

**BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING
7:30 PM, WEDNESDAY, September 18, 2013
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD**

APPROVED MINUTES & MOTIONS

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

Members Excused: Loren Otter, Arlene Fiano, David Treadwell (Alternate)

Others Present: Jim Rupert, Zoning Enforcement Officer; Linda H. McDonald, Recording Secretary, Mark Piechowicz, Carolyn Matthews, Richard Hayes, Milton Hathaway, Rosemary Hathaway, Jonathan Treat, Jim Adams, Tom Mortimer and others

1. Call to Order: Chair E. Luntta called the meeting to order at 7:36 p.m.

Alternate C. Preuss was seated for L. Otter.

2. Public Hearing: 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. Public hearing will be held on Wednesday, September 18, 2013 at 7:45 p.m. in the Bolton Town Hall Meeting Room, 222 Bolton Center Road, Bolton, CT.

E. Luntta MOVED to SUSPEND the regular meeting and enter the public hearing at 7:50 p.m. A. Teller SECONDED. MOTION CARRIED 6:0:0.

E. Luntta said he will not be closing the public hearing tonight so he can get more information regarding this application from the Town Planner and the ZEO.

A. Teller corrected the language in Section 3D1.2 of the proposed regulation from ("Application") to read "shall be included with the application".

Discussion followed on the role of the Siting Council regarding large scale solar energy systems. T. Manning said that the Siting Council would be the deciding factor for approval but could receive input from the Commission. E. Luntta said it would have to be addressed in the regulations. Discussion followed on the regulations regarding large scale commercial towers.

Jim Adams of 48 Stone Hedge Lane, Bolton, CT asked if Section 3D1.3 of the proposed regulation would prohibit a pole mounted solar energy system in the front yard. He said the inability for a front yard solar energy system may restrict persons from installing these systems. He asked the Board for an interpretation of Section 3D1.8.

Jonathan Treat of Bolton Center Road raised a question in Section 2 of the proposed regulation regarding the definition of "solar energy system". Discussion followed on expanding the definition. He asked if it would be viable to install a system not designed to put power back to the grid. Discussion followed on expanding the definition. J. Treat said the language in Section 3D1.3 regarding planting outside the perimeter fences and screening by arborvitae is misleading. He asked the Board to clarify: language in

- Sections 3D1.4(a), (b) regarding who will be responsible for ensuring safety and what are adverse weather conditions, and
- Section 3D1.5(c) regarding who to notify if the glare from a solar energy system creates a nuisance or safety hazard

The Board responded that the safety is a building code issue and that a site plan review would address the issue of glare. J. Treat recommended a site plan review for any unit over 300 sf.

J. Treat would like the Board to bring some sensitivity regarding property values when proposing this regulation to take into account if the unit is unsightly and to consider the financial burden for surrounding property owners.

The members of the audience were informed that written comments are included as an appendix to the minutes of the public hearing.

Tom Mortimer of 63 Volpi Road has a pole mounted solar system on his property and asked for a definition of what is considered "small scale". He is concerned that the language in Section 3D1.4 (d), which limits the height to 18 feet, is too restrictive. He suggested that the height of the pole mounted solar system should mirror the regulations for building height. Discussion followed. The Board asked him questions about his solar system. T. Mortimer would not want to see anything in this regulation that would prevent him from using his existing solar energy system.

Richard Hayes commented on the possible operation of these systems as a commercial enterprise. He asked for clarification in Section 3D1.7 regarding what determines an obsolete solar energy system. A. Teller agreed that this language needs clarification. R. Hayes asked if the Board would consider giving a notice provision to abutters regarding installation of a solar energy system.

Jim Adams commented that not all solar panels are square or rectangular. He recommended that the Board consider solar leasing as an option in the regulation.

Adam Teller recommended adding a definition of “ground mounted solar energy system” to the zoning regulations.

Discussion followed between members of the audience who have solar systems and the Board on the language in Section 3D1.5 (a) (ii) and if it would be a problem limiting the roof mounted system to not project more than 5 feet above a flat roof installation.

Discussion followed on adding a definition of “small-scale solar energy system” to the proposed regulation.

A. Teller MOVED to CONTINUE 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 to **Wednesday, October 9, 2013** at 7:45 p.m. in the Bolton Town Hall Meeting Room, 222 Bolton Center Road, Bolton, CT. J. Scala SECONDED. MOTION CARRIED 6:0:0.

Regular meeting resumed at 8:50 p.m.

3. APPROVAL OF MINUTES: Regular Meeting Minutes of August 21, 2013: The following amendment (in bold) was made to the minutes of August 21, 2013: Page 2, paragraph 3, the spelling of **Volpi** Road was corrected. A. Teller MOVED to ACCEPT the correction. J. Scala SECONDED. MOTION CARRIED 6:0:0.

A. Teller MOVED to APPROVE the Regular Meeting Minutes of August 21, 2013 as amended. J. Scala SECONDED. MOTION CARRIED 5:0:1 with E. Luntta abstaining.

J. Scala MOVED to AMEND the agenda to add the following under item 2(a) (Public Hearings): Public hearing will be held on Wednesday, September 18, 2013 at 7:45 p.m. in the Bolton Town Hall Meeting Room, 222 Bolton Center Road, Bolton, CT. T. Manning SECONDED. MOTION CARRIED 6:0:0.

4. Residents’ Forum (Public Comment): Richard Hayes of Vernon Road, Bolton, CT spoke about the cistern regulation for Route 44 as burdensome and not necessary and would like the Board to think of the right thing to do. A. Teller would like other business owners to come to the public hearing to express their opinions. Discussion followed.
5. Report of the Zoning Enforcement Officer: J. Rupert reported he spent a lot of time meeting with persons regarding opening a restaurant on Route 85 and with Mark Piechowicz regarding a potential HVAC business at 4 Tolland Road.
6. Old Business
 - a. Discussion/Possible Action: 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. Public hearing will be held on Wednesday, September 18, 2013 at 7:45 p.m. in the Bolton Town Hall Meeting Room, 222 Bolton Center Road, Bolton, CT.

PZC 9/18/13 Approved Minutes

The public hearing on this application has been continued to October 9, 2013. Adam Teller MOVED to TABLE this item to the October 9, 2013 meeting. J. Scala SECONDED. MOTION CARRIED 6:0:0.

b. Withdrawal Request: Application of Milton and Rosemary Hathaway for Special Permit for excavation and removal of earth products at 40 Quarry Road pursuant to Section 12 of the Bolton Zoning Regulations (Excavation and Filling or Removal of Earth Products)

J. Scala MOVED to REFUND the entire fee paid by Milton Hathaway for his Special Permit application for excavation and removal of earth products at 40 Quarry Road pursuant to Section 12 of the Bolton Zoning Regulations (Excavation and Filling or Removal of Earth Products). T. Manning SECONDED. Discussion followed.

Motion was amended to read: J. Scala MOVED to REFUND the entire fee paid by Milton Hathaway for his Special Permit application for excavation and removal of earth products at 40 Quarry Road pursuant to Section 12 of the Bolton Zoning Regulations (Excavation and Filling or Removal of Earth Products) **minus the cost to the Town for advertising**. T. Manning SECONDED the amended motion. MOTION CARRIED 5:1:0 with A. Teller opposing.

J. Scala MOVED to accept the withdrawal request of Milton Hathaway for Special Permit application for removal of earth products at 40 Quarry Road. T. Manning SECONDED. MOTION CARRIED 6:0:0.

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

E. Luntta MOVED to table discussion on this item. J. Scala SECONDED. MOTION CARRIED 6:0:0.

7. New Business:

a. Application: Milton and Rosemary Hathaway for Special Permit for excavation and removal of earth products to allow for permit extensions

Adam Teller MOVED to ACCEPT the application of and SET the public hearing on the application of Milton and Rosemary Hathaway to amend the Bolton Zoning Regulations, Section 12 (Excavation and Filling or Removal of Earth Products) and Section 12F (Time Period) for **Wednesday, October 16, 2013** at 7:45 p.m. in the Bolton Town Hall Meeting Room, 222 Bolton Center Road, Bolton, CT. J. Scala SECONDED. MOTION CARRIED 6:0:0.

b. Informal Discussion: 4 Tolland Road:

Correspondence from Attorney Steven M. Ford representing Mark Piechowicz and Carolyn Matthews dated September 12, 2013 was received by the Commission.

Mark Piechowicz of 83 Lookout Mountain Drive, Manchester, CT explained that he has entered into a written purchase agreement for the premises at 4 Tolland Road to store a couple of service vans and to store materials for employees for his HVAC business and is looking for an opinion from the Board if a full survey by the Board is necessary for this project. He said there will be no fuel delivery trucks. The existing use for the property is for a contractor and a real estate business. No vehicles will be stored outside and he considers the structure of the barn to be in disrepair. His plan involves taking down the existing barn and replacing with a larger structure. Part of the house will be for office space and part residential for his son who is an employee of the company.

Discussion followed on additional parking spaces for the activities proposed for the property that may be needed to be reviewed by the Board. M. Piechowicz said there will be no customers coming to the property.

PZC review would be from a technical standpoint, that the proposed new outbuilding would meet the regulations specifications and guidelines. The consensus of the Commission is that M. Piechowicz would have to come before the Board with a site plan showing the new barn. There would also be a review by the Fire Marshal regarding distance of the barn from the cistern.

8. Other Business

a. Update: Fire Protection Committee's Findings: J. Rupert reported that the committee approved for the First Selectman to take forward a proposal to find a way to fund 8-10 cisterns. The Safety Sub-committee of the BOS voted to take the proposal to the next step. The BOS is in favor of funding commercial cisterns on Route 6 and Route 44 but do not have a way of funding these. Discussion followed on possible ways to fund these cisterns.

6. Correspondence

7. Adjournment: J. Scala MOVED to ADJOURN the meeting at 9:50 p.m. A. Teller SECONDED. MOTION CARRIED 6:0:0.

Respectfully submitted by Linda H. McDonald, Recording Secretary