

**BOLTON PLANNING & ZONING COMMISSION**  
**Regular Meeting**  
**7:30 p.m., Wednesday, September 14, 2022**  
**Virtual**  
**Minutes & Motions**

**Members Present:** Chairman Tom Manning, Vice Chairman James Cropley, Arlene Fiano, Thomas Robbins, and Alternates Tom Crockett, Rodney Fournier, Kawan Gordon

**Members Excused:** Britney Clark, Jeremy Flick, Jeffrey Scala

**Staff Present:** Patrice Carson, AICP, Consulting Director of Community Development, Mike D'Amato, Interim Zoning Enforcement Officer

**Others Present:** Randy Becker, Bill Jodice, Nathaniel Fleming

**1. Call to Order:** T. Manning called the meeting to order at 7:32 p.m. T. Manning seated K. Gordon for J. Scala and R. Fournier for B. Clark,

**2. Approval of Minutes: August 10, 2022, Regular Meeting Minutes**

**T. Manning moved** to approve the minutes of the August 10, 2022, Regular Meeting. **R. Fournier seconded.** Vote: 6-0-1 (Crockett). Motion passed.

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

**4. Staff Reports**

**P. Carson:** Finished reviewing Inland Wetlands, Subdivision and Zoning Regulations for codification with the help of Mike D'Amato and Barbara Kelly. Also been working on the 4-Town Survey for the 4-Town Economic Viability Study for a branding/logo design. The survey will be going out on September 26. UConn intern Josh Hull will be working with the four towns on this project. He will be in our town the end of the month each month.

**M. D'Amato: 1225 Boston Turnpike** - Had a meeting 2 weeks ago. Tenant has done most of the work. There is a "10' privacy gate" on the site plan. The gate will never be closed so they would be paying \$20,000 for something they are not going to use. Would the PZC be agreeable to a different fencing set up that would probably be more buffered. **T. Manning** thought a fence with a bend in it would look better than a straight fence. **M. D'Amato** said this is just a visual buffer that will need to be maintained, it is not a security fence, it is just to make it look good from the street. **K. Gordon** thinks this is a good compromise within the boundaries and good for all parties. **M. D'Amato** will let them know and get this done. **A. Fiano** likes the new plan and thinks that a 10' fence is too tall – 7' would be better. **M. D'Amato** they would rather a shorter fence. **J. Cropley** thinks they should put evergreens in the front of the circle instead of a fence. **A. Fiano** agreed tress would look better from the street then the fence. PZC said they do not need to vote on this. **J. Cropley** asked about the connection to the side street. **M. D'Amato** said there are supposed to be 2 low shrubs but they will die. Plans require something there, maybe attractive boulders.

**17 Howard Road** plans were sent to J. Dillion to review the drainage calculations. They are moving in the right direction. **J. Cropley** asked what was going on across from the old Mobil station. **M. D’Amato** said they are cleaning up the site and the homes there.

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

**a. CONTINUATION: 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** stated the applicant’s engineer has revised the drainage calculations and submitted revised drawings, and there is a report from the town engineer. **Randy Becker**, engineer for the applicant, showed and discussed photos of the area to be affected. From the view looking south in parking area there is a grade that drops down and trees that create a natural buffer. With the vegetation on the hill the parking lot will never be seen from the houses. The owner is willing to make this work if extra vegetation for a buffer is needed. The basin would empty on owners’ property. **P. Carson** suggested once the basin is in the site could be reviewed to see if additional screening was needed. **P. Carson** stated that building identification and fire lane would have to be discussed with the Fire Marshal and Fire Chief. Bond amounts were approved by the town engineer. BLRWPCA is meeting in October to approve the sewer connection. The PZC is being asked to grant a waiver to 15H for parking lot landscaping. No other waivers were requested and staff had no other comments. **R. Becker** stated that there would be no work in the state ROW as the opening for the sewer is all on the owner’s property. He also added a fire lane to the plans.

**T. Manning moved** to close the public hearing at 7:53pm. **R. Fournier seconded**. Vote: 6-0-0. Motion passed unanimously.

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

**P. Carson** explained an extension is needed from the applicant since the initial 35 days for the public hearing has passed. A September 14, 2022 email from the applicant stated that he is still waiting on the engineer for revised plans and grants the PZC an extension for the hearing to continue to the next meeting on October 12, 2022.

**T. Manning moved** to accept the applicant’s extension and continue the public hearing to the next PZC meeting on Wednesday, October 12, 2022, virtually, beginning at 7:30pm. **R. Fournier seconded**. Vote: 6-0-0. Motion passed unanimously.

**6. OLD BUSINESS**

**a. DISCUSSION/POSSIBLE DECISION: 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)**

**T. Manning moved** to approve Able Coil and Electronics Co.’s Special Permit with Site Plan Review for a 15,000 square foot pre-engineered metal building addition for light manufacturing at 837 Boston Turnpike (Able Coil), application #PL-22-4, in accordance with the application and Site Plans and Details submitted as “Able Coil & Electronics, 837 Boston Turnpike, Bolton, Connecticut” (3 sheets) and E&S Plan (1 sheet) revised through 9-09-2022, Site Lighting Plan (1

sheet) revised through 6-27-2022, and Exterior Elevations and Floor Plan (2 sheets) revised through 8-31-2022, which is conditioned on the following:

1. All appropriate seals and signatures of the design professionals for this plan shall be placed on the plans before recording.
2. The approval letter shall be placed on the mylars to be recorded in the Office of the Town Clerk.
3. A copy of any required submission to the CTDOT shall be submitted to the Building Department.
4. This approval is subject to compliance with any comments or requirements of the Health District, Fire Marshal, Fire Chief, Town Engineer, Inland Wetlands Commission, and the BLRWPCA.
5. Readily visible building identification numbers and directions noting the rear building in the front driveway shall be installed onsite.
6. Fire Department access to the building side facing the rear parking lot is reasonable but owner will work with the Fire Chief to identify an adequate fire lane.
7. A separate lot line reconfiguration plan and application to dissolve the property line between 837 and 889 Boston Turnpike and to move the property line between lots 1 and 2 at 889 Boston Turnpike will need to be submitted, approved, and filed with the Town Clerk prior to the Town's execution of the final mylars for this application.
8. Once the basin is installed and clearing is done the applicant shall be required to add screening to the south of the basin if it is needed to maintain a complete screening from the R-1 properties per Sections 15H, 16A.3.q.5., 16B.4.m.1., and 16B.4.n.4.
9. A Site Completion Bond in accordance with Section 16A.4.i. which includes a 20% contingency in the amount of \$187,432.00 shall be posted prior to the commencement of work on the site. Should items covered by this Bond not be constructed within a year from approval, an appropriate escalation factor shall be reviewed by the Town Engineer and applied if warranted.
10. An Erosion Control Bond of \$9,257.00 shall be posted as part of the permit process prior to any work commencing on the site.
11. Comply with conditions imposed by the BLRWPCA:
  - a. Purchase additional EDU's as determined by the BLRWPCA
  - b. Apply for and gain approval for permits to connect to the existing sanitary sewer service lateral as approved by the BLRWPCA
  - c. Pay all associated fees and post the required bonds for the sewer connection.
  - d. Install a water meter to be read by a representative of BLRWPCA at or about the time of CO issuance and at intervals as determined by the BLRWPCA to monitor water usage.
12. This approval shall be binding to the applicant, landowner and their successors and assigns.
13. 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.
14. 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.
15. Additional erosion & sedimentation controls may be required by Town staff as necessitated by field conditions.

16. 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 Section 15H Landscaping in the proposed parking areas.

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

**J. Cropley seconded.** Discussion. **K. Gordon** asked if the owner has these requirements. **R. Becker** replied yes. **J. Cropley** stated if additional screening is required it should be plantings that will survive in that environment. Applicant should be aware that if these trees die from no sun that they will have to replant to keep the screening. **R. Becker** proposed hemlock, and he agrees with J. Cropley, and they are open to any suggestions that the commission has. Vote: 6-0-0. Motion passed unanimously.

**T. Manning** thanked Able Coil and wished them the best of luck in their endeavor

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

The public hearing was continued so no action was taken on this item.

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

**P. Carson** stated that the PZC had received a draft regulation to begin the discussion. The first question was what does the PZC want to allow or prohibit regarding cannabis? The draft prohibition language is the first Section. Allowances could be added under Section 10 Special Provision's.

**T. Crockett** stated nonprofit doesn't seem to be included – is it a generic term? **M. D'Amato** said it covers anyone and everyone. The definitions come straight out of the Public Act. That way if the Consumer Protection Agency changes them, there is consistency. **P. Carson** said allowance or prohibition, definitions, and where and how you want things this is up to the PZC. There are basically 3 business zones – GB, GMUIZ, and I – mainly Routes 44 and 6. **A. Fiano** thought it was going to be limited to I zone only? **P. Carson** said you don't want retail in Industrial zone. **M. D'Amato** discussed a buffer of 500'-1000' from places like schools, playgrounds, churches, etc., which would restrict where retailers could locate, and maybe larger buffers for cultivating. A cultivation operation will probably need 60,000 sf, access to water and sewer. The Industrial zone is away from most residential. Odor is a concern. **P. Carson** suggested the Commissioners look at the draft and let staff know what they want - cultivating, retail, both, none. **M. D'Amato** has been involved with applications for other towns and can pull information from other towns to give the PZC. **T. Manning** stated this needs to be discussed further but this is a first good pass.

**M. D'Amato** said retail establishments are more akin to a pharmacy use than a liquor store. The trips per day and how long people are there is similar. **K. Gordon** asked about the rules of communicating outside of a meeting. **P. Carson** told Commissioners to send any comments to just staff and not the other Commissioners and staff would compile the comments. **A. Fiano** asked about the legal vs illegal aspects involving the Federal Government, how do we protect the town from anybody that opens a business knowing that it is illegal federally, are taking their chances? Are other towns concerned about the federal government coming down on them? **T. Crocket** asked would a daycare be able to build across the street from a retail establishment if it was already there? **M. D'Amato** answered yes, if they wanted to, they can but it doesn't usually happen.

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

## **7. New Business**

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

**P. Carson** explained that the applicant has decided to take down the old building and put up a new building which will be shifted onsite, parking moved, and there is still a drive thru that received approval last application. Inland Wetlands Agency has already approved their Wetlands permit. **Nathaniel Fleming** representing the applicant agreed and stated plans have been submitted.

**T. Manning moved** to accept the application and set the public hearing to be held virtually on Wednesday, October 12, 2022, at 7:30pm. **R. Fournier seconded.** Vote: 6-0-0. Motion passed unanimously.

**b. Other:** There was none.

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

## **9. Adjournment**

**J. Cropley moved** to adjourn the meeting at 9:05pm. **A. Fiano seconded.**

Respectfully Submitted,

*Karen Heckman*

Karen Heckman, Recording Clerk

*Please see minutes of subsequent meetings for approval of these minutes and any corrections hereto.*