BOLTON PLANNING & ZONING COMMISSION
Regular Meeting
7:30 p.m., Wednesday, November 18, 2020
Virtual Meeting Utilizing Zoom
Minutes & Motions

Members Present: Chairman Adam Teller, Vice Chairman James Cropley, Christopher Davey (arrived 7:57 p.m.), Benjamin Davies, Arlene Fiano, Thomas Manning, Thomas Robbins and Alternates Jeremy Flick (arrived 7:38 p.m.), Rodney Fournier, Marilee Manning

Staff Present: Patrice Carson, AICP, Consulting Director of Community Development and Yvonne Filip, Recording Secretary

1. **Call to Order:** Chairman A. Teller called the meeting to order at 7:33 p.m. A. Teller seated M. Manning for Davey.

2. Approval of Minutes: October 14, 2020 Regular Meeting Minutes
Corrections:

- Page 3 - strike the first paragraph.
- Page 3, discussion, fifth sentence – change "this building" to "the NRMC".

J. Cropley moved to approve the minutes of the October 14, 2020 regular meeting as amended. **A. Fiano seconded.** Vote: 6-0-1 (Davies). Motion passed.

3. Public Hearings (begin at 7:45 p.m.)
a. Application: Special Permit Application: Proposed Garage/Office Building, Excavation Business, Equipment Storage & Material Processing Areas, 1 Notch Road, William Phillips (#PL-20-12) – Request to Continue Public Hearing to December 9, 2020
P. Carson noted the legal notice to continue the public hearing from October 14th until this evening was posted on the town website on October 28, 2020.

Applicant Bill Phillips was present. A. Teller confirmed with the applicant that the applicant's attorney asked that the public hearing be continued at B. Phillips' request and the applicant waives any time limitation that might be needed to extend the hearing.

P. Carson is waiting for a narrative that describes the business and what they plan to do there – such as the operating hours, number of employees, types of materials that will be stockpiled. B. Phillips said that is almost completed. A. Teller would like the narrative and noted the application copy that he has is not signed on behalf of the property owner. It is only signed by the applicant. He did not see anything in the application packet that indicates the owner consents to the application. Staff said there was something submitted and is in the online record. It was signed by the owner Manchester Medical Supply, Inc.

Audience of Citizens:
Ron Beaudoin – Asked if there is a way to get onto the Zoom meeting? Staff thought this was sent to him via email. Beaudoin received information on how to connect only through the phone. Staff confirmed the Zoom link was not on the agenda and it is not on the website.

A. Teller asked how people get the link? Staff replied they have to request it through the office and it is sent out to those expressing interest and is also sent to the applicants and their professionals. A. Teller asked since that information is not on the agenda or the website how would they know the procedure? Staff said there is a statement saying to contact the Land Use department if you require additional accommodations. It used to be posted to the website and the Administrative Officer did not think that was a good idea because of Zoom bombing. A. Teller did not agree with that. This is the PZC agenda and the PZC can do what they want with it. S. Pierog said it was the First Selectman that said no Zoom identification will be published for any meeting to the public unless they request it. That was done in conjunction with the Governor's legal counsel because of the issues with Zoom bombing. S. Pierog does not have an issue with instructions being put on the agenda to call the Land Use department for the Zoom information. Department staff will verify the legality and the residency of those trying to access the Zoom meetings. They will never be published on the website again. A. Teller said he thinks the agenda needs to tell the public they can get the Zoom information.

R. Beaudoin now sees where the link is but it does not say Zoom, just online. It would help if the agenda said Zoom anywhere. A. Teller said the next meeting will be December 9.

T. Manning moved to continue the public hearing on William Phillips' Special Permit Application #PL-20-12 for a Proposed Garage/Office Building, Excavation Business, Equipment Storage & Material Processing Areas at 1 Notch Road, to Wednesday, December 9, 2020, via Zoom at 7:45 p.m. as requested by the applicant using the Governor's Executive Order extension to continue. **J. Cropley seconded.** A. Teller noted C. Davey would not be voting on this matter as someone had been seated in his place when the hearing began. Vote: 7-0-0. Motion passed.

A.Teller noted that C. Davey is present and M. Manning is no longer seated.

4. Resident's Forum (Public Comment for items NOT on the agenda): There were none.

5. Staff Reports:
P. Carson said that J. Rupert reported they were in court last week on the wetlands matter for Mr. Gramegma's property; it is not known when the zoning matter will come up.

6. Old Business:
a. Discussion/Possible Decision: Special Permit Application: Proposed Garage/Office Building, Excavation Business, Equipment Storage & Material Processing Areas, 1 Notch Road, William Phillips (#PL-20-12)
There was no further action on this agenda item since the public hearing was continued.

b. Discussion of Accessory Dwelling Units/Living space
P. Carson compiled regulations that were sent out with the packet. T. Manning noticed there were two basic ways of how towns approached ADUs. One was it all has to be in one building and the other approach gave four or five choices, such as an addition or accessory building. Almost all require that the owner of the property occupy one of the buildings. P. Carson said Bolton currently allows this in an attached building. The model the State is trying to put forward would allow ADUs in an attached or detached building. The key is that the owner remains on site in the main building and can have a unit for rent to anyone. T. Manning would like Bolton to broaden the physical possibilities; he would like to look at how we can do that in town. P.

Carson sent regulations from Hebron, Killingly, Mansfield, Old Saybrook, and Tolland which are towns like Bolton with little or no sewer or public water.

A. Teller asked what is the purpose of requiring that the owner reside on the property? Currently, the owner of a house in town can rent it out. Both sides of a two-family house can be rented without the owner living there. P. Carson said it helps to have ownership in the property so there is more oversight. This is a use as-of-right instead something that is allowed by special permit. Why require it for an accessory building? C. Davey said maybe this is a way to get two houses on a lot without having to divide that lot. A. Teller said that is the purpose of severe limitation on the size of the accessory dwelling. Two-family homes are allowed under a different regulation. They may not be allowed in all zones. The difference is that two-family homes can have separate owners. A. Teller suggested going through a checklist saying what we are designing and its purpose. The purpose of the regulation that accessory units having an interior door was intended for someone who is a service worker for the family or a family member. There may not be the need of having an interior door in the regulations. Are we doing this to expand housing choices and give people more options or are we doing it because we want to incentivize a particular option? P. Carson said the State's aim is the expansion of rental units; it is an expansion of a smaller, more affordable rental-type unit and the model is to include having the owner on site. What is it that we think requiring the owner to reside on the property does other than the property being better kept? Are these real or imagined issues? T. Manning comes from the Staff and experience in enforcement. He would like to see a set of changes to the Bolton regulations coming from Staff that the PZC can look at and discuss all of these issues. A. Teller does not see the functional purpose of having these properties to be owner-occupied. T. Manning's preferences is to regulate things that are physical such as measurements. A. Teller generally agrees. The regulation we have now had a different, more narrow purpose than affordable housing. The idea is to allow one, smaller rental space in addition to the primary house. Most of the regulations have a minimum/maximum size and be of a certain percentage of the main building. There are other things Desegregate CT wants to do besides this. This is a low hanging fruit. There is one house per lot zoning in Bolton per P. Carson with much of that being based on health code. The sample regulations they are careful to say when you add an accessory building it has to fit into a single-family neighborhood. The whole idea is to provide a lower cost rental housing market. C. Davey said a starting point could be we wouldn't want to allow anything that would disrupt the existing character of Bolton neighborhoods. A. Teller agrees. R. Fournier asked if you could use the number of cars or the number of bedrooms which is driven by the septic system? Or regulating things that are practical and easy to enforce like the number of bedrooms and the size of the accessory building compared to the main building. A. Teller said owner occupied doesn't have a clear relationship to the quality of the housing.

The consensus of the PZC is to have Staff draft a proposed ADU regulation for the agenda in January. P. Carson would like to email what Staff drafts and have each Member provide comments or questions back to Staff prior to the January meeting.

c. Other: There was none.

7. New Business

a. Election of Officers

According to the Town Clerk because there has been an election we have to elect officers for the coming term.

T. Manning moved to elect A. Teller for Chairman and J. Cropley for Vice Chairman and Secretary. C. Davey seconded. There were no other nominations. J. Cropley accepts the nomination. A. Teller accepts the nomination. Vote for Chairperson: 6-0-1 (Teller). Motion passed. Vote for Vice Chairperson and Secretary: 6-0-1 (Cropley). Motion passed.

b. Discussion/Possible Decision: FY 2021/22 Budget

P. Carson and J. Rupert have been asked to hold a flat budget. The same budget has been presented for the last four to five years. Last year money was transferred into a new PZC line item for advertising the legal notices. Since July 1 PZC has not spent any of that money due to the quarantine. PZC has spent money in payroll for paying the recording secretaries. It was J. Rupert's suggestion we present the budget the same as last year assuming we will be coming out of quarantine maybe before the end of the budget year. Office operations expenses have not be used to date. P. Carson said there will be a requirement for training for the Commission members. That would be covered under the Dues & Fees. The Charter Revision Committee has been talking about making this body appointed rather than elected.

The budget narrative was reviewed. P. Carson and J. Rupert will complete the narrative and have the PZC review it before submittal. By consensus the PZC will go flat on the budget categories and review the narrative at the December meeting.

c. Other: There was none.

8. Correspondence

A letter from the Town of Manchester regarding a zoning regulation amendment hearing they will be having was received and included in the packet.

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

There has been further discussion. They have been holding a Thursday hour-long discussion based on climate change. There is not anything yet for the PZC to react to.

9. Adjournment:

A. Teller adjourned the *virtual* meeting at 9:02 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.

From: Tom Fiorentino [mailto:tsf@pfwlaw.com]
Sent: Tuesday, December 01, 2020 4:37 PM
To: Carson, Patrice <pcarson@boltonct.org>; 'Andrew Bushnell' <abushnell@bushnellassociatesllc.com>; 'Bill Philips' <Bill@landieconstruction.com>; Rupert, Jim <jrupert@boltonct.org>; 'jdillon@nlja.com' <jdillon@nlja.com>; Kelly, Barbara <bkelly@boltonct.org>; 'Barbara Kelly (kelly10@snet.net)' <kelly10@snet.net>; 'Thad King (KingTD@ehhd.org)' <KingTD@ehhd.org>
Subject: RE: P & Z Public Hearing Special Permit Application #PL-20-12- LETTER FROM NEIGHBORS SUBMITTED FOR THE RECORD

Dear Patrice:

Bill Phillips has had an opportunity to review the written concerns as expressed by the neighbors. In an effort to address some of these concerns, Bill has instructed Andrew Bushnell to make changes to the site plan. The proposed changes shall require Wetlands review and approval. I do not believe that Bill/Andrew will have sufficient time to change the plans and submit those plans for Wetlands review prior to the scheduled date of December 9.

As such, I am respectfully requesting another extension. I would greatly appreciate if the hearing on this application could be continued to the January meeting date.

Thank you for your consideration.

Tom Fiorentino

Thomas S. Fiorentino
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From: Edward Laplant [mailto:alburtt@gmail.com]
Sent: Friday, December 04, 2020 1:14 PM
To: Carson, Patrice <pcarson@boltonct.org>; Jane Scopino <jmscopino@gmail.com>; Denise McLennon <d.mmclennon@gmail.com>; Edward LaPlant <alburtt@gmail.com>; Pierog, Sandra <spierog@boltonct.org>
Subject: Proposed use of the old Quarry on Notch Rd

I just realized that time has gone by since Skyler Frazer's article appeared in the Journal Inquirer regarding an application to the Bolton PZC for the reopening of the old quarry. Like Mr Beaudoin who resides on Cook Dr, I, my husband and our neighbors on Golf Lane and Fairway Dr, are very concerned about the noise and air pollution which would definitely occur not only from potential blasting and heavy equipment but also the din from the heavy equipment and trucks coming up and down Notch Rd. It would be like living next to a fracking operation.

Our home is directly on Notch Rd and as it is, the noise from the heavy traffic patterns and the un-checked speed at which people travel, making it dangerous to walk, will now include that business's equipment. This could easily have a negative impact on our property values, something that affects all the many residences along this road.

In addition, like everyone in Bolton, we have a well and are very concerned about the Aquifer in our area. If there was a problem with groundwater the value of our home would be worthless.

I need to know how to access the PZC meeting on December 8th which I realize will be virtual. Do I need to ask to be on the agenda or will it be an open forum?

Thank you in advance

Edward LaPlant and Martine Skoog
58 Fairway Dr, Bolton ct