

BOLTON PLANNING & ZONING COMMISSION
Regular Meeting
7:30 p.m., Wednesday, February 12, 2020
Bolton Town Hall, 222 Bolton Center Road
Minutes & Motions

Members Present: Chairman Adam Teller, Arlene Fiano, Thomas Manning, Thomas Robbins and Alternates Jeremy Flick, Rodney Fournier and Marilee Manning

Members Excused: James Copley, Christopher Davey, 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. Ms. Manning was seated for C. Davey; R. Fournier was seated for B. Davies; J. Flick was seated for J. Copley.

2. Approval of Minutes: January 8, 2020 Regular Meeting Minutes

R. Fournier moved to approve the minutes of the January 8, 2020 regular meeting as presented. **A. Fiano seconded.** Vote: 7-0-0. Motion passed.

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

4. Staff Reports:

J. Rupert reported:

- The first application (#PL-20-1) using the online system is in process. Staff is working through the system and the public is finding the process an easy one. Staff seems pleased with the system.
- Two administrative zoning applications were processed: one for a 24' x 24' slab on Steeles Crossing Road; the other for propane tanks at 837 Boston Turnpike.
- J. Rupert and P. Carson have met with Atty. Steve Penny regarding the Lyndale Stand property. An application (possibly to amend the regulations) for the property is expected in the near future.

P. Carson added printed applications from the online system look very different from the previous form.

A. Teller asked if there is a place for an electronic signature. While there is an electronic signature line, PZC and Inland Wetlands Commission requires an owner's signature who may not always be the applicant. Staff is working through a process of having a letter with a notarized signature submitted that will be scanned and added to the file. A. Teller thinks a "wet" signature is needed, especially for an application that will generate a public hearing or a decision by the PZC. A. Teller prefers the owner to download the face sheet, sign it, and then have it scanned and uploaded. This is important because the record has to be protected. Permits run with the land and may require enforcement years later. J. Rupert commented email communications on an application are automatically stored on the system and any staff member working on the application can see the communication strand. Needed reviews and sign offs, i.e., Fire Marshall, etc., are stored and viewable to anyone reviewing the application.

P. Carson reported Staff has been part of on-going discussions regarding solar on different buildings.

5. Old Business:

a. Other

A Teller reported the Charter Review Commission held their first meeting last night. There will be a public comment section on the agenda for each monthly meeting. These can be verbal or emailed comments. The Commission has, by statute, one year to create a report. There were some interesting comments at the public hearing, including a discussion on the form of government. P. Carson submitted a question about the required timeframe to elect the PZC officers which is at a time the Commission does

not normally meet. Also, people being on multiple commissions and conflicting meetings, but how that would get resolved where there are few people who volunteer and not having enough to go around.

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

Kevin Byam was present. K. Byam is the owner of 1239 Boston Turnpike. He is requesting an extension to complete the work because he has a lot of time and money in the property. This property is right on the town line when entering from Coventry. At the time of the approvals it was thought this would be a good fit for Bolton. The majority of the site work is done and ready for a foundation. He does have the property up for sale. The work completed gives it added value and there is a sewer lateral. This lot was a dumping ground for years that has been cleaned up and maintained. The drainage structure is in place. Because a building and parking lot have not been constructed the pond does not hold water year-round.

Members felt it not unfair to approve the extension given the investment made and the possibility of economic development at this approved site.

A. Teller moved to grant an extension of time until June 22, 2025 to complete all work in connection with approvals, and minor modifications of those approvals, granted for the property located at 1239 Boston Turnpike on June 22, 2011 and February 20, 2013, respectively, in accordance with Section 8-3 (m) of the Connecticut General Statutes, as amended. The approval on June 22, 2011 was granted to American Arborists, LLC and owner Kevin Byam to establish a commercial office and associated storage building, outside storage area, parking, and related improvements. The minor modifications on February 20, 2013 were granted to Kevin Byam of Arbor, Turf, and Gardens, LLC to change the size and design of the fire pond/storm water pond, and install a safety fence around the pond. **R. Fournier seconded.** Vote 7-0-0. Motion Passed.

b. Application: Modification of Special Permit to Allow Beer Sales, 262 Boston Turnpike, Tony Bonito (#PL-20-01)

Tony Bonito, the owner of the Shell station, was present. He has owned the station since 2004. With Cumberland Farms coming in he is doing what he can to keep sales up. The State Liquor Commission told him he has to get a permit from the Town before he can fill out a couple of forms that will allow beer sales. T. Bonito plans to get a couple of “reach in” coolers for the beer. This will be self-service and people will be carded as they are for cigarette sales. No construction is to be done. There are 42 security cameras in the store. Bolton Exxon, LLC owns the land; T&P Services, Bolton Shell owns the gas station; Bonito, LLC will be the beer seller. Mr. Bonito owns 100% of each entity.

J. Rupert reported after checking the regulations extensively he did not find anything prohibiting this. The gas station is in good standing with the Fire Marshall’s office after a couple of minor corrections were made. In speaking to the State Trooper on other matters this one did not surface. J. Rupert does not think it would be a concern as other places in Town sell liquor. This location is different in that it sells gas also. J. Rupert can pose the specific question to the Trooper.

T. Manning moved to approve Tony Bonito’s modification of Special Permit to add the sale of beer at 262 Boston Turnpike, application #PL-20-1, in accordance with Section 8A of the Bolton Zoning Regulations and State of Connecticut DCP Liquor Control Division Grocery Beer Liquor Permit. **T. Robbins seconded.** Vote 7-0-0. Motion Passed.

The gas station hours are 5:00 a.m. – 10:00 p.m. The coolers will have to be covered during the hours that liquor sales are not allowed.

c. Other: There was none.

7. Correspondence

a. FOI Training – Monday, February 24, 2020

FOI Training will take place at the Town Hall from 7:00-9:00 p.m. A. Teller plans to be here. Members were urged to attend the training session which is always informative. This training is optional and registration is not required. However, the organizer is asking for a count of people planning to attend.

b. CFPZA Annual Conference – March 26, 2020

Meeting to be held at the Aqua Turf. The presentation will be about affordable housing. There is funding available in the budget if any Members wish to attend. P. Carson would like to suggest Eric Lunta for a length of service award; he served on the PZC and was also Chairman for many years.

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

- Page 3-19: section 3A.21 is to be moved to section 3A.8.
- Section 3.A.22.: This is a general statement for any site plan or special permit. J. Rupert stated the regular form is used as the noted certificate of approval. This is recorded in the file; all approvals and modifications run with the land. Modifications approved by Staff have not increased the number of parking spaces. 1237 Boston Turnpike has run into a lot of ledge and will result in a minor modification once the engineer does the calculations. If the landscaping plan has to be changed, the minor modification request will have to be seen by PZC. Staff works diligently to create a trail of modifications in the record. This section as is works for Staff and for the applicants.
- Section 3.A.23.: The uses permitted by right are very limited. There is no section 9.B.1b – should that be 9B2b? Why not 9.A.2b – Gateway/Mixed zone – there is nothing allowed by right in this section which is why it is not included. An example used was if a parking requirement does not change and only interior changes are made to an existing structure for a new use a minor modification is not required. A. Teller commented that changing from one category of use to another category of use this section may not work as written. This section may need more work.
- 3.B.1.: This might be good enough as being in accordance with the State statutes, as amended. P. Carson will check the current statute.
- 3.B.1g: This section is changing with Subways and Dunkins' going into gas station/convenience stores. A. Teller asked why PZC has to say no seats, stools, or tables. Restrooms fall under the Health and Building codes. Item 3 – how is the ZEO going to monitor that there are enough people on duty? The attendant has to be able to see what is going on at the pumps. The Fire Marshal reviews the cameras on the back side of the pumps so the attendant can monitor all pumping stations.

A. Teller moved to approve a resolution to present a Certificate of Appreciation to Cathy Gudeahn, the Town's Land Use Secretary, in appreciation of her commitment and contributions to the Town of Bolton and as staff to the Planning & Zoning Commission from May 29, 2001 to February 29, 2020. **A. Fiano seconded.** Vote: 7-0-0. Motion passed.

Staff will present the certificate to Ms. Gudeahn. J. Rupert reporting a new hire for this position is starting on February 18, 2020.

9. Adjournment:

A. Teller adjourned the meeting at 8:54 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.