

BOLTON PLANNING & ZONING COMMISSION
SPECIAL MEETING
7:30 PM, Wednesday, August 12, 2015
Bolton Town Hall, 222 Bolton Center Road

Minutes & Motions

Members Present: Chairman Eric Luntta, Carl Preuss, James Cropley, Jeffrey Scala, Arlene Fiano, Adam Teller, Nancy Silverstein (alternate), Neal Kerr (alternate)

Members Excused: Thomas Manning, Christopher Davey (alternate)

Staff Present: Patrice Carson, AICP, Director of Community Development, Jim Rupert , Zoning Enforcement Officer, Administrative Officer Joyce Stille, First Selectman Robert Morra, Sarah Benitez, Recording Secretary

Others Present: Several members of the public.

1. Call to Order: Chairman Eric Luntta called the meeting to order at 7:30 p.m. N. Silverstein was seated for T. Manning.

2. 8-24 Referral: Cisterns and Dry Hydrant Town-wide Plan:

First Selectman Robert Morra presented a list of proposed locations for hydrants and cisterns to be put in over the next few years. The PZC asked questions and discussed the plan. R. Morra said the schedule was determined by the budget, which would allow for three dry hydrants in the fall and the cistern after the school year ends. Patrice Carson, Land Use Officer, said that Fire Marshal Ray Walker and the Fire Commission are on board with the plan. C. Preuss MOVED to APPROVE the plan for water supply locations for fire protection as presented by the First Selectman and Administrative Officer of the Town of Bolton, and recommend the same to the Board of Selectmen. J. Scala SECONDED. Motion passed 8:0:0.

3. PUBLIC HEARINGS

a. ReSUBDIVISION APPLICATION: 1-Lot, 61 French Road, William Anderson/Nancy Varca

The public hearing began at 7:45 p.m. P. Carson read the notices of public hearing. A. Teller recused himself from the Commission at 7:48 p.m. N. Kerr was seated for A. Teller.

William Anderson, 77 French Road, asked to reschedule and give the presentation at a later time since his staff was unable to be present. The PZC said a continuation might be granted but questions and comments must be heard as the public hearing was already in session.

PZC and Town Staff Questions and Comments:

P. Carson and J. Scala asked what would be offered for Open Space. W. Anderson said he would like to pay the fee in lieu. Fee acceptance would be referred to the Open Space Committee. The PZC requested that an appraisal be done before the next meeting as it would be the basis for the fee. W. Anderson

requested to use Bob Stewart as the appraiser and the Commission approved. J. Scala asked for a scaleable digital file of the proposal. E. Luntta opened the Hearing to the public with the reminder that there was a significant amount of missing information due to the rescheduling of the presentation.

Residents' Questions and Comments:

Richard Treat, 8 Lyman Road, spoke on behalf of the Bolton Land Trust, which owns land across the street from the properties in question. He presented as a rebutter, asking W. Anderson to plan to fully review drainage information in the presentation for those living downhill from those properties.

Maureen Johnson and Kim Gonder, 57 French Road, asked for a definition of the term "irregular lot". The PZC referred them to section 11 F in the Zoning Regulations available on the town website.

E. Luntta MOVED to CONTINUE the Public Hearing to Wednesday, September 9, 2015, at Town Hall, 222 Bolton Center Road. J. Cropley SECONDED. MOTION CARRIED 7:0:0.

A. Teller rejoined the Commission at 8:10 p.m.

b. APPLICATION: Zoning Regulation Amendments to Section 6A.10 for the Keeping of Livestock & Poultry, Bolton PZC

PZC and Town Staff Questions and Comments:

P. Carson noted that regulation changes have to go to CROCG, and a response had been received. There are no objections from CROCG or regional towns. A. Teller gave some background on the regulation change for the public. An issue had risen between residents in regard to the existing regulation. The staff and town believed that unclear regulations were part of the issue. The PZC aimed to make regulations clearer; more permissive in regard to smaller, more common livestock such as chickens, and less permissive in regard to large livestock. In presenting the redrafted regulations, they were now looking for input on the reasonability on the regulations and thresholds therein.

Residents' Questions and Comments:

R. Treat, 8 Lyman Road, asked A. Teller to clarify the meaning of making regulations more permissive. A. Teller responded that they specifically targeted keeping of chickens on residential property; in other respects the regulations were more restrictive.

William Anderson, 77 French Road, asked what "keeping of domestic livestock" meant and why it was removed. A. Teller said it was unclear and thus unhelpful. W. Anderson was also concerned that the redrafted regulation would unfairly impact existing farms, citing that the State Department of Agriculture had guidelines for farming but gave authority to local zoning authorities in determining farm regulation. He felt the new regulatory language did not have provisions for the protection of farms, and that it would restrict farm development, coop location, etc. E. Luntta, J. Scala, and other PZC members responded that farms were addressed under a different set of regulations and the redrafted ones did not alter them. Even if it were a problem for farmers, they could seek a site plan review through J. Rupert (Zoning Enforcement Officer), or a variance from the Zoning Board of Appeals.

R. Morra, 15 Tinker Pond Road, said he knew farms were exempt in the above issues. His concern was that they might not be exempt from the 125-foot setbacks, which would not allow use of good pasture located closer to the road. The PZC discussed amending the regulation and agreed to distinguish between structures in the 125-foot setbacks, which are prohibited, and pasturing of animals, which they thought appropriate.

Ann Pullo, 115 French Road, expressed support for the separation between larger livestock, such as cows, and chickens. She thought chickens benefitted neighborhoods and helped to control ticks.

J. B. Pullo, 115 French Road, was concerned that more restrictive regulations would prevent his keeping a rooster. The PZC said his lot, being two acres, would allow him to keep his rooster.

Ann Pullo, 115 French Road, asked about the general direction of the town. She said Bolton had always been a farming community, but was now turning into a bedroom community. She wanted to know whether the PZC intended to support Bolton as a farming community in Bolton or take it in a more urban direction. E. Luntta said the Plan of Conservation Development would likely address her concerns there and advised her to come to the POCD Public Hearing in October to see what the town and its residents want.

A. Teller MOVED to CLOSE the public hearing. J. Cropley SECONDED. Motion CARRIED 8:0:0.

The hearing closed at 9:06 p.m. The regular meeting was opened at 9:06 p.m.

4. Approval of Minutes

June 10, 2015 Regular Meeting Minutes – A. Teller MOVED to APPROVE. E. Luntta SECONDED. MOTION CARRIED 5:0:3, with J. Cropley, J. Scala, and A. Teller abstaining.

July 8, 2015 Regular Meeting Minutes – N. Silverstein was unseated for T. Manning. N. Kerr was seated for T. Manning. C. Preuss MOVED to APPROVE with the corrected spelling of “Benedict.” J. Scala SECONDED. MOTION CARRIED 5:0:3, J. Cropley, E. Luntta, and A. Teller abstaining.

July 22, 2015 Special Meeting Minutes – N. Kerr was unseated for T. Manning. N. Silverstein was seated for T. Manning. A. Teller MOVED to APPROVE. A. Fiano SECONDED. MOTION CARRIED 6:0:2, C. Preuss and J. Scala abstaining.

5. Residents’ Forum:

R. Treat, 8 Lyman Road, asked if there was any Open Space donated or fee in lieu paid in the Bakersfield subdivision on the southeast corner of Hebron Road and School Road. A. Fiano said there was an easement given on the brook. The town was given land around the brook so it can maintain the river bank and drainage. A fee in lieu was paid in addition to this.

6. Report of the Zoning Enforcement Officer:

J. Rupert reported that he was working to get information on livestock kept at 365 West Street. Munson’s is remodeling their sales floor and will be closed for five days in August.

7. Old Business:

- a. **DISCUSSION/POSSIBLE DECISION:** ReSubdivision Application , 1-Lot, 61 French Road, William Anderson/Nancy Varca
J. Scala MOVED to TABLE the discussion. J. Cropley SECONDED and then withdrew second as a motion was unnecessary. No action taken.
- b. **DISCUSSION/POSSIBLE DECISION:** Zoning Regulation Amendments to Section 6A.10 for the Keeping of Livestock & Poultry, Bolton PZC
Teller MOVED to AMEND sections 6A.10 of the Bolton Zoning Regulations regarding the keeping of livestock and poultry by striking the current Section 6A.10 and inserting in lieu thereof the draft 6A.10a, 10b and 10c in the form presented at the public hearing dated June 10, 2015 with the following changes:
Paragraph d. of Section 6A.10a striking the word ‘areas,’ and inserting the words ‘(other than fences under 8 feet high)’ after the word ‘structures’, striking the ‘,’ after the words ‘in keeping’, and striking the words ‘and pasture’, and adding the word ‘and’ between the words ‘keeping housing’
for the reasons presented at the public hearing including clarification of the regulations so that it’s understandable and clear allowing residents to have chickens as of right as an accessory to residential uses which seems to be something more common in town, and in other respects tightening the regulations for keeping of larger amounts of poultry and livestock. J. Cropley SECONDED. MOTION CARRIED 8:0:0. Teller MOVED that the regulation become effective on September 1, 2015. J. Cropley SECONDED. MOTION CARRED 8:0:0.

8. New Business:

- a. **APPLICATION: Drive-through Regulation Amendment: Ted & Joyce Moran, 199 Hop River Road**
A. Teller MOVED to ACCEPT the application and schedule a Public Hearing on October 14, 2015, at 7:00 p.m., at Town Hall, 222 Bolton Center Road. J. Cropley SECONDED. MOTION CARRIED 8:0:0.

9. DISCUSSION: Plan of Conservation and Development:

P. Carson distributed copies of the complete draft, which is also posted on the town website. The POCD will be referred to CROCG and the Public Hearing is scheduled for October 21, 2015.

10. Correspondence: None.

11. Adjournment: J. Scala MOVED to ADJOURN. J. Cropley SECONDED. The meeting adjourned at 10:01 p.m.

Respectfully submitted,

Sarah Benitez

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