

BOLTON BOARD OF APPEALS
MEETING AGENDA
February 23, 2010 at 7:30 p.m.
Bolton Town Hall

Present: Chairman Gerard Ahearn, Jacqueline Smith, Brad Reed, Alexander Kischitz, Kay Stoner, Matthew Hurd and Town Planner, Jennifer Atwood Burney.

Not Present: Brad Reed

HEARING

7:30 p.m The Regency located on Main Street – Hearing to Modify the Comprehensive Permit

Applicant: Toll Brothers

Present: Mark Kablack Attorney for Applicant, Greg Roy from Ducharme and Dillis, and Shawn Nuckolls project manager for the Regency.

The Applicant is requesting to modify the Comprehensive Permit to allow town house style units instead of the approved 8-plex garden style units.

On February 23, 2010, the Applicant, Heritage Manor Development, LLC, filed an application with the Bolton Board of Appeals seeking a modification of the Comprehensive Permit pursuant to 760 CMR 56.05(11), for the development called Regency at Bolton. The application included a revised site plan entitled: “Regency at Bolton”, prepared by Ducharme and Dillis Civil Design Group dated December 31, 2009 (the “Revised Site Plan”).

The Board of Appeals held a duly advertised and noticed public meeting on January 12, 2010, during which it voted that the Applicant’s proposed modification was substantial in accordance with the provisions of Mass. Gen. Laws c. 40B, §21 and the provisions of 760 CMR 56.05(11).

A duly advertised and noticed public hearing on February 23, 2010 at which time the Board heard testimony and reviewed materials in support of its application to modify the Comprehensive Permit to change the mix of unit type, by eliminating eight (8) Type C garden-style apartment units, and adding eight (8) townhouse style units, maintaining the total unit count at sixty (60) units.

A formal meeting with 19 owners of the Regency was held and received unanimous approval for proposed changes.

Greg Roy from Ducharme and Dillis will modify the septic plan prior to the issuance of a building permit.

Landscaping and a fence will be place along the right of way. The fence will be 8’ in height.

There will be no change in bedroom count. Current: 3 styles: A, 1800 SF, B 2200 End unit, C 1400. Looking to eliminate type C and build type A & B. Greg Roy stated that there is not increase in flow to the catch basin from previous plan. Kay Stoner inquired about lighting. The response was there will be less lighting. Parking lot had to be lit but now not required. Chairman, Gerard Ahearn read an email from Chief Alfonso dated January 27, 2010.

A motion was made by Alexander Kischitz, seconded by Jackie Smith to close the hearing.

Vote: 5/0/0

A motion was made by Gerard Ahearn, seconded by Alexander Kischitz to approve the request to eliminate 8-garden style units and replace with 8 town house style units and must conform to site plan dated December 31, 2009 and is subject to Town Counsel's final review and approval of associated documents.

Vote: 5/0/0

Pursuant to M.G.L. c.40B, §21 and 760 CMR 56.05(11)(a)-(d), the Bolton Zoning Board of Appeals on a vote of 5-0, hereby grants the Applicant's application to change Condition No. 2 of the Comprehensive Permit (Residential Use and Occupancy) as follows:

1. The eight (8) garden style unit building originally approved, shall be eliminated, and replaced by four (4) Type A townhouse units and four (4) Type B townhouse units. The new Type A and Type B townhouse units shall be in the location shown on the Revised Site Plan.

2. The development, Regency at Bolton, shall continue to be limited to sixty (60), two bedroom dwelling units. The dwelling units shall now be comprised of a total of twenty-eight (28) Type A Units and thirty-two (32) Type B Units, as depicted on the previously approved plans, as modified by the Revised Site Plan.

3. Condition #2 of the Comprehensive Permit is hereby amended by deleting the first four (4) sentences of said condition in their entirety and replacing said sentences with the following:

“2. The Development shall be limited to sixty (60), two bedroom dwelling units located in sixteen (16) residential buildings; there shall be two types of units as follows: Unit Type A/Interior townhouses not to exceed 1,800 square feet and Unit Type B/End unit townhouses not to exceed 2,200 square feet. These maximum square footage limitations do not include any applicable basement or garage areas. There shall be twenty-eight (28) Type A units and thirty-two (32) Type B units. The configuration of the units shall be as shown on the plan, as revised by the plan entitled: “Regency at Bolton”, prepared by Ducharme and Dillis Civil Design Group dated December 31, 2009 (the “Revised Site Plan”).”

4. Two (2) Affordable Units shall be designated in the new Type A and Type B townhouse units as follows Unit # 53 and # 59.

5. Site improvements, including but not limited to entrance drives, parking areas, landscaping, fencing and signage, shall be modified in accordance with the Revised Site Plan.

6. All other references in the Comprehensive Permit, as amended, shall be modified in connection with this Amendment and the Revised Site Plan.

GENERAL BUSINESS

8:15 p.m. Bolton Manor located on Sugar Road – Request to extend the Comprehensive Permit

Applicant: John Sweeney

Present: Matt and John Sweeney and applicant's attorney Lou Levine.

Applicant explained that they would like to pull a building permit prior to the referendum in November 2010. Also wants to waive construction of the soccer field until the issuance of the first occupancy permit. Will discuss at next meeting specifically what the applicant is seeking.

A motion was made by Gerard Ahern, seconded by Jackie Smith to grant a 2 year extension and to act upon the completion of permits necessary for construction.

Vote: 5/0/0

A motion was made by Gerard Ahearn, seconded by Alexander Kischitz to approve the request to eliminate 8-garden style units and replace with 8 town house style units and must conform to site plan dated December 31, 2009 and is subject to Town Counsel's final review and approval of associated documents.

Vote: 5/0/0

8:30 p.m. Sunset Ridge located on Wattaquaddock Hill Road – Requesting a Certificate for Occupancy Permit for February 25, 2010

Applicant: Vin Gately

Board to reviewed comprehensive Permit to make sure all requirements have been met prior to the Building Inspector issuing a Certificate for Occupancy

Next Meeting

TBA Meeting adjourned at 9:15 pm

Minutes submitted by Jennifer Atwood Burney, Town Planner