

BOLTON BOARD OF APPEALS
Minutes
July 27, 2009
Town Hall

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

HEARING

1. 7:30 p.m. Variance for property located at 13 Harris Farm Road, Bolton MA

Applicant: Stephen F. & Christel B. Conlin

The Applicant is seeking to construct a shed.

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 side yard set back of fifty (50) feet for a backland lot. Two corners of the proposed shed are ten (10) feet and sixteen (16) feet from the side yard set back.

Present: Applicants Stephen f. & Christel B. Conlin.

The Applicants would like to erect a twelve (12) x eighteen (18) storage shed in the rear corner of their property. The Applicants state that there are no reasonable locations to place a storage shed other than in the rear yard of the house. The house is situated at the back corner of the lot and there is not enough space to erect a storage shed and still comply with the set-back requirements. The shed could not be placed in the front of the house due to the septic system location and it would also pose a detriment to the neighborhood aesthetics. The shed could not be placed in the backyard due to the location of the well. The south side of the house has a driveway and the north side of the house has an existing landscapes swing-set/play area. It also would not be practical to locate a storage shed on the north side of the house as it is too far away from the garage/driveway location and would also require a variance. The proposed location would not be more detrimental to the public good and would not affect the aesthetics of the neighborhood. Although the shed will be located within ten (10) and sixteen (16) feet from the property line the shed is set back twenty-five (25) feet from the common driveway. The shed location has been reviewed by the Conservation Commission and is outside the buffer zone.

The Applicants gave an overview of the project and due to the septic location in the front yard, the swing set in the north rear/side portion of the yard, well located in the rear south side, and the limitation of rear set backs the only other option is to locate the shed in the proposed location which would not meet setbacks.

After review the Board determined that:

1. There are circumstances that exist relating to the soil conditions and topography that uniquely affect such land but do not affect generally the zoning district in which such land is located. The location of the house and the two common driveways as well as the well and septic system make it difficult to site the shed anywhere but the proposed location. The house was constructed in 1995/1996 at the time when no building envelop was in place for backland lots. Since this time the bylaw has been revised.
2. Literal enforcement of the provision of Section 2.3.5.2 would involve substantial financial hardship to the applicant if the applicant had to locate the shed in another part of the yard due to the location of the well and septic. It would be costly to relocate the well and septic to allow a shed.
3. The desired relief from the documented provision of Section 2.3.5.2 may be granted without substantial detriment to the public good. There was no abutter opposition or comments from any of the boards or committees. The shed is located adjacent to a common driveway and wooded area of an abutting neighbor where a house is not located. If the shed was placed in the front yard it would be aesthetically unpleasing. The shed will be a cedar shed and painted to match the color of the house and built on crushed stone without a foundation.
4. The Board found that the intent and purpose of the Bolton Zoning Bylaw was not being nullified or substantially derogated from.

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

Vote: 5/0/0 unanimously approved

A motion was made by Alexander Kischitz, seconded by Brad Reed to grant a Variance to the Applicant that provides relief from the provision of Zoning Bylaw Section 2.3.5.2 that sets a minimum side yard set back of 50 feet for a backland lot.

5/0/0 approved unanimously

GENERAL BUSINESS

8:00 p.m. Sunset Ridge located on Wattaquaddock Hill Road

Applicant: Vin Gately

Vin Gately, the Applicant for Sunset Ridge updated the Board on his intent to finish the basements and add sunrooms to some of the units. All would go before the Board of Health for approval. The sunroom is a 3 season 10 x 13 room. Brad Reed asked if any of the affordable unit would have a sunroom. Mr. Gately replied they wouldn't but some of the market rate units are the same as the affordable units. The Board replied that they were okay with the addition of sunrooms and didn't feel there was any impact to the affordable units since it was not affecting the front façade.

Mr. Gately also presented two landscape plans. One for the front portion of the development and one for the rear. The landscape plans shows additional buffer behind the houses, a sidewalk along the road until the first building, a bench and mail shed, mix for the detention basin that doesn't require irrigation, plantings along the slopes that doesn't require irrigation, 30 swamp azaleas lined up on top of the detention wall. The Board asked if Conservation had reviewed the plans yet. Mr. Gately responded that they had not and that the septic and path needed to be added to the plans. The plan for the front of the development was ready to go out to bid. The Board asked if he would be willing to add additional rail to the areas of sloping in the rear of the development. Mr. Gately responded that the grade needs to still be built up but will put additional rail in if needed in this section.

Mr. Gately stated that the guard rail installed is currently under review by Ducharme and Dillis and Nitsch Engineering to see if it is adequate since it is not a Mass Highway approved rail.

Next Meeting

September 23, 2008 at 7:30pm

Meeting adjourned at 9:15 pm

Minutes submitted by Jennifer Atwood Burney, Town Planner