

BOLTON BOARD OF APPEALS
MINUTES
March 31, 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. Bolton Orchard – 125 Still River Road
Applicant: Robert S. Davis, Davis Farms Trust

The Applicant is seeking a Special Permit to expand a pre-existing non conforming use to allow the sale of hot dogs and kielbasa to the existing ice cream service window located on the property.

Present: Sarah O'Toole

The meeting was called to order on March 31, 2009 at 7:30 p.m. by Chairman, Gerard Ahearn. Prior to the Hearing on November 20, 2007, the applicant came before the Board of Appeals on April 24, 2007 and was granted a temporary trial period until September 3, 2007 to sell ice cream through a window and would need to return before the Board of Appeals after the trial period for a Special Permit. The applicant received a building permit from the building inspector to construct windows for the purpose of selling ice-cream and on November 20, 2007 to grant a Special Permit subject to terms and conditions.

The Board heard testimony from the Applicant Sarah O'Toole, requesting a Special Permit to add the sale of hot dogs and kielbasa to be sold through the existing ice cream service windows at Bolton Orchards. Prior to the Hearing the Board of Appeals solicited input from the various Boards and Departments. There were no comments. There were also no comments from abutters or the general public.

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

Vote: 5/0/0 unanimously approved

After Discussion the Board found:

1. The proposed expansion and alteration of the structure and use as described by the applicant would not change the current building structure and add two food items for sale through the existing ice cream service windows.

2. The proposed expansion and alteration of the structure and use would have limited visual, traffic, heat, or light impact to the surrounding neighborhood. The Applicant states no changes have been made outside. Service is available until 9:00 p.m. seasonally.
3. The proposed expansion and alteration of the structure and use is not substantially more detrimental to the neighborhood than the existing one

A motion was made by Brad Reed, seconded by Kay Stoner to grant a Special Permit to the applicant to expand or alter a non-conforming use or structure. All conditions and waivers as part of the original Special Permit approved by the Board on November 20, 2007 shall remain in full force and effect

Vote: 5/0/0 unanimously approved

GENERAL BUSINESS

None

OTHER BUSINESS

Sunset Ridge: The Board expressed concern about the sloping and safety of the guardrail along the private road and asked Nitsch to review it to see if the guardrail is safe. Another concern is the lack of fencing around the detention pond and the potential that the town could be liable if someone were to drown. The Board also expressed concern about some erosion on the slope. The Town Planner will inquire with Nitsch Engineering.

Next Meeting

TBD

Meeting adjourned at 8:30 pm

Minutes submitted by Jennifer Atwood Burney, Town Planner