

MINUTES
BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING
7:30 PM, WEDNESDAY, JANUARY 16, 2013
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD

Members Present: Eric Luntta, Tom Manning, Jeffrey Scala, Arlene Fiano, Jim Cropley, Adam Teller, Carl Preuss (Alternate), David Treadwell (Alternate)

Members Absent: Loren Otter

Others Present: John D. Pagini, AICP, Director of Community Development; Karen Mills, Recording Secretary; Ray Walker, Fire Marshal; Matthew L. Hannon & Katie L. Hannon (33 Lakeside Circle); Attorney Stephen Penny, Representing Matthew and Katie Hannon; Richard Treat (8 Lyman Rd); Bob Crawford, owner of Bolton Ice Palace; Bob Croteau, manager of Bolton Ice Palace, and others.

Chairman Eric Luntta called the Regular Meeting to order at 7:36 p.m. Carl Preuss was appointed for Loren Otter.

1. Approval of Minutes:
 - a. December 5, 2012 Public Hearing
Tom Manning moved to accept the December 5, 2012 Public Hearing Meeting Minutes as written. The motion was seconded by Jeffrey Scala and passed (4-0-3) with Carl Preuss, Jim Cropley, and Adam Teller abstaining.
 - b. December 5, 2012 Regular Meeting
Tom Manning moved to accept the December 5, 2012 Regular Meeting Minutes with the following correction: change "Richard L. Berger" to "Richard L. Barger" on page 3, #s 10, 11 and 12. The motion was seconded by Arlene Fiano and passed (4-0-3) with Carl Preuss, Jim Cropley, and Adam Teller abstaining.
2. Residents' Forum (Public Comment)
Bob Crawford (226 Old Mill Rd, Middletown, CT), owner of the Bolton Ice Palace for the past 7 years, and the Bolton Ice Palace Manager, Bob Croteau (of Manchester CT), stated that they want to investigate the possibility of opening the Ice Palace parking lot to a flea market. For 32 weeks they are busy with hockey and figure skating, and for the remaining 20 weeks they are basically closed. They are proposing 25 vendor spots open Sunday mornings only from April – July. They want to keep their employees busy and bring commerce to the town. They have approximately 125 parking spots available. Mr. Pagini, Director of Community Development, said that he has met with Bob and, since this is a not a permitted use, suggested that they proceed by submitting a document stating their proposal with details, and getting this item on a workshop agenda. The Commission agreed.

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Richard Treat (8 Lyman Rd) said he had a visit from a Bolton resident who mentioned a neighbor complaining about his large equipment storage. Mr. Treat stated that there are many other residents who are storing equipment not in compliance with Bolton Zoning Regulations, whose neighbors have not complained. Mr. Treat respectfully asked the Commission to come up with some space in town where residents could legally park their equipment. Mr. Pagini spoke about the business zone regulations and said we have to take a hard look at the regulations and zoning districts and see if we can find some spaces where this type of use could be considered. If the Commission is eliminating most of the industrial zones, it should consider the impact this will have on businesses. The Commission agreed that this could be a matter for workshop discussion.

Chairman Eric Luntta suspended the Regular Meeting at 8:02 p.m. and opened the Public Hearing.

Chairman Eric Luntta reopened the Regular Meeting at 8:14 p.m.

3. Report of the Zoning Enforcement Officer

Jim Rupert, ZEO could not attend due to illness, but he emailed Mr. Pagini, who mentioned that Jim reported that he has had one application, which is for a 500 gallon LP tank at 21 Rosewood Lane.

- a. Subway Parking analysis
- b. Bolton Vet (Preuss's) Parking analysis
- c. Amazing Hardwood Floors (England Plaza – formerly Riley Real Estate)

Mr. Pagini spoke about the parking analyses at Subway, Bolton Vet and England Plaza, concluding that all the proposed uses have adequate existing parking in accordance with the revised parking regulations.

4. Old Business

- a. Application of the Planning & Zoning Commission to amend Section 15Q of the Bolton Zoning Regulations which authorizes the Commission to reduce required parking should an applicant employ TDM measures associated with a site plan or special permit.

Mr. Pagini suggested that we table this item pending further refinement of the draft amendment to address issues raised by the Commission concerning the process to be followed, and how effective enforcement can be accomplished. Commission members agreed. Discussion ensued about suggested changes to the draft. Jeffrey Scala made a motion to table the Application of the Planning & Zoning Commission to amend Section 15Q of the Bolton Zoning Regulations. Tom Manning seconded the motion, and it passed unanimously (7-0).

- b. Appointment of Resident At Large for Fire Protection Regulations Committee

Mr. Pagini, Director of Community Development, directed the Commission members to the additional correspondence from the candidates for Resident At Large in response to the Commission's request for further biographical information. Discussion ensued about the candidates. Tom Manning made a motion to appoint William H. Anderson for the position of Resident At Large for the Fire Protection Regulations Committee. The motion was seconded by Jim Cropley. Discussion: Carl Preuss said he did not like the tone of Mr. Anderson's letter on

the basis that it was not professional. Arlene Fiano agreed. Jim Cropley said he didn't like the letter either, but said that William Anderson was the only applicant who had originally included his info. Mr. Teller said he agrees about the tone of the letter, but he said that Mr. Moquin is a firefighter and he thinks we need more balance on the Committee rather than adding another firefighter. The motion passed (4-3) with Eric Luntta, Carl Preuss and Adam Teller voting against the motion. Mr. Pagini suggested that we send a letter to the volunteers who were not chosen to thank them for their interest. Commission members agreed.

5. New Business

- a. Request of Matthew and Katie Hannon for an exception to a prohibition against placement of a building or structure to be located at 33 Lakeside Circle within 50 feet of a lake, pond, marsh, or watercourse as set down in Section BZR, 3A.7.

Mr. Pagini, Director of Community Development, stressed that this is something that the Commission needs to make opinion decision on, but it will not involve a formal application to the PZC, so it is a somewhat unique situation. Mr. Pagini went on to inform the Commission and public in attendance about the nature of the request, and the fact that there is no formal process prescribed in the Regulations for this request. Discussion ensued about whether the Commission should opt for a Public Hearing or if it can just proceed with the information it has in hand. Mr. Manning said that with Attorney Barger's letter, he is ready to move ahead with approval. Chairman Luntta said he is in favor of a Public Hearing so public comments will be on the record, but he will go around and ask each member how they feel. Carl Preuss says he does not need a public hearing, but all other members felt that a Public Hearing would provide a formal structure to the proceedings, thus benefitting the applicant and the public. It was also noted that the decision has great implications for the rest of the Bolton Lake watershed, and therefore should be examined through an open process. Adam Teller made a motion to set a Public hearing on the Request of Matthew and Katie Hannon for an exception to a prohibition against placement of a building or structure to be located at 33 Lakeside Circle within 50 feet of a lake, pond, marsh, or watercourse as set down in Section BZR, 3A.7, for February 20, 2013 at 7:45 pm. at the Town Hall, 222 Bolton Center Road, Bolton CT. The motion was seconded by Tom Manning and passed (6-0-1) with Carl Preuss abstaining. A short discussion ensued about further information for Mr. Pagini to gather in terms of harm to the lake, which is the main issue for the PZC.

Stephen Penny, Attorney for Matthew and Katie Hannon, made a few comments and asked that the Commission move this issue forward as quickly as possible since it has been pending for a long time and has cost the applicant a lot of money.

- b. Discussion re: continuing education for PZC
 - i. CBA "Connecticut Land Use Law for Municipal Land Use Agencies, Boards, and Commissions" – March 16, 2013, Middletown, 8:30 AM – 4:30 PM
 - ii. CLEAR Training – Introductory and Advanced
Mr. Pagini spoke about this training session and encouraged Commission members to

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attend the CBA event at the Town's cost. Adam Teller, Jeff Scala, Eric Luntta, and Arlene Fiano expressed interest in going. Jim Cropley said he's not sure and has to check his schedule.

6. Other Business

- a. Article re: funding for acquisition of Risley Apple Orchard, Lake Street (13.15 acres). Mr. Pagini spoke briefly about the article and said it's just for informational purposes.
- b. Substitute Senate Bill 12-95 (CGS, Section 21a-52) which requires the PZC to issue a Certificate of Approval for food manufacturing establishments
Mr. Pagini spoke briefly about this and said it was a surprise and has been under the radar. He has asked somebody at the state level if we need to get this into the Regulations. He is waiting for an answer. A short discussion ensued.
- c. Final Financial Guarantee amendments (supplement to Zoning Regulations)
Mr. Pagini asked that the Commission members insert these into their Regulations.
- d. Public Informational Meeting Notice: Charter Oak Greenway: Wednesday, January 23, 2013
Mr. Pagini supplied information about the meeting and showed the concept maps that have been prepared for it. Mr. Scala added information that he has learned about this issue. A lengthy discussion ensued about the pros and cons of the proposed bridge. The Commission agreed that Mr. Pagini would draft a letter for e-mail review by Commissioners for submission at the Public Informational Hearing.
- e. Possible workshop on LID by Mike Deitz, CLEAR/UCONN (identify possible dates)
Mr. Pagini said that Mike Deitz will be speaking to the Bolton Lake Association Meeting, on January 29. Mr. Pagini thought it would be a good idea for the Commission to invite him to conduct a workshop on LID for the benefit of the Commission, Town staff, builders / contractors, and homeowners, since LID had now been adopted town-wide. Mr. Pagini will suggest some March/April dates to Mr. Deitz.
- f. Commission preliminary feedback on Subdivision of the Estate of Ludis Upenieks, 150 West Street:
 - i. Fee dedication of open space or fee in lieu (Open Space committee recommendation to be sought)
Commission members agreed with Mr. Pagini that this should be dedicated open space. Mr. Pagini said he will refer it to the Open Space Committee.
 - ii. T-2 vs., TD survey standard for open space area
Mr. Pagini showed the Commission members some maps pertaining to this issue. Discussion ensued. The consensus among Commission members is that anything within 25 feet of lot lines within the open space needs to be T-2, otherwise TD is acceptable.

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7. Correspondence

- a. Notice of Exempt Modification, Antenna Swap, 130 Vernon Road (Cellco Partnership d.b.a. Verizon Wireless; Mountaintop Enterprises)
- b. Notice to OPM re: Amendment to Bolton Plan of Conservation and Development concerning Route 6.
- c. Sperry's Glen:
 - i. December 20, 2012 correspondence from Stanley Cohen representing heirs of the Estate of Frank Wood
 - ii. Letter from John Pagini to Attorneys Cohen and Case (in response to bond release issue)

8. Adjournment

A motion to adjourn was made by Adam Teller and seconded by Jim Copley. The motion passed unanimously (7-0) and the meeting was adjourned at 9:47 p.m.

Respectfully Submitted:



Karen Mills
Planning & Zoning Board Clerk