

BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING AGENDA
7:30 PM, WEDNESDAY, JUNE 10, 2015
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD

1. Call To Order
2. Approval of Minutes:
 - May 13, 2015 Regular Meeting Minutes
 - May 27, 2015 Special Meeting Minutes
3. Residents' Forum (Public Comment for items *NOT* on the agenda)
4. Report of the Zoning Enforcement Officer
5. Old Business
 - a. *DISCUSSION*: Regulations for the Keeping of Poultry
 - b. *DISCUSSION*: Other Zoning Regulation Questions/Discrepancies
 - c. Other
6. New Business
 - a. *APPLICATION*: Zoning Regulation Amendments to allow Drive-thru Regulations on a case-by-case basis, Ted & Joyce Moran
 - b. *APPLICATION*: Modification of Special Permit and Site Plan for Expansion of Building (29,928 sf), 201 Boston Turnpike/11 Williams Road/15 Williams Road, Simonize USA, Inc.
 - c. *ReSUBDIVISION APPLICATION*: 1-Lot, 61 French Road, William Anderson/Nancy Varca
 - d. *BOND RELEASE*: E&S Bond Work Completed, 180 West Street, Parreira
 - e. Other
7. Plan Of Conservation & Development Discussion
8. Correspondence
9. Adjournment

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Town Clerk of Bolton

**BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING
7:30 PM, WEDNESDAY, MAY 13, 2015
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD**

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Town Clerk of Bolton**

MINUTES & MOTIONS

Members Present: Chairman Eric Luntta, Vice-Chair Jeffrey Scala, Carl Preuss, Thomas Manning (listening by telephone), James Copley, Adam Teller, Arlene Fiano, Neal Kerr (Alternate), and Christopher Davey (Alternate), Nancy Silverstein (Alternate)

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

Others Present: Mark Piechowicz, Jordan Frost, Holly MacDonald, Leona Crosskey, and Ron Vernier

1. Call to Order: Chairman E. Luntta called the meeting to order at 7:32 p.m.

E. Luntta MOVED to move item 6a after item 3 on the agenda and renumber the remaining agenda items accordingly. J. Scala SECONDED. MOTION CARRIED 7:0:0.

N. Silverstein Kerr was seated for T. Manning.

2. Approval of Minutes:

The regular meeting minutes of April 8, 2015 were amended as follows: Item 4 Discussion: Residential "The PZC has never had a multifamily development ~~proposal~~ **application**. The PZC distinguished between two-family, which they felt acceptable, and multi-family, which was ~~more objectionable as well as less likely to be supported by the land.~~ However, while generic multi-family is unwanted, The PZC is open to the possibility of senior housing on Route 6 if the land can support it."

A. Teller MOVED to APPROVE the regular meeting minutes of April 8, 2015 as amended. A. Fiano SECONDED. MOTION CARRIED 6:0:1 with N. Silverstein abstaining.

A. Teller MOVED to APPROVE the special meeting minutes of April 29, 2015 as written. E. Luntta SECONDED. MOTION CARRIED 4:0:3 with C. Preuss, J. Copley, and A. Fiano abstaining.

3. Resident's Forum (Public Comment for items not on the agenda):

Holly MacDonald of 52 Linwood Drive described ongoing blight conditions in the neighborhood. She said the towns of Columbia and Coventry have blight ordinances. She spoke with Sanitarian Holly Hood regarding the health issues, the Board of Selectmen, and Jim Rupert and asked the Commissioners to consider driving through the neighborhood to observe the conditions. A. Teller said, according to the Town Charter, twenty people can petition the Board of Selectmen to call a town meeting to vote on a blight ordinance.

Leona Crosskey of 4 Linwood Drive has concern with the long process involved the foreclosure of some of the homes in the area. Some of the homes are not hooked up to the sewer system, which adds costs to the foreclosure selling prices.

Ron Vernier of 50 Linwood Drive said he shares the concerns of the previous speakers and thinks small improvements (roads and drainage) can be made by the town to help improve the character of the neighborhood and make the area more inviting.

4. New Business:

a. Request for Waiver of Site Plan Review/Delegation to Staff: Reconstruction/Enlargement of a barn at 4 Tolland Road, Mark Piechowicz:

Chair E. Luntta recused himself from this discussion and N. Kerr was seated for this discussion item. Vice-Chair J. Scala took over chairing this discussion.

M. Piechowicz explained that he would like to reconstruct a barn that was taken down on his property. Another property he owns in Manchester will be used to house dumpsters and dirty equipment for his business and stated he will not leave anything outside and will keep the outside clean. P. Carson said the applicant has pulled zoning and building permits. The property is in the Design Guideline Review Area. M. Piechowicz said his plan is to have the barn match the shed built for odor control on the property. He intends to put lanterns and a hanging light on the building.

M. Piechowicz continued that the barn would be a little closer to the road, but still 70 feet from the road to stay out of the 100 foot wetlands buffer. He has been impacted on the site by the placement of a sewer facility there.

A. Teller said he doesn't think the replacement of a barn with a slightly larger barn in approximately the same place violates the spirit of the rules for minor changes to a site plan.

A. Teller proposed a resolution to the Commission that the request by Mr. Piechowicz for 4 Tolland Road, Bolton to consider the replacement of what was an existing barn shown on the site plan dated 12.9.2008 submitted by Glenn LeBrun in connection with a special permit and site plan approval with a new building as shown on drawings shown to the Commission dated 4.8.15 for Maya LLC, 4 Tolland Road, Bolton as not a major change to the site plan and considered a minor change under paragraph 16.a.4.j of the Zoning Regulations to be handled by the staff within their discretion. J. Cropley SECONDED. MOTION CARRIED 7:0:0.

P. Carson explained she doesn't find a real approval process for the design guidelines and said it is like the Commission just needs to see it. From the staff perspective, P. Carson said because of what Mr. Piechowicz was showing it is very much in tune with the design guidelines.

The Commission looked at the elevation drawings.

With reference to the application for a zoning permit by Mr. Piechowicz for 4 Tolland Road for the reconstruction and enlargement of the barn, A. Teller proposed a resolution that it is the sense of the Commission that the proposed building as shown in the elevations dated 4.8.15 and the color photographs submitted as part of the application are in spirit within the design

guidelines of the Commission and that the task of making certain that the details of the building actually constructed comply within the architectural and design guidelines be delegated to the staff. J. Copley SECONDED. MOTION CARRIED 7:0:0.

E. Luntta was re-seated for N. Kerr.

A. Teller conveyed to M. Piechowicz that the Commission appreciates him coming in.

5. Report of the Zoning Enforcement Officer: J. Rupert reported he is working complaints of hoarding of scrap metal in town and another regarding goats in the proximity of Town Hall. The restaurant at 180 West Street is nearly complete. There is an application pending for the Bakerfeld subdivision. Discussion followed on enforcement action on illegal signage around town.

6. Old Business:

- a. Discussion: Regulations for the Keeping of Poultry:

The Commission reviewed the current draft of the proposed amendments, including discussion of the proposed amendment of not allowing the keeping of roosters. E. Luntta referred to a newspaper article on the Town of Glastonbury which has passed poultry regulations and addressed the keeping of chickens in densely populated residential areas by increasing the front and side setbacks.

Discussion followed on potential problems having chickens near bodies of water and having clear-cut regulations that can be enforced. Additional changes were made to the draft proposal. The suggestion was to separate the regulations for livestock and poultry (including more than 6 chickens) and the regulations for 6 or less chickens.

P. Carson will prepare a new draft with the suggested changes for future review.

- b. Discussion: Other Zoning Regulation Questions/Discrepancies: P. Carson described minor language discrepancies in the zoning regulations for lot coverage and quarries. Referring to an email to P. Carson from William Anderson, discussion followed on the regulation allowing the quarrying (excavating) of sand and gravel but not quarrying of stone and rock. E. Luntta asked P. Carson contact Mr. Anderson to read the legal case of Bolton Planning Commission vs the Bolton Zoning Commission (Talbot legal case) to gain a better understanding of how the regulation originated.

- c. Other: No other old business.

4. New Business (continued):

- b. Discussion: Planning and Zoning decisions in Eastern Highlands Health District (EHHD) by Jordana Frost, EHHD Project Coordinator:

J. Frost, representing the EHHH Community Health Action Response Team (CHART) interviewed the Commission to gather their experiences, perspectives, expectations, and needs to help CHART better understand the realities of local decision-makers.

c. Other: No other new business.

7. Plan of Conservation and Development Discussion (POCD): P. Carson reported the town is advertising for the public hearing which will take place in two weeks at the Notch Road Community Center.
8. Correspondence: No Correspondence.
9. Adjournment: J. Scala MOVED to ADJOURN the meeting at 9:55 p.m. J. Cropley 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.

BOLTON PLANNING & ZONING COMMISSION
SPECIAL MEETING
May 27, 2015
Town Hall

Community Meeting Minutes & Motions

Members Present: Chairman Eric Luntta, Carl Preuss, James Copley, Arlene Fiano, Adam Teller, Nancy Silverstein (alternate), Christopher Davey (alternate seated for Jeffrey Scala), Neal Kerr (alternate seated for Thomas Manning), Jeffrey Scala (7:25 pm), Thomas Manning (by phone, 7:27 pm)

Staff Present: Patrice Carson, AICP, Director of Community Development, Joyce Stille, Administrative Officer, and Sarah Benitez, Recording Secretary

Others Present: Glenn Chalder, Planimetrics, and members of the public

1. Call to Order: Chairman Eric Luntta called the meeting to order at 7:06 pm.

2. Community Meeting: Plan of Conservation and Development: Workshop with Planimetrics

The Chairman welcomed the audience and explained that the purpose of the meeting was to hear comments on the draft POCD. He then introduced Glenn Chalder of Planimetrics, who presented an overview of the draft. The full document is available online. The PZC will be taking comments for about a week. Comments may be sent to Patrice Carson, at patrice.carson@boltonct.org.

G. Chalder spoke on the general areas covered in the POCD with the aid of a slideshow. Additional notes included that Bolton's tricentennial is coming up in 2020, and that town's population is aging. He also explained the POCD is on a schedule ahead of the December deadline for state discretionary grants.

Public Comments:

Robert Morra, 15 Tinker Pond asked several questions for clarification. They were answered as follows:

- Booklet #4, Water Resources
 - Item #5 aims to clarify what manual sections should be referenced
 - Item #8 phrase "technical measures" for conservation refers to the PZC's recommendations to expand the R3 district to the watershed, and then improve R3 regulation in those areas
 - In item #9, encouragement of natural water edges is not meant to be regulatory, but advisory like the rest of the POCD document.
- The Bolton Center Study mention of "appropriate" design refers to structures, not landscapes. There are town planting regulations in place but the POCD does not add any as it aims to provide guidelines, not regulations.
- The PZC recommends that the town garage site, which may run out of room in the future, be monitored and managed accordingly.

R. Morra strongly supported measures against invasive species. He also noted that he is wary of too much design restriction and prefers to allow for flexibility and creativity. The PZC agreed and again referred to the non-regulatory nature of the POCD.

Mike McDonald, 18 Deer Run Road, spoke on state regulations for water filtration and discharge. He recommended the PZC pay particular attention to the town's specific soil geology rather than going solely by state regulations. G. Chalder said the PZC will be careful to refer to specific, appropriate state regulations only and that the PZC should also clarify and encourage the appropriate filtration method for residential and commercial guidance.

Carol Cavalieri, 74 South Road, asked several questions as follows:

- If POCD enforcement fell under the state, and if so, what specific measures the state would take to mandate the POCD in action. G. Chalder stressed that the POCD was not a regulatory document, and they were only referencing state regulation because it is beneficial for the POCD to be compatible with state recommendations wherever applicable.
- How the meeting fit into the finalization schedule and what other opportunities for public involvement there would be. The Chairman said that this was the only meeting to solicit feedback to incorporate into the draft POCD. There will also be a final Public Hearing at least 90 days before the adoption of the POCD.
- How specific the POCD was in detailing plans for residential and commercial development. A. Teller said that as an advisory document, the POCD outlines guidelines and goals to pursue. The PZC will use it as a guide to help organize and address items over the coming year.

Morris Silverstein, 16 Mt. Sumner Drive, asked about private property owner rights. He was concerned that private property would be given designations by the PZC that would restrict the owners' rights. The PZC explained that they and POCD were not creating any additional regulations or restrictions, only reporting what is already in place per the state. There is no mandatory action required by the POCD. The aim is to inform property owners and better equip them to make decisions with early knowledge of the state regulations that they will have to follow anyway.

E. Luntta thanked the audience and referred them again to the town website for reviewing the POCD. He encouraged comments and attendance at the upcoming Public Hearing.

3. Adjournment: E. Luntta moved to adjourn. A. Teller seconded. The meeting was adjourned at 8:07 pm.

Respectfully submitted,

Sarah Benitez, Recording Secretary

PLEASE SEE MINUTES OF SUBSEQUENT MEETINGS FOR APPROVAL OF THESE MINUTES AND ANY CORRECTIONS HERETO.

Proposed Amendments to the Bolton Zoning Regulations
Amending Section 6A.10 regarding Keeping of Poultry

Current Regulation:

- 6A.10 Keeping of livestock or poultry for domestic purposes only. A Site Plan Review shall be required if more than three (3) head of livestock and/or more than twenty (20) head of poultry are proposed for keeping simultaneously. In addition:
- a. The lot or parcel upon which one livestock or 20 head of poultry are kept or pastured shall have a minimum area of two (2) acres;
 - b. After the first head of livestock the lot or parcel shall contain one (1) additional acre for each livestock or 20 head of poultry kept or pastured;
 - c. If any livestock or poultry are kept on the premises, an appropriate building shall be provided for the keeping of such livestock or poultry. Such building shall include an attached or adjacent enclosure, either a pit or structure, visually screened from adjacent properties, to which all cleanings shall be confined;
 - d. All areas, buildings and structures for the keeping, housing and pasturing of livestock or poultry shall be located a minimum distance of one hundred twenty-five (125) feet from any street line, forty (40) feet from any side or rear property line and, in addition, one hundred (100) feet from any existing dwelling located on an adjacent property;
 - d. Housing and keeping of animals shall be within the minimum recommended standards of the State of Connecticut Departments of Agriculture and Public Health. Animals shall be housed in permanent buildings and shall be provided with fencing and sanitation for their security and welfare. They shall be so kept as to not create a hazard or nuisance.

Proposed Amendments:

- 6A.10A Keeping of livestock or poultry for domestic purposes only. A Site Plan Review shall be required if more than three (3) head of livestock and/or more than seven (7) head of poultry are proposed for keeping simultaneously. In addition:
- a. The lot or parcel upon which one (1) livestock or seven (7) head of poultry are kept or pastured shall have a minimum area of two (2) acres;
 - b. After the first head of livestock or seven (7) head of poultry the lot or parcel shall contain one (1) additional acre for each additional livestock or head of poultry kept or pastured;
 - c. An appropriate building shall be provided for the keeping of such livestock or poultry under Section 6A.10A. Such building shall include an attached or adjacent enclosure, either a pit or structure, visually screened from adjacent properties, to which all cleanings shall be confined;
 - d. All areas, buildings and structures for the keeping, housing and pasturing of livestock or poultry under Section 6A.10A shall be located a minimum distance of one hundred twenty-five (125) feet from any street line, forty (40) feet from any side or rear property line, twenty-five (25) feet from any existing well and, in addition, one hundred (100) feet from any existing dwelling located on an adjacent property.

6A.10B Chickens: No more than six (6) hens may be kept on any property located in residence zoning districts as a non-commercial accessory use as of right requiring a Zoning Certificate of Compliance and shall also meet the following requirements:

- a. No rooster shall be kept on the property.
- b. An appropriate building shall be required and shall include an attached or adjacent enclosure, visually screened from adjacent properties, to which all hens and cleanings shall be confined.
- c. All areas, buildings and structures for the keeping, housing and pasturing of hens under Section 6A.10B shall be located in the rear of the property and shall meet the required yard setbacks and shall be twenty-five (25) feet from any existing well.

Under Sections 6A.10A and 6A.10B housing and keeping of animals shall be within the minimum recommended standards of the State of Connecticut Departments of Agriculture and Public Health. Animals shall be housed in permanent buildings and shall be provided with fencing and sanitation for their security and welfare. They shall be so kept as to not create a hazard or nuisance.