

**BOLTON PLANNING & ZONING COMMISSION**  
**Regular Meeting**  
**7:30 p.m., Wednesday, November 9, 2022**  
**Virtual**  
**Minutes & Motions**

**Members Present:** Chairman Tom Manning, Vice Chairman James Copley, Arlene Fiano, Jeremy Flick, Thomas Robbins, Jeffrey Scala (joined at 7:35 p.m.), and Alternates Tom Crockett, Rodney Fournier

**Members Excused:** Alternate Kawan Gordon

**Staff Present:** Patrice Carson, AICP, Consulting Director of Community Development, Michael D'Amato, Interim Zoning Enforcement Officer, and Yvonne Filip, Recording Secretary

**Others Present:** Nathaniel Fleming, Diane Denunzio, Asif Choudry, Gregg Fedus, Steven Clark, Andrew Ladyga, Gregg Fedus, Asim Etem

**1. Call to Order:** T. Manning called the meeting to order at 7:31 p.m. and seated T. Crockett for J. Scala; R. Fournier was seated for the vacancy of the Regular Member.

**2. Approval of Minutes: October 12, 2022, Regular Meeting Minutes**

**T. Crockett moved** to approve the minutes of the October 12, 2022, Regular Meeting. **A. Fiano seconded.** Vote: 7-0-0. Motion passed.

**3. Residents' Forum:** No one present wished to speak on a non-agenda item.

**4. Staff Reports**

M. D'Amato reported he continues to work on zoning violations and the normal permitting work.

T. Manning unseated T. Crockett with the arrival of J. Scala.

**5. Public Hearings (begin at 7:30 p.m.)**

**a. Modification of Special Permit Application for Gas Station/Convenience Store, 271 Hop River Road, Nathaniel Fleming (#PL-22-8)**

Gregg Fedus representing the applicant and the owner of the property, Asif Choudry, stated the only outstanding issue is the improvement bond. Staffs' concerns have been addressed. A public act talks about municipalities bonding for certain improvements or not. Since 2012 bonding for site improvements has not been required; only bonding for erosion control. These are private improvements on private property and the \$347k bond the town engineer is recommending is not following the public act. G. Fedus called Jeff Jacobson who was not aware of the public act but other towns he represents do not require bonds on private property. G. Fedus and the owner ask that the validity of the bond requirement be reviewed by the Town Attorney. If he states it is legitimate, we will go from here.

G. Fedus stated they applied to ZBA for the canopy sign. The hearing was continued because the ZBA thought the PZC may be able to approve the canopy sign. P. Carson stated that signage on the canopy is not allowed and therefore neither the PZC nor the ZEO could approve it.

P. Carson said Zoning Regulation Section 16A.4.i. requires a Completion Bond. This bond regulation was amended by the PZC recently and completion bonds on projects have been required regularly. J. Cropley: Is that a public act we are not following? N. Fleming: Uploaded the act to ViewPermit late this afternoon. P. Carson: Checking and does not see anything later than November 7, 2022 on ViewPermit.

G. Fedus: Believes the state changed the bond rule because it did not make sense. If this is an owner's first project they would not have \$347k for bonding. The State concluded if the developer/builder went bust and left the site a mess that there was enough money for the town to secure the site and make it safe with the erosion and sediment control bond. The erosion bond on this project is very low compared to other towns. Perhaps the funds to secure a deserted project site is included in the completion bond in Bolton rather than the erosion bond. A town may or may not allow surety bonds per the public act but Bolton only allows cash bond or letter of credit which is very trying. This is Public Act 11-79 – P. Carson: This clearly allows them. G. Fedus: Public Act 12-182 says the PZC cannot do what Bolton is doing.

T. Crockett: Should we wait for a conclusion from the Town Attorney and vote on this application next month? It seems to make sense to wait until there is agreement. J. Cropley: Should wait until the Town Attorney renders an opinion. P. Carson: The applicant would have to grant an extension to get to the December 14 meeting. G. Fedus: Client is willing to grant the extension to December 14, 2022. Will follow up tomorrow with an email to that effect.

J. Cropley: If we have to change that regulation does it have to go to public hearing? P. Carson: Yes and PZC may want to change the language to cover more in the erosion and sediment bonding if the site gets deserted. G. Fedus: It is not uncommon for towns to be burned on surety bonds. PA 12-182 gives towns an option but for lower amounts this is manageable.

Audience of Citizens: No one wished to comment.

**T. Manning moved** to continue the public hearing on this application #PL-22-8 to December 14, 2022, at 7:30 p.m. via virtual meeting. **J. Scala seconded.** Vote: 7-0-0. Motion passed.

**b. Continuation: Special Permit Application for Bed & Breakfast, 60 Villa Louisa Road, (A Villa Louisa), Asim Etem (#PL-22-7)**

J. Scala recused himself. T. Manning seated T. Crockett.

Applicant Asim Etem was present and asked P. Carson to go over the comments from staff and he will provide replies.

P. Carson: There was discussion of possible additional permanent structures to be build. The applicant responded the only possible structure would be a pool. A. Etem: That is up in the air. If that happens he will apply for a separate pool permit.

P. Carson: Parking plan has been changed to include eight spaces. Two spaces in the garage for the resident(s) and one handicapped space meeting the requirements. Staff comment included that there must be a proper grade from the handicapped space to the entrance of the building. The lighting plan was another concern. A. Etem: The electrician will install the proper lights. He trusts the electrician to know the correct lumens to be used about the concern with light pollution. He thought the engineer addressed that issue. P. Carson: The engineer indicated a lighting plan would be submitted when the fixtures are chosen. They would assure there is no light spillover off the property. The engineer did comment on the landscaping plan requirement to request a landscaping waiver because of the clearing needed for the septic system. Planting in the septic area is undesirable. When you build a commercial property a landscaping plan is required in the regulations. This is a residence with a commercial component. A. Etem: The house will be closer to 4,000 sq. feet than the size mentioned. He would make it as attractive as possible for him and the neighbors.

J. Crolley: When we approve a home business do we require them to landscape? P. Carson: No. J. Crolley: Thinks this is similar to that. PZC can make the presumption he is going to landscape it and it will be something tasteful. He wants people to stay there. It is a wooded lot right now. There are enough woods between him and the neighbor's property. He is in favor of waiving it the landscaping plan requirement. R. Fournier: Thinks the lighting plan would fall in the same category.

J. Flick: Will there be any signage? A. Etem: No, it is a house used part-time for brides and grooms to get dressed and maybe stay overnight. T. Crockett: Is the owner staying there? A. Etem: He will be living there. P. Carson: It is a requirement that this be owner occupied.

P. Carson: Regarding a dumpster and trash pickup – the applicant is not proposing having a dumpster on this property. A. Etem: He has a garbage dumpster and a recycling dumpster for the restaurant next door. He will ask the town if he can use curb side pick-up as with any other house. This is not a full time commercial property.

P. Carson: Sight line issue from the Town Engineer has been corrected on the plan. The catch basin type needs to be changed to allow more intake. There is an erosion and sediment control bond figure to ensure erosion and sediment controls are in place during construction.

Audience of Citizens: No one wished to comment.

**T. Manning moved** to close this hearing. **J. Crockett seconded.** Vote: 7-0-0. Motion passed.

## **6. Old Business**

### **a. Discussion/Possible Decision: Modification of Special Permit Application for Gas Station/Convenience Store, 271 Hop River Road, Nathaniel Fleming (#PL-22-8)**

This public hearing was continued to December 14, 2022 – no action.

### **b. Discussion/Possible Decision: Special Permit Application for Bed & Breakfast, 60 Villa Louisa Road, (A Villa Louisa), Asim Etem (#PL-22-7)**

**T. Manning moved** to approve Asim Etem’s Special Permit for a Bed and Breakfast at 60 Villa Louisa Road, application #PL-22-7, in accordance with the application information and plans submitted as “Site Development Plan Prepared for 60 Villa Louisa Road, LLC, 60 Villa Louisa Road – Bolton, CT” (5 sheets) dated: January 31, 2022, revised through November 04, 2022, Elevation/Architectural Plans (13 sheets) dated: 11-11-21 which is conditioned on the following:

1. This approval is subject to compliance with any comments or requirements of the State Department of Public Health, Eastern Highlands Health District, Fire Marshal, and the Town Engineer.
2. The drainage structure at the bottom of the proposed swale along the driveway shall be changed to a Type C-G catch basin, to allow for more efficient intake of the run-off and to reduce clogging by leaves. Additionally, the drainage outfall should be directed to the existing roadside swale along Villa Louisa Road.
3. A lighting isodiagram will be submitted once final lighting fixtures have been selected to prove the lighting meets the Zoning Regulations. The applicant will adjust/remove any lighting if needed to meet the lighting requirements.
4. This B&B cannot be used as future event space for the neighboring restaurant.
5. There is no dumpster planned for the site. The owner will use dumpsters located at the neighboring restaurant facility under same ownership rather than residential curb side pick up if allowed by the Town.
6. The driveway slope shall meet the requirements under the building code for an accessible path between the accessible parking and the building entrance. Prior to the Issuance of a Certificate of Zoning Compliance, final grading, stabilization and seeding shall be in place or adequate bond filed with the Town.
7. An Erosion Control Bond of \$7,645.00 shall be posted as part of the permit process prior to any work commencing on the site.
8. Prior to the Issuance of a Certificate of Zoning Compliance, one electronic PDF and paper copy of the final as-built survey showing structures, pins, driveways/parking, final floor elevations and spot grades shall be submitted.
9. Additional erosion & sedimentation controls may be required by Town staff as necessitated by field conditions.
10. By acceptance of this approval and its conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.

The Planning and Zoning Commission approves the following waiver requested by the applicant:

1. Waive additional landscaping due to the clearing required. A width of approximately 20+ feet of existing woods will be maintained below the proposed septic system on the east side of Villa Louisa Road. Also, new plantings within the septic system area are undesirable. The footprint on the plans Page 3 of 4 show the new house is just over 2,900 square feet including the garage and is a residential structure similar to others in the area.

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

Discussion: J. Flick: The PZC was concerned about egress from the business and the home and mentioned a trail between the two. P. Carson: The footpath is shown on the plan. This was an afterthought and the owner liked the idea of the convenience for walking between the buildings. J. Cropley: The motion says 2,900 sq. feet and the owner just said it was 4,000 sq. feet. T. Manning: The footprint is 2,900 sq. feet. Why are we restricting residential trash pick up? P. Carson: The question was raised as to why he did not have a dumpster. His response is that he has a dumpster at the restaurant. Tonight he said he would ask the town to do curbside pick-up.

**T. Manning amended the motion for item 5:** There is no dumpster planned for the site. The owner will use dumpsters located at the neighboring restaurant facility under same ownership or residential curbside pick-up. **R. Fournier agreed to the amendment.**

Discussion: J. Flick: Is there a cap on the number of occupants that will be staying here? P. Carson: There are five bedrooms in addition to his portion of the house. That is the cap. T. Crockett: Agrees with T. Manning that there should be curbside pick-up allowed. The amended motion gives him the option. If the town says it is okay then the PZC is okay with that. Vote: 7-0-0. Motion passed.

**c. Discussion: Regulations Regarding the Cultivation, Sale, and Distribution of Adult Use Cannabis Bolton PZC (#PL-22-6)**

Consensus of PZC to move this to after New Business.

Staff sent three other towns' regulations and a map of the possible areas in Bolton for such establishments. The PZC previously stated they would consider the GB or I zones for retail establishments. One question was are there any areas that needed separation distances? It does not seem there is anything along the Route 6 area except maybe the Hop River Trail. R. Fournier: Although it is not an open play area, there is the ice rink with kids going in and out. A. Fiano: The map looks fine. These areas should not cause issues if someone wants to put retail in there.

P. Carson: Any question on what was sent? Wethersfield is for a moratorium. North Stonington was effective July 14, 2022. M. D'Amato: For most of those towns included in the packet and for those still being worked on it comes down to separating distances. Cultivation of cannabis has distance requirements to residential structures for odor and for security. The state law allows towns to assess regulations put into place for an initial period on opening with fees allowable for traffic control. Towns cannot regulate delivery services. The regulation draft that was included in the September packet set those distances at 1000' between cannabis establishments and 500' from child care, school, etc.

J. Scala: If we used this list is there any place in town for one? P. Carson: The black blocks on the map would be where it was allowable. A. Fiano: There are no in-home daycares in the adjoining residential areas. J. Scala: Is this more restrictive than for liquor stores? P. Carson: There is a liquor store in a non-business zone and there is a state limit to package stores in town. R. Fournier: The gas station has a permit to sell beer and wine.

P. Carson: The other sample regulation sent to the PZC was from Middletown that was approved in 2021. R. Fournier: Is the objective to determine where the location can be? J. Scala: Is sensing some reluctance of the PZC members to commit for allowing these establishments in town. Is there a consensus of which way to go? J. Scala, T. Manning, and A. Fiano are in favor of allowing them. T. Manning: Likes 500' separating distance more than 1,000'. J. Cropley: If we went to 1,000' there is no place to locate an establishment. D'Amato: The goal is to make sure the regulation that goes to CRCOG covers your intent. You can always increase the distance if there are concerns expressed by the public. J. Scala: This discussion is about the retail business of selling cannabis and creating separating distance from residential buildings. We are regulating the retail sales. Cultivating is another discussion.

J. Scala: Can Staff put pins on the map with those types of establishment along the corridor? P. Carson: Yes. A. Fiano: There is no church, no school, and no daycare in these corridors. P. Carson: There are probably some residences may in the commercial zone as pre-existing, non-conforming. J. Scala: Are we talking about 500' to the property line or to a residence? A. Fiano: Property line? J. Scala: That decreases the amount of space available. P. Carson: If it is town property with no structures it would have to be property line.

A. Fiano: Would like Staff to put together what works best for the town and PZC can go from there. She likes the areas that have been chosen. She likes hearing town staff say 'in their experience they have found' gives her a comfort level.

R. Fournier: There are no package store on Route 6 at the moment because it has been found they do not get enough business there. He is hoping no one will put a cannabis establishment in those areas. J. Flick agreed.

There was consensus from the PZC to have Staff put together a draft regulation.

**d. Other:** There was none.

## **7. New Business**

### **a. Discussion/Decision: Request for Extension of Time to File Plans with Town Clerk under Zoning Regulations Section 16B.5.b.: Special Permit Application for 15,000 SF Pre-Engineered Metal Building Addition For Light Manufacturing, 837 Boston Turnpike, Able Coil and Electronics Co. (#PL-22-4)**

P. Carson: This extension is requested so the owner can determine the overall project cost and feasibility.

**T. Crockett moved** to grant a 90-day extension of time from December 13, 2022 to March 13, 2023 to file plans with the Town Clerk's office as allowed by and in accordance with Section 16B.5.b. Endorsement and Filing of the Bolton Zoning Regulations for all approvals granted under Permit #PL-22-4 for Able Coil and Electronics Co., which application and plans were approved by the Planning and Zoning Commission on September 14, 2022. **R. Fournier seconded.** Vote 7-0-0. Motion passed.

J. Scala was reseated.

**b. Appointment of Planning & Zoning Commission Regular Member: To Fill Vacated Term of Regular Member Brittany Clark, Term Ending November 20, 2023**

**R. Fournier moved** to nominate himself to fill the vacated term of Regular Member Brittany Clark ending November 30, 2023. **J. Flick seconded.** T. Manning asked for any other nominations or comments? There were none. Vote 7-0-0. Motion passed.

T. Manning: Can we take up filling the position of an Alternate now? P. Carson: If you have someone to fill that. She suggests you add an item to the agenda. T. Manning: There was consensus of the PZC to add this item to the agenda.

**R. Fournier moved** to nominate Steven Clark to fill the vacated term of Alternate term of Rodney Fournier ending November 30, 2023. **J. Flick seconded.** Vote: 7-0-0. Motion passed.

**c. Other:** There was none.

**8. Correspondence:** There was none.

T. Manning: He will be attending the Regional Planning Commission on November 19, 2022. If anyone wants him to say anything about what Bolton is working on contact him.

Andrew Ladyga, Boston Turnpike: Lives in Coventry and has properties in Bolton along Route 44. He and his wife were awarded two cannabis licenses by the State. Coventry has made it clear that Route 44 is the ideal area for a retail establishment.

P. Carson: Cannabis is a PZC discussion this evening. The PZC is still in a moratorium on this matter. Once regulations are drafted they will be subject to public hearing. If A. Ladyga has suggestions of where he would like to see retail cannabis allowed he should submit those in writing to the PZC to take into consideration. T. Manning: What the Staff has presented to the PZC is available on the town website.

A. Ladyga: There are several people interested in the direction the town wants to go. This has to do with the health and wellness properties of cannabis.

**9. Adjournment**

**J. Cropley moved** to adjourn the meeting at 9:22 p.m. **J. Scala 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.*