

**BOLTON PLANNING & ZONING COMMISSION**  
**Regular Meeting**  
**7:30 p.m., Wednesday, May 8, 2019**  
**Bolton Town Hall, 222 Bolton Center Road**  
**Minutes & Motions**

**Members Present:** Chairman Adam Teller, James Cropley, Benjamin Davies, Christopher Davey, Arlene Fiano, Thomas Robbins and Alternate Rodney Fournier (seated for Neal Kerr)

**Members Excused:** Neal Kerr and Alternates 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 7:32 p.m.

**2. Approval of Minutes: February 13, 2019 Regular Meeting Minutes and April 10, 2019 Regular Meeting Minutes**

**A. Fiano moved** to approve the minutes of the February 13, 2019 regular meeting as written. **A. Teller seconded.** Vote: 4-0-3 (Cropley, Davies, Davey). Motion passed.

**C. Davey moved** to approve the minutes of the April 10, 2019 regular meeting as written. **B. Davies seconded.** Vote: 6-0-1 (Cropley). Motion passed.

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

**4. Staff Reports:**

J. Rupert reported:

- Administrative zoning permits issued for 3 pools, 2 sheds, 1 fence, 1 garage, and 1 solar array.
- He is working on an unpermitted curb cut at 11 Hebron Road.
- A violation has been issued for the Lyndale Farm property due to the construction of a greenhouse and two tree businesses operating on the parcel.
- The owners are cooperating and working on cleaning up 102 Cider Mill Road.
- The kennel on Route 44 has changed hands.
- The sign at Bolton Pizza has been refaced and the pole repainted; a permit is not required for this.

Staff has not had recent discussions with Bolton Vet. When Staff met with the general manager and one other person limited options for expansion on the current site were discussed. Sewer infrastructure is not the limiting factor at the current site. Available properties in town were provided.

No applications have been submitted for the Bolton Pizza site. They did get permits to renovate and add accessible bathrooms. The kitchen equipment was removed. Building and electrical permits will be required if someone decides to open a business there. These would be done in conjunction with Health Department requirements.

J. Cropley is concerned about comments he hears all the time that the PZC is holding people back from operating in Bolton. Members and Staff do not understand this either since most decisions are made the same night that public hearings are held and closed. Applications are reviewed at the staff level for the presentation to the PZC.

## **5. Old Business**

**a. Other:** There was none

## **6. New Business**

### **a. Informal Discussion: Modification of Special Permit #PL-18-6 to include New Building, Public Hearing Requirement, Steven Rockefeller**

Chairman Teller reminded those present that this is an informal discussion. Comments from the PZC or Staff are not binding for the application that may be forthcoming.

Steven Rockefeller, 25 Howard Road, was present. He distributed illustrations of the original plan. The original plan was to build a building within the existing building. It has been discovered that tearing down part of the inside is not cost effective. The option being explored is to build a separate single floor office building on the corner of the existing building. This requires a modification to the permit. Drawings and elevations are expected to be ready for presentation at the June PZC meeting. Uses of the property remain the same as previously discussed. The property is being improved and remains harmonious with the area, thereby, benefitting the community.

The footprint would be changed with the addition of a second building, noted by A. Teller. S. Rockefeller stated the original design had excess capacity for future expansion. A couple of parking spaces would be lost with the modification, but the parking requirement is still met. The new building would have a similar look to the illustration. The face of the existing building will be cleaned up.

Although A. Teller does not feel this is a minor modification he does not think a public hearing is necessary due to the lack of public concern at the previous meeting. A. Teller also stated that the PZC does what they can to streamline projects as they know that time is money. The PZC does not want to cause delays for this reason as long as they make decisions that are fair to the abutters and to the community as a whole.

### **b. Informal Discussion: Tree Business and Retail Fireplace Store in GB and Industrial Zone, Andrew Trudeau**

Andrew Trudeau, 13 Lake View Terrace, Stafford presented. He, his mother, and his brother would each like to locate their businesses to 299 Hop River Road. The back of the property is zoned industrial; the front is in the general business zone. This site was the base for Griffin Dewatering. When speaking with Staff the question arose about having a retail business there. His mother owns Glowing Embers located on Route 6 across from Shady Glen; A. Trudeau runs a tree business and his brother runs a propane business. They could have one business sign at the location meeting the signage regulations.

J. Rupert informed the Commission that the GB portion of the property is entirely covered in wetlands. Therefore, the mother's business would have to be in the Industrial zone section, but that zone is limited to industrial type uses. He and P. Carson were trying to figure out ways to

make the business fit on the property. Industrial zoned land is very limited in Bolton. The parcel consists of seven acres with the GB zone being 300' deep. The building cannot be viewed from the street.

J. Cropley asked if the Industrial zone can be changed to a GB zone by the PZC. A. Trudeau's and his brother's businesses would not fit in GB. What about a mixed-use zone which the town does have? A. Fiano asked if there are any businesses in an Industrial zone that include a showroom. What is Munson Candy? They do manufacturing and retail. Staff replied that Munson's is all in a GB zone. There is no Mixed-Use zone on Route 6. There is no mention in the regulations of special uses in an Industrial zone. As long as there is no prohibition, could the Commission allow mixed use by special permit?

A. Teller thinks this will require a zone change or change where the zone line is now. The zone line can be moved back behind the building to include it in the GB zone. The building can house the offices and retail business. The equipment would then be in the Industrial zone. Use of a building for the storage of trucks is permitted in the GB zone. Fire codes should be consulted regarding the storage of trucks in the building next to retail uses. This is not spot zoning; this is expanding the zone. The boundary lines are arbitrary to begin with.

P. Carson told A. Trudeau that this process will require two applications. One for a public hearing to change the zone boundaries and one for the businesses.

**c. Other:** There was none

#### **7. Correspondence:**

P. Carson distributed an email regarding Housing Legislation Update.

On May 22, 2019 at 7:00 p.m. in the Town Hall a meeting will be held of the Land Use Boards. This may be a good venue to discuss the issue of people saying that Town Hall is unfriendly to business.

S. Pierog said she can find someone at Town Hall who will be the spokesperson for the Town. Since the town is in the process of hiring an Administrative Officer the issue of proactive communications from the Town Hall can be discussed.

#### **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. Executive Session: Pending Litigation Regarding Zoning Violations at 65 Shoddy Mill Road**

Sandra Pierog requested to be included in the executive session as an ex officio of the PZC. A. Teller does not believe there is a solid reason for allowing this. Even if S. Pierog was included as the de facto Chief of Police a valid reason must be found. S. Pierog will excuse herself because of this concern. J. Rupert is included because he is the person responsible for enforcing zoning regulations. Rupert would like to include P. Carson. Teller feels there is no reason to include P. Carson.

**C. Davey moved** to enter Executive Session at 8:53 p.m. inviting Zoning Enforcement Officer Jim Rupert to join them for the purpose of discussing pending litigation regarding zoning violations at 65 Shoddy Mill Road. **A. Fiano seconded.** Vote 7-0-0. Motion passed.

The Commission came out of Executive Session at 9:25 p.m. No motions were made.

**10. Adjournment:**

**J. Cropley moved** to adjourn the meeting at 9:25 p.m. **B. Davies seconded.** Vote: 7-0-0.

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.*