

BOLTON PLANNING & ZONING COMMISSION  
REGULAR MEETING AGENDA  
7:30 PM, WEDNESDAY, May 8, 2019  
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD

1. Call To Order
2. Approval of Minutes: February 13, 2019 Regular Meeting Minutes and April 10, 2019 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. *Informal Discussion:* Modification of Special Permit #PL-18-6 to Include New Building, Public Hearing Requirement, Steven Rockefeller
  - b. *Informal Discussion:* Tree Business and Retail Fireplace Store in GB and Industrial Zone, Andrew Trudeau
  - c. Other
7. Correspondence
8. *Public Forum:* Discussion/Review of Possible Amendments to the Zoning Regulations (time permitting) – Section 2 & 3
9. *Executive Session:* Pending Litigation Regarding Zoning Violations at 65 Shoddy Mill Road
10. Adjournment

**BOLTON PLANNING & ZONING COMMISSION**  
**Regular Meeting**  
**7:30 p.m., Wednesday, February 13, 2019**  
**Bolton Town Hall, 222 Bolton Center Road**  
**Minutes & Motions**

RECEIVED

FEB 20 2019

Town Clerk of Bolton

**Members Present:** Chairman Adam Teller, Arlene Fiano, Neal Kerr, Thomas Robbins and Alternates Rodney Fournier, Marilee Manning and Thomas Manning

**Members Excused:** Jim Cropley, Christopher Davey, Benjamin Davies

**Staff Present:** Patrice Carson, AICP, Director of Community Development, Yvonne Filip, Recording Secretary

**1. Call to Order:** Chairman A. Teller called the meeting to order at 7:34p.m. R. Fournier was seated for B. Davies, T. Manning was seated for C. Davey, and M. Manning was seated for J. Cropley.

**2. Approval of Minutes: January 9, 2019 Regular Meeting Minutes**

**R. Fournier moved** to approve the regular meeting minutes of January 9, 2019 as written; **A. Fiano seconded.** Vote: 6-0-1 (Kerr abstained). Motion passed.

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

**4. Staff Reports:**

P. Carson relayed the following information from J. Rupert:

- 65 Shoddy Mill Road – there is a pre-trial conference set for May and a trial date in October.
- 31 Shoddy Mill Road – a complaint was received about an ice condition. J. Rupert sent a letter to the owner.

P. Carson and J. Rupert have met with Mr. Dean on both of his locations.

**5. Old Business:**

**a. Other:** There was none

**6. New Business**

**a. Site Plan Review Application for Home Occupation, Gun Transfers/Gun Smithing, Hop River Road, Jeremiah Gramberg (#PL -19-1)**

Applicant Jeremiah Gramberg was present. He wants to start working his hobby of part-time gunsmithing from the basement of his home. As indicated in the application narrative he will not maintain much inventory of hazardous materials. A solvent used comes in 10-ounce bottle. The solvent evaporates after use. There is ventilation in the basement as well as a locked safe. Projects are stored in the safe when not being worked on. The office door closes and locks automatically. Motion detectors with alarms are also used. The work will primarily be cleaning and repairs with occasional transfers for online order. Transfers are regulated and require a middleman with an FFL license. He estimates 1-2 customers per week. The type 1 FFL license does allow him to buy from manufacturers for resale. He may craft custom parts for repairs or to

sell. A sign, allowed by the Zoning Regulations, may be posted. Approval from the Town is required before applying for the FFL license. This activity is heavily regulated by the ATF. As a home occupation he is allowed to use up to 25% of his residence. There does have to be a certain percentage of metal in all guns produced.

**T. Manning moved** to approve Site Plan Review Application #PL -19-1 for Home Occupation, Gun Transfers/Gun Smithing, Hop River Road, by Jeremiah Gramberg as described in the application narrative with the conditions that:

1. a list of hazardous materials used is filed with the fire marshal
2. any expansion of a non-resident employee would require the applicant to return to the PZC for a modification or a new application

**R. Fournier seconded.** Vote: 7-0-0. Motion passed.

**b. Informal Discussion: Expansion and Uses in Neighborhood Business Zone**

P. Carson relayed that she has had some discussion with John Treat regarding the Neighborhood Business (NB) Zone. Staff thought it best to get a feeling for what the PZC thinks about his concerns. A. Teller stated that this is an informal discussion. Statements made should not be taken as fact or binding on how any Commissioner may vote should the matter go to application.

John Treat, 2 School Road, is in the business of repairing farm construction equipment. He has been told that activity belongs under the industrial zone, although he feels he is allowed a service garage. A. Teller commented that J. Treat's activity is not any different than repairing equipment except for the size and where it is stored. This would be a special permit and fits under that category. However, the possible effects on the neighbors and how those can be mitigated is a concern. People seem to have issues with outside storage, larger equipment, noise, and visual clutter. Mitigation measures such as screening, storage area, hours of operation, fencing, and the number of employees could be considered.

Treat stated he works on one project at a time right now which is not cost effective. Farm construction equipment falls out of the category because it does not require vehicle registration. There is one neighbor between his property and the NB Zone. If the PZC suggests a "hard no" about continuing his work as zoned, he would talk to the neighbors about having the zoning changed. Treat would like to construct a 2,000 to 3,000 sq ft barn-like structure, if allowed. This will get more of the inventory out of sight.

A. Teller said this PZC always wants to make an investment in the town in a good quality way. They are looking for sustainable results for the long run for the town and the neighborhood.

Mr. Treat suggested that as part of farming a property equipment repair would be a way for an individual to subsidize their income. P. Carson stated that a farmer could not repair other people's equipment as that is not incidental to the farming operation. R. Fournier suggested changing part of the farm to a business zone so outside equipment can be repaired. P. Carson suggested that Treat also speak to the State Department of Agriculture.

**c. Other:** There was none

**7. Correspondence:**

P. Carson emailed information on the *Connecticut Federation of Planning and Zoning Agencies* Annual Conference on March 28, 2019 and asked that any member who wants to attend should let her know before March 8. She also distributed the *Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter* to the PZC.

**8. Public Forum: Discussion/Review of Possible Amendments to the Zoning Regulations (time permitting) – Section 2 & 3**

Time was not available to discuss the regulations.

**9. Adjournment:**

**A. Teller moved** to adjourn the meeting at 8:58 p.m.; **A. Fiano seconded**. Vote: 7-0-0. Motion passed.

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.*

**BOLTON PLANNING & ZONING COMMISSION**  
**Regular Meeting**  
**7:30 p.m., Wednesday, April 10, 2019**  
**Bolton Town Hall, 222 Bolton Center Road**  
**Minutes & Motions**

RECEIVED  
APR 23 2019  
Town Clerk of Bolton

**Members Present:** Chairman Adam Teller, James Cropley (departed at 8:24 p.m.), Benjamin Davies, Christopher Davey (arrived at 8:10 p.m.), Arlene Fiano, and Thomas Robbins

**Members Excused:** Neal Kerr and Alternates Rodney Fournier, Marilee Manning, and Thomas Manning

**Staff Present:** Patrice L. Carson, AICP, Director of Community Development, Jim Rupert, Zoning Enforcement Officer, Yvonne Filip, Recording Secretary.

**1. Call to Order:** Chairman A. Teller called the meeting to order at 7:34 p.m.

**2. Approval of Minutes: February 13, 2019 Regular Meeting Minutes**

Deferred until C. Davey arrived and then deferred until the next meeting due to the lack of a quorum of those present at the February meeting.

**3. Residents' Forum:** There was none.

**4. Staff Reports:**

J. Rupert reported:

- 65 Shoddy Mill Road – this is a pending court case with not much detail available for a public session. The enforcement is taking quite a bit of time.
- The children of the owner of 101 Cider Mill Road are working to clean up the 12-acre parcel that has tractor trailer bodies and other items on it. No enforcement action has begun as they are understanding that items cannot be stored on the property. Should time pass without work taking place on the parcel a notice of violation would have to be issued.
- Issues on Route 44 at the Lyndale Stand property have come up that Staff is tracking down and dealing with. A new greenhouse has popped up behind the home. The established use is for farming and the farm stand. New uses would have to come before the PZC.

Mr. Treat has found another parcel, in a neighborhood business zone, he has interest in so he is not currently pursuing a zoning change at his property

Bolton Pizza building has had a building permit issued for an accessible entrance and bathrooms. No approvals or plans have been presented to the health department yet. The last business took everything out of the kitchen. A new kitchen set up would have to be inspected by the health department.

Staff had an online meeting with Viewpoint Cloud, which would move the permitting system to a newer platform replacing the one that is now ten years old. A goal is to have PZC applications available online for applicants to complete and submit. A. Teller indicated when this system is in use the smartboard in the meeting room should be used. This would allow a larger format for

plans to be reviewed. It is hoped that Viewpoint can tie into the Assessor's records and GIS. Up-to-date building record files would be accessible.

**5. Old Business:**

- a. **Other:** There was none

**6. New Business**

- a. **Other:** There was none

**7. Correspondence:**

P. Carson reported on the following:

- A subdivision referral from Hebron was received to create two lots on 33 acres at 171 Chittenden Road. The public hearing is set for April 23, 2019.
- Manchester submitted a referral regarding a proposed change to the zoning regulations which would remove the signature block from plans for soil erosion and sediment control.

**8. Public Forum: Discussion/Review of Possible Amendments to the Zoning Regulations (time permitting) – Section 2 & 3**

Right above 3A8.a. – To be consistent with language change “Use” to “Zoning”.

- 3A8.c.1. – It is onerous for a person to provide all of the information outlined for a simple accessory building. Staff pares down the requirements requested in order make a decision. The closest property line is requested to be staked and submit in writing that it fits the setbacks. If the accessory building is more substantial showing the wetlands and topography is helpful when Staff is reviewing the plan. Town of Willington allows submittal of a hand-drawn plan including locating the well and septic system as long as the building is double the distance of the required setbacks from the property lines. One intent of reviewing the zoning regulations is to make it easier for people when dealing with changes. The ZEO is going to review and approve the plan or require they appear before the PZC.
- 3A8.c.2. – Requires a Class A-2 survey. There is no need to get a formal survey for larger lots.
- 3A8.c.3 & .4. – Is required by the Health Department.
- 3A8.c.5 – It is already known where this is if existing.
- 3A8.c.6. – Depends upon the contour lines.
- 3A8.c.7 – This is required.
- 3A8.c.10 – A statement about how far away from the property line will suffice. Perhaps include a statement that indicates that if the structure is two times from the building line the plan can be by request to the ZEO as waivers. J. Rupert feels it may be easier to detail what the requirements are. Then some items can be waived at review. J. Cropley feels it depends on what is needed by nature of the project. A building or zoning permit applies to a single-family home, garage, barn, swimming pool, or shed. Staff will review the requirements and prepare a list of what items may be waived. Members feel the requirements are too complex that do not seem to be getting any less so. It was suggested that Staff prepare a list of requirements that they are comfortable with reviewing and approving over the counter. If the project is far enough away from the property lines, can we live with people proving there is a small margin of error allowing Staff to review and approve over the counter? If the project seems close the requirement of a survey is a fallback.

- 3A9.c. – The bond requirements were rewritten not that long ago to make them cash bonds. Staff suggests adding language for a lawn that is created in the fall when it is too late in the season to be planted. It has never been the practice to collect an Erosion and Sediment Control bond for a single-family residence. Members felt this should be a requirement because of the size of the area that is being disturbed.
- 3A10. – A. Fiano suggested making this part of the dimensional table by adding a column for minimum buildable area. Section 11 does not define buildable area. If the lot size is 40,000 square feet is the intention for the entire lot to be considered buildable area. J. Rupert stated that the idea of minimum buildable area takes into consideration such things as the amount of wetlands and if building on the lot allows it to be in character with the neighborhood. The buildable area is after wetlands, watercourses, and buffers are considered. The remaining part must be  $\frac{3}{4}$  of the parcel and be contiguous for building. One suggestion was to replace this buildable area definition in this section. A. Teller does not have a problem with having the date that is included in this section removed. It was suggested that Staff rewrite this section more positively and it should go in the dimensional tables. A. Teller feels it should be part of Section 11.
- 3A9.7. – A. Teller wants this eliminated as Erosion and Sediment control problems can occur on single-family homes.
- 3A11 – A similar ordinance to this effect is in place.
- 3A12 – This is fairly new with nothing to be changed.
- 3A13 – A suggestion was made to reword this in order to make it easier to understand. A Special Permit is needed if there is no principal building on the lot.
- 3A14 – This states that site improvements constitute a significant change. The issue is with enforceability because Staff has no authority over other Town Staff. It would be better to refer the plot plan to the zoning official for review and approval or review and referral to the PZC.
- 3A15 – This is a holdover from the 1970s when passive solar was popular. This requires development with the potential for solar use. Developers have to clear cut and replant making the lot more expensive to sell. P. Carson to check if this is a state requirement. If not, A. Teller suggests removing it.
- 3A16 – Discussion first centered on removing this section as it does not seem necessary. Although Staff has never had to invoke it, it does prevent someone's yard from looking like a junk yard or having unlicensed repair shops cropping up. With this explanation it was decided to leave it in place.

## 9. Adjournment:

A. Fiano moved to adjourn the meeting at 9:03 p.m. A. Teller seconded. Vote: 5-0-0.

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.*