

MINUTES
BOLTON PLANNING & ZONING COMMISSION
PUBLIC HEARING RE: 21 WEBSTER LN
7:45 PM, WEDNESDAY, SEPTEMBER 19, 2012
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD

Members Present: Eric Luntta, Jim Cropley, Tom Manning, Jeffrey Scala,
Adam Teller, Carl Preuss, (Alternate), David Treadwell (Alternate)

Members Absent: Loren Otter, Arlene Fiano

Others Present: John D. Pagini, AICP, Director of Community Development; Karen Mills, Recording Secretary, Peter Henry, Holmes & Henry Assoc.; Dick Halloran; Barbara Gay Halloran

Chairman Eric Luntta called the Public Hearing to order at 8:00 p.m. Carl Preuss was appointed for Loren Otter, and David Treadwell was appointed for Arlene Fiano.

Mr. Luntta read the Legal Notice for the Public Hearing:

Notice of Public Hearing
Bolton Planning & Zoning Commission

The Bolton Planning and Zoning Commission will hold a Public Hearing on the following application on September 19, 2012, at 7:45 PM, Town Hall, 222 Bolton Center Road:

1. Application of Barbara Gay Halloran for a one lot resubdivision at 21 Webster Lane in Bolton and Andover (Assessor's Map # 24, Lot 69). This is a continuance from our August 15, 2012 Meeting.

All interested parties may attend and testify or may submit written testimony. The full application may be viewed in the Bolton Land Use Office, Town Hall.

Dated at Bolton, CT, this 16th day of August, 2012

Eric Luntta, Chairman

Mr. Luntta reminded the Commission that the main reason for the continuance was to wait for a re-appraisal. Adam Teller noted for the record that he listened to the tapes of the Public Hearing on August 15th. Mr. Pagini spoke briefly about the need for the appraisal, and noted that the appraisal is included in the packet tonight, and is dated as of September 11, 2012. Mr. Teller expressed his concern about the comparables used in this appraisal. The sales of some of these comparables may not reflect the true value of these properties, and he thinks this is an undervalued appraisal. Mr. Pagini said that the Open Space Committee met and reviewed the

appraisal and compared the procedure for establishing fee in lieu with Statutory requirements. The Open Space Committee recommended that a fee-in-lieu of open space be requested instead of land because of the small size of the lot, and the even smaller size of the resultant open space, and the amount of the fee should be \$8300 but the applicant should only be required to pay half of that (\$4,150) upon the sale of the new building lot. The Open Space Committee felt that the “developed” lot should be excluded. Discussion ensued, with Jeffrey Scala asking if the same thinking would apply if this were a 10-acre lot vs. a 2-acre lot. Mr. Pagini spoke about the different cases that have come before the Open Space Committee, and that each one has been approached differently with a different outcome. Jeffrey Scala expressed his view that he believes that this Commission has been increasingly trying to follow the letter of the law in these cases over the past several years to protect open space. Bruce Halloran, 21 Webster Lane, stated that the house was built in 1980. Peter Henry of Holmes and Henry Associates addressed this issue, explaining the timing of the acquisitions and subdivisions of this parcel, which began in the 1960s. He said it has been a real mess from day one. Adam Teller spoke at length about his views on the Open Space regulations in regards to this application. Carl Preuss expressed his views on this application, and asked Mr. Teller to explain in more detail his statements about fees in lieu, etc. Adam stated that he thinks we need a rational approach in deciding how to apply these fees. A lengthy discussion ensued about prior cases. Mr. Preuss stressed that he would like to see a consistent policy in the town on this issue. Mr. Luntta reminded the Commission that quite a while ago, the Commission set the 10% value in order to establish consistency. Mr. Scala said he agrees, and stated that with the exception of the Fish property, he believes that the Commission has been extracting 10% across the board. Mr. Luntta asked if the applicant wants to add anything to the discussion. Mr. Henry said he believes that the Regulations state that in a regular subdivision, you can take *up to* 20% in land for open space, or you can take *up to* 10% fee in lieu of open space. He believes what the Commission is asking is very exorbitant. More discussion ensued among Commission members and Mr. Pagini about the details of the appraisal. Clarification was made that the application is for approving 2 lots. Mr. Pagini mentioned the exhibits added since the last Public Hearing (see Appendix B).

Adam Teller made a motion to close the public hearing on the Application of Barbara Gay Halloran for a one lot resubdivision at 21 Webster Lane in Bolton and Andover (Assessor’s Map # 24, Lot 69) at 8:53 p.m. Jim Cropley seconded the motion and it passed (6-0-1), with Mr. Scala abstaining.

Respectfully Submitted:

A handwritten signature in cursive script, appearing to read "Karen Mills". The signature is written in black ink on a white background.

Karen Mills
Planning & Zoning Board Clerk

Appendix "A"

Maps
Halloran Resubdivision

Resubdivision Plan Prepared for Barbara Gay Halloran
21 Webster Lane
Boundary Plan
Scale: 1"=40', Date: 5/18/2012, rev. to 6/14/12, Sheet 1 of 3
Holmes & Henry Associates, LLC, Coventry CT

and

Resubdivision Plan Prepared for Barbara Gay Halloran
21 Webster Lane
Grading / E&S Control Plan / Test Hole Data
Scale: 1"=40', Date: 5/18/2012, rev. to 6/14/12, Sheet 2 of 3
Holmes & Henry Associates, LLC, Coventry CT

and

Resubdivision Plan Prepared for Barbara Gay Halloran
21 Webster Lane
E&S Control / Narrative Details
Scale as Shown, Date: 5/18/2012, Sheet 3 of 3
Holmes & Henry Associates, LLC, Coventry CT

Appendix "B"
Exhibits
Halloran Resubdivision

1. Resubdivision application dated June 15, 2012 with checklist, abutter's list, E&S estimate
2. June 14, 2012 cover letter from Peter Henry and Andrew Bushnell to John Pagini.
3. March 28, 2012 letter from John Ianni to Peter Henry re: Wetlands Soils
4. June 4, 2012 application for Plan Review and B-100A application to Eastern Highlands Health District
5. June 12, 2012 letter from Peter Henry to the Andover Planning & Zoning Commission
6. June 14, 2012 Resubdivision Application to the Andover Planning & Zoning Commission
7. April 30, 2012 Appraisal of Real Property by Scott Dolphin, Morra Associates
8. June 26, 2012 Wetlands Permit 2012-8, Bolton Inland Wetlands Commission
9. June 20, 2012 Letter (Plan Approval Memo) to Richard Halloran from Holly Hood, Eastern Highlands Health District
10. June 20, 2012 Subdivision Referral Form to Capital Region Council of Governments (CRCOG) with application form, maps, and certified receipts.
11. June 26, 2012 memo from John Pagini to Gwen Marrion, Open Space Committee re: referral of Subdivision
12. June 26, 2012 letter from John Pagini to Barbara Gay Halloran re: receipt of application, scheduling of hearing
13. June 26, 2012 certified letters from John Pagini to the Andover and Hebron Town Clerks
14. July 26, 2012 report on Subdivision Referral S-2012-5 from Lynn Pike DiSanto, AICP, CRCOG
15. August 3, 2012 memos to and from Nicole Linteurer, Acting Town Assessor
16. August 3, 2012 memo from John Pagini to Open Space Committee
17. August 6, 2012 staff report by John D. Pagini, AICP, with attachments
18. August 13, 2012 series of e-mail messages from CT Professional Planners list serve re: appraisal of lot with improvements for fee in lieu purposes
19. 7 comparables maps assembled by John Pagini
20. May 1, 2012 Appraisal by Robert Morra.
21. September 14, 2012 Letter from Gwen Marrion, Chairman, Open Space Committee, concerning OSC recommendation to PZC.
22. Certified mailing cards and return receipts.
23. Fee-in-Lieu Summary prepared by John Pagini, undated