

**BOLTON PLANNING & ZONING COMMISSION
SPECIAL MEETING
7:30 PM, WEDNESDAY, October 9, 2013
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD**

APPROVED MINUTES

Members Present: Chairman Eric Luntta , Vice Chair Jeffrey Scala; Thomas Manning; James Cropley; Adam Teller; Arlene Fiano, Carl Preuss (Alternate)

Members Excused: Loren Otter, David Treadwell (Alternate)

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

Others Present: Tom Mortimer, Dave Mortimer, James Dean, and Damon Weiss (All audience members have experience owning or installing solar energy systems)

1. Call to Order: Chairman E. Luntta called the meeting to order at 7:33 p.m.

Alternate C. Preuss was seated for L. Otter.

2. Public Hearing Continuation from 9/18/13: Application of the Bolton Planning and Zoning Commission for amendments to Section 2 (Definitions) and Section 3D of the Bolton Zoning Regulations establishing new regulations for Small-Scale Solar Energy Systems.

E. Luntta MOVED to SUSPEND the regular meeting and enter the public hearing at 7:45 p.m. A. Teller SECONDED. MOTION CARRIED 7:0:0.

E. Luntta said information on this application is available in the minutes from the last meeting or through the recording of the meeting that can be obtained from the Town Clerk.

Tom Mortimer of 60 Volpi Road submitted several newspaper articles he has collected relating to solar energy systems into the record. He said there is a lot of interest in other towns regarding solar energy. There is a lot of momentum to go solar. He has two issues of concern: 1) the 18 foot restriction limit which would preclude pole-mounted systems and 2) the requirement that the roof panels be triangular or square. He said these restrictions are arbitrary. He felt the height restriction should be the same as any accessory structure.

James Dean of 80 Johnson Road said the height of the solar tracker is designed to take the wind load based on the area where they are installed and are constructed with pre-engineered materials. He installs solar panels for a living.

Dave Mortimer of 63 Volpi Road installs pole trackers all over the state. He commented on one pole system on Doyle Road that is 40 feet high and said the client is pleased with the operation of the system. The system is higher than the house. He said the height helps with the operation of the system. Upon request from a member of the Board, he will provide photos to the Board of some of these high systems. The life expectancy of the system, on average, is 20 years.

J. Scala asked if the solar industry is mature or if significant changes in the technology could be expected in the next five years. D. Mortimer responded that the technology has pretty much leveled out.

Damon Weiss said the inverter technology has improved drastically over the years and the current technology is solid.

Audience members shared with the Board their expertise with solar energy systems regarding:

- potential neighbor complaints from glare
- whether these systems should be required to be connected to the grid or could be self-sufficient off the grid
- solar regulations they have experienced in other towns
- solar panel size and distance of the system from the ground. Since the systems are pre-engineered, it is impractical that the system would be added to in the future
- residential wattage generation and how energy usage is determined by the power company
- how roof-mounted systems are installed

Board discussion followed on having a purpose stated as part of this proposed regulation.

Not allowing front yard installation of a solar system may prove difficult for a town to enforce.

E. Luntta said the Board will deliberate on the comments from the audience after the public hearing is closed. He said the Commission will consider setback and height requirements regarding the installation of a solar energy system when drafting the regulation.

A. Teller MOVED to CLOSE the public hearing for the Application of Bolton Planning and Zoning Commission for amendments to Section 2 (Definitions) and Section 3D of the Bolton Zoning Regulations establishing new regulations for Small-Scale Solar Energy Systems. J. Scala SECONDED. MOTION CARRIED 7:0:0.

Regular meeting resumed at 9:00 p.m.

3. APPROVAL OF MINUTES: Regular Meeting Minutes of September 18, 2013:

J. Scala MOVED to APPROVE the Regular Meeting Minutes of September 18, 2013 as presented. J. Cropley SECONDED. MOTION CARRIED 6:0:1 with A. Fiano abstaining.

4. Residents' Forum (Public Comment): No public comment.
5. Report of the Zoning Enforcement Officer: J. Rupert reported that he is spending most of his time with building permits. He met with the attorney for Mark Piechowicz and reported that Mr. Piechowicz is moving forward with the purchase of the property at 4 Tolland Road for his HVAC business. J. Rupert reported on the progress of the connection of the sewer lines in town. By this time next year all should be connected. Discussion followed.

6. Old Business

- a. Discussion/Possible Decision: Application of Bolton Planning and Zoning Commission for amendments to Section 2 (Definitions) and Section 3D of the Bolton Zoning Regulations establishing new regulations for Small-Scale Solar Energy Systems.

P. Carson will make amendments to the solar energy system regulation based on the comments from the Commission regarding setback limits (including the edge of the drip line for a pole-mounted system), height, and angulation of a roof-mounted system, and allow placement in the front yard.

The Board discussed whether to consider if the system counts as impervious surface and the issue of lot coverage as a specific use in the language in the regulation.

A.Teller MOVED to TABLE discussion on the Application of Bolton Planning and Zoning Commission for amendments to Section 2 (Definitions) and Section 3D of the Bolton Zoning Regulations establishing new regulations for Small-Scale Solar Energy Systems to the November 13, 2013 meeting. J. Scala SECONDED. MOTION CARRIED 7:0:0.

- b. Application: Bolton Planning and Zoning Commission for amendments to Section 16B of the Bolton Zoning Regulations concerning the change in the state statute regarding bonding

The Commission instructed P. Carson to ask the Town Administrator for permission to contact the Town Attorney for clarification on this state statute.

- c. Withdrawal Request: Application of Hathaway Sand and Gravel LLC for possible amendments to Section 12 the Bolton Zoning Regulations (Excavation and Filling or Removal of Earth Products) to allow for permit extensions

P. Carson reported that abutting towns were not notified of this application within the seven day CGS requirement and the applicant agreed to request withdrawal of the application and then acceptance at this meeting.

A. Teller MOVED to accept the withdrawal request without prejudice of Hathaway Sand and Gravel LLC for possible amendments to Section 12 the Bolton Zoning Regulations (Excavation and Filling or Removal of Earth Products) to allow for permit extensions. J. Scala SECONDED. MOTION CARRIED 7:0:0.

7. New Business:
 - a. Application: Hathaway Sand and Gravel LLC for possible amendments to Section 12 the Bolton Zoning Regulations (Excavation and Filling or Removal of Earth Products) to allow for permit extensions

A. Teller MOVED to RECEIVE the application of and SET the public hearing on the application of Hathaway Sand and Gravel LLC to amend the Bolton Zoning Regulations, Section 12 (Excavation and Filling or Removal of Earth Products) and Section 12F (Time Period) for **Wednesday, November 20, 2013** at 7:45 p.m. in the Bolton Town Hall Meeting Room, 222 Bolton Center Road, Bolton, CT and to waive any portion of the application fee previously paid. E. Luntta SECONDED. MOTION CARRIED 7:0:0.
 - b. Request for Waiver of Site Plan Review/Delegation to Staff: Zoning Permit and Building Permit application received from Wayne A. Bartolo for Lighting Upgrades at 228 Boston Turnpike
 - C. Preuss recused himself from discussion on this item.
 - J. Rupert explained that the contractor has requested a waiver of PZC site plan review similar to his previous request for an adjacent parcel. J. Rupert has no objection with this request.
 - A. Teller MOVED that the Commission acknowledges this request to be a minor modification of a site plan which can be handled at the staff review level subject to any concerns staff may have and may wish to refer back to the Commission. T. Manning SECONDED. MOTION CARRIED 6:0:0 with C. Preuss recused. E. Luntta requests that P. Carson participate in the review.
8. Correspondence: P. Carson commented on the weekly summary of Zoning, Subdivision and POCD referrals from CRCOG. The Board agreed to her request to email this correspondence to the members in the future.

P. Carson distributed copies of the Siting Council report on the proposed cell tower on 25 West Street in Bolton.
9. Adjournment: E. Luntta MOVED to ADJOURN the meeting at 9:37 p.m. T. Manning SECONDED. MOTION CARRIED 7:0:0.

Respectfully submitted by Linda H. McDonald, Recording Secretary