

**BOLTON BOARD OF APPEALS**  
**Minutes of Meeting**  
**October 9, 2007 at 7:30P.M.**  
**Bolton Town Hall**

**Present: Gerard Ahearn, Kay Stoner, Brad Reed, Andy Kischitz, Jacqueline Smith and Town Planner, Jennifer Atwood Burney**

**HEARINGS**

**1. Variance Hearing - 106 Green Road**

Present: Applicant Fernwood Design for owners Heather and Gary Tanashian of 106 Green Road

Applicant Fernwood Design is seeking a variance to Zoning By-Laws, to allow the addition of a screen porch to the house located at 106 Green Road, Bolton and is seeking to build 7' outside the 50' setback requirement. The Applicant explained the placement of the 14' x 16' screened porch is limited due to constraints of wetlands, sloping, drainage and runoff, location of the septic system and the architecture of the home.

The Board requested a copy of the plot plan. The Board had a general discussion of hardship requirements and felt it was okay to approve the request as long as Conservation had no problems with the location and if no abutters objected. Town Planner, Jennifer Atwood Burney indicated that Conservation Agent Carole Gumbart reviewed the plans and had no problem with the location.

The Board closed the hearing and voted to approve the request.

*A motion was made by Gerard Ahearn, seconded by Jackie Smith to approve the variance request at 106 Green Road.*

*Vote: 5/0/0*

**2. Variance Hearing – 59 Bolton Woods Way**

Present: Applicant Kevin Boydston

The Applicant is seeking a variance from a condition of the existing Comprehensive Permit for Bolton Woods Way to allow the addition of a mudroom and garage outside the designated future expansion area of the house. The Board had a general discussion in regards to the location of the addition in relation to the retention pond and felt they would need to review an As Built plan.

The also stated that if the Board decided an amendment to the Comprehensive Permit was indicated then they would have to open a full hearing. The Board inquired as to whether or not an Association existed. Abutter, Brenda Hoseason of 61 Bolton Woods Way stated there was not. Chairman, The Board opened the hearing for comments. Jeff Boudreau of 917 Main Street asked of the Board would be setting a precedent if they approved the request and suggested the Board research how 57 Bolton Woods Way put an addition on without seeking a variance. The Board indicated that they would be doing this. The Board discussed having a future working session to review the Comprehensive Permit and set a date for October 17, 2007 at 6:30pm and

continue the Hearing to November 20, 2007 at 7:00pm. Gerard Ahearn requested a drawing of the proposed addition from the Applicant.

## **DISCUSSION**

### **1. 423 South Bolton Road — Inquiry on demolition and rebuild.**

Present: Keri Sefton

Ms. Sefton inquired about the demolition and rebuilding of her house on 423 South Bolton Road and explained that the house is over 75 years old and is non conforming because it doesn't meet front set backs. She is seeking a demolition permit. The Board explained to Ms. Sefton that the Building Inspector will determine if her request is conforming. If not, then the Applicant would have to seek a variance from the Board of Appeals. The Board told the Applicant she should stay within the footprint and not make it non-conforming.

### **2. Regency – Request for guardrail changes**

Present: Gerry from Ducharme and Dillis and Eric Carlson from Toll Brothers

Eric explained to the Board that Toll Brothers is seeking to remove portions of guardrail from the Easterly section of 117 due to visibility and to also remove the remnant section on the westerly portion on 117. A request is also being made to not construct a wooden guardrail along Pondsider. Eric explained that a study showed that the sections of guardrail do not warrant them due to sloping and one area due to site distance obstruction. The Board discussed the sidewalk and Eric explained that in order to construct a sidewalk, a section of buffer would have to be removed to push the slope out as well as removal of a headwall at the easterly end.

Mr. Boudreau of 917 Main Street told the Board that the remnant guardrail at the westerly side posed a danger to oncoming traffic and felt it needed to be removed or reconstructed. Eric responded that the section was going to be removed because sloping didn't warrant it. Mr. Boudreau felt that if sloping doesn't warrant a guardrail then he was okay with the removal of it. The Town Planner asked about the bollards and why they were indicated on the plan. Neither Eric nor the Board knew why. Brad Reed indicated that he was concerned about the wooden guardrails along Pondsider and felt the material wasn't safe and felt it was important for some type of barrier to be constructed to prevent cars or trucks from slipping. Kay inquired about other types of guardrail and Eric explained there was wood and cable. The Board also expressed concern for the public safety along the walkway if a section of guardrail was being removed. The Board is requesting that DPW Director, Harold Brown review and approve the requests being made for the removal of guardrail along 117 and Pondsider and the public safety. The Board suggested a site walk which has been scheduled for October 17 with Eric, the Town Planner, the Conservation Agent and DPW Director, Harold Brown on October 17 at 10:00am. Eric suggested that Harold also review the headwall changes and to see if an easement would be required.

### **3. Sunset Ridge**

Present: Alexander Roca

Mr. Roca made an inquiry in regards to the redirection of flow under the order of conditions of Sunset Ridge's Comprehensive Permit and its impact on the individual septic systems of direct abutters. He felt the condition was not being addressed and the applicant was before the Board of Health for a mounded septic system and retaining wall. Mr. Roca felt this system would create a dam and have a direct impact on individual septic systems. The Board asked the Town Planner to send a letter to Vin Gately in regards to the condition not being fulfilled and would have to be addressed before going forward. The Board said that pre and post development flows would also have to be demonstrated by Mr. Gately.

#### **4. Bolton Orchards**

Town Planner received an inquiry in regards to Bolton Orchards and the sale of ice cream. The Board state that Bolton Orchards would have to file an application for a Special Permit to expand use to include the sale of ice cream.

#### **NEXT MEETING:**

- Wednesday, October 17, 2007 at 6:30pm to review the Comprehensive Permit for Bolton Woods Way.
- Continue Hearing for Bolton Woods Way to November 20th, 2007 at 7:00 pm

The meeting adjourned at 10:05 p.m.

*Minutes submitted by Town Planner Jennifer Atwood Burney*