

BOLTON PLANNING & ZONING COMMISSION

Regular Meeting

7:30 p.m., Wednesday, August 10, 2022

Virtual

Minutes & Motions

Members Present: Chairman Tom Manning, Vice Chairman James Cropley, Arlene Fiano, Jeffrey Scala, Jeremy Flick, Brittany Clark, Kawan Gordon (alternate), Rodney Fournier (alternate).

Members Excused: Tom Crockett (alternate), Thomas Robbins.

Staff Present: Patrice Carson, AICP, Consulting Director of Community Development, Michael D'Amato, Interim Zoning Enforcement Officer (arrived at 8:17 p.m.), and Yvonne Filip, Recording Secretary.

Others Present: Milton Hathaway, Joseph Villanova, Bill Jodis from PDS, Steve Rockerfeller, Randy Becker, Asim Etem.

1. Call to Order: T. Manning called the meeting to order at 7:32 p.m.
Fournier was seated for Robbins.

2. Approval of Minutes: July 13, 2022, Regular Meeting Minutes
J. Scala moved to accept the minutes of the July 13, 2022, Regular Meeting. **J. Cropley seconded.** Vote: 7-0-0.

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

4. Staff Reports

P. Carson reported:

- Prior to COVID development four towns, Bolton, Coventry, Tolland, Mansfield, began working on a regional economic plan. We have been working on that with a steering committee and staff from the four towns. UConn intern Joshua Hall will be coming on board soon to work on some of the projects.
- M. D'Amato sent notice of violation to Clark Road. There was a response to that notice.
- M. D'Amato was notified that work was being done on Notch Road that was approved for storage. The problem is that the plan, permit and E&S bond had not been submitted. They were asked to stop the work and they have.

K. Gordon: What are the violations? P. Carson: Storage of equipment beyond what he was allowed. He had purchased the Notch Road property to move his business down there.

J. Cropley: Is there an update on the Howard Road violation? P. Carson: The drop dead date to respond to several letters was this afternoon. There has been no response. She believes this is being forwarded to the attorney.

J. Cropley: And the other violation on Route 44? P. Carson: M. D'Amato has been working with one of the tenants on site.

J. Cropley: For the new gas station building – he thought the entrance closest to Bolton Center was going to be closed? P. Carson: That will have a break-away gate for fire purposes.

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

a. Continuation: Special Permit Application for 12,000-15,000 SF Pre-Engineered Metal Building Addition for Light Manufacturing, 837 Boston Turnpike, Able Coil and Electronics Co. (#PL-22-4)

Randy Becker and Steve Ruckerfeller were present.

R. Becker: Has submitted a revised site plan. He had an opportunity to meet with the Town Engineer and go over the drainage related issues. R. Becker has responded to some comments but there are others that require a bit more surveying. Detention basin grew in size so revision calculations and drainage areas were submitted. A guardrail was added along the top of the basin at the end of the parking lot to prevent someone from driving too far and ending up in the basin.

J. Scala: Is noticing there is no P.E. stamp. All drawing will have to be stamped and sealed. R. Becker: He will stamp the final drawings. J. Scala: The calculations will need stamps to. R. Becker: Yes. J. Scala: The revisions to the basin is making it bigger, why? R. Becker: The post development flow decreased from 20 minutes to 8 minutes so the flow was more intense. He has added a low curb on the west side of the parking lot to have the water go into the basin. J. Scala: Isn't there a high point 200' - 300' east of the building? S. Ruckerfeller: That is correct. R. Becker: Anything coming downhill will get directed east of the basin. J. Scala: Have the calculations been done so there is no erosion in the swale? R. Becker: That is a grass swale with a level spreader and rip rap. J. Scala: Will the proposed outlet design be shown? R. Becker: Yes. J. Scala: Is the engineer going to submit a stormwater calculations report so the information is all in one place? R. Becker: Yes.

P. Carson: Are the lighting notes on the plan? R. Becker: He put those on the plans that were submitted yesterday. P. Carson: With the new design and grading the bond amount will have to be adjusted.

J. Scala: Does the applicant have to give us more time on this? P. Carson: The applicant has to grant an extension of time. A 30-day extension will get us to next meeting.

Bill Jodis: Can a condition of approval be that we meet the Town Engineer's comments? T. Manning: I think not. B. Jodis: His concern is that they would like to get the plans approved and submit plans to obtain the building permit. They would like to start construction.

J. Flick: Can the detention basin accept the extra load and retain and remediate the water? R. Becker: Yes.

T. Manning: The PZC needs 30-day extension in order to complete this hearing at the September 19, 2022 meeting. In absence of that the PZC can close the hearing this evening and likely vote on the application with an uncertain result. Steve Ruckerfeller emailed P. Carson that an extension would be approved. What are we missing here? J. Scala: The Town Engineer's approval. J. Scala does not see any infiltration calculations. It is not showing the calculations that the stormwater will seep into the ground. R. Becker: He sized the basin as if there is no infiltration. With the outlet structure it will

allow, within 48 hours, room for another storm's runoff. J. Scala: Is there any perc rates here? R. Becker: That is not on the plan but the information is shown elsewhere. J. Scala: You should be fine after seeing the perc test information.

T. Manning: The Town Engineer has written a substantial list of comments. Your engineer is clear with what has to be done to respond to the engineer. Steve Rockerfeller granted the 30-day extension.

Audience:

No one was present to speak.

J. Cropley: Did anyone visit the site with Mr. Rockerfeller? S. Rockerfeller: No one has contacted him. J. Cropley: Will the neighbors be able to see the lights in the parking lot? S. Rockerfeller: When they are activated. J. Cropley: As a neighbor he would rather have the light on rather than coming on and off. S. Rockerfeller: A timer and motion sensor lights combination can be used. This business is primarily a daytime operation. He does not expect any bothersome activity in the back parking lot. His intent was not to have any lights at all. P. Carson: If the building code will let you not light the parking lot, you do not have to light the parking area. J. Flick: Parking area lighting is for safety concerns. P. Carson: There is no light spillage off the property. R. Fournier: It is a safety item to have some lighting. Otherwise, people can park back there and can do anything.

M. D'Amato: After Dollar General was built the calls he got where in regards to lighting. There was a minimum threshold they had to reach for insurance purposes. P. Carson: Shields can be put on the sides of the lights so there is no direct vision to the neighbors. S. Rockerfeller: That is a good idea.

T. Manning moved to continue this hearing, with the extension granted by the applicant, until September 14, 2022, at 7:45 p.m.. **J. Cropley seconded.**

J. Scala: Friendly amendment accepted by T. Manning and J. Cropley: The hearing is scheduled for 7:30 p.m. Vote: 7-0-0. Motion passed.

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

T. Manning: We are opening the public hearing. P. Carson: Read the legal notice on this application for the record.

J. Scala: Is recusing himself from this matter. T. Manning seated K. Gordon for this hearing.

Asim Etem was present. His intention is to build a B&B. This will act as his primary residence as the regulations require a B&B to be owner occupied. The B&B portion will be used mostly for the bride and grooms that have events at A Villa Louisa. T. Manning: Owner occupied is with the state code.

P. Carson: The plans were shared. There is a question about the water; what is the reason they will not let you share the water from the restaurant with the B&B? A. Etem: When he asked the local health department they recommended he get in touch with State Health Department. He has sent them an email to get their feedback. P. Carson: Staff comments included needing more parking, a dumpster, and questions from fire department. A. Etem:

Why is a dumpster needed? Can he use regular trash collection or the current dumpster?
P. Carson: She think they need to see the location. For six patrons you may need more than standard collection.

J. Flick: Will there be a service road between the buildings? One issue for the fire department is that they did not see a road between the buildings that would be accessible by the fire department. There is no emergency access. A. Etem: The driveway for the residence is not sufficient for the fire department? J. Flick: In addition, no one should be walking on the side of the road at night going between the buildings. A. Etem: That is a very good point. P. Carson: It could be a walking trail between the buildings. R. Fournier: It is 200' to the house? A. Etem: He could have a golf cart path from top right corner of the restaurant to the house. R. Fournier: The fire department has access to both properties with the driveway. P. Carson: There was some comment about the shape of the driveway for fire department access. A. Etem: The roundabout at the top of the driveway was with the idea to drop off the bride. Would they be able to park cars along there? P. Carson: The fire department commented they did not want cars parked there. There is some question about wetlands. A. Etem: Trying to get a hold of the person that would come in to delineate any wetlands. P. Carson: Has heard a Soil Scientist is performing the work. If there are wetlands a permit would be needed before the PZC hears the matter. The owner will have to withdraw the application and go before the IWC for a permit first.

J. Flick: Thinks it is a great idea. It will be a great thing for people to have the wedding and have part of the wedding party stay there.

P. Carson: Indicated to the owner the following will have to be included - a landscaping plan, a lighting plan, drainage comments and calculations, bond estimates, and address the fire department's comments.

Audience:

No one was present to speak.

T. Manning moved to continue this hearing, with the extension granted by the applicant, until September 14, 2022, at 7:30 p.m.. **A. Fiano seconded.** Vote: 7-0-0. Motion passed.

c. Adoption of an update to the 2015 Town of Bolton Plan of Conservation & Development to incorporate the 2022 Affordable Housing Plan in accordance with Section 8-23 of the Connecticut General Statutes

P. Carson: Read the public notice into the record.

J. Scala was reseated. R. Fournier was unseated.

A. Fiano: There was a discussion previously about the soft money for paying for this. Once we met open space requirements we were thinking of a fee with the idea for funding what needs to be happening. P. Carson: A housing trust fund? A. Fiano: Federal monies available to the developer. P. Carson: There is no financing for this. There is a component of establishing an affordable housing trust. A. Fiano: Talked about having monies through fees with the town creating a fund similar to the open space fund. M. D'Amato: One of the mechanisms is to establish funds for fees in lieu of affordable housing. That goes into the trust. P. Carson: That would be established through the BOS. J. Flick: Affordable housing has funding that is not local. P. Carson: This would be creating a way to fund for maintenance, creating, or building affordable

housing. D. Amato: Mansfield is poised to get 1.2 mill. for a development in the hopper. The fees are set by the state; Bolton would need to create the fund. J. Cropley: So, the town could build low-income housing? P. Carson: Yes. J. Cropley: The location of the Notch Road Municipal building would be ideal. There is no formal plan about the drive-in property. They could hook into the sewer system but still have to prove the property can support a septic system. The water authority would have to approach that. P. Carson: Staff is satisfied with the plan.

Audience:
None

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

6. Old Business

a. Discussion/Possible Decision: Special Permit Application for 12,000-15,000 SF Pre-Engineered Metal Building Addition for Light Manufacturing, 837 Boston Turnpike, Able Coil and Electronics Co. (#PL-22-4)

No action.

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

No action.

c. Discussion/Possible Decision: Adoption of an update to the 2015 Town of Bolton Plan of Conservation & Development to incorporate the 2022 Affordable Housing Plan in accordance with Section 8-23 of the Connecticut General Statutes

T. Manning: I make a **MOTION** that the update to the Plan of Conservation and Development for Affordable Housing as presented, discussed and approved tonight be incorporated into the Plan of Conservation & Development for the Town of Bolton and adopted by the Commission as the updated Plan of Conservation & Development for the Town of Bolton in accordance with Section 8-23 of the Connecticut General Statutes with an effective date of *September 1, 2022*. **J. Scala seconded.** Vote 7-0-0. Motion passed.

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

P. Carson: If Members have comments on the general points these can be sent to staff via email. Staff will gather information.

J. Scala: Are there strong feelings one way or another about this? R. Fournier: The previous discussion was to handle the sale as a package store. J. Flick: Do you have the cultivation information?

M. D'Amato: The law was changed in May regarding the density for retail. There is no cap on cultivation. The only location criteria is that large corporations obtaining six licenses has to have the facilities 20 miles apart.

T. Manning: We would list as permitted or prohibited use in each of the zones. P. Carson: Retail would be commercial zones only with separation distances between certain establishments. M. D'Amato: Has seen other towns struggling to get a consensus on how to regulate this. Some towns are running the prohibition and

regulating in tandem. The Land Use attorneys are opining that retail may have to be treated as a pharmacy. It is not clear that you can say it is like a liquor store and all the separating distances apply.

T. Manning: If allowing guns/gun repair as home occupancy he does not see a reason to restrict cultivation. It is industrial use because it is indoors. M. D'Amato: Cannabis is not considered to be farming. P. Carson: But you are not going to regulate backyard growing.

A. Fiano: Industrial zones need a certain amount of land. It does not seem we have the space for cultivation. Would we be setting ourselves up for issues if we prohibit growing? P. Carson: You can prohibit it. D'Amato: There is one facility in Simsbury that is over 100,000 sq. feet. There is nothing to stop them from moving into an existing building. They are looking for 80-90 sq. feet. It does require a lot of water.

J. Cropley: Able Coil will be building new building and moving. Is their old building in an industrial zone? P. Carson: Yes.

A. Fiano: Feels we should set regulations to control this in industrial areas. J. Cropley agrees. A. Fiano: Hemp is a by-product. P. Carson: Showed the zoning map – anything in blue is industrial property in town. Boston Turnpike is on sewer.

T. Manning: Members can send comments to Staff with staff creating a brief report on where this stands for the next meeting.

J. Scala: Would like to get more clarification on treating as a pharmacy. M. D'Amato: If there are no regulations cultivation would be manufacturing and retail would be pharmacy based on each of those regulations. The risk is not with the cultivation. Massachusetts has 150 retail location. There could be 70 - 100 state-wide in CT. The town would get 2% - 3% of the tax revenue to go into the General Fund.

A. Fiano: Does M. D'Amato have some sample regulations that we can review for allowing cultivation in an industrial zone and treat the retail like a liquor store? Model regulations would be great. D'Amato: Yes, Willington approved some a while ago. We can mark those up with some suggested changes.

P. Carson: You can prohibit this.

T. Manning: Bolton was limited to one liquor store. The reason there are more is because they were here before that restriction. Treating cannabis like a liquor store is not the way to go.

e. Other

7. New Business

a. Other

None

8. Correspondence

None

A. Fiano: Can we get the items the intern is working on for the Four Town Economic Development plan? P. Carson: Once the list is decided upon it will be shared. The report is on the website as the Economic Vitality Plan. Will have another summit to see where we are with the original people on the committee invited to attend.

9. Adjournment

J. Cropley moved to adjourn the meeting at 9:32 p.m. J. Scala 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.