

BOLTON BOARD OF APPEALS
Minutes
September 15, 2010 (Wednesday)
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: n/a

HEARING

7:30 pm **Amendment of the Fee schedule**

A motion was made by Jackie Smith, seconded by Kay Stoner to approve the fee schedule.

Vote: 5/0/0

GENERAL BUSINESS

7:45 pm **Preconstruction meeting for Bolton Manor – Sugar Road Map 4-C Parcel 26**

Applicant: Sugar Road Realty Trust

Present: Lou Levin attorney for the Applicant and Matt and John Sweeney.

On the application of Bolton Manor, LLC (the “Applicant”) for the property located at 32 Sugar Road, Bolton, Massachusetts, to modify the Comprehensive Permit issued on June 10, 2004 pursuant to M.G.L. c.40B, §§ 20-23, to modify the conditions set forth in Sections IV.B.3, IV.E.1, IV.E.7, IV.G.3 and IV.G14 of the Comprehensive Permit. The Board voted on September 15, 2010 that said modifications were “insubstantial changes” within the meaning of 760 CMR 56.05(11)(a).

Present were Gerard Ahearn and Jacqueline Smith, Alexander Kischitz, Kay Stoner, Brad Reed and Matthew Hurd. On September 15, 2010, on a motion made and duly seconded, the Board voted to grant the modification as described herein.

A motion was made by Brad Reed, seconded by Kay Stoner to approve the request to modify the Comprehensive Permit with the decision being approved by Town Counsel.

Vote: 5/0/0

DECISION

That Section IV, Conditions, of the Comprehensive Permit granted by the Board on June 10, 2004 is hereby modified as follows:

1. Condition B.3 is modified to say:

Prior to the grant of the first occupancy permit, the Board and Town Counsel have reviewed and approved the Regulatory Agreement, Monitoring Services Agreement, and Deed Rider.

2. Condition E.1 is modified to say:

That it has submitted final plans, including site, engineering, grading, signage, construction mitigation, buffering, stonewall removal and alteration and architectural plans that the Board and/or its agent has reviewed and approved to assure compliance with this Decision.

3. Add the following new Condition Section G 5.32

That it has submitted final lighting and utility plans prior to the issuance of the first occupancy permit.

4. Add the following new Condition Section G 5.33

That the final landscaping plan be reviewed by the Board of Appeals at the time a building permit is requested for each unit to see if additional plantings are required.

5. Add the following new Condition 5.34

That fencing and landscaping be completed prior to the issuance of the first occupancy permit.

6. Condition G.3 is modified to say:

At one hundred and eighty (180) days after construction of the last unit:

7. Condition G.14 is modified to say:

At six (6) months after construction of the last residential unit, Applicant will convey to the Town for passive recreation purposes that portion of the Parcel identified as "Proposed Soccer Field" on Sheet 7.0 of the Project Plans together with the right to pass and re-pass over the right-of-way shown on the Project Plans. The completed soccer field and right-of-way shall be constructed at the applicant's expense in accordance with the Grading Plan (Sheet 2.0) dated September 5, 2003 with latest revisions as of April 5, 2004. The right-of-way shall be maintained so that access to the recreational parcel is not interfered with or obstructed in any way. Provided, however, that the Applicant shall have no obligation for snow removal from the right-of-way.

OTHER BUSINESS

None

Next Meeting

TBA

Meeting adjourned at 9:05 pm

Minutes submitted by Jennifer Atwood Burney, Town Planner