

MINUTES
BOLTON PLANNING & ZONING COMMISSION
PUBLIC HEARING RE: AMENDMENTS TO SECTION 3A.9 OF
THE BOLTON ZONING REGULATIONS
7:45 PM, WEDNESDAY, NOVEMBER 14, 2012
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD

Members Present: Eric Luntta, Tom Manning, Jim Cropley, Jeffrey Scala,
Arlene Fiano, Adam Teller, Carl Preuss (Alternate)
Members Absent: Loren Otter, 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 Marshall; Milton Hathaway

Chairman Luntta called the Public Hearing to order at 7:48 p.m. and read the notice:

The Bolton Planning and Zoning Commission will hold a public hearing on Wednesday, November 14, 2012, at 7:45 PM in the Town Hall, 222 Bolton Center Road, concerning the following amendments to the Bolton Zoning as authorized and required by PA 12-182:

1. Amendments to Section 3A.9 of the Bolton Zoning Regulations entitled Erosion and Sediment Control as they apply to financial guarantees.

These amendments are complex, and are only generally described above. Interested parties may view the amendments in their entirety in the Land Use Office, Town Clerk's Office, and at <http://bolton.govoffice.com/>.

Dated at Bolton, CT, this 12th day of October, 2012.

Eric Luntta, Chairman

Mr. Pagini, Director of Community Development, walked the Commission members through the proposed changes regarding the Erosion and Sediment Control section of the regulations. Adam Teller noted that on the version with blue tracked changes, the word "All" needs to be struck from Section 3A9.c.2. The clean printed version is correct. A short discussion ensued.

Mr. Luntta asked if anyone else had any comments. There were none. Mr. Pagini read through the list of Exhibits which are attached as Exhibit A. Tom Manning mentioned that on page 4 of the clean copy of the proposed revisions dated 11/6/12, the words "such financial guarantee or

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222 Bolton Center Road
Bolton, CT 06043

portion thereof that relates to improvements satisfactorily completed” need to be deleted. Mr. Pagini and the Commission members agreed.

Milton Hathaway, 40 Quarry Road, had a few suggestions for revised language concerning inspections and liability. He wants the applicant to have rights to be notified of inspections, and suggested that following the words “implemented and maintained,” in the Financial Guarantees section, paragraph 5, to add “after attempting to arrange a time with the owner or developer.” In paragraph 6 of the same section, Mr. Hathaway wants wording concerning liability/insurance added at end of last sentence as he is concerned that the town can send a contractor out and then not be liable, even though they may not have insurance. Mr. Pagini said that these issues brought up by Mr. Hathaway would fall more under the auspices of Jim Rupert, Zoning Enforcement Officer. Mr. Pagini said that Mr. Hathaway’s situation is quite unique in town, and that to add his suggested wording to the regulations would add an onerous amount of work for the ZEO. Mr. Teller suggested that we could add wording such as “giving reasonable notice” to address these issues, although he believes that an approved application itself gives the Town permission to make inspections and that the town should not have to give notice. Mr. Pagini agrees that it would be administratively difficult if these changes were made. Commission members would not be going onto private property to do inspections in any case; that is the job of the ZEO. In terms of the insurance/liability issue, Mr. Pagini said that he knows that the town requires its own contractors to have certain types of insurance, and that this same practice would apply to a contractor retained by the Town to complete public improvements. Mr. Teller said he would not be so sure that the town would never be liable in the case of an un-insured contractor. Mr. Luntta said he thinks we should leave the language as is, and the Commission agreed.

Adam Teller made a motion to close the Public Hearing at 8:21 p.m. Eric Luntta seconded, and the motion passed unanimously (7-0).

Respectfully Submitted:



Karen Mills
Planning & Zoning Board Clerk

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Appendix "A"
Exhibits

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

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