

**BOLTON BOARD OF APPEALS**  
**Minutes**  
**December 22, 2009**  
**Town Hall**

**Present: Chairman, Gerard Ahearn, Brad Reed, Jacqueline Smith, Alexander Kischitz, Town Planner, Jennifer Atwood Burney.**

**Not Present: Kay Stoner**

**HEARING**

**7:30 p.m. Variance for property located at 27 Millbrook Lane, Bolton Ma, Assessor Map 3C, Parcel 62.**

Applicant: Jeffrey Bursaw (not present) Presenting for the Applicant was Stan Dillis from Ducharme and Dillis

The Applicant is seeking:

A Variance for relief from a provision of the Bolton Zoning Bylaws, Section 2.3.5.2 which requires a side yard set back of fifty (50) feet for a backland lot. The proposed addition is thirty eight feet (38') from the side yard set back.

Gerard Ahearn, Chairman read the hearing notice and informed Mr. Dillis that although a quorum was met, not all five members of the board were present and that a unanimous vote would be required for approval of the application. The Applicant could proceed with four members or continue the hearing to a time. The applicant stated that he wanted to proceed ahead with only 4 members present. Mr. Dillis explained that the house is situated in the middle of the parcel. The addition can't be placed on the rear of the house due to a conservation restriction that is placed on the parcel for endangered species. Because the garage is located on the left side of the house, the 24 x 24 addition will be located on the right side. Due to the slope of the front of the yard it would be difficult to site the addition on the front of the house. The house is located 200' feet from the nearest abutting house and the addition is not out of scale with the neighborhood. The well and septic are not located in the area of the addition. One of the board members asked if there was a second floor. Because Mr. Dillis wasn't originally scheduled to present tonight from Ducharme and Dillis he was unsure of the answer. The Town Planner stated that she was told by the Applicant it was going to be a family room and doesn't remember the mention of a second floor. There were no architectural plans submitted with the application just a plot plan showing the footprint. The Board discussed moving the house to the front of the house. Mr. Dillis stated that architecturally it wouldn't make sense since it wouldn't work with the roof line. The current house is 1800 square feet on the first floor, 1800 on the second and 560 for the addition if one level. Because the Board had additional questions in regards to the application the hearing was continued to January 12, 2010 at 7:30pm. The Board would like move information in regards to the structure and would like to review architectural plans, the board is questioning

why the addition can't be reduced to 16 x 24 to meet the set back requirements and the board would like clarification of why the addition can't be added on to the front of the house.

There were no comments from abutters.

In an email dated December 1, 2009 to the Town Planner, the Police Chief indicated that he has no issues with the application. The Conservation Commission has issued an Order of Conditions.

Continued to January 12, 2010

**8:15 p.m. Special Permit to expand or alter a pre-existing non conforming use for property located at 237 Sugar Road (former Carter Manufacturing building) – continued from December 7, 2009**

Applicant: Walter W. Graustein III (owner of building) and Galen Miller (lessee of building).

The Applicant is seeking:

Issuance of a Special Permit to expand or alter a Pre-existing Nonconforming Use (PENC) pursuant to Section 2.1.3.3 of the Bolton Zoning Bylaw to allow L & M Motorsports LL d/b/a Bikeworx to relocate to Bolton. The business is a power sports business that is currently located in Maynard MA.

The Applicant has submitted a letter dated December 16, 2009 requesting to withdraw the request for a Special Permit without prejudice.

*A motion was made by Alexander Kischitz, seconded by Brad Reed to accept the applicant's request to withdraw the Special Permit application for a Preexisting Non Conforming Use.*

*Vote: 4/0/0 approved*

**GENERAL BUSINESS**

8:15 pm. Discuss Associate Member openings

Although Kay Stoner was not present she had sent a letter to the Town Planner who forwarded this to the Board so they would have her recommendations for the discussion. The Board discussed the two individuals who expressed interest in the openings for Associate member. The Board would like to recommend Matthew Hurd for the opening. The Board decided not to recommend David Burney as a member but wanted to thank him for his interest. A letter will be sent to both candidates and a letter of recommendation will be sent to the Board of Selectmen.

**Next Meeting**

January 12, 2010 at 7:30pm

Meeting adjourned at 9:00 pm

*Minutes submitted by Jennifer Atwood Burney, Town Planner*