

BOLTON BOARD OF APPEALS
Minutes
October 6, 2009
Town Hall

Present: Chairman, Gerard Ahearn, Brad Reed, Jacqueline Smith, Alexander Kischitz, and Kay Stoner

Not Present: Town Planner, Jennifer Atwood Burney.

HEARING

7:30 p.m. Continued from September 29, 2009: 188 Sugar Road – Variance and Special Permit to demolish a non conforming garage and rebuild a garage in the same location

Applicant: Ava and Matt Hurd

Present: Ava and Matt Hurd and builder Doug Storey

Ava and Matt Hurd are seeking a Special Permit and Variance for property located 188 Sugar Road, Bolton Ma. The Applicant is seeking to demolish a non conforming garage and rebuild a garage in the same location.

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 existing garage and proposed new garage are eighteen feet and one inch (18.1) from the front yard set back.
2. 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 twenty (20) feet. The existing garage and proposed garage are fourteen feet (14) from the side yard set back.
3. 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 construction of a new garage.

Martha Remington, Chairperson from the Historical Commission stated that the garage is circa 1927 and not historically significant.

The Board determined:

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. It would be difficult to site the garage in another location due to the

location of the well, septic and leach field as well as ledge located behind the current garage.

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 garage in another part of the yard due to the location of the well and septic as well as costly to have to blast ledge, removes rocks and an old maple tree.
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 proposed garage will be located where the current garage is located.
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 Gerard Ahearn, seconded by Brad Reed to close the hearing.

Vote: 5/0/0

A motion was made by Brad Reed, seconded by Alexander Kischitz, to approve the request For a front yard set back no closer than 18.1 feet.

Vote: 5/0/0

A motion was made by Alexander Kischitz, seconded by Jackie Smith to approve the request For a side yard set back no closer than the existing 14 feet condition.

Vote: 5/0/0

A motion was made by Brad Reed, seconded by Alexander Kischitz to accept applicant's request to withdraw the request for a Special Permit without prejudice.

Vote: 5/0/0

These Variances are granted in accordance with the terms and conditions stated below.

1. The garage cannot be closer than 18.1 feet from the front yard set back.
2. The garage cannot be closer than the existing 14 feet from the side yard set back.

GENERAL BUSINESS

None

Next Meeting

TBD

Meeting adjourned at 8:19 pm

Minutes submitted by Jennifer Atwood Burney, Town Planner