BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING AGENDA
7:30 PM, WEDNESDAY, DECEMBER 9, 2015
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD

RECEIVED
DEC 03 2015
Town Clerk of Bolton

1. Call To Order

2. Approval of Minutes:
   November 18, 2015 Regular Meeting Minutes

3. PUBLIC HEARINGS (begin at 7:45pm)
   a. *APPLICATION*: Zoning Regulation Amendments to eliminate 1,500-foot separation distance between lots containing any type of multiple dwelling complex, Joel Mrosek

4. Residents' Forum (Public Comment for items *NOT* on the agenda)

5. Old Business
   a. *DISCUSSION/POSSIBLE DECISION:* Application for Zoning Regulation Amendments to eliminate 1,500-foot separation distance between lots containing any type of multiple dwelling complex, Joel Mrosek

   b. *DISCUSSION:* FY 2016/17 Budget

   c. Other

6. New Business
   a. *APPOINTMENT OF PLANNING & ZONING COMMISSION ALTERNATE*: To fill vacated 4-year term of Neal Kerr, term ending November 20, 2017

   b. Other

7. Correspondence

8. Adjournment

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BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING
7:30 PM, Wednesday, November 18, 2015
Bolton Town Hall, 222 Bolton Center Road

Minutes & Motions

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

Members Excused: Neal Kerr and James Cropley

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 7:33 pm.

2. **Approval of Minutes:**
   October 14, 2015: J. Scala moved to approve the minutes. A. Teller asked to add "[sic]" after William Anderson's statement that CVS paid 2.7 million in taxes, since it is actually CVS' assessment that is 2.7 million. J. Scala accepted the amendment. A. Teller seconded the amended motion. Motion carried 7:0:0.

   October 21, 2015: J. Scala moved to approve the minutes with minor corrections. C. Pruess should be noted absent, and "Gwen's point" should read "G. Marrion's point" on page 3. A. Teller seconded. Motion carried 5:0:2, A. Fiano and C. Pruess abstaining due to absence at that meeting.

   October 28, 2015: C. Preuss moved to approve with minor corrections. "P. Carson stated" will be inserted before "the applicant…" in the 5th paragraph on page 3 to distinguish between from J. Stille's and P. Carson's statements. C. Davey seconded. Motion carried 6:0:1, A. Teller abstaining.

3. **PUBLIC HEARINGS:**
   a. **CONTINUATION: *APPLICATION:* Zoning Regulation Amendments to allow Drive-thru Regulations on a case-by-case basis, Ted & Joyce Moran**
      Milton Hathaway, 44 Quarry Road, spoke on behalf of Ted & Joyce Moran to recommend the regulation amendments. He provided a packet, Description of Proposed Amendments, which listed the changes. He also had a revised regulation draft based on feedback from the previous public hearings and the PZC.

The PZC discussed the advantages of the change, which centered on increasing business appeal and the potential for broadening the tax base. There was some concern that the language was too permissive.

PZC Comments and Questions:
M. Hathaway was asked whether Dunkin' Donuts uses septic/well or town facilities. M. Hathaway answered both.

Some concern was raised over proximity between drive-throughs, lighting and signs. The PZC is already able to mitigate such issues by use of special permits. It was also noted that if the regulation change was adopted, the PZC could still amend it as necessary.

P. Carson added that staff research had found that the statement made at a previous hearing about Dunkin' Donuts being quick to pursue tax appeal was not true and presented an email from Bolton's Assessor describing this situation. It is more frequently seen with larger corporations. Dunkin' Donuts are individually franchised and not known for tax appeals.

Although both were absent, Commissioner J. Cropley said he fully supported drive-throughs on a case-by-case basis via an email, and Commissioner N. Kerr also sent an email stating his full support for the regulation change.

J. Scala pointed out that although much discussion had focused on Dunkin' Donuts, the regulation change would be for restaurant drive-throughs without exception.

A. Teller said it also would affect every business zone besides Neighborhood Business. He thought there was a distinction between different zones and what residents would be okay with. The Route 44 Corridor Study was only about 10 years old, and in it, residents were very clear on their preferences for the area. They wanted to retain village charm and character, and pursue "classy" business development that would complement that. There was a comment specifically against drive-throughs. He said there may have been a change in public sentiment, but the proposed regulation change did not do anything to encourage or support the vision or findings of the study on the Corridor. He thought a more coordinated, broad, and nuanced regulation was merited.

P. Carson said that in her professional experience, she has seen many special permits denied with less regulation than Bolton has, so discretion with their application in town should not be an issue. She noted that nothing has been done to build on the findings of the Corridor Study in the last ten years, and it seemed from the POCD public hearings that public opinion has changed

to be more open. She thought that Bolton PZC had sufficient controls and regulation on fit, design, and character to have the tools to make the decision it feels appropriate for any given location and the area around it.

Public Comments & Questions:

Tony Bonito, 262 Boston Turnpike, owner of the Gulf gas station, said his business was built with the intention to have a Dunkin' Donuts inside. After it was built, Dunkin' Donuts policy changed to only open new locations with drive-throughs, so that portion of the station has gone unused. He supported the regulation change.

R. Morra, 15 Tinker Pond Road, agreed. He said what happened with the Gulf station was discouraging, with no drive-through or seating in the original decision. He said that the town's previous approach sent a negative message to those coming through Bolton - to get in, buy, and get back in the car and leave. He noted public sentiment was changing to favor drive-throughs more and said the regulations should reflect that.

Gary Bergeron, owner of Bolton Motors & Trailers at 99 New Bolton Road, thought that the change would be a good step in the right direction and show the business community in town that Bolton is open to changing how things have been done. He did not think they were in danger of getting too many drive-through businesses. He said bike rental / ice cream business were nice for a charming feel, but they tend to be small, lower profit places that aren't sustainable on their own. He added that the PZC gave him a good idea of the look they wanted when he applied for his business, which he had followed and he thought it worked out well.

Richard Treat, 8 Lyman Road, said that an underlying issue for many residents was to make sure we don't eviscerate what we love about the town when pressed for cash. The present regulation was not that old, and while it might be time to change it, he appreciated the efforts of the PZC under it. If there were ways to control how a business fit into Bolton's character, it might be time to change, but the traffic count that is attractive to Dunkin' Donuts is also attractive to other business. He asked the PZC for continued vigilance to protect the rural nature of the town regardless of their decision.

T. Bonito added that, if the PZC was concerned about ugly buildings, in his experience they were very good at requiring and communicating what they want in a business. The gas station was designed according to the PZC's requests. It was already equipped for a Dunkin' Donuts, which, even with a drive-through, would not change anything about the look. He was confident that if it comes through, the PZC will not allow anything ugly and the drive-throughs will be perfect.

In reference to A. Teller's discussion of the Corridor Study, M. Hathaway said that the Study had not asked a question about drive-throughs, so despite the negative comment, there was no wide-scale indicator that residents opposed them at that time. He suggested that the PZC look at other towns where multiple businesses were cropping up or had models they wouldn't want for Bolton, and look over those towns' regulations to see why. Then the PZC could adjust Bolton regulations accordingly.

A. Teller proposed some minor language edits. M. Hathaway accepted the changes.

A. Teller moved to close the public hearing. J. Scala seconded. Motion carried 7:0:0. The public hearing closed at 9:10 pm.

4. **Residents' Forum (Public Comment for items NOT on the agenda):**
R. Munroe referred to a request he made of the PZC about 5 months ago to review the impact of the landscaping regulation on potential development in Bolton. He informed the Commission that if the tree-planting requirement had been applied to High Ridge Farm, it would have cost $750,000 in the opinion of his engineer. R. Munroe said this regulation was prohibitive to residential development and asked if the Commission had the results of their review of the regulation. E. Luntta said the PZC has not reached that item on its list of issues to get through, but they intend to review as requested.

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:**
   The PZC briefly discussed the regulation.

   A. Teller said the Commission has heard that over the years many people have said they don't want the look of a typical drive-through. That said, A. Teller thinks the regulations, and now convinced by staff and the public at the hearing, are possibly too restrictive because it's not true that every drive-through is a bad thing. In particular he cited the Gulf Station was an unfortunate example where a business owner put out investment to improve his location, was very, very cooperative in the process, but in the end got the rug pulled out from under him. The owner was right that if a drive-through were added to that site right now it wouldn't be obnoxious or substantially different from what he has. A. Teller was still concerned about putting a drive-through in a stand-alone business in a different area. He has some concerns but has been convinced by the public and staff that it's worth a try to give some opportunity for drive-throughs which puts the burden on the PZC to be diligent in scrutinizing when these applications come in.

E. Lunnta stated that if the regulation is passed and the Commission finds it isn't working, it can always be amended or repealed.

J. Scala agreed that anytime the Commission reviews a Special Permit, the onus is always on the Commission.

A. Teller moved that the Commission approve the application of Ted and Joyce Moran for a modification to the zoning regulations by making the following changes to the Zoning Regulations, based on the document entitled "Description of Proposed Amendments To Zoning Regulations" dated November 18, 2015 submitted by Milton Hathaway in support of the application with the changes to be adopted as follows:

The wording of Section 3B4.b. of the Zoning Regulations be modified by striking out the language "Drive-thru service as an accessory use to a restaurant is prohibited." and substituting for that language the language from Mr. Hathaway's document with the changes discussed during the public hearing which is, "Drive-thru service as an accessory to restaurants is permitted in business zones (except NB) if approved as part of a Special Permit / Site Plan Review, where the Commission determines that said proposed facility meets all other zoning standards and regulations for one drive-thru lane and appropriate associated canopies per building facility, located completely behind the plane of the front wall of the principal building; the architectural and site design guidelines, materials, and details of the facility are compatible and similar to the architectural design, materials and details of the principal building; and, the vehicular circulations and stacking areas required for said facility do not pose a danger to pedestrian safety or to the general parking and circulation needs of the site."
That the wording of Section 9B.2.b.3 be modified by striking out the words "Take out dining – non-drive thru" and substituting for that language the words "Take-out dining – drive-thru permitted only in business zones (except NB)"
That the wording of the Architectural and Design Guidelines be changed as follows: paragraph 4.2.9 #1. The words "The Bolton Zoning Regulations do not allow drive-thrus for restaurants" be stricken and replaced by the language "The Bolton Zoning Regulations only permit drive-thrus in business zones (except NB) as stated in 3B4.b."
That the wording of paragraph 4.2.9 #2 of the Design Guidelines be modified to strike the language "The Bolton Zoning Regulations state that one-lane drive-thrus are allowed for banks and pharmacies." and substituting therefore the language "The Bolton Zoning Regulations state that one-lane drive-thrus are allowed for banks, pharmacies, and as an accessory use to restaurants."

The reasons supporting that motion are that the change is consistent with the Plan of Conservation and Development as it now reads, and will in general promote more business development in affected zones. J. Scala seconded. Amendments would be effective upon publication of the legal notice. Motion carried 7:0:0.

6. **New Business:**
   a. ***DISCUSSION/POSSIBLE DECISION:* Zoning Regulation Amendments to eliminate 1500-foot separation distance between lots containing any type of multiple dwelling complex, Joel Mrosek**
   A. Teller moved to receive the application and set a public hearing date for 7:45 pm, Wednesday, December 9, 2015, at the Town Hall. E. Luntta seconded. Motion carried 7:0:0.

   b. **Release of bond for Tree Planting, High Ridge Farm**
   E. Luntta moved to release the bond for tree planting on High Ridge Farm plus interest, if any, based on the letter from Barbara Kelly, Inland Wetlands Agent, and staff's field survey of the plantings. J. Scala seconded. Motion carried 7:0:0.

   c. **Election of Officers:** C. Pruess nominated E. Luntta for Chairman. E. Luntta accepted the nomination. A. Fiano nominated A. Teller for Chairman. A. Teller accepted the nomination. A. Fiano nominated J. Scala for Vice Chairman / Secretary. J. Scala accepted. E. Luntta was voted Chairman with 4 votes for Luntta and 3 votes for Teller, 0 abstentions. J. Scala was voted Vice Chairman / Secretary with 7:0.0.

   d. ***DISCUSSION:* FY 2016/17 Budget:** The PZC looked over the budget. P. Carson will get more detailed information to the Commission.

7. **Correspondence**: Report of the Zoning Enforcement Officer was received.

8. **Adjournment:** J. Scala moved to adjourn. A. Teller seconded. Meeting adjourned at 9:58 pm.

Respectfully submitted,

Sarah Benitez

Sarah Benitez

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

BOLTON BUDGET WORKSHEET PLANNING and ZONING COMMISSION NO. 32

Code 502	PLANNING and ZONING COMMISSION				
					Proposed
		Actual	Approp. for	Requests	by
Accounting Codes	Category	Expenditures	this year	for	Bd.of Selectmen
		2014-2015	2015-2016	2016-2017	2016-2017
1005.460.4153.000000.51520.00000	Other Payroll (Recording Secretary)	1,270	2,400	***2,400***	
1005.460.4153.000000.58100.00000	Professional & Business Training (for Commission)*	396	1,780	***1,780***	
1005.460.4153.000000.56120.00000	Office Operation Expenses (legal notices)	235	2,600	***2,600***	
	*Includes Byrne Newsletter, bringing in Steve Byrne for class				
	Total	1,901	6,780	***6,780***	

2014-2015	
Total Approp.	6,630
Transfer In	0
Total Expend.	1,901
Total Encumb.	0
Balance	4,729

Any change (+/-) in a category please explain. By: _____

BUDGET: Planning and Zoning Commission

1. In addition to any capital requests, please identify any day to day operational issues or changes in delivery/level of services you foresee in the short term (next 3 years) that will have a budgetary impact?

   We do not foresee any operational issues or changes in the short term.

2. Please thoroughly explain any increase requested in a line item. Are there any operational efficiencies you are proposing?

   N/A

3. Do you anticipate any funds being left in your budget this year?

   Unknown at this time.

4. Do you have any new items which should be funded by another budget? Please explain. Example: Highway Supervisor to hire a surveyor. This fee should be paid out of the Professional and Technical Budget.

   None at this time.

5. If a budget reduction is necessary, in your proposed FY17 budget where would you recommend the reduction be made?

   Professional & Business Training.

6. Do you wish to meet with the Board of Selectmen to discuss your budget?

   Not necessary at this time.