

**BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING
7:30 PM, WEDNESDAY, MAY 14, 2014
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD**

MINUTES & MOTIONS

Members Present: Chairman Eric Luntta, Vice-Chair Jeffrey Scala, Thomas Manning, , Carl Preuss, Arlene Fiano, James Cropley, Neal Kerr (Alternate), Nancy Silverstein (Alternate),

Members Excused: Adam Teller, Christopher Davey (Alternate)

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

Others Present: Luisa Parreira, Joaquim Parreira, Peter Henry, Art Hall, Donald Tedford, Andrew Bushnell, Jim Aldridge, Milton Hathaway, Charlie Danna, Diane Danna, Jessica Lacasse, Charles Lacasse, Donna Tedford Sheridan, Amber Zike and others

- 1. Call to Order:** Chairman E. Luntta called the meeting to order at 7:38 p.m.

N. Kerr was seated for A. Teller.

- 3. Approval of Minutes: April 9, 2014 Regular Meeting Minutes and April 23, 2014 Special Meeting Minutes:**

The following amendments were made to the minutes of April 9, 2014:

In the heading, change "Special Meeting" to "Regular Meeting" and on page 2, item 4, sentence should read: "J. Rupert reported on three items: erosion at Three J's, erosion at a trailer park at 166 Boston Turnpike and 365 West Street having a second trucking company (McClain Trucking) working from that location which is a violation of the permitted use of the property."

J. Cropley MOVED to APPROVE the regular meeting minutes of April 9, 2014 as amended. J. Scala SECONDED. MOTION CARRIED 5:0:2 with E. Luntta and C. Preuss abstaining.

C. Preuss MOVED to APPROVE the special meeting minutes of April 23, 2014 as presented. T. Manning SECONDED. MOTION CARRIED 4:0:3 with A. Fiano, J. Scala, and J. Cropley abstaining.

- 4. Residents' Forum (Public Comment):** Jim Aldridge said he will be turning in a minority report for the in response to the Fire Protection Regulations Advisory Committee water suppression report. He explained why he would be turning in this report. He submitted into the record documentation regarding a business person (Able Coil & Electronics) that would be negatively impacted financially by the fire protection regulations proposed by the advisory committee. This business eventually moved out of state due to the process. J. Aldridge would like to be on the agenda at the next meeting.

E. Luntta MOVED to suspend the regular meeting at 7:50 p.m. T. Manning SECONDED. MOTION CARRIED 7:0:0

- 2. Public Hearing (begins at 7:45 p.m.): Application of Luisa for Special Permit (3B.4, 8B2.b.8, 16B) to convert a Residence to 30 seat Restaurant (Our Place Restaurant) at 180 West Street:**

P. Carson read the public hearing notice as published in the Hartford Courant into the record.

Peter Holmes of Holmes & Henry Associates presented an overview of the proposed project. Lot coverage will be slightly decreased. Impervious coverage will be below what is allowed in the regulations. Thirteen parking spaces are proposed in the back of the building and five in the front including a handicapped parking space.

Andrew Bushnell, project engineer, described the drainage aspects of the project. T. Manning asked about the drainage easement. Questions from the Board followed on the detention pond and 100 year storm events, the location of the well, and the proposed additions to the existing building. A. Bushnell described the proposed lighting plan. One sign is proposed with no lighting. The parking area will not be lit at night. A. Bushnell described the proposed landscape plan. A chain link fence with privacy panels will house the dumpster. A diagram of the chain link enclosure and a landscape plan were submitted into the record.

Architect Art Hall of Dan Wright & Associates described the proposed changes to the exterior and interior of the existing building. The second floor will not be used for this application as this type of use is not allowed by State regulations. Building code requires lighting over the entrance door.

L. Parreira stated that the hours of operation will be 7:00 a.m.-2:00 p.m. for breakfast and lunch. She said the outside sign could be lit in the future and would like the application to reflect that.

C. Preuss said the zoning regulations prohibit signs on structural canopies and this application proposes one. J. Rupert read the definitions of structural canopy and entrance canopy from the regulations. Discussion followed on other locations to move the canopy signage and the size of the proposed sign as a percent of building area. P. Hall said he would defer to the decision of the Board as to how to proceed with the building signage. T. Manning said the sign could be made a condition of approval for the filing of the mylar. P. Hall said he would remove the sign over the entrance from the plan to expedite approval.

L. Parreira said moving the sign will not be an issue.

P. Carson stated for the record that abutters have been notified.

E. Luntta opened the hearing to public comment.

Charles Lacasse of 179 West Street is concerned with the speed limit on the road and asked if propane tanks would be used. He is concerned if the business would ever open at night. E. Luntta responded the Board would be approving what was submitted in the application, which is that the business would only be open for breakfast and lunch.

Jessica Lacasse of 181 West Street is concerned with possible traffic flow onto the street and would like the Board to consider the effect of overflow traffic into the restaurant. She has an issue with lighting during the winter months when night falls earlier and lights at the restaurant could be on during the night.

Charles Danna of 177 West Street has concern with the signage on the street side interfering with his visibility exiting his driveway. He asked if there is outdoor seating planned. He has concern with well and septic issues affecting the neighborhood. Other concerns are for foot traffic and bicycles on the street and having to pick up trash from the patrons of the restaurant.

Donna Tedford Sheridan of 104 French Road said she did not receive notification of this public hearing. The Board responded to her concern with the possibility of a drive-through stating that the zoning regulations do not allow a drive-through. She asked what the implications would be if she were to

develop a road into her acreage that abuts the property. P. Henry responded that this application would not affect her putting in a road in the future.

P. Henry explained he used the abutter addresses found on record in the Assessor's Office which are the mailing addresses and not necessarily the physical address of the property if it is a vacant parcel.

Amber Zike of 174 West Street said she was not made aware when she purchased the property abutting this property a few months ago that this change of use was possible. She has concerns with overflow parking and security, is chain link fence been surveyed to be on the applicant's property. Driveway location, use her driveway to turn around. Any parking issue on the state road would be an issue for the state police. Her property is under two zones.

Diane Danna of 177 West Street has concerns with bus stops during breakfast hours, the close proximity of a daycare center and student safety. J. Scala suggested that she contact the First Selectman's office with her concerns and request for safety signage on the state road.

J. Rupert read correspondence from Rayden Arnold of 174 West Street dated May 7, 2014 into the record.

Per the request of E. Luntta, P. Henry reviewed the landscape plan including plans for buffering from the neighbors and the location of the fence with evergreens as screening.

Regarding the location of the street sign, J. Scala recommended that the applicant move the sign as close to the road as possible without sightline obstruction to maximize visibility of the signage.

A. Zike asked the location of the dumpster and A. Bushnell pointed out the location on the plan.

A. Bushnell described the location of the proposed above ground propane tank.

E. Luntta MOVED to continue the public hearing for the application of Luisa Parreira for Special Permit (3B.4, 8B2.b.8, 16B) to convert a Residence to 30 seat Restaurant (Our Place Restaurant) at 180 West Street to June 11, 2014 at 7:45 p.m., Bolton Town Hall, 222 Bolton Center Road, Bolton, CT to allow time for the signage issue to be clarified on the plan. J. Scala SECONDED. MOTION FAILED 3:4:0.

T. Manning MOVED to close the public hearing for the application of Luisa Parreira for Special Permit (3B.4, 8B2.b.8, 16B) to convert a Residence to 30 seat Restaurant (Our Place Restaurant) at 180 West Street. J. Cropley seconded. MOTION CARRIED 5:2:0 with C. Preuss and E. Luntta opposing.

E. Luntta closed the public hearing and resumed the meeting at 9:32 p.m.

- 5. Report of the Zoning Enforcement Officer:** J. Rupert reported on several enforcement issues. He issued an informative letter regarding an invasive species of bamboo on Lake Street.

He said he met with the Hannon's of 33 Lakeside Circle. They received Commission approval on May 15, 2013 Commission for an exception to a prohibition against placement of a building or structure within 50 feet of a lake, pond, marsh or watercourse as per Section 3A.7 of the Zoning Regulations. They intend to raise the foundation of the structure out of the ground and place a retaining wall and some earth around the Lakeside end of the foundation to insure that the foundation remains frost protected. J. Rupert said the Hannon's have submitted an application for modification and hope the Commission could discuss this tonight and delegate to staff. The Wetlands Commission has delegated this to staff.

J. Rupert reported that he met with surveyor Richard Meehan regarding zoning for a generator for Comcast and said he need clarification on this from the Commission tonight. J. Rupert said the table Section 11 of the regulations (Dimensional Requirements) points you to a section in the regulation that

says in the industrial zone, the side yard setback is 50 feet when next to a residential zone. He asked what happens when it is not next to a residential zone. That is not addressed in the regulation. The adjacent property is not in the industrial zone. Is it still 50 feet or was there something left out of the regulation or is it reduced? J. Rupert said that Comcast has a current generator that needs to be replaced with a larger capacity unit in a different location on the property. This is currently a GMUIZ zone. The table sends you to Section 11.K which states: "The minimum side yard and rear yard in the industrial zone shall be 50 feet where abutting a residential zone." After discussion, the Board directed the ZEO to use the side yard minimum setback requirement of 25 feet in Section 11.I of the regulation and the Board will make a minor amendment to the regulations in the future.

T. Manning MOVED to add: "Discussion: Application of Matt Hannon for Modification of a Previously Approved Application for the installation of a maximum three (3) foot high unreinforced segmental retaining wall and revised grading to the west and part of the north and south of the proposed dwelling at 33 Lakeside Circle, Bolton, CT to the agenda under New Business, item 7c. C. Preuss SECONDED. MOTION CARRIED 7:0:0.

6. Old Business:

a. DISCUSSION/POSSIBLE DECISION: Application of Luisa for Special Permit (3B.4, 8B2.b.8, 16B) to convert a Residence to 30 seat Restaurant (Our Place Restaurant) at 180 West Street:

T. Manning MOVED to APPROVE the application of Luisa for Special Permit (3B.4, 8B2.b.8, 16B) to convert a Residence to 30 seat Restaurant (Our Place Restaurant) at 180 West Street including the following exhibits:

- Audio recording of the public hearing opened and closed on 5/14/14
- The completed Bolton Planning & Zoning Checklist for Site Plan Review and Special Permit Applications dated March 11, 2009
- Correspondence from Holmes & Henry Associates to Patrice Carson dated April 8, 2014
- Statutory Form Warranty Deed
- Plan Approval Memo from Holly Hood Sanitarian II dated March 21, 2014
- Inland Wetlands Commission Permit #2014-2
- Email regarding 180 West Street, Bolton, CT Revised Site Plan from Kimberly Wholean to Peter Henry dated April 8, 2014
- Transmittal letter from Peter Henry to Tim Isyk, Transportation District Service Agent CT DOT dated March 24, 2014
- Cost estimate for installation of E&S controls for special permit application of Luisa Parreira, 180 West Street dated April 8, 2014
- Abutter mailing list
- Correspondence from Lori Mathieu, Public Health Section Chief, Drinking Water Section, CT Department of Public Health to Luisa Parreira and Joaquim Parreira regarding well site suitability certification for well #1; Approved withdrawal rate-less than ten gallons per minute dated April 28, 2014
- Correspondence from Sherri Ruiz-Clark, Special Services Section manager, Bureau of Highway Operation, CT to Peter Henry regarding proposed change of use to restaurant dated April 29, 2014
- Memorandum to the Planning and Zoning Commission from Holly Hood dated May 6, 2014
- Memorandum from Joseph Dillon, P.E. to Patrice Carson, Director of Community Development regarding engineering review fee estimation dated May 7, 2014
- Correspondence from Joseph Dillon, P.E. to Eric Luntta, Chairman of the Planning & Zoning Commission dated May 7, 2014
- Correspondence read into the record on May 14, 2014 from Rayden Arnold to the Bolton Planning & Zoning Commission dated May 7, 2014

- Email Memo from Ray Walker, Bolton Fire Marshal to the PZC dated May 12, 2014
- Application Review VP#PL-14-1 from Patrice Carson to the Planning & Zoning Commission dated May 13, 2014
- Natural Resources Conservation Service Web Soil Survey, National Cooperative Soil Survey dated 1/9/2014 received during the public hearing on 5/14/2014
- Four photographs received during the public hearing on 5/14/2014
- Lighting Plan prepared by E&M Engineering Services, James Cowles, P.E., Manchester, CT dated 4/4/2014, sheet 1 of 1

J. Rupert added the following exhibits to the motion:

- Engineering drawings entered into the record during the public hearing
- Plantings for the landscape plan
- Detail of the Diagram of chain link fence dumpster enclosure entered into the record during the public hearing

T. Manning continued “and based on the finding that the proposed exterior development is in substantial compliance with the architectural and site design guidelines in the Zoning Regulations and with the following conditions”:

- The six conditions in the Plan Approval memo from Holly Hood be satisfied
- That the eight conditions in the Inland Wetlands permit be satisfied
- That the conditions from the Connecticut Department of Transportation be satisfied
- That the Town Engineer’s comments #2 and 3 concerning the detention basin be satisfied in which we had testimony for this evening
- Also that Savage comply with our regulations 18.G.1.d, e and f in the Neighborhood Business Zone
- That the mylars be filed as requested and the approval letter from the Planning and Zoning Commission be included in that filing
- And including a review fee of \$1,000.00 for engineering review and inspections

And reference to the following exhibits:

- Limited Property/Improvement Location Survey Plan prepared for Joaquim & Luisa Parreira, “Our Place Restaurant”, 180 West Street, Bolton, CT by Holmes & Henry Associates LLC, Coventry, CT dated 3/19/14, revised to 3/21/14 and 4/22/14, sheet 1 of 2 and sheet 2 of 2 “E&S Plan/Construction Details and Notes Plan” dated 3/19/14, revised to 3/21/14 and 4/22/14
- Proposed First Floor Plan, New Breakfast/Lunch Restaurant prepared by Dan Wright & Associates, Vernon, Ct for Jack & Luisa Parreira, 180 West Street, Bolton, CT, sheet #PR-1 dated 2/28/14 and PR-2 showing building elevations dated 2/24/14
- Colored rendering of above mentioned plan by Holmes & Henry Associates LLC
- Landscape Plan prepared for Joaquim & Luisa Parreira, “Our Place Restaurant”, 180 West Street, Bolton, CT by John Alexopoulos, Landscape Architect for Holmes & Henry Associates LLC, Coventry, CT dated 4/7/14, sheet 1 of 1

and with approval to be effective May 30, 2014. J. Scala SECONDED. MOTION CARRIED 6:0:1 with E. Luntta abstaining.

b. Other

7. New Business

- a. Discussion/Clarification: Zoning Regulations Section 11K (Side and Rear Yards in Industrial Zone):** Discussion on this item was addressed in Item 5: Report of the ZEO.

b. Discussion: Summary Report of Fire Protection Regulations Advisory Committee: E. Luntta MOVED to table this discussion to a future meeting. J. Scala SECONDED. Discussion followed. E. Luntta withdrew his motion to table discussion of this item.

C. Preuss said the Board should formally accept the report before scheduling a public hearing. J. Scala withdrew his second of the motion.

C. Preuss MOVED that the PZC accept the report submitted by the Fire Protection Regulations Advisory Committee including background information and Executive Summary dated March 18, 2014. J. Cropley SECONDED.

The Board will discuss the report at a future meeting before making a recommendation to staff and submitting an application. E. Luntta said the Board will be making an application, changing the regulations, and holding a public hearing. Discussion followed on how to direct staff to proceed. Discussion followed on the contents of the report.

MOTION CARRIED 7:0:0. This item will be on the agenda for the next regular meeting on June 11, 2014.

c. Discussion: Application of Matt Hannon for Modification of a Previously Approved Application for the installation of a maximum three (3) foot high unreinforced segmental retaining wall and revised grading to the west and part of the north and south of the proposed dwelling at 33 Lakeside Circle, Bolton, CT.

J. Rupert explained the only change from the application approved on May 15, 2013 is the addition of a retaining wall for frost protection. Discussion followed on the proposed retaining wall.

T. Manning MOVED to accept the application of Matt Hannon for Modification of a Previously Approved Application for the installation of a maximum three (3) foot high unreinforced segmental retaining wall and revised grading to the west and part of the north and south of the proposed dwelling at 33 Lakeside Circle, Bolton, CT and set a public hearing date for June 11, 2014 at 7:45 p.m. at Bolton Town Hall, 222 Bolton Center Road, Bolton, CT. J. Scala SECONDED.

Discussion followed. E. Luntta said the Board needs an opinion from the town engineer regarding drainage. MOTION CARRIED 7:0:0.

8. Plan of Conservation and Development Discussion: J. Scala MOVED to table discussion on this item. T. Manning SECONDED. MOTION CARRIED 7:0:0.

9. Correspondence: Correspondence was reviewed.

10. Adjournment: J. Scala MOVED to ADJOURN the regular meeting at 10:40 p.m. T. Manning SECONDED. MOTION CARRIED 7:0:0.

Respectfully submitted by Linda H. McDonald, Recording Secretary

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