

Bolton Zoning Board of Appeals
Regular Meeting Minutes
April 11, 2023 7:00 p.m.
Bolton Town Hall, 222 Bolton Center Road
Hybrid Meeting-In person and virtual via Zoom

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

Staff Present: None

Regular Meeting

1. Call to Order: Chairman M. Altermatt called the meeting to order at 7:16 p.m.

2. Public Comment: No public comment

Public Hearing

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

Mr. Vaillette spoke on his own behalf. Certified letters were sent out to the abutting property owners. He has received responses from some neighbors including Donald Fish who visited the property and he doesn't have a problem with granting the variance as long as it doesn't affect his own setback line. The neighbors across the street were also in favor as the variance had no affect on them.

M. Altermatt asked Mr. Vaillette if he was aware of what conditions are required to have a variance granted. There needs to be an evidence of hardship.

Mr. Vaillette said that he and his family moved to Bolton two years ago. They plan to add a 20' x 25' in-law apartment and quotes from contractors have been requested. Due to ongoing ramifications from COVID, one contractor wouldn't provide a quote due to rapidly fluctuating costs of building materials and the other quotes were too high. A pool installation is also being planned. The 25' distance from the well needs to be maintained. In order to build the in-law apartment and install the pool, they are over the setback by 24'.

M. Terhune asked if the proposed pool installation includes both the pool and a patio. Mr. Vaillette replied yes but it does not include fencing.

M. Altermatt asked Mr. Vaillette to state the hardship associated with his request. Mr. Vaillette replied that they want to build the in-law apartment and install a pool but they can't do it without going over the setback.

M. Altermatt noted that the law states that an example of a hardship would be a parcel of land that is different from adjacent parcels. Wanting something is not a hardship. The applicant needs to prove why the variance is appropriate and how can it be granted legally.

Mr. Vaillette restated that because of where the well is located, they can only build the in-law apartment and the pool where they have planned.

W. Pike asked about the variance feet and setbacks and said that the numbers on the handwritten copies were not adding up. He also stated that where the house was built on the lot is a moot point.

M. Altermatt said that the applicant has almost a one acre lot. The house is set far back on the lot which doesn't allow for both the apartment and the pool to be added. A request for a 24' variance is a major cut into the standing regulations. He asked what sets their property apart from their neighbors. The houses in that neighborhood are very similar and other than the layout of the lot, what is different than your neighbors?

Mr. Vaillette said that he could put the pool in the front yard, but who wants that?

M. Altermatt said that setbacks were put into place for a reason. If the ZBA allows the pool into the setback area, what would prevent others in the neighborhood from asking for the same sort of variance for pools, sheds, etc? An odd shaped property is a hardship, not the fact that your house is set farther back on your property. They may need to choose one project or the other or choose a different location for one or both. He does not see a hardship.

J. Treat said Section 19E of the zoning regulations has four different paragraphs that shed light onto the issue that M. Altermatt is bringing up. None of the paragraphs benefit the applicant. Mr. Vaillette read the paragraphs and said that it wasn't his fault that the house was so far back on the property. J. Treat replied "you bought the house".

W. Pike said that if the applicant only installed the pool, it would be just a 4' variance. It is the two planned projects together that are a problem and the applicant is creating his own problem. It might be a different discussion if it was just the pool. He asked if they have looked at any other options for the in-law apartment. Mr. Vaillette said that it is difficult because it has to be on the level.

M. Altermatt noted that there might be room for the in-law apartment to the right of the garage. Then there would be more room for the pool in the back of the house.

W. Pike also noted if they changed the orientation of the pool and changed the location of the in-law suite, that could work.

M. Silverstein asked the board if they visited the property. All had except for J. Treat. There is a potential that the rear line noted in the plot plan is not the true rear line. There may be more land than what is noted in the submitted plan. He suggested that the applicant might want to have another survey done to determine the actual rear property line. M. Silverstein also brought up a

potential scenario where if the applicant has the in-law apartment built, the property is then sold and the new owner wants to install a pool. He feels that the ZBA should consider granting the variance as if the in-law apartment is already in place.

M. Altermatt said there is already a site plan done by a licensed surveyor that shows the property lines.

Mr. Vaillette then shared a picture of the stone wall at the rear of his property. The proposed pool would be 21' feet from that wall. The merestones are 10' to 15' feet beyond the wall.

W. Pike said that the applicant has to verify where the plot lines are. There appears to be a lot more room for the pool than what was indicated on the plot plan. The wall may have been used in error as the property line

M. Altermatt asked the applicant if he would like to ask for a continuance until next month. Mr. Vaillette replied yes.

M. Silverstein made a motion to continue the public hearing until next month. J. Treat seconded. The motion passed unanimously 5:0:0.

Other Business

4. Approval of Minutes:

January 10, 2023

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

5. Correspondence: None

6. Other: None

7. Adjournment

M Silverstein made a motion to adjourn at 7:56 p.m. M. Terhune 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.