

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

1. Call To Order
2. Approval of Minutes:
August 6, 2015 Special Meeting Minutes August 12, 2015 Regular Meeting Minutes

September 9, 2015 Regular Meeting Minutes
3. PUBLIC HEARINGS (begin at 7:45pm)
 - a. CONTINUATION: *ReSUBDIVISION APPLICATION*: 1-Lot, 61 French Road, William Anderson/Nancy Varca

 - b. *APPLICATION*: Zoning Regulation Amendments to allow Drive-thru Regulations on a case-by-case basis, Ted & Joyce Moran
4. Residents' Forum (Public Comment for items *NOT* on the agenda)
5. Old Business
 - a. *DISCUSSION/POSSIBLE DECISION*: ReSubdivision Application, 1-Lot, 61 French Road, William Anderson/Nancy Varca

 - b. *DISCUSSION/POSSIBLE DECISION*: Application for Zoning Regulation Amendments to allow Drive-thru Regulations on a case-by-case basis, Ted & Joyce Moran

 - c. Other
6. New Business
 - a. *DISCUSSION/POSSIBLE DECISION*: Schedule of 2016 Regular Meeting Dates

 - b. Other
7. Plan Of Conservation & Development Discussion
8. Correspondence
9. Adjournment

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BOLTON PLANNING & ZONING COMMISSION
SPECIAL MEETING
7:30 PM, Wednesday, September 9, 2015
Bolton Town Hall, 222 Bolton Center Road

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Minutes & Motions

Members Present: Vice Chairman Jeffrey Scala, Carl Preuss, James Cropley, Adam Teller, Thomas Manning (by phone), Nancy Silverstein (alternate seated for Arlene Fiano), Christopher Davey (alternate seated for Eric Luntta)

Members Excused: Chairman Eric Luntta, Arlene Fiano, Neal Kerr (alternate)

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

Others Present: Several members of the public.

1. Call to Order: Vice Chairman Jeffrey Scala called the meeting to order at 7:45 p.m.

2. DISCUSSION/POSSIBLE DECISION: 8-24 Referrals:

First Selectman Robert Morra presented referrals of two capital projects for which the BOS approved resolutions requesting funding: the Bolton Heritage Farm barn and the Town Center municipal facilities shared septic system. The suggested PZC resolution read as follows:

“RESOLVED, that the Planning and Zoning Commission of the Town of Bolton approves the following projects pursuant to Section 8-24 of the General Statutes of Connecticut:

(i) At the Town Center municipal facilities (Town Hall, resident State Troopers, Bentley Memorial Library and Bolton Heritage Farm), construction of a shared septic system, including related work and improvements; and (ii) at the Bolton Heritage Farm barn, replacements, repairs, and improvements;

provided that the projects are subject to and shall comply with all applicable zoning, site plan, subdivision, inland wetland and other laws, regulations and permit approvals, and this resolution shall not be a determination that the projects are in compliance with any such applicable laws, regulations or permit approvals.”

a. Town Center Municipal Facilities Shared Septic System

The septic system would be a community type. An entire leaching field would be built and the cost estimated for a full build out in order to have one construction instead of two.

C. Preuss asked what the cost would be for a partial build, only as much as is presently necessary. R. Morra said there is only the full estimate because they knew a one-time build would be most cost effective long term.

The field would be behind Toomey, near the stone wall and cornfield, on the part of the twelve acres that were designated for development (not in the open space section).

A. Teller asked if the field would restrict use of the nearby open space designated area. R. Morra said that soil suitable to septic was limited to the selected area.

J. Scala asked if the system would be raised or ground level. R. Morra said they had intentionally looked for a place which would allow it to be ground level.

J. Scala took issue with there being only a full build estimate and wanted a partial build estimate for comparison. R. Morra said that, considering the offices, potential expansion, and Heritage Farm barn use of the system possible in the near future, along with the need to include reserve space in the septic, the BOS felt the full build to be most appropriate for present consideration. He said that size was not a point of the referral, but that such a concern would be received appropriately if passed on to the BOS in the course of design planning.

J. Cropley asked if there had been any archeological review of the site. R. Morra said it was required and had been done.

b. Bolton Heritage Farm Barn

N. Silverstein asked if the funds set aside for the Heritage Farm barn were to be purposed for investigation of its use potential. The answer was no; R. Morra explained it was in response to the fire and to do renovations necessary to make it usable as a 3-season building. The BOS believes that given the opportunity, it is best to address those goals now, since there is repair work to be done and a crew will be on site anyway. The cost is to be determined as it depends on the final insurance review, but will require a bond which must pass at a town meeting.

J. Scala asked if the building was up to code for public use. R. Morra said it is restricted to load. The BOS is not planning for large functions at the building, which would then need reinforcement; the groups they are planning for would be smaller, for example, 25 people.

N. Silverstein thought the building may be too old to commit to investment because costs may rise due to unforeseen issues related to its age. R. Morra acknowledged the possibility of future issues, and said that is why they only plan to bring the barn to a certain point of renovation and functionality rather than to an ideal state.

C. Davey asked to clarify what exactly the PZC was being asked to approve. P. Carson said it was not a matter of approval, just if the PZC would recommend the projects to be brought to a town meeting or public hearing. Details and funding would be addressed separately and come before the PZC and town again at a later point.

A. Teller was dissatisfied with the request and wanted a more detailed plan of the construction proposed, such as specific things to be done in the course of the projects, and a more concrete layout of the scope of the projects. P. Carson and the First Selectman responded that request was what was required for the 8-24 referral procedure, and that an 8-24 referral is not a proposal or recommendation for a construction plan.

A. Teller and J. Scala remained concerned and wanted a clear idea of the scope of the project before they would agree.

C. Preuss said he did not find the projects to be in conflict with the POCD.

A. Teller said the projects might not be in conflict with the POCD, but they were not in harmony. He said he did not have an issue with the idea of the projects, but he thought they were not ready or appropriate to bring to a town meeting at this point. He did not think it was fair to the public to ask them to give an opinion or decision on so vague an idea, especially since funding will be significant.

T. Manning (by phone) said if they were evaluating ideas, he felt he had a pretty good idea of the activity the Farm project would involve. For the septic project, he thought it best to plan for current needs, with the option for future expansion. He recommended splitting them into two separate resolutions.

J. Scala was in favor of two separate resolutions.

C. Preuss asked, since the resolution was drafted by the bond council according to their best practice, if there would be unwanted consequences to changing the resolution and funding the projects separately. J. Scala thought separation was okay as long as the same language was used in each and they were in alignment with each other.

VOTE:

C. Preuss MOVED that the Planning and Zoning Commission of the Town of Bolton approve the following project pursuant to Section 8-24 of the General Statutes of Connecticut:

(i) At the Town Center municipal facilities (Town Hall, Resident State Troopers, Bentley Memorial Library and Bolton Heritage Farm), construction of a shared septic system, including related work and improvements, for the capacity currently needed, with design capabilities for a future expanded facility,

provided that the project is subject to and shall comply with all applicable zoning, site plan, subdivision, inland wetland and other laws, regulations and permit approvals, and this resolution shall not be a determination that the projects are in compliance with any such applicable laws, regulations or permit approvals.

J. Cropley SECONDED. MOTION CARRIED 4:0:2, A. Teller and N. Silverstein abstaining.

C. Preuss MOVED that the Planning and Zoning Commission of the Town of Bolton approve the following project pursuant to Section 8-24 of the General Statutes of Connecticut:

(ii) At the Bolton heritage Farm barn, replacements, repairs, and improvements,

provided that the project is subject to and shall comply with all applicable zoning, site plan, subdivision, inland wetland and other laws, regulations and permit approvals, and this resolution shall not be a determination that the projects are in compliance with any such applicable laws, regulations or permit approvals.

J. Cropley SECONDED. MOTION CARRIED 3:1:2, Nancy Silverstein against, C. Davey and A. Teller abstaining.

3. PUBLIC HEARINGS

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

J. Scala opened the public hearing at 8:34 p.m. A. Teller recused himself from the Commission at 8:34 p.m.

Attorney Stephen Penny introduced himself and land engineer Andrew Bushnell, who reviewed the proposed changes with the aid of a map. They believed the proposal was compliant with Planning and Zoning regulations with the exception of an instance of a 164' frontage, the creation of an irregular lot, and a request for a variance or relief for a driveway. S. Penny reviewed the parcel's history of lot changes, which have been at times non-conforming. He said they were now seeking relief from adherence to conforming lot requirements considering the history of the lots and a previously granted variance. S. Penny provided exhibits A through Q to P. Carson to be entered into the record.

A. Bushnell reviewed the general topography of the properties. The land slopes from west to east towards French Road, and is bisected north to south by wetlands. He presented a construction design and plan, which took measures to limit disturbance of wetlands with silt. The first phase would be construction of driveways, and then they would clear land for construction of two houses. They requested that a longer driveway be allowed because of the grade of the hill.

There would be sewage disposal (septic) and water supply (drilled wells) onsite. Approvals have been received for both. Drainage would be to the west of the wetlands. Rain gardens are planned to collect stormwater flows from the house and driveway. A piping system is planned to drain water east of the wetlands, directing it to a culvert under French Road.

PZC and Town Staff Questions and Comments:

C. Preuss asked how the protected watershed to the East (Blackledge) would be affected by increased water flow under French Road. A. Bushnell said the water already flows in that direction and it would not add to peak flow. C. Preuss was concerned that potential for toxic runoff from development would be greater, in an already sensitive area. A. Bushnell said that they have some mechanisms in place to

prevent that, but it is still possible. C. Preuss pointed out that the Blackledge region is under protection, which the PZC supports continuing in the POCD.

J. Scala asked if the pipe under French Road would be maintained by the town. A. Bushnell said yes. They considered other options but this gave proximity to the manhole with less responsibility for maintenance. J. Cropley asked about pipe size and type. A. Bushnell said it depends on fire truck weight.

J. Scala suggested sliding the proposed division line southerly to make one lot meet 85'. It would make lot 1 longer and lot 2 smaller but they would likely still meet minimum lot size.

C. Preuss noted that usually an irregular lot would result as left over from a parcel division, whereas this plan creates irregular lots as a matter of choice. J. Scala agreed, saying the language refers to a single remnant lot, rather than lots, and two was less acceptable.

C. Preuss questioned the effectiveness of rain gardens if not maintained, since that is difficult to enforce. C. Davey asked what extent of the water controls were comprised of rain gardens. A. Bushnell said roughly 50%.

The PZC requested a draft of the easement design and a copy of the draft deed for the driveway. P. Carson noted that since there was no application and thus no denial from the wetlands commission of another way to access the lot, it was hard to verify that access was impossible. S. Penny said they have discussed the same application with wetlands, it was clear that such an application would be badly received and this was the best route.

Residents' Questions and Comments:

Maureen Johnson, 57 French Road, spoke as an abutter to Varca. She said she had owned her house for fifty peaceful years. In all that time, water from the Varca property has drained towards hers, down the hill. It goes across the lawn, down the property to a drain on French Road in front of her property. She was concerned that even if water is diverted from her property in the course of new construction, it could still end up in her basement. She said that presently both lots are conforming and the two proposed re-subdivided lots would not be. Another concern was that construction might require blasting to deal with rock ledge. Since previously a 50' frontage request by Anderson/Varca had been denied, she asked what difference there was between that and the proposed 50' reduction in a re-subdivided lot.

Kim Gondor, 57 French Road, pointed out the house location at about 100' off the road. There is a curtain drain alongside it to divert water, which runs across the driveway into the street, and another curtain drain behind the house. She said she and her mother (M. Johnson) had no way of knowing how near the construction would be because there is no or little marking of the property line. She said the right-of-way already on the Anderson/Varca property is sufficient to access the back portion, and the other ways to access it (driveway) may affect her property in ways they do not want. She raised the possibility that snowmelt and plowed snow might prevent the rain gardens from being effective. A. Bushnell explained that water from melting snow accumulates much more slowly than from rainstorms,

so there will not be much snowmelt at a time to cause an issue, and the drain will also catch it. There is also a swale about 15 feet to prevent water running into their property.

Gwen Marrion, 38 Maple Valley Road, asked if Planning and Zoning regulations required two appraisals or one. They only require one. She asked for the dimensions of the hammerhead turn for the fire truck. The turn would be about 28' by 24', and would be gravel instead of pavement.

Mary Terhune, 40 School Road, said the elevation change from French Road to the proposed house location would be 50 to 54 feet. She said rain garden maintenance had to be enforced to be effective.

Richard Treat, 8 Lyman Road, spoke as an abutter on behalf of the Bolton Land Trust, which owns land across the street from the Anderson/Varca properties. He said what he was hearing from residents was a lot of concern about water and potential water flows generated by new structures and paving. He asked whether handling of water flows would be influenced by the PZC or the Inland Wetlands Commission. The answer was both. He asked about the location of the culvert, which crosses over to the East near the intersection with Deming, and the size of the pipe, which would be about 15 inches. R. Treat said it seemed a good deal of water would be coming down into the Land Trust property and up against Cocconi Drive. He asked the PZC to carefully pay attention to water flow in their consideration of the application.

J. Scala asked if the applicant was willing to extend 30 days for application approval to allow review with the town engineer. W. Anderson agreed. W. Anderson also said he will pin along the lot line between his property and the Johnson/Gondor property.

J. Cropley MOVED to continue the Public Hearing to Wednesday, October 14, 2015, at Town Hall, 222 Bolton Center Road. C. Preuss SECONDED. MOTION CARRIED 5:0:0.

The hearing closed at 10:44 p.m. The regular meeting was opened at 10:44 p.m. A. Teller rejoined the Commission at 10:44 p.m.

4. Approval of Minutes:

August 6, 2015 Special Meeting Minutes – No action taken.

August 12, 2015 Regular Meeting Minutes – No action taken.

5. Residents' Forum: None.

6. Old Business:

- a. **DISCUSSION/POSSIBLE DECISION:** ReSubdivision Application , 1-Lot, 61 French Road, William Anderson/Nancy Varca
No action taken.

7. New Business:

- a. **Informal Discussion:** Section 6A.14g. Separation Distance Regarding Separation Distances for Multiple Dwelling Complexes, Attorney Stephen Penny.

The PZC discussed the reasoning behind two neighboring and single-owned lots on Route 44 being classified as different zones (General Business and Rural Mixed Use). The back lot (RMU) had been R-2 at a few years ago, thus allowing the owner to pursue a potential small multifamily complex on the two properties. With the change to RMU, such use of the back lot was now limited by the separation distance regulation. The PZC believed the regulation's present existence and applicability under Rural Mixed Use Zoning to be an oversight and was open to working with the owner to allow such development of the properties.

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

No new discussion. The Public Hearing is scheduled for October 21, 2015.

9. *Correspondence:* Selco will be upgrading the wireless network on existing telephone poles in rights of way.

10. *Adjournment:* A. Teller moved to adjourn. C. Preuss seconded. The meeting adjourned at 11:33 p.m.

Respectfully submitted,

Sarah Benitez

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

Carson, Patrice

From: Stephen Penny <stpenny@pbolaw.com>
Sent: Thursday, October 08, 2015 12:07 PM
To: Richard L. Barger; Carson, Patrice
Subject: Anderson Common Driveway Easement
Attachments: Common Driveway Easement 10-7-15.odt

Rich/Patrice: Attached is the draft Common Driveway Easement that I prepared from the sample that you forwarded to me previously. Let me know if any edits are required. Our meeting with the PZC is, of course, this coming Wednesday evening. Thanks. Steve

Stephen T. Penny
Penny, Botticello & O'Brien, P.C.
202 West Center Street
Manchester, CT 06040
Telephone: 860-646-3500
Facsimile: 860-643-6292
Email: stpenny@pbolaw.com

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SPAMfighter has removed 1985 of my spam emails to date.

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DECLARATION OF COMMON DRIVEWAY EASEMENT

THIS DECLARATION made this _____ day of October, 2015 by William H. Anderson, of the Town of Bolton, County of Tolland and State of Connecticut;

WITNESSETH:

WHEREAS, William H. Anderson is the owner of Lot Nos. 1 & 2 as shown on a certain map or plan entitled: "RESUBDIVISION PLAN PREPARED FOR WILLIAM H. ANDERSON 61 French Road Bolton CT. Resubdivision Plan Scale: 1" = 40' Date: 3/18/2015 Revisions to 7/10/2015 Sheet 1 of 2 Bushnell Associates LLC. Civil Engineering and Land Surveying 563 Woodbridge Street Manchester, CT. 06042 860-643-7875", a copy of which is or will be on file in the Town Clerk's Office in said Town of Bolton, to which reference is hereby made for a more particular description; and

WHEREAS, the Planning and Zoning Commission of the Town of Bolton has approved the use of a common driveway to serve Lot Nos. 1 & 2, which common driveway is situated on a portion of both Lot Nos. 1 & 2 and runs from French Road along the northerly property line of Lot No. 1 in a westerly direction for a distance of approximately _____ feet, then turning and proceeding southerly for a distance of _____ feet to the northerly property line of Lot No. 2, as shown on the above-described plan.

NOW THEREFORE, it is hereby declared that an easement for common driveway purposes as described above (hereinafter referred to as the "Easement") exists on Lot No. 1 in favor of and for the common usage of Lot No. 2, for ingress and egress and including all of the necessary and usual purposes as more fully hereinafter described and limited.

AND IT IS FURTHER PROVIDED THAT:

1. Construction of Common Driveway: The common driveway shall be constructed in the location and in substantial conformity with the dimensions shown on the aforesaid plan.
2. Easement Rights and Limitations: The owners of Lot No. 2 shall have an easement over Lot No. 1 for ingress and egress to and from French Road for all necessary and usual purposes.
3. Insurance: The owners of Lot Nos. 1 & 2 (hereinafter referred to as "Owners") shall each maintain liability insurance in the minimum amount of \$300,000.00 and medical payments insurance in the minimum amount of \$5,000.00 to cover the use of the Easement, including guests and invitees.
4. Paving, Maintenance and Repair of Common Driveway: The Easement shall be maintained in such condition as is necessary to permit and to be reasonably convenient for automobile traffic and other vehicular traffic as is normally appurtenant to the construction and usage of single-family dwellings, including access by emergency vehicles, and subject to the details and limitations hereinabove set forth. Maintenance shall include all repairs and capital improvements, removal of snow, and keeping the Easement free of potholes, etc. At such time as paving, repairs and/or maintenance to the Easement are necessary, Owners shall complete such work upon the affirmative vote of not less than one (1) of the Owners. In addition, the cost of the work to be undertaken and the Owner assigned to contract for the performance of said work must be approved by a vote of not less than one (1) of the Owners. The cost of such work shall be shared equally by the Owners. The Owners hereby grant to

each other reasonable rights of access and passage over their respective Lots for purposes of conducting said work. The Owners shall cooperate to coordinate said work activities so they may be completed as economically as possible with a minimum of interference with each Owner's use of the Easement. The Owner assigned to contract for the performance of said work shall initially pay on behalf of all the Owners the cost of said work and shall thereafter promptly submit to the other Owner an invoice for their respective costs in accordance with the formula hereinafter set forth. Said invoices shall be paid within ten (10) days, of their receipt. In the event that an Owner shall fail to pay said invoice within said ten (10) days, then the Owner who has paid for the work may bring an action in any court of the State of Connecticut for all sums due including the costs of said action, interest at the rate of twelve percent (12%) per annum, or the legal rate, whichever is greater, and reasonable attorneys' fees, against said Owner. The Owners will exercise reasonable care in their use of the Easement so as not to cause more than normal and reasonable wear and tear of the improvements on the Easement. Any damage caused to such improvements caused by any Owner, his guests and invitees, shall be repaired promptly by said Owner at his sole cost and expense. If said Owner causing such damage shall fail to repair said damage within thirty (30) days of receiving written notice to do so from the other Owner, then in such case, such other Owner may repair said damage and submit to the responsible Owner an invoice for the cost of said repairs. In the event that the responsible Owner shall fail to pay said invoice within ten (10) days of its receipt, then the Owner who has paid for said repairs may bring an action in any court in the State of Connecticut for all sums due, including the costs of said action, interest at the rate of twelve percent (12%) per annum, or the legal rate, whichever is greater, and reasonable attorneys' fees, against said Owner.

5. Subdivision: In the event that any of the Lots shall be subdivided, the cost of repairs and/or maintenance shall be allocated among the total of the Lots then existing in the ratio which the respective area of the newly created Lots shall bear to the area of the Lot from which the newly created Lot was divided. However, in no event shall the Owners of the presently existing Lot and the Lot created by the subdivision be entitled to more than one vote whenever such vote may be required under the terms of this Declaration.
6. Assignment of Rights: No rights granted under the terms of this Declaration shall be assignable by the Owners, their heirs and assigns, except as they are appurtenant to and in conjunction with the sale, mortgage or subdivision of the respective Lots.
7. Voting Rights: In the event that any Lot shall be owned by more than one (1) person or legal entity, all of said owners shall be referred to as the Owner and shall be entitled collectively to only one (1) vote whenever such vote may be required under the terms of this Declaration.
8. Amendment or Modification: This Declaration may be amended or modified only by an instrument in writing, made and executed by all of the Owners including those persons or institutions holding an interest in the Lots, and recorded in the Bolton Land Records.
9. Binding Agreement: This Declaration shall be perpetual, shall run with the land, and shall be binding upon the successors and assigns of the said William H. Anderson.
10. Utilities: The Owners of Lot Nos. 1 & 2, their heirs, successors and assigns, are hereby granted perpetual rights in the Easement and the private driveways serving their respective Lots to locate in, on and over said Easement and private driveways such utilities as are customarily appurtenant to the use of said Lots. The easement documents as are customarily utilized by electrical, telephone, cable and other utilities shall be worded so that to the extent possible the Owners shall share the use of common utility facilities. The Owners shall share equally in the cost of installing said utilities in the Easement. In the event that one Owner shall install utilities in advance of their use by the other Owners, then and in such event, said earlier installing Owner shall be entitled to reimbursement for the proportionate cost of said installation by the other Owners when said other Owners extend said utilities to their Lots.

11. Hold Harmless and Indemnification: Each Owner hereby agrees to indemnify and hold harmless each of the other Owners for all damages sustained by said Owner their guests, licensees and/or invitees incurred as a result of the use of the Easement.
12. Acknowledgement: By accepting title to either of the lots serviced by the aforesaid common driveway, the Owners acknowledge that William H. Anderson is not responsible for creating, maintaining, improving or repairing any portion of the common driveway or connecting driveways or turnarounds.

Dated at _____, Connecticut this _____ day of October, 2015

William H. Anderson

STATE OF CONNECTICUT:

: ss.

October _____, 2015

COUNTY OF _____:

:

Personally appeared William H. Anderson, signer of the foregoing instrument, and acknowledged the same to be his free act and deed, before me.

Notary Public



Town of Bolton

222 BOLTON CENTER ROAD • BOLTON, CT 06043

Date: October 8, 2015

To: Planning & Zoning Commission

From: Patrice L. Carson, AICP, Consulting Director of Community Development

Subject: **Zoning Regulation Amendment: Ted & Joyce Moran's Petition to Allow Drive-Thru Service as an Accessory Use to a Restaurant in a Business Zone (other than a Gateway Zone) by Special Permit/Site Plan Review**

INFORMATION

Application Date: August 11, 2015

Receipt Date: August 12, 2015

Public Notification: Published in *Hartford Courant* October 2, 2015 & October 9, 2015

Public Hearing Date(s): October 14, 2015

Applicant(s): Ted & Joyce Moran

PROPOSAL/EXISTING CONDITIONS/BACKGROUND

Applicants Ted & Joyce Moran, of 199 Hop River Road, Bolton, are seeking to amend the Zoning Regulations Sections 3B4.b., 9B.2.b#3, 4.2.9 #1 & #2 to allow drive-thru service as an accessory use to a restaurant in a business zone, other than a gateway zone, if approved as part of a special permit/site plan review.

This amendment is limited in scope and proposed *only* for restaurants and does not include, dry cleaning establishments, liquor stores, convenience stores or other business types which might utilize drive-thru service (the Regulations currently allow banks and pharmacies to have drive-thru service), and *only* in the Business Zone (*not* including the Gateway Zones). The applicants propose this amendment to be considered on a case-by-case basis utilizing the current Design Guidelines in Bolton.

The applicants submitted a copy of the Town of Hebron's Zoning Regulations as an example of a Town which also allows drive-thru restaurants on a case-by-case basis. In 20 years there have been no applications submitted for drive-thru service at a restaurant in Hebron.

The PZC requested staff to get input from towns of similar size and with similar limited business areas on how they deal with drive-thrus to coordinate development of lots and not balkanize such development, specifically Ridgefield, Redding, Litchfield, Washington, Woodstock, and Marlborough. These towns were noted as representing sophisticated and high-quality development. Attached are the results of that conversation with the Towns of Marlborough, Washington and Woodstock which were the only towns who responded to the inquiry.

BENEFITS/ISSUES/CHALLENGES

Drive-thru facilities are very successful and are well used by the travelling public as evidenced by their popularity and emerging uses that have added drive-thru facilities. They provide a convenience to the travelling public and offer benefits including increased safety at night, improved access for persons with disabilities, and convenience for the elderly, persons with young children, or people who are ill and don't need to be in contact with the general public. Drive-thru facilities are often not a destination use, but rather a temporary stop en route to a destination. In larger towns, drive-thru services are situated in immediate proximity to other commercial uses in larger format retail centers, thereby providing this convenience within close proximity to destination uses. Studies have also shown that drive-thru facilities typically require less parking spaces, which helps contribute to the reduction of impervious lot coverage or "seas of asphalt" parking lots.

Because businesses with drive-thru facilities can attract higher volumes of traffic, it is important that the Commission take care of the impact on the following:

Surrounding uses, specifically residential uses, resulting from noise, light, litter and odor.

Streetscapes, such as building separation from adjacent streets, which do not contribute to a pedestrian friendly area.

Functional and safe traffic, pedestrian and bicycle movement.

Adjacent roads and site access with regard to the location and relationship between the stacking lane and the site access points

To this end the applicant's proposal requires that any application for a drive-thru facility as an accessory use to a restaurant must meet the Bolton Design Guidelines and requires a Special Use Permit which gives a lot of flexibility to the PZC in determining whether the proposed site is adequate to address the Commission concerns.

STAFF ANALYSIS

- the application is complete.
- Statutory notices have been published for the public hearing.
- All Statutory Referrals have been sent.

- If this amendment were approved and incorporated into the Town's Zoning Regulations, the Commission has a sufficient regulatory arsenal in its Special Use Permit Regulation and Design Guidelines to use in the review of any applications to allow for the compatibility, safety, and appropriateness of the proposed use.
- Should this amendment be approved and incorporated into the Town's Zoning Regulations, the Commission has the authority to offer an amendment to the Zoning Regulations in the future should it feel that drive-thru facilities are not suitable in the Town of Bolton, or that they are suitable and require additional or less regulation.

From: Carson, Patrice [<mailto:patrice.carson@boltonct.org>]

Sent: Tuesday, September 15, 2015 3:35 PM

To: 'planningdirector@RIDGEFIELDCT.org' <planningdirector@RIDGEFIELDCT.org>; 'apardee@townofreddingct.org' <apardee@townofreddingct.org>; 'planning@litchfieldnh.gov' <planning@litchfieldnh.gov>; 'dtobin@townoflitchfield.org' <dtobin@townoflitchfield.org>; 'townplanner@WOODSTOCKCT.GOV' <townplanner@WOODSTOCKCT.GOV>; 'planner@MARLBOROUGHCT.NET' <planner@MARLBOROUGHCT.NET>; 'planning@washingtonct.org' <planning@washingtonct.org>

Subject: Regulations for Drive-Through Service for Restaurants, Pharmacies, Banks, and More

Good afternoon,

Our Planning and Zoning Commission in the town of Bolton, CT has received an application to amend the Zoning Regulations to allow drive-thru service as an accessory use to restaurants in the business zone (not our gateway zone) to be considered on a case-by-case basis. The town of Bolton currently allows drive-thrus for banks, however, we do not have any banks in town.

Our PZC has tasked me with asking your towns how you deal with drive-thru service in general, but specifically regarding restaurants. The concern is for individual lot development and what do towns with limited business areas do about allowing drive-thru service to encourage coordinated development of lots and not balkanized development of lots, i.e., encourage pedestrian traffic. Your towns were chosen as towns that have "sophisticated and high quality development".

If you do allow drive-thru service, can you please send me a copy of your regulations and explain how drive-thrus are received in the community. If you don't allow them, can you explain why, and whether you've ever been asked to include them. If you are not the correct person to talk to, please let me know who the correct person would be.

Thank you in advance for your help and information. It is much appreciated.

Patrice

FROM MARLBOROUGH:

Drive Thru allowed for Pharmacy and Banks only.

Drive Thru for Food was not allowed due to:

- Traffic from Route 2 into the Town Center since we have one full diamond interchange.
- National Fast Food Chain Development and associated litter – we have a DD without drive-thru.
- Traffic flow issues many of these establishes peak time overlaps traffic peaks and with hundreds of trips in a drive thru per hour creates potential for a lot of left hand turns against traffic creating the need for by-pass lanes.
- Perceived as removing the pedestrian aspect of the Town Center trying to be created.
- Additional lighting and the overall glow of the site at night – generally establishes stay open longer more light issue into the night.

Follow up question, do you have more business zones than in the Town Center and if so, would you consider drive-thru service there?

There are 2 other commercial zones:

**Exit 12 off of Route 2 has a half interchange only west entrance and east bound exit with mixed light industrial/commercial 60 acres.

This Zone abuts some of Route 2 in a one property deep layout and the opposite side of the street zoned the same abuts established residential areas.

The traffic pattern off of Route 2 utilizes two arterial roads with traffic counts between 5,000 to 8,000 cars per day in a compact area. This area absorbs traffic from Metro- Hartford commuters from East Glastonbury, East Hampton, Hebron, & Portland in addition to Marlborough residents.

**Route 66 (East Hampton Road) Marlborough/East Hampton Town Line – Northside only

There is a pure commercial zone about 30 acres.

Excessive speed area.

Route 66 west bound traffic that fronts the commercial land has cars racing around each other in the climbing lane to get in front of slower moving vehicles prior to the end of the climbing lane.

Route 66 east bound is a 2 mile flat the hits a significant down grade 8% - 10% cars and trucks are moving well in excess of the 45 mph posted limit.

Established residential area across the street.

Summary: Traffic conflicts with left hand turns especially on Route 66 – crossing two lanes of traffic climbing the hill and then entering the fast track coming down the hill potential and then cars slowing in the climbing lane in order to pull into the drive-thru for accidents is too great.

National Chain litter.

Excessive Lighting.

All three areas are Gateways to the community and the community does not want fast food facades dominating the landscape.

The impact from Route 2 - off/on trips to take-out food is not sought for traffic, litter, and crime.

Drive-thru food facilities depending on the existing ADT can have significant influence on the traffic pattern and accident rate these facilities can process 700 to 1200 cars an hour. The overlap in peak, the commuting and customer traffic is a concern of the Commission and residents.

FROM WASHINGTON:

Washington, CT is mainly a rural town with very limited area designated for business districts. The aim has always been to 1) preserve rural character (practically impossible, we know) and 2) retain our unique character. We do currently have one bank with a drive thru window and several without them. That one bank has existed for more than 28 years, so it's unknown whether the drive thru was controversial. Best guess is that a drive thru window at a bank would be considered a routine service commonly associated with banks and that as long as there were no traffic safety issues, would be permitted in Washington. However, other kinds of drive thrus are another matter.

Section 2.3.2 of the Washington Zoning Regulations:

"All uses not specifically permitted by right or by Special Permit in these Regulations are prohibited. In addition, the following are specifically prohibited: ... G. Drive through establishments selling food or drink and eating and drinking establishments that serve food or drink to customers in vehicles."

This prohibition was adopted when there was a rumor that a Dunkin Donuts wanted to come to Town. Although it was definitely a rumor, people did worry. And of course, there was the thought that someday there might be an application for a McDonalds. (Highly unlikely, but....) Washington would not necessarily be against Dunkin Donuts, for example, it would not want chain businesses if it had chain architecture and signs that would make Washington look less like Washington and more like Anywhere, USA.

Regarding lighting issues: 1) Washington has strict residential lighting regulations, but has not yet amended its regulations to include them in the business districts. Many new businesses volunteer to comply with those stricter standards. The regulations basically follow the guidelines of the International Dark Sky Association. 2) There are regulations; Section 16.3.6, which states that no sign in any district may be back lit or internally lit and this includes internally lit vending machines.

FROM WOODSTOCK:

Woodstock doesn't currently have any drive-thru restaurants but we do have two banks with drive-thrus. Our regulations don't mention drive-thrus but we would require a special permit if someone wanted to propose one and we would have our consultant engineers review it and then applicable requirements would be made for revisions to the plans if needed regarding design of traffic route, etc.

There have been two individuals who thought about doing this. One was practically a joke from how poorly it was thought out and did not go anywhere. The other one was a bakery that we have who was considering expanding and putting in a drive-thru but has not come in to apply to do that. The bakery owner has had other expansion ideas too and has not acted on them as far as what would happen in town. For a short time he also ran a restaurant not too far into Putnam but he sold it. So not sure if he will ever come in to apply for a drive-thru – maybe he just comes up with a lot of ideas but may find out they are too much to take on, etc.

Woodstock regulations don't do anything to encourage pedestrian traffic and there are so few sidewalks.

Follow up question, how do you think the Commission would react if someone presented an amendment to your Zoning Regulations to allow drive-thrus? Would they be willing to consider or would they be against it trying to not amend the regulations?

Chain fast food restaurants would probably not be well received but then again trying to imagine them coming here when our population is so low is hard to do. If the bakery wanted to go through with it, they have a pretty good site, although not super sure the drive-thru would fit but if it did, it wouldn't be bad. Not sure how it would be received. So often it seems like it depends on the attendance that night of commission members and also who is presenting it and how it is presented.

Was curious why Woodstock was on the list but guessed it was because they do have 2 drive-thrus for banks which have been there long before 2006. Always curious about how other towns see Woodstock. Interesting that we are thought of as having "sophisticated and high quality development" as for the most part there's so little here... in the way of businesses at least.

Bolton Planning & Zoning Commission
222 Bolton Center Road
Bolton, CT 06043

Date: October 14, 2015
To: Planning & Zoning Commission
From: Patrice L. Carson, AICP, Consulting Director of Community Development

Subject: **REGULAR PZC MEETING DATES AND POSSIBLE SPECIAL MEETING DATES FOR 2016**

The following are the **regular meeting dates (bold)** scheduled for the Planning & Zoning Commission in 2016 which you will be reviewing for adoption on October 14, 2015. The regular meeting dates fall on the 2nd Wednesday of every month except November.

Possible Special Meeting dates (italic) are shown under the regular meeting date which the PZC can decide to schedule at their regular meetings, as discussed. *Possible Special Meeting dates* are NOT filed with the Town Clerk but are added to the meeting room calendar to reserve the meeting space.

January 13 <i>possible special 27</i>	July 13 <i>possible special 27</i>
February 10 <i>possible special 24</i>	August 10 <i>possible special 24</i>
March 9 (Patrice on Vacation) <i>possible special 23</i>	September 14 <i>possible special 28</i>
April 13 <i>possible special 27</i>	October 12 (Yom Kippur) <i>possible special 26</i>
May 11 <i>possible special 25</i>	November 16
June 8 <i>possible special 22</i>	December 14

All meetings begin at 7:30pm in the Town Hall Meeting Room unless otherwise notified and agendas are posted 24 hours prior to the meeting.