

BOLTON PLANNING & ZONING COMMISSION
Regular Meeting
7:30 p.m., Wednesday, October 9, 2019
Bolton Town Hall, 222 Bolton Center Road
Minutes & Motions

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

Members Excused: Benjamin Davies, Neal Kerr, Alternate Rodney Fournier

Staff Present: Patrice Carson, AICP, Consulting 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 7:33 p.m. M. Manning was seated for N. Kerr; T. Manning was seated for B. Davies.

2. Approval of Minutes: September 11, 2019 Regular Meeting Minutes

C. Davey moved to approve the minutes of the September 11, 2019 regular meeting. **M. Manning seconded.** Vote: 5-0-2 (Cropley & Fiano). Motion passed.

3. Residents' Forum (Public Comment for items NOT on the agenda):

There were no speakers.

4. Staff Reports:

J. Rupert mentioned the following zoning violations:

- 255 Hebron Road installed a driveway without a permit in place.
- Mobil station has 10-15 signs and flags that were not approved. The owner submitted an application for some signage changes; however the violations have to be dealt with first.
- Able Coil design/build team met with J. Rupert, P. Carson, and J. Dillon regarding small tweaks to the plan. They will revise and submit. Staff feels these are minor revisions.
- Lyndale Stand violation of two businesses operating on the property without PZC approval - the ZBA upheld ZEO's decision. It is anticipated that the owner, Mr. Ladyga, will appear at the November PZC meeting for an informal discussion.
- Shoddy Mill Road – Staff will be in court two days next week regarding this matter.

Members asked about activity viewed at the Lake House, the sign about a restaurant site being available, and if the apartments are being done away with. J. Rupert replied that the grass was cut and stumps removed, which the Wetlands Agent is handling; the sign is in the State right-of-way so the Town does not have jurisdiction; the apartments will remain.

P. Carson reported:

- Bolton has joined Sustainable CT. The BOS has named the Finance & Administration Subcommittee to head up the work for the program and requested a member from each commission. A. Fiano volunteered to represent the PZC.
- There is an issue with a lot from the Tamarack Drive subdivision. A landlocked property of 15 acres abutting Gay City State Park was supposed to be deeded to the State of Connecticut as part of the Subdivision approval. However, this was not done and subsequently sold along with an abutting parcel. The owner has come forward asking what can be done with the two properties. The lot that was supposed to go to the State has never been built on. A. Teller suggested the new owner deed that parcel as intended. The Town Attorney may need to be involved. A. Teller suggested that P. Carson write a letter to the DEEP with a copy of the subdivision map and approval; perhaps they will want to take action.

5. Old Business

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

6. New Business

C. Davey asked the Chairman if New Business, item b can be heard before item a due to a young child attending with J. Gramberg. As the applicant of #PL-19-5 did not object the PZC held the informal discussion as the next item of business.

a. **Application/Discussion/Possible Decision: Modification of Site Plan, Remodel Existing Space to Use for Dog Day Care with Caretaker Quarters, 1270 Boston Turnpike (Bolton Kennels), Christopher Lange/John Beyer, Jr. (#PL-19-5)**

Chris Lange and Deb Williams were present. Ms. Williams currently runs the business. The application filed is for the remodeling of the front building for a dog day care. The intent is to renovate the inside, add a deck to the front, and install a fenced in area behind the existing sign. There may be three regular parking spaces and one handicapped space should the turning radius and access for emergency vehicles allow. The owners engineer is looking at this along with the possibility of two-way driveway traffic and assessment of the lighting. The hours of operation would be different than the overnight kenneling. Day care drop off may begin at 6:30am and pick up available until 6:00 or 7:00pm. This is difficult to pin down because it is not clear what the demand would be for dog day care. This service is not offered within a ten mile radius. Some people using the kenneling have expressed interest in day care. Privacy fencing five to six feet high will be used. In theory any animal could dig under the fence, but the dogs would not be unsupervised. The day care area is more open than the kenneling area and will have an area for small dogs and one for large dogs. Two people would supervise up to the maximum of 20 dogs. The current owner has spoken to the Department of Agriculture regarding permits. A separate permit is not needed for the day care operation. The square foot requirement per dog is not listed. Parking in the back may be utilized as overflow parking. Drop off and pick up will not create lengthy stays. Depending upon the demand for this service, a pick up and drop off service may be added.

M. Manning asked about transferring animals from one building to another and if a gate system is set up. D. Williams replied that there is currently no gate between the buildings and it would be difficult to install a system.

The front building has been gutted under a demolition permit. It is now vacant and ready for the interior construction. The entrance will be close to the handicapped spot and have access to the bathroom as required. The dumpster will remain where it is between the buildings. Garbage pick-up occurs at 4:00am and will not affect traffic patterns. C. Lange's contractor will update the site plan and submit it to the Town for staff review. However, he would like to get the interior construction going with the colder weather coming.

A. Teller is not comfortable giving approval with numerous conditions as the PZC would be delegating approval, which is bad practice. P. Carson commented that the PZC may consider holding a special meeting once the revised site plan is available and staff reviews completed and the Commission agreed. A public hearing would not be required.

P. Carson instructed the applicant that the site plan should include the parking, the location of the dumpster, the lighting, and entrance/exit/travel lane widths on the site plan. Any comments from reviews by P. Carson, Fire Marshall, Wetlands Agent, and Town Engineer will have to be addressed before coming back to the PZC.

b. **Informal Discussion: Expansion of Home Occupation to Include Firearms Manufacture, Hop River Road, Jeremiah Gramberg**

Jeremiah Gramberg was present. He was under the impression that he would be able to manufacture firearms based on the previous decision. He is before the PZC to discuss whether the PZC would allow

manufacturing should he apply for the Type 7 license. A. Teller asked P. Carson for the narrative that was included with the previous application. He recollects talking about repairs. P. Carson indicated that both repair and bits and pieces may be manufactured. Assembling and putting together pieces is considered manufacturing. A. Teller voiced some of the discussion details from the minutes. The application narrative includes *future* intent to manufacture. Not hiring non-family members was a limitation to the quantity of work that can be done. The question is where is the PZC comfortable with having manufacturing and retail occurring as a home business?

A. Teller feels there is a dividing line between repair and manufacturing and the PZC did not approve manufacturing. M. Manning stated that this was indicated as future intent. Mr. Gramberg has a Type 1 license and would need a Type 7 license to manufacture firearms. He cannot apply for this level of license without first obtaining PZC approval.

Mr. Gramberg previously indicated there would be no outside employees although the regulations allow for two. He anticipated that no more than two people would be coming to his home business at any one time. He would like to install a sign and advertise on the internet; this may create more traffic to this home business. J. Gramberg works a full-time job during the day. Making the pieces to create a full gun is a side hobby. A. Teller feels that creating a gun that did not exist before is manufacturing. P. Carson reported that the ATF called her to be sure PZC understands what was approved or considered to be approved under a Type 7 license. Type 7 allows him to create a new gun as opposed to transferring or repairing guns.

A. Teller stated that he would have a problem approving this activity in a residential zone. This is not the same as a “handcraft”. This is an industrial device. He is not opposed to repair, but if manufacturing were allowed in the zone it could create creep. He is opposed to allowing the building of one item per day that could be ramped up to say 100 per day. If an owner can fit the manufacturing into a building he can create as many as he wants to, so how can the PZC limit that in other home-based businesses? C. Davey is also reluctant to include manufacturing.

J. Cropley does not think the manufacturing of firearms is a great idea in R zone. Once it is allowed the practice can be done where ever and can happen 24 x 7. The home occupation could be expanded to two employees after coming back for approval. There could be other possible manufacturing operations requested in this zone with materials and buyers coming to the home. This is concerning as abutters do not have to be notified. T. Manning is not seeing anything in the regulations to restrict this.

P. Carson commented that as explained to her by the ATF in simple terms – in order to make a gun that works a person needs a Type 7 license. Type 1 allows for the repair of a gun. Any type of firearm that is legal in Connecticut could be manufactured by someone holding a Type 7 license. The ATF can conduct an unscheduled visit to the home occupation once per year.

J. Cropley has a real concern about giving him permission to manufacture in R zone. Someone else could use this case, if approved, as a reference to wanting to build numerous widgets. There is machinery that can create parts. C. Davey agrees with T. Manning about the regulations not excluding manufacturing under customary home occupation; perhaps it is not a descriptive as it should be. A. Teller does not see this activity as “customary”. A large accessory building could be or have been machine shops. One or two people could produce a lot of any item.

J. Rupert stated that people are required to appear before the PZC for a home-based business so they can review if it is compatible with the neighborhood, no matter what is being requested. PZC considers how it may affect the people living nearby. These are considerations for A. Teller who is not suggesting a hard no, but he will have to be convinced if this request is formalized.

J. Cropley added that neighbors would not have to be notified as with a conventional commercial application. He does not think it is completely appropriate to manufacture any number of guns as the level that he or one or two family members could do. A. Fiano stated that manufacturing is not allowed in the R zone if it is not part of a home occupation. There might be some manufacturing as a home business that is not controversial. Guns create a risk that others do not. Bolton does not have a full-time police force. Allowing this could make this property a target for theft or criminal activity. People need a different license to sell bullets they create.

T. Manning told Mr. Gramberg that he has heard how the PZC feels about this. Should he decide to go forward he should inform the neighbors, although this is not required, and ask them to attend the meeting when the application is on the agenda. T. Manning also suggested that J. Gramberg suggest how he would limit the amount of manufacturing, such as no outside employees. M. Manning stated that with technology we do not know what will be possible for one person to manufacture in the future.

A. Teller stated that he is leaning toward not approving this in the context of figuring out how to confine manufacturing in the R zone. He has an issue with it possibly opening the door to anything else. Basically, PZC would be allowing a miniature factory. J. Cropley agreed that another home occupation could blow the manufacturing sense out of proportion.

J. Gramberg added that people can find out how who in the state has a Type 7 license. License holders are required to file a yearly report with the federal government stating the number of guns that were manufactured.

C. Davey added that this discussion has identified an issue with a regulation being unclear. As such, there is nothing that prevents J. Gramberg from submitting an application.

c. Discussion/Decision: Schedule of 2020 Regular Meeting Dates & Change of December 2019 Meeting Date

P. Carson distributed the proposed meeting schedule for 2020.

A. Teller moved to accept the meeting schedule with the following changes:

- the April meeting will be held April 1, 2020
- the November meeting will be held November 18, 2020

J. Cropley seconded. Vote: 7-0-0. Motion passed.

A decision regarding the December 2019 meeting will be made at the November meeting.

d. Other: There was none.

7. Correspondence:

T. Manning reported that he attended the Regional Planning Commission meeting about transportation. CRCOG is creating a master contract for lime bikes. Under the contract each town can specify a mix of bikes. Any town can become part of this. Lime bikes will be docked. Since all bike paths do not allow motor vehicles he researched how this affects the use of ebikes. Bikes with an electric assist and go no more than 20 mph are allowed on paved bike paths. Towns have the option of approving those going faster on dust paths.

J. Cropley attended the Four-Town Economic Development Planning Forum. The discussions and breakout sessions were very informative.

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

Home occupation was flagged for further review. Further discussion took place regarding concerns of allowing manufacturing in an R zone.

9. Adjournment:

J. Cropley moved to adjourn the meeting at 9:50pm. **A. Teller 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.