

**BOLTON PLANNING & ZONING COMMISSION  
REGULAR MEETING  
7:30 PM, WEDNESDAY, SEPTEMBER 13, 2023  
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD  
In-Person and Via Zoom**

**MINUTES**

**PZC Members Present In-Person:** Chairman Tom Manning, Arlene Fiano, Jeremy Flick, Rodney Fournier, Thomas Robbins

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

**PZC Members Absent:** Vice-Chair James Cropley, Alternates Steven Clark & Tom Crockett

**Staff Present Via Zoom:** Patrice Carson, AICP, Consulting Director of Community Development, Michael D'Amato, Interim Zoning Enforcement Officer, Recording Secretary Linda H. McDonald

**Others Present in-person:** Michael Bugnacki, Mark Reynolds, P.E., Attorney Edward Joy, Larry Pesce, John Erwin, Sydney Shifrin, Jerrie Tessier, Norman Tessier, Jim Pendergrast, Judy Lodi, Kevin Burnham, Debbie Burnham, Marilee Manning

**Others Present via zoom:** Susan Erwin, Andrew Ladyga

**1. Call to Order:** Chairman T. Manning called the meeting to order at 7:31 p.m. K. Gordon was seated for J. Cropley.

**2. Approval of Minutes: August 9, 2023**

R. Fournier MOVED to APPROVE the regular meeting minutes of August 9, 2023 as presented. A. Fiano SECONDED. By roll call vote, the MOTION CARRIED 7:0:0.

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

**4. Staff Reports**

P. Carson reported she has been reviewing this application, has met with a few people with questions about development, and dealt with a couple of lot line reconfigurations. M. D'Amato reported he is continuing to work on providing the board with information on high density housing on septic systems.

**5. Public Hearing**

**a. APPLICATION: Special Permit for 6-Unit Senior Housing Project, 7 Loomis Road, Michael Bugnacki (#PL-23-6)**

P. Carson read the legal notice into the record. Attorney Edward Joy, representing Michael Bugnacki, the applicant, noted that M. Bugnacki is well-known in Bolton. He said M. Bugnacki already owns this property and has a recently approved building project on the premises.

M. Bugnacki explained he is proposing six one-bedroom, one bathroom age restricted senior housing apartments. He said they will be built so they are very accessible and there is a big need in the community for this type of housing.

M. Reynolds, P.E., site engineer for the proposed project, described the site plan characteristics. He said the topography is sloped toward the rear away from the street. The patio space is to the east of the building. Parking is proposed to the west with 16 spaces for residents and four for visitors. He noted there will be a low shallow retention basin and no increase in runoff from this proposal. He said an onsite septic system is proposed and the test pits were reviewed in the previous application. He said there is a landscaping plan and a lighting plan including 20-foot pole mounted lights in three locations and lights at the entrances of the six doorways. M. Reynolds said vehicular egress site lines are appropriate. Also included in his presentation were drainage reports and a traffic statement.

P. Carson said she just received comments from Town Engineer Joseph Dillon who reviewed the drainage plan which is the same as the prior application for the business units. M. Reynolds confirmed it is the same and noted there is less impervious area than the business units plan, as the parking area has been reduced. J. Dillon said he has no problem with the calculations and what was submitted today.

Commission members asked questions on the following:

- Are there any invasive species in plantings – M. Bugnacki said the plantings were recommended by a local landscaper.
- Spillover of lighting beyond the property – photometric plan shows no spillover.

P. Carson referred to a letter from an abutter with three concerns; property values, traffic, and if the septic system meets the requirements of the public health code. P. Carson reported Sanitarian Thad King said the water system and septic systems meet the public health code for this project. She said a traffic report was submitted and reviewed by staff and sightline requirements were met.

J. Scala noted this application is for a single private water supply well and asked if the well is drilled and nuisances are met, like too much iron, what is the proposal to deal with that. M. Reynolds responded this proposal falls below the threshold for a public community well. He said, if a problem was met with quality, treatment would be provided prior to delivery to all six of the residences. If needed, a treatment system would be located in the proposed 5'x10' main storage unit. A revised architectural plan dated 9/10/23 showing the main storage unit was submitted into the record.

J. Flick commented that the commission already has a plan approved in 2018 for 6 business units. He said this plan is improved as it has less impervious surface area and less traffic. He said this plan is more of a neighborhood use. J. Flick said he believes this plan serves a purpose in the town.

J. Scala said he was concerned with the amount of topsoil being removed. For the record, M. Bugnacki stated there is no significant deviation from the prior approved plan regarding topsoil removal.

Sydney Shifrin of 56 West Street asked about a proposed light on the south side of the building. M. Reynolds confirmed that light is not part of this plan. S. Shifrin expressed concern that the retention basin will overflow and produce runoff into her vineyard more frequently than the 100-year flood is predicted to occur. M. Reynolds described how the water caught by roof drains will be piped into the retention area. He explained the parking lot is very mildly sloped and any runoff will sheet flow to the south to the low area by the dumpster and flow over land into the retention area. He said, based on the standard for design given to him, the plan meets the standards, and the analysis shows there is no increase in the runoff from the site. S. Shifrin questioned the time of year (August) and the accuracy of the results of the perk tests that were performed on the test pits. For the record, J. Scala said time of

year was not an accurate statement as, by regulation, the test holes are required to be pre-soaked and the soil is saturated before the tests are run so as not to get that effect.

M. Reynolds said the commission can feel satisfied that the plans were reviewed by the health department, who is the government authority regarding everything septic including the percolation tests, the DEEP tests, the design, and the installation, and found the design to be accurate.

Larry Pesce of 66 Hebron Road said he owns the property east of the project. He voiced concern with the potential failure of the septic system affecting his property and asked for an explanation of the silt fencing. Members reviewed the silt fence details on the E&S plan with the engineer.

John Erwin of 49 West Street was concerned about the proposed lights and if they are shielded from other houses. T. Manning responded that the code requires full cutoff fixtures. J. Erwin said he is just looking for neighborly privacy. He asked who would dictate keeping the occupancy at 62 years and older. M. Bugnacki responded a yearly inventory of occupants would be conducted.

Susan Erwin of 49 West Street expressed concern on whether the town has the appropriate resources to respond to medical emergencies for this client population 62 and over. T. Manning responded that the commission received a letter of approval from Bruce Dixon, Chief of the fire department regarding public safety. P. Carson added, a Knox box was requested for the premises by the fire department and has been added to the plan.

Larry Pesce asked if the zoning regulations require some fencing along the east side of the property that adjoins his property. T. Manning responded there is a regulation for when a commercial property adjoins a residential property and specific requirements for buffer distance and a screen. A. Fiano noted the applicant kept the business screening from the prior approved plan and did not change the planting plan so he would be getting more screening from this plan than what would be required for a residential property next to a residential property.

Kevin Burnham of 39 West Street expressed concern, that in a drought situation, if the aquifer could handle the additional amount of water used by the well in the project and could affect his shallow well. M. Reynolds responded that the well on the plan is proposed and said the general reaction to not having enough water is to drill farther.

P. Carson said the items that were outstanding that have been submitted satisfactorily are: a lighting Isodiagram and she confirmed with the applicant that he would agree if the commission wished to have the lighting on the south side of the building removed; added parking allowing for additional visitors; the E&S control bond is satisfactory; pre and post drainage calculations were reviewed late by the town engineer and addressed; sightline, the Knox box question, and public health comments were addressed.

P. Carson reminded the commission that this is a previously approved site so things like “the owner of the premises shall maintain the retention area depicted along the eastern side of the parcel so it can fulfill its designated drainage function” is still a condition of approval. She said that may address some of the residents’ questions. The town will require some sort of appropriate deed restriction before occupancy that the applicant files on the land records regarding the occupation of the units by 62-year-old and older persons for the zoning regulations that require that. In summary, P. Carson said with the changes to the plan and the information submitted tonight and throughout the plan process, staff feels the plans, with some conditions, would meet the zoning regulations.

R. Fournier MOVED to close the public hearing for application #PL-23-6 for a Special Permit for a 6-Unit Senior Housing Project, 7 Loomis Road, Michael Bugnacki. A. Fiano SECONDED. By roll call vote, MOTION CARRIED 7:0:0.

## **6. Old Business**

### **a. DISCUSSION/POSSIBLE DECISION: Special Permit for 6-Unit Senior Housing Project, 7 Loomis Road, Michael Bugnacki (#PL-23-6)**

T. Manning MOVED the Planning and Zoning Commission approve Michael Bugnacki's Special Permit for a 6-unit senior housing project at 7 Loomis Road, application #PL-23-6, in accordance with the plans submitted as "Site Development Plan, Senior Housing Complex, 7 Loomis Road, Bolton, CT" (4 sheets) dated: 7/26/2023, revised through 9/6/23, and elevation and floor plans (4 sheets) dated: July 31, 2023, and architectural plans (8 sheets) dated: 9/13/2023 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 with conditions shall be placed on the mylars to be recorded in the Office of the Town Clerk.
3. 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.
4. The owner of the premises shall maintain the retention area depicted along the eastern side of the parcel so that it continues to fulfill its designed drainage function.
5. An Erosion & Sedimentation Control Bond including contingency in the amount of \$20,760.00 shall be posted as part of the permit process prior to any commencement of work on the site.
6. Signs are not part of this decision. Any proposed signage or menu sign board will need separate permit application(s) and approvals from the Zoning Enforcement Officer.
7. Prior to occupancy, the applicant shall file on the land records an appropriate deed restriction regarding the project being occupied by 62-year-old and older persons per the Zoning Regulations to the satisfaction of town staff.
8. 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.
9. 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.
10. Additional erosion & sedimentation controls may be required by Town staff as necessitated by field conditions.
11. 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.
12. The luminaire shown on the south side of the proposed building shall be deleted.
13. All other conditions and waivers of the prior approval for 6 business units on this site shall apply to this approval.

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

R. Fournier SECONDED. By roll call vote, MOTION CARRIED 7:0:0.

**b. Other:** No other old business.

**7. New Business**

**a. Schedule Commissioner Training**

P. Carson explained each commissioner is required to complete four hours of training. M. D'Amato said PA 23-173, effective 10/1/23, outlines the training requirements and timeframe for completion. Members were encouraged to sign up for eligible training sessions, either in-person or remotely and keep track of the hours completed.

**b. Other:** No other new business.

**8. Ongoing Discussion: Bolton Subdivision and Zoning Regulations:** No discussion.

**9. Correspondence:** No correspondence.

**10. Adjournment:** J. Scala MOVED to adjourn the meeting at 9:23 p.m. A. Fiano SECONDED. MOTION CARRIED 7:0:0.

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.*