BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING AGENDA
7:30 PM, WEDNESDAY, JANUARY 14, 2015
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD

1. Call To Order

2. Approval of Minutes:
   October 15, 2014 Special Meeting Minutes & December 8, 2014 Special Meeting Minutes & December 10, 2014 Regular Meeting Minutes

3. Residents' Forum (Public Comment for items *NOT* on the agenda)

4. Old Business
   a. Other

5. New Business
   a. *DISCUSSION/POSSIBLE DECISION:* Application to Modify Resubdivision Approval for Bakerfeld Subdivision, 4-Lots, 160 Hebron Road, EOJ Properties LLC
   b. *DISCUSSION/POSSIBLE DECISION:* Request to Extend Time to File Mylars with the Town Clerk for Bakerfeld Subdivision, 4-Lots, 160 Hebron Road, EOJ Properties LLC
   c. *DISCUSSION:* Regulations for the Keeping of Poultry
   d. *Other*

6. Plan Of Conservation & Development Discussion

7. Correspondence

8. Adjournment

BOLTON PLANNING & ZONING COMMISSION
SPECIAL MEETING
7:00 PM, MONDAY, December 8, 2014
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD

MINUTES (Unapproved) & MOTIONS

Members Present: Chairman Eric Luntta, Jeffrey Scala, Arlene Fiano, Adam Teller (arrived at 7:25), Thomas Manning (via telephone), Nancy Silverstein (Alternate seated for Carl Preuss), Christopher Davey (Alternate arrived at 7:51 and seated for Jim Cropley)

Members Excused: Carl Preuss, James Cropley, Neal Kerr (Alternate)

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

Others Present: Glenn Chalder, Planimetrics

1. **Call to Order:** Chairman E. Luntta called the meeting to order at 7:15pm.

2. ***DISCUSSION:*** **Plan of Conservation and Development**

Glenn Chalder thanked the Commission for being selected to help update the POCD and was happy to be working in the town again. He outlined the schedule of monthly meetings to get the POCD done by the hard deadline which is adoption by December, 2015. The Commission decided that at the end of all the POCD meetings they would reserve the last 10 minutes to hear any public input.

The Commission reviewed and discussed the first three booklets of the POCD – Booklet #1 Planning Primer for Bolton, Booklet #2 Conditions and Trends, and Booklet #3 Planning Issues in Bolton. All sections of the POCD will come as Booklets to the Commission and put up on the Website so the public can follow along. The Booklets will be sent ahead of time of the meetings so the Commission can review and be ready for discussion at each meeting.

The next meeting is Wednesday, January 28, 2015 from 7:00-9:00pm and Land Use, Zoning, and Conservation Themes will be discussed. In February Development Issues will be discussed and in March Infrastructure will be discussed.

3. **Adjournment:** J. Scala MOVED to ADJOURN the meeting at 9:12pm. A. Fiano SECONDED. MOTION CARRIED 6:0:0.

Respectfully submitted by Patrice L. Carson

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

BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING
7:30 PM, WEDNESDAY, DECEMBER 10, 2014
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD

RECEIVED
DEC 15 2014
Town Clerk of Bolton

MINUTES & MOTIONS

Members Present: Vice-Chair Jeffrey Scala, James Cropley, Adam Teller, Arlene Fiano, Neal Kerr (Alternate), and Christopher Davey (Alternate)

Members Excused: Chairman Eric Luntta, Carl Preuss, Thomas Manning (listening in on the meeting by phone) and Nancy Silverstein (Alternate)

Staff Present: Patrice Carson, AICP, Director of Community Development, Jim Rupert, Zoning Enforcement Officer and Linda H. McDonald, Recording Secretary

Others Present: Raymond Donohue, Rita Donohue, John Heagle, First Selectman Robert Morra, Bruce Dixon, Joseph White, John Roback, Michael Morin, Peter Morra, William Anderson, Fire Marshal Ray Walker Jr, Milton Hathaway, Selectman Gwen Marrion and others

1. Call to Order: Vice- Chair J. Scala called the meeting to order at 7:35 p.m.

N. Kerr was seated for E. Luntta and C. Davey was seated for C. Preuss.

3. Approval of Minutes:

J. Scala MOVED to APPROVE the regular meeting minutes of September 10, 2014 as written. A. Teller SECONDED. MOTION CARRIED 5:0:1 with N. Kerr abstaining.

A. Teller MOVED to APPROVE the special meeting minutes of September 24, 2014 as written. J. Cropley SECONDED. MOTION CARRIED 5:0:1 with C. Davey abstaining.

The regular meeting minutes of October 8, 2014 were amended as follows: Under 'Others Present" change Kevin Vine to read "Kevin Byam" and Ron Picard to read "Mark Picard".

J. Cropley MOVED to APPROVE the regular meeting minutes of October 8, 2014 as amended. A. Teller SECONDED. MOTION CARRIED 5:0:1 with A. Fiano abstaining.

A. Teller MOVED to APPROVE the special meeting minutes of October 29, 2014 as written. J. Cropley SECONDED. MOTION CARRIED 4:0:2 with N. Kerr and C. Davey abstaining.

J. Cropley MOVED to APPROVE the regular meeting minutes of November 12, 2014 as written. A. Fiano SECONDED. MOTION CARRIED 6:0:0.

Approval of the regular meeting minutes of October 15, 2014 and special meeting minutes of December 8, 2014 will be addressed at a future meeting.

4. Resident's Forum (Public Comment for items not on the agenda): First Selectman R. Morra wished the Board happy holidays.

The regular meeting was suspended at 7:45 p.m.

2. Public Hearing: Subdivision application for Donohue Subdivision, one lot at 65 French Road by Raymond and Rita M. Donohue:

P. Carson read into the record the public hearing notice that was published in the Hartford Courant on November 28, 2014 and December 5, 2014.

A. Teller disqualified himself from this public hearing and vacated his Commission seat to sit in the audience. J. Scala said, for the record, that the alternates will remain seated for this public hearing.

John Heagle, L. S., P. E. of Megson, Heagle and Friend Civil Engineers & Land Surveyors LLC located at 81 Rankin Road, Glastonbury, CT entered into the record a letter from the applicants that allows him to represent them at this hearing, the certified mail receipts for abutting landowners, and a notarized copy showing the posting of the public hearing sign. He also entered into the record a note regarding a phone call from John Varca dated 2/6/1996 regarding the need to file a mylar combining parcels A, C, and D into one parcel and a copy of the subdivision Map for #65 French Road prepared for Raymond & Rita Donohue, Bolton, CT dated 11/5/14.

J. Heagle stated that the lot was developed approximately 19 years ago by property owner John Varca who built a house and came in and got what he thought was an approval for the lot. He got the necessary wetlands permits to do the work, did soil testing for on-site septics and received Health Department approval. J. Varca also got a variance from Zoning Board of Appeals regarding minimum buildable area. A plot plan was submitted to the Town and a building permit was issued and ultimately a CO. J. Heagle said, for whatever reason and doesn't think there was any misrepresentation on anybody's part purposely, the lot also required subdivision approval but nobody realized it at the time.

J. Heagle continued that, when the original plot plan was prepared, it did not meet the 200 foot frontage and, at that time, a note was put on the plan regarding irregular lots and under the zoning regulation it did meet the minimum requirement of 160 feet of frontage. The regulation also stated that it can be denied by the Commission if they didn't feel it was appropriate.

J. Heagle said he is here representing the Donohue's to hopefully resolve the unfortunate situation that occurred and that the applicants thought they had an approved lot and got a building permit and CO and lived there for 19 years.

J. Heagle said the applicants are here tonight to 1) get approval of the subdivision, 2) request a waiver of the portion of the regulation regarding open space or fee-in-lieu of open space and 3) request that the PZC allow the frontage based on the irregular lot regulation.

P. Carson said there are three outstanding issues with this application: 1) the Board has the right to decide the amount of fee-in- lieu for open space, 2) consider a waiver of the landscaping and 3) to decide if this property would qualify as an irregular lot.

P. Carson read into the record the following reports for the application for Donohue Subdivision, one lot at 65 French Road:

- 01/07/11 - Opinion letter from Town Attorney Richard L. Barger
- 12/03/14 - EHHD Subdivision Review email from Holly Hood, RS – no issues
- 12/02/14 - Review email from Barbara Kelly, Wetlands Agent – no issues
- 12/03/14 – Email from James Loersch, Inland Wetlands Chair confirming Agent's email
- 12/04/14 – Review letter from Joseph Dillon, PE – no issues
- 12/04/14 – Review email from Ray Walker, Fire Marshal with one issue
- 12/05/14 - Letter from Attorney Terrance Frolich on behalf of his clients
- 12/09/14 – Opinion letter #193 from Town Attorney Richard L. Barger
- 12/10/14 – Response letter from Town Attorney Richard L. Barger to P. Carson
- 12/04/14 – Engineering review fee estimation - $500
- 12/05/14 – (verbal) legal review fee estimation - $500

P. Carson said there are missing items from the application checklist which are not applicable to this subdivision application.

P. Carson said the Board would be approving this second lot based on current subdivision regulations.

J. Cropley MOVED to CLOSE the public hearing on the application for Donohue Subdivision, one lot at 65 French Road by Raymond and Rita M. Donohue. C. Davey SECONDED. MOTION CARRIED 5:0:0.

The regular meeting resumed at 8:28 p.m.

J. Scala MOVED at this time to address item 6b before item 5 on the agenda. J. Cropley SECONDED. MOTION CARRIED 5:0:0.

6b. Discussion/Possible Decision: Subdivision application for Donohue Subdivision, one lot at 65 French Road by Raymond and Rita M. Donohue:

There was a lot of discussion about the uniqueness of this situation as discussed in the Town Attorney's letter. Discussion followed on whether the applicants meet the landscaping zoning requirements of planting a tree every 50 feet along the sides and 40 feet along the frontage with a four inch caliper. It was determined this requirement was met with existing plantings and did not need to be waived.

Discussion followed on the unique nature of this application in regards to the fee-in-lieu of open space requirement. The Commission decided that the recommended fee in lieu of open space would be $0.00.

J. Scala MOVED to APPROVE Raymond and Rita Donohue's one lot subdivision application #PL-14-3 in accordance with the plans known as "Donohue Subdivision" subdivision Map , #65

French Road Raymond and Rita Donohue, Bolton, Connecticut dated 11/5/14, two sheets, conditioned and subject to the following:

1. The Commission finds due to the unique history surrounding this parcel and since it has been existing for the past nineteen (19) years, it is a very unique circumstance in the Town of Bolton.

2. The Commission also finds that the fee-in-lieu of open space requirement shall be $0.00 due to the same reasons and unique circumstances.

3. The applicant shall file a mylar with the approval letter on the mylar in the Land Records.

4. The Commission also finds the existing landscaping on the site satisfies the regulations.

5. The Commission also finds that, In accordance with Section 11.F: Irregular Lots, the lot meets those requirements and is in general conformance with the Zoning Regulations.

J. Copley SECONDED. MOTION CARRIED 5:0:0.

A. Teller resumed his seat on the Board.

5. Report of the Zoning Enforcement Officer: J. Rupert reported on six administrative zoning permits issued since his last report including roof mounted solar panels, additions, a new house, a generator and propane tanks and three that are still pending. He also reported on current zoning and enforcement activities including goat control and billboards.

6. Old Business:

a. Discussion/Possible Decision: Bolton Planning and Zoning Commission application for amendments to Section 3C: Water Supply for Fire Protection as follows:

1. Complete repeal of Section 3C: Water Supply for Fire Protection
2. Suggestions for Amendments to Commercial/Industrial Uses
3. Suggestions for Amendments to Residential Uses

P. Carson said three amendments were proposed at the last meeting: 1) language for repeal of commercial regulations, 2) easement language for commercial properties and 3) amended language for residential properties to allow an easement at no cost to the town for installation of cistern or dry hydrant for residential and non-residential. She said the draft language was approved by Town Attorney.

Discussion followed on what conditions apply to existing cisterns and easements if Section 3C of the Zoning Regulations was repealed. The cisterns will be maintained, constructed and used to train fire personnel. The Town will own and maintain the easements. Cisterns and dry hydrants are considered public improvements.

Discussion followed on amending the threshold number of residential lots in proposed section 2C.

A. Teller MOVED that the Planning and Zoning Commission repeal current section C3 of the Zoning Regulations and replace it with the following:

The text referenced as Draft A headed "Suggestions for Amendments to Commercial/Industrial/ Residential Uses" combined with the text headed Draft B "Suggestions for Amendments to Residential Uses" renumbering those drafts as follows:

On Draft B, changing 3C to 3C3 and, in that paragraph of the text, changing again 3C to 3C3 and renumbering all of the following paragraphs so they become a part of that super paragraph 3C3 and are applicable only to that paragraph, keeping in mind the changes to Draft B involving the number of lots that were previously discussed so that the new paragraph 3C3 refers to subdivisions of ten (10) or more lots, the creation of the tenth (10th) lot or the ninth (9th) new lot and the correction of the typo to "of" in the last line of that paragraph in what will become the new paragraph 3C3b, the change so the text reads "subdivisions of 10 up to 20 lots and at least 30,000 gallons of water for 21 lots or more" with this amendment to become effective January 1, 2015.

J. Cropley SECONDED. Discussion followed.

A. Teller amended the motion to read:

"The Planning and Zoning Commission repeal current section C3 of the Zoning Regulations and replace it with the following:

The text referenced as Draft A headed "Suggestions for Amendments to Commercial/Industrial/ Residential Uses" combined with the text headed Draft B "Suggestions for Amendments to Residential Uses" renumbering those drafts as follows:

On Draft B, changing 3C1 to 3C3 and, in that paragraph of the text, changing again 3C1 to 3C3 and renumbering all of the following paragraphs so they become a part of that super paragraph 3C3 and are applicable only to that paragraph, keeping in mind the changes to Draft B involving the number of lots that were previously discussed so that the new paragraph 3C3 refers to subdivisions of ten (10) or more lots, the creation of the tenth (10th) lot or the ninth (9th) new lot and the correction of the typo to "of" in the last line of that paragraph in what will become the new paragraph 3C3b, the change so the text reads "subdivisions of 10 up to 20 lots and at least 30,000 gallons of water for 21 lots or more" with this amendment to become effective January 1, 2015."

J. Scala amended his SECOND of the motion. MOTION CARRIED 6:0:0.

7. New Business: J. Cropley MOVED to address item 7d at this time. J. Scala SECONDED. MOTION CARRIED 6:0:0.

d. Preliminary Discussion: Planning and Zoning Regulations regarding drive-thru windows for businesses, Mountain Top Services: M. Hathaway said he was representing Mountain Top Services as a realtor and gave a presentation proposing a change to 3B.4 to allow drive-up windows at restaurants.

a. Election of Officers: J. Scala reported that he received an email from E. Luntta stating, that if he was nominated for the Chair position, he would accept.

J. Cropley NOMINATED Eric Luntta as PZC Chair for calendar year 2015. Davey SECONDED. There were no other nominations. MOTION CARRIED 6:0:0.

J. Scala stated that he would accept nomination as Vice-Chair/Secretary.
A. Fiano NOMINATED Jeff Scala as PZC Vice-Chair/Secretary for calendar year 2015. J. Cropley SECONDED. There were no other nominations. MOTION CARRIED 6:0:0.

Eric Luntta was ELECTED PZC Chair for calendar year 2015 by unanimous vote.

Jeff Scala was ELECTED PZC Vice-Chair/Secretary for calendar year 2015 by unanimous vote.

b. 2015 Annual Appointment to CRCOG Regional Planning Commission: Through phone conversation with the Board, T. Manning said he would accept appointment as PZC representative to CRCOG Regional Planning Commission.

A. Fiano MOVED to APPOINT T. Manning as PZC representative to CRCOG Regional Planning Commission for calendar year 2015. A. Teller SECONDED. Motion carried 6:0:0.

c. Discussion: Fiscal Year 2015/2016 Budget: J. Scala MOVED to direct staff to make adjustments for increase in pay for the clerk and submit the budget. J. Cropley SECONDED. MOTION CARRIED 6:0:0.

e. Other: There was no other new business.

8. Plan of Conservation and Development Discussion: No discussion.

9. Correspondence: P. Carson reported that correspondence was received from the First Selectman Robert Morra regarding the collective group of Land Use Boards and Commissions meeting at least two times each year to discuss each group's current and proposed work. R. Morra has asked that the PZC appoint two members to attend these meetings. J. Scala and J. Cropley volunteered to be the primary PZC members at these meetings. Consensus among the Commission is that J. Scala and J. Cropley will serve as PZC representatives to these meetings and A. Fiano will be the Alternate.

10. Adjournment: J. Cropley MOVED to ADJOURN the meeting at 10:15 p.m. A. Fiano SECONDED. MOTION CARRIED 6:0:0.

Respectfully submitted by Linda H. McDonald

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

Rcd 1/5/15
CK#1061
$160.00
PL-15-1

Town of Bolton

222 Bolton Center Road • Bolton, CT 06043

BOLTON PLANNING AND ZONING COMMISSION

APPENDIX I
APPLICATION FOR APPROVAL OF SUBDIVISION / RESUBDIVISION / MODIFICATION OF PREVIOUSLY APPROVED SUBDIVISION / RESUBDIVISION

1. NAME OF SUBDIVISION / RESUBDIVISION BAKERFIELD SUBDIVISION
2. CHECK ONE: APPLICATION IS FOR: SUBDIVISION ____ RESUBDIVISION ____ MODIFICATION X
3. STREET ADDRESS OF SUBJECT PROPERTY 160 HEBRON ROAD

   ZONE R-1 DEED REFERENCE: VOLUME 162 PAGE 132-133

   ASSESSOR'S MAP # 21 BLOCK # ____ LOT # 72
4. APPLICANT(S) EOJ PROPERTIES

   ADDRESS 146 BIRCH MTN RD - BOLTON ZIP 06043

   PHONE # 860 798-7187 FAX # — ; E-MAIL eric@kazequipment.com

   I AM A WILLFUL PARTICIPANT AND FULLY FAMILIAR WITH THE CONTENTS OF THIS APPLICATION.

   SIGNATURE(S) OF APPLICANT(S) [signature] ; ____
5. OWNER(S) OF RECORD SAME AS APPLICANT

   ADDRESS ____ ZIP ____

   PHONE # ____ FAX # ____ E-MAIL ____

   I AM A WILLFUL PARTICIPANT AND FULLY FAMILIAR WITH THE CONTENTS OF THIS APPLICATION.

   SIGNATURE(S) OF OWNER(S): [signature] ; ____
6. OFFICIAL CONTACT REGARDING THIS APPLICATION:

   NAME ERIC OLIVERI

   COMPANY EOJ PROPERTIES

   ADDRESS 146 BIRCH MTN RD ZIP 06043

   PHONE # 860 798-7187 FAX # ____ E-MAIL eric@kazequipment.com

7. APPLICANT'S ENGINEER:

NAME BARRY ELLISON

COMPANY ALLIANCE CIVIL ENGINEERING, LLC

ADDRESS 8 JAMES WAY ZIP 06370

PHONE # 860-334-6050 FAX # _____ E-MAIL alliancecivil@sbcglobal.net

8. APPLICANT'S SURVEYOR::

NAME ROB HELSTROM

COMPANY ROB HELSTROM LAND SURVEYING

ADDRESS 32 MAIN STREET ZIP 06248

PHONE # 860-228-9853 FAX # _____ E-MAIL robls44@aol.com

9. OTHER EXPERTS RETAINED BY THE APPLICANT: JOHN JANNI, WETLAND SCIENTIST

10. NUMBER OF NEW LOTS IN SUBDIVISION / RESUBDIVISION 4

11. TOTAL ACREAGE OF SUBJECT PROPERTY BEING DIVIDED 6.6 ACRES

12. TOTAL LENGTH OF NEW PUBLIC ROADS — FEET

13. TOTAL ACREAGE OF PROPOSED OPEN SPACE: —

14. IF MODIFICATION, DESCRIBE NATURE OF SUCH MODIFICATION: ELIMINATE PREVIOUSLY APPROVED REQUIREMENT TO PROVIDE SPRINKLER SYSTEMS TO PROPOSED HOMES, IN ACCORDANCE WITH MODIFIED SECTION 3C OF THE ZONING REGULATIONS, EFFECTIVE JANUARY 1, 2015

15. IS APPLICATION FOR OPEN SPACE CONSERVATION DEVELOPMENT? NO. IF YES, SPECIAL PERMIT APPLICATION TO BE SUBMITTED CONCURRENTLY.

16. ARE THE ~~SUBDIVISION / RESUBDIVISION~~ MODIFICATION ACTIVITIES SUBJECT TO THE BOLTON INLAND WETLANDS AND WATERCOURSES REGULATIONS? NO IF YES, APPROVAL MUST BE SECURED BY THE APPLICANT PRIOR TO PZC ACTION. STATUS: _____

17. PROVIDE ALL THE APPLICABLE ITEMS FOR A COMPLETE APPLICATION INCLUDING THE COMPLETED CHECKLIST FOR SUBDIVISION / RESUBDIVISION APPLICATIONS N/A - MINOR MODIFICATION

A COMPLETED CHECKLIST MUST BE PROVIDED TO COMPRISE A COMPLETE APPLICATION

FOR TOWN USE ONLY:

DATE FILED WITH TOWN _____

BASE FEE PAID _____ CHECK # _____ (APPLICANTS MAY BE SUBJECT TO SUPPLEMENTAL REVIEW FEES TO DEFRAY THE COST OF PROFESSIONAL REVIEW SERVICES, SUCH AS ENGINEERING OR LEGAL REVIEWS)

Revised March 11, 2009