

**Bolton Zoning Board of Appeals**  
**Regular Meeting Minutes**  
**June 13, 2023 7:00 p.m.**  
**Bolton Town Hall, 222 Bolton Center Road**  
**Hybrid Meeting-In person and virtual via Zoom**

**Members Present:** Anne Decker and Jonathan Treat and Alternates Bill Anderson (seated for William Pike), Joshua Machnik (seated for Mark Altermatt) and Mary Terhune (seated for Morris Silverstein)

B. Anderson made a motion to appoint the above seated members. J. Treat seconded. The motion passed unanimously 5:0:0.

**Regular Meeting**

J. Treat made a motion to appoint A. Decker as acting Chairman. J. Machnik seconded. The motion passed unanimously 5:0:0.

**1. Call to Order:** Acting Chairman Anne Decker called the meeting to order at 7:02 p.m.

**2. Public Comment:** No public comment

**Continuation of Public Hearing**

***3. #ZBA-23-1 – Jason Vaillette – 68 Country Club Rd – variance request for installation of 18x30 in-ground swimming pool***

Attorney Louis Spadaccini spoke on behalf on the applicants. His clients have modified their request and have decided against the in-law suite. They would like to install the pool only. The pool and adjacent patio would only encroach 9 feet beyond the setback. Their proposed 400 square foot pool is comparable to many in the neighborhood and is the smallest size recommended by their contractor. His client's house is set back further on the lot than others in the neighborhood and many of the other houses in the neighborhood have large side yards whereas the applicants do not. They have significantly scaled back their plans, there has not been any opposition from neighbors and several neighbors have written letters in endorsement of the proposed pool. The rear setback line is open space and would not encroach on any neighbors.

J. Treat asked what the hardship is. Mr. Spadaccini said that it is a unique lot in that the house was built further back on the lot. J. Treat questioned the placement of the house being a hardship. He believes that topography would be more of a hardship.

M. Terhune asked if they considered a rectangular pool. Mr. Vaillette noted that the smallest rectangular pool would be wider than the kidney-shaped pool that is proposed and they asked two contractors for options.

A. Decker said that it seems like the applicant has made a concerted effort to comply with the current regulations although she is concerned that J. Treat has a point about the hardship.

B. Anderson noted that purchasing a house on its own is not a self induced hardship. The regulations require a builder to leave room for septic options not for the installation of a pool. There are three houses in the neighborhood that would in his opinion qualify for a variance if they wanted to install a pool.

J. Machnik agrees with B. Anderson and feels that it is a real hardship.

M. Terhune asked if there were other plans for expansion in the future, i.e. a patio, outdoor kitchen, etc. Mr. Vaillette replied in the negative.

A. Decker asked if any of the commission members had any other questions. Mr. Vaillette provided copies of the letters from his neighbors in support of the project.

B. Anderson made a motion to close the public hearing. J. Treat seconded. The motion passed unanimously 5:0:0.

A. Decker asked if anyone on the commission would like to continue the discussion. There was no further discussion.

J. Machnik made a motion to grant the variance based on the hardship of the house being set back further on the lot than others in the neighborhood. B. Anderson seconded. The motion passed 4:1:0 with J. Treat in opposition.

### **Other Business**

#### **4. Approval of Minutes:**

##### **May 9, 2023**

J. Machnik made a motion to accept the minutes as presented. M. Terhune seconded. The motion passed unanimously 5:0:0.

##### **April 11, 2023**

J. Machnik made a motion to accept the minutes as presented. J. Treat seconded. The motion passed 4:0:1 with B. Anderson abstaining.

#### **5. Election of Officers**

J. Treat made a motion to nominate A. Decker as chairman. M. Terhune seconded.

J. Machnik made a motion to nominate M. Silverstein as chairman. There was no second.

The motion to nominate A. Decker as chairman passed 3:2:0 with B. Anderson and J. Machnik in opposition.

**6. Correspondence:** None

**7. Other:** None

**8. Adjournment**

J. Machnik made a motion to adjourn at 7:26 p.m. B. Anderson seconded. The motion passed unanimously 5:0:0.

Respectfully submitted,

*Leslie J. Brand*

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Please see minutes of subsequent meetings for corrections to these minutes and any corrections hereto.