

Bolton Planning & Zoning Commission
Regular Meeting
7:30 p.m., Wednesday, December 11, 2019
Bolton Town Hall, 222 Bolton Center Road
Minutes and Motions

Members Present: Chairman Adam Teller, James Cropley, Christopher Davey (arrived at 7:34 p.m.), Benjamin Davies, Arlene Fiano, Thomas Manning, Thomas Robbins and Alternates Rodney Fournier and Marilee Manning and 2 members of the public

Members Excused: None

Staff Present: Sandra Pierog, First Selectman

1. Call to Order: Chairman A. Teller called the meeting to order at 7:31 p.m.

2. Approval of Minutes: November 13, 2019 Regular Meeting Minutes:

Under 4. In the second line, add Certificate after Economic Best Practice and in the second to last line, add media after Social.

After each vote, indicate that the motion passed.

J. Cropley moved to accept the minutes as amended. B. Davies seconded. The motion passed unanimously 7:0:0.

3. Resident's Forum (Public Comment for items *NOT* on the agenda): None

4. Old Business

a. Other: None

7. New Business

a. Informal Discussion: Activity Related to Business Other Than Lyndale Stand at 1225 Boston Turnpike, Attorney Stephen Penny

Attorney Stephen Penny spoke representing Andrew Ladyga at 1225 Boston Turnpike. There have been two tree service businesses storing their equipment and operating out of that location. Mr. Ladyga says that those businesses are accessory to his farming operation.

A. Teller noted that there is a cease and desist order in place because there has been no permit filed. Mr. Ladyga is looking for a valid reason to file for a permit and questioning if there can be a use added to the regulations. If Mr. Ladyga is currently in violation is he going to try to file an application to try to make the use lawful?

Attorney Penny replied yes. He identified three possible uses in the current regulations for the RMUZ Zone in Section 8-7.

5. Personal/Business Services

Attorney Penny felt the definition of such services is unclear.

17. Nursery (agricultural)

Attorney Penny felt that this was undefined in the regulations. Agriculture is defined in the State statutes.

19. Value add agribusiness and forestry uses (processing and sale)

Attorney Penny argued that a tree service could be classified as a forestry service. Farming is a legal use in the RMUZ Zone.

A. Teller stated that adding farming would not be valid because a tree service operating out of a yard is not forestry. Attorney Penny stated that processing of logs is done on the site. A. Fiano noted that hauling in logs and processing them is not forestry. Attorney Penny asked what other zone forestry would fall under. A. Teller noted that in this case it is a similar use to a contractor's yard. This would be covered under business use.

A. Fiano noted that there are two firms in town that process wood and it is permitted because the land owners are the ones doing the processing. In this case, the processing business is not owned by Mr. Ladyga. The tree services only rent the property to store their equipment.

A. Teller noted that parking or storing of tree equipment for use elsewhere is stretching the idea of farming and he questioned how much processing is being done there. This was not intended for splitting logs or wood chipping. He noted that there is no value added. Attorney Penny said that he really didn't know what his client was doing on the property.

J. Cropley asked if someone has a parcel of land, can they bring in other businesses. A. Teller replied yes, as long as they go through the permit process and even then it still may not pass the scrutiny of the P&Z Commission. If the parcel as a whole were developed in some way and that was a coordinated use then maybe it would fit the zone. Just as a standalone use it is hard to justify. The existing violation should be corrected before a permit is applied for.

A. Teller questioned how the storage of this equipment adds to the value of the property. Perhaps the two tree services are not the same in the way they operate. J. Cropley noted that in the past at other businesses, trucks have been required to be parked inside. A. Teller noted that in this case one tree service is currently parked inside and one is not.

T. Manning noted that tree services are not accommodated in the regulations. A regulation change could be requested and/or there could be a general discussion as to where this business belongs. Outdoor storage should also be addressed.

A. Teller questioned who would want to have their business next to where a tree service is coming and going and processing material. Mr. Ladyga bought the three acres in the RMUZ zone. He should have looked for valid uses as opposed to trying to find a valid use once there is a violation.

b. Appointment to Fill Vacancy in Alternate Position

T. Manning has resigned as an Alternate and is now a regular member of the Commission. R. Fournier proposed Jeremy Flick of 21 Steele's Crossing Road as a replacement Alternate. He is a Republican local business owner. Mr. Flick introduced himself and gave a brief background.

T. Manning nominated Jeremy Flick as an Alternate. C. Davey seconded. The motion passed unanimously 7:0:0.

c. Election of Officers

T. Robbins nominated A. Teller as Chairman. A. Fiano seconded. The motion passed unanimously 7:0:0.

C. Davey nominated J. Cropley as Vice Chairman. A. Teller seconded. The motion passed unanimously 7:0:0.

c. Other

T. Manning noted that there was a Regional Planning Commission presentation on the Sustainable Connecticut initiative. There are grants available that can be matched with either funds or volunteer hours. Electric charging stations or solar panels were mentioned as possible uses for grant funds.

A. Teller mentioned that the Town has formed a Charter Revision Committee with the first meeting planned for January 2020. S. Pierog noted that there has been a suggested list of issues to be addressed first.

6. Correspondence: None

7. Adjournment:

J. Cropley moved to adjourn at 8:32 p.m. B. Davies seconded. The motion passed unanimously 7:0:0.

Respectfully submitted,

Leslie J. Brand

Leslie Brand
Recording Secretary

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