

BOLTON PLANNING & ZONING COMMISSION
Regular Meeting
7:30 p.m., Wednesday, January 13, 2021
Virtual Meeting
Minutes & Motions

Members Present: Chairman Adam Teller, Christopher Davey, Benjamin Davies, Arlene Fiano, Thomas Robbins, T. Manning, and Alternates Rodney Fournier, Marilee Manning, Jeremy Flick (arrived 7:42 p.m.)

Members Excused: Vice Chairman James Cropley

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

Others Present: Denise McLennon, Bill Phillips, Jon Mancini, Steven Penny, Sandra Pierog

1. **Call to Order:** Chairman A. Teller called the meeting to order at 7:30 p.m. R. Fournier was seated for J. Cropley.

2. Approval of Minutes: December 9, 2020 Regular Meeting Minutes

Corrections:

Page 1 – move from Members Excused to Members Present Jeremy Flick.

Page 1, item 3 – remove “Audience of Citizens” heading before “Ronald”.

Page 1, item 3, third paragraph – remove “be put on”.

Page 1, item 4, second sentence – change “asked” to “raised”.

Page 4, third paragraph – change “IWA” to IWC”.

Page 4, third paragraph, first sentence – change to “T. Manning reported the CRCOG meeting included a presentation by Desegregate CT.”.

T. Manning moved to approve the minutes of the December 9, 2020 regular meeting as amended. **R. Fournier 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 Withdraw and Reserve the Right to Re-file in the Future

Chairman Teller opened the public hearing at 7:46 p.m. Bill Phillips was on the call. An email from the applicant’s attorney was sent requesting this application be withdrawn at this time. Bill Phillips said he had nothing to add to the email request. However, he does want to be able to come back and refile an application.

A. Teller said the process would be for the PZC to accept the request and close the public hearing. A. Teller called for discussion from the Commissioners about the request being withdrawn without prejudice. T. Manning said he sees no reason the applicant can’t refile; he recognizes this is a difficult location and intersection with very active neighbors. T. Manning feels the applicant needs additional time to make a full presentation in response to the concerns. C. Davey agreed and asked if there is a time limit to refile an application without prejudice? A. Teller said he does not know but does know if the request to refile without prejudice is denied, the applicant cannot file again for a year unless there are substantial differences in the application. R. Fournier agrees with T. Manning and thinks there should be no time limit on when they can refile.

Ronald Beaudoin – He would like to discuss several issues to be addressed before coming back with an application. He sees potential problems in the area.

A. Teller said this record will not be part of the new record if/when the application is refiled. A. Teller suggested Mr. Beaudoin present his concerns in bullet points to staff to be reviewed if another application is filed.

Mr. Beaudoin said there is quite a gap near the catch basin of the apartments, so much so that a small child could fall in. This needs more immediate attention. The apartment owner feels the Town is responsible and the Town thinks the owner is responsible. Some water comes from the quarry into this catch basin; it streams out of the wetlands, off the property, and across the road. P. Carson said the water coming off the quarry property will be looked at with a drainage study if a new application is filed. The catch basin seems to have an underlying issue that might be addressed between the apartment owner and the Town. A. Teller suggested making the Highway crew aware of the issue via email.

T. Manning moved to close the public hearing on Special Permit Application #PL-20-12. **C. Davey seconded.** Vote: 7-0-0. Motion passed.

4. Residents' Forum:

This item was taken up before the Public Hearing.

Jon Mancini, 11 Cook Drive – He is trying to look into getting the traffic light changed at the intersection of Routes 85 and 44 by the Mobil station. Mancini feels there should be a left turn signal for all directions, at least during rush hour, and thinks this would be safer. He has spoken to the Town and the State. Mr. Mancini has calls out to his representatives. Can the PZC provide assistance in this matter?

A. Teller said this is best directed to the First Selectman because the PZC has no role in this matter. P. Carson said these are both state roads; we can discuss it but it is a state decision. A. Teller said changes to traffic signals are based on accident rates. Mr. Mancini said there are accidents recorded there. The lights were changed last year. A. Teller referred Mr. Mancini to the Board of Selectmen.

5. Staff Reports: Staff had nothing new outside of items on the agenda.

6. Old Business:

a. Discussion/Possible Decision: Request to Withdraw Special Permit Application for Proposed Garage/Office Building, Excavation Business, Equipment Storage & Material Processing Areas, 1 Notch Road, William Phillips (#PL-20-12)

A. Teller moved to accept the withdrawal request for Special Permit #PL-20-12 without prejudice to refile. **T. Manning seconded.**

Discussion: P. Carson said in the “Planning world” withdrawals without prejudice means when the application is refiled the fee is waived – is that the intent of the motion? A. Teller is not in favor of waiving the fee when the application is refiled as P. Carson and J. Rupert have spent time on it and will again. P. Carson said the fee is in the range of \$300 - \$400. J. Rupert added he and P. Carson have spent that in terms of their time. If the fee is waived he would ask it not be allowed to extend beyond the current fiscal year. C. Davey asked if the application will come back substantially the same? C. Davey feels a waiver can be granted for a short period of time for refile if the changes are minimal. A. Fiano said we should allow the same period of time for refile without a fee as was done for Happy Town, LLC which was 90 days. P. Carson said the applicant would be subject to paying the State fee again.

Motion amendment: **A. Teller moved** to accept the withdrawal request for Special Permit #PL-20-12 without prejudice to refile. The applicant will pay the application fee if a new application is not refiled within 90 days. **T. Manning seconded.**

Discussion: P. Carson asked that an exact date for the refileing without a fee be stated in the motion. Ninety (90) days would be before April 10, 2021.

Motion amendment: **A. Teller moved** to accept the withdrawal request for Special Permit #PL-20-12 without prejudice to refile and with a waiver of the Town application fee provided the refileing is on or before April 10, 2021. **T. Manning seconded.** Vote: 7-0-0. Motion passed.

b. Discussion of Accessory Dwelling Units/Living Space

By consensus the PZC deferred items 6.b. and 6.c. to hear items 7.a. and 7.b. next.

This item was returned to after the New Business section.

T. Manning and A. Teller thanked P. Carson for the information provided. P. Carson said this is a basic draft. The legislature may come up with more requirements and a model. If Commissioners have comments/questions please contact P. Carson before the next meeting. A. Teller wonders what the rationale is in including the highlighted items. P. Carson said those are discussion items she did not want to lose track of. A. Teller noted owner occupation is being preserved.

c. Other: There was none.

7. New Business

a. Presentation/Discussion: UConn Senior Design Project/Proposal for Bolton Town Hall Expansion

Administrative Officer Joshua Kelly was present to talk about the project. P. Carson, J. Rupert, and J. Kelly have been working with four seniors from UConn on design concepts for Bolton Town Hall. There have been conversations with Town staff to understand their office space needs, site restrictions, ADA requirements, and other plans that have been developed in the past. The students were encouraged to bring organic and original expansion concepts that could be brought to an architect for more detailed plans. The three concepts being presented this evening represent one semester's worth of work. The options have been presented to the Board of Selectmen (BOS) and their preference has been given to the students. Input from the PZC will also be given to the students. The options show a basic footprint for each with each being two stories high. The next step for them is to prepare schematics showing how the office space will be laid out. This work is being provided to Bolton free of charge while allowing the students to have a real-life project to design. J. Kelly said one of the greatest challenges for Town Hall staff is that the Finance Department is ¼ - ½ mile away from Town Hall in the Notch Road Municipal Center. An Emergency Response Center is needed for the town to prepare for imminent storm threats and creating a peace of mind for an aware community.

The options include:

Alternative #1: The "Retrofit" is an addition off the back of the building. The addition of a driveway will be needed as well as a CT DEEP permit as the area of the addition provides housing for endangered species according to the Natural Diversity database.

Alternative #2: The "Seclusion" is suggested to be built behind the historic town hall with a courtyard or green space between the buildings. This option allows the historical aspect of Town Hall to be maintained. This option would be fully built in the wetlands requiring Army Corps of Engineers approval and the CT DEEP permit. Approval from the Army Corps may take more time.

Alternative #3: The “Expansion” is a more modern look than the other two options. The addition building would be connected to Town Hall via a walking bridge on the second floor to go over the existing driveway. This is likely to be the most expensive option but does allow for a little more flexibility than alternative #1.

The purpose of this presentation to the BOS was for input on which of the three alternatives the students should be honing their attention on. The BOS’s choice was for alternative #2. The BOS liked the fact that it could be built more to the liking of the town with the historic Town Hall maintained and preserved. The presentation shared this evening is to keep the PZC in the loop, keep the commission apprised of the project, and to hear more feedback that can be given to the students.

A. Fiano said that at the BOS meeting there was some discussion about placing the addition on the Prestredo property to the north to take the building out of the intermittent stream thereby removing the Army Corps of Engineers from being involved. J. Kelly said that is still an option to be discussed with the students when they return for the spring semester. That option might help the project, the timeline, and the environment. A. Fiano said moving it north would get it out of the wetlands and create a campus setting at Town Hall. Any monies saved could be used to put in the planned cistern, retention pond or other community amenities. This option would also save the view shed from Bolton Center Road to Heritage Farm.

A. Teller asked about the parking and public entrance to that building and how that would fit into the rest of the site. J. Kelly said that will vary depending on the final footprint. P. Carson said the current parking behind Town Hall would be in front of that building and could be straightened up a bit. J. Kelly said the discussion included the building not having to be C-shaped and being down gradient of the parking lot. The farther out of the wetlands the building is placed would make the location less desirable to the employees and the public. A. Teller expressed concern of people walking back and forth between the buildings in a parking lot that is a little tight. What is the practicality of putting it there rather than somewhere on the 12 acres Bolton has for development? A. Teller prefers a connected building, adding on to Town Hall, or starting new. Alternative #2 does not share parking or an entrance to Town Hall. P. Carson said this alternative would be a Town Hall Annex which many towns have and the current look from the street of Town Hall can be maintained. A. Teller said that can be done by sticking it on the back of the current building. What are the advantages of putting it there, attaching it to Town Hall, or putting it further away? J. Kelly said the BOS mentioned the annex concept. All town offices should be able to fit into such a building and to use the existing Town Hall for meetings. The BOS’ idea was to leave Town Hall as a meeting space and build a separate building to have full customization options. A. Teller asked why not build a new Town Hall that is not necessarily in wetlands, where there is no curb cut, or driveway? J. Kelly said those issues could be addressed if built in a new location. The direction of having the expansion near current Town Hall came because of the vibrant community study.

M. Manning asked how much land is available from the Prestredo property? A. Teller recalls it is ~12 acres but it is wet. J. Rupert said that is accurate.

T. Robbins asked about a price estimate? J. Kelly said that will come toward the end of the student’s work this semester.

C. Davey said government buildings and the employees should be more public facing. He wonders about a message being sent to have them hidden behind Town Hall. A. Teller said he visits many Town Halls and buildings and it is frustrating when they are in a campus setting without being able to find the correct office. It should be made clear from the street where one must go to carry out their business.

R. Fournier asked if this would allow room for voting or if provisions are being made for voting as parking for this is a big issue. Windows in the addition overlooking the farm would be the way to go.

T. Manning said the existing Town Hall already has the vaults for public records. A new building would create the need to recreate vault space and that is expensive. S. Pierog said the current vault space is inadequate; regardless of options vault space needs to be added. The BOS did talk about parking as well as parking issues at Heritage Farm. Some sort of parking could be developed to serve both with a walkway to the new building and the Farm. The roundabout at the back of Town Hall is not on town property. It is used by the church and access to their property has to be maintained. The Notch Road Center has to come down; maybe that is the right place for a new building. The BOS felt the Bolton Center Road plan would be more economical which taxpayers would appreciate and support. The BOS feels alternative #2 gives us something that works, is portable, is frugal, and is useful. Many people and functions currently sit in hallways in the Town Hall. This option would be a building of useable space, with windows, and would be safe and welcoming to meet the public without having to sit in a hallway.

J. Kelly said this discussion has provided valuable feedback for the students.

b. Special Permit Application for Nursery and Value Added Agricultural Business, 1225 Boston Turnpike, Happy Town LLC (#PL-20-13)

Attorney Steven Penny for the applicant, was present. P. Carson said this application is being received this evening and a public hearing set for the February meeting. The application was applied for before the end of the year as requested and includes a list of abutters, the checklist, and is a complete application.

Attorney Penny said this matter has to go before the Inland Wetlands Commission (IWC) at their January 26, 2021 meeting. His guess is that IWC will not require a public hearing. These are farm wetlands. A. Teller thinks the public hearing for PZC on February 10, 2021 will work.

A. Teller moved to receive Special Permit Application #PL-20-13 for Nursery and Value Added Agricultural Business at 1225 Boston Turnpike, Happy Town LLC and set a public hearing for February 10, 2021 at 7:45 p.m. via Zoom. **T. Manning seconded.** Vote: 7-0-0. Motion passed.

c. Other: There was none.

8. Correspondence

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

P. Carson reported there was a meeting for PZC Commissioners last week at which T. Manning was present. Most people at the meeting felt owner occupancy should be a requirement. The intent is not allowing Accessory Dwelling Units as AirBnBs; it is about housing, not vacationing. A. Teller said his concern is how enforcement of having the owner on site can be done and how owners could get around that requirement. P. Carson said that will be discussed as they move on with this matter.

T. Manning said this meeting was different from previous ones with a lot of push back in the chat window from people who were seeing this for the first time. A. Fiano asked why there was push back? T. Manning said it was mostly from people who were new to the meetings. P. Carson said there was also discussion about towns who don't want to be told how to do something they feel they are already handling well. Every town has its own rules in Connecticut. P. Carson said there was healthy discussion.

9. Adjournment: T. Manning moved to adjourn the meeting at 8:56 p.m. **T. Robbins seconded.**

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.