

MINUTES
BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING
7:30 PM, WEDNESDAY, DECEMBER 5, 2012
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD

Members Present: Eric Luntta, Tom Manning, Jeffrey Scala, Arlene Fiano
Members Absent: Jim Cropley, Loren Otter, Adam Teller, Carl Preuss (Alternate)
David Treadwell (Alternate)
Others Present: John D. Pagini, AICP, Director of Community Development;
Jim Rupert, Zoning Enforcement Officer; Karen Mills, Recording
Secretary; Ray Walker, Fire Marshal; Kevin Byam, Arbor, Turf &
Gardens (formerly American Arborists)

Chairman Eric Luntta called the Regular Meeting to order at 7:38 p.m.

1. Approval of Minutes:
 - a. November 14, 2012 Public Hearing Minutes
Tom Manning moved to accept the November 14, 2012 Public Hearing Meeting Minutes as written. The motion was seconded by Jeffrey Scala and passed unanimously (4-0).
 - b. November 14, 2012 Regular Meeting Minutes
Tom Manning moved to accept the November 14, 2012 Regular Meeting Minutes as written. The motion was seconded by Arlene Fiano and passed unanimously (4-0).
2. Residents' Forum (Public Comment)
None.
3. Report of the Zoning Enforcement Officer
Jim Rupert gave his report, mentioning 2 new administrative permits and a pending zoning application for a solar array on Johnson Road. He briefly reviewed some of the recent issues including an unapproved landscaping business, the milling piles, a non-approved shed, etc.

Chairman Eric Luntta suspended the Regular Meeting to order at 7:49 p.m. and opened the Public Hearing.

Chairman Eric Luntta reopened the Regular Meeting at 8:21 p.m.

4. Old Business

a. Amendments to Section 3A.9 of the Bolton Zoning Regulations entitled Erosion and Sediment Control as they apply to financial guarantees, as authorized by Public Act 12-182 Mr. Pagini reviewed the version of these amendments dated December 5, 2012.

Tom Manning made the following motion on Amendments to Section 3A.9 of the Bolton Zoning Regulations Concerning Financial Guarantees for Erosion and Sedimentation Controls as authorized and required by Public Act 12-182: **MOVED**, that the Bolton Planning & Zoning Commission does hereby approve applications of the Commission for amendments to Section 3A.9 of the Bolton Zoning Regulations concerning financial guarantees for erosion and sedimentation controls as authorized and required by Public Act 12-182, in accordance with draft amendments dated December 5, 2012, reflecting amendments by the Commission during deliberations held on November 14, 2012 and December 5, 2012, testimony received during the public hearing held on November 14, 2012, and in accordance with the Exhibits listed in Appendix "A". This amendment shall be effective on December 17, 2012. Appendix A being as follows:

Exhibit "A"

Amendments to Section 3A.9 (Erosion & Sediment Controls) of the Bolton Zoning Regulations

1. Amendments dated 11/6/12
2. Zoning Referral to CRCOG dated 10/12/12
3. Zoning referral to WINCOG dated 10/12/12
4. Referrals to Town Clerks of the towns of Coventry, Andover, Hebron, Glastonbury, Manchester, and Vernon dated October 16, 2012
5. Letter to Town Clerk dated October 17, 2012
6. Report by CRCOG dated October 19, 2012
7. Letter from Richard Barger to John Pagini, dated September 24, 2012
8. Certified notice return receipts

Jeffrey Scala seconded the motion and it passed unanimously (4-0).

b. Application of the Bolton Planning and Zoning Commission in connection with amendments to Section 16 A and 16B of the Bolton Zoning Regulations concerning Financial Guarantees for public Improvements Associated with site plans, as authorized by Public Act 12-182.

c. Application of the Bolton Planning and Zoning Commission in connection with amendments to Sections 14 and 15 of the Bolton Subdivision Regulations concerning Financial Guarantees for public Improvements, Maintenance of Public Improvements, and Erosion and Sedimentation Control Concerning Financial Guarantees for Public Improvements Associated with Subdivisions, as authorized by Public Act 12-182.

Tom Manning made the following motion on Amendments to Section 16A and 16B of the Bolton Zoning Regulations and Sections 14 and 15 of the Subdivision Regulations Concerning Financial Guarantees for Public Improvements, Maintenance of Public Improvements, and Erosion and Sedimentation Controls Associated with Site Plans and Subdivisions, as authorized and required by Public Act 12-182: **MOVED**, that the Bolton Planning & Zoning Commission does hereby approve applications of the Commission for Amendments to Section 16A and 16B of the Bolton Zoning Regulations and Sections 14 and 15 of the Subdivision Regulations concerning financial guarantees for public improvements, maintenance of public improvements, and erosion and sedimentation controls associated with Site Plans and Subdivisions and Special Permits, as authorized and required by Public Act 12-182, in accordance with draft amendments dated December 5, 2012, as reflected by discussion and testimony at public hearings held on September 19, 2012, October 10, 2012, November 14, 2012, and December 5, 2012, deliberations held on December 5, 2012, and in accordance with the Exhibits listed in Appendix "A". These amendments shall be effective on December 17, 2012. Appendix A being as follows:

Exhibit "A"

Amendments to Sections 16A and 16B of the Zoning Regulations
And Sections 14 and 15 of the Subdivision Regulations

1. Draft Amendments to Sections 16A and 16B of the Zoning Regulations and Sections 14 and 15 of the Subdivision Regulations
2. August 17, 2012 referral form to Capital Region Council of Governments
3. August 17, 2012 referral cover letter to Lynn Pike DeSanto, AICP, CRCOG
4. August 20, 2012 referral form to Windham Region Council of Governments
5. August 20, 2012 referral cover letter to Jana Butts, AICP, WINCOG
6. Notice of Public Hearing dated August 17, 2012
7. Affidavit of Publication, dated August 24, 2012
8. August 20, 2012 referral letters to the town clerks of the Towns of Coventry, Glastonbury, Hebron, Vernon, Andover, and Manchester
9. August 17, 2012 letter to Susan DePold, Town Clerk, filing amendment for review in Town Clerk's office
10. August 5, 2012 opinion letter from Richard L. Barger, Town Attorney, to John Pagini
11. August 15, 2012 opinion letter from Richard L. Barger, Town Attorney, to John Pagini
12. September 18, 2012 opinion letter from Richard L. Barger, Town Attorney, to John Pagini
13. Certified mailing receipts and return receipts
14. September 5, 2012 report on Referral No. 12-08-21-BN from Catherine Holt, Chairman, WINCOG RPC to PZC

15. September 13, 2012 report on Referral Z-2012-69 from Sandra Bobowski, Karl Profe, CRCOG RPC, and Lynn Pike DiSanto, AICP, CRCOG

Jeffrey Scala seconded the motion and it passed unanimously (4-0).

d. Tom Manning made a motion to add to tonight's agenda the appointment of two members of the PZC, a residential developer and a member-at-large from the public to the Fire Advisory Protection Committee as item 4g. Jeffrey Scala seconded the motion. Discussion: Jeffrey Scala moved to amend it to section 4d. Tom Manning accepted the amendment. The motion passed unanimously (4-0). Eric Luntta reminded the Commission that all members must be residents of Bolton, and he mentioned that he would like to wait to select the PZC members until more Commissioners are in attendance. Mr. Pagini mentioned that a member of the public, William Anderson of French Road had come forward to express his interest. Discussion ensued about how to spread the word to solicit more interest. A suggestion was made to post the information on Bolton's Facebook page as well as on the Town of Bolton website's homepage. In terms of the residential developer, the following names were mentioned: Larry Fiano, Don Fish, and Jim Aldrich. Discussion ensued about how often the meetings might be held and for how long a time. Ray Walker, Fire Marshall, suggested that if the Committee set a goal of 6 months, with regular monthly meetings and several less formal subcommittee meetings, that might make the members work diligently to get it done in a timely manner. Commission members agreed. In terms of the residential developer, the commission decided to ask Don Fish first, then Larry Fiano, and then Jim Aldrich. Tom Manning expressed interest in serving on the Committee. Eric Luntta mentioned Richard Treat as a possible member-at-large. Mr. Pagini said we will solicit letters of interest and then the Commission would decide based on those. Mr. Pagini will consult with Ray Walker and Jim Rupert and will have a draft charge / Scope of Work ready for the next workshop meeting on January 9, 2013.

e. Recommendation concerning possible amendments to zoning to create consistency of landscaping requirements.

Mr. Pagini briefly explained the inconsistencies within our current regulations. He supplied the Commission members with a table highlighting the issues. Mr. Manning asked if we could put them in the guidelines. Mr. Pagini said that if they were all there, then they would become just guidelines as opposed to regulations and that wouldn't be idea favorable approach. A discussion ensued about possible solutions to the inconsistencies. Mr. Pagini will check on what other towns have in place for flexible landscaping regulations. Kevin Byam of Arbor, Turf & Gardens made a few suggestions in terms of infrastructure interfering with plantings, and standards of how trees get planted on the site. He has seen lots of poorly-planted trees as part of developments. He suggests quality vs. quantity concerning landscape plantings. The commission thanked Mr. Byam for his input.

f. FY 2014 budget

Possible joint Regional Performance Incentive Program application with the Town of Andover for funding of POCDs for both towns. Mr. Pagini spoke about the possibility of working together with Andover on our RFP. Mr. Pagini will be putting the application together. It is due by the end of this month. Mr. Pagini then reviewed the redrafted budget. Discussion ensued. Eric Luntta made a motion to submit the proposed FY 2014 budget with additions and comments incorporated. Jeffrey Scala seconded the motion and it passed unanimously (4-0).

g. Passage of BOS IHZ Resolution; Possible joint Regional Performance Incentive Program application with the Town of Andover for funding of POCDs for both towns.

Mr. Pagini spoke about the possibility of working together with Andover on our RFP. Mr. Pagini will be putting the application together. It is due by the end of this month.

Mr. Pagini said this is just informational to let the commission know that the Board of Selectmen passed the resolution and the application is in process.

5. New Business

a. Action concerning the following amendments to, and for inclusion into, the Bolton Plan of Conservation and Development: the Route 6 Hop River Corridor Economic Development Strategy and Master Plan Study and the Route 6 Hop River Corridor Transportation Study.

Tom Manning made the following motion: MOVED, that the Bolton Planning & Zoning Commission does hereby amend the *Bolton Plan of Conservation and Development* to incorporate as an appendix to it the *Route 6 Hop River Corridor Economic Development Strategy and Master Plan Study (the "Route 6 Master Plan")*, dated October, 2010, and the *Route 6 Hop River Corridor Transportation Study (the "Route 6 Transportation Study")*, dated December, 2012, based on the following findings:

1. The Route 6 Master Plan and the Route 6 Transportation Study are consistent with the *Bolton Plan of Conservation & Development*, specifically, Goal 5, Policy 1, 5, and 7

2. The Route 6 Master Plan and the Route 6 Transportation Study supplant Policy 6 which requires that business uses should not be allowed in an industrial zone because industrial uses will be supplanted. The zoning recommended by these plans are mixed use plans which encourage compatible industrial and commercial development within a single zone. However, the north section of Bolton Crossroads is intended to be an industrial and office park, with only accessory retail.

3. The Route 6 Master Plan and the Route 6 Transportation Study is consistent with the *2009 CRCOG Regional Plan of Conservation and Development*.

4. Although the Route 6 Master Plan and the Route 6 Transportation Study is inconsistent with the 2005-2010 *Conservation & Development Policies Plan for Connecticut*, the Commission has been engaged in review of the 2013-2018 *Conservation & Development Policies Plan for Connecticut* and finds that the Plans mentioned herein is consistent with the draft as submitted by CT OPM with minor amendments recommended by the Board of Selectmen.

The reason for these amendments are to officially adopt the recommendations of the Route 6 Master Plan and the Route 6 Transportation Study as the official land use policy and guidance documents of the Bolton Planning & Zoning Commission as it relates to development along the Route 6 Corridor.

The inconsistencies of this amendment with the 2005-2010 *Conservation & Development Policies Plan for Connecticut* are that this amendment recommends activities that are more consistent with a rural community center designation, rather than the Conservation Area and Rural Area Designations in the State Plan.

The reason for these inconsistencies is that the Commission believes that a responsible growth approach to mixed use development and redevelopment in this corridor makes more sense in the context of existing commercial development patterns than the *Conservation & Development Policies Plan for Connecticut* Rural and Conservation Area designations which fail to recognize these important factors. The Commission notes that the draft 2013-2018 Policies Plan is in general agreement with this conclusion. The effective date of this amendment is December 17, 2012.

Mr. Pagini suggested the following friendly amendments: #1, change “policy” to “policies”. #3 replace “is” with “are”, #4 replace “is” with “are”, and 5th line down in #4, replace “is” with “are”. Tom Manning accepted the amendments. Jeffrey Scala seconded the amended motion and it passed unanimously (4-0).

b. Request of Kevin Byam for partial release of E&S bond, Arbors, Turf, and Gardens, LLC (formerly 1239 Boston Turnpike -- formerly American Arborists)

Mr. Pagini reviewed the packet of materials supplied to the Commission. A short discussion ensued about partial releases with phased developments, and whether to apply the 140% escalator as required by the current Regulations, vs. the 110% escalator that will go into effect on December 17. Mr. Manning said that he thinks we have to go by the 140% based upon the current regulations. A suggestion was made that Mr. Byam could come back in January and ask for the balance after the Regulation change becomes effective on December 17, 2012. Discussion ensued between commission members and Mr. Byam about the status of the fire pond.

Bolton Planning & Zoning Commission
222 Bolton Center Road
Bolton, CT 06043

Jeffrey Scala made the following motion: MOVED, that the Bolton Planning and Zoning Commission does hereby approve the partial release of an Erosion and Sedimentation Control cash bond submitted in connection with the approval of special permit application of American Arborists (now currently known as Arbor, Turf & Gardens, LLC) located at 1239 Boston Turnpike, Bolton, CT such partial release in the amount of \$10,640 leaving a balance of \$9,800 for the purpose of providing erosion controls in connection with the construction of structural and parking improvements and fire pond. Such release is granted in accordance with a recommendation of Town Engineer Joseph Dillon, dated November 29, 2012. The Commission hereby grants an exception to its policy of no partial E&S bond releases on the basis that this is a phased development, and the entire site has been rendered stable. Tom Manning seconded the motion and it passed unanimously (4-0).

6. Other Business

Mr. Pagini wanted to mention that he talked to Joyce Stille about the need for a legal opinion at 33 Lakeside Circle. He doesn't see that they will be able to combine lots per our Regulations.

7. Correspondence

- a. CRCOG referral re: Manchester zoning amendments
- b. Sperry Glenn letter from Mr. Cohen

8. Adjournment

A motion to adjourn was made by Eric Luntta and seconded by Jeffrey Scala. The motion passed unanimously (4-0) and the meeting was adjourned at 10:16 p.m.

Respectfully Submitted:



Karen Mills
Planning & Zoning Board Clerk