

Bolton Planning & Zoning Commission
Regular Meeting
7:30PM, Wednesday, November 8, 2017
Bolton Town Hall, 222 Bolton Center Road
Minutes & Motions

Members Present: Jeffrey Scala, James Cropley, Arlene Fiano, Adam Teller, Christopher Davey (Alternate) seated for Carl Preuss, Thomas Robbins (Alternate) seated for Neal Kerr, Benjamin Davies (Alternate) seated for Eric Luntta

Members Excused: Carl Preuss, Eric Luntta, Neal Kerr

Staff Present: Patrice Carson, AICP, Director of Community Development; Jim Rupert, Building Official; Kelly Martin, Recording Secretary

Others Present: Applicants, their representatives and members of the public (approximately 15), Robert Morra, First Selectman

1. Call to Order: Chairman J. Scala called the meeting to order at 7:30pm.

3. Approval of Minutes: October 11, 20017 Regular Meeting.

A. Fiano expressed concern with the mix up of names between Chris Davey and Benjamin Davies. She requested the correction be made under Sec. 2 Approval of Minutes to read C. Davey.

A. Teller requested a change for Sec. 5a par. 2 to replace the word "implied" with "applied".

J. Cropley inquired about the word "que" in Sec. 6a par. 4. C. Davey advised that the word should read "queue".

J. Cropley moved that the Regular Meeting Minutes be adopted as changed. A. Fiano Seconded. Vote 7:0:0

4. Residents Forum (Public Comment for items *NOT* on the agenda) There was none.

5. Report of the Zoning Enforcement Officer

J. Rupert reported that a zoning permit was issued for the dental office which has begun construction at 1100 Boston Turnpike. There have been the usual shed, deck and small addition applications during the course of the last month. There have been complaints of motor vehicle sales on a property at the intersection of West Street and Notch Road. Progress has been made with the owner of a property regarding parking of motor vehicles at the end of a business on Mt. Sumner Drive. The owner is working on moving the vehicles to his other properties in Rhode Island and Maryland. J. Rupert has also reached out to the property owner on Bolton Center Road behind the Mobil Station regarding complaints from Simoniz to clean up the property. A letter was sent to the property owner and he responded by going to the office to meet in person and explain that he is working on cleaning the yard, he has made several trips to remove objects from the property. It was asked that he concentrate on the area of the property that is visible to Simoniz. Last month's report regarding complaints from a business on Clark Road currently has a signed purchase agreement for an industrial parcel and is working with surveyor engineers to bring a plan to the Commission so they can relocate. There were no further questions or comments.

6. Old Business

J. Scala asked to temporarily table 6a and 6b of the agenda until after the public hearings. J. Cropley moved. C. Davey seconded. Vote 7:0:0

c. **DISCUSSION: Temporary Health Care Structures (“Granny Pods”)**

P. Carson explained that the staff was asked to look into items regarding the processes for receiving applications for the pods but more information needs to be gathered in order to report back. J. Rupert discussed the bonds for the pods and what the Public Act allows. The bond is supposed to insure the removal of the units once they are no longer in use. It would likely be an insurance bond which is difficult to turn into cash money; they are also lengthy and costly. It would be an additional task that would need to be tracked and managed.

P. Carson stated that most units would likely be leased which means that a bond would not be necessary in those cases.

J. Rupert added that the cost of renting the unit is high, averaging at one thousand dollars per month. He stated the difficulties of trying to rent out the unit once they are no longer needed due to the high monthly cost. He also referenced the success rate of getting legal fees reimbursed if matters are taken to court. He expressed his concern with raising the bond too high which defeats the purpose for people who are trying to provide a space for someone who needs to be close by. He said it was too early to look at data from neighboring towns as they are all in the same discussion phase.

J. Cropley asked if there were towns close by that have adopted these structures.

J. Rupert responded by saying the Public Act came out on October 1st, 2017 and is not familiar with any nearby towns that have adopted this yet.

J. Cropley asked if J. Rupert was familiar with any of the pods, prior to the act being set in place.

J. Rupert said he knows that they have been in use for a while in other towns in the U.S. but he was not familiar with their use in any towns in Connecticut.

J. Cropley asked if they complied with sanitation regulations.

J. Rupert responded affirmatively stating that he was hopeful they would see the positive side of the units and grant waivers.

There were no further questions or comments.

d. Other – There was none.

2. Public Hearings: (7:47)

a. **Zoning Regulation Amendments to Section 8A.2.b. & 8A.3 to add Light Manufacturing in GB Zone, Howard Road Reality, LLC**

Jay Ussery from JR Russo and Associates was representing Howard Road Reality who expressed their desire to change the General Business Zoning. His client utilizing the property they owned, Barrels, Boxes and More LLC. located at 837 Boston Turnpike, is a manufacturing company that has been in operation in the Town of Bolton for decades and they are exploring options to expand. J.Ussery recommended a text amendment to the General Business Zone Regulation that would allow for light manufacturing, identical to the change that was made for the Neighborhood Business Zone. He claimed that changing the General Business Zoning regulations would potentially create jobs and increase tax dollars for the town which fits into the goal of the Conservation Plan.

A. Teller pointed out that the language in the application seemed to leave out sec. 8b-8e, asking if these were intentionally left out.

After some discussion, A. Teller confirmed, and Jay Ussery agreed for the applicant, that the language for General Business Zones needed to mirror that for Neighborhood Business Zones which includes a reference to light manufacturing.

P. Carson noted the POCD Section on Improve Business Regulations/Policies all supported this regulation amendment. She also reported that all notifications were sent in accordance with the State Statutes and CRCOG commented positively.

J. Scala opened the conversation to the public.

Todd Manning, 18 School Road, expressed his support for this change. He claimed that if the town wanted to achieve policy goals then they should do away with elaborate zoning and narrow the map down to just two zones, a low density and a high density regulation zone. He suggested beginning from the intersection of Clark Road and Camp Meeting Road and below, turn into high density mixed use zoning, anything above that gets zoned as low density.

R. Morra, 15 Tinker Pond Road, Board of Selectmen, was in favor of the language changes to the General Business Zoning regulations. He believed it was a great idea and opened up an avenue for businesses going forward.

Sandra Pierog, 37 Brandy Street, was also in favor and urged the Commission to adopt the language changes to encourage business growth that the town needs.

A. Teller made a motion to close the public hearing at 8:19pm. J. Cropley seconded. Vote 7:0:0

b. Resubdivision Application, Open Space Conservation Development, 4-Lots, 114 Brandy Street, Hackmatack Hills LLC

Andrew Bushnell, Bushnell Associates, gave a review of the proposed subdivision of property at 114 Brandy Street. With a visual map, he noted the property in reference to where the town high school was located, as well as the open field and the house that borders the property. The overall size of the property is 36.88acres. There is a total of 16.9acres of open space to be dedicated to the town. All lots except for lot #1 have frontages in excess of 200 feet. There is a 25-foot strip of land that borders the high school property which will also be dedicated to the town given the potential that the school may be able to use it.

J. Scala asked how close the high school's tennis courts were to the property line.

A. Bushnell estimated that it is approximately 30-40 feet which was visible from the aerial photos he provided. An old barn that is currently on the property will be taken down, as well as a part of a stone wall will be removed for driveway access. He referenced the location of the wetlands that are also on the property, including in the rear. Lot #4 will have a single driveway while lots 1-3 will share a common driveway which will be 12-feet wide, enough space to allow two cars to pass by at the same time. The houses on each property will have downspout infiltrators from the roofs which will help promote groundwater recharge. The drainage of the common driveway will flow towards lot #1 which discharges into the evergreens. The land will remain as natural as possible with the exception of cleaning out overgrown brush. Some trees south of the property will be removed for the purpose of the driveway but most trees will remain on the property. The land is vast enough for five lots but given the desire for privacy it was kept at four and most trees and bushes will remain in place between each property line. The property meets the requirement of 40 percent open space with no more than 50 percent of wetlands. He said he believed all regulation requirements were met and asked for any questions.

P. Carson referenced a letter from the town attorney stating that he will be satisfied with the deeds given a few minor changes. She also referenced a staff report which included recommendations and items that were asked to be and were addressed. She suggested a waiver regarding the regulation of trees on the property. She confirmed that they received a No Jurisdiction Ruling from the Wetlands Commission and also confirmed they were all set. She expressed the concerns from the Fire Marshall

that street numbers be visible. He also asked that the driveway support a fire apparatus which doesn't seem to be an issue regarding the size of the driveway. A letter from the Public Health Department said that all four lots can support up to a 4-bedroom house with private well and septic.

P. Carson read an email from PZC Commission C. Preuss, who could not be in attendance, stating that the open space being offered as part of the subdivision should be conveyed to the town without restrictions. He requested an effort to be made for more than just 25 feet of land due to its close proximity to the high school and the schools need for a new septic system. The extra land can be used for additional field space while replacing the septic system. She also read a letter from the Superintendent of Bolton Public Schools which offered different options for the open space including a buffer between the school and the property line or a cross country path.

J. Scala asked for any questions or comments from the commission.

A. Fiano inquired about the existing stone wall that is on the property which they plan to remove asking if there was a chance it could be rebuilt at the entrance of the common driveway.

A. Bushnell stated that it was just an aged farm wall.

A. Fiano said that if it was aesthetically pleasing, the wall should be rebuilt and placed at the driveway entrance because it is worth capturing.

J. Cropley asked if the land that is being given to the town can be used.

A. Bushnell said it can be as long as there aren't any structures placed on it.

R. Morra said that this issue was brought up at the Board of Selectman meeting. He said it is currently over grown with weeds and bushes but presents a great opportunity for the track and field students as well as the potential for a public trail.

A. Teller commented on the email from C. Preuss stating that he would also like to see more than 25 feet.

R. Morra said that after speaking with the engineer and developers the 25 feet met needs without placing an undue burden on the developer.

J. Scala opened the discussion to the public

Ray Boyd, 36 Fox Mountain Road, discussed that some of the foul balls from the nearby baseball field may fly into the property lines of the lots if the land given to the town is cleared.

Tony Gorman, 222 West Street, Bolton Land Trust, fully supported this development. He said it could be a great opportunity for a public trail and hopes the opportunity is given.

Richard Treat, 8 Lyman Road, Bolton Land Trust, was in support of this development. The Land Trust has a vision of putting a new public trail on this property and is hoping to be given that opportunity.

J. Cropley made a motion to close the public hearing at 9:10pm. C. Davey Seconded. Vote 7:0:0

6. Old Business

a. **DISCUSSION/POSSIBLE DECISION: Zoning Regulation Amendments to Section 8A.2.b. & 8A.3 to add Light Manufacturing in GB Zone, Howard Road Realty, LLC (cont.)**

J. Scala commented that this amendment is a good idea and probably should have been done when it was done for the NB Zone.

A. Teller wanted to be clear that what the Commission got from the public hearing, notwithstanding the application which included only the proposed paragraph 8A.3.d with a subsection 1a., but what the application was really looking for was a proposed paragraph 8A.3.d with a subsection 1 and subparagraphs a-e in the same form and same language as our existing 8B.3.d which contains a subparagraph 1 a-e. During the public hearing the applicant consented to this being the actual intent of the original application.

A. Teller made a motion that the Commission approve the application for an amendment to the Zoning Regulations by Howard Road Realty LLC to make the following changes to the Zoning Regulations. First change, to add to Section 8A.2.b Special Permit Uses, the following language as a

new item #25 “Any Light Manufacturing, subject also to the Additional Conditions set forth in Section 8A.3” with the words “Light Manufacturing” capitalized and the words “Additional Conditions” capitalized. Second change, add to Section 8A.3 Additional Conditions, the language to be denoted 8A.3.d. including subparagraph 1 and subparagraphs 8a-e, all language to be identical except for the numbering of paragraph and subparagraph numbers, to the language currently found in Section 8B.3.d paragraphs 1 subsection a-e, except that where the fore mentioned language refers to Section 8B.2.b 17, that language should instead read Section 8A.2.b 25. Where the language refers to 8B.3.a it should read 8A.3.a. That would be in subsection 1.a. Staff is authorized to proofread and correct any clerical or Scribner’s errors in the numbering, the paragraph headings, or the Section numbers, effective December 1st, 2017. J. Cropley seconded. Vote 7:0:0.

b. DISCUSSION/POSSIBLE DECISION: Resubdivision Application, Open Space Conservation Development, 4-Lots, 114 Brandy Street, Hackmatack Hills LLC (cont.)

After a brief discussion about the open space donation, including the percentage of wetlands vs upland area meeting the regulations, A. Teller moved to approve Hackmatack Hills LLC’s 4-lot OSCD Resubdivision, application #PL-17-4, in accordance with the plans submitted as “Open Space Resubdivision Plan Brandy Estates, 114 Brandy Street, Bolton, CT” (3 sheets), dated: 9-29-2017, revised through 11/7/2017, and Resubdivision/Topographic Plan (1 sheet), dated: 10/13/2017, no revisions, which is conditioned on the following:

1. The revised Warranty Deed and Declaration of Common Driveway, Drainage and Utility Easements for this property shall be revised to reflect the Town Attorney’s comments noted in his letter dated November 7, 2017.
2. This approval is subject to the applicant demonstrating in the field to the Fire Chief and Fire Marshal satisfaction sufficient ability for the Town’s existing and anticipated fire apparatus to enter and operate on this site.
3. The Resubdivision approval letter shall be placed on the mylars to be recorded in the Office of the Town Clerk.
4. This approval is subject to compliance with any comments or requirements of the Health District, Fire Marshal, and the Town Engineer.
5. All appropriate seals and signatures of the design professionals responsible for this plan shall be placed on the plans before recording.
6. An Erosion Control Bond of \$8,280 and a Public Improvement Bond of \$2,865 shall be posted as part of the permit process prior to any work commencing on the site.
7. The applicant shall preserve stone walls on the front of the property to the extent reasonably possible consistent with the need for access and the construction of the common driveway.

The Commission is not requiring the planting of additional trees in the sideyards per Section 16 of the Subdivision Regulations based upon the open space grant, the existing tree distribution, and the distribution of other vegetation on the site, as well as the depth of the site.

The Planning and Zoning Commission finds with these conditions the plan meets the requirements of the Bolton Subdivision Regulations.

J. Cropley seconded. Vote 7:0:0

7. New Business

a. DISCUSSION/POSSIBLE DECISION: Schedule of 2018 Regular Meeting Dates

P. Carson referenced a draft of the scheduled meeting dates for 2018. The only potential date with an issue is the meeting scheduled for February 14th, 2018.

J. Scala moved to approve the dates for 2018. C. Davey seconded. Vote 6:0:1 J. Scala abstained due to his term on the commission ending.

b. DISCUSSION/POSSIBLE DECISION: FY 2017/18 Budget

P. Carson reviewed the budget spreadsheet. She pointed out that the budget has remained the same over the past two years and is stable.

J. Copley moved to pass the budget as presented and forward to the Selectmen. J. Scala seconded.
Vote 7:0:0

c. Other

P. Carson stated that there is currently no business for December except for one item required by the Charter to elect officers between the dates of November 20th and December 22nd.

C. Davey, in regard to the Regional Planning Commission which meets next Thursday, November 16th, asked if anyone would like to attend in his place. There were no interested parties.

8. Correspondence – CFPZA Newsletter was received.**9. Adjournment**

J. Scala made a motion to adjourn the November 8, 2017 meeting at 10:00pm. A. Fiano seconded.
Vote 7:0:0

Respectfully submitted,



Kelly Martin, Recording Secretary

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