

Bolton Planning & Zoning Commission
Regular Meeting
7:30 p.m., Wednesday, August 12, 2020
Virtual Meeting Utilizing Zoom
Minutes and Motions

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

Members Excused: Benjamin Davies and Jeremy Flick (Alternate)

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, Eric Waskey, and James Waskey

1. Call to Order: Chairman A. Teller called the meeting to order at 7: 32 p.m. R. Fournier was seated for B. Davies.

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

Suggested Amendments:

- **Under Member's Excused:** Marilee Manning (Alternate) was present at the meeting
- **Under 4:** In third line of the second paragraph, amend "owner is excited to getting into the new space" to "get into the new space"
- **Under 5a:** In the last line of the first paragraph, amend "build fending and putting in some additional gravel parking area" to "build fencing and put in some additional gravel parking area."
- **Under 6a:** In the first sentence, amend "This does not need a public hearing." to "Regulations do not require a Public Hearing but the Planning and Zoning Commission reserves the right to hold one if the Town of Andover does not."
- **Under 7:** At the end of the sixth sentence in the second paragraph, amend "developer still need" to "developer still needs"

C. Davey moved to approve the minutes as amended. **J. Cropley seconded.** The motion passed unanimously 7:0:0.

3. Resident's Forum (Public Comment for items *NOT* on the agenda): No comments from the public

4. Staff Reports

J. Rupert stated that there have been more complaints recently. Some are valid concerns that do not fall under the responsibility of Planning and Zoning and they have been referred to other authorities.

Construction activity remains about the same. A partial CO has been issued for Able Coil. They will be moving in to their new building soon. Productivity will be a concern when their equipment is in transit. Permits for decks, sheds and swimming pools have been plentiful.

Attorney Penny who is representing the owner of the Lyndale Stand has hired a wetlands expert and expects to get back to the town shortly.

P. Carson noted that the Sustainable CT certification deadline is next week.

5. Old Business

a. Discussion/Possible Decision: Request to Withdraw Without Prejudice Special Permit Application for Proposed Garage/Office Building, Equipment Storage Area and Material Processing Area, 1 Notch Road, William Phillips (#PL-20-9)

Mr. Phillips requested a withdrawal of his special permit application without prejudice or additional cost and will restart the process after his engineers have submitted their report. A wetlands permit has been approved with conditions. He would expect the application will be ready to be reviewed at the next Planning and Zoning Commission meeting on September 9, 2020.

A. Teller moved to approve William Phillips' request to withdraw his special permit application #PL-20-9 without prejudice and waive application fees as long as the application is processed by December 31, 2020. **R. Fournier seconded.** The motion passed unanimously 7:0:0

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

Gerald Hardisty of CES (Civil Engineering Services, LLC) representing the applicant spoke about the application. A revision will be made to the original drawing which will entail rotating the proposed house clockwise so that it will fit between the required 100 foot setbacks. Andover subdivision regulations require 100 feet of upland review area. A subdivision plan has to be filed in both Andover and Bolton. Mr. Hardisty wants to submit one plan that towns will approve.

P. Carson noted that Andover will be having a public hearing on this matter. Because of this it was the consensus of the commission that a public hearing will not be necessary in Bolton.

P. Carson noted there were two open issues, one is the approval of the driveway sightline. Mr. Hardisty replied that the sightlines are good and are better than many of the driveways on Webster Lane. P. Carson noted the second open issue is that a fee is required in lieu of open space. An appraiser will be necessary. A. Teller suggested that Mr. Hardisty submit three choices and the commission will pick one. The appraisal should be done before the next meeting. The discussion will be carried over to September. No action was taken.

(Defer 5c to later in the agenda)

c. Discussion on Extension of Outdoor Dining/Retail Beyond Governor's Executive Order

P. Carson noted that no complaints or nuisances have been reported at the four restaurants that currently offer outdoor dining: Georgina's, A Villa Louisa, Subway and Parkside Pizza. A. Teller stated that none of the businesses have been problematic and they are operating under real hardship. It would be good to be proactive and extend the deadline beyond the current expiration of September 9, 2020. His recommendation is to amend the zoning regulations as suggested. The ZEO needs the authority to suspend or terminate the extension as circumstances change.

P. Carson noted that the governor does not have the authority to extend his Executive Order; he would have to reissue it. The town should have something at the ready to act in an emergency situation where there is no risk to health or safety.

C. Davey noted that it is not uncommon to have warm weather in December or January and he wouldn't be surprised if social distancing goes into the spring or summer of 2021. Perhaps outdoor dining should be allowed as a permanent option. J. Rupert noted that Georgina's has been approved for outdoor dining on their patio. A. Teller responded that the regulations could be amended as the COVID conditions change. Outdoor dining could be revived in the spring if social distancing is still required.

J. Cropley posed a question to J. Rupert asking if there was no social distancing due to COVID would restaurants be allowed to operate as they are now. J. Rupert replied that Georgina's is the only restaurant

using parking area for outdoor seating but with reduced indoor seating, the loss of parking is not an issue. Parking may be an issue if indoor capacity increases. Subway is using a covered walkway not the parking lot. Parkside Pizza use picnic tables on the lawn. Villa Louisa already has outdoor seating on their patio.

The proposed regulation amendment reads:

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, shall be permitted to operate until November 30, 2020, 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, 2020 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 this extension upon a finding that weather or other change of conditions at a particular site constitute a nuisance or a risk to health and safety. The ZEO, with the concurrence of the fire marshal and public health authorities, shall be authorized to grant a further extension for no longer than fourteen (14) days for a particular site under the same conditions and limitations as the original authorization, if he is satisfied that the extension will not constitute a nuisance or a risk to health or safety.

A. Teller moved that the Planning and Zoning Commission hold a **Public Hearing on Wednesday, September 9, 2020, at 7:45 p.m. via Zoom** to amend the Zoning Regulations to include the possibility of extending outdoor dining operations into December or January, weather permitting, and possibly reviving outdoor dining without a regulation change in spring 2021. **T. Manning seconded.** The motion passed unanimously 7:0:0.

6. New Business

a. Informal Discussion: Development of 1 Notch Road, William Phillips

Andrew Bushnell of Bushnell Associates in Manchester presented the plans. This property is also known as 17 Wall Street. It is an old quarry site. When operations were ceased, the site was not handled as it should have been. A manmade wetland has formed in the middle of the parcel caused by the quarry operators. Stockpiles of materials including concrete, blacktop and asphalt will be stored as part of a construction business. There will also be a material processing area that will include a crushing unit to make an aggregate product. A garage and storage buildings are also proposed. The site is surrounded by chain link fence. Conditions for approval include maintenance and spill response plans.

A concrete pad from the old quarry will be removed. The area below will be filled with existing material. There is a proposed relocation of the driveway which will allow for easier movement of trucks and other construction equipment. The old driveway will be filled in with shrubs.

Discussions have been ongoing with Lance Dimock regarding catch basins. Currently the water has nowhere to go and there is an unstable base. The swale will be reestablished to send water towards a catch basin and on to enhanced wetlands. That area will be preserved with plantings to enhance it where possible. Two existing plastic pipes that drain offsite will be maintained.

Plans are still in progress for a stone berm (that will be recessed in a swale) proposed at the edge of Notch Road for filtration. This will catch sediment. A grass buffer is planned along the road to also catch sediment. A substantial increase in storm water is not anticipated. Two 1,500 gallon cisterns are proposed to collect storm water. The water will be used for dust control on the site. The billboard will be removed as the permit was not renewed.

A. Teller questioned if the State's proposed change to that corridor will be an issue. The exit to Notch Road from Route 384 will be reworked. P. Carson noted that the State has a plan that they are pursuing to fix that intersection and the highway as a whole. A. Teller said that the Planning and Zoning Commission could support Notch Road exiting onto 384 in a way that makes it more user friendly for this site.

M. Manning asked about the possibility of petroleum leaching out of the asphalt that will be stored on the property. Mr. Bushnell noted that the petroleum is bound into the asphalt and does not leach out as hazardous waste. The grass barrier strip would absorb it if it happened.

A. Teller asked about the type of equipment that would be on the property. Mr. Phillips said that there would be dump trucks, low beds, bulldozers, etc. The equipment would not exit onto 384. Notch Road would be used. A. Teller questioned the noise level but Mr. Phillips stated that it would not be any noisier than other trucks. The start time of his operation is 7:00 a.m. The site is zoned as Industrial.

J. Rupert has no issue with the application. He and P. Carson have been working with Mr. Phillips who is trying to lessen his presence on Clark Road by moving to the Notch Road location. It will be a good use of the site. P. Carson noted that a public hearing will be required.

A. Teller stated that the commission is not hostile to Mr. Phillips application but he should be aware of possible noise concerns. And if the billboard will be taken down, add that to the application.

b. Informal Discussion: Change of Use to use 96 Notch Road by a church as an extension of the church to be used for small break-out gatherings for prayer typically on Sunday mornings and Monday evenings and additional gatherings as required.

Andrew Bushnell and James and Eric Waskey were on the call to speak on this matter. A site plan was presented for 96 Notch Road at the corner of Schoolhouse Road (not a public road). The lot is about .65 acres. The site will be used as a small gathering place for church for up to 50 people.

Parking will be necessary including a handicapped space with ramp access to the building. Paver bricks, drive-over grass or permeable pavers may be used instead of asphalt. Storm water management is still being addressed. The parking area will not be used extensively. Mr. Bushnell is aware of the landscaping requirements for parking lots and the handicap parking spot can be shielded. The location of the septic system is a concern. The house on the site will be renovated cosmetically. A. Teller would prefer the handicap parking space not be in front of the building but there is no other viable option.

R. Fournier asked about operating hours. James Waskey replied that there would mainly be prayer session meetings on Monday evenings at 6:00 p.m. or 7:00 p.m. and perhaps Sunday morning meetings for Bible study. There is no other regular planned use.

R. Fournier asked about site lighting. Mr. Waskey noted that they would typically meet during daylight hours so illumination would not be needed every night. J. Rupert said that lighting could be on a timer for parking lot safety. The regulations require a lighting diagram. There are trees on the sight which would block lighting from the street. Mr. Bushnell agreed that lighting would have to be on sight but that not many would be needed. J. Rupert said that maybe one or two lights could be affixed to the building instead of using pole lights. That would be less obtrusive.

J. Cropley asked if an area is needed for a second leach field. Mr. Bushnell replied no; although the use is changing, the flow will not increase, however the plan will show a reserve are.

A. Teller asked if the outdoor area would be covered and how fifty people would fit in the house. Mr. Waskey replied that there are typically 30-35 people. J. Rupert stated that this would be a change of use. The floor may have to be shored up and the entrance has to be wide enough. The bathroom will be handicap accessible. No one will be living in the house.

J. Cropley asked if overflow parking would be on Schoolhouse Road. J. Rupert noted that there is a municipal building next door where parking would be available. There was a question as to who would maintain that lot in the winter. Mr. Waskey said that they don't anticipate the need for offsite parking.

c. Sustainable CT Action 8.1.1 Housing Needs Assessment Worksheets Questions & Discussion

P. Carson discussed the Housing Data Profile. There are many statistics about housing, income, ethnicity and other demographic indicators in Bolton and in comparison to other towns and the State. The grand list has fallen. Most towns have also seen a decrease in their property values. The median income in Bolton is \$97,019. Homeowners generally have a higher income than renters.

The school-age population in Bolton is projected to decrease while there is a predicted increase in the over age 65 population. The median income is consistent with other surrounding towns. The population is 91% white which is also the same as the surrounding towns. Although the State as a whole is becoming more diverse, Bolton is not.

The current housing stock appears affordable for Bolton's age demographics. Current zoning regulations allow for accessory units within existing dwellings which may be helpful for an aging population. Housing diversity is an area that could be improved. Most are single family homes. There are a limited number of multiple family homes and there are a few mobile homes. The lack of utilities (water and sewer) is a concern along with a lack of services in town (grocery store, bank, pharmacy, etc.). Affordable housing is also a concern. There are currently 20 assisted units in town. Two areas with the potential for senior housing, apartments or condos are the drive-in and Cider Mill properties. There would be easy access to a commuter lot with bus service to Hartford and walking trails for recreation.

The Commission reviewed the Housing Worksheet answers and approved them with a few additional suggestions.

7. Correspondence

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

P. Carson stated that she and T. Manning attended the presentation on housing last Tuesday. There is still work to be done before the report is presented to the legislature. Ms. Carson will send out a reminder on Monday if folks would like to listen in to the next meeting. T. Manning contacted Robin Green and Steve Cassano asking if they would put this on the special session agenda. No response was received.

8. Adjournment:

A. Teller moved to adjourn the *virtual* meeting at 9:36 p.m. **J. Cropley 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.