

BOLTON PLANNING & ZONING COMMISSION  
REGULAR MEETING AGENDA  
7:30 PM, WEDNESDAY, February 12, 2020  
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD

RECEIVED  
FEB 10 2020  
Town Clerk of Bolton

1. Call To Order
2. Approval of Minutes: January 8, 2020 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. *CGS Sec 8-3(m) REQUEST*: Extension of Time (to June 22, 2025) to Complete Work Associated with Approvals at 1239 Boston Turnpike, Kevin Byam
  - b. *Application*: Modification of Special Permit to Allow Beer Sales, 262 Boston Turnpike, Tony Bonito (#PL-20-1)
  - c. Other
7. Correspondence
  - a. FOI Training – Monday, February 24, 2020, 7:00pm, Town Hall
  - b. CFPZA Annual Conference – March 26, 2020
8. *Public Forum*: Discussion/Review of Possible Amendments to the Zoning Regulations (time permitting) – Section 2 & 3
9. Adjournment

**BOLTON PLANNING & ZONING COMMISSION**  
**Regular Meeting**  
**7:30 p.m., Wednesday, January 8, 2020**  
**Bolton Town Hall, 222 Bolton Center Road**  
**Minutes & Motions**

RECEIVED  
JAN 24 2020  
Town Clerk of Bolton

**Members Present:** Chairman Adam Teller, Vice Chairman James Copley, Christopher Davey, Arlene Fiano, Thomas Manning, Thomas Robbins and Alternates Rodney Fournier, Marilee Manning, and Jeremy Flick

**Members Excused:** Benjamin Davies.

**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 7:30 p.m. and seated R. Fournier for B. Davies.

**2. Approval of Minutes: December 11, 2019 Regular Meeting Minutes**

Corrections: New Business section should be labeled 5. New Business subheading Other should be labeled d.

J. Copley **moved** to approve the minutes of the December 11, 2019 regular meeting as corrected. C. Davey **seconded**. Vote: 7-0-0. Motion passed.

**3. Residents' Forum:** No audience members wished to speak.

**4. Staff Reports:**

J. Rupert reported: Last week the Land Use office went live with the online permitting system. Applications will now be available online. Staff will be making full use of this electronic system moving forward. He has not figured out the reporting module as yet so does not have a full report. J. Rupert did say this is a slower time of year.

Enforcement activity included:

- Meeting with Attorney Penny after the last meeting. Staff had expected an application regarding the Lyndale Stand property. J. Rupert will touch base with Mr. Penny before turning this matter over to the Town Attorney.
- Mt. Sumner Road property has a shed on it without a primary structure. This has been turned over to the Town Attorney.
- An unpermitted driveway was installed on Hebron Road.
- 65 Shoddy Mill Road is taking up much time. J. Rupert can share more if the PZC wants to add an executive session to the agenda.

Cathy Gudeahn has announced her retirement at the end of February. This was not unexpected. Staff is working with Administration to hire a replacement and hopes that can be done to allow a couple of weeks of overlap with Cathy and the new hire.

A. Teller asked if the public can view maps on the online system. J. Rupert replied that anything uploaded with an application will be viewable. Email communications regarding applications will be wrapped into the online file. T. Manning asked if the system will be mentioned in the Bolton Bulletin to which J. Rupert replied in the affirmative.

T. Manning **moved** to add an Executive Session regarding 65 Shoddy Mill Road to the agenda. A. Teller is not comfortable adding this to the agenda as it is not the PZC's litigation. The ZEO is the agent for PZC on this enforcement of a zoning regulation, but the Town is the entity suing the property owner. There was no second to the motion. Motion failed.

A certificate of appreciation from the PZC to C. Gudeahn will be created by P. Carson and forward it to A. Teller.

P. Carson stated that Mr. Byam, who owns property on Route 44, is looking to extend his permit. This is allowable by statute for another five years. The current permit expires in June 2020.

A question regarding beer sales from a gas station that has a grocery component to it was broached to Staff. P. Carson and J. Rupert could not find mention of such a use in the zoning regulations. The gas station is in the GMUIZ zone. If there is a special permit in place a modification to that can be requested. The owner has the necessary paperwork from the State for beer and wine sales. The owner is looking for ways to mitigate the anticipated rise in payroll with the minimum wage increase and the opening of Cumberland Farms in Coventry. Dunkin' Donuts is not interested in this location as traffic does not meet the minimum needs.

## **5. Old Business:**

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

## **6. New Business**

### **a. 2020 Annual Appointment to CRCOG Regional Planning Commission**

P. Carson reported that every year the PZC appoints a commissioner and alternate to the CRCOG RPC. Currently, T. Manning is the commissioner and B. Davies is the alternate. CRCOG meets quarterly. J. Flick will attend but he does not want to commit to being in an appointed slot.

C. Davey **moved** to appoint Tom Manning as Commissioner for Bolton to the CRCOG Regional Planning Commission. A. Fiano **seconded**. Vote: 7-0-0. Motion passed.

R Fournier **moved** to appoint B. Davies as Alternate for Bolton to the CRCOG Regional Planning Commission. J. Cropley **seconded**. Vote 7-0-0. Motion passed.

b. **Other:** There was none.

## **7. Correspondence**

### **a. FOI Training – Monday, February 24, 2020**

This will take place at the Town Hall from 7:00 p.m. to 9:00 p.m. Tom Hennick will present and answer questions. Holding this training is a plus with the Sustainable CT program.

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

- 3.A.20.b. – plain language definitions from Illuminating Engineer Society of North America (IESNA) will be used. The term indirect lighting does not show up in architectural guidelines so this will be removed. Lighting should all be dark sky compliant.
- 3.A.20.c. – this will remain here as other sections refer to this section.
- 3.A.20.d. – this section can probably be modified; P. Carson will collapse this section. This section refers to commercial lighting adjacent to residential property. This regulation allows ZEO to respond to complaints of lighting spilling into their yard. Remove ‘in all residential zones’ in item 6. Remove the word ‘maintained’ from item 7; add ‘be’ after ‘not’ in the next sentence. Item 10 is to be eliminated.
- 3.A.20.e. – this section is about waiving certain standards for certain conditions. Change the title to Exceptions. A super-majority vote is needed for waivers; a regular vote is needed for exceptions. The description section will be changed somewhat. Remove the appendixes and refer to the current standard of the IESNA.
- 3.A.21 – this section may be better located at the end of 3.A.8.a. It is odd to be tucked between lighting and minor modifications in this section.
- 3.A.22.g. – this section allows for minor modifications in the field, if necessary. Even if the permit is not about drainage the Town Engineer can legally be on the site to inspect and may notice if the drainage is not working or being maintained as required by the permit. If drainage structures are not functioning property the Town Engineer issues an email requiring the drainage be corrected before the minor modification is approved. Staff will review this section before the next meeting to see if it can be modified. The section should be regularized and clear-cut to Staff and the public without being dependent on who is in the ZEO position. This is about protecting Staff with having to make a decision they are not comfortable with.

**9. Adjournment:**

A. Teller adjourned the meeting at 9:03 p.m.

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.*



TO: Planning & Zoning Commission

Date: 01-09-2020

Town of Bolton

222 Bolton Center Road

Bolton, CT 06043

FROM: Kevin Byam

276 Jobs Hill Road

Ellington, CT 06029



Dear Planning and Zoning Commission,

I am writing this letter to request an extension of the approvals granted at the property located at 1239 Boston Turnpike, on June 22, 2011. CT State statute Section 8-3(m) allows for an approval extension until June 22, 2025.

As you may know, certain regulations which are no longer in place created additional financial burden on my project. Even so, the site has been further developed since its approval, as well as stabilized with storm water drainage in place to facilitate the buildings planned.

Prior to this project and these approvals, the land was vacant and served primarily as a dumping ground for through travelers.

I feel having this property with its approvals helps to encourage the development we've begun to see in the surrounding community, as well as increases the aesthetic quality and value of surrounding properties.

It is my hope to complete my project as approved within the allowable timeline, or perhaps aid another applicant of similar use. The property with its approvals has received some development interest in the recent past. I feel it the best option for myself, the town, and the community to allow as many suitable options for this site to be presented, and extending the approvals will do just that.

I look forward to your response, and of course fully appreciate your time and consideration on this very important matter.

Sincerely,

A handwritten signature in black ink that reads "Kevin A. Byam". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kevin A. Byam, owner 1239 Boston Tpk. Bolton, CT

## Carson, Patrice

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**From:** Kevin Byam <kevin@distinctivetreecare.com>  
**Sent:** Monday, January 13, 2020 5:38 PM  
**To:** Carson, Patrice  
**Cc:** Kevin Byam  
**Subject:** Request for approval extension 1239 Boston Tpk.  
**Attachments:** Bolton P&Z Approval Extension Request 1239 Boston Tpk.pdf

Good Evening Patrice,

Please see the attached letter requesting an extension of approvals. Please confirm that you've received this email, that the letter is sufficient and that you can simply forward this to the commission for their review and to get this on the meeting agenda. Thank you for your help. Let me know if there is anything else needed.

Kevin Byam, CT Lic. Arborist S-4234  
Distinctive Tree Care  
Cell phone: 860.214.8549

## Carson, Patrice

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**From:** Carson, Patrice  
**Sent:** Wednesday, January 08, 2020 2:51 PM  
**To:** kevinbyam (kevinbyam@sbcglobal.net)  
**Cc:** Rupert, Jim  
**Subject:** RE: 1239 Boston Tpk Approval Extension

Good afternoon Kevin,

I apologize for not getting back to you sooner but I have been out of the office for most of January.

I looked up what I could find regarding the approvals for your property at 1239 Boston Turnpike. I found two approval letters – the original approval letter dated June 27, 2011, and a modification that was in a letter dated March 1, 2013. Both letters state, “The permitted work shall be completed by June 22, 2016 or within 5 years from the effective date of this approval unless extended by this commission.”. The requirement of work to be completed is controlled by the Connecticut General Statutes (CGS) which has extended many approval periods to more than the original five years. Your permits fall under the section below:

CGS Section 8-3 (m) Notwithstanding the provisions of this section, any site plan approval made under this section prior to July 1, 2011, that has not expired prior to May 9, 2011, except an approval made under subsection (j) of this section, shall expire not less than nine years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such site plan, provided no approval, including all extensions, shall be valid for more than fourteen years from the date the site plan was approved.

Therefore, I believe your permit is valid for 9 years, or until June 22, 2020. By request, the Planning and Zoning Commission (PZC) could extend your approval to June 22, 2025. In order to extend your permit, you will need to send a letter to the PZC requesting an extension of the approval period for a time period no longer than five more years or until June 22, 2025. The PZC will have to put it on a meeting agenda and approve the extension. They meet the second Wednesday of each month and you should do this as soon as possible to avoid any issues.

Please let me know if you have any questions or need any additional information.

Patrice

*Patrice L. Carson, AICP  
Consulting Director of Community Development  
Town of Bolton  
222 Bolton Center Road  
Bolton, CT 06043  
(860) 649-8066 x6114*

**From:** Rupert, Jm  
**Sent:** Friday, January 03, 2020 7:42 AM  
**To:** Carson, Patrice <pcarson@boltonct.org>  
**Subject:** Fwd: 1239 Boston Tpk Approval Extension

(k) A separate zoning district may be established for shorefront land areas utilized for water-dependent uses, as defined in section 22a-93, existing on October 1, 1987. Such district may be composed of a single parcel of land, provided the owner consents to such establishment. The provisions of this section shall not be construed to limit the authority of a zoning commission to establish and apply land use districts for the promotion and protection of water-dependent uses pursuant to section 8-2 and sections 22a-101 to 22a-104, inclusive. The provisions of this subsection shall apply to all zoning commissions or other final zoning authority of each municipality whether or not such municipality has adopted the provisions of this chapter or the charter of such municipality or special act establishing zoning in the municipality contains similar provisions.

(l) Notwithstanding the provisions of this section to the contrary, any site plan approval made under this section on or before October 1, 1989, except an approval made under subsection (j) of this section, shall expire not more than seven years from the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such site plan, provided the time for all extensions under this subsection shall not exceed ten years from the date the site plan was approved.

(m) Notwithstanding the provisions of this section, any site plan approval made under this section prior to July 1, 2011, that has not expired prior to May 9, 2011, except an approval made under subsection (j) of this section, shall expire not less than nine years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such site plan, provided no approval, including all extensions, shall be valid for more than fourteen years from the date the site plan was approved.

(1949 Rev., S. 838; 1951, 1953, June, 1955, S. 375d; 1957, P.A. 662; 1959, P.A. 452; 577, S. 4; 614, S. 3; February, 1965, P.A. 622, S. 1; 1971, P.A. 862, S. 1; P.A. 77-450, S. 1; 77-509, S. 2; P.A. 78-104, S. 4; P.A. 80-177; P.A. 82-90; P.A. 84-147, S. 1; 84-174; P.A. 86-236, S. 1; P.A. 87-215, S. 2, 7; 87-371, S. 2, 5; 87-474, S. 2; 87-533, S. 7, 14; P.A. 88-105, S. 1; P.A. 89-277, S. 2; 89-356, S. 10, 11; P.A. 91-153, S. 1; P.A. 93-19, S. 1, 3; P.A. 00-145, S. 2; P.A. 02-74, S. 1; 02-77, S. 1; P.A. 03-144, S. 1; 03-177, S. 1; P.A. 06-20, S. 1; P.A. 07-102, S. 1; P.A. 08-38, S. 1; P.A. 09-181, S. 1; P.A. 11-5, S. 1; 11-79, S. 1; P.A. 12-182, S. 1.)

History: 1959 acts provided notice of hearing be published “in the form of a legal advertisement appearing” in a newspaper, provided for filing of copy of regulations and proposed regulations in case of district, provided protest of change to be effective must be signed by at least 20% of property owners within 500 feet “in all directions” rather than “in any direction” and that a two-thirds rather than three-quarters vote of commission is needed to overcome protest, allowed petitions for change in regulations as well as boundaries and added “or substantially the same changes” in the last sentence; 1965 act required copy of zoning regulations, boundaries or changes in the case of a district be filed with both district and town clerk and specified notice of decision of commission, rather than of the filing of the regulation, boundary or change, be published; 1971 act required that hearing be held within 65, rather than 90, days after receipt of petition, that decision be made within 65, rather than 90, days after hearing and that extensions not exceed 65 days; P.A. 77-450 made provisions of Sec. 8-7d applicable to changes and amendments and replaced 65 periods for hearing, decision and extension with time period permitted under Sec. 8-7d; P.A. 77-509 divided section into Subsecs., placed provision for filing fee in Subsec. (a) rather than Subsec. (c), required recording of reasons for making changes in Subsec. (c) and added Subsecs. (d) to (g), inclusive, re effective dates, enforcement, building permits and site plans; P.A. 78-104 amended Subsec. (g) to specify that site plans may be modified or denied only for noncompliance and to replace reference to 65-day period for decision or extensions with reference to time periods in Sec. 8-7d; P.A. 80-177 amended Subsec. (g) concerning posting of bond as condition of approval; P.A. 82-90 amended Subsec. (g) to provide for issuance of a certificate of approval upon the expiration of the time limit and for the publication of notices of approval; P.A. 84-147 added Subsecs. (h) and (i) concerning the effect of subsequent zoning changes on approved site plans and expiration of site plan approval; P.A. 84-174 amended Subsec. (f) to include certificates of occupancy; P.A. 86-236 amended Subsec. (g) to require the commission to publish notice of the denial of site plans; P.A. 87-215 amended Subsec. (a) to allow for notice by mail to included and adjacent landowners; P.A. 87-371 added Subsec. (j) concerning completion of work on site plans for projects consisting of 400 or more dwelling units; P.A. 87-474 added Subsec. (k) regarding separate zoning districts for shorefront land areas utilized for dependent uses; P.A. 87-533 amended Subsec. (g) to add provision re site plan applications involving activities regulated under Secs. 22a-36 to 22a-45, inclusive; P.A. 88-105 amended





# Town of Bolton

222 BOLTON CENTER ROAD • BOLTON, CT 06043

March 1, 2013

Mr. Kevin Byam  
Arbor, Turf, and Gardens, LLC  
263 Mountain Rd, Ellington, CT 06029-3710

Re: Application of Kevin Byam, Arbors, Turf & Gardens, LLC for minor modifications consisting of changes to the size and design of the fire pond / storm water pond, and the installation of a safety fence around the pond, all at 1239 Boston Turnpike (formerly American Arborists, LLC).

Dear Mr. Byam:

Please be advised that at its February 20, 2013, the Bolton Planning and Zoning Commission approved your application for minor modifications consisting of changes to the size and design of the fire pond / storm water pond, and the installation of a safety fence around the pond. This approval is in accordance with a plan cited in Appendix A (as modified by this approval), an application dated February 19, 2013 also consisting of an undated cover letter, and a statement of use, and in accordance with a report from Joseph Dillon, PE, Town Engineer, dated February 20, 2013. This approval is subject to the following conditions:

1. The stormwater model shall be recalculated with as-built elevations to verify the 100-year water surface elevation. Should the recalculation reveal that the increased elevation requires modifications to the height of the berm surrounding the pond, the applicant shall add additional material as required by the Town Engineer. The applicant shall submit a revised as-built if such work is required.
2. The specifications for the fence and fence gates shall be included on the plan cited in Appendix A, and the plan shall be amended to show the location and dimensions of the access gates.
3. The plan title block shall be amended to also include a reference to the minor modification request for the addition of a fence, and modifications to the fire pond. The plan shall also contain a signature block for the chairman's signature.

4. A mylar and paper print of the modified plan shall be submitted within sixty (60) days of this approval for filing in the Land Use Office.

The Special Permit approval with associated conditions granted to the applicant in June of 2011 shall remain in full force and effect, except as modified specifically by this approval.

Should you have any questions concerning this approval, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Pagini". The signature is fluid and cursive, with the first name "John" and last name "Pagini" clearly distinguishable.

John D. Pagini, AICP  
Director of Community Development

Cc: Joyce Stille, Administrative Officer  
Jim Rupert, ZEO  
Lance Dimock, Highway Supervisor  
James Preuss, Jr., Fire Chief  
Joe Dillon, PE, Town Engineer

File: American Arborists: Minor Modification (pond & fence) File



# Town of Bolton

222 BOLTON CENTER ROAD • BOLTON, CT 06043

June 27, 2011

American Arborists, LLC  
c/o Mr. Kevin Byam, Owner  
18 Bailey Road  
Andover, CT 06232

Re: American Arborists: Special Permit and Site Plan Review Application: 1279 Boston Tpk.:  
Action by Bolton Planning & Zoning Commission

Dear Mr. Byam:

Please be advised that at a Special Meeting held on June 22, 2011, the Commission, the Bolton Planning and Zoning Commission unanimously approved your application for a Special Permit and Site Plan Review to establish a commercial office and associated storage building, outside storage area, parking, and related improvements located at 1239 Boston Turnpike at Old Coventry Road, in accordance with testimony and documentation received at a public hearing opened on February 16, 2011, continued to April 20, 2011 and May 18, 2011, and closed on May 18, 2011; Exhibits listed in Appendix "A"; and maps listed in Appendix "B". The Commission found that the application meets the submission requirements as set down in a checklist dated 1/18/11, and annotated to reflect comments of the Director of Community Development, dated 1/19/11, and as further reflected by supplemental information for those items not in compliance with the completeness opinion. The Commission waived items 7, 10, 23, 28, 31, 36, 47, 51, 52, 62, 63, 64, 65, and 67 as listed on that annotated checklist.

The Commission also found that the application as modified by the following conditions meets the application procedures of Section 16B.3 and the General Standards of Section 16B.4 of the Bolton Zoning Regulations.

The approval was granted subject to the following conditions or modifications:

1. The plans shall be amended as follows:
  - a. The floor plans and colored elevations shall be added to the plans to be placed on Mylar.

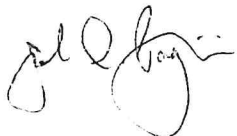
- b. The architectural plans for the office and garage shall be amended to provide details of the exterior materials, details, and general specifications.
  - c. The office building exterior shall be consistent with details depicted on the front, left, and side elevations for the office. The Office views shall be amended to be consistent with those elevations.
  - d. The garage building has been represented to be of wood construction, and the plans should provide a description of the exterior materials consistent with that representation.
  - e. The garage doors shall be painted or stained the same or a complementary color as the garage building.
  - f. All plants indicated on Sheet L-2 shall indicate size (DBH if tree), or height. All trees are required to be specifically identified.
  - g. The arborvitae proposed in front of the main parking lot shall be planted in two staggered rows, 10' on center.
  - h. The arborvitae at the SE corner shall be increased in numbers and planted in two staggered rows 10' on center, in order to better screen the outdoor storage from abutting neighbors. The arborvitae proposed around the wood chip and firewood storage areas shall be planted in two rows, staggered, 10' on center.
  - i. The ZEO may approve alternative plant types which are reasonable equivalents of plants shown on the plan.
  - j. The approval letter in connection with this Special Permit shall be added to the plans, together with the Inland Wetlands Commission approval letter.
  - k. The plans shall be amended to reflect the comments of Holly Hood, RS, in her May 17, 2011 letter to Herbert May.
  - l. The plans shall be amended to reflect the comments of Mr. Joseph M. Dillon to Mr. James P. Loersch dated May 18, 2011.
  - m. The fire pond typical section, minimum buildable area, and the Sight Line maps shall be added to the maps to be placed on Mylar.
  - n. The plan details shall be amended to reflect the installation of a water level gauge which is visible from the dry hydrant location, which gauge shall depict the critical water elevation defining the minimum capacity of 30,000 gals.
2. The Commission approved the application with a sole ingress and egress onto Old Coventry Road as depicted on plans cited in Appendix "B". The applicant is urged to adhere to the recommendations of his own traffic engineer Bruce Hillson, Traffic Engineering Solutions, with respect to traffic generated by his company's employees.
  3. The Mylar plans shall be filed within 90 days following the end of the appeal period for this Special Permit. The effective date for the purposes of commencing the 90-day period is July 17, 2011, and thus the deadline for the filing of Mylar plans is October 15, 2011.
  4. The fire pond easement shall be executed and recorded no later than the filing of Mylar plans.



5. The Landscape Plan shall be implemented no later than the issuance of the CO for the office and garage. The ZEO may accept a cash bond for the balance of the landscaping should the landscaping be incomplete at time of CO. Such bond to be based on an estimate of the landscaping remaining as approved by the Town Engineer.
6. The applicant shall submit a cash Erosion and Sedimentation Control bond in the amount of \$20,440.00 (which is 140% of the Town Engineer's estimate) no later than September 20, 2011, unless an extension is approved by the commission.
7. The Special Permit endorsed by the Chairman shall be recorded no later than the filing of the Mylar Plans and recording of the fire pond easement.
8. No improvements may commence on the site until conditions 3 and 4, above, have been complied with.
9. The applicant shall provide an as-built plan of the pond to confirm that the pond has been constructed according to plan. This plan is subject to approval by the Town Engineer and Fire Marshall / Fire Department.
10. Should the ZEO determine, after consultation with the Fire Marshall / Fire Department and the Town Engineer that the pond is not maintaining the minimum capacity of 30,000 gallons, he may require the applicant to fill the pond periodically, or provide an alternative water supply for fire protection in accordance with the regulations.
11. A Certificate of Occupancy ("CO") for the Office may be issued independent of the garage provided that trucks and trailers associated with the operation (other than construction vehicles) are not parked on the premises, provided that all other site improvements, exclusive of the garage and outdoor storage area, have been completed to the satisfaction of the ZEO.
12. The applicant may construct the garden area, the parking, and ingress and egress prior to the construction of the office and garage, provided no truck and trailer storage shall occur on the property.
13. The permitted work shall be completed by June 22, 2016 or within 5 years from the effective date of this approval unless extended by this commission.

Should you have any questions concerning this correspondence, please feel free to contact me at 860-649-8066, ext. 114.

Very truly yours,



John D. Pagini, AICP  
Director of Community Development

Cc: John Elsesser, Town Manager, Town of Coventry

Eric Trott, Town Planner, Town of Coventry  
Coventry PZC  
Herb May, PE, CPH  
Bolton PZC  
Mark Altermatt, ZBA  
Joyce Stille, Administrative Officer  
Richard Barger, Esq., Town Attorney, Town of Bolton  
Jim Rupert, ZEO  
Joe Dillon, PE, Town Engineer  
Barbara Kelly, Wetlands Agent  
Lance Dimock, Highway Superintendent  
Holly Hood, ECHHD

File: Special Permit / Site Plan Application of American Arborists, 1279 Boston Tpk.

# PL-20-1

Status: Active

Submitted: Jan 30, 2020



Tony Bonito  
8609446491  
falcon227@cox.net

262 BOSTON TPKE  
BOLTON, CT 06043

## Internal Use

### Conditions

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### Petition Received?

--

### Date of Newspaper Publication for Public Hearing

--

### Date of Newspaper Publication of Planning and Zoning Commission Action

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### Summary of Planning and Zoning Commission Action

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### Bond Required?

--

### Legal/Technical Review NOT Required

true

### Date of Planning and Zoning Commission Action

--

### Date Application Received by Inland/Wetlands Commission (if applicable)

--

### Date in Inland/Wetlands Commission Action (if applicable)

--

## Additional Applicant Info

### Applicant Type

Owner

## Permit Info

### Development Title

--

### Occupancy Type

Commercial

### Building Type

Automotive Service Station

### Permit For

Special Permit Application

### Project Cost

0

### Work Description

I would like to sell beer

### Is this a modification of a previously approved application?

Yes, this is a modification.

### Comments

This is a modification of a previous Special Permit allowed by Town and State Regulations

## Amendment to Zoning Regulations or Change of Zone

Describe Amendment to Zoning Regulations or Change of Use; provide reason for amendment; demonstrate consistency with Bolton Plan of Conservation & Development:

I would like to sell beer in my store

### Additional Project Info

Date of Receipt	Hearing Not Required
02/12/2020	--
Hearings Commencement Deadline	Hearings Completion Deadline
--	--
Decision Deadline	Extended
--	--
Existing Gross Sqft	Proposed Gross Sqft
--	--
Existing Parking Spaces	Proposed Parking Spaces
--	--
Total Acreage / Sqft	Linear Feet
--	--
Disturbed Acres	Distance to Town Line
--	--

### Construction Progress

Construction Progress	Time Spent (hrs)
0	0

### Setbacks

Front Required	Front Provided
--	--
Back Required	Back Provided
--	--
Left Required	Left Provided
--	--
Right Required	Right Provided
--	--
Open Space Required	Open Space Provided
--	--
Lot Coverage Required	Lot Coverage Provided
--	--

**Company Name**

--

**Address**

--

**State**

--

**Phone**

--

**Insurance Expiration**

--

**Email**

--

**Engineer Name**

--

**City**

--

**Zip**

--

**Registration #**

--

**AOR**

--

**Architect Information**

**Company Name**

--

**Registration #**

--

**Address**

--

**State**

--

**Phone**

--

**AOR**

--

**Architect Name**

--

**License Expiration**

--

**City**

--

**Zip**

--

**Email**

--

**Attorney Info**

**Name**

--

**City**

--

**Zip**

--

**Email**

--

**Address**

--

**State**

--

**Phone**

--

**Contractors**

**Other Experts Retained by Applicant**

## Zoning Site Plan and Special Permit Checklist

All draft deeds for any roads, road widenings and easements for drainage, conservation, driveways, utilities

Not Included

Evidence of submission of application to the Inland Wetlands Commission if it is within that Commission's jurisdiction

Not Included

Copies of any required applications to other local, state or federal regulatory approvals

Not Included

List of mailing address of all current property owners within 500 feet of the subject property, from the Town Assessor records (for special permit only)

Not Included

Digital copy of plans in DXF or DGN format if available

Not Included

14 sets of complete stamped and signed site plans measuring 24" x 36

Not Included

Names of abutting lot owners

Not Included

Plan title block in the extreme lower right corner (not sideways) to include the name of the town of Bolton

Not Included

North arrow on each plan including the reference meridian

Not Included

Overall plan of site at a smaller scale, with sheet index, if the site does not fit on one sheet at a scale of 1"=40'

Not Included

Original and revision plan dates and revision explanations shown on the affected plan sheets

Not Included

Existing and proposed structures and features, their uses and those to be removed, shown on the plan

Not Included

Sight distances from property entrances along public roads shown on plan and on profile if grading is needed

Evidence of request for approval by the Health District and/or Sewer Authority for review, as appropriate

Not Included

Evidence of submission of a request for review and approval by the Fire Marshal and Fire Chief of the water supply for fire protection

Not Included

Written evidence of applicant's legal interest in the subject property (deed, lease option to purchase, bond for deed, etc.)

Not Included

List of all hazardous or potentially hazardous materials which will be present on the property with a full description of procedures that will be used to assure safety with the material safety data sheets

Not Included

Paper and digital copies of all reports including hydrology, hydraulic and drainage computations and

Not Included

A-2 boundary survey of the subject property showing all existing and proposed boundary lines and markers, easements, adjoining property lines and the names of all current abutting property owners

Not Included

USDA Soils boundaries and types

Not Included

All plan sheets numbered with the format "sheet x of y"

Not Included

Clear legible plans with all lines, symbols and features readily identifiable

Not Included

Graphic bar scale on each plan sheet, not smaller than 1"= 40' unless otherwise approved by the Commission

Not Included

Key map at a scale of 1"= 500' showing the relation of the site to abutting properties and streets, shown on plan and zoning district boundaries within 500' of site

Not Included

Existing and proposed grading with two foot contours to T-2 standards, for all ground surfaces, shown on plan

Not Included

HVAC equipment located outside the building(s)

Not Included

Existing and proposed driveway entrances to street, parking, loading areas, fire lanes, sidewalks and construction detail drawings, shown on plan

Not Included

Soil test locations and soil test results shown on plan

Not Included

**Outside Storage Area**Field

Not Included

**Existing and proposed water supply** shown on plan

Not Included

**Existing and proposed footing drains, curtain drains and dry wells,** shown on plan

Not Included

**Existing and proposed bridges and culverts on or adjacent to the site,** shown on plan

Not Included

**Existing and proposed fences and walls with dimensions and construction detail drawings,** shown on plan

Not Included

**Table on plan of parking / loading spaces required / provided**

Not Included

**New Sidewalks and other pedestrian ways**Field

Not Included

**Limits of wetlands as delineated by a certified soil scientist with the soil scientist's signed certification, shown on plan or a certification signed by a soil scientist that no wetlands are within 100 feet**

Not Included

**Existing trees of 6" caliper or greater**

Not Included

**Lighting plan including the location, size, height, light intensity coverage areas and manufacturer's product descriptions for each light type**

Not Included

**Best management practices to remove contaminants, including sediments and oils, from runoff water, shown on plan, in construct detail drawings, and explained in a report by a qualified professional**

Not Included

**information, shown on plan**

Not Included

**Underground / overhead utilities, existing and proposed**

Not Included

**Existing wells and sewage disposal systems on other properties that could conflict with proposed site improvements,** shown on plan

Not Included

**Existing and proposed drainage systems, any affected floodway or floodplain and construction detail drawings, shown on plan, including base flood elevation and floor elevation data.**

Not Included

**Existing and proposed signs with dimensions and construction detail drawings,** shown on plan

Not Included

**Zoning district boundaries affecting the site,** shown on plan

Not Included

**Table shown on plan of zoning dimensions required and provided for lot area, street frontage, lot width, yard setbacks, impervious area, building coverage and the height and floor area of each building**

Not Included

**Fire lanes**

Not Included

**Off-site traffic improvements**

Not Included

**Natural features including 100 year flood plain areas, ponds, vernal pools, aquifers, slopes steeper than 25% and potential areas of endangered species,** shown on plan

Not Included

**Landscaping plan including the locations, numbers, installed sizes, anticipated mature sizes, species and common names of proposed plants plus cost estimate based on published Connecticut DOT unit prices**

Not Included

**Significant archaeological sites**

Not Included

**Erosion and Sedimentation Control Plan, with narrative and construction detail drawings, in accordance with the latest Connecticut Guidelines for Soil Erosion and Sediment Control**

Not Included

**Architectural elevation drawings of proposed buildings**

Not Included

**Architectural floor plans of existing and proposed buildings**

Not Included

from adjacent roads and from abutting property lines showing the proposed conditions including buildings, landscaping and appurtenant features

Not Included

Thorough, well organized drainage design report for before and after development conditions, that conforms to the latest Conn. Dept. of Transportation and Conn. Dept. of Environmental Protection guidelines and requirements with appropriate calculations, maps, graphics and narrative descriptions of hydrology, hydraulics, assumptions, erosion controls, drainage paths and systems for the 1, 2, 10, 50 and 100 year storm events

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Certified copy of Certificate of Public Convenience and Necessity in connection with a "water company", in accordance with CGS, Section 8-25a

Not Included

Engineer's itemized cost estimate for public improvements based on published Connecticut DOT unit prices as basis for the establishment of a performance bond.

Not Included

Zoning Regulations Section 16A.2.k.

Not Included

Thorough, well organized drainage design report for before and after development conditions, that conforms to the latest Conn. Dept. of Transportation and Conn. Dept. of Environmental Protection guidelines and requirements with appropriate calculations, maps, graphics and narrative descriptions of hydrology, hydraulics, assumptions, erosion controls, drainage paths and systems for the 1, 2, 10, 50 and 100 year storm events

Not Included

Statement in drainage report that the after development flows for all storm events do not exceed the before development flows

Not Included

Sanitary Waste Disposal Plan (if community sewerage system)

Not Included

Evaluation of the impact of proposed development upon existing and potential public surface and ground drinking water supplies, pursuant to CGS, Section 8-2

Not Included

Existing and proposed Covenants or Restrictions

Not Included

Engineer's itemized cost estimate for the installation of all erosion and sediment controls based on published Connecticut DOT unit prices

Not Included

Engineer's itemized cost estimate in connection with any restoration guarantee required pursuant to Section 12

Not Included

## Public Hearings

### Timeline

- Permit Fee**  
Status: Paid January 30th 2020, 7:36 am
- Application Review**  
Status: Completed February 10th 2020, 1:15 pm  
Assignee: Patrice Carson
- Engineering Approval**  
Status: Skipped February 10th 2020, 1:16 pm  
Assignee: Patrice Carson
- Fire Marshal Approval**  
Status: Skipped February 10th 2020, 1:16 pm  
Assignee: Patrice Carson
- Planning Approval**  
Status: In Progress



**Application Approval**  
Status: Pending

**Bond Received**  
Status: Pending

## Carson, Patrice

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**From:** McCavanagh, Kathleen  
**Sent:** Thursday, December 19, 2019 11:48 AM  
**To:** Robert Morra (rmorra6201@gmail.com); Eremita, Mike; Miller, Kim; DePietro, Robert; 'redepietrojr@aol.com'; Bradley, Emily; 'danna43@gmail.com'; 'Kristen Gourley'; Ross Lally (ross\_lally@hotmail.com); Munroe, Robert; rstuthills@sbcglobal.net; Broneill, Andrew; Davey, Chris; Decker, Anne; bdavies2303@hotmail.com; Pike, Susan; Rich, Scott; Rhea Klein; Maulucci, Matthew; preuss@comcast.net; PREUSSCARL@ATT.NET; 'rich@hayesdevelopers.com'; Carson, Patrice; Dimock, Lance; robert lessard (raskl1@comcast.net); gmarrion@snet.net; affiano@comcast.net; dziadul@hotmail.com; CAPTUNDRA@aol.com; 'staron.sj@easthartford.org'; 'xaz1972@gmail.com'; 'ahmcdonnell@gmail.com'; 'kittytyrol@gmail.com'; 'Jim Aldrich (ja@aldcon.com)'; 'jay.brudz@gmail.com'; 'Martin J Georges'; 'ateller@ltnlaw.com'; Adam Teller (ajteller@comcast.net); 'johntoomey@snet.net'; Holliman, Rebecca; Thornton, Elizabeth; 'sawyerctus@sbcglobal.net'; 'C. Peter Van Dine (petervandine81@comcast.net)'; 'canyonrun35@yahoo.com'; 'czudin@gmail.com'; 'morianj@att.net'; 'Ross Lally (ross\_lally@hotmail.com)'; Concatelli, Carrie; Mark Altermatt (MAltermatt@dhill-law.com)  
**Cc:** Kelly, Joshua; Sandra Pierog; Heckt, Kristin  
**Subject:** FOIA Training Session

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Afternoon,

The Town of Bolton will hold a Freedom of Information Act training session for all board and commission members on Monday, February 24<sup>th</sup> at 7:00 p.m. at Town Hall. We encourage all board and commission members to attend this training. Chairs, Vice-Chairs and committee members please share this information with the rest of your committee members. Please email me back with a number count of those that will attend from each commission and/or committee you are on.

Thank you!

Kathy

# CONNECTICUT FEDERATION OF PLANNING & ZONING AGENCIES

STEVEN E. BYRNE  
EXECUTIVE DIRECTOR

BUILDING #2  
790 FARMINGTON AVENUE  
FARMINGTON, CONNECTICUT 06032  
TELEPHONE (860) 677-7355  
FAX (860) 677-5262



PLEASE FORWARD THIS REGISTRATION MATERIAL TO YOUR LAND  
USE AGENCY'S CHAIRPERSON.

RESERVATIONS MUST BE MADE THROUGH THE CHAIR BY NO  
LATER THAN TUESDAY, MARCH 24, 2020.

FAX: (860) 677-5262  
EMAIL: [cfpza@live.com](mailto:cfpza@live.com)

RESERVATION FORM ENCLOSED.

CONNECTICUT FEDERATION OF  
PLANNING & ZONING AGENCIES



# CONNECTICUT FEDERATION OF PLANNING & ZONING AGENCIES

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TO: Chairman of Planning and/or Zoning Commissions  
and Zoning Boards of Appeal

FROM: Steven E. Byrne, Executive Director

SUBJECT: CFPZA Annual Conference – March 26, 2020

I am writing to encourage you and your commission members to consider attending this year's Annual Conference of the Connecticut Federation of Planning and Zoning Agencies. The night is sure to be both enjoyable and informative. Part of the evening's program will be a presentation discussing Alternative Solutions to Providing Affordable Housing.

Originally signed into law in 1990, the Affordable Housing Act C.G.S. Sec. 8-30g, was supposed to remedy an acute shortage of affordable housing in this state. Instead, it became a source of adversarial relationships and costly litigation, leaving the affordable housing problem largely unresolved. Our principle speaker will be Avon's town planner, Hiram Peck, who will revisit this state law passed a generation ago and offer some actions that can be taken at the local level which can assist a town to increase affordable housing and become exempt from the regulatory burdens of 8-30g. Together with our moderator for the evening, Farmington's town planner Mark Devoe, a question and answer session will follow where the evening's topic will be discussed as well as what might be done to make 8-30g more effective at achieving its goal.

Many land use commissions require an education component for their commission members. At a cost of only \$60.00 per individual, this conference is a cost-effective way to satisfy this requirement while providing an opportunity to socialize with commission members from other towns.

In addition, Length of Service awards will be presented to commission members who have served in any capacity for 12 or 25 years. If you have a commission member who is eligible, please submit his or her name using the attached form.

I hope to see you and members of your commission at this worthwhile event!

**CONNECTICUT FEDERATION  
OF  
PLANNING AND ZONING AGENCIES**



**ANNOUNCES**

**ITS**



**72<sup>nd</sup> ANNUAL CONFERENCE**

**THURSDAY, MARCH 26, 2020**

**AT THE**

**AQUA TURF COUNTRY CLUB  
PLANTSVILLE, CONNECTICUT**

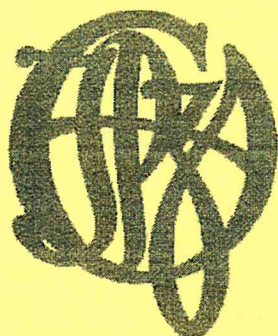
Cost: \$60.00 per person for Agencies that are members of the CFPZA  
\$70.00 per person for Agencies that are not members of the CFPZA

**The enclosed registration form must be received by the  
Connecticut Federation of Planning & Zoning Agencies  
by mail, fax or email no later than Tuesday, March 24, 2020**

**Fax: (860) 677-5262 / email: [cfpza@live.com](mailto:cfpza@live.com)**

Questions? Contact Steve Byrne at (860) 677-7355 or [cfpza@live.com](mailto:cfpza@live.com)

More info on back →



## 72<sup>nd</sup> ANNUAL CFPZA CONFERENCE

Aqua Turf Country Club  
Plantsville, CT  
Thursday, March 26, 2020

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### PROGRAM

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- 5:00 p.m. **SOCIAL HOUR / REGISTRATION**  
6:00 p.m. **DINNER**  
Salad, Penne, NY Strip, Vegetables, Potato,  
Dessert  
7:15 p.m. **AWARDS PRESENTATION**
  - 12-Year Length of Service Awards
  - Lifetime Achievement Awards8:00 p.m. **TOPIC: Alternative Solutions to Providing Affordable Housing**

Originally signed into law in 1990, the Affordable Housing Act C.G.S. Sec. 8-30g, was supposed to remedy an acute shortage of affordable housing in this state. Instead, it became a source of adversarial relationships and costly litigation, leaving the affordable housing problem largely unresolved. Our principle speaker will revisit this state law passed a generation ago and offer some actions that can be taken at the local level which can assist a town to increase affordable housing and become exempt from the regulatory burdens of 8-30g. A question and answer session will follow where the evening's topic will be discussed as well as what might be done to more effectively achieve the goal of CGS Sec. 8-30g.

#### **Principal speaker:**

Hiram Peck III, AICP, CFM, ZEO, Director of Planning and Community Development, Avon, CT  
A professional planner for over 25 years, Hiram has worked with municipalities, the federal government, regional planning agencies as well as private clients.

#### **DIRECTIONS TO THE AQUA TURF**

**I-84 EAST FROM WATERBURY** – Merge onto I-169 E via Exit 27 toward Meriden. Take the CT-10 exit, EXIT 3, toward Cheshire. Turn left onto CT-10 (Highland Ave.). Continue to follow CT-10. Stay straight to go onto Old Turnpike Road. Turn right onto Mulberry Street. Aqua Turf, 556 Mulberry Street is on right.

**I-84 WEST FROM HARTFORD** – Take the CT-10 exit, EXIT 29, on the left toward Milldale. Stay straight to go onto Mulberry Street. Aqua Turf, 556 Mulberry Street is on right.

**FROM I-91 OR THE MERRITT PARKWAY** – Merge onto I-169 E via Exit 27 toward Meriden. Take the CT-10 exit, EXIT 3, toward Cheshire. Turn left onto CT-10 (Highland Ave.). Continue to follow CT-10. Stay straight to go onto Old Turnpike Road. Turn right onto Mulberry Street. Aqua Turf, 556 Mulberry Street is on right.



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FAX (860) 677-5262



TO: Chairman of Planning and/or Zoning Commissions  
and Zoning Boards of Appeal

SUBJECT: Length of Service Awards / Lifetime Achievement Awards

Length of Service Awards will be presented at the Connecticut Federation of Planning and Zoning Agencies' Annual Conference on March 26, 2020, to those persons who have served 12 or more years as a member of a planning commission, zoning commission, planning and zoning commission or zoning board of appeals.

The twelve years of service may be a combination of time spent as a member of all four agencies. The twelve years, however, must be continuous from year to year.

Lifetime Achievement awards are presented to individuals who have served at least twenty-five (25) years in the area of land use, either as a member of a zoning agency or as staff or advisor to a zoning agency. Please contact Steven Byrne at (860) 677-7355 or by email (cfpza@live.com) if there is an individual you believe should be considered for this award.

All nominations should be sent to the following address:

The Connecticut Federation of Planning and Zoning Agencies  
790 Farmington Ave., Building 2B  
Farmington, CT 06032

The nominations can also be sent by Fax to (860) 677-5262 or emailed at cfpza@live.com.

Please note that individuals who have received these awards in the past are not eligible to receive them again.

All nominations for awards must be returned no later than **March 13, 2020**.

**NOMINATION FORMS ATTACHED**