

BOLTON PLANNING & ZONING COMMISSION
SPECIAL MEETING
7:30 PM, Wednesday, September 9, 2015
Bolton Town Hall, 222 Bolton Center Road

Minutes & Motions

Members Present: Vice Chairman Jeffrey Scala, Carl Preuss, James Cropley, Adam Teller, Thomas Manning (by phone), Nancy Silverstein (alternate seated for Arlene Fiano), Christopher Davey (alternate seated for Eric Luntta)

Members Excused: Chairman Eric Luntta, Arlene Fiano, Neal Kerr (alternate)

Staff Present: Patrice Carson, AICP, Director of Community Development, Administrative Officer Joyce Stille, First Selectman Robert Morra, Sarah Benitez, Recording Secretary

Others Present: Several members of the public.

1. **Call to Order:** Vice Chairman Jeffrey Scala called the meeting to order at 7:45 p.m.

2. **DISCUSSION/POSSIBLE DECISION: 8-24 Referrals:**

First Selectman Robert Morra presented referrals of two capital projects for which the BOS approved resolutions requesting funding: the Bolton Heritage Farm barn and the Town Center municipal facilities shared septic system. The suggested PZC resolution read as follows:

“RESOLVED, that the Planning and Zoning Commission of the Town of Bolton approves the following projects pursuant to Section 8-24 of the General Statutes of Connecticut:

(i)At the Town Center municipal facilities (Town Hall, resident State Troopers, Bentley Memorial Library and Bolton Heritage Farm), construction of a shared septic system, including related work and improvements; and (ii) at the Bolton Heritage Farm barn, replacements, repairs, and improvements;

provided that the projects are subject to and shall comply with all applicable zoning, site plan, subdivision, inland wetland and other laws, regulations and permit approvals, and this resolution shall not be a determination that the projects are in compliance with any such applicable laws, regulations or permit approvals.”

a. Town Center Municipal Facilities Shared Septic System

The septic system would be a community type. An entire leaching field would be built and the cost estimated for a full build out in order to have one construction instead of two.

C. Preuss asked what the cost would be for a partial build, only as much as is presently necessary. R. Morra said there is only the full estimate because they knew a one-time build would be most cost effective long term.

The field would be behind Toomey, near the stone wall and cornfield, on the part of the twelve acres that were designated for development (not in the open space section).

A. Teller asked if the field would restrict use of the nearby open space designated area. R. Morra said that soil suitable to septic was limited to the selected area.

J. Scala asked if the system would be raised or ground level. R. Morra said they had intentionally looked for a place which would allow it to be ground level.

J. Scala took issue with there being only a full build estimate and wanted a partial build estimate for comparison. R. Morra said that, considering the offices, potential expansion, and Heritage Farm barn use of the system possible in the near future, along with the need to include reserve space in the septic, the BOS felt the full build to be most appropriate for present consideration. He said that size was not a point of the referral, but that such a concern would be received appropriately if passed on to the BOS in the course of design planning.

J. Cropley asked if there had been any archeological review of the site. R. Morra said it was required and had been done.

b. Bolton Heritage Farm Barn

N. Silverstein asked if the funds set aside for the Heritage Farm barn were to be purposed for investigation of its use potential. The answer was no; R. Morra explained it was in response to the fire and to do renovations necessary to make it usable as a 3-season building. The BOS believes that given the opportunity, it is best to address those goals now, since there is repair work to be done and a crew will be on site anyway. The cost is to be determined as it depends on the final insurance review, but will require a bond which must pass at a town meeting.

J. Scala asked if the building was up to code for public use. R. Morra said it is restricted to load. The BOS is not planning for large functions at the building, which would then need reinforcement; the groups they are planning for would be smaller, for example, 25 people.

N. Silverstein thought the building may be too old to commit to investment because costs may rise due to unforeseen issues related to its age. R. Morra acknowledged the possibility of future issues, and said that is why they only plan to bring the barn to a certain point of renovation and functionality rather than to an ideal state.

C. Davey asked to clarify what exactly the PZC was being asked to approve. P. Carson said it was not a matter of approval, just if the PZC would recommend the projects to be brought to a town meeting or public hearing. Details and funding would be addressed separately and come before the PZC and town again at a later point.

A. Teller was dissatisfied with the request and wanted a more detailed plan of the construction proposed, such as specific things to be done in the course of the projects, and a more concrete layout of the scope of the projects. P. Carson and the First Selectman responded that request was what was required for the 8-24 referral procedure, and that an 8-24 referral is not a proposal or recommendation for a construction plan.

A. Teller and J. Scala remained concerned and wanted a clear idea of the scope of the project before they would agree.

C. Preuss said he did not find the projects to be in conflict with the POCD.

A. Teller said the projects might not be in conflict with the POCD, but they were not in harmony. He said he did not have an issue with the idea of the projects, but he thought they were not ready or appropriate to bring to a town meeting at this point. He did not think it was fair to the public to ask them to give an opinion or decision on so vague an idea, especially since funding will be significant.

T. Manning (by phone) said if they were evaluating ideas, he felt he had a pretty good idea of the activity the Farm project would involve. For the septic project, he thought it best to plan for current needs, with the option for future expansion. He recommended splitting them into two separate resolutions.

J. Scala was in favor of two separate resolutions.

C. Preuss asked, since the resolution was drafted by the bond council according to their best practice, if there would be unwanted consequences to changing the resolution and funding the projects separately. J. Scala thought separation was okay as long as the same language was used in each and they were in alignment with each other.

VOTE:

C. Preuss MOVED that the Planning and Zoning Commission of the Town of Bolton approve the following project pursuant to Section 8-24 of the General Statutes of Connecticut:

(i) At the Town Center municipal facilities (Town Hall, Resident State Troopers, Bentley Memorial Library and Bolton Heritage Farm), construction of a shared septic system, including related work and improvements, for the capacity currently needed, with design capabilities for a future expanded facility,

provided that the project is subject to and shall comply with all applicable zoning, site plan, subdivision, inland wetland and other laws, regulations and permit approvals, and this resolution shall not be a determination that the projects are in compliance with any such applicable laws, regulations or permit approvals.

J. Cropley SECONDED. MOTION CARRIED 4:0:2, A. Teller and N. Silverstein abstaining.

C. Preuss MOVED that the Planning and Zoning Commission of the Town of Bolton approve the following project pursuant to Section 8-24 of the General Statutes of Connecticut:

(ii) At the Bolton heritage Farm barn, replacements, repairs, and improvements,

provided that the project is subject to and shall comply with all applicable zoning, site plan, subdivision, inland wetland and other laws, regulations and permit approvals, and this resolution shall not be a determination that the projects are in compliance with any such applicable laws, regulations or permit approvals.

J. Cropley SECONDED. MOTION CARRIED 3:1:2, Nancy Silverstein against, C. Davey and A. Teller abstaining.

3. PUBLIC HEARINGS

a. CONTINUATION: *ReSUBDIVISION APPLICATION: 1-Lot, 61 French Road, William Anderson/Nancy Varca*

J. Scala opened the public hearing at 8:34 p.m. A. Teller recused himself from the Commission at 8:34 p.m.

Attorney Stephen Penny introduced himself and land engineer Andrew Bushnell, who reviewed the proposed changes with the aid of a map. They believed the proposal was compliant with Planning and Zoning regulations with the exception of an instance of a 164' frontage, the creation of an irregular lot, and a request for a variance or relief for a driveway. S. Penny reviewed the parcel's history of lot changes, which have been at times non-conforming. He said they were now seeking relief from adherence to conforming lot requirements considering the history of the lots and a previously granted variance. S. Penny provided exhibits A through Q to P. Carson to be entered into the record.

A. Bushnell reviewed the general topography of the properties. The land slopes from west to east towards French Road, and is bisected north to south by wetlands. He presented a construction design and plan, which took measures to limit disturbance of wetlands with silt. The first phase would be construction of driveways, and then they would clear land for construction of two houses. They requested that a longer driveway be allowed because of the grade of the hill.

There would be sewage disposal (septic) and water supply (drilled wells) onsite. Approvals have been received for both. Drainage would be to the west of the wetlands. Rain gardens are planned to collect stormwater flows from the house and driveway. A piping system is planned to drain water east of the wetlands, directing it to a culvert under French Road.

PZC and Town Staff Questions and Comments:

C. Preuss asked how the protected watershed to the East (Blackledge) would be affected by increased water flow under French Road. A. Bushnell said the water already flows in that direction and it would not add to peak flow. C. Preuss was concerned that potential for toxic runoff from development would be greater, in an already sensitive area. A. Bushnell said that they have some mechanisms in place to

prevent that, but it is still possible. C. Preuss pointed out that the Blackledge region is under protection, which the PZC supports continuing in the POCD.

J. Scala asked if the pipe under French Road would be maintained by the town. A. Bushnell said yes. They considered other options but this gave proximity to the manhole with less responsibility for maintenance. J. Cropley asked about pipe size and type. A. Bushnell said it depends on fire truck weight.

J. Scala suggested sliding the proposed division line southerly to make one lot meet 85'. It would make lot 1 longer and lot 2 smaller but they would likely still meet minimum lot size.

C. Preuss noted that usually an irregular lot would result as left over from a parcel division, whereas this plan creates irregular lots as a matter of choice. J. Scala agreed, saying the language refers to a single remnant lot, rather than lots, and two was less acceptable.

C. Preuss questioned the effectiveness of rain gardens if not maintained, since that is difficult to enforce.

C. Davey asked what extent of the water controls were comprised of rain gardens. A. Bushnell said roughly 50%.

The PZC requested a draft of the easement design and a copy of the draft deed for the driveway. P. Carson noted that since there was no application and thus no denial from the wetlands commission of another way to access the lot, it was hard to verify that access was impossible. S. Penny said they have discussed the same application with wetlands, it was clear that such an application would be badly received and this was the best route.

Residents' Questions and Comments:

Maureen Johnson, 57 French Road, spoke as an abutter to Varca. She said she had owned her house for fifty peaceful years. In all that time, water from the Varca property has drained towards hers, down the hill. It goes across the lawn, down the property to a drain on French Road in front of her property. She was concerned that even if water is diverted from her property in the course of new construction, it could still end up in her basement. She said that presently both lots are conforming and the two proposed re-subdivided lots would not be. Another concern was that construction might require blasting to deal with rock ledge. Since previously a 50' frontage request by Anderson/Varca had been denied, she asked what difference there was between that and the proposed 50' reduction in a re-subdivided lot.

Kim Gondor, 57 French Road, pointed out the house location at about 100' off the road. There is a curtain drain alongside it to divert water, which runs across the driveway into the street, and another curtain drain behind the house. She said she and her mother (M. Johnson) had no way of knowing how near the construction would be because there is no or little marking of the property line. She said the right-of-way already on the Anderson/Varca property is sufficient to access the back portion, and the other ways to access it (driveway) may affect her property in ways they do not want. She raised the possibility that snowmelt and plowed snow might prevent the rain gardens from being effective. A. Bushnell explained that water from melting snow accumulates much more slowly than from rainstorms,

so there will not be much snowmelt at a time to cause an issue, and the drain will also catch it. There is also a swale about 15 feet to prevent water running into their property.

Gwen Marrion, 38 Maple Valley Road, asked if Planning and Zoning regulations required two appraisals or one. They only require one. She asked for the dimensions of the hammerhead turn for the fire truck. The turn would be about 28' by 24', and would be gravel instead of pavement.

Mary Terhune, 40 School Road, said the elevation change from French Road to the proposed house location would be 50 to 54 feet. She said rain garden maintenance had to be enforced to be effective.

Richard Treat, 8 Lyman Road, spoke as an abutter on behalf of the Bolton Land Trust, which owns land across the street from the Anderson/Varca properties. He said what he was hearing from residents was a lot of concern about water and potential water flows generated by new structures and paving. He asked whether handling of water flows would be influenced by the PZC or the Inland Wetlands Commission. The answer was both. He asked about the location of the culvert, which crosses over to the East near the intersection with Deming, and the size of the pipe, which would be about 15 inches. R. Treat said it seemed a good deal of water would be coming down into the Land Trust property and up against Cocconi Drive. He asked the PZC to carefully pay attention to water flow in their consideration of the application.

J. Scala asked if the applicant was willing to extend 30 days for application approval to allow review with the town engineer. W. Anderson agreed. W. Anderson also said he will pin along the lot line between his property and the Johnson/Gondor property.

J. Cropley MOVED to continue the Public Hearing to Wednesday, October 14, 2015, at Town Hall, 222 Bolton Center Road. C. Preuss SECONDED. MOTION CARRIED 5:0:0.

The hearing closed at 10:44 p.m. The regular meeting was opened at 10:44 p.m. A. Teller rejoined the Commission at 10:44 p.m.

4. Approval of Minutes:

August 6, 2015 Special Meeting Minutes – No action taken.

August 12, 2015 Regular Meeting Minutes – No action taken.

5. Residents' Forum: None.

6. Old Business:

- a. **DISCUSSION/POSSIBLE DECISION:** ReSubdivision Application , 1-Lot, 61 French Road, William Anderson/Nancy Varca
No action taken.

7. New Business:

- a. **Informal Discussion:** Section 6A.14g. Separation Distance Regarding Separation Distances for Multiple Dwelling Complexes, Attorney Stephen Penny.

The PZC discussed the reasoning behind two neighboring and single-owned lots on Route 44 being classified as different zones (General Business and Rural Mixed Use). The back lot (RMU) had been R-2 at a few years ago, thus allowing the owner to pursue a potential small multifamily complex on the two properties. With the change to RMU, such use of the back lot was now limited by the separation distance regulation. The PZC believed the regulation's present existence and applicability under Rural Mixed Use Zoning to be an oversight and was open to working with the owner to allow such development of the properties.

8. DISCUSSION: Plan of Conservation and Development:

No new discussion. The Public Hearing is scheduled for October 21, 2015.

9. Correspondence: Selco will be upgrading the wireless network on existing telephone poles in rights of way.

10. Adjournment: A. Teller moved to adjourn. C. Preuss seconded. The meeting adjourned at 11:33 p.m.

Respectfully submitted,

Sarah Benitez

PLEASE SEE MINUTES OF SUBSEQUENT MEETINGS FOR APPROVAL OF THESE MINUTES AND ANY CORRECTIONS HERETO.