

**Bolton Zoning Board of Appeals
Regular Meeting Minutes
March 11, 2025, 7:00 p.m.
Bolton Town Hall, 222 Bolton Center Road
In-Person Meeting and Virtual Utilizing Zoom**

Members Present: Chairman Morris Silverstein, Members-Joshua Machnik, William Pike, Jonathan Treat, and Alternates John Toomey, Jr. and Tom Lyon

Members Absent: Anne Decker

Others Present in Person: James Read, Victoria Dillion

Others Present via Zoom: Andrew Bushnell, Domenic Perito

Others Present via Telephone: Mrs. James Read

Regular Meeting

1. **Call to Order:** Chairman Morris Silverstein called the meeting to order at 7:18 p.m.
2. **Roll Call/Seating of Alternates:** J. Toomey was seated for A. Decker.
3. **Resident's Forum/Public Comment:** No public comment

4. **Public Hearing**

No. ZBA-25-1, Vernon Rd, vacant land located between Nos. 21 and 31 Vernon Rd, owned by James Read. Request for a 15-ft front yard setback variance, reducing the 35-ft requirement to 20-ft, and a 15-ft rear yard setback variance, reducing the 30-ft requirement to 15-ft, for the purpose of constructing a new dwelling.

Mr. Read spoke on his own behalf. He and his family are seeking a variance on a vacant lot on Vernon Road that has never been developed and predates the zoning standards. A hardship of space exists due to the unique shape of the property and factors beyond their control. The size of the lot is consistent with previously developed lots around the lake, and the septic and well have been approved by the Easter Highlands Health District. Mr. Read ultimately plans to connect to the town sewer. The proposed house is 16 feet x 32 feet with a proposed deck of 8 feet. The distance between the front of the house to the property line is 20 feet, and the distance to the pavement edge is 24 feet. The distance between neighbors to the north and south is 30 feet. Mr. Read noted that he has made every effort to keep the setback but needs a variance for the small house he is building.

T. Lyon asked how many stories the house will be and whether anyone lives across the street. Mr. Read replied that it will likely be two stories, and only a large hill is across the street.

Victoria Dillion, 33 Vernon Road, noted that she lives two houses away and shared her beliefs that the land is unbuildable and dangerous due to the winding road. She shared her concerns about noise pollution and the removal of trees during the building phase and noted that Mr. Read has not spoken to her about seeking a variance. Ms. Dillion added that other

neighbors wanted to attend the meeting but there were issues with getting into Zoom and calling in. She stated that there was a requirement to log into Zoom two days prior in order to access the meeting and believes the neighbors were blocked from attending. M. Silverstein replied that he is not aware of any requirement to log into Zoom two days prior to meetings, and that any issues with attending the meeting were not intentional. He apologized on behalf of the Town and asked if any neighbors considered attending in person. Ms. Dillion replied that one of them is out of town and could not attend.

Mr. Read explained that he sent letters to abutters that included his phone number. He has also spoken with neighbors who did not raise any issues, although one of them was not very welcoming. Ms. Dillion asked Mr. Read why he bought the property when it is not buildable and complained that she and other neighbors had to build on the existing footprint of their land. She claimed that it is unfair that Mr. Read can build his house anywhere on the lot. Mr. Read replied that the property is buildable as it consists of sand and gravel.

Mr. Read noted that the property has a very large and compliant driveway that allows plenty of space for turning around to exit the property in a forward direction. He added that the visibility is good as the road curves in the appropriate direction from his property. M. Silverstein agreed that the curve is appropriate for the location. Mr. Read stated that the size of the property is challenging but the rules and regulations demonstrate that he is eligible for a variance. Ms. Dillion argued that there is no footprint on the property and it is unfair that her property had to be built on an existing foundation. She added that Mr. Read is encroaching on her neighborhood.

Mr. Read noted that his wife and the engineer he hired were able to access the meeting via Zoom with no issues and very little notice. He added that he drove 80 miles to attend the meeting, and the neighbors who live only minutes away from Town Hall could have attended in person if they were having difficulty accessing the meeting online. Ms. Dillion replied that at least one of them is in ill health and could not attend in person. J. Treat asked if anyone on attending via Zoom wished to speak; however, the attendees did not have any comments.

W. Pike asked if Mr. Read considered any other orientations for the house and whether he was held to a 16' x 32' footprint. Mr. Read stated that the goal was to make a narrow, functional house that is a safe distance from the road and no hindrance to neighbors. W. Pike asked if the deck was a big part of the variance request. Mr. Read replied that it is and added that the request is consistent with other homes in the area and does not encroach on the water. He stated that the Inland Wetlands Commission is very happy with the plans.

W. Pike asked why septic is being included instead of tying in to the sewer. Mr. Read explained that a septic permit is required prior to tying in to the sewer. M. Silverstein added that the septic is just required on paper to show on the map. Mr. Read agreed and noted that he has no intention of building a septic system. J. Toomey noted that he spoke with an Inland Wetlands Commission member who stated that the plan is a wonderful and detailed project that provides proper placement of wells and berms preventing runoff into the lake.

M. Silverstein asked Ms. Dillion what she thinks should happen with the property. She replied that the original owner told her he could not build on it. She suggested that the property would go back to the Town if no taxes were being paid on it. J. Toomey stated that is not necessarily true and noted that the Bolton Land Trust does not want the property due to the liability of the water. The Commission discussed the history and previous ownership of the land. Andrew Bushnell stated that the property was originally three lots that were split up in the 1940's when Todd Leventhal took ownership.

Alex O'Neil, 366 West Street, stated that Mr. Read has not shown that a hardship exists. He added that there is no law that states a house must be built on the lot and noted that the line of site on the road is questionable. He suggested rescheduling the public hearing so that other neighbors have the opportunity to speak.

W. Pike shared his concerns about the difficulties that occurred with Zoom. He added that he is unsure about the 48-hour requirement to log in that Ms. Dillion mentioned but believes the neighbors should have an opportunity to comment. J. Treat agreed and recommended continuing the public hearing at the next meeting.

W. Pike noted that the hardship is the pre-existence of the lot and lack of additional land. He added that many property owners have decks built over the water and it is the nature of the area to request a deck; however, the question is whether the property is too close to the road. W. Pike noted he is unsure of what his decision would be at this time. J. Treat stated that the property seems to be in compliance with the others in the area. He added that the house is small but the driveway enhances the safety of the property.

M. Silverstein agreed to table the meeting and keep public comment open with the caveat that Commission members keep in mind that neighbors often like to tell others what to do with their land. W. Pike replied that it is important to offer neighbors the opportunity to provide comments. Mr. Read agreed that more neighbors who do not like the idea may come forward but encouraged the Commission to consider that the variance does not negatively affect the Town in any way.

M. Silverstein advised Mr. Read that he must gain the approval of four members to move forward with the variance. He apologized for the continuance and for the long drive Mr. Read made to attend the meeting. Mr. Read stated that he will happily return and asked for the makeup of the Commission. M. Silverstein explained that there are five members and three alternates. He noted that J. Toomey is an alternate who will attend the meeting and make a decision next month since he stood in for today's meeting. T. Lyon is also an alternate who is present and will be able to sit in for any of the other members who may be unavailable.

5. Old Business: None

6. Election of Officers: None

7. Confirmation of 25-26 Budget

J. Toomey made a motion to ratify the 25-26 Budget Transfer in the amount of \$1,650.00. W. Pike seconded. The motion passed unanimously 5:0:0.

8. Approval of Minutes

- November 12, 2024: The item was tabled for the next meeting since the Minutes were not available

9. Other: None

10. Adjournment

J. Treat made a motion to adjourn at 8:14 p.m. J. Machnik seconded. The motion passed unanimously 5:0:0.

Respectfully submitted by Kacie Cannon

Kacie Cannon

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