

**BOLTON PLANNING & ZONING COMMISSION**  
**Regular Meeting**  
**7:30 p.m., Wednesday, May 11, 2022**  
**Virtual**  
**Minutes & Motions**

**Members Present:** Chairman Tom Manning, Vice Chairman James Cropley, Brittany Clark, Arlene Fiano, Jeremy Flick, Thomas Robbins, Jeffrey Scala, and Alternate Tom Crockett

**Members Excused:** Alternates Rodney Fournier and Kawan Gordon

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

**Others Present:** Ed Grace, Gregg Fedus, Matt Mecca, John Kopec, Dan O’Neill, Asif Choudhry, Andrew Bushnell, David Madden, Glenn Martin, Attorney Curtis Roggi, Jackie Steele, Paul Badeau, Deborah Livingston.

**1. Call to Order:** T. Manning called the meeting to order at 7:33 p.m. A. Fiano did not listen to the recording of the last meeting; J. Flick did listen to the recording.

**2. Approval of Minutes: April 13, 2022, Regular Meeting Minutes**

Correction: Page 1, item 4, third paragraph, second sentence – change to read “T. Manning has been working with Desegregate CT on his own.”.

**J. Cropley moved** to approve the minutes of the April 13, 2022, Regular Meeting as amended.

**J. Scala seconded.** Vote: 7-0-0. Motion passed.

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

**4. Staff Reports**

P. Carson reported:

- Has been working on the two applications on the agenda this evening.
- The BOS approved the Affordable Housing Plan at their last meeting. PZC should look to start the process to include it in the POCD.

M. D-Amato reported:

- Has been wrapping up the Affordable Housing Plan with the intern.
- Working on continuing correction of Zoning Violations.

J. Cropley: What is the status of the property on Boston Turnpike? M. D’Amato: Information was sent to the owner regarding expectations with deadlines. They did meet the first deadline. They asked about a modification and what the PZC may be willing to consider. The owner provided a rendering of the proposed stanchions for the bunker. He is working with a fence company for the sliding gate. M. D’Amato will follow up with a phone call on Friday but this seems to be moving in the right direction.

T. Manning – Is the Affordable Housing Plan available online. P. Carson: That is the next step; to file with the Town Clerk and get it posted online.

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

**a. Continuation: Special Permit Application for Gas Station/Convenience Store, 271 Hop River Road, Nathaniel Fleming (#PL-22-2)**

P. Carson read the public notice into the record. Gregg Fedus, Fedus Engineering, was present representing the owner. Owner Asif Choudhry was also present. Debbie Livingston, Chairman of the Bolton Land Trust, was also on the call.

G. Fedus: A letter in response to the May 8, 2022, staff comments has been submitted on May 11, 2022. The owner agrees with most of the comments and is willing to submit an updated plan. The owner has agreed to create a path that connects the convenience store to the Hop River Trail south of the property. A waiver is no longer being requested for unpaved parking; a pervious pavement will be used. Staff is comfortable with the porous pavements as long as maintenance of the surface is kept up-to-date. Wood rail guardrails are proposed on the edge of the pavement instead of bollards. Light posts will be set behind the guardrail. The owner wants to keep the light pole on the corner near Route 6 for safety reasons. A shield can be added in the back of the fixture to keep all light spillage on the property. The “proposed billboard light” will be removed – they do not intend to add any lights to the billboard that don’t already exist. The sign light that was proposed is being eliminated; we are staying with the existing set up. The dumpster on the plan and detail will be revised to show two dumpsters, one for trash and one for cardboard, in an 8’ x 16’ area.

P. Carson: The rear elevation of the store was changed to match the front as requested making it a more inviting entrance. A drive-through window and queuing were added to the plans in case they want to add a business. The queuing will hold 13 - 15 vehicles. The Fire Chief did approve the access for fire apparatus.

J. Scala: There is no need to change the drainage calculation with the change in the parking surface? G. Fedus: That is correct as the porous pavement will allow infiltration. J. Scala: For the record, G. Fedus is the licensed engineer who stamped the drawings.

T. Manning is pleased with the willingness to make a connection to the walking trail. He knows this will not be the easiest thing to do and he is pleased that will happened.

There was no public comment.

**J. Scala moved** to close the public hearing on Special Permit Application for Gas Station/Convenience Store, 271 Hop River Road, Nathaniel Fleming (#PL-22-2). **J. Cropley seconded**. Vote: 7-0-0. Motion passed.

**b. Special Permit Application for Veterinary Hospital/Veterinary Emergency Care, 233 Boston Turnpike & 12 Williams Road (Bolton Vet), Veterinarians of Eastern Connecticut LLC (#PL-22-3)**

P. Carson read the public notice into the record. Attorney Curt Roggi, was present, representing the Veterinarians of Eastern CT (Bolton Vet). The vet wants to build a new hospital across the street from the current location. They are seeking two small waivers. The new location will be on the corner of Williams Road and Boston Turnpike. The area is made up of two parcels of

land that will be put together to create a 5.17 acre lot. 233 Boston Turnpike is in the GMUIZ and aquifer zones; 12 Williams Road is in the R1 zone. The new hospital of 31,187 square feet will be a three story building that includes a basement level. A landscaping plan is included. Also present with Atty. Roggi is Ed Grace, President of Bolton Vet, Dave Madden, the project architect, Andrew Bushnell, Engineer, and Dan O'Neill, traffic engineer.

Ed Grace: Bolton Vet was founded in 1953 making this our 70<sup>th</sup> year in town. The current facility was built in 1974 with five vets providing service. The vet has grown to 22 vets and two to three times that in staff positions; we have outgrown the facility. We want to continue what we are doing with more room for staff and the clients. We will not be creating a new business but expanding to better serve our clients doing what we do now. We like being in Bolton and we are lucky to have this parcel available. T. Crockett: Is there a plan to use the existing building?  
E. Grace: No, not sure but suspects it will be sold; it is 48 years old.

D. Madden: He is the project manager for a group of architects working on the project. He has been involved with the project from the beginning. The entrance driveway will be on Williams Road away from the intersection. The building will be Colonial style, handicapped accessible, and has an elevator. The vinyl windows will have shutters and the retaining walls will have a stone veneer as will the dumpster enclosure. Colors to be used are earth tones and warm grays with spots of bright colors.

T. Manning: The exterior is everything we hope for in commercial design in Bolton. J. Scala: Has the fire department looked at this and have they obtained public health approval?

Andrew Bushell, Bushnell Associates: Suzanne Choate was the professional for the drainage plan. We came to the PZC in the July/August 2021 for a preliminary discussion. The biggest change was the acquisition of the Williams Road parcel of 1.16 acres. This gave the project more space and the detention basin was spread out. One of the well sites was moved away from the building to allow for more space for the loading zone. The Williams Road parcel has a residential house that will be removed and a shed that will be retained. The grade will be less steep coming into the site. The client's entrance will be at the south and east end. The northerly end will be the employee and service entrance. Potential shown for future parking expansion. One hundred parking spaces is a good number to meet the need and the Bolton regulations.

Storm water from the westerly side of the building is going into underground infiltrators. The soil is quite good for Bolton. The remaining water from easterly side and most of the parking area will be collected to a series of pipes connected to catch basins going into a water quality unit and then discharge into the detention basin on the south end. The basin has been sized to accommodate the build out of the future parking. This water will sheet flow into the basin for pretreatment. The discharge point is the system of catch basins on Williams Road. The erosion and sediment control silt fence will be down gradient of the construction area and areas of disturbance and will have continuous maintenance during the duration of the project. It will be kept in place until there is a good grass surface. A tracking pad is shown and there will be dust control. Natural gas for the heat and emergency generator source will come in from Boston Turnpike. The generator enclosure will be made to match the building. Utilities will be coming from Williams Road and underground from pole. Sanitary sewer from BLRWPCA will be used. They approved the connection on condition of the public hearing. Bolton Vet will be purchasing five ADUs. Water will be from one or two wells. This will be a community water system as

determined by the Department of Public Health. The State Archeologist was contacted. The wood turtle was found in the DEEP Natural Diversity Database for this area. DEEP gave recommendations on what should be done if they are seen on the site. The lighting plan was reviewed and approved. The turning radii was shown using the Bolton FD tower truck.

J. Scala: Does DPH look at the wells around this to see if there is an affect? A. Bushnell: Yes, we are doing 10 gallons per minute and will have storage tanks using ~1,000 gallons per day. J. Scala: Does BLRWPCA have issues with the animals? A. Bushnell: There will be a pet hair trap. There is no concern about fluids from surgery; they are on sewer now. E. Grace: Nothing goes into the sewer for fecal or blood. There is no crematorium on site.

Glenn Martin: The landscaping plan includes shade trees in the parking areas and screening along Williams Road. The infiltration basin will be seeded with wildflower seed mixes. There will be a screen of evergreens/shrubs for the adjacent properties to the south. The landscaping will be professionally maintained. All proposed plantings are native or non-invasive.

J. Flick: There will be no kennels, correct? D. Madden: There will be no exterior kennels. There will be a couple of areas to take dogs out to relieve themselves. There will be a dog yard to the west and a dog area in the southeast corner. No dogs will be staying outside for a long period of time. There will be no barking or noise.

Dan O'Neill, Traffic Engineer from Fuss & O'Neill: Traffic-wise the size of the building may be different but operationally there will be the same amount of traffic now with a slight change of where that is happening. The driveway is designed to handle the amount of traffic, the trip distribution, and that cars can enter and exit safely. We look at the morning and afternoon rush hours. The morning peak hours for traffic are 6:00am to 8:00am with this facility opening after those peak hours. There will be 17 trips from staff arriving during that peak but not clients. The afternoon peak has about 44 trips between clients and staff. Typically, if you have fewer than 50 trips added, the State does not need to hear about it. A speed study was done on Williams Road; traffic travels about 43 mph on that roadway. The sight distance needed at that speed is about 463' looking to the left and 470' looking to the right. On the left we will have well over 500' and 380' to the intersection on the right but cars are turning so they would not be at 43 mph. Our change in location is not going to change anything on Boston Turnpike. Traffic can safely be accommodated with the current roadway system.

Jackie Steele, 21 Williams Road: Has lived on Williams Road for 23 years and is concerned about the entrance on Williams Road. The road is narrow and the driveway is across from one for Simonize which is typically gated off. School buses have trouble passing. There will be a traffic impact. D. O'Neill: People going to the facility now will not change that much. People will be able to see when entering or exiting the driveway. The mileage for Williams Road is 25 mph but people are traveling at an average of 43 mph. The conflict points are minimal.

A. Fiano: Regarding the wood turtles – curbing and other permanent structures can be turtle friendly. Bolton Vet should be even more aware of possible impact to the wood turtles after construction and how the facility can impact their habitat. Also, Williams Road is posted with a request that no large trucks use this road. Can PZC have peace of mind that large trucks will enter the site from Route 44 and not from Bolton Center Road? P. Carson: PZC can condition that delivery trucks should come in and out of Route 44. C. Roggi: He does not think the

owners would have a problem with that and that would include construction trucks. E. Grace: It is not a problem to tell the project manager where construction trucks should enter and we can absolutely tell delivery trucks to use Route 44. We do not have a ton of product coming in.

J. Scala: When do you anticipate breaking ground once approvals are given? D. Madden: Within a month or two of approval. E. Grace: Our original goal was to get rolling on it in this construction season. J. Scala: The effort of the team certainly shows. C. Roggi: A written narrative was submitted with the last page being very specific of what we need.

**J. Cropley moved** to close the public hearing on Special Permit Application for Gas Station/Convenience Store, 271 Hop River Road, Nathaniel Fleming (#PL-22-2). **J. Scala seconded**. Vote: 7-0-0. Motion passed.

## **6. Old Business**

### **a. Discussion/Possible Decision: Special Permit Application for Gas Station/Convenience Store, 271 Hop River Road, Nathaniel Fleming (#PL-22-2)**

**T. Manning moved** to approve Nathaniel Fleming's Special Permit application for a gas station/convenience store with drive-thru window at 271 Hop River Road, application #PL-22-2, in accordance with the application and plans submitted as "Planning & Zoning Submission, 271 Hop River Road, Proposed Convenience Store, 271 Hop River Road, Bolton - Connecticut" (6 sheets) dated: January 3, 2022, revised through 4/28/2022, Elevation Plans (3 sheets) dated: 06-15-21 which is conditioned on the following:

1. A copy of any required submission to the CTDOT shall be submitted to the Building Department.
2. This approval is subject to compliance with any comments or requirements of the Health District, Fire Marshal, Town Engineer, and Inland Wetlands Commission.
3. A Site Improvement Bond which includes Erosion & Sedimentation controls and a 20% contingency in the amount of \$275,780.00 shall be filed 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.
4. An Erosion Control Bond of \$6,964.00 shall be posted as part of the permit process prior to any work commencing on the site.
5. Bollards to keep vehicles in the parking spaces shown in the southerly parking area behind the building shall be replaced with a wood guide rail and set back to allow for vehicle overhang and shown on the plans with a detail of the guide rail. The three light poles on the back edge of the pavement will also be shown on the plans as set back off the edge of pavement to allow for vehicle overhang.
6. The light pole closest to the western corner of the property will be modified to include an additional shield that will eliminate all spillage onto the neighboring property. The southerly light pole on the western property boundary will be moved further south and east along the curve in order to eliminate any spillage onto the adjoining property.
7. The dumpster pad and detail shall be revised to show one 8' x 16' enclosure for one trash and one cardboard dumpster.
8. The new light on the existing billboard shall be removed from the plans.
9. The proposed sign shall be removed from the plans and revised to reflect just the existing sign.

10. Since the property is undergoing remediation, the water system shall be provided with treatment to remove those potential remediation contaminants, and the system water will be tested for those contaminants pursuant to the remediation plan and results shall be provided to the CTDPH and EHHD.

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

**J. Scala seconded.** T. Manning seated T. Crockett for A. Fiano. Vote: 7-0-0. Motion passed.

**b. Discussion/Possible Decision: Special Permit Application for Veterinary Hospital/Veterinary Emergency Care, 233 Boston Turnpike & 12 Williams Road (Bolton Vet), Veterinarians of Eastern Connecticut LLC (#PL-22-3)**

**T. Manning moved** to approve Veterinarians of Eastern Connecticut LLC's Preliminary Development Plan and Special Permit with Site Plan Review for a Veterinary Hospital/Veterinary Emergency Care at 233 Boston Turnpike & 12 Williams Road (Bolton Vet), application #PL-22-3, in accordance with the application and plans submitted as "Bolton Veterinary Hospital Site Plan/Special Permit, 233 Boston Turnpike (Route 44) Bolton, CT Parcel ID 2079" (13 sheets) dated: 3/21/22, revised through 05/11/22, and Exterior Renderings and Floor Plans, which is conditioned on the following:

1. A copy of any required submission to the CTDOT shall be submitted to the Building Department.
2. This approval is subject to compliance with any comments or requirements of the Health District, Fire Marshal, Town Engineer, Inland Wetlands Commission, and the BLRWPCA.
3. C-T2 Site Plan Truck Movement shows appropriate turning radii for a fire truck on the plans. Prior to final paving the Town will perform a drive thru with current fire apparatus to confirm effective transportation routes without obstruction as indicated on the C-T2 plan and any site adjustments needed will be corrected by the applicant.
4. Construction vehicles shall enter Williams Road from Boston Turnpike and not from Bolton Center Road. After construction is complete, the same condition shall apply to delivery vehicles serving the property.
5. A separate lot line reconfiguration plan and application to dissolve the property line between 233 Boston Turnpike and 12 Williams Road 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.
6. Construction of the dumpster enclosure shall be shown on the plans as masonry faced with stone veneer.
7. Cape Cod curbs shall be indicated on the plans wherever there is no sidewalk.
8. A Site Improvement Bond which includes a 20% contingency in the amount of \$683,393.00 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.
9. An Erosion Control Bond of \$14,656.00 shall be posted as part of the permit process prior to any work commencing on the site.
10. 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

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

1. Waive Section 9.B.7a requiring the proposed building be located no greater than 25 feet from the street line along Williams Road.
2. Waive Section 15G requiring parking be located no closer than 50 feet to the front property line along Boston Turnpike.

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

**Friendly amendment** suggested by J. Scala and accepted by T. Manning: Item 10 should have subitems listed as “a., b., c., d.”.

**J. Scala seconded.** T. Manning returned A. Fiano to voting status. Vote: 7-0-0. Motion passed.

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

## **7. New Business:**

### **a. Other**

P. Carson: What kind of site plan will someone need to change the use of existing buildings on a property where they are not adding any structures? For parking, storage, etc., what level of survey or plan? T. Manning: Download a map from GIS and sketch on it. M. D’Amato: The proposal will need approval for the use. There will be no exterior changes. This will be a business place; the public are not coming and going. There is an A-2 Survey. J. Scala is okay with sketching on the survey map since the date of the map is not that old.

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

## **10. Adjournment:**

**J. Cropley moved** to adjourn the meeting at 9:55 p.m. **J. Flick 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.*