

BOLTON PLANNING & ZONING COMMISSION  
REGULAR MEETING AGENDA  
7:30 PM, WEDNESDAY, NOVEMBER 16, 2016  
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD

1. Call To Order
2. PUBLIC HEARINGS (begin at 7:45pm)
  - a. *CONTINUATION*: Subdivision Application, Paggioli Subdivision, 2-Lots, 51 Birch Mountain Road, Kyle & Ashley Paggioli
3. Approval of Minutes:  
October 19, 2016 Regular Meeting Minutes
4. Old Business
  - a. *DISCUSSION/POSSIBLE DECISION*: Subdivision Application, Paggioli Subdivision, 2-Lots, 51 Birch Mountain Road, Kyle & Ashley Paggioli
  - b. *DISCUSSION/POSSIBLE DECISION*: Subdivision Application, 1-Lot, 1225 Boston Turnpike, Boston Turnpike Associates LLC
  - c. Other
5. New Business
  - a. *APPLICATION*: Modification of Site Plan Approval, Landscaping Plan, 201 Boston Turnpike (Simoniz), William Hibbard
  - b. *DISCUSSION/POSSIBLE DECISION*: Schedule of 2017 Regular Meeting Dates
  - c. *DISCUSSION/POSSIBLE DECISION*: FY 2016/17 Budget
  - d. Election of Officers
  - e. Other
6. Correspondence
7. Adjournment

**BOLTON PLANNING & ZONING COMMISSION**  
**REGULAR MEETING**  
**7:30 PM, Wednesday, October 19, 2016**  
**Bolton Town Hall, 222 Bolton Center Road**

Town Clerk of Bolton  
OCT 28 2016  
RECEIVED

**Minutes & Motions**

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

**Members Excused:** None.

**Staff Present:** Patrice Carson, AICP, Director of Community Development, Jim Rupert, Zoning Enforcement Officer, Sarah Benitez, Recording Secretary.

**Others Present:** Larry Pesce, Natalia Miner, Andrew Bushnell, Kyle and Ashley Paggioli, Dorien Famiglietti, Daniel Sandstrom, and others.

1. **Call to Order:** Chairman Eric Luntta called the meeting to order at 7:32 p.m. E. Luntta moved to take the agenda out of order, beginning with item #3. J. Scala seconded. Vote 7:0:0.

2. **PUBLIC HEARINGS**

P. Carson read the notice of public hearing. The hearing opened at 8:04 p.m.

a. **CONTINUATION: ReSubdivision Application, Pond's Edge, 3-Lots, 60 Loomis Road, Lawrence Pesce**

Larry Pesce was present with Natalia Miner and Andrew Bushnell. P. Carson reported that all materials had been submitted and the only remaining item was the question of open space. The applicant had requested that the PZC consider previous and present contribution of his services and land uses to the town, as well as that the transfer was to N. Miner and T. Sadler as if next of kin.

The PZC discussed previous cases with a similar question and settled on an approach for a fee in lieu of open space as follows: The appraisal was \$208,000, and the fee could be up to 10%, or \$20,800. The total fee would be split among the resulting lots (3) and in a usual case would be paid upon sale. As this is not a sale but a gift, the fee was deferred until such time as the land might be sold, and placed as liens on the property. A. Bushnell estimated that, due to wetlands, only 60% of the land could be developed at best, allowing a potential yield of 5-8 total lots. The \$208,000 divided among 5 lots would be \$2500/lot, and among 8 lots would be \$4100/lot. Taking the average rate ( $\$2500 + \$4100 = \$6600$ ;  $\$6600 / 2 = \$3300$ ), the PZC arrived at \$3300 per lot as a starting point. The PZC considered the factors of the dry hydrant and dam maintenance. The dry hydrant would eventually go to the the town for maintenance, but the land owners would be responsible for the dam maintenance necessary for the dry hydrant. A. Teller suggested \$1500 per lot. E. Luntta agreed that roughly 50% of the total 10% average

(\$3300) was appropriate. J. Cropley proposed 2%, or \$500/lot, in consideration of the Pesces' and the farm's contribution to the town, especially in the form of the dry hydrant.

E. Luntta opened for public comment. There was none. J. Scala moved to close the hearing. J. Cropley seconded. Vote 7:0:0. The hearing closed at 8:37 p.m.

**b. CONTINUATION: Subdivision Application, Paggioli Subdivision, 2-Lots, 51 Birch mountain road, Kyle & Ashley Paggioli**

A. Teller recused himself at 8:38 p.m. T. Robbins was seated for A. Teller.

Dorien Famiglietti of Kahan, Kerensky, & Capossela presented the reasoning behind the Paggiolis' application. In 2014, the lot at 51 Birch Mountain Road was split from the now neighboring one as the free first cut and given to Kyle Paggioli. They now want to take an additional lot out of Kyle's lot and put it into Tom Paggioli's name. Tom Paggioli farms the land in addition to his own neighboring property, but the lot does not receive the farm tax rate, Kyle's taxes are much higher. Another benefit of the subdivision would be potential future sale.

There was another plan offered in addition to the original. The original plan would cut out a regular lot and leave an irregular lot due to not meeting frontage requirements. The second plan would cut out an irregular lot due to not meeting frontage requirements, while leaving enough frontage for existing lot to remain a regular one. Setback modifications would be required, since the location of the house prevented meeting the standard 85 foot distance in either plan. D. Famiglietti referenced prior cases with similarities to support allowing an irregular lot to result in either plan. One on Clark Road in 1998 had a similar configuration, though it did not require setback modification as nothing had been built yet. D. Famiglietti believed the Paggioli application differed from the recently denied Anderson/Varca application as the lots in that case were illegally created and nonconforming from the beginning, after which additional irregular lots were proposed.

PZC and Staff Comments: C. Preuss said that the Anderson application would have created irregular lots from conforming lots and thought the Paggioli application did the same. D. Famiglietti countered that the newly formed irregular lot, if approved, would be conforming under the requirements of the exemptions allowed. J. Rupert noted that the Anderson application would have created four irregular lots, where the Paggioli application only would create one. P. Carson said that a wetlands permit had been issued and affidavits were done. E. Luntta disagreed that the application plan could fall under the "leftover land" or "common design" of the irregular lot provision. P. Carson and J. Scala questioned why the issue could not be addressed more simply with a lot line modification.

Public Comments: Janice Norton, 23 Anthony Road, expressed concern that the subdivision could set precedent and begin a slippery slope of houses all along the line of the property.

After conferring with the Paggiolis, D. Famiglietti said they had a new plan to propose and would like to continue the public hearing so they could bring the maps before the PZC. They granted an extension

through November 17, 2016. C. Preuss moved to continue the public hearing to 7:45 p.m., November 16, 2016, at the Town Hall, 222 Bolton Center Road. J. Scala seconded. Vote 7:0:0.

A. Teller rejoined the Commission at 9:53 p.m.

**c. SPECIAL PERMIT APPLICATION: Nursery/Lanscaping/Contracting Business, 255 Hop River Road, Daniel Sandstrom, D&S Yardworks, LLC**

C. Pruess recused himself at 9:54 p.m. C. Davey was seated for C. Preuss.

Daniel Sandstrom, 96 Hope Valley Road, Hebron, reviewed his proposal. The first 200 feet from Route 6 would house the nursery in the business zone. The landscaping equipment and vehicles would be behind that, in the industrial zone. In the future, he would like to set up a shop to house equipment at some point, possibly sell firewood, and put up a security fence and gate to prevent theft (all in the back portion, in the industrial zone). The nursery would be open 9 a.m. to 6 p.m. Monday through Saturday and 9 a.m. to 2 p.m. Sunday. Landscaping work would begin around 7 a.m., Monday through Friday. Trucks would go out to plow whenever the snow starts, but most plows would be leaving from their drivers' residences. The abutting house next door belongs to the Sandstroms so there is not a concern for noise there. There are above ground pre-existing diesel tanks in the industrial zone. The property goes all the way back to the woods which then go back to the rail road tracks, and is about 12 acres total. There will be no manufacturing.

Staff Comments: P. Carson reported they had met several times and the applicant had fulfilled all the necessary steps. All the uses planned were compatible with the appropriate zone. The Fire Chief has reviewed the materials and has no concerns. He did ask to be contacted to work with D. Sandstrom on fire access and minimizing fire risk in the parking plan for the trucks. Abutter notifications were sent.

Public Comments: None.

J. Scala moved to close the public hearing. A. Teller seconded. Vote 7:0:0. The hearing closed at 10:14 p.m.

C. Preuss rejoined the Commission at 10:15 p.m.

The PZC returned to the regular agenda with item #5.

**3. Approval of Minutes:**

**September 14, 2016 Regular Meeting** – A. Teller moved to approve. C. Pruess seconded. E. Luntta requested that item #9 Adjournment include the vote count, which was 7:0:0. A. Teller amended his motion accordingly and C. Pruess accepted the amendment. Vote 6:0:1, J. Cropley abstaining due to absence at that meeting.

E. Luntta moved to go on to item #4. J. Cropley seconded. Vote 7:0:0.

4. **Report of the Zoning Enforcement Officer:** Jim Rupert reported on usual business such as a deck extension, the post-fire rebuilding of a single family structure, a sign, and solar panels. The drainage ordinance violation on Villa Louisa has been corrected and reviewed by the town engineer. Unusual activity involving truck traffic on Shoddy Mill Road has been reported to the Selectman's office and will continue to be monitored. P. Carson and J. Rupert have been to a couple meetings on a parcel which was supposed to be conveyed to the state. The owners were referred to title insurance.

J. Rupert asked the PZC for feedback on responding to various charity groups' requests to place collection bins on sites in town. There have been previous issues with such containers being used as a dump for unrelated items or not being emptied in a timely manner. A. Teller thought that such containers could be an accessory use to the location site if it met PZC/staff approval, possibly using the modification provision if the site is substantially affected. J. Cropley and A. Teller held that the bin owner and site owner are both responsible for maintenance. A. Teller recommended asking for a letter specifying responsible parties, contact information, and details of pickup, signed by the bin owner and countersigned by the property owner counter.

A letter was received from Mountain Top Services. Milton Hathaway would like to remove a sand pile that was excavated as part of restoration efforts under a permit which has now run out. The pile has to be disposed of in order to continue restoration. M. Hathaway was in question as to whether he may move it as disposal would require truck service which was previously limited by the permit. After some discussion, the PZC agreed that as the excavation and restoration details of the permit were met, there were no present restrictions on M. Hathaway's right to move the sand pile. The trucks were the only concern, but could be considered a necessary aspect of restoration efforts.

The PZC moved to item #2 to open the public hearings.

5. **Old Business:**

- a. **DISCUSSION/POSSIBLE DECISION:** ReSubdivision Application, Pond's Edge, 3-Lots, 60 Loomis Road, Lawrence Pesce

The PZC discussed considerations for a fee in lieu percentage. Chairman Luntta put out three dollar amounts for a vote: \$2500/lot received no votes, \$1500/lot received two, and \$500/lot received five. C. Preuss observed that the Pesce farm and family have done a lot for the town, such as cemetery maintenance, mowing, and haying. J. Cropley said the dry hydrant alone was a savings of \$50,000 for the town. A. Teller agreed that the Pesce contribution to the town has been considerable, but believed that it was not an appropriate basis for a decision. Many people have done service for the town. The services currently in discussion, other than the dry hydrant, were not in the record. Considering factors outside of the record would be picking and choosing services to the town on a subjective basis, which in turn would allow for partiality. He considered the valid factors to be that the drainage issue encumbered property usage, that the owners' maintenance of the dam is of benefit to the town, and that the dry hydrant access maintenance is also of benefit to the town. He also noted that in the past, people have

had to give and maintain dry hydrant access for the town without any benefit to them. N. Kerr thought there were enough reasons to consider \$500/lot an acceptable value.

J. Cropley moved to apply a \$500 per lot fee in lieu of open space (\$1500 total) on the ReSubdivision Application by Lawrence Pesce for Pond's Edge at 60 Loomis Road, per reasons stated in discussion. C. Preuss seconded. Vote 5:0:2, J. Scala and A. Teller abstaining.

A. Teller moved to approve the ReSubdivision Application for Pond's Edge by Lawrence Pesce at 60 Loomis Road, based on the resubdivision plan and map received October 18, 2016, with revisions July 5, 2016, and October 3, 2016, under the following conditions:

- 1) a dry hydrant easement in a form approved by the town engineer shall be recorded in the land records at the time of the filing of the mylars;
- 2) the fee in lieu of open space previously set by the Commission shall be secured by liens in those amounts (\$500/lot) recorded in the land records against each of the three lots (1, 2 and 3) to be paid upon transfer of each lot for consideration.

J. Cropley seconded. Vote 7:0:0.

- b. DISCUSSION/POSSIBLE DECISION: Subdivision Application, Paggioli Subdivision, 2-lots, 51 Birch Mountain Road, Kyle & Ashley Paggioli**

No action taken.

- c. DISCUSSION/POSSIBLE DECISION: Special Permit Application, Nursery/Landscaping/Contracting Business, 255 Hop River Road, Daniel Sandstrom, D&S Yardworks, LLC**

C. Preuss recused himself at 10:34 p.m. C. Davey was seated for C. Preuss.

J. Scala said the business would be a good use of the property and matches historical use. A. Teller moved that the PZC approve the Application for Special Permit for a Nursery/ Landscaping/Contracting Business by Daniel Sandstrom, D&S Yardworks, LLC, at 255 Hop River Road, without conditions. J. Scala seconded. Vote 7:0:0.

C. Pruess rejoined the commission at 10:39 p.m.

## 6. New Business:

- a. SUBDIVISION APPLICATION: Lyndale Farmstead, 1225 Boston Turnpike, Boston Turnpike Associates, Michelle Giglio, Robin Giglio, and Manda Olmstead**

P. Carson said this application for the Lyndale Farmstead site had just come in. Previously the land had been split into three lots by the court, not to be built upon and only to be used for agricultural purposes. Now the owners wanted to create a lot that would sell as already developed. Parcel 1 is to be sold as buildable, and parcels 2 and 3 as for agricultural purposes. The PZC agreed not to hold a public hearing and to have staff review the application.

7. **DISCUSSION: Plan of Conservation & Development Implementation:** No new information.
8. **Correspondence:** The CT Conference of Planning & Zoning newsletter was received.
9. **Adjournment:** J. Scala moved to adjourn. J. Cropley seconded. Vote 7:0:0. Meeting adjourned at 10:47 pm.

Respectfully submitted,

Sarah Benitez

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

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

Date: November 17, 2016  
To: Elizabeth Waters, Town Clerk  
From: Planning & Zoning Commission

Subject: **REGULAR PLANNING & ZONING COMMISSION MEETING DATES FOR 2017**

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The following are the regular meeting dates scheduled for the Planning & Zoning Commission in 2017 which fall on the second Wednesday of every month:

January 11

February 8

March 8

April 12

May 10

June 14

July 12

August 9

September 13

October 11

November 8

December 13

Special meetings are scheduled as necessary and notified by posting an agenda at the Town Hall.

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.

Code 502	PLANNING AND ZONING COMMISSION					
Accounting Codes	Category	Actual Expenditures 2015-2016	Approp. for this year 2016-2017	Requests for 2017-2018	Proposed by Bd. of Select. 2017-2018	
1005.460.4153.000000.51520.00000	Other Payroll	895	2,400			
1005.460.4153.000000.56120.00000	Office Operation Expenses	683	2,600			
1005.460.4153.000000.58100.00000	Professional & Business Training	410	1,580			
	<b>Total</b>	1,988	6,580	0	0	

Any Change (+/-) in a category please explain. By: \_\_\_\_\_

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