

BOLTON PLANNING & ZONING COMMISSION

Regular Meeting

7:30 p.m., Wednesday, May 13, 2020

Virtual Meeting Conducted via Zoom

Minutes & Motions

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

Members Excused: Jeremy Flick (alternate)

Staff Present: Patrice Carson, AICP, Consulting Director of Community Development, Jim Rupert, Zoning Enforcement Officer, and Yvonne Filip, Recording Secretary

1. **Call to Order:** Chairman A. Teller called the meeting (being conducted virtually through Zoom) to order at 7:37 p.m.

2. Approval of Minutes: April 1, 2020 Regular Meeting Minutes

J. Cropley moved to approve the minutes of the April 1, 2020 regular meeting as presented. **B. Davies seconded.** Vote: 7-0-0. Motion passed.

3. Residents' Forum:

Elizabeth Fahey, Andover resident, in partnership with Scott, are in the process of opening Bolton Pizza and wanted to discuss a walk-up window at 270 West Street for ice cream service. They received a notice about outdoor seating for the May 20th restaurant openings.

A.Teller indicated the items regarding the outdoor seating were put on the agenda for possible discussion. However, the Governor issued an executive order allowing zoning approvals for outdoor dining to be approved by the zoning official without a Commission vote. P. Carson added restaurateurs can be approved right away through the Zoning Enforcement Officer by submitting a site sketch and a narrative. The proposal must meet public health and fire codes. Unless the business owner disagrees with what the ZEO asks for, the PZC will not be involved.

P. Carson will send out a guideline to Bolton restaurant owners explaining the Executive Order and the process to be followed.

Asim of A Villa Louisa has an event venue, not an a la carte restaurant. Can he put a tent outside and hold events there? J. Rupert stated tents are permitted depending on the size and they must meet building and fire codes. The executive order has nothing to do with events; events are not permitted, it is specific to outdoor dining. Social distancing is still required and gatherings of more than five people are prohibited except for religious gatherings. Asim asked what the difference is between having a shower for 30 people or having 30 people on site for a la carte service? He understands smaller events would be required to space people out. P. Carson feels it does not matter if people are there for the same event. As long as the seating arrangement is spaced apart per the Executive Order and the health and fire codes are met, the ZEO can review and approve the proposal. Can you have a band? No. You can serve alcohol as long as there is food. P. Carson will bring the question to Rob Miller, Director of Health, about an event versus outdoor dining. J. Cropley stated the way he read the order is they could do that as long as the tables are spaced for appropriate social distancing as explained by P. Carson.

Asim could set up his parking lot with every other space being empty and bring food to the cars, almost like tailgating without the mingling; more like car hops. P. Carson replied she will have answers for

these specific questions on Friday. She suggested Asim send a narrative and sketch of how he plans on using the parking lot to J. Rupert in the meantime. There is a required ten-day turnaround with approval unless there are questions back to the owner.

Asim asked about property taxes. While extending the deadline until October is great, the events previously scheduled are being cancelled for the year with 40% fewer than last year. S. Pierog contributed to the meeting saying every taxpayer has been afforded the right to postpone paying taxes without interest and penalty until October 1, 2020. However, any unpaid balance at that time will be subject to interest from July 1. Asim added his taxes are ~\$30,000 if he has any portion unpaid after October 1, the back interest will put him further into the hole.

4. Staff Reports:

J. Rupert reported:

Activity has increased since his last report. There have been administrative zoning reviews for decks, pools, sheds, and other small structures. Business has picked up. 65 Shoddy Mill Road is the only enforcement issue right now.

P. Carson reported:

She has been busy with requests for certain things, working on Sustainable CT, and the issue with restaurants reopening for May 20th. J. Cropley asked if restaurants want to open and the ZEO does not approve their proposal will the owners have to wait until the June PZC meeting? P. Carson replied yes, they would have to wait if the owner wants to appeal the ZEO's request for additional information.

The online permitting system is up and running and is very robust. J. Rupert stated we are adding dog licensing to the system as an option for those unable to come to Town Hall or don't want to use the mail. We are also looking at adding bulky waste and transfer station permits. This system has been invaluable during the pandemic as we have continued to operate seamlessly. The formatting of applications for the PZC continues to be worked on by P. Carson.

5. Old Business:

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

6. New Business

a. **Discussion/Possible Decision: Accelerated Temporary Emergency Site Plan Review to Allow Outdoor Dining/Restaurant Seating for Existing Restaurants**

- i. Georgina's, 275 Boston Turnpike
- ii. Park Side, 270 West Street

A.Teller stated this item is obsolete and PZC is not taking action per the Executive Order.

b. **Discussion/Possible Decision: Enactment of a Temporary Emergency General Zoning Permit for Modification of Existing Site Plans for Outdoor Dining/Restaurant Seating and/or to Authorize Land Use Staff to Approve Temporary Emergency Site Plans for Outdoor Dining/Restaurant Seating for Existing Restaurant Uses**

A.Teller stated this item is obsolete and PZC is not taking action per the Executive Order.

c. 8-24 Referral – Fire Department Storage Building

P. Carson stated this is a referral from the Board of Selectman. Chief Bruce Dixon and Sandra Pierog are on the call.

Chief Dixon explained the fire department is requesting a new storage building to assist with overcrowding. The Administrative Officer sent a letter to the PZC with details. The shed will be 40' x

14' with three doors. The first proposed location would be on hard pavement with all three doors accessible. Traffic patterns would not be obscured and the tree will remain. The second location option is in the training area but that takes away from the training space and only two doors could be used. In addition, the training area needs 12" of gravel before being paved. If the building is located there it would have to be moved during this work.

T. Manning is agreeable to location one and suggests the building not be white; a colonial red would be perfect. The Chief agrees. J. Cropley also thinks location one is the best option.

S. Pierog added this item was in next year's budget, but it is being accelerated to come out of this year's budget. This was discussed at the Capital Acquisition and Advisory Board and approval was granted to move forward. Chief Dixon is looking at the options of a site build or prefabricated building. On site build with take 5-6 weeks and the fire department is looking at financial constraints of having this completed this budget year. It likely will be manufactured off-site and set on 4 x 4 skids. They do not anticipate putting electricity to the storage building.

Motion: T. Manning moved that, in accordance with Section 8-24 Municipal Improvements of the Connecticut General Statutes, the Bolton Planning and Zoning Commission has reviewed the request by the Board of Selectmen for the Fire Department Storage Building and recommends to the town approval of this proposal as presented. The project is consistent with the POCD, and the Planning and Zoning Commission recommends acceptance of the same to the Board of Selectmen. **J. Cropley seconded.** Vote 7-0-0. Motion passed.

d. Other: There was none.

7. Correspondence:

T. Manning stated the referral from CRCOG regarding the update to Coventry's POCD was sent via email. This is consistent with what Bolton is doing. Comments to CRCOG are due by May 15, 2020.

8. Adjournment:

J. Cropley moved to adjourn the *virtual* meeting at 8:37 p.m. **B. Davies seconded.** Vote: 7-0-0. Motion Passed.

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.