### **Bolton Planning & Zoning Commission Regular Meeting**

## 7:30 p.m., Wednesday, September 9, 2020 Virtual Meeting Utilizing Zoom Minutes and Motions

**Members Present:** Chairman Adam Teller, Vice Chairman James Cropley, Christopher Davey, Benjamin Davies, Arlene Fiano, Thomas Manning, Thomas Robbins and Alternates Jeremy Flick and Marilee Manning

Members Not Present: Alternate Rodney Fournier

**Staff Present:** Patrice Carson, AICP, Consulting Director of Community Development, Sandra Pierog, First Selectman and Jim Rupert, Zoning Enforcement Officer

Others Present: Andrew Bushnell, Gerald Hardisty, William Phillips and Liz Fahey - Parkside Pizza

- **1. Call to Order:** Chairman A. Teller called the meeting to order at 7:30 p.m.
- **2. Approval of Minutes: August 12, 2020 Regular Meeting Minutes:** Amend the following: **Page 4, last sentence:** Correct the last word from are to area.
- **J. Cropley moved** to approve the minutes as amended. **T. Manning seconded**. The motion passed 6:0:1. **B. Davies abstained**.
- 3. Public Hearings (begin at 7:45 p.m.)
- a. Application: Zoning Regulation Amendments to Extend Outdoor Dining Operations into December 2020/January 2021 and Reviving Outdoor Dining Without a Regulation Change in Spring 2021
- P. Carson read the legal notice dated August 21, 2020. Neighbors and CRCOG were notified. There were no comments. A. Teller noted that the Governors Executive Order expired but has been reauthorized. The date for the public hearing was set before the reauthorization. There have not been any significant problems with the outdoor dining.
- P. Carson noted that the town was trying to be proactive if the Governors Order was not extended. This amendment should either be adopted or it needs to be at the ready. A. Teller noted that the Planning & Zoning Commission might want to approve a regulation amendment to allow the temporary revival of outdoor dining in the spring.
- T. Robbins noted that outdoor dining is working very well and it appears that the pandemic is likely to last for a while. He proposed extending the deadline to November 30, 2021. J. Cropley agreed and thinks that outdoor dining should be allowed all the time. P. Carson explained that it would only be an issue if restaurants are able to open indoor dining at 100%. Parking could be an issue and J. Rupert noted that public health regulations concerning septic use could be a problem due to additional seating. A. Teller is also concerned about the configuration of traffic patterns and seating areas. The way the seating has been set up in parking lots may not work in the winter.
- C. Davey supports the extension to November 2021 but does not support a permanent extension.

- A. Teller noted that with a blanket approval through the winter, you can see how it may work. He suggested authorizing the ZEO to have more time to grant an extension, say 30 or 60 days instead of 14. T. Manning noted that as the regulation amendment is written, the ZEO can suspend or extend. A. Fiano agrees with the extension through November 30, 2021, but that is not what the public hearing is about.
- S. Pierog is in favor of the November 30, 2021 extension. This will give the restaurants two summer seasons and a full winter season to experiment with outdoor options and it allows time for the medical community to come up with a solution to the pandemic.
- Liz Fahey from Parkside Pizza spoke about her restaurant. They currently have picnic tables on the lawn and she feels that it has been great to see families together enjoying their time in a safe environment. They do more takeout than sit down meals. Inside dining is at half capacity. She feels that people are still nervous about inside dining. Parkside Pizza is fortunate in that they have many windows as the Health Department prefers open windows to air conditioning and the circulation of indoor air. She feels that once it gets colder people won't go inside as flu and winter cold symptoms are similar to COVID-19 and it is difficult to discern. They do not have a plan for a winter tent. It doesn't make sense for them financially. She would be thankful to have outdoor dining continue.
- J. Cropley asked if she would want outside seating after COVID pandemic eases. Liz replied yes that it is a valuable option and people enjoy it. J. Flick enjoys Parkside Pizza and agrees with extension to November 30, 2021.
- P. Carson shared the draft resolution. P. Carson suggested changing the dates in the first paragraph from November 30, 2020 to November 30, 2021, and changing the ZEO authority to suspend or terminate at any time. A. Teller noted that changing the dates to 2021 takes care of restaurants extending their seating in the spring and it eliminates the need for ZEO extensions as the total extension will be until November 2021. A. Teller notes that this puts a lot of pressure on the ZEO to monitor how these businesses are operating in the winter. It will be up to the town to tell them to stop if it is unsafe. J. Rupert said that he has a good idea of what is happening with these businesses and they are capable of making responsible decisions. He thinks that it will self-regulate and he doesn't foresee any issues.
- P. Carson questioned if the second paragraph is necessary if the extension is granted to 2021. A. Teller replied that the notation about weather or other change of conditions is necessary but the extension days is not. The last sentence can be removed if the extension is granted to 2021.
- **T. Manning moved** to close the public hearing at 8:16 p.m. **C. Davey seconded**. The motion passed unanimously 7:0:0.
- 4. Resident's Forum (Public Comment for items NOT on the agenda): No comments from the public

### 5. Staff Reports

- P. Carson reported working on the agenda items and meeting with people interested in development. She has also spoken with a couple of restaurant owners.
- J. Rupert reported that the only enforcement issue is a notice of violation about keeping of roosters on Brookfield Road. Zoning permits for sheds, decks, pools continue and he has been reasonably busy. He has issued a letter of approval for Georgina's to put up a tent in their back area. They will be losing a few parking spaces but it is not an issue. The tent will need to be inspected before use and emergency lights are necessary. Re-inspection will be required after 90 days.
- A. Teller asked if there have been any complaints about outdoor dining i.e. noise. J. Rupert stated that he hadn't heard any complaints but he would check with the Health Department.

### 6. Old Business

### a. Discussion/Possible Decision: Subdivision Application for 1-Lot, 12 Webster Lane, CARMA LLC (#PL-20-11)

Gerald Hardisty spoke for the applicant regarding the application. P. Carson noted that the names of the three appraisers provided by Mr. Hardisty were approved. An appraisal has not been performed yet as it has been difficult to find one willing to take on this assignment. Mr. Hardisty will provide the town the names of three new appraisers. Town Engineer Joe Dillon has approved the plans.

The site plan, dated August 10, 2020, was shared with the commission. The square footage of the area in Bolton versus Andover is in question. A. Teller said that if the total value of the parcel was known, the fee in lieu of open space could be determined.

A. Teller asked if there was any objection to voting at this time. The commission members replied that there were no objections and that the vote would be to approve the application. Discussion ensued about the wording of the motion.

**A. Teller moved** to approve application #PL-20-11 for a 1-lot subdivision at 12 Webster Lane by CARMA LLC in accordance with the plan entitled "CARMA LLC two lot subdivision in Andover/Bolton Connecticut", last revised on August 10, 2020, with the following conditions which are necessary to bring the application within the subdivision regulations:

- 1. Approval will be conditioned on similar approval by the Andover Planning & Zoning Commission.
- 2. This approval and the letter of approval from the Andover Planning & Zoning Commission shall be added to the plan before final recording.
- 3. The final plan shall be recorded in the Bolton Land Records.
- 4. In order to comply with Section 4 of the Bolton Subdivision Regulations regarding open space, a fee in lieu of open space shall be due in connection with this approval. Said fee shall be in the amount of 10% of the appraised value of the pre-subdivided parcel as determined by an appraiser acceptable to the Commission, multiplied by the fraction, the numerator of which is the area of the land located in the town of Bolton and the denominator of which is the area of the total parcel being subdivided. Said fee shall be divided 50% for each lot and secured by a lien on each lot and due upon the sale or transfer of each lot.
- 5. Approval is subject to compliance with any comments or requirements of the Health District and Town Engineer.
- 6. All appropriate seals and signatures of the design professionals for this plan shall be on the plans prior to filing.
- 7. The Town of Bolton Zoning Enforcement Official shall be authorized to approve the plans for recording in the event of minor changes by the Andover Planning & Zoning Commission that do not affect the interests of the Town of Bolton.

The Planning & Zoning Commission finds that with these conditions, the plans meet the requirements of the Town of Bolton Subdivision Regulations.

- **J. Cropley seconded.** The motion passed unanimously 7:0:0.
- b. Discussion/Possible Decision: Zoning Regulation Amendments to Extend Outdoor Dining Operations into December 2020/January 2021 and Reviving Outdoor Dining Without a Regulation Change in Spring 2021
- **T. Manning moved** to adopt a new section (3B4.f.) in the Bolton Zoning Regulations as follows:

Any Outdoor Dining that has not been the subject of a zoning enforcement action or nuisance activity report, which is operating with a permit issued pursuant to 2020 Gubernatorial Executive Order 7MM, or any extension or amendment or reissuance thereof shall be permitted to operate until November 30, 2021, provided that such extension shall not be interpreted to create any nonconforming right, and further provided that the operation of the Outdoor Dining between the date of the suspension of the State's declared state of emergency and November 30, 2021 shall be deemed to be a complete and total waiver of any claim of nonconforming rights under any local, state, or federal legal activity.

The Zoning Enforcement Officer (ZEO) shall be authorized to suspend and/or terminate any such permit issued under the Executive Order upon a finding that weather or other change of conditions at a particular site constitute a nuisance or a risk to health and safety.

This regulation is effective on the date of publication. **J. Cropley seconded**. C. Davey felt that the words "this extension" in the second paragraph should be replaced with "any such permit issued under the Executive Order". The amended motion passed unanimously 7:0:0.

#### 7. New Business

- a. Special Permit Application: Proposed Garage/Office Building, Excavation Business, Equipment Storage & Material Processing Areas, 1 Notch Rd., William Phillips (#PL-20-12)
- P. Carson noted that the applicant came before the commission in the summer. The town engineer and the applicant worked out some issues and new plans were submitted. Andrew Bushnell of Bushnell Associates in Manchester spoke on the application. He is working with Joe Dillon on issues such as access sight lines, septic system, etc. They have wetlands approval. The plan will be submitted to the Health Department. P. Carson said that there will be a full review of the plan within a week or two.
- **A. Teller moved** to set a Public Hearing on Wednesday, October 14, 2020, at 7:45 p.m. at Town Hall or remotely via Zoom for the Special Permit Application for a Proposed Garage/Office Building, Excavation Business, Equipment Storage & Material Processing Areas, 1 Notch Rd. William Phillips (#PL-20-12). **J. Cropley seconded**. The motion passed unanimously 7:0:0.

### 8. Correspondence

a. Report on Statewide Planning Conversation-Racism, Planning, Zoning

No commission member or staff attended the meeting on Tuesday. There was no report.

### 9. Adjournment:

**J. Cropley moved** to adjourn the *virtual* meeting at 9:06 p.m. **T. Manning 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.





## Town of Bolton

222 BOLTON CENTER ROAD • BOLTON, CT 06043

### **BOLTON PLANNING AND ZONING COMMISSION**

APPLICATION FOR SPECIAL PERMIT, SITE PLAN REVIEW OR MODIFICATION OF A PREVIOUSLY APPROVED APPLICATION

	THE VIOLET ATTROVED ATTEICATION
1,	Application Title: 1 Notch Road
2.	Check all that apply:
	Special Permit ApplicationModification of an Approved Special Permit Application*
	Site Plan Review ApplicationModification of an Approved Site Plan Review Application*
	* The Commission may require a new application if the proposed modification significantly alters the previously approved
	application.
•	Street Address of subject property 1 Notch Road, Botton CT 06043
	Deed Reference (Bolton Land Records) Volume Page
	Assessor's Records Reference: Map #; Block #Parcel / Lot #
	Current zone(s) of subject property Industrial Acreage: 4
•	In Aquifer Protection District? YesNoNo
	In FEMA Flood Area? Yes No
	Wetlands Application Required? YesNo
0.	Applicant(s) william Phillips
	Address 21 Clark Road, Bolton Zip 06043
	Phone # (860) 798-1400 Fax # (860) 646-1347 E-mail bill landie construction
1.	Owner(s) of subject property Manchester Hedical Supply
	Address New State Road, Manchester Zip 06040
	Phone # Fax # E-mail
2.	Official Contact / Representative regarding this Application: William Phillips
	Address 21 Clark Road Botton Zip 06043
	Phone # (860) 798-1400 Fax (860) 646-1347 E-mail bill & landie construction
	·com

13.	13. Project Engineer: 3ushnell + /		***************************************
	Address 563 woodbridge 5	St., Manchester	_ Zip_06012
	Phone (860) 643-7875 Fax #	E-mail abushn	ell@byshnell
14.	14. Project Architect:		311c.com
	Address		Zip
	Phone # Fax #	E-mail	
15.	15. Other Experts Retained by Applicant:		The state of the s
16.	6. Briefly describe the proposed use of the subject prop		ive.
	Operation of excava	tion business,	
	export of gravel prod	equipment, import	and
	export of gravel prop	lucts machine r	ental
7.	7. Square footage of new / expanded space:	# of new parking spaces	15
8.	8. List the Section(s) of the Zoning Regulations under v	which application is made:	
0	0 D 11 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
	9. Provide all the applicable items for a complete applic		
	Special Permit Applications. A completed checklist	must be provided to comprise a complete app	olication.
U.	0. Applicant's Endorsement:		
	I am a willful participant and fully familiar with the		
	Signature Signature II. Owner's Endorsement:	Date	
	I am a willful participant and fully familiar with the c	antanta afilia a l'aria	
	Signature	Date	
<b>O</b> 7	OTE: If there are any material changes to this a	nnlication the Applicant shall improved to	416 41 m
	Staff in writing.	ppincation, the Applicant shall immediater	y nouty the Town
	Applicants may be subject to Supplements	al Review fees to defrey the cost of Duckers	ional Davia
	Services such as engineering or legal revie		ional Keview
	The state of the s		

For Town Use Only				
Base Fee Paid Check #  Date application received by Inland Wetlands Commission (if applicable)				
Date of Inland Wetlands Commission action (if applicable)				
Date application received by Planning and Zoning Commission  Date of public hearing (if required)				
Date of Planning and Zoning Commission action				
Summary of Planning and Zoning Commission action				

Revised March 11, 2009

### BOLTON PLANNING & ZONING COMMISSION CHECKLIST FOR SITE PLAN REVIEW (§ 16A) AND SPECIAL PERMIT (§ 16B) APPLICATIONS March 11, 2009

THIS CHECKLIST MUST BE COMPLETED BY THE APPLICANT OR AN AUTHORIZED REPRESENTATIVE AND SUBMITTED WITH THE APPLICATION.

The Planning and Zoning Commission will use this checklist in determining the completeness or incompleteness of the application. The applicant is responsible for providing all the applicable information on this checklist. The applicant is encouraged to provide any additional information to clearly present a proposed activity and its potential effects on the community. The Commission may require additional information not included in this checklist to determine compliance with the regulations.

AN APPROVAL OF AN APPLICATION COULD BE DENIED IF AN APPLICATION LACKS SUFFICIENT INFORMATION.

Some of the items below are essential for any application while others may not be applicable for a particular proposal. The applicant is encouraged to ask the town staff to review the completed application with all supporting information and the completed checklist, prior to submitting the application to the Planning and Zoning Commission so that the staff can provide the applicant an opinion on the completeness of the application.

Pursuant to Section 16A.2.p, at time of application submission, the applicant may request in writing that the Commission determine that all or a part of the information required under Section 16A.2.c through o. (except subsections e., f., i., and j.) is NOT necessary in order to decide on an application.

Applicants may be subject to supplemental review fees to defray the costs of professional review services such as engineering or legal reviews. Please see attached information sheet.

GIHIDADA

Name of Development 1 Notch Road

Applicant

deed, etc.)

PP	30:11/201	Date_		1/00	
	n Description		Applicant		aff
Item			Not	Completeness	
		Included	Included	Opinion	
			moradea	Yes	No
1	Completed, signed application by applicant and owner	V	-		
2	Payment of required application fees		<b>\</b>		
2A	Statement of Use in accordance with § 16A.2.b		-		
3	All draft deeds for any roads, road widenings and		7		
J	easements for drainage, conservation, driveways, utilities		V		
4	Evidence of request for approval by the Health District	1	***************************************	MARKET CONTRACTOR OF THE STATE	
	and/or Sewer Authority for review, as appropriate	<b>V</b>			
	Evidence of submission of application to the Inland	2			
5	Wetlands Commission if it is within that Commission's				
	jurisdiction				
	Evidence of submission of a request for review and		,		
6	approval by the Fire Marshal and Fire Chief of the water				
	supply for fire protection		•		
7	Copies of any required applications to other local, state		1		
′	or federal regulatory approvals		V		
	Written evidence of applicant's legal interest in the		_		
8	subject property (deed, lease option to purchase, bond for				

	Бострын		Applicant		Staff	
Item			Not Included	Compl Opi Yes	eteness nion No	
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)		/		100		
10	List of all hazardous or potentially hazardous materials			713		
12	Digital copy of plans in DXF or DGN format if available	1				
13	Paper and digital copies of all reports including hydrology, hydraulic and drainage computations and	1				
14	14 sets of complete stamped and signed site plans measuring 24" x 36	1				
	THE FOLLOWING ITEMS 15 THROUGH 51 SHALL BE INCORPORATED IN PLANS					
15	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	V.				
16	Names of abutting lot owners					
17	USDA Soils boundaries and types	1				
18	Plan title block in the extreme lower right corner (not sideways) to include the name of the town of Bolton	1				
19	All plan sheets numbered with the format "sheet x of y"					
20	Clear legible plans with all lines, symbols and features readily identifiable	1		***************************************		
,21	North arrow on each plan including the reference meridian	<b>V</b>				
22	Graphic bar scale on each plan sheet, not smaller than 1"= 40' unless otherwise approved by the Commission	J				
23	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' Key map at a scale of 1"= 500' showing the relation of	1				
24	the site to abutting properties and streets, shown on plan and zoning district boundaries within 500' of site	1				
25	Original and revision plan dates and revision explanations shown on the affected plan sheets					
26	Existing and proposed grading with two foot contours to T-2 standards, for all ground surfaces, shown on plan	V				
27	Existing and proposed structures and features, their uses and those to be removed, shown on the plan	<b>/</b>				
28	HVAC equipment located outside the building(s)	V				
29	Existing and proposed driveway entrances to street, parking, loading areas, fire lanes, sidewalks and construction detail drawings, shown on plan	/				
30	Sight distances from property entrances along public roads shown on plan and on profile if grading is needed	1				
31	Soil test locations and soil test results shown on plan					
32	Existing and proposed sewage disposal systems and design information, shown on plan	11				
33	Outside Storage Areas					

		Applicant		Staff	
Item	Description		Not Included	Completeness Opinion	
34	Underground / overhead utilities, existing and proposed	-		Yes	No
35	Existing and proposed water supply shown on plan	1			-
***************************************	Existing wells and sewage disposal systems on other				<b>-</b>
36	properties that could conflict with proposed site improvements, shown on plan				
37	Existing and proposed footing drains, curtain drains and dry wells, shown on plan	1			
38	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.				
39	Existing and proposed bridges and culverts on or adjacent to the site, shown on plan	1			
40	Existing and proposed signs with dimensions and construction detail drawings, shown on plan	1			
41	Existing and proposed fences and walls with dimensions and construction detail drawings, shown on plan				
42	Zoning district boundaries affecting the site, shown on plan				
43	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	<b>√</b>			
44	Toble on plan of noulsing / leading				
45	Fire lanes				
46	Sidewalks and other pedestrian ways	1			
47	Off-site traffic improvements				
41	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	1			
42	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	1			
43	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	1			NAMES OF THE PARTY
44	Existing trees of 6" caliper or greater	1			
45	Significant archaeological sites	1			
46	Lighting plan including the location, size, height, light intensity coverage areas and manufacturer's product descriptions for each light type	/			
47	Erosion and Sedimentation Control Plan, with narrative and construction detail drawings, in accordance with the latest Connecticut Guidelines for Soil Erosion and Sediment Control	>			<u>V </u>

	m Description		Applicant		Staff		
Item			Included Not Included		Completeness Opinion Yes No		
48	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			103	INO		
49	Architectural elevation drawings of proposed buildings	1					
50	Architectural floor plans of existing and proposed buildings	1					
51	Perspective color drawings or digital views of the site as seen from adjacent roads and from abutting property lines showing the proposed conditions including buildings, landscaping and appurtenant features	1					
52	Traffic Impact Report for applicable sites as described in Zoning Regulations Section 16A.2.k.						
53	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	/					
54	Statement in drainage report that the after development flows for all storm events do not exceed the before development flows	1					
55	Sanitary Waste Disposal Plan (if community sewerage system)	1					
56	Evaluation of the impact of proposed development upon existing and potential public surface and ground drinking water supplies, pursuant to CGS, Section 8-2	1.					
57	Certified copy of Certificate of Public Convenience and Necessity in connection with a "water company", in accordance with CGS, Section 8-25a	5					
58	Existing and proposed Covenants or Restrictions	1			——————————————————————————————————————		
59	Engineer's itemized cost estimate for the installation of all erosion and sediment controls based on published Connecticut DOT unit prices	~					
60	Engineer's itemized cost estimate for site improvements based on published Connecticut DOT unit prices as basis for the establishment of a completion bond						

### **REAL ESTATE CONTRACT**

#### 1. Parties

Buyer: William R. Phillips (or entity created by William R. Phillips)

Seller: Manchester Medical Supply, Inc.

- Property. Buyer agrees to purchase from Seller, and Seller agrees to sell to Buyer, certain real property known as 17
   Wall Street Bolton, Ct. and 1 Notch Road Bolton, Ct. properties being more fully
   described as Parcels A,B,C and D attached and shown on map attached. ("Property").
- 3. Fixtures and Personal Property. Except as stated below, all fixtures located on the Property are included in this sale, and all personal property located on the Property is excluded from this sale. The following personal property is INCLUDED (NOT APPLICABLE UNLESS FILLED IN):

N/A

The following fixtures are EXCLUDED (NOT APPLICABLE UNLESS FILLED IN):

N/A

4(a),(b),and(c) BELOW ARE NOT APPLICABLE UNLESS FILLED IN

4. Price. The total Purchase Price is \$

Deposit to be held by Seller's Attorney in Trustee Account until transfer of title

**5. Closing.** The closing will take place as soon as possible upon contingencies being satisfied by Buyer but no later than 10 days after Lot and Site Plan approvals are issued by the Town of Bolton.

The closing will be held at the offices of Buyer's attorney or at such other place mutually agreeable between the parties within the county in which the property is located.

- 6. Condition of Property. Seller agrees to deliver the Property to Buyer in "AS IS" condition SUBJECT to paragraph #15 herein. Buyer shall have the right to inspect the Property for compliance with this Contract before the closing, upon reasonable notice to Seller.
- 7. Title. The Seller will transfer fee simple title to the property to Buyer by a Connecticut form Warranty Deed, subject to (a) any and all provisions of any ordinance, municipal regulation, or public or private law; declarations, restrictions, covenants, and easements of record; any state of facts an accurate survey or personal inspection of the Property might reveal; provided that none of the above renders title to the Property unmarketable; (b) current taxes and municipal assessments. Buyer will not assume any outstanding municipal liens that are currently due and owing. If property is found to be unmarketable, for whatever reason based upon the Connecticut Standards of Title, and Buyers will not accept said title that Sellers have, Buyers deposit will be returned and this Contract will become null and void and the obligations of the parties under this Contract shall end. Sellers will not be obligated to initiate a suit (such as a Quit Title action) to clear title and Buyers will not be obligated to buy subject property if there is an issue of marketability.
- 8. Adjustments. Adjustments for taxes, association fees, rents, water, fire taxes, sewer, interest, fuel, condominium fees, municipal assessments, and other charges will be made as of the date of closing in accordance with the custom of the Bar Association for the county where the Property is located.
- 9. Possession and Occupancy. At the time of closing, possession and occupancy of the improvements and personal property on the Property included in this Contract shall be delivered to Buyer in the condition they were in on the date of this Contract, subject to ordinary wear and use and free of all tenants and occupants.
- 10. Risk of Loss. Risk of loss or damage to the Property shall be upon Seller until the closing.
- 11. Default. If Buyer defaults under this Contract and Seller is not in default, Buyer's deposits shall be retained by Seller as liquidated damages, and Buyer and Seller shall be relieved of further liability to each other under this Contract. If Seller is in default under this Contract and Buyer is not in default, Buyer can use whatever remedy is available to Buyer including but not limited to specific performance. If legal action is brought to enforce any provision of the Contract, the prevailing party shall be entitled to court costs and attorneys' fees.
- **12. Complete Agreement**. This Contract contains the entire agreement between Buyer and Seller concerning this transaction and supersedes any and all previous written or oral agreements concerning the Property.
- 13. Non-assignability. Buyer shall not assign its rights under this Contract without the written consent of Seller.
- 14. Survival. This contract shall be binding upon and inure to the benefit of the respective personal representatives, heirs, successors and assigns of Buyer and Seller.

16. Other Conditions. Note and mortgage to be prepared by Seller's Attorney and to be reviewed and accepted by Buyer's Attorney. Note and mortgage will provide for no prepayment penalty. Buyer will sign Note personally and by any entity created by Buyer. Note shall bear interest of 4% and be payable on or before thirty six (36) months from the date of sale.

When signed by Buyer and Seller this is intended to be a legally binding contract. If either party has any questions about any aspect of this transaction, he/she should consult with an attorney before signing this Contract.

17. Execution by Facsimile. The parties agree that this Contract may be transmitted between them by facsimile machine and the parties intend that a faxed Contract containing either the original and/or copies of the signature of all parties shall constitute a binding Contract.

Tr. Execution by Facsimile. The parties agree that this Contract may be transmitted between them by facsimile machine and the parties intend that a faxed Contract containing either the original and/or copies of the signature of all parties shall constitute a binding Contract.

**BUYER** 

William R. Phillips

Date: 5-12-2020

SELLER

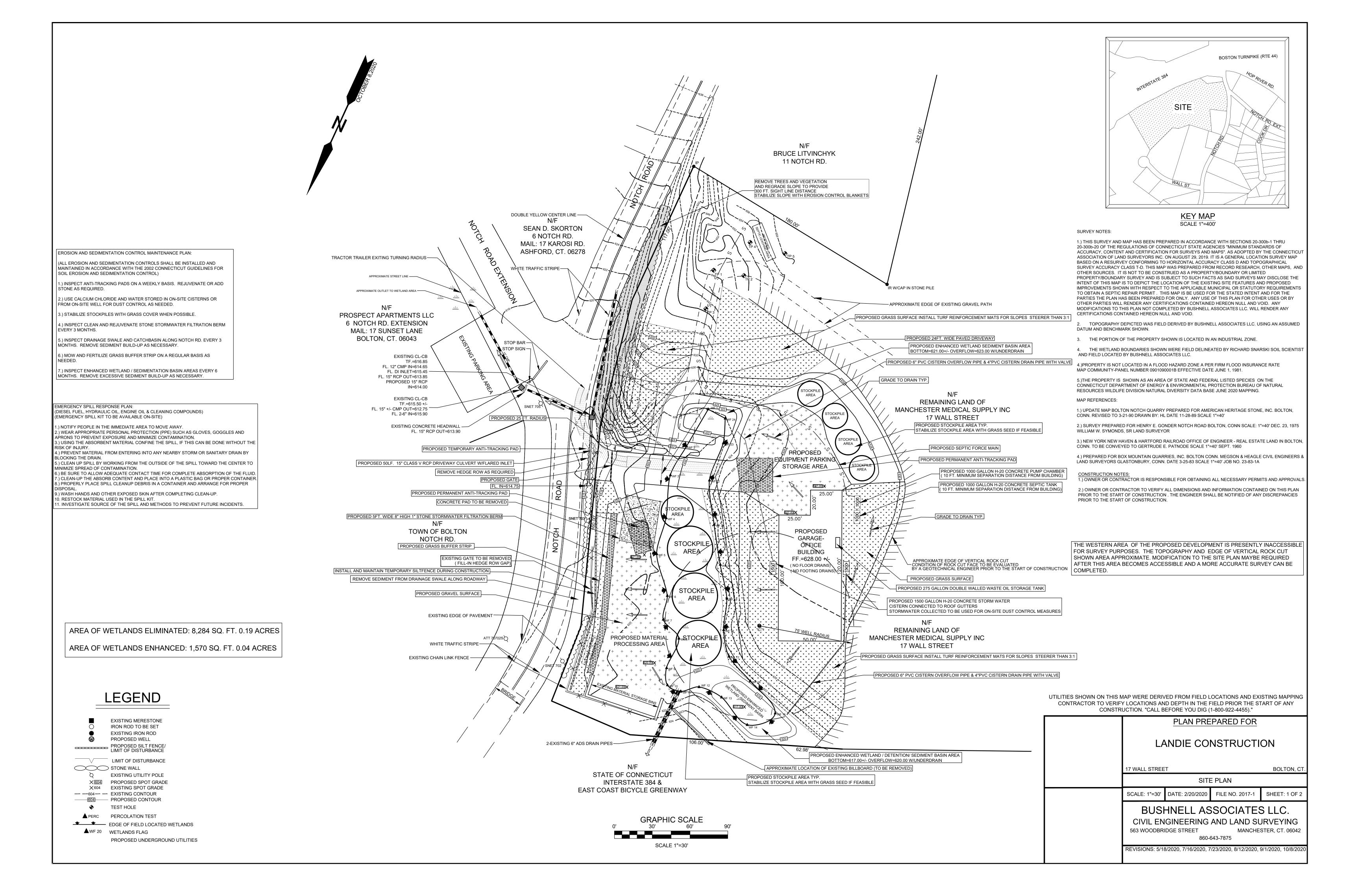
**BROKER** 

N/A\*

Roger W. Talbot, Jr. Its Secretary Duly Authorized

Date: 5/11/2020

<sup>\*</sup> Seller and Buyer each represent and warrant to the other that no real estate agent or broker was the procuring cause of this transaction and agree to indemnify and hold the other harmless against any claim for fees or commissions relative to this agreement or the transaction contemplated hereby in the event their respective representations contained in this paragraph shall not be true.



.) OWNER OR CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND

2.) OWNER OR CONTRACTOR TO VERIFY ALL DIMENSIONS AND INFORMATION CONTAINED ON THIS PLAN PRIOR TO THE START OF CONSTRUCTION . THE ENGINEER SHALL BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO THE START OF CONSTRUCTION.

3.) PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY ALL BOUNDARY MARKERS SHALL BE SET BY A LICENSED LAND SURVEYOR.

4.) PRESERVE ANY EXISTING STONE WALLS WHEREVER POSSIBLE.

5.) ANY TREES TO BE REMOVED IN THE TOWN RIGHT OF WAY SHALL BE POSTED BY THE TREE WARDEN PRIOR TO REMOVAL.

6.) ALL PROPOSED UTILITIES LOCATIONS SHALL BE APPROVED BY THE LOCAL UTILITY COMPANIES PRIOR TO THE START OF CONSTRUCTION.

EROSION CONTROL CONSTRUCTION SEQUENCE PLAN HOUSE LOT DEVELOPMENT
NOTE: ALL EROSION AND SEDIMENT CONTROL ACTIVITIES SHALL CONFORM TO THE METHODS OUTLINED IN THE 2002 CONNECTICUT GUIDELINES FOR EROSION AND SEDIMENT CONTROL MANUAL.

1.) COORDINATE MARKING OF LIMITS OF DISTURBANCE BY A LICENSED LAND SURVEYOR. SUPPLY TOWN EROSION CONTROL OFFICER WITH A LETTER FROM THE SURVEYOR CERTIFYING THE LIMITS OF DISTURBANCE WERE MARKED IN ACCORDANCE WITH THE APPROVED PLAN.

2.) CLEAR TREES AS REQUIRED.

3.) PRIOR TO SOIL DISTURBANCE INSTALL EROSION CONTROL MEASURES, SILT FENCE AND ANTI-TRACKING PAD (SEE PLAN DETAILS AND LOCATIONS). ADDITIONAL MEASURES MAY BE REQUIRED AS SITE CONDITIONS REQUIRE. COORDINATE AN INSPECTION OF INSTALLED MEASURES WITH THE EROSION CONTROL OFFICER. SUPPLY THE TOWN OF HEBRON EROSION CONTROL OFFICER WITH THE NAME AND PHONE NUMBER OF A CONTACT PERSON RESPONSIBLE FOR THE EROSION CONTROL MEASURES.

3.) PERIODICALLY AND AFTER LARGE RAIN EVENTS INSPECT EROSION CONTROL MEASURES AND

4.) GRUB AND STRIP TOPSOIL. STOCKPILE TOPSOIL IN AREAS INDICATED ON THE APPROVED PLAN.

5.) CONSTRUCT AND STABILIZE DRIVEWAY.

6.) CONSTRUCT HOUSE, WELL, DRIVEWAY, SEPTIC SYSTEM AND OTHER IMPROVEMENTS AS SHOWN.

7.) SPREAD STOCKPILED TOPSOIL. MACHINE RAKE, FERTILIZE, SEED AND MULCH DISTURBED AREAS. USE GRASS SEED THAT IS ACCEPTABLE FOR THE SITE CONDITIONS (I.E., SUN OR SHADE) AND THE SEASON OF THE YEAR IN WHICH THIS ACTIVITY IS COMPLETED. PROVIDE TEMPORARY STABILIZATION OF THE SITE (i.e. STRAW OR HAY ETC..) IF THE TOPSOIL IS SPREAD DURING A TIME OF YEAR WHEN GRASS SEED WILL NOT GERMINATE. PROVIDE PERMANENT STABILIZATION WHEN WEATHER CONDITIONS ALLOW.

8.) REMOVE EROSION CONTROL MEASURES AFTER THE SITE HAS BECOME FULLY ESTABLISHED.

9.) ANY EXISTING DISTURBED AREAS MUST BE SEEDED WITH PERMANENT OR TEMPORARY GROUND COVER AND MULCHED BY OCTOBER 15.

10.) DEWATERING OPERATIONS, IF REQUIRED, SHALL UTILIZE A CRUSHED STONE INTAKE SUMP AND A TEMPORARY OUTLET SILT POOL LOCATED WITHIN THE LIMITS OF DISTURBANCE.

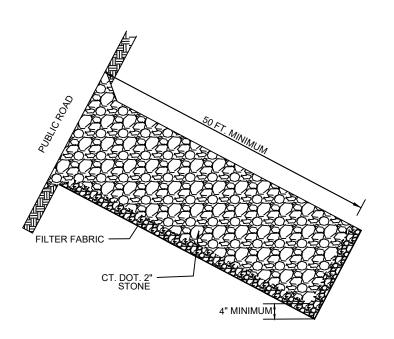
PREPARATION: FINE GRADE AND RAKE SOIL SURFACE TO REMOVE STONES LARGER THAN 2" IN DIAMETER. INSTALL SEEDED EROSION CONTROL DEVICES SUCH AS SURFACE WATER DIVERSIONS AS REQUIRED. APPLY LIMESTONE AT A RATE OF 2 TONS/AC. OR 90 LBS./1000 SQ.FT. FERTILIZE WITH 10-10-10 AT A RATE OF 300 LBS./AC. OR 7.5 LBS. PER 1000 SQ.FT. WORK LIME AND FERTILIZER INTO SOIL UNIFORMLY TO A

SEED APPLICATION: APPLY SEED MIXTURE FROM THE CHART BELOW BY HAND, CYCLONE SEEDER OR HYDRO SEEDER. INCREASE SEED MIXTURE BY 10% IF HYDRO SEEDER IS USED. LIGHTLY DRAG OR ROLL THE SEEDED SURFACE TO COVER SEED. SEEDING SHOULD BE DONE BETWEEN THE TIMES SHOWN ON THE CHART BELOW. IF SEEDING CANNOT BE DONE DURING THESE TIMES, REPEAT MULCHING PROCEDURE BELOW UNTIL SEEDING CAN TAKE PLACE.

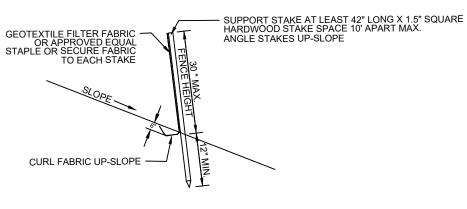
MULCHING: IMMEDIATELY FOLLOWING SEEDING, MULCH THE SEED SURFACE WITH STRAW OR HAY AT A RATE OF 2 TO 3 TONS/AC. SPREAD MULCH BY HAND OR MULCH BLOWER. PUNCH MULCH INTO SOIL SURFACE WITH A TRACK MACHINE OR DISK HARROW SET STRAIGHT UP. IF USING HYDRO SEED MIX USE TACTIFIER ADDITIVES TO ADHERE MULCH MATERIAL TO THE SURFACE.

SEED SELECTION: USE LE PERMANENT LAWN	3/1000 SQ. FT. 0.45 0.45 0.10	SEED MIXTURE KENTUCKY BLUEGRASS CREEPING RED FESCUE PERENNIAL RYEGRASS	RECOMMENDED SEEDING DATES 4/1-6/15 8/15-10/1
SLOPES & COARSE LAWN	0.45 0.05 0.45	CREEPING RED FESCUE RED TOP TALL FESCUE	4/1-6/15 8/15-10/1
SLOPES (NO MOWING)	1.8 0.2	CREEPING RED FESCUE RED TOP	4/1-6/15 8/15-10/1
TEMPORARY COVER	3.0	WINTER RYE OR	4/15-6/15,8/15-10/15
	1.0	ANNUAL RYEGRASS	3/1-6/15,8/1-10/15

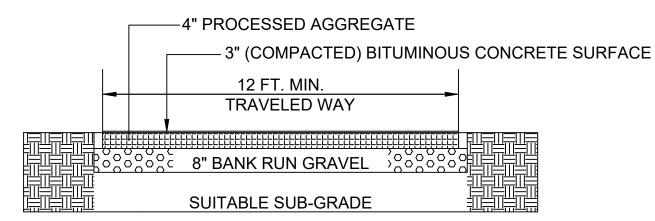
IF SEED IS PLANTED OUTSIDE THE RECOMMENDED SEEDING DATES IRRIGATION MAYBE REQUIRED AT A UNIFORM APPLICATION RATE OF 1 TO 2 INCHES OF WATER APPLIED PER APPLICATION. SOAKING THE GROUND TO A DEPTH OF 4 INCHES.



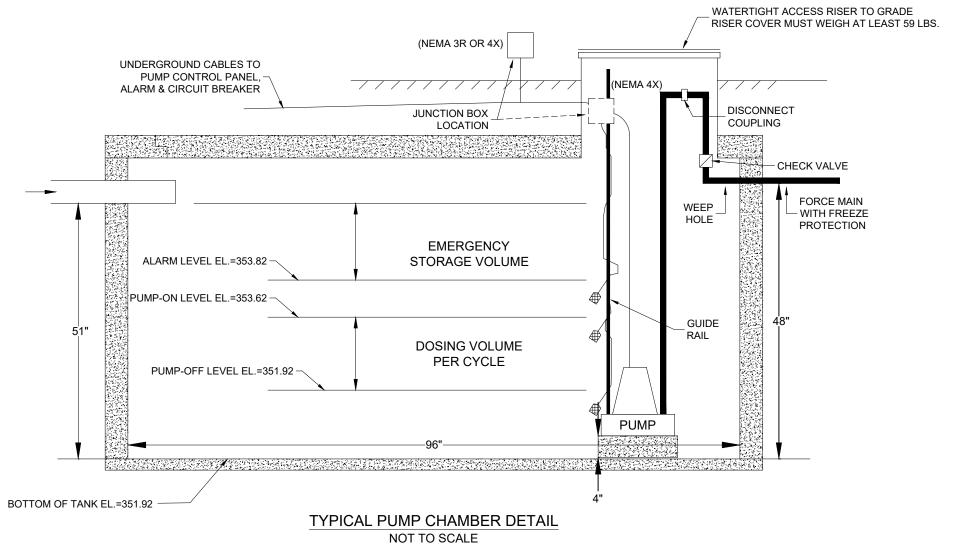
ANTI - TRACKING CONSTRUCTION ENTRANCE NOT TO SCALE



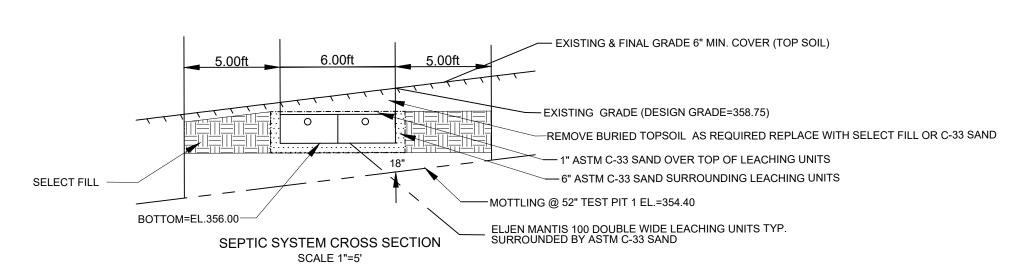
SILT FENCE DETAIL NOT TO SCALE

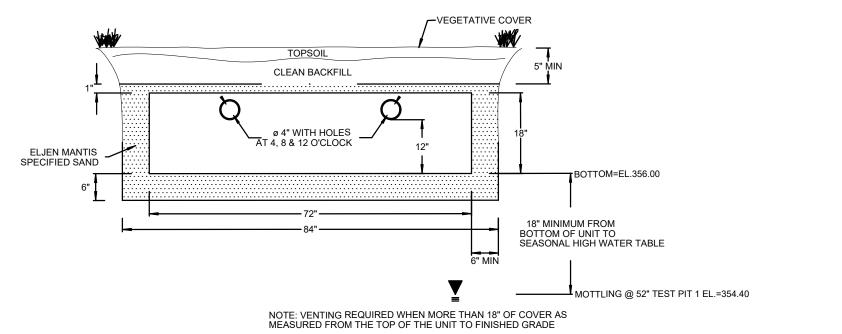


PAVED DRIVEWAY DETAIL (12% MAX GRADE) NOT TO SCALE



AN ELECTRICAL PERMIT AND NECESSARY INSPECTIONS OBTAINED BY THE TOWN OF EAST HADDAM BUILDING DEPARTMENT FOR WIRING THE PUMP CHAMBER SHALL BE CONDUCTED PRIOR TO ISSUING A PERMIT TO DISCAHARGE. ALARM SHALL BE VISUAL AND AUDITORY AND ON A SEPARATE SWITCH FROM THE PUMP ON AND OFF





ELJEN 100 DOUBLE WIDE LEACHING UNIT DETAIL NOT TO SCALE

### SEPTIC SYSTEM DESIGN NOTES AND CRITERIA :

SEPTIC SYSTEM DESIGN IN ACCORDANCE WITH CONNECTICUT PUBLIC HEALTH CODE REGULATIONS AND TECHNICAL STANDARDS FOR SUBSURFACE SEWAGE DISPOSAL SYSTEMS REVISED JANUARY 1, 2018.

THE MANTIS 100 DOUBLE WIDE UNITS SHALL BE INSTALLED PER ELJEN SPECIFICATIONS

MINIMUM LEACHING SYSTEM SPREAD (MLSS) CALCULATION: 5,500 SQ. FT. INDUSTRIAL BUILDING 0.1 GALLON PER DAY (GPD) PER SQ. FT.=550 GPD PERCOLATION RATE 1-10 MIN./INCH RESTRICTIVE LAYER 46" TEST PIT 5 GROUND SLOPE >15.0%

MLSS: 14 H.F. X 1.83 F.F. X 1.0 P.F.= 25.67' MINIMUM (30' PROVIDED)

REQUIRED: 1,000 GALLON TWO-COMPARTMENT SEPTIC TANK AND 550 SQ. FT. OF EFFECTIVE LEACHING AREA.

PROVIDED: 1,000 GALLON TWO-COMPARTMENT CONCRETE SEPTIC TANK (ACCESS RISERS REQUIRED TO LESS THAN 12" FROM FINAL GRADE) AND 30 LINEAL FEET OF ELJEN MANTIS DOUBLE WIDE 100 (6 UNITS) BACKFILLED WITH APPROVED ELJEN SPECIFIED SELECT SAND(EFFECTIVE LEACHING CREDIT 20.0 SQ. FT./FT) WITH AN EFFECTIVE LEACHING AREA OF 600 SQ.FT.

MANTIS UNIT BOTTOMS TO BE NO MORE THAN 28" BELOW EXISTING GRADE .

THE SEPTIC SYSTEM AREA SHALL NOT BE DISTURBED PRIOR TO STAKEOUT OF THE SYSTEM BY THE DESIGN ENGINEER.

THE DESIGN ENGINEER SHALL STAKE OUT THE SEPTIC SYSTEM, SET A LOCAL BENCHMARK

ELJEN MANTIS SPECIFIED SAND REQUIREMENTS (INSTALLER TO SUPPLY A COPY OF A SIEVE FROM THE MATERIAL SUPPLIER TO ENSURE THAT THE SAND USED TO BACKFILL THE MANTIS UNITS

THE SPECIFICATION REQUIREMENTS BELOW) (ASTM C33)

SIEVE SIZE	SIEVE SQUARE	SPECIFIED
	OPENING SIZE	PERCENT PASSING
		(WET SIEVE)
0.375"	9.5 mm	100.0
#4	4.75 mm	95.0-100.0
#8	2.36 mm	80.0-100.0
#16	1.18 mm	50.0-85.0
#30	600 um	25.0-60.0
#50	300 um	5.0-30.0
#100	150 um	< 10.0
#200	75 um	< 5.0

SELECT FILL PLACED WITHIN AND ADJACENT TO LEACHING SYSTEM AREAS SHALL BE COMPRISED OF CLEAN SAND, OR SAND AND GRAVEL, FREE FROM ORGANIC MATTER AND FOREIGN SUBSTANCES. THE SELECT FILL SHALL MEET THE FOLLOWING REQUIREMENTS UNLESS OTHERWISE APPROVED BY THE DESIGN ENGINEER. SELECT FILL EXCEEDING 6% PASSING THE #200 SIEVE BASED ON A WET SIEVE TEST CANNOT BE APPROVED BY THE DESIGN ENGINEER. 1.) THE SELECT FILL SHALL NOT CONTAIN ANY MATERIAL LARGER THAN THE THREE (3) INCH SIEVE. 2.) UP TO 45% OF THE DRY WEIGHT OF THE REPRESENTATIVE SAMPLE MAY BE RETAINED ON THE #4

3.) THE MATERIAL THAT PASSES THE #4 SIEVE IS THEN <u>REWEIGHED</u> AND THE SIEVE ANALYSIS

4.) THE REMAINING SAMPLE SHALL MEET THE FOLLOWING GRADATION CRITERIA. PERCENT PASSING SIEVE SIZE WET SIEVE DRY SIEVE

70 - 100 70 - 100 10-75 10 - 50\* 0 - 20 \* PERCENT PASSING THE #40 SIEVE CAN BE INCREASED TO NO GREATER THAN 75% IF THE PERCENT

PASSING THE #100 SIEVE DOES NOT EXCEED 10% AND THE # 200 SIEVE DOES NOT EXCEED 5%

SELECT FILL THAT DOES NOT MEET THE DRY SIEVE GRADATION CRITERIA BUT MEETS THE WET SIEVE CRITERIA IS ACCEPTABLE.

THE LICENSED INSTALLER IS RESPONSIBLE FOR PREPARING THE LEACHING AREA WITH REQUIRED SELECT FILL.THE TOPSOIL IN THE LEACHING AREA MUST BE COMPLETELY REMOVED AND THE SUBSOIL SCARIFIED PRIOR TO SELECT FILL PLACEMENT. THE INSTALLER SHALL TAKE NECESSARY STEPS TO PROTECT THE UNDERLYING NATURALLY OCCURRING SOIL FROM FROM OVERCOMPACTION. SILTATION OR OTHER DAMAGE. THE INSTALLER IS RESPONSIBLE FOR PROPERLY COMPACTING THE SELECT FILL TO FACILITATE CONSTRUCTION AND TO PREVENT SETTLING. SELECT FILL SHALL EXTEND A MINIMUM OF FIVE (5) FEET LATERALLY IN ALL DIRECTIONS BEYOND THE OUTER PERIMETER OF THE LEACHING AREA.

EASTERN HIGHLANDS HEALTH DISTRICT FEBRUARY 4, 2020 TEST PIT 1 0-4" TOPSOIL 4-24" BROWN FINE SANDY LOAM 24-72" COMPACT GREY/BROWN SANDY HARDPAN MOTTLING NONE SEEPAGE NONE LEDGE 72" TEST PIT 2 0-27" TOPSOIL AND FILL 27-32" ORIGINAL TOPSOIL 30-72" BROWN FINE SANDY LOAM NATURALLY OCCURRING SOIL FROM 27"-72"

MOTTLING @ 25"

SEEPAGE NONE

LEDGE NONE

TEST PITS OBSERVED BY

THAD KING MPH REHS RS

BUSHNELL ASSOCIATES LLC. SEPTEMBER 4, 2020 TEST PIT 4 0-4" TOPSOIL 4-30" FILL 30-36" BURIED TOPSOIL

TEST PITS OBSERVED BY:

ANDREW BUSHNELL PELS.

36-130" BROWN FINE SANDY LOAM ROCKY MOTTLING NONE SEEPAGE NONE LEDGE 130" ROOTS TO 45" TEST PIT 5 0-4" TOPSOIL

46-125" COMPACT TILL & DECOMPOSED ROCK MOTTLING NONE SEEPAGE NONE LEDGE NONE

> 1:10 1:15

1:20

TEST PIT 3 0-6" TOPSOIL 6-52" BROWN FINE SANDY LOAM 52-88" BROWN SILTY SAND COMPACT NATURALLY OCCURRING SOIL AT 88" ORANGE/BROWN FINE SANDY LOAM MOTTLING NONE SEEPAGE NONE LEDGE NONE

SOIL PERCOLATION TEST RESULTS PERFORMED BY - THAD KING MPH REHS RS EASTERN HIGHLANDS HEALTH DISTRICT JULY 23 2020 PRE-SOAK 2+ HOURS 18" DEEP HOLE TIME DIFFERENCE READING (IN.) 12:50 8 3/4 1 1/4 12:55 1:00 9 1/2 10 1/4 3/4 1:05 10 5/8

1/2

SHEET: 2 OF 2

4-46" BROWN FINE SANDY LOAM STONEY

PERCOLATION RATE = 1-10 MIN./IN.

11 1/2

12

# LANDIE CONSTRUCTION

PLAN PREPARED FOR

17 WALL STREET BOLTON, CT. CONSTRUCTION / E&S/ SEPTIC DETAILS

## BUSHNELL ASSOCIATES LLC.

CIVIL ENGINEERING AND LAND SURVEYING MANCHESTER, CT. 06042 563 WOODBRIDGE STREET 860-643-7875

REVISIONS: 10/8/2020

222 BOLTON CENTER RD	BOLTON, CT 06043
	222 BOLTON CENTER RD

CONNECTICUT STATE OF	79 ELM ST	HARTFORD, CT 06106
CONNECTICOL STATE OF	/ J LLIVI J I	HANTI OND, CI OUTOU

CARBONE DEBORAH 15 NOTCH RD BOLTON, CT 06043

BROWN BELGIN M & BROWN MARCUS C 16 NOTCH RD BOLTON, CT 06043

CT HOME REMODELERS LLC PO BOX 333 EAST GLASTONBURY, CT 06025

MCINERNEY DAVID 19 COOK DR BOLTON, CT 06043

STEARNS BARRY E & KATHLEEN 21 COOK DR BOLTON, CT 06043

LAVIGNE JOSEPH M 10 COOK DRIVE BOLTON, CT 06043

VERRASTRO KENNETH F 6 COOK DR BOLTON, CT 06043

FAULKNER JOSEPH & YOLANDE A & SURV 12 NOTCH RD BOLTON, CT 06043

PROSPECT APARTMENTS LLC 17 SUNSET LN BOLTON, CT 06043

CONNECTICUT STATE OF 79 ELM ST HARTFORD, CT 06106

PEARSALL DAVID W 15 WALL ST BOLTON, CT 06043

BOLTON TOWN OF 222 BOLTON CENTER RD BOLTON, CT 06043

SACCOCCIO VICTORIA L 7 NOTCH RD EXT BOLTON, CT 06043

IRISH EDWARD N & KAREN A 9 NOTCH RD EXT BOLTON, CT 06043

CONNECTICUT STATE OF 79 ELM HARTFORD, CT 06106

MANCHESTER MEDICAL SUPPLY INC P O BOX 8385 MANCHESTER, CT 06040

LITVINCHYK BRUCE 11 NOTCH RD BOLTON, CT 06043

HOWARD JAMES & MARION A 14 WALL ST BOLTON, CT 06043

BOLTON TOWN OF 222 BOLTON CENTER RD BOLTON, CT 06043

COOK DRIVE WATER ASSOCIATION INC 21 COOK DR BOLTON, CT 06043

SKORTON SEAN D 17 KAROSI RD ASHFORD, CT 06278

SKORTON SEAN D 17 KAROSI RD ASHFORD, CT 06278

ZDROJOWY IRENE M 5 NOTCH RD EXT BOLTON, CT 06043

BERRY STEPHANIE 7 COOK DRIVE BOLTON, CT 06043

MORIANOS JOHN J JR 9 COOK DR BOLTON, CT 06043

CONNECTICUT STATE OF 79 ELM HARTFORD, CT 06106

OSTAFIN DAVID M 1 WALL ST BOLTON, CT 06043

HOWARD JAMES & MARION A &	14 WALL ST	BOLTON, CT 06043
DUBOIS THOMAS J & DUBOIS MICHELLE M	24 NOTCH RD	BOLTON, CT 06043
ROY NICHOLAS D	20 NOTCH RD	BOLTON, CT 06043
MANCINI JON A & KATHLEEN O	11 COOK DR	BOLTON, CT 06043
DENUNZIO DIANE D	2 WALL ST	BOLTON, CT 06043
BEAUDOIN RONALD A	2 COOK DR	BOLTON, CT 06043



222 BOLTON CENTER ROAD • BOLTON, CT 06043

Date: October 12, 2020

To: Planning & Zoning Commission

From: Patrice L. Carson, AICP, Consulting Director of Community Development

Subject: William Phillips' Special Permit appl. at 1 Notch Road for Proposed Garage/Office

Building, Excavation Business, Equipment Storage & Material Processing Areas

.....

### **INFORMATION**

Application No.: VP#PL-20-12 Wetlands Permit Submitted: May 18, 2020 Application Date: September 4, 2020 Wetlands Permit Effective: July 28, 2020 Receipt Date: September 9, 2020 Wetlands Permit Expires: July 27, 2022 Public Notification: Posted on Website September 24, 2020 per Governor's Executive Order

Public Hearing Date(s): October 14, 2020

**Applicant(s):** William Phillips

Owner(s): Manchester Medical Supply, Inc.

### PROPOSAL / EXISTING CONDITIONS/BACKGROUND

Applicant, William Phillips, of 21 Clark Road, Bolton, is seeking a Special Permit to construct a 5,500 square foot garage/office building for the operation of an excavation business, outdoor storage of heavy equipment, import and export of gravel products, and machine rental on a 12 acre parcel at 1 Notch Road aka 17 Wall Street in the Bolton Assessor's Records.

Located on the west side of Notch Road, this is the last lot before the entrance onto Route I-384 eastbound which was used as a staging area when work was done on Route I-384. The lot has a varying topography, almost two-tiered, with the lower tier having access from Notch Road and the upper tier having access from Wall Street. The property is zoned I and is surrounded by R-2 on all sides except the north where it's bound by Route I-384. Currently the property is mostly vacant with the remnants of "bins" that held different construction materials like stone. Prior to this, the property was a gravel excavation site that included blasting, cutting stone, and (loaded and unloaded) truck traffic There are wetlands on the property and an application has been made and approved by the Bolton Inland Wetlands Commission for the activity proposed within 100 feet of wetlands or watercourses.

The activities proposed in this application for the site are allowed by Special Use Permit on Industrially zoned properties. The PZC may want to know generally how much truck traffic

is expected, what kind of material will be processed and how, hours of operation, and number of employees.

The applicant and his design professionals have been meeting with town staff to discuss the overall concept plan, architectural plans and site development plan. The application and site plan appears to have addressed most of the concerns brought up during that meeting.

### REPORTS RECEIVED

- Site Plan Checklist completed
- Review email from Lance Dimock, DPW with no concerns
- 07/28/20 Inland Wetland Minutes re: Approval of permit IWC #2020-5
- 09/26/20 review email from Joseph Dillon, PE with 8 issues to address

### ADDITIONAL INFORMATION RECEIVED

- Abutters List
- 10/08/20 Site Development Plan & Details 2 pages
- 05/12/20 Real Estate Contract
- Inland Wetlands Approval
- Engineering & Legal Review Fee of \$2,000

### **INFORMATION STILL NEEDED:**

- Public Health Approval
- Project Narrative/Statement of Use
- Drainage Report
- An affidavit for the posting of the public hearing sign
- E&S Cost Control Bond Estimate
- Site Improvements Bond Estimate

### STAFF ANALYSIS

The plans appear to meet Town Regulations if the following items are adequately addressed and may require additional information:

- Lighting Detail (fixtures & cut sheets) and Isometric map/lighting plan needs to be submitted.
- A Landscaping Plan needs to be submitted.
- The plan needs to show a dumpster location with required screening.
- Section 16A.3.x. Buildings and Structures: Architectural and Design Requirements & Section 16B.4.l. Architectural Character, Historic Preservation, Site Design. The

Commission needs to determine if the design of the proposed building is adequate to meet these standards.

### STAFF RECOMMENDATION

The staff has determined that:

- the application is complete
- the application still needs to address some regulations and engineering concerns
- the use is in keeping with the zone in which it is located.

\_\_\_\_\_\_

From: Joseph M. Dillon, P.E. [mailto:jdillon@nlja.com]

**Sent:** Thursday, September 17, 2020 2:18 PM **To:** Carson, Patrice <pcarson@boltonct.org>

Cc: Rupert, Jim <jrupert@boltonct.org>; Andrew Bushnell <abushnell@bushnellassociatesllc.com>

Subject: Landie Site Plan Review

Patrice,

Attached is our review letter for the proposed Site Plan at 17 Wall Street (Landie Construction).

Regards, Joe

Joseph M. Dillon, P.E.



86 Main Street, P.O. Box 337, Chester, Connecticut 06412-0337 Tel: 860.526.9591 • Fax: 860.526.5416 <a href="https://www.nlja.com">www.nlja.com</a> • <a href="mailtoide.jdilloi



September 16, 2020

Ms. Patrice Carson, AICP
Director of Community Development Town
Office Building
222 Bolton Center Road
Bolton, CT 06043

Re: Landie Construction

17 Wall Street Site Plan Review NLJA #0968-0044

Dear Ms. Carson:

As requested, we have reviewed the following information received for the subject project at our office through September 8, 2020:

Item 1: Set of two (2) drawings entitled "Plan Prepared for Landie Construction, 17 Wall Street, Bolton, CT, scales as noted, dated 02-02-20, last revised 09-01-20, prepared by Bushnell Associates, LLC.

The subject application proposes for construct a garage/office building on the property with associated stormwater measures.

We have the following comments:

- 1. Provide a pre and post development hydrologic analysis for the site.
- 2. Design calculations should be provided for the proposed drainage system. The system should be designed out to the existing outlet along Notch Road Extension.
- 3. All proposed drainage structures shown on the site plan should include invert and top of frame elevations.
- 4. Proposed grading should be shown for the enhanced wetland / sediment basins and the stormwater management swale. Additionally, proposed grades for the site should be extended around the west side of the proposed building and include the stockpile areas.
- 5. While the proposed limits of clearing along the west shoulder of Notch Road provides the proper horizontal sight line, it appears that the existing grade through the area will block the vertical component of the sight line. We would recommend that a vertical profile be generated for the area. Additionally, the site plan should show proposed grades along the shoulder.



Ms. Patrice Carson, AICP Director of Community Development

Re: Landie Construction

17 Wall Street Site Plan Review NLJ #0968-0044

September 16, 2020 Page 2 of 2

- 6. We would recommend that a no left turn sign be place at the site exit drive to discourage left turn movements out of the site.
- 7. Sediment and erosion control measures should be shown on the site plan.
- 8. A north arrow should be placed on the site plan.

Should you have any questions, please feel free to contact our office.

Very truly yours,

NATHAN L. JACOBSON & ASSOCIATES, INC.

Joseph M. Dillon, P.E.

JMD:jmd

cc: James Rupert Andrew Bushnell

File

From: Tom Fiorentino [mailto:tsf@pfwlaw.com]
Sent: Tuesday, October 13, 2020 1:33 PM
To: Carson, Patrice <pcarson@boltonct.org>
Cc: Bill Philips <Bill@landieconstruction.com>
Subject: RE: Wm. Phillips/ quarry application

Patrice

Thanks for taking care of this. Bill will be at the meeting.

Tom

Thomas S. Fiorentino
Fiorentino, Howard & Petrone PC
773 Main Street
Manchester, CT 06040
Tel: 860-643-1136 x 323

Fax: 860-643-5773

From: Carson, Patrice carson@boltonct.org>
Sent: Tuesday, October 13, 2020 1:31 PM
To: Tom Fiorentino tsf@pfwlaw.com>
Subject: RE: Wm. Phillips/ quarry application

Dear Tom,

Thank you for your request. The PZC will see this correspondence prior to the meeting and will open the public hearing and continue it to November 18<sup>th</sup> which is the next regularly scheduled PZC meeting. As we discussed, I would have someone present at the meeting in case there is some question from the Commission.

Thank you,

**Patrice** 

Patrice L. Carson, AICP Consulting Director of Community Development Town of Bolton 860.359.1454 From: Tom Fiorentino [mailto:tsf@pfwlaw.com]
Sent: Tuesday, October 13, 2020 12:56 PM
To: Carson, Patrice <pcarson@boltonct.org>
Subject: Wm. Phillips/ quarry application

#### Dear Patrice

I have recently been retained to represent Bill Phillips with regard to the pending zoning application related to the Notch Rd./ Quarry property. Bill has learned that residents of the Cook Drive neighborhood have expressed concerns about the site and the proposed usage.

On Bill's behalf, I am respectfully requesting that the hearing scheduled for October 14, 2020, be continued to the next available date.

We will use this additional time to meet with the neighbors in an effort to address their concerns.

Thank you for your assistance.

Tom

Thomas S. Fiorentino
Fiorentino, Howard & Petrone PC
773 Main Street
Manchester, CT 06040
Tel: 860-643-1136 x 323

Fax: 860-643-1136 x s

This transmittal may be a confidential attorney-client communication or may otherwise be privileged or confidential. If it is not clear that you are the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you suspect that you have received this communication in error, please notify us immediately by telephone at 1-860-643-1136, or e-mail at <a href="mailto:abuse@pfwlaw.com">abuse@pfwlaw.com</a> and immediately delete this message and all its attachments.

This transmittal may be a confidential attorney-client communication or may otherwise be privileged or confidential. If it is not clear that you are the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you suspect that you have received this communication in error, please notify us immediately by telephone at 1-860-643-1136, or e-mail at <a href="mailto:abuse@pfwlaw.com">abuse@pfwlaw.com</a> and immediately delete this message and all its attachments.

This transmittal may be a confidential attorney-client communication or may otherwise be privileged or confidential. If it is not clear that you are the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you suspect that you have received this communication in error, please notify us immediately by telephone at 1-860-643-1136, or e-mail at <a href="mailto:abuse@pfwlaw.com">abuse@pfwlaw.com</a> and immediately delete this message and all its attachments.

### Agenda for October 14th Planning & Zoning Meeting

**Topic:** Re-zoning of 10-12 Quarry Rd.

- **1.** Discuss the zoning regulations on Quarry Rd (current designation, current businesses)
- **2.** Investigate changes that may have occurred in the past 40 years (since purchase)
- **3.** Request for change of GB district on 10 quarry rd. + abutting property (12 quarry rd.) to be switched to RMUZ (Rural Multi Use Zoning). This change allows for a smoother transition between business and residential on Quarry Rd.
- **4.** Request to become compliant as 10 Quarry Rd has two office locations and one small residential property. Request for special permit to allow this arrangement to continue to be permitted on record.



## Town of Bolton

222 Bolton Center Road • Bolton, CT 06043 Telephone (860) 649-8066 Fax (860) 643-0021

TO: Adam Teller, Planning & Zoning Commission Chair

CC: All Planning & Zoning Commissioners

FROM: Joshua Steele Kelly, Administrative Officer

DATE: October 9, 2020

SUBJECT: 8-24 Referral: Purchase of Property at 214 Bolton Center Road for

Relocation of Town Office Space

### Dear Chair Teller,

As you and your colleagues on the Commission are likely aware, the Town has been facing severe structural issues at the Notch Road Municipal Center, where our Finance Department and Registrars of Voters are currently housed. The Center is in such a state of disrepair that it would likely be as costly to repair that structure than it would be to either construct a new office facility and likely more costly than it would be to acquire other pre-built office facilities.

This issue, along with several other space issues in Town Hall, have pushed the Board of Selectmen to ponder the question of how to best expand Town facilities ad nauseam in the past several years, and the Board now has a proposal to resolve many of the issues at hand.

The proposal is to purchase 214 Bolton Center Road, which was placed on the market by the property owners in September. The building is located at the corner of Bolton Center Road and Toomey Road, immediately across Toomey Road from the current Resident State Troopers Office at 220 Bolton Center Road. The acquisition of this property would allow the Town to find a new, safe home for the offices currently located at Notch Road Municipal Center, it would allow us to hold another property in the center of town that can help with the Town's goals for greater connectivity and civic engagement, and it will help keep the seat of government in Bolton in the town's center, as is suggested should be done in the Town's most recent Plan of Conservation & Development.

In case the Commission is interested in more details about the building itself and the purchase process: the house itself contains six distinct areas that I believe can be used as private offices as well as another two larger rooms that could be used either for community meeting rooms or for more office space. In order to ensure that we could meet building codes and use this property to

the full extent possible, the Town has engaged a structural engineer and an architect to help us review the property prior to purchase, and the sale of the property is contingent on the second floor being able to be load-bearing in conformance with the building code (or to be able to be brought up to compliance with relatively low cost), and as I am writing this letter I am currently awaiting the arrival of that review from the structural engineer. I hope to have that and any accompanying estimates for improvement prior to your meeting on Wednesday, October 14<sup>th</sup>, and I will share that information and more in a presentation that I prepare for you and your fellow commissioners. Regarding the financing, the Board of Finance will review the Board of Selectmen's proposal for funding today (Thursday, October 8<sup>th</sup>), and, if the project is seen favorably, the final funding determination will be made at Special Town Meeting on Thursday, October 15<sup>th</sup>.

In order to accomplish all our goals and to do so in a timely manner, I ask that the Planning & Zoning Commission conduct an 8-24 review of the property at 214 Bolton Center Road and to consider a recommendation of approval of this proposed acquisition at your meeting on Wednesday, October 14, 2020.

Respectfully submitted,

Joshua Steele Kelly

Town Administrative Officer

**From:** Tom Revall [mailto:trevall@ablecoil.com] **Sent:** Wednesday, October 07, 2020 6:36 AM **To:** Carson, Patrice <pcarson@boltonct.org>

Cc: Rupert, Jim <jrupert@boltonct.org>; Heckman, Randy <rheckman@boltonct.org>

Subject: FW: status

Patrice,

We would like to formally request release of the:

Site Improvement Bond (Letter of Credit from People's United Bank) in the amount of \$110,282 Erosion & Sedimentation deposit in the amount of \$26,160 (plus any interest)

We believe we have fully complied with all requirements.

Thank you,

Tom Revall

From: Steven Rockefeller < <a href="mailto:srockefeller@ablecoil.com">sent: Wednesday, September 30, 2020 10:33 AM</a>

**To:** Rupert, Jim <<u>jrupert@boltonct.org</u>>

**Cc:** Carson, Patrice < <u>pcarson@boltonct.org</u>>; Heckman, Randy < <u>rheckman@boltonct.org</u>>; Andrew

Bushnell <a href="mailto:abushnell@bushnellassociatesllc.com">abushnell@bushnellassociatesllc.com</a>; Tom Revall <a href="mailto:trevall@ablecoil.com">trevall@ablecoil.com</a>>

Subject: RE: status

Hello Jim,

Thank you for your email. I appreciate the support. The sign has been installed and looks great. Andrew Bushnell said that the as-built will be done next week. Tom Revall will prepare and submit a request letter to release the bond funds this week. If you have any questions, feel free to contact me at the number listed below.

Best regards,

Steven Rockefeller President

Able Coil & Electronics Co., Inc. P.O. Box 9127 25 Howard Road Bolton, CT 06043

Email: srockefeller@ablecoil.com

Tel: (860) 646-5686 Fax: (860) 646-5678

### Bolton Planning & Zoning Commission 222 Bolton Center Road Bolton, CT 06043

Date: October 15, 2020

To: Elizabeth Waters, Town Clerk From: Planning & Zoning Commission

Subject: REGULAR PLANNING & ZONING COMMISSION MEETING DATES FOR 2021

------

The following are the regular meeting dates scheduled for the Planning & Zoning Commission in 2020 which fall on the second Wednesday of every month:

January 13

February 10

March 10

April 14

May 12

June 9

July 14

August 11

September 8

October 13

November 10

December 8

Special meetings are scheduled as necessary and notified by posting an agenda at the Town Hall and on the Town Website.

All meetings begin at 7:30pm in the Town Hall Meeting Room unless otherwise notified and agendas are posted 24 hours prior to the meeting.