

## TOWN OF BOLTON – ZONING BOARD OF APPEALS MINUTES

Meeting Held at the Houghton Building at 697 Main St. on **May 31, 2016** at 7:00 PM

Members Present: Gerard Ahearn (Chairman), Andy Kischitz, Bradley Reed, Jack Sargent (Members)

Absent Members: Kay Stoner (Member), Bryan Holmes (Associate)

Also Present: Alan DiPeitro (110 Teele Rd), Vin Gately (Sunset Ridge), Steven Ventresca (Nitsch Engineering – ZBA Peer Reviewer)

Call to order: 7:00 PM

### Hearings:

- In accordance with Massachusetts General Laws, Chapter 40A, Section 11, notice is hereby given that the Bolton Zoning Board of Appeals (ZBA) held a continuation of public hearing at 7:00 p.m. to hear and act upon the application of Alan DiPeitro for a Variance to Code of the Town of Bolton, Division I, Part III, Zoning Bylaw, Chapter 250, Section 13 - Dimensional Regulations – Residential Frontage and Section 28 – Terms Defined – Lot Frontage for property located at 110 Teele Road, Bolton, MA and shown on Assessors Map 3.00E-033.
  - o The Board reviewed the May 26, 2016 e-mail response from Mr. Brian R. Falk, Associate counsel at Mirick, O'Connell, DeMallie & Lougee, LLP (Town Counsel), to the ZBA's question as to whether Town/County lines can factor in as a hardship for a lot. Attorney Falk summarized that "...the municipal boundary line dividing the lot should be considered by the ZBA in this case, but that fact alone does not compel the ZBA to grant a variance." In Attorney Falk's response, he also noted the four (4) specific areas of findings that the Board is required to make in order to issue a Variance.
  - o The Board asked the Applicant if it was practical to restructure Parcel to by contributing land from abutting Parcel 2 in order to potentially make Parcel 1 a backland lot. The Applicant responded that there would be prohibited costs to him to consider such a plan, and that the current Variance request only considers Parcel 1.
  - o **After reviewing and discussing the above with the Applicant and those in attendance, B. Reed motioned to close the public hearing. 2<sup>nd</sup> by A. Kischitz. All in favor 4/0/0.**
  - o **B. Reed motioned to grant the Variance for 110 Teele Road to allow for reduced lot frontage. 2<sup>nd</sup> by A. Kischitz. All in favor 4/0/0.**

### Business:

- Sunset Ridge-Request for release of remaining escrow.
  - o Vin Gately requested the release of the remaining escrow for the completion of the Sunset Ridge Development.
  - o The Board reviewed the site inspection report prepared by Nitsch Engineering (ZBA's Review Engineer) dated July 28, 2014 at the request of Stanley Haberski, a resident at Sunset Ridge. Steven Ventresca from Nitsch Engineering provided an update regarding the site items listed in this report. The following items remain to be completed prior to full release of the bond:
    - The Applicant will provide crack sealing at the driveways that meet the roadway near Buildings 5, 6 and 7.
    - The Applicant will review the Cape Cod berm condition near Buildings 5, 6 and 7 and provide a fix to allow stormwater to flow as intended along the gutter line. Also the Applicant will review and install, as necessary, the fill behind the curb in the same location.
    - The Applicant will provide signs for the two (2) gates and locks for each gate. The key to the locks will be provided to the Fire Department by the Applicant.
    - The Applicant will set the water boxes to finished grade in the landscaped area.
    - The Applicant will remove the remaining construction debris (telephone pole, sign post behind building, and other construction debris from the project) off the property and dispose of the debris appropriately.

- o B. Reed motioned to release \$34,831 of the remaining bond for Sunset Ridge to the Applicant and hold \$15,000 in escrow. 2<sup>nd</sup> by A. Kischitz. All in favor 4/0/0.
- o The Applicant agreed to complete the remaining items by August 1, 2016 at which time the Applicant, Nitsch Engineering and a representative of the ZBA will walk the site to observe that the items were addressed.

**Administrative:**

- None.

B. Reed motioned to adjourn the Zoning Board of Appeals meeting at 7:55 PM. 2<sup>nd</sup> by A. Kischitz. All in favor 4/0/0.

Approval of ZBA Meeting Minutes from 5/31/16

  
Buddy Bond



 12/13/16