

BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING AGENDA
7:30 PM, WEDNESDAY, April 11, 2018
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD

RECEIVED

APR 09 2018

Town Clerk of Bolton

1. Call To Order
2. Approval of Minutes:
February 14, 2018 Regular Meeting Minutes
3. Residents' Forum (Public Comment for items *NOT* on the agenda)
4. Staff Reports
5. Old Business
 - a. Other
6. New Business
 - a. General Discussion/Review of Possible Amendments to the Zoning Regulations
 - b. Other
7. Correspondence
8. Adjournment

Bolton Planning & Zoning Commission
Regular Meeting
7:30 PM, Wednesday, February 14, 2018
Bolton Town Hall, 222 Bolton Center Road
Minutes and Motions

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Town Clerk of Bolton

Members Present: Adam Teller, James Cropley, Christopher Davey, Benjamin Davies, Arlene Fiano, Thomas Robbins, and Alternates Rodney Fournier, Marilee Manning and Thomas Manning (Seated for Neal Kerr)

Members Excused: Neal Kerr

Staff Present: Patrice Carson, AICP, Consulting Director of Community Development, Jim Rupert, Building Official, Leslie Brand, Recording Secretary

1. **Call to Order:** A. Teller called the meeting to order at 7:51pm.
2. **Approval of Minutes:** January 10, 2018 Regular Meeting Minutes. Postponed until after the Public Hearing

3. Public Hearings

a. Application: Special Permit Application: Office Building, 7 Loomis Road, MTS Builders, Inc.
A. Teller opened the Public Hearing and P. Carson read the legal notice. T. Manning was seated for N. Kerr.

Mark Reynolds, an architect from Lebanon, represented the applicant and presented the application. 7 Loomis Road is a 1.5 acre parcel that is now primarily cropland with a 3% slope. A. Teller questioned if there were revised plans. M. Reynolds distributed new plans stating the a few changes have been made and the new plans are dated February 14, 2018. There are no wetlands on the property. The plan calls for a general use office building with parking and landscaping. The building has a potential of 5 tenants. The entrance will be from Loomis Road with a total of 30 parking spaces, 2 of which will be handicap accessible. 38% of the lot will be impervious (50% is allowed). There is a 500-foot site line with a mild grade. The site is well drained and the Health Department has approved the septic system. There will be a public water supply well and there is no existing septic. Drainage of the parcel will be to a linear retention area of grass and stone with overflow in the southeast corner. Three quarters of an acre will be grass with landscaping and a row of 5-6 foot high white pines spaced 15-20 feet apart. Lighting will be from 20-foot poles (revised from 25 foot) and building mounted floodlights at the entrance. There will be a minimum of 1 foot candle in all areas with no spillage over the property line.

T. Manning asked about the difference between a private and public water supply. M. Reynolds stated that a well that supports over 25 people is considered public and requires State approval. T. Manning asked what would happen to the retention area in a "100 year" storm. M. Reynolds stated that has been accounted for and that the retention area is not required to meet high demand. 90% of storm events will produce no outflow. The retention area will hold and infiltrate and the perc rate on the property is excellent. C. Davey stated that commercial property should be oriented away from residences. What about the residence to the west? M. Reynolds stated that the location of the well determined the placement of the building and that it fit the site well. A. Teller questioned the trees to be used for screening. A. Fiano asked who the tenants will be. M. Reynolds indicated that the prospective tenants will be office professionals. R. Fournier asked about signage. M. Reynolds stated that there will be

signage of undetermined style as well as a stop sign, locations for which are on the plan. A. Teller asked about the dumpster and screening. M. Reynolds stated that it will be a vinyl clad chain link fence with vinyl slats that will be screened 45-50 feet from the nearest residence.

Review of the January 30, 2018 correspondence from P. Carson to the Planning & Zoning Commission: P. Carson reviewed the comments from:

1. The Fire Marshall with his concerns regarding readily identifiable signage, and working with Mr. Pesce on a dry hydrant.
2. J. Rupert, Building Official with his concerns regarding lighting, dumpster placement, bollards to protect porch posts (deemed unnecessary) and the slope of the property and handicap accessibility.
3. Health Department-Well and septic are conditionally approved.
4. Inland Wetlands Commission-no wetlands on the property.
5. Highway Superintendent-no concerns.
6. Email was received on February 14, 2018 from Town Engineer Joe Dillon approving the drainage.

A. Teller questioned the proposed use of the building. C. Davey asked if the design complied with 16B.4.m. paragraph 1. P. Carson stated that it would be a low impact office building and with screening the building was compliant, the design is pleasing and the area is neighborhood business zoned.

Public commentary:

Sydney Day and Nick Shifrin, 56 West Street: Neighbors to the south, stated that the neighborhood business zone does not follow the property line. They are requesting denial of the permit based on concerns in their letter to P. Carson dated February 13, 2018 with revisions made on February 14, 2018.

Ann Lorch, owns 44 West Street and lives at 100 West Street: Concerned with the size of the building, hours of operation, lighting at entryway, insufficient tree barrier. Also concerned with water quality as she has a hand dug well on her property.

William Anderson, 77 French Road: With the new bike path in town perhaps there could be a bike rack at the building. He is in favor of the project.

Susan Erwin, 49 West Street: Concerned with an increase in traffic and accidents; there are already many accidents near that area. The type of industry that moves in may adversely affect traffic and safety.

Larry Pesce, 11 Loomis Road: Will there be ponding water with the runoff to the southeast corner; how will white pines block the view in 15-20 years; general landscaping concerns?

Commission comments:

A. Fiano expressed concern about pollutant and heavy metal runoff from the parking spaces. Discussion ensued regarding the landscaping in general. White pines were questioned as a choice. Arborvitae and rhododendrons were mentioned along with the possibility of a rain garden. Maintenance of extensive landscape was a concern.

Sydney Day, 56 West Street, (Environmental Science degree from ECSU) spoke again regarding the validity of the perc test. Were the results affected by testing when the soil was dry?

A. Teller asked if the planting plan can be modified. Nick Shifrin, 56 West Street asked that if the planting plan is revised can it be proved that pollutants are reduced. P. Carson noted that is not a requirement. A. Fiano stated that MTS Builders has a good reputation and has been in town for some

time. J. Cropley asked Ann Lorch, owner of 44 West Street about her concerns with lighting. A. Lorch stated that the house is closer than 200 feet from the proposed building and that cluster planting might be considered to screen the parking area and the lights from cars going in and out. M. Reynolds stated that he is agreeable to and is willing to work with staff on landscaping changes.

T. Manning made a motion to close the public hearing. J. Cropley seconded. Vote 7:0:0. Motion carried.

2. Approval of Minutes: January 10, 2018 Regular Meeting Minutes:

1. Call to order: Indicate T. Manning was seated for J. Cropley
2. Insert December 13, 2017 after Approval of
3. Change to sentence 4 in paragraph 2: A. Teller requested that the wording change “other applicant” to “previous applicant” and that names and titles are added under respectfully submitted.

A. Fiano moved to approve the minutes as amended. B. Davies seconded. Vote 6:0:1 (Cropley)

4. Residents’ Forum (Public Comment for items *NOT* on the agenda): No public comment

5. Staff Reports

J. Rupert noted that there has been little activity. One new house approved on Loomis Road. Brandy Estates and a lot on Birch Mountain Road.

6. Old Business

a. Discussion/Possible Decision: Special Permit Application: Office Building, 7 Loomis Road, MTS Builders, Inc.

T. Manning moved to approve MTS Builders, Inc.’s Special Permit for a 6,000 square foot Office Building, application #PL-18-1, in accordance with the plans submitted as “Site Development Plan, Loomis Commons, 7 Loomis Road, Bolton, CT” (3 sheets) dated: 10/11/2017, revised through 2/14/18, Lighting Plan (1 sheet) dated 2/12/2018, and elevation and floor drawings (3 sheets), which is conditioned on the following:

1. The approval letter shall be placed on the mylars to be recorded in the Office of the Town Clerk.
2. This approval is subject to compliance with any comments or requirements of the Health District and the Town Engineer.
3. All appropriate seals and signatures of the design professionals for this plan shall be placed on the plans before recording.
4. The owner of the premises shall maintain the retention area depicted along the eastern side of the parcel so that it continues to fulfill its designed drainage function.
5. The side yard and rear yard setback lines shown on the plan are incorrect and shall be corrected to 10 feet as was approved in the (Brook Hollow) Subdivision Plan on September 21, 2005.
6. Light poles shall be shown as 20 feet high on all plans.
7. A waiver is granted of 15H and the requirement for vegetative buffer in the Brook Hollow Subdivision Plan in favor of a planting screen that will protect the adjacent properties from automobile headlights as discussed in the meeting.

This approval is for an office building. Businesses that will be locating in the Office Building will need additional Zoning and Public Health approval. The Planning and Zoning Commission finds with these conditions the plan meets the requirements of the Bolton Zoning Regulations. J. Cropley seconded.

There was discussion about authorizing the staff to approve minor modifications to the screening plan on portions of the site to the west and southwest corner and the dumpster area, and reworded:

7. A waiver is granted of the requirements of Section 15H and of the Subdivision Plan for screening on the west and south sides of the property to the extent authorized by this approval.
8. The Commission authorizes the ZEO to approve as a minor modification, prior to the filing of the mylar, a screening plan for cluster plantings on the west side and southwest corner of the parking area, including the dumpster in lieu of the screening shown on the plans.

T. Manning and J. Cropley accepted the amendments.

During discussion, C. Davies commented that this plan was in line with the 2015 POCD which calls for economic development of areas of Bolton that are identified as areas for economic development. A. Teller agreed and stated this is a Neighborhood Business Zone and the application is for a fairly low intensity use and the surrounding area is also Neighborhood Business Zone and people who purchased property in the Neighborhood Business Zone should look to the regulations to see what is permitted there. A building of this size and character is within the regulations without asking for any waivers except for buffering and the Commission is requiring more buffering concentrated where the abutters asked for it. It is completely consistent with the zone and an appropriate way to develop this area. J. Cropley noted that the other businesses around this area are bigger.

Vote 7:0:0. Motion carried.

b. Discussion: Temporary Health Care Structures (“Granny Pods”)

Deferred. J. Rupert noted that there was nothing new to report.

7. New Business: None

8. Correspondence

1. Email received from NEMO regarding storm water (informational only)
2. March 22, 2018 CFPZA Conference at Aqua Turf Country Club
3. Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter

9. Adjournment: A. Fiano made a motion to adjourn at 10:10pm. J. Cropley seconded. Vote 7:0:0. Motion carried.

Respectfully submitted,



Leslie Brand
Recording Secretary

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

4/3/18

Report from the Bolton ZEO

Period covered 2/14/18 to 4/2/18

Since the last meeting there have been 3 applications for solar arrays and two for new single family homes. Please see the attached report.

Staff has met with the owner of 310 Hop River Road to discuss some concerns and options. They are removing the trailer from the site and will replace with a small shed at some point under a staff review.

We have met with the new owner of 1159 Boston Turnpike who will be working toward moving her animal dentistry clinic to that location. Some parking improvements and an accessible entrance with ramp will require staff review and approval. No changes to the size of signage or exterior lighting are planned.

Staff has responded to the owner of 99 New Bolton Road regarding questions about Aquifer Protection Regulations.

Staff has reviewed and responded to preliminary plans for the renovation of 1135 Boston Turnpike. We have informed the engineer that no applications may come before PZC until current zoning violations are resolved.

A cease and desist order has been issued for the owner of 65 Shoddy Mill Road regarding earth moving operations without erosion and sedimentation controls of municipal approval.

A reminder letter was sent to the owner of 10 Bolton Center Road regarding property conditions and the cleanup that was suspended at the onset of winter. The letter requests a site visit to establish the current baseline and discuss expectations and time frame.

A notice of violation was sent to the owner of 15 Stony Road regarding dumping on public property which is prohibited in section 5 of the Regulations.

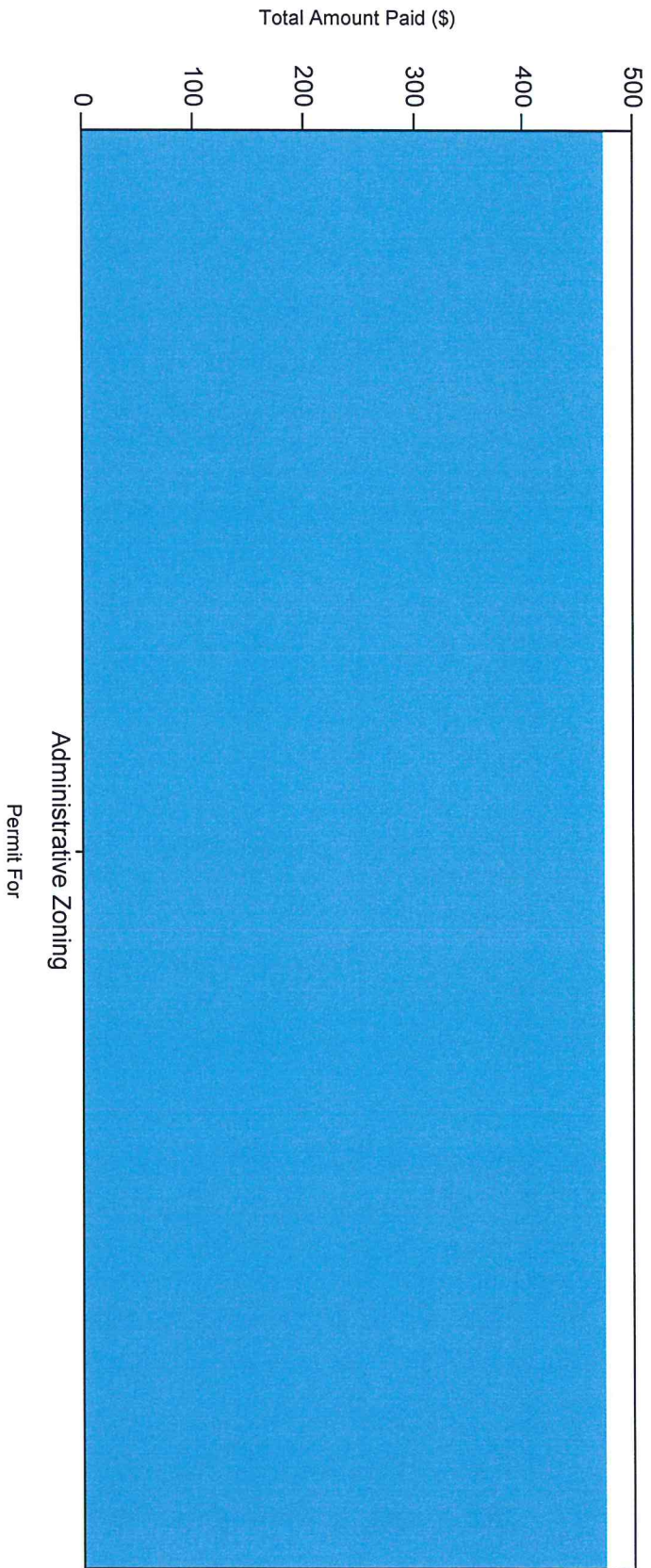
Respectfully submitted

James Rupert, ZEO

Start Date:	2/14/2018	End Date:	4/3/2018	Status:	House #	Street
PIN	Owner Name	Permit For	Date Issued	Parcel ID	House #	Street
TZ-18-6	WHITE TIMOTHY L SR	Administrative Zoning	2/23/2018	05 170A	55	QUARRY RD
Z-18-5	CHRISTIANS COREY N &	Administrative Zoning	2/23/2018	20 83	14	SCHOOL RD
Z-18-4	GOLDEN-DAVIES DEIRDRE	Administrative Zoning	2/23/2018	15 13	66	BRANDY ST
TZ-18-7	HACKMATACK HILLS LLC	Administrative Zoning	2/26/2018	18 43B	96	BRANDY ST
TZ-18-8	CASSALA EDWARD & JEAN & SURV	Administrative Zoning	3/5/2018	17 141	93	HEBRON RD
Number of Permits:	5					

Permit Type:	Zoning	Occupancy Type:	Contractor Name	Building Type:	Project Cost	State/Edl Fee	Permit For:	Check Number
Occupancy Type: Residential	Building Type: Single Family	Work Description: Installation & wiring of a ground mount 13.80 KW grid tied solar PV system consisting of 40 Sun Power X21-345-C-AC modules & inverters. Located to south of house and tied into existing 200 amp electrical service panel.	Contractor Name: EARTHLIGHT TECHNOLOGIES LLC	Building Type: Residential	\$0.00	\$0.00	Total Fee: \$95.00	Check Number: 10960
Residential	Single Family	Install 14 rooftop solar panels (4.27KW)	TESLA ENERGY OPERATIONS INC	Residential	\$0.00	\$0.00	\$95.00	768453
Residential	Single Family	Roof mounted solar panels 30 panels, 8.85 KW	TRINITY HEATING & AIR INC	Residential	\$0.00	\$0.00	\$95.00	14552
Residential	Single Family	Construction on a new single family home with driveway	ANSALDI ASSOCIATES LLC	Residential	\$0.00	\$0.00	\$95.00	3168
Residential	Single Family	To build a new 1696 sq ft single family home: 3 bedrooms, 2 bathrooms, attached 2 car garage, full basement, 200 amp service, 1 zone warm air heat and A/C	GAUTHIER BUILDERS LLC	Residential	\$0.00	\$0.00	\$95.00	2757
					\$0.00	\$0.00	\$475.00	

TOTAL REVENUE



Suggested Amendments to the Bolton Zoning Regulations

PREFACE

This edition of the Bolton Zoning Regulations is but one of several regulations and ordinances pertaining to land use in the Town of Bolton.

The following information is offered for the benefit of present and prospective Bolton land owners.

1. Land Records

The Town Clerk is the custodian of all recorded land records. The records and the Town Clerk's office are in the Bolton Town Hall.

2. Subdivision Regulations

When a parcel of land is to be subdivided into three or more lots or parcels, such subdivision, whether all at one time or by successive division, since September 19, 1955, must be referred to the Planning and Zoning Commission.

3. Sanitation Certificate

Prior to obtaining a Building Permit - a sanitation permit must be obtained from the Health District.

4. Driveways

Prior to obtaining a Building Permit, the location and construction of a driveway connecting to a public road shall have received a permit from the ~~Office of the~~ Land Use ~~Office Manager~~ in accordance with the Town ordinances.

5. Building Permit

Prior to the building or reconstruction of any structure other than a fence or boundary wall, a Building Permit must be obtained from the Building Official following approval by the Zoning Enforcement Officer.

Awning - A roof-like cover, often of fabric, metal, or glass, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or the like.

Banners, pennants, and balloons - Any animated, rotating, fluttering or non-stationary device made of flexible materials designed to attract attention.

Basement - a portion of the building partially underground, but having less than half its average height below the grade plane (as opposed to "Cellar").

Bed and Breakfast - A building, or group of buildings, a portion of which is occupied by the owner thereof as a permanent residence, and which building(s) is/are designed or used for the short-term rental of no more than six (6) rooms in a Business Zone and no more than three (3) rooms in a Residence Zone to transients, and capable of including, as an accessory use, the serving of breakfast only, and exclusively to persons occupying the facility.

Comment [PC1]: There are no actual Business Zones in Bolton. They are now GB, NB, GMUIZ & RMUZ.

Berm - an elevated strip consisting of earthen or other material, usually intended to serve as a buffer.

Best Management Practice (BMP) - ~~A BMP is~~ a technique, process, activity, or structure used to manage the volume and rate of discharge and reduce the pollutant content of a storm water discharge. BMPs include simple nonstructural methods, such as good housekeeping and preventive maintenance. BMPs may also include structural modifications, such as the installation of bioretention measures. BMPs are most effective when used in combination with each other, and customized to meet the specific needs (drainage, materials, activities, etc.) of a given operation.

Boarding House - a building in which the primary use is the rental of individual rooms, and the furnishing of meals, to tenants who use such building as their place of residence.

Buffer - an area of land which is provided for the purpose of mitigating visual, noise, and other negative impacts.

Buildable Area - the land remaining, after subtraction of regulated wetlands and regulated watercourses and their associated buffers, that is used for calculation of allowable construction area on a lot.

Comment [PC2]: I could not find a reference in the Dimensional Requirements or elsewhere when this term is used or referred to.

Building - any structure having a roof and intended for shelter, housing or enclosure of persons, animals, or materials; also, any other structure more than eight (8) feet high, excluding a public utility pole or flagpole.

Building Coverage Area/Building Coverage - The area of the ground beneath a building (i.e., dripline), including the area of all covered porches, eaves, and similar roofed portions of the building, but excluding awnings.

Building Line - An imaginary line which runs parallel to the property line at a distance equal to or greater than the minimum yard dimension for the required yard along that property line, delineating an area between the property line and the building line where no structure shall be located except as otherwise allowed by these regulations. The building line may also be called the set back line.

Foundation - the basic support structure of a building or, for purposes of minimum area, the basic exterior dimensions of the building, excluding porches, overhangs, hatchways, etc.

Frontage - a continuous length of that portion of a lot abutting on a single street other than a State owned limited access highway.

Garage - a building or part thereof, accessory to a main building and providing for the storage of vehicles.

Government Agency Facility - Any use of land or building by a department, commission, independent agency, regional water or sewer authority or district, or other instrumentality of the United States, the State of Connecticut, the Town of Bolton, or any regional agency of which the Town of Bolton is a current member.

Groundwater Recharge / Infiltration - The process by which water enters the ground, eventually replenishing groundwater aquifers and surface waters such as lakes, streams, and the oceans. This process helps maintain water flow in streams and wetlands and preserves water table levels that support drinking water supplies.

Home Occupation - any occupation which is customarily or may properly be carried on for compensation entirely within a dwelling, by the residential occupant thereof.

Hotel - a building designed and used primarily for occupancy of transients which provides or offers accommodations for seven (7) or more persons, exclusive of employees living on the premises, and which provides rooms for public assembly, and may include serving of food.

Impervious Coverage - any material which reduces surface storage and infiltration of water, and increases the volume of storm water runoff, including but not limited to buildings and all equipment pads and platforms, etc., except that all walkways, parking areas and driveways, and patios constructed of pervious materials approved by the ZEO shall not be counted in the impervious coverage calculation. (effective 02/15/14)

Inland Wetland - See "Wetland" and "Watercourse," ~~below~~.

Interior Lot - a lot in an Open Space Conservation Development (OSCD) that has less than the required frontage on a public street but has at least 50 feet of lot frontage and is located immediately behind a lot or lots that comply with the zoning dimensional requirements, including lot frontage, and has a corridor at least 50 feet wide to the street. (effective 11/01/17)

Junk Yard - except for the specific exceptions noted below, the use of any area of any lot, whether inside or outside a building for any of the following purposes:

- A. the commercial storage, keeping or abandonment of junk, scrap or discarded materials or equipment, including old cordage or other waste or discarded or secondhand materials; or
- B. the commercial dismantling, demolition or abandonment of automobiles, other vehicles, machinery, equipment or parts thereof; or
- C. any other place of storage or deposit, including any business, which has stored or deposited two or more unregistered motor vehicles or used parts of motor vehicles or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles.

As specific exceptions, the following shall not be considered a junk yard:

1. the display of unregistered vehicles for the specific purpose of sale in association with an authorized and licensed automotive dealership;
2. the accessory storage of unregistered vehicles, equipment or parts associated with a permitted or proposed business, provided said storage has been specifically approved by the Zoning Commission;
3. the parking of unregistered farm vehicles and associated equipment and parts for use on site in association with an active farm;
4. the interior storage of unregistered vehicles as per the accessory use provisions of Section 3Q. of these Regulations;
5. the non-commercial storage, keeping or abandonment of junk, scrap or discarded materials or equipment, provided that any materials or waste classified as hazardous by the State of Connecticut are stored and disposed of as required by the Connecticut Department of Environmental Protection;
6. Recycling collection facilities for glass, paper, aluminum and/or plastic items.

Livestock - horses, cattle, sheep, or similar animals.

Living Area - the area of the lowest horizontal plane within the interior walls of a building, room, etc.

Lot - a parcel of land on which a principal building (or buildings) and its accessories are placed or may be placed together with the required open spaces.

Lot Coverage or Density – has been interpreted as Gross Lot Area, NOT excluding yards or wetlands, etc. Has been interpreted as Building Coverage. Needs discussion with the Building Official and perhaps adding a definition.

Lot of Record - A lot for which a Deed has been recorded in the Office of the Town Clerk of the Town of Bolton, which lot met the requirements of these Regulations and of the Bolton Subdivision Regulations, as the same were in force at the time of such recording. See Section 3.A.3 of these Regulations.

Comment [PC3]: Is this the correct reference?

Low Impact Development (LID) - Low Impact Development is a site design strategy intended to maintain or replicate predevelopment hydrology through the use of small-scale controls integrated throughout the site to manage runoff as close to its source as possible. See Section 16A.2.1

Comment [PC4]: Is this the correct reference?

Manufacturing, Light - The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing and manufacturing from extracted or raw materials into finished products. (effective 05/13/12)

Mixed Use - Allowance for more than one type of permitted use on a single property, within a single building, or multiple properties, within a Unified Village-style Development within the GMUIZ and RMUZ zones.

Motel - See "Hotel/Motel".

Non-Conforming Building or Structure - A building or structure legally existing on the effective date of these Regulations, which met all requirements of the Zoning Regulations then in force, if any there were, on said effective date, but does not meet the current requirements of these Regulations; or a building or structure legally existing on the effective date of any amendment hereto which caused such building or structure to cease to meet the requirements of these

Recyclable - Items which are cleaned and/or processed for the purpose of reuse, either in their current form or in a different form.

Restaurant, "Fast Food" - The retail sale of food to the general public for consumption on the premises, or where a significant portion of the consumption take place or is designed to take place outside the confines of the building occupied by such use; and which is characterized by high volume of patronage, the promise of rapid service of meals, and a resulting short duration of stay and rapid turnover; and including Drive-In or curbside service as an accessory use. See Section 3B.4, of these Regulations.

Restaurant, Full Service - The retail sale of food to the general public for consumption on the premises, with food service primarily to customers seated at tables or at counters in an enclosed building. See Section 3B.4, of these Regulations.

Restaurant, Take-out - The retail sale of food to the general public where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the Building occupied by such Use. See, Section 3B.4, of these Regulations.

Rooming House - a building in which the primary use is the rental of individual rooms to tenants who use such building as a place of residence.

Sediment - solid material, either mineral or organic, that has been moved from its site of origin by erosion.

Setback - the distance between a structure and the property line, street line or other clearly denoted reference point.

Shed - an accessory building that has no more than 120 square feet of ground-floor area, is no more than ten feet high and is not used for the storage of cars or trucks.

Sign - Any structure, or part thereof, or any device attached to a building or structure or painted or represented thereon which displays or includes letters, words, symbols, trademarks or any other graphic representation which is in the nature of an announcement, direction, advertisement or other device used to attract the attention of the public for commercial purposes or otherwise; similarly, any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations; any building feature, including roof or other special illumination, special colors or effects, or building or roof lines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol. The term "sign" shall include sculptures and similar works of art designed or intended to attract the attention of the general public to commercial or industrial premises.

Sign, Abandoned - Any sign that advertises a business, lessor, owner, product, service, or activity that is no longer located on the premises where the sign is displayed, or a permitted temporary sign for which the permit has expired.

Sign, Advertising - A sign, including that type of sign commonly known as a "billboard", which directs the attention of the viewer to a business, commodity, service, entertainment, or other Use which is conducted, sold, offered, or occurring, either presently or in the future, at a location different from the Lot upon which such sign is displayed, or only incidentally occurring upon such lot.

Comment [PC5]: Consider whether or not PZC would not require a Zoning Permit for a shed 200 square feet or less that isn't on a permanent foundation (stone base, wooden floor, no concrete pad, no piers) or has an eave height that exceeds 10 feet.
Reason: These sheds have been exempted from Building Permits & Public Health Permits.
-Could still allow for setbacks, say 10feet from all property lines
-Saves on Survey costs but survey could be required if there was a complaint that shed was too close to property line
-These types of sheds can be easily moved

the business of the owner thereof in the manner which is customary for said vehicle, with the exception of any message or lettering required by State or Federal law.

Sign, Wall - Any Sign painted, posted, or otherwise affixed to any portion of a building or structure that is visible or intended to be visible from the exterior of said building or structure.

Sign, Window - Any sign which is painted on, applied to, attached to or projected upon or within the exterior or interior of a building glass area, including doors whose identification, message, symbol, insignia, visual representation, logotype, or any other form which communicates information, can be read from off premises contiguous property or public right-of-way.

Soil - any unconsolidated mineral or organic material of any origin.

Solar Access Window - the angle of sky from which direct sunshine is unobstructed at least 75% of the time between 9:00 AM and 3:00 PM on December 21 at the foundation level of a proposed structure.

Solar Energy System, Ground-Mounted - A solar collection system that has a supporting framework that is placed on, or anchored in, the ground and that is not attached to any building or other structure. (effective 01/01/14)

Solar Energy System, Roof-Mounted - A solar collection system that is installed upon or is part of the roof of a building or structure located on the subject property. Systems integrated as awnings or attached to the roofs of porches, sheds, carports and covered parking structures also fall under this distinction. (effective 01/01/14)

Solar Energy System, Small Scale - An accessory solar collection system that may or may not be interconnected to the local utility electrical grid on the customer's side of the electric meter which system shall be designed to generate no more electricity than that needed for direct consumption on the subject property with capacity no greater than would be necessary to serve the primary use and any permitted accessory uses. (effective 01/01/14)

Special Features - When used in the context of Section 7C.3 herein, this term shall mean the following:

1. Wetlands and watercourses as field-verified in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Bolton.
2. 100-year floodplain as identified by the National Flood Insurance Program; and,
3. Slopes 25% or greater, based on 2-foot contour intervals in accordance with a T-2 survey.

Comment [PC6]: This Section does not exist.

Street - any existing avenue, boulevard, road, lane or highway that is accepted and actively maintained by either the Town of Bolton, any other municipality or the State of Connecticut; or any proposed roadway which is shown on a subdivision map approved by the Bolton Planning and Zoning Commission and duly recorded in the Bolton Town Clerk's office and which is formally bonded for completion and dedication to the town of Bolton.

Street Line - the points of intersection of a street with abutting land.

Street Right-of-way - an area of land in single ownership which includes, but is not limited to, a street, and which may contain land for possible future widening of such street, and which is intended for the use of motor vehicles and pedestrians.

Structure - that which is built, constructed, installed or erected.

Subdivision - a division of land as defined in Section 8-18 of the Connecticut General Statutes, as amended from time to time.

Swimming Pool - any structure designed or used for swimming purposes having one hundred fifty (150) square feet or more of bottom area and/or having a maximum capacity in excess of three thousand (3,000) gallons.

Townhouse - See "Dwelling, Townhouse".

Underlying District - In the case of an overlay district, that zoning district upon which the overlay district is located. See Section 10.

Unified Village-style Development - A development on a single parcel, or multiple parcels combined to create a single development project, designed with mixed uses, unified access, parking, and utilities, and unified architectural and site design theme under the Architectural and Site Design Guidelines of the Town of Bolton. This type of development may be limited to a single parcel with the future potential for inclusion into a multi-parcel development capable of meeting the above criteria.

Use - Any purpose for which a building, structure, or premises may be designed, arranged, intended, maintained, or occupied; or, any activity, occupation, business, or operation actually carried on in a building or other structure or on a lot or parcel. 2-14

Comment [PC7]: Not sure what this is?

Watercourse - a body of water as defined by Connecticut General Statutes Section 22a-38, as amended from time to time.

Comment [PC8]: This is not in the definition for "Wetland" and either should be removed or added to the definition of "Wetland" for consistency.

Wetland - all wetlands and watercourses as defined in the Connecticut General Statutes, as amended from time to time.

Yard - a space not occupied by a building, open to the sky on the same lot as the principal building.

Yard, Front - the space across the full width of the lot and extending from the front line of the building to the street line.

Yard, Rear - the space across the full width of a lot and extending from the rear line of the principal building to the rear lot line.

Yard, Side - the space extending from the front yard to the rear yard between a building and the adjacent side line of the lot. The side yard of a corner lot adjacent to the side street shall meet the front depth requirement of the side street.

Zoning Enforcement Officer(s) - The official designated in accordance with these regulations to enforce the Bolton Zoning Regulations and to issue Zoning Permits.

retains its status as solely a single-family dwelling. However, no trailer or mobile home dwelling shall be expanded or intensified.

2. the Zoning Enforcement Officer may issue a Zoning Permit in connection with the change in use from one permitted commercial or industrial use to another such permitted use on a site which has a pre-existing non-conformity as to the parking requirements of Section 15, provided that the increase in parking demand as a result of the change in use is no more than a 5% increase (or an increase of one space, whichever is greater) over the number of parking spaces as shown on the Site Plan approved by the Commission. The Zoning Enforcement Officer shall provide notice of such Zoning Permit approval to the Planning & Zoning Commission.

3A4. COMPLETION OF EXISTING BUILDINGS

Nothing herein contained shall require any change in the location, construction or designated use of a building, construction of which has been started prior to June 1, 1960.

3A5. DWELLINGS OR STRUCTURES ON SMALL LOTS

No buildings or structures shall be constructed on any lot which is smaller than required by these Regulations for the zone in which the lot is located unless the following conditions can be met:

- 3A5.a. Such lot has been owned separately and distinctly from any adjoining lot as evidenced by a deed recorded in the Office of the Bolton Town Clerk on or before May 12, 1954.
- 3A5.b. Such lot has been continuously owned after May 12, 1954 as a separate and distinct lot from any adjoining lot.
- 3A5.c. Such a lot is not a lot which conformed to earlier zoning regulations and was thereafter made smaller by any voluntary act of an Owner of such lot.

3A6. NUMBER OF DWELLINGS ON A LOT

Except as provided in Sections 6 and ~~7D~~ of these Regulations, not more than one dwelling shall be built on any one lot.

Comment [PC9]: This Section does not exist.

3A7. WETLAND CONSERVATION

No building or structure shall be permitted within fifty (50) feet of any lake, pond, swamp, watercourse, flood zone as defined by the Regulations of the Bolton Inland Wetlands Commission and by the Connecticut General Statutes; except that the Planning and Zoning Commission may permit such building, after approval by the Inland Wetlands Commission, if it can be shown that the building or structure will not cause pollution or compromise the ecology, and such structures shall be built to satisfy minimum requirements of Section ~~3R~~ of these Regulations.

Comment [PC10]: This Section does not exist.

3A8. ISSUANCE OF ZONING PERMITS AND BUILDING PERMITS

A Zoning Permit, approved by the Zoning Enforcement Officer, shall be obtained before a change in use on a property or the construction of any building, addition or structure other than a fence under eight feet high.

Notwithstanding the requirements of Sections 8A2b, 8B2b, and 9B1b, the Zoning Enforcement Officer may issue a Zoning Permit in connection with the change of occupancy of an existing commercial or industrial building to another conforming use which does not increase the parking requirements for the property as set down in Section 15. The Zoning Enforcement Officer shall provide notice of such Zoning Permit approval to the Planning & Zoning Commission.

Comment [PC11]: This is an incorrect reference. Should be 9A.2.b & 9B.2.b?

A Building Permit, approved by the Building Official, shall be obtained before the construction of any building, addition or structure other than a fence under eight feet high.

No Building or Use Permit for land or a principal structure shall be issued until the following conditions have been met:

- 3A8.a. A Sanitation Permit shall have been obtained from the Town Sanitarian.
- 3A8.b. As per the Town Ordinance, a Driveway Permit shall have been obtained for the driveway location and construction approved by the Town Engineer and Board of Selectmen or the State Traffic Commission.
- 3A8.c. A plot plan shall be provided showing:
 - 1. lot boundaries, area, and location. Lot boundaries shall be prepared by a land surveyor licensed in the State of Connecticut, and shall be certified Class A-2 as described in "Recommended Standards for Surveys and Maps in the State of Connecticut," prepared and adopted by the Connecticut Association of Land Surveyors, Inc., as amended;
 - 2. proposed and existing buildings and structures. Plans for proposed buildings and structures shall be certified Class A-2 (as described in "Recommended Standards for Surveys and Maps in the State of Connecticut,") if a foundation is required;
 - 3. septic tank, primary and reserve leach fields and test pits;
 - 4. water supply well location;
 - 5. driveway, with suitable culvert size, flare, grade, and sight lines;
 - 6. existing and proposed contour lines at two (2) foot intervals in all areas, unless otherwise directed by the Zoning Enforcement Officer. Such contour lines shall be proposed by a land surveyor licensed in the State of Connecticut, and shall be certified Class T-1, T-2, or T-3 (as described in "Recommended Standards for Surveys and Maps in the State of Connecticut").
 - 7. inland wetlands and watercourses so designated by a soil scientist certified in the State of Connecticut;
 - 8. solar access window (See Section 3A.15. if applicable);
 - 9. erosion and sediment control plan when required including location and design details of proposed soil erosion and sediment control measures and storm water management facilities and their sequence of installation and the sequence of grading and final stabilization of the site;
 - 10. method(s) of storm water drainage.

Other Conflicts:

This Section:

8C.7.a. In addition to the bulk requirements in the table of Section 11.E, the following shall apply in the Rural Mixed Use Zone:

- 1. Build-To Line.

Except for Unified Village-style Developments of sufficient scale to be oriented to an internal network of roads, parking, and pedestrian amenities, all new buildings shall be located no more than twenty-five (25) feet from the Street Line. The Commission may waive this requirement for additions of less than five (5%) percent to buildings existing on the effective date of this Section 8C where parking lots cannot be relocated to the sides or rear of the new and/or existing building, or where it is deemed by the Commission to be infeasible for the addition to meet the build-to line requirements of this section.

Conflicts with this Section:

16A.3.q. Landscaping. Landscaping shall be provided and permanently maintained on the lot to conform to the standards of Section 15 (Parking and Fire Lanes) and to the following:

- 4. A strip of land on the lot along and adjacent to the street line and not less than 20 feet in width in General Business Zones and 30 feet in width in all other non-residential Districts shall be landscaped with lawn, shrubs and/or other growing ground cover and provided with one (1) deciduous tree not less than three (3) inches caliper and six (6) feet in height for each 40 feet of lot frontage or fraction thereof. Such required landscaped strip may be crossed with driveways and sidewalks approved under the Site Plan. The area in front of the lot between the street line and edge of street pavement shall also be graded and landscaped with lawn or other growing ground cover as may be approved by the owner of the street.

SECTION 16: APPLICATION PROCEDURES FOR SITE PLANS, SPECIAL PERMITS, ZONING MAP AMENDMENTS, AND ZONING REGULATION AMENDMENTS

Purpose: This Section sets forth the procedures to be used and the criteria to be applied for various types of applications. Where these Regulations are directly contrary to an applicable provision of the Connecticut General Statutes, as amended, the Statutes shall control. The Commission may, consistent with the Statutes and these Regulations, prescribe additional or modified procedures and criteria where the unique conditions of that application so warrant.

16A.4.d Notices of Consideration.

- 1. Notices Mandated by Statute. The Commission shall notify the clerk of any adjoining municipality of the pendency of any application concerning any Site Plan application in accordance with Conn. Gen. Stats. § 8-3h.

Comment [PC12]: This Section was repealed in 2003.

16B.3.f. Notices Mandated by Statute The Commission shall notify the clerk of any adjoining municipality of the pendency of any application concerning any Special Permit in accordance with Conn. Gen. Stats. § 8-3h.

Comment [PC13]: This Section was repealed in 2003.

Other Considerations for Discussion:

- Number of copies applicant must submit with an application is 17. This is too many. Need - 10 Commissioners, Public Health, Town Engineer and original = 13 copies. Perhaps the requirement could read: The applicant shall submit a minimum of thirteen (13) copies of the application documents. Staff may require more or less copies depending on the application.
- Are there any uses allowed in any of the Zones that could be Staff approved Zoning Permit or Site Plan instead of Special Permit?
- Tables in Section 11 need to be reviewed.
- Other?