

BOLTON BOARD OF APPEALS
Minutes of Meeting
November 16, 2005 at 6:30 P.M.
Bolton Town Hall

Present: Gerard Ahearn, Jake Foote, Jackie Smith, Charlie Lord, Nat Tipton (Town Planner); Elaine Lucas (Town Counsel)

1. Sunset Ridge – Executive Decision

Pursuant to the M.G.L. c. 39, 23B§ of the Open Meeting Law, the Board on a Roll Call vote agreed to enter executive session to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the Town.

Lucas explained the decision is very similar to what was voted in 2003. Lucas submitted a draft decision with changes in red and reviewed the decision with the Board. The decision is the result of negotiations between the town and the applicant. The major changes include the inclusion of a waiver from the Board of Health regulation that requires a depth of natural occurring previous material above ledge of five feet which is in excess of that required by Title 5 and condition 4 has been clarified to regulate certain work within an Area of Isolated Flooding as requested by the Conservation Commission. Foote noted the inclusion of the term “substantially” meant when conditions require that certain objects cannot be placed in a substantially different location than what is on the plan. In particular, the Board felt the moving the location of the leach field for the recirculating sand filter was important to limit. The Board decided to limit movement of the leach field within 5% of what was shown on the planview.

The Board on a Roll Call vote agreed to exit executive session.

2. Sunset Ridge Discussion – Open Session

Present: Vin Gately (applicant); Kathy Faulk (attorney); Sandy Roca, Sujah Iyer.

Foote asked the applicant to clarify why it was requesting the waiver from Board of Health Regulation 16 that mandated a separation of five feet between in excess of Title V. The applicant stated this was at request of the Conservation Commission because they did not want major elevation differences. The Board determined that the applicant could not move the leach field more than fifty feet in a northerly or southerly direction, or 10 feet in an easterly or westerly direction, instead of the 5% rule they discussed earlier.

Condition K3 would be amended to include a provision that any retaining wall would be faced with natural stone. Condition D2 would clarify that the applicant must review and approve the stormwater management system with the Conservation Commission.

On a motion by Gerard Ahearn, seconded by Jake Foote, the Board voted to approve the amended decision and authorize Town Counsel to file an amended decision with the Housing Appeals Committee.

3. Riverside Hearing

Tipton explained the Riverside Hearing had been continued to December 20, 2006 at 8:30pm.

4. Nomination of New Members

The Board voted to recommend Kay Stoner to replace the vacancy left by the resignation of Patrick Sullivan.