

BOLTON BOARD OF APPEALS
MINUTES
October 28, 2008 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

1. 7:30 p.m. Continued Regency of Bolton, Main Street
Applicant: Toll Brothers – Shawn Nuckolls, Project

The Board had closed the hearing on July 8, 2008. The board will review the draft documents and vote on its decision for modification of the Comprehensive Permit to allow 20% of the units to be age unrestricted based on the FHA program. 80% will retain that one occupant must be over the age of 55. No children under the age of 18 are permitted in any of the units.

Present: Shawn Nuckolls, Project Manager

Board expressed concern about any future request to modify or remove further restrictions or changes to the Comprehensive Permit. Martha Remington asked if the hearing was open or closed. She was told it was closed but still could give feedback. As a taxpayer and senior citizen she expressed concern about additional children in school. Mr. Nuckolls replied and told Ms. Remington that no children under the age of 18 were permitted to live at the Regency.

Mr. Ahearn asked if they would still market it as over 55. Martha Remington asked how this will be enforced. Mr. Nuckolls replied that the condo association would enforce the age requirement.

The Board reviewed exhibit D. The Board expressed concern about the regency changing the 80/20 without being compliant with Title 5. Mr. Nuckolls stated that they couldn't do anything until DEP gives an answer on the capacity of the septic system.

The Board discussed adding a condition that is recorded that references that DEP approval is required.

A motion was made by Alexander Kischitz, seconded by Jackie Smith to accept the amendment to modify the Amended Comprehensive Permit with conditions as noted and item four stating that the decision is not approved until they receive DEP approval.

Vote: 5/0/0 unanimously approved

GENERAL BUSINESS

1. 8:00 p.m. Sunset Ridge – Wattaquaddock Hill Road.

- Review request for additional funds from Nitsch Engineering
- Review site visit inspections from Nitsch Engineering
- Town Planner update on project

Present: Vin Gately and Nitsch Engineering, Steve Ventresca

Nitsch and DPW will keep an eye on the road access and any drainage issues on Wattaquaddock Hill Road. Adjustments will be made if necessary by the Applicant.

Discussed an agreement with abutter Bridget Halsey in regards to easement rights to allow grading for drainage and the relocation of the trail away from the two buildings. In exchange Ms. Halsey and abutter Mr. Roca will get easement rights to access their septic from Sunset Ridge. No wall will be placed by Mr. Roca's septic due to the grading easement. Mr. Roca has agreed to drop all opposition.

Conservation conducted a site walk on Sunday.

Steve Ventresca stated that testing on the sewer line would be taking place on Monday and paving will begin next week. The guard rail would be installed on road. Vin Gately will check with DPW.

All conditions will have to be met before any building permits are issued.

Nitsch stated that all outstanding issues have been addressed and now minor ones will be. Will be getting a letter from the Fire Dept. Legal documents are being reviewed by the attorneys. Mr. Gately stated that he is looking at putting the bus waiting area and mailboxes in one area. The landscape architect will be working on a plan that will include sidewalks. The Presby system is being review by the BOH. The trails will have signage.

The Board discussed the request for additional funds for the review of the revised detention basin by Nitsch. Mr. Gately expressed concern about the cost of an additional \$4,000 to review it when it cost only \$3,000 to design it. The Board stated that they will ask Nitsch to reconsider modifying its fee.

2. Approval of Minutes

Next Meeting

TBD

Meeting adjourned at 9:15 pm

Minutes submitted by Jennifer Atwood Burney, Town Planner