

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

MINUTES & MOTIONS

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

Members Excused: Carl Preuss, Thomas Manning (listening in by telephone), James Cropley, Nancy Silverstein (Alternate)

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

Others Present: Ken Morin, Barry Ellison, Jr., P.E., Eric Olivieri, Luisa Parreira, Joaquim Parreira

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

N. Kerr was seated for J. Cropley and C. Davey was seated for C. Preuss.

2. Approval of Minutes:

Approval of the special meeting minutes of October 15, 2014 was tabled to a future meeting.

A. Teller MOVED to APPROVE the special meeting minutes of December 8, 2014 as written. C. Davey SECONDED. MOTION CARRIED 5:0:1 with N. Kerr abstaining.

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

3. Resident's Forum (Public Comment for items not on the agenda): No public comment.

4. Old Business:

a. Other: There was no other old business.

5. New Business:

a. Discussion/Possible Decision: Application to modify Re-subdivision Approval for Bakerfeld Subdivision, 4 lots, 160 Hebron Road, EOJ Properties LLC:

Barry Ellison of Alliance Engineering, representing Eric Olivieri, said the applicant is asking to have the note removed from the mylars regarding the stipulation to sprinkler the three new houses in the Bakerfeld subdivision as the mylars have not yet been filed and that the new regulations for fire protection that went into effect on January 1, 2015 no longer require sprinklers.

A. Teller MOVED to APPROVE EOJ Properties LLC's application to modify the approval of re-subdivision application #PL-14-2 (Bakerfeld Re-subdivision) to remove the requirement found in General Notes #1 on page 4 of 6 of the approved Re-subdivision Plans known as "Bakerfeld Re-Subdivision Prepared for EOJ Properties, LLC", dated: August 2, 2014 & 07/06/14, revised: through 10-1-14, 6 sheets, which states, "All proposed houses to be serviced by individual sprinkler systems designed and installed in accordance with applicable Town of Bolton Zoning and/or other governing regulations." Section 3C of the Zoning Regulations which required individual sprinklers has since been amended effective on January 1, 2015 and is no longer in effect. J. Scala SECONDED.

A. Teller made note that the PZC significantly relaxed the portion of Section 3C of the Zoning Regulations that would have required that a subdivision as small as three lots to bear this burden and this is the kind of situation that the Commission was well aware of when the vote was taken and should be consistent since no actual activity has taken place yet. He said the applicant should get the benefit of the relaxed regulation.

MOTION CARRIED 6:0:0.

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:

After brief discussion with the Board, the applicant determined that this request for extension of time to file the mylars was not necessary and respectfully withdrew this request.

c. Discussion: Regulations for the keeping of poultry: E. Luntta said the ZEO is having difficulty enforcing the current regulation and would like to give revision of this regulation high priority.

P. Carson said staff will draft a regulation for the Commission to review prior to the next meeting.

d. Other: A. Teller MOVED to add to the agenda the application request by Luisa Parreira to modify the approval of the special permit PL-14-1 to convert a residence to a 30 seat restaurant at 180 West Street to change the dumpster location originally shown and approved on the north side of the parking lot to the opposite or south side of the parking lot. J. Scala SECONDED.
MOTION CARRIED 6:0:0.

P. Carson said that the ZEO has asked that the Commission look at this application to determine whether it could be handled by staff or if it should come before the Commission.

Luisa Parreira said customers would be looking out onto the dumpster through the dining room windows at the restaurant in its current location. She said the dumpster would be fenced if moved to the proposed new location.

Discussion followed on how changing the location would affect pick-up of the dumpster by the trash hauler and the effect on the abutting property owner.

Consensus of the Commission is that this is a minor site plan modification and can be handled by staff. P. Carson asked L. Parreira to provide a letter from the abutter stating he is ok with the move and said that the Town Engineer would review the modification as well.

P. Carson said someone wishes to run a yoga studio in 1,000 square feet previously occupied by Amazing Flooring in the England building. This activity would be a change of use in the commercial zone. Discussion followed on whether this would require a special permit.

A. Teller read the part of Section 3A23 of the Zoning Regulations (Change of Use) which states: "Notwithstanding the requirements of Sections 8A2b, 8B2b and 9B1b, the Zoning Enforcement Officer may issue a Zoning Permit for a Change of use in a commercial or industrial zoning district to another use permitted by right in such zone, subject to the Minor Modification provisions of Section 3A21."

Discussion followed. Recommendation from the Board to staff was to have applicant provide, in writing, name of owner, number of employees, number of classes per day, number of students per class, hours of operation, and any internal modifications to the building and for staff to look at the parking standards. The consensus of the Commission was, upon approved review from staff, the ZEO could issue a Zoning permit.

6. Plan of Conservation and Development Discussion (POCD): P. Carson reported there have been requests from some town commissions to provide input to the PZC regarding the POCD. P. Carson will extend an invitation to the Town committees, boards and commissions to attend the January 28, 2015 POCD meeting **at 7:00 p.m.** meeting so the PZC can listen to their input. The town website has been updated with POCD links on the homepage to keep the public informed on the process.
7. Correspondence: P. Carson reported correspondence regarding a referral from CRCOG about Glastonbury revising regulations on having chickens, the CT Federation of Planning & Zoning Agencies Annual Conference on March 26, 2015, the CT Land Use Law for Municipal Land Use Agencies, Boards and Commissions training on March 21, 2015, and a letter of resignation from the PZC Board Clerk. C. Davey stated he would like to attend the Land Use Law training.
8. Adjournment: J. Scala MOVED to ADJOURN the meeting at 8:28 p.m. A. Teller 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.