



TOWN OF BOLTON

ZONING BOARD OF APPEALS

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

SPECIAL PERMIT FINDINGS AND DECISION

Petitioner: Wachusett Realty, LLC
200 Church Street
Clinton, MA 01510

Premises: 562 Main Street, Bolton, MA 01740
Bolton Assessor's Map 4.C Parcel 35

Owner: R. Lee Bracy, Jr.
P.O. Box 189
Bolton, MA 01740

Deed Reference: Worcester District Registry of Deeds, Book 5114 Page 579

Date Petition filed with Town Clerk of Bolton, MA: June 2, 2014

Type of Application: Special Permit

Applicable Zoning Bylaw of the Code of the Town of Bolton, MA: Section 250-3.C

Hearing Date: July 28, 2014

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

Decision: On July 28, 2014 at 7 p.m., the Board of Appeals voted unanimously to approve the petition seeking Special Permit.

PROCEDURAL HISTORY

1. On June 2, 2014 Wachusett Realty, LLC (hereinafter, the Applicant), applied to the Zoning Board of Appeals (ZBA) for a Special Permit to alter and extend a nonconforming structure for the Premises located at 562 Main Street, Bolton, MA 01740 pursuant to Section 250-3.C of the Code of the Town of Bolton. The Premises is identified on the Bolton Assessor's Map 4.C as Parcel 35 located in the Limited Business Zoning District.
2. The Applicant seeks to alter the structure by replacing it with a proposed structure shown

on plans presented at the hearing. The proposed structure would be used as a branch Bank for the Applicant's subsidiary, Clinton Savings Bank. The existing and proposed structures are both nonconforming.

3. A duly posted public hearing was held on July 28, 2014 at 7 p.m. at the Bolton Town Hall. Chairman Gerard Ahearn read the Notice of Public Hearing of the request for a Special Permit pursuant to Section 250-7.D of the Code of the Town of Bolton. The hearing was held simultaneously with one concerning an application for a series of Variances for the same Premises. The Board closed the hearing the same evening.

RECORD DOCUMENTS

During the course of the public hearing the documents, plans, and other written materials set forth in Appendix A were received by the Board and incorporated into the record.

CRITERIA FOR SPECIAL PERMIT

The criteria for the grant of a Special Permit to alter a nonconforming structure pursuant to Section 250-3.C of the Code of the Town of Bolton is that the alteration should not be substantially more detrimental to the neighborhood than the existing nonconforming structures or uses. Section 250-3.C of the Code, provides that generally any increase of no more than 100 percent of the floor area for a structure existing prior to April of 1972 or 50 % of the ground area in use shall be considered as not substantially more detrimental to the neighborhood than the prior nonconforming structure.

FINDINGS

Based upon the information submitted at the public hearing, including the record documents and comment received from the public, the Board makes the following specific findings with regard to the proposed alteration and use:

1. The Premises is located at 562 Main Street, Bolton, MA 01740, identified on Bolton Assessor's Map 4.C as Parcel 35, and is owned by R. Lee Bracy, Jr., P.O. Box 189, Bolton, MA 01740. The Premises is located in the Limited Business Zoning District.
2. The existing residential structure has existed as nonconforming structure for many years and prior to the adoption of zoning.
3. The properties adjacent to and across the street from the Premises are currently used for business use.
4. The proposed structure on the Premises will be nonconforming because the front yard setback will remain 43 feet and the easterly side yard setback will remain 35 feet. The front yard setback requirement is 150 feet and the side yard setback requirement is 50 feet. The front yard and side yard setbacks for the proposed structure are the same as for the existing structure.

5. Use of the Premises for a branch Bank will be consistent with that of the abutting properties.
6. The existing structures have a total of 2,849 square feet of floor space. The proposed structure building including the drive in and ATM canopy area will contain 2,609 square feet. The proposed structure thus meets the criteria for Special Permit noted above.
7. Since the proposed 2,609 square feet of space for the new structure will be less than the existing floor space of the current structure, the proposed structure will not be substantially more detrimental to the neighborhood than the existing nonconforming structure;
8. The proposed improvements to the Premises will have no known negative impact on the environment.
9. Applicant currently operates a branch Bank directly across the Street from 562 Main Street and currently has a drive up window and ATM at the existing facility.
10. The proposed improvements will be aesthetically pleasing from Main Street.
11. The proposed improvements to the property will have no negative fiscal impact but should instead result in an increase in tax revenue for the Town.

DECISION

Pursuant to M.G.L. c. 40A, Section 9 and Section 250-6 of the Code of the Town of Bolton, the Board, after public hearing and findings of fact, hereby unanimously votes to grant the Applicant's request for a Special Permit as follows:

A Special Permit to allow the Applicant to alter, renovate, and extend the nonconforming structure located on the Premises at 562 Main St Bolton, MA to include a new building with drive up window and supporting facilities containing no more than 2,609 square feet consistent with the plans on file with the Board as part of the Application and in compliance with any Variances granted by this Board as applicable to the Premises at 562 Main St. Bolton.

RECORD OF VOTE

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.



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

FILED WITH THE TOWN CLERK

Filed with the Town Clerk on August 7, 2014.

Pamela H. Powell

Pamela Powell, Town Clerk

2014 AUG - 7 PM 12:39

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: August 28, 2014.

Pamela H. Powell

Pamela Powell, Town Clerk

Copy of Special Permit Findings and Decision mailed to:

Abutters

Surrounding Towns

Bolton Boards and Committees

Applicant

APPENDIX A RECORD DOCUMENTS

Original Application Documents

1. Application to ZBA;
2. Certified Abutters List from Bolton's Assessor's Office;
3. Brief to the Board stating the Applicant's request for relief from the provision of Section 250-3.C of the Code of the Town of Bolton;
4. Premises Deed Copy; and
5. Photographs of the existing Premises.

July 28, 2014 Hearing Documents

1. Letter/ Decision from Bolton Board of Health dated July 16, 2014 with attached Sewage Disposal Works Construction Permit from the Nashoba Associated Boards of Health issued July 8, 2014 for the Premises;
2. Determination of Non Applicability by Bolton Conservation Commission dated July 21, 2014 for the Premises;
3. Letter/ Decision from Bolton Design Review Board dated July 28, 2014 for the Premises;
4. Traffic Impact and Access Study prepared by Dermot J. Kelly Associates, Inc.;
5. "Existing Conditions Plan" prepared by David E. Ross Associates, Inc. for Wachusett Realty, LLC, revision date of June 2, 2014, Scale: 1"=20';
6. "Site Layout Plan" prepared by David E. Ross Associates, Inc. for Wachusett Realty, LLC, revision date of June 2, 2014, Scale: 1"=20';
7. "Site Grading & Utility Plan" prepared by David E. Ross Associates, Inc. for Wachusett Realty, LLC, revision date of June 2, 2014, Scale: 1"=20';
8. "Proposed Landscape Plan", Sheet DR.L, prepared by Approach Architects for Clinton Savings Bank, revision date of July 24, 2014, Scale: 1"=20';
9. "Proposed Floor Plan", Sheet DR.1, prepared by Approach Architects for Clinton Savings Bank, revision date of July 24, 2014, Scale: 1/8"=1'-0";
10. "Proposed Front and Right Side Elevations", Sheet DR.2, prepared by Approach Architects for Clinton Savings Bank, revision date of July 24, 2014, Scale: 3/16" = 1'-0";
11. "Proposed Rear and Left Side Elevations", Sheet DR.3, prepared by Approach Architects for Clinton Savings Bank, revision date of July 24, 2014, Scale: 3/16" = 1'-0";

12. "Proposed Site Elevations", Sheet DR.4, prepared by Approach Architects for Clinton Savings Bank, revision date of July 24, 2014, Scale: 3/32"=1'-0";
13. "Proposed Fence Details and Sign Proportions", Sheet DR.5, prepared by Approach Architects for Clinton Savings Bank, revision date of July 24, 2014; and
14. "Proposed Lighting Specifications", Sheet DR.6, prepared by Approach Architects for Clinton Savings Bank, revision date of July 24, 2014.