

**BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING
7:30 PM, WEDNESDAY, SEPTEMBER 10, 2014
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD**

MINUTES & MOTIONS

Members Present: Vice-Chair Jeffrey Scala, James Copley, Thomas Manning (arrived at 7:41 p.m.), Adam Teller, Carl Preuss, Arlene Fiano, Nancy Silverstein (Alternate), Christopher Davey (Alternate)

Members Excused: Chairman Eric Luntta, Neal Kerr (Alternate)

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

Others Present: Eric Olivieri, Barry Ellison Jr., P. E., Fire Marshal Ray Walker Jr, Milton Hathaway, Patrick Byrne, Ling Lei, Don Meakem, and others.

1. Call to Order: Vice-Chair J. Scala called the meeting to order at 7:35 p.m.

N. Silverstein was seated for E. Luntta. C. Davey was seated for T. Manning.

3. Approval of Minutes: August 13, 2014 regular meeting minutes and August 27, 2014 special meeting minutes:

C. Preuss MOVED to APPROVE the regular meeting minutes of August 13, 2014 as written. A. Teller SECONDED. MOTION CARRIED 5:0:2 with J. Scala and C. Davey abstaining.

A. Teller MOVED to APPROVE the special meeting minutes of August 27, 2014 as written. A. Fiano SECONDED. MOTION CARRIED 4:0:3 with J. Copley, C. Davey and J. Scala abstaining.

4. Residents' Forum (Public Comment for items not on the agenda): Ling Wei said she is having problems with the roof at commercial property she owns 890 Boston Turnpike and is trying to make the building safe and wants to install a peaked roof. She said she is not asking to expand the unit at this time but could possibly put in two additional living units in the future within the existing footprint. J. Rupert said she will need a site plan review and a design guideline review.

Don Meakem, contractor for the proposed project, presented an existing approved site plan to help explain what would be done to the building to accept the new roof.

J. Rupert and P. Carson said they will meet with L. Wei to put together a design guideline application to be presented to the Board.

J. Scala MOVED to suspend the regular meeting at 8:00 p.m. J. Copley SECONDED. MOTION CARRIED 7:0:0.

2. Public Hearing for Re-subdivision application for Bakerfeld Subdivision, 4 lots, 160 Hebron Road, EOJ Properties LLC:

J. Scala read the public hearing notice which was published in the Hartford Courant on 8/29/14 and 9/5/14 into the record.

Barry Ellison Jr., P. E., representing the applicant Eric Olivieri, said he was here in July to get informal feedback from the Commission and stated that the subdivision hasn't changed from what was shown in July. He presented an overview of the property, that it is a 6.6 acre parcel located at 160 Hebron Road with an existing three bedroom ranch house in the corner of School and Hebron Roads. On the east side of the property there is an unnamed brook which is a tributary to Baker Brook. Most of the lot is a former agricultural field now sparsely vegetated. Associated with the brook is a wetlands, flagged by John Ianni, and a stand of trees in that vicinity and a thin patch of trees on the south side of the property.

B. Ellison described the proposed development. He stated it is a R1 Zone and the development calls for three new lots with the existing house to remain. Parcel sizes range from .93 to 2.58 acres. All three additional lots will be frontage lots and their driveways will extend to an existing town road, one on School Road and two on Hebron Road. All lots be served by on-site septics and wells. B. Ellison stated there is a conceptual erosion and sedimentation control plan which will be handled at the time of the individual plot plan. The overall drainage from the site is that it currently drains northwest to southeast. He said those patterns will generally remain in the post-development phase as there are no significant cuts or fills associated with the property development. The net run-off would decrease because of the changes in land use. The water quality is expected to be better to the receiving wetland so long as best management practices are followed by the potential property owners. The proposed subdivision has approval from the Town Sanitarian on the septics. The three new houses would be sprinklered having approval from the Fire Marshal by email. Lot four would be an irregular lot because it won't meet the 200 foot frontage along Hebron Road but does met the lot width requirement of 160 feet at the front building line.

An appraisal of the property was done by Robert Morra and came in at \$145,000. B. Ellison said the property is not contiguous to any other open space and is not a good candidate for open space dedication. The applicant is prepared to discuss fee-in-lieu-of.

B. Ellison said the proposed project went before the Wetlands Commission in August and they deemed the project did not require a public hearing as there was only 3,100 square feet of upland review area disturbance associated with lot 2. A wetlands site walk of the property was done on 9/9/14. He said the Wetlands Commission sees value in protecting the wetlands to the east, specifically the brook. The Wetlands Commission discussed putting in a conservation easement along the wood line the size of about 2/3 of an acre, exactly 10 percent of the total area of the parcel. B. Ellison said his client is willing to do that.

B. Ellison said the applicant is asking the PZC for relief from the 10 percent fee-in-lieu of for the applicant putting in a conservation easement area to protect the area around the brook on the property. Discussion followed on enforcement issues for this type of conservation easement.

Discussion followed on possible reduction of the fee-in-lieu. The Bolton Land Trust or the town would have to be asked to hold ownership of the conservation easement area in order for the easement to be policed.

P. Carson accepted the affidavit for the sign posting and the appraisal of the property from the engineer. She stated that the town has received the statutory abutter notice certified mail receipts, the reports from the Town Sanitarian, Town Engineer and Highland Soils LLC. The PZC has also received her report on the proposal. The wetlands report will not be available until after the IWWC September 23, 2014 meeting.

P. Carson said that rain gardens are included on the plan and gave reasons why she would recommend not using the rain gardens with this proposal.

Patrick Byrne of 10 Lori Road and abutter to the property said that from March through June his back lawn has a significant amount of water and cannot be mowed and his concern is that development of this property would cause additional water to drain onto his property. He also had concern with enforcement of the proposed conservation easement area if trees are already cut down. B. Ellison responded that the drainage study states that the amount of water flow would not increase.

A draft easement would have to be submitted for review by the Town Attorney if the Bolton Land Trust or town took ownership of the conservation easement.

Consensus of the Board is to give the applicant a reduction in the fee-in-lieu if the Bolton Land Trust or the Town took ownership of the conservation easement area.

A. Teller MOVED to CONTINUE the public hearing for the re-subdivision application for the Bakerfeld Subdivision, 4 lots, 160 Hebron Road, EOJ Properties LLC to Wednesday, September 24, 2014 at 7:45 p.m. at the Bolton Town Hall, 222 Bolton Center Road, Bolton, CT. J. Cropley SECONDED.

A. Teller amended the motion to continue the public hearing to Wednesday, September 24, 2014 at **7:30 p.m.** J. Cropley SECONDED the amended motion. MOTION CARRIED 7:0:0.

The regular meeting was resumed at 8:52 p.m.

5. Report of the Zoning Officer: J. Rupert provided a written report of and reported on his activities to the Board which included the administrative permits received since 7/10/14 and enforcement activities regarding a notice of violation at 365 West Street, soil disturbance placement of fill at 17 Laurwood, signage at Subway, signage violations at 1135 Boston Turnpike, and creating a new signage package for England Hardware.
6. Old Business
 - a. Review/Discussion: Re-subdivision application for Bakerfeld Subdivision, 4 lots, 160 Hebron Road, EOJ Properties LLC: There was no discussion on this item as the public hearing has been continued to September 24, 2014.

- b. Review/Discussion: Summary Report of Fire Protection Regulations Advisory Committee: P. Carson distributed the final drafts of the commercial and residential regulations proposed to go public hearing to the Board. Discussion followed on changing the venue for the public hearing scheduled for October 8, 2014.

A. Teller MOVED to direct staff to find an appropriately sized room for the public hearing on the proposed Fire Protection Regulations amendments and to change the location of the October 8, 2014 Planning and Zoning Commission to that room. J. Scala SECONDED. MOTION CARRIED 7:0:0.

P. Carson reported that the overall cost to install a 15,000 gallon fiberglass cistern is in the range of \$40,000.00 to \$45,000.00. Discussion followed.

- c. Other

7. New Business

- a. Other

- 8. Plan of Conservation and Development: P. Carson reported the RFP is being reviewed. C. Davey said he has concern that the survey results do not reflect an accurate age group composition of the town's residents. P. Carson said the survey cannot control for demographics. Discussion followed.
- 9. Correspondence: P. Carson commented on correspondence received from Cudder & Feder regarding a proposed cell tower in Hebron.
- 10. Adjournment: J. Cropley MOVED to ADJOURN the meeting at 9:25 p.m. T. Manning SECONDED. MOTION CARRIED 7:0:0.

Respectfully submitted by Linda H. McDonald

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