

Bolton Zoning Board of Appeals Minutes

Date:	Wed. November 28, 2012
Time:	7:30 pm
Location:	Houghton Building 697 Main Street, Bolton MA
Present:	Gerard Ahearn, Brad Reed, Matthew Hurd, Alexander Kischitz and Kay Stoner , Bryan Holmes, Jack Sargent and Town Planner Jennifer Burney.

Hearing 7:30 pm

Property located at 32 Harvard Road, Bolton MA

Applicant and address: Joel Cote of 1 Pilgrim Road, Chelmsford, MA 01824

The Applicant is seeking:

Issuance of a Special Permit to expand or alter a Pre-existing Nonconforming Structure pursuant to Section 2.1.3.3 of the Bolton Zoning Bylaw to allow the demolition and reconstruction of a single family home on a non conforming lot due to only 157' of frontage and 1.0 acres of land. Additionally, the proposed house will not conform to the required front offset of 50' as it is 33.2'.

Documents include: application, architectuals, site plan & photos

Jack Sargent recused himself.

Gerard opened Hearing 7:30 pm

Dan Wolfe from Ross Associates gave an overview of the property: very overgrown, falling into disrepair. Mr. Cote has a P&S on property. Currently conducting multi level permitting: demo permit, BOH approved septic, Conservation Commission. Submitted a revised plan based on the Conservation Commission's feedback as well as corrected lot lines.

23.3' front setback (4 feet more than current structure), 37 feet from left property line the same.

Con Comm wants it moved closer to road due to wetlands, pulled house forward to 23'3". The porch is in line with front of existing house foot print.

Mr. Wolfe stated that he felt they were meeting Chapter 40 section 6 by making the house more complaint. The structure meets the 20' side and rear setbacks. House built in 1840's, prior to zoning making it a PENC.

Andy Kischitz asked about additions.

The Bylaw says that generally not over 100% and Ground area of 50%. The proposed floor area is 58% and ground area of 46%.

Brad expressed concern about not reconstruction but construction. Gerard Ahearn asked about keeping up a wall. Dan Wolfe replied that it has been done in other cases – House is built around the wall but since that time there has been more case law. They are requesting a total demo and under Special permit construction of a new home.

Town Planner Jennifer Burney has stated that Bolton has not seen demo and construct on a non conforming lot.

Dan Wolfe says other towns do see this happen.

Con Comm has asked applicant to redesign septic due to the wetlands. They are looking into the presby system.

Martha Remington stated that there is a colony of cottages on South Bolton Road.

Dan Wolfe explained that there is 197' of frontage. The previous plan was a survey error from the highway layout of Harvard Road. The survey matches the survey that Clyde Wheeler conducted.

Dan Wolfe stated that the current footprint is 1558 sf and the proposed is 2068 sf floor. And floor area existing is 1767, proposal 2795

The development is an investment property the owner will not live there, however this has no bearing on Special Permit per Mr. Wolfe.

Wayne Wetzel expressed concern that the Board of Health and Conservation were reviewing the application in little bites. Would love to see a house as an improvement. Worried about precedent setting, also worried about setbacks & mega mansions on small lot and future deliberations.

Mr. Wolfe stated that he understands difficulty going to different boards and it would be much easier to be in front of one board. They currently have a septic approval for 4 bedrooms. He stated that the precedent is laid out in state law and Bolton bylaws. Many towns only have the provision of the Special Permit based on more detrimental to the neighborhood and Bolton has the 100 and 50 added protection.

Brad Reed asked that Martha Remington address the letter the Board received from the Historical Commission: Demo application filed mid August - not accepted yet and are waiting for Con Com, BOH and ZBA before the demo hearing.

Martha Remington stated that as a resident she would like to see the new house situated south facing and not facing the street.

Gerard Ahearn stated that the house is higher. It is a full 2 story other is floor and 1/4.

Septic & wells not required to be shown, but Brad would like to see septic & well on plans. Dan will do s

Jonathan Keep asked how species will be managed in buffer zone.

Martha asked if the board is considering a site visit. The board stated that they would like one. Arrange with Dan and Board.

Continue hearing: site visit Would like comments from abutters/boards to board for site visit. Saturday morning site visit: 10:00am on Saturday December 1st.

Hearing continued date: December 12th 7:30 pm Houghton Building

General Business

Time	Description	Address of property & Applicant's name
8:15 PM	<p>The ZBA will review Cost Examination, As built plans as well as other documents that will close out this project and turn it over to the condo association. As well as the request for release of Performance Guarantee.</p> <p>Annual Survey: Board of Trustees: Carolyn submitted to Management Company - CCM being transferred to new management copy. Jeff Robinson.</p> <p>CHAPA - approved looking at income not being met in some of the units. Monitoring is done by HOA not Town or CHAPA. The Condo Board has ability to grant relief for hardship. 3 residents are 54, and one is in hardship that is 50. Up to management company and HOA confirming and manage process. 1 resident will not give age. Shawn Nuckolls suggested that the HOA submit the confirmation/survey to the Town. Often what happens is unit is purchased with significant other etc... and then the younger lives in it.</p> <p>Jack Sargent says the Board of Trustees is the enforcer.</p> <p>see amendment to Master Deed does allow one non qualifying person bk 43831 pg 283</p> <p>Maintenance contacts given to the Board.</p> <p>Revisions of cost analysis to Mass housing by Dec 4th. Will give us a copy of revisions and we will get report from Mass Housing.</p> <p>Emails from Trustees regarding well concerns</p> <p>Shawn Nuckolls: 3 wells fine and iron & manganese as units began to draw on water. Worked with Pierce and DEP and entered into Pilot study to figure out how to treat the water. Water not working - filtration. deepened wells and hit new aquifer and now has clean excellent water.</p> <p>Shawn Will review the engineering costs of wells and consider paying some of them but maybe not all. Meeting with DEP next week. Toll Brothers is on hook with DEP and can't be turned over to HOA. Shawn says it is not under ZBA pervue. Jack agrees. Under DEP. Between HOA and Toll Brothers. Management company paid bills and now just forwarded to Shawn. Between them not ZBA.</p> <p>The Regency Trust would like the Board to consider not releasing the performance guarantee until well is in.</p> <p>The Bond doesn't cover the wells - Jack Sargent stated. The leverage is through DEP not the Town and not the performance guarantee.</p> <p>The Board would like to have Town Counsel review Performance Guarantee to see if it can be released. Confirm Well issue not a function of remaining bond and board can release.</p> <p>CONTINUED meeting 12/12/12.</p> <ol style="list-style-type: none"> 1) Performance guarantee from Town Counsel 2) Final Cost certification from Mass housing 	<p>The Regency at Bolton located on Main Street Bolton</p> <p>Applicant: Toll Brothers (Heritage Manor Development, LLC)</p>

Submitted by Jennifer Burney, Town Planner