

TOWN OF BOLTON – ZONING BOARD OF APPEALS MINUTES

Remote Meeting held on July 25, 2022 at 6:30 p.m. via Zoom Communications, Inc.

Members Present: Gerard Ahearn (Chairman), Andy Kischitz, Bradley Reed, Elisabeth Hutchins, Gabrielle Lomanno (Associate)

Also Present: Valerie Oorthuys (Town Planner)

Absent: Bryan Holmes

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this public meeting of the Town of Bolton Planning Board was conducted via remote participation. No in-person attendance of members of the public were permitted, but the public can access this meeting while in progress using Zoom Video Communications, Inc. (Zoom).

Directions to connect to the public meeting were provided on the agenda.

The Zoning Board of Appeals conducted a roll call of all members present including Gerard Ahearn (Chairman), Andy Kischitz, Bradley Reed, Gabrielle Lomanno (Associate), and Elisabeth Hutchins.

PUBLIC HEARINGS

Comprehensive Permit, Mallard Lane

Age-Restricted Development along South Bolton Road, Map 2.C Parcel 15.1

Present:

Jim Morin, Northeast Classic Engineering – Applicant

Amy Ball, Horsley Witten Group – ZBA Peer Reviewer

Joe Peznola, Hancock Associates – ZBA Peer Reviewer

Gerard Ahearn noted this public hearing is a continuance from July 11, 2022 and said that the Board has received correspondence between the Applicant and an abutter regarding a sight distance easement.

The ZBA discussed monitoring of the wells and the concern for the proximity to a vernal pool. Joe Peznola noted that the monitoring would be done by the Town, as the DEP would only have that responsibility in the case of the installation of a public water supply.

Brittany Bethune, 342 South Bolton Road, reviewed a letter she sent to the ZBA dated July 17, 2022.

The Board noted an updated Operations & Maintenance plan should be provided as a condition of the decision.

The Applicant agreed to installing further conifer plantings along the property line with 342 South Bolton Road in order to provide better screening.

The Board discussed sight distances and agreed that the decision can include a condition related to the provision of a 'blind driveway' or an "intersection warning" sign dependent upon the approval from the Police Chief and Select Board. Brittany Bethune stated that a sight distance easement is not acceptable.

Joe Peznola stated that it is typical for a condo association to be formed around the time the development is 70% occupied, though the decision would include a condition that the developer is responsible for all infrastructure and improvements through the final occupancy permit. The decision can include a condition to request a surety in the event that occupancy permits are provided prior to the completion of site improvements.

Joe Peznola stated that the development will need to file a NPDES and a SWPPP prior to site disturbance.

Joe Peznola stated the age restriction to ensure that one person in the household is over the age of 55 will be described in the condominium documents and is necessitated by the wastewater allowances for a site of this size and density. If the age were not restricted, the utilities on site would need to be reconfigured. Joe Peznola said it would be best to limit acknowledgement of age restriction to the findings in the decision rather than as a condition of approval.

Elisabeth Hutchins moved to approve the waiver from the Code of the Town of Bolton §147- Groundwater Protection to allow for the construction of this Development, which includes (8) single-family style structures. 2nd by Andy Kischitz. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes (5/0/0).**

Elisabeth Hutchins moved to approve the waiver from the Code of the Town of Bolton §147- 1B(3) Groundwater Protection to allow for the construction of this Development, which includes (8) single-family style structures. 2nd by Andy Kischitz. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes (5/0/0).**

Elisabeth Hutchins moved to approve the waiver from the Bolton Zoning Bylaw, §250-12 Schedule of Permitted Uses to allow for the construction of multiple single-family structures. 2nd by Andy Kischitz. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes (5/0/0).**

Elisabeth Hutchins moved to approve the waiver from the Bolton Zoning Bylaw, §250-13.C One Building Per Lot to allow for the construction of multiple single-family structures on a single lot. 2nd by Andy Kischitz. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes (5/0/0).**

Elisabeth Hutchins moved to approve the waiver from the Bolton Zoning Bylaw, §250-17 Driveways and Parking to allow a private shared driveway to access eight dwellings. 2nd by Bradley Reed. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes (5/0/0).**

Elisabeth Hutchins moved to approve the waiver from the Bolton Wetlands Bylaw Section 233-2 to allow pavement associated with the site access to be located 56 feet from a wetland resource area. 2nd by Andy Kischitz. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes (5/0/0).**

Elisabeth Hutchins moved to approve the waiver from the Bolton Wetlands Bylaw Section 233-2 to allow grading and clearing to occur 30 feet from a wetland resource area. 2nd by Andy Kischitz. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes (5/0/0).**

Andy Kischitz moved to approve the waiver from the Bolton Wetlands Bylaw Section 233-2 to allow the proposed well for Unit 1 to be located 73 feet from a wetland resource area. 2nd by Elisabeth Hutchins. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes (5/0/0).**

Andy Kischitz moved to approve the waiver from the Bolton Wetlands Bylaw Section 233-2 to allow the proposed well for Unit 6 to be located 100 feet from a wetland resource area. 2nd by Elisabeth Hutchins. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes (5/0/0).**

Andy Kischitz moved to approve the waiver from the Bolton Wetlands Bylaw Section 233-2 to allow the proposed well for Unit 7 to be located 57 feet from a wetland resource area. 2nd by Elisabeth Hutchins. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes (5/0/0).**

Andy Kischitz moved to approve the waiver from the Bolton Wetlands Bylaw Section 233-2 to allow the proposed well for Unit 8 to be located 78 feet from a wetland resource area. 2nd by Elisabeth Hutchins. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes (5/0/0).**

Andy Kischitz moved to approve the waiver from the Bolton Wetlands Bylaw Section 233-2 to allow the proposed well for Unit 7 to be located 90 feet from a wetland resource area. 2nd by Elisabeth Hutchins. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes (5/0/0).**

Elisabeth Hutchins moved to approve the waiver from the Bolton Wetlands Bylaw Section 233-2 to allow a stormwater outlet to be located 62 feet from a wetland resource area. 2nd by Andy Kischitz. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes (5/0/0).**

Elisabeth Hutchins moved to approve the waiver from the Bolton Wetlands Bylaw Section 233-2 to allow a retaining wall to be located 44 feet from a wetland resource area. 2nd by Andy Kischitz **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes (5/0/0).**

Joe Peznola stated that there are no State requirements related to proximity from a well to a property line or shared driveway.

Elisabeth Hutchins moved to approve the waiver from the Bolton Well Regulations Section 4.1 Well Location Requirements to allow the well for Unit 1 to be located 20 feet from a property line. 2nd by Andy Kischitz. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes (5/0/0).**

Elisabeth Hutchins moved to approve the waiver from the Bolton Well Regulations Section 4.1 Well Location Requirements to allow the well for Unit 3 to be located 38 feet from a property line. 2nd by Andy Kischitz. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes (5/0/0).**

Elisabeth Hutchins moved to approve the waiver from the Bolton Well Regulations Section 4.1 Well Location Requirements to allow the well for Unit 6 to be located 36 feet from a property line. 2nd by Andy Kischitz. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes (5/0/0).**

Elisabeth Hutchins moved to approve the waiver from the Bolton Well Regulations Section 4.1 Well Location Requirements to allow the well for Unit 8 to be located 20 feet from a property line. 2nd by Andy Kischitz. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes (5/0/0).**

The ZBA acknowledged that the waiver from well regulations to allow a well to be located near a sewer force main is no longer needed, as the applicant has made adjustments to the site plans.

Elisabeth Hutchins moved to deny the waiver from the Bolton Well Regulations Section 4.1 Well Location Requirements requesting allowance for the well for Unit 1 to be located 24 feet from the sewer force main. 2nd by Andy Kischitz. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes (5/0/0).**

Elisabeth Hutchins moved to approve the waiver from the Bolton Well Regulations Section 4.1 Well Location Requirements to allow the well for Unit 8 to be located 41 feet from the shared driveway. 2nd by Andy Kischitz. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes (5/0/0).**

Bradley Reed motioned to close the public hearing for a Comprehensive Permit project titled 'Mallard Lane' along South Bolton Road. 2nd by Andy Kischitz. **All in favor by roll call:**

Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes (5/0/0).

Bradley Reed motioned to adjourn the meeting. 2nd by Andy Kischitz. **All in favor by roll call: Gerard Ahearn – Yes, Andy Kischitz – Yes, Bradley Reed – Yes, Gabrielle Lomanno -Yes, Elisabeth Hutchins – Yes (5/0/0).**

Respectfully Submitted,
Valerie Oorthuys