

BOLTON PLANNING & ZONING COMMISSION
Regular Meeting
7:30 p.m., Wednesday, June 9, 2021
Virtual Meeting utilizing Zoom
Minutes & Motions

Members Present: Chairman Adam Teller, Vice Chairman James Cropley, Christopher Davey (joined at 8:02 p.m.) Arlene Fiano, Tom Manning, Thomas Robbins and Alternates Marilee Manning and Rodney Fournier

Members Excused: Benjamin Davies, Alternate Jeremy Flick

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

Others Present: Michael Dion, Kimberly Masiuk, P.E., BL Companies, Matt Eucalitto, Garrett Homes, LLC, Sarah LeClerc, P.E. BL Companies, Mike Shepley, BL Companies, Douglas Grunert, BKA Architects

1. Call to Order: Chairman A. Teller called the meeting to order at 7:32 p.m.
A. Teller seated R. Fournier for B. Davies and M. Manning for C. Davey until his arrival.

2. Approval of Minutes: May 12, 2021 Regular Meeting Minutes

Corrections:

- Page 1, Others Present – add “Bill Phillips”.
- Page 4, fourth paragraph, fifth sentence, after the semi-colon – change to read “A. Teller asked if three business days is enough notice.”
- Page 5, second paragraph, fifth sentence – add “but is concerned” after “neighbors”.
- Page 6, Discussion, third sentence – change “reasonably” to “unreasonably”.
- Page 6, Discussion, sixteenth sentence – remove “to” after “document”.
- Page 6, Vote – add “as amended” after “passed”.
- Page 7, second paragraph – correct “Dillion” to “Dillon” throughout.
- Page 7, second paragraph, last sentence – change “review” to “reviewed”.
- Page 7, paragraph after the end of the motion – add “Discussion:” before “A. Teller”.

J. Cropley moved to approve the minutes of the May 12, 2021 regular meeting as amended. **A. Fiano seconded.** Vote: 6-0-1 (Fournier abstained). Motion passed.

3. Public Hearings (begin at 7:45 p.m.)

A. Continuation of Public Hearing: Special Permit Application: Proposed Retail Development, 1100 Boston Turnpike, Garrett Homes, LLC (#PL-21-5)

Kimberly Masiuk presented and began by apologizing if there was a miscommunication about the last meeting. The plans were changing and she felt it better to ask for the continuation.

The applicant is looking for the section of the property that is remaining from the dentist’s office. Lot 2 is being created in the rear and lot 3 is in the front and has the address of 1100 Boston Turnpike. Lot 3 is 1.8 acres with several easements needed including a sewer easement and drainage easement at the back. The driveway for the dentist’s office will become a common drive with an extension to serve lot 3. A master plan was done for the previous application for

lot 1. There is adequate space for a future building on lot 2 that will leave the wetlands untouched. The lot 2 view is conceptual. This applicant is looking for approval of lot 3. There is a 10-foot drop in elevation from the front to the back of the lot. Thirty-three parking spaces are provided with interior landscape islands and still allow truck turning movements. The proposed building will be 10,640 square feet in size. The presenters are under a non-disclosure to not share the name of the national retail facility that will be in this building. A traffic study was provided – 30 cars in/out in the peak hour on a weekday; 50 cars in the mid-day of a weekend. There will be bituminous paving and curbing and a sidewalk for circulation. A grading and drainage plan is shown. The roof will slope to the back with the roof leaders draining to the back and to the detention pond. This property is at the bottom of the watershed. The applicant is required by regulation to infiltrate the water runoff; the detention basin with an outlet is sized for a 100-year storm. An easement for drainage will be on lot 2. Utilities are readily available. The sanitary sewer line is on the green line on Boston Turnpike. Electricity will come from across the street to the transformers at the back of the building. A building of this size is not required to be sprinklered. There will be a well for domestic water. The landscaping plan is extensive and plantings are listed on the plan. The residential area to the left is already highly screened with the berm in place and this applicant will plant on top of the berm to provide more screening. There will be no lights on the back of the building. There will be three light poles with a bit of spillage on the front along the right-of-way and to lot 2.

Doug Grunert, BKA Architects, shared the proposed elevations. This will be a corner entry building with a tower element. The longer side of the building will be from the front to the back of the lot. Decorative gooseneck lighting is provided at the entrance on both sides. The western side of the building is viewable from Route 44. There will be a single slope roof with stormwater draining to horizontal gutters. The rooftop equipment will be screened. The tower element is shown on all four sides.

C.Davey joined at 8:02 p.m.

Matt Eucalitto thanked everyone for hearing us tonight. P. Carson said staff have been working with the applicant for a couple of months. The applicant has been very responsive to questions and concerns. The drainage easement on lot 2 must be placed on the plan so that whomever buys that lot will be aware it is there. This is where water naturally flows. Bonds for site improvements and erosion controls are part of the suggested motion conditions. PZC should be comparing the design guidelines for this area with the proposed building character. From staff's point of view there is nothing proposed on the residential side of the building, such as actual windows, that is not already present, the break-up of the building siding treatment is better than having one continuous piece, and staff feels the building design fits in with the dentist property.

R. Fournier said the building design looks similar to the Able Coil building that was just completed. This property does not have waterfront. There is State property between it and the lake.

A. Teller asked about the Health Department's comments regarding the location of the well and the drainage. P. Carson said those comments were made prior to the revisions of the plan and have been addressed to the Health Department's satisfaction.

T. Manning said this is a thoroughly prepared presentation. He was pleased to see a plan package like this. A. Teller said the package was prepared very well; A. Teller appreciated the level of detail. J. Cropley said this is a great packet.

Public comment: No one present wished to speak.

J. Cropley moved to close the public hearing for this application. **T. Manning seconded**.
Vote: 6-0-1 (Davey). Motion passed.

4. Residents' Forum (Public Comment for items not on the agenda): There were none.

5. Staff Reports:

P. Carson said the office has received several inquiries about different properties and about some projects the PZC will see over the summer. People are coming out of COVID and looking to get things done. A few business properties in town have changed hands – it may be a busy summer.

J. Rupert said it will be a very busy summer which is really great for Bolton in the long run. J. Rupert has not done much with enforcement. There have been administrative permits for sheds, decks, porches, small additions, and garages. He is happy to see that business continues to be robust.

A. Teller asked if J. Rupert feels he needs help in either of his job capacities – as Building Official/ZEO or as Interim Administrator – that would be relevant to the PZC and, if so, would it help for the PZC to request assistance for him? J. Rupert said he is looking at a plan for getting help after the budget has been adopted. Once the budget is passed he is looking for assistance in the BO/ZEO portion of his job, in particular with zoning. A. Teller said if the PZC needs to ask the Board of Selectmen to support J. Rupert's plan to keep items moving forward it will do that.

J. Cropley asked if there is a waiting period after applications are approved? P. Carson said there is a 15-day appeal period after the legal notice of the decision is posted which generally happens the day after the decision.

6. Old Business:

a. Discussion/Possible Decision: Subdivision Application: Proposed Retail Development, 2-lots, 1100 Boston Turnpike, Garrett Homes, LLC (#PL-21-6)

A. Teller said the public hearing was for the special permit on this lot. C. Davey has indicated he will recuse himself as he arrived late for the public hearing. M. Manning is seated for items 6.a. and 6.b.

P. Carson said this is a subdivision request. The plan meets the Zoning and Subdivision requirements and public health code. There is an open space easement on the eastern side of the entire property that was preserved when the dentist's office was developed to satisfy the Open Space Requirement for the entire parcel/lot.

T. Manning moved to approve Garrett Homes, LLC's 2-lot Subdivision, application #PL-21-6, in accordance with the plans submitted as "Land Development Plans for Planning and Zoning Special Permit Application, Proposed Retail Development, 1100 Boston Turnpike, Bolton, Connecticut" (26 sheets), dated: April 2, 2021, 2-18-2021, 3-18-2021, 04/02/2021, 03/29/2021,

03, May 2021, and 31, March 2021, revised to June 7, 2021, which is conditioned on the following:

1. Any deeds and easements regarding this property (drainage easements, maintenance easements, access and utility easements, etc.) must be presented to the Town for approval by the Town Attorney prior to the sale of any lot.
2. A copy of any required submission to the CTDOT shall be submitted to the Building Department.
3. The Subdivision approval letter and conditions shall be placed on the mylars to be recorded in the Office of the Town Clerk.
4. This approval is subject to compliance with any comments or requirements of the Health District, Fire Marshal, BLRWPCA, and the Town Engineer.
5. All appropriate seals and signatures of the design professionals responsible for this plan shall be placed on the plans before recording.

The Planning and Zoning Commission finds with these conditions the plan meets the requirements of the Bolton Subdivision Regulations.

J. Cropley seconded. Vote: 7-0-0. Motion passed.

b. Discussion/Possible Decision: Special Permit Application: Proposed Retail Development, 1100 Boston Turnpike, Garrett Homes, LLC (#PL-21-5)

P. Carson said the following is in the report from staff:

- The sign for all of the units will be moved from the center island to the corner of this particular lot and will be out of CT DOT range.
- It is being proposed to take out the island to allow for truck turning.
- PZC is not approving the configuration or building on lot 2. The information shown for lot 2 is a feasible study required by the regulations. When a proposal for lot 2 is received it will have to come before the Commission.

T. Manning moved to approve Garrett Homes, LLC's Special Permit for proposed retail development, application #PL-21-5, in accordance with the plans submitted as "Land Development Plans for Planning and Zoning Special Permit Application, Proposed Retail Development, 1100 Boston Turnpike, Bolton, Connecticut" (26 sheets), dated: April 2, 2021, 2-18-2021, 3-18-2021, 04/02/2021, 03/29/2021, 03, May 2021, and 31, March 2021, revised to June 7, 2021, which is conditioned on the following:

1. Any deeds and easements regarding this property (drainage easements, maintenance easements, access and utility easements, etc.) must be presented to the Town for approval by the Town Attorney prior to the sale of any lot.
2. A copy of the referral to the CTDOT for work proposed within the CTDOT right of way shall be submitted to the Building Department.
3. The approval letter and conditions shall be placed on the mylars to be recorded in the Office of the Town Clerk.
4. This approval is subject to compliance with any comments or requirements of the Health District, Fire Marshal, Town Engineer, and the BLRWPCA.
5. An Erosion Control Bond of \$10,356.00 and a Site Improvement Bond of \$212,133.20 shall be posted as part of the permit process prior to any work commencing on the site.

6. A note shall be placed on the site development plan and master plan stating that the outlet for the roof leaders for the drainage system on lot #3 shall be collected by the drainage measures for the future lot #2.

The Planning and Zoning Commission finds with these conditions the plan meets the requirements of the Bolton Zoning Regulations.

J. Cropley seconded. Vote: 7-0-0. Motion passes.

Matt Eucalitto said dealing with Town staff on this matter went very well.

c. Other: There was none.

7. New Business

a. Other: There was none.

8. Correspondence

P. Carson said staff has received some high praise from applicants on recent projects. P. Carson said both the applicant for this site and the Mobil site were very responsive. They wanted to get the projects done as much as staff wanted to help them. A. Teller said this is an improvement of the quality to the planning and presentation process and hopes the PZC keeps seeing this. PZC appreciates staff's work on this.

T. Manning asked if a more detailed report will be made to the PZC on the recent legislation pertaining to PZC? P. Carson said a report will be made at a future meeting when the legislation is passed. There have been a few items affecting planning and zoning, such as extending Executive Orders and housing issues. A. Teller said there was a recent Supreme Court decision regarding drive-thrus and the city of Hartford. McDonald's filed an application for a site on Farmington Avenue that included a drive-thru. Hartford changed the regulations to keep drive-thrus off that stretch of roadway even though there are existing drive-thrus there. This has been going through the appeal process for several years even though McDonald's is no longer interested in the site. The Supreme Court sent this back to the city of Hartford to redo their regulations.

9. Adjournment:

J. Cropley moved to adjourn the meeting at 8:36 p.m. A. Teller seconded. Unanimous.

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.