

Bolton Zoning Board of Appeals
Regular Meeting Minutes
April 9, 2024 7:00 p.m.
Bolton Town Hall, 222 Bolton Center Road
In-Person Meeting and Virtual Utilizing Zoom

Members Present: Chairman Morris Silverstein, Josh Machnik, William Pike, Jonathan Treat (left the meeting at 8:14 p.m.) and Alternates Tom Lyon and Mary Terhune (seated for Anne Decker)

Regular Meeting

1. **Call to Order:** Chairman Morris Silverstein called the meeting to order at 7:03 p.m.
2. **Public Comment:** No public comment
3. **Continuation of Public Hearing**
#ZBA-24-1: Alex O’Neil – 366 West St. – 15 ft. side yard variance to allow for an addition to the existing garage

Caitlin O’Neil attended the meeting via Zoom.

Alex O’Neil attended the meeting in person and spoke on his own behalf. The question of the easement has been resolved. There is no easement on either property.

Eversource stated that the electric pole next to the existing garage will need to be moved at the O’Neil’s expense pending approval of the variance.

Rachel Dearborn from Landmark Surveys attended the meeting in person and spoke on the O’Neil’s behalf. The property is fairly level at the top of the hill where the existing structures are located. The backyard is too wet to erect a building. She explained that there is no issue with the rear setback. The characteristics of the house would be compromised if it was blocked by a new garage.

W. Pike asked about the 10 foot variance that is requested. Ms. Dearborn noted that the 10 feet would be the minimum variance along the front and back. A 30’ x 50’ garage addition is being proposed. The square footage will need to be corrected in the application. It currently states 3,000 sq. ft. as opposed to 1,500 sq. ft. And the application provided says that 10 feet exists from the current garage to the property line but it should state 40 feet.

W. Pike asked if Mr. O’Neil was aware of what moving the existing electric pole entails. Mr. O’Neil was not sure of the exact process but it would be something he would pursue if the variance was granted.

W. Pike asked about the title search and the easement. He wanted to ensure that the neighbor who was questioning the existence of the easement was comfortable with the research that

was done. Mr. O'Neil stated that he has been in communication with her and no issues have been raised and he feels that the lack of neighbors attending this meeting shows their lack of concern.

M. Silverstein closed the public hearing at 7:36 p.m.

M. Silverstein proposes to approach this variance discussion by following the State statutes. He read excerpts from Section 8-6.

J. Treat has a very minor concern about an emergency vehicle accessing the rear of the property although he did note that if an emergency vehicle needed to access the property it would find a way.

M. Silverstein asked if there was any impact to public health, public safety, public convenience, welfare, morals being corrupted and property values.

J. Treat noted that the variance has the potential to hurt the neighbor because they would have less variance than they had before and their view may be impacted by the proposed structure.

M. Silverstein noted that there is a line of trees and foliage that would block the view of the proposed structure.

M. Terhune noted that the property is somewhat overdeveloped for the neighborhood. T. Lyon noted that the tax revenue for the town would increase.

M. Silverstein noted that this proposed garage would be a cover for the vehicles that are already on the property.

W. Pike feels that there are other considerations. Residents that come to this board are interested in improving their property. There are already four garages on this property. Perhaps there an alternative that is less of an encroachment. Perhaps a compromise is in order. If this variance is approved, he feels that this level of variance is excessive. It would set a precedent in the town if it was granted.

M. Silverstein asked if the Board's judgment should be worth more than the resident's judgment. W. Pike feels that the Board members should weigh in on the merits of granting the variance.

J. Treat drew up a new garage proposal that pushes the structure back towards the existing structures thereby reducing the amount of variance that would be needed. He doesn't feel that Mr. O'Neil has a true hardship and that is what this whole process hinges on.

M. Terhune restated her comments from last month regarding the potential to locate the proposed structure in a different area and asked if there a hardship just because the applicant doesn't have enough garage space.

J. Machnik feels that the applicant made a strong argument about where the structure can best be placed.

W. Pike noted that when other alternatives are options, they should be explored. Topology is a big concern. He feels that the vote should be tabled until J. Treat is present to vote.

Ms. Dearborn asked if J. Machnik can get caught up with the discussion from the March ZBA meeting so that he can vote at the next meeting. She and Mr. O'Neil requested a continuance. Mr. O'Neil will review the information on the original request for the variance.

W. Pike made a motion to postpone voting on the variance pending the availability of J. Treat. T. Lyon seconded. The motion passed unanimously 5:0:0.

4. Approval of Minutes:

March 12, 2024

W. Pike made a motion to accept the minutes as presented. T. Lyon seconded. The motion passed unanimously 5:0:0.

5. Other: None

6. Adjournment

M. Terhune made a motion to adjourn at 8:23 p.m. T. Lyon 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.