

BOLTON PLANNING & ZONING COMMISSION  
REGULAR MEETING AGENDA  
7:30 PM, WEDNESDAY, NOVEMBER 12, 2014  
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD

1. Call To Order
2. PUBLIC HEARINGS (begin at 7:30pm):
  - a. *CONTINUATION - APPLICATION*: Bolton Planning and Zoning Commission for amendments to Section 3C Water Supply For Fire Protection as follows:
    1. Complete repeal of Section 3C Water Supply For Fire Protection
    2. Suggestions for Amendments to Commercial/Industrial Uses
    3. Suggestions for Amendments to Residential Uses
3. Approval of Minutes:  
September 10, 2014 Regular Meeting Minutes & September 24, 2014 Special Meeting Minutes & October 8, 2014 Regular Meeting Minutes & October 15, 2014 Special Meeting Minutes & October 29, 2014 Special Meeting Minutes
4. Residents' Forum (Public Comment for items *NOT* on the agenda)
5. Report of the Zoning Enforcement Officer
6. Old Business
  - a. *DISCUSSION/POSSIBLE DECISION*: Bolton Planning and Zoning Commission for amendments to Section 3C Water Supply For Fire Protection as follows:
    1. Complete repeal of Section 3C Water Supply For Fire Protection
    2. Suggestions for Amendments to Commercial/Industrial Uses
    3. Suggestions for Amendments to Residential Uses
  - b. Other
7. New Business
  - a. *DISCUSSION/POSSIBLE DECISION*: 8-24 Referral – Renovate/Expand School Tennis Courts
  - b. *SUBDIVISION APPLICATION/RECEIPT*: Donohue Subdivision, 1-Lot, 65 French Road, Raymond & Rita M. Donohue
  - c. *DISCUSSION/POSSIBLE DECISION*: Schedule of 2015 Regular Meeting Dates
  - d. *DISCUSSION*: FY 2015/16 Budget
  - e. *PRELIMINARY DISCUSSION*: Planning & Zoning Regulations Regarding Drive-Thru Windows for Businesses, Mountain Top Services
  - f. Other
8. Plan Of Conservation & Development Discussion
9. Correspondence
10. Adjournment

RECEIVED

NOV 06 2014

Town Clerk of Bolton

BOLTON PLANNING & ZONING COMMISSION  
REGULAR MEETING  
7:30 PM, WEDNESDAY, SEPTEMBER 10, 2014  
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD

RECEIVED  
SEP 16 2014  
Town Clerk of Bolton

MINUTES & MOTIONS

**Members Present:** Vice-Chair Jeffrey Scala, James Cropley, Thomas Manning (arrived at 7:41 p.m.), Adam Teller, Carl Preuss, Arlene Fiano, Nancy Silverstein (Alternate), Christopher Davey (Alternate)

**Members Excused:** Chairman Eric Luntta, Neal Kerr (Alternate)

**Staff Present:** Patrice Carson, AICP, Director of Community Development, Jim Rupert, Zoning Enforcement Officer and Linda H. McDonald, Recording Secretary

**Others Present:** Eric Olivieri, Barry Ellison Jr., P. E., Fire Marshal Ray Walker Jr, Milton Hathaway, Patrick Byrne, Ling Lei, Don Meakem, and others.

1. Call to Order: Vice-Chair J. Scala called the meeting to order at 7:35 p.m.

N. Silverstein was seated for E. Luntta. C. Davey was seated for T. Manning.

3. Approval of Minutes: August 13, 2014 regular meeting minutes and August 27, 2014 special meeting minutes:

C. Preuss MOVED to APPROVE the regular meeting minutes of August 13, 2014 as written. A. Teller SECONDED. MOTION CARRIED 5:0:2 with J. Scala and C. Davey abstaining.

A. Teller MOVED to APPROVE the special meeting minutes of August 27, 2014 as written. A. Fiano SECONDED. MOTION CARRIED 4:0:3 with J. Cropley, C. Davey and J. Scala abstaining.

4. Residents' Forum (Public Comment for items not on the agenda): Ling Wei said she is having problems with the roof at commercial property she owns 890 Boston Turnpike and is trying to make the building safe and wants to install a peaked roof. She said she is not asking to expand the unit at this time but could possibly put in two additional living units in the future within the existing footprint. J. Rupert said she will need a site plan review and a design guideline review.

Don Meakem, contractor for the proposed project, presented an existing approved site plan to help explain what would be done to the building to accept the new roof.

J. Rupert and P. Carson said they will meet with L. Wei to put together a design guideline application to be presented to the Board.

J. Scala MOVED to suspend the regular meeting at 8:00 p.m. J. Cropley SECONDED. MOTION CARRIED 7:0:0.

2. Public Hearing for Re-subdivision application for Bakerfeld Subdivision, 4 lots, 160 Hebron Road, EOJ Properties LLC:

J. Scala read the public hearing notice which was published in the Hartford Courant on 8/29/14 and 9/5/14 into the record.

Barry Ellison Jr., P. E., representing the applicant Eric Olivieri, said he was here in July to get informal feedback from the Commission and stated that the subdivision hasn't changed from what was shown in July. He presented an overview of the property, that it is a 6.6 acre parcel located at 160 Hebron Road with an existing three bedroom ranch house in the corner of School and Hebron Roads. On the east side of the property there is an unnamed brook which is a tributary to Baker Brook. Most of the lot is a former agricultural field now sparsely vegetated. Associated with the brook is a wetlands, flagged by John Ianni, and a stand of trees in that vicinity and a thin patch of trees on the south side of the property.

B. Ellison described the proposed development. He stated it is a R1 Zone and the development calls for three new lots with the existing house to remain. Parcel sizes range from .93 to 2.58 acres. All three additional lots will be frontage lots and their driveways will extend to an existing town road, one on School Road and two on Hebron Road. All lots be served by on-site septic and wells. B. Ellison stated there is a conceptual erosion and sedimentation control plan which will be handled at the time of the individual plot plan. The overall drainage from the site is that it currently drains northwest to southeast. He said those patterns will generally remain in the post-development phase as there are no significant cuts or fills associated with the property development. The net run-off would decrease because of the changes in land use. The water quality is expected to be better to the receiving wetland so long as best management practices are followed by the potential property owners. The proposed subdivision has approval from the Town Sanitarian on the septic. The three new houses would be sprinklered having approval from the Fire Marshal by email. Lot four would be an irregular lot because it won't meet the 200 foot frontage along Hebron Road but does meet the lot width requirement of 160 feet at the front building line.

An appraisal of the property was done by Robert Morra and came in at \$145,000. B. Ellison said the property is not contiguous to any other open space and is not a good candidate for open space dedication. The applicant is prepared to discuss fee-in-lieu-of.

B. Ellison said the proposed project went before the Wetlands Commission in August and they deemed the project did not require a public hearing as there was only 3,100 square feet of upland review area disturbance associated with lot 2. A wetlands site walk of the property was done on 9/9/14. He said the Wetlands Commission sees value in protecting the wetlands to the east, specifically the brook. The Wetlands Commission discussed putting in a conservation easement along the wood line the size of about 2/3 of an acre, exactly 10 percent of the total area of the parcel. B. Ellison said his client is willing to do that.

B. Ellison said the applicant is asking the PZC for relief from the 10 percent fee-in-lieu of for the applicant putting in a conservation easement area to protect the area around the brook on the property. Discussion followed on enforcement issues for this type of conservation easement.

Discussion followed on possible reduction of the fee-in-lieu. The Bolton Land Trust or the town would have to be asked to hold ownership of the conservation easement area in order for the easement to be policed.

P. Carson accepted the affidavit for the sign posting and the appraisal of the property from the engineer. She stated that the town has received the statutory abutter notice certified mail receipts, the reports from the Town Sanitarian, Town Engineer and Highland Soils LLC. The PZC has also received her report on the proposal. The wetlands report will not be available until after the IWWC September 23, 2014 meeting.

P. Carson said that rain gardens are included on the plan and gave reasons why she would recommend not using the rain gardens with this proposal.

Patrick Byrne of 10 Lori Road and abutter to the property said that from March through June his back lawn has a significant amount of water and cannot be mowed and his concern is that development of this property would cause additional water to drain onto his property. He also had concern with enforcement of the proposed conservation easement area if trees are already cut down. B. Ellison responded that the drainage study states that the amount of water flow would not increase.

A draft easement would have to be submitted for review by the Town Attorney if the Bolton Land Trust or town took ownership of the conservation easement.

Consensus of the Board is to give the applicant a reduction in the fee-in-lieu if the Bolton Land Trust or the Town took ownership of the conservation easement area.

A. Teller MOVED to CONTINUE the public hearing for the re-subdivision application for the Bakerfeld Subdivision, 4 lots, 160 Hebron Road, EOJ Properties LLC to Wednesday, September 24, 2014 at 7:45 p.m. at the Bolton Town Hall, 222 Bolton Center Road, Bolton, CT. J. Copley SECONDED.

A. Teller amended the motion to continue the public hearing to Wednesday, September 24, 2014 at 7:30 p.m. J. Copley SECONDED the amended motion. MOTION CARRIED 7:0:0.

The regular meeting was resumed at 8:52 p.m.

5. Report of the Zoning Officer: J. Rupert provided a written report of and reported on his activities to the Board which included the administrative permits received since 7/10/14 and enforcement activities regarding a notice of violation at 365 West Street, soil disturbance placement of fill at 17 Laurwood, signage at Subway, signage violations at 1135 Boston Turnpike, and creating a new signage package for England Hardware.
6. Old Business
  - a. Review/Discussion: Re-subdivision application for Bakerfeld Subdivision, 4 lots, 160 Hebron Road, EOJ Properties LLC: There was no discussion on this item as the public hearing has been continued to September 24, 2014.

- b. Review/Discussion: Summary Report of Fire Protection Regulations Advisory Committee: P. Carson distributed the final drafts of the commercial and residential regulations proposed to go public hearing to the Board. Discussion followed on changing the venue for the public hearing scheduled for October 8, 2014.  
  
A. Teller MOVED to direct staff to find an appropriately sized room for the public hearing on the proposed Fire Protection Regulations amendments and to change the location of the October 8, 2014 Planning and Zoning Commission to that room. J. Scala SECONDED. MOTION CARRIED 7:0:0.  
  
P. Carson reported that the overall cost to install a 15,000 gallon fiberglass cistern is in the range of \$40,000.00 to \$45,000.00. Discussion followed.
- c. Other
- 7. New Business
  - a. Other
- 8. Plan of Conservation and Development: P. Carson reported the RFP is being reviewed. C. Davey said he has concern that the survey results do not reflect an accurate age group composition of the town's residents. P. Carson said the survey cannot control for demographics. Discussion followed.
- 9. Correspondence: P. Carson commented on correspondence received from Cudder & Feder regarding a proposed cell tower in Hebron.
- 10. Adjournment: J. Cropley MOVED to ADJOURN the meeting at 9:25 p.m. T. Manning SECONDED. MOTION CARRIED 7:0:0.

Respectfully submitted by Linda H. McDonald



Please see the minutes of subsequent meetings for the approval of these minutes and any corrections hereto.

**BOLTON PLANNING & ZONING COMMISSION  
SPECIAL MEETING  
7:30 PM, WEDNESDAY, SEPTEMBER 24, 2014  
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD**

**RECEIVED  
SEP 29 2014  
Town Clerk of Bolton**

**MINUTES & MOTIONS**

**Members Present:** Chairman Eric Luntta, Vice-Chair Jeffrey Scala, James Cropley (arrived 7:37 p.m.), Thomas Manning, Adam Teller, Carl Preuss, Arlene Fiano, Nancy Silverstein (Alternate), Neal Kerr (Alternate)

**Members Excused:** Christopher Davey (Alternate)

**Staff Present:** Linda H. McDonald, Recording Secretary

**Others Present:** Barry Ellison Jr., P. E.

1. Call to Order: Chair E. Luntta called the meeting to order at 7:30 p.m.

N. Silverstein was seated for J. Cropley.

E. Luntta stated for the record that he listened to the tape from the September 10<sup>th</sup> meeting.

The regular meeting was suspended at 7:30 p.m.

2. Continuation of Public Hearing for Re-subdivision application for Bakerfeld Subdivision, 4 lots, 160 Hebron Road, EOJ Properties LLC:

The Commission continued this public hearing from September 10, 2014 in order to receive a report from the Wetlands Commission and approval from either the Bolton Board of Selectmen or the Bolton Land Trust regarding either entity's willingness to hold an easement on the Bakerfeld Re-subdivision property.

Barry Ellison Jr. P.E. with Alliance Engineering, representing EOJ Properties LLC, said the applicant got conditional approval from the Wetlands Commission on September 23, 2014, the condition being to attempt to get the Town of Bolton to accept the conservation easement. He read into the public hearing record the following email he received from Administrative Officer Joyce Stille: "When request was initially made, the request for the town to accept, it was already after the Selectmen's meeting. We will not be able to meet until after the PZC. It is on a sub-committee agenda for September 26."

B. Ellison said, at this time, there is no resolution regarding the conservation easement. The Board encouraged B. Ellison to contact the Bolton Land Trust directly to see if they would be interested in holding the conservation easement.

Some members of the Commission said, for the record, that they are members of the Bolton Land Trust.

A. Teller MOVED to CONTINUE the public hearing for the re-subdivision application for the Bakerfeld Subdivision, 4 lots, 160 Hebron Road, EOJ Properties LLC to Wednesday, October 15, 2014 at 7:45 p.m. at the Bolton Town Hall, 222 Bolton Center Road, Bolton, CT. E. Luntta SECONDED. MOTION CARRIED 7:0:0.

The regular meeting resumed at 7:40 p.m.

3. Old Business

- a. Review/Discussion: Re-subdivision application for Bakerfeld Subdivision, 4 lots, 160 Hebron Road, EOJ Properties LLC: J. Scala MOVED to TABLE discussion on this item. T. Manning SECONDED. MOTION CARRIED 7:0:0.
- b. Review/Discussion: Summary Report of Fire Protection Regulations Advisory Committee: The Board reviewed the corrected draft with comments from the 140910 PZC meeting. Discussion followed on how this draft will be presented to the public at the public hearing on October 8, 2014.

4. Correspondence: No correspondence.

5. Adjournment: J. Scala MOVED to ADJOURN the meeting at 7:45 p.m. J. Cropley SECONDED. MOTION CARRIED 7:0:0.

Respectfully submitted by Linda H. McDonald



Please see the minutes of subsequent meetings for the approval of these minutes and any corrections hereto.

BOLTON PLANNING & ZONING COMMISSION  
REGULAR MEETING  
7:00 PM, WEDNESDAY, OCTOBER 8, 2014  
BOLTON HIGH SCHOOL COMMONS, 72 BRANDY STREET

RECEIVED  
OCT 14 2014  
Town Clerk of Bolton

MINUTES & MOTIONS

**Members Present:** Chairman Eric Luntta, Vice-Chair Jeffrey Scala (arrived 7:21 p.m.), James Cropley, Thomas Manning, Adam Teller, Carl Preuss, Nancy Silverstein (Alternate), Neal Kerr (Alternate), Christopher Davey (Alternate)

**Members Excused:** Arlene Fiano

**Staff Present:** Patrice Carson, AICP, Director of Community Development, Jim Rupert, Zoning Enforcement Officer and Linda H. McDonald, Recording Secretary

**Others Present:** First Selectman Robert Morra, Fire Marshal Ray Walker Jr, Milton Hathaway, James Bruner, Richard Hayes, Jim Aldrich, Gary Bergeron, Steve Rockefeller, Matthew Giuffre, Kevin Vine, Mark Piechowicz, Robert Munroe, Selectman Sandra Pierog, Morris Silverstein, Ron Rousseau, Deputy Fire Chief Peter Morra, Jim Florence, Ron Picard, Bob Fournre and others

1. Call to Order: Chair E. Luntta called the meeting to order at 7:05 p.m.

P. Carson read the legal notice into the record that was printed in the Hartford Courant on September 26, 2014 and October 3, 2014.

N. Kerr was seated for A. Fiano and C. Davey was seated for J. Scala.

The regular meeting was suspended at 7:08 p.m.

2. Public Hearing: Bolton Planning and Zoning Commission for amendments to Section 3C: Water Supply for Fire Protection as follows:

1. Complete repeal of Section 3C: Water Supply for Fire Protection
2. Suggestions for Amendments to Commercial/Industrial Uses
3. Suggestions for Amendments to Residential Uses

E. Luntta explained to the audience the procedures for the public hearing process tonight. He said this public hearing is for the public to be able to provide information to the Board.

A. Teller said for the record that the Commission should have for the public hearing a record including a copy of entire report of the Fire Protection Regulations Advisory Committee, the Executive Summary of the report, the minority report and the letter from the Board of Selectmen.

Several people spoke against the regulation and a few spoke in favor during the public hearing. (Entire comments are made available at the Bolton Town Hall.)

Ron Rousseau and Robert Morra asked that the Commission keep the public hearing open.

P. Carson listed the following documents in record for Section 3C Water Supply for Fire Protection:

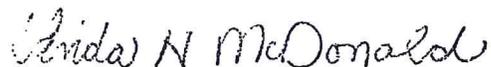
- October 8, 2014: Letter from Bolton EDC, RE: Fire Protection Regulations
- October 7, 2014: Report on Zoning Referral from CRCOG
- October 6, 2014: Email from Richard Treat 8 Lyman Road, Subject: Cisterns (read into the record)
- October 3, 2014: Letter from William H. Anderson 77 French Road (read into the record)
- October 2, 2014: Email from Lynne Pike DiSanto (CRCOG), RE: Zoning Referral Report
- 09/18-09/25/14: Summary from CRCOG, RE: Zoning, Subdivision and POCD Referrals
- September 23, 2014: Copies of Certified Referral letters to Bolton's/Surrounding Town Clerks
- September 23, 2014: Email from Tess Lanni Verifying proof for/copy of Public Hearing Notice
- August 28, 2014: Application to Amend Bolton Zoning Regulations with 3 Amendments
- August 13, 2014: Letter from Robert R. Morra, RE: Recommendation of PZC Action (read into the record)
- August 8, 2014: Memo from Patrice L. Carson, RE: Explanation of Section 3C (read into the record)
- August 6, 2014: JI Article – Bolton Board of Selectmen Wants Action on Fire Regulations
- June 30, 2014: Email from Bolton Fire Department, Subject: Water Supply Calculations
- June 11, 2014: Minority Report of James Aldrich
- May 12, 2014: Letter from Eric Olivieri, RE: Amendment to Section 11.17 Fire Protection (read into the record)
- April 14, 2014: Letter from Bolton EDC, RE: Fire Protection Regulations (read into the record)
- March 18, 2014 (Rev April 1, 2014): Executive Summary and Full Report of Bolton FPRAC

Board discussion followed on easements for cisterns.

A. Teller MOVED to CONTINUE the public hearing for the application of the Bolton Planning and Zoning Commission for amendments to Section 3C: Water Supply for Fire Protection to Wednesday, November 12, 2014 at 7:30 p.m. at the Bolton Town Hall, 222 Bolton Center Road, Bolton, CT. J. Cropley SECONDED. MOTION CARRIED 7:0:0.

The regular meeting resumed at 10:22 p.m.

3. Correspondence: There was no correspondence.
4. Adjournment: J. Scala MOVED to ADJOURN the meeting at 10:22 p.m. J. Cropley SECONDED. MOTION CARRIED 7:0:0.



Respectfully submitted by Linda H. McDonald

Please see the minutes of subsequent meetings for the approval of these minutes and any corrections hereto.

RECEIVED

OCT 17 2014

Town Clerk of Bolton

BOLTON PLANNING & ZONING COMMISSION  
SPECIAL MEETING  
7:30 PM, WEDNESDAY, OCTOBER 15, 2014  
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD

MINUTES & MOTIONS

**Members Present:** Chairman Eric Luntta, James Copley, Thomas Manning, Adam Teller, Carl Preuss, Arlene Fiano

**Members Excused:** Vice-Chair Jeffrey Scala, Nancy Silverstein (Alternate), Neal Kerr (Alternate), and Christopher Davey (Alternate)

**Staff Present:** Jim Rupert, Zoning Enforcement Officer and Linda H. McDonald, Recording Secretary

**Others Present:** Barry Ellison Jr., P. E., Eric Olivieri and Robert Munroe (left the meeting at 7:40 p.m.)

1. Call to Order: Chairman E. Luntta called the meeting to order at 7:35 p.m. There was a quorum.

The special meeting was suspended at 7:45 p.m.

2. Continuation of Public Hearing for Re-subdivision application for Bakerfeld Subdivision, 4 lots, 160 Hebron Road, EOJ Properties LLC:

E. Luntta stated that he listened to the audio of the prior meeting.

Barry Ellison Jr., Professional Engineer with Alliance Engineering, spoke on behalf of the applicant. He said the Town of Bolton has agreed to take the conservation easement on the property. He addressed the concerns and comments of the Board at the prior public hearing meeting and asked that the fee in lieu of open space be reduced 50% to \$7,250.00 in consideration of the giving of the conservation easement.

J. Rupert stated he concurred with the comments of B. Ellison.

E. Luntta read into the record email correspondence from Administrative Officer Joyce Stille to Patrice Carson regarding "Approval of Town taking Conservation Easement".

A. Teller said the Commission does not have a copy of the conservation easement document for review by the Town Attorney as required as part of the application. A. Teller commented that there is a drainage pipe under the driveway partly in the town right-of-way which is considered a public improvement and a bond should be set by the Commission.

J. Rupert said there is another mechanism for the applicant to obtain a permit for the drainage pipe when the driveway is constructed with a bond estimated at that time and posted by the applicant.

B. Ellison proposed, as a condition of approval, that the applicant would do the removal and plugging of the pipes and the existing curtain drain and construction of the drainage swales before any lots are sold.

A. Teller proposed a condition of approval that the curtain drain plug could be done before any lots are sold and inspected by the Town Engineer.

A. Teller proposed a condition of approval that the School Road right-of-way along lot 2 be subject to the posting of a performance bond of \$1,500.00 at the time a building permit is issued for lot 2.

A. Teller read into the record the following list of documents in record for the EOJ Properties LLC's 4-Lot Re-Subdivision Application (Bakerfeld Subdivision)/160 Hebron Rd:

- October 13, 2014: Review Letter from Joseph M. Dillon, PE: Approval, No Conditions
- September 29, 2014: Email from Joyce Stille: Approval of Town taking Conservation Easement
- September 23, 2014: Review Letter from Joseph M. Dillon, PE to Inland Wetlands Commission
- September 23, 2014: Inland Wetlands Permit #2014-8 with 4 Conditions
- September 23, 2014: Memo from Patrice Carson, AICP: Public Hearing Explanation
- September 5, 2014: Receipt of \$850 Engineering Fee
- September 8, 2014: Review Letter from Patrice L. Carson, AICP
- September 8, 2014: Appraisal of Real Property for 160 Hebron Road
- September 3, 2014: Public Hearing Sign Notice Affidavit
- September 2, 2014: Letter from Joseph M. Dillon, PE: Original Review Letter
- September 2, 2014: Engineering Review Fee Estimation
- August 29, 2014: Certified Mail Receipts
- August 22, 2014: Public Hearing Legal Notice
- August 8, 2014: Email Between Barry Ellison-Holly Hood RE: Septic Standards
- August 7, 2014: Review Memo from Holly Hood, RS
- August 6, 2014: Email from Ray Walker RE: House Numbers & Sprinklers
- August 5, 2014: Letter from John P. Ianni, MS RE: Wetlands Mapping
- August 7, 2014: Re-Subdivision Application #PL-14-2
- August 2, 2014: Subdivision Plans, Revised through 10-1-14, 6 pages including Title Page; Boundary, Topography & Existing Features; Proposed Lot Layout; Site Development Plan; E&S Control and Landscaping Plan; Soil Data; Drainage Report
- The bonding estimates on the subdivision site plan (not dated)

A. Teller MOVED to CLOSE the public hearing for the re-subdivision application for the Bakerfeld Subdivision, 4 lots, 160 Hebron Road, EOJ Properties LLC. J. Cropley SECONDED. MOTION CARRIED 6:0:0.

The special meeting resumed at 8:25 p.m.

3. Old Business

- a. Review/Discussion: Re-subdivision application for Bakerfeld Subdivision, 4 lots, 160 Hebron Road, EOJ Properties LLC:

Board discussion followed on reducing the fee-in-lieu of open space, applying it to three or four lots, and the taking of the conservation easement by the Town of Bolton.

A. Teller MOVED to APPROVE EOJ Properties LLC's 4-lot re-subdivision, application #PL-14-2, in accordance with the plans known as "Bakerfeld Re-Subdivision Prepared For EOJ Properties, LLC", dated: August 2, 2014 & 07/06/14, revised: through 10-1-14, 6 sheets, conditioned and subject to the following conditions:

1. To meet Subdivision Regulation Section 4 - Open Space, the Planning and Zoning Commission accepts the tender of the Conservation Easement of 0.71 acres as shown on said plans and a payment of a \$7,250.00 fee in lieu of open space which payment shall be divided \$1,812.50 per lot and each installment of which shall be required to be paid to the Town of Bolton upon the sale or transfer of such lot. The open space fee per lot of \$1,812.50 shall be either stated in the deed for each lot or recorded as a lien against each lot.

The boundaries of the easement as shown on the plan shall be marked by Town-provided medallions in accordance with Town Staff recommendations for placement.

The easement documents shall be in a form acceptable to the Town Attorney and shall be recorded prior to the sale of any lot.

2. All other deeds and easements regarding this property including, but not limited to drainage easements and road frontage conveyances shall be in a form acceptable to the Town Attorney and recorded prior to the sale of any lot.

3. The re-subdivision approval letter shall be placed on the mylars to be recorded in the Office of the Town Clerk.

4. This approval is subject to compliance with any comments or requirements of the Health District and the Town Engineer.

5. All appropriate seals and signatures of the design professionals for this plan shall be on the plans before the mylars are recorded.

6. The curtain drain abandonment and the plugs on lots 2, 3, and 4 shall be completed and inspected by the Town Engineer before the sale of any of those lots.

7. The replacement of the pipe on School Road right-of-way on the lot 2 all be subject to the posting of a performance bond of \$1,500.00 prior to the issuance of a building permit for lot 2.

The Planning and Zoning Commission finds under Zoning Regulation Section 11F. Irregular Lots that lot 4 meets the intent of that regulation and is acceptable based upon dimensions being within the rules that may be applied under that Section.

The Planning and Zoning Commission further finds that with these conditions the plan meets the requirements of the Subdivision Regulations of the Town of Bolton.

J. Cropley SECONDED. MOTION CARRIED 6:0:0.

4. Correspondence: Discussion followed on correspondence from the Board of Selectmen Public Safety and Facilities sub-committee regarding the approval of the Town taking the conservation easement for the Bakerfeld Re-Subdivision.
5. Adjournment: J. Cropley MOVED to ADJOURN the meeting at 8:47 p.m. A. Teller SECONDED. MOTION CARRIED 6:0:0.

Respectfully submitted by Linda H. McDonald

Please see the minutes of subsequent meetings for the approval of these minutes and any corrections hereto.

RECEIVED

OCT 31 2014

Town Clerk of Bolton

BOLTON PLANNING & ZONING COMMISSION  
SPECIAL MEETING  
7:30 PM, WEDNESDAY, October 29, 2014  
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD

MINUTES (Unapproved) & MOTIONS

**Members Present:** Chairman Eric Luntta, Thomas Manning, Adam Teller, Carl Preuss, James Cropley, Arlene Fiano, Jeffrey Scala, Nancy Silverstein (Alternate)

**Members Excused:** Neal Kerr (Alternate) , Christopher Davey (Alternate)

**Staff Present:** Patrice Carson, AICP, Director of Community Development

**Others Present:** none

1. **Call to Order:** Chairman E. Luntta called the meeting to order at 7:30 p.m.

There was a full board in attendance so no alternates were seated.

2. **Discussion/Recommendation to Board of Selectmen: POCD Consultant:**

Chairman Luntta reviewed the process of interviewing the consultants who submitted RFPs to update the Town's POCD. The Interview Committee consisted of Chairman Luntta, Thomas Manning, Joyce Stille, Robert Morra, and Patrice Carson. For him it was a clear choice.

Thomas Manning echoed Chairman Luntta's opinion and felt that it was a clear choice for him based on who best answered the RFP.

J. Scala MOVED to recommend Planimetrics to the Board of Selectmen as the consulting firm to prepare the update to the POCD. There was some discussion as to the amount of firms that replied to the RFP even though the RFP was widely distributed/advertised. J. Cropley SECONDED. MOTION CARRIED 7:0:0.

3. **Adjournment:** A. Teller MOVED to ADJOURN the meeting at 7:50 p.m. J. Scala SECONDED. MOTION CARRIED 7:0:0.

Respectfully submitted by Patrice Carson

Please see the minutes of subsequent meetings for the approval of these minutes and any corrections hereto.





# Town of Bolton

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222 BOLTON CENTER ROAD • BOLTON, CT 06043

BOARD OF SELECTMEN  
(860) 649-8066  
FAX (860) 643-0021

November 4, 2014

Eric Luntta, Chair  
Planning and Zoning Commission  
222 Bolton Center Road  
Bolton, CT 06043

RE: Bolton High School Tennis Courts

Dear Eric:

As discussed with the Planning and Zoning Commission, the Board of Selectmen is reviewing several projects including the tennis courts at Bolton High School. The plan has gone through various revisions as we strive to meet the needs of the school and community. Currently, the Selectmen have approved a Small Town Economic Assistance Program grant application for the high school tennis courts. At its October 28, 2014 meeting, the Board of Selectmen Facilities and Public Safety unanimously supported referring the Bolton High School Tennis Courts Addition and Renovation Project to the Planning and Zoning Commission as required under C.G.S. 8-24. On behalf of the Board of Selectmen, I will attend your meeting to review the project. The proposed plan and cost estimate is attached for your review.

Please do not hesitate to contact me if you require additional information or have any questions. Your consideration in this matter is appreciated.

Respectfully,

Joyce M. Stille  
Administrative Officer

Attachment

Cc: Patrice Carson, Director of Community Development  
Jim Rupert, Building Official/Zoning Enforcement Officer

NATHAN L. JACOBSON & ASSOCIATES, INC.  
 Consulting Engineers  
 Chester, Connecticut

CONCEPTUAL OPINION OF PROBABLE CONSTRUCTION COSTS  
 FIVE TENNIS COURTS

Project: Bolton High School Recreational Fields  
 Bolton, Connecticut

Done by: MDC  
 Date: 10/7/2014  
 Revised: 11/3/2014

Project No.: 0963-0028

Item No.	Item	Unit Cost	Unit	Quantity	Total
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GENERAL SITE ITEMS

1	Strip & Stockpile Topsoil	\$0.48	S.Y.	2,050	\$984.00
2	Spread Stockpiled Topsoil to 6"	\$1.07	S.Y.	2,050	\$2,193.50
3	Hydroseed (Fertilizer & Mulch)	\$0.52	S.Y.	2,050	\$1,066.00
4	Softball Field Modifications	\$17,775.00	L.S.	1	\$17,775.00

SITE ITEMS: \$22,018.50

SAY: \$22,000.00

FIVE TENNIS COURTS

1	Surfacing	\$65.50	S.Y.	4,000	\$262,000.00
2	Net Posts	\$1,350.00	PAIR	5	\$6,750.00
3	Nets	\$298.00	EACH	5	\$1,490.00
4	10' High Chain Link	\$37.50	L.F.	840	\$31,500.00
5	4' Wide Gate	\$640.00	EACH	5	\$3,200.00
6	Court Paint Markings	\$425.00	COURT	5	\$2,125.00
7	Lighting	\$10,000.00	COURT	5	\$50,000.00

TENNIS COURTS: \$357,065.00

SAY: \$357,100.00

GENERAL SITE ITEMS: \$22,000.00

TENNIS COURTS: \$357,100.00

Subtotal: \$379,100.00

Engineering 7.5%: \$28,433.00

Inflation 1.5%: \$5,687.00

Contingency 10%: \$37,910.00

Subtotal: \$451,130.00

SAY: \$451,000.00

NOTES:

- Unit prices are generally from the NLJA Bond Master dated 2014 and RSMeans 2014 publication(s).
- This conceptual opinion of probable construction costs is being provided at the conceptual design stage of this project. These costs are therefore based on engineering judgement based on information from our files on similar projects, adjusted as believed necessary at this time to reflect the construction conditions expected to be encountered. These costs should be interpreted as indicating the order of magnitude of anticipated costs. Actual costs will be determined as a result of open competitive bidding by qualified contractors after construction contract documents for the project are advertised for bids. Within these qualifications, we believe the conceptual design opinion of probable construction costs provides a reasonable basis for evaluating the project budget.



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D  
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A

330' x 180'  
PRACTICE  
FIELD

SOFTBALL  
FIELD

TENNIS

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

Date: November 13, 2014  
To: Elizabeth Waters, Town Clerk  
From: Planning & Zoning Commission

Subject: **REGULAR PLANNING & ZONING COMMISSION MEETING DATES FOR 2015**

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The following are the regular meeting dates scheduled for the Planning & Zoning Commission in 2015 which fall on the second Wednesday of every month:

January 14

February 11

March 11

April 8

May 13

June 10

July 8

August 12

September 9

October 14

November ? – 2<sup>nd</sup> Wednesday is November 11 which is Veteran's Day and Town Hall is closed

December 9

Special meetings are scheduled as necessary and notified by posting an agenda at the Town Hall.

All meetings begin at 7:30pm in the Town Hall Meeting Room unless otherwise notified and agendas are posted 24 hours prior to the meeting.

Date: November 6, 2014  
To: Planning & Zoning Commission  
From: Patrice L. Carson

Subject: **REGULAR PZC MEETING DATES AND POSSIBLE SPECIAL MEETING DATES FOR 2015**

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The following are the **regular meeting dates (bold)** scheduled for the Planning & Zoning Commission in 2015 which you will be reviewing for adoption on November 12, 2014. The regular meeting dates fall on the 2<sup>nd</sup> Wednesday of every month.

*Possible Special Meeting dates (italic)* are shown under the regular meeting date which the PZC can decide to schedule at their regular meetings, as discussed. It is likely we will use all of the *Special Meeting dates* exclusively for POCD work. *Possible Special Meeting dates* are NOT filed with the Town Clerk but are added to the meeting room calendar to reserve the meeting space.

**January 14**  
*possible special 28*

**February 11**  
*possible special 25*

**March 11**  
*possible special 25*

**April 8**  
*possible special 22*

**May 13**  
*possible special 27*

**June 10**  
*possible special 24*

**July 8**  
*possible special 22*

**August 12**  
*possible special 26*

**September 9**  
*possible special 23*

**October 14**  
*possible special 28*

**November ?**  
*possible special ?*

**December 9**  
*possible special ?*

All meetings begin at 7:30pm in the Town Hall Meeting Room unless otherwise notified and agendas are posted 24 hours prior to the meeting.

**CONNECTICUT FEDERATION OF  
PLANNING AND ZONING AGENCIES  
QUARTERLY NEWSLETTER**

Fall 2014

Volume XVIII, Issue 4

DIFFICULTY SELLING LOT IS NOT  
AN UNUSUAL HARDSHIP

An owner of a parcel of commercially zoned land sought a variance to permit him to use the property as a used car lot. The property was located within a design district which allowed certain office and research uses but did not allow used car lots. The only evidence presented on the issue of unusual hardship was a report from a realtor which stated that due to the restrictions placed upon the lot by the zoning designation, the property was undervalued and at a significant disadvantage as compared to other comparable properties. The property was in an undeveloped state and the owner claimed he was having difficulty selling it. The Board granted the variance, upon which an appeal to court followed.

The State Appellate Court found that the Board's decision was in error. In doing so, the court reaffirmed long standing principles as to when limits placed upon the use of a parcel of property by the zoning regulations amounts to practical confiscation and a finding of unusual hardship. It is not enough to show a diminution in value or frustration in development or investment plans. Instead, it must be shown that the zoning classification of the property destroys its value and renders it unusable for any of the uses permitted. *See Caruso v. ZBA, 150 Conn. App. 831 (2014).*

COMMISSION WITHOUT  
AUTHORITY TO ALTER CLEAR  
REQUIREMENT IN REGULATIONS

Where the zoning regulations did not permit parking within a front yard, it was improper for a planning and zoning commission to approve a special permit for a church where the parking lot would be located in a space between the front of the building and the street. The commission had argued that since the parking lot would be outside of the front yard setback and another section of the regulations permitted up to 10% of the required parking to be located in a front yard, it was within the commission's authority to approve this front yard parking scheme.

The State Appellate Court disagreed, requiring the commission to apply its regulations as written, especially where the terms are not ambiguous and no history of how the commission applied this regulation was made part of the record. *See Michos v. PZC, 151 Conn. App. 539 (2014).*

NONCONFORMING STATUS OF  
UNDEVELOPED LOTS

A Superior Court decision stated that Section 8-2 of the Connecticut General Statutes only protects an undeveloped lot from subsequent zone changes if it is dedicated to a particular use. The case concerned the owner of a vacant commercially zoned parcel of land that did not conform to the required

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applicant failed to dedicate any open space as part of the application. During the public hearing, the issue of open space or a fee in lieu of open space was not discussed. At a subsequent meeting after the close of the public hearing, the commission was presented a written opinion by the town planner. Part of her opinion addressed the lack of open space and stated that the application could be denied for that reason. The commission agreed, denying the application.

While the subdivision regulations did support this reason for denial, these regulations also provided that the commission could waive the requirement. Thus, it was not unreasonable for an applicant to not offer open space as part of its application, instead waiting for the Commission to make a request. The fatal flaw to the commission's decision was that this issue was only raised after the close of the hearing, with the commission considering *ex parte* evidence presented during its meeting to consider the application. This was a violation of the applicant's due process rights and entitled her to a new hearing. *See Ruscio v. PZC, 58 Conn. L. Rptr. 414 (2014).*

U.S. SUPREME COURT OKs  
PRAYER AT TOWN MEETINGS

A municipality typically opened its council and commission meetings with a short prayer led by an invited minister or other religious leader.

Complaints were lodged by certain attendees of these public meetings, stating that they violated the separation of church and state. When the town refused to end the prayers at public meetings, the issue wound up before the nation's highest court.

What amounted to a historical journey, the Court found that since this country was founded, prayer has often been part of government. For example, Congress opens its sessions with a prayer. So long as the prayer is non-judgmental and all faiths are provided an opportunity to take part, prayer can be part of a government meeting or assembly. *See Town of Greece New York v. Gallow, No. 12-696 (5/5/14).*

ANNOUNCEMENTS

**Workshops**

If your land use agency recently had an influx of new members or could use a refresher course in land use law, contact us to arrange for a workshop. At the price of \$175.00 per session for each agency attending, it is an affordable way for your commission or board to keep informed.

ABOUT THE EDITOR

*Steven Byrne is an attorney with an office in Farmington, Connecticut. A principle in the firm of Byrne & Byrne LLC, he maintains a strong focus in the area of land use law and is available for consultation and representation in all land use matters both at the administrative and court levels.*

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lot size requirement. The lot predated zoning. The owner, when applying for a special permit to develop the property, stated that the lot was nonconforming as to its size. When he was denied his permit, he appealed the decision to superior court.

Relying on the Appellate Court case entitled Johnson v. Zoning Board of Appeals, 35 Conn. App. 820 (1994), the court ruled that undeveloped lots that do not conform to the zoning regulations are not afforded any protection by section 8-2. The exception is where the lot has been committed to a particular use. Whether it has or hasn't is an item the owner needs to prove, such as where a lot is part of a residential subdivision and thus committed to an approved future single family use. The court did state that municipal zoning regulations can provide protection to undeveloped nonconforming lots. See *Summit Street Development LLC v. PZC*, 57 Conn. L. Rptr. 563 (2014).

WETLANDS COMMISSION HAS  
SOLE AUTHORITY TO DETERMINE  
WHETHER USE EXEMPT

A purchaser of a large parcel of property commenced grading activities as well as the construction of a barn and horse riding area. While a building permit had been issued for the barn, no permits had been sought or obtained for the other activities. The wetlands enforcement officer became aware of these activities and sent a cease and

desist order to the property owner. After the show cause hearing was held and the order upheld, the owner contacted the commission claiming her activities were exempt from wetlands regulations because she was conducting farming activities. She was instructed to appear before the commission and request a decision as to this issue. When she failed to do so, an enforcement action, seeking an injunction, was brought to court by the Commission. In her defense, the property owner brought a counter-action claiming that her activities were exempt from the jurisdiction of the commission.

The court struck down her counter action because she had failed to resolve the issue of jurisdiction with the commission. The determination of whether an activity is exempt is, in the first instance, to be determined by the commission. Thus, while her activities may very well have been exempt farming activities, she still needed to apply to the commission for this determination. Her failure to do so meant she conceded to the commission's jurisdiction. This allowed the commission's enforcement action to proceed to a successful conclusion. See *Yorgensen v. Chapdelaine*, 150 Conn. App. 1 (2014).

TOWN PLANNER REPORT FOUND  
TO BE EX PARTE EVIDENCE

An application for a one lot subdivision was denied because the

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**BOOK ORDER FORM**

Name of Agency: \_\_\_\_\_

Person Making Order: \_\_\_\_\_

Address: \_\_\_\_\_

Purchase Order No.: \_\_\_\_\_

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