

Bolton Zoning Board of Appeals  
Minutes

<b>Date:</b>	Wed, December 12, 2012
<b>Time:</b>	7:30 pm
<b>Location:</b>	Town Hall 663 Main Street, Bolton MA
<b>Present:</b>	Gerard Ahearn, Brad Reed, Matthew Hurd, Alexander Kischitz and Kay Stoner , Bryan Holmes, Jack Sargent and Town Planner Jennifer Burney.

**Hearing for Special Permit  
32 Harvard Road  
Joel Cote, 1 Pilgrim Road, Chelmsford**

Jack Sargent recused himself

Continued Hearing - from November 28, 2012

Exhibits: letter from Town Counsel email 12/12/12

Site visit was conducted on Saturday 12/1/12

Guidance requested from Town Counsel - based on new court case.

Letter from Wayne Wetzel requesting clarification if set back is from road or lot. Dan Wolfe stated that the lot line is measured by angle of road and was 1671 and is now 197'.

Mr. Wolfe stated they are not asking for a variance. The existing house is 19' from right of way and not pavement the proposed house is 23'. 3"

Proposed house is now 42'5" and 34'6" on side yard set backs meeting the requirement of 20'.

At the request of Mr. Wetzel the applicant is now showing well & septic on plans.

Mr. Wetzel expressed concern about 2 car garage taking up width of lot.

The Board asked Fred Hamwey to review the plans because of Mr. Wetzel concerns addressed in letter.

Martha Remington - private citizen concerned about road easement

Mr. Wolfe replied that new subdivision roads create width of right of way and pavement is typically centered within right of way. On old country roads it is different with varying width of right of ways. In 1957 Worcester County created a new layout that changed Harvard Road dramatically resulting in large differences on either side.

Brad Reed asked where the new road frontage came from. Mr. Wolfe replied that a Worcester County old plan shows a bound which was found. Wayne Wetzel and other abutters bound were also used to determine the bound on this property. The line of shrubbery follows this angle on one side.

Wayne Wetzel asked if conservation had reviewed the new plan. Mr. Wolfe replied that initially the proposed house was moved back to address ZBA concerns and Conservation asked to move it forward. The house now matches the old barn set back. The plan is being resubmitted to Conservation on 12/18/12 for approval of changes. If the proposed house was closer than the 19' than the current set back they would need a variance but they are moving the house further back.

BOH - still reviewing

Con Comm - reviewing 12/18/12

19'.24" is closest point of house to right of way. They have moved the proposed house to 23'.43" to front of existing barn, which is not the closest point of the structure

Brad Reed stated that he feels the house has historical significance.

Martha stated that the Commission had received a demo permit in August and have not reviewed it and are waiting for Con Comm, BOH and ZBA. Historical has deemed it historically significance but is in rough shape.

Martha speaking as a private resident stated that she felt the type of house being proposed is detrimental to the neighborhood and should be on the same footprint and south facing. If developer was sensitive could put something better there.

Brad Reed asked if Conservation can find someone to move the house. Martha replied and says they have inquired but it is a tough time.

Jack Sargent stated to Martha Remington that the Historical Commission can't hold a permit need to act on it within time frame. Bylaw says what the steps are and Historical is not following the bylaw.

Joan Marchese 28 Harvard Rd asked about plantings - rock wall being damaged by overgrown and didn't want it clear cut and concerned about all plantings being pulled out.

Brad Reed stated that he was concerned about monster house and asked if the applicant would consider downsizing the house to a cape or another style.

The developer stated that he would be open to moving garage to other side.

General discussion about the house being a new house in a neighborhood of older houses

Martha Remington stated that she would like to see a cape there. She stated that Historical is not going to hold the application up for 6-months and that they would like to see that the proposed house is not detrimental and would like to see it south facing and the 2 car garage concealed.

Gerard Ahearn stated that the Board can consider visual traffic and other factors when considering this application.

Wayne Wetzel indicated that he still had concerns about aesthetics.

Mr. Wolfe stated that 28 Harvard road is about 65' back from pavement, proposed house is 55' from edge of pavement.

Martha Remington asked about the plan and how to get a copy. Mr. Wolfe stated that all road right of ways is filed with Worcester Registry of Deeds.

Brad Reed indicated he is not happy with the architecturals presented and height of house.

Kay Stoner stated that she agrees with Brad's profile and house presented doesn't fit with neighborhood.

The Board stated that the height of proposed house is 32' and neighborhood houses are either a story and half or 2 stories. The proposed house is a 2 story with an attic.

Martha Remington suggested turning house. Dan Wolfe replied that they can't turn it because it would make the house too long and closer to the wetlands. The abutter next door stated they would not like to have a house facing their house.

Applicant stated that he would consider adding dormers and minor tweaks to home but not change the architectural.

The house left of the proposed home was built in 1959 and has dormers

The current land owner has been trying to sell this land for years major financial issues going on.

**Brad Reed made a motion to close the hearing and was seconded by Alexander Kischitz.**

**Vote: 5/0/0**

Brad would like to impose conditions and indicated that he is not ready to vote wants to think about conditions that would restrict height.

Next meeting: 12/17/12 7:30pm

**Regency  
Main Street  
Toll Brothers**

Janet Eskines a member of the Regency Board of Trustees stated that DEP is requiring Toll Brothers to move cylinders, and chemicals out of pump house, light bulbs, and reserves.

Conservation Commission is meeting tomorrow for walk and is scheduled for a 12/18/12 meeting.

**Minutes submitted by Jennifer Burney, Town Planner**