contains an existing single family dwelling (white cape) east of Country Cupboard. The house and garage are approximately 2,160 sq. ft.
 - The property is owned by Houde Realty who also owns the Country Cupboard. The Country Cupboard is a preexisting nonconforming structure. The ZBA granted relief in the 1980's to allow for the second floor addition to the Country Cupboard.
 - The Applicant is seeking to build a one story commercial building that is approximately 2,400 sq. ft. The parcel is located within the Business Zoning District and the Mixed Use Village Overlay District. The Applicant is envisioning continuity between the new commercial building and the Country Cupboard. The Applicant is considering a renovation to the façade of Country Cupboard to match the new building. The new building will be set the same distance back from the front property line as the Country Cupboard. The new building will be similar in scale to surrounding buildings. Parking for the new building will be located along the side and rear of the new building adjacent to Country Cupboard. Sidewalk will be located between the developments.
 - The applicant is seeking relief from the front yard setback of 150 ft. The new building will be approximately 51 ft. from the front property line.
 - The Applicant is also seeking relief from the easterly side yard setback of 50 ft. The new building will be approximately 25 feet from the side property line (closer to Country Cupboard – same owner).
 - The existing dwelling had a major plumbing break two years ago; the renter didn't tell the Applicant and now the house has fallen to disrepair.
 - The existing dwelling is pre-existing nonconforming and did not meet the front yard and side yard setbacks either.
 - The property was subdivided in 1982/1983 from Country Cupboard. The property was owned by the Smith's then sold to Houde Realty.
 - M. Remington, an abutter to 470 Main Street, noted that there are drainage issues present in the neighborhood. Stormwater runoff drains between the Country Cupboard and the existing dwelling channeling along Main Street and puddling in front of the existing gas station. She also noted that the cemetery across the street is located on the national register for historic sites.
 - Improvements to stormwater management will meet the MassDEP Stormwater Standards and contain up to the 100 year storm event.
 - Commercial space will be provided in the front and back of the building (no tenants secured at present).
 - The new commercial building will be slab on grade with a large front porch overhang, hardy siding and asphalt roofing. Access to the building will be from the parking lot side. The second floor of the building will be for storage and mechanical equipment only (a usable second floor would require an elevator (\$\$) which would render the project uneconomical).

- **Finding #1 related to soil, topography, or lot shape** – wetland resource area is located along the back of the property. In order to meet the front yard setback, the Applicant would have to further impact the wetlands by moving the building towards the wetlands and relocate parking to the front of the property.
 - **Finding #2 related to financial hardship** – construction costs would be higher if the Applicant had to construct the new commercial building within the buffer of the wetland resource area.
 - **Finding #3 related to no substantial detriment to the greater good** – the scale and design of the new commercial building will be in line with the other buildings in the neighborhood including the Country Cupboard and the gas station. The new use as a business will conform to the Business Zoning District (the existing residential use was a pre-existing nonconforming use).
 - **Finding #4 related to derogating from Bylaws** – The relief sought would meet the dimensional offsets required by the Mixed Use Village Overlay District in which the parcel is located. However, the Applicant is unable to use the overlay district due to the required residential component (would render the project uneconomical to include a sprinkler system for apartments).
 - The Board recommended conditioning the Variance with no parking in front of the new commercial building.
 - **J. Sargent motioned to close hearing. 2nd by K. Stoner. All in favor 5/0/0.**
 - **J. Sargent motioned to approve Variances for front and side yard setbacks conditional upon parking be placed behind the proposed building and not in front of the building. 2nd by M. Hurd. All in favor 5/0/0.**
- 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 Thursday, June 11, 2015 at 7:30 p.m. to hear and act upon the application of Anastasios Kessavis (Fotini's Restaurant and Bar), 544 Wattaquaddock Hill Road, Bolton, MA 01740 in Bolton's Residential Zoning District identified on Assessor's Map 3.A as Parcel 46. The applicant was seeking a Special Permit to alter and extend their pre-existing non-conforming structure to construct a deck for outdoor seating pursuant to Section 250-3.C of the Code of the Town of Bolton.
 - A. Kessavis presented the request for Special Permit for a deck at Fotini's Restaurant & Bar.
 - The proposed deck will be located in front of the existing building next to the handicap ramp. The proposed deck will be approximately 18 ft. x 18 ft.
 - The one parking space that will be eliminated to accommodate the deck will be relocated to the other side of the building.
 - The Board commented that the Board of Health will determine the septic system limitations for the added number of seats; to be covered during the building permit application. The current restaurant has 136 chairs and 104 parking spaces.
 - The Board recommended that the depth of the deck not exceed the frontline of the existing building in order to prevent a new nonconformity.
 - **B. Reed motioned to close hearing. 2nd by J. Sargent. All in favor 5/0/0.**
 - **B. Reed motioned to approve Special Permit for deck at Fotini's Restaurant & Bar to be 18 ft. in width by a depth determined no greater than the frontline of the existing building. 2nd by J. Sargent. All in favor 5/0/0.**
- 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, June 11, 2015 at 7:45 p.m. to hear and act upon the application of Christopher and Maureen Power, 195 Berlin Road, Bolton, MA 01740 located in Bolton's Residential Zoning District identified on Assessor's Map 3.C as Parcel 8. The applicant was seeking to replace their existing one car garage with a larger two car garage attached to their pre-existing nonconforming single family dwelling. The proposed two-car garage will encroach within the front yard setback pursuant to Section 250-13.B of the Code of the Town of Bolton.
 - The project was presented by D. Storey and Mr. & Mrs. Powers.
 - The existing dwelling is located at the corner of Randal Road and Berlin Road at 195 Berlin Road. The existing parcel is wooded and well landscaped. The existing single family dwelling is a pre-existing nonconforming structure not currently meeting the zoning setbacks.
 - The Applicant is seeking to expand their one car garage into a two car garage while maintaining the breezeway that exists between the house and the garage. The paved driveway in front of the garage will remain intact.

- The proposed two car garage is approximately 24 ft. x 26 ft. The proposed garage will be taller than the existing, but lower than the main roof of the home. The existing one car garage is approximately 14 ft. x 14 ft.
 - As part of the same project, the Applicant will also build a barn which meets the current zoning setback requirements.
 - M. Remington, Chairman of the Historical Commission, indicated the house is old, but the garage was an addition from the 1980's. She asked if the garage would be post and beam. The Applicant responded that the garage will not be post and beam.
 - The Applicant does not anticipate any impact to the existing house; removal and replacement of the one car garage only.
 - There are wetlands on the property. The proposed two car garage is outside the 100 ft. buffer zone. However, the proposed barn is within the jurisdiction of the Conservation Commission.
 - **B. Reed motioned to close hearing. 2nd by K. Stoner. All in favor 5/0/0.**
 - **B. Reed motioned to accept finding that expansion of a two-car garage at 195 Berlin Road would not be more detrimental to the neighborhood than the single family pre-existing nonconforming structure. The proposed expansion would not be creating a new nonconformity. 2nd by J. Sargent. All in favor 5/0/0.**
 - **B. Reed motioned to approve G. Ahearn, as Chairman of the Zoning Board of Appeals, to sign all decisions granted this evening. 2nd by J. Sargent. All in favor 5/0/0.**
- Business
 - Craftsman Village - 40B Project, 32 Sugar Road
 - Approval of ANR for Lots 1 through 5 (Original Parcel 4.C-26)
 - **K. Stoner motioned to approve the ANR PLAN dated 6/8/15 by Places Associate, Inc. 2nd B. Reed. All in favor 5/0/0.**
- Administrative
 - None.

G. Ahearn motioned to adjourn the Zoning Board of Appeals meeting at 8:36 PM. 2nd by B. Reed. All in favor 5/0/0.

5/8/16
 J. Sargent
 K. Stoner
 B. Reed