

BOLTON BOARD OF APPEALS
Minutes of Meeting
February 21, 2007 at 7:00 P.M.
Bolton Town Hall

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

DISCUSSION

1. Application To Amend Special Permit Authorizing Expansion Or Alteration Of A Pre-Existing Non-Conforming Use Or Structure – Noelle Drewicz 711-713 Main Street

Present: Noelle Drewicz, Elaine Davis

Ahearn read the hearing notice. The hearing is being held on a petition to modify an existing special permit for 711-713 Main Street. The existing special permit was granted to allow alteration of a pre-existing non-conforming use and structure. The applicant is proposing to remove condition #3 of the special permit that requires the sale of the sole residential unit on the premises to be sold as an affordable unit.

Drewicz stated she has made several efforts to sell the unit, including sending notices to town employees, community notices, listing the property on MLS, and hiring a realtor specializing in affordable units. She reported that the unit only serves a small niche and is therefore having difficulty selling the unit. She stated potential buyers have expressed reservations of not wanting to live near to commercial space; had concerns over the lack of parking and/or septic capacity; are not qualified under the income guidelines; and/or those buyers who have children have felt the second floor unit is not suitable for children. She also stated the 40B projects in the area have made it difficult for her unit to compete. Removing condition #3 would not dramatically raise the price and the market would keep the price of the unit down at an affordable rate. Drewicz also stated the decision had been crafted to ensure the unit is sold at an affordable price, but was not intended to be a countable unit towards the town's Subsidized Housing Inventory (SHI). She stated concerns that if she is not able to sell the unit, she will not be able to start the rest of the project and might have to sell.

Martha Remington, representing Historical and herself as a resident, commented on the benefit of having the property development completed and maintaining the historical structures. She spoke in favor of the ZBA approving the application to amend the Special Permit.

On motion by Brad Reed, seconded by Jackie Smith, the Board voted to amend the aforementioned special permit to remove Condition #3.

2. Deliberation on Riverside Decision

Present: Mark O'Hagan; Pat Westwater Jong, Roxann Burney, David Burney

Charlie Lord left the meeting as he was not participating in the Riverside hearing. Andy Kischitz stayed for the discussion but did not issue a vote.

The Board reviewed the draft decision dated February 21, 2007. The changes made to the decision were discussed at the January 31, 2007 hearing. The Board voted to accept the list of waivers submitted by the applicant. Page 1 was revised to include February 21, 2007 as a date of deliberation

and the decision. Pat Westwater Jong of Autumn Lane asked how did the decision ensure that the trees on the open space and the tree saves on the plan were spared during construction. Ahearn responded they would be clearly delineated. The approved plan intends to disturb very little amount of vegetation.

On motion by Brad Reed, seconded by Jackie Smith, the Board unanimously voted to approve the Riverside 40B project as shown on the approved plan, subject to the conditions outlined in the decision. The Board signed the decision. The decision will be filed with the Town Clerk on February 22, 2007.