

## TOWN OF BOLTON – ZONING BOARD OF APPEALS MINUTES

Meeting Held at the Town Hall – Board of Selectmen’s Room on **October 13, 2016** at 7:00 PM

Members Present: Gerard Ahearn (Chairman), Kay Stoner, Andy Kischitz, Bradley Reed (Members), Bryan Holmes (Associate)

Also Present: Erica Uriarte (Town Planner), Jeffrey Powers (3 East End Rd), Seth Donohoe (Ducharme & Dillis Civil Design Group, Inc.), Martha Remington (Historical Commission), John Scudiere (176 Still River Rd), Stan Haberski (Sunset Ridge)

Call to order: 7:00 PM

### Hearings:

- In accordance with Massachusetts General Laws, Chapter 40A, Section 11, notice was hereby given that the Bolton Zoning Board of Appeals held a public hearing to hear and act upon the application of Jeffrey Powers, 3 East End Road, Bolton, MA 01740. The applicant was seeking a Variance for a proposed addition to the existing dwelling located in Bolton’s Residential Zoning District at 3 East End Road identified on Assessor’s Map 5.E as Parcel 13. The applicant was seeking a Variance for front yard setback pursuant to Section 250-13.B of the Code of the Town of Bolton.
  - o The project was presented by Seth Donohoe from Ducharme & Dillis Civil Design Group, Inc.
  - o The Applicant, Jeffrey Powers, was seeking to construct an addition (28 feet x 16 feet) on the rear of his pre-existing nonconforming dwelling. The addition is two stories and will preserve the existing façade.
  - o The proposed addition is located within the front yard setback of 50 feet. Currently the existing dwelling is approximately 10 feet from East End Road. The proposed addition will not encroach any closer to the road or increase the nonconforming nature of the structure.
  - o The preexisting nonconforming dwelling was constructed prior to the adoption of the Bolton Zoning Bylaws and does not conform to the front yard setback. Preservation of the dwelling in its current location will not generally affect the zoning district in which such land is located.
  - o Construction of a new dwelling on alternative portions of the property are constrained by wetlands and the northern property line.
  - o The preexisting nonconforming dwelling and proposed addition are located over 100 feet from the onsite bordering vegetated wetland. Relocating the dwelling so that it is in conformance with the front yard setback will place the dwelling within the 100 foot wetland buffer zone and involve a substantial financial hardship to the Applicant.
  - o The desired relief may be granted without substantial detriment to the public good as the addition is proposed to the rear of the preexisting nonconforming dwelling with limited visibility from the public right of way.
  - o Section 250-3.C of the Bolton Zoning Bylaws allows the extension of a preexisting nonconforming dwelling and therefore the desired relief can be granted without nullifying the intent and purpose of the Zoning Bylaws.
  - o It was noted that the property at 3 East End Road has significant frontage on both East End Road and Main Street. The Applicant intends to maintain the street scape that has existed for over 100 years.
  - o It is the Applicant’s desire to preserve the historic dwelling. Martha Remington from Bolton’s Historical Commission stated she was in favor of the project. She submitted a letter dated 10/11/16 to the Board indicating her support. Her letter also requested that as many trees as possible are retained on the south side of the dwelling and near the Bay Path road bed area for natural buffer.
  - o **B. Reed motioned to close the hearing for 3 East End Road. 2<sup>nd</sup> by A. Kischitz. All in favor 5/0/0.**
  - o **A. Hearn motioned to grant the Applicant’s request for Variance of proposed addition to dwelling at 3 East End Road conditioned upon taking into consideration the Historical Commission’s letter to preserve the trees. 2<sup>nd</sup> by A. Kischitz. All in favor 5/0/0.**

### Business:

*Handwritten notes:*  
M. Donohoe 12/1/16  
A. Kischitz II 12/1/16  
B. Reed 12/1/16

- Update on the close out of Sunset Ridge.
  - A site visit was conducted on September 20, 2016 to review the outstanding items related to the close out of Sunset Ridge. Vin Gately (Heritage Properties), E. Uriarte, Jack Sargent (ZBA), Steven Ventresca (Nitsch Engineering, Inc.) and Stan Haberski (Resident at Sunset Ridge) were present at the site visit.
  - There was a short list of minor items from the site visit that needed to be addressed (e.g., seal driveway cracks). There was no deadline given as to when the items needed to be completed.
  - The Board indicated that they had given V. Gately a deadline of August 1<sup>st</sup> at their May 2016 meeting as to when the remaining site items needed to be completed. The Board agreed that the remaining items from the September 20<sup>th</sup> site visit should be accomplished no later than November 15<sup>th</sup> or the remaining bond should be used to complete the project.
  - S. Haberski stated that there were other concerns/items that needed to be corrected that he brought to E. Uriarte's attention in the past. These items included the sidewalk at the entrance of the development that ends mid-way up the hill and the embankment that slopes down to the septic system (possibly greater than 3:1). S. Haberski feels both of these items are safety concerns. The sidewalk was not constructed the full length as shown on the Landscape Plan. Residents are forced to walk in the road prior to reaching the top of the hill.
  - E. Uriarte retrieved the Landscape Plan to show the Board the location of the sidewalk. E. Uriarte noted that the sidewalk was not shown on the approved Comprehensive Permit Site Plans.
  - E. Uriarte will follow up with S. Ventresca regarding the sidewalk and slope issues to determine if there are safety concerns.
  - **The Board will conduct a site visit on or before November 15<sup>th</sup> to review the completion of the remaining items. The site visit will be scheduled for 8 a.m.**
- Update on the construction of Craftsman Village at Brigham Farm.
  - A field change occurred in July 2016 where a set of stairs servicing Building 14 was eliminated. As construction of the initial phase advanced, there was limited space to actually construct the stairs as shown on the approved site plans. E. Uriarte conducted a site visit with Mark O'Hagan (Craftsman Village) at which point it was agreed to eliminate the stairs since the stairs were not providing significant access to other buildings and Building 14 had two other means of egress (through the garage or by another set of stairs slightly further away).
  - In September 2016, DPW notified E. Uriarte and Mark O'Hagan that grading of earthwork had been conducted in the right-of-way of Sugar Road. This work included the berm of the stormwater basin at the southeasterly corner of the site and the berm constructed along the easterly side of Building No.14. DPW indicated that these areas are specifically used for snow storage of the road. The DPW requested the earthwork material be removed. This required reducing the berm height of the stormwater basin by 1 foot. In coordination with Places Associates, Inc. (Site Engineer), the outlet control structure and emergency spillway were revised to accommodate the reduced storage volume of the basin. The revised stormwater basin will continue to meet the standards set forth by the MA Stormwater Handbook. The snow storage concern was resolved.
  - E. Uriarte indicated to the Board that there had been several complaints regarding the tree removal along Sugar Road from the development.

**Administrative:**

- None.

**B. Reed motioned to adjourn the Zoning Board of Appeals meeting at 7:55 PM. 2<sup>nd</sup> by K. Stoner. All in favor 5/0/0.**

*M. Uriarte*  
12/1/16

*BA* 12/1/16  
*3#* 12/1/16  
*Reed* 12/1/16