

MINUTES
BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING
7:30 PM, WEDNESDAY, FEBRUARY 20, 2013
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD

Members Present: Eric Luntta, Jeffrey Scala, Adam Teller, Carl Preuss (Alternate),
Members Absent: Loren Otter, Arlene Fiano, Tom Manning, Jim Cropley,
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 Marshal; Bob Croteau, Facilities Manager of Bolton Ice
Palace; Tina Croteau; Kevin Byam, Arbor, Turf & Gardens LLC

Chairman Eric Luntta called the Regular Meeting to order at 7:50 p.m. Carl Preuss was appointed for Loren Otter.

Mr. Teller moved to advance agenda items 7 and 6 to the top of the agenda, in that order. Mr. Luntta seconded, and the motion passed unanimously (4-0).

7. Other Business

a. Request for legal opinion: Fire Protection Regulations Advisory Committee

Mr. Pagini said that there is a legal opinion request draft that he and Joyce Stille are making efforts to agree on for the Fire Protection Regulations Advisory Committee in terms of fairness in the distribution of the burden of improvements and related costs to those who benefit as they apply to changes in the current Fire Protection Regulations. Lengthy discussion ensued. Ray Walker, Fire Marshal and a member of the Advisory Committee, said that the Regulation and Committee is basically already in place, and he is very concerned that Mr. Pagini seems to want to make changes and act as the Chairman of this Committee. Mr. Pagini responded that he is strictly only an advisor to this Committee, and he is simply following his code of ethics as a Town Planner to ensure that this is a fair, inclusive, and comprehensive process. He is not usurping anybody's authority. He just wants to gather all of the information he needs in order to advise this Committee and know the legality of any option or options to be considered. Mr. Luntta went on to clarify this issue from the PZC's point of view. Ray Walker thanked the Commission for the clarification. More discussion followed.

b. Budget Transfers

Mr. Pagini referred the Commission to the handout concerning the Budget, and the need to transfer funds in the amount of \$1,200 from Professional & Training Business to Office Operating Expenses. Mr. Pagini made some suggestions about streamlining

our Public hearing processes by combining and coordinating Public Hearings; administrative expenses, etc. A discussion followed. Mr. Teller moved that we authorize the Chair of the Commission to request a transfer of funds in the amount of \$1,200 from Professional & Training Business to Office Operation Expenses in our budget. Carl Preuss seconded the motion and it passed unanimously (4-0).

6 New Business

a. Discussion: Proposal of Bolton Ice Palace to conduct Flea Market on premises on Route 6

Mr. Pagini referred the Commission to the letter from Bob Croteau in the packet, and he asked Mr. Croteau to briefly summarize his proposal. Mr. Luntta reminded everyone that this is an informal discussion. Mr. Croteau, who is Facilities Manager of Bolton Ice Palace, gave a brief summary of the plan to conduct a small flea market at the Ice Palace premises with 25 vendors, operating from 6am – 3pm on Sundays from April to July. A lengthy discussion ensued about parking and traffic flow. Mr. Pagini stressed that the first issue the Commission will have to deal with is that this is not a permitted use. This may have to have a Special Permit, and the Commission needs to think about the ramifications of such a use for other properties. Mr. Scala suggested a Temporary Permit for a certain number of years as a trial period. The four Commission members in attendance agreed that they are not opposed to the concept. Mr. Pagini said that he would like to suggest to the Commission that Mr. Croteau be the applicant for the zoning amendment, and that the Commission would then provide a draft regulation amendment. Mr. Luntta advised Mr. Croteau that there are fees associated with the application. Mr. Pagini reminded Mr. Croteau that he would also need vendor permits. Mr. Rupert said that the vendor permits would be \$10/week or \$100/year. Mr. Croteau said that he thinks that might be a deal breaker, and that vendors are not likely to show up. He asked if the Ice Palace could just get one vendor permit to cover everyone. The Commission suggested that he follow up with the Selectmen & ZEO.

b. Minor Modification request of Kevin Byam, Arbor, Turf & Gardens, LLC (formerly American Arborists, LLC), 1239 Boston Turnpike, for changes to fire pond, and authorization for permanent fence around fire pond.

Mr. Pagini briefly summarized this issue. Kevin Byam, Arbors, Turf & Gardens, LLC, has submitted an application for minor amendment to a Special Permit for a commercial arborist business at 1239 Boston Turnpike. The first amendment concerns the acceptance of changes to the size and configuration of the fire pond / stormwater pond made during construction. The pond now has a much larger capacity than the minimum 30,000 gallons required as part of the approval. See the report of

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Joe Dillon, Town Engineer, which concludes that the pond as constructed, more than meets the minimum requirements of the Commission's approval. The second amendment seeks to authorize the installation of a black vinyl clad chain link fence completely surrounding the pond for safety purposes. Mr. Kevin Byam, of Arbor, Turf & Gardens LLC at 1239 Boston Turnpike, spoke briefly after Mr. Pagini's report and a short discussion ensued. Mr. Pagini recommended the approval of the minor modification with conditions addressing the details to be added to the Plan.

Mr. Teller made the following motion: MOVED, that the Bolton Planning and Zoning Commission does hereby approve an application of Kevin Byam, Arbors, Turf & Gardens, LLC for minor modifications consisting of changes to the size and design of the fire pond / storm water pond, and the installation of a safety fence around the pond. This approval is in accordance with a plan cited in Appendix A (as modified by this approval), an application dated February 19, 2013 also consisting of an undated cover letter, and a statement of use, and in accordance with a report from Joseph Dillon, PE, Town Engineer, dated February 20, 2013. This approval is subject to the following conditions:

1. The HydroCAD stormwater model shall be recalculated with as-built elevations to verify the 100-year water surface elevation. Should the recalculation reveal that the increased elevation requires modifications to the height of the berm surrounding the pond, the applicant shall add additional material as required by the Town Engineer. The applicant shall submit a revised as-built if such work is required.
2. The specifications for the fence and fence gates shall be included on the plan cited in Appendix A, and the plan shall be amended to show the location and dimensions of the access gates.
3. The plan title block shall be amended to also include a reference to the minor modification request for the addition of a fence, and modifications to the fire pond. The plan shall also contain a signature block for the chairman's signature.
4. A mylar and paper print of the modified plan shall be submitted within one month of this approval for filing in the Land Use Office.

The Special Permit approval with associated conditions granted to the applicant in June of 2011 shall remain in full force and effect, except as modified specifically by this approval.

The motion was seconded by Jeffrey Scala. Mr. Scala asked if this is a different engineer. Mr. Byam confirmed that it is. Mr. Scala suggested the following modification to the motion: strike the word "Hydrocad" from the 1st condition. Mr. Teller agreed to the change. Mr. Teller further amended the motion as follows: in the 4th condition 60 days will be allowed to file the mylar. Mr. Scala seconded the motion as amended and it passed (3-0-1) with Carl Preuss abstaining.

Appendix "A"

Site Plan
Application of Arbors, Turf & Gardens, LLC
for Minor Modification to Special Permit 1239 Boston Turnpike

Plan Prepared for Kevin Byam
Limited Property Improvement Location Survey
1239 Boston Turnpike, Bolton, CT
Bushnell Associates, LLC
2179 Boston Turnpike, Coventry, CT
Scale: 1" = 20', dated 2/11/13, Sheet 1 of 1

1. Approval of Minutes:
 - a. January 9, 2013 Special Meeting
Adam Teller moved to accept the January 9, 2013 Special Meeting Minutes as written. The motion was seconded by Mr. Luntta and passed (4-0).
 - b. January 16, 2013 Public Hearing
Adam Teller moved to accept the January 16, 2013 Public Hearing Minutes with the following change: date of meeting in heading to be changed from 2012 to 2013. The motion was seconded by Carl Preuss and passed (4-0).
 - c. January 16, 2013 Regular Meeting
Adam Teller moved to accept the January 16, 2013 Regular Meeting Minutes as written. The motion was seconded by Eric Luntta and passed (4-0).
2. Residents' Forum (Public Comment)
None as there were no members of the public still in attendance.
3. Report of the Zoning Enforcement Officer
Jim Rupert, ZEO gave his oral report to the Commission. Today, a vehicle drove through the front of the package store in Bolton Notch (no structural damage and nobody injured); and a transformer failed in town, affecting Center School. He is hoping that the repairs will be completed tonight so that the school can be open in the morning. There are 2 permits pending for sheds at 9 Sunset and on Tamarac Rd; and a permit for 2-family residence at 76 French Road. He mentioned a few more ongoing enforcement issues. Mr. Rupert mentioned that Mr. Clarke might be interested in purchasing Mr. Fiano's property where he could continue nonconforming use for a construction/landscaping business. He

then reported on an enforcement issue at 39 Llynwood Drive. A cease and desist order was issued at 11 Hebron Road concerning the greenhouse.

4. Old Business

- a. Application of the 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. (Hearing closed on January 16, 2013)

Mr. Pagini went over the current draft amendment, which incorporates changes that were discussed at the last meeting. A discussion ensued with more proposed changes to the amendment, namely, no reliance on a bond, and no role for the Town in completing improvements. It was agreed that the revocation of the Special Permit should be inserted. Mr. Pagini said he would work up another draft. Mr. Teller made a motion to table the application of the Commission to amend Section 15Q of the Bolton Zoning Regulations. The motion was seconded by Jeffrey Scala and passed (4-0).

- b. 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

- i. Action re: hiring of environmental consultant

Mr. Pagini reported that this is moving forward, and that it is his understanding that Joyce Stille has been seeking an estimate from George Knocklein. Mr. Luntta said he is going to make a motion to hire a consultant, to make sure this is on the record. Mr. Pagini said he isn't sure what such a motion would accomplish, and the Commission cannot hire a consultant because there is no funding for such in the budget. Carl Preuss asked why Inland Wetlands didn't require this (i.e., consulting services). Mr. Pagini and Mr. Rupert couldn't answer that, and deferred to Barbara Kelly, IWC staff. A lengthy discussion ensued on this issue.

- ii. Discussion re: abutters notices

Mr. Pagini stated that he hasn't sent out any notices yet. He is recommending a 500' radius for the notices consistent with ZBA and Commission practice for a statutory hearing. Commission members agreed. Mr. Scala made a motion to table this item 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. The motion was seconded by Adam Teller and passed (4-0).

5. Workshop

a. Route 6 Expressway parcel disposition process by ConnDOT

i. Letter from REDC to Representative Sawyer re: acquisition in connection with Route 6 Master Plan implementation

ii. Land Use Analysis of Expressway Corridor property to aid the Town in discussions with Conn DOT concerning parcel disposition

Mr. Pagini briefly reviewed a Power Point Presentation that he prepared which illustrated land use patterns, environmental features and constraints, and open space and greenway linkage opportunities, both in Bolton and in Coventry. He and Joyce Stille are recommending a joint workshop with the Board of Selectmen on this issue.

b. PZC Goals for Calendar Year 2013

Mr. Pagini said that he has provided draft Goals for the Commission for 2013, and asked that members review this before the next Regular Meeting on March 20, 2013. Mr. Luntta made a motion to table PZC Goals for Calendar Year 2013 until March 20, 2013. The motion was seconded by Adam Teller and passed unanimously (4-0).

6. Correspondence

a. Sperry's Glen

Mr. Pagini briefly reported on this issue.

b. Quarterly Newsletter of CT Federation of Planning & Zoning Agencies

c. Email from Joyce Stille re: Public Hearing on 2013-2018 Draft State C&D Plan

7. Adjournment

A motion to adjourn was made by Adam Teller and seconded by Eric Luntta. The motion passed unanimously (4-0) and the meeting was adjourned at 10:32 p.m.

Respectfully Submitted:



Karen Mills
Planning & Zoning Board Clerk