

BOLTON BOARD OF APPEALS
Minutes
September 29, 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. 188 Sugar Road – Variance and Special Permit to demolish a non conforming garage and rebuild a garage in the same location.

Present: Applicants 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.

The Board waited until 8:10 pm for member Kay Stoner to arrive. The applicant was given the option to continue to another time since only 4 members were present and a unanimous vote was required. The applicant stated that they wished to proceed with the hearing tonight. The Hearing was called to order on September 29, 2009 at 8:00 p.m. by Chairman, Gerard Ahearn. The Applicants explained that the current garage and proposed garage did not meet current zoning regulations because it encroaches within the front and side yard setback. The current garage was constructed around 1927 and is in poor condition.

The Applicants would like to demolish the current garage that is 17' x 20', with a height of 13'. The garage has electricity but no foundation. The applicants would like to construct a 2-car garage, 24' x 24' and 13' high, upgrading the electricity and adding running water for a hose

hookup. The garage will sit on a slab foundation and the exterior will have cedar shingles. The Applicants state that there are no reasonable locations to place the garage other than the place chosen due to the well and septic and leach field as well as ledge located behind the garage. Additionally it is not feasible to restore the existing garage due to its deteriorated condition.

Abutters Jamie Beaton and Deb Small of 178 Sugar Road provided a letter in support of the new garage.

The Conservation Commission provided a letter stating that the new garage is not within the Conservation Commission's jurisdiction.

Jim Flaherty of 205 Sugar Road stated that he felt the project is an excellent project and there is no line of site issues. A new garage would improve the neighborhood.

Deb Small of 178 Sugar Road expressed concern that if the garage was constructed further back blasting of ledge would have to occur.

Contractor for the Hurds, Doug Storey stated that is would be virtually impossible to save anything from the existing garage. It has no foundation and the new garage needs a foundation. From a builder's prospective it would be very costly to save a portion of the structure to keep it a preexisting non conforming structure. Due to the septic and well location, and ledge that would require blasting there is no other place on the property to place a structure that would meet the zoning requirements. It would be a tremendous hardship to place the garage 50' from the front yard set back due to the ledge. Additionally the garage must be 4' below grade and the ledge proposes challenges.

After discussion the board decided that they would like Town Counsel's opinion on whether or not the applicant would have to keep a wall in order for the structure to be a PENC. The Hearing was continued to October 7, 2009 at 7:30pm.

GENERAL BUSINESS

None

Next Meeting

October 7, 2009

Meeting adjourned at 8:55 pm.

Minutes submitted by Jennifer Atwood Burney, Town Planner