

# **BOLTON BOARD OF APPEALS**

## **Minutes**

**July 6, 2009 at 7:30 p.m.**

**Bolton Town Hall**

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

### **HEARING**

**7:30 p.m. Variance and Special Permit to expand a Pre-existing Nonconforming structure located at 49 Berlin road, Bolton MA**

**Applicant: Rob MacGregor and Lisa Paradis**

The Applicant is seeking to demolish and replace a portion of the existing house.

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 to the existing structure is twenty-two (22) 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 expansion of the existing structure.

Present: Rob MacGregor and Lisa Paradis and Martha Remington, Chairperson for the Bolton Historical Commission.

The Hearing was called to order on July 6, 2009 at 7:30 p.m. by Chairman, Gerard Ahearn. The Board heard testimony from the Applicants, Rob MacGregor and Lisa Paradis. The Applicant's contractor, Ed Plante was also present. The Applicants explained that the proposed location of the addition did not meet current zoning regulations because it encroaches within the 50 foot front yard setback and is a pre-existing non conforming structure. Because Berlin Road curves in front of the house, the setbacks are at various distances from the road, the existing house is no greater than twenty-five (25') and the ell is no greater than twenty-two (22') feet from the front yard set back.

Ed Plante gave an overview of the renovation work. The Applicants are proposing to demolish the existing ell and second floor of the main house. The plan includes the excavation and replacement of the ell with a full basement foundation and a new two-story structure. The project will also include the replacement of the existing second floor of the main house.

Ms. Paradis explained that due to health issues (Mr. MacGregor had a double lung transplant 1-year ago) and the presence of black mold in the addition, in the attic and behind the kitchen wall

the applicants would like to construct a more energy efficient and traditional style New England farmhouse fitting to the area. The structure will remain a three bedroom dwelling. As required by the demolition bylaw, the applicants met with the Historical Commission because the first floor of the original house is historical, and the Historical Commission found that it was not significantly significant. A portion of the ell predates 1972 zoning and was further renovated in 1984. Currently the house is 1824 square feet, the proposed addition and renovation will total 3094 with a 480 square foot farmer's porch.

After discussion the Board found:

1. The proposed expansion and alteration of the structure and use would have limited visual, traffic, or light impact to the surrounding neighborhood.
2. The addition does not increase the nonconforming nature of the existing structure. Due to the historical nature of the house and curve of Berlin Road the front set back ranges from 22' to 25' and the addition would be no more than the current setbacks.
3. The Board found that the proposed expansion and alteration of the structure and use is not substantially more detrimental to the neighborhood than the existing one. There were no comments from abutters or boards and committees.

*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 Brad Reed, seconded by Jackie Smith to grant a Special Permit to the applicant to expand or alter a non-conforming use or structure in accordance with the terms and conditions stated below.*

1. *The Applicants receive a demolition permit from the Building Inspector based on the Historical Commission determination that the house is not historically significant.*
2. *The Applicants do not exceed 3648 square feet in house size and the house is constructed in accordance with the plans submitted with the application*

*Vote: 5/0/0 approved unanimously.*

## **GENERAL BUSINESS**

**8:00 p.m.      The Regency – Main Street**

**Applicant: Toll Brothers**

Present: Project Manager, Shawn Nuckolls. Mr. Nuckolls explained to the Board that the Applicant would like to have a future request to change the 8-unit garden style complex to two 4-

unit town houses. The proposed units would be 4 type A and 4 type B. The Board discussed that Stormwater would have to be looked at to determine if there would be more or less impervious surfaces. The Board would like the police department's opinion on whether if site visibility would be impacted with the proposed changes. Mass Housing and CHAPA would have to be notified. The road buffer would have to be review and affordable housing would have to be involved. There was also a question if a well variance would be needed from DEP. The applicant would have to return at a later date in order for the board to determine if the requested changes are substantial or not. Jackie Smith suggested that the applicant speak to the Affordable Housing Partnership before filing an application.

**Next Meeting**

TBD

Meeting adjourned at 9:30 pm

*Minutes submitted by Jennifer Atwood Burney, Town Planner*