



## TOWN OF BOLTON

### ZONING BOARD OF APPEALS

Town Hall, 663 Main Street, Bolton, MA 01740  
Phone: 978-779-3308 Fax: 978-779-5461

#### VARIANCE FINDING

Petitioner: Christopher & Maureen Power  
195 Berlin Road  
Bolton, MA 01740

Premises: 195 Berlin Road, Bolton, MA 01740  
Bolton Assessor's Map 3.C Parcel 8

Owner: Christopher & Maureen Power  
195 Berlin Road  
Bolton, MA 01740

Deed Reference: Worcester District Registry of Deeds, Book 7918 Page 88

Date Petition filed with Town Clerk of Bolton, MA: May 13, 2015

Type of Application: Variance Finding

Applicable Zoning Bylaw of the Code of the Town of Bolton, MA: Sections 250-3.C & 250-13.B

Hearing Date: June 11, 2015

Members Present: Chairman, Gerard Ahearn, Matthew Hurd, Andy Kischitz, Bradley Reed  
Kay Stoner, Associate, Jack Sargent.

Decision: On June 11, 2015 at 7:45 p.m., the Board of Appeals made a Variance Finding that the relief sought from the front yard setback for a pre-existing nonconforming single family dwelling would not be substantially more detrimental to the neighborhood.

#### PROCEDURAL HISTORY

1. On May 13, 2015 Christopher and Maureen Power (hereinafter, the Applicant), applied to the Zoning Board of Appeals (ZBA) for a Variance Finding for the Premises located at 195 Berlin Road, Bolton, MA from dimensional zoning requirements as set forth in Section 250-13.B of the Code of the Town of Bolton. The Premises is identified on the Bolton Assessor's Map 3.C as Parcel 8 located in the Residential Zoning District.

The Applicant sought relief for front yard setback as follows:

	<b>Proposed</b>	<b>Required</b>
<b>A. Front Yard Setback</b>	<b>20.5 feet</b>	<b>50 feet</b>

1. The Applicant intends to replace their existing one car garage (14 feet by 14 feet) with a two car garage (24 feet by 24 feet) encroaching within the front yard setback.
2. A duly posted public hearing was held on June 11, 2015 at 7:45 p.m. at the Houghton Building at 697 Main Street, Bolton, MA. Chairman Gerard Ahearn read the Notice of Public Hearing for the request for Variance Finding pursuant to Sections 250-3.C and 250-13.B of the Code of the Town of Bolton. The Board closed the hearing the same evening.

### **RECORD DOCUMENTS**

#### **Original Application Documents**

1. Application to ZBA;
2. Certified Abutters List from Bolton's Assessor's Office;
3. Site plan entitled "Plan of Land in Bolton, Massachusetts" prepared for Christopher J. & Maureen K. Power by Ducharme & Dillis Civil Design Group, Inc. dated April 16, 2015;
4. Site plan entitled "Site Plan, Bolton, Massachusetts" prepared for Christopher J. & Maureen K. Power by Ducharme & Dillis Civil Design Group, Inc. dated April 16, 2015;
5. Architectural Site Plans prepared for Powers Residence prepared by Steven Baczek Architect dated May 2, 2015, Sheets A1 – A3 & Sheets A1 - A4; and
6. Photographs of the existing Premises.

### **FINDINGS**

2. The Premises is located at 195 Berlin Road, Bolton, MA 01740, identified on Bolton Assessor's Map 3.C as Parcel 8, and is owned by Christopher and Maureen Power, 195 Berlin Road, Bolton, MA 01740. The Premises is located in the Residential Zoning District.
3. The pre-existing nonconforming lot contains 0.79 acres and approximately 363 feet of frontage along Berlin Road in accordance with Sections 250-3.C and 250-13.B of the Code of the Town of Bolton.
4. The front yard setback of the proposed two car garage (24 feet by 24 feet) will be 20.5 feet. The required front yard setback is 50 feet in accordance with Section 250-13.B of

the Code of the Town of Bolton.

5. Based upon the information submitted at the public hearing, including the record documents and comments received from the public, the Board makes the following specific finding in accordance with M.G.L. c.40A, Section 6:

**The ZBA finds that the desired relief from the front yard setback for a proposed garage of the pre-existing nonconforming single family dwelling at 195 Berlin Road will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.**

### APPEALS

Appeals, if any, to this decision must be made pursuant to M.G.L. c.40A, Section 17 and must be filed within twenty (20) days after the date of filing of this decision in the office of the Bolton Town Clerk.

This decision shall not take effect until a copy of this decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after this decision has been filed in the office of the Town Clerk, and that no appeal has been filed within said twenty (20) days; or that, if such appeal has been filed, that it has been dismissed or denied. Further, this decision shall not take effect until it is recorded in the Worcester County Registry of Deeds and indexed in the grantor index under the name of the owner record, or is recorded and noted on the owner's certification of title.

The following members of the Zoning Board unanimously voted to grant the subject to the above-stated terms: Chairman, Gerard Ahearn, Matthew Hurd, Andy Kischitz, Bradley Reed, Kay Stoner, Associate, Jack Sargent.



Gerard Ahearn, Chairman  
(On behalf of the Zoning Board of Appeals)

**FILED WITH THE TOWN CLERK**

Filed with the Town Clerk on June 24, 2015.

Pamela H. Powell

Pamela Powell, Town Clerk

2015 JUN 24 AM 9:49

**CERTIFICATE OF NO APPEAL**

The undersigned, being the Town Clerk of the Town of Bolton, certifies that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

Date: July 15, 2015.

Pamela Powell

Pamela Powell, Town Clerk

Copy of Variance Findings and Decision mailed to:

Abutters

Surrounding Towns

Bolton Boards and Committees

Applicant