

**BOLTON BOARD OF APPEALS**  
**Minutes**  
**December 6, 2010 (Monday)**  
**Bolton Town Hall**

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

**Not Present:** Jacqueline Smith

**HEARING**

**7:30 pm      Special Permit & Variance for 70 Spectacle Hill Road**  
**Applicant:    Richard Mitchell**

**Present: General Contractor, Christopher J. Rogers of Bolton**

Applicant is seeking issuance of a Special Permit to expand or alter a pre-existing non-conforming use pursuant to Section 2.1.3.3 of the Bolton Zoning Bylaw and MGL Chapter 40A Section 6 for Mitchell Motors located at 70 Spectacle Hill Road, Bolton, MA. The Applicant is seeking to extend the existing building with a 12' x 8' addition and extend the use to allow motorcycle inspection service.

The owner, Richard Mitchell resides at 68 Spectacle Hill Road, Bolton, MA.

The meeting was called to order on December 6, 2010 at 7:35 p.m. by Chairman, Gerard Ahearn.

The Board heard testimony from the representative, General Contractor, Christopher J. Rogers of Bolton, requesting a Special Permit to allow the addition of 12' x 8' addition that will serve as a waiting area for costumers and extend the use to allow motorcycle inspection services. Prior to the Hearing the Board of Appeals solicited input from the various Boards and Departments and there were no comments nor from abutters or general public.

**A. Special Permit Criteria**

Statutory criteria for granting a Special Permit to expand or alter a pre-existing non-conforming use or structure under M.G.L. Chapter 40A, Section 6 is as follows:

1. Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

All criteria must be met to grant the Special Permit. During its deliberations, the Board of Appeals considered whether all of the above-referenced criteria were met in the application.

## B. Specific Findings

1. The proposed expansion and alteration of the structure and use as described by the applicant would not be substantially more detrimental to the neighborhood since the addition will meet all current set back requirements. The maximum lot coverage is under 6% and all areas of impervious surfaces are 14,712 square feet will under the 23,858 SF maximum requirement. Additionally, the parking area well exceeds the requirement.
2. The proposed expansion of motorcycle inspection services as described by the applicant would not be substantially more detrimental to the neighborhood.
3. The proposed addition to the structure and expanded use would have limited visual, traffic, heat, or light impact to the surrounding neighborhood. The Applicant states that the addition is a waiting room for customers and the motorcycle inspection services is typically seasonal with most inspections taking place in the spring. The business is behind fencing and behind a bluff and is well screened from neighbors.

### DECISION

*A motion was made by Gerard Ahearn, seconded by Alexander Kischitz to close the hearing.*

*Vote: 5/0/0*

*A motion was made by Brad Reed, seconded by Matthew Hurd to grant a Special Permit to the applicant to expand or alter a non-conforming structure and use to allow a 12 x 8' addition that is compatible with the site plan submitted meeting all set backs.*

*Vote: 5/0/0*

*This Special Permit is granted in accordance with the terms and conditions stated below.*

1. *The approval is limited solely to motorcycle inspection services and would require a special permit if expanding beyond the described use.*
2. *The applicant is required to go through site plan approval with the Board of Selectmen.*

**8:15 pm      Special Permit & Variances for 14 South Bolton Road**  
**Applicant:    Karen and Ken Iwamoto**

**Present: Richard Gilles from Barnraisers, Inc.**

Applicant is seeking a Special Permit and Variance for property located 14 South Bolton Road, Bolton Ma. The Applicant is seeking to rebuild an addition and handicap accessible ramp.

The Applicant is seeking:

1. A Variance for relief from a provision of the Bolton Zoning Bylaws, Section 2.3.5.2 which requires a front yard set back of fifty (50) feet. The proposed addition and ramp is forty four (44) feet from the front yard set back.
2. 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 construction of the addition and handicap ramp.

Gerard Ahearn read the hearing notice and opened the Hearing. Mr. Gilles provided the Board with a letter requesting to withdraw the request. It was determined that a Special Permit and Variance is not required for a handicap ramp which is exempt from MGL Chapter 40A Section 3 as well as the proposed addition meets all required set backs.

*A motion was made by Gerard Ahearn, seconded by Alexander Kischitz to close the hearing.*

*Vote: 5/0/0*

*A motion was made by Gerard Ahearn, seconded by Brad Reed to accept the request to withdraw the application for a Variance and Special Permit without prejudice.*

*Vote: 5/0/0*

### **GENERAL BUSINESS**

None

### **OTHER BUSINESS**

None

### **Next Meeting**

TBA

Meeting adjourned at 8:30 pm

*Minutes submitted by Jennifer Atwood Burney, Town Planner*