

BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING AGENDA
7:30 PM, WEDNESDAY, NOVEMBER 18, 2015
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD

1. Call To Order
2. Approval of Minutes:
October 14, 2015 Regular Meeting Minutes October 21, 2015 Special Meeting Minutes
October 28, 2015 Special Meeting Minutes
3. PUBLIC HEARINGS (begin at 7:45pm)
 - a. CONTINUATION: *APPLICATION*: Zoning Regulation Amendments to allow Drive-thru Regulations on a case-by-case basis, Ted & Joyce Moran
4. Residents' Forum (Public Comment for items *NOT* on the agenda)
5. Old Business
 - a. *DISCUSSION/POSSIBLE DECISION*: Application for Zoning Regulation Amendments to allow Drive-thru Regulations on a case-by-case basis, Ted & Joyce Moran
 - b. Other
6. New Business
 - a. *APPLICATION*: Zoning Regulation Amendments to eliminate 1,500-foot separation distance between lots containing any type of multiple dwelling complex, Joel Mrosek
 - b. Release of Bond for Tree Planting, High Ridge Farm
 - c. Election of Officers
 - d. *DISCUSSION*: FY 2016/17 Budget
 - e. Other
7. Correspondence
8. Adjournment

BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING
7:30 PM, Wednesday, October 14, 2015
Bolton Town Hall, 222 Bolton Center Road

RECEIVED
 NOV 05 2015
 Town Clerk of Bolton

Minutes & Motions

Members Present: Chairman Eric Luntta, Jeffrey Scala, Carl Preuss, James Copley, Arlene Fiano, Adam Teller, Thomas Manning (by phone), Nancy Silverstein (alternate), Christopher Davey (alternate), Neal Kerr (alternate)

Members Excused: None

Staff Present: Patrice Carson, AICP, Director of Community Development, Sarah Benitez, Recording Secretary

Others Present: Several members of the public.

1. Call to Order: Chairman Eric Luntta called the meeting to order at 7:34 p.m, noting a full commission with T. Manning by phone.

2. Approval of Minutes:

August 6, 2015: A. Teller moved to approve as written. C. Preuss seconded. Motion carried 5:0:1, J. Copley abstaining.

August 12, 2015: J. Copley moved to approve with the correction of "Regular Meeting to "Special Meeting." J. Scala seconded. Motion carried 6:0:0.

September 9, 2015: J. Scala moved to approve with the correction of "Regular Meeting to "Special Meeting." J. Copley seconded. Motion carried 4:0:2, E. Luntta and A. Fiano abstaining.

3. PUBLIC HEARINGS:

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

A. Teller recused himself from the Commission at 7:44. E. Luntta continued the public hearing at 7:45. E. Luntta, A. Fiano, and N. Kerr stated for the record that they were absent for the previous portion of the public hearing but had listened to the tape recording in full. N. Kerr was seated for A. Teller.

Attorney Stephen Penney provided documents previously requested by the Commission, which were made part of the record beginning with Exhibit R. He said the presentation was fundamentally complete but added some points. Maps of the lots under 1978 regulations and 1990 regulations were added to the recorded as Exhibits S and T. He also addressed the language on irregular lots, which the Commission held to be focused on residual land. He said there have been broader applications of the provision, such as towards rear or "back" lots.

PZC Comments and Questions:

C. Preuss asked why the 1990 regulations and map were relevant since neither the 1978 regulations nor the current regulations include the reason “not practical for shape or topography” for irregular lots. S. Penny said it was to show that the lots remained the same. C. Davey asked whether S. Penny was suggesting the PZC was bound by past regulations and noted the language changes pointed to the PZC becoming stricter. S. Penny said no, the intent was to show land history and precedence for allowing an irregular lot due to impracticality of shape or topography.

A. Fiano asked if there was precedence for giving 50 feet of frontage to a lot and thereby creating a non-conforming lot as requested in the application. S. Penney said it would not be non-conforming if the irregular lot provision were applied. E. Luntta asked if there would be designated open space or a fee in lieu. W. Anderson was seeking to pay a fee in lieu. S. Penny likened the purpose of the irregular lot provision to the purpose of the Zoning Board of Appeals – a tool in acknowledgement that strict, uniformly applied land use laws may lead to results that aren’t beneficial to the town. J. Scala pointed out that a southerly access has not been tried yet. S. Penney believed that, due to their experience with the ZBA and Inland Wetlands Commission, it would fail.

A. Fiano asked about the build out capacity of the lots. S. Penny said they are at capacity. A. Fiano said the fact the lot was larger than others in the area was therefore not remarkable because there was no corresponding greater build capacity. S. Penny said the intended context of that fact was for comparison to the others in size and frontage. He also said the lot could be a residual lot because it is 5 acres of land remaining from an original 10 acre parcel.

E. Luntta said the Varca design proposal favored by the Wetlands Commission was void since there was no actual submission or approval. S. Penny said it was not submitted as an official document, but to show the attempt through the Wetlands Commission. P. Carson noted the minutes of the 2014 ZBA meeting (Exhibit U) showed that a variance was denied because there was not enough evidence of hardship. E. Luntta said the Commission did not have the ZBA denial. He also said that in theory, the Wetlands Commission is supposed to go by land use approved by ZBA and PZC.

J. Cropley asked A. Bushnell, Engineer for the applicant, about water runoff. A. Bushnell confirmed that rain gardens are 50% of the water control methods as they would be in place for one of the two watersheds on the lot. J. Cropley asked who would design and approve the rain gardens. The engineer on site would design the gardens according to the land and the designs would go through town staff for approval.

Public Comments & Questions:

Kim Gondor, 57 French Road, voiced concern that water flow into her property would worsen with building houses on neighboring lot. She said the property line is one foot from one of her curtain drains and the other is two feet from the curtain drain on ledge. She questioned how the

gardens would be maintained and enforced, and what recourse she would have if flooding does affect her property. Construction would have to address the ledge due to its location.

P. Carson said that the requested information on drainage had been received. The calculations and methodology were reviewed by the town engineer, who agreed with the findings.

A. Fiano asked if there was indeed another, less convenient, way to access the property. W. Anderson answered that they were approaching the project through this application because it was expected to be the most cost effective way and the ZBA denied the variance. He said that in order to access the back of the property, the only current driveway (his residential one) would have to be pulled up and there would be additional construction. He argued that to say another way existed was a false argument because enough money would make any alternative possible, such as buying neighboring land to build a separate access. He did affirm that he owns the property rights to adjacent properties which could have access buildability. S. Penny said that there is no existing access on that land, so there is not another way to access the property.

K. Gondor, 57 French Rd., said that the use of the land was not to be for profit, and if costlier options were available then those were the ones she thought should be pursued.

J. Scala moved to close the public hearing. J. Cropley seconded. Motion carried 6:0:0. A. Teller rejoined the Commission at 9:28 pm.

b. APPLICATION: Zoning Regulation Amendments to allow Drive-thru Regulations on a case-by-case basis, Ted & Joyce Moran

P. Carson read the public hearing notice. Milton Hathaway, 44 Quarry Rd., represented Ted & Joyce Moran and disclosed that they had property which could be used for this purpose. He presented research on other towns' drive-through regulations and suggested language for the amendment. He reviewed towns suggested by the PZC (Woodstock, Litchfield, Ridgefield, and Washington), and other towns in the area with comparable size and traffic flow (Hebron, Columbia, Coventry, and Andover).

PZC Comments & Questions:

The PZC discussed points such as the need for appropriate traffic control methods, the benefits and disadvantages of a multiuse facility versus a free-standing building.

J. Scala noted the importance of good design to prevent vehicles stacking into the road.

N. Kerr thought it best to be less restrictive rather than more. He advised the PZC to consider that a large company would be the most likely to have the resources and motivation to follow through on opening such a business, and the best place in town for it would be in a business zone and gateway area with high traffic. He said they need to consider that there may be other necessary stipulations for a site to make it viable, the prohibition of which could prevent its building in the first place.

Public Comments & Questions:

R. Morra, 15 Tinker Pond Rd, First Selectman, said an amendment would be good, with some language editing. It would provide an opportunity to open a coffee or restaurant type business in the community, which is needed. He thought obstacles could be overcome by good design, and believed such a business would belong in a highway or major traffic area rather than a neighborhood business area.

G. Marrion, 38 Maple Valley Road, Selectman, favored the PZC looking at a highway and major traffic area for location possibilities. She also noted a point from the Economic Development Commission: the Route 44 Corridor Study advises against a drive-through in order to encourage pedestrian traffic. Scott Rich of the EDC suggested looking at restrictions such as building only in the context of other developments to encourage pedestrian traffic, or space restrictions.

S. Pierog, 37 Brandy Street, strongly urged the PZC to consider the amendment to the regulation. She agreed with N. Kerr that when you stop for a business, you are more likely to make other stops, and this will make it more attractive for business to develop in Bolton.

Gary Bergeron, owner of Bolton Motors & Trailers at 99 New Bolton Road, said he was not a resident but spoke as a business owner. He believed an amendment would be good, provided that it was on a case by case basis. He thought that drive-through restrictions have prevented business development and the amendment will make Bolton more business friendly. He said that a drive-through has a lot of pros, such as flexibility for parents with children, accessibility for elderly or disabled people, and basic convenience.

Scott Rich, 105 French Road, spoke as a member of the Economic Development Commission. He said they support changing the language for the proposal. While EDC has also discussed what such a development might look like, he suggested that the town refrain from getting into business models at this point and leave that to the business. The PZC will be able to approve or deny a business' application when that point comes.

Chris Bolduc, 41 Castlerock Lane, was in favor of less restrictive regulations as well. He said that if a business isn't allowed in Bolton, it will go somewhere else. Then we may end up in a situation where a nice development goes in another town that would have been good for Bolton.

Mary Terhune, 40 School Road, expressed concern that a drive-through would raise issues of lighting and proximity of residences. She thought it would be better to attract other businesses. Regarding what others said about adding to the tax base, she said that even if a big business came into town, in her experience working in an Assessor's office they are the first to sue a town via tax appeal.

William Anderson, 77 French Road, Chairman of the Economic Development Commission, spoke in response to the possibility of tax appeal. By way of example, he stated the following assessments: Tolland \$656,000 for Dunkin' Donuts, Milford \$3.5 million, and Walgreens in Coventry \$2.8 million. The CVS in Coventry pays \$2.7 million. Even if reduced via appeal, they would bring in considerable revenue. Also there are so many people doing their daily business out of town either because those businesses are not in Bolton or it's not convenient to go out of your way in town when you can get that service more conveniently somewhere else.

P. Carson read letters into the record. A. Teller MOVED to continue the public hearing to Wednesday, November 18, 2015 at 7:45 pm at Bolton Town Hall, 222 Bolton Center Road. J. Scala SECONDED. MOTION CARRIED 7:0:0.

4. **Residents' Forum (Public Comment for items NOT on the agenda):** None.
5. **Old Business:**
 - a. **DISCUSSION/POSSIBLE DECISION:** ReSubdivision Application, 1-lot, 61 French Road, William Anderson/Nancy Varca:
No action taken.
 - b. **DISCUSSION/POSSIBLE DECISION:** Application for Zoning Regulation Amendments to allow Drive-thru Regulations on a case-by-case basis, Ted & Joyce Moran:
Public hearing continued to November 18, 2015 at 7:45 pm; no action taken.
6. **New Business:**
The PZC discussed meeting dates for the year 2016. J. Scala MOVED to approve changing the April 13th meeting to April 20th, and the October 12th meeting to OctoberNovember 19th. A. Teller SECONDED. MOTION CARRIED 7:0:0.
7. **Plan of Conservation & Development Discussion:** Public hearing will be at 7:00 PM, October 21, 2015, at Bolton Center School.
8. **Correspondence:** The DOT is going forward with working on a fix for the Route 6 & 44 interchange following a letter of recommendation from CRCOG.
9. **Adjournment:** J. Scala MOVED to adjourn. J. Cropley SECONDED. Meeting adjourned 11:15.

Respectfully submitted,

Sarah Benitez

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

BOLTON PLANNING & ZONING COMMISSION
PUBLIC HEARING
7:00 PM, Wednesday, October 21, 2015
Bolton Center School, 108 Notch Road

RECEIVED

NOV 02 2015

Town Clerk of Bolton

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

Members Excused: Arlene Fiano, Thomas Manning, James Cropley

Staff Present: Patrice Carson, AICP, Director of Community Development, Glen Chalder, Robert Morra, First Selectman, Gwen Marrion and Sandra Pierog, Selectmen, Sarah Benitez, Recording Secretary

Others Present: Several members of the public.

Chairman Eric Luntta opened the public hearing opened at 7:12 p.m. Patrice Carson read the notice of public hearing.

Glen Chalder gave an overview of the POCD draft.

Correspondence: A letter was received from CRCOG reporting they had reviewed the POCD and found no conflict or negative impact on the area, and they commended the draft. A letter was received from R. Morra on behalf of the BOS with comments and a commendation on the overall plan as well.

PZC Comments and Questions:

None.

Public Comments and Questions:

Gwen Marrion, 38 Maple Valley Road, said she was appearing as a resident and not as a BOS member. She presented a letter with notes on the draft. She thanked the Commission for their efforts. She said she would prefer to see stronger language stating PZC support for recommendations included in the plan. She believed the highest preservation priority should be areas easy to develop, such as farmland, not ones with natural restraints to prevent development.

Jim Adams, 48 Stonehedge Lane, said he agreed with improving pedestrian and cycling safety and access in town. He thought the Route 44 area was critical and supported the Multi-use Path.

Sandra Pierog, 37 Brandy Street, said she thought the policies and steps became nebulous where responsible parties were only identified as "town." She said the designation was too broad. She also disagreed with the phrase "Bolton may have more business zones than it needs" and said that no language that would deter business should be in the POCD. While the POCD says that senior housing is appropriate for Bolton Center, she was not sure if that was *only* place. She would rather it say that senior housing may be appropriate in any portion of Bolton where the location could support septic and

water needs. She also said that an implementation committee would be ineffective without legislative power, and thought a group meeting with the Board of Selectmen and any other relevant board(s) would be more fitting.

Richard Hayes, 139 Vernon Road, thought the POCD was too specific and should consist of more general ideas. He did not think it was good to include ideas if it was unsure that they could work, such as some of the concept studies referenced in the POCD. He said there were not enough studies done to support their implementation, and there was no DOT review. He recommended the BOS check the facts and figures. He also echoed S. Pierog that the POCD should be portray a town open to business and said that Bolton is at a critical juncture with its tax burden. He did note that he was referring to the March 25th, 2015 draft rather than the current one.

R. Morra, 15 Tinker Pond Road, also disagreed with the phrase "Bolton may have more business zones than it needs."

N. Kerr explained that the meaning of that sentence was misunderstood. The intent was to encourage consolidation and limit variation of business zones, in order to make development simpler. The PZC would amend the language to make it clearer. S. Pierog and R. Hayes agreed that if the phrase was changed to better reflect the meaning they would have no issue with it.

R. Morra thought that Notch Pond should be noted under areas of conservation. He said it was an important place and they are working with the town to bring it back to a fishing pond.

G. Chalder took comments on all notes raised. As nothing required direct response, he recommended the PZC close the hearing. He would assemble the suggested revisions into a document with their respective pagination and bring it to the PZC for a vote.

A. Teller asked if there were any areas where town staff might need PZC guidance or input. He referred to S. Pierog's comment on matrices of responsibility, explaining that the PZC had settled on the present approach because they felt it would be presumptuous to assign boards of elected officials, who already have their own charges. P. Carson agreed and said "the town" was meant to put responsibility on all town boards and commissions. At many points it was used to replace a list that was getting too long, and also so as not to overlook any boards/commissions that would want to be included. She also agreed with reworking language on business land zones to clarify the intent, which was not to restrict available land zone use but to simplify restrictions and zoning.

Regarding specificity on Routes 6 and 44 and endorsement of any certain concept or project, A. Teller thought that where the PZC has read the studies and likes them, they should endorse them, but they are included as context and concepts rather to recommend implementation. He said he would be interested to know where R. Hayes thought (as a developer) there were areas in town that more attract business with more or less restrictive language. R. Hayes said that architectural guidelines are not always beneficial and he did not think it wise to adopt a concept that might not be attainable. He thought the Bolton Crossroads study in particular was not vetted thoroughly. A. Teller replied that the PZC thought it better to include such studies than to leave them out, as it would at least allow the future possibility of

pursuing them should the town so choose. R. Hayes also said that he thought there should be better ways to process land use applications more efficiently.

J. Scala said the PZC had had a lengthy discussion on the Crossroads concept and explained that part of the motivation for its inclusion was the potential for a land swap with the state DOT, which is not in the plan.

E. Luntta reminded the public that the POCD was not regulatory but advisory, to showcase possibilities and review ideas.

R. Hayes said that his concern over specificity was that the POCD would be the first document developers would refer to and then might disregard Bolton immediately.

Peter Van Dine, 81 Vernon Road, said he thought responsibility should be assigned more specifically but agreed with A. Teller's point that the items were not necessarily things the PZC has power to do or assign to others. He suggested the phrase "town under direction of BOS." He also asked if they thought the statement that Bolton could take advantage of the Heritage Farm for corporate meetings, weddings, seminars, etc., was going too far. The PZC asked S. Pierog to respond.

S. Pierog said that the Heritage Commission gets frequent requests from residents and nonresidents for events that they currently have to turn down. The building cannot support that at the present time but there is demand. She said 25-75 people would be enough for Bolton's size. It would be possible to support the Farm as such a venue if the town is willing to spend the money, and it would be in the future rather than soon. The proposed bond would do some to bring the barn to a usable state, but not to that extent.

P. Van Dine asked if it was safe to assume that no changes to the draft plan other than those discussed at the hearing would be made.

P. Carson said that once the hearing was closed, there would be no changes (beyond simple edits such as for clarity and grammar) other than raised during the hearing.

C. Davey addressed Gwen's point on active language to support recommendation of studies. He said that in cases where the PZC elected to use a word like "consider," it was done intentionally, whether because it would involve much further discussion than supportable by the POCD process, or because they did not have a consensus.

P. Carson said the intent is for the POCD to contain information such as the studies so the town can point to the document if such a concept comes up as a possibility and say there is a precedent for its consideration.

E. Luntta pointed out also that the POCD is a 10-year document rather than a permanent commitment. In those ten years, the town may change and the document can be changed to reflect the town's preferences.

A. Teller moved to close the hearing. N. Silverstein seconded. Motion carried 6:0:0.

E. Luntta thanked the public for their attendance and comments.

J. Scala moved to adjourn. C. Davey seconded. Adjournment was at 8:33 p.m.

Respectfully submitted,

Sarah Benitez, Recording Secretary

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

BOLTON PLANNING & ZONING COMMISSION
SPECIAL MEETING
7:00 PM, Wednesday, October 28, 2015
Bolton Town Hall, 222 Bolton Center Road

RECEIVED
NOV 12 2015

Minutes & Motions

Town Clerk of Bolton

Members Present: Chairman Eric Luntta, Jeffrey Scala, Carl Preuss (7:08pm), James Cropley, Arlene Fiano, Adam Teller, Nancy Silverstein (alternate seated for Thomas Manning), Christopher Davey (alternate seated for Carl Preuss until his arrival), Neal Kerr (alternate)

Members Excused: Thomas Manning

Staff Present: Patrice Carson, AICP, Consulting Director of Community Development, Glenn Chalder, Planimetrics Consultant

Others Present: Several members of the public.

1. Call to Order: Chairman Eric Luntta called the meeting to order at 7:05pm.

2. OLD BUSINESS:

a. Discussion/Possible Decision: Adoption of the 2015 Town of Bolton Plan of Conservation & Development in accordance with Section 8-23 of the Connecticut General Statutes

Glenn Chalder reviewed with the Commission the changes that were made to the "baseline" document. The changes were clarifications and not substantive in nature. In addition, comments that were made at the public hearing and sent in to staff were consolidated into a table to review with the Commission to decide whether further changes to the baseline document were appropriate. The Commission went through the five pages of comments/suggestions and decided on possible actions of recommended change, no change, or discuss and decide. Commissioners had no additional comments or concerns besides what was discussed in the table.

Glenn Chalder discussed the next steps and time frames and P. Carson reminded the Commission that the POCD will need an effective date. A final copy needs to be drafted with the changes decided by the Commission from discussion tonight and filed with the Town Clerk before the effective date. A 30-day window would be enough time to allow for all the administrative things that need to occur. The Commission decided on Thanksgiving Day, November 26, 2015 as an effective date.

A. Teller **MOVED** the working draft of the Plan of Conservation and Development with the changes discussed and approved tonight be adopted by the Commission with an effective date of November 26, 2015. J. Cropley **SECONDED** the motion. Under **discussion** of the motion it was suggested that the motion be clarified adding "as reflected in the proposed POCD reflecting edits to 10/22/15 plus with the changes in the table discussed and made by the Commission tonight". A. Teller restated his motion and **MOVED** the Commission adopt as the Plan of

Conservation & Development for the Town of Bolton the working draft presented to the PZC with edits through October 22, 2015 with the additional changes discussed and approved by Commission consensus tonight, and that the effective date be established as November 26, 2015. J. Cropley **SECONDED** the restated motion. **Motion carried 7:0:0.**

Glenn Chalder congratulated the Commission on a job well done. The Commission thanked Glenn and Patrice for keeping the process and Commission on track, making the process painless and simple, and for finishing the project ahead of schedule. Glenn stated that he has enjoyed coming to know Bolton even better and the Commission has talked through some challenging issues for a community that is continuing to grow and facing those issues. He felt the Commission did a great job talking the issues through and getting as “strong and active a verb” as was felt could be stated at this point in time because that’s what makes for a good Plan of Conservation & Development. This POCD is a great foundation going forward and the current and future Commissions will be able to build on it. Glenn thanked the Commission for the opportunity and said he enjoyed it very much.

b. DISCUSSION/POSSIBLE DECISION: ReSubdivision Application, 2-Lots, 61 French Road, William Anderson/Nancy Varca

A. Teller recused himself from this item and the rest of the meeting and left the building. E. Luntta clarified who would be discussing and deciding on this matter based on their attendance at the meetings and their listening to the meeting tapes. Those Commissioners were: E. Luntta, A. Fiano, J. Scala, J. Cropley, C. Preuss and N. Kerr (seated for Adam Teller).

Discussion:

E. Luntta stated the Commission heard a lot of testimony from the applicant and neighbors. E. Luntta did not believe that the application fits to the regulations in what was meant to be an irregular lot. As far as the property, if it was to be divided the way the applicant preferred, it did not seem consistent with the neighborhood even looking at the Assessor’s Map that was part of the record – going by the size and the shape it did not seem consistent with the rest of the neighborhood. As far as the water runoff, Mr. Luntta was unsure if that was resolved. J. Scala confirmed that the applicant’s engineer and the town engineer indicated that the swale cut along the property line of Gonder would not exacerbate the drainage problem and J. Scala was personally satisfied with that finding.

J. Cropley stated he liked the idea of bringing the driveway in on the north versus the south because it disturbed less wetland, but his biggest concern that he asked the applicant’s engineer about twice was about most of the runoff being contained by rain gardens. J. Cropley stated that he has visited some rain gardens that have been established in Bolton and has seen how they are maintained and it doesn’t seem like they still function properly. So what if someone decides to fill in the rain garden, then what happens to the runoff? J. Scala stated that any man-made feature – swale, rain garden, detention basin, etc. – that’s not maintained stops working which results in an increased flow. The town requires LID but not sure how its maintenance is

monitored. There is no body in the town that is responsible for this and they are private improvements on private property.

N. Kerr said the neighbor expressed that she already had a water problem. What the engineer proposed seemed like it might help the neighbor's problem. J. Scala stated that the applicant's engineer didn't state that's what his plan would do. The engineer only stated that the before and after design flows were similar.

A. Fiano stated the engineer at one point made the statement that "the drainage calculations were extremely tight" and wanted to know if the calculations were accurate. J. Scala said his numbers were his numbers.

J. Scala stated that in the regulations there is a definition of "Interior Lot" which states "a lot that has less than the required frontage on a public street but has at least 50 feet of lot frontage and is located immediately behind a lot or lots that comply with the zoning dimensional requirements, including lot frontage, and has a corridor at least 50 feet wide to the street. An interior lot may also be called a rear lot or a back lot or a flag lot." What does this definition refer to in the rest of the regulations? The only place found where those terms are used in the regulations was for an OSCD Subdivision. There were no other regulations for flag lots in a "regular" subdivision.

J. Scala also stated that the applicant made the statement that the 164 feet of proposed frontage for the Varca property is in character with the neighborhood. There are some smaller lots out there but short of the OSCD Subdivisions all the lots are 200-plus feet of frontage and therefore J. Scala did not believe that 164 feet of frontage was in keeping with the character of the neighborhood. The Zoning Regulations also require 85 feet of side yard between two properties and the applicant proposes only 35 feet. The regulations indicate that, at the Commission's discretion, it can waive the 85 feet and go to 35 feet, and the Commission will have to decide on whether that's appropriate. The applicant did request the waiver.

J. Scala stated Section 11F Irregular Lots is "intended for use when, after laying out lots within a subdivision in accordance with the dimensional requirements of these Regulations," shall be "leftover" land. J. Scala didn't feel so sure that 5 acres is "leftover land". And it's "meant as a last resort in the design of a lot" and shall "be employed sparingly". That same paragraph says that the "Commission shall have the right to deny usage of this Section by any applicant if it feels such usage is inappropriate." J. Scala stated he doesn't feel this is appropriate in this particular case. J. Scala stated he thought this because of the way the whole piece has come together – a conforming lot would now become an irregular lot in frontage.

J. Scala stated Section 11F.3. defines back land as "behind established lots with normal required frontage". By all accounts and dictionaries that J. Scala is familiar with, "normal" means common, commonplace, conforming, conventional, customary established, orderly, representative, standard, standardized, truthful. All of those definitions in J. Scala's opinion

mean 200 feet of frontage because that's the normal lot frontage required in Bolton. Therefore, the back land or rear lots have to be established behind a "normal" lot with "normal" frontage, and if the Varca lot is an irregular lot at 164 feet of frontage, then the rear lots would not be behind a normal lot by the town Zoning Regulations.

J. Scala had asked the applicant what would happen to the lots if the 35 foot side yard was moved to meet the 85 foot requirement. The applicant indicated that would not be a problem, but nothing was submitted to substantiate that claim, and J. Scala wasn't sure he agreed due to the dimensional requirements and how much he could move the line between the two lots.

J. Scala pointed out that the plans indicate a shed on the Varca property to be moved but it is not indicated where it would be moved to and whether that move would meet the regulations. In the applicant's exhibits C, D, E, and G that all relate to Wetland Permits back to 1995, the applicant was trying to make the argument that by default, everyone was well aware of what the applicant was trying to do, but in those approvals, only the Varca property was being discussed; nothing to do with the easement or the right of way to the south of the property and it was in fact specifically indicated that it wasn't part of that. And there are conflicts between the information in exhibits C, D, E and G in the dates. The maps that were exhibits were represented as the maps that were provided to the Wetland Commission, but the maps didn't have any designations identified on the Wetland Approvals, i.e., the designations and dates did not match, the lot size didn't match, so it's unclear they are the same maps reviewed, used for determinations and approved by the Wetlands Commission.

J. Scala stated that Exhibit F, the ZBA approval for lot area for 61 French Road, made a statement about a 50-foot ROW located on the south of the property provided full and intended use of the parcel, so the applicant's representation that the north is the only way to gain access seems inaccurate. The applicant had also stated he owns other property that abuts this piece and Assessors records seem to indicate he owns property to the north that might gain him access.

N. Kerr questioned the term "normal" and whether it applied to the Donahue property. N. Kerr stated that from the maps it looked like it was pretty common to have property that doesn't have 200 feet of frontage. He questioned whether the Wetlands Commission would approve an alternative crossing.

A. Fiano stated that when you buy a piece of property you should know what your constraints are on that property and all alternatives would need to be exhausted regarding access to the property.

E. Luntta stated the property is not land-locked today and the Commission needs to make its decision based on the facts presented and the regulations and not assumptions about what the Wetlands Commission might do.

C. Preuss stated that the Commission doesn't have a southern access to this piece before it. It has before it a northern access taking property from one parcel creating a smaller parcel to access a rear parcel. The Commission can't discuss hypothetical situations because this is the only application before the Commission and that's what needs to be discussed.

N. Kerr stated it seems like he still has the right to use the back property until the Wetlands Commission says he can't use the southern access.

C. Preuss stated that he had four concerns when the application had first been presented. First and foremost was they were taking a lot with approximately 200 feet of frontage and taking 50 feet of frontage off of it to create access to another lot in the rear and in C. Preuss' opinion that would be creating an Irregular Lot. And as far as C. Preuss knew, and it was discussed in the hearings, the Town of Bolton has never taken a conforming lot and created or made it into an Irregular Lot which would then have non-conforming frontage. The Commission has created subdivisions which have Irregular Lots in them but that was done to make the best use possible on the property that was before the Commission at the time.

Another concern C. Preuss had was increasing water runoff for the neighbors and for environmental impact on water quality on the Blackledge Watershed. The applicant's engineer testified that both of those concerns would be mitigated through engineering design as proposed and therefore C. Preuss' concerns about water runoff were alleviated.

C. Preuss' final concern was the slope of the common driveway. The applicant has proposed a driveway of 15%, there is a vehicle turnoff but still the concern is public safety. A 15% slope for that distance and getting fire apparatus and emergency vehicles into the site is a problem, but it's allowed by the regulations. J. Scala stated that the Fire Marshal had requested some minor changes to the plans that were not implemented, but could be made conditions of a decision.

J. Scala was having trouble rectifying that the applicant is proposing three Irregular Lots, one of which he's making a conforming lot that now meets the 200-foot frontage requirement Irregular. N. Kerr didn't understand why once the Commission approved a lot with less frontage than 200 feet the lot would then still be irregular? J. Scala explained it would be irregular because the applicant is using the section of the Regulations that define Irregular Lot for all of the lots. And J. Scala doesn't think it is appropriate to take a 200-foot frontage lot that's fully conforming and turn it into an Irregular Lot. Irregular Lots are supposed to be a last resort and used sparingly and J. Scala felt that if all the lots in the subdivision, in this case all three, are irregular, then that's not sparingly, that's 100 percent.

E. Luntta stated that he doesn't ever remember the Commission taking a lot that conforms and making it an Irregular Lot and was concerned of the precedence this would set of people with large lots with conforming frontage coming in and asking to reduce their conforming frontage below the 200 feet to create an Irregular Lot.

J. Scala **MOVED** to deny the William Anderson/Nancy Varca ReSubdivision application for 77/61 French Road, Town of Bolton, CT, for the following reasons:

1. The Commission feels the use of the Irregular Lot provision on the Varca property is inappropriate.
2. Lot #1 does not have the required 85-foot sideyard.
3. The waiver requested by the applicant for the 35-foot verses 85-foot side yard is not something in conformance/character with other development in this area.
4. According to the Regulations Irregular Lots are to be used "sparingly" and the Commission does not find the use in this application is "sparingly".
5. The Fire Marshal's concerns are not fully addressed on the plans or in the application.
6. Section 11F.3. Irregular Lots, the frontage on the Varca property was normally conforming, meaning 200 feet, and the application would change it to an Irregular Lot 164.96 feet is not an appropriate use.

C. Preuss **SECONDED** the motion. There was **discussion** regarding including in the motion the Fire Marshal's concerns as not fully addressed. N. Kerr **MOVED** to amend the motion to remove #5. J. Cropley **SECONDED** the amendment. **Discussion** of the amendment was about whether it should be a condition or should the plans have been revised. **Motion on the amendment failed 1 (Kerr) in favor:5 opposed:0 abstained.** **Discussion** continued on the original motion. E. Luntta asked for clarification on #6 of the motion and whether J. Scala was stating that the application does not meet the Irregular Lot provisions of the Zoning Regulations. J. Scala responded that he was making the argument that the term "normal" no longer applies to the Varca property with this application because the property has normal frontage but it's being reduced to something below normal and that's against the Regulations. Section 11F.3. normally calls for a normal conforming frontage of 200 feet, and reduction to the 164 feet does not meet the Irregular Lot provision. N. Kerr felt that Exhibit Q contradicted that because lots shown on that map showed some lots with less than 200 feet of frontage and wasn't sure what "normal" was. J. Scala stated he thought "normal" meant what is normally required today which is 200 feet. C. Preuss stated that he doesn't know of anywhere in town that the Commission has allowed a "regular lot" with 200 feet of frontage to be created as an "Irregular Lot" with less than 200 feet of frontage and that is what the applicant is asking the Commission to do. J. Scala read paragraph 3 on the top of page 11-5 which says that the back land has to be "behind established lots with normal required frontage" and by reducing the Varca lot frontage it was no longer an "established lot with normal required frontage" which is 200 feet. After further discussion, most of the Commission felt that the Regulations did not allow the Commission to reduce the frontage of an existing "normal" conforming lot to less than that to create an Irregular Lot.

E. Luntta **MOVED** to amend the motion to add that this was a denial "without prejudice". C. Preuss **SECONDED** the amendment. **Discussion** of the amendment centered on what does adding that language to the motion mean? E. Luntta explained it meant that the Commission was making this decision "in fairness to the applicant" or as an unbiased opinion. P. Carson asked if there was an intention of waiving a fee for a similar application in the future which is typically why a Commission would include language of "without prejudice" in a motion. E.

Luntta stated that he felt that the applicant had due process and didn't really intend on waiving future application fees. **Motion on the amendment failed 1 (Luntta) in favor:4 opposed:1 (Scala) abstained.**

E. Luntta stated the original motion still on the floor was for denial with six reasons made by J. Scala, seconded by C. Preuss and there didn't seem to be any more discussion. **Motion carried 5 in favor:0 opposed:1 (Kerr) abstained.**

3. Adjournment: J. Scala **MOVED** to adjourn. A. Fiano **SECONDED**. Meeting **adjourned** 9:50pm.

Respectfully submitted,

Patrice L. Carson

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

Pcl 10/27/15
ck # 8254
\$ 385.00



Town of Bolton

222 BOLTON CENTER ROAD • BOLTON, CT 06043

Original
10/27/15

BOLTON PLANNING AND ZONING COMMISSION APPLICATION FOR AMENDMENT TO ZONING REGULATIONS OR CHANGE OF ZONE

1. Type of Application:

Amendment to Zoning Regulations
 Change of Zone

2. Applicant(s) Joel Mrosek

Address 555 Main Street, Manchester, CT Zip 06040

Phone # 860-649-5500 Fax # 860-499-5326 E-mail selectiveservicelle@gmail.com

3. Owner(s) of subject property (if Change of Zone; append list if necessary) _____

Address _____ Zip _____

Phone # _____ Fax # _____ E-mail _____

4. Official Contact / Representative regarding this Application: Stephen T. Penny, Esquire

Address 202 West Center Street, Manchester, CT Zip 06040

Phone # 860-646-3500 Fax # 860-643-6292 E-mail stpenny@pbolaw.com

5. Location of Subject Property / Properties (if Change of Zone; append extra sheet if necessary):

Street Address(es): _____

Bolton Assessor's Map # _____; Block # _____; Lot # _____.

Bolton Land Records: Vol. _____; Page: _____

6. Current Zoning District (if Change of Zone): _____

7. Proposed Zoning District (if Change of Zone): _____

8. Describe Amendment to Zoning Regulations or Change of Zone; provide reason for amendment; demonstrate consistency with Bolton Plan of Conservation & Development (attach additional sheets if necessary): _____

RECEIVED

OCT 27 2015

TOWN OF BOLTON
LAND USE DEPT.

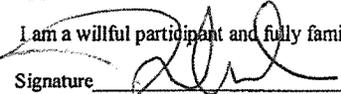
Delete first sub-paragraph of Section 6A.14g to eliminate
1,500 foot separation distance between lots containing any
type of multiple dwelling complex. (See attached)

9. Application Requirements:

- a. Amendment to Zoning Regulations
 - i. Application Fee: \$_____
 - ii. Six (6) copies of Amendment language with additions / deletions in the context of the existing Regulations
- b. Change of Zone
 - i. Application Fee: \$_____
 - ii. Written evidence of Applicant's legal interest in the subject property (ies) (deed, purchase agreement, etc.)
 - iii. List of property owners located within 500 feet of property(ies) to be rezoned, as listed in the most current Bolton Assessor's Records
 - iv. Stamped mailing envelopes addressed to owners of property located within 500 feet of property(ies) to be rezoned, as listed in the most current Bolton Assessor's Records (the applicant is responsible for the cost of certified mailings)
 - v. Six (6) sets of a Class "D" or higher boundary survey of the subject property(ies), prepared by a CT Licensed Surveyor depicting the proposed Change of Zone at a scale not smaller than 1"=100', and depicting properties, names of property owners, and road ROWs within 500 feet.
 - vi. A list of all hazardous, or potentially hazardous, materials anticipated as part of the proposed use of the property.
 - vii. A written statement of intended use of the property

10. Applicant's Endorsement:

I am a willful participant and fully familiar with the contents of this application.

Signature  Date 10/26/15

11. Owner's Endorsement (for change of zone, only, and if separate from Applicant:

I am a willful participant and fully familiar with the contents of this application.

Signature _____ Date _____

Application for Amendment to Zoning Regulations
Applicant: Joel Mrosek
Date: October 23, 2015

Regulation:

Section 6A.14 Multiple Dwelling Complexes (traditional), as follows:

g. Separation Distance

~~No portion of any lot proposed to contain any type of multiple dwelling complex shall be located within 1,500 feet of any portion of any other lot proposed to contain, or presently containing, any type of multiple dwelling complex. "Proposed to contain" shall mean either presently under application, or approved but yet to commence construction. "Presently containing" shall mean either currently under construction, or fully completed.~~

Within any type of multiple dwelling complex, the separation distance between buildings shall be at least that distance required by the Town of Bolton Fire Marshal, but in no case, shall be less than 30 feet.

Carson, Patrice

From: Kelly, Barbara
Sent: Friday, September 25, 2015 10:57 AM
To: Carson, Patrice
Subject: High Ridge Bond

Hi Patrice,

Although the trees do not match what is shown on the plan, the Inland Wetlands Commission is satisfied that enough vegetation has grown in to shade the stream. They voted to recommend release of the bond. The minutes will reflect that vote.

Please let me know if you require any other documentation.

Take care,

BK

*Barbara Kelly, Agent
Inland Wetlands Commission
Town of Bolton
860.649.8066, x8113
barbara.kelly@boltonct.org*

wetlands. A motion was made by Ross Lally, seconded by James Loersch to deem the activity a regulated activity of non-significant impact pursuant to 2.1 as defined on page 4 of the Bolton Inland Wetlands Regulations. A motion was made by Ross Lally, seconded by James Loersch to grant the permit finding in the affirmative pursuant to section 10, paragraphs 10.1 through 10.10 of the Inland Wetlands Regulations with the following conditions:

- 1. The work shall be performed in accordance with the plan dated September 21, 2015 by LBM Engineering, LLC.**
- 2. The Plan shall be modified by the applicant and approved by the Town's Wetlands Agent to show the limits of the proposed conservation easement. Said easement shall be marked in the field with permanent markers before construction begins.**
- 3. Soil erosion and sediment control measures shall be installed as shown on the plan and adjusted or maintained as needed, in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control.**

3. New Business

A. Application 2015-11-Skip's Waste Water Services, INC-17 Brookside Lane-Septic Repair

Andrew Coleman from Skip's water waste came before the Commission to repair an existing septic field. The septic field is 84 feet from a seasonal drainage ditch. Silt fence will be installed around excavated area. Ross Lally made a motion, seconded by James Loersch to delegate this permit to Barbara the Inland Wetlands Agent. The motion passed unanimously.

B. Jurisdictional Ruling-Town of Bolton-Dry Hydrant installations on Johnson Road, Loomis Road and School Road

Joyce Stille addressed the Commission and stated the town is looking at 3 sites to add dry hydrants. The three locations are Johnson Pond, Pesce's Pond and Zeppa's Pond. Joyce also stated the town engineer has been out to all the proposed sites, as well as Barbara Kelly the Commission's Inland Wetland Agent. Ross wanted to make sure all work will be specific to installing dry hydrants; Joyce assured him that was the case. Ross stated the juridical ruling of the 3 proposed locations meet the requirements Section 4.2 c. Ross Lally stated the action is a non-regulated use in accordance with section 4.2 c in the Bolton Inland Wetlands Regulations. The Commission members agreed.

C. High Ridge Farm-2009-11-Bob Monroe-Request for Bond Reduction

Robert Munroe came before the Commission with a request for a bond reduction or the full release of the bond. Barbara Kelly went out to the site and she stated plenty of vegetation has occurred and grown. Barbara Kelly wants noted that she did not mention Salamanders as stated in paragraph 3 of Robert Munroe's letter to the Commission. The mention of Salamanders came from a wildlife specialist on behalf of Robert Munroe. The Commission all agreed the site is now appears to have vegetation and established shade for water and the slopes being held in place. Mr. Loersch stated that dealing with High Ridge Farms LLC on this project has been very difficult.

Chairman James. Loersch made a motion to return the bond back to High Ridge Farms LLC, Ross Lally seconded the motion. The motion passed unanimously.

4. Public Comment

Nothing at this time

5. Approval of Minutes:



Town of Bolton

222 BOLTON CENTER ROAD • BOLTON, CT 06043

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

To: All Boards, Commissions and Departments
From: Joyce M. Stille, Administrative Officer
Date: November 12, 2015
Subject: FY2016-2017 Budget

First Selectman Robert Morra and I discussed the current year's budget and FY17 budget process. During the FY16 budget process, sizeable reductions were necessary. Our budgets continue to become leaner and leaner. We recognize the ongoing commitment by each of you to work within the fiscal constraints. We have already had part of our current year state aid reduced. The state's deficit situation does not appear to be improving. Town revenues and aid for next year are anticipated to be flat and possibly decrease. As a result, the direction being given is that no new initiatives or positions will be considered for next year. All submitted budgets must reflect this guideline. The only exception to this guideline will be for an initiative that will result in an operational efficiency. Your budget documents need to include a thorough explanation on the request.

Once again, all aspects of the FY17 budget process will be done electronically. Your budget worksheets are attached. One is an excel spreadsheet and the second worksheet is a word document. The second budget worksheet requests information on day to day operational issues or changes that will have a budgetary impact. Please remember responses should be for non-capital items and should focus on the next three years. This information is an essential planning tool.

All budget worksheets are to be signed (electronic signature is acceptable) and returned even if your request is unchanged from current year. Please send your two completed FY17 budget sheets and any other information as attachments to me at joyce.stille@boltonct.org. All budgets are due December 30, 2015. No exceptions. If you have any difficulties, please let me know.

Once all of the budget worksheets are received, I will compile them into one Town government budget document. This will be reviewed at the Board of Selectmen's meetings and budget workshops during January and February. The Selectmen will meet with various groups before finalizing our Town government budget for submission to the Board of Finance in March.

Please feel free to call me if you have any questions or desire assistance in preparing/submitting your budget. I appreciate your ongoing commitment and service to our community.

