

BOLTON BOARD OF APPEALS
Minutes of Meeting
January 31, 2007 at 7:00 P.M.
Bolton Town Hall

Present: Gerard Ahearn (Board Chair), Brad Reed, Jackie Smith; Kay Stoner

DISCUSSION

1. Deliberation on Riverside Decision

Present: Mark O'Hagan, Ellen Doucette (Brackett and Lucas)

The Board reviewed the draft decision prepared by Ellen Doucette incorporating changes agreed upon from the previous decision. It was decided to make the following changes were made to the draft decision dated January 31, 2007.

I. Procedural History

Page 2 - Section C. An "S" was added to "resignation" to read "After June 21, 2006, due to the resignations..."

IV. Conditions

Page 5 Section A1 - The word "sic" will be added after the word "Arial" in order to correctly identify that the plan's name is spelled incorrectly. The final version will read "6-Unit Arial (sic) Presentation Plan".

Page 6, Section B1 – A height limitation of 32 feet was discussed by the Board. The building footprint could not exceed that of the size shown on the approved plan. Maximum square footage for the units shall be 2,000 square feet and minimum square feet shall be 1,225 square feet.

Page 7, Section B5 – The sentence "The fair market value shall be based on current zoning as of right uses and shall be as of the date of the filing of the application" was deleted as it did not pertain to the Unit Owner Association Fees.

Page 8, Section 5 – The Letter (g) was inserted in place of Letter (h) for proper sequential order.

Page 9, Section D2 – The "Building Commissioner" was replaced with "Building Inspector".

Page 10, Section D5 – A bond of 1.5 times the cost of construction would be required to ensure proper construction of the on-site improvements.

Page 13, Section F4e – The Board must authorize the temporary rental of an affordable unit.

Page 13, Section G1 – The paragraph was revised to read "Within 60 days from the date this permit becomes final, the Applicant shall prepare and submit to the Commonwealth of Massachusetts for approval, an in-perpetuity Conservation Restriction on, and easement over, to the Bolton Conservation Commission, or alternatively shall convey a fee interest to the Massachusetts Division of Fisheries and Wildlife...."

Page 14, Section G1b – The clause “and in such ways as will not inhibit the use of the land as a public water system” will be deleted.

Page 16, Section H14 (Soil Removal) – The condition “No soil shall be removed from the site except for excess topsoil” was removed.

Page 16, Section H15 (Air Conditioning Units) – The condition requiring all air conditioning units to be located so they do not face the houses of any offsite abutting homeowners will be removed.

Page 16, Section H16 (Affordable Units) - The following condition was deleted from the draft: “The Affordable Units shall not be segregated from the market rate units. The Affordable Units shall not be different in exterior appearance from the market rate units. The Affordable Units shall include a stove, dishwasher, kitchen exhaust fan, and microwave”.

Page 16, Section H17. The following condition was deleted from the draft: “The Applicant shall pay to the Town Dollars (\$TBD) contemporaneously with the sale of each market rate unit for a total of Dollars (\$TBD). In the event that all of the market rate units have not been sold within three (3) years from the issuance of the first building permit, the Applicant shall nevertheless pay the total amount of TBD (\$TBD) to the Town of Bolton no later than three (3) years from the date of the issuance of the first building permit for a unit. Said moneys shall be used by the Town solely to build or facilitate the construction or creation of affordable housing, and shall be deposited in an affordable housing fund.”

The Board decided to continue deliberation of the decision on February 21, 2007 at 7pm.