

MINUTES
BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING
7:30 PM, WEDNESDAY, OCTOBER 17, 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; Milton Hathaway; Bob Monroe

Chairman Eric Luntta called the Regular Meeting to order at 7:33 p.m. Carl Preuss was appointed for Loren Otter. Mr. Luntta noted that the original agenda for tonight's meeting had the incorrect date of September 19.

1. Approval of Minutes:
 - a. July 18, 2012 Regular Meeting Minutes
Jim Cropley moved to accept the July 18, 2012 Regular Meeting Minutes as written. The motion was seconded by Jeffrey Scala and passed (5-0-2) with Arlene Fiano and Adam Teller abstaining.
 - b. September 12, 2012 Special Meeting Minutes
Jim Cropley moved to accept the September 12, 2012 Special Meeting Minutes as written. The motion was seconded by Adam Teller and passed (6-0-1) with Jeffrey Scala abstaining.
 - c. September 19, 2012 Public Hearing Minutes #1 (21 Webster Ln)
Adam Teller moved to accept the September 19, 2012 Public Hearing Minutes #1 as written. The motion was seconded by Eric Luntta and passed unanimously (7-0).
 - d. September 19, 2012 Public Hearing Minutes #2 (Amendments to Regs)
Adam Teller moved to accept the September 19, 2012 Public Hearing Minutes #2 as written. The motion was seconded by Jim Cropley and passed unanimously (7-0).
 - e. September 19, 2012, Regular Meeting Minutes
Adam Teller moved to accept the September 19, 2012, Regular Meeting Minutes as

written. The motion was seconded by Jeffrey Scala and passed unanimously (7-0).

2. Residents' Forum (Public Comment)

Mr. Pagini informed Mr. Hathaway that this is the only time that he'll be able to speak tonight about his letter listed under Correspondence. Mr. Hathaway, 40 Quarry Road, said he just came to hear any discussion that might cover his letter. Mr. Pagini stated that the Commission generally considers correspondence informational, with no public discussion. Mr. Hathaway chose to stay.

3. Report of the Zoning Enforcement Officer

Mr. Rupert reviewed his ZEO report that had been handed out to the Commission members. The report covered issues at the following addresses: 99 New Bolton Road, 35 Rocco Road, 92 Tolland Road, 17 Volpi Road, 966 Boston Turnpike, 33 Volpi Road, and 365 West Street.

- a. Further Discussion: Variance issued at 33 Lakeside Circle. Mr. Rupert addressed the questions that Commission members had to clarify details about the variance. Mr. Pagini said that the applicants are making this parcel more conforming with respect to the front yard setback as the existing garage is very close to the road. Some Commissioners offered an opinion that the building and impervious area variances were not justified. The new building, however, will be an encroachment closer to the lake than the existing improvements, and thus will be a wetland protection issue under the zoning regulations, which the Commission will have to address after Wetlands acts on the application. Mr. Luntta stressed that he does not want these variances around the lake to become easy to get, and that he does not see the hardship in this case. Mr. Teller agreed. Lengthy discussion ensued about this issue. Mr. Pagini and several Commissioners mentioned some possible changes to our regulations that could help. No decisions were made, and the Commission felt that more knowledge about the land use characteristic of the developed area of the watershed would be in order. Mr. Pagini will draft a letter to the ZBA expressing the PZC's concerns, and it will be distributed via email.

Mr. Rupert addressed the issue of safety fencing around the newly-constructed fire pond at 1239 Boston Turnpike. Mr. Pagini said that the applicant is amenable to putting in a fence in lieu of a bench along the fringe of the pond which was not feasible due to design issues and a shortage of available material on site. He will put construction fencing up around the pond in the interim, and modify the plans.

A motion was made by Eric Luntta to suspend the Regular meeting at 8:24 p.m. The motion was seconded by Jim Cropley and passed unanimously (7-0).

The Regular Meeting was reconvened at 8:36 p.m.

4. Old Business

- a. Resetting of Public Hearing on amendments to the Bolton POCD: Route 6 Hop River Master Plan and Route 6 Safety Study (suggested new Public Hearing Date: December 5, 2012)

Mr. Pagini mentioned that he had inadvertently suggested to the Commission a hearing for a date when no meeting scheduled. Adam Teller made a motion to set a Public Hearing on amendments to the Bolton POCD: Route 6 Hop River Master Plan and Route 6 Safety Study for Wednesday, December 5, 2012 at 222 Bolton Center Road, Bolton CT at 7:45 p.m. The motion was seconded by Jim Cropley and was approved unanimously (7-0).

5. New Business

- a. Appointment of member of Planning and Zoning Commission to the Bolton Center Study Stakeholder Group

Arlene Fiano volunteered. Mr. Teller made a motion to appoint Arlene Fiano, with the provision that any member of the Commission may attend in her absence, as a member of the Bolton Center Study Stakeholder Group. Discussion ensued about the makeup of this Group and the scope of their plan with some concern about the limited money for an ambitious scope. The motion was seconded by Jim Cropley and was approved unanimously (7-0).

- b. Amendments to the Bolton Subdivision Regulations (Section 6.11), and Zoning Regulations (Sections 16A.2, 16A.2, 16B.3, and 19C) concerning digital submission requirements.

Adam Teller made the following motion: MOVED, that the Bolton Planning & Zoning Commission does hereby approve applications of the Commission for Amendments to Section 16A, 16B, and 19C of the Bolton Zoning Regulations and Section 6.11 of the Subdivision Regulations Concerning Digital Applications and Exhibit Submission Requirements in accordance with draft amendments submitted with the application, and in accordance with the Exhibits listed in Appendix "A" and testimony received during the public hearing held on October 17, 2012. The reason for the amendments is to comply with the digital requirements of the Connecticut Court system in the matter of appeals of land use decisions. This amendment shall be effective on October 27, 2012. The motion was seconded by Jeffrey Scala and was approved unanimously (7-0).

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

- c. Request of High Ridge Farm LLC for Maintenance Bond release.
Mr. Pagini brought the Commission up to date on this Bond release request.
Tom Manning made the following motion regarding the High Ridge Farm
Subdivision:

MOVED, that the Bolton Planning & Zoning Commission does hereby recommend to the Board of Selectmen the release of a Maintenance Bond in the amount of \$109,620.00 (Rockville Bank Letter of Credit # 121007) in connection with the High Ridge Farm Subdivision High Ridge Farm of Bolton, LLC in accordance with a recommendation of Town Engineer Joseph M. Dillon, PE, in a letter to Eric Luntta dated October 16, 2012, and an email from Joe Dillon to John Pagini dated October 17, 2012, which documents Mr. Dimock's agreement that the improvements have been completed to his satisfaction.

We recommend the following motion:

MOVED, that the Bolton Board of Selectmen does hereby authorize the release of a Maintenance Bond in the amount of \$109,620.00 (Rockville Bank Letter of Credit # 121007) in connection with the High Ridge Farm Subdivision High Ridge Farm of Bolton, LLC in accordance with a recommendation of Town Engineer Joseph M. Dillon, PE, in a letter to Eric Luntta dated October 16, 2012; an email from Joe Dillon to John Pagini dated October 17, 2012, which documents Mr. Dimock's agreement that the improvements have been completed to his satisfaction; and a recommendation of the Bolton Planning & Zoning Commission made at its Regular Meeting of October 17, 2012.

The motion was seconded by Jeffrey Scala and was approved unanimously (7-0). Mr. Pagini mentioned that the applicant wanted the landscape bond released. The bond was established to guarantee the planting of trees at the stream crossing. On inspection, the trees are not up to the specifications of the approved plans, and so this bond is not ready to be released. Mr. Pagini recommends that we wait until the Inland Wetlands Commission makes a decision. Bob Monroe, High Ridge Farm, spoke about the tree requirements and the issues that they are having, and suggested that installing the larger trees would mean that a larger root ball would have a significant impact on the slope and adjoining wetlands. The Commission members agreed to wait to hear the IWC recommendation.

- d. Certified Resolution of Local Zoning Authority: Incentive Housing Zone
Mr. Pagini explained the Resolution issue. Mr. Teller proposed that the Commission adopt the following:

**CERTIFIED RESOLUTION
OF THE BOLTON PLANNING AND ZONING COMMISSION**

At the October 17, 2012 Regular Meeting of the Bolton Planning and Zoning Commission, the Commission adopted the following Resolution by a vote of 7-0:

WHEREAS, the Bolton Planning and Zoning was authorized the Town of Bolton and by OPM for the receipt of funds to produce draft regulations to produce Incentive Housing Regulations; and

WHEREAS, the Town of Bolton supplemented those funds to enable the Commission to develop mixed use regulations in connection with an IHZ regulation; and

WHEREAS, the Commission selected Concord Square Planning and Development, Inc., as well Mark K. Branse and Dennis Goderre (the "Consultants") to produce mixed use zoning districts and an IHZ Regulation; and

WHEREAS the Commission implemented mixed use zoning regulations along Route 44 effective June 30, 2012; and

WHEREAS, the Consultants completed a draft IHZ Overlay District Regulation;

WE HEREBY RESOLVE that the Bolton Planning and Zoning Commission:

1. Endorses submission of the zone adoption application under the Housing for Economic Growth program referenced in CGS, Section 8-13(m-x); and
2. Certifies that it will consider the creation of one or more incentive housing zones as identified in the application. Said application is attached and incorporated and made a part of this record.
3. Certifies that it will consider and act on the Incentive Housing Development when proposed within the approved Incentive Housing Zone(s) in compliance with CGS, Section 8-13(m-z).

Attested to by:

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

Date:

Bolton Planning and Zoning Commission

By: Eric Luntta, Chairman

Witnessed by:

Date:

Susan DePold, Town Clerk, Town of Bolton

Tom Manning seconded the proposal. It passed unanimously (7-0).

6. Other Business

Mr. Pagini mentioned that he is working with Dennis Goderre on the Housing for Economic Growth Plan.

7. Correspondence

a. Letter from BOS to OPM re: State Policies Plan draft

Mr. Pagini mentioned that Coventry is also making similar changes to Bolton's in terms of Balanced Growth areas related to the draft State Policies Plan, and felt that it was nice to have this consistency. He regretted not having the time to coordinate with Vernon as well.

b. Letter from REDC to OPM

Mr. Pagini spoke briefly about this letter.

c. Referrals from CRCOG

Mr. Pagini said this is just informational for the Commission.

d. Legal Opinion re: Hathaway Sand and Gravel Special Permit extension

Mr. Pagini explained the legal opinion and said the only thing here that applies to Mr. Hathaway's application is the effective date of the Special Permit, that his 2-year limit will be up in June 2014, and he will have no further recourse from the Commission with this permit.

e. CFPZA Newsletter

8. Adjournment

A motion to adjourn was made by Jim Cropley and seconded by Arlene Fiano. The motion passed unanimously (7-0) and the meeting was adjourned at 9:13 p.m.

Respectfully Submitted:



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

Karen Mills
Planning & Zoning Board Clerk