BOLTON ZONING BOARD OF APPEALS TUESDAY, SEPTEMBER 10, 2019 7:00 PM BOLTON TOWN HALL 222 BOLTON CENTER ROAD MEETING AGENDA

AUG 21 2019
Town Clerk-of Building

Regular Meeting

- 1. Call to Order:
- 2. Public Comment

NEW BUSINESS

Application of Andrew Ladyga – 1225 Boston Turnpike – to appeal the decision of the Zoning Official for violation of Section 8C.2.b of the Bolton Zoning Regulations regarding operation of businesses without approval from the Planning and Zoning Commission

New Business

- 1. Approval of Minutes A. January 15, 2019
- 4. Correspondence
- 5. Adjournment

JAN 17 2019

Bolton Zoning Board of Appeals Regular Meeting Minutes January 15, 2019 7:00 p.m. Bolton Town Hall, 222 Bolton Center Road

Town Clerk of Bolton

Members Present: Chairman Mark Altermatt, Robert Peterson, John Toomey and Jonathan

Treat, Alternates Anne Decker (seated for William Pike) and Letrisa Miller

Staff Present: Zoning Officer Jim Rupert

1. Call to Order: Chairman M. Altermatt called the meeting to order at 7:00 p.m.

2. Public Comment: No public comment.

NEW BUSINESS

- 1. Application of William Anderson-25 French Road- for Appeal of decision of the Zoning Enforcement Officer-Section 3A5 (General Provisions) Dwellings or Structures on small lots
- J. Rupert presented background information. In response to the appeal of a previous decision, J. Rupert researched this application extensively and attached relevant material to the agenda shich was posted online and distributed at this meeting. His conclusion was that this was not a situation that is appealable. It was his opinion only with an invitation to discuss the matter at an administrative level, not a decision or violation. The application and fees were accepted by the Land Use Office in error. His suggestion was to return the fees for the sign and ZBA application and discuss the matter administratively. If there is no agreement after discussion then Mr. Anderson could appeal. The meeting adjourned briefly so that Mr. Anderson could speak with his counsel. Mr. Anderson and counsel agreed to discuss the matter with J. Rupert. If there is no resolution, Mr. Anderson's application for a zoning certificate of compliance would be denied and the appeal process could proceed.
- 2. Approval of Minutes from December 11, 2018
- R. Peterson moved to accept the minutes as submitted. Seconded by J. Treat. Motion passed unanimously.
- 3. Correspondence: None
- 4. Adjournment
- R. Peterson moved to adjourn at 7:06 p.m. Seconded by J. Treat. Motion passed unanimously.

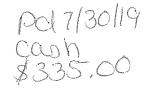
Respectfully submitted,

Leslie J. Brand

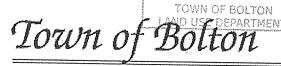
Leslie J. Brand

Please see minutes of subsequent meetings for any additions or corrections hereto.









PL-19-3

222 BOLTON CENTER ROAD * BOLTON, CT (16043

TOWN OF BOLTON ZONING BOARD OF APPEALS APPLICATION FOR VARIANCE OR APPEAL FROM THE DECISION OF THE ZONING ENFORCEMENT OFFICER

FILING FEE: \$335.00 (\$275.00 Zoning Board of Appeals fee plus \$60.00 State fee) payable upon submission of the application. Other costs may be incurred. Please make checks payable to the "Town of Bolton".

Ch	ck Type of application:
	Variance Appeal from the Decision of the Zoning Enforcement Officer
1.	Street Address of subject property 1225 Boston Turpine Bolton CT 06043
2.	Deed Reference (Bolton Land Records) Volume 174 Page 989
3.	Assessor's Records Reference: Map #; Block # Parcel / Lot # 27
4.	Current zone(s) of subject property RMUZ Acreage: 4,93
5.	In Aquifer Protection District? YesNo
6.	In FEMA Flood Area? Yes No
7.	Wetlands Application Required? YesNo
8.	Applicant(s) Andrew Ladyga Address
	2812 Boston Tumpike Coventry CT zip 06238
	Phone # 860-810-0905 Fax # E-mail Allbusiness 2047 @ am che se
9.	Owner(s) of subject property Andrew + Elicia Ladyga
	Address 2812 Boston Turnpike Coventry et zip 06238
	Phone # 860-810-0905 Fax # E-mail Allbusiness 2047@qmal. com
10.	Official Contact / Representative regarding this Application:
	AddressZip
	Phone #
11.	For Variance Applications:
	This is a variance from (check all that apply):
	Min. lot area (cite section of Zoning Regulations)

Frontage (cite section of Zoning Regulations) Yard, front (cite section of Zoning Regulations) Yard, side (cite section of Zoning Regulations) Yard, rear (cite section of Zoning Regulations) Max. building height (cite section of Zoning Regulations) Max. Intervious coverage (cite section of Zoning Regulations) Max. Impervious coverage (cite section of Zoning Regulations)	
Other dimensional requirements (cite section of Zoning Regulations)	-
Other Zoning Regulation requirements:	-
Statement of Hardship:	
Brief Explanation of specific action(s) requested of the ZBA:	-
Has any previous application been filed in connection with these premises? If yes, give date: 6-12-3 12. Appeal from the decision of the Zoning Enforcement Officer (attach copy of letter from ZEO documenting decision being appealed)	
Description of relief being sought: On Back of paper	***************************************
Attach a scale drawing certified by a surveyor or other qualified professional accurately showing the dimensions of the location of the lot (geographically), the location of the house or proposed building on the lot and the direction of drainage the lot. Also show the location of the septic system, well and the driveway, if applicable. Maps must accompany this application to the Zoning Board of Appeals and will be retained by the Zoning Board of Appeals.	t, the
NOTE: Within one year of the granting of a variance all necessary permits must be obtained or the variance granted will become and void unless otherwise specified.	null
NOTE: PLEASE LIST THE NAMES AND ADDRESSES OF THE CURRENT ABUTTING PROPERTY OWNERS OF THE SUBJECT PROPERTY ON AN APPENDIX TO THIS APPLICATION.	
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I hereby depose and say that all the above statements and the statements contained in any appendix to this application are true.	
Dated this	-
Owner's Endorsement (If Owner is different than Applicant):	
I am a willful participant and fully familiar with the contents of this application. Signature	
Date	

To allow the farming equipment Lyndale farms leases for their farm operations to remain on the property without having the two tree companies we lease from do additional site plans. Both tree companies already have existing business locations and are not locking for any additional business locations at this time.

		\$20	SS S	ł	Socket Set	\$24	\$	I	Banjo Drywall Tape
		\$120	\$30	1	1/2" x 50 Hand Crank	\$68	\$17	1	Heavy Duty Heat Gun
		\$236	\$59	1	5/8" x 100' Easy Rooter	\$11	\$2.75	1	30" Mud Mixer
		\$180	\$45	1	1/2" x 50' Easy Rooter	\$220	\$55	ì	Texture Spray Unit
		\$48	\$12	ŧ	36" Closet Auger	\$104	\$26	ŀ	Elec. Wallpaper Steamer
		\$60	\$15	1	1/4" x 25' Hand Crank	\$8	\$2	ŧ	Wallpaper Roller
		\$60	\$15	1	5/16" x 25' Hand Crank		G	KAIIN	PAINTING & DECORATING
		\$64	\$16	1	48" Alum. Pipe Wrench)		
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nder .	4" x 24" Belt Sander	\$15	\$5	1	20" Stainless Steel Tray	\$300	\$75*	\$50	Earth Drill w/Bit
är.	7" Sander Grinder	\$12	42	ı	15" Stainless Steel Tray	\$240	\$60*	\$40	Hand Held Lawn Sweeper
	SANDERS	\$9	\$3	1	10" Stainless Steel Tray	\$380	\$95*	\$65	York Lawn Sweeper
		\$45	\$15	ì	8 Quart SS Chafing Dish	\$280	\$70*	\$45	5 HP Front Tine Tiller
Sump .	Yellow Elec. Sub Sump	\$105	\$35	1	7 Gallon Beverage Fountain	\$200	\$50*	\$35	Mini Tiller
23	Gas Trash Pump 2"	\$45	\$15	1	30 Cup Coffee Maker	\$100	\$25	ı	4' York Rake
2"	Elec Sub. Pump 2"	\$54	\$18	1	55 Cup Coffee Maker	\$140	\$35	1	5' York Rake
	Discharge Hose 2" x 50"	\$60	\$20	I	100 Cup Coffee Maker	\$360	\$90*	\$60	26 Ton Log Splitter
	PUMPS	\$66	\$22	1	Double Burner Cooker	\$300	\$75*	\$50	22 Ton Log Splitter
	l Volta Polta U	\$48	\$16	1	Single Burner Cooker	\$180	\$45*	\$30	10" Lawn Edger
Vasher \$4	1,500 Pressure Washer	\$3.75	\$1.25	1	Folding White Chair	\$240	\$60*	\$40	Lawn Comber 18"
	2,400 Pressure Washer	\$24	\$8	1	60" Round Banquet Table	\$72	\$18	1	Tow Broadcast Spreader
•	3,000 Pressure Washer	\$40	\$10	1	8' x 30" Banquet Table	\$100	\$25		Tow Drop Spreader 42"
200	PRESSORE WAShen	\$32	88	1	6' x 30" Banquet Table	\$60	\$15	1	100 lb. Push Spreader
MACHER		\$105	\$35	1	Deluxe Popper	\$60	\$15	1	60 lb. Push Spreader
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Buy what you want. Rent what you need. RENTAL at Time Value.

661 Rt. 44 Bolton, CT 06043 860-649-1320

Saturday Sunday	Monday – Friday
7:30 - 4:00 8:00 - 1:00	7:30-6:00

An "*" indicates a 8 hour day.
An "**" indicates a 5 day week.
Prices are subject to change without notice.

Delivery rates: Within 7 miles \$70
Within 12 miles \$95

Item	4Hr	4Hr Day Week	Week
Backhoe Diesel	ı	\$285	\$855**
1600 Lb. Bobcat Loader		\$230	\$690**
John Deere 420	1	\$230	\$690**
6" Chipper/Shredder	\$130	\$175*	1
6" Diesel Chipper	\$155	\$235*	ı
Barretto Trencher	\$135	\$200*	1
MT52 w/1 Attachment		\$210	\$630**
MT52 Extra Attachment		\$25	\$75**
MT52 Broom		\$50	\$150**
E26 Bobcat Excavator	,	\$325	\$975**

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Backpack Blower 35" Aluminum Rake 18 x 24 Push Lawn Roller Crow Bar					\$148	\$37	1	2" Core Drill				
Backpack Blower 35" Aluminum Rake 18 x 24 Push Lawn Roller					\$120	\$40	i	Core Drill Hand Held				
Backpack Blower 35" Aluminum Rake					\$300	\$75	i	Core Drill Wall Mount				
Backpack Blower	\$180	\$50	1	Siding Brake	\$90	\$22.50	1	1/2 Rev Heavy Duty Drill				
	\$100	\$25	ı	Metal Detector	\$80	\$20	1	1 1/2" x 16" Spline Bit				
Inla Dinnar	818	\$4.50	ı	4' Carpenter's Level	\$72	\$18	1	1 1/4" x 16" Spline Bit				
	\$28	\$7	ı	18"-3/8" Bolt Cutter	\$68	\$17	ı	1 1/8" x 11" Spline Bit				
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Scalfold Caster Set					\$60	\$15		Appliance Dolly	\$100	\$25	7.00 (***********************************	13" Disc Polisher
Scaffold Platform 19 x 84					\$40	\$10	. !	/2" Johnson Pry Bar	\$180	\$45	ine –	Floor Sander, Silver Line
Scaffold Squaring Brace	\$40	\$10	ı	Electric Stapler	\$8	\$2	1	Funiture Pad	\$136	\$34		Floor Sander Edger
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39" Cot					\$100	\$25	1	8 Cu. ft Buggy	\$32	88		Handy Air Tank
GUEST & BABY					\$180	\$45	ı	2.5 Cu. ft Mixer	\$80	\$20		7" Polisher
	0* \$400	*001\$	\$70	Gas Jack Hammer	\$180	\$45	. 1	2.5 Cu. it Pedestal Mixer	\$120	\$30	50lb	I ransmission Jack 1/50lb.
) 150 lb. Capacity Panel Lift	* \$300	\$75*	\$50	Electric Jack Hammer	\$240	\$60	1	low Behind Mixer	\$80	\$20	1	2 Ion Car Jack
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Billygoat Vac \$:	der 18"	Crow Bar	18 x 24 Push Lawn Roller -	35" Aluminum Rake	Backpack Blower \$30	Clam Post Hole Digger -	Post Driver	Sod Cutter \$65	Kick Sod Cutter -	Kick Sod Edger -	LAWN & GARDEN	Builder's Level -	32' Fiberglass Ext. Ladder -	24' Fiberglass Ext. Ladder -	12" Step Ladder -	8' Aluminum Step Ladder -	29 x 72 Scaffold Unit	Scaffold Jacks and Plates -	Scaffold Caster Set -	Scaffold Platform 19 x 84 -	Scaffold Squaring Brace -	Scaffold 1/2 Cage -	Scaffold Safety Cage -	Scaffold Wide Section -	Scaffold Section	LADDERS, SCAFFOL	48 Cot	39" Cot	GUEST & BABY	150 lb. Capacity Panel Lift .	20 Ton Hand Jack .	12 Ton Hand Jack	20 Ton Cap Screwjack .	Ho	l Ton Chain 10' Hoist .	et Jack	Item 4	HOIST JACK & LIFTER
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Town of Bolton

222 Bolton Center Road • Bolton, CT 06043

6/27/19

To: Andrew Ladyga Happy Town LLC 2812 Boston Turnpike Coventry, CT 06238

From: James Rupert Zoning Enforcement Officer

Subject: Cease and Desist Order 1225 Boston Turnpike, Bolton CT Mailed regular and certified mail

Dear Mr. Ladyga,

Please be advised that you are found to be in violation of the Bolton Zoning Regulations as follows: Section 8C.2.b of the Bolton Zoning Regulations requires a special permit for the two tree companies using buildings and storing equipment at 1225 Boston Turnpike.

On May 2, 2019 this office drafted and sent a notice of violation and request for compliance for the property located at 1225 Boston Turnpike in Bolton, CT also known as parcel 06-27. With regard to the above violation a subsequent inspection was completed earlier today. That inspection revealed that you have not brought the property into compliance with the Zoning Regulations.

You are hereby ordered to Cease with the activities that are not in compliance with the Zoning Regulation of the Town of Bolton. Your attention is directed to Connecticut General Statutes Section 8-12 which provides in part that a person convicted of willful violation of the Zoning Regulations may be fined not less than \$100.00 for each day the violation continues and non-compliance within 10 days of receipt of this order may result in a penalty of up to \$2,500.00.

Section 8-7 of the Connecticut General Statutes allows you to appeal this order to the Bolton Zoning Board of Appeals, specifying the grounds of your appeal, within 15 days of the receipt of this order. The appeal may be filed in the Bolton Land Use Office during Town Hall business hours.

Failure to comply or appeal this case and Cease and Desist Order is likely to result in further legal action. You should also be aware that failure to appeal this ruling to the Bolton Zoning Board of Appeals may



Town of Bolton

222 BOLTON CENTER ROAD • BOLTON, CT 06043

Land Use Department (860) 649-8066

result in the waiver of certain rights that you may have should court action be necessary to enforce this order.

Respectfully,

James Rupert

Bolton Zoning Enforcement Officer

File Copy

5/2/19

To: Mr. Andrew Ladyga Happy Town LLC 2812 Boston Turnpike Coventry, CT 06238

From: James Rupert Zoning Enforcement Officer

Subject: Notice of Violation 1225 Boston Turnpike, Bolton CT Sent via regular and certified mail

Dear Mr. Ladyga,

It has come to our attention that a greenhouse has been erected at your property located at 1225 Boston Turnpike in Bolton CT without the benefit of proper permits. In addition we have also become aware that two separate tree companies are operating from that location without the required special permit approval.

Specifically, section 3A8 of the Bolton Zoning regulations requires that a Zoning Permit be obtained prior to the construction of any building, addition or structure. Since the greenhouse that has been erected meets the definition of a structure in accordance with section 2 of the Bolton Zoning Regulations the installation of it without first obtaining a zoning permit constitutes a violation of the Zoning Regulations. Since this is a violation we respectfully request that you apply for the required permit or remove the greenhouse structure immediately upon receipt of this notice. You should be aware that other applications and approvals may also be required.

The only permitted uses for the property located at 1225 Boston Turnpike involve the residential dwelling and the established agricultural use related to the growing of produce and the farm stand. While additional uses may be permitted by site plan review or special permit, to date no other approvals have been sought or given. The addition of two tree companies using buildings and storing equipment on the site at 1225 Boston Turnpike without having a special permit granted as required by section 8C.2.b of the Bolton Zoning Regulations is a violation of those regulations. As such we are respectfully requesting that these you either make an application for approval of these additional uses on the property upon receipt of this notice or vacate the non-permitted uses and all of the associated equipment from the site within fifteen days of receipt of this notice.

Please know that this an official notice of violation regarding the greenhouse construction and the two tree companies that are operating from 1225 Boston Turnpike in Bolton CT. At this time we are requesting your cooperation to resolve these violations but failure to do so will result in additional action.

Our staff is here to assist you with the application process for the required zoning permit and special permit should you choose to make those applications.

Please feel free to contact me if you have any questions at jim.rupert@boltonct.org or 860-649-8066 ext 6105.

Respectfully,

James Rupert ZEO

Business Inquiry

Business Details

Business Name: LYNDALE FARMS LLC

Citizenship/State Inc: Domestic/CT

Business ID: 1259063

Last Report Filed Year: 2019

Business Address: 1207 BOSTON TPK, BOLTON, CT, 06043

Business Type: Domestic Limited Liability Company

Mailing Address: 1207 BOSTON TP, BOLTON, CT, 06043

Business Status: Active

Date Inc/Registration: Dec 28, 2017

Annual Report Due Date: 03/31/2020

Principals Details

Name/Title Business Address

Residence Address

ELICIA LADYGA OWNER 1207 BOSTON TPK, BOLTON, CT, 06043

1207 BOSTON TPK, BOLTON, CT, 06043

Agent Summary

Agent Name WILLIAM BRONEILL ATTORNEY

Agent Business Address 178 E CENTER ST, MANCHESTER, CT, 06040

Agent Residence Address 178 E CENTER ST, MANCHESTER, CT, 06040

Agent Mailing Address 178 E CENTER ST, MANCHESTER, CT, 06040

Business Inquiry

Business Details

Business Name: ALL AMERICAN TREE CARE LLC

Citizenship/State Inc: Domestic/CT

Business ID: 1054875

Last Report Filed Year: 2012

Business Address: 4013 SOUTH ST, 4013 SOUTH STREET, COVENTRY, CT, 06238

Business Type: Domestic Limited Liability Company

Mailing Address: 4013 SOUTH STREET, COVENTRY, CT, 06238

Business Status: Active

Date Inc/Registration: Nov 29, 2011

Annual Report Due Date: 11/28/2013

Principals Details

Name/Title

Business Address

Residence Address

MARK BYAM OWNER

4013 SOUTH ST, COVENTRY, CT, 06238

4013 SOUTH ST, COVENTRY, CT, 06238

Agent Summary

Agent Name MARK EDWARD BYAM

Agent Business Address 4013 SOUTH ST, COVENTRY, CT, 06238

Agent Residence Address 4013 SOUTH ST, COVENTRY, CT, 06238

Agent Mailing Address NONE

Business Inquiry

Business Details

SHAMROCK TREE SERVICE AND LANSCAPING LLC Business Name:

Business ID: 0718246

Last Report Filed Year: 2005

Business Address: 12 HEBRON RD, BOLTON, CT, 06043

Business Type: Domestic Limited Liability Company

Mailing Address: 12 HEBRON RD, BOLTON, CT, 06043

Business Status: Active

Citizenship/State Inc: Domestic/CT

Date Inc/Registration: Jun 18, 2002

Annual Report Due Date: 06/18/2006

Principals Details

Name/Title **Business Address** Residence Address

CHRISTOPHER BERGIN OWNER 12 HEBRON RD, BOLTON, CT, 06043 12 HEBRON RD, BOLTON, CT, 06043

Agent Summary

Agent Name CHRISTOPHER BERGIN

Agent Business Address 12 HEBRON RD, BOLTON, CT, 06043

Agent Residence Address 12 HEBRON RD, BOLTON, CT, 06043

Agent Mailing Address NONE



State of Connecticut

TOWN OF BOLTON





B-19-59 Permit No.

FEE PAID:

\$30.26

6/12/2019

DATE ISSUED:

0

No. of Units:

BOSTON TPKE

has permission to erect, alter, or demolish a building on: 1225 as follows: Addition of greenhouse 17x50

This certifies that HAPPY TOWN LLC

60 foot addition of an 8 foot privacy fence between the shed and the barn

provided that the person accepting this permit shall in every respect conform to the terms of the application therefore on file in this office, and to the provisions of ordinances relating to the Inspection, Alteration and Construction of Buildings in the Town of Bolton.

NOTE: The recipient of this permit accepts this permit on the condition that, as owner or as agent of the owner, he/she agrees to comply with all Building & Zoning Regulations of the Town of Bolton & the State Statutes of the State of Connecticut regarding the use, occupancy & type of building to be constructed, added to, demolished, or altered. The recipient also agrees that this building is to be located the proper distance from all street lines, side yard lines & required distances from all other zones & is located in a zone in which the building & its use is allowed. Additional conditions listed below:

Plan Review Comments:

COO Comments:

Restrictions:

Contractor Name:

Phone:

Address:

The salls

24 B.O.

Building Official

222 BOLTON CENTER ROAD, BOLTON, CT 06043 Tel. (860)649-8066 Ext 103, Fax (860)643-0021 This Card Must Be Displayed in a Conspicuous Place on the Premises and Not Torn Down or Removed