

BOLTON PLANNING & ZONING COMMISSION
Regular Meeting
7:30 p.m., Wednesday, July 11, 2018
Bolton Town Hall, 222 Bolton Center Road
Minutes & Motions

Members Present: Chairman Adam Teller, James Cropley, Christopher Davey, Arlene Fiano, Neal Kerr, Thomas Robbins, and Alternates Rodney Fournier, Marilee Manning, and Thomas Manning

Members Excused: Benjamin Davies

Staff Present: Patrice Carson, AICP, Director of Community Development, Yvonne Filip, Recording Secretary, Jim Rupert, Building Official/Zoning Enforcement Officer

1. Call to Order:

Chairman A. Teller called the meeting to order at 7:31 p.m. R. Fournier was seated for B. Davies.

2. Approval of Minutes: June 13, 2018 Regular Meeting Minutes

The following corrections were suggested:

1. Call to Order – 3rd line: change “seated fro” to “seated for”.

4. Staff Reports – 4th line: change “reported that several administration” to “reported several administrative”.

5a. Old Business - Par. 1, 3rd line: change “were received” to “was received”. Par. 2, 2nd line: change “is increase” to “is increased”. Par. 3, 1st line: Formal name of Inland Wetland Agency is “Inland Wetlands Commission” and should be corrected throughout the minutes. 2nd line: change spelling of “Salem” to “Saleem”. 3rd line: change IWA to IWC.

6a. New Business - Par. 2, 2nd line: add “Mr. Gorman explained” to the beginning of the sentence and remove “as explained by Tony” at the end. Last line change “No cost from” to “No cost to”.

6b. New Business - Par. 2, 2nd line: change “to shift to berm” to “to shift the berm”. 4th line: correct spelling of “property”. Par. 3, 1st line: change “A. Teller stated that” to “A. Teller stated the Commission’s consensus is”, and change “within his discretionary” to “within the ZEO’s discretionary”. 4th line: change “The applicants” to “The applicant’s”.

6c. Other - Par. 1, 1st line: change “Regional Disaster Planning” to “Regional Planning Commission”. After “meeting” add “they discussed the Regional Disaster Plan and reported that”. Correct the spelling of “Kowelski” to “Kowalewski”.

8. Adjournment – 1st line: change “moved o” to “moved to”.

A. Fiano moved to approve the minutes, as corrected, of the June 13, 2018, regular meeting; **C. Davey seconded**. Vote 5-0-2 (Cropley, Kerr abstained). Approved.

A. Teller received consensus from the Commission to hear item 6A at this time. After that, the Commission was in consensus to move to item 5A.

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

4. Staff Reports:

J. Rupert reported that administrative permits received this month included an application for a new home at 219 Hebron Road, modification of a berm, decks, sheds, and swimming pools. Staff met with the owners of Dean Cabinetry and Bolton Vet about new space being needed by these businesses.

Bolton Vet would like to remain in Bolton. They have outgrown the existing site. Staff discussed with them a number of locations. P. Carson indicated that Staff thinks their business fits under the RMUZ zone. P. Carson says there may be a concern about barking dogs, but the animals are not outside like at a kennel. The most problematic issue is that Bolton Vet is a 24-hour operation. Night lighting will be necessary. Bolton Vet will be working with an architect and engineer to determine what they need for building size and parking. They could easily triple the size of the business. These details will help to determine parcel size.

Re: 65 Shoddy Mill Road Cease and Desist order - there are 20 unregistered motor vehicles on site. A second C&D order was issued with a copy sent to the Town Attorney. The owner has not responded to either notice. This will likely go to court for the earth moving activity and the unregistered vehicles. This is a residential home in an R zone. Several people on the street have offered to testify in court as witnesses.

Re: 5 Steele Crossing Road Breakaway Brew House – J. Rupert has noticed that a sign and cones have been placed in the driveway instructing patrons to park on the street. The site plan called for onsite parking. He feels this can be managed with communication and collaboration.

Re: 15 Stoney Road – J. Rupert has not visited the location to view the progress of the cleanup. T. Robbins mentioned that there are a couple of dumpsters there. The owner felt he could be finished with the cleanup by the end of June. J. Rupert feels the owner is being cooperative.

A. Teller asked if there had been any more correspondence about the berm at the Boston Turnpike dentist office location. J. Rupert responded that the applicant did come in and the process is being followed. The revised plans were received on Tuesday. Staff review has begun. J. Rupert read an email with the Town Engineer's comments.

5. Old Business:

a. Discussion/Possible Decision: Site Plan Application to Remodel/Update Fuel Station/Convenience Store, 1136 Boston Turnpike (Valero Station), Boston Turnpike Enterprises, LLC (#PL-18-2)

J. Croyley and C. Davey listened to the tape of the previous meeting for this application.

P. Carson distributed new plans to the PZC. David Nafaus, 1355 Middletown Ave, Norfolk, CT, was present along with the property owner. The application is to add an extra bay for a gas pump and spruce up the whole area. The existing building will be renovated. The dumpster location is being changed, landscaping is being added, a guardrail is being added along the river, and pavement striping added to better delineate vehicle movement. A small piece of pavement

will be removed where it encroaches on another property. There will be eleven parking spots and one handicapped designated spot. The existing sign on the canopy will remain; the added canopy will not have a sign on it. A permit from the IWC was obtained.

A. Teller feels this plan will be an improvement to the location. J. Cropley stated there are three large trees to the rear of the building that no one is ever going to see.

A. Teller moved to approve Boston Turnpike Enterprises, LLC's Site Plan to remodel and update the fuel station and convenience store at 1135 Boston Turnpike (Valero Station), application #PL-18-2, in accordance with the plans submitted as "Fuel Station Update/Remodel, 1135 Boston Turnpike, Bolton, Connecticut" (6 sheets) dated: February 28, 2018, revised through June 18, 2018, Floor Plan (2 sheets), and elevation and canopy plans (4 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. As required by the Inland Wetlands Commission, a trap hood shall be added to the catch basin. Details for the trap hood shall be added to the plan.
5. The storm water system shall be maintained in working condition. The storm water system, including catch basin, oil grit separator, and outlet, shall be cleaned, pumped out, and inspected at least annually. Maintenance reports, receipts and invoices shall be submitted to the Town of Bolton Land Use Department.

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

J. Cropley seconded. Vote 7-0-0 Approved.

b. General Discussion/Review of Possible Amendments to the Zoning Regulations (time permitting)

Items discussed:

P. Carson checked on three daycare items against the public health code. Since there has been a change in the Health Administrator, these have not yet been addressed.

C. Davey had no problem with the canopy definition.

Cellar - A. Teller suggested the definition not include "underground". Staff will check the building code for a cellar definition.

Dwelling - the note was to ask J. Rupert about dwelling or multi-dwelling. Dwelling, Townhouse was crossed out probably because it was not used. The definitions of dwelling were added in June 2012 when the incentive housing zone was created.

Dock - discussion was about the size, completely floating, attached to the shore or lake bottom. Bolton Lake is a State water body so their regulations have jurisdiction. A dock would be regulated by Town regulations as this is a town water body. P. Carson will get some input from Wetlands Agent B. Kelly regarding docks on Bolton Lake. It does not appear that dock is used in the regulations. If that is the case the definition should be removed.

Enlargement - is defined as any increase in the floor area instead of using addition. Addition is not defined elsewhere. A. Teller suggested changing this to an increase in floor area.

Extend or make an extension - should be changed to increase or amplify so the grammar agrees. It was suggested that if it has worked as such for J. Rupert so far that it should not be changed.

Floor area - needs to be understood to determine compliance. This definition is not clear. P. Carson will look at other definitions.

Farm - the definition should be checked. C. Davey asked if this is talking about a farm engaged in farming as a business or a piece of land that maybe some people farm on. P. Carson indicated both and A. Teller indicated it can be multiple pieces of land. Farms are allowed in the regulations with the primary activity being agricultural. What does the word primary mean?

T. Manning will look up Federal Insurance Administration. This is mentioned in two places. He thinks that may be FEMA at this point.

Farm stand - should include "and shall not exceed 10' square feet".

Floodway/Base Flood - P. Carson is not going to change a FEMA definition. She will check on the wording.

c. Other: There was none

6. New Business

a. 8-24 Referral - Expansion of Town Garage

Joyce Stille, Administrative Officer, presented information about the addition to the Town Garage. The old garage will be demolished, which is leaking considerably and falling apart. A 50' x 80' 4-bay non-heated addition will be constructed. The possibility of adding a wash bay will be explored depending upon the cost. The DEEP would like to see the Town move forward with the wash bay. The project will be paid for with LOCIP funds. The Town was ready to move forward with this project a year ago but the Governor froze funding. The POCD supports this project. The existing garage does not need to be upgraded.

A. Fiano asked about oil separators and proper disposal of wastes if the wash bay is added. J. Stille indicated these are currently in place. The wash bay would be piped to the existing infrastructure.

C. Davey asked A. Teller for a short refresher on what an 8-24 Referral is. The PZC looks to see if this is a necessary upgrade and how it ties into the POCD. Their review has nothing to do with the budget. If the PZC were not to recommend approval, the Board of Selectmen would require a larger majority for the vote to pass. J. Stille indicated this project would be done using strictly grant funds.

T. Robbins asked if the size is adequate to house everything. J. Stille replied that it is adequate at this time. The garage cannot get much bigger at this location.

P. Carson indicated the tie-in to the POCD is as a community facility need.

The resolution is that the PZC is in favor of this addition and that it is in concert with the POCD.

J. Cropley moved to recommend to the Board of Selectmen approval of the 8-24 Referral for the Town Garage Addition and wash bay; **C. Davey seconded**. Vote 7-0-0. Approved.

b. Special Permit Application: Assembly of Cabinets & Showroom, 25 West Street, Dean Cabinetry (#PL-18-3)

P. Carson and J. Rupert met with John Dean who needs space to expand his business to include the assembling of custom cabinets from components and a showroom. J. Dean is looking at The NetSource building at 25 West Street to relocate. This would be a continuation of the use of the property as assembly of product. There would be no need for changes to the building or the parking. The sign would be the only thing to change. NetSource is reported to be moving to Manchester. P. Carson and J. Rupert have not been able to find an existing Special Permit for NetSource. A Zoning Certificate of Compliance was issued for the original golf cart assembly, which was done at staff level. NetSource was approved as a non-conforming location with the same intent of assembly. Since then the regulations have changed and the site is no longer non-conforming. Therefore, a Special Permit application is needed and that requires a public hearing.

A. Fiano moved to accept the application and set the public hearing for August, 8, 2018 at 7:45pm in the Town Hall; **J. Cropley seconded**. Vote 7-0-0. Approved.

c. Other

J. Cropley thinks the tree regulations should be reviewed as they are too vague. It was suggested that the definitions be completed and incorporated before moving on to some of the easier corrections, such as Section 11 and the tree regulations.

7. Correspondence: There was none

8. Adjournment:

J. Cropley moved to adjourn the July 11, 2018 regular meeting at 9:12 p.m.; **C. Davey seconded**. Vote 7-0-0. Approved.

Respectfully Submitted,

Yvonne B. Filip

Yvonne B. Filip, Planning & Zoning Commission Recording Secretary

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