FINAL MINUTES
BOLTON PLANNING & ZONING COMMISSION
SPECIAL MEETING
7:30 PM, WEDNESDAY, June 13, 2012
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD

Members Present: Chairman Eric Luntta; Thomas Manning; James Cropley; Adam Teller; Arlene Fiano; Carl Preuss (Alternate); David Treadwell (Alternate)

Members Excused: Loren Otter; Jeffrey Scala

Others Present: John D. Pagini, AICP, Director of Community Development; Linda H. McDonald, Recording Secretary; Dennis Goderre of Goderre Associates; Attorney Mark K. Branse of Branse, Willis & Knapp; Morris Silverstein; Ray Hardy; Bob Morra; Marty Hainsey; Attorney Steve Penney; Michael Taylor; Jeffrey Wyszynski; Dan Buckson; Ron Rousseau; Kevin Byam and others.

Chairman E. Luntta called the meeting to order at 7:45 p.m.

Alternate C. Preuss was seated for L. Otter and Alternate D. Treadwell was seated for J. Scala.

C. Preuss stated for the record that he is a principle on a business located at 228 Boston Turnpike and his brother and sister-in-law own property at 233 Boston Turnpike and if there was any opposition to this from any Board or audience member, he would recuse himself from his seat during the public hearing. There was no opposition and C. Preuss retained his seat.

OPEN PUBLIC HEARING FOR:

1. Consideration of amendments to the Bolton Zoning and Subdivision Regulations proposed by the Commission for the general purpose of implementing the Route 44 Strategic Corridor Plan, as follows:

a. Amendments to the Bolton Zoning Regulations, specifically, the Table of Contents, Sections 2, 3, 4, 6, 7, 8, 9, 11, 15, 16A, and 18, all in connection with the creation of the Gateway Mixed Use Industrial Zone (GMUIZ), the Rural Mixed Use Zone (RMUZ), the Incentive Housing Overlay Zone (IHOZ) along portions of Route 44, extending from the Manchester Town line, to the Coventry Town line ; the implementation of Low Impact Development (LID) regulations; the creation of flexible parking standards; changes throughout the Regulations to create internal consistency with the new zoning districts; and the elimination of reference to a Route 44 Moratorium.

b. The addition of Bolton Architectural and Site Design Guidelines as an appendix to the Bolton Zoning Regulations.

c. References in the Zoning Regulations to a Concept Plan, which will be added as an appendix to the Regulations as a guide to development within the GMUIZ, RMUZ, and IHOZ.

d. Amendments to the Bolton Zoning Map to reflect the location of the proposed GMUIZ and RMUZ zoning districts, and the IHOZ.

e. Amendment to the Subdivision Regulations, Section 3.13 to eliminate reference to the Route 44 Moratorium.

E. Luntta stated there would be a curfew at 10:30 p.m. for the public hearing discussion and the public hearing would be continued if necessary. He read into the record the public hearing notice posted at the Town Hall. J. Pagini introduced Attorney Mark Branse and Dennis Goderre, consultants for the Town. He gave a power point presentation of the zone boundary and regulation changes to help the public understand the Route 44 rezoning. He commented on the economic, environmental, and social benefits of the proposed changes. He described the characteristics of the Gateway Mixed Use Industrial Zone (GMUIZ), the smaller scale and development uses in the Rural Mixed Use Zone (RMUZ) and the Incentive Housing Overlay Zone (IHOZ). J. Pagini said participation in the (IHOZ) by property owners is a voluntary option. He said the Town is receiving funds from the Office of Policy and Management (OPM) and will get additional funds when the zoning is in place. The proposed zones would require State approval. Other towns in Connecticut are in various stages of considering an IHZ. Attorney M. Branse said Old Saybrook has been approved and has implemented the zoning, and Wallingford and Coventry have received approval from the State. Hebron has just begun the process. A purpose of the IHOZ is to encourage attainable housing is to provide attainable housing for young professionals, teachers, public service employees; public safety employees and the elderly.

J. Pagini described the components of the architectural and site design guidelines for the zones, the components for the introduction of storm water management/LID Regulations, and revised parking regulations.

A. Teller asked about the financial incentives that apply to the IHOZ and how they work. M. Branse responded that for each unit that could be built in the IHZ that is approved by OPM, there is a payment to the town of $2,000.00 per unit. If within five years, units are built, there is an additional $2,000.00 per unit for multi-family housing and $5,000.00 for a single family home or duplex.

Morris Silverstein of 16 Mt. Sumner Drive asked if the town is required to do this or is the Commission requesting that the town do this. E. Luntta said the Commission felt with the sewer lines going in and the amount of interest there has been for development prior to the sewer line project, that the current zoning regulations were inadequate. He said the town received a grant for this project and it is not mandated by the State.

Ray Hardy of 3 Brandy Street is concerned with the western end of the project. He said a relatively intact watershed exists and he does not see the benefit to the environment for this project. He is concerned with protecting native species like the wood and box turtles and would like these issues considered and addressed. J. Pagini said pervious parking areas will not be in the aquifer areas and he is proposing water treatment of the runoff.

Martin Hainsey of 74 Volpi Road owns a business in town at 17 Hill Crest and is taken aback by the focus on increasing the density of the population and said that would cost the town more money. He is concerned with what the town would be giving up. He was expecting to hear what will be done to

promote business. He commented there is a main transit that ends in the town and a main artery has existed in town forever but continue to lose business opportunities to other towns because of the restrictions on the development of commercial property. J. Pagini responded that the proposed regulations are to make it easier and less expensive to develop commercial property and to create jobs in Bolton for the residents of Bolton. Businesses would be within the mixed use zone. A lesser setback is being proposed and well as shared property lines between property owners. M. Hainsey said moving the setback requirement from 10' to 25' hurt his ideas for expansion and asked what is being done to help current businesses develop in town.

M. Branse said the towns of Glastonbury and Coventry have strict design guidelines that were used in this proposal. A. Teller said he knows of only one commercial application was denied in his tenure on the Board. A. Teller asked J. Pagini if most of the housing in this proposal has to be connected to mixed use development. J. Pagini responded that the housing is meant to support the commercial development and the commercial development to support the housing. A. Teller said it would have to come in as a combined application where the housing is coexisting with the mixed use commercial development. J. Pagini said there could b e a stand -alone housing project that the Board would be in control of considering.

J. Cropley asked J. Pagini if there are two types of complex housing, one being the IHZ which the Board would have control over. M. Branse responded that one is incentive housing and the other affordable housing under CGS 8-30g. He explained that Bolton is under 8-30g which allows the housing developer to select any site in town and to compel the town to approve the application under any density , with 30% of the housing deed restricted as affordable. M. Branse said the benefit of the IHZ is that it is exempt from CGS 8-30G. M. Hainsey said then the town would prefer to be in the incentive housing program.

Bob Morra of 15 Tinker Pond Road, as Chairman of the Sewer Authority, said with the initial fund that the sewer authority received through the State of Connecticut and then through Rural Development, one of their restrictive criteria was that the intent of the sewer was to deal with the high water levels around the lake and the reason why the planned lines go down the Route6/Route 44 corridor is it was the most cost effective means of delivery to the Manchester plant. The town would benefit because the businesses along the route could tie in. B. Morra said one of the State's restrictions was that the town could not use the installation of the sewer line to increase the housing density and it looks to him that this is what this proposal is doing. He said, if it impacts what the sewer authority is doing, the authority will sue to stop this from happening. The Sewer Authority cannot afford to be in a position to lose its funding. He stated that it is a 22 million dollar project that the authority worked on for 17 years to get 40% of that as grant funding. To lose that would create an astronomical cost to the taxpayer. This plan significantly increases the housing density in this area. He said the properties could not support the sewer authority's requirement for flow. The flow is capped for current zoning. There is a contractual

flow limit with the Town of Manchester. B. Morra recommends that the Board ask the Sewer Authority how this plan fits into sewer system. He said each town involved in the sewer project has tried to be sensitive to the other towns in the sewer project and, if Bolton uses most of the capacity, this will affect the other towns. High density housing will increase the flow numbers J. Pagini agreed that, with the RMUZ, this is a concern. J. Pagini informed B. Morra that he thought the density applied to the watershed area and more information is needed from the Sewer Authority. B. Morra will provide the data.

B. Morra said the Sewer Authority does not wish to impede development but wants to protect the communities upstream. He thinks 80% of the plan is moving in the right direction by removing restrictions on businesses, buts considers incentive funding for specific housing is a way for the State to move in and he would oppose that part of the plan. His concern is not to jeopardize a project that the Sewer Authority, OPM and others are working on. He said you should never force a property owner to do anything. He appreciates the work put into the concept regarding the mixed use zones and said the reality is that the properties are developed by people willing to take a chance.

Asking for clarification, A. Fiano thought that the land to be developed with housing was limited to the number of units that would perc out naturally. B. Morra concurred. A. Fiano said the regulations are written to allow what will perc out on the property. She said the IHZ's and mixed use zones will give the town options where to place things and to use the land where it will benefit the town economically, environmentally, and socially. J. Pagini responded that clarification on density outside the watershed is needed.

M. Branse said the PZC cannot force the WPCA to accept flows that are not within their parameters. OPM has to approve this as they also approve the sewer project. He believes that the discussion is going way far afield.

Joel Rosenlicht of 158 Ridge Road, Glastonbury stated that he bought a parcel off Route 44 and has put his project on hold as the sewer system plan was implemented. He is concerned with the possible residential constraints on his commercial property, such as height limitations. He asked if there is room within the regulations for variances for the development of the property to fit the environmental and economic things that the Commission wants to do on the corridor so developers can get maximum benefit. J. Pagini responded that the residential use on a commercial property is a voluntary option for the property owner. J. Rosenlicht asked the Commission to keep an open mind to consider height variances.

Attorney Steve Penny of 202 West Center Street, Manchester said he represents Michael Taylor who owns a commercial parcel at 98 Boston Turnpike at the northwest corner of Cider Mill Road and Boston Turnpike. M. Branse said the purpose of the public hearing is not to discuss M. Taylor's property. E. Luntta agreed that the PZC is not here to go over the history any particular project.

Michael Taylor 12 Stone Mill Drive, Mansfield and owner of the property at 98 Boston Turnpike said, after hearing the discussion tonight, most of his concerns have been met and he is satisfied. His biggest concern is that the regulations lead him to believe that with commercial development you would have to have second story residential. J. Pagini assured him that is only the case in the IHOZ and participation in this area is voluntary on the part of the property owner. M. Taylor asked if the design guidelines are just guidelines and not regulations. J. Pagini answered that the sign regulations are draft regulations for this zone. M. Taylor entered into the record various photographs of signage from other towns, showing styles of signs and lighting he considers attractive. A. Teller said the zoning regulations are for size and total area, not style of the signage. M. Taylor would like the Board to look at the sign regulations. His third concern is the limitation on the size of commercial buildings. He said he has met with the Commission and negotiated the size of his proposed commercial anchor store with a companion building to not exceed 75,000 square feet, which he agreed to put on the land records. The proposed regulations would be not to exceed 50,000 square feet. He said this would not be fair to his project and would ask the Commission to consider that the anchor tenant and companion building be held to the 75,000 square foot maximum.

M. Branse said if every developer were like Mr. Taylor they would not need all these regulations. He responded to M. Taylor's concerns and said the current sign regulations already contain the 36 square foot area for free standing signs. The added mixed use zone would allow for a second sign on lots that were on a corner in direct response to a meeting with Mr. Taylor's design team on 9/27/11 and would also allow for an additional signed area for unified developments in the zone. This proposal has actually increased the amount of total signed area.

M. Branse said the 50,000 square foot maximum was arrived at after being told at the meeting on 9/27/11 by one of Mr. Taylor's design team members that the proposed building size on the preliminary Cider Mill plan would be between 35,000 and 45,000 square feet. So, when proposing the regulation, the language in the proposed regulation rounded the square footage up to 50,000 square feet based on the information received at the meeting.

J. Cropley said it is one thing for M. Taylor to request an increase of building size in the regulations to 75,000 square feet but he objects to the idea that here has been any formal agreement with M. Taylor. He said M. Taylor has been before the Board several times in an informal setting and the Chairman, at these informal settings, has always said there is no agreement. There have only been informal discussions with M. Taylor. M. Taylor responded that he is on record saying that he would put a land restriction on his property and he would not go back on that.

A. Teller said there has been discussion whether there should be an upper limit on retail size or whether it should be left to pervious coverage or other design issues. The Commission needs reasons as to why a specific number should be used for maximum size. M. Taylor said the 75,000 square foot number was

arrived at by speaking to people in the industry. It takes into consideration the biggest possible grocery store that would go here. M. Taylor doesn't think that a 75,000 square foot store is going to occur. What he believes is a more reasonable scenario is a 35-40,000 square foot store that could stand alone or come in a companion store.

A. Teller said during the workshops it was discussed was the larger the store the more restrictive the Board would be with appearance issues. At commission has a lot of consensus what they think is good and what they don't and if project is of high quality the Board will work with the applicant to make it work. A. Teller would welcome suggestions for language from M. Taylor and his attorney to make suggestions for 75,000 square foot store without boxing the Commission in letting a big box store in.

S. Penney was told that the 75,000 square foot commitment was an agreement that grew out of a discussion came about when the Commission approved the zone change to extend the business zone off of Route 44 from 300 feet to 600 feet and some Commissioners expressed a concern that might generate a big box development. A. Teller asked for the minutes from that meeting to be entered into the record. S. Penney recommended pulling this property out of the IHOZ zone and read from the proposed draft regulations. He said that the Commission has to re-address the language this particular regulation and that the IHOZ is clearly a housing project and other uses are secondary. The area would be submitted to very high density levels. He suggested adjusting the regulations so that more residential can be done and not be held to the restrictions of the IHOZ. S. Penney said there is confusion of how the definition was presented to them. A. Teller said the size of the project that is taken up by commercial is not counted toward the density for residential. Staff will review the definition of housing density in the draft regulations. A. Teller would encourage draft regulations from the audience.

Jeffrey Wyszynski, AIA , principle at Tecton Architects , Hartford, submitted questions on language in the guidelines.

Dennis Goderre said the guidelines would encourage the applicant to meet with the commission on signage.

Dan Buckson of 12 Shady Lane, Bolton said this is a major zoning change and he is surprised that there are so many questions that cannot be answered during the public hearing. He has heard contradictory information and would be hoped the questions could be answered at the continued public hearing. He was concerned that the town would be bringing high density housing as that the IHOZ would allow 6 houses on one acre and allow 8 townhouses per acre. D. Buckson said he is not against growth but this seems to be a monumental change for Bolton, allowing high amounts of growth. He does not know what the regulations mean.

Ron Rousseau of 12 Dana Drive asked how overlay zone affects original zone. J. Pagini answered the GB zone already exists and would be extended to the GMUIZ zone. He said participation in the IHOZ is

voluntary and the amount of housing per acre is mandated by the State. It is the property owner's decision to decide to participate in the IHOZ and then all proposed regulations would apply.

Kevin Byam, a commercial property owner of 1239 Boston Turnpike, asked, as a business owner, why are some parcels being taken from commercial and being returned to residential. J. Pagini explained that the proposed zones are following the existing property lines and, in some small areas, some of the commercial returns to residential use. K. Byam would like to see things that would make business easier. J. Pagini said no one is forcing one property owner to work with another who does not wish to participate in the IHOZ. The proposed regulations try to make the parcels ready if the owners do wish to participate.

Bob Morra would like the public hearing to be continued.

J. Pagini read into the record reports received by the Commission from WINCOG dated 6/6/12 and from CRCOG dated 5/18/12. (Other materials received at this public hearing are listed in an addendum to the minutes.)

E. Luntta said the public has questions of the staff. J. Pagini said the regulation draft language can be clarified and he will need help from B. Morra for clarification regarding the sewer authority concerns. B. Morra agreed to meet with J. Pagini over the next week.

E. Luntta said these are very comprehensive regulation proposals that were worked on by the Board for a long time to make it easier for people to develop their property. What is being proposed is not necessarily what will be voted upon. The public hearing is to hear the concerns of the residents.

A. Teller asked J. Pagini to put the power point on the website. He encouraged the public to spread the word on attending the public hearing. He said the Commission is trying for flexibility in development and housing opportunities.

J. Cropley commented that feedback the Commission received from the workshop was to encourage mixed-used areas and flexible housing opportunities. He encouraged more future audience participation to help set up the guidelines.

M. Taylor said he has held back 12 acres of his commercial property for future high density residential development.

D. Buxton said the workshops were a great idea but questions the level of development and needs a level of review.

E. Luntta MOVED to CONTINUE the public hearing to June 20, 2012 at 7: 45 p.m. at the Bolton Town Hall, 222 Bolton Center Road, Bolton, CT. T. Manning SECONDED. MOTION CARRRIED UNANIMOUSLY (7-0).

2. Adjournment: A. Fiano MOVED to ADJOURN the meeting at 10:35 p.m. J. Cropley SECONDED. MOTION CARRIED UNANIMOUSLY (7-0).

Respectfully submitted by Linda H. McDonald, Recording Secretary

Addendum:

Materials entered into the record at the public hearing for Route 44 Zone Changes on 6/13/12:

1. Route 44/Bolton, Connecticut Strategic Corridor Plan (approved as a part of the Bolton Plan of Conservation and Development)
2. Housing Needs Assessment dated February 23, 2011
3. Proposed Amendments (package with cover dated June 13, 2012)
4. Amendments summary sheet
5. Revisions approved at the PZC's May 2012 workshop and further revisions recommended by the /director for internal consistency and clarity
6. Memo from John Pagini to PZC dated June 1, 2012 re: Best Management Practices in Public Water Supply Watersheds
7. CRCOG Referral dated 5/11/12
8. WINCOG Referral form dated 5/11/12
9. Report from Capitol Region Council of Governments dated May 18, 2012
10. Report from Windham Council of Governments dated June 6, 2012
11. Concept Plan Accompaniment dated May 15, 2012
12. May 14, 2012 letters to Bolton, Andover, Glastonbury, Manchester, Vernon, Hebron and Coventry Town Clerks, with attachments
13. Affidavit of Publication of Public Hearing Notice from Hartford Courant dated June 8, 2012
14. E-mail from Joel Rosenlicht to John Pagini dated June 12, 2012
15. Contacts concerning financing of mixed use dated 5/29/12
16. A Rise in Downtown Living, Brookings Institute, 1998 to 2010
17. Updated preliminary survey: A Rise in Downtown Living; Living Downtown: An Unexpected Kind of Urban Revival
18. Oh, the Places We'll Grow, Long Island Index, January 21, 2010
19. The Next Real Estate Boom, Brookings, November 11, 2010
20. CT Professional Planner List Serve Report, June 11, 2012
21. Power Point presentation – John Pagini, June 13, 2012
22. Michael Taylor Photos submitted 6/13/12
23. Comments from Jeffrey Wyszynski, AIA