

Bolton Zoning Board of Appeals
Minutes

Date:	Wed, December 17, 2012
Time:	7:30 pm
Location:	Town Hall 663 Main Street, Bolton MA
Present:	Gerard Ahearn, Brad Reed, Matthew Hurd, Alexander Kischitz, Bryan Holmes, J and Town Planner Jennifer Burney. Jack Sargent and Kay Stoner

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

Note Bryan Holmes sitting in as alternate since Kay is absent. Bryan was present at all meeting during the hearing.

Brad Reed stated that he felt the house as proposed house proposed is not in scale with other homes in area and the board has latitude in what can be approved in design and would like to see the profile limited to a story and a half which is more acceptable. Like to see this as a condition and not 2 full stories and an attic.

Per applicant 29' is total height.

Alexander Kischitz stated that the applicant did a good job in responding to wetlands for conservation. Felt the proposed house is not excessive but would consider lowering roof line and the new structure would not intensify the existing non conformities.

Matthew Hurd stated that it is more detrimental to keep the current house there but would like to condition the height. Matt doesn't think moving the house south facing would work and stated at a previous meeting an abutter didn't support this concept.

Bryan Homes stated that he agreed with the height restriction and is not concerned about length or width.

Gerard Ahearn stated that the applicant is within the parameters of the requirement of 100% and 50% and is trying to work with the footprint. From the site visit he feels the proposed development will be wide open when new house is constructed. However feels a new home will be less detrimental than the current house is now. The current lot size is deficient in frontage and size of lot and house doesn't meet front setback.

The new structure does not intensify in non conformities or result in new ones. Board doesn't want to get into style of proposed house just height limit.

The revised layout of septic under review by BOH now.

The Board discussed options of voting: withdraw, deny, approve, approve with conditions, approve with new plan submitted

Not a formal vote for the Special Permit but an internal vote:

Brad Reed made a motion seconded by Matthew Hurd to approve the Special Permit for 32 Harvard Road and allow the demolition of the existing house and rebuild with a right set back of 23.3 feet, side offset 34.6', 42.5' south (take from plan) with the condition that it will be no more than a story and a half and with final approval when the board reviews a replacement plan for this proposal.

Vote: 5/0/0

The Board has 90 days from close of hearing on 12/12/12 to make a decision. The next meeting is scheduled for 1/28/13 7:30pm.

**The Regency
Main Street
Toll Brothers**

Present for the Regency is Shawn Nuckolls. 2 items are remaining for DEP. The filters need to be relocated for easier access and will be done by late January and KOH chemicals to be moved from site. Shawn thinks it will be completed in the next 60 days and next inspection by DEP will take place in early February.

2 final issues:

- 1) Mass Housing final report - done
- 2) DEP needs to do final report

Conditions of Comprehensive Permit met and Cost examination by Mass Housing completed

Requesting

- 1) AS-Built acceptance
- 2) Release of bond requested

Brad Reed made a motion seconded by Alexander Kischitz to release the \$250,000 bond to Toll Brothers for satisfactory completed work reviewed by Fred Hamwey the ZBA's consulting engineer and acceptance of the As Built plan; the conditions of the Comprehensive Permit have been met and the final Cost Certification has been completed.

Vote: 5/0/0

Minutes submitted by Jennifer Burney, Town Planner