

**BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING
7:30 PM, WEDNESDAY, MAY 10, 2023
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD
In-Person and Via Zoom**

MINUTES

PZC Members Present In-Person: Chairman Tom Manning, Vice-Chair James Cropley, Thomas Robbins, Tom Crockett (Alternate)

PZC Members Present Via Zoom: Jeffrey Scala, Kawan Gordon (Alternate)

PZC Members Absent: Arlene Fiano, Jeremy Flick, Rodney Fournier, Steven Clark (Alternate)

Staff Present Via Zoom: Patrice Carson, AICP, Consulting Director of Community Development, Recording Secretary Linda H. McDonald

Others Present in-person: Andrew Ladyga

1. Call to Order: Chairman T. Manning called the meeting to order at 7:30 p.m. T. Crockett was seated for R. Fournier. K. Gordon was seated for A. Fiano.

2. Approval of Minutes: April 12, 2023

The minutes of April 10, 2023 were amended as follows: T. Crockett should be noted as absent, not present at the meeting.

J. Cropley MOVED to APPROVE the regular meeting minutes of April 10, 2023 as amended. T. Robbins SECONDED. By roll call vote, the MOTION CARRIED 5:0:1 with T. Crockett abstaining.

3. Residents' Forum: No one came forth to speak.

4. Staff Reports:

P. Carson reported on the possibility of a Dunkin coming to town on Boston Turnpike and the possibility of senior housing being developed on Loomis Road. She is also working on codification of regulations.

5. Old Business:

a. DISCUSSION/POSSIBLE DECISION: Zoning Regulation Amendments Regarding Cannabis (#PL-22-6):

- 1. allow only retail sales of cannabis products only in the GB Zone by Special Permit**
- 2. prohibit any cannabis establishment**
- 3. extend the current moratorium to continue to further evaluate public input and consider amendments to draft regulations.**

P. Carson, said she spoke with one of the town's state troopers regarding the proposed regulations and he agreed most of the issues in town are alcohol-related, but believes that it is because cannabis has not really entered Bolton through sales yet. He said he feels that cannabis sales bring issues and complicate law enforcement which he has seen in other towns he serves as the troopers are not only assigned to the town of Bolton.

J. Cropley inquired if the commission should reach out to local law enforcement and the fire department to have them voice their opinion in the future. P. Carson responded the commission can ask the police or anyone they want to attend a meeting to provide information.

T. Crockett asked if the commission should wait to vote until next month, when all the regular members are present, because of their experience and feel for what is good for the town, although he stated he is prepared to vote on the proposed regulation.

T. Manning MOVED to take action on amending the Bolton Zoning Regulations as presented in application #PL-22-6 as follows:

- a. approve Section 10 to add Section 10H. to allow retail sales of cannabis in the GB zone by Special Permit, effective 6/01/2023;
- b. approve removal of Sections 17-2 Section 3 ending the temporary moratorium on cannabis establishments effective 6/01/2023;
- c. deny adding proposed Section 5J prohibiting any cannabis establishment.

K. Gordon SECONDED.

T. Manning commented like alcohol and guns, cannabis is something he has no use for. However, since he has been on the commission, a few home occupancy businesses have been approved that involve guns and there are at least three liquor stores in town as well. He said he is aware that there very well may be problems associated with it. He said we have seen the problems associated with the prohibition of alcohol and cannabis and believes it is appropriate to at least decriminalize it. T. Manning said he is aware it is still illegal under federal law. He said, in the name of ordinary freedom, we should let people do things that are not necessarily good for them and cannabis is one of them. He noted the commission has considered cultivation establishments and there are a lot of good reasons not to permit them. Statistics have shown a cannabis retail store is more like a pharmacy rather than a liquor store in the amount of traffic generated and parking needed. T. Manning stated for all those reasons he would vote yes on the motion.

J. Cropley said he came to the meeting with the thought he would approve this motion but, after hearing the discussion from the state troopers, he thinks he would vote no. He noted he has had some issues at his garden center and it has taken 45 minutes for a resident state trooper or state trooper to get there. He said he understands they travel a large area other when they are in town but has a concern there will be an issue that can't be dealt with in a timely manner and would not want to see anything bad happen. He said, maybe at some point when we see other towns around do it and there are no complications, it would be something someone could reconsider. J. Cropley said if the town had its own police department he might consider it more, but not having a police department and knowing that there are only two resident state troopers that are here and spread their time, he does not want to see the town get in trouble.

T. Crockett said he will vote no. He has heard from neighbors about why we would want to change for something like this as we have a nice town with very few problems involving the state police. He said it hit the nail on the head seeing the report from the state troopers who probably do not have much experience with this.

K. Gordon said that he looks at it from a position of investments. For example, people get up and go to work or operate businesses and, in order to achieve that, buy a car to get to work or do market research if operating a business. We hire people, we vet them, and do what we can to make sure we are taking

the best steps that will provide a return on equity in the long run. He said he agrees with T. Manning's comment that alcohol is a substance that you have to travel to a get, meet certain requirements set by the state, be of a certain age and have the ability to purchase alcohol. He said, similarly, with cannabis, a person has to meet certain criteria to go to a storefront and purchase that item. He said he reads of overdoses every day of recreational drugs that are tainted so if you have a place that is certified and you know the quality of what you are getting is pure and not tainted or laced with something. This provides a better safety net for those who are seeking cannabis. K. Gordon stated he has no use for cannabis but knows people that benefit from it, not stressed and reduces their anxiety. He noted a study from Rutgers that showed home values went up by 1.6% in places that had cannabis establishments. K. Gordon said the town is proposing a mil rate increase and is looking for ways to keep the mil rate down and believes this is a good way to bring in an additional source of revenue and may help to keep taxes lower. He thinks this is a good investment for Bolton. He acknowledged there is always the possibility of a negative scenario, but not allowing something to occur because we do not have a full understanding, you do not want to limit your sources. He said Bolton has a feeling of having a certain small-town charm but still has to take investments. He noted his decision is also based on what he heard during the public hearings.

T. Robbins stated he is opposed to the motion for the same reasons noted by J. Cropley. He said, if the town had a police department, he might feel differently about it but, at this time he does not feel it is a good idea.

J. Scala said he would be abstaining from the vote on the motion because he did not finish going through all the hearing information. He said if he had finished going through the information, from his understanding, he would be voting in favor of it. He commented we are a society that is open and free and anything we can do to maintain that; cannabis is here to stay whether people are buying it legally or illegally. Whether people drive to Manchester or East Hartford to get it, it is still going to be here so why not take advantage of some of the revenue that potentially could come in and provide an opportunity for a business owner to create a business in Bolton which would only benefit the town. The only downside with not having a police department is he does not see a negative greatly different as alcohol.

By roll call vote, MOTION FAILED 2:3:1 with J. Cropley, T. Robbins, and T. Crockett opposed and J. Scala abstaining.

J. Cropley MOVED to take action on amending the Bolton Zoning Regulations as presented in application #PL-22-6 as follows:

- a. deny Section 10 to add Section 10H. to allow retail sales of cannabis in the GB zone by Special Permit;
- b. approve removal of Sections 17-2 Section 3 ending the temporary moratorium on cannabis establishments effective 6/01/2023;
- c. approve adding proposed Section 5J prohibiting any cannabis establishment, effective 6/01/2023.

T. Robbins SECONDED. By roll call vote, MOTION CARRIED 3:2:1 with T. Manning and K. Gordon opposed and J. Scala abstaining.

b. Other: None.

6. New Business

a. Discussion/Possible Decision: Request to Reduce Site Completion Bond for Special Permit #PL-21-1 for Excavation Business, Equipment Storage and Material Processing Areas, 1 Notch Road, William Phillips

P. Carson explained the town received correspondence from owner W. Phillips of Landie Construction requesting a refund of the site improvement portion of the cash bond he was required to put up on his property at 1 Notch Road.

The town's consulting engineer reviewed the existing site improvement bond and reduced it accordingly to only account for public improvements. His opinion of probable construction costs totals \$10,665.36. The engineer advised that the estimate has been revised to reflect 2023 construction costs and should items covered by this bond not be constructed during this calendar year, an appropriate escalation factor may be applied. Additionally, he reviewed and updated the unit costs associated with the current Sediment and Erosion Control Bond and determined the revised amount to be \$35,643.95.

T. Manning MOVED that in accordance with the Town Attorney's Legal Opinion No. 234 issued on December 12, 2022, the Site Completion Bond has been reviewed by the town engineer on May 8, 2023 and reduced to include only timely and adequate completion of any site improvements that will be conveyed to or controlled by the Town in the amount of \$10,665.36 (\$8,887.80 plus a 20% contingency of \$1,777.56). Bonding requirements for Erosion and Sedimentation Controls have increased slightly and will be held at \$35,643.95. J. Cropley SECONDED. MOTION CARRIED 6:0:0.

b. Other: None

7. Correspondence: There was none.

8. Adjournment: J. Cropley MOVED to adjourn the meeting at 8:12 p.m. J. Scala SECONDED. MOTION CARRIED 6:0:0.

Respectfully submitted by Linda H. McDonald

Linda H. McDonald

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